for the transaction of routine morning business of not to exceed 15 minutes.

Under the order, at the close of the morning hour, the Senate will proceed to the consideration of the Clean Air Act under a time limitation. There will be yea-and-nay votes, presumably, on amendments thereto and on passage of the bill.

On disposition of the Clean Air Act, the Senate will proceed to the consideration of the foreign aid appropriation bill. There is no time limitation thereon. Yea-and-nay votes will occur on amendments thereto and on final passage on the bill.

On disposition of the foreign aid appropriation bill, the Senate will go into executive session to consider the nomination of WILLIAM B. SAXBE to be Attorney General of the United States. There will be a yea-and-nay vote on the confirmation of that nomination.

Are there any questions?

Mr. GRIFFIN. I wonder if the distinguished majority whip would include that the leadership very likely would move in the morning hour to take up the legal services bill.

Mr. ROBERT C. BYRD. I am glad the Senator mentioned that.

I have been in touch with Senator MANSFIELD, after having assured Mr. JAVITS and Mr. TAFT that the leader would move on Monday, during the morning hour, to proceed to the consideration of the legal services bill. The leader understands this commitment and is fully in accord with it.

Consequently, following the transaction of routine morning business Monday, the leader will presumably first ask unanimous consent to proceed to the consideration of the legal services bill. If that consent is not granted, then the leader will move to proceed to the consideration of the legal services bill. That motion will not be debatable, it having been made following the close of routine morning business and prior to the close of the morning hour which will end at 12 o'clock noon.

Of course, a yea-and-nay vote can be demanded on the motion to take up, and a quorum call would be in order prior to the vote.

All Senators ought to be alerted, therefore, not only to the possibility but also to the likelihood of a yea-and-nay vote on the motion to proceed to the consideration of the legal services bill on Monday, which vote could occur—depending upon whether or not the two special orders run their course and whether or not the routine morning business runs its course—as early as 10:30 a.m., unless a live quorum is first demanded.

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

ADJOURNMENT TO MONDAY, DECEMBER 17, 1973, AT 10 A.M.

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

The motion was agreed to; and at 5:44 p.m., the Senate adjourned until Monday, December 17, 1973, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate December 14, 1973:

DEPARTMENT OF JUSTICE

William W. Milligan, of Ohio, to be U.S. attorney for the southern district of Ohio for the term of 4 years. (Reappointment.)

U.S. PATENT OFFICE

Curtis Marshall Dann, of Delaware, to be Commissioner of Patents, vice Robert Gottschalk, resigned.

DEPARTMENT OF STATE

Thomas O. Enders, of Connecticut, a Foreign Service officer of Class 1, to be an Assistant Secretary of State.

DEPARTMENT OF DEFENSE

James R. Cowan, of New Jersey, to be an Assistant Secretary of Defense, vice Richard S. Wilbur, resigned.

CONFIRMATIONS

Executive nominations confirmed by the Senate December 14, 1973:

DEPARTMENT OF DEFENSE

James W. Plummer, of California, to be Under Secretary of the Air Force.

SECURITIES INVESTOR PROTECTION CORPORATION

Ralph Dwight DeNunzio, of Connecticut, to be a Director of the Securities Investor Protection Corporation for a term expiring December 31, 1976.

(The above nominations were approved subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

THE JUDICIARY

Walter Jay Skinner, of Massachusetts, to be a U.S. district judge for the district of Massachusetts.

HOUSE OF REPRESENTATIVES—*Friday, December 14, 1973*

The House met at 10 o'clock a.m.

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

Lift up your heads, O ye gates; even lift them up, ye everlasting doors; and the King of Glory shall come in.—Psalms 24:9.

As we lift up our heads, our Father, may we also lift up our hearts, opening all the doors of our being that Thy spirit may come and dwell in us making us equal to every experience and ready for every responsibility.

Led by Thy spirit may we lead our people beyond the boundaries of the mind which divide us and upward to the higher plane of unity and peace holding above us the banners of truth and justice and love.

"Create in us the splendor that dawns
when hearts are kind,
That knows not race nor stations as
boundaries of the mind;
That learns to value beauty, in heart,
or brain, or soul,
And longs to bind God's children into
one perfect whole."

Amen.

THE JOURNAL

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

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

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

S. 2178. An act 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.

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

H.R. 9142. An act to restore, support, and maintain modern, efficient rail service in the Northeast region of the United States; to designate a system of essential rail lines in the Northeast region; to provide financial assistance to certain rail carriers; and for other purposes, and

H.R. 11575. An act making appropriations for the Department of Defense for the fiscal year ending June 30, 1974, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 9142) entitled "An act to restore, support, and maintain modern, efficient rail service in the Northeast region of the United States; to designate a system of essential rail lines in the Northeast region; to provide financial assistance to certain rail carriers; and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MAGNUSON, Mr. PASTORE, Mr. HARTKE, Mr. LONG, Mr. GRIFFIN, Mr. COOK, and Mr. BEALL to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 11575) entitled "An act making appropriations for the Department of Defense for the fiscal year ending June 30, 1974, and for other pur-

poses, requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. McCLELLAN, Mr. STENNIS, Mr. PASTORE, Mr. MAGNUSON, Mr. MANSFIELD, Mr. SYMINGTON, Mr. YOUNG, Mr. HRUSKA, Mr. COTTON, and Mr. CASE to be the conferees on the part of the Senate.

The message also announced that Mr. INOUYE and Mr. SCHWEIKER were appointed as additional conferees on the bill (H.R. 11576) entitled "An act making supplemental appropriations for the fiscal year ending June 30, 1974, and for other purposes."

APPOINTMENT OF CONFEREES ON H.R. 11575, MAKING APPROPRIATIONS FOR THE DEPARTMENT OF DEFENSE

Mr. MAHON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 11575) making appropriations for the Department of Defense for the fiscal year ending June 30, 1974, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Texas? The Chair hears none and appoints the following conferees: Messrs. MAHON, SIKES, FLOOD, ADDABBO, MCFALL, FLYNT, GIAIMO, WHITTEN, MINSHALL of Ohio, DAVIS of Wisconsin, WYMAN, EDWARDS of Alabama, and CEDERBERG.

CALL OF THE HOUSE

Mr. CHARLES H. WILSON of California. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

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

A call of the House was ordered.

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

[Roll No. 666]

Andrews, N.D.	Ford, William D.	Pepper
Arends	Fraser	Podell
Badillo	Green, Pa.	Quie
Bell	Gubser	Rarick
Buchanan	Hanley	Reid
Burke, Calif.	Hansen, Wash.	Rhodes
Carey, N.Y.	Hays	Riegle
Chappell	Hébert	Rooney, N.Y.
Chisholm	Hogan	Runnels
Clark	Hunt	Ryan
Clawson, Del	Ichord	Sandman
Clay	Jarman	Skubitz
Collier	Johnson, Calif.	Steele
Collins, Ill.	Keating	Stokes
Collins, Tex.	Kyros	Sullivan
Conlan	Long, Md.	Taylor, Mo.
Conyers	McEwen	Teague, Calif.
de la Garza	Macdonald	Udall
Delaney	Mailliard	Walsh
Dellums	Martin, Nebr.	Ware
Dent	Matsunaga	Whitten
Edwards, Ala.	Metcalfe	Williams
Erlenborn	Michel	Wright
Esch	Nedzi	Wyatt
Evins, Tenn.	O'Hara	Young, Ga.
Foley		Zablocki

The SPEAKER. On this rollcall 355 Members have recorded their presence by electronic device, a quorum.

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

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair wishes to announce that the Chair will take unanimous-consent requests from Members, but not for speeches.

FURTHER ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair would again like to announce that ordinarily the Chair will take unanimous-consent requests, including speeches, at the opening of each session, but that when the House is faced with an extremely heavy schedule and a rollcall has intervened, the Chair in fairness to the program will take only unanimous-consent requests, but not for speeches.

CONFERENCE REPORT ON H.R. 11324, EMERGENCY DAYLIGHT SAVING TIME ENERGY CONSERVATION ACT OF 1973

Mr. STAGGERS. Mr. Speaker, I call up the conference report on the bill (H.R. 11324) to provide for daylight saving time on a year-round basis for a 2-year trial period, and to require the Federal Communications Commission to permit certain daylight broadcast stations to operate before local sunrise, 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 West Virginia?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of December 10, 1973.)

Mr. STAGGERS (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 West Virginia?

Mr. GROSS. Mr. Speaker, reserving the right to object, I do so to inquire if the gentleman from West Virginia is going to explain the conference report?

Mr. STAGGERS. Mr. Speaker, I will be very happy to explain the conference report to the gentleman from Iowa.

Mr. GROSS. I yield to the gentleman from West Virginia for that purpose.

Mr. STAGGERS. Mr. Speaker, first there were several differences between the House and Senate bills where we took the Senate version. First we took the States is in an energy crisis, and that that is the reason for the bill.

We took the Senate's effective date of the fourth Sunday after enactment rather than the third Sunday, as in the House bill.

We took the Senate provision under which the Governor of any State can issue a proclamation that an exemption from daylight savings time, or a realinement of time zones is necessary to avoid undue hardship, or to conserve fuel, and the President then could grant an exemption or realinement with respect to State.

The conference report also takes care of the problem of daytime AM radio stations to permit most of them to go on the air before local sunup in order to give the weather and other information to farmers, school closings for school children, and so forth.

The Senate version also called for two reports instead of one, which was in our bill. The conference report calls for two reports to the Congress instead of one. Those are the changes.

Mr. GROSS. It calls for two reports to do what?

Mr. STAGGERS. Just to tell us about the operation and effects of the legislation and whether it is conserving energy—what is happening to the country as a result of daylight saving time and whether it is desirable.

Mr. GROSS. Whether it is desirable or not? I assumed the House approved daylight saving time because it had been demonstrated to be desirable.

Mr. STAGGERS. It is a trial, so we ask in the trial period that they give us these two reports.

Mr. GROSS. So when the House approved the bill, it did not know whether it was desirable or not?

Mr. STAGGERS. No, sir; the results of what was happening as a result of the daylight saving time were what we wanted.

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

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

Mr. HUDNUT. I thank the gentleman for yielding.

The delegation from Indiana would like to ask the distinguished Chairman of the committee what the situation is now in the conference report with regard to the State of Indiana.

Mr. STAGGERS. In the case of the State of Indiana, it is treated the same in the conference report as it was in the bill as passed by the House.

Mr. HUDNUT. In other words, it is at the option of the legislature in the State of Indiana?

Mr. STAGGERS. No, it is not. It is the same as it was when it passed the House. That portion of Indiana which is in the eastern time zone is exempted from the observance of daylight saving time under the legislation without any action being taken by the Indiana Legislature.

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

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

Mr. ROUSH. I thank the gentleman for yielding.

I should like to ask the chairman in accepting the provision which pertains to a finding by the Government, whether or not the Governor of a State such as the State of Indiana, finding itself in this peculiar circumstance, might find that that State could conserve more energy by remaining on daylight saving time only during the summer months, could the Governor make such a finding and then permit the State of Indiana to be on standard time during the winter

months and on daylight saving time during the summer months, as a result of his finding that they might conserve more fuel?

Mr. STAGGERS. I might say to the gentleman that if the Governor makes a proclamation and finding, he must make it before the effective date of the legislation, the fourth Sunday after enactment, and then it would be up to the President to act on it.

Mr. ROUSH. But if the Governor complies with that requirement and makes the finding that the State will conserve more fuel by remaining on standard time in the winter months and going on daylight saving time in the summer months, then is that within the purview of the amendment which the conferees have accepted?

Mr. STAGGERS. I thought I had explained that.

Mr. ROUSH. I thank the gentleman.

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

Mr. DENNIS. Mr. Speaker, I reserve the right to object.

The chairman, I realize, tried to answer this question a couple of times, I think, but I am still not clear what the answer was. This bill had the so-called Indiana amendment in it which provided that if we exempted ourselves under the previous law that remained in effect, that exemption, unless the legislature took additional action, that remains the same in the conference report, does it?

Mr. STAGGERS. That is still in the bill.

Mr. DENNIS. I thank the gentleman.

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

Mr. GROSS. Further reserving the right to object, may I ask the gentleman are all of the amendments to this conference report germane to the bill?

Mr. STAGGERS. Yes, sir; they are. We knocked out two nongermane amendments which were adopted in the Senate.

Mr. GROSS. I ask the gentleman one final question. If this is the Lydia Pinkham to the cure of the fuel crisis, why are we dealing with the other bill, the bill that is presently before the House?

Mr. STAGGERS. This conference report is the first part, and the bill being considered by the House is another.

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

Mr. BROWN of Michigan. Mr. Speaker, reserving the right to object, I should like to ask the chairman of the committee if the language dealing with an exemption such as for the State of Michigan is in the conference report as it was in the House bill?

Mr. STAGGERS. It is.

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

Mr. KAZEN. Mr. Speaker, reserving the right to object, I would like to ask the chairman this question, as I am not sure that I understood the answer awhile ago.

Under the provisions of the conference report if the Governor of any State within the 30-day period decides that he can conserve energy in his State or avoid undue hardship by having the State remain on standard time in the wintertime and on daylight saving time in the summer months, that the State could be exempt from the year-round provision?

Mr. STAGGERS. If he makes this presentation to the President and the President finds that is desirable, yes.

Mr. KAZEN. I did not understand that this provision was in the House bill.

Mr. STAGGERS. It was in the Senate bill and we accepted it.

Mr. KAZEN. In other words it would be possible for the President to allow upon the presentation of a Governor of the State two different time periods for, say, central and daylight savings time, depending on what the State wants?

Mr. STAGGERS. That is right.

Mr. KAZEN. I thank the gentleman.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

Mr. STAGGERS. Mr. Speaker, the conference report on the daylight saving time legislation, H.R. 11324, is a good report. It reflects the give and take that one expects in a conference between the two bodies.

As I think everyone knows, Mr. Speaker, this legislation has been requested by the President as a part of his legislative program to meet the energy crisis which confronts this Nation. Our expectation is that year round observance of daylight saving time will result in energy conservation. For that reason, I am hopeful that the legislation can be acted upon by the two Houses of Congress and signed by the President before Sunday. If that is done the legislation by its terms would take effect on January 6.

Mr. Speaker, the Emergency Daylight Saving Time Energy Conservation Act of 1973 (H.R. 11324) is legislation which is of great general interest. Therefore, I would like to briefly outline the major provisions of what I trust will soon be the law.

CONGRESSIONAL FINDINGS

Section 2 of the legislation is a congressional finding that the United States faces severe energy shortages; that various studies indicate that year-round daylight saving time would produce an energy savings in electrical power consumption and may yield energy savings in other areas; that year-round daylight saving time could serve as an incentive for further energy conservation; that year-round daylight saving time could have other benefificial effects, such as reduction of crime and improved traffic safety; and that the emergency nature of the energy shortage requires the temporary enactment of daylight saving time.

ADVANCED TIME—EXEMPTIONS

Under section 3(a), the time of each time zone would be advanced 1 hour. However, any State which lies in more than one time zone, and any State entirely within one time zone and not contiguous to any other State, could enact a State law exempting that part of the State in one time zone from this advanced time requirement, provided that the exemption is continuous until the last Sunday in April of 1975. This provision gives the States divided by a time zone boundary the same authority granted under section 3(a) of the Uniform Time Act of 1966, which permits any State divided by a single time zone boundary to put the entire State on the same clock time.

Section 3(b) vests the President or his designee with authority to grant an exemption or realinement upon a gubernatorial finding that an exemption, or realinement of time zones is necessary to conserve fuel or prevent hardship. However, this authority is limited to those States whose Governors issue a proclamation before the effective date of the legislation.

An automatic exemption from the observance of daylight saving time under the legislation is provided for that portion of Indiana which is in the eastern time zone, Hawaii, Puerto Rico, and the Virgin Islands. These are jurisdictions which are either divided by a time zone line, or which are not contiguous to any State and lie wholly within one time zone, and which on October 27, 1973, had a law in effect providing for an exemption from observance of advanced time under the Uniform Time Act of 1966. October 27, 1973, I should note, is the date on which observance of daylight savings time under the Uniform Time Act terminated for 1973.

REPORTS

Section 4 would require the submission of two reports to the Congress on the operation and effects of the legislation. An interim report would have to be submitted on or before June 30, 1974, and a final report on or before June 30, 1975. The reports would be compiled and edited by the Secretary of Transportation, but it is intended that he draw on every Federal governmental entity having information or expertise on the operation or effects of the legislation for the content of the reports and any recommendations which are to be included therein.

DAYTIME AM RADIO STATIONS

The effect of the legislation on daytime standard (AM) radio broadcast stations has been the subject of much interest and concern. Because of the effect of the legislation on those stations section 6 of the conference report requires the Federal Communications Commission to make adjustments with respect to the hours of operation of such stations which are consistent with international obligations and the public interest in receiving interference-free broadcasts. The adjustments would of course be made with respect to the morning hours of operation and could be made by general rule, or by interim action pending issuance of general rules, and could include variances with respect to operating power and other technical operating characteristics and also could be varied for particular stations and areas because of the exigencies in each case.

PERIOD OF OPERATION

As I have already stated, Mr. Speaker, this legislation would take effect on the fourth Sunday after it is enacted. It

would terminate on the last Sunday in April 1975 when the provisions of the Uniform Time Act would once again go into effect.

Mr. Speaker, I think that some comment is also in order with respect to certain provisions which were adopted in the Senate but which are not included in the conference report. One such provision would have permanently amended the Uniform Time Act so as to permit any State to enact a law placing the entire State, or all of the State lying within one time zone, on year-round daylight saving time. This provision of the Senate amendment was vigorously supported by the senior Senator from New Hampshire, NORRIS COTTON.

The House conferees were unanimous in opposing this provision because they believe it would be disruptive of interstate transportation and communications and a step away from the uniformity of time observance which was achieved under the Uniform Time Act of 1966. The House conferees pointed out that furthermore they had never considered such a provision in hearing. We did, however, agree that if after termination of this legislation one or more States wished to observe year-round daylight saving time that we would hold hearings on legislation which would have that effect. By that time we would have the reports from the Department of Transportation on the operation and effects of this legislation and be better able to determine whether such legislation would serve the public interest.

The Senate amendment also included two nongermane amendments, neither of which is in the conference report. One involved the renegotiation of Government contracts where the contractor's ability to perform in a timely manner was materially impaired by a shortage of petroleum, petroleum products, or other energy material.

The other nongermane Senate amendment related to the allocation of refined petroleum products. Many Members of the House have indicated their support for this provision to me. As indicated the statement of the managers points out section 115 of the Energy Emergency Act (H.R. 11450) has substantially the same effect.

That is where the provision belongs and the reason it is not included in the conference report.

Mr. Speaker, I urge the Members of the House to vote for the conference report.

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

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM FOR TODAY AND BALANCE OF WEEK

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

Mr. O'NEILL. Mr. Speaker, I take this time to announce the program for the day.

It is the belief of the leadership on this side—and we have talked with the leadership on the other side—that it is imperative to carry on with this legislation, that it will go forward during the course of the day. If we do not complete the legislation by a reasonable time there is a great possibility that there will be a Saturday session.

If we can complete this legislation today, then all other legislation will be postponed until Monday next. So it is the intent of the leadership to complete this bill which has been urged by the President of the United States.

When we met with the President he said he did not believe the Congress should go home until the emergency legislation had been passed and there has been agreement with the leadership on the Republican side and the leadership on the Democratic side that this legislation would be passed by the House. So we intend to stay with it until the legislation is completed.

APPOINTMENT OF CONFEREES ON H.R. 9142, RAIL PASSENGER SERVICE FOR NORTHEAST REGION OF THE UNITED STATES

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 9142) to restore, support, and maintain modern, efficient rail service in the northeast region of the United States; to designate a system of essential rail lines in the northeast region; to provide financial assistance to certain rail carriers; and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia? The Chair hears none, and appoints the following conferees: Messrs. STAGGERS, JARMAN, DINGELL, ADAMS, PODELL, METCALFE, HARVEY, KUYKENDALL, SKUBITZ, and SHOUP.

ENERGY EMERGENCY ACT

Mr. STAGGERS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 11450) to direct the President to take action to assure, through energy conservation, rationing, and other means, that the essential energy needs of the United States are met, and for other purposes.

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

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 11450, with Mr. BOLLING in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on yesterday there was pending the amendment in the nature of a substitute which constitutes the text of the bill H.R. 11882 offered by the gentleman from West Virginia (Mr. STAGGERS).

Mr. STAGGERS. Mr. Chairman, I move to strike the requisite number of words. I would like to have an understanding with the ranking Republican member on the Committee on Interstate and Foreign Commerce.

I yield to the gentleman from Ohio (Mr. DEVINE).

Mr. DEVINE. Mr. Chairman, we have spent approximately 20 hours on this legislation thus far. It is my understanding that currently at the Clerk's desk there are pending 68 amendments, an increase of 5 since yesterday, 25 of which are from members of the Committee on Interstate and Foreign Commerce.

We have had a rather considerable discussion on both sides here as to a possible termination of the debate on this matter and ultimate disposition.

We have no desire to cut anyone off. Since there are so many amendments pending, we have tentatively agreed, subject always to the approval of the Members of the House, to permit the time of 10 minutes for each amendment, to be divided 5 minutes to the author of the amendment and 5 minutes for the opponents.

On important amendments, if Members wish to be heard, an additional 10 minutes will be granted the persons standing at the time the request is made.

We have not suggested any final time for disposition. That will come at a later time when we see how we get along with these amendments.

I think the chairman would like to ask unanimous consent that this agreement be approved, unless there is some objection as it relates to handling of amendments.

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

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

Mr. DANIELSON. I would like to ask whose judgment we are to rely on as to what is and what is not an important amendment?

Mr. STAGGERS. I might say to the gentleman that we have to rely on every Member of the House. The proposal is to ask for unanimous consent for the additional 10 minutes of debate.

Mr. DANIELSON. Mr. Chairman, I should like to make the statement that I do not delegate that authority to anybody.

Mr. STAGGERS. The gentleman has that authority himself. We are not trying to take that authority away.

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

Mr. STAGGERS. I yield to the gentleman from Connecticut.

Mr. SARASIN. Has the gentleman considered the effect of the 10-minute rule on amendments to those Members who have protected themselves for 5 minutes by publication of their amendments in the CONGRESSIONAL RECORD.

Mr. STAGGERS. They get their 5 minutes. That is what the gentleman from Ohio said. The proponents get 5 minutes and that right would certainly be protected.

Mr. SARASIN. It is my understanding that all the proponents would have 5 minutes. The question is about the Members who have protected their rights for 5 minutes for themselves.

Mr. STAGGERS. He would have his 5 minutes, if it is set in the RECORD.

Mr. SARASIN. I thank the gentleman.

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

Mr. STAGGERS. I yield to the gentleman from New Hampshire.

Mr. WYMAN. At the conclusion of the 10 minutes, which has been suggested by the gentleman from Ohio and by the chairman, how is the determination to be made as to whether or not there will be an additional 10 minutes given on a particular amendment?

Mr. STAGGERS. They would have to ask unanimous consent and I think it would be granted.

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

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

Mr. DEVINE. In order to make myself perfectly clear, each proponent of an amendment would be entitled to 5 minutes. The opponents also would be entitled to 5 minutes.

Anyone else wishing to speak on the amendment could do so within the 10-minute period.

Mr. STAGGERS. Mr. Chairman, I would like to say this: The Chair is going to suggest to the Members of this Committee, and I do not know whether they are all here or not, and this would have to be an agreement because I know the Chairman of the full Committee of the Whole is bound by certain rules; but we would have one amendment from the Committee and one amendment from those Members who do not belong to the Committee, and the Chair will do his best to see that that procedure is followed.

Mr. STEIGER of Wisconsin. Mr. Chairman, will the gentleman yield?

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

Mr. STEIGER of Wisconsin. Mr. Chairman, I regretfully seek on the gentleman's time to state my judgment on this issue. There are some massively important amendments which will profoundly touch almost everybody in this country, as the gentleman said at the outset of debate on this bill.

If there are 60 amendments and if we as a legislative body are to attempt to make a determination on the basis of 10 minutes debate on whether or not we will have emission requirements or allocate fuel oil across the United States, I think we make a terrible mistake. If the request is sought, this one Member would respectfully say that he would object to the request.

Mr. DENNIS. Mr. Chairman, will the Chairman yield?

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

Mr. DENNIS. Mr. Chairman, I would like some additional clarification either from the Chairman or the distinguished gentleman from Ohio (Mr. DEVINE) about this additional 10 minutes. I would just like to understand the proposition.

The CHAIRMAN. The time of the gentleman from West Virginia has expired.

(At the request of Mr. DENNIS and by unanimous consent, Mr. STAGGERS was allowed to proceed for 1 additional minute.)

Mr. DENNIS. Mr. Chairman, I just want to understand this. I get the idea that the proponent gets 5 minutes, and the opponent gets 5 minutes, but how about this additional 10 minutes? If I understood the gentleman from Ohio, a Member gets that only if someone does not object; is that correct? Is that the answer? A Member gets the additional 10 minutes only if no one objects?

Mr. STAGGERS. Mr. Chairman, that was the understanding.

Mr. DENNIS. Mr. Chairman, I would not go along with that either, for whatever that may be worth.

The CHAIRMAN. There is no unanimous consent request pending.

The Chair recognizes the gentleman from Washington (Mr. ADAMS).

AMENDMENT OFFERED BY MR. ADAMS TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. STAGGERS

Mr. ADAMS. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute offered by the gentleman from West Virginia (Mr. STAGGERS).

The Clerk read as follows:

Amendment offered by Mr. ADAMS to the amendment in the nature of a substitute offered by Mr. STAGGERS: On page 26, beginning at line 12 strike all of section 114 down to and including line 3 on page 29 and renumber the following sections accordingly.

Mr. ADAMS. Mr. Chairman, this is the second part of the issue that the House decided early on in these proceedings involving exemption from the antitrust laws of the United States, and that is the reason why we are trying to bring it on early today, so that the House can pass on section 114.

Mr. Chairman, I am not going to make a lengthy statement about it, but instead I am going to yield to members of the Judiciary Committee.

We tried to work out an agreement or a proposal to limit the exemption to the antitrust laws that is in section 114 of the bill similar to what was done in section 120. We were not successful in doing so, and, therefore, what I have offered is a simple motion to strike.

This would strike section 114, which is a section that allows retail businesses to get together, and enter into an agreement, to restrict hours, restrict operations, and so on, in retail establishments.

I think this portion of the bill is very dangerous, because what it does is to allow major concerns in a shopping center such as major department stores or the major distributing outlets for a food chain, to get together and decide that they are going to turn all the lights off at 7 o'clock at night or at 6 o'clock at night, which will effectively put out of business the 7–11 Store, the little camera store, and the other small businesses that are in that area who depend upon that business as their lifeblood.

Mr. Chairman, we should not in this bill, grant an exemption from the antitrust laws to retail shopping centers, and I hope the Committee will strike it. This is the second part to the action that the Committee took in limiting severely section 120, which was an exemption from the antitrust laws for the oil companies.

I announced early in the debate that I would do this and now the time has arrived and I hope the Committee will support my motion to strike.

Mr. Chairman, in the interest of saving time, I am going to yield first to the gentleman from Ohio (Mr. SEIBERLING) from the Committee on the Judiciary, and then I will yield to Members on the other side.

Mr. SEIBERLING. Mr. Chairman, I thank the gentleman for yielding.

I must confess that I do not have the same strong sense of unease about section 114 as I did about section 120 before we revised it.

However, I do not think we should lightly enact exemptions to the antitrust laws. We should not do so unless there is a clearly demonstrated need.

Now, I personally feel that we must do everything we can to protect small grocery stores and similar retail outlets from being discriminated against under this legislation, and, in fact, I have an amendment at the desk by which I hope to make it clearer that they are not to be discriminated against.

But I do not see any great need for section 114, in the first place.

In the second place, I can see possibilities of severe injury and prejudice to small business. For example, suppose the large retail establishments in a particular community decide that they want to restrict the use of the United Parcel Service and they restrict it in such a way that it prejudices the smaller outlets rather than the big ones. What is going to be the redress that they have, that the small outfits have? The so-called voluntary agreements could include penalties against small businesses violating the agreements. So they could be used to drive out of business competitors of the larger chains.

So I think there are dangers unless the normal antitrust law protections are applied.

Third, many small retail establishments, because they are purely local and not in interstate commerce, are not subject to our national antitrust laws. State antitrust laws may affect them, but I do not really see that we have any right to supersede State antitrust laws unless there is a clearly demonstrated need. Yet that is what section 114 would do.

Finally, let me say that the Administrator himself has the power to control office hours and to control other areas of energy consumption, and it seems to me that is quite adequate. Therefore, I would recommend striking section 114 as being unnecessary, dangerous, and potentially harmful to small business.

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

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

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

I supported the other amendment which was offered with respect to section 120, but I am going to object to deleting section 114. It seems to me that in order to get the voluntary cooperation of these literally thousands of retailers, we need to provide the kind of protection from the antitrust laws which the section provides.

As I see it, the section is limited to the purposes of carrying out this act and does not grant blanket exemption from

the antitrust laws nor does it excuse violations of the antitrust laws in areas of activities unrelated to this act.

Mr. YOUNG of Illinois. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to address myself to certain points which are involved in section 114 in an attempt to show section 114 is very desirable with respect to the objective of this act, that is, to save energy.

I point out that the wording of this section refers to voluntary agreements. In other words, if the merchants in a shopping center desire to get together voluntarily and to make an agreement that they will be open only at certain times or that one store will be open to serve the public for a certain segment of hours and another store furnishing the same type of services will be open for another segment of time, then this section will permit them to do that legally without being in violation of any agreement either to divide customers or to divide markets. Therefore this section is highly desirable.

I pointed out that if there is a merchant in a shopping center who disagrees, he will not be bound by this agreement because this is a voluntary type of agreement. So, if there are other merchants in the same shopping center who object to these voluntary agreements, they just do not have to participate in them.

Mr. McCLORY. Will the gentleman yield?

Mr. YOUNG of Illinois. I yield to the gentleman.

Mr. McCLORY. I thank the gentleman for yielding, and I commend him on his statement. I know the gentleman as an authority and an experienced lawyer in the field of antitrust law.

It is my understanding, as the gentleman states, for this program to be successful, it is essential that we have the voluntary cooperation of these literally thousands of retailers. To suggest that by voluntary cooperation they could at the same time be subject to being in violation of the antitrust laws is unthinkable.

Such a risk could defeat what we are trying to accomplish here. Therefore I think it is essential to insure their cooperation and to insure that they will not be subject to violation of the antitrust laws if they enter into this type of agreement.

Mr. YOUNG of Illinois. That is correct. In the shopping centers there are many large companies such as Montgomery Ward and Sears Roebuck and various food chains who are very much subject to antitrust laws. Without this provision in this section they will not be able to cooperate and make the energy savings which will ultimately benefit the public.

Let me point out the safeguards here. The safeguards provide that any such statement which is promulgated or which would be initiated by the merchants would have to be adopted and approved by the administrator who submits copies to the Attorney General and to the Federal Trade Commission. If there are meetings held to implement it, these meetings have to be in written form and interested persons can give their views in writing on them. A written summary has to be kept and only actions in good faith and within the limits of the exception are exempted from the antitrust laws.

Mr. DENNIS. Will the gentleman yield?

Mr. YOUNG of Illinois. I yield to the gentleman from Indiana.

Mr. DENNIS. The gentleman makes the point—and I want to be clear on this—that the agreements we are talking about are purely voluntary. No one has to enter into them. Is that right?

Mr. YOUNG of Illinois. That is correct.

Mr. DENNIS. Suppose one does enter into them and later wishes to withdraw from it. What is the situation then?

Mr. YOUNG of Illinois. If they enter into a voluntary agreement, it would be my understanding that the agreement would be then enforceable if they voluntarily entered into it.

Mr. DENNIS. So that once a person gets in it is the gentleman's understanding he cannot get out of the agreement here without a penalty. Is that correct?

Mr. YOUNG of Illinois. I cannot give the gentleman a definitive answer on that. I suppose we have to await a court decision.

Mr. DENNIS. It might depend on the agreement. But what I am getting at here is does it depend on the law or does it depend on what is agreed to. In other words, the agreement might say that you cannot get out, but suppose it is silent on that.

Mr. BROWN of Ohio. Will the gentleman yield?

Mr. YOUNG of Illinois. I yield to the gentleman from Ohio.

Mr. BROWN of Ohio. Throughout the provisions of this bill the term "voluntary agreement" is used. In certain interpretations a voluntary agreement is one that is freely entered into and freely gotten out of. There is a provision that is very carefully drawn in the legislation before us that provides that these agreements are monitored in their preparation and in their writing by the Attorney General and the Federal Trade Commission.

Mr. YOUNG of Illinois. That is correct.

Mr. BROWN of Ohio. It seems to me that the Attorney General and the Federal Trade Commission could not force somebody staying in an agreement that has been drawn as an exemption to the antitrust provision.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STAGGERS. Mr. Chairman, I wonder if we cannot get some agreement on time to be spent on this amendment. I think the two gentlemen who have been talking, one for the amendment and one against, have explained the amendment pretty well. So I wonder if we could have an agreement that all debate on the amendment stop in 10 minutes.

The CHAIRMAN. Does the gentleman wish to make a unanimous consent request as to that?

Mr. STAGGERS. Yes, Mr. Chairman, I do.

Mr. Chairman, I ask unanimous consent that all debate on the pending amendment to the amendment in the nature of a substitute close in 10 minutes.

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

Mr. BROWN of Ohio. Mr. Chairman, reserving the right to object, as the author of the pending amendment I would prefer that the gentleman from West Virginia would be willing, as the author of part of the legislation being attacked by the amendment, if the gentleman will do it, that I be permitted to take my 5 minutes on the amendment first. I would like to have my 5 minutes first on the amendment, and then apportion the balance of the time.

Mr. STAGGERS. I would be willing to ask for 5 minutes after the gentleman has spoken because the gentleman was a proponent of the amendment in the committee.

Mr. BROWN of Ohio. I would have no objection to that.

Mr. STAGGERS. Mr. Chairman, I withdraw my unanimous consent request.

Mr. Chairman, I ask unanimous consent that all debate on the pending amendment in the nature of a substitute close in 5 minutes after the gentleman from Ohio (Mr. BROWN) has spoken for 5 minutes.

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

There was no objection.

The CHAIRMAN. The Chair will state that the Members who were standing at the time of the unanimous-consent request will be recognized after the gentleman from Ohio (Mr. BROWN) has spoken for 5 minutes, their time to be divided into the remaining 5 minutes.

Mr. BROWN of Ohio. Mr. Chairman, the purpose of section 114, the limited retail antitrust exemption, is simply to provide a temporary and carefully circumscribed exemption from the antitrust laws for the 1.5 million retailers around the United States to enter into agreements so that they can help conserve energy.

We have worked our will on this piece of legislation for a couple of days, and the result of what we have done is not to provide much in the way of new energy and to delimit what is in the legislation or what was in the legislation when it came out of the committee in the vehicles for conserving energy. I am not sure what the benefit of what has been done in total is going to be, but certainly we ought to have, in addition to what is in the mandatory fuel allocation legislation, the right to ration; we ought to have some method by which we can have voluntary agreements on the conservation of energy. And that is what this retail amendment was aimed at.

Two things are essential, I think, if we are to see the retailers participate in this. The first thing is that we have to have some kind of national plan that says everybody ought to cut down their hours by 20 percent, or 2 hours a day, and we have that; then it seems to me in the varying frameworks in which retailers operate around the country in small villages, big metropolitan shopping cen-

ters, big downtown centers, that there ought to be some freedom for these retailers to get together and decide what their hours will be, what the service will be that they can provide in terms of delivery, and so forth. There is no way that the retailers such as Sears, Penney's, and the little mom-and-pop haberdashery stores can agree now that they will let the Sears truck, for instance, make all the deliveries in an area.

It seems to me that that would violate the provisions of the antitrust legislation. There is no way legally that they can get together and decide on the hours that one shopping center will be open and the hours that other shopping centers would be open, which would be different, so that people would be served differently. There is literally no way that major stores could get together and say, well, because we all will be limited, we will be open in the morning for the convenience of customers in the area, and somebody else will be open in the evening, and we will limit the hours to those.

So we must have some method of agreement, and that is what this section of the bill is aimed at. The method by which we do that is to provide that they may have meetings, and, if they do, that they keep transcripts of those meetings to form plans, that those meetings may be attended by a Federal official, that the Attorney General and the Federal Trade Commission have copies of the agreements, that the public be invited in for those meetings, that prior notice of the meetings be given all to develop the plan, and once the plan has been developed, the Attorney General may disapprove it and thereby withdraw prospectively the immunity which would otherwise have been conferred.

If we are going to require extensive requirements for implementation of that plan, that would be worse than having no plan at all. Obviously, in a small community where all of the merchants get together at 10 o'clock in the morning for coffee every day, as they do in my community, one is not going to have to call up the postmaster and have him sit down and keep notes of the meeting. The implementation is left somewhat freer than the drawing of the plan, but the plan must be approved by the Federal Trade Commission and by the Attorney General. Once it has been approved, as it operates and as it is monitored by the officials of those two antitrust operations, if they feel that the plan is limiting competition, is hurting business, is putting somebody else out of business, what they can do at that point—these government officials—is step in and stop the plan forthwith.

Any action that is taken after that would mean that everybody participating in that agreement would be subject to antitrust violation or prosecution. I see nothing wrong with that in terms of trying to accomplish the purposes of this legislation. If we take this out, we merely prohibit retailers from having the opportunity to even plan how they will implement the efforts to conserve energy.

Mr. YOUNG of Illinois. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Ohio. I yield to the gentleman from Illinois.

Mr. YOUNG of Illinois. I thank the gentleman for yielding.

Is it the understanding of the gentleman from Ohio that if the Attorney General, for example, were to approve one of these voluntary agreements, and later it came to his attention that there was something noncompetitive being developed through these agreements, the Attorney General could withdraw any such approval?

Mr. BROWN of Ohio. Absolutely, and any place in the country, whether it is a big shopping center or a small town. That is why I think that part of the legislation, when I presented this amendment in the committee, passed by an overwhelming vote, about 3 to 1, as I recall. It seems to me that to strike it from the legislation now is a very serious mistake.

The CHAIRMAN. The time of the gentleman has expired.

The Chair recognizes the gentleman from Ohio (Mr. SEIBERLING).

Mr. SEIBERLING. Mr. Chairman, the statement that these are purely voluntary overlooks the reality of group pressure on the small outlets. Once they get into a so-called voluntary agreement, then the language of this provision permits the agreement to be implemented, and that means it could be policed, and that means there could be all kinds of pressure brought to bear.

On December 7, Mr. Kauper, the Assistant Attorney General in charge of the Antitrust Division, wrote a letter to the chairman of our committee, Mr. STAGGERS, asking that section 114 be deleted, stating that it is unnecessary. I agree with him. It is unnecessary. It is dangerous. It should be stricken.

The CHAIRMAN. The time of the gentleman has expired.

The Chair recognizes the gentleman from Illinois (Mr. MCCLORY).

Mr. MCCLORY. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Washington (Mr. ADAMS). It seems to me that to grant extensive exemption from the antitrust laws as we have in section 120 with regard to the big producers, and to deny any exemption whatsoever to the thousands of retailers on whom we are going to depend primarily for cooperation and support in connection with the success of this program, would be an unrealistic and incomprehensible thing for us to do. This section is an essential part of the pending legislation, and I hope that the amendment will be defeated. To delete the section would threaten the success of the entire voluntary program—as proposed in this bill.

The CHAIRMAN. The Chair recognizes the gentleman from Missouri (Mr. HUNGATE).

Mr. HUNGATE. Mr. Chairman, I rise in opposition to the amendment although I supported the amendment to section 120. I think that on balance this law No. 114 as is will be fairer and more equitable to the small businessmen. I think if there are any sections of our law that need a fresh approach it is the antitrust law. I think we need to take a fresh look at the antitrust law but I believe the law as is is preferable to the proposed amendment to 114.

My subcommittee on the House Select Committee on Small Business has just completed its second set of hearings on the problems faced by small independent retail pharmacies as a result of the Justice Department's interpretation of these laws, and on the basis of these hearings, I can say that unless something is done about these laws, 30,000 pharmacists who are small businesmen could go out of business.

Five years after discussions with the major insurance companies, the large unions bargained to have the cost of prescription drugs included as part of their health care fringe benefit. This very quickly became a standard benefit until today, these programs pay for over 40 percent of the prescription drugs dispensed in this country and this percentage is expected to increase to 80 percent within the next 5 years.

The insurance company then goes to the neighborhood pharmacist and tells him that a sizable number of his clients belong to its program and unless he agrees to provide drugs under its program and at its cost, he would lose these people as clients. The offer is made on a "take it or leave it" basis and since a small businessman just cannot afford to lose 30 or 40 percent of his clientele, in effect, he has received "an offer he cannot refuse." Otherwise, he would go broke. Then he finds out he may go broke even if he joins.

The reason for this is the insurance companies established the fee he was to receive for each prescription he dispensed under their programs and they did so without consulting the pharmacist. Indeed, the companies claimed they could not discuss the fee with the pharmacist because that would be price fixing, and thus, violate the antitrust laws.

Thus, the pharmacist found himself being in the position of having to join these programs or lose almost half of his clientele. In Illinois, 90 percent of all pharmacists belong to just one program administered by Metropolitan Insurance Co. And so, if the pharmacist was not satisfied, the company told him he could withdraw. After all, what did one pharmacist mean when 90 percent belong. He could not get together with other pharmacists similarly situated because that would be a joint conspiracy to fix prices. And they could not agree that they would jointly refuse to participate because that would be a group boycott.

Let me point out that this not only endangers the continued existence of this vital sector of our small business economy but also hurts the consumer, for each participating pharmacist is paid the exact same fee for each prescription he dispenses, regardless of the additional services he provides. Thus, a pharmacist who is open 24 hours a day and who provides free delivery service and security guards and free parking and monitors drug usage to be sure that doctors do not prescribe drugs which will react adversely with one another, is paid the same fee as the pharmacist who provides none of these services. Thus, these programs discourage the improvement and expansion of pharmacy services which would benefit the consumer because these additional services increase the cost of doing business and when you are paid the same fee as someone who does none of these, and

you are in danger of losing money, you are likely to stop providing these services.

So the antitrust laws are not only endangering the continued existence of the small independent retail pharmacist, but they are also retarding improved health care services for the consumer.

One might ask then who it is that the antitrust laws are protecting. In this situation they are being used to shield the large union, the large company and the large insurance company from the individual, independent retail pharmacist. Anyone who thinks that these parties have equal bargaining power and that justice requires preventing two independent pharmacists from cooperating to obtain a fee that adequately reflects their cost of doing business and equitably reimburses them for the service they provide to the community has a unique view of the proper role of law in our society.

The role of the antitrust laws in this equation in treating big business, big labor, big insurance companies, and the small independent retail pharmacy as equals in this bargain is reminiscent of the story of "what is justice?"

The answer came "Justice is the greatest good for the greatest number."

And what is the greatest number?

No. 1.

In practice the antitrust laws treat the big boys as No. 1 in these third-party prepaid prescription programs and the small independent businessman pharmacist comes in last.

I repeat, the law's application in this situation deserves reexamination.

The CHAIRMAN. The Chair recognizes the gentleman from Minnesota (Mr. FRASER).

Mr. FRASER. Mr. Chairman, I rise in opposition to the amendment. If there is any common complaint that runs through my mail on the energy crisis it is "Why do we let the large shopping centers continue their 24-hour, 7-day-a-week, retailing business when I am asked to reduce my own energy consumption?" It seems to me section 114 will give retail merchants a chance to make voluntary agreements to save energy consumption.

If we eliminate section 114, we will either deny to the retail merchants the ability to make mutual agreements without antitrust complications, or we will cloud the agreements. The bill itself would encourage merchants to reduce hours of service, consolidate services, et cetera. They can modify hours and services jointly or on a staggered basis to serve the needs of the public.

States and local governments may still want to limit retailing, and that is well and good. But we ought to give local retailers a chance to do it themselves first.

Section 114 applies the antitrust exemption only to retailers and only to energy conservation plans. Agreements must follow FEA guidelines and copies will go to the Antitrust Division of the Justice Department, and the FTC. There are plenty of safeguards.

I urge we vote down the Adams amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts (Mr. DRINAN).

Mr. DRINAN. Mr. Chairman, I support the motion of my colleague, Mr. ADAMS, to delete section 114 from this bill.

Section 114 would permit the larger retailers to dominate the small, to the detriment of the smaller retailers. Mr. Kauper, the Assistant Attorney General in charge of the Antitrust Division has in fact written to Mr. STAGGERS, indicating that he felt that section 114 was unwise.

Section 114, in its present form, violates the spirit, if not the letter, of the antitrust laws. I believe that we should limit the exemptions that are provided within this bill from the antitrust laws in order to insure against anticompetitive practices and to enact competitive safeguards.

Section 114 is overbroad. The present language of the bill could create a unique prosecutorial burden of having to show that challenged behavior is outside the scope of immunity. This burden is properly on the party best able to produce appropriate evidence. Obviously, the burden should be on the retailers and not on the Government.

I opposed the similar language in section 120 of this bill, when I supported the distinguished chairman of the Judiciary Committee in his successful amendment to section 120.

Mr. Chairman, the "good faith" standard is an unacceptable one. Antitrust laws already provide a "rule of reason" as a judicial standard. The proposed "good faith" standard would place on the Government the burden of not only obtaining evidence as to whether or not retailers had acted in good faith, but also the burden of negating that evidence. Most areas of the law which provide a "good faith" defense provide it as an affirmative defense, and not a part of the prosecution's affirmation burden. We must be extremely cautious in creating this escape hatch for big retailers who band together and make decisions affecting small retailers and consumers.

Mr. Chairman, the present section 114 contains an unfettered immunity provision for the retail business community.

I fully recognize that during the energy emergency, voluntary agreements, such as those contemplated by section 114, may be necessary to implement conservation policies. While such agreements in and of themselves may not necessarily amount to violations of the antitrust laws, they certainly present opportunities for abuse. The protection provided by the laws for such abuses are contained in the antitrust laws, and for that reason the exemption in section 114 is particularly dangerous.

The CHAIRMAN. The Chair recognizes the gentleman from Florida (Mr. ROGERS).

(By unanimous consent, Mr. ROGERS yielded his time to Mr. STAGGERS.)

The CHAIRMAN. The Chair recognizes the gentleman from West Virginia (Mr. STAGGERS).

Mr. STAGGERS. Mr. Chairman, I would like to remark that we did amend section 120 to substantially limit its applicability. I think it is only consistent that we follow on that action and take the further step of deleting in this section. I urge the passage of the amendment.

Mr. BROWN of Ohio. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Chairman, since this refers to the antitrust laws as they now exist, I would like to ask the chairman of the Interstate and Foreign Commerce Committee, in view of a couple of the remarks made on his side of the aisle, if anybody in this body knows what the Attorney General or Justice Department has approved. I think they have not approved of it.

Mr. STAGGERS. Mr. Chairman, I did get a personal letter from the Justice Department, the Assistant Attorney General, who definitely was against this provision and hoped the House in its wisdom would delete it.

Mr. MCCLORY. Mr. Chairman, if the gentleman will yield, we did not knock out section 120, we revised it. This would knock out the antitrust provisions with respect to the small retailers. So there is that difference.

Mr. STAGGERS. I agree with the gentleman. We did amend section 120, we did not knock it out.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington (Mr. ADAMS) to the amendment in the nature of a substitute offered by the gentleman from West Virginia (Mr. STAGGERS).

The question was taken; and on a division (demanded by Mr. ADAMS) there were—ayes 51, noes 54.

RECORDED VOTE

Mr. DINGELL. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 170, noes 223, not voting 39, as follows:

[Roll No. 667]

AYES—170

Abzug	Denholm	Holt
Adams	Derwinski	Holtzman
Addabbo	Diggs	Howard
Alexander	Dingell	Johnson, Colo.
Anderson, Calif.	Donohue	Jones, Tenn.
Annunzio	Drinan	Jordan
Ashley	Dulski	Kastenmeier
Aspin	du Pont	Kluczynski
Badillo	Eckhardt	Koch
Barrett	Edwards, Calif.	Kyros
Bergland	Eilberg	Lehman
Biaggi	Evans, Colo.	Long, La.
Bingham	Evins, Tenn.	Long, Md.
Blatnik	Fascell	McCormack
Boggs	Findley	McFall
Boland	Fish	McKay
Brasco	Flood	Macdonald
Breckinridge	Flowers	Madden
Brinkley	Foley	Matsunaga
Brooks	Fraser	Mazzoli
Brown, Calif.	Fulton	Meeds
Burke, Mass.	Gaydos	Melcher
Burlison, Mo.	Giaimo	Mezvinsky
Burton	Gibbons	Miller
Butler	Gilman	Minish
Casey, Tex.	Gonzalez	Mink
Chappell	Grasso	Mitchell, Md.
Chisholm	Green, Pa.	Moakley
Cohen	Griffiths	Morgan
Collins, Ill.	Gude	Moss
Collins, Tex.	Hamilton	Murphy, Ill.
Conte	Hammer-schmidt	Murphy, N.Y.
Conyers	Hanley	Natcher
Corman	Hanna	Nedzi
Cotter	Hansen, Wash.	Nix
Cronin	Harrington	O'Neill
Culver	Hawkins	Owens
Daniels, Dominick V.	Hechler, W. Va.	Patten
Danielson	Heckler, Mass.	Pepper
Delaney	Helstoski	Perkins
Dellums	Hicks	Peyser
	Holifield	Podell
		Price, Ill.

Rangel	Shipley	Whalen
Reuss	Smith, Iowa	Wiggins
Rinaldo	Staggers	Wilson, Bob
Rodino	Stanton, James V.	Wilson, Charles H., Calif.
Roe	Stark	Wilson, Charles, Tex.
Rogers	Stubblefield	Wolff
Roncalio, Wyo.	Stuckey	Wright
Rosenthal	Studds	Wylie
Roush	Symington	Yates
Roy	Thompson, N.J.	Yatron
Roybal	Thornton	Young, Ga.
Ryan	Tiernan	Young, S.C.
St Germain	Vanik	Zablocki
Sarbanes	Vigorito	
Schroeder	Waldie	
Seiberling		

NOES—223

Abdnor	Gunter	Patman
Anderson, Ill.	Guyer	Pettis
Andrews, N.C.	Haley	Pickle
Andrews, N. Dak.	Hanrahan	Pike
Archer	Hansen, Idaho	Poage
Arends	Harsha	Powell, Ohio
Armstrong	Harvey	Preyer
Ashbrook	Hastings	Price, Tex.
Bafalis	Hébert	Pritchard
Bauman	Heinz	Quie
Beard	Henderson	Quillen
Bennett	Hillis	Railsback
Bevill	Hinshaw	Randall
Biester	Hogan	Rarick
Blackburn	Horton	Rees
Bowen	Hosmer	Regula
Bray	Huber	Rhodes
Breaux	Hudnut	Roberts
Broomfield	Hungate	Robinson, Va.
Brotzman	Hutchinson	Robison, N.Y.
Brown, Mich.	Jarman	Roncallo, N.Y.
Brown, Ohio	Johnson, Pa.	Rooney, Pa.
Broyhill, N.C.	Jones, Ala.	Rose
Broyhill, Va.	Jones, N.C.	Rostenkowski
Buchanan	Jones, Okla.	Rousselot
Burgener	Karth	Ruppe
Burke, Fla.	Kazen	Ruth
Burleson, Tex.	Kemp	Sarasin
Byron	Ketchum	Satterfield
Camp	King	Scherle
Carney, Ohio	Kuykendall	Schneebeli
Carter	Landgrebe	Sebelius
Cederberg	Landrum	Shoup
Clancy	Latta	Shriver
Clausen, Don H.	Leggett	Shuster
Cleveland	Lent	Sikes
Cochran	Litton	Sisk
Conable	Lott	Skubitz
Conlan	Lujan	Slack
Coughlin	McClory	Smith, N.Y.
Crane	McCloskey	Snyder
Daniel, Dan	McCollister	Spence
Daniel, Robert W., Jr.	McDade	Stanton, J. William
Davis, Ga.	McEwen	Steed
Davis, S.C.	McKinney	Steelman
Davis, Wis.	McSpadden	Steiger, Ariz.
de la Garza	Madigan	Steiger, Wis.
Dellenback	Mahon	Stratton
Dennis	Mailliard	Symms
Devine	Mallary	Talcott
Dickinson	Mann	Taylor, N.C.
Dorn	Maraziti	Teague, Calif.
Downing	Martin, Nebr.	Thomson, Wis.
Duncan	Martin, N.C.	Thone
Edwards, Ala.	Mathias, Calif.	Towell, Nev.
Esch	Mathis, Ga.	Treen
Eshleman	Mayne	Ullman
Fisher	Michel	Van Deerlin
Flynt	Milford	Vander Jagt
Forsythe	Mills, Ark.	Veysey
Fountain	Minshall, Ohio	Waggonner
Frelinghuysen	Mitchell, N.Y.	Wampler
Frenzel	Mizell	White
Frey	Mollohan	Whitehurst
Froehlich	Montgomery	Whitten
Fuqua	Moorhead, Calif.	Widnall
Gettys	Moorhead, Pa.	Winn
Ginn	Mosher	Wydler
Goldwater	Myers	Wyman
Goodling	Nelsen	Young, Alaska
Green, Oreg.	Nichols	Young, Fla.
Gross	Obey	Young, Ill.
Grover	O'Brien	Young, Tex.
	Parris	Zion
	Passman	Zwach

NOT VOTING—39

Baker	Dent	Metcalfe
Bell	Erlenborn	O'Hara
Bolling	Ford, William D.	Reid
Brademas	Gray	Riegle
Burke, Calif.	Gubser	Rooney, N.Y.
Carey, N.Y.	Hays	Runnels
Chamberlain	Hunt	Sandman
Clark	Ichord	Steele
Clawson, Del	Johnson, Calif.	Stephens
Clay	Keating	Stokes
Collier	Kyros	Sullivan
Taylor, Mo.	Walsh	Wyatt
Teague, Tex.	Ware	
Udall	Williams	

So the amendment to the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. WYMAN TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. STAGGERS

Mr. WYMAN. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute offered by the gentleman from West Virginia (Mr. STAGGERS).

The Clerk read as follows:

Amendment offered by Mr. WYMAN to the amendment in the nature of a substitute offered by Mr. STAGGERS: On page 59, after line 23, insert the following:

(1) Section 202(b) of the Clean Air Act (42 U.S.C. 1857) is amended by adding at the end thereof the following:

"(6)(a) Notwithstanding any other provision of law, the authority of the Administrator to require emissions controls on automobiles is hereby suspended except for automobiles registered to residents of those areas of the United States as specified by subsection (b) of this section, until January 1, 1977, or the day on which the President declares that shortage of petroleum is at an end, whichever occurs later.

(b) Within 60 days after the date of enactment of this paragraph, and annually thereafter, the Administrator shall designate, subject to the limitations set forth herein, geographic areas of the United States in which there is significant auto emissions related air pollution. The Administrator shall not designate as such area any part of the United States outside the following Air Quality Control Regions as defined by the Administrator as of the date of enactment of this paragraph without justification to and prior approval of the Congress.

(A) Phoenix-Tucson, intrastate.
(B) Metropolitan Los Angeles, intrastate.
(C) San Francisco Bay area.
(D) Sacramento Valley area.
(E) San Diego area.
(F) San Joaquin Valley area (California).
(G) Hartford-New Haven (Conn.-Springfield (Mass.) area.
(H) District of Columbia, Maryland and Eastern Virginia area.
(I) Metropolitan Baltimore and abutting counties.
(J) New Jersey, downstate New York and Connecticut area.
(K) Metropolitan Philadelphia and abutting counties area.
(L) Metropolitan Chicago and abutting counties (Ill. and Ind.)
(M) Metropolitan Boston and abutting counties area.

For purposes of this paragraph, the term 'significant air pollution' means the presence of air pollutants from automobile emissions at such levels and for such durations as to cause a demonstrable and severe adverse impact upon public health."

(2) Section 202 (a) of such Act is amended by adding at the end thereof the following new paragraph:

"(3) Regulations prescribed under this subsection shall not apply to motor vehicles or motor vehicle engines registered by owners who reside in geographic areas which are not designated by the Administrator under section 202(b)(6) as areas in which there is significant air pollution, for the period beginning on the date of enactment of this paragraph, and ending on January 1, 1977, or the day on which the President declares that shortage of petroleum is at an end, whichever occurs later."

(3) Section 203(a)(3) of such Act is amended to read as follows:

"(3) for any person to register, on or after 60 days after the date of enactment of this paragraph, a motor vehicle or motor vehicle engine for which the regulations prescribed under section 202(a)(1) do not apply under section 202(a)(3) if such person resides in a geographic area designated by the Administrator to be a geographic area in which there is significant air pollution; or"

Mr. DINGELL. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The gentleman from Michigan (Mr. DINGELL) reserves a point of order against the amendment.

Mr. WYMAN. Mr. Chairman, make no mistake about it. The people back home are up in arms about this gas situation, and about the lack of need for automobile emissions controls in most of this country. They are angry. They are asking what kind of jackasses do we have in the Government that can impose on the people of the 95 percent of this country that has no auto emissions related air pollution, a 20-percent fuel penalty at a time of acute gasoline shortage? And for what? Those that keep on with this sort of thing will, and please mark my words, will and indeed should be retired next year.

This amendment is very simple. It takes emissions controls off cars in the white area on this map—cars registered to persons who are residents in the white areas on this map. Older cars may have theirs disconnected. New ones will not be required to have controls in these areas.

The amendment does not take emissions controls off forever, but only until January 1, 1977, or until the President declares that we do not have an acute petroleum shortage any longer.

It also provides that the Administrator of EPA may designate certain areas in which there is an automobile emission related pollution problem. The Administrator must do this within 60 days. People who live in these areas must continue emission controls on their cars.

It is extremely important that it be understood by all that this amendment does not truly present an environmental issue. This is a matter of commonsense. This ought to be done in this country, whether or not there is an energy crisis. The saving in gasoline would exceed several hundred thousands gallons per day. It would run into hundreds of millions of gallons yearly. It is impossible for me to stand here and tell Members exactly how much, because somebody having a 1972 or 1973, or a 1971 car, will have the option to take off his emission controls. I cannot guarantee that everybody would do this, but I do know that people who take off these emission controls—and some have reported to me that they have done it—get more miles per gallon than they did with a car with emission controls on it.

We are talking here about approximately three-quarters of the cars in this country. There is no question that this will save a significant amount of gasoline and hence oil on a daily basis effective immediately. The present controls are estimated to waste between 17 and 20 percent of the fuel. If we take the number of gallons per day, which is in the millions being consumed in the United States, and we take that one-fifth off as

a rough saving estimate, the rest is simple mathematics. It would be a significant help in meeting our current gasoline shortage.

The Office of Science and Technology in a study on this subject has made a very interesting observation with regard to those who might suggest that because a car is registered in the white area and operated in the pink area there might be a problem. The answer to that is that the in-and-out traffic between the white area and the pink area does not exceed 5 percent. It is approximately 2.3 percent in New York City, for example, and the transient traffic will not significantly adversely affect ambient air quality in the red areas.

There is no question, Mr. Chairman, of the value to the Nation of this proposal. We owe it to this country at this time, to its economy, toward ending the gasoline shortage or at least getting it down to manageable proportions, and to our constituents and to ourselves as responsible legislators, to adopt this amendment.

Mr. Chairman, I urge its adoption by this House.

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

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

Mr. DICKINSON. Mr. Chairman, I rise in support of the amendment of my colleague from New Hampshire suspending automobile emissions requirements for those parts of the Nation lacking significant pollution levels.

I recognize that there are areas of the country where emission control devices on automobiles are necessary to insure proper air quality. However, in my district, which is primarily rural and without the numbers of cars and pollutant-producing industries found in urban areas, these devices are not necessary to maintain the air quality.

What effect would removal of emission control devices from automobiles have on fuel consumption? In testimony before the Subcommittee on Public Health and Environment on September 18, 1973, P. N. Gammelgard, senior vice president for Environmental and Public Affairs of the American Petroleum Institute, made the following observation:

> Our API task force concluded from EPA data that for a 4,000 pound car, the fuel penalty attributable to emission control, including compression ratio reductions, is about 12 percent for 1971–73 cars, compared with pre-1968 models in the same weight class. In heavier weight categories, this penalty is even more severe—16 percent in the 4,500 weight class and more than 17 percent for a 5,000 pound vehicle.

The automobile industry worked out figures at the request of the Senate Public Works Committee and the White House to determine what the fuel savings would be if emission controls on cars were removed or adjusted. It was found that if all 1970–74 cars were returned to meet the emission standards of 1969, there would be a savings of 2.7 billion gallons of gas a year or 128.6 million barrels of crude oil a year. This is about 17 percent of the 2 million barrels a day of crude oil it is estimated we will be short by the first of the year.

Admittedly, if this amendment is passed, not all the 1970–74 cars will be brought back to the 1969 emission standards, but I believe a significant number of cars can be retuned to the 1969 level without endangering the environment, and any savings at this point will be an important one.

The CHAIRMAN. Does the gentleman from Michigan withdraw his point of order?

POINT OF ORDER

Mr. DINGELL. No, Mr. Chairman.

I rise to make the point of order, Mr. Chairman, on two grounds. The first is that the amendment seeks to undo action already taken by the Committee, in that it is, in fact, an attempt to amend the Hastings amendment adopted yesterday. Whether in fact the language does so or whether it in fact does not, it is plain that the House has already spoken its will with regard to the Hastings amendment.

The language of the amendment offered by my friend in the well, the gentleman from New Hampshire (Mr. (WYMAN) now seeks to undo that and to put in toto the provisions of the action taken by the House in adopting the amendment offered by my friend and colleague, the gentleman from New York (Mr. HASTINGS).

The second ground on which I make a point of order is that at no point in the bill before us appears an amendment to section 203 of the Clean Air Act. In fact, the gentleman's amendment deals with section 203 and not with the sections which are before us.

As the Chair will observe from the reading of the Clean Air Act, section 203 is the penalty section and relates to certifications. Section 202(b) mandates the EPA to establish emission limitations for automobiles, and it is to section 202(b) which the bill itself now does apply. The amendment goes much further than that, and it restricts the authority of automobile owners to register automobiles in States, and this matter is not spoken to otherwise or elsewhere in the legislation before us.

It is, therefore, my strong view, Mr. Chairman, that the amendment before us is not germane to the legislation in dealing with subjects not in the bill and not presently before the House.

Obviously the germaneness rules are here to protect Members from being surprised by amendments which relate to matters different than those before us. Obviously the amendment relates to sections of the Clean Air Act and to matters that are not before us. For that reason the point of order against the amendment should be sustained.

The CHAIRMAN. Does the gentleman from New Hampshire desire to be heard on the point of order?

Mr. WYMAN. Mr. Chairman, it would be a little difficult for me to believe the gentleman could be surprised by this amendment. This display has been in the Speaker's lobby for a matter of days.

But there could be no denying that this amendment prevents wastage of gasoline in this country.

As far as whether this relates to the proposal of the gentleman from New York that was adopted last night, what this amendment does is—it does not change the carbon monoxide or nitrous oxide emissions standards at all. It simply suspends by amendment the authority of the Administrator to impose this requirement for a definite period during the energy crisis.

This is so plainly in order that I submit the Chair should overrule the point of order.

The CHAIRMAN (Mr. BOLLING). The Chair is ready to rule.

The gentleman from Michigan essentially makes two points of order: One, that the amendment is not in order because it seeks to affect an action already taken by the committee. The Chair overrules that point of order since in fact the amendment comes at a place subsequent to the action previously taken; in other words it is to the point immediately after the text inserted by the Hastings amendment. The Chair cannot rule on the consistency of those amendments.

The second aspect of the point of order is the question of nongermaneness in connection with the Clean Air Act. The Chair has simply looked at the Ramseyer on the bill before us and it is very clear that the Clean Air Act is comprehensively amended by the bill and by the pending amendment in the nature of a substitute. Therefore, the Chair overrules the point of order of the gentleman from Michigan.

The Chair recognizes the gentleman from Florida (Mr. ROGERS) for 5 minutes in opposition to the amendment.

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

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

Mr. GUDE. Mr. Chairman, I rise in strong opposition to the amendment. On tests that have been run, Russell Train of the EPA told the House Republican Task Force on the Environment yesterday morning, that in many cases when emissions control devices were taken off the small cars, it actually forced fuel consumption up instead of down, and there is a good question whether it helps in the case of the large cars.

Under contract to EPA, the Aerospace Corporation conducted a detailed study as to the possibility of two-car regional emission control strategies, which are what are proposed under this amendment. In its final report, issued on April 30, 1973, the Urban Programs Division of Aerospace stated that even the auto industry was in opposition to the kind of "two-car" system which would be established if this amendment were to be approved. The study is quite technical in nature, and its findings are lengthy. They range from the effects this kind of system would have on air quality, to the problems it would present to the auto manufacturers, the dealers, mechanics, and to parts manufacturers and distributers. Without going into detail here, substantial problems were cited. I have a copy of this study available in my office and shall be pleased to make it available to my colleagues for their review.

In light of these facts, Mr. Chairman, I must urge very strongly the defeat of this amendment. There is no assurance it would save fuel. There is every indica-

tion it would cause numerous problems in industry. And there is the certainty it would only contribute to a deterioration of air quality.

Let us not attempt to make changes of such a technical nature. This amendment would be counterproductive in every sense of the word.

Mr. ROGERS. Mr. Chairman, I want to strongly oppose this amendment, too. It is an amendment that would completely abolish all progress we have made in obtaining clean air in this country. We already have adopted the provision that would extend for 2 years the emissions controls for 1975, through 1976 and 1977. The proposal evidently would seek what we considered and refused in 1970—an attempt to start dividing up the country. It would be most discriminatory. It would establish a problem of the question of the supply to sections of the country. What would happen where the automobiles would be restricted just to the area which they can operate in? It would be a most impossible way to operate in this country.

But more importantly, the purpose of this bill is to save fuel. The Health and Environment Subcommittee just held hearings on emissions controls and heard the testimony from EPA experts. At its Ann Arbor laboratory, EPA had its technicians take off the emissions controls as proposed in this amendment. Let me tell the Members right here that on page 51 of our hearings it says that the EPA study found that when the emissions control device was disconnected the fuel economy got worse.

So this amendment would not only be discriminatory, it would not work. The way cars are made if we try to remove what has been put on them we will bring about a worse fuel economy, which is exactly the opposite of what this bill is supposed to do.

Mr. DINGELL. Mr. Chairman, I think the map which is before this body, which our good friend has submitted to us, clearly points out the evils of his amendment. Members who represent the red areas, will find their constituents will have additional burdens in costs. The action of the committee, even before the amendment offered by Mr. HASTINGS, shows the best of all possible worlds, the best mileage and the best air pollution control. The action of the committee presented to the House at this time was acceptable to industry and represented a device which would be fully acceptable to the conservationists and to EPA.

This amendment has none of those virtues and, indeed, requires substantial retrogression, both in terms of mileage and in terms of conservation values and improvement of the air.

Mr. ROGERS. Mr. Chairman, the gentleman is exactly right. We would get the opposite results from what we want.

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

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

Mr. LATTA. Did I understand the gentleman to say if we did take these gasoline consuming gadgets off cars at this time, motorists would not get better gas mileage?

Mr. ROGERS. That is correct, because the engines themselves would also have to be changed. This is the testimony by EPA engineers.

Mr. LATTA. I thank the gentleman for yielding further and respectfully disagree with him. The gentleman had better talk to some of the motorists in his district and he will find out differently real fast.

Mr. ROGERS. I understand that the gentleman thinks that, but I have told the House the testimony we have received from the engineers.

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

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

Mr. HASTINGS. Mr. Chairman, I strongly oppose this amendment. I do not think this body should suffer under any delusion. I know everybody in the country is complaining about poor fuel economy in their automobiles.

I, myself, have a 1973 car and understand the complaints, but do not be mistaken that the passage of this amendment will correct all that.

Mr. ROGERS last night used the word "emasculate" the Clean Air Act in relation to my amendment and I stated then that was not true. This amendment really emasculates the Clean Air Act.

I want to say, this will not allow the cars manufactured in 1972, 1973, or 1974, to have the emission devices removed. That is an engineering job that would have to be accomplished back at the factory. So it sounds very good, because we are dissatisfied with gas economy that this amendment will correct that situation, but it simply is not true. It will not work.

Mr. CARTER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, this is an extremely complex measure that we are considering today, and I want especially to deal with certain aspects of the Clean Air Act. It clearly makes good commonsense in view of the current energy crisis to more carefully examine what we are doing in our attempt to obtain the goal of clean air.

The Clean Air Act was adopted to protect the health of the public from a variety of pollutants. When we wrote the Clean Air Act Amendments of 1970, the House had a moderate measure. After the conference where the Senate amendments were accepted, we were required to meet certain automobile emissions standards in stages.

In my opinion, Mr. Chairman, we went too far too fast. As a result of pollution control devices, many of the 1972 model automobiles were not drivable.

We have listened to General Motors, Ford, and Chrysler. We have listened to Judge Russell Train, Director of EPA. What we failed to do was to listen to the consumer.

During the committee hearings, the mayor of Stillwater, Okla., who is a car dealer and a filling station owner, and also vice president of the Ford Dealers Association testified. Too many times we base our opinions upon the testimony of so-called experts, but we fail to heed the words of the people who have to drive the cars and buy increased amounts of gasoline as a result of the contraptions we placed upon them to clean the air, and in some cases to make them safer.

I quote directly from the words of Mr. Thomas:

> I served as a chairman of the subcommittee for the service managers of a large organization last year, and I listened to these men from all over the country; and one of the top problems that we had was drivability, and a part of that stems from the fact that there are certain adjustments on the carburetors and part of the timing of the automobile that are limited at this time because of emission problems that we have. . . .
>
> I own several service stations. One of them is closed now because I cannot get gasoline for it; another has gasoline about two-thirds of the time. . . .
>
> I have real concern about how I am going to furnish gasoline for the types of automobiles that you are talking about right now if you go to the '75 level at this particular time.
>
> I am getting like one-third of the number of automobiles for December that I was afforded a year ago at this time.
>
> They tell you that this is because the big car is not selling, but the truth is they cannot produce the small one in the quantities that is necessary to take care of our needs.

In response to a question about the new seat belts, I thought it was interesting what he said:

> Dr. Carter, I hate to tell you this, and perhaps you do not want to know this, but I think a few years from now if it continues the way it is, Congress will probably get credit for changing the anatomy of the woman, because the left mammary gland is going to have a real hard time surviving.
>
> Let me go a little further. I think really that this has lowered the safety standards in spite of what has been said, because so many people are disconnecting the unit, and now they no longer use the lap belt because they have this unfortunate kind of harness to try to get into.

One important thing about the 1975 standards which the automobile industry is required to reach now is that General Motors stated there would be a fuel saving over 1974—as a base year—of approximately 13 percent. Chrysler stated that there would be no saving. Ford stated that there would be a saving of possibly 2 or 3 percent.

If any company wanted to go to the standards, it certainly was General Motors, and I realy feel that they would have preferred to keep the 1974 standards.

In this important area of concern, however, I continue to maintain that we should not attempt to go too far too fast, as we have done in the past. I believe that we should set reasonable standards and proceed in a determined fashion to support them.

On the basis of savings over the 1974 model, I will support the 1975 standards, which will necessitate the installation of catalytic converters. This bill extends the standards through the 1977 model.

I hope the House will closely examine this important issue and determine to proceed in a reasonable manner.

AUTO EMISSION STANDARDS (GRAMS PER MILE) AND PERCENT REDUCTION FROM BASE YEAR

HYDROCARBONS AND CARBON MONOXIDES

Years	Hydrocarbon	Percent reduction from base year	Carbon monoxide	Percent reduction from base year
Base year:				
1970–71	4.1		34.0	
1972–74	3.0	37	28.0	18
National interim: 1975	1.5	63	15.0	56
California interim: 1975	.9	78	9.0	74
Statutory: 1976	.4	90	3.4	90

NITROGEN OXIDES

Years	Nitrogen oxides	Percent reduction from base year
Base year 1971:		
No control	3.5	
1973–75	3.1	11
California interim: 1975	2.0	43
National interim: 1976	2.0	43
Statutory: 1977	.41	90

Mr. RANDALL. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I am grateful for the most welcome opportunity to express myself for these few minutes. I have risen again and again seeking recognition only to see all time granted those Members of the Interstate and Foreign Commerce Committee to the exclusion of those of us not on the committee.

Mr. Chairman, I rise in support of the amendment of the gentleman from New Hampshire (Mr. WYMAN). I support his amendment because of an experience of mine during the Thanksgiving holidays. There was a teacher of a vocational and industrial school who assembled a class of about 25 students in his school to demonstrate some slight modification of emission devices. Those before the class sat in a 1973 or 1974 car. He had one of those expensive Sun testers which cost several thousand dollars that test engine efficiency.

He stood there with a screwdriver and made just two minor adjustments. There were two readings on the Sun tester, one of which indicated the revolutions per minute and the other gage read in inches of mercury, showed the compression of the engine to which the tester was attached.

The teacher bent over the car to do an adjustment on what I later learned was the intake manifold. With his screwdriver he made about three turns. Then he pointed to the gage. The revolutions per minute went up from about 1,000 to about 1,500, and the inches of mercury rose from 7 to 10 or 12 inches.

Then the teacher reached over to the other side of the car with his screwdriver he had two or three turns on what I later learned to be the exhaust gas recirculating valve. We looked at the two gages. The rpm gage had jumped to 2,000 and the inches of mercury doubled from the original 7 inches up to 14 or nearly 15 inches which indicated the state of engine compression which is another word for engine efficiency.

The teacher was so sincere about these modifications he said he was willing to stake his reputation that mileage would be increased 4 or 5 miles per gallon and the overall efficiency of the engine increased substantially.

The name of the teacher was Scotty—he happens to be a Scotchman. His name is Scotty McHenry and the demonstration was made in Harrisonville, Mo. He told me the entire adjustment could be made for about $15.

He went on to cite the other advantages, then he said to me "Think of it—$15 to keep people from going out to buy these foreign made cars and thus to protect our own American automobile industry."

Later I received from Mr. McHenry a more detailed outline of the simple alterations or modifications he had demonstrated for my benefit. I read now the outline of his proposed modifications.

First. Remove exhaust gas recirculation valve and replace with a steel plate and gasket. This will increase fuel savings significantly. Oxides of nitrogen would increase due to greater engine efficiency which would cause higher combustion temperatures. A mandatory 60 mph speed limit would result in lower combustion temperatures and a reasonable compromise of fuel economy and emission control.

Second. Another change which would reduce carbon monoxide and unburned hydrocarbons would be accomplished by connecting the distributor vacuum spark advance directly to the intake manifold vacuum. This emission change would increase low speed fuel economy. With no increase in undesired exhaust emissions. Carburetors need not be changed or modified if they are well designed and very well calibrated for economical use of fuel.

I was impressed by the demonstration of Mr. McHenry because—listen to this—he did not touch the throttle; he did not increase the volume of gasoline with the carburetor at all. I believe all of you would have been equally impressed to see what a drag these devices put on an engine, and to see how rpm and engine compression jumps with just two small modifications.

Mr. McHenry said to me:

Furthermore, you are not touching any of the other emission devices down at the tail end of the car. You are not doing anything about the exhaust system. But you could if you would just be willing to put up with a little bit more noise from the exhaust—get even better gas mileage.

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

Mr. RANDALL. I yield to the gentleman from Ohio

Mr. LATTA. Mr. Chairman, I thank the gentleman for yielding.

I would like to associate myself with the gentleman's remarks. I think that this House has been led down the primrose path too often with some of these programs, and the people back home are right. If we have been reading our mail, we know that they believe in this amendment. They want it.

I do not think we will want to go back home and face our people if we oppose this amendment.

Mr. RANDALL. Mr. Chairman, we had better go South or somewhere other than home if we pass this bill today without the amendment under discussion. In other words for those Members who go home with a record of opposition to increasing mileage per gallon of gasoline are not going to enjoy the holidays.

Mr. MILFORD. Mr. Chairman, will the gentleman yield.

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

Mr. MILFORD. Mr. Chairman, I thank the gentleman for yielding.

I heartily support this amendment.

Prior to coming to this Congress, I was a professional meteorologist. I have been actively involved in the professional study of air pollution problems, beginning in 1953 and ending in 1971. There is not a single Member of this House more concerned about air pollution problems than I. However, I think we must get our facts right.

To begin with, the gentleman from New Hampshire (Mr. WYMAN) is absolutely correct when he states that 95 percent of the United States does not have an auto emission problem. Second, there have been statements made to the effect that the removal of pollution abatement equipment from automobiles would not increase gasoline mileage. Statements have also been made to the effect that major reengineering of the automobile engine would be necessary to remove pollution equipment.

Earlier this year, at my own expense, I traveled to Detroit and spent the day at the General Motors research labs. I observed, first hand, the various test cells conducting experiments on all types of engines and all types of pollution devices. All known automobile engines from both this Nation and all other nations were being tested there.

I can assure my colleagues that the removal of pollution abatement equipment will definitely increase engine efficiency of all automobiles by a minimum factor of 7 percent and a maximum factor of 19 percent.

Since the Wyman amendment would remove these devices, only in areas of the Nation that have no auto emission problems, I cannot possibly see why there would be objections to the amendment.

There is another fact that Members are not recognizing. We are facing a shortage of fuel of at least 25 percent. That means that all auto travel will be reduced by 25 percent. It also means that all auto emission pollution will be reduced by 25 percent. Therefore, even if we removed these devices from all cars in the Nation, we would not have an increase in pollution.

I urge my colleagues to support the Wyman amendment.

Mr. RANDALL. Mr. Chairman, before I conclude my remarks let me tell you the superintendent of schools, Mr. Burens, arrived on the scene of the demonstration. Superintendent Burens has always been known in the community in which he lives as a crusader for cleaner environment in this city of Harrisonville which is the County Seat of Cass County, Mo.

After a while the superintendent said to me:

I've watched the demonstration of these modifications and I've become convinced these modifications will not make any substantial difference in air pollution.

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

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

Mr. MYERS. Mr. Chairman, something was said a moment ago about engineering tests made relative to taking emission controls off the 1974 vehicles and the 1975 vehicles and that would not reduce significantly the mileage per gallon.

I am not an engineer, I am not even a mechanic. However, we did have a test conducted in Indiana. We had the devices taken off a large Chrysler New Yorker, and the car was driven a hundred miles. The mileage increase with that device taken off amounted to 2 miles per gallon. We took the device off a small economy car, and the mileage per gallon without the device or the emission control increased 3½ miles per gallon.

So here again, I do not know the credibility of the witnesses here, but certainly there can be a significant difference and a change in the mileage per gallon by just taking these controls off.

Mr. HENDERSON. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I wholeheartedly support the amendment offered by the gentleman from New Hampshire.

You can argue with some logic that if we should completely abolish the requirement for emission control devices on automobiles already manufactured, we would quickly create unacceptable levels of pollution in our major population areas where smog and low air quality is already a serious problem.

But it certainly makes sense to discontinue temporarily the requirement for such devices in the less populous areas of our country where pollution is not a problem.

This action will save millions of gallons of gas. I doubt if anyone currently has completely reliable evidence to prove exactly how much would be saved, but it is obvious to us all that substantial amounts would be saved. It would also be a great boon to the automobile industry which is in trouble from used car lots to new car production lines with larger, heavier cars now less attractive to a public faced with a gasoline shortage. It is these models which would save the most fuel by disconnecting the emission control devices.

This amendment is a reasonable approach and should be adopted.

Mr. STAGGERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I do not intend to speak for 5 minutes, but I do rise in order to see if we may not get a time limitation.

This is a very emotional subject, and all the Members want to have their say on it.

I would suggest that we could get general leave for revision and extension for all Members, and they could get their remarks in the RECORD, and I would suggest we limit it to 15 minutes.

Mr. Chairman, I ask unanimous consent that all debate on this amendment to the amendment in the nature of a substitute be terminated within 15 minutes.

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

Mr. McEWEN. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. STAGGERS. Mr. Chairman, I will amend that to 20 minutes.

Mr. Chairman, I ask unanimous consent that all debate on this amendment to the amendment in the nature of a substitute terminate within 20 minutes.

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

Mr. FLYNT. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. STAGGERS. Mr. Chairman, I will amend that to 25 minutes.

Mr. Chairman, I ask unanimous consent that all debate on this to the amendment in the nature of a substitute amendment terminate within 25 minutes.

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

Mr. FLYNT. I object.

The CHAIRMAN. Objection is heard.

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

Mr. STAGGERS. I will be very happy to yield to the gentleman from New Hampshire.

Mr. WYMAN. Mr. Chairman, there have been some very serious inaccuracies in the statements made here that need to be explained before the House can pass its judgment on this amendment, and it is going to take a little time to go into all of these areas.

Therefore, I feel the time the gentleman suggests is a little too short.

Mr. STAGGERS. Mr. Chairman, let me amend that as follows:

Mr. Chairman, I ask unanimous consent that all debate on this amendment to the amendment in the nature of a substitute terminate by 12:30. That would be 32 minutes.

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

Mr. McEWEN. I object.

The CHAIRMAN. Objection is heard.

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

Mr. STAGGERS. I will be glad to yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, the gentleman says this is an emotional issue.

Mr. STAGGERS. Yes, sir.

Mr. GROSS. Well, it is an economic issue.

Mr. STAGGERS. It is that.

Mr. GROSS. Yes. And a commonsense issue.

Mr. STAGGERS. That is right.

Mr. GROSS. May I ask the gentleman this question: When the debate started did not the gentleman say he could not speak for the committee but that he would not try severely to limit debate on this bill or limit debate?

Mr. STAGGERS. No, sir.

Mr. GROSS. Well, I will have to go back to the RECORD, I guess, and find the gentleman's remarks if they are still in the RECORD.

Mr. STAGGERS. In essence when we were talking about it at the start of the consideration of this bill I said that all Members would have a fair opportunity to speak, and I would sure insist on that today. I think that they can express their views within the time limit I mentioned.

Mr. Chairman, I renew my unanimous-consent request and make it 35 minutes, because I think we ought to have a time limitation.

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

Mr. SCHERLE. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. STAGGERS. Then, Mr. Chairman, I would move that all debate on this amendment to the amendment in the nature of a substitute close in 40 minutes.

The CHAIRMAN. The question is on the motion offered by the gentleman from West Virginia (Mr. STAGGERS) that all debate on the pending amendment to the amendment in the nature of a substitute close in 40 minutes.

The question was taken, and the Chairman announced that the ayes appeared to have it.

Mr. FLYNT. Mr. Chairman, I demand a recorded vote.

A recorded vote was refused.

So the motion was agreed to.

The CHAIRMAN. The Chair will recognize the Members who were standing at the time the motion was made for somewhat less than 1 minute.

(By unanimous consent, Mr. FRASER and Mr. ECKHARDT yielded their time to Mr. ROGERS.)

(By unanimous consent, Messrs. FREY, McCOLLISTER, DENNIS, SCHERLE, DICKINSON, and McEWEN yielded their time to Mr. WYMAN.)

(By unanimous consent, Mr. WINN and Mr. ABDNOR yielded their time to Mr. PRICE of Texas.)

(By unanimous consent, Mr. PEYSER and Mr. FRENZEL yielded their time to Mr. HASTINGS.)

(By unanimous consent, Mr. DAVIS of South Carolina yielded his time to Mr. SATTERFIELD.)

(By unanimous consent, Mr. THORNTON and Mr. MATHIS of Georgia yielded their time to Mr. FLYNT.)

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. MICHEL).

Mr. MICHEL. Mr. Chairman, I rise in support of the amendment, and I use as justification for it part of the text of a hearing in the Appropriations Subcommittee several weeks ago on the supplemental appropriation request of EPA for an additional $10 million. At that time there was a discussion about automobile fuel consumption, and I made the same point on the floor of the House here right after that hearing, as follows:

Mr. MICHEL. Mr. Train, let me just very briefly take up where Mr. Andrews left off, on the example of the automobiles.

We have two automobiles, a 1972 and 1973. We drove them to Florida, same speed, same weight, and every time we stopped for gas the 1973 was the one that wanted to stop first and each time we filled up it took four gallons more than the 1972.

Are there any calculations, estimates that would show us in total how many more gal-

lons of fuel we are using in 1973 models over 1972 models, all told throughout the country?

Mr. BROGAN. We have published a report just recently dated October 1973, based on the testing conducted at the Ann Arbor, Mich., laboratory, based on the testing on engine dynamometers of precontrol cars, all the way through model year 1973, showing the impact of the controls before and after, starting with the 1968 model year.

Based on these data, the overall average is about 7 to 8 percent.

Mr. MICHEL. You mean if we are talking about barrels or whatever standard of measurement, we are saying 7 to 8 percent more fuel is required for 1973 models than for comparable number of 1972's?

Mr. BROGAN. In particular, the tests are conducted over a driving cycle which is representative of the commuter run of a morning to the heart of the city. We have found from other tests conducted by contractors throughout the United States that this is fairly representative of the way people drive throughout most of the United States.

So on that basis, since it is intended to simulate that driving cycle, that is pretty much the case.

Mr. Chairman, here is an opportunity to make some substantial savings in gasoline consumption that of itself would do more than all the speed limits, Sunday closings and what have you. I urge the adoption of the amendment.

The CHAIRMAN. The gentleman from Texas (Mr. PRICE).

Mr. PRICE of Texas. Mr. Chairman, this amendment could have a tremendous impact on fuel savings in a large majority of the United States. According to the 1970 census, 72.2 percent of the population lives in areas where the population is less than 100,000 and 55.2 percent live in communities of less than 25,000. Areas of this size would probably be similar to those which lack significant air pollution.

A factor of primary concern in the current shortage is the phenomenal increase in the demand for gasoline. This legislation would decrease that demand. Since 1962, the demand for gasoline has increased over 54 percent, and the Office of Emergency Preparedness—OEP—has reported that the demand for gasoline in the first quarter of 1973 was 5.5 percent higher than during the same period only 1 year ago. Several factors have contributed to the increase demand for gasoline, but of these factors, the single most important one—according to a study prepared by the Congressional Research Service at the request of the Senate Interior and Insular Affairs Committee—appears to be the gasoline penalty imposed by antipollution devices. Figures indicate that the new emission control devices on cars decreases mileage by 7 percent or more. OEP estimates that these devices have increased annual gasoline consumption by more than 300,000 barrels a day.

These devices have a greater impact than the number of new cars on the road first indicates. New cars are driven further than older ones each year; for example, a 1-year-old car is driven on the average of 13,200 miles a year in comparison to a 6-year-old car which is driven 8,700 miles a year. The percentage of emission-controlled cars increases daily, and the Chase Manhattan Bank has estimated that one-half of the expected growth in gasoline demand will be the result of emission control devices on late model automobiles.

A recent report printed in the April 1973 issue of the Oil and Gas Journal cited the following results of a study:

One private set of fleet tests indicated the mileage loss of 1971 models over 1970 at 7%, 1972, at 6%, and the 1973 over 1972 at 8%. This represented a cumulated mileage loss of 19%; but two direct comparative tests of 1973 models against 1970 models showed a loss ranging from 11% to 17% depending on the number of miles the 1970 models had been driven prior to testing.

These data showed much greater mileage declines than governmental tests made for the Environmental Protection Agency which reported losses of only about 7%.

This issue of Oil and Gas Journal also included a chart, which I have included here, with regard to gas mileage which will be helpful in seeing how stricter controls have reduced gas mileage which in turn has resulted in increased cost for automobile operation. Soon, these controls will bring us to the level of 6.8 miles per gallon which EPA recently released as the gasoline mileage of the 1974 Oldsmobile Toronado. The people in my district, which is one of the larger districts in terms of area, cannot feasibly live with cars which perform at such a gas-guzzling rate especially with rumors that gas will go up to a dollar a gallon.

A LOOK AT LATE MODEL AUTOS

	1970	1971	1972	1973
Horsepower [1]	268	253	168	165
Compression ratio	9.5	8.6	8.5	8.4
Axle ratio	2.74	2.74	2.74	2.77
Weight (pounds)	4,362	4,403	4,505	4,653
Acceleration (seconds):				
0-60 m/h	10.7	12.0	12.8	13.0
25-60 m/h	7.8	8.5	9.6	9.5
Miles per gallon	14.1	13.1	12.4	11.6

[1] 1970-71 data are gross horsepower, 1972-73 are net horsepower. All data are based on fleet tests of autos representing range of models produced by GM, Ford, Chrysler and are not averages for all U.S. autos.

Source: The Oil and Gas Journal, Apr. 16, 1973, p. 56.

The initial cost of this pollution control device on automobiles is an unnecessary waste of money for those in rural areas. The cost of this device is estimated to add $100 to $200 to the sticker price of a car to meet the 1975 interim standards. In a time when the buying power of our citizens has already been eroded—by increasing taxes—and income is decreasing, why should we force the people in areas where pollution is not a problem to purchase such devices. They should have the option to buy them just as they would any other accessory.

I urge my colleagues, representing both urban and rural districts, to support this legislation which would contribute greatly to energy savings—a goal which we all support.

The CHAIRMAN. The Chair recognizes the gentleman from Georgia (Mr. FLYNT).

Mr. FLYNT. Mr. Chairman, I strongly support the amendment offered by the gentleman from New Hampshire (Mr. WYMAN).

Mr. Chairman, I very seldom trespass on the time of this body. I have sat through these debate hearings continuously these 3 days, since the House took up consideration of this bill. This is the first time that I have spoken on the bill except to vote. This bill is supposed to be an energy conservation measure, and the amendment offered by the gentleman from New Hampshire if adopted will conserve more energy, save more energy fuel, and help alleviate the energy crisis more than all the rest of this bill put together.

There have been statements made in opposition to this amendment that the emission control devices do not increase the consumption of gasoline.

Mr. Chairman, every engineer, every mechanic, every automobile dealer, and almost every motor vehicle operator with whom I have talked estimates the added energy consumption caused by unnecessary emission control devices at anywhere from 7 to 30 percent.

One of my sons, who is an engineer and a pretty good mechanic, told me of an experiment he conducted with two almost identical standard automobiles—substantially the same size, weight, and specifications but of different year models. When the two cars stopped to fill both tanks, the newer car required 19 gallons and the older model of the same car required only 14½ gallons. The newer car with current emission control device standards consumed 24 percent more fuel under the same driving conditions.

Information furnished to me by the gentleman from New Hampshire indicates that over a 10-year period the adoption of his amendment would save in excess of $63 billion, an average of $6.3 billion a year in gasoline consumption costs alone. After that 10-year period the saving is estimated to be $3.8 billion a year. It is a matter of simple arithmetic to convert those figures to dollar volume and to gallonage and barrel volume.

Mr. Chairman, the extremes to which the Environmental Protection Agency has gone in this particular field of requiring the same emissions control standards for the desert wastelands as are required for the heavily populated metropolitan areas of this country are ridiculous in the extreme.

If this amendment is adopted, I would hope that it would be followed by another amendment to permit any metro area not specified to be included upon request of the Representative and two Senators who represent such area desiring to be included.

Mr. Chairman, I urge the adoption of the Wyman amendment as a common sense approach to combatting our fuel and energy shortages which in no way compromises our national commitment to preserve the public health and environment.

In 90 percent of this country, fifteen-sixteenths of the geographical United States, there is no significant air pollution related to automobile emissions. The complete removal of all auto air pollution devices will not cause an increase in present levels of pollution in that 90 percent of our country. Yet, at this time, the extreme emission requirements of the Clean Air Act impose on all residents of the United States the same standards, which standards are needed in only 10 percent of the country. The amendment offered by Mr. WYMAN does not relax our commitment to environmental protection; rather it restores reasonableness to our environmental protection program.

The amendment offered by Mr. WYMAN will result in a substantial saving of gasoline. A significant study of the fuel penalty due to emissions controls reported that—

First. A 1973 car uses 9.4 percent more gas than a 1970 car, after allowances for weight differences.

Second. The 1973 cars burn 17 percent more gas than uncontrolled pre-1968 cars, after allowance for weight differences.

Third. The 1975—now 1976—auto emissions standards are expected to produce a fuel penalty of 24 percent, as compared to pre-1968—no controls—cars.

Fourth. The 1976—now 1977—NOX standards are estimated to increase the fuel penalty to 42 percent, compared to pre-1968 cars.

With the implementation of the Wyman amendment we would immediately conserve 17 to 20 percent of the millions of gallons of gasoline our cars consume.

In September 1973, the Yale University Medical School issued a report on its study of automobile emissions. Among its findings were:

First. While certain particulates can be a threat to health in the general population, it is already known that the three controlled automobile emissions are not in this category.

Second. The costs of controlling automobile emissions to the degree required by the law as now written far outweigh any expected benefits.

The final report of the Committee on the Cumulative Regulatory Effects on the costs of automobile transportation made to the Office of Science and Technology in 1972 showed that over a 10-year period the costs of emissions controls would exceed the benefits by $60 billion.

The facts prove that present standards are wrong and wasteful. I urge adoption of the Wyman amendment as an effective and positive step by the House of Representatives to correct ineffective regulations that promote a wasteful national gasoline consumption policy.

I have today been informed that approximately 80 percent of the provisions contained in the bill reported by the Interstate and Foreign Commerce Committee are in existing law and where funds are required they are already funded by current appropriations. I have not personally verified this, but I trust the source of my information.

The Federal Energy Administration which will be created to administer this bill if enacted into law in its present form and substance will be an administrative nightmare, and the problems that we will face as a result of the administration of these provisions will be worse than those we have already encountered in the administration of the Economic Stabilization Act by the Cost of Living Council.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. REES).

Mr. REES. Mr. Chairman, I am strongly opposed to this amendment. Air pollution is a killler.

I would like to know why the American automobile industry cannot make a pollution-free car. The Japanese have now qualified three cars to 1975 air pollution standards and they have efficient motors, whether it be a Wankel or whether it is a stratified charge motor, but Detroit cannot. They come here begging and claiming they cannot give us a clean motor, and the Japanese have three.

We are ripping apart the whole environmental fabric of this country so that Detroit can keep turning out more and more air pollution spewing big, big cars which give 9 miles to the gallon.

I wish to insert in the RECORD the consent decree of the big automobile companies with the Department of Justice when they more or less were found guilty of conspiring over a 16-year period to delay research and testing and development and installation of effective air pollution control and equipment on motor vehicles. This consent decree is dated September 11, 1969.

The decree is as follows:

CONSENT DECREE

The Department of Justice filed today a proposed antitrust consent decree prohibiting the four major auto manufacturers and the Automobile Manufacturers Association from conspiring to delay and obstruct the development and installation of pollution control devices for motor vehicles.

The decree also requires them to make available to any and all applicants royalty-free patent licenses on air pollution control devices and to make available technological information about these devices.

Attorney General John M. Mitchell said the decree, filed with the United States District Court in Los Angeles, would be submitted to the court for final approval in 30 days. Its provisions would become effective immediately thereafter.

The proposed decree, signed by General Motors Corporation, Ford Motor Company, Chrysler Corporation, American Motors Corporation, and the Association, would conclude a civil antitrust suit filed by the Department on January 10, 1969.

Mr. Mitchell said that the proposed decree "represents strong federal action to encourage widespread competitive research and marketing of more effective auto antipollution devices."

Mr. Mitchell said that a continuation of the suit—which may have taken years in court litigation—would have delayed Justice Department efforts to end the alleged conspiracy and its efforts to encourage immediate action by the automobile companies.

The Attorney General said that the consent decree should spur aggressive competitive research and development efforts by each auto company and by other companies, and therefore should prove to be a substantial benefit to the health and welfare of all metropolitan area residents—especially those in the Los Angeles Basin which has the most serious smog problem in the nation.

The Attorney General also said that the judgment is in line with the massive antismog program announced two weeks ago by Dr. Lee A. DuBridge, President Nixon's science advisor, at a meeting of the President's Environmental Quality Council.

Dr. DuBridge said, "Nowhere is there a greater need for urgency than in the field of air pollution, which affects directly the health and comfort of our people. I think speedy resolution of this case will promote competitive research and development in the design and installation of smog control devices and represents an important step forward in the fight against pollution."

The Department of Health, Education, and Welfare, which administers the Clean Air Act, and representatives of the Air Resources Board of the State of California, have expressed satisfaction with terms of the proposed consent decree.

Assistant Attorney General Richard W. McLaren, head of the Department's Antitrust Division, said the judgment represented a successful conclusion to a suit filed only eight months ago. He pointed out that the Government had achieved all significant relief sought in the complaint and all that could have been obtained after a full trial. In addition, he said, the Government had obtained certain relief pertaining to auto safety.

Moreover, Mr. McLaren noted that the public benefits of the decree will be realized immediately, instead of after protracted and uncertain litigation.

Main provisions of the proposed judgment are:

The auto manufacturers and the Association are prohibited from restraining in any way the individual decisions of each auto company as to the date when it will install emission control devices, and from restricting publicity about research and development in this field.

They are prohibited from agreeing not to file individual statements with governmental agencies concerned with auto emission and safety standards, and from filing joint statements on such standards unless the governmental agency involved expressly authorizes them to do so.

They are required to withdraw from a 1955 cross-licensing agreement and to grant royalty-free licenses on auto emission control devices under patents subject to the 1955 agreement to all who may request them. The Association is also required to make available all technical reports exchanged by the four auto producers in the past two years under the 1955 agreement.

They are prohibited from agreeing to exchange their companies' confidential information relating to emission control devices or to exchange patent rights covering future inventions in this area.

They are ordered to discontinue their joint assessment of patents on auto emission control devices offered to any of them by outside parties as well as their practice of requiring outside parties to license all of them on equal terms.

The original suit, charging violation of the Sherman Act, said the defendants and others delayed the manufacture and installation of auto emission control devices by agreeing to suppress competition among themselves in the research and development of such devices.

To this end, the suit asserted, they agreed that all industry efforts in this field should be undertaken on a noncompetitive basis; that each would install such devices only simultaneously with the others; and that they would restrict publicity about research efforts in the auto air pollution field.

The complaint charged that on at least three separate occasions the defendants agreed to try to delay the installation of auto emission control devices.

The suit also charged the defendants with having agreed not to compete with each other in the purchase of patent rights covering such devices from outside parties. The suit asserted that the defendants and others had agreed in 1955 to share their patents in this field with each other on a royalty-free basis. In addition, the suit said, they agreed to appraise jointly any patent for an emission control device offered to any one of them by an outside party, and each agreed not to accept a patent license from any outside

party without insisting on equal treatment for the others.

Named as co-conspirators in the suit, but not as defendants, were Checker Motor Corporation, Diamond T Motor Car Company, International Harvester Company, Studebaker Corporation, White Motor Corporation, Kaiser Jeep Corporation, and Mack Trucks, Inc.

Mr. Chairman, this decree prohibits Detroit from doing what they had been doing since 1955 because they did not and would not recognize the need for air pollution control devices.

Mr. Chairman, I would also like to enter into the RECORD at this point a press release dated October 10, 1969, by 46 Members of Congress demonstrating their resentment over what they felt the consent decree did not do. We wanted tougher action.

Mr. Chairman, I think it is a terrible thing that in the greatest industrial country in the world we have an industry that has done so little about air pollution, who cares so little about the health of our citizens.

The press release is as follows:

AUTO SMOG CONSPIRACY CASE: 46 CONGRESSMEN JOIN IN BIPARTISAN LEGAL ACTION TO OPPOSE OUT-OF-COURT CONSENT DECREE SETTLEMENT, AND DEMAND OPEN TRIAL OF AUTO SMOG CONSPIRACY SUIT

WASHINGTON, D.C. October 10, 1969.—46 Members of Congress, representing more than 20,000,000 citizens across the country, have filed suit in U.S. District Court in Los Angeles in opposition to the federal government's proposed consent agreement, and are asking instead for a public trial of the civil anti-trust conspiracy case now pending against the Big-4 automakers and the domestic Automobile Manufacturers Association.

The suit accuses the major carmakers, and their politically-powerful Washington lobby, of conspiring over a 16-year period to delay research, testing, development, and installation of effective air pollution control equipment on motor vehicles.

The legal petition to enter the historic auto-smog case, was initiated by a bi-partisan group of Congressmen, including Representatives Daniel Button (R–NY), Jerry Pettis (R–Calif.), Edward Roybal (D–Calif.), and William Ryan (DL–NY), who denounced the Justice Department's decision of September 11 to seek an out-of-court consent decree settlement as clearly contrary to the public interest.

"Because of the overriding national significance of this landmark clean air protection case, it is essential that this behind-the-scenes offer to settle be summarily rejected by the Court, as not being in the best interest of the American consumer, and that we proceed without delay to an open trial of the vital issues involved," the Congressmen declared.

"From a nationwide public health standpoint, we know that deadly car exhaust fumes cause more than 50% of America's total air pollution, and medical evidence has associated these toxic substances with higher rates of serious illness and mortality from asthma, emphysema, lung cancer, chronic bronchitis and heart disease," the lawmakers asserted.

"In addition, federal authorities estimate that nationwide property damage caused by corrosive pollutants contaminating the atmosphere amounts to some $13 billion a year.

"The offer to settle out-of-court, and avoid an open trial, threatens to forfeit the public's right-to-know and be fully informed of the true facts about this alleged conspiracy," they charged.

"It also severely weakens the deterrent effect of the anti-trust laws, which would flow from a full trial of the basic legal questions at issue.

"Moreover, by denying the injured parties the right to use the evidence compiled by the Federal Grand Jury during its intensive 18-month investigation, the consent agreement would also virtually eliminate any possibility of future health or economic damage recovery actions by local municipal or state governments, business firms, or private citizens (contrary to the successful experience with the recent precedent-setting antibiotic drug price-fixing case).

"For instance," the legislators pointed out, "Los Angeles County and the City of New York have already filed claims for substantial auto smog damages, and have petitioned the Court to allow them to intervene as parties to the case in order to protect the vital interests of their citizens in an open public trial on the merits—as well as to be able to utilize all available Federal Grand Jury evidence to establish the facts of the anti-trust conspiracy."

Officials in Chicago have also filed a similar taxpayers' suit asking $3 billion in health and property damages, claimed to have been suffered by Chicago area residents over the past 16 years, due to air pollution resulting from the auto manufacturers' alleged smog equipment conspiracy.

"If the government's proposed consent decree settlement is approved, however, the New York, Chicago, and Los Angeles claims, along with all other such efforts, will undoubtedly be lost," the Congressmen said.

"For that reason, we feel it is important that public officials and individual citizens, alike, take this opportunity to indicate to the Federal District Court that an open trial is imperative, if the cause of justice and the public interest is to be served.

"We believe this case could well become a legal watershed toward our national goal of promoting effective consumer protection for all Americans," they concluded.

The list of signers of the Congressional anti-smog petition includes: Representatives Joseph Addabbo—NY, Glenn Anderson—Cal, Mario Biaggi—NY, Jonathan Bingham—NY, John Blatnik—Minn, John Brademas—Ind, George Brown—Cal, Phillip Burton—Cal, Daniel Button—NY, Shirley Chisholm—NY, William Clay—Mo, Jeffery Cohelan—Cal, John Conyers—Mich, James Corman—Cal, Don Edwards—Cal, Leonard Farbstein—NY, Jacob Gilbert—NY, William Green—Pa, Augustus Hawkins—Cal, Richard Hanna—Cal, Chet Holifield—Cal, Andrew Jacobs—Ind, Harold Johnson—Cal, Joseph Karth—Minn, Edward Koch—NY, Robert Leggett—Cal, John McFall—Cal, George Miller—Cal, William Moorhead—Pa, John Moss—Cal, Thomas O'Neill—Mass, Richard Ottinger—NY, Jerry Pettis—Cal, Bertram Podell—NY, Adam Powell—NY, Thomas Rees—Cal, Fred Rooney—Pa, Benjamin Rosenthal—NY, Edward Roybal—Cal, William Ryan—NY, James Scheuer—NY, B. F. Sisk—Cal, John Tunney—Cal, Lionel Van Deerlin—Cal, Jerome Waldie—Cal, and Charles Wilson—Cal.

The CHAIRMAN. The Chair recognizes the gentleman from Maine (Mr. KYROS).

Mr. KYROS. Mr. Chairman, I rise in opposition to the amendment only because I think it would destroy a very carefully drawn scheme to provide clean air for this country. Although this amendment superficially sounds like an attractive measure to conserve gasoline, in reality it would save nothing, because the ultimate plans to put clean air into effect would not be realized and stationary sources, such as factories and powerplants, would have to be curtailed or completely shut down to achieve the clean air standards which would be affected throughout the Nation by this measure. For these reasons alone, I believe this amendment would fail in conservation of fuel and cause further degradation of our environment.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. O'BRIEN).

Mr. O'BRIEN. Mr. Chairman, I support the Wyman amendment. I would like to comment that the impact of the gasoline shortage has been felt in my neighborhood, most recently with respect to our Community Action program. Just as recently as yesterday, the director of our Community Action program, Mrs. Doris Dalton called, her program is about to be curtailed for lack of gasoline. That program is an extremely well administered one. We operate 10 or 11 minibuses, taking care of Headstart, Meals on Wheels, Foster Grandparents, and other worthwhile projects.

Thanks to the understanding and help from the Hauck Oil Co. officials, I was able to obtain gasoline so that the program might continue. If that program were cut back 25 percent, it would have a serious impact on our community.

I would make one modification, however. I would restrict the effective period of the bill to 1975, instead of extending it to include 1976 as well, at this early date.

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts (Mr. CONTE).

Mr. CONTE. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The Chair recognizes the gentleman from Virginia (Mr. SATTERFIELD) for about 2 minutes.

Mr. SATTERFIELD. Mr. Chairman, I rise to make a point which has not yet been mentioned during this debate. There is something more involved here than mileage in an automobile, that is the impact of what we have done and what we are going to do in this bill to the total fuel available.

The bill before us as presently perfected will require the installation of catalytic devices on automobiles, devices of dubious value in terms of durability, in terms of health and in terms of effectiveness. In order for these devices to operate effectively they must use gasoline without lead additives. It is a fact that we can get more gallons of gasoline with lead added from a barrel of crude oil than we can of gasoline without lead additives. Moreover, by permitting the use of leaded gasoline, by not requiring catalytic devices we would enable manufacturers of new automobiles to increase the compression ratios of their engines which because of increased efficiency would increase motor vehicle mileage per gallon. We would at the same time erase the penalty of decreasing the amount of gasoline per barrel which results from producing nonleaded motor vehicle fuel.

I think we should recognize that the automobile industry is set up now to produce vehicles designed to operate on 91 octane gasoline. To produce 91 octane, lead free gasoline and to bring up the

pool which averages 88.5 octane to 91 octane will require the utilization of additional aromatics in each barrel.

The net result is not just less gasoline but it will result also in an additional 6 percent shortage in feed stock of petrochemicals. So what we are talking about here is not just gasoline consumption in the automobile, but the effects of the bill we are considering on all the products that are produced from a barrel of crude oil.

It is extremely important to recall the shortages which have already occurred in the petrochemical industry and to be aware of the fact that if we proceed as we are in this bill, we are going to suffer shortages in gasoline and other byproducts of crude oil, especially in petrochemicals.

The CHAIRMAN. The Chair recognizes the gentleman from Indiana (Mr. ZION).

Mr. ZION. Mr. Chairman, most people speaking on this amendment find it all good or all bad. I think the truth is somewhere in between.

I have just been talking with the people from General Motors, who told me, yes, it is possible to easily disconnect some of these parts associated with the emission control devices.

But, that probably special kits and specially trained people will be required to completely dismantle them at a cost of somewhere in the neighborhood of $35. That is on the bad side.

On the good side though, is an investigation which suggests that if the 1970–71 models were re-tuned according to the provisions of this amendment, we would save in the neighborhood of 2.7 billion gallons of gasoline per year. So, it is both good and bad. On balance, I think it is good, and I intend to support the amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania (Mr. HEINZ).

Mr. HEINZ. Mr. Chairman, I rise in opposition to the Wyman amendment.

While the amendment has the good intention of improving fuel economy of automobiles during the energy crisis, I oppose the amendment. I do so precisely because I do not believe that it will help this Nation's energy situation either this year or next. The simple reason is that Detroit will not, and physically cannot, produce one new vehicle without pollution control equipment until at least mid-1975, perhaps later. This is so because the engineering and tooling lead-times necessary to make engine compression ratio and other changes to increase gas mileage cannot be accomplished overnight. Such modifications would require 14 to 20 months and could be accomplished only after considerable trouble and expense to those who must eventually pay the bill—the American consumer. And that cost would be much more expensive than might be expected since automobile manufacturers would be forced to turn out two completely different lines of cars—those to be sold in areas of significant auto-related air pollution and those to be sold in areas without significant pollution.

In the meantime, while we await these changes by the manufacturers, the 1975 automobiles and perhaps some 1976's would be turned out with the 1974 engines. Of course, this would mean that the worst gas-guzzling automobile engines, the same engine that gives us the worst performance—I refer to the 1974 engines—would be with us at least until 1976.

Such a turn of events, Mr. Chairman, would be ridiculous for it would mean that American drivers would be compelled to endure 2 more years of poor performance gasoline mileage from their automobiles. What would be even more ridiculous is that they would be doing so in the name of saving fuel—which is exactly opposite of what would result.

Mr. Chairman, in its consideration of this bill, the Committee and its Health and Environment Subcommittee, of which I am a proud member, took matters into consideration. We knew that better mileage and better performance are needed if we are to cope with this Nation's energy crisis. The committee and the subcommittee, therefore, retained the 1975 auto pollution standards for 1976, because the 1975 automobile air pollution equipment will include new catalytic converters, allowing the new cars to be returned for better gas mileage along with better performance. General Motors testifies that these 1975—and now their 1976 and 1977—cars, which will be on the market next September will get an average improvement of 13 percent in gas mileage over their 1973 models.

Therefore, Mr. Chairman, Mr. WYMAN's amendment would not save us fuel. Nor would it allow improvement in vehicle performance. Rather, it would result in the same poor mileage, the same poor driveability and, I might add, the same dirty emissions for nearly 2 years.

If we accept the committee changes in the Clean Air Act, then starting in just 8 short months we will have new cars with better mileage, better performance, and cleaner exhaust.

The committee modifications are responsible and reasonable. They mean gasoline will go further during this energy crisis. They mean American automobiles will perform better. They mean cleaner air. I urge the Members of this House to vote "No" on this amendment.

The CHAIRMAN. The Chair recognizes the gentlewoman from New York (Ms. ABZUG).

Ms. ABZUG. Mr. Chairman, I rise in opposition to this amendment. It would seriously weaken the Clean Air Act and the progress the Nation has made to date relative to air pollution.

The amendment itself is puzzling. It treats automobiles as regional commodities and presupposes that only in metropolitan areas is there an air pollution danger. Implicitly, it assumes that pollution within metropolitan areas remains in metropolitan areas having little or no effect upon the hinterlands. Such assumptions are patently false.

Furthermore, the amendment treats emissions from mobile sources as being distinct and unrelated to emissions from stationary sources. The fact is that many of the pollutants produced by both sources are the same and they produce air quality which is dangerous to the public health and the environment. Essentially, I am saying that the pollutants emanating from automobiles without emission control devices will combine with pollutants emanating from stationary sources to create hazardous health and environmental conditions.

The provisions of the amendment exempting from emission control requirements the automobiles of those who reside outside of major metropolitan areas will be difficult to enforce and assumes that those cars will not enter areas with significant air pollution.

If a person lives outside of a metropolitan area, but purchases his auto from a dealer within such area, is that car to be equipped with emission controls devices or not? And what if a person from a metropolitan area was to purchase a car from a dealer in the country?

If a city dweller owns a home in the country, might the country home be used as a means of escaping the emission control requirements?

Since most people live in or near metropolitan areas, it can safely be reasoned that their automobiles will find their way into those areas. It would be blatantly inequitable for such cars to traverse such areas, when autos registered within them would have to be equipped with pollution control devices.

I urge my colleagues to oppose this amendment.

Mr. MOSS. Mr. Chairman, would the gentlewoman yield?

Ms. ABZUG. Mr. Chairman, I yield to the gentleman from California.

Mr. MOSS. Mr. Chairman, I would just like to raise two points. I wonder if the enumerated metropolitan areas would have the right to bar from those areas automobiles coming from the other portions of the country not properly equipped to meet the standards in those areas? I would ask the gentlewoman from New York if she would yield to the gentleman from New Hampshire in order that he might respond.

Ms. ABZUG. Mr. Chairman, I yield to the gentleman from New Hampshire.

Mr. WYMAN. Mr. Chairman, the answer is "No." As I have stated, studies have shown that the itinerant in-and-out traffic would not adversely impact on the ambient air quality of these areas. In short, there just is not enough of it to endanger health or warrant exclusion of these vehicles from such areas.

The CHAIRMAN. The Chair recognizes the gentleman from Missouri (Mr. RANDALL).

Mr. RANDALL. Mr. Chairman, for those who would argue that the amendment of the gentleman from New Hampshire emasculates the Clean Air Act have only to look at the map which he has prepared. Ninety-five percent of the areas of the United States have no significant air pollution problems. All his amendment does is suspend the automation requirement for cars registered to

those residents of the United States that presently have no pollution problems.

Mr. Chairman, I am most grateful to get just a few remarks in on this limited time. Honestly, it has been very frustrating for the last 3 days to get up again and again seeking recognition only to have a member of the Interstate and Foreign Commerce Committee recognized in every instance and have to step aside. It should be the privilege of every Member to participate in debate.

Mr. Chairman, I think it should be obvious that motor fuel can be conserved if we can modify some of the emission devices now on later model cars. What has not been either mentioned or emphasized is that while removal of these devices would save gas at ordinary speeds of 60 or 65 miles per hour, there would be even a greater saving at speeds of 50 or 55 miles per hour because modern motor cars were not designed to be driven efficiently at these reduced speeds. But the efficiency of modern cars will be increased if we modify or remove one or two emission devices.

Another item that I want to crowd in, in my limited time, is a quotation from the Yale Medical School out of a report it issued in September 1973 after its study of automobile emission devices—"While carbon particulates can be a threat to health in the general population, it is already known that the three"—and there are only three—"pollutants which are presently controlled by automotive emission devices are not in this category that will be a threat to the health of the general population."

Maybe most of our Members did not attend Yale University, but even if not, we can believe a report on a long study from such a prestigious institution as Yale.

Mr. Chairman, the gentleman from New Hampshire has been good enough to point the way to a sensible approach in trying to conserve some motor fuels. All he does by his amendment is suspend auto emission requirements for cars registered to residents of those parts of the United States having no significant air pollution for the duration of the energy crisis. Then he proceeds to define those areas that have significant air pollution problems, and these are excluded from the terms of his amendment.

Note well that the gentleman from New Hampshire suggests no permanent abandonment of the worthwhile goals of the Clean Air Act. Rather, he simply says that it should be suspended until January 1, 1977, or the date on which the President declares the shortage of petroleum is at an end. What could be more sensible and more logical if we are really interested in conserving motor fuel?

The gentleman's amendment quite properly provides that it does not apply to those persons that reside in geographic areas now designated by the Administrator of the Environmental Protection Agency as having significant air pollution.

I would not attempt to challenge his estimate of the saving of oil as inaccurate, because I have confidence in the gentleman's reputation for truthfulness and veracity. Therefore I believed him when he told us awhile ago that if emission devices were modified or removed, there would be a saving of 300,000 barrels of oil per day. If my memory serves me correctly, there are 40 plus gallons per barrel. Think of the saving that can be accomplished.

Well, the worthwhile objective of this amendment is simply to conserve motor fuel. When the time comes there may be a record vote on this issue. I would hope that only those who represent the Amish area in nearby Pennsylvania where there are very few motor cars would vote against the amendment. Those from other parts of the country who vote against this amendment would demonstrate that they may not have as strong and abiding interest in the conservation of gasoline as present conditions demand of the rest of us.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. HASTINGS).

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

Mr. HASTINGS. I yield to the gentleman from Pennsylvania.

Mr. HEINZ. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I wish to reiterate for the RECORD: I oppose the amendment. I do not support the Wyman amendment. In fact, I strongly oppose it for the reasons I indicated earlier, and I urge my colleagues to defeat the amendment.

Mr. HASTINGS. Mr. Chairman, I am somewhat disturbed about what is taking place. I share the concern that the gentleman from New Hampshire does. Of course, every Member in this House does.

However, if we are going to do what we seem to be doing with this amendment by approving it, why do we not just get rid of the Clean Air Act and throw it out? Because that is what we are going to do if we do approve this amendment.

If we want to do that, I think that is what we ought to consider in a separate action.

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

Mr. HASTINGS. Just briefly.

Mr. ROUSSELOT. I thank the gentleman for yielding. Mr. Chairman, I suggest that is an unfair statement. The gentleman from New Hampshire is not trying to get rid of the Clean Air Act. He supports it. All he is trying to do is modify the terms and arrange a national adjustment.

Mr. HASTINGS. Mr. Chairman, I appreciate the gentleman's comment.

I want to say that when we look at this amendment, it says that it suspends the standards until 1977 or until such time as the emergency is over, whichever is later.

The cars that are going to be on the road in 1977 are going to be those engineered in 1974 and they are going to have certification tests made in 1975, and if then the suspension will terminate in 1977, what kind of a device are they going to have on them, since then the suspension of the Clean Air Act will allow existing or future standards to be in effect?

Then we will be in great big trouble.

Sometimes I think we forget that this House wrote the Clean Air Act. It did not come down to the Congress by heavenly mandate; we wrote the Clean Air Act and set into motion everything that has been done in the automotive business today to meet the standards that this Congress gave authority to the Administrator of the EPA to promulgate.

Now, we would like to suggest that somebody else took this action, and that, in fact, we are going to try to correct that action taken by somebody else out there.

Well, we did it. We started everything into motion that is in motion today in regard to automobile emission and the limiting factors therein, and now in the middle of the stream we are going to make some switches.

We did that in suspending the standards of 1975, and last night my amendment kept it in effect for 2 years. That is a compromise approach.

Mr. Chairman, I strongly urge that the House defeat this amendment.

The CHAIRMAN. The Chair recognizes the gentleman from North Carolina (Mr. MIZELL).

Mr. MIZELL. Mr. Chairman, I rise in support of this amendment, because I think it is obvious what we are trying to do here is to find a means for conserving energy in this country.

Statements in debate indicate that by suspending emissions control devices on automobiles where it has been proven that there is no adverse effect on the environment or health will significantly save large amounts of needed gasoline. In fact, the savings of gasoline will probably amount to more than all of the emergency standards that we have imposed up to this point.

So we are dealing with an emergency, and, therefore, this requires emergency action.

I compliment the gentlemen for introducing this amendment, and urge all my colleagues to support it.

The CHAIRMAN. The Chair recognizes the gentleman from Minnesota (Mr. NELSEN).

Mr. NELSEN. Mr. Chairman, I think my colleague, the gentleman from New York (Mr. HASTINGS) made a very, very important point.

Our committee and the subcommittee that I serve on as ranking Member on our side wrote the clean air bill, brought it to the floor, and it was passed in the House; then it went to conference.

I am frank to say that I am one of those on the committee who is a mechanic, and I was of the opinion early that we were making demands and asking for standards which were much too severe and that could not be met in the time we set out in the bill.

However, we are on the road now, and we are moving ahead with engineering devices that are now coming up in the automotive industry. The industry is moving in the direction that we hoped they would in implementing it.

There are some changes that are being made, and I am informed by the manufacturers that they are moving as we want them to move, and I believe we are going to find some of the things which we do not like corrected in the very near future.

Mr. Chairman, I oppose the amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Indiana (Mr. MYERS).

Mr. MYERS. Mr. Chairman, I rise in strong support of this amendment.

We must recognize we passed in this Congress a Clean Air Act because we were concerned about the environment. That goal has not changed. We are still concerned about the environmental conditions. But today we have another problem that we did not have then, namely, a shortage of petroleum products.

We have the opportunity in this amendment to correct part of the shortage problem by adopting this amendment. We can also live with the Clean Air Act standards where they are most needed. This amendment accommodates them because it provides that in the areas most severely affected we will continue to use auto emission controls. It will provide for research to be developed in the near future so that we can satisfy the auto problems of today and the other problems about getting increased mileage. Through the use of better equipment we can come back to present standards sometime in the future. Mechanics tell me that there are other things you can do on existing automobiles, such as setting back the temperature, adjusting the timing, changing the compression, and so forth, minor changes which can bring about great increases in mileage.

I see no reason why we should continue to penalize every driver in the country, because we do have a few local areas with air quality problems.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. Mr. Chairman, I rise not to argue the merits of the amendment but to point out technical defects in the drafting of it.

I think my colleagues ought to understand, with all due respect for my good friend, the gentleman from New Hampshire, the author of the amendment, that he has either offered an amendment which is grossly mischievous or which is very poorly drafted.

The function of the amendment is to say that there will be no more requirement for the connecting up of air pollution abatement devices in any area outside of the red area on the map. Even in times of intense air pollution alerts and crises without prior action by the Congress the Administrator of the EPA cannot require those connections nor, in fact, may the local air pollution authorities nor, in fact, may the State air pollution authorities.

I think all of us ought to know, for example—and my good friend, the gentleman from Indiana (Mr. MYERS), spoke about this—there have been air pollution alerts in his area, in Miami and Dallas, Birmingham, Ala., New Orleans, and various other cities.

The CHAIRMAN. The Chair recognizes the gentleman from New Hampshire (Mr. WYMAN).

Mr. McEWEN. Will the gentleman yield?

Mr. WYMAN. I yield to the gentleman.

Mr. McEWEN. Mr. Chairman, I rise in support of the amendment offered by the gentleman from New Hampshire.

If we adopt this amendment, Congress will not repeat the mistakes we have made in the recent past. This amendment will provide us with an opportunity to avoid what appears to be a costly and damaging overreaction in the 1970 amendments to the Clean Air Act.

Now that we have been living with these auto emission controls for a number of years, there has been an opportunity to gather some data and evaluate the standards set down by the 1970 amendments. There are questions being raised about these very strict standards and whether they are necessary to meet the goal of the 1970 amendments which was to avoid a substantial threat to public health.

I am sure there have been many studies done in this area, but one has come to my attention recently which may shed some light on this question. It was published by Du Pont's petroleum laboratory in September 1973 and is entitled "Relationship Between Automotive Emissions and Ambient Air Quality Levels". This study is principally concerned with carbon monoxide, one of the five pollutants for which ambient air standards have been published. The study concludes that ambient air quality standards can be achieved in even the most polluted urban areas with vehicle emission rates averaging 29 grams per mile.

The Environmental Protection Agency is currently enforcing a standard of 39 grams per mile. The 1974 interim standards will require 15 grams per mile and if the 1975 statutory standards come into effect, they will reduce the figure to 3.4 grams per mile. I am not a scientist and do not pretend to be an expert in this incredibly complex area, nor do I deny the fact that Du Pont may well have a bias since they are one of the leading producers of the lead that is added to gasoline to increase octane levels.

However, Mr. Chairman, the Du Pont Corp. has a multimillion-dollar research and development operation and a long-standing valuable corporate reputation to uphold. I do not believe this study is a fabrication, and if it is only half right; that is, if 15 grams per mile would achieve the ambient air standards, the EPA is asking for a standard that is more than three times as strict as what is required. In these times of serious petroleum deficiencies, we cannot afford to overshoot the mark. It is important that we achieve a healthy environment in those areas where the air is unsafe, but there is not enough petroleum to achieve a higher standard than that.

This situation is unfortunately reminiscent of miscalculations that have been made by regulatory agencies in the past. A subcommittee of the House Appropriations Committee last summer heard some shocking examples of how easily a reasonable finding can get carried to a ridiculous extreme. The immensely powerful regulatory agencies, which exert control over almost every phase of our daily lives, have overacted to scientific findings all too often. For example, the Appropriations Committee translated the dosage of various ingredients that caused cancer in laboratory animals into equivalent amounts in men and found that in order to get an amount of oil of calamus comparable to that which caused effects in rats, a person would have to drink 250 quarts of vermouth a day. A more familiar example is cyclamates. A 12-ounce bottle of soft drink may have contained from one-quarter to 1 gram of sodium cyclamate. An adult would have had to drink from 138 to 152 12-ounce bottles of soft drink a day to get an amount comparable to that causing effects in mice and rats.

I understand that the Committee on Public Works of the other body has commissioned a study by the National Academy of Sciences which will review the health effects of those air pollutants for which national ambient air quality standards have been published. I commend this action and urge all Members to take the only reasonable position possible in light of the obvious need for that study and others like it. That is, to roll back these standards to a reasonable level until we have more reliable information upon which to base the standards.

Mr. YOUNG of South Carolina. Mr. Chairman, will the gentleman yield?

Mr. WYMAN. I yield to the gentleman.

Mr. YOUNG of South Carolina. I appreciate the gentleman's statements on this. I live so far out in the country that the birds do not fly there, and I wonder why we have to have emission controls out there.

Mr. WYMAN. I thank the gentleman.

I realize that some have commented that this is an emotional subject. I will try to avoid being emotional, but I would like to straighten out a few misstatements that have been made in the course of debate.

I agree the language of the amendment may not be in the most perfect form but its intent is crystal clear. There would be no difficulty following its mandate. I do not agree with the statements just made by my colleague, the gentleman from Michigan (Mr. DINGELL) that the administrator would not know how or where to designate auto emissions caused air pollution areas that "significantly and severely" impact on public health.

It is clear that he can designate areas which are listed in the amendment. Areas abutting those areas have been included. But he must find they are significantly adversely impacted by air pollution from automobile emissions.

The point and thrust of this amendment is that there is no sense in burdening the entire United States, 95 percent of its geographical area, for the 5 percent of the United States which has emission

related air pollution problems. There is no sense in imposing an enormous capital cost running at billions annually, and an enormous energy loss to the Nation by requiring emissions controls for the entire Nation. You do not emasculate the Clean Air Act one whit by taking off the emission controls on cars in those parts of this country that have no significant air pollution from automobiles. This is 95 percent of the United States of America.

To suggest in some manner, as has been done by the gentleman from New York, that people cannot take the emission controls off their cars under my amendment is to disregard the plain language of the first provision of the amendment. The power of the Administrator to impose any requirement in America on emission controls until January 1977 on cars registered to persons who live in the white portions of this map is suspended. This is crystal clear.

Now, this will save fuel in significant amounts. You can argue weight, you can argue all manner of things, but there is no question about the fact that to take off these emission controls will save fuel. And anyone can prove this with his own car.

The automobile industry has been severely maligned here today. The automobile industry in American is doing everything it can to try to produce clean cars, trying to develop either a stratified charge or any other form of internal combustion that will reduce what comes out of that exhaust pipe in the interest of public health.

I fully expect that the automobile industry in this country will come up with an efficient smaller engine, which will meet pollution standards, and will meet them soon. As a matter of fact many of the cars in this country made prior to 1968 meet the present air emissions requirements. Their combustion systems were a different breed of cat.

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

Mr. WYMAN. I yield to the gentleman from Mississippi.

Mr. WHITTEN. Mr. Chairman, I thank the gentleman for yielding, and may I say, Mr. Chairman, that our committee which has had hearings on the EPA for the last 3 or 4 years, developed the fact that in 40 instances Congress has set specific dates for certain actions without regard to whether such deadline could be met. Evidence in many cases indicated that such deadlines could not be met without new discoveries or inventions. The Congress this year approved $5 million to get the National Academy of Sciences to make a study of the actions of the environmental Protection Agency and to report to us the facts. The matter of automobile emissions, including gasoline consumption, ranks high on the list of needed studies. Apparently the facts do not justify the additions on automobiles.

Mr. WYMAN. I thank the gentleman from Mississippi for his comments.

Mr. Chairman, let me briefly point out to the environmental enthusiasts, of which I am one, that there is no health problem caused, required, or proposed by this amendment.

The Clean Air Act deals with other emission sources, stationary and other. The Environmental Protection Agency has depicted such areas in this country and I hold a map now before the House that shows the extent of this. It is much broader than the areas with auto emissions problems. We did not reproduce it with an overlay because we did not have time. It shows that the parts of this country that have pollution problems do not relate to automobiles, and there are many of them, and they will be covered and protected by the Clean Air Act.

But in all commonsense let us not, because of the stubbornness of one man in the other body, continue that which has been wastefully and excessively imposed on this Nation at a cost running into billions of dollars every year. These excessive standards also require a tremendous loss of energy, which is utterly unacceptable in this time of energy crisis.

As I said earlier, people in this country do not understand this, and they think that we must be some kind of fools if we do not correct this. I urge the adoption of this amendment.

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

Mr. WYMAN. I yield to the distinguished minority whip, the gentleman from Illinois (Mr. ARENDS).

Mr. ARENDS. Mr. Chairman, I thank the gentleman from New Hampshire for yielding to me, and I wish to compliment him on the fine presentation he has made. I agree with the position the gentleman takes and I will support his amendment, and I trust that a majority of the House will do likewise.

The CHAIRMAN. The Chair recognizes the gentleman from Florida (Mr. ROGERS).

Mr. ROGERS. Mr. Chairman, I strongly oppose this amendment, and I too, as the gentleman from Minnesota (Mr. NELSEN) does, and as the gentleman from New York (Mr. HASTINGS) does, and as other members of the committee who have studied this matter over the years do, feel that this would be a disastrous step to take for the Nation. As the Members know, the health needs of this Nation brought about the Clean Air Act. About 40 to 60 percent of the air pollution problems of this Nation come from automobiles.

Now, one can say this amendment does not have any effect on health but if you look at the facts, it does.

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

Mr. ROGERS. I yield to the gentleman from Kentucky (Mr. CARTER) who is a distinguished member of the Committee on Interstate and Foreign Commerce.

Mr. CARTER. Mr. Chairman, I thank the distinguished gentleman from Florida (Mr. ROGERS) for yielding to me.

I want to state, Mr. Chairman, that I certainly oppose the amendment for many reasons, one of which is we will have improved gasoline mileage in 1975 by the use of the catalytic converter.

Second, engine efficiency can be improved with the catalytic converter, and I think that we are on our course and we must maintain it. We cannot stop.

The CHAIRMAN. The time of the gentleman has expired.

The Chair recognizes the gentleman from West Virginia (Mr. STAGGERS) to close the debate.

Mr. STACGERS. Mr. Chairman, I yield to the gentleman from North Carolina (Mr. PREYER), a member of the committee.

Mr. PREYER. Mr. Chairman, I rise in opposition to the Wyman amendment.

Mr. Chairman, this seems to be open season on the Clean Air Act. The man in the street seems to believe that the Clean Air Act is the sole reason that his new car burns more gas than his old car, and he is encouraged in this by some of the automobile companies and dealers. Some people even claim that the Clean Air Act has brought on the energy crisis.

This is nonsense. There are a number of reasons why this year's car burns more gas than last year's model, and the antipollution devices required by the Clean Air Act is one of the least offenders. The principal causes of the fuel penalty on today's cars are: one, increased weight—this year's models average 500 pounds heavier than last year's, and weight is the greatest fuel consumer in cars. Second, air conditioners—which may impose a fuel penalty as large as 20 percent in urban stop-and-go driving. Third, automatic transmissions. Fourth, power brakes, power steering, power windows. Antipollution devices make a relatively modest contribution to the increased use of gas by automobiles. Yet the only suggestion we hear to improve gas mileage on our cars is to remove the antipollution devices from cars. Why not remove the air conditioners; or the automatic transmission; or the power appliances; or reduce the weight of the car? None of these methods of increasing mileage pollute the air, unlike removing the pollution control devices. Why do we put all the burden on dirtying the air as the answer for getting better gas mileage, rather than giving up a few of our luxuries?

The Clean Air Act is a creature of this body. We passed it, and we should be proud of that fact.

Last year, for the first time in the history of this country, the air was cleaner than it was the year before. That is progress. Our water still gets more polluted each year; our solid waste problem gets worse. But the air is getting cleaner. And this can be largely attributed to the Clean Air Act. It would be tragic to take a backward step, now that we have turned it around and for the first time our air is getting cleaner, day by day. We must maintain the momentum of the Clean Air Act.

Of course, we must be practical, too.

And extending the 1975 interim auto emission standards for 1 year, or even 2, recognizes the practicalities of the situation, and is the best we can do under the circumstances.

But there is no reason of practicality,

or any other reason, to excuse adopting the Wyman amendment. It would do serious damage to the Clean Air Act, and our program to clean up the air under that act. In fact, it would be disastrous. It would totally destroy the momentum we have achieved under the Clean Air Act. The effect of it will be more cars dirtying the air as a solution to saving gas. This is the wrong way to save gas.

Here are some of the specific reasons the Wyman bill is bad:

For one thing, it will be impossible, as a practical matter, to prevent residents of the 13 covered areas from going outside their "forbidden area" to purchase cars in an area that is free of Clean Air Act controls. Since the costs of such cars will be about $200 less than those cars for sale in his "forbidden" residence, there will be a great temptation to fraud. Even if some sort of sticker system is developed to distinguish cars from certain areas, it is hard to see how there can be any effective enforcement. It would be very discriminatory against car dealers in those 13 areas under the Clean Air Act and a windfall to those who aren't.

More important is what the Wyman amendment will do to the way the Clean Air Act works. The Clean Air Act sets primary air quality standards that must be met. These standards can be met in a number of different ways: By restricting emissions from stationary sources; by restricting auto emissions; or by transportation controls—which involve parking restrictions, and the "rationing" of autos by limiting the number of vehicle miles traveled in a particular area.

There are 36 areas in the country that EPA says will require the use of transportation controls, in addition to restricting emissions from autos and stationary sources, in order to meet the ambient air standards in those areas. Since the Wyman amendment only covers 13 of these areas, at least 23 areas will be required to take far more drastic measures by the use of transportation controls—by forbidding more autos in an area—in order to meet the ambient air quality standards, since they are forbidden to restrict auto emissions as the major way to satisfy the standards. The effect might well be to shut down the economies of some areas of the country.

There is another practical problem with the Wyman amendment. The 1975 auto emission standards already adopted in this bill require the use of unleaded gasoline. If the Wyman amendment is adopted, unleaded gasoline will not be required outside of his 13 designated areas which means none will be for sale there. But the cars in these 13 designated areas will require catalytic converters which will be ruined if gasoline with lead is used in them. As a result, a car from one of the 13 areas will not be able to get unleaded gas outside the area, and will not be able to drive there without destroying the antipollution system of the car.

There are some other practical considerations. Taking off existing pollution devices from cars may result in a mileage loss, according to some recent evidence. Removing them will certainly be costly—at least $35, and Ford Motor Co. has estimated a cost of $250 to $400 to eliminate the devices.

If we support the Clean Air Act, as modified in this bill and without the Wyman amendment, we know that gas mileage will improve on next year's cars—by as much as 15 percent; and even more important, we know our air will be getting cleaner.

Mr. STAGGERS. Mr. Chairman, I oppose the amendment.

Mr. ROBISON of New York. Mr. Chairman, the amendment offered by the gentleman from New Hampshire (Mr. WYMAN) apparently offers an appealing alternative to gasoline rationing, of some sort. It has a certain surface plausibility, too, and projects—or seems to project—the basic, good, commonsense its author has come to be known for in that, one has to ask, what need does a motor car in, say, a rural area of North Dakota, or Kansas, or for that matter in the Adirondack portion of New York have for an air-pollution control device? Spread out as motor cars and people are in such areas, where such air pollution as may exist is no health hazard, why exact the 10 percent or more fuel penalty today's emsision-control devices require of those motorists? Why not let them, if they wish, remove such devices from their cars and spread the resulting gas savings around the Nation so that, maybe, with other conservation measures being taken everywhere, we can avoid the headache of gasoline rationing?

The answers to such questions do not come easily for—as I have said—this does seem like an attractive, and immediate if partial, solution to our problem.

In my judgment, however, it is a solution we should reject.

Why?

Well, let me begin by saying I have no difficulty with the other provisions, already in this complex bill, which would at least temporarily suspend certain "clean air" limits as previously set or contemplated for stationary air pollution sources, encourage the reconversion to coal of certain power plants, defer for 1 year the planned further reduction in automobile emissions of hydrocarbons and carbon monoxide, and the like. Given our present dilemma in trying to manage a shortfall estimated at 17.3 percent between petroleum supply and demand, these actions are, at a minimum, along with greater conservation measures, both reasonable and necessary.

But, is it also reasonable and necessary to now turn back the clock, so to speak, on the progress we have made—however painfully—in reducing the contribution made by America's 110 million motor cars to "dirty" air, nationwide? Is it reasonable and necessary to make a determination—as the amendment in effect does—that there is no such thing as "ambient" air, or air that moves around, whose quality can be affected by its use or abuse virtually anywhere along its natural course?

Mr. Chairman, in responding "no" to these, and similar questions, I know full well that I will be disappointing many of my constituents—including some of the best friends I have back home who have always looked with a jaundiced eye at the effects of the Clean Air Act on their automobiles, and who argue that, in a political overreaction to the pleas of the environmentalists, Congress has tried to move too far, too fast, in reducing motor vehicle emissions. In so arguing, they ignore—although I am sure it is an unintentional oversight—the fact that vehicle weight is the single, largest factor involved in excess fuel consumption, along with such latter-day refinements as I plead guilty to having in the car I drive as air conditioning, power brakes and power steering.

Do we remove, then, our automobile air conditioners—or the pollution control devices?

Which choice, in the long run, would be the wisest?

Mr. Chairman, I got along without an air-conditioned car for a good many years. If need be, I can do so again—and, when I can afford it, I can and will trade down to a smaller car. But none of this means, by any token, that the auto-industry is "done"—an industry that provides jobs for one out of every six able-bodied Americans, who work in auto plants or repair cars, or fill gas tanks, or advertise, or sell autos. The auto industry will survive. Its capacity to adjust will be demonstrated, for its technological capacity is by no means frozen—as witness General Motors' progress toward its catalytic converter which should meet emission standards while improving gas mileage. If the industry needs more time to make such adjustments, I acted to help give them such time by supporting the 2-year extension amendment yesterday the gentleman from New York (Mr. HASTINGS) offered relative to more stringent emission standards.

It might help, here, to recall the history of America's first "energy crisis," in the 1860's, when a scarcity of whales whose oil was the major source of artificial light produced, for a time, near panic conditions. But we turned, then, not to breeding farms for whales but to the ongoing process of discovery and technological innovation, with the result being the coming of the petroleum age and, eventually, of electricity.

In the same way, I think, we have to now reexamine our dependence on motor cars as we have known them. There may be no traffic congestion in Idaho, or Wyoming, but there are almost 4 million cars in the Los Angeles area, burning some 8 million gallons of gasoline daily—more than in all France—and discharging more than 12,000 tons of hydrocarbons, nitric acid, and carbon monoxide, enough to form a constant, choking smog unless the wind blows it in the direction of Idaho or Wyoming. The pending amendment seeks to address itself to those uncongested areas but, Mr. Chairman, this is one Nation—indeed, this is but one world—and, unless we learn to strike a balance between our en-

ergy concerns and our environmental concerns, it will not be a very happy world for our children to inhabit.

Let us understand that those two concerns are on converging tracks—and not on a collision course.

And, let us be responsible—and keep them that way.

Mr. CONTE. Mr. Chairman, I rise in opposition to the amendment offered by my distinguished colleague from New Hampshire because it is administratively unworkable.

The first amendment, to reduce the ultimate required automobile emissions controls levels from their present 96 percent to 90 percent, would present the Environmental Protection Agency with a regulation-writer's nightmare. The amendment provides that auto emission controls levels will be 90 percent over a 1970 auto that had no controls. The problem is that 1970 cars did have controls, and so this amendment would be establishing a standard based upon a hypothetical engine supposedly found in 1970.

This amendment would undoubtedly lead to protracted court litigation between the EPA and the major auto makers about what standards should be set for the hypothetical 1970 engine.

That is the first problem.

The second problem is found in the second amendment offered by the gentleman from New Hampshire.

This amendment would suspend auto emission requirements for those parts of the Nation that lack significant pollution levels. Thirteen such areas are designated. However, the EPA designates 38 areas of significant air pollution.

Furthermore, there is the administrative problem of how to segregate uncontrolled cars from the air pollution districts. Would that mean that people from my district in the Berkshires could no longer drive to the Boston area?

I do not really believe that some kind of sticker system would cure the problem.

Furthermore, the effect of this amendment, according to EPA, might be to make some emissions standards tougher than the present law provides. Before this amendment is rushed through, it should get thorough study first in the appropriate committee.

Because of the administrative problems found in this amendment, I ask my colleagues to vote against it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Hampshire (Mr. WYMAN) to the amendment in the nature of a substitute offered by the gentleman from West Virginia (Mr. STAGGERS).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. WYMAN. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 180, noes 210, answered "present" 1, not voting 41, as follows:

[Roll No. 668]

AYES—180

Abdnor	Froehlich	Nichols
Alexander	Giaimo	O'Brien
Andrews, N.C.	Ginn	O'Hara
Andrews, N. Dak.	Gonzalez	Owens
Archer	Goodling	Passman
Arends	Gross	Patman
Armstrong	Guyer	Pickle
Ashbrook	Haley	Poage
Baker	Hammer-schmidt	Powell, Ohio
Bauman	Hanrahan	Price, Tex.
Beard	Harsha	Quillen
Bergland	Harvey	Railsback
Bevill	Hébert	Randall
Blackburn	Henderson	Rarick
Bowen	Hicks	Roberts
Bray	Hogan	Robinson, Va.
Breaux	Holt	Rose
Brinkley	Hosmer	Rostenkowski
Brooks	Huber	Rousselot
Broomfield	Hudnut	Ruppe
Broyhill, N.C.	Hungate	Ruth
Broyhill, Va.	Hutchinson	Ryan
Burgener	Johnson, Colo.	Sarasin
Burleson, Tex.	Johnson, Pa.	Satterfield
Butler	Jones, Ala.	Scherle
Byron	Jones, N.C.	Schneebeli
Camp	Jones, Tenn.	Sebelius
Casey, Tex.	Jordan	Shipley
Cederberg	Kazen	Shriver
Chamberlain	Ketchum	Shuster
Chappell	King	Sikes
Clancy	Kuykendall	Skubitz
Cleveland	Landgrebe	Slack
Cochran	Landrum	Snyder
Collier	Latta	Spence
Collins, Tex.	Lehman	Steed
Conable	Litton	Steiger, Ariz.
Cotter	Lott	Stratton
Crane	McClory	Stubblefield
Daniel, Dan	McCollister	Stuckey
Daniel, Robert W., Jr.	McCormack	Symms
Davis, S.C.	McEwen	Talcott
Davis, Wis.	McKay	Thornton
de la Garza	McSpadden	Towell, Nev.
Denholm	Macdonald	Treen
Dennis	Madigan	Ullman
Devine	Mahon	Vander Jagt
Dickinson	Mann	Waggonner
Dorn	Martin, Nebr.	Wampler
Downing	Mathis, Ga.	White
Duncan	Michel	Whitehurst
Edwards, Ala.	Milford	Whitten
Esch	Miller	Widnall
Eshleman	Minshall, Ohio	Wilson, Charles, Tex.
Evins, Tenn.	Mitchell, N.Y.	Wylie
Findley	Mizell	Wyman
Fisher	Mollohan	Young, Alaska
Flynt	Montgomery	Young, S.C.
Fountain	Moorhead, Calif.	Young, Tex.
Frelinghuysen	Myers	Zion

NOES—210

Abzug	Cohen	Fuqua
Adams	Collins, Ill.	Gaydos
Addabbo	Conlan	Gibbons
Anderson, Calif.	Conte	Gilman
Anderson, Ill.	Conyers	Goldwater
Annunzio	Corman	Grasso
Ashley	Coughlin	Gray
Aspin	Cronin	Green, Oreg.
Badillo	Culver	Green, Pa.
Bafalis	Daniels, Dominick V.	Griffiths
Barrett	Danielson	Grover
Bennett	Davis, Ga.	Gude
Biaggi	Delaney	Gunter
Biester	Dellenback	Hamilton
Bingham	Dellums	Hanley
Blatnik	Derwinski	Hansen, Idaho
Boggs	Dingell	Harrington
Boland	Donohue	Hastings
Brasco	Drinan	Hawkins
Breckinridge	du Pont	Hechler, W. Va
Brotzman	Eckhardt	Heckler, Mass.
Brown, Calif.	Eilberg	Heinz
Brown, Mich.	Evans, Colo.	Helstoski
Brown, Ohio	Fascell	Hillis
Buchanan	Fish	Hinshaw
Burke, Fla.	Flood	Holifield
Burke, Mass.	Flowers	Holtzman
Burlison, Mo.	Foley	Horton
Burton	Ford, William D.	Howard
Carey, N.Y.	Forsythe	Jarman
Carney, Ohio	Fraser	Jones, Okla.
Carter	Frenzel	Karth
Chisholm	Frey	Kastenmeier
Clausen, Don H.	Fulton	Kemp
		Kluczynski
		Koch
		Kyros
		Leggett
		Lent
		Long, La.
		Long, Md.
		Lujan
		McCloskey
		McDade
		McFall
		McKinney
		Madden
		Mailliard
		Mallary
		Maraziti
		Martin, N.C.
		Mathias, Calif.
		Matsunaga
		Mayne
		Mazzoli
		Meeds
		Mezvinsky
		Mills, Ark.
		Minish
		Mink
		Mitchell, Md.
		Moakley
		Moorhead, Pa.
		Morgan
		Mosher
		Moss
		Murphy, Ill.
		Murphy, N.Y.
		Natcher
		Nedzi
		Nelsen
		Nix
		Obey
		O'Neill
		Patten
		Pepper
		Perkins
		Pettis
		Peyser
		Pike
		Podell
		Preyer
		Price, Ill.
		Pritchard
		Quie
		Rangel
		Rees
		Regula
		Reuss
		Rhodes
		Rinaldo
		Robison, N.Y.
		Rodino
		Roe
		Rogers
		Roncalio, Wyo.
		Rooney, Pa.
		Rosenthal
		Roush
		Roy
		Roybal
		St Germain
		Sarbanes
		Schroeder
		Seiberling
		Shoup
		Sisk
		Smith, Iowa
		Smith, N.Y.
		Staggers
		Stanton, J. William
		Stanton, James V.
		Steelman
		Steiger, Wis.
		Studds
		Symington
		Taylor, N.C.
		Teague, Calif.
		Thompson, N.J.
		Thomson, Wis.
		Thone
		Tiernan
		Van Deerlin
		Vanik
		Veysey
		Vigorito
		Waldie
		Whalen
		Wiggins
		Wilson, Bob
		Wilson, Charles H., Calif.
		Winn
		Wolff
		Wright
		Wydler
		Yates
		Yatron
		Young, Fla.
		Young, Ga.
		Young, Ill.
		Zablocki
		Zwach

ANSWERED "PRESENT"—1

Parris

NOT VOTING—41

Bell	Hanna	Sandman
Bolling	Hansen, Wash.	Stark
Brademas	Hays	Steele
Burke, Calif.	Hunt	Stephens
Clark	Ichord	Stokes
Clawson, Del	Johnson, Calif.	Sullivan
Clay	Keating	Taylor, Mo.
Dent	Melcher	Teague, Tex.
Diggs	Metcalfe	Udall
Dulski	Reid	Walsh
Edwards, Calif.	Riegle	Ware
Erlenborn	Roncallo, N.Y.	Williams
Gettys	Rooney, N.Y.	Wyatt
Gubser	Runnels	

So the amendment to the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. ECKHARDT TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. STAGGERS

Mr. ECKHARDT. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute offered by the gentleman from West Virginia (Mr. STAGGERS).

The Clerk read as follows:

Amendment offered by Mr. ECKHARDT to the amendment in the nature of a substitute offered by Mr. STAGGERS: On page 7, line 21, add the following language:

"(1) Nothing in this subsection shall prohibit allocation of refined petroleum products for student transportation within an area in which students are required or directed to be transported as the result of lawful action by the appropriate school board or school authority."

Mr. DINGELL. Mr Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman from Michigan (Mr. DINGELL) reserves a point of order on the amendment.

Mr. ECKHARDT. Mr. Chairman, all this amendment does is provide that the lawful action by an appropriate school board or school authority shall be respected by the Administrator. For example, if the school board is, for instance,

authorizing voluntary movement of students across school attendance lines, it can still get gasoline for the purposes of operating its school buses in connection with this purpose.

Now, in my district there is a school district called the Goose Creek School District. In that district there is a school called the Harlem School.

Five years ago, the Harlem School which is in a black community, was 100 percent black. Today, beause the Goose Creek School District is permitted voluntary majority-to-minority transfer, white children from all over the Goose Creek School District have gone past other schools to attend the Harlem School, and this has thus reduced the school's black population to about 70 percent only because of this movement which is accomplished largely by transporting students in school buses.

Is it permitted that the Harlem School continue as a neighborhood school? If we do not provide that that kind of activity upon the part of a school district will not deprive the school district of gasoline, we would force the school district to abandon such programs.

The result would be that Harlem and a nearby school, Highlands, which has a predominantly white attendance, would have to be paired or some similar scheme devised. The result is that the white children from the Highlands district would have to be bused to the Harlem School, and vice versa.

Now, what the amendment says is simply this: that the Administrator should give the same priorities for gasoline to a school district which is doing that which it is lawfully ordered to do as to any district.

Now, I know that if I go back to Goose Creek, if I go back to my district and I tell them, "Look, folks, I have done you a big favor," they will then say, "What is your favor?" I will say, "What I have done is this: You are under the authority of the Federal district court, and you are under the authority of a Federal agency, the HEW, and now I have placed you under the authority of the Federal Energy Administrator, and you have got to please all three."

They are going to tell me, "Well, that is not a very great favor."

My amendment merely avoids placing the school district under that additional Federal authority.

It says that school district can put into effect its lawful provisions for assigning school children without that action being condemned under this bill.

Without this, since the Dingell amendment would require that students not be transported past the nearest school in the attendance district if the school district is to get its share of gasoline, I would be in a very, very difficult position to explain to my people at home why they cannot do what they have always done to maintain their neighborhood schools, because we have passed something up here that makes them subject to an energy czar.

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

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

Mr. PICKLE. Mr. Chairman, I thank the gentleman for yielding.

The gentleman will recall that my city of Austin, Texas, was one of the first major cities in the Nation to come under a court-ordered busing plan, and they are busing now some 9,000 students within the city by virtue of the court decision. They closed down one of the schools in the east part of the city because of the busing order, and they have had to bus them now to Johnson and one other school, Austin High.

Now, if we leave the amendment as it was yesterday—and I supported that amendment—it would seem to me that schools which are forced by court order to bus are going to have to bus anyway under the court order, and we might wish to say, "Well, the court now will change its policy."

However, we do not have any assurance of that. We have no assurance the courts will not require any more busing.

Does the gentleman's amendment take care of that situation?

The CHAIRMAN. The time of the gentleman from Texas (Mr. ECKHARDT), has expired.

(On request of Mr. PICKLE and by unanimous consent, Mr. ECKHARDT was allowed to proceed for 1 additional minute.)

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

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

Mr. PICKLE. Mr. Chairman, will the gentleman's amendment take care of the situation in my city where we are under a court busing order, and we are making it work as best we can now, so that the school district, if forced to bus, would at least have the same allocation priority as other institutions?

Mr. ECKHARDT. That is correct; if it is all in the same school district.

I do not think it would do anything in a case where students are sought to be transported across school district lines, but it would let the school district control operations within that school district.

Mr. PICKLE. It seems like it might be a fair approach and a reasonable solution to this vexing problem—if the school is being forced to bus by court order.

Mr. ANDERSON of Illinois. Will the gentleman yield?

Mr. ECKHARDT. I yield to the gentleman.

Mr. ANDERSON of Illinois. My own home community is faced with a problem in the area of schoolbusing as the desegregation problem moves northward. They are currently trying to work out a plan that would, as I understand it, in some instances involve busing children other than to the nearest school, but there is an effort to work out a voluntary plan for the community that will satisfy the Federal district court for that area.

As I understand the gentleman's amendment, it would make it possible for my community to work out that kind of a voluntary desegregation plan and still not be denied an allocation of fuel, as it would be if the amendment of the gentleman from Michigan were in effect.

Mr. ECKHARDT. That is correct.

The CHAIRMAN. Does the gentleman from Michigan insist on his point of order?

POINT OF ORDER

Mr. DINGELL. I do, Mr. Chairman.

Let me point out first that the amendment seeks not to amend the bill itself but, rather, to amend the amendment offered by me yesterday and adopted by the House. The amendment is offered to page 7, line 21.

The amendment further amends a section of the bill already amended, again violating the rules of the House.

So I do insist on my point of order.

Mr. ECKHARDT. May I be heard on the point of order?

The CHAIRMAN. The Chair recognizes the gentleman from Texas.

Mr. ECKHARDT. Briefly, Mr. Chairman, the amendment does not touch any language in the Dingell amendment but adds a new subparagraph (1) to the bill which takes care of the specific matter the gentleman from Texas was speaking about in the well.

The CHAIRMAN pro tempore (Mr. MCFALL). The Chair is prepared to rule.

The Chair has examined the amendment and the text of the bill and desires to state that it does not amend the language of the previous amendment but amends the bill at a further point.

The Chair would refer to a ruling by Mr. PRICE of Illinois in 1967 which stated that while the Committee of the Whole may strike out an amendment previously agreed to, it may adopt a subsequent amendment which has the effect of negating a proposition previously amended, and in response to the parliamentary inquiry at that time the Chair stated the Committee of the Whole may, if it desires to do so, adopt inconsistent amendments, but the Chair does not rule on the consistency of the amendments.

The Chair also examined the amendment and feels it does not amend language that has been previously amended and therefore overrules the point of order.

Mr. KUYKENDALL. Mr. Chairman, I rise in opposition to the amendment.

Yesterday on at least two occasions this amendment or similar ones were ruled in order because they were fuel conservation amendments.

Let me beg all of my fellow Members to realize that if you suddenly separate voluntary agreements on schoolbusing and court-ordered agreements on schoolbusing, you have absolutely removed yourself from the area of fuel conservation and gotten into the forbidden area of school integration.

If the spirit of this bill, which is the conservation of fuel is to be abided by in this body, it does not make any difference whether the travel is voluntary or court ordered. It is still a waste of gasoline, and that is the only legitimate basis on which we can approach it.

If you start saying you are going to tell the courts they cannot have any fuel but any time the school board wants to agree to it they can have it, then you have contradicted yourself in the most flagrant manner.

I happen to approve of the position of the gentleman from Texas with regard to voluntary agreements of any kind they want to make.

But I cannot approve at this time of the waste of fuel, voluntary or otherwise.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. ECKHARDT) to the amendment in the nature of a substitute offered by the gentleman from West Virginia (Mr. STAGGERS).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. ECKHARDT. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 185, noes 202, not voting 45, as follows:

[Roll No. 669]

AYES—185

Abzug	Gonzalez	Peyser
Adams	Grasso	Pickle
Addabbo	Gray	Pike
Anderson, Calif.	Green, Pa.	Podell
	Griffiths	Preyer
Anderson, Ill.	Gude	Price, Ill.
Andrews, N. Dak.	Guyer	Pritchard
	Hamilton	Quie
Annunzio	Hanley	Railsback
Ashley	Hansen, Idaho	Rangel
Aspin	Harrington	Rees
Badillo	Hastings	Reuss
Barrett	Hechler, W. Va.	Rhodes
Bergland	Heckler, Mass.	Rinaldo
Biaggi	Heinz	Robison, N.Y.
Biester	Helstoski	Rodino
Bingham	Hicks	Roe
Blatnik	Holifield	Roncalio, Wyo.
Boggs	Holtzman	Rosenthal
Boland	Horton	Rostenkowski
Brasco	Howard	Roush
Breckinridge	Johnson, Colo.	Roy
Brotzman	Jordan	Roybal
Brown, Calif.	Karth	Ruppe
Brown, Mich.	Kastenmeier	St Germain
Brown, Ohio	Kluczynski	Sarbanes
Burke, Mass.	Koch	Schroeder
Burton	Kyros	Seiberling
Carey, N.Y.	Leggett	Shriver
Carney, Ohio	Lehman	Sisk
Chisholm	McClory	Skubitz
Cohen	McCloskey	Smith, Iowa
Collins, Ill.	McCormack	Smith, N.Y.
Conable	McEwen	Staggers
Conte	McFall	Stanton, J. William
Conyers	McKinney	
Corman	Macdonald	Stanton, James V.
Coughlin	Madden	
Cronin	Madigan	Stark
Culver	Mallary	Steiger, Wis.
Daniels, Dominick V.	Mann	Stratton
	Maraziti	Studds
Danielson	Matsunaga	Symington
Delaney	Mayne	Thompson, N.J.
Dellenback	Mazzoli	Thomson, Wis.
Dellums	Meeds	Thone
Denholm	Mezvinsky	Thornton
Dennis	Minish	Tiernan
Donohue	Mink	Ullman
Dorn	Mitchell, Md.	Van Deerlin
Drinan	Moorhead, Pa.	Vanik
Dulski	Morgan	Waldie
Eckhardt	Mosher	Whalen
Evans, Colo.	Moss	Widnall
Fascell	Murphy, Ill.	Wiggins
Findley	Murphy, N.Y.	Wilson, Charles H., Calif.
Fish	Nelsen	
Flood	Nix	
Foley	Obey	Wolff
Forsythe	O'Neill	Wright
Fraser	Owens	Wydler
Frelinghuysen	Patten	Yates
Frenzel	Pepper	Young, Ga.
Gilman	Perkins	Zwach

NOES—202

Abdnor	Frey	Natcher
Alexander	Froehlich	Nedzi
Andrews, N.C.	Fulton	Nichols
Archer	Fuqua	O'Brien
Arends	Gaydos	O'Hara
Armstrong	Gibbons	Parris
Ashbrook	Ginn	Passman
Bafalis	Goldwater	Patman
Baker	Goodling	Pettis
Bauman	Green, Oreg.	Poage
Beard	Gross	Powell, Ohio
Bennett	Grover	Price, Tex.
Bevill	Gunter	Quillen
Blackburn	Haley	Randall
Bowen	Hammer-schmidt	Rarick
Bray		Regula
Breaux	Hanrahan	Roberts
Brinkley	Harsha	Robinson, Va.
Brooks	Henderson	Rogers
Broomfield	Hillis	Rooney, Pa.
Broyhill, N.C.	Hinshaw	Rose
Broyhill, Va.	Hogan	Rousselot
Buchanan	Holt	Ruth
Burgener	Hosmer	Ryan
Burke, Fla.	Huber	Sarasin
Burleson, Tex.	Hudnut	Satterfield
Burlison, Mo.	Hungate	Scherle
Butler	Hutchinson	Schneebeli
Byron	Jarman	Sebelius
Camp	Johnson, Pa.	Shipley
Carter	Jones, Ala.	Shoup
Casey, Tex.	Jones, N.C.	Shuster
Cederberg	Jones, Okla.	Sikes
Chamberlain	Jones, Tenn.	Slack
Chappell	Kazen	Snyder
Clancy	Kemp	Spence
Clausen, Don H.	Ketchum	Steed
	King	Steelman
Cleveland	Kuykendall	Steiger, Ariz.
Cochran	Landgrebe	Stubblefield
Collier	Landrum	Symms
Collins, Tex.	Latta	Talcott
Conlan	Lent	Taylor, N.C.
Cotter	Litton	Teague, Calif.
Crane	Long, La.	Teague, Tex.
Daniel, Dan	Long, Md.	Towell, Nev.
Daniel, Robert W., Jr.	Lott	Treen
	Lujan	Vander Jagt
Davis, Ga.	McCollister	Veysey
Davis, S.C.	McDade	Vigorito
Davis, Wis.	McKay	Waggonner
de la Garza	McSpadden	Wampler
Derwinski	Mahon	White
Devine	Martin, Nebr.	Whitehurst
Dickinson	Martin, N.C.	Whitten
Dingell	Mathias, Calif.	Wilson, Bob
Downing	Mathis, Ga.	Wilson, Charles, Tex.
Duncan	Michel	
du Pont	Milford	Winn
Edwards, Ala.	Miller	Wylie
Eilberg	Mills, Ark.	Wyman
Esch	Minshall, Ohio	Yatron
Eshleman	Mitchell, N.Y.	Young, Alaska
Evins, Tenn.	Mizell	Young, Fla.
Fisher	Moakley	Young, Ill.
Flowers	Mollohan	Young, S.C.
Flynt	Montgomery	Young, Tex.
Ford, William D.	Moorhead, Calif.	Zion
Fountain	Myers	

NOT VOTING—45

Bell	Hansen, Wash.	Rooney, N.Y.
Bolling	Harvey	Runnels
Brademas	Hawkins	Sandman
Burke, Calif.	Hays	Steele
Clark	Hébert	Stephens
Clawson, Del	Hunt	Stokes
Clay	Ichord	Stuckey
Dent	Johnson, Calif.	Sullivan
Diggs	Keating	Taylor, Mo.
Edwards, Calif.	Mailliard	Udall
Erlenborn	Melcher	Walsh
Gettys	Metcalfe	Ware
Giaimo	Reid	Williams
Gubser	Riegle	Wyatt
Hanna	Roncallo, N.Y.	Zablocki

So the amendment to the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. KUYKENDALL TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. STAGGERS

Mr. KUYKENDALL. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute offered by the gentleman from West Virginia (Mr. STAGGERS).

The Clerk read as follows:

Amendment offered by Mr. KUYKENDALL to the amendment in the nature of a substitute offered by Mr. STAGGERS: Page 16, lines 11 and 12, strike out "is authorized by the Commission to provide service" and insert in lieu thereof "has regularly performed service under authority issued by the Commission.".

Mr. KUYKENDALL. Mr. Chairman, I wish to have a colloquy on this very short amendment with the gentleman from Michigan (Mr. DINGELL).

An amendment was offered in the committee in order to effect considerable savings in the trucking industry by allowing them on a temporary basis to take a direct route between two points when their previous practice of traveling through gateways or certificates had required them to take a circuitous route to arrive at a point.

The gentleman from Michigan (Mr. DINGELL) successfully introduced an amendment to correct this situation.

However, the industry has pointed out that one perfecting amendment would be necessary to accomplish exactly what we wish to accomplish without disruption of the industry. So, my amendment simply says that a truckline which has been regularly hauling freight from one point to another by a circuitous route may take the direct route to save fuel, but only if it has been regularly giving this service.

Mr. Chairman, I would like to ask the gentleman from Michigan (Mr. DINGELL) to comment on the perfecting amendment.

Mr. DINGELL. Mr. Chairman, would the gentleman yield?

Mr. KUYKENDALL. Mr. Chairman, I yield to the gentleman from Michigan.

Mr. DINGELL. Mr. Chairman, I would like to observe that the amendment offered by the gentleman from Tennessee is, in my view, a perfecting amendment which would implement the intention of myself as the drafter of the amendment to the committee bill. It also would carry out, I believe, the intention of the committee and it meets the intention of the circumstances and is most helpful.

Mr. Chairman, I would endorse the amendment and hope it would be adopted by this body.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee (Mr. KUYKENDALL) to the amendment in the nature of the substitute offered by the gentleman from West Virginia (Mr. STAGGERS).

The amendment to the amendment in the nature of a substitute was agreed to.

AMENDMENT OFFERED BY MR. DINGELL TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. STAGGERS

Mr. DINGELL. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute offered by the gentleman from West Virginia (Mr. STAGGERS):

The Clerk read as follows:

Amendment offered by Mr. DINGELL to the amendment in the nature of a substitute offered by Mr. STAGGERS: On page 45, after line 22 insert the following new section:

"SEC. 125. REPORTS ON NATIONAL ENERGY RESOURCES.

"(a) For the purpose of providing to the Administrator, Congress, the States, and the public, to the maximum extent possible, reliable data on reserves, production, distribution, and use of petroleum products, natural gas, and coal, the Administrator shall promptly publish for public comment a regulation requiring that persons doing business in the United States, who, on the effective date of this Act, are engaged in exploring, developing, processing, refining, or transporting by pipeline any petroleum product, natural gas, or coal, shall provide detailed reports to the Administrator every sixty calendar days. Such reports shall show for the preceding sixty calendar days such person's (1) reserves of crude oil, natural gas, and coal; (2) production and destination of any petroleum product, natural gas, and coal; (3) refinery runs by product; and (4) other data required by the Administrator for such purpose. Such regulation shall also require that such persons provide to the Administrator such reports for the period from January 1, 1970, to the date of such person's first sixty day report. Such regulation shall be promulgated 30 days after such publication. The Administrator shall publish quarterly in the Federal Register a meaningful summary analysis of the data provided by such reports

"(b) The reporting requirements of this section shall not apply to the retail operations of persons required to file such reports. Where a person shows that all or part of the data required by this section is being reported by such person to another Federal agency, the Administrator may exempt such person from reporting all or part of such data directly to him, and upon such exemption, such agency shall, notwithstanding any other provision of law, provide such data to the Administrator. The district courts of the United States are authorized, upon application of the Administrator, to require enforcement of such reporting requirements.

"(c) Upon a showing satisfactory to the Administrator by any person that any report or part thereof obtained under this section from such person or from a Federal agency would, if made public, divulge methods or processes entitled to protection as trade secrets or other proprietary information of such person, such report, or portion thereof, shall be confidential in accordance with the purposes of section 1905 of Title 18 of the United States Code, except that such report or part thereof shall not be deemed confidential for purposes of disclosure to (1) any delegate of the Federal Energy Administration for the purpose of carrying out this Act, (2) the Attorney General, the Secretary of the Interior, the Federal Trade Commission, the Federal Power Commission, or the General Accounting Office when necessary to carry out those agencies' duties and responsibilities under this and other statutes, and (3) the Congress or any Committee of Congress upon request of the Chairman. The provisions of this section shall expire on May 15, 1975."

Mr. PICKLE. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman from Texas (Mr. PICKLE) reserves a point of order on the amendment.

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

Mr. DINGELL. I yield briefly to my friend, the gentleman from Texas.

Mr. PICKLE. Mr. Chairman, the purpose for my reserving the point of order on the amendment is that we had an amendment similar to this before the committee which the committee voted down and which I thought, perhaps, should have been voted down.

I have just now been able to see this amendment, and I did not know it was going to be offered.

I wish to ask the gentleman, in what respect is this amendment different from the one which was defeated in committee?

Mr. DINGELL. If the gentleman will allow me to proceed with my explanation, I will try to tell him what the amendment does. I will explain to the Members what the amendment provides.

Mr. PICKLE. Mr. Chairman, I wish to reserve my point of order.

Mr. DINGELL. I understand. I will yield further to the gentleman at a later time.

Mr. Chairman, this is a very simple amendment. It says that after enactment of this legislation the Administrator will publish a regulation inviting comments of all interested persons regarding a system which he will establish pursuant to this amendment for the reporting of reserves of persons who hold oil, natural gas, and coal, and regarding production and destinations of petroleum products, natural gas, and coal, as well as refinery runs and products.

The amendment vests this authority in the Administrator, as opposed to the Federal Trade Commission, as it was in the amendment offered in the committee.

The amendment affords the Administrator the duty and the discretion to exclude the unimportant producers, and it does not permit him to collect data which is available from any other governmental agency.

The amendment further would allow the Administrator to make information available to other governmental agencies, and the amendment has a very specific restriction in it with regard to the protection of trade secrets or proprietary information, so as to see to it that the interests of the oil companies and the producers will not be jeopardized as to their holdings or reserves in such fashion as to hurt their competitive positions.

The reasons for the amendment, I think, are important. We know more at this time about Russian energy reserves than we know about our own. Indeed, we know more about the reserves of the Russians that we know about the energy resources of our own public lands.

The reason for that is that the oil companies are extremely careful to permit no divulgence of any information regarding energy resources on their oil and gas reserves.

Now we are reportedly in the midst of a serious energy shortage, and it was reported just recently that this was going to reach a certain daily shortage figure. Yet just a few days ago it came out that because of larger production, larger reserves, and greater availability of petroleum resources on the market, the shortage would probably be on the order of a million barrels less than had been previously anticipated.

This amendment says that the Administrator of this agency which we are setting up to handle the emergency allocation of fuel and to do the other things required will, for the first time, have the capacity to procure the information upon which he will make judgments.

It also assures the public at large will have available to it information and procedures that will enable them to gage how well their Government is acting.

I want to make it plain that this amendment protects and preserves the proprietary information and that we have preserved and protected trade secrets so as not to jeopardize the competitive position of the oil companies.

For the benefit of my good friend from Texas, let me say the amendment differs from that offered in the committee in that it procures no information not necessary for the carrying out of the functions of the administrator and it does not deal with taxes or profits and, in fact, vests authority in the administrator, who has no capacity absent the amendment before us to procure the information, rather than vesting it in the Federal Trade Commission, which has said it has certain capacity to procure this kind of information.

Mr. McCOLLISTER. Will the gentleman yield?

Mr. DINGELL. I yield to my friend.

Mr. McCOLLISTER. Is it the gentleman's idea that the information that is necessary would exclude wholesale and retail distribution of petroleum products and refined products?

Mr. DINGELL. I would point out to my friend, first of all, that retail sales are not subject to this requirement. Secondly, the administrator may exclude those producers and those sources and those actions which do not have a significant impact upon the national interest.

The CHAIRMAN. Does the gentleman from Texas insist on his point of order?

Mr. PICKLE. Mr. Chairman, I withdraw my point of order.

Mr. BROYHILL of North Carolina. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I take this time for the purpose of asking the gentleman from Michigan if he will answer some questions about this amendment.

One, who will be covered by this amendment? As I see it here, it is confined to those engaged in exploring and developing and refining and transporting by pipeline any of these petroleum products, such as natural gas, oil, or coal. Does this cover the retail operator?

Mr. DINGELL. The answer is emphatically no. There is a specific prohibition to reporting in the retail area under (b) four lines up from the bottom of the amendment.

Mr. BROYHILL of North Carolina. Does it cover the oil jobber or distributor?

Mr. DINGELL. It could but probably will not because of the other exclusionary provisions which permit the exclusion of persons who do not have a significant impact upon the economy.

Mr. BROYHILL of North Carolina. Is

there an expiration of authority in this proposal?

Mr. DINGELL. Yes. I say to my good friend the provisions of this section will expire in the last line of the amendment on May 15, 1975, which is in accordance with the other expiration dates in the legislation before us.

Mr. BROYHILL of North Carolina. My last question is this: I note in your amendment you say the administrator shall promptly publish for public comment a regulation. In other words, there will be a rulemaking procedure. How will that procedure go?

Mr. DINGELL. The gentleman is correct. The rulemaking procedure which will take place following the publication which the administrator would make would be pursuant to the Administrative Procedure Act.

Mr. BROYHILL of North Carolina. You are talking about the actual information required on some questionnaire or some form?

Mr. DINGELL. No. What would happen would be that upon the enactment of the legislation or within a brief period the administrator would publish a regulation requiring public comment. I am sure this regulation would attract wide public comment, and under the Administrative Procedure Act the administrator would then be compelled—and we are writing, I say to my friend, legislative history here—to hold a public hearing to receive public comments, testimony, and so forth on the regulation which he had promulgated. Subsequent to that time he would then comply with the Administrative Procedure Act with regard to the actual adoption of the regulation and his actions would be subject to judicial review.

Mr. BROYHILL of North Carolina. That is my next question. Is the gentleman saying that the judicial review sections of the Administrative Procedures Act would apply to any regulations promulgated pursuant to this amendment?

Mr. DINGELL. The answer to that question is an emphatic "yes." The Administrative Procedures Act insofar as its regulations with regard to rulemaking and in regard to judicial review would clearly and concisely apply.

Mr. BROYHILL of North Carolina. When the gentleman says the regulation shall be promulgated 30 days after publication, what does the gentleman mean by that?

Mr. DINGELL. It means that the Administrator would publish the regulation in the Federal Register, inviting appropriate public comment, which would then trigger the mechanism within the Administrative Procedures Act for appropriation public hearings.

Mr. BROYHILL of North Carolina. Would such public hearings be held on the writing of regulations which would carry out the purposes of this amendment?

Mr. DINGELL. The answer to that question is "Yes." It would clearly expect that he would hold hearings on a matter of this complexity. One of the difficulties and one of the problems we have had recently, as the gentleman from North Carolina will recall, in instances of this kind, and one of those instances was the Cost of Living Council, among others, that there have been no public hearings. There has been no publication. That is the reason I have chosen to follow the regular rulemaking procedure, to have a more orderly process, so as to have everybody involved, the public, producer, and so forth, have an opportunity to be heard.

Mr. BROYHILL of North Carolina. The gentleman is saying that the administrator could not act in an arbitrary or capricious way in promulgating the regulations which are required by this amendment?

Mr. DINGELL. The answer to that question is "Yes." He would have to follow fully the requirements of the Administrative Procedures Act with regard to the promulgation of regulations, the holding of hearings, and subject himself to later judicial review.

Mr. PICKLE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, first I want to say that the amendment offered by the gentleman from Michigan (Mr. DINGELL) is a much better amendment than the gentleman offered in the committee. That is why the committee had voted it down, because the original amendment talked in terms of gross receipts before taxes, it dealt in the area of prices, and particularly in the area of reserves.

Mr. Chairman, I agree with the intent of the gentlemen from Michigan in offering his amendment. I happen to be one who believes that our major oil and gas companies ought to give to the proper authorities basic information on reserves and matters related to reserves and production that have been requested. But it is not as simple as just stating that.

I would request the indulgence of the House for just a moment, if I might, to read a letter which I received from the Federal Trade Commission in answer to an inquiry that I made about the original amendment that the gentleman from Michigan (Mr. DINGELL) offered.

So, although the letter does pertain to the original amendment more specifically than this one, it does make the point that I think is appropriate. The letter is as follows:

FEDERAL TRADE COMMISSION,
Washington, D.C., December 10, 1973.

Hon. J. J. PICKLE,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN PICKLE: This is in response to your request to the Federal Trade Commission regarding the amendment offered by Congressman Dingell to add a new section 113 to H.R. 11450.

This amendment would authorize the Federal Trade Commission to collect various types of financial information and reserve data from certain energy producing industries with the objective of making this information available to Congress and the public. Some of the financial information involved is already made public by publicly held companies. For example, the Securities and Exchange Commission requires that certain information be made available in annual reports, in connection with the issues of securities, and in other situations.

Other information that the FTC could collect and publish pursuant to this amendment is not presently available to the public. The companies involved regard this information as confidential. They could be expected to object to its public dissemination.

At the present time, the Federal Trade Commission already has authority to obtain the types of information covered by Congressman Dingell's amendment. Our authority resides in Sections 6(b) and 9 of the Federal Trade Commission Act. In this connection, we would point out that the Commission's proposed annual line-of-business reporting program would require much of this information to be submitted by the companies for statistical reporting purposes.

Implementation of this program has been rendered more immediate by recent enactment of the Trans-Alaska Pipeline Act, including the amendments contained therein to the Federal Reports Act of 1942.

However, the Commission does not now make such information available to the public in all cases. First, the Commission has discretion under the Freedom of Information Act to withhold "trade secrets and commercial or financial information obtained from a person and privileged or confidential." 5 U.S.C. § 552(b)(4). Second, the Commission, pursuant to the provisions of Section 6(f) of the Federal Trade Commission Act, may not make public trade secrets and names of customers.

Thus, in light of the Commission's existing authority, we do not believe that the authority conferred by Congressman Dingell's amendment is needed to carry out our law-enforcement responsibilities.

To the extent that the information involved is confidential, mandatory public disclosure could have one or more undesirable consequences. First, it could adversely affect competition within the relevant industries. *Cf. U.S.* v. *Container Corp.*, 393 U.S. 333 (1969). Second, it could put American companies at a disadvantage with foreign competitors who, presumably would not have to reveal the same information.

You also requested information as to the status of the Commission's investigation of the natural gas producing industry. That investigation is currently active and the staff is engaged in collecting and analyzing available information. The investigation has been delayed during the past few months by the refusal of seven major gas producers to provide information in response to Commission subpoenas issued on June 6, 1973. The Commission is currently attempting to enforce compliance with these subpoenas in an action filed in the U.S. District Court for the District of Columbia, and a hearing is now scheduled on the Commission's petition for December 13, 1973.

By direction of the Commission.

CHARLES A. TOBIN,
Secretary.

Under the amendment which is pending, the gentleman still talks in terms of reserves of crude oil. Reserves? Reserves in itself is just one word, but there are all kinds of reserves. If he means commercially recoverable reserves, that would be one thing, if he is talking about proven reserves that is another thing. But he is asking for a lot of information that is going to be hard to define, and to secure legally, at least that is why the companies are in a lawsuit now. We may pass this amendment—and I imagine the House will—even though this matter to this moment is in the court today. It must

be settled over a period of time, and what we do here is not going to settle anything, really, except set up a new administration rather than funnel it through the Federal Trade Commission or some appropriate agency.

I do not think this bill ought to be used as a vehicle for that.

I agree with the objectives, and I am not going to prolong the debate, but I think probably it ought to belong to the Federal Trade Commission or Federal Power Commission to work out these questions, and these companies ought to cooperate.

Here we are setting up a new agency, a new Administrator, and we are trying to operate under normal rules of procedures or administrative procedure act.

That would be like posting these notices on the courthouse door and that would suffice. It is much more technical, much more realistic than that, to say nothing of some of the loopholes that I believe are in there such as the wholesalers are not exempted under the act. I think what the gentleman is really doing is setting up an agency, the duties of which probably should be given to the Federal Trade Commission. I want to assure the gentleman that I agree that if the companies expect to get added profits or if they want the confidence of the American people, they must come out and give us more information about their reserves and similar information.

The CHAIRMAN. The time of the gentleman has expired.

The Chair recognizes the gentleman from California (Mr. Moss).

Mr. MOSS. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I think that the impression given—and I am quite confident inadvertently—by my colleague, the gentleman from Texas (Mr. PICKLE), that this information is available should be corrected. This information is not available. I have here before me a letter dated December 12, 1973, signed by the Secretary of the Federal Trade Commission in response to my letter to him of December 11, and in discussing the availability of information sought under the Dingell amendment, he said:

> We recognize, of course, that this and other important information is not now publicly available in any meaningful level of detail.

The letter goes on and states:

> This raises the question whether sufficient data is now available to the government to effectively scrutinize the country's energy-producing industries. We believe not.

Now if we are to effectively undertake our role of legislating in an area of admitted crisis then we should at least have a meaningful inventory of supplies so that we know the limits of the precise situation with which we are dealing. I think it is of the utmost importance that the amendment offered by the gentleman from Michigan be adopted and that this power be made clear. It is a very limited grant but it is an essential one.

Mr. STAGGERS. Mr. Chairman, I move to strike the requisite number of words.

Mr Chairman, I do this only to see if we can arrive at a limit of time on the amendment because I believe almost everybody understands the amendment.

Mr. Chairman, I ask unanimous consent that all debate on this amendment to the amendment in the nature of a substitute close in 5 minutes.

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

There was no objection.

The CHAIRMAN. The Chair will recognize Members for approximately three-quarters of a minute.

The Chair recognizes the gentleman from Minnesota (Mr. FRENZEL).

Mr. FRENZEL. Mr. Chairman, I rise in strong support of the Dingell amendment. No sensible energy policy can be determined or executed without information on hydrocarbon inventories, from reserves to end products, and their use. Information is simply not available now. Without this amendment, it is not likely to become available.

In October, with 30 cosponsors, I introduced H.R. 10670, a bill to authorize the Secretary of the Interior to compile similar information, and data on other nonhydrocarbon energy resources on public lands. The passage of the Dingell amendment will make it unnecessary for me to press for my own bill. I am pleased to support the amendment of the gentleman from Michigan.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. FISH).

Mr. FISH. Mr. Chairman, I rise in support of the amendment offered by the distinguished gentleman from Michigan. It results in adding a new section 125 to H.R. 11882. It provides the new Federal Energy Administration, the Congress, the States and the American public with badly needed information on available oil, gas, and coal supplies.

The debate over the past 3 days not only demonstrates the urgency and seriousness of the energy crisis. It also indicates that there is frequent confusion about which direction we ought to be taking. Mr. Chairman, the lights are going out all over this Nation and we are making our energy policies in the dark.

The problem of obtaining reliable statistics and data on energy resources is an incredibly serious one. The lack of adequate information was pointed out when the Congress acted on the Mandatory Fuel Allocation Act earlier this year.

What is needed is accurate, reliable data regarding available energy resources and this amendment represents an important start in this direction. It would establish a regular reporting procedure on the part of those doing business in the United States, who are engaged in exploring, developing, processing, refining, or transporting any petroleum product, natural gas, or coal. These reports would be made available to the Administrator of the Federal Energy Administration, the Congress, and the public.

Just last week, Senators NELSON and JACKSON introduced similar legislation which aims at dealing with this energy information gap. Their bill is called the "Energy Information Act" (S. 2782). It would authorize a Federal Bureau of Energy Information which would compile energy resource data. Their partial aim is to reduce our total dependence on the producers for this kind of data.

Both the Dingell amendment and the Nelson-Jackson bill demonstrate a congressional recognition that an information shortage is a significant part of the energy problem. I applaud these efforts, which hold out the hope that this information void will soon be filled.

The CHAIRMAN. The Chair recognizes the gentleman from Indiana (Mr. DENNIS).

Mr. DENNIS. Mr. Chairman, I wanted to ask the chairman or somebody a question. As I read this, information which qualifies as a trade secret it is still disclosed on request to the Attorney General or any chairman of any congressional committee for any purpose they may desire to carry out their responsibilities in this connection. It seems a pretty broad thing. Is that a general provision of law or peculiar to this act here?

Mr. DINGELL. Mr. Chairman, if the gentleman will yield, it is true it is broad, but the information becomes confidential and may not then be disclosed by the Administrator. This is in conformity with the rest of the Federal practices regarding trade secrets.

Mr. DENNIS. It reads that way to me, that he could go to court proceedings with it.

Mr. DINGELL. The answer is he probably could use it in court proceedings but could probably not introduce it in evidence without authorization of other statutes, to which this amendment does not address itself. In any event, before he could get that kind of information, he would have to go to court and use the usual process of the court. The court would consider the regular practice in cases of this sort.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. PICKLE).

Mr. PICKLE. Mr. Chairman, the gentleman from California (Mr. Moss) made reference to a letter of December 12. I have received a copy of the same letter. I want to assure the gentleman that what I was reading was from a letter of December 10 from the Federal Trade Commission. I think both letters are not in question because they pertain in the one instance to the original amendment by the gentleman from Michigan (Mr. DINGELL) and in the other letter to additional points now pending, similar to the one we have under discussion.

The main complaint that the Federal Trade Commission had was that under the original amendment they would be forced to convey information that would be confidential and related to trade secrets. Obviously this has been deleted from this amendment. I would still state I think, there is a better way to handle this—not under an allocation bill.

The CHAIRMAN. The Chair recognizes the gentleman from Florida (Mr. ROGERS).

Mr. ROGERS. Mr. Chairman, I strongly support this amendment. I do not know how any Administrator could begin to do what this bill tells him to do to help this Nation in a fuel shortage, unless he knows what the reserves are and what the production in this country is. It is simply an impossible task. He is dealing in the clouds otherwise.

We have heard a variety of figures given as to our petroleum shortage. And almost weekly we have seen the percentages predicted bob like a yo-yo. We do not really know if we have a shortfall of 15 or 17 or 30 or 35 percent.

And this is because we do not have an inventory of our petroleum. All our information comes from the petroleum industry itself. And this has resulted in rollercoaster estimates of barrels and gallons of available petroleum.

The entire Nation is now searching for an answer. I submit that we cannot reach a solution to the problem if we do not have the figures which will properly define just where we are so far as our petroleum resources are concerned.

And so I urge passage of this amendment which will, I feel, bring order from a Babel of facts and figures on our petroleum resources. Certainly this is one of the most important factors in truly facing the problem.

I would urge this is a first step to even begin to meet the energy problem. We must know what we produce. We must know what we can count on in the future.

The CHAIRMAN. The Chair recognizes the gentleman from West Virginia (Mr. STAGGERS).

Mr. STAGGERS. Mr. Chairman, I agree with the objectives of the amendment and urge its adoption.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. DINGELL) to the amendment in the nature of a substitute offered by the gentleman from West Virginia (Mr. STAGGERS).

The amendment to the amendment in the nature of a substitute was agreed to.

AMENDMENT OFFERED BY MR. M'COLLISTER TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. STAGGERS

Mr. McCOLLISTER. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute offered by the gentleman from West Virginia (Mr. STAGGERS).

The Clerk read as follows:

Amendment offered by Mr. McCOLLISTER to the amendment in the nature of a substitute offered by Mr. STAGGERS: On page 54, insert after line 8, the following new subsection:

"(i)(1) In order to conserve available supplies of liquid and gaseous fuels, each coal-fired steam electric generating station which is eligible for such an exemption as provided in paragraph (2) is hereby exempted from all applicable stationary source fuel or emission limitations, unless the Administrator determines that the cost of compliance with any such limitation is reasonable in light of the projected useful life of the station, the availability of rate base increases to pay for such costs, and the risk to public health and the environment which may be associated with exemption from such limitation.

"(2) The exemption provided for in paragraph (1) shall only apply to coal-fired steam electric generating stations (A) which are to be taken out of service permanently by December 31, 1980, due to the age and condition of the station, according to the power supply plan (in existence on the date of enactment of the Energy Emergency Act) of the utility operating such station, (B) for which a certification to that effect has been annually filed with the Environmental Protection Agency and the Federal Power Commission, and (C) for which the FPC has determined that the certification has been made in good faith and the plan to cease operations by December 31, 1980, is likely to be carried out as planned in light of existing and prospective power supply requirements.

"(3) The Administrator of EPA shall be authorized to prescribe interim requirements for any source exempted from any stationary source fuel or emission limitation under this subsection so long as such requirements impose only reasonable costs in light of the criteria prescribed in paragraph (1).

Mr. McCOLLISTER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. McCOLLISTER. Mr. Chairman, there are powerplants around this country that are bordering on being obsolete, which if necessary to comply with all the requirements of the EPA will be put out of service very promptly. They have a few years of remaining life.

This amendment describes a procedure by which they may make annual petition that the requirements be exempted.

I discussed the amendment with the gentlemen on both sides of the committee. Committee counsel had drafted the amendment.

I yield to the gentleman from West Virginia.

Mr. STAGGERS. Mr. Chairman, I do agree with the objectives of the amendment. I think that there are sufficient protections in the amendment that the gentleman has offered.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Nebraska (Mr. McCOLLISTER) to the amendment in the nature of a substitute offered by the gentleman from West Virginia (Mr. STAGGERS).

The amendment to the amendment in the nature of a substitute was agreed to.

AMENDMENT OFFERED BY MR. ANDERSON OF ILLINOIS TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. STAGGERS

Mr. ANDERSON of Illinois. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute offered by the gentleman from West Virginia (Mr. STAGGERS).

The Clerk read as follows:

Amendment offered by Mr. ANDERSON of Illinois to the amendment in the nature of a substitute offered by Mr. STAGGERS:

Page 64, line 9, insert "(a)" before "The";

Page 65, insert after line 20 the following:

"(b) Within 90 days of the date of enactment of this Act, the Secretary of Transportation, after consultation with the Federal Energy Administrator, shall submit to the Congress for appropriate action an "Emergency Mass Transportation Assistance Plan" for the purpose of conserving energy by expanding and improving public mass transportation systems and encouraging increased ridership as alternatives to automobile travel.

"(c) Such plan shall include, but shall not be limited to—

(1) recommendations for emergency temporary grants to assist States and local public bodies and agencies thereof in the payment of operating expenses incurred in connection with the provision of expanded mass transportation service in urban areas;

(2) recommendations for additional emergency assistance for the purchase of buses and rolling stock for fixed rail, including the feasibility of accelerating the timetable for such assistance under section 142(a)(2) of title 23, United States Code (the "Federal Aid Highway Act of 1973"), for the purpose of providing additional capacity for and encouraging increased use of public mass transportation systems;

(3) recommendations for a program of demonstration projects to determine the feasibility of fare-free and low-fare urban mass transportation systems, including reduced rates for elderly and handicapped persons during nonpeak hours of transportation;

(4) recommendations for additional emergency assistance for the construction of fringe and transportation corridor parking facilities to serve bus and other mass transportation passengers;

(5) recommendations on the feasibility of providing tax incentives for persons who use public mass transportation systems."

"(d) In consultation with the Federal Energy Administrator, the Secretary of Transportation shall make an investigation and study for the purpose of conserving energy and assuring that the essential fuel needs of the United States will be met by developing a high-speed ground transportation system between the cities of Tijuana in the State of Baja California, Mexico, and Vancouver in the Province of British Columbia, Canada, by way of the cities of Seattle in the State of Washington, Portland in the State of Oregon, and Sacramento, San Francisco, Fresno, Los Angeles and San Diego in the State of California. In carrying out such investigation and study the Secretary shall consider, but shall not be limited to—

(1) the efficiency of energy utilization and impact on energy resources of such a system, including the future impact of existing transportation systems on energy resources if such a system is not established;

(2) coordination with other studies undertaken on the State and local level; and

(3) such other matters as he deems appropriate.

The Secretary of Transportation shall report the results of the study and investigation pursuant to this Act, together with his recommendations, to the Congress and the President no later than December 31, 1974."

Mr. ANDERSON of Illinois [during the reading]. Mr. Chairman, I ask unanimous consent that further reading of the amendment be dispensed with, that it be considered as read and printed in the RECORD.

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

There was no objection.

Mr. BROYHILL of North Carolina. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman from North Carolina reserves a point of order on the amendment.

Mr. ANDERSON of Illinois. Mr. Chairman, the amendment which I am offering

to section 206 of the substitute bill would essentially do two things. First, it would require that within 90 days after the date of enactment, the Secretary of Transportation, after consultation with the Administrator of the Federal Energy Administration, submit to the Congress for appropriate action an emergency mass transportation assistance plan for the purpose of conserving energy by expanding and improving mass transportation services as alternatives to automobile travel. Second, my amendment would require that within the first 12 months of next year, the Secretary of Transportation, in consultation with the Administrator, shall submit to the Congress and the President the results of a study into the feasibility of developing a high-speed ground transportation system along the west coast of the United States. The second part of my amendment has been drafted by Mr. ANDERSON and Mrs. BURKE of California.

Mr. Chairman, let me point out at the outset that my amendment in no way duplicates either section 105 or the existing language of section 206 of the substitute. Section 105 requires the Administrator to submit to the Congress within 30 days, energy conservation plans. The transportation energy conservation plan called for by that section is defined as plans for transportation controls—including highway speed limits, and plans for maximizing car pooling arrangements in all communities and businesses where applicable. While this stick approach of controls will obviously be needed to see us through this energy crisis, controls alone will not solve the problem, and indeed, in some cases will create new problems, particularly in the area of reduced automobile travel.

The new fuel allocation regulations are obviously going to impact the hardest on automobile users. President Nixon has stated that our goal in the first quarter of 1974 will be a 24-percent reduction in automobile use, including a 50-percent reduction in pleasure driving. It is readily apparent that these controls will result in great hardship and inconvenience for millions of American motorists, and for that reason, I think we must address ourselves in this legislation today to providing emergency alternative modes of transportation, particularly in the area of expanded mass transportation services.

To accomplish this, my amendment is aimed at the carrot approach of incentives and assistance for expanded mass transportation services and increased ridership. Under my amendment, the Secretary of Transportation would submit to the Congress within 3 months of enactment a comprehensive strategy for providing emergency mass transportation assistance. The Secretary's plan would include recommendations for emergency capital and operating assistance for mass transportation systems, recommendations for fare-free and low-fare mass transportation demonstration programs, recommendations for additional emergency assistance for the construction of fringe parking facilities for mass transit passengers, and recommendations on providing tax incentives for mass transit users—proposal made by my colleague from Illinois, Mr. DERWINSKI. I would emphasize that the Secretary would not be required to make an affirmative recommendation on each of these items, but he would have to make a recommendation one way or another on each.

I would also emphasize that my amendment in no way duplicates the existing language of section 206 which requires the Administrator to make an energy conservation study and submit his findings to Congress within 6 months. That study would include federally sponsored incentives for the use of public transit, including authority to require additional production of buses or other means of public transit, and Federal subsidies for the duration of the energy emergency for reduced fares and additional expenses incurred because of increased service. The study would also address itself to the costs and benefits of electrifying rail lines in the United States with a high density of traffic.

While such a study will be useful to us in our future deliberations, and while it does touch on some of the items referred to in my own amendment, I would point out that a 6-month study will not address itself to the immediate needs of our public mass transportation systems and the needs of those who will be forced to abandon their automobiles and find other ways to get to and from their places of business. My amendment goes beyond a mere study in calling for an emergency action strategy for assisting mass transportation systems now as they attempt to cope with increased ridership.

In this regard, I was encouraged to read in this morning's Washington Post that the administration has decided to propose a separate urban transportation fund which could be used for both highway and mass transit programs, including operating assistance. While I have not had the opportunity to verify this report, this proposal would certainly be within the scope of the "emergency mass transportation assistance plan" which my amendment calls for.

Mr. Chairman, the time for such a national emergency mass transportation strategy is now. The indications are already coming in that after a 30-year decline of mass transportation systems, the trend is beginning to reverse itself, mainly due to fuel shortages and the resulting curtailment of gasoline sales for automobiles and the cancellation of airline flights. Whereas city transit ridership plummeted from a peak of 23 billion passengers in 1945 to 6.5 billion in 1972, these systems are now beginning to show a slight gain in ridership, only the second such gain since 1950. The Chicago Transit Authority, for instance, in my own State of Illinois, reports that revenue passengers were up 1.2 percent, that is 457,000 fares, for the first 3 weeks in November, over the same 3 weeks in 1972. The overall ridership on the CTA during the first 11 months of this year declined only 0.3 of 1 percent which is the smallest decrease since the second World War.

Two Chicago commuter railroads, the Burlington and Northern, show ridership gains of 7 and 9 percent respectively this October over last year. By the same token, Amtrak shows a ridership gain of 25 percent this year over last year; and the Greyhound bus lines posted a 10-percent increase in ridership over the Thanksgiving holidays over the seasonal norm.

And yet, despite the recent upswing in mass transit users, the deficit problem of mass transit continues. As the Christian Science Monitor reported on December 6, the reason these systems are not making more money with increased ridership is because most of the increase comes during peak-use hours when most equipment is already in use. This means adding more equipment and more drivers, thus forcing operating costs up. And few carriers have the necessary additional equipment to handle this load.

Mr. Chairman, all these facts clearly argue for emergency mass transportation assistance now. I am encouraged that the Government has already designated mass transit as a priority user for diesel fuel. The amendment which I am offering today will help to insure that we will have an adequate mass transportation system to carry the increase in passengers due to the energy crisis. I urge its adoption.

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

Mr. ANDERSON of Illinois. I yield to the gentleman from Florida.

Mr. ROGERS. Mr. Chairman, I am most impressed with the gentleman's amendment. I think what he says is true, that if we are going to do anything about reducing automobile travel, we are going to have to move to mass transit.

Mr. Chairman, I would support the gentleman's amendment.

Mr. ANDERSON of Illinois. Mr. Chairman, I thank the gentleman for his remarks.

Mr. MURPHY of New York. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON of Illinois. Mr. Chairman, I yield to the gentleman from New York.

Mr. MURPHY of New York. Mr. Chairman, would the gentleman's amendment go to the point of a study to provide for incentives for the use of public transportation and Federal subsidies to maintain or reduce existing fares and additional expenses incurred because of increased service?

Mr. ANDERSON of Illinois. Mr. Chairman, I think it would clearly. Under subparagraph C–1, recommendations for emergency temporary grants to assist cities and local bodies and agencies thereof in the payment of operating expenses incurred in connection with the provision of mass transportation services in urban areas, I think clearly within the purview of that subsection there would be the authority to recommend to Congress what ought to be done about some problems in that area.

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

Mr. ANDERSON of Illinois. Mr. Chairman, I yield to the gentleman from New York.

Mr. BINGHAM. Mr. Chairman, I thank the gentleman for yielding to me. I think

his amendment is a very constructive one and fills a gap in this legislation.

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

Mr. ANDERSON of Illinois. Mr. Chairman, I yield to the gentleman from California.

Mr. DON H. CLAUSEN. Mr. Chairman, is this basically a study provision?

Mr. ANDERSON of Illinois. Basically, that is exactly what it is. I want to point out also, which will be I think of particular interest to the gentleman from California, that in paragraph 5(d), we also provide for a study of the possibility for the purposes of conserving energy of developing a high speed ground transportation system between the cities of Tijuana, Mexico, and Vancouver in the province of British Columbia.

That section was drafted by my colleagues on this side of the aisle, Mr. ANDERSON of California, and Mrs. BURKE of California as an addition to the overall purpose of the amendment. I gratefully acknowledge their help and participation in advancing the cause of improved mass transportation in the United States.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

(At the request of Mr. DENNIS and by unanimous consent, Mr. ANDERSON of Illinois was allowed to proceed for 1 additional minute.)

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

Mr. ANDERSON of Illinois. I yield to the gentleman from Indiana.

Mr. DENNIS. Mr. Chairman, what will the gentleman's amendment do that is not included in section 206, subsection 2, on page 64 of the bill?

Mr. ANDERSON of Illinois. Mr. Chairman, I thank the gentleman for asking that question. I did not have time to point out earlier that this amendment, in my opinion, does not duplicate the existing language of section 206, because that in essence requires the Administrator simply to make an energy conservation study and submit his findings to Congress within 6 months.

While it is true that that study could include federally sponsored incentives for the use of mass transit, including the authority to require the additional production of buses and Federal subsidies for the duration of the emergency, I think that it does not touch on all of the items that are referred to in my amendment.

Mr. Chairman, I would point out further that a 6-month study, as called for in section 206 of the committee substitute, would not address itself to the immediate needs of our public mass transit systems and the needs of those who are going to be forced to abandon their automobiles during this energy crisis.

The CHAIRMAN. The time of the gentleman from Illinois (Mr. ANDERSON) has expired.

(On request of Mr. DELLENBACK and by unanimous consent, Mr. ANDERSON of Illinois was allowed to proceed for 1 additional minute.)

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

Mr. ANDERSON of Illinois. I yield to the gentleman from Oregon.

Mr. DELLENBACK. Mr. Chairman, I thank the gentleman for yielding.

May I just say a strong word of support for the amendment.

I was particularly pleased, understandably, concerning the comment which the gentleman in the well made about the study to consider mass transportation up and down the west coast. This is a badly needed study.

We were prepared to offer that as a separate amendment.

Mr. Chairman, I am pleased to support the gentleman's amendment. I commend the gentleman and I hope that his amendment will be adopted.

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

Mr. ANDERSON of Illinois. I yield to the gentleman from New York.

Mr. KEMP. Mr. Chairman, I rise in support of the amendment offered by my distinguished colleague, the gentleman from Illinois (Mr. ANDERSON) to amend section 206 of the substitute bill. It has my enthusiastic and unqualified support. I commend the gentleman for his leadership.

Mr. ANDERSON's proposal, which would require the Secretary of Transportation to submit to the Congress a comprehensive plan for providing emergency mass transportation systems, is not only timely and creative in the environment of the energy shortage but is additionally responsive to the requirements for a more balanced U.S. transportation system in both the immediate and following years ahead.

Rapid rail transportation, within urban areas and intercity, is a necessity not only for the development of our communities, including western New York, but for relief of America's congested roads and restoration of our environment.

The speed-up of the Buffalo to Amherst rapid rail system, presently in the engineering and environmental study stage, is a critical concern in our community. This priority project, more urgent than ever because of fuel shortages, is receiving the fullest possible attention through our cooperative, local, Federal, congressional efforts, including planned meetings here in Washington in the near future to help expedite Federal approval of grants and hasten ongoing work on the project. But more needs to be done.

There must be an even greater Federal commitment to mass transportation. I will fight for that commitment for my community and for our country.

The existing fuel shortage would certainly be alleviated by an accelerated expansion of service on Amtrak and other intercity and commuter passenger service. Such an expansion, I believe, should include the resumption of rail passenger service west from Buffalo to Chicago through Cleveland and to connecting links with other regions of our Nation.

Many of us in this body and in the Senate have repeatedly exerted efforts to restore this rail passenger service, all the way from New York City to Chicago, since I first came to the Congress in 1971. Last month, 14 of my colleagues from New York State, joined Mr. DULSKI and myself in an appeal to Mr. Roger Lewis, the President of Amtrak, to extend the New York City to Buffalo route to Chicago. Similar appeals have been sent to Mr. Lewis from our colleagues in Ohio, Pennsylvania, and other affected States.

Mr. Chairman, the energy shortage emphatically underscores the need for not only restoration of this particular service but for vastly expanded rail service in all urban corridors of our Nation.

During the Thanksgiving holiday, Amtrak and other rail passenger carriers were flooded with reservation requests far beyond anticipated patronage. Even as we meet here today, Amtrak is preparing to put additional equipment into service in an attempt to meet needs of travelers during the Christmas holidays.

The Associated Press yesterday reported that—

> Before the energy crisis started hitting home, Amtrak estimated its annual growth rate was about 11 percent. It now is over 25 percent.

Increasing demand for rail passenger service certainly would not be limited to holidays in weeks, months, and years ahead, especially when we confront cutbacks in the schedules of airlines, limits on supplies of gasoline for private vehicles and other effects of the fuel shortage.

Equally as critical as efficient and environmentally sound intercity mass transportation is a speeded up and expanded program for rapid rail mass transit within America's cities.

The ability to commute to jobs, schools, and other necessary destinations should not be left to private transportation, no matter how efficient our technical capability may make this mode of transportation at some future date.

The Buffalo Courier-Express, in recent days, astutely pointed out in an editorial that the Buffalo to Amherst rapid rail transit system "surely qualifies for priority treatment."

I wholeheartedly concur. I hasten to add that similar systems, throughout our country, qualify for the same "priority treatment" when, as the editorial points out, the energy crisis is certain to be with us for some years.

At this point, Mr. Chairman, I insert the editorial with my remarks:

DISHEARTENING RAPID TRANSIT FORECAST

The latest prediction is that construction of the proposed Buffalo-Amherst rapid-transit line will begin in 1976. From the point of view of the Niagara Frontier Transportation Authority, which should be accustomed to seeing public-works projects delayed—witness the area jetport project—the prospect of a transit-line start in 1976 may not cause a ruffle. The public, however, can only view such a forecast as disheartening.

After having been assured that the recent defeat of the state's transportation bond issue would not impede construction of the $239-million rail line, it certainly seemed reasonable to hope for a start before 1976. Now, given the history of NFTA prophecies, we can be excused for doubting that even the 1976 forecast—made by William E. Miller, NFTA chairman—will be met. (The NFTA transit study issued in September, 1971, foresaw con-

struction starting between the spring of 1973 and mid-1974.)

On the other hand, it could be that the NFTA sees this much-needed transit line as a suitable undertaking to mark the nation's bicentennial year. It would, indeed, though we hope there will be no holding back just to make the two coincide. With the energy crisis certain to be with us for some years, the rapid transit line surely qualifies for priority treatment.

Another aspect of the energy shortage, related to mass transit and Congressman Anderson's proposal, has been addressed by an editorial, carried December 8, in the Buffalo Evening News.

As the Evening News says, Mr. Chairman:

We have the chance now to snatch from short-range adversities the long-range benefits that can make America a stronger and better Nation.

I fully share this optimistic view.

I do not believe that a plethoric series of stopgap measures, by Federal edict or congressional enactment, will effectively address themselves to our long-range energy and transportation problems.

I do believe, as the Evening News has stated, that we must "stop dawdling over mass transit and an eroded rail system crying for retrieval."

I do believe we can help to create a climate to develop the technologies and resources to make our country self-sufficient for the energy requirements of an even greater Nation.

Mr. ANDERSON's amendment is addressed toward such a course.

I urge overwhelming support for its passage.

And I add the Evening News' editorial to my remarks:

SHIFT JOBS TO MASS TRANSIT

As a people facing the grim hardships and dislocations of a prolonged energy shortage, we have the chance now to snatch from short-range adversities the long-range benefits that can make America a stronger and better nation.

This will take the will power and leadership to channel our resources in sensible ways. More specifically, it requires that we see, and then make a creative connection, between the economic impact of energy shortages on the one hand, and the urgent need for versatile mass transit systems and improved rail networks on the other.

The importance of this is underscored by two simultaneous developments.

One is the harsh economic impact the gasoline and oil shortage is having on the stock market and in the actuality and anticipation of sharp declines in employment and production in the bellwether auto industry and other large oil-using industries.

But the other is the immediate and inescapable need for providing vastly expanded public transportation alternatives to the private auto. We should have begun years ago the conversion from a highway- and petroleum-based overdependence on the private autos to a network of fast, efficient and attractive intra-city mass transit systems.

Having delayed that enterprise, however, we ought to be doing everything possible to spur it now—to the point where it becomes one of the major fields for captial investment and employment to take up some of the economic slack resulting from cutbacks elsewhere.

The Arab oil-producing countries have perhaps done us a favor by alerting us to the necessity for finding alternative sources of energy. But the flip side of that coin, of course, is the glaring need for a long-run conservation of energy in a country that has been increasing its petroleum consumption 7 per cent annually and burning nearly 55 per cent of the world's gasoline production.

Fuel shortages and the economic distress they signal can have hidden benefits, in short, if we have the good sense to reorder our priorities for long-run reforms.

Why, for example, can't the tax revenue or excess profits gained from measures to limit current gasoline consumption be used, not merely to search out new energy resources, but to greatly accelerate construction of mass transit facilities and to expedite the shifting of auto assembly line from production of big gas-guzzling cars to buses as well as compact cars?

These are just some obvious examples of the rechanneling of money and productive resources that the times demand—to staunch an energy hemorrhage, to insure a transportation alternative for the millions of suburban car-commuters, and to provide productive labor for worried workers facing layoffs.

So let's stop dawdling over mass transit and an eroded rail system crying for retrieval. Surely America has enough inventive genius to deal constructively with an energy and economic crisis if we but link the two in a sensible crash effort to rebuild our public transportation systems.

The CHAIRMAN. The gentleman from North Carolina (Mr. BROYHILL) has reserved a point of order on the amendment.

Does the gentleman insist upon his point of order?

Mr. BROYHILL of North Carolina. Mr. Chairman, I withdraw my point of order.

Mrs. GREEN of Oregon. Mr. Chairman, I move to strike the requisite number of words.

Mrs. GREEN of Oregon. Mr. Chairman, I rise in strong support of the entire amendment offered by the gentleman from Illinois.

I would direct my comments primarily to section (d) which essentially would direct the Secretary of Transportation to conduct a feasibility study of a high-speed ground transportation system on the west coast. This would link the major cities from Mexico to Vancouver, British Columbia, with service to Seattle, Portland, Sacramento, San Francisco, Fresno, Los Angeles, and San Diego. Most important in considering this emergency energy legislation is the study of the amount of energy that could be saved and the impact on energy resources, including the future impact of existing transportation systems, if a high-speed ground transportation system is established.

Almost identical legislation to section (d) was introduced in the Senate, had the unanimous support of the Commerce Committee, and passed the other body over 5 months ago.

Mr. Chairman, the major transportation vehicles linking the urban areas on the west coast have for many years, now, been the automobile and the airplane—the two costliest modes of transportation in terms of fuel consumption. With projected fuel shortages as high as 25 percent for the upcoming year, it is essential that we immediately look to the development of an integrated transportation system which will insure real fuel savings. An efficient transportation system on the west coast is inextricably tied to this Nation's economy. If transportation comes to a standstill due to a lack of fuel supplies, repercussions will be sorely felt throughout the country, not just the west coast.

Mr. Chairman, the leadtime for the development of a high-speed ground transportation network—if a feasibility study substantiates the case for it—will be great. Meanwhile, the number of interurban travelers each year increases. The projected rate of population growth between 1970 and 1990 for the States of Oregon and Washington alone is 31 percent. In addition, each year in many areas the automobile is adding a greater burden to the resolution of highway congestion problems, pollution problems, and so forth. It seems to me that now is the time to begin moving toward the development of a more efficient system.

I urge my colleagues to consider the benefits of the northeast corridor program. Most of us will recall the study authorized by Congress in the late 1960's of the ground transportation requirements in the Washington-Boston area. Since that time the Metroliner-Turbo-Train operation has proven very successful, and projections for this network as a truly energy-efficient alternative to the car and plane in my mind argue for at least a study of the benefits a similar high-speed ground transportation system could have for the west coast.

And so, I ask my colleagues to support this amendment. As I have stated previously section (d) merely requires a feasibility study. There is no commitment to subsequent Federal action pending a report back to this Chamber.

Mr. BROWN of California. Mr. Chairman, will the gentlewoman yield?

Mrs. GREEN of Oregon. I yield to the gentleman from California.

Mr. BROWN of California. Mr. Chairman, I thank the gentlewoman for yielding.

I rise in support of this amendment. It goes a good deal of the way in the direction of the comments I made yesterday in expressing my hope that out of this bill will evolve some truly significant thrusts in the direction of solving some of our energy problems on a long-term basis.

Mr. Chairman, I believe this amendment will help to do that.

Mr. ANDERSON of California. Mr. Chairman, will the gentlewoman yield?

Mrs. GREEN of Oregon. I yield to the gentleman from California.

Mr. ANDERSON of California. Mr. Chairman, I thank the gentlewoman for yielding.

I rise in strong support of this amendment and urge an aye vote on it.

Mr. Chairman, subparagraph (d) of this amendment directs the Secretary of Transportation, in consultation with the Federal Energy Administrator, to make an investigation and study of the feasibility of a high-speed ground trans-

portation system linking the major cities of the west coast.

Specifically, this part of the amendment would require a study of the most practical and energy efficient method of transportation in the corridor leading from San Diego, Calif., to Vancouver, on the Canadian border—a study that was adopted unanimously in the Senate and should not cost more than $8 million.

Many of the Members here are not familiar with some of the problems we have on the west coast. And one of those problems is intercity travel—travel between San Diego, Los Angeles, San Francisco, and other great cities. In fact, the Nation's most heavily traveled air corridor by 3 to 1 is the route between Los Angeles and San Francisco.

Furthermore, the traffic forecast indicates that by 1985, the growth factor alone in this west coast route will amount to several times more than the traffic which now exists in the next densest air short-haul route—Boston to New York.

By automobile, we presently have 6 million trips a year between Los Angeles and San Francisco. This is about equivalent to the auto trips in a year between New York and Boston.

Today, with our energy crisis, we must be examining alternatives to both the automobile and the airplane to permit people access to travel for business and pleasure. Obviously, one way of gaining the most benefit from our precious energy resources is to provide a ground system—similar to the Metroliner—which gets the maximum passenger miles per gallon.

If travel within the west coast were ever curtailed, because of a lack of an adequate transportation system, serious harm would be done to the economy of the region, as well as the country as a whole.

But presently, we do not even have a plan.

This amendment would direct the Secretary of Transportation—with the Federal Energy Administration, to undertake a study considering such factors as the cost, the alternatives, the efficiency of energy utilization, the prospects for commercial success of such a system, and other factors dealing with a high-speed ground transportation system on the west coast.

This report would be presented to the Congress no later than December 31, 1974, along with any recommendations the Secretary may have.

Mr. Chairman, the real force behind this amendment, and the person who has taken the lead in the effort to obtain this study is, unfortunately, in Los Angeles. She is there taking care of her new daughter—Autumn Roxanne—but were YVONNE BURKE here, I am sure that she could present the very real need for this proposal much better than I.

Thus, I ask for an affirmative vote on Mr. ANDERSON and Mrs. BURKE's amendment to authorize a mass transit study and a west coast high-speed ground transportation study so that we may have the information necessary to conserve energy.

Mr. BUCHANAN. Mr. Chairman, will the gentlewoman yield?

Mrs. GREEN of Oregon. I yield to the gentleman from Alabama.

Mr. BUCHANAN. Mr. Chairman, I rise in support of the amendment.

Ms. ABZUG. Mr. Chairman, will the gentlewoman yield?

Mrs. GREEN of Oregon. I yield to the gentlewoman from New York.

Ms. ABZUG. Mr. Chairman, I rise in support of the direction which the amendment takes. I recognize that the intent of the amendment of the gentleman from Illinois is to develop plans to encourage the use of mass transportation—and so to get people out of their cars and conserve our energy supplies.

There is a strong relationship between mass transportation and energy. In order to cope with our dwindling supply of fuel oil, every method of energy conservation must be fully exploited. It is now clear that the promotion of mass transportation is critical to achieving our national goal of fuel conservation through the reduction of vehicular traffic.

Now is the time, in the legislation before us, to make full recognition of mass transportation as a significant energy conserving modality. We have here an opportunity to take positive action toward encouraging people to leave their cars at home and to switch to their local, public or private transit systems.

The gentleman's amendment addresses the question of the relationship between mass transit and energy and should be supported. However, it does not go far enough. The House should take positive action. If we really are concerned about conserving our energy supplies we must act as quickly as possible to make mass transit more attractive.

One significant way in which the goal might be accomplished is to prohibit increases in, or reduce, the fares of any public or private mass transit system throughout the Nation for the duration of the energy emergency. Funds ought to be provided to cover the costs incurred due to the fare increase prohibition or reduction and also due to increased services provided by those systems. Therefore, while I support this amendment, I will strongly support the amendment of the gentleman from New York (Mr. MURPHY), to be offered for the New York City delegation, which would provide for maintenance of, or reduction in mass transit fares during this emergency. In fact, in answer to a question from the gentleman from New York, the gentleman from Illinois responded that the concept of such a program as I have just described could be promulgated under his amendment.

A fare freeze, or reduction now, coupled with the implementation of the plans developed under the gentleman's amendment would serve to check automobile use, conserve energy supplies and have the added benefit of protecting the environment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. ANDERSON) to the amendment in the nature of a substitute, offered by the gentleman from West Virginia (Mr. STAGGERS).

The amendment to the amendment in the nature of a substitute was agreed to.

Mr. STAGGERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise at this time in order to see if we can reach some accommodation on the time limit for debate on the remainder of the bill and all amendments thereto.

We are proceeding pretty rapidly right now, and we have gotten to that point where we have disposed of most of the controversial issues.

I wonder if we could come to an accommodation of time, say, 10 minutes for each amendment which is now at the desk?

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

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

Mr. BROYHILL of North Carolina. Mr. Chairman, I thank the gentleman for yielding.

I rise in support of the gentleman's effort. I think that the arrangement which he has suggested is in the interest of the bill.

If I understand what the gentleman is proposing to do, it is to have 5 minutes allowed for the proponents of an amendment and 5 minutes allowed for the opponents of an amendment; is that correct?

Mr. STAGGERS. The gentleman is correct. I have tried to do that to see that the amendments offered by the committee and by other Members will be alternated as between the committee members and the noncommittee members, and I shall do as much as I can on this side, and I assume that the gentleman will on his side, to see that each Member will have an opportunity to present his amendment, as well as the members of the committee.

Mr. Chairman, I ask unanimous consent that each amendment to the amendment in the nature of a substitute offered be considered for not more than 5 minutes on each side.

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

Mr. STAGGERS. I yield to the gentleman.

Mr. BROYHILL of North Carolina. There will be differences of opinion on this. Some Members want to finish the bill up and others do not. But it seems to me that this is a fair arrangement. Some of these amendments that are pending are not in order to the bill. I could not make that judgment for the Chair, but that is my opinion at least. I think we can finish this bill up under the arrangement suggested by the chairman.

Mr. STAGGERS. I think there are several that are not germane. In looking them over, many of them are not. There are several that we can accept. I have heard at least six Members say they have

amendments that they are not going to offer, and I am sure there are many more that will not be offered. I would like to arrive at some kind of an understanding, if we could, on this matter.

The CHAIRMAN. The gentleman from West Virginia (Mr. STAGGERS) asks unanimous consent that each amendment to the amendment in the nature of a substitute offered be considered for not more than 5 minutes on each side.

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

Mr. CRANE. Mr. Chairman, reserving the right to object, I know there are a number of amendments offered by Members of this body who are not members of the Committee on Interstate and Foreign Commerce. We are today on our third day, but we know that was a 3-day markup session by the Committee on Interstate and Foreign Commerce, and the rest of us have sat around here as spectators, and frankly I have a profound feeling of resentment that the committee should put us into this kind of a situation. We are Members of the House, but we are not privileged to be members of the committee, and I do not think that in view of the long period of discussion allowed to members of the committee the rest of us should be limited to 10 minutes on each amendment that we have to offer.

It is apparent on the face of what has gone on here that this bill should never have been brought to the floor.

Mr. STAGGERS. Mr. Chairman, I would like to respond to the gentleman.

I said in my motion that we would allow sufficient time. We have been yielding sufficient time for everyone to speak. We have taken up at least four amendments that the committee itself did not bring out. I will say that for every amendment the committee brings up from now on we will allow one for Members who are not members of the committee to bring up.

Mr. CRANE. With all due respect, it seems to me that the committee, with the exception of those four amendments that the chairman of the committee has referred to, has dominated the time for 2½ days. Equal time should surely dictate the other 400 Members of this body body might have an equivalent period of time.

Mr. STAGGERS. Two and a half days? I would say to the gentleman, not to be frivilous in any way, that if at the end of 10 minutes an additional length of time is required, I would certainly be willing to see if that time could be secured.

Mr. CRANE. Mr. Chairman, I object to the limitation of 10 minutes for discussion.

The CHAIRMAN (Mr. BOLLING). The Chair cannot entertain a motion on this matter. Is objection heard?

Mr. PRICE of Texas. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

PARLIAMENTARY INQUIRIES

Mr. WILLIAMS. Mr. Chairman, a parliamentary inquiry.

Why cannot the Chair accept a motion from the chairman of the committee to limit debate on each amendment to 10 minutes?

The CHAIRMAN. A motion to control debate can neither divide the time nor allocate or reserve the time. A unanimous-consent request, if agreed to, can do that, but a motion to allocate and break up time is not entertainable.

Mr. WILLIAMS. Would a motion to limit debate on each amendment to 10 minutes be in order?

The CHAIRMAN. That would be in order.

Mr. WILLIAMS. Then, in that case, I would like to say to my esteemed colleague——

The CHAIRMAN. On individual amendments. A motion to limit debate on individual amendments to 10 minutes with no allocation of the 10 minutes would be in order.

Mr. WILLIAMS. But it has to be made on each individual amendment?

The CHAIRMAN. It has to be offered to each individual amendment after each amendment is offered.

Mr. O'NEILL. A parliamentary inquiry, Mr. Chairman.

A motion would be in order to end all debate on all amendments pending at 7 o'clock?

The CHAIRMAN. Such a motion to end all debate on the Staggers amendment and all amendments thereto at an hour certain would be in order.

Mr. O'NEILL. I thank the Chairman.

Mr. STAGGERS. Mr. Chairman, if I still have the time under the 5-minute rule I would like just to enter into a colloquy if I could with the ranking minority member.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. STAGGERS was allowed to proceed for 2 additional minutes.)

Mr. STAGGERS. Mr. Chairman, if I might engage in a colloquy with the ranking minority member on the committee, the gentleman from Ohio (Mr. DEVINE) and the gentleman from North Carolina (Mr. BROYHILL), who is handling the bill, I would ask them what would be their consensus as to finding a time to end this debate on this bill and all amendments thereto.

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

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

Mr. DEVINE. Mr. Chairman, I would say it depends on what each individual Member feels as to what his interest may be in the bill. I think the only way we can make that determination is to try several motions until perhaps one passes.

Mr. STAGGERS. Mr. Chairman, I will now yield to the gentleman from North Carolina (Mr. BROYHILL) in order to receive his views.

Mr. BROYHILL of North Carolina. Mr. Chairman, I thank the gentleman for yielding, and will the gentleman yield for the purpose of asking a parliamentary inquiry?

Mr. STAGGERS. I do.

PARLIAMENTARY INQUIRY

Mr. BROYHILL of North Carolina. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. BROYHILL of North Carolina. Mr. Chairman, my parliamentary inquiry is this: If the time is limited, would only those Members who are presently standing and would be listed—would they be the only Members who could be recognized either to propose an amendment or to oppose an amendment?

The CHAIRMAN. The Chair will state any motion that the Chair can conceive of would involve enough time so that the Chair would feel that he could reserve that right to recognize Members under the 5-minute rule.

The Chair will explain that if needed.

The gentleman is talking about limiting debate on the amendment in the nature of a substitute, and all amendments thereto?

Mr. BROYHILL of North Carolina. That is correct, Mr. Chairman.

The CHAIRMAN. The Chairman would presume that there will be a substantial block of amendments, and the Chair would feel that the Chair should not fail to protect the Members who are not in the Chamber at the moment who might have amendments that they sought to offer.

Mr. BROYHILL of North Carolina. I thank the Chairman.

Mr. DEVINE. Mr. Chairman, will the gentleman from West Virginia yield further?

The CHAIRMAN. The time of the gentleman has expired.

Mr. DEVINE. Mr. Chairman, I move to strike the last word.

PARLIAMENTARY INQUIRY

Mr. DEVINE. Mr. Chairman, a parliamentary inquiry

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. DEVINE. Mr. Chairman, my parliamentary inquiry is this: Is a motion now in order to say that the House will vote on the bill and all amendments thereto by a time certain?

The CHAIRMAN. The Chair will state that a motion to limit debate on the amendment in the nature of a substitute offered by the gentleman from West Virginia (Mr. STAGGERS) and all amendments thereto, to a time certain, would be in order.

Mr. DEVINE Mr. Chairman, I therefore will make that motion.

Mr. Chairman, I move that all debate on the amendment in the nature of a substitute offered by the gentleman from West Virginia (Mr. STAGGERS) and all amendments thereto, close at 5:30 p.m. today.

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

I do not have any amendments, but——

The CHAIRMAN. The Chair will state that the gentleman from Ohio (Mr. DEVINE) has made a motion.

PARLIAMENTARY INQUIRY

Mr. GROSS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN The gentleman will state his parliamentary inquiry.

Mr. GROSS. Mr. Chairman, my par-

liamentary inquiry is this: Must that motion be in writing?

The CHAIRMAN. The Chair will state that the motion must be in writing if the gentleman insists upon it.

Mr. GROSS. Mr. Chairman, I do so insist.

PREFERENTIAL MOTION OFFERED BY MR. LANDRUM

Mr. LANDRUM. Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. LANDRUM moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken.

The CHAIRMAN. The gentleman from Georgia (Mr. LANDRUM) is recognized for 5 minutes in support of his preferential motion.

Mr. LANDRUM. Mr. Chairman, during the entire 21 years that I have had the pleasure of serving in this body, this is the first time that I have ever offered such a motion. But now it is obvious, despite the tremendous efforts of the distinguished chairman and the ranking minority member of the Committee on Interstate and Foreign Commerce, that the committee has not been able to write a bill in its own committee, that it comes in to the Committee of the Whole and after 2½ days, has failed to write what the membership desires. Therefore, we ought to send this back to the Interstate Committee.

It is now obvious that if we stay here long enough to finish this bill—I do not know how long it would be—that the bill would not be recognizable and that it would be impossible of enforcement, and that no one in the country would know what was in it, what he had to do or when to do it.

Mr. Chairman, I insist upon a vote on the motion.

Mr. STAGGERS. Mr. Chairman, I oppose the motion. I respect the motive of the gentleman from Georgia, but I might say to him that never has a bill been worked on so hard and so diligently by a committee as our committee, the Committee on Interstate and Foreign Commerce. I would pit those 42 men against any 42 men in the House as to their capabilities, their qualifications, their diligence, and their intelligence. They have worked, and they have worked into the night several nights, trying to complete the bill. They came up with the very finest bill they could.

The President of the United States took to television and informed the American people that this is one of the bills that he must have before this Congress goes home. I dare say that if we do not vote on this bill, either vote it up or down, the President will say that we have not done our jobs.

I think we ought to stay here until we have perfected the bill and done the very best that we can. There has been no bill brought to this floor that was perfect. And there has never been one perfect bill come out of this House.

The gentleman from Georgia mentions the fact of taking so long here. I would say that bills that come out of the Committee on Ways and Means and other committees where there are closed rules, and Members not on those committees cannot offer amendments there are so many important aspects of this bill. We have in here authority to expediate the procedures for bringing in power from Canada, which they are willing to give to us, but which under the present circumstances we cannot get, which would help alleviate our energy shortage right away.

There are many other factors of the bill that are so important to America. I say that this is one of the most important bills that the House will consider this year. I said that when it came to the floor, that it is one of the most important bills that has ever been brought to the floor. I say that again, because it affects the lives of every American. It tries to give equitable treatment to all individuals, and not let just one segment run wild making great profits, and allowing those who are at their mercy to be forced to pay the bill and to take what they can get, which would let the favored few of America just ride herd over the rest of us.

I would not want to go back home to my constituents and say that I had not done my job. I do not think there is a man in this House who wants to do that. This is what we were elected to do, to do our job, and I think every man has the moral courage to do it, to perfect the bill, and then go back home and say, "We have done our best."

I say, if we do not, and if we quit, we do not have moral courage. I think the time has come for the representatives of the American people to stay here if it takes from now until after Christmas to complete this work.

I say it can be done tonight, and the time is right now. That is the reason I oppose the proposition offered by the gentleman from Georgia.

The CHAIRMAN. The question is on the preferential motion offered by the gentleman from Georgia (Mr. LANDRUM).

The preferential motion was rejected.

PARLIAMENTARY INQUIRY

Mr. DEVINE. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman from Ohio will state it.

Mr. DEVINE. At the time the gentleman from Georgia made his preferential motion, I had already made a motion before the House, and it was requested that that be put in writing. That was done, and it is currently at the Clerk's desk. I wonder what the status of that motion is that was pending at the time the preferential motion was made.

The CHAIRMAN. The preferential motion takes precedence. The preferential motion was rejected.

MOTION OFFERED BY MR. DEVINE

Mr. DEVINE. Mr. Chairman, I offer a motion.

The Clerk read as follows:

Mr. DEVINE moves that all debate on the amendment in the nature of a substitute, H.R. 11882, and all amendments thereto be concluded by 6:30 p.m.

PARLIAMENTARY INQUIRY

Mr. LANDRUM. Mr. Chairman, a parliamentary inquiry. The Chair has not ruled on the preferential motion.

The CHAIRMAN. The Chair had ruled that the preferential motion had been defeated.

Mr. LANDRUM. The Chairman had ruled?

The CHAIRMAN. Yes, the Chair announced the result of the vote and had recognized the gentleman from Ohio.

PARLIAMENTARY INQUIRY

Mr. SYMMS. Mr. Chairman, a parliamentary inquiry. I was on my feet at the time.

The CHAIRMAN. The gentleman may have been on his feet but he did not address the Chair.

The Chair has attempted very hard to be fair and he did not hear the gentleman.

Mr. SYMMS. I thank the Chairman, but I was on my feet.

The CHAIRMAN. The question is on the motion offered by the gentleman from Ohio (Mr. DEVINE).

PARLIAMENTARY INQUIRY

Mr. GROSS. Mr. Chairman, a parliamentary inquiry. Is this motion subject to debate?

The CHAIRMAN. It is not subject to debate.

The question is on the motion offered by the gentleman from Ohio (Mr. DEVINE).

The question was taken; and on a division (demanded by Mr. STAGGERS) there were—ayes 84, noes 71.

RECORDED VOTE

Mr. SYMMS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 197, noes 196, not voting 40, as follows:

[Roll No. 670]

AYES—197

Adams	Clausen, Don H.	Gray
Addabbo	Cleveland	Griffiths
Albert	Collier	Grover
Alexander	Collins, Tex.	Gunter
Andrews, N.C.	Conlan	Haley
Andrews, N. Dak.	Corman	Hanley
Arends	Cotter	Hanrahan
Ashley	Davis, Ga.	Hansen, Wash.
Aspin	de la Garza	Harrington
Bafalis	Delaney	Harsha
Barrett	Dellums	Harvey
Bevill	Devine	Hawkins
Boland	Donohue	Henderson
Bowen	Downing	Hicks
Brasco	Dulski	Holifield
Bray	Eckhardt	Holt
Breckinridge	Edwards, Ala.	Hosmer
Brooks	Edwards, Calif.	Johnson, Pa.
Brown, Calif.	Ellberg	Jones, Ala.
Brown, Ohio	Eshleman	Jones, N.C.
Broyhill, N.C.	Evins, Tenn.	Jones, Okla.
Broyhill, Va.	Fascell	Karth
Burgener	Findley	Kastenmeier
Burke, Mass.	Fisher	Kazen
Burton	Flowers	King
Butler	Foley	Koch
Byron	Forsythe	Landrum
Carey, N.Y.	Fountain	Latta
Carney, Ohio	Fulton	Leggett
Carter	Gaydos	Lent
Cederberg	Gettys	Litton
Chappell	Ginn	Long, La.
Chisholm	Gonzalez	Lott
Clancy	Grasso	Lujan
		McCloskey

McCormack	Preyer	Stuckey
McFall	Price, Ill.	Symington
McSpadden	Quillen	Taylor, N.C.
Madden	Rangel	Teague, Calif.
Mailliard	Reuss	Teague, Tex.
Martin, Nebr.	Rhodes	Thompson, N.J.
Mathias, Calif.	Roberts	Thomson, Wis.
Mathis, Ga.	Rogers	Thornton
Meeds	Roncalio, Wyo.	Tiernan
Michel	Rooney, Pa.	Ullman
Mills, Ark.	Rose	Vanik
Minshall, Ohio	Rosenthal	Veysey
Mizell	Rostenkowski	Vigorito
Mollohan	Roybal	Waldie
Moorhead, Pa.	Ryan	Whalen
Morgan	St Germain	White
Moss	Sebelius	Whitehurst
Murphy, N.Y.	Shipley	Widnall
Natcher	Shoup	Wiggins
Nedzi	Sikes	Williams
Nelsen	Sisk	Wilson, Bob
Nichols	Slack	Wilson, Charles H., Calif.
Nix	Smith, N.Y.	
Obey	Snyder	
O'Neill	Staggers	Wilson, Charles, Tex.
Owens	Stanton, J. William	Wright
Passman	Stark	Wydler
Patman	Steed	Wylie
Patten	Steiger, Ariz.	Yatron
Pepper	Stephens	Young, Ga.
Peyser	Stratton	Zion
Pickle	Stubblefield	
Podell		

NOES—196

Abdnor	Frey	Murphy, Ill.
Abzug	Froehlich	Myers
Anderson, Calif.	Fuqua	O'Brien
	Giaimo	O'Hara
Anderson, Ill.	Gibbons	Parris
Annunzio	Gilman	Perkins
Archer	Goldwater	Pettis
Armstrong	Goodling	Pike
Ashbrook	Green, Oreg.	Poage
Badillo	Green, Pa.	Powell, Ohio
Baker	Gross	Price, Tex.
Bauman	Gude	Pritchard
Beard	Guyer	Quie
Bennett	Hamilton	Railsback
Bergland	Hammer-schmidt	Randall
Biaggi		Rarick
Biester	Hansen, Idaho	Rees
Bingham	Hastings	Regula
Blackburn	Hechler, W. Va.	Rinaldo
Blatnik	Heckler, Mass.	Robinson, Va.
Brinkley	Heinz	Robison, N.Y.
Broomfield	Helstoski	Rodino
Brotzman	Hillis	Roe
Brown, Mich.	Hinshaw	Roush
Buchanan	Hogan	Rousselot
Burke, Fla.	Holtzman	Roy
Burleson, Tex.	Horton	Ruppe
Burlison, Mo.	Howard	Ruth
Camp	Huber	Sarasin
Casey, Tex.	Hudnut	Sarbanes
Chamberlain	Hungate	Satterfield
Cochran	Hutchinson	Scherle
Cohen	Jarman	Schneebeli
Collins, Ill.	Johnson, Colo.	Schroeder
Conable	Jones, Tenn.	Seiberling
Conte	Jordan	Shriver
Conyers	Kemp	Shuster
Coughlin	Ketchum	Skubitz
Crane	Kluczynski	Smith, Iowa
Cronin	Kyros	Spence
Culver	Landgrebe	Stanton, James V.
Daniel, Dan	Lehman	
Daniel, Robert W., Jr.	Long, Md.	Steelman
	McClory	Steiger, Wis.
Daniels, Dominick V.	McCollister	Studds
	McDade	Symms
Danielson	McEwen	Talcott
Davis, S.C.	McKay	Thone
Davis, Wis.	McKinney	Towell, Nev.
Dellenback	Macdonald	Treen
Denholm	Madigan	Van Deerlin
Dennis	Mahon	Vander Jagt
Derwinski	Mallary	Waggonner
Dickinson	Mann	Wampler
Dingell	Maraziti	Whitten
Dorn	Martin, N.C.	Winn
Drinan	Matsunaga	Wyman
Duncan	Mayne	Yates
du Pont	Mazzoli	Young, Alaska
Esch	Mezvinsky	Young, Fla.
Evans, Colo.	Milford	Young, Ill.
Fish	Miller	Young, S.C.
Flood	Minish	Young, Tex.
Flynt	Mink	Zablocki
Ford, William D.	Mitchell, N.Y.	Zwach
	Moakley	
Fraser	Moorhead, Calif.	
Frelinghuysen		
Frenzel	Mosher	

NOT VOTING—40

Bell	Hays	Rooney, N.Y.
Boggs	Hébert	Runnels
Bolling	Hunt	Sandman
Brademas	Ichord	Steele
Breaux	Johnson, Calif.	Stokes
Burke, Calif.	Keating	Sullivan
Clark	Kuykendall	Taylor, Mo.
Clawson, Del	Melcher	Udall
Clay	Metcalfe	Walsh
Dent	Mitchell, Md.	Ware
Diggs	Montgomery	Wolff
Erlenborn	Reid	Wyatt
Gubser	Riegle	
Hanna	Roncallo, N.Y.	

So the motion was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. The Committee will rise informally in order that the House may receive a message.

FURTHER MESSAGE FROM THE SENATE

The SPEAKER resumed the chair.

The SPEAKER. The Chair will receive a message.

A further message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed a joint resolution of the following title, in which the concurrence of the House is requested:

S.J. Res. 180. Joint resolution relative to the convening of the second session of the 93d Congress.

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

H.R. 620. An act to establish within the Department of the Interior an additional Assistant Secretary of the Interior for Indian Affairs, and for other purposes.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 11324) entitled "An act to provide for daylight saving time on a year-round basis for a 2 year trial period, and to require the Federal Communications Commission to permit certain daytime broadcast stations to operate before local sunrise."

The SPEAKER. The Committee will resume its sitting.

ENERGY EMERGENCY ACT

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. Moss).

AMENDMENT OFFERED BY MR. MOSS TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. STAGGERS

Mr. MOSS. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute offered by Mr. STAGGERS.

The Clerk read as follows:

Amendment offered by Mr. Moss to the amendment in the nature of a substitute offered by Mr. STAGGERS: Page 47, line 10, insert "prior to such deadline result in, or contribute to, air pollutants which present a significant risk to public health and will not" after the word "not".

Page 47, line 18, insert "and with requirements of an applicable State plan to implement such standards" before the word "as", before the word "by".

Page 47, line 23, insert "or to assure continuing compliance with any requirements of an applicable State plan to implement such standards" before the phrase "a date".

Page 13, line 20, at the end of line 20 insert the word "all".

Mr. MOSS. Mr. Chairman, I yield for the purpose of discussion, to the gentleman from Missouri (Mr. SYMINGTON).

Mr. MURPHY of New York. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman from Missouri reserves a point of order on the amendment.

Mr. SYMINGTON. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, the purpose and effect of this amendment which has been offered on behalf of the gentleman from California (Mr. Moss), myself, the gentleman from New York (Mr. HASTINGS), and the gentleman from Pennsylvania (Mr. HEINZ) is so as to reconcile the provisions of the bill before us not only with the original intent of the committee, but with the spirit of the Clean Air Act, that once proud legislation. In the words of the biblical plea:

Take not the spirit from us.

Mr. Chairman, this amendment does not affect emergency initiatives. It does not stand in the way of coal conversion. Nor does it prevent the granting of variances or suspensions permitting the burning of dirtier fuels this winter. What it does do is distinguish between short- and long-term suspensions by prohibiting the latter when they produce air pollutants that present a significant risk to public health.

Mr. Chairman, certain legendary heroines did take poison to avoid other forms of inconvenience. As applied to our situation, I doubt the device makes up in nobility what it lacks in resourcefulness. If we would but remember it was our mindless addiction to the cheapest available combustibles that led first to a cloud over America's health, then coughing, bronchial statistics, books, articles, hearings, and finally the Clean Air Act. If we would bear that in mind we would not surrender now to the impulses that took us down that dreary road—to be numbered among those who cannot remember history and are, therefore, doomed to repeat it.

This amendment seeks to preserve national primary ambient air standards, so welcome to the breathing American, by far the majority, in such teeming concentrations of humanity as New York, Chicago, Los Angeles, Birmingham, Atlanta, Cincinnati, Philadelphia, and even St. Louis.

This amendment also recognizes the continuing responsibility of State governments and the legitimacy of State implemented plans. Should this day's work stand as a confession of error in that concept, or a lack of confidence in the know-how to perfect it?

We can do it. We can do it without question, and without injury.

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

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

Mr. HASTINGS. Mr. Chairman, I rise in strong support of this measure. I must say that this amendment accomplishes what was the intent when it was first introduced by the gentleman from Missouri (Mr. SYMINGTON) in the full committee, as amended by myself.

This will allow for individual stationary polluters suspension of air quality standards, but at the same time, guarantees that the health of the public will be protected. I think it is a compromise between each position as to suspension of standards and protection of public health.

Mr. Chairman, I strongly urge support for this amendment.

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

Mr. MOSS. I yield to the gentleman from Minnesota (Mr. NELSEN).

Mr. NELSEN. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I notice in the language as reported that it refers to short term and long term. One of the things I have been struggling with is what do we do with the long term? Do we just leave them hanging there? Is there any assurance something is going to be done for the long term? I agree with what the author of the amendment has suggested as well as the gentleman from Missouri (Mr. SYMINGTON). But I am trying to get some clarification, and I have been trying for some days to get some clarification. Is the long term provided for where that is so vitally needed?

Mr. MOSS. Mr. Chairman, I yield to the gentleman from Missouri to reply to the gentleman from Minnesota.

Mr. SYMINGTON. Mr. Chairman, I thank the gentleman for yielding to me.

May I say that the gentleman from Minnesota is correct that both short term and long term are included in the amendment, but really the amendment permits a suspension for the short term, whatever is needed to meet the crisis.

If there is to be a long-term suspension, it has to be dependent upon a finding of the Administrator that there is no significant risk to health.

Mr. NELSEN. I thank the gentleman.

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

Mr. MOSS. I yield to the gentleman from Pennsylvania.

Mr. HEINZ. I thank the gentleman.

Mr. Chairman, I should like to commend the gentleman from Missouri on his amendment, and I support the amendment very strongly. I also would like to associate myself with the remarks of the gentleman from New York (Mr. HASTINGS).

Mr. MOSS. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The gentleman from New York has reserved a point of order.

POINT OF ORDER

Mr. MURPHY of New York. Mr. Chairman, the very first amendment adopted by the Committee of the Whole on this legislation is in total conflict with this amendment, which amends an amendment already adopted. That is the point of the point of order.

The CHAIRMAN. Does the gentleman from California wish to be heard on the point of order?

Mr. MOSS. Mr. Chairman, I should like to yield to the gentleman from Missouri (Mr. SYMINGTON).

Mr. SYMINGTON. Mr. Chairman, there is nothing in the amendment which we have proposed which changes a single word in the gentleman's amendment. There are no deletions. We have amended the same section, but I do not think there is anything in the rules that would prevent that.

The CHAIRMAN (Mr. BOLLING). The Chair has had an opportunity to examine the amendments. The amendment offered by the gentleman from New York (Mr. MURPHY). The fact that it may be inconsistent is not a matter for the Chair to rule on. The Chair overrules the point of order.

Mr. MURPHY of New York. Mr. Chairman, I move to strike the last word.

Mr. JONES of Alabama. Mr. Chairman, will the gentleman yield?

Mr. MURPHY of New York. I yield to the gentleman from Alabama.

Mr. JONES of Alabama. Mr. Chairman, it is my opinion that if this amendment were to succeed, it would defeat the total purpose of the bill, which is to provide the necessary fuel requirements for the production of electric energy. Approval of the amendment would mean that the producers of electric power are going to be confronted with a physical proposition that they cannot satisfy. The amendment will cause very imprudent use of both public and private moneys.

I hope that the Committee will not accept the amendment.

Mr. MURPHY of New York. Mr. Chairman, the two amendments say in one specific aspect that we want to maintain the national ambient air quality standards in every air shed, particularly in the air sheds over our cities where air in the past has been very poor. The difference in the amendments is this: We have State plans, and we have some States who will not change their air quality plans. We have an Administrator created under this act, and the Administrator may require certain specific types of control on powerplants.

We also have an Administrator of EPA who might be making recommendations as to the type of controls on stationary fuel sources.

My amendment does this. It permits the Administrator to authorize noncontinuous emission standards—and when I say continuous emission standards, these are the heavy scrubbers that will be on these machines for 40 years that cost from $40 to hundreds of millions of dollars. They say we will permit intermittent or alternate types of mechanisms on our powerplants but at the same time that we must preserve ambient air quality.

The fact is that for the limited period of this legislation—we hope this energy shortage is short-lived—the Symington amendment makes no ability to change the State plans. In effect, it will mandate heavy scrubbers, and extraordinary expenditures, particularly in the areas where we can put them at this time, and I would urge the defeat of the Symington language.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. Moss) to the amendment in the nature of a substitute offered by the gentleman from West Virgina (Mr. STAGGERS).

The amendment to the amendment in the nature of a substitute was rejected.

The CHAIRMAN. Before the Chair recognizes any other Member, with the indulgence of the Committee, the Chair would like to state the situation that confronts the Committee and its members. The Committee has limited all time on the pending amendment and all amendments thereto to 6:30 p.m. That leaves us in a situation where we have many amendments pending. There may well be at 6:30 a large number of amendments which have not been offered, because the Chair feels he must proceed in the normal fashion.

Those amendments which have not been offered will still be in order to be offered, but there will be no debate on them, unless the author of the amendments as printed in the RECORD under the rule has an amendment, in which event he is entitled to 5 minutes.

The Chair does not believe in a chairman speaking from the chair except to assist the Committee and even then briefly. The Chair would like to suggest to the Committee and its members that it will require a very great deal of very understanding cooperation and self-discipline on the part of the members of the Committee for us to have an orderly procedure and the Chair would beg the cooperation of the members of the Committee on Interstate and Foreign Commerce and all other Members to attempt to give all Members a chance to be heard on their amendments.

Mr. STAGGERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I do this to try to find some accommodation so that every person who has an amendment will be able to speak on it if possible. I would like to suggest to the Members that we find out how many amendments there are at the desk and divide the time between now and 6:30 so that every person who has an amendment will have an equal time for his amendment. If this can be done I would like to make an additional suggestion, that the committee alternate with those outside the committee to offer amendments, so we would take them one at a time, one from the committee members and one from outside the committee in order to be fair. I do not know how this can be done.

The CHAIRMAN. The Chair would have to say to the gentleman from West Virginia, whose intentions he knows are the best, that if we would do that we would not be taking into account whatever time was taken up in voting on whatever additional amendments might be offered.

The Chair is constrained to hope that the gentleman will not insist on that procedure.

Mr. STAGGERS. Mr. Chairman, in lieu of that I would say to every man who speaks on an amendment that I suggest he limit his time to 2 minutes and that would give everybody a chance to speak on his amendment.

The CHAIRMAN. That is in line with the hope the Chairman was expressing in a rather unusual way a little earlier.

Mr. STAGGERS. That is what I would suggest and if it gets out of hand then a little later I would ask unanimous consent or move to limit time. I would like to go on for 45 minutes and have everybody get his amendments spoken to, and if it is not going that way then I would ask for a limitation of time so that every Member would have some opportunity to speak.

PARLIAMENTARY INQUIRY

Mr. O'NEILL. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. O'NEILL. How many amendments have been printed in the RECORD?

The CHAIRMAN. The Chair is not absolutely sure, but he thinks approximately five.

Mr. O'NEILL. Then, Mr. Chairman, because so many Members have been inquiring about the time, each one of these people is entitled to his 5 minutes, and debate is to be completed at 6:30, and then there is a great possibility that on amendments already passed, rollcall votes may be asked on them, plus the fact that there will be an opportunity to recommit, and then final passage, so despite the fact that all debate will end at 6:30, it appears the Congress will be continuing on this matter until, I would say, between 8:30 and 9 o'clock this evening.

I merely state this for the information of the Members.

The CHAIRMAN. The Chair would like to add, also, that on any amendment placed in the RECORD, he was in error, that there would be not 5 minutes, but 10 minutes, 5 minutes for the author and 5 for someone to speak against the amendment, so that would be 10 minutes.

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

Mr. STAGGERS. Mr. Chairman, I yield to the gentleman from Hawaii.

Mr. MATSUNAGA. Mr. Chairman, I wish at the outset to congratulate the gentleman from West Virginia and members of his committee for their herculean efforts in trying to enact appropriate legislation to cope with our Nation's energy crisis.

For the purpose of establishing legislative history, I ask the distinguished chairman of the committee (Mr. STAGGERS) for his attention.

The distinguished chairman, Mr. STAGGERS, will recall that I raised a question about the intended impact on the visitor industry during floor consideration of the emergency fuel allocation bill, now enacted into law, and that he responded that all vehicles, public or private, which serve the visitor industry were to be considered part of the so-called public services which were to be maintained at the highest priority under any allocation program.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. MATSUNAGA was allowed to proceed for an additional 2 minutes.)

Mr. MATSUNAGA. Mr. Chairman, in section 103 of the bill under consideration, it is provided in part as follows:

A top priority in such ordering shall be the maintenance of vital services (including, but not limited to new housing construction, education, health care, hospitals, public safety, energy production, agriculture, and transportation services, which are necessary to the preservation of health, safety, and the public welfare).

And in the committee report accompanying H.R. 11450, on page 27, it is stated:

. . . there must be a realization by those in authority that the public good is not served by denying allocations of fuel for certain uses which have the appearance of being nonessential (such as recreational activities or various aspects of general aviation), if to do so would result in significant unemployment. There are, of course, many areas in this Nation where recreation and tourism provide the base of the local economy.

My question to the gentleman is this: Am I correct in my understanding that by the provisions of section 103 and that part of the committee report which I have just quoted, it is legislatively intended that the term "vital services" shall include transportation services, both public and private, which are necessary to maintain the tourist industry in areas where tourism is a vital part of the local economy, as in Hawaii?

Mr. STAGGERS. Mr. Chairman, I think we have answered that question before. It is answered in the report and the answer is "Yes."

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. BROWN) for 5 minutes.

Mr. BROWN of Ohio. Mr. Chairman, I take this moment to ask the attention of the chairman of the committee for the purpose of legislative history. I wish to clarify a point. The proposal now before us, in part, amends the priorities section of the Emergency Petroleum Allocation Act.[1] That act provides that the tions—and services directly related thereto" should be among the priority "Maintenance of agricultural operausers of fuel.[2]

Precedent in previous fuel allocation programs[3] has established that among the priority agricultural-related users of fuel are essential food supply activities such as the manufacture and transportation of cans, bottles, wraps and other food containers and other activities.

Such a priority, to me, only makes sense since the fuel allocated to produce and process food would be totally wasted if there are no containers in which to package the product. For the purpose of legisative history, then, I wish to establish that it is the intent of Congress that activities essential to the maintenance of an adequate and reliable food supply are indeed considered part of the agricultural-related allocation priorities.

Mr. STAGGERS. That is the intention of the Committee.

Mr. BROWN of Ohio. Mr. Chairman, I thank the gentleman.

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

Mr. BROWN of Ohio. Mr. Chairman, I yield to the gentleman from Pennsylvania.

Mr. HEINZ. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Chair will state that one Member cannot yield to another Member to offer an amendment.

Mr. BROWN of Ohio. Mr. Chairman, I yield back the balance of my time.

AMENDMENT OFFERED BY MR. HEINZ TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. STAGGERS

Mr. HEINZ. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute offered by the gentleman from West Virginia (Mr. STAGGERS).

POINT OF ORDER

Mr. PRICE of Texas. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. PRICE of Texas. Mr. Chairman, I thought the agreement was to alternate amendments between members of the Committee and members who are not on the Committee. This is another example of what we have here today.

Mr. HEINZ. Mr. Chairman, I would be happy to withdraw my amendment.

The CHAIRMAN. Permit the Chair to say in respect to the point of order, that the procedure mentioned by the gentleman from Texas was discussed but not agreed to. The Chair had hoped that procedure would be followed.

The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. HEINZ to the amendment in the nature of a substitute offered by Mr. STAGGERS. Page 8, after line 18, insert the following new subsection: (e) Section 4 of the Emergency Petroleum Allocation Act of 1973 is amended by inserting at the end thereof the following new subsections:

"(l) (1) The President shall transmit any rule (other than any technical or clerical amendments) which amends the regulation (promulgated pursuant to subsection (a) of this section) with respect to end-use allocation authorized under subsection (h) of this section.

"(2) Any such rule with respect to end-use allocation shall, for purposes of subsections (m) and (n) of this section, be treated as an energy action and shall take effect only if such actions are not disapproved by either House of Congress as provided in subsections (m) and (n) of this section.

"(m) DISAPPROVAL OF CONGRESS.—

"(1) For purposes of this subsection, the term 'energy action' means any rule under subsection (1) or repeal of such rule.

"(2) The President shall transmit any energy action (bearing an identification number) to the Congress. The President shall have such action delivered to both Houses

[1] PL 93–159

[2] Sec. 4(b) (1) (C).

[3] The fuel allocation program of World War II accorded the food industry an A–1 priority which was assignable to their suppliers; under such a program an essential food supply activity, whether it be cans or conveyer belts or transportation, received priority allocation in order to keep the food supply system functioning.

on the same day and to each House while it is in session.

"(3) Except as otherwise provided in paragraph (4) of this subsection, an energy action shall take effect at the end of the first period of 15 calendar days of continuous session of Congress after the date on which the plan is transmitted to it unless, between the date of transmittal and the end of the 15-day period, either House passes a resolution stating in substance that that House not favor the energy action.

"(4) For the purpose of subsection (1) of this section—

"(A) continuity of session is broken only by an adjournment of Congress sine die; and

"(B) the days on which either House is not in session because of an adjournment of more than 3 days to a day certain are excluded in the computation of the 15-day period.

"(5) Under provisions contained in an energy action, a provision of the plan may be effective at a time later than the date on which the action otherwise is effective.

"(6) An energy action which is effective shall be printed in the Federal Register.

"(n) DISAPPROVAL PROCEDURE.—

"(1) This subsection is enacted by Congress—

"(A) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they are deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of resolutions described by paragraph (2) of this subsection; and they supersede other rules only to the extent that they are inconsistent therewith; and

"(B) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

"(2) For the purpose of this subsection, 'resolution' means only a resolution of either House of Congress, the matter after the resolving clause of which is as follows: 'That the — does not favor the energy action numbered —— transmitted to Congress by the President on , 19 ', the first blank space therein being filled with the name of the resolving House and the other blank spaces therein being appropriately filled; but does not include a resolution which specifies more than one energy action.

"(3) A resolution with respect to an energy action shall be referred to a committee (and all resolutions with respect to the same plan shall be referred to the same committee) by the President of the Senate or the Speaker of the House of Representatives as the case may be.

"(4) (A) If the committee to which a resolution with respect to an energy action has been referred has not reported it at the end of 5 calendar days after its introduction, it is in order to move either to discharge the committee from further consideration of the resolution or to discharge the committee from further consideration of any other resolution with respect to the energy action which has been referred to the committee.

"(B) A motion to discharge may be made only by an individual favoring the resolution, is highly privileged (except that it may not be made after the committee has reported a resolution with respect to the same energy action), and debate thereon shall be limited to not more than 1 hour, to be divided equally between those favoring and those opposing the resolution. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"(C) If the motion to discharge is agreed to or disagreed to, the motion may not be renewed, nor may another motion to discharge the committee be made with respect to any other resolution with respect to the same energy action.

"(5) (A) When the committee has reported, or has been discharged from further consideration of, a resolution with respect to an energy action, it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. The motion is highly privileged and is not debatable. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"(B) Debate on the resolution shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the resolution. A motion further to limit debate is not debatable. An amendment to, or motion to recommit, the resolution is not in order, and it is not in order to move to reconsider the vote by which the resolution is agreed to or disagreed to.

"(6) (A) Motions to postpone, made with respect to the discharge from committee, or the consideration of a resoltuion with respect to an energy action, and motions to proceed to the consideration of other business, shall be decided without debate.

"(B) Appeals from decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution with respect to an energy action shall be decided without debate."

Mr. HEINZ (during the reading). Mr. Chairman, I ask unanimous consent that the reading of the amendment be dispensed with and that it be printed in the RECORD.

Mr. ECKHARDT. Mr. Chairman, I reserve a point of order.

Mr. ADAMS. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that the amendment be considered as read?

Mr. HEINZ. I do, Mr. Chairman.

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

Mr. ECKHARDT. Mr. Chairman, reserving the right to object, and if this will not waive my reservation I shall not object——

The CHAIRMAN. It just dispenses with the reading. It does not waive the gentleman's reservation.

Mr. GROSS. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

The Clerk will continue to read the amendment.

The Clerk continued to read the amendment.

Mr. HEINZ (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

Mr. ECKHARDT. Mr. Chairman, reserving the right to object, is the amendment at this desk?

Mr. HEINZ. Yes, Mr. Chairman, the amendment was made available to that desk 3 days ago.

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

Mr. YATES. I object, Mr. Chairman. I believe the House should know what the amendment says.

The CHAIRMAN. Objection is heard.

The Clerk will continue to read.

The Clerk continued to read the amendment.

Mr. HEINZ (during the reading). Mr. Chairman, it is not my desire to prevent any Member in the House from finding out what is in this 6-page amendment, but I am seeking a method of permitting the Members to understand the amendment and yet not be forced to go through the reading of the entire amendment.

Is there a procedure, Mr. Chairman, under which I might explain the amendment?

The CHAIRMAN. The Chair will inform the gentleman that the Clerk must complete the reporting of the amendment unless unanimous consent is given to suspend the reading.

Mr. HENIZ. Mr. Chairman, under the condition that I would like the chance to explain the amendment, I will again repeat my unanimous-consent request.

Mr. Chairman, I ask unanimous consent that the amendment may be considered as read and printed in the RECORD.

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

Mr. YATES. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

The Clerk will continue the reading of the amendment.

The Clerk continued to read the amendment.

PARLIAMENTARY INQUIRY

Mr. ECKHARDT (during the reading). Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. ECKHARDT. Mr. Chairman, would it be in order for me to press my point of order at this time?

The CHAIRMAN. Did the Chair understand the gentleman to say, to press his point of order?

Mr. ECKHARDT. Yes, Mr. Chairman. Would it be in order for me to urge my point of order at this time?

The CHAIRMAN. The Chair feels that the reading of the amendment should be concluded.

Mr. ECKHARDT. I thank the Chairman.

The CHAIRMAN. The Clerk will continue to read the amendment.

The Clerk continued to read the amendment.

Mr. BROYHILL of North Carolina (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed at this point in the RECORD.

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

Mr. GROSS. Mr. Chairman, I object.

POINT OF ORDER

Mr. ECKHARDT. Mr. Chairman, I insist on my point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. ECKHARDT. Mr. Chairman, my point of order is that the amendment is not germane to the amendment in the nature of a substitute. Further, the

amendment is not germane to the material of the bill.

I should further like to argue on the point of order if I may be heard at this time.

The CHAIRMAN. The gentleman will proceed.

Mr. ECKHARDT. Mr. Chairman, what the amendment purports to do is create additional machinery with respect to the allocation section of the bill which is covered in section 103 of that bill so as to provide that the powers which are to be exercised in allocation, including end use allocation, shall be subject to presentation to the Congress during a 15 day period in which, if they are not vetoed by one or the other House, such provisions may be canceled by having been denied by the two Houses.

There is nothing in the original bill or in the amendment that provides for any procedure by which the matter shall be resubmitted to the Congress. There is nothing in the amendment in the nature of a substitute that has any such procedure in it.

The amendment offered here provides an extensive amendment of the procedures of both the House and Senate with respect to the manner in which this is accomplished.

I should like to point out to the Chair that this is not a small change in policy or in law but an extremely large one. What it purports to do, in effect, is to change the role of the Presidency and that of the Congress and to afford a special procedure by which this bill reserves to the Congress the administrative position, a position in which as a condition subsequent to the passage of this bill this bill may require a second look at the entire question and a determination on the question of policy by the Congress.

The major thrust of my point of order does not go to any question of constitutionality.

It indicates too the fact that the matter contained herein so sweepingly alters the procedures of the House, and the work to accommodate itself to this peculiar and unusual problem, that it is far beyond the scope of any provision in the bill. It does not in a minor manner change the bill, but it changes it in an extremely substantial manner because it calls upon the House to make a deep and complete policy determination with respect to the question of allocation at a time subsequent to the passage of the bill, and give that policy determination the effect of law as a condition subsequent to its particular enactment.

The CHAIRMAN. Does the gentleman from Pennsylvania (Mr. HEINZ) desire to be heard on the point of order?

Mr. HEINZ. I do, Mr. Chairman.

Mr. Chairman, the gentleman from Texas contends on the one hand that my amendment is not constitutional, and on the other that it is not germane to the bill.

On the first point I would like to indicate, Mr. Chairman, that there are already on the statute books two laws, the War Powers Act, and the Procedure for Approving Executive Reorganizations. They use the same procedure for the two items I mentioned. Therefore I do not feel that the point of constitutionality can stand the test.

Second, the gentleman from Texas argues that my amendment and the disapproval portion thereof is not germane to the bill. Were this the case it would seem to me inconsistent, Mr. Chairman, because we would not have had, as we did 2 days ago, a vote on the Broyhill amendment which included the exact same procedures as exist in my amendment.

Admittedly, section 105 is not section 103 but, nonetheless, both amendments were offered to the amendment in the nature of a substitute, H.R. 11882. I do not believe, therefore, Mr. Chairman, that the point of order has merit.

Mr. ECKHARDT. Mr. Chairman, I should like to urge one other point aside from the germaneness question, and that is that the amendment is out of order because it seeks to amend the Rules of the House.

Mr. HEINZ. Mr. Chairman, if I may be heard further, I just do not think that the gentleman from Texas is correct. What is in this amendment is simply no different from writing into the bill, which we could do at any time, for any section, a provision which might say "notwithstanding anything in Section 103 or any other section, the Executive Branch has to come back to the Congress for enactment or approval or determination, or anything."

The CHAIRMAN (Mr. BOLLING). The Chair is prepared to rule.

The gentleman from Texas (Mr. ECKHARDT) makes a very interesting and strong argument. The Chair in its ruling is persuaded that the question is a narrow question. The Chair does not rule on the constitutional questions raised in this argument; but there are two aspects of the matter that the Chair takes into consideration in its decision. One, which the Chair believes to be the lesser one, is the fact that in the original bill there is a similar provision which in turn was offered as an amendment to the amendment in the nature of a substitute. But the Chair relies primarily on the fact that the amendment offered by the gentleman from Pennsylvania (Mr. HEINZ) is in fact an amendment to section 4 of Public Law 93–159, the Emergency Petroleum Allocation Act which, in a different manner, does provide for a procedure whereby the President shall make submissions to the Congress. And whereby either House may disapprove of such submissions.

Therefore the Chair overrules the point of order.

The Chair recognizes the gentleman from Pennsylvania.

Mr. HEINZ. Mr. Chairman, I am offering this amendment to section 103, which is the section that is a series of amendments to the Emergency Petroleum Allocation Act, because of the tremendously high degree of concern that I have regarding the fact that we are granting to the executive branch, under section 103 as it now stands, an enormous and possibly unprecedented grant of authority. Whether we define "end-use allocation to individual consumers" as end-use allocation, or rationing, each to his own, this bill, in my view, gives the President of the United States the totally unrestricted power to ration gasoline.

What my amendment seeks to do is to give the Congress a chance to say "no" to a rationing proposal that we do not want.

The other day when the gentleman from North Carolina (Mr. BROYHILL) offered his amendment, the shoe was essentially on the other foot. The Broyhill amendment attempted to grant additional power to the executive branch, where none existed under the original section 105, using essentially the same procedure as I propose in this amendment.

The difference is that section 103, as it stands, confers nearly limitless powers to the White House, and what I am attempting to do here today is to restrain the grant of authority in section 103.

I would like to recall, Mr. Chairman, that when we debated the Broyhill amendment, it was pointed out that there were entire industries being put out of business under the Emergency Petroleum Allocation Act as it now stands. Recreation, aircraft, boats, travel were some of the things that were mentioned. Section 103, if unchanged, grants the Executive even more opportunity to make unfair unilateral decisions that could affect the economy of any of our congressional districts.

It also seems to me that the way the bill is drawn, we tend to rely solely on the rationing authority and, therefore, on rationing as a means of meeting this Nation's energy crisis. We have made it relatively difficult to take action for conservation purposes the way we have treated other sections of the bill. Whether or not we are for rationing in principle, it makes no sense to rely on rationing as our sole weapon in dealing with the energy crisis. But if ration we must, let us have the chance to say whether we think the plan is satisfactory. This is what my amendment is all about.

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

Mr. HEINZ. I yield to the gentleman from Indiana?

Mr. DENNIS. I thank the gentleman for yielding.

Mr. Chairman, do I understand that the thrust of the amendment offered by the gentleman in the well is to state that before gasoline rationing can become effective, we must have something to say about it here, and that any such plan that may be submitted by the Executive will be subject to our veto? Is that correct?

Mr. HEINZ. The gentleman is entirely correct.

Mr. DENNIS. Mr. Chairman, I am certainly in support of the gentleman's effort, and I want to commend him for it. The only thing is it should go a little further and say it cannot happen unless we affirmatively do it in the first place; but it is a great improvement over the weasel words and the back-door approach taken in the committee bill.

Mr. HEINZ. I thank the gentleman.

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

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

Mr. LATTA. I thank the gentleman for yielding.

I take this time to ask the gentleman to explain a little bit further how this would operate. I am in favor of control on the power to ration. I mentioned when I was handling the rule that I would offer a similar amendment. I would say before they could implement a rationing plan, it must first be approved by the Congress. What the gentleman is saying, will we have an opportunity to veto it? I realize, and the gentleman well realizes, that a resolution to veto could be kept in the committee and never come out so we would have an opportunity to vote on it.

Mr. HEINZ. May I respond to the gentleman from Ohio by saying as long as there is one person in the entire Congress who is opposed to the rationing plan submitted the natural of the highly privileged motion that is authorized under my amendment would make it mandatory at the very least that the House vote on whether or not they will consider the disapproval motion, because it is a highly privileged motion to discharge a committee. Immediately after a discharge motion has carried, if it is carried, it is then in order to consider whether or not we will disapprove the end-use allocation procedure.

Mr. LATTA. I want to thank the gentleman for his explanation. I think it is most important that any Member have the right to force a vote.

Mr. HEINZ. Just one Member of the House can bring it to the floor for disapproval.

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

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

Mr. GROSS. I thank the gentleman for yielding. Is a vote required?

Mr. HEINZ. The gentleman asks if a vote is required. A vote is required only if one Member of the House seeks his right under this procedure to bring it up for a vote, and he may do so.

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

Mr. HEINZ. I yield to the gentleman from New Hampshire.

Mr. WYMAN. Mr. Chairman, I should like to compliment the gentleman on his amendment and express my support for it. I think it is necessary that Congress should have a look at any rationing system. I am one of the Members here who hopes that we never have rationing in this country.

Mr. STAGGERS. Mr. Chairman, I move to strike the requisite number of words. I do this, Mr. Chairman, in order to get a time limit. I would ask unanimous consent that all debate on this amendment cease in 5 minutes.

Mr. KETCHUM. Mr. Chairman, I reserve the right to object.

Mr. LATTA. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. ECKHARDT. Mr. Chairman, I rise to speak against the amendment.

Mr. Chairman, the power to ration will exist under three acts if this act is passed: First, the Economic Stabilization Act; second, the Defense Production Act; and third, this Energy Act itself. So the purpose that the gentleman proposes here is not actually accomplished unless he should include in his amendment a requirement that that power be closed off in all three acts. I suggest that he has not closed the extensive authority of the Presidency in any way.

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

Mr. ECKHARDT. The gentleman had not yielded to me and my time is very short but I will yield to the gentleman very briefly.

Mr. HEINZ. I apologize for not yielding to the gentleman but there were so many who were asking me to yield. I thank the gentleman for yielding.

Mr. Chairman, I just want to say the gentleman is correct and I do not amend the Economic Stabilization Act nor the Defense Production Act because I do not think that would have been germane.

Mr. ECKHARDT. I see. So the only action that is in fact limited is the one in which we most carefully protect the interests of the public with respect to limitation on any power to restrict any end use allocation. In this bill we provide for an agency which exercises the authority—not the President. We provide that the head of that agency be approved by the Senate. We provide that the agency head be removable only for cause. We provide for administrative procedure and judicial review. This amendment says that the agency must present its end use allocation plan to Congress for disapproval. If Congress fails to disapprove in 15 days, the end use allocation plan goes into effect.

If the gentleman really wants to reserve the power to this body he should remove from the act altogether rationing authority. All this does is provide a buck-passing procedure. This is an amendment by which Executive power is exercised, a short period of perusal is given to both Houses; and, in the event that the action is not disapproved by one House of Congress, it becomes final and determinative—and how can we take considered action in 15 days? Look at the difficulty we have had in drawing up this bill in about that period of time.

The gentleman is calling for a procedure which is nothing in the world but buck passing. The executive branch would place the blame on Congress for not having reversed rationing. We have no power to amend. We have no time for hearing. We have no opportunity to adjust. We are called upon to ratify a decision concerning which we have not the authority nor the time nor the machinery to determine the merits of the issues involved.

Mr. HEINZ. I would like to speak to those points the gentleman has made because I know the gentleman is a serious student of the Constitution. I would like to point out to the Members that first of all his amendment requires transmittal; second, it permits for study by the committee that has appropriate legislative jurisdiction; and third, it provides for special study or action by the committee not being forthcoming, then a highly preferential motion to the floor on which there is 1 hour of debate whether to discharge the committee.

And fourth, if I may finish my last point, it provides in the event the discharge motion carries for up to 10 hours of debate, which granted we have exceeded here in this bill on the floor of the House.

Mr. ECKHARDT. I agree the bill provides for all these things, but the bill does not provide for an orderly operation of this body through which we determine legislative policy for the people of the United States. If we have not completed our action within the 15-day period provided in the bill the failure to have completed it gives absolute legislative authority to the administrative agency.

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

Mr. ECKHARDT. I do not yield further. The gentleman has taken nearly half my time.

The thing I am pointing out here is this reversal of roles by which the administrative body legislates and the legislation goes into effect unless vetoed by Congress. This is a process that if not used in extremely limited ways can destroy the traditional position of Congress, its authority and processes, to a greater extent than any other device that has ever been invented.

I point out to the body that where we have used this device, we have used it for one of two types of processes. We have used it in the Reorganization Act for the purpose of internal housekeeping to require that the decision come back to this House so that we may determine whether it is provident and viable with respect to our own internal operations.

The other application of this so-called legislative veto is in the case where we merely preserve to ourselves in the War Powers Act the right to state by concurrent resolution that we have not given congressional authority to the President to make war.

Mr. LATTA. Mr. Chairman, I rise in support of this amendment, even though I would have preferred the direct approach that I indicated that I would propose to the House when we were debating the rule. I would prefer a very simple amendment to subsection 6, which read as follows:

Provided, however, any plan formulated under this subsection must first be submitted to and approved by the Congress before implementation.

Not being a member of the committee, and under the parliamentary situation, the gentleman from Pennsylvania was recognized before I could offer my amendment.

I appreciate what the gentleman is attempting. As indicated by our earlier colloquy, the end result, I believe, would be the same. The gentleman indicated that one Member of the House could force a vote on any rationing plan. It would not have to go back to the committee. If one Member of the House objected to the plan brought forth by the administration, we could have an opportunity to vote on it.

As an alternative to my approach, I accept it. I think the American people will be watching what this body does in this area, particularly since it will affect everyone that drives an automobile or rides in an automobile.

Certainly I cannot accept the statements just made by the gentleman from Texas that the procedure of the gentleman from Pennsylvania is buck passing. Buck passing is what the committee bill does as it now stands. The bill requires that all other energy plans come back to Congress for approval. Why not the matter of gasoline rationing? The rationing in the bill refers to something like "end use allocation of gasoline." We know this means rationing. This is real buck passing, if you please, and I am opposed to it as well as gasoline rationing.

I think we ought to do as the gentleman suggests, give the Congress of the United States, the people's representatives, an opportunity to veto any rationing plan proposed by the bureaucrats.

Voluntary rationing is working. I do not believe that we need these involuntary methods at this time. I have in my hand the UPI story of yesterday where Mr. Simon said:

The nation in the 3 weeks ending November 30th was able to cut its use of crude oil by 1.1 million barrels a day.

I say, this is a good track record for the American people. They understand this crisis and they are responding. We, as the representatives of the people, ought to give them a chance to respond further. By adopting the gentleman's amendment we will be doing exactly that by heading off gasoline rationing brought about by bureaucratic urging.

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

Mr. LATTA. I yield to the gentleman from New Hampshire.

Mr. WYMAN. Mr. Chairman, does not something also depend on what kind of rationing system they come up with? I know the rationing system in World War II just did not work at all. We do not want to have any black markets in this country in peacetime in gasoline supplies, and it is going to happen if they do not come up with the right kind of system which should be first approved by this Congress.

Mr. LATTA. Mr. Chairman, I could not agree more with the gentleman. I do not think we ought to turn this over to some bureaucrat or czar downtown without having an opportunity to vote on it.

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

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

Mr. KAZEN. Mr. Chairman, on the other hand, all that this Congress could do is either approve of or disapprove of the entire plan. If there was something in the plan we wanted to change, we could not do that under the procedure provided in this amendment, could we?

Mr. LATTA. Mr. Chairman, I welcome the opportunity to vote rationing down in toto at any time.

If I disagree with 90 percent of a rationing plan and agree with 10 percent of it, I will take the 90 percent and vote accordingly.

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

Mr. LATTA. I yield to the gentleman from Pennsylvania.

Mr. HEINZ. Mr. Chairman, the way the bill is written, in section 103 we will not have anything to say about anything. The President or Administrator can promulgate a regulation and we will not be able to do a single thing about it except to go through the complete legislative process to reverse the rule making.

At least, with the amendment, we have a chance to say "No" to something that will not work or is a bad idea.

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

Mr. LATTA. I yield to the gentleman from New Hampshire.

Mr. WYMAN. Mr. Chairman, there is too much power being given to the Executive under this bill anyway. If we have the gentleman's amendment adopted, we can trade out with the executive branch, if we need to, in seeing that a kind of rationing system which is more advisable is fully implemented. Personally I hope this country undertakes a rationing system only as a last resort. It is bound to be a can of worms whatever may be proposed.

Mr. STAGGERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would again like to try to find out if we could not come to some agreement on the time. I think most Members know what the amendment is about and how they are going to vote on it. In any event, they can revise and extend their remarks.

Mr. Chairman, I ask unanimous consent that all debate on this amendment close in 5 minutes.

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

There was no objection.

The CHAIRMAN. Members standing at the time the unanimous consent request was made will be recognized for three-quarters of a minute each.

The Chair recognizes the gentleman from West Virginia (Mr. HECHLER).

Mr. HECHLER of West Virginia. Mr. Chairman, as one who believes very strongly in rationing as a fair system of allocation of gasoline, I feel that this amendment is an unfortunate amendment. It does not mandate rationing; it delegates responsibility to the Administrator with the proviso that Congress can come in at the last minute to veto rationing. Also, the provisions of the bill as it now stands give far too much power to an Administrator like William Simon, who has publicly announced that rationing will only come as a last resort. Both Mr. Simon, the President, Secretary Shultz and other officials are on record against rationing. They feel that the consumer should be socked with higher taxes on gasoline and higher prices.

I feel very strongly that rationing is far preferable to the raising of the price of gasoline, which will bear the hardest on the average man and woman in this Nation. The rich can afford high gasoline prices, but the poor and middle class must reduce their expenditures for food, clothing, and medical care in order to get the essential gasoline they need to go to and from work. I feel it is very unfortunate that we are faced with this alternative, and I propose to vote against the amendment because I do not believe that this approach solves the problem which this committee faces. We ought to have the courage to mandate rationing by a vote in Congress, in order to protect the average working man and woman.

The CHAIRMAN. The Chair recognizes the gentleman from South Carolina (Mr. YOUNG).

(By unanimous consent, Mr. YOUNG of South Carolina yielded his time to Mr. KETCHUM.)

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. KETCHUM).

Mr. KETCHUM. Mr. Chairman, I rise in support of this amendment.

It is unfortunate that when we come to this point, we get the least amount of time for debate on what is perhaps the most important amendment of this bill.

I have heard for 3 days now the word "courage" on this floor, emanating from both sides of the aisle—Members saying that we must have courage.

If we do not vote for this amendment, it certainly is a demonstration on the part of this House that we lack the guts to make a determination and we are willing to relegate that to an Administrator who is not subject to any constituency.

I would remind the Members in this Chamber of the remarks made by the gentleman from Texas yesterday relative to the mandatory allocation program regarding the middle distillate program. I would suggest to any of the Members who have not had problems with that middle distillate program that someone picked a magic day on which to start and did not even have the forms so people could apply, that it would be in order to contact the members of the California delegation and the members of the Texas delegation to find out how their people are faring under an allocation program that some bureaucrat dreamed up.

Mr. Chairman, it seems to me that if we really are interested in an allocation program that is fair, we should vote for this amendment.

The CHAIRMAN. The Chair recognizes the gentleman from North Carolina (Mr. BROYHILL).

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

Mr. BROYHILL of North Carolina. I yield to the gentleman from Pennsylvania.

Mr. HEINZ. Mr. Chairman, I would just like to make one point in order to answer the gentleman from West Virginia (Mr. HECHLER).

I do not think the question that we are voting on is whether we are for or against rationing. The question we are voting on, in my view, is what kind of rationing we want to have.

Now, at the present time, the administration could devise a rationing system based on the number of people in a family, the number of automobiles in a family, the number of drivers' licenses in a family, or even on family income.

Mr. Chairman, I think the gentleman from West Virginia would like to have a chance to say "no" to some of those alternatives.

Mr. HECHLER of West Virginia. Mr. Chairman, in order for me to direct a question to the gentleman from Pennsylvania (Mr. HEINZ), will the gentleman from North Carolina yield?

Mr. BROYHILL of North Carolina. I yield to the gentleman from West Virginia.

Mr. HECHLER of West Virginia. Mr. Chairman, does the gentleman from Pennsylvania really, honestly believe that, to protect the consumers of this Nation, Mr. Simon and the new Energy Administration will ever come to the point of recommending rationing?

Mr. HEINZ. Mr. Chairman, I would say this to the gentleman: There is nothing in my amendment that prohibits, restrains, or discourages Mr. Simon or the new Energy Administration from so doing.

Since my amendment does nothing to inhibit executive branch action on rationing, I do not understand the gentleman's objection.

The CHAIRMAN. The Chair recognizes the gentleman from West Virginia (Mr. STAGGERS) to close debate.

Mr. STAGGERS. Mr. Chairman, I simply wish to state that I oppose the amendment offered by the gentleman from Pennsylvania (Mr. HEINZ).

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. HEINZ) to the amendment in the nature of a substitute offered by the gentleman from West Virginia (Mr. STAGGERS).

The amendment to the amendment in the nature of a substitute was agreed to.

PREFERENTIAL MOTION OFFERED BY MR. GROSS

Mr. GROSS. Mr. Chairman, I offer a preferential motion.

Mr. SCHERLE. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

One hundred twelve Members are present, a quorum.

The Clerk will report the preferential motion.

The Clerk read as follows:

Mr. GROSS moves that the committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken out.

Mr. GROSS. Mr. Chairman, on Wednesday, December 12, when the outrageous rule was before the House making this badly prepared bill in order, there was considerable discussion by the Members with respect to procedure for debate and other consideration.

Earlier this afternoon I sought to remind the gentleman from West Virginia (Mr. STAGGERS) of his assurances on that day with respect to the consideration of the bill.

I take this time before 6:30 deadline to read into the RECORD what was said on that day as recorded at page 11180 of the CONGRESSIONAL RECORD. Mr. ANDERSON of Illinois was in charge of the rule on the minority side. He yielded to Mr. MYERS of Indiana who said:

. . . has there been any agreement that there will not be any limitation of time thereby prohibiting Members from having the opportunity to discuss and thoroughly understand the bill and all amendments that will be offered?

Mr. ANDERSON of Illinois. Mr. Speaker, the gentleman from Indiana raises an important question, and I would be glad to yield at this point to the distinguished chairman of the House Committee on Interstate and Foreign Commerce, the gentleman from West Virginia (Mr. STAGGERS) to give this House assurances that adequate time will be permitted to debate the bill and all amendments thereto.

Mr. STAGGERS. Mr. Speaker, I thank the gentleman from Illinois for yielding to me. I must say that I cannot speak for all members of my committee, nor can I speak for all of the Members of this House, but I would say I would welcome—and I think there should be—complete and full discussion on all of the issues, and that I would try to proceed toward that end.

Yet the distinguished chairman of the House Committee on Interstate and Foreign Commerce only a few moments ago, when there were 65 amendments at the desk, voted to cut off all debate at 6:30 this evening.

I simply want the record to show what has taken place with respect to the outrageous consideration of this legislative monstrosity.

Mr. STAGGERS. Mr. Chairman, I move to strike the requisite number of words.

I would like to say to the gentleman from Iowa that the situation has certainly changed after 3 days.

I did not offer the motion that was accepted. It was offered on this side of the aisle. I thought the time had come when perhaps the House was getting tired of a lot of arguments going on and the time had come to vote on the bill.

The CHAIRMAN. The question is on the preferential motion offered by the gentleman from Iowa (Mr. GROSS).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. ROUSSELOT. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 56, noes 335, not voting 41, as follows:

[Roll No. 671]

AYES—56

Abzug	Gross	Mink
Armstrong	Hanna	Moorhead, Calif.
Bauman	Harrington	Myers
Beard	Hechler, W. Va.	Parris
Blackburn	Holt	Powell, Ohio
Burleson, Tex.	Howard	Price, Tex.
Conlan	Hutchinson	Rangel
Conyers	Jarman	Rarick
Crane	Johnson, Colo.	Rousselot
Davis, S.C.	Jones, Okla.	Ryan
Dennis	Ketchum	Scherle
Dorn	King	Shuster
Duncan	Kuykendall	Spence
Evins, Tenn.	Landrum	Steelman
Goldwater	Lott	Steiger, Ariz.
Griffiths	Lujan	Symms
Teague, Tex.	Treen	Young, Alaska
Towell, Nev.	Waggonner	Young, Fla.
	Wolff	Young, S.C.

NOES—335

Abdnor	du Pont	McSpadden
Adams	Eckhardt	Macdonald
Addabbo	Edwards, Ala.	Madden
Alexander	Edwards, Calif.	Madigan
Anderson, Calif.	Eilberg	Mahon
	Esch	Mailliard
Anderson, Ill.	Eshleman	Mallary
Andrews, N.C.	Evans, Colo.	Mann
Andrews, N. Dak.	Fascell	Maraziti
	Findley	Martin, Nebr.
Annunzio	Fish	Martin, N.C.
Archer	Fisher	Mathias, Calif.
Arends	Flood	Mathis, Ga.
Ashbrook	Flowers	Matsunaga
Ashley	Flynt	Mayne
Aspin	Foley	Mazzoli
Badillo	Ford, William D.	Meeds
Bafalis	Forsythe	Mezvinsky
Baker	Fountain	Michel
Barrett	Fraser	Milford
Bennett	Frelinghuysen	Miller
Bergland	Frenzel	Minish
Bevill	Frey	Minshall, Ohio
Biaggi	Froehlich	Mitchell, Md.
Biester	Fulton	Mitchell, N.Y.
Bingham	Fuqua	Mizell
Blatnik	Gaydos	Moakley
Boggs	Gettys	Mollohan
Boland	Giaimo	Montgomery
Bowen	Gibbons	Moorhead, Pa.
Brasco	Gilman	Mosher
Bray	Ginn	Moss
Breckinridge	Gonzalez	Murphy, Ill.
Brinkley	Goodling	Murphy, N.Y.
Brooks	Grasso	Natcher
Broomfield	Green, Oreg.	Nedzi
Brotzman	Green, Pa.	Nelsen
Brown, Calif.	Grover	Nichols
Brown, Mich.	Gude	Nix
Brown, Ohio	Gunter	Obey
Broyhill, N.C.	Guyer	O'Brien
Broyhill, Va.	Haley	O'Hara
Buchanan	Hamilton	O'Neill
Burgener	Hammer-schmidt	Owens
Burke, Fla.		Passman
Burke, Mass.	Hanley	Patman
Burlison, Mo.	Hanrahan	Patten
Burton	Hansen, Idaho	Pepper
Butler	Hansen, Wash.	Perkins
Byron	Harvey	Pettis
Camp	Hastings	Peyser
Carey, N.Y.	Hawkins	Pickle
Carney, Ohio	Heckler, Mass.	Pike
Carter	Heinz	Poage
Casey, Tex.	Helstoski	Podell
Cederberg	Henderson	Preyer
Chamberlain	Hicks	Price, Ill.
Chappell	Hillis	Pritchard
Chisholm	Hinshaw	Quie
Clancy	Hogan	Quillen
Clausen, Don H.	Holifield	Railsback
	Holtzman	Randall
Cleveland	Horton	Rees
Cochran	Hosmer	Regula
Cohen	Huber	Reuss
Collier	Hudnut	Rhodes
Collins, Ill.	Hungate	Rinaldo
Collins, Tex.	Johnson, Pa.	Roberts
Conable	Jones, N.C.	Robinson, Va.
Conte	Jones, Tenn.	Robison, N.Y.
Corman	Jordan	Rodino
Cotter	Karth	Roe
Coughlin	Kastenmeier	Rogers
Cronin	Kazen	Roncalio, Wyo.
Culver	Kemp	Rooney, Pa.
Daniel, Dan	Kluczynski	Rose
Daniel, Robert W., Jr.	Koch	Rosenthal
	Kyros	Rostenkowski
Daniels, Dominick V.	Landgrebe	Roush
	Latta	Roy
Danielson	Leggett	Roybal
Davis, Ga.	Lehman	Ruppe
Davis, Wis.	Lent	Ruth
de la Garza	Litton	St Germain
Delaney	Long, La.	Sarasin
Dellenback	Long, Md.	Sarbanes
Dellums	McClory	Satterfield
Denholm	McCloskey	Schneebeli
Derwinski	McCollister	Schroeder
Devine	McCormack	Sebelius
Dickinson	McDade	Seiberling
Dingell	McEwen	Shipley
Donohue	McFall	Shoup
Downing	McKay	Shriver
Drinan	McKinney	Sikes
Dulski		Sisk

Skubitz	Taylor, N.C.	Wilson, Bob
Slack	Teague, Calif.	Wilson,
Smith, Iowa	Thompson, N.J.	Charles H.,
Smith, N.Y.	Thomson, Wis.	Calif.
Snyder	Thone	Wilson,
Staggers	Thornton	Charles, Tex.
Stanton,	Tiernan	Winn
J. William	Ullman	Wright
Stanton,	Van Deerlin	Wydler
James V.	Vander Jagt	Wylie
Stark	Vanik	Wyman
Steed	Vigorito	Yates
Steiger, Wis.	Waldie	Yatron
Stephens	Wampler	Young, Ga.
Stratton	White	Young, Ill.
Stubblefield	Whitehurst	Young, Tex.
Stuckey	Whitten	Zablocki
Studds	Widnall	Zion
Symington	Wiggins	Zwach
Talcott	Williams	

NOT VOTING—41

Bell	Hays	Rooney, N.Y.
Bolling	Hébert	Runnels
Brademas	Hunt	Sandman
Breaux	Ichord	Steele
Burke, Calif.	Johnson, Calif.	Stokes
Clark	Jones, Ala.	Sullivan
Clawson, Del	Keating	Taylor, Mo.
Clay	Melcher	Udall
Dent	Metcalfe	Veysey
Diggs	Mills, Ark.	Walsh
Erlenborn	Morgan	Ware
Gray	Reid	Whalen
Gubser	Riegle	Wyatt
Harsha	Roncallo, N.Y.	

So the preferential motion was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. ANDERSON OF CALIFORNIA TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. STAGGERS

Mr. ANDERSON of California. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute offered by the gentleman from West Virginia (Mr. STAGGERS).

The Clerk read as follows:

Amendment offered by Mr. ANDERSON of California to the amendment in the nature of a substitute offered by Mr. STAGGERS: On page 31, line 21, strike out the period and insert the following: ", *Provided*, That the aggregate number of fuel inefficient passenger motor vehicles purchased by all executive agencies in fiscal year 1975 may not exceed 30 per centum of the aggregate number of passenger motor vehicles purchased by all executive agencies in such year; and the aggregate number of fuel inefficient passenger motor vehicles purchased by all executive agencies in fiscal year 1976 may not exceed 10 per centum of the aggregate number of passenger motor vehicles purchased by all executive agencies in such year. For purposes of this subsection, the term 'fuel inefficient passenger motor vehicle' for fiscal year 1975 means an automobile which does not achieve at least seventeen miles per gallon as certified by the Department of Transportation; for fiscal year 1976, and thereafter, the term 'fuel inefficient passenger motor vehicle' means an automobile which does not achieve at least twenty miles per gallon, as certified by the Department of Transportation."

Mr. BROYHILL of North Carolina. Mr. Chairman, I reserve a point of order on this amendment.

Mr. ANDERSON of California. Mr. Chairman, I am offering an amendment which would require that the executive agencies of the Federal Government purchase small automobiles rather than the gas-guzzling, heavyweight automobiles that it now purchases. Specifically, my amendment would require that the aggregate number of fuel inefficient automobiles purchased by all executive agencies in fiscal year 1975 may not exceed 30 percent of all automobiles purchased, and in fiscal year 1976, the number could not exceed 10 percent of cars purchased.

What my amendment proposes to do is quite simply to require that our Federal Government set a good example by replacing its worn-out automobiles with economy models.

Naturally I do not need to point out to this body the vital necessity of conserving our Nation's supply of gasoline wherever possible. Nor is it necessary to remind ourselves that much of the pinch of the gasoline shortage is being felt by the average American taxpayer.

However, what may be helpful is to point out one area in which our Federal Government is gluttonously gulping down this precious fuel.

While the Federal Government owns 89,038 sedans or station wagons, it is shocking to me that up to a couple of months ago the Federal Government did not own even one domestic economy-model motor vehicle in its fleet of motor vehicles.

Recently, the Federal Government did contract to purchase 4,518 new compact cars. However, this represents only 22 percent of the new automobiles it will purchase this year. While this is a step in the right direction, it is far too small to have any significant impact on this energy crisis. The Federal Government annually replaces 19,829 sedans. I urge that you join with me today in supporting this amendment to require that 70 percent of the future Federal agency sedans be economy models.

If the cars owned by the Federal Government increased gasoline mileage to an average of 20 miles per gallon—a 33-percent increase—then we would save nearly 12.5 million gallons annually. This alone would be enough to heat all American households for 1 day.

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

Mr. ANDERSON of California. I yield.

Mr. KUYKENDALL. Mr. Chairman, will the gentleman be so kind as to furnish for the RECORD a list of any and all American made automobiles of any size that will get 20 miles to the gallon?

Mr. ANDERSON of California. Mr. Chairman, yes, I would be pleased to. We drive one in California, the Pinto, that gets 24 miles. The Pinto, the Vega, the Gremlin; there are several, but the gentleman says 20 miles per gallon; my amendment says 17 miles for fiscal year 1975, which is a half a year from now, and 20 miles per gallon for fiscal year 1976.

Mr. KUYKENDALL. Will the gentleman be willing to accept an amendment to his amendment requiring that these be American made automobiles?

Mr. ANDERSON of California. Yes, that is my intent.

Mr. CARNEY of Ohio. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON of California. I yield to the gentleman from Ohio.

Mr. CARNEY of Ohio. Mr. Chairman, I would like to tell the gentleman that in mileage tests of the GM Vega, which is made in my district, the Vega equipped with a gear shift, a standard gear shift, gave 24 miles per gallon, and those with automatics gave 20 miles per gallon.

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

Mr. ANDERSON of California. I yield to the gentleman from New York.

Mr. STRATTON. Mr. Chairman, does the gentleman refer in his amendment to compact station wagons?

Mr. ANDERSON of California. Mr. Chairman, at the suggestion of counsel in drawing the amendment, it is a fuel efficient passenger motor vehicle we are talking about. It means an automobile designed to carry five or less passengers.

Mr. STRATTON. The gentleman referred to compact station wagons. There are compacts made to look like station wagons, but if a person really needs a station wagon, he is not going to be able to get it in that size.

Mr. ANDERSON of California. In the amendment, we are referring to passenger motor vehicles.

Mr. STRATTON. Mr. Chairman, I would support that part of the amendment.

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

Mr. ANDERSON of California. I yield to the gentleman from Ohio.

Mr. MILLER. Mr. Chairman, does this include automobiles for the legislative and judicial branches as well as the administrative branch?

Mr. ANDERSON of California. No, this amendment is directed to the executive agencies.

Mr. MILLER. The gentleman is exempting the legislative and judicial branches?

Mr. ANDERSON of California. I am just extending the provisions of the present bill. It is the executive branch that buys the most automobiles. They have a fleet of 89,000 automobiles. I was shocked when I found that at one time none of them, up until a couple of months ago, were what we would call an economy-type car.

Mr. O'HARA. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON of California. Mr. Chairman, I yield to the gentleman from Michigan.

Mr. O'HARA. Mr. Chairman, I hope the gentleman will make legislative history that nothing in his amendment would prevent the executive branch from making greater use of, let us say, 9- and 12-passenger vans and station wagons which might be more economical of gasoline consumption for the number of passengers.

POINT OF ORDER

The CHAIRMAN. The gentleman from North Carolina (Mr. BROYHILL) has reserved a point of order against the amendment.

Does the gentleman desire to insist upon his point of order?

Mr. BROYHILL of North Carolina. I do, Mr. Chairman.

Mr. Chairman, I make a point of order against this amendment, inasmuch as it deals with the specifications of certain equipment on American-made automo-

biles, and it is not under the jurisdiction of this committee, nor under the jurisdiction of any committee of the House.

The CHAIRMAN. Does the gentleman from California (Mr. ANDERSON) desire to be heard on the point of order?

Mr. ANDERSON of California. I do, Mr. Chairman.

Mr. Chairman, I would just like to read a portion of the present bill. All we are doing is extending the provisions of the bill.

The present bill provides as follows:

As an example to the rest of our Nation's automobile users, the President of the United States shall take such action as is necessary to require all agencies of government, where practical, to use economy model motor vehicles.

Mr. Chairman, we are simply amending and extending the same provision.

The CHAIRMAN (Mr. BOLLING). The Chair is prepared to rule.

The Chair points out that taken as an isolated point, the argument made by the gentleman from North Carolina (Mr. BROYHILL) might have some validity, but the answer made by the gentleman from California (Mr. ANDERSON) is in direct response to the point. The subject is in the bill.

The Chair, therefore, overrules the point of order.

Mr. BROYHILL of North Carolina. Mr. Chairman, I rise in opposition to the amendment.

Frankly, I have been studying this amendment, and I really do not know what the force and effect of this amendment is.

We have no idea whether the automobiles referred to will be available in this country, whether they will be purchased as American automobiles or whether they will have to be foreign automobiles.

This is an amendment which says that the Federal Government has to purchase certain percentages of automobiles that apparently achieve certain mileages per gallon as certified by the Department of Transportation.

We already have in the bill language that says that the President shall initiate programs of purchasing automobiles for the Federal Government, where necessary, "to require all agencies of Government, where practical, to use economy model motor vehicles."

In my opinion, this amendment is probably restrictive and perhaps may not even be able to be achieved, under normal circumstances.

Mr. Chairman, I urge that the amendment be rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. ANDERSON) to the amendment in the nature of a substitute offered by the gentleman from West Virginia (Mr. STAGGERS).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. ANDERSON of California. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 299, noes 89, answered "present" 1, not voting 43, as follows:

[Roll No. 672]

AYES—299

Abdnor	Gettys	Obey
Abzug	Giaimo	O'Brien
Adams	Gibbons	O'Neill
Addabbo	Gilman	Owens
Alexander	Ginn	Patman
Anderson, Calif.	Goldwater	Patten
	Gonzalez	Pepper
Anderson, Ill.	Grasso	Perkins
Andrews, N.C.	Green, Oreg.	Pettis
Andrews, N. Dak.	Green, Pa.	Pike
	Grover	Poage
Annunzio	Gude	Podell
Archer	Gunter	Powell, Ohio
Armstrong	Guyer	Preyer
Ashley	Haley	Price, Ill.
Aspin	Hamilton	Pritchard
Badillo	Hanley	Quie
Bafalis	Hanna	Railsback
Baker	Hanrahan	Randall
Bauman	Harrington	Rangel
Bennett	Hawkins	Rarick
Bergland	Hechler, W. Va.	Rees
Bevill	Heckler, Mass.	Regula
Biaggi	Heinz	Reuss
Biester	Helstoski	Rinaldo
Bingham	Henderson	Roberts
Blatnik	Hicks	Robison, N.Y.
Boggs	Hillis	Rodino
Boland	Hinshaw	Roe
Bowen	Hogan	Rogers
Brademas	Holifield	Roncalio, Wyo.
Brasco	Holt	Rose
Bray	Holtzman	Rosenthal
Breckinridge	Horton	Rostenkowski
Brinkley	Howard	Roush
Brooks	Hudnut	Rousselot
Broomfield	Hungate	Roy
Brotzman	Jarman	Roybal
Brown, Calif.	Johnson, Colo.	Ruth
Brown, Mich.	Johnson, Pa.	Ryan
Buchanan	Jones, Ala.	St Germain
Burgener	Jones, N.C.	Sarasin
Burke, Fla.	Jones, Okla.	Sarbanes
Burke, Mass.	Jones, Tenn.	Scherle
Burlison, Mo.	Jordan	Schroeder
Burton	Karth	Seiberling
Byron	Kastenmeier	Shipley
Carey, N.Y.	Kazen	Shoup
Carney, Ohio	Kemp	Shuster
Casey, Tex.	Ketchum	Sisk
Chisholm	King	Slack
Clancy	Kluczynski	Smith, Iowa
Clausen, Don H.	Koch	Smith, N.Y.
	Kyros	Snyder
Cleveland	Landrum	Stanton, James V.
Cochran	Latta	
Cohen	Leggett	Stark
Collins, Ill.	Lehman	Steelman
Collins, Tex.	Lent	Stephens
Conlan	Litton	Stratton
Conte	Long, La.	Stubblefield
Cotter	Long, Md.	Stuckey
Coughlin	Lott	Studds
Crane	Lujan	Symington
Cronin	McCloskey	Symms
Culver	McCollister	Talcott
Daniels, Dominick V.	McCormack	Taylor, N.C.
	McDade	Teague, Calif.
Danielson	McKay	Thompson, N.J.
Davis, Ga.	McKinney	Thone
Davis, S.C.	McSpadden	Thornton
de la Garza	Madden	Towell, Nev.
Delaney	Madigan	Treen
Dellenback	Mahon	Ullman
Dellums	Mailliard	Van Deerlin
Denholm	Mann	Vander Jagt
Donohue	Maraziti	Vanik
Dorn	Martin, N.C.	Vigorito
Downing	Mathias, Calif.	Waldie
Drinan	Mathis, Ga.	White
Dulski	Mazzoli	Whitehurst
du Pont	Meeds	Whitten
Eckhardt	Mezvinsky	Widnall
Edwards, Ala.	Milford	Williams
Edwards, Calif.	Miller	Wilson, Bob
Eilberg	Minish	Wilson, Charles H., Calif.
Eshleman	Mink	
Evans, Colo.	Minshall, Ohio	
Evins, Tenn.	Mitchell, Md.	Wilson, Charles, Tex.
Fascell	Mitchell, N.Y.	
Findley	Mizell	Winn
Fish	Moakley	Wolff
Fisher	Montgomery	Wright
Flood	Moorhead, Calif.	Wyman
Flowers		Yates
Flynt	Moorhead, Pa.	Yatron
Fountain	Mosher	Young, Ga.
Fraser	Murphy, Ill.	Young, Ill.
Frenzel	Murphy, N.Y.	Young, Tex.
Frey	Myers	Zablocki
Fulton	Natcher	Zion
Fuqua	Nelsen	Zwach
Gaydos	Nichols	

NOES—89

Arends	Frelinghuysen	Peyser
Ashbrook	Froehlich	Pickle
Barrett	Goodling	Price, Tex.
Blackburn	Griffiths	Quillen
Brown, Ohio	Gross	Rhodes
Broyhill, N.C.	Hammer-schmidt	Robinson, Va.
Broyhill, Va.		Rooney, Pa.
Burleson, Tex.	Hansen, Idaho	Ruppe
Butler	Hansen, Wash.	Satterfield
Camp	Harvey	Schneebeli
Carter	Hastings	Sebelius
Cederberg	Hosmer	Shriver
Chamberlain	Huber	Sikes
Chappell	Hutchinson	Skubitz
Collier	Kuykendall	Spence
Conable	Landgrebe	Staggers
Daniel, Dan	McClory	Stanton, J. William
Daniel, Robert W., Jr.	McEwen	
	McFall	Steed
Davis, Wis.	Macdonald	Steiger, Ariz.
Dennis	Mallary	Steiger, Wis.
Derwinski	Martin, Nebr.	Thomson, Wis.
Devine	Matsunaga	Tiernan
Dickinson	Mayne	Waggonner
Dingell	Michel	Wampler
Duncan	Mollohan	Wiggins
Esch	Moss	Wydler
Foley	Nedzi	Wylie
Ford, William D.	O'Hara	Young, Alaska
	Parris	Young, Fla.
Forsythe	Passman	Young, S.C.

ANSWERED "PRESENT"—1

Beard

NOT VOTING—43

Bell	Hays	Runnels
Bolling	Hébert	Sandman
Breaux	Hunt	Steele
Burke, Calif.	Ichord	Stokes
Clark	Johnson, Calif.	Sullivan
Clawson, Del	Keating	Taylor, Mo.
Clay	Melcher	Teague, Tex.
Conyers	Metcalfe	Udall
Corman	Mills, Ark.	Veysey
Dent	Morgan	Walsh
Diggs	Nix	Ware
Erlenborn	Reid	Whalen
Gray	Riegle	Wyatt
Gubser	Roncallo, N.Y.	
Harsha	Rooney, N.Y.	

So the amendment to the amendment in the nature of a substitute was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. The Chair understood the committee was going to allow a noncommittee member on this side, the gentleman from Texas, to offer his amendment. The Chair would like to recognize the gentleman from Texas (Mr. PRICE).

AMENDMENT OFFERED BY MR. PRICE OF TEXAS TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. STAGGERS

Mr. PRICE of Texas. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute offered by the gentleman from West Virginia (Mr. STAGGERS).

The Clerk read as follows:

Amendment offered by Mr. PRICE of Texas to the amendment in the nature of a substitute offered by Mr. STAGGERS:

Page 37, line 5 is amended to read as follows:

SEC. 118. DEREGULATION OF THE PRICE OF NATURAL GAS AND IMPORTATION OF LIQUEFIED NATURAL GAS.

Page 37, line 6, insert "(a) before "The Emergency".

Page 37, after line 18, insert the following new subsection:

"(b)(1) Section 2(6) of the Natural Gas Act is amended by inserting before the period at the end thereof the following: ", except that such term does not include a person engaged in the production or gathering and sale of natural gas whether or not such person is affiliated with any person engaged in the transmission of natural gas to consumer markets or the distribution of natural gas to the ultimate consumer".

(2) Section 4(a) is amended by inserting before the period at the end thereof the following: ": Provided, however, That the Commission shall have no power to deny, in whole or in part, that portion of the rates and charges made, demanded, or received by any natural-gas company for or in connection with the purchase of natural gas from a person exempt under section 2(6)".

(3) Section 5(a) is amended by inserting before the period at the end thereof the following:

": *Provided further, however,* that the Commission shall have no power to deny, in whole or in part, that portion of the rates and charges made, demanded, or received by any natural-gas company for or in connection with the purchase of natural gas from a person exempt under section 2(6)".

Page 2, the item in the table of contents dealing with Sec. 118 is amended to read as follows:

SEC. 118. DEREGULATION OF THE PRICE OF NATURAL GAS AND IMPORTATION OF LIQUIFIED NATURAL GAS.

Mr. STAGGERS. Mr. Chairman, I reserve a point of order against the amendment.

I will reserve it until the gentleman makes his statement.

Mr. PRICE of Texas. Mr. Chairman, I thank the chairman of the committee for reserving his point of order and I want to compliment him and the members of his committee for their untiring efforts in behalf of this bill. I do not want to be obstinate in my persistence in trying to put my amendment in here, but the time has already passed for the Congress and the United States to face up to its responsibility to assure an adequate supply of natural gas for the consumers of the United States.

Before I continue with my remarks, in case I am shut off by the 5-minute rule, I want to say that the current average price of natural gas under regulation at the wellhead in the United States is about 0.20 cents per mcf. We are importing liquefied natural gas into this country at a cost of $1.30. I want to repeat that. The current average price of natural gas under regulation at the wellhead in this country is about 0.20 cents per mcf and it is regulated by the Federal Power Commission in this country. That gas is there. If the Members want to put it in the gas tanks of this country it is there.

This regulation was passed in 1938 and by court order in 1954 was sustained. We are importing liquefied gas for the homes of our customers at $1.30 and I suggest the Members try to go home and explain this. The gas is here if we want to give it to our people.

Mr. Chairman, natural gas, the cleanest burning, cheapest fuel we have in this country has been discriminated against by repressive legislation. Our other primary fuels—coal and oil—are regulated by the laws of supply and demand, subject only to national security considerations. Gas is regulated by the Congress through delegation to the Federal Power Commission.

In the last 4 years, the FPC has recognized the repressive nature of the decisions of the 1960's, which resulted in lower and lower prices at the wellhead until exploration and development of new reserves was dangerously discouraged—discouraged not only by the prices set, but, more important, discouraged by the absolute uncertainty that faces a person who sells gas in interstate commerce. In only three areas of the country—Permean and Hugoton-Anadarko, and Appalachian, Ill., does that person know how much of his contract price he can keep, and, even then, the FPC can lower his price for the future. In the other areas of the country—vital areas of production like southern Louisiana, including the Federal domain, Texas gulf coast, other Southwest, and Rocky Mountain, the producer has no assurance as to what price he is selling his gas, because the FPC or the courts can order refunds of past moneys collected and reduce the price for the future. FPC rate cases sometimes take 12 years to process—and the clock is still running on court review. How Congress, with its plenary power over interstate commerce, can permit a system which requires a person to deliver a commodity without knowing what he will be paid for delivering it for years and years which have come and gone and which are yet to come, is a mystery, and is probably the result of the lack of a crisis. We have a crisis now, as many of us have predicted, which commands the attention of the Congress. More than a dozen major interstate natural gas pipelines are curtailing service to consumers this winter.

Curtailing service is a nice way of saying that consumers are being cut off from gas supplies because there is not enough gas to meet current requirements, much less to add new customers. As factories and schools are closed down, as crops are rotting for lack of process gas, as homeowners are being turned away from coast to coast, we, the Congress, cannot stand idly by and say that the policies of the Natural Gas Act, adopted in 1938 and first applied judicially to producers in 1954, are adequate. Congress must recognize its own failures and those of its chosen instrument, the FPC, and remove the cloud over the sale of natural gas in interstate commerce. Earlier this year, I introduced legislation, H.R. 3299, that would take the FPC out of the business of regulating the sale of natural gas in interstate commerce—directly, or as Federal agencies sometimes do, indirectly. Market forces would control the sale of gas by producers—both independent producers and affiliates of pipelines who, in desperation, are competing for leases so new supplies can be attached for use by consumers. For gas now being sold in interstate commerce the existing contracts could, for the first time, be honored as the parties negotiated them in the first place, but which have been overridden by the FPC. Gas sold in the future would be regulated by the contracts not by the FPC's judgment as to what a contract should contain. Thus, the disincentives of regulation would be removed, and there would be no regulatory impediment to exploration and development of reserves. The consumer would benefit in expanded gas supplies from assured domestic sources and at a price far cheaper than the exotic alternatives of freezing gas in Algeria or Russia and transporting it by tanker to our shores at a cost of $1.30 an mcf up as compared to the current average price under regulation of about 0.20 per mcf. The FPC has already approved a base load project of Algerian LNG for our east coast, and that is not all. Also at a cost of $1.30 an mcf and up, pipelines are turning to manufacturing synthetic gas from naphtha and natural gas liquids, thereby threatening to increase the shortages of vital feedstocks for manufacturing. How the FPC can hold the wellhead price on an area rate basis to 26 cents in south Louisiana and, at the same time permit gas to be sold at $1.30 an mcf from a plant is explained by the way the Natural Gas Act has been construed, but the result is intolerable to the American consumer. I urge the Congress to join me in enacting this amendment which will do no more than allow natural gas to compete on equal terms with oil and coal in the interstate market. By turning our free enterprise system loose, private industry will solve this problem quicker than all of the Government regulations we can pass into legislation.

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

Mr. PRICE of Texas. I yield to the gentleman from New York.

Mr. KEMP. Mr. Chairman, I appreciate the gentleman yielding.

I rise in support of the gentleman's amendment. I have addressed this Chamber on several occasions during the past weeks and days on what I believe to be a matter of crucial importance in the effective resolution of the energy crisis—the need for substantial increases in production through which would then come the necessary increase in supplies of fuels.

Instead of trying to live with inadequate resources, I think a more appropriate course of action for the Nation, and the Congress which represents its people, would be an increase in supplies with which to meet reasonable demands. The answer is production, not allocation or rationing. And increases in production—marked increases—are possible, if we remove disincentives to production.

Such disincentives as artificial pricing schemes, which have discouraged additional explorations, recoveries, processing, and marketing; as tax policies which make it more advantageous to live with existing quantities, rather than risking losses with new wells which do not produce; as tax policies which leave the investor with inadequate capital with which to reinvest in additional explorations; as price controls which do not permit sufficient returns on investments with which to buy new mineral rights or equipment—all of these things, in varying degrees, have discouraged production.

Natural gas is one of the principal fuel sources of the Nation. It ought to have been put in greater usage during the past several years, but Government policies discouraged the increase in it. Only when the principles embodied in the

Natural Gas Supply Act, which I support, are enacted—through which prices will be allowed to attain a more natural market level, by the free play of supply and demand—will there be, once again, sufficient return on investments for companies to again explore, drill, recover, and sell natural gas adequate to meet the Nation's needs. To increase production alone, deregulation of natural gas should be supported.

Mr. PRICE of Texas. Mr. Chairman, in further reference to some of the remarks on profits made by the major companies, primarily the companies are owned by the stockholders. The consumers in the country are the ones paying the taxes in these oil companies.

The investors own 90 percent to 100 percent of the stock in these major companies.

I would also like to point out the fact that 80 percent of the wells drilled in this country are by independent producers, not the major companies of this country.

POINT OF ORDER

The CHAIRMAN. Does the gentleman from West Virginia press his point of order?

Mr. STAGGERS. Yes, I do, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. STAGGERS. The amendment in the nature of a substitute does not contain provisions governing price regulation of natural gas. The gentleman's amendment proposes a direct amendment to provisions of the Natural Gas Act.

It is, therefore, not germane and out of order, because this pricing authority is assigned to the Federal Power Commission under that act and we do not deal with it in any way in our bill.

Mr. PRICE of Texas. Mr. Chairman, in the report on page 5, section 106, coal conversion and allocation, it deals with the provision that is a primary energy source:

The burning of natural gas or petroleum products by any major fuel-burning installation (including any existing electric powerplant) which, on the date of enactment of this Act, has the capability and necessary plant equipment to burn coal. Any installation to which such an order applies shall be permitted to continue to use coal as provided in subsection (b) of this section until January 1, 1980. To the extent coal supplies are limited to less than the aggregate amount of coal supplies which may be necessary to satisfy the requirements of those installations which can be expected to use coal (including installations to which orders may apply under this subsection), the Administrator shall prohibit the use of natural gas and petroleum products for those installations where the use of coal will have the least adverse environmental impact. A prohibition on use of natural gas and petroleum products under this subsection shall be contingent upon the availability of coal.

It is further mentioned in section 118, importation of liquefied natural gas. Section 9 says:

SEC. 9. Notwithstanding the provisions of section 3 of the Natural Gas Act (or any other provisions of law) the President may by order, on a finding that such action would be consistent to the public interest, authorize on a shipment-by-shipment basis the importation of liquified natural gas from a foreign country: *Provided, however,* That the authority to act under this section shall not permit the importation of liquified natural gas which had not been authorized prior to the date of expiration of this Act and which is in transit on such date.

Mr. MACDONALD. Mr. Chairman, I desire to be heard on the point of order.

Mr. Chairman, I would like to point out to the gentleman that most of what he said is true. It is unfortunate that the cost of liquefied natural gas has reached the heights it has.

If the gentleman understands the business, and I am sure he probably does, he also knows that this is the fault of the natural gas people themselves. They have capped wells throughout the southwest. They have capped them in Louisiana; they have capped them in Arizona; they have capped them in many places here in the United States. When they came and asked to have new gas deregulated——

The CHAIRMAN. The gentleman will proceed in order.

Mr. MACDONALD. Mr. Chairman, will the Chairman translate that for me?

The CHAIRMAN. Is the gentleman addressing himself to the point of order?

Mr. MACDONALD. Yes. In addition, I will say that in addition to the arguments I was about to give, it has nothing to do with the bill that is before us today. It may be before us in another bill at another time. It does not belong before this bill, and I urge that the Chair rule that this amendment is out of order.

Mr. DINGELL. Mr. Chairman, I wish to be heard on the point of order, very briefly.

Mr. Chairman, the requirements of the rule of germaneness are that the amendment be germane, first to the bill and second to the language of the section to which it is offered.

There is nothing in the bill dealing with deregulation of natural gas. Therefore, the amendment fails with regard to that point. Second, there is nothing in the section to which the amendment alludes which deals with deregulation of natural gas.

The amendment purports to amend section 118 and it changes the title, deregulation of the price of natural gas and importation of liquefied natural gas. The section to which it alludes, section 118, is a section relating to the importation of natural gas.

By no distortion of the rules of the House or common logic or the English language may it be construed that deregulation of natural gas and importation are one and the same thing, or indeed are even germane to each other.

For those two reasons, Mr. Chairman, the amendment fails to be violative of the rule of germaneness.

Mr. PICKLE. Mr. Chairman, I wish to be heard on the point of order.

Mr. Chairman, I ask at this time, before the ruling is made by the Chair, to state first that I hope that the amendment would be considered as germane because this vital supply of energy is needed.

This question did come before the committee, and the chairman of the committee during our discussion ruled that natural gas was not a part of this bill, and it is not included in the definition. But, I take this time to ask the chairman, assuming the Chair were to rule that it was not germane, when the chairman would expect to take up this subject about the deregulation of natural gas.

The CHAIRMAN. The gentleman is not speaking to the point of order.

Does the gentleman from Texas (Mr. PRICE) desire to be heard further?

Mr. PRICE of Texas. I do, Mr. Chairman, for just a moment.

In response to the gentleman's statement a minute ago, I would like to say that in section 118 it says as follows:

The President may by order, on a finding that such action would be consistent to the public interest * * *

Mr. Chairman, I say to the Members that I think the price of gas at the wellhead of 23 cents versus the importation of gas to our consumers at $1.63 is certainly in the interest of the American consumer.

Mr. KEMP. Mr. Chairman, may I be heard on the point of order?

The CHAIRMAN. The Chair will be glad to hear the gentleman from New York (Mr. KEMP) on the point of order.

Mr. KEMP. I thank the Chairman.

Mr. Chairman, the title of the bill is as follows:

To assure * * * that the essential energy needs of the United States are met * * *

I would suggest and submit that that certainly makes this amendment in order, as well as the section the gentleman in the well has alluded to in his remarks.

The CHAIRMAN. The Chair is ready to rule.

For the reasons essentially given by the gentleman from Michigan, which the Chair will repeat at least in part, very briefly, the amendment is not germane.

Those reasons are that the amendment which the committee is considering does not amend the Natural Gas Act. It should also be noted that the section deals with a single subject, and under the germaness rule an individual proposition is not germane to another individual proposition.

Therefore, the Chair sustains the point of order.

AMENDMENT OFFERED BY MR. ROY TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. STAGGERS

Mr. ROY. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute offered by the gentleman from West Virginia (Mr. STAGGERS).

The Clerk read as follows:

Amendment offered by Mr. ROY to the amendment in the nature of a substitute offered by Mr. STAGGERS: Page 36, line 23, strike out the quotation marks.

Page 36, insert after line 23 the following:

"(9)(A) This subsection shall not apply to the first sale of crude oil or petroleum condensates produced from any lease within the

United States by a seller (i) who produced such oil or condensate, (ii) who (together with all persons who control, are controlled by or who are under common control with, such seller), produces in the aggregate less than 25,000 barrels per day of crude oil and petroleum condensates, averaged annually, and (iii) who is not a refiner or marketer or distributor of refined petroleum products (or a person who controls, is controlled by, or is under common control with such a refiner, marketer, or distributor).

"(B) For purposes of subparagraph (A)—

"(i) a person produces crude oil or petroleum condensates only if he has an interest in the production thereof which permits him to take his production (or share thereof) in kind, and

"(ii) the term 'control' means control by ownership."

Mr. ROY. Mr. Chairman, I offer this amendment in cooperation with the gentleman from Kansas (Mr. SKUBITZ) who is from my own State, and I wish to express the concern of the gentleman and of myself, as well as that of other Members, that we protect the independent oil producer.

Mr. Chairman, the intent of section 117, restrictions on windfall profits, is in my opinion to address our concern about the windfall profits of the major oil companies, those companies that are vertically integrated and most of which also have substantial foreign operations.

This section was not intended to and should not be allowed to reverse what we have seen recently as the encouraging trend toward dramatic increases in drilling and exploratory efforts here in the United States.

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

Mr. ROY. Yes, I yield to the distinguished chairman of the committee.

Mr. STAGGERS. Mr. Chairman, I have been reading the amendment.

I would be inclined to accept the amendment on this side.

Mr. ROY. Mr. Chairman, in spite of an overall decline in exploratory wells drilled in the past decade, the independents were still responsible for over 70 percent of these wells. Based on this fact and this accomplishment, and realizing that the independent explorer-producer concentrates overwhelmingly on domestic exploration, we can rely on the historical inclination of these independents to return their profits to more exploratory efforts in the United States.

The small businessmen in American oil exploration and production have faced the giant, vertically integrated major oil companies, and in spite of severe competitive economic disadvantage and a disproportionately small voice at the highest levels of government, the independent oil-explorer-producer has nevertheless drilled more exploratory wells and found more onshore domestic crude and reserves than their disproportionately advantaged major competitors.

I construe my responsibility to protect the small businessman to include a concern for the small businessman who is drilling for and finding the American oil reserves we so urgently need.

If we are truly concerned about the potential negative impact of overcontrol of the petroleum industry by a handful of super-sized giants, we must encourage the independent sector of the petroleum industry which by its very existence maintains the spark of competition in domestic exploration.

Lastly, we must be on our guard that we do not place time period contraints on the independent sector of the oil business—contraints which tie the discovery of reserves to a period of time in which unfavorable economics resulted in inadequate reserves being discovered in the United States. That is clearly the opposite of what we must do to increase our supplies.

Therefore, Mr. Speaker, I offer the independent oil producer this amendment to section 117. This would protect the small businessman, retain an economic incentive to encourage the discovery of new domestic reserves, but would not alter the principal intent of section 117 of this bill which is to prevent the gouging of the public by the major, refining and marketing oriented companies.

Mr. ECKHARDT. Will the gentleman yield?

Mr. ROY. I yield to the gentleman.

Mr. ECKHARDT. I would merely say to the gentleman that if we can exclude all those in the coal industry, then certainly we should be able to exclude the smaller elements in the oil industry.

Mr. ROY. The gentleman is correct. This is the equivalent of the coal amendment which we adopted yesterday.

Mr. JONES of Oklahoma. Will the gentleman yield?

Mr. ROY. I yield to the gentleman.

Mr. JONES of Oklahoma. I wish to commend the gentleman on this much-needed amendment and state that I intend to support it.

Mr. MONTGOMERY. Will the gentleman yield?

Mr. ROY. I yield to the gentleman.

Mr. MONTGOMERY. I also rise in support of the amendment.

Mr. BROYHILL of North Carolina. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to ask if the gentleman from Kansas would answer some questions?

Yesterday I tried to strike this whole section from the bill on the grounds that, first it was a completely unworkable arrangement and, second, that it attempted to do too much and included all of the oil dealers, jobbers, gasoline dealers, all across the country.

I am not sure what this amendment really does. As I understand what the gentleman is trying to do, it is to exempt certain persons from the effect of the windfall profits section. What I would like to ask the gentleman is who will be exempted from the provisions of section 117, the so-called windfall profits section?

As I understand what the amendment says, it is, it will not apply to the first sale of crude oil or petroleum condensates produced from any lease within the United States.

What does that mean? Does this mean that the oil jobber in my district and the gentleman's district, are they going to be included in this section?

Mr. ROY. Mr. Chairman, if the gentleman will yield, there are two conditions: that the individual produces crude oil in the amount of less than 25,000 barrels a day, and the second condition is that he is not also a refiner and marketer, that is virtually integrated.

Mr. BROYHILL of North Carolina. The gentleman is saying that a person who is not a refiner and if he is not a marketer that he is subject to the provisions of this section? I am not clear on what the gentleman means.

Mr. ROY. I will repeat that there are two conditions for a crude oil producer to be exempted. The first condition is that he produce less than 25,000 barrels a day. And I might add that that is the historical division between large producers and small producers.

Mr. BROYHILL of North Carolina. Those under 25,000 barrels a day would be permitted the windfall profit?

Mr. ROY. They are exempted from section 117.

Mr. BROYHILL of North Carolina. What about the oil jobber and distributor who are distributing gasoline and petroleum products in the gentleman's district, and in my district?

Mr. ROY. This amendment does not exempt them.

Mr. BROYHILL of North Carolina. It does not exempt them?

Mr. ROY. That is correct.

Mr. PRICE of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Kansas (Mr. ROY).

I would like to say to those who are opposed to this amendment that these are the objections that caused, as I spoke about it a while ago, the 20 cents being paid at the wellhead for gas in this country.

If you would rather pay $1.30 for liquefied gas out of Algeria and Russia, then I would say we ought to turn this amendment down. But I say to the Members of this body that 80 percent of the wells drilled in this country are by the people whom the gentleman from Kansas (Mr. ROY) in his amendment is trying to protect so as to produce the energy that we need.

It seems every time we turn around we are trying to stifle the people that are trying to help us get the energy that we need.

So, Mr. Chairman, I urge this body to support the amendment offered by the gentleman from Kansas (Mr. ROY).

Mr. SKUBITZ. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the amendment. I had prepared another amendment because I felt the provisions of the windfall proviso would eliminate the stripper well operators of this country. This amendment is somewhat broader than the amendment I intended to offer and I support it.

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

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

Mr. BROYHILL of North Carolina. I thank the gentleman. I can understand that the gentleman from Kansas is trying, perhaps, to amend this section in some way. I think that it ought to be stricken altogether and rewritten completely. I do not think that this amendment really does the job, and I would ask that it be voted down.

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

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

Mr. PICKLE. I thank the gentleman. I want to rise in support of the gentleman's amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kansas (Mr. ROY) to the amendment in the nature of a substitute offered by the gentleman from West Virginia (Mr. STAGGERS).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. ROY. Mr. Chairman, I demand a recorded vote.

Mr. Chairman, I ask unanimous consent to withdraw my demand for a recorded vote.

The CHAIRMAN. Is there objection to the request of the gentleman from Kansas?

There was no objection.

RECORDED VOTE

Mr. PRICE of Texas. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 189, noes 194, not voting 49, as follows:

[Roll No. 673]

AYES—189

Alexander	Dickinson	Jones, Tenn.
Archer	Donohue	Jordan
Armstrong	Downing	Karth
Baker	Duncan	Kazen
Barrett	Eckhardt	Kemp
Bauman	Edwards, Ala.	Ketchum
Beard	Eilberg	Kuykendall
Boggs	Evans, Colo.	Landgrebe
Bowen	Fisher	Landrum
Breckinridge	Flowers	Litton
Brinkley	Flynt	Long, La.
Brooks	Forsythe	Long, Md.
Brotzman	Fountain	Lott
Brown, Mich.	Fulton	Lujan
Broyhill, Va.	Fuqua	McClory
Buchanan	Gaydos	McCloskey
Burgener	Gettys	McKay
Burke, Fla.	Ginn	McSpadden
Burleson, Tex.	Goldwater	Mahon
Butler	Gonzalez	Mailliard
Byron	Gray	Mann
Camp	Green, Oreg.	Maraziti
Carter	Gross	Mathias, Calif.
Casey, Tex.	Haley	Mathis, Ga.
Cederberg	Hammer-schmidt	Mayne
Chamberlain	Hanna	Michel
Chappell	Hansen, Wash.	Milford
Clancy	Hastings	Minshall, Ohio
Clausen, Don H.	Henderson	Mollohan
Cochran	Hicks	Montgomery
Collins, Tex.	Hogan	Moorhead, Calif.
Conlan	Holt	Moss
Crane	Horton	Natcher
Daniel, Dan	Hosmer	Nichols
Daniel, Robert W., Jr.	Huber	O'Brien
Davis, Ga.	Hudnut	Owens
Davis, S.C.	Hutchinson	Passman
de la Garza	Jarman	Pepper
Denholm	Johnson, Colo.	Perkins
Dennis	Johnson, Pa.	Pettis
	Jones, Okla.	Pickle
Poage	Shipley	Treen
Podell	Shriver	Ullman
Powell, Ohio	Shuster	Van Deerlin
Preyer	Sikes	Vander Jagt
Price, Tex.	Sisk	Waggonner
Pritchard	Skubitz	Wampler
Rarick	Slack	White
Rees	Spence	Whitehurst
Regula	Staggers	Whitten
Roberts	Stanton, J. William	Wiggins
Robinson, Va.	Steed	Williams
Rogers	Steelman	Wilson, Bob
Roncalio, Wyo.	Steiger, Ariz.	Wilson, Charles, Tex.
Rooney, Pa.	Stephens	Winn
Rose	Stubblefield	Wright
Rousselot	Stuckey	Yatron
Roy	Symington	Young, Alaska
Ruth	Symms	Young, Ga.
Ryan	Taylor, N.C.	Young, S.C.
Satterfield	Thomson, Wis.	Young, Tex.
Scherle	Thornton	Zablocki
Schneebeli	Towell, Nev.	Zion
Sebelius		

NOES—194

Abdnor	Fascell	Mitchell, N.Y.
Abzug	Findley	Mizell
Adams	Fish	Moakley
Addabbo	Foley	Moorhead, Pa.
Anderson, Calif.	Ford, William D.	Mosher
Anderson, Ill.	Fraser	Murphy, Ill.
Andrews, N.C.	Frelinghuysen	Murphy, N.Y.
Andrews, N. Dak.	Frenzel	Myers
Annunzio	Frey	Nedzi
Arends	Froehlich	Nelsen
Ashbrook	Giaimo	Obey
Ashley	Gibbons	O'Hara
Aspin	Gilman	O'Neill
Badillo	Goodling	Patten
Bafalis	Grasso	Peyser
Bennett	Green, Pa.	Pike
Bergland	Griffiths	Price, Ill.
Bevill	Grover	Quie
Biaggi	Gude	Quillen
Biester	Gunter	Railsback
Bingham	Guyer	Randall
Blackburn	Hamilton	Rangel
Blatnik	Hanley	Reuss
Boland	Hanrahan	Rhodes
Brademas	Hansen, Idaho	Rinaldo
Brasco	Harrington	Robison, N.Y.
Bray	Hawkins	Rodino
Broomfield	Hechler, W. Va.	Roe
Brown, Calif.	Heckler, Mass.	Rosenthal
Brown, Ohio	Heinz	Rostenkowski
Broyhill, N.C.	Helstoski	Roush
Burke, Mass.	Hillis	Roybal
Burlison, Mo.	Hinshaw	Ruppe
Burton	Holifield	St Germain
Carey, N.Y.	Holtzman	Sarasin
Carney, Ohio	Howard	Sarbanes
Chisholm	Hungate	Schroeder
Cleveland	Jones, Ala.	Seiberling
Cohen	Jones, N.C.	Shoup
Collier	Kastenmeier	Smith, Iowa
Collins, Ill.	King	Smith, N.Y.
Conable	Koch	Snyder
Conte	Kyros	Stanton, James V.
Corman	Latta	Stark
Cotter	Leggett	Steiger, Wis.
Coughlin	Lehman	Stratton
Cronin	Lent	Studds
Culver	McCollister	Talcott
Daniels, Dominick V.	McCormack	Teague, Calif.
Danielson	McDade	Thompson, N.J.
Davis, Wis.	McEwen	Thone
Delaney	McFall	Tiernan
Dellenback	McKinney	Vanik
Dellums	Macdonald	Vigorito
Derwinski	Madden	Waldie
Devine	Madigan	Widnall
Dingell	Mallary	Wilson, Charles H., Calif.
Drinan	Martin, Nebr.	Wolff
Dulski	Martin, N.C.	Wydler
du Pont	Matsunaga	Wylie
Edwards, Calif.	Mazzoli	Wyman
Esch	Mezvinsky	Yates
Eshleman	Miller	Young, Fla.
Evins, Tenn.	Minish	Young, Ill.
	Mink	
	Mitchell, Md.	

NOT VOTING—49

Bell	Dent	Hays
Bolling	Diggs	Hébert
Breaux	Dorn	Hunt
Burke, Calif.	Erlenborn	Ichord
Clark	Flood	Johnson, Calif.
Clawson, Del	Gubser	Keating
Clay	Harsha	Kluczynski
Conyers	Harvey	Meeds
Melcher	Roncallo, N.Y.	Udall
Metcalfe	Rooney, N.Y.	Veysey
Mills, Ark.	Runnels	Walsh
Morgan	Sandman	Ware
Nix	Steele	Whalen
Parris	Stokes	Wyatt
Patman	Sullivan	Zwach
Reid	Taylor, Mo.	
Riegle	Teague, Tex.	

So the amendment to the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. GOLDWATER TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. STAGGERS

Mr. GOLDWATER. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute offered by the gentleman from West Virginia (Mr. STAGGERS).

The Clerk read as follows:

Amendment offered by Mr. GOLDWATER to the amendment in the nature of a substitute offered by Mr. STAGGERS: Page 55, after line 11, insert:

"(g) (1) The Administrator shall, upon application by the Governor for any air quality control region for which transportation controls have been imposed in order to attain and maintain the national primary ambient air quality standards by June 1, 1977, extend for two years the date required by any applicable implementation plan for attainment and maintenance of such standards, if the transportation controls for such region require a 20 percent (or greater) reduction in vehicle miles traveled by June 1, 1977, or if he otherwise finds that such controls are impracticable within such time.

(2) The Administrator may, upon application by the Governor for any such region, further extend the date for attainment and maintenance of such standard if he finds that imposition of additional transportation control requirements is impracticable within such time. In no event, however, shall the Administrator permit any extension (A) which allows for attainment of the primary standard less expeditiously than practicable, or (B) which allows a less than 10 percent annual improvement in air quality toward the achievement of such standard, so that protection of the public health may be assured by January 1, 1985."

Mr. DINGELL. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman from Michigan (Mr. DINGELL) reserves a point of order on the amendment.

Mr. GOLDWATER. Mr. Chairman, I offer this amendment in behalf of my colleague, the gentleman from California (Mr. REES) and myself and other Members.

Approximately 40 metropolitan areas throughout this country have been hit with transportation control plans that work a severe economic hardship on the affected areas and in many instances work at cross-purposes with other Federal programs, such as highway construction.

Now, it seems obvious by the amendments that have been offered, revising and refining various environmental laws that we have enacted throughout the past years, that there is some disenchantment with these environmental laws. It seems that in those days we were moving into new areas, unknown to many, in essence jumping off into space,

not knowing where we were to come down.

Now we have experience

Now we have seen what the Environmental Protection Agency is doing with the laws that were adopted by this Congress, it appears obvious that some refinement needs to be put into effect. To make these laws conform with reality, the social and economic conditions that prevail.

It would also appear to me that if we do not refine some of these laws to make them reasonable, perhaps we run the risk of the total demise of EPA and all our efforts in the area of trying to clean up our environment.

Mr. Chairman, this amendment basically allows, upon request of a Governor of a State, a 2-year delay of implementation of a State's transportation control plan.

This also allows for a further delay but assures at least a 10-percent annual improvement during this additional delay.

The amendment also requires compliance with all health standards, as far as is practical. Now, this amendment I am offering on behalf of myself and my colleague is a reasonable approach to a very unique and difficult problem.

It would not emasculate the intent and purpose of the Clean Air Act. It does not call for the relaxation of the standards.

If adopted, it would avoid severe economic dislocations by assuring that the air quality region affected, must realize a 10-percent annual improvement in air quality each year, with a 100-percent compliance.

I am firmly convinced that in time, an area like Los Angeles can work out its environmental problems. I think that the people of the Los Angeles basin are willing to take every step to get a viable rapid transit system underway. But the people can do nothing, if the heavy hand of the EPA is allowed to destroy their economic livelihood. It is absolutely impossible for a city like Los Angeles, which is almost totally dependent upon the automobile for its transportation, to achieve the standards that it has been ordered to achieve. However, this amendment will make it possible for the people of this area, and other similarly affected air quality regions, to comply within a reasonable time.

The CHAIRMAN. Does the gentleman from Michigan insist upon his point of order?

Mr. DINGELL. Mr. Chairman, I do not insist upon the point of order.

Mr. REES. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this amendment does not just affect Los Angeles, but it affects all areas where the EPA has developed a strategy to lower the amount of vehicle miles traveled in that specific jurisdiction.

What this amendment does is to say that if by 1977 when all jurisdictions must comply with the act, if a jurisdiction is forced to lower the vehicle miles traveled by more than 20 percent, the Governor of that State shall, upon application to the EPA, get a 2-year extension for that jurisdiction.

Let me give you just an example. From the figures of the EPA as they affect the Los Angeles basin, if we did everything we are supposed to do in terms of tailpipe emissions and in terms of the things that have already been banned in this bill, like parking surcharges and regulating construction of parking lots and everything else, it would mean we would still be over 50 percent away from fulfilling the national clean air standards by 1977. It would mean in the Los Angeles basin, of 12 million people, that we would probably have to ban all passenger automobiles for approximately 60 percent of the time during any given year. That is because we would have to lower the vehicle miles traveled.

The agency is well aware of this. The agency sent me this letter which I received yesterday. They stated that the EPA believes that for these communities some kind of legislative relief is in order. They recognize that there has to be some form of relief.

We are certainly not trying to do away with higher standards of air purity, because what the amendment further states is no matter what there has to be at least a 10-percent increase per year in the quality of the air, so that under this bill a city like Los Angeles could have until 1985 to make sure they could adhere the required clean air standards without a complete economic and social breakdown because our present total dependency on the passenger automobile. We would, under this amendment have no time necessary to develop a practical alternative to the passenger automobile.

I think this is a very logical approach. I discussed this approach with the EPA.

They felt that this is the type of approach that they might well be recommending next year. I am a little worried about next year, and I think it best to adopt this amendment now to make sure that a community has a better ability to plan ahead in terms of the EPA regulations. Remember, again, this amendment would be triggered only where a community could not comply with the 1977 standards even after decreasing the vehicle miles traveled by 20 percent. I think it is a good amendment. I commend the gentleman from California (Mr. GOLDWATER) in introducing it, and I would ask for an "aye" vote.

Mr. BOLAND. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I urge support of the amendment sponsored by the gentleman from California (Mr. GOLDWATER and Mr. REES). I believe that it is a logical and commonsense approach to a very difficult problem facing a number of communities in the country that face the imposition of traffic control systems forced upon them by the Environmental Protection Agency.

The EPA plan promulgated for my home city of Springfield, Mass., will create economic havoc for a downtown area that has been completely rebuilt and modernized at a cost of millions of dollars in private and public investment.

The drastic plans for Springfield would close off main street and some 15 side streets to traffic, impose a surcharge on off-street parking, and ban on-street parking within a large periphery of the center city area.

The effects will be to strangle the economy of downtown Springfield. Downtown business firms now contribute a very high ratio of taxes for the city budget.

Mayor William C. Sullivan, the Springfield Chamber of Commerce, and other business organizations all expressed opposition to these EPA proposals and have pleaded for time to study alternative approaches to achieve clean air.

Mr. Chairman, I am pleased that this bill prevents EPA from imposing or requiring the imposition of any surcharges on parking spaces, and requires the Administrator to make a new study and report back to Congress in 6 months, on the merits and demerits of measures to reduce air pollution.

I agree with the position of the gentleman from California (Mr. Moss) in his amendment yesterday, that Congress should take a new look at the EPA clean air recommendations when they are sent to us. Then, and only then, should a legislative decision be made by Congress on the criteria for clean air standards.

It was not the intent of Congress, when it passed the Clean Air Act of 1970, to empower a Federal agency, the EPA, to impose parking taxes or surcharges. Congress did not intend to give EPA tax power. No hearings were held by the House Ways and Means Committee on such taxes when the clean air legislation was debated in Congress in 1970.

Mr. Chairman, for these reasons I supported the amendment of the gentleman from California (Mr. LEGGETT) on November 30, 1973, to the fiscal year 1974 supplemental appropriations bill.

Finally, Mr. Chairman, I realize that under provisions of the Clean Air Act certain requirements to clean up the air have to be made for the public health and welfare of our citizens. But, in some areas, such as national ambient air quality standards, I think that the measures may be excessive.

Consequently, I joined with many of my colleagues earlier this year in a request to the National Academy of Sciences to provide the Congress with an objective analysis and evaluation of health-related ambient air quality standards for those pollutants associated with auto emissions.

I think that Chairman STAGGERS and members of the House Interstate and Foreign Commerce Committee, and subcommittee Chairman PAUL ROGERS and members of his Public Health and Environment Subcommittee should have opportunities to make exhaustive reviews of the National Academy of Science study and the new EPA study, before Congress gives final legislative approval to the specifics on how EPA should administer the Clean Air Act of 1970.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. GOLDWATER) to the amendment in the nature of a substitute offered by the gentleman from West Virginia (Mr. STAGGERS).

The amendment to the amendment in the nature of a substitute was agreed to.

AMENDMENT OFFERED BY MR. MURPHY OF NEW YORK TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. STAGGERS

Mr. MURPHY of New York. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute offered by the gentleman from West Virginia (Mr. STAGGERS).

The Clerk read as follows:

Amendment offered by Mr. MURPHY of New York to the amendment in the nature of a substitute offered by Mr. STAGGERS: Page 11 after line 11, section 105, after subsection (c) add the following new subsection:

"(d) Energy conservation plans submitted pursuant to this section shall include proposal to provide for Federally sponsored incentives for the use of public transportation and Federal subsidies to maintain or reduce existing fares and additional expenses incurred because of increased service."

Mr. MURPHY of New York. Mr. Chairman, this amendment clarifies further some language that the gentleman from Illinois offered earlier today that was agreed to by the Committee. It very simply calls for federally sponsored incentives for the use of public transportation. This is to the planning section, and requires the submission of a plan to meet the needs of mass transit there is not an appropriation or an authorization implicit in this amendment.

Those Federal subsidies which may be ultimately authorized should go to maintain existing fares, and not to have fares raised throughout the country, on mass transit facilities, or to reduce existing fares and additional expenses incurred because of increased services. These services could support the added costs of extra trains, cars, buses, and parking areas.

I urge support of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. MURPHY) to the amendment in the nature of a substitute offered by the gentleman from West Virginia (Mr. STAGGERS).

The question was taken; and on a division (demanded by Mr. MURPHY of New York) there were—ayes 45, noes 34.

RECORDED VOTE

Mr. KUYKENDALL. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 197, noes 184, not voting 51, as follows:

[Roll No. 674]

AYES—197

Abzug	Andrews, N.C.	Biaggi
Adams	Annunzio	Biester
Addabbo	Ashley	Bingham
Alexander	Aspin	Blackburn
Anderson, Calif.	Badillo	Blatnik
Anderson, Ill.	Barrett	Boggs
	Bergland	Boland
Brademas	Hansen, Wash.	Preyer
Brasco	Harrington	Price, Ill.
Breckinridge	Hawkins	Pritchard
Brinkley	Hechler, W. Va.	Randall
Brotzman	Heckler, Mass.	Rangel
Brown, Calif.	Helstoski	Rees
Buchanan	Hicks	Reuss
Burke, Mass.	Holifield	Rinaldo
Burton	Holtzman	Robison, N.Y.
Carey, N.Y.	Horton	Rodino
Carney, Ohio	Howard	Roe
Chisholm	Johnson, Colo.	Rogers
Cohen	Jones, Ala.	Roncallo, Wyo.
Corman	Jones, Okla.	Rooney, Pa.
Cotter	Jordan	Rose
Coughlin	Karth	Rosenthal
Cronin	Kastenmeier	Rostenkowski
Culver	Kazen	Roush
Daniels, Dominick V.	Kemp	Roybal
	Koch	Ryan
Danielson	Kyros	St Germain
Davis, Ga.	Leggett	Sarasin
Davis, S.C.	Lehman	Sarbanes
Delaney	Lent	Schroeder
Dellums	Litton	Seiberling
Denholm	Long, La.	Sisk
Diggs	Long, Md.	Smith, Iowa
Donohue	McClory	Smith, N.Y.
Drinan	McCloskey	Staggers
Dulski	McCormack	Stanton, James V.
Eckhardt	McDade	
Edwards, Calif.	McFall	Stark
Eilberg	McKinney	Steelman
Esch	Macdonald	Stephens
Fascell	Mailliard	Stratton
Fish	Maraziti	Stuckey
Flood	Matsunaga	Studds
Foley	Mazzoli	Symington
Ford, William D.	Mezvinsky	Thompson, N.J.
	Minish	Thornton
Fraser	Mink	Tiernan
Frelinghuysen	Mitchell, Md.	Udall
Fulton	Mitchell, N.Y.	Van Deerlin
Fuqua	Moakley	Vanik
Gaydos	Mollohan	Vigorito
Giaimo	Moorhead, Pa.	Waldie
Gibbons	Mosher	White
Gilman	Moss	Wilson, Charles, Tex.
Gonzalez	Murphy, Ill.	
Grasso	Murphy, N.Y.	Wolff
Gray	Nedzi	Wright
Green, Oreg.	Obey	Wydler
Green, Pa.	O'Brien	Yates
Griffiths	O'Hara	Yatron
Grover	O'Neill	Young, Alaska
Gude	Owens	Young, Ga.
Gunter	Perkins	Young, Ill.
Hamilton	Peyser	Young, Tex.
Hanley	Pickle	Zablocki
Hanna	Pike	
Hanrahan	Podell	

NOES—184

Abdnor	Crane	Hogan
Andrews, N. Dak.	Daniel, Dan	Holt
	Daniel, Robert W., Jr.	Hosmer
Archer		Huber
Arends	Davis, Wis.	Hudnut
Ashbrook	de la Garza	Hungate
Bafalis	Dellenback	Hutchinson
Baker	Dennis	Jarman
Bauman	Derwinski	Johnson, Pa.
Beard	Devine	Jones, N.C.
Bennett	Dickinson	Jones, Tenn.
Bevill	Dingell	Ketchum
Bowen	Downing	King
Bray	Duncan	Kuykendall
Brooks	du Pont	Landgrebe
Broomfield	Edwards, Ala.	Landrum
Brown, Mich.	Eshleman	Latta
Brown, Ohio	Evans, Colo.	Lott
Broyhill, N.C.	Evins, Tenn.	Lujan
Broyhill, Va.	Findley	McCollister
Burgener	Fisher	McEwen
Burke, Fla.	Flowers	McKay
Burleson, Tex.	Flynt	McSpadden
Burlison, Mo.	Fountain	Madigan
Butler	Frenzel	Mahon
Byron	Frey	Mallary
Camp	Froehlich	Mann
Carter	Gettys	Martin, Nebr.
Casey, Tex.	Ginn	Martin, N.C.
Cederberg	Goldwater	Mathias, Calif.
Chamberlain	Goodling	Mathis, Ga.
Chappell	Gross	Mayne
Clancy	Guyer	Michel
Clausen, Don H.	Haley	Milford
	Hammer-schmidt	Miller
Cleveland		Minshall, Ohio
Cochran	Hansen, Idaho	Mizell
Collier	Hastings	Montgomery
Collins, Tex.	Heinz	Moorhead, Calif.
Conable	Henderson	
Conlan	Hillis	Myers
Conte	Hinshaw	Natcher
Nelsen	Schneebeli	Towell, Nev.
Nichols	Sebelius	Treen
Passman	Shipley	Ullman
Patten	Shoup	Vander Jagt
Pettis	Shriver	Waggonner
Poage	Shuster	Wampler
Powell, Ohio	Sikes	Whitehurst
Price, Tex.	Skubitz	Whitten
Quie	Slack	Widnall
Quillen	Snyder	Wiggins
Railsback	Spence	Williams
Rarick	Stanton, J. William	Wilson, Bob
Regula		Wilson, Charles H., Calif.
Rhodes	Steiger, Ariz.	
Roberts	Steiger, Wis.	Winn
Robinson, Va.	Stubblefield	Wylie
Rousselot	Symms	Wyman
Roy	Talcott	Young, Fla.
Ruppe	Taylor, N.C.	Young, S.C.
Ruth	Teague, Calif.	Zion
Satterfield	Thomson, Wis.	Zwach
Scherle	Thone	

NOT VOTING—51

Armstrong	Hays	Reid
Bell	Hébert	Riegle
Bolling	Hunt	Roncallo, N.Y.
Breaux	Ichord	Rooney, N.Y.
Burke, Calif.	Johnson, Calif.	Runnels
Clark	Keating	Sandman
Clawson, Del	Kluczynski	Steed
Clay	Madden	Steele
Collins, Ill.	Meeds	Stokes
Conyers	Melcher	Sullivan
Dent	Metcalfe	Taylor, Mo.
Dorn	Mills, Ark.	Teague, Tex.
Erlenborn	Morgan	Veysey
Forsythe	Nix	Walsh
Gubser	Parris	Ware
Harsha	Patman	Whalen
Harvey	Pepper	Wyatt

So the amendment to the amendment in the nature of a substitute was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. SKUBITZ TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. STAGGERS

Mr. SKUBITZ. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute offered by the gentleman from West Virginia (Mr. STAGGERS).

The Clerk read as follows:

Amendment offered by Mr. SKUBITZ to the amendment in the nature of a substitute offered by Mr. STAGGERS: Page 36, line 23, strike out the quotation marks.

Page 36, insert after line 23 the following:

"(9) This subsection shall not apply to the first sale of crude oil described in subsection (e)(2) of this section (relating to stripper wells)."

Mr. SKUBITZ. Mr. Chairman, I submit this amendment for myself and my colleagues from Kansas (Messrs. SHRIVER, WINN, SEBELIUS, and ROY). This amendment is submitted to clarify the real intent of this bill as it applies to stripper wells that were fogged up by the provisions of the "windfall" proviso in this bill. On two occasions this Congress has enacted legislation which exempted stripper well operations from price and allocation controls; once in the passage of the mandatory Emergency Petroleum Act, and second, in the passage of the Alaska pipeline bill.

Let me tell the Members what I mean by a "stripper well." I am not talking about a well that produces 25,000 barrels a day. I am talking about a well that produces 10 barrels or less.

When the regulations were first announced by the executive department, they established a ceiling price on used oil at $3. The net result was that these little operations could not operate and pay the expenses.

So, under the Emergency Petroleum Act, we exempted these small operations from price and allocation control. When we passed the Alaska pipeline bill, we again exempted the stripper well operations. As a result, hundreds and hundreds of small producers began using pressure methods to pump oil out of the ground. We began getting more oil into the market place.

This bill as a result of the windfall proviso will close down all of the stripper operations.

Mr. Chairman, all this amendment does is to clarify the bill so that the small operators can stay in business and keep producing the oil that we need.

Mr. STAGGERS. Mr. Chairman, will the gentleman yield to me?

Mr. SKUBITZ. I yield to the distinguished chairman of the commtitee.

Mr. STAGGERS. Mr. Chairman, I would like to say that I certainly agree with the objectives of the amendment which the gentleman from Kansas has offered, and we will accept it on this side.

Mr. BROYHILL of North Carolina. Mr. Chairman, will the gentleman yield to me?

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

Mr. BROYHILL of North Carolina. Mr. Chairman, a short time ago we defeated an amendment which would have exempted producers with a production of 25,000 barrels a day.

As I understand it, the gentleman's amendment only applies to those small wells producing 10 barrels a day?

Mr. SKUBITZ. Ten barrels or less.

Mr. BROYHILL of North Carolina. Ten barrels or less a day

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kansas (Mr. SKUBITZ) to the amendment in the nature of a substitute offered by the gentleman from West Virginia (Mr. STAGGERS).

The amendment to the amendment in the nature of a substitute was agreed to.

AMENDMENT OFFERED BY MR. SATTERFIELD TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. STAGGERS

Mr. SATTERFIELD. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute offered by the gentleman from West Virginia (Mr. STAGGERS).

The Clerk read as follows:

Amendment offered by Mr. SATTERFIELD to the amendment in the nature of a substitute offered by Mr. STAGGERS: On page 13, line 9, after "subsection (a)," insert the words "or which has voluntarily begun conversion to the use of coal during the period 90 days prior to the effective date of this Act and complete such conversion by May 15, 1975."

Mr. SATTERFIELD. Mr. Chairman, this is a simple amendment, and I do not intend to take my full 5 minutes to explain it.

Section 106 of the bill as now drafted gives to the Administrator the authority to prohibit major fuel-burning installations from the burning of natural gas and petroleum and to direct that they convert to coal.

Paragraph (b) of this section provides that no electric powerplant shall be prohibited by the Administrator from burning coal, once it has been ordered to convert until January 1, 1980, subject to certain conditions, those conditions are that the Administrator after notice and hearing approves a plan for that plant, and finds that it will make use of control technology, that it meets the schedule set forth in section 119 of the Clean Air Act, and that it complies with interim regulations prescribed by the Administrator to insure that it does not contribute a significant risk to public health.

Mr. Chairman, my amendment to this section would extend its coverage to those electric powerplants which have voluntarily begun this conversion within the 90-day period prior to the effective date of this act.

I think it is eminently fair to place those electric powerplants which had the foresight and the initiative to begin this conversion on their own in the same circumstance as powerplants ordered to do as by the Administrator.

Mr. Chairman, I urge the Members to approve my amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia (Mr. SATTERFIELD) to the amendment in the nature of a substitute offered by the gentleman from West Virginia (Mr. STAGGERS).

The amendment to the amendment in the nature of a substitute was agreed to.

The CHAIRMAN. For what purpose does the gentleman from Texas (Mr. ECKHARDT), a member of the committee, rise?

Mr. ECKHARDT. Mr. Chairman, I have an amendment at the desk. It is the amendment to page 46, after line 20.

PARLIAMENTARY INQUIRY

Mr. SARASIN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. SARASIN. Mr. Chairman, is there before the House an understanding that there would be a shifting back and forth between members of the committee and Members who are not members of the Committee on Interstate and Foreign Commerce, as far as the offering of amendments is concerned, or is that not actually a rule?

The CHAIRMAN. The Chair will inform the gentleman from Connecticut that the gentleman from Missouri tried to implement such an understanding, and he did not have very much success.

The gentleman from Missouri would have to say that he had less success on this side than he did on that side, but even there he ran into problems.

The Chair felt that he needed to recognize the gentleman from Texas (Mr. ECKHARDT) at this time because at one point in time perhaps he should have recognized him instead of another Member who is not a member of the committee.

PARLIAMENTARY INQUIRY

Mr. GROSS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. GROSS. Mr. Chairman, how many amendments remain at the desk?

The CHAIRMAN. An inaccurate count, but the best we can do, is approximately 78.

AMENDMENT OFFERED BY MR. ECKHARDT TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. STAGGERS

Mr. ECKHARDT. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute offered by the gentleman from West Virginia (Mr. STAGGERS).

The Clerk read as follows:

Amendment offered by Mr. ECKHARDT to the amendment in the nature of a substitute offered by Mr. STAGGERS: On page 36, insert after line 20 the following new paragraph:

"(8) This subsection shall apply to sales of coal in the same manner as this subsection applies to sales of crude oil, residual fuel oil and refined petroleum products, except that the term "windfall profits" with respect to coal means that profit in excess of the highest average profit, as determined by the Board, obtained by all sellers of coal during any calendar year beginning January 1, 1967 and ending December 31, 1971.

On page 36, line 21, strike out "(8)" and insert in lieu thereof "(9)".

Mr. ECKHARDT. Mr. Chairman, all this does is what was discussed in connection with the striking out of coal in the colloquy between myself and the gentleman from Pennsylvania (Mr. DENT). It provides in the case of coal the standard period of time is the highest of the 5 years. In the case of coal the highest profit of the 5 years as a percentage of sales is 7.5 percent and as a percentage of investment is 14 percent. With respect to oil, the percentage of sales profit for the average of the 5 years is 7.7 percent. The percentage of investment is 10.6 percent. Therefore, under this amendment, coal would be at about the same level as oil, because we are taking the highest of the 5 years for coal and the average of 5 years for oil. Only .2 percent difference.

On the whole, coal would have the advantage, because on the basis of percentage of investment, coal's earnings would have been at 14 percent and oil only 10.6 percent. All this does is make the two comparable by giving coal the highest year among the 5 years.

Mr. SEIBERLING. Will the gentleman yield?

Mr. ECKHARDT. I yield to the gentleman.

Mr. SEIBERLING. Mr. Chairman, since I will not have time to offer an amendment before the boom lowers, I would like to ask unanimous consent to extend my remarks at this point in the RECORD with respect thereto, and then it may be accepted by both sides, and I have copies I will be glad to distribute.

Mr. STAGGERS. Will the gentleman yield?

Mr. ECKHARDT. I yield to the gentleman.

Mr. STAGGERS. Mr. Chairman, we have already acted in the committee on this amendment. I believe, if I had realized what it was, a point of order would have lain against the amendment, but I did not because we acted on it and coal was taken out after it had been argued

for some 20, 30, 40, or 50 minutes. This is just to put it back in.

For all the reasons given now, it should be stricken. We are asking for coal to be substituted now in all the plants of this land wherever we can get it. It takes millions of dollars to open up mines. If we are going to sacrifice——

Mr. ECKHARDT. If the Chairman will yield back the last 15 seconds to me, I would say that we did not give any benefit to small oil, and it seems to me large coal should be covered in this very favorable way.

Mr. CARTER. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The Chair will state that the gentleman from Kentucky will be recognized for the time that remains.

Mr. CARTER. Mr. Chairman, the future energy needs of this country lie in coal. It is very necessary that we devote efforts, and strong efforts, toward development in this direction so that our energy needs can be satisfied and we can remain a strong country.

I strongly oppose the amendment offered by the gentleman from Texas (Mr. ECKHARDT).

The CHAIRMAN. The time of the gentleman has expired. All time has expired.

The question is on the amendment offered by the gentleman from Texas (Mr. ECKHARDT) to the amendment in the nature of a substitute offered by the gentleman from West Virginia (Mr. STAGGERS).

The amendment was rejected.

PARLIAMENTARY INQUIRIES

Mr. McCLORY. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. McCLORY. Mr. Chairman, I assume that the procedure will be to read each of the amendments that remain at the Clerk's desk?

The CHAIRMAN. The Chair will state to the gentleman from Illinois that the Member having the amendment to offer would have to rise and offer the amendment before it could be read by the Clerk.

Mr. McCLORY. Mr. Chairman, a further parliamentary inquiry.

The CHAIRMAN. The gentleman will state his further parliamentary inquiry.

Mr. McCLORY. Mr. Chairman, would it be in order for the Member offering the amendment to revise and extend his remarks in connection with the offering of his amendment?

The CHAIRMAN. All the Chair can say is that he would seek to entertain that.

Mr. McCLORY. A further parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. McCLORY. Mr. Chairman, would it be in order at this time to ask unanimous consent that all Members who rise to offer their amendments, that in the interest of their amendment they may have the right to revise and extend their remarks?

The CHAIRMAN. The Chair will state that that would be in order only in the House.

Mr. BUCHANAN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. BUCHANAN. Mr. Chairman, should a motion be offered that the committee do now rise, and that motion would be accepted by the Committee, would it be possible then in the House for time to be extended or for the earlier motion limiting time to be rescinded?

The CHAIRMAN. The Chair will state to the gentleman from Alabama that the gentleman is asking the Chairman of the Committee of the Whole to rule on a matter that would come before the Speaker of the House of Representatives.

Mr. BUCHANAN. The Chairman cannot answer that according to the rules of the House?

The CHAIRMAN. The Chair will state that the Chair is not in a position to answer for the Speaker.

MOTION OFFERED BY MR. BUCHANAN

Mr. BUCHANAN. Mr. Chairman, I move that the Committee do now rise.

The CHAIRMAN. The question is on the motion offered by the gentleman from Alabama (Mr. BUCHANAN).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. BUCHANAN. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 104, noes 280, answered "present" 1, not voting 47, as follows:

[Roll No. 675]

AYES—104

Abdnor	Frenzel	Myers
Anderson, Calif.	Giaimo	Pike
Anderson, Ill.	Goodling	Poage
Baker	Grasso	Powell, Ohio
Bauman	Gross	Price, Tex.
Bennett	Gude	Rangel
Bingham	Haley	Rarick
Blackburn	Hammer-schmidt	Roberts
Brooks	Hanna	Robinson, Va.
Broomfield	Hanrahan	Robison, N.Y.
Brown, Mich.	Hansen, Idaho	Rousselot
Broyhill, Va.	Hastings	Roybal
Buchanan	Hogan	Ryan
Burgener	Holt	Satterfield
Burleson, Tex.	Holtzman	Scherle
Camp	Howard	Schneebeli
Cederberg	Hutchinson	Shipley
Chamberlain	Jarman	Shoup
Conable	Jones, Tenn.	Spence
Conlan	King	Steelman
Coughlin	Lujan	Steiger, Ariz.
Crane	McClory	Steiger, Wis.
Daniel, Dan	McEwen	Studds
Daniel, Robert W., Jr.	McKinney	Symms
Davis, S.C.	McSpadden	Teague, Tex.
Davis, Wis.	Mailliard	Thompson, N.J.
de la Garza	Mallary	Towell, Nev.
Dennis	Mann	Vander Jagt
Derwinski	Martin, Nebr.	Waggonner
Dickinson	Mathis, Ga.	Whitten
Duncan	Mayne	Young, Alaska
Evins, Tenn.	Michel	Young, Ill.
Flynt	Mink	Young, S.C.
Fountain	Moorhead, Calif.	Young, Tex.
		Zion
		Zwach

NOES—280

Abzug	Andrews, N. Dak.	Armstrong
Adams	Annunzio	Ashbrook
Addabbo	Archer	Ashley
Alexander	Arends	Aspin
Andrews, N.C.	Badillo	Bafalis
Barrett	Green, Pa.	Pickle
Beard	Griffiths	Podell
Bergland	Grover	Preyer
Bevill	Gunter	Price, Ill.
Biaggi	Guyer	Pritchard
Biester	Hamilton	Quie
Blatnik	Hanley	Quillen
Boggs	Hansen, Wash.	Railsback
Boland	Harrington	Randall
Bowen	Hechler, W. Va.	Rees
Brademas	Heckler, Mass.	Regula
Brasco	Heinz	Reuss
Bray	Helstoski	Rhodes
Breckinridge	Henderson	Rinaldo
Brinkley	Hicks	Rodino
Brotzman	Hillis	Roe
Brown, Calif.	Hinshaw	Rogers
Brown, Ohio	Holifield	Roncalio, Wyo.
Broyhill, N.C.	Horton	Rooney, Pa.
Burke, Fla.	Hosmer	Rose
Burke, Mass.	Huber	Rosenthal
Burlison, Mo.	Hudnut	Rostenkowski
Burton	Hungate	Roush
Butler	Johnson, Colo.	Roy
Byron	Johnson, Pa.	Ruppe
Carey, N.Y.	Jones, Ala.	Ruth
Carney, Ohio	Jones, N.C.	St Germain
Carter	Jones, Okla.	Sarasin
Casey, Tex.	Jordan	Sarbanes
Chappell	Karth	Schroeder
Chisholm	Kastenmeier	Sebelius
Clancy	Kazen	Seiberling
Clausen, Don H.	Kemp	Shriver
Cleveland	Ketchum	Shuster
Cohen	Koch	Sikes
Collier	Kuykendall	Sisk
Collins, Ill.	Kyros	Skubitz
Collins, Tex.	Landgrebe	Slack
Conte	Landrum	Smith, Iowa
Corman	Latta	Smith, N.Y.
Cotter	Leggett	Snyder
Cronin	Lehman	Staggers
Culver	Lent	Stanton, J. William
Daniels, Dominick V.	Litton	Stanton, James V.
Danielson	Long, La.	Stark
Davis, Ga.	Long, Md.	Steed
Delaney	Lott	Stephens
Dellenback	McCloskey	Stratton
Dellums	McCollister	Stubblefield
Denholm	McCormack	Stuckey
Devine	McDade	Symington
Diggs	McFall	Talcott
Dingell	McKay	Taylor, N.C.
Donohue	Macdonald	Teague, Calif.
Downing	Madigan	Thomson, Wis.
Drinan	Mahon	Thone
Dulski	Maraziti	Thornton
du Pont	Martin, N.C.	Tiernan
Eckhardt	Mathias, Calif.	Treen
Edwards, Ala.	Matsunaga	Udall
Edwards, Calif.	Mazzoli	Ullman
Eilberg	Mezvinsky	Van Deerlin
Esch	Milford	Vanik
Eshleman	Miller	Vigorito
Evans, Colo.	Minish	Waldie
Fascell	Minshall, Ohio	Wampler
Findley	Mitchell, Md.	White
Fish	Moakley	Whitehurst
Fisher	Mollohan	Widnall
Flood	Montgomery	Wiggins
Flowers	Moorhead, Pa.	Williams
Foley	Mosher	Wilson, Bob
Ford, William D.	Moss	Wilson, Charles H., Calif.
Fraser	Murphy, Ill.	Wilson, Charles, Tex.
Frelinghuysen	Murphy, N.Y.	Winn
Frey	Natcher	Wolff
Froehlich	Nedzi	Wright
Fulton	Nelsen	Wydler
Fuqua	Nichols	Wylie
Gaydos	Obey	Wyman
Gettys	O'Brien	Yates
Gibbons	O'Hara	Yatron
Gilman	O'Neill	Young, Fla.
Ginn	Owens	Young, Ga.
Goldwater	Passman	Zablocki
Gonzalez	Patten	
Gray	Pepper	
Green, Oreg.	Perkins	
	Pettis	
	Peyser	

ANSWERED "PRESENT"—1

Cochran

NOT VOTING—47

Bell	Clark	Dent
Bolling	Clawson, Del	Dorn
Breaux	Clay	Erlenborn
Burke, Calif.	Conyers	Forsythe

Gubser	Meeds	Runnels
Harsha	Melcher	Sandman
Harvey	Metcalfe	Steele
Hawkins	Mills, Ark.	Stokes
Hays	Morgan	Sullivan
Hébert	Nix	Taylor, Mo.
Hunt	Parris	Veysey
Ichord	Patman	Walsh
Johnson, Calif.	Reid	Ware
Keating	Riegle	Whalen
Kluczynski	Roncallo, N.Y.	Wyatt
Madden	Rooney, N.Y.	

So the motion was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. SARASIN TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. STAGGERS

Mr. SARASIN. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute offered by the gentleman from West Virginia (Mr. STAGGERS).

The Clerk read as follows:

Amendment offered by Mr. SARASIN to the amendment in the nature of a substitute offered by Mr. STAGGERS: Page 44, after line 12, insert the following:

(b) The President is authorized and directed to make grants to States to provide to any individual unemployed, if such unemployment resulted from the administration and enforcement of this Act and was in no way due to the fault of such individual, such assistance as the President deems appropriate while such individual is unemployed. Such assistance as a State shall provide under such a grant shall be available to individuals not otherwise eligible for unemployment compensation and individuals who have otherwise exhausted their eligibility for such unemployment compensation, and shall continue as long as unemployment in the area caused by such administration and enforcement continues (but not less than six months) or until the individual is reemployed in a suitable position, but not longer than two years after the individual becomes eligible for such assistance. Such assistance shall not exceed the maximum weekly amount under the unemployment compensation program of the State in which the employment loss occurred.

(c) There are authorized to be appropropriated such sums as may be necessary to carry out the provisions of this section.

Page 44, line 13, strike out "(b)" and insert "(d)".

POINT OF ORDER

Mr. DINGELL. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. DINGELL. Mr. Chairman, I make a point of order against the amendment, that the amendment is not germane to the bill.

I make a point of order that the amendment is not germane to the section.

The CHAIRMAN. Does the gentleman from Connecticut desire to be heard on the point of order?

Mr. SARASIN. I do, Mr. Chairman.

Mr. Chairman, as I understand the amendment that I have offered to section 122 of the bill, to which it applies, I believe it is germane and fundamental to the purposes of the bill. It is not a new subject by way of the amendment, and I believe it is germane to the paragraph.

This bill before us, of course, is here with an open rule. I think it is perfectly proper in the amendment I have offered, because of the inconveniences caused by the administration of this act, and I think that it is certainly within the proper place in the amendment in the nature of a substitute as offered by the gentleman from West Virginia (Mr. STAGGERS) and within my amendment.

Mr. GIBBONS. Mr. Chairman, I would like to be heard on the point of order.

The CHAIRMAN. The Chair will hear the gentleman on the point of order.

Mr. GIBBONS. Mr. Chairman, my point in supporting the point of order raised by the gentleman from Michigan is that the Unemployment Compensation Act is not being amended in any place in this act. The gentleman in the well is attempting to amend the Unemployment Compensation Act.

I happen to be rather familiar with it; it is one of the acts that is within the jurisdiction of the Committee on Ways and Means, and I am sure it is not within the scope of this act at all.

The CHAIRMAN. Does the gentleman from Michigan desire to be heard further?

Mr. DINGELL. I do, Mr. Chairman.

As the Chair will note, the bill in subsection (a) of section 122, which is amended, provides for the President taking certain actions to minimize the impact of the adverse effect of the act. In the second part, the President is directed to perform a study.

As the Chair will note, the amendment offered by my good friend from Connecticut—and I commend him for offering it; it is an amendment that appears to have a great deal of merit—but I would point out it is not an amendment which is germane, because the amendment directs the President and the States to provide for individual unemployed and to make payments for unemployment.

It relates to the eligibility of unemployed for compensation and Federal grants which in turn support the unemployment compensation, and also authorizes appropriations, which is not authorized in the act before us.

It is for those reasons, since some of the provisions are carried elsewhere in the bill or in the section before us, it is obvious the amendment is not germane.

The CHAIRMAN. Does the gentleman from Connecticut desire to be heard further?

Mr. SARASIN. I do, Mr. Chairman.

On line 7, page 44, the first section of paragraph A, it says:

Carrying out his responsibilities under this Act, the President shall take into consideration and shall minimize, to the fullest extent practicable, any adverse impact of actions taken pursuant to this Act upon employment.

It is the responsibility of various agencies. I do not see that this amendment I have offered to authorize the President to make grants to States providing assistance to any individual unemployed, if such unemployment is resulting from the administration and enforcement of this act, is nongermane.

It would seem to me that it certainly is a logical extension of what is in here within section 122 as it now stands.

The CHAIRMAN (Mr. BOLLING). The Chair is ready to rule.

The Chair will state that the section sought to be amended by the amendment offered by the gentleman from Connecticut (Mr. SARASIN) as he has just read it, directs the President, in carrying out his responsibilities under this act, that he shall take into consideration and shall minimize, to the fullest extent practicable, any adverse impact of actions taken pursuant to this act upon unemployment.

The amendment does not amend another act. It seeks to provide an authorization for a specific approach for the carrying out of the broad authority bestowed upon the President to "minimize" adverse impact of actions taken under the act.

Therefore, the Chair overrules the point of order, and, under clause 6 of rule XXIII, recognizes the gentleman for 5 minutes.

Mr. SARASIN. I thank the Chairman.

Mr. Chairman, I will say to the Members of this body that because of the colloquy we have just gone through, referring to the point of order and the reading by the Clerk, we have a better understanding of what this amendment actually does.

It is an attempt to provide some assistance for the people who are going to be affected to the greatest extent by the energy shortage. These are the people who need our help; these are the people who will lose their jobs because of the energy shortage and the provisions of this act.

Mr. Chairman, I think it goes without saying that the name of the game, as far as the people of this country are concerned, is jobs. As we look at the situation now, it seems to me that we must realize many people are already unemployed because of shortages in various areas.

For example, in the petrochemical industry alone people are now being laid off. This is one of the industries we have talked about on this floor. The projection is made that with a mere 15 percent reduction in industry's ability to obtain petrochemicals in this country, it will result in a nationwide unemployment figure of 1.6 to 1.8 million jobs.

In the automobile industry jobs have been reduced, and in automobile-related industries jobs have been reduced. Over 5,000 service stations have been closed, and that means laying off 25,000 full-time workers and approximately 5,000 parttime workers.

Mr. Chairman, at this time we are all hoping that we will arrive at the point where we will be going back to our home districts during the Christmas season. I suggest that if we try to book an airline flight and check on the schedules, we will find that the airlines have reduced their flights.

We know that flight attendants have been laid off, and we know that pilots have lost their jobs as a result of the energy shortage.

This is one bill that will not cost any money frankly, if there is no shortage. It is a cushion; it is protection against the inevitable economic dislocations which will result from enforcement and administration of this act.

What we are doing is giving the States

the ability to continue to pay unemployment benefits. This Congress has, in prior years, enacted the Emergency Unemployment Act. With this amendment we are extending emergency benefits beyond the period of time set by the States, and beyond the limited resources of the States. We know that the States in this country cannot continue and will not be able to continue financially to take care of all the people who are adversely affected by the energy shortage and this act.

Mr. Chairman, in my district alone, in my State alone, there is one projection that indicates some 35,000 jobs will be lost as a result of the energy shortage. The Connecticut Business & Industry Association has projected 100,000 jobs lost if the fuel shortage reaches only to the extent of 30 percent.

I think my amendment is necessary, in line with many of the other provisions of this bill. With this bill we are trying to solve serious problems as best we can and spread the shortages as thinly as possible, and we are trying to do everything we can do to enforce and administer this act as equitably as possible.

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

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

Mr. McCLORY. Mr. Chairman, I rise in support of the amendment offered by my colleague from Connecticut (Mr. SARASIN).

Mr. Chairman, it appears that many of my constituents—including airline pilots and other personnel may lose their jobs—because of consolidation of airline schedules, and the elimination of many scheduled flights of commercial aircraft.

Mr. Chairman, this amendment should help—in a very modest way—to relieve the hardship which these jobless pilots and other airline employees may experience. I urge adoption of the gentleman's amendment.

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

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

Mr. FLYNT. Mr. Chairman, I support the amendment offered by the gentleman from Connecticut.

Today in the State of Georgia the Governor of our State is quoted as saying that unless measures are taken to alleviate the present energy fuel shortage, unemployment in our State of Georgia will increase by an estimated 60-percent increase over what it is now.

Mr. Chairman, I support the amendment, and I hope that it will be adopted.

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

Mr. SARASIN. I yield to the gentleman from Massachusetts.

Mr. STUDDS. Mr. Chairman, I support the amendment.

Mr. Chairman, I commend the gentleman for his amendment. I will inform the gentleman that, at the appropriately chaotic time, I intend to offer an amendment to restrict the exportation of petroleum, coal, and petrochemicals, which is precisely the point the gentleman made.

Mr. HECHLER of West Virginia. Mr. Chairman, I support the amendment of the gentleman from Massachusetts (Mr. STUDDS) which strengthens the limitation on exports of coal. As I testified before the Committee on Interstate and Foreign Commerce, almost 10 percent of the coal produced domestically is now exported. Out of a total production of less than 600 million tons of coal in 1972, 56 million tons were exported. This is high-grade, low-ash, low-sulfur coal which is largely "metallurgical" coal used in the manufacture of steel. While we are exporting these vast tonnages of coal—86 percent of which comes from underground mines—the pressure is on from the coal industry to strip mine additional coal which is raping and ravaging our soil, forests, and land while polluting our streams.

Mr. Chairman, because we are exporting coal to Canada where it is used to generate electricity, and importing oil from Canada, the bill provides that we take into account these "historical trading relations." I am pleased to support the additional limitation on coal exports provided in the pending amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Connecticut (Mr. SARASIN) to the amendment in the nature of a substitute offered by the gentleman from West Virginia (Mr. STAGGERS).

The question was taken, and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. FLYNT. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 311, noes 73, not voting 48, as follows:

[Roll No. 676]

AYES—311

Abdnor	Carter	Fish
Abzug	Chisholm	Flood
Adams	Clancy	Flowers
Addabbo	Clausen, Don H.	Flynt
Anderson, Calif.	Cleveland	Foley
Anderson, Ill.	Cochran	Ford, William D.
Andrews, N. Dak.	Cohen	Forsythe
Annunzio	Collier	Fraser
Arends	Collins, Ill.	Frelinghuysen
Armstrong	Conlan	Frenzel
Ashley	Conte	Frey
Aspin	Cotter	Froehlich
Badillo	Coughlin	Fulton
Baker	Crane	Fuqua
Barrett	Cronin	Gaydos
Bauman	Culver	Gettys
Bennett	Daniel, Dan	Giaimo
Bergland	Daniels, Dominick V.	Gibbons
Bevill	Davis, Ga.	Gilman
Biaggi	Davis, S.C.	Ginn
Biester	de la Garza	Grasso
Bingham	Delaney	Gray
Blackburn	Dellenback	Green, Oreg.
Blatnik	Dellums	Green, Pa.
Boggs	Denholm	Grover
Boland	Derwinski	Gude
Bowen	Diggs	Gunter
Brademas	Donohue	Guyer
Brasco	Downing	Hamilton
Breckinridge	Drinan	Hammer-schmidt
Brinkley	Dulski	Hanley
Brooks	Duncan	Hanna
Broomfield	du Pont	Hanrahan
Brotzman	Eckhardt	Hansen, Wash.
Brown, Calif.	Edwards, Ala.	Harrington
Brown, Ohio	Edwards, Calif.	Hawkins
Broyhill, Va.	Eilberg	Hechler, W. Va.
Buchanan	Esch	Heckler, Mass.
Burlison, Mo.	Eshleman	Heinz
Burke, Mass.	Evans, Colo.	Helstoski
Burton	Evins, Tenn.	Hicks
Byron	Fascell	Hillis
Carney, Ohio	Findley	Hinshaw
Hogan	Moss	Skubitz
Holifield	Murphy, Ill.	Slack
Holt	Murphy, N.Y.	Smith, Iowa
Holtzman	Myers	Smith, N.Y.
Horton	Natcher	Staggers
Hosmer	Nedzi	Stanton, J. William
Howard	Nelsen	Stanton, James V.
Huber	Nichols	Stark
Hudnut	Obey	Steed
Hungate	O'Brien	Steelman
Jarman	O'Hara	Steiger, Wis.
Johnson, Colo.	O'Neill	Stephens
Johnson, Pa.	Owens	Stubblefield
Jones, Ala.	Passman	Stuckey
Jones, Okla.	Patten	Studds
Jones, Tenn.	Pepper	Symington
Jordan	Perkins	Talcott
Karth	Pettis	Teague, Calif.
Kastenmeier	Peyser	Thompson, N.J.
Kemp	Pickle	Thomson, Wis.
Ketchum	Pike	Thone
Koch	Poage	Thornton
Kuykendall	Podell	Tiernan
Kyros	Powell, Ohio	Towell, Nev.
Landrum	Preyer	Treen
Latta	Price, Ill.	Udall
Leggett	Price, Tex.	Van Deerlin
Lehman	Pritchard	Vanik
Lent	Quie	Vigorito
Litton	Quillen	Waldie
Long, La.	Railsback	Wampler
Long, Md.	Randall	White
McClory	Rangel	Whitehurst
McCloskey	Rarick	Whitten
McCollister	Rees	Widnall
McCormack	Regula	Wiggins
McDade	Reid	Wilson, Bob
McFall	Reuss	Wilson, Charles H., Calif.
McKay	Rhodes	Wilson, Charles, Tex.
McKinney	Rinaldo	Winn
McSpadden	Roberts	Wolff
Macdonald	Robison, N.Y.	Wright
Madigan	Rodino	Wydler
Mailliard	Roe	Wyman
Mallary	Rogers	Yates
Maraziti	Roncalio, Wyo.	Yatron
Martin, N.C.	Rooney, Pa.	Young, Alaska
Mathias, Calif.	Rosenthal	Young, Ga.
Mathis, Ga.	Rostenkowski	Young, Ill.
Matsunaga	Roush	Young, S.C.
Mazzoli	Roy	Young, Tex.
Mezvinsky	Roybal	Zablocki
Milford	Ryan	Zion
Miller	St Germain	Zwach
Minish	Sarasin	
Mink	Sarbanes	
Minshall, Ohio	Scherle	
Mitchell, Md.	Schroeder	
Mitchell, N.Y.	Seiberling	
Mizell	Shipley	
Moakley	Shriver	
Mollohan	Shuster	
Moorhead, Pa.	Sikes	
Mosher	Sisk	

NOES—73

Alexander	Devine	Michel
Andrews, N.C.	Dickinson	Montgomery
Archer	Dingell	Moorhead, Calif.
Ashbrook	Fisher	Robinson, Va.
Bafalis	Fountain	Rose
Beard	Goldwater	Rousselot
Bray	Gonzalez	Ruppe
Brown, Mich.	Goodling	Ruth
Broyhill, N.C.	Gross	Satterfield
Burke, Fla.	Haley	Schneebeli
Burleson, Tex.	Hansen, Idaho	Sebelius
Butler	Hastings	Shoup
Camp	Henderson	Snyder
Casey, Tex.	Hutchinson	Spence
Cederberg	Jones, N.C.	Steiger, Ariz.
Chamberlain	Kazen	Stratton
Chappell	King	Symms
Collins, Tex.	Landgrebe	Taylor, N.C.
Conable	Lott	Teague, Tex.
Corman	Lujan	Ullman
Daniel, Robert W., Jr.	McEwen	Vander Jagt
Danielson	Mahon	Waggonner
Davis, Wis.	Mann	Wylie
Dennis	Martin, Nebr.	Young, Fla.
	Mayne	

NOT VOTING—48

Bell	Erlenborn	Madden
Bolling	Griffiths	Meeds
Breaux	Gubser	Melcher
Burgener	Harsha	Metcalfe
Burke, Calif.	Harvey	Mills, Ark.
Carey, N.Y.	Hays	Morgan
Clark	Hébert	Nix
Clawson, Del	Hunt	Parris
Clay	Ichord	Patman
Conyers	Johnson, Calif.	Riegle
Dent	Keating	Roncallo, N.Y.
Dorn	Kluczynski	

Rooney, N.Y.	Sullivan	Whalen
Runnels	Taylor, Mo.	Williams
Sandman	Veysey	Wyatt
Steele	Walsh	
Stokes	Ware	

So the amendment to the amendment in the nature of a substitute was agreed to.

The vote was announced as above recorded.

AMENDMENT OFFERED BY MR. SEIBERLING TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. STAGGERS

Mr. SEIBERLING. Mr. Chairman, I offered an amendment to the amendment in the nature of a substitute offered by the gentleman from West Virginia (Mr. STAGGERS).

The Clerk read as follows:

Amendment offered by Mr. SEIBERLING to the amendment in the nature of a substitute offered by Mr. STAGGERS: Section 105(c), page 11, line 11, following "thereof" strike the period and insert the following: "and shall give due consideration to the needs of commercial, retails, and service establishments whose normal function is to supply groceries or goods and services of a convenience nature during times of day other than conventional daytime working hours."

Mr. SEIBERLING. Mr. Chairman, the purpose of this amendment is to prevent discrimination against businesses which operate at hours other than 9 a.m. to 5 p.m. Monday through Friday. Any plan under the act which would set specified hours for businesses could put many of these establishments out of business entirely. Many types of businesses derive a significant portion of their sales from 5 p.m. to midnight, or on weekends. Delicatessens and small grocery stores fall into the group of businesses which would be immediately threatened by a requirement to close at a set time such as 6 p.m. All these businesses are willing to bear a fair share of the burdens of the energy shortage. If the Administrator of the FEA, determines that all businesses should work fewer hours, then the individual establishments should be given the opportunity to decide what hours they will operate. The retail establishments which depend largely on after-normal hour trade should not be discriminated against by any action or plan under this act. They should be treated equitably, and not have to suffer undue hardships because of their hours of business.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. SEIBERLING) to the amendment in the nature of a substitute offered by the gentleman from West Virginia (Mr. STAGGERS).

The question was taken; and on a division (demanded by Mr. SEIBERLING) there were—ayes 55, noes 69.

RECORDED VOTE

Mr. DERWINSKI. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 301, noes 60, answered "present" 21, not voting 50, as follows:

[Roll No. 677]

AYES—301

Abzug	Anderson, Calif.	Andrews, N. Dak.
Adams	Anderson, Ill.	Annunzio
Addabbo	Andrews, N.C.	Archer
Alexander	Ashbrook	Ashley
Aspin	Badillo	Baker
Barrett	Bauman	Bennett
Bergland	Bevill	Biaggi
Biester	Bingham	Blackburn
Blatnik	Boggs	Boland
Bowen	Brademas	Brasco
Breckinridge	Brinkley	Brooks
Broomfield	Brotzman	Brown, Calif.
Brown, Mich.	Broyhill, Va.	Buchanan
Burke, Fla.	Burke, Mass.	Burton
Byron	Camp	Carey, N.Y.
Carney, Ohio	Carter	Chappell
Chisholm	Clancy	Clausen, Don H.
Cleveland	Cohen	Collins, Ill.
Collins, Tex.	Conable	Conte
Corman	Cotter	Coughlin
Cronin	Culver	Daniel, Dan
Daniel, Robert W., Jr.	Daniels, Dominick V.	Danielson
Davis, Ga.	Davis, S.C.	de la Garza
Delaney	Dellenback	Dellums
Denholm	Dennis	Diggs
Dingell	Donohue	Downing
Drinan	Dulski	Eckhardt
Edwards, Calif.	Eilberg	Eshleman
Evins, Tenn.	Fascell	Fish
Fisher	Flood	Flowers
Flynt	Foley	Ford, William D.
Fountain	Fraser	Frey
Fulton	Fuqua	Gaydos
Gettys	Giaimo	Gibbons
Gilman	Ginn	Gonzalez
Grasso	Gray	Green, Oreg.
Green, Pa.	Gross	Grover
Gunter	Guyer	Haley
Hamilton	Hammer-schmidt	Hanley
Hanna	Hanrahan	Hansen, Wash.
Harrington	Hastings	Hawkins
Hechler, W. Va.	Heckler, Mass.	Heinz
Helstoski	Hicks	Hillis
Hinshaw	Hogan	Holifield
Holt	Holtzman	Horton
Hosmer	Howard	Hudnut
Hungate	Jarman	Johnson, Colo.
Johnson, Pa.	Jones, N.C.	Jones, Okla.
Jones, Tenn.	Jordan	Karth
Kastenmeier	Kazen	Kemp
Koch	Kyros	Landgrebe
Landrum	Leggett	Lehman
Lent	Litton	Long, La.
Long, Md.	McClory	McCloskey
McCollister	McCormack	McDade
McFall	McKay	McKinney
McSpadden	Madden	Madigan
Mahon	Mailliard	Mallary
Mann	Maraziti	Mathias, Calif.
Matsunaga	Mezvinsky	Milford
Minish	Mitchell, Md.	Mitchell, N.Y.
Mizell	Moakley	Mollohan
Montgomery	Moorhead, Calif.	Moorhead, Pa.
Murphy, Ill.	Murphy, N.Y.	Myers
Natcher	Nedzi	Nichols
Obey	O'Brien	O'Hara
O'Neill	Owens	Passman
Pepper	Perkins	Peyser
Pickle	Pike	Poage
Podell	Powell, Ohio	Preyer
Price, Ill.	Price, Tex.	Pritchard
Quie	Randall	Rangel
Rarick	Rees	Regula
Reid	Reuss	Rinaldo
Roberts	Robinson, Va.	Robison, N.Y.
Rodino	Roe	Rogers
Roncalio, Wyo.	Rooney, Pa.	Rose
Rosenthal	Rostenkowski	Roush
Roy	Roybal	Ryan
St Germain	Sarasin	Sarbanes
Satterfield	Scherle	Schroeder
Seiberling	Shipley	Shriver
Shuster	Sisk	Skubitz
Slack	Smith, Iowa	Staggers
Stanton, J. William	Stanton, James V.	Stark
Steed	Steelman	Steiger, Ariz.
Stephens	Stratton	Stubblefield
Stuckey	Studds	Symington
Symms	Taylor, N.C.	Teague, Tex.
Thompson, N.J.	Thomson, Wis.	Thone
Thornton	Tiernan	Towell, Nev.
Udall	Ullman	Vander Jagt
Vanik	Vigorito	Waggonner
Waldie	Wampler	White
Whitehurst	Whitten	Widnall
Wilson, Bob	Wilson, Charles H., Calif.	Wilson, Charles, Tex.
Winn	Wolff	Wright
Wylie	Wyman	Yates
Yatron	Young, Fla.	Young, Ga.
Young, Ill.	Young, Tex.	Zablocki
Zion		

NOES—60

Abdnor	Bafalis	Brown, Ohio
Arends	Bray	Broyhill, N.C.
Burleson, Tex.	Burlison, Mo.	Butler
Casey, Tex.	Cederberg	Chamberlain
Cochran	Collier	Davis, Wis.
Devine	Dickinson	Duncan
Edwards, Ala.	Esch	Evans, Colo.
Findley	Forsythe	Frelinghuysen
Frenzel	Goodling	Gude
Hansen, Idaho	Henderson	Jones, Ala.
Ketchum	King	Kuykendall
Latta	Lujan	Macdonald
Martin, Nebr.	Martin, N.C.	Mayne
Mazzoli	Michel	Miller
Minshall, Ohio	Nelsen	Patten
Quillen	Rhodes	Schneebeli
Shoup	Smith, N.Y.	Snyder
Spence	Steiger, Wis.	Talcott
Teague, Calif.	Treen	Wydler
Young, Alaska	Young, S.C.	Zwach

ANSWERED "PRESENT"—21

Armstrong	Huber	Pettis
Beard	Hutchinson	Rousselot
Conlan	Lott	Ruppe
Crane	McEwen	Ruth
Derwinski	Mathis, Ga.	Sebelius
du Pont	Mink	Van Deerlin
Froehlich	Moss	Wiggins

NOT VOTING—50

Bell	Hays	Riegle
Bolling	Hébert	Roncalio, N.Y.
Breaux	Hunt	Rooney, N.Y.
Burgener	Ichord	Runnels
Burke, Calif.	Johnson, Calif.	Sandman
Clark	Keating	Sikes
Clawson, Del	Kluczynski	Steele
Clay	Meeds	Stokes
Conyers	Melcher	Sullivan
Dent	Metcalfe	Taylor, Mo.
Dorn	Mills, Ark.	Veysey
Erlenborn	Morgan	Walsh
Goldwater	Mosher	Ware
Griffiths	Nix	Whalen
Gubser	Parris	Williams
Harsha	Patman	Wyatt
Harvey	Railsback	

So the amendment to the amendment in the nature of a substitute was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. TREEN TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. STAGGERS

Mr. TREEN. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute offered by the gentleman from West Virginia (Mr. STAGGERS).

The Clerk read as follows:

Amendment offered by Mr. TREEN to the amendment in the nature of a substitute offered by Mr. STAGGERS: Page 4, line 11, strike the word "agriculture," and in lieu thereof insert the words "agricultural operations as defined in paragraph (1)(C) of subsection (b) of this section,"

Page 10, line 25, strike the word "agriculture," and in lieu thereof insert the words "agricultural operations as defined in paragraph (1)(C) of subsection (b) of section 4 of the Emergency Petroleum Allocation Act of 1973,".

PARLIAMENTARY INQUIRY

Mr. BAUMAN. Mr. Chairman, is this the amendment which includes fishermen in the definition of agriculture in this bill?

The CHAIRMAN. That is not a parliamentary inquiry.

The question is on the amendment offered by the gentleman from Louisiana (Mr. TREEN) to the amendment in the nature of a substitute offered by the gentleman from West Virginia (Mr. STAGGERS).

The question was taken, and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. DERWINSKI. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 332, noes 19, present 29, not voting 52, as follows:

[Roll No. 678]

AYES—332

Abdnor	Donohue	Litton
Abzug	Downing	Long, La.
Adams	Drinan	Long, Md.
Addabbo	Dulski	Lott
Alexander	Duncan	Lujan
Anderson, Calif.	du Pont	McClory
	Eckhardt	McCloskey
Anderson, Ill.	Edwards, Ala.	McCollister
Andrews, N.C.	Edwards, Calif.	McCormack
Andrews, N. Dak.	Eilberg	McDade
	Esch	McFall
Annunzio	Evans, Colo.	McKay
Archer	Evins, Tenn.	McSpadden
Arends	Fascell	Madden
Armstrong	Findley	Madigan
Ashbrook	Fish	Mahon
Ashley	Fisher	Mann
Aspin	Flood	Maraziti
Badillo	Flowers	Martin, Nebr.
Bafalis	Flynt	Martin, N.C.
Bauman	Foley	Mathias, Calif.
Bennett	Ford, William D.	Matsunaga
Bergland		Mayne
Bevill	Forsythe	Mezvinsky
Biaggi	Fountain	Minish
Biester	Fraser	Mitchell, N.Y.
Bingham	Frelinghuysen	Mizell
Blatnik	Frey	Moakley
Boggs	Froehlich	Montgomery
Boland	Fulton	Moorhead, Calif.
Bowen	Fuqua	
Brademas	Gaydos	Moorhead, Pa.
Brasco	Gettys	Mosher
Bray	Giaimo	Murphy, Ill.
Breckinridge	Gibbons	Murphy, N.Y.
Brinkley	Gilman	Myers
Brooks	Ginn	Natcher
Broomfield	Gonzalez	Nedzi
Brotzman	Goodling	Nelsen
Brown, Calif.	Grasso	Obey
Brown, Mich.	Green, Oreg.	O'Brien
Broyhill, N.C.	Green, Pa.	O'Hara
Broyhill, Va.	Gross	O'Neill
Buchanan	Grover	Owens
Burke, Fla.	Gude	Parris
Burke, Mass.	Gunter	Passman
Burlison, Mo.	Guyer	Pepper
Burton	Haley	Perkins
Butler	Hamilton	Peyser
Byron	Hammer-schmidt	Pickle
Camp		Pike
Carney, Ohio	Hanley	Poage
Carter	Hanrahan	Podell
Casey, Tex.	Hansen, Idaho	Powell, Ohio
Cederberg	Hansen, Wash.	Preyer
Chappell	Harrington	Price, Ill.
Chisholm	Hastings	Price, Tex.
Clancy	Hawkins	Pritchard
Clausen, Don H.	Hechler, W. Va.	Quie
	Heckler, Mass.	Quillen
Cleveland	Heinz	Railsback
Cochran	Henderson	Randall
Cohen	Hicks	Rangel
Collier	Hillis	Rarick
Collins, Ill.	Hinshaw	Rees
Collins, Tex.	Hogan	Regula
Conlan	Holifield	Reid
Conte	Holt	Rhodes
Corman	Horton	Rinaldo
Cotter	Howard	Robinson, Va.
Coughlin	Hudnut	Robison, N.Y.
Crane	Hungate	Rodino
Cronin	Jarman	Roe
Culver	Johnson, Colo.	Rogers
Daniel, Dan	Johnson, Pa.	Roncalio, Wyo.
Daniel, Robert W., Jr.	Jones, N.C.	Rooney, Pa.
	Jones, Okla.	Rose
Daniels, Dominick V.	Jones, Tenn.	Rosenthal
	Jordan	Rostenkowski
Davis, Ga.	Karth	Roush
Davis, S.C.	Kastenmeier	Rousselot
Davis, Wis.	Kazen	Roy
de la Garza	Kemp	Ruppe
Dellenback	Ketchum	Ryan
Dellums	Koch	St Germain
Denholm	Kuykendall	Sarasin
Dennis	Kyros	Sarbanes
Derwinski	Landgrebe	Satterfield
Devine	Landrum	Scherle
Dickinson	Latta	Schroeder
Diggs	Leggett	Sebelius
Dingell	Lehman	Seiberling
Shipley	Studds	White
Shoup	Symington	Whitehurst
Shriver	Symms	Whitten
Shuster	Talcott	Wilson, Bob
Sisk	Taylor, N.C.	Wilson, Charles H., Calif.
Slack	Teague, Calif.	
Smith, Iowa	Teague, Tex.	
Snyder	Thompson, N.J.	Wilson, Charles, Tex.
Spence	Thomson, Wis.	
Staggers	Thone	Winn
Stanton, J. William	Thornton	Wolff
	Tiernan	Wright
Stanton, James V.	Towell, Nev.	Wylie
	Treen	Wyman
Stark	Udall	Yatron
Steed	Ullman	Young, Alaska
Steelman	Van Deerlin	Young, Fla.
Steiger, Ariz.	Vander Jagt	Young, Ill.
Steiger, Wis.	Vanik	Young, S.C.
Stephens	Vigorito	Young, Tex.
Stratton	Waggonner	Zablocki
Stubblefield	Waldie	Zion
Stuckey	Wampler	Zwach

NOES—19

Barrett	Macdonald	Reuss
Brown, Ohio	Mallary	Roberts
Burleson, Tex.	Mazzoli	Wydler
Danielson	Miller	Yates
Helstoski	Minshall, Ohio	Young, Ga.
Hosmer	Mollohan	
Jones, Ala.	Patten	

ANSWERED "PRESENT"—29

Baker	Holtzman	Mitchell, Md.
Beard	Huber	Moss
Blackburn	Hutchinson	Pettis
Carey, N.Y.	Lent	Roybal
Chamberlain	McEwen	Ruth
Conable	McKinney	Schneebeli
Delaney	Mailliard	Skubitz
Eshleman	Mathis, Ga.	Smith, N.Y.
Frenzel	Milford	Wiggins
Hanna	Mink	

NOT VOTING—52

Bell	Hays	Roncallo, N.Y.
Bolling	Hébert	Rooney, N.Y.
Breaux	Hunt	Runnels
Burgener	Ichord	Sandman
Burke, Calif.	Johnson, Calif.	Sikes
Clark	Keating	Steele
Clawson, Del	King	Stokes
Clay	Kluczynski	Sullivan
Conyers	Meeds	Taylor, Mo.
Dent	Melcher	Veysey
Dorn	Metcalfe	Walsh
Erlenborn	Michel	Ware
Goldwater	Mills, Ark.	Whalen
Gray	Morgan	Widnall
Griffiths	Nichols	Williams
Gubser	Nix	Wyatt
Harsha	Patman	
Harvey	Riegle	

So the amendment to the amendment in the nature of a substitute was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. STUDDS TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. STAGGERS

Mr. STUDDS. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute offered by the gentleman from West Virginia (Mr. STAGGERS).

The Clerk read as follows:

Amendment offered by Mr. STUDDS to the amendment in the nature of a substitute offered by Mr. STAGGERS: On page 45, line 2, strike the period and insert in lieu thereof: "; provided, that the Administrator shall restrict exports of coal, petroleum products, or petrochemical feedstocks if either the Secretary of Commerce or the Secretary of Labor certifies that such exports would contribute to unemployment in the United States."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. STUDDS) to the amendment in the nature of a substitute offered by the gentleman from West Virginia (Mr. STAGGERS).

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

RECORDED VOTE

Mr. MATHIS of Georgia. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 327, noes 27, answered "present" 25, not voting 53, as follows:

[Roll No. 679]

AYES—327

Abdnor	de la Garza	Kastenmeier
Abzug	Delaney	Kazen
Adams	Dellums	Kemp
Addabbo	Denholm	Ketchum
Alexander	Dennis	Koch
Anderson, Calif.	Devine	Kuykendall
	Dickinson	Kyros
Anderson, Ill.	Diggs	Landgrebe
Andrews, N.C.	Donohue	Landrum
Andrews, N. Dak.	Downing	Latta
	Drinan	Leggett
Annunzio	Dulski	Lehman
Archer	Duncan	Lent
Arends	du Pont	Litton
Ashbrook	Eilberg	Long, La.
Aspin	Esch	Lott
Badillo	Eshleman	Lujan
Bafalis	Evans, Colo.	McClory
Baker	Evins, Tenn.	McCloskey
Barrett	Fascell	McCollister
Bauman	Fish	McCormack
Beard	Fisher	McDade
Bennett	Flood	McFall
Bergland	Flowers	McKay
Biaggi	Flynt	McKinney
Biester	Foley	McSpadden
Bingham	Ford, William D.	Macdonald
Blatnik		Madden
Boggs	Forsythe	Madigan
Boland	Fountain	Mahon
Bowen	Frelinghuysen	Mallary
Brademas	Frey	Mann
Brasco	Froehlich	Maraziti
Bray	Fulton	Martin, Nebr.
Breckinridge	Fuqua	Martin, N.C.
Brinkley	Gaydos	Mathias, Calif.
Broomfield	Gettys	Mazzoli
Brotzman	Giaimo	Mezvinsky
Brown, Calif.	Gilman	Michel
Brown, Mich.	Ginn	Miller
Broyhill, N.C.	Gonzalez	Minish
Broyhill, Va.	Goodling	Minshall, Ohio
Buchanan	Grasso	Mitchell, Md.
Burgener	Gray	Mitchell, N.Y.
Burke, Fla.	Green, Oreg.	Mizell
Burke, Mass.	Green, Pa.	Moakley
Burleson, Tex.	Gross	Mollohan
Burlison, Mo.	Grover	Montgomery
Butler	Gunter	Moorhead, Calif.
Byron	Guyer	
Camp	Haley	Moorhead, Pa.
Carey, N.Y.	Hamilton	Mosher
Carney, Ohio	Hammer-schmidt	Murphy, Ill.
Carter		Murphy, N.Y.
Cederberg	Hanley	Myers
Chamberlain	Hanrahan	Natcher
Chappell	Harrington	Nedzi
Chisholm	Hastings	Nichols
Clancy	Hechler, W. Va.	Obey
Clausen, Don H.	Heckler, Mass.	O'Brien
	Heinz	O'Hara
Cleveland	Helstoski	O'Neill
Cochran	Henderson	Owens
Cohen	Hicks	Parris
Collier	Hinshaw	Patten
Collins, Ill.	Hogan	Pepper
Collins, Tex.	Holifield	Perkins
Conable	Holt	Pettis
Conlan	Holtzman	Peyser
Conte	Horton	Pickle
Cotter	Howard	Pike
Coughlin	Huber	Podell
Cronin	Hudnut	Powell, Ohio
Culver	Hungate	Preyer
Daniel, Dan	Hutchinson	Price, Ill.
Daniel, Robert W., Jr.	Jarman	Price, Tex.
	Johnson, Colo.	Pritchard
Daniels, Dominick V.	Johnson, Pa.	Quillen
	Jones, N.C.	Railsback
Davis, Ga.	Jones, Okla.	Randall
Davis, S.C.	Jordan	Rangel
Davis, Wis.	Karth	Rarick

Regula	Sikes	Treen
Reid	Sisk	Udall
Rhodes	Skubitz	Ullman
Rinaldo	Slack	Van Deerlin
Roberts	Smith, N.Y.	Vander Jagt
Robinson, Va.	Snyder	Vanik
Rodino	Spence	Vigorito
Roe	Staggers	Waggonner
Rogers	Stanton,	Waldie
Roncalio, Wyo.	J. William	Wampler
Rooney, Pa.	Stanton,	White
Rose	James V.	Whitehurst
Rosenthal	Stark	Whitten
Rostenkowski	Steed	Wilson,
Roush	Steiger, Ariz.	Charles, Tex.
Rousselot	Steiger, Wis.	Winn
Roy	Stephens	Wolff
Ruppe	Stratton	Wright
Ryan	Stubblefield	Wydler
St Germain	Stuckey	Wylie
Sarasin	Studds	Wyman
Sarbanes	Symington	Yates
Satterfield	Talcott	Yatron
Scherle	Taylor, N.C.	Young, Alaska
Schroeder	Teague, Tex.	Young, Fla.
Sebelius	Thompson, N.J.	Young, Ga.
Seiberling	Thomson, Wis.	Young, Ill.
Shipley	Thone	Young, Tex.
Shoup	Thornton	Zablocki
Shriver	Tiernan	Zion
Shuster	Towell, Nev.	

NOES—27

Armstrong	Fraser	Passman
Ashley	Frenzel	Poage
Bevill	Gude	Quie
Brown, Ohio	Hansen, Idaho	Rees
Burton	Hosmer	Reuss
Dellenback	Jones, Ala.	Smith, Iowa
Dingell	Jones, Tenn.	Steelman
Eckhardt	Mayne	Young, S.C.
Findley	Nelsen	Zwach

ANSWERED "PRESENT"—25

Blackburn	Hillis	Ruth
Casey, Tex.	Mailliard	Schneebeli
Corman	Mathis, Ga.	Symms
Crane	Matsunaga	Teague, Calif.
Danielson	Milford	Wiggins
Derwinski	Mink	Wilson, Bob
Edwards, Ala.	Moss	Wilson,
Edwards, Calif.	Robison, N.Y.	Charles H.,
Hanna	Roybal	Calif.

NOT VOTING—53

Bell	Harvey	Patman
Bolling	Hawkins	Riegle
Breaux	Hays	Roncallo, N.Y.
Brooks	Hébert	Rooney, N.Y.
Burke, Calif.	Hunt	Runnels
Clark	Ichord	Sandman
Clawson, Del	Johnson, Calif.	Steele
Clay	Keating	Stokes
Conyers	King	Sullivan
Dent	Kluczynski	Taylor, Mo.
Dorn	Long, Md.	Veysey
Erlenborn	McEwen	Walsh
Gibbons	Meeds	Ware
Goldwater	Melcher	Whalen
Griffiths	Metcalfe	Widnall
Gubser	Mills, Ark.	Williams
Hansen, Wash.	Morgan	Wyatt
Harsha	Nix	

So the amendment to the amendment in the nature of a substitute was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. COHEN TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. STAGGERS

Mr. COHEN. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute offered by the gentleman from West Virginia (Mr. STAGGERS).

The Clerk read as follows:

Amendment offered by Mr. COHEN to the amendment in the nature of a substitute offered by Mr. STAGGERS:

The text of the amendments follows:

SEC. 125. HOMEOWNERS' ENERGY CONSERVATION LOAN PROGRAM.

(a) AUTHORIZATION OF LOANS.—

(1) In order to carry out the purpose of this section the Secretary of Housing and Urban Development (hereinafter referred to as the "Secretary") is authorized to make loans as provided in this section to individuals and families owning and occupying one- to four-family residential structures, and to other owners of residential structures of any type, to assist them in purchasing and installing qualified insulative materials and/or qualified heating equipment (as defined in section 4) in such structures.

(2) A loan made under this subsection with respect to any residential structure shall—

(A) be in such amount as may be necessary to meet the maximum desirable insulation standards for controlling heat loss, cooling loss, and infiltration and/or to reach the maximum desirable heating efficiency in the case of structures of the size and type involved, taking into account the climatic, meteorological, and related conditions prevailing in the region where the structure is located, as established by the Secretary in regulations prescribed by him and in effect at the time of the loan;

(B) bear interest at the rate of 5 per centum per annum on the outstanding principal balance;

(C) have a maturity not exceeding ten years; and

(D) be subject to such additional terms, conditions, and provisions as the Secretary may impose in order to assure that the purpose of this Act is effectively carried out.

(3) Each application for a loan under this subsection shall be accompanied by detailed plans for the purchase and installation of specified insulative materials and an estimate of the costs involved. No such application shall be approved unless the Secretary finds that the proposed insulation is reasonable and will be effective, that the costs will not be excessive, and that the insulation will not be of elaborate or extravagant design or materials.

(B) DEFINITIONS

(1) QUALIFIED INSULATIVE MATERIALS.—For purposes of this section, the term "qualified insulative materials" means any material or item which, as determined by the Secretary after consultation with the National Bureau of Standards, is capable of achieving a significant reduction in heat loss, cooling loss, or infiltration when properly installed in a residential structure under the prevailing climatic, meteorological, and related conditions. Such term includes (without being limited to) glass and plastic storm windows and doors, flexible and fill insulation, blown insulation, and any other material or item which is approved by the secretary as being useful and effective for the insulation of ceilings, floors, walls, windows, or doors.

(2) QUALIFIED HEATING EQUIPMENT.—For purposes of this section, the term "qualified heating equipment" means any item, fixture, or equipment which, as determined by the Secretary after consultation with the National Bureau of Standards, is capable of and designed for improving the operating efficiency of a heating plant in a residential structure. Such term includes (without being limited to) heat exchangers, ducting, and any other item, fixture, or equipment which is approved by the Secretary as being useful and effective for improving the operating efficiency of a heating plant in a residential structure.

(C) DISSEMINATION OF INFORMATION

The Secretary shall provide to any person upon his or its request (without regard to whether or not such person is making or proposes to make application for a loan under section 3) full, complete, and current information concerning recommended standards and types of insulative materials and heating equipment appropriate for use in residential structures of varying sizes and types and in various regions of the country.

(d) In the performance of, and with respect to, the functions, powers, and duties vested in him by this Act, the Secretary shall (in addition to any authority otherwise vested in him) have the functions, powers, and duties set forth in section 402 (except subsection (a) and (c)(2)) of the Housing Act of 1950.

(E) APPROPRIATIONS; REVOLVING FUND

There is authorized to be appropriated the sum of $10,000,000 to provide an initial amount for the program under this Act, and such additional sums thereafter as may be necessary to carry out such program. Amounts appropriated pursuant to this section shall be placed in and constitute a revolving fund which shall be available to the Secretary for use in carrying out this Act.

Mr. COHEN (during the reading). Mr. Chairman, I ask unanimous consent that the further reading of the amendment be dispensed with, and that it be printed in the RECORD. I will then explain the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Maine?

Mr. SYMMS. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

The Clerk continued to read the amendment.

Mr. COHEN (during the reading). Mr. Chairman, I renew my unanimous-consent request that the further reading of the amendment be dispensed with, and that it be printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Maine?

Mr. SCHERLE. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

The Clerk continued to read the amendment.

The CHAIRMAN. Under rule XXIII, clause 6, the gentleman from Maine will be recognized for 5 minutes.

Mr. DINGELL. Mr. Chairman, I reserve a point of order.

Mr. BROYHILL of North Carolina. Mr. Chairman, I am going to reserve a point of order also.

Mr. COHEN. Mr. Chairman, this amendment, briefly, establishes a direct low-interest loan program for homeowners to make necessary improvements to their heating units and to make purchases for other energy conservation items such as storm doors, windows, and insulation materials.

The rationale for this amendment—and I might note that I do not intend to offer an additional amendment which would provide for tax deductions as I am satisfied that it would not be germane to this bill—the rationale for this amendment is that heating our residential buildings now accounts for 11 to 12 percent of our national energy consumption. It has been estimated that because of inadequate construction and poor heating plant performance, up to 40 percent of the energy we consume is being wasted. The vast majority of our homes are literal heat sieves where quantities of heat laboriously manufactured in the home furnace promptly escape through the walls, windows, doors, and roofs.

An uninsulated house of average size can waste up to 700 gallons of fuel a year, and a partially insulated house, 200 gallons a year. The average home furnace today is supposedly designed to

operate at 70 to 75 percent efficiency; in actual operation it has dropped to 35 to 50 percent.

I submit, Mr. Chairman, in return for saving nearly 4 to 5 percent on our national energy consumption, the Federal costs would be minimal. In the loan program, the cost would only be the difference between the subsidized and market rates of interest.

I also point out that a similar provision appears in the Senate version of the energy bill. I submit that this is a very expansive, far-reaching energy bill that we are considering today. As the Chair has previously noted in Mr. SARASIN's amendment, it should be broadly defined and broadly construed.

I would hope, in anticipation of the gentleman from Michigan's point of order on the point of germaneness, that the acuity and generosity demonstrated by the Chair in ruling on the amendment of the gentleman from Connecticut (Mr. SARASIN) would be repeated.

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

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

Mr. HOGAN. I thank the gentleman for yielding.

I rise in support of the gentleman's amendment.

Mr. Chairman, it is estimated that 12 percent of all U.S. energy is used for heating homes. Of this 12 percent approximately 40 percent is lost due to poor insulation. It seems only logical that with our dwindling energy supplies, all efforts should be made to insulate homes more efficiently. However, the cost involved might be too much for some citizens to bear.

Many homes in this country were constructed over 30 years ago and have not sufficiently updated their insulation and heating equipment. Greenbelt Homes, Inc.—or GHI—is a conversion type cooperative housing community in my district that was originally constructed by the Federal Government in 1936. In 1952, GHI purchased the 1,579 dwelling units, together with ancillary facilities and land from the Federal Government.

All the homes that were purchased from the Federal Government were built to be heated by the burning of coal. The heating units were converted to burn oil before the property was sold by the Government. Each of the 579 brick masonry homes is heated by circulating hot water through radiators. In addition, the 1,000 frame units are heated by four large boiler plants.

With the current oil shortage, GHI commissioned a consulting firm to make a study of its dwelling units. This study was completed in April 1972, and it recommended a major renovation of the homes and a new heating system. The installation of these recommendations could save an estimated 19 percent in the amount of energy used by GHI. However, it would require more than $1 million to purchase and install the necessary equipment.

We cannot be unrealistic and expect the people of this cooperative community, many of whom live on retirement income, or other similar situations, to buy and install expensive materials for the purpose of conserving fuel.

What can be done, however, is to provide an incentive and make the funds available for the purchasing of this equipment.

My colleague from Maine (Mr. COHEN) has introduced two bills which would achieve this purpose.

The first proposal, H.R. 11615, amends the Internal Revenue Code to permit the owner of a residence to deduct from his taxable income expenditures made to improve the efficiency of heating his home and to reduce heating losses. Such improvements might include adding storm windows and doors or placing more insulation in unfinished attics. These measures alone can save an estimated 10 to 20 percent in heating loss.

The second proposal, H.R. 11660, establishes a direct low-interest loan program. This program would be especially valuable for the homeowners who find that bringing their residences to an acceptable level of heating efficiency will involve substantial expenditures. The Greenbelt Homes, Inc., is a case in point.

Mr. Chairman, substantial evidence exists that these proposals could save a significant amount of energy with a minimal cost to the Federal Government.

In the loan program, the cost would only be the difference between the subsidized and market rates of interest. In the tax program it would be the amount of revenue lost because of the fractional reduction in taxable income.

For weeks the American people have been urged to take voluntary steps to help conserve on energy. I firmly believe that the time has come for our constituents to receive some type of incentive for fuel conservation. I believe that these two measures are viable solutions and I urge the quick consideration of these measures.

I enthusiastically support the amendment offered by the gentleman from Maine (Mr. COHEN) and commend him for offering it.

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

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

Mr. MARTIN of North Carolina. I thank the gentleman.

Mr. Chairman, I, too, want to support the gentleman's amendment, and I commend him for his excellent research and documentation, and hope it will be adopted.

Mr. ANDERSON of Illinois. Mr. Chairman, will the gentleman yield?

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

Mr. ANDERSON of Illinois. I thank the gentleman for yielding.

Mr. Chairman, I join those who have congratulated the gentleman for such a good amendment. I think it goes to the very heart of the purpose of this bill.

In the title we are told that it is to assure, through energy conservation, among other things, that the essential energy needs of the United States are met. Section 105 deals with energy conservation plans. The gentleman has presented a very cogent argument, I think, for the kind of congressional initiative that would encourage the people of this country, the taxpayers of this country, to embark on proper programs of insulating their homes and improving their homes in such a way as to equalize all heat to minimize the loss that now occurs because of faulty and inadequate construction.

I hope very much that those who have urged the points of order against the gentleman's amendment will see the wisdom of withdrawing those points of order, because, I would repeat, it goes to the very heart of the bill and would promote what we are trying to accomplish in this particular Emergency Energy Act.

Mr. COHEN. I thank the gentleman from Illinois for his comments.

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

Mr. COHEN. I yield to the gentleman from Kentucky.

Mr. CARTER. I thank the gentleman for yielding. I want to say that I, too, support the gentleman's amendment. It is worthy, and it would be extremely helpful.

Mr. BROWN of California. Mr. Chairman, will the gentleman yield?

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

Mr. BROWN of California. I thank the gentleman for yielding. I also want to commend the gentleman for his amendment. It is an excellent amendment, and if enough amendments of this sort were included in the bill, it might be possible for me to vote for what otherwise is a very unsatisfactory bill.

Mr. Chairman, in 9 years of service in the House of Representatives, rarely have I seen as dismal a performance on any piece of legislation as I have witnessed by the Members on the Energy Emergency Act now before this body. For a measure affecting such a vital subject—the energy crisis—it is amazing that a bill that was imperfect enough in the form reported by the committee to which it was assigned could be made even worse. From efforts to overturn the Supreme Court's antisegregation decisions to attempts to enrich the oil corporations at the expense of the public, every imaginable thing has been offered for inclusion in this bill under the guise of solving the energy crisis even if its connection with energy is ludicrously tenuous.

Only because the oil companies have fallen so much into disfavor with the American public was it possible to defeat an attempt to permit them windfall profits stemming from the fuel shortages. Even then the vote for the oil companies had the support of 46 percent of the Members of this body. Unfortunately, this was not the case with the coal companies. Away from the public spotlight for many years, their spokesmen were successful in rounding up 256 votes, more than enough to pass an amendment to permit them to get away with windfall profits during the energy crisis. This will harm the consumer more and more as utilities and industries switch from scarce oil supplies to the more plentiful coal.

Lest anyone think that the oil companies have completely lost out when

it comes to gouging the public, one should note the extent to which the oil industry has moved into coal. If they cannot make windfall profits directly, then many of them will be able to do it indirectly. The authoritative Standard and Poor's Corporation Records reveals the following: Continental Oil owns Consolidated Coal Co., one of the largest of the coal companies; Gulf Oil owns Pittsburgh and Midway Coal Mining Co.; Occidental Petroleum owns Island Creek Coal Co.; Standard Oil of Ohio owns Old Ben Coal Corp., which in turn has additional coal company subsidiaries; Ashland Oil Corp. has a 45-percent interest in Arch Minerals Corp. and a 30-percent interest in Southwestern Illinois Coal Corp.; and one of Exxon's subsidiaries, Carter Oil Co., has interests in Montery Coal Co.

Again, under the guise of helping solve the fuel shortage, those industries that have not wanted to go to the expense or effort of ending the pollution for which they are responsible have succeeded in having a series of provisions inserted in this bill, first at the committee stage and now by amendments on the floor of the House. Taken together, these provisions would demolish most of the gains made in clean air since 1970.

In an attempt to partially restore our strong environmental protection laws I had prepared four amendments which I had planned to offer to the bill. These would have offset the worst of the damage done by the committee to which the bill was referred. But because of the way in which matters have been proceeding in this body it has become apparent that this is a hopeless effort. Too many Members have been stampeded needlessly by the energy issue into abandoning all concern for clean air.

A perfect illustration of this point was section 203 of the bill which would have permitted suspension for 1 year of the standards for reduction of hydrocarbon, carbon monoxide, and nitrogen oxide emissions. My amendment would have stricken this part of the bill in order to restore the deadline for these standards to go into effect. The section of the bill would have made no contribution to helping solve the energy crisis and, like many of the other sections of the bill, did not even belong in an Energy Emergency Act. Nevertheless, not only was my amendment barred by a parliamentary device, but another amendment was adopted which postpones improved emission standards for yet another year.

The bitter irony of all this is that the action taken delaying the more rigorous emission standards in the name of fuel economy will have the reverse effect. The standards of the current law would have forced the automakers to use better technology which, combined with the recalibration of engines for improved efficiency, would have significantly improved fuel economy. EPA estimates that extension of 1975 emission standards will cause us to forego a 5- to 6-percent net fuel gain.

The parliamentary procedures being used to push through this bill has made consideration of my other amendments hopeless. These amendments would have restored to the States their rights to enact more rigorous antipollution laws, would have restored to the individual citizen his right to sue to force compliance with provisions of the Clean Air Act, and would have prevented use of the "intermittent control" method proposed in the bill whereby factories, utilities, and other stationary sources of pollutants could pollute without restriction until conditions became so bad that the installations either had to shut down or switch to a clean fuel. For those choking on the pollutants, that would be a little late.

The last 3 days during which this body has been considering the Energy Emergency Act have been a sad time for the millions of people who have been seeking to live in a clean environment, and particularly for those of us in southern California.

The worsening crisis has been used as an excuse to shove through every imaginable measure no matter how remote or even non-existent its contribution to solving the problem.

We have had a quarter of a century to prepare for this fuel shortage and to avoid it. Now, as the gas stations close, as the manufacturers despair of obtaining fuel and petroleum based materials, and as the homeowners and hospitals begin to wonder if they will have fuel for the winter it is a little late finally to be trying to come to terms with the warning former President Harry S. Truman gave us in his state of the Union message on January 10, 1949:

> This country must face squarely the fact that a major portion of its rapidly increasing energy requirements is being met by oil and gas, which constitute only a small portion of our energy reserves. The prospects are that we shall become increasingly dependent on foreign sources of oil unless appropriate action is taken.

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

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

Mr. ROY. Mr. Chairman, I also support the amendment and point out to the committee that in a study done in the Office of the President, published in October of 1972, there were 21 conservation and energy methods recommended, and the first among these was adequate insulation and air tightening of our homes.

I think it is commendable that the gentleman from Maine brings this measure now to the floor of the House, albeit 14 long, important months after this method of conserving energy was recommended to the President.

Mr. MARTIN of Nebraska. Mr. Chairman, will the gentleman yield?

Mr. COHEN. I yield to the gentleman from Nebraska.

Mr. MARTIN of Nebraska. Mr. Chairman, I think this is the most ridiculous amendment offered this evening. I happen to be in the retail lumber business and I sell insulation and storm doors and storm windows and so forth. For taxpayers to have to foot the bill for you and for me or for anybody else to buy insulation for his home is utterly ridiculous.

The CHAIRMAN. Does the gentleman from Michigan insist on his point of order?

PARLIAMENTARY INQUIRY

Mr. HOSMER. Mr. Chairman, a parliamentary inquiry.

It is my understanding that when a point of order is made that the rules require that the ruling be made thereon, and that when a Member reserves the point of order it is in the nature only of a unanimous-consent request and, therefore, when that request is objected to, that thereafter he can no longer pursue the point of order which he has reserved.

Mr. DINGELL. Mr. Chairman, the Chair has already ruled on this.

The CHAIRMAN. The Chair needs no assistance in this matter.

The gentleman is in error. It is entirely at the discretion of the Chair as to whether the point of order will be reserved unless another Member demands the regular order. A reservation of a point of order is not in the nature of a unanimous-consent request.

Regular order was not demanded. Therefore it is in order for the gentleman to persist in his point of order.

The Chair recognizes the gentleman from Michigan.

POINT OF ORDER

Mr. DINGELL. Mr. Chairman, I make a point of order as to the germaneness of the amendment offered by my friend, the gentleman from Maine. It may well be that the amendment has great merit and it appears certainly to call upon the sympathy of many of us. The fact of the matter is it does a number of things not in the bill.

First of all, were this to be a free-standing bill, a free-standing piece of legislation, were the amendment to be a free-standing piece of legislation, it would be referred to the Committee on Banking and Currency.

Second of all, the amendment, as the Chair will note, sets up a loan program of great dimensions and extent for a large number of actions including insulation of homes, purchasing of cooling and heating equipment, dissemination of cooling and heating equipment, dissemination of information, and sets up a very large loan fund and a revolving fund. It sets up conditions for the Secretary of Health, Education, and Welfare, whose name appears nowhere else in the bill, who is directed to make loans and undertake a whole series of other actions.

So regrettably, although I am in sympathy with the purposes of the gentleman and certainly I think this should be studied by another committee, I have to insist that the amendment is not germane to the matter before us.

The CHAIRMAN. Does the gentleman from Maine desire to be heard on the point of order?

Mr. COHEN. Only, Mr. Chairman, to urge the Chair once again to consider that this is a national energy proposal and it is as broad as ranging from carpools to hydroelectric projects. I certainly think the purpose of this is to conserve our energy resources and I cannot think

of a more appropriate means to do this. I point out it is included in the Senate version along with another amendment I would like to offer at a later time and I believe it is germane to the bill.

Mr. ANDERSON of Illinois. Mr. Chairman, if I may be heard on the point of order, it was suggested that this is incompatible with the purposes of this bill. I would invite the attention of Members of the House to section 105, where in connection with energy conservation plans to be promulgated and administered by the Federal Energy Administration it says that shall be done "with actions taken and proposed to be taken under other authority"—and I underscore the word "other"—"of this or other acts to result in a reduction of energy consumption".

Can there be anything clearer than that the gentleman seeks to provide with this amendment the other authority that would lead to a reduction of energy consumption? This is clearly the kind of action contemplated under his amendment. I think it is entirely germane to the purposes of this bill.

The CHAIRMAN (Mr. BOLLING). The Chair is ready to rule. The amendment offered by the gentleman from Maine (Mr. COHEN) clearly comes really in the jurisdiction not of the Committee on Interstate and Foreign Commerce, but in the jurisdiction of the Committee on Banking and Currency. It has the effect of substantially broadening the bill and introduces a subject not before the committee.

Therefore, the Chair rules that the point of order is well taken and sustains the point of order.

The Chair recognizes the gentleman from New York (Mr. PIKE).

AMENDMENT OFFERED BY MR. PIKE TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. STAGGERS

Mr. PIKE. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute offered by the gentleman from West Virginia (Mr. STAGGERS).

The Clerk read as follows:

Amendment offered by Mr. PIKE to the amendment in the nature of a substitute offered by Mr. STAGGERS: Page 7, line 13, insert a new paragraph "(j)" as follows:

"Nothing contained in this Act shall affect the Naval Petroleum Reserves or any other Federal land under the jurisdiction of the Department of Defense".

And reletter the following paragraph.

POINT OF ORDER

Mr. STAGGERS. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. STAGGERS. I make a point of order against the amendment.

Mr. HOSMER. Mr. Chairman, regular order.

Mr. STAGGERS. Mr. Chairman, I say that the amendment is not germane to the bill.

Mr. PIKE. Mr. Chairman, may I be heard on the point of order.

The CHAIRMAN. Certainly. The gentleman is recognized.

Mr. PIKE. I think that the amendment certainly is germane to the bill and to the language of the bill and to the purposes of the bill.

On page 6 of the bill it says that the President may, by order, require the production of crude oil at the producer level at the maximum efficient rate of production.

Later on on that page it describes the maximum efficient rate of production with respect to any oil field on Federal land as being determined by the Department of the Interior.

I would submit that any oil field on Federal land includes the Naval Petroleum Reserves. I am simply seeking to take the level of petroleum reserves out of this language and reserving jurisdiction over it for the Department of Defense.

I think it is wholly germane.

Mr. STAGGERS. Mr. Chairman, in light of the statement of the gentleman from New York, I would say I withdraw my objection and state that I am in favor of the amendment and I urge its passage.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. PIKE) to the amendment in the nature of a substitute offered by the gentleman from West Virginia (Mr. STAGGERS).

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

RECORDED VOTE

Mr. SCHERLE. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 174, noes 202, answered "present" 4, not voting 52, as follows:

[Roll No. 680]

AYES—174

Addabbo	Daniel, Robert W., Jr.	Gunter
Alexander	Daniels, Dominick V.	Hanley
Andrews, N.C.	Danielson	Hansen, Idaho
Andrews, N. Dak.	Davis, Ga.	Henderson
Annunzio	Davis, S.C.	Hicks
Arends	de la Garza	Hillis
Ashbrook	Delaney	Holifield
Ashley	Dennis	Holt
Aspin	Dickinson	Hosmer
Barrett	Dingell	Hudnut
Beard	Downing	Jarman
Bennett	Dulski	Jones, Ala.
Bevill	Eilberg	Jones, N.C.
Biaggi	Evans, Colo.	Jones, Okla.
Blackburn	Evins, Tenn.	Jordan
Blatnik	Fascell	Kazen
Boggs	Fisher	Kemp
Brasco	Flood	Kyros
Bray	Flynt	Landgrebe
Breckinridge	Ford, William D.	Landrum
Brinkley	Forsythe	Lehman
Brooks	Fountain	Lent
Brotzman	Frelinghuysen	Long, La.
Brown, Ohio	Fulton	Long, Md.
Burleson, Tex.	Fuqua	Lott
Burton	Gettys	McFall
Byron	Giaimo	McKay
Carey, N.Y.	Gibbons	Macdonald
Carney, Ohio	Ginn	Mahon
Casey, Tex.	Gonzalez	Mathis, Ga.
Chappell	Grasso	Matsunaga
Chisholm	Gray	Milford
Clancy	Green, Oreg.	Mink
Cleveland	Green, Pa.	Mitchell, N.Y.
Collins, Ill.	Gross	Moakley
Collins, Tex.	Grover	Mollohan
Daniel, Dan	Gude	Montgomery
Daniel, Robert W., Jr.	Guyer	Murphy, Ill.
Daniels, Dominick V.	Haley	Murphy, N.Y.
Danielson	Hamilton	Myers
Davis, Ga.	Hammer-schmidt	Natcher
Davis, S.C.	Hanna	Nedzi
de la Garza	Hanrahan	Nichols
Delaney	Harrington	Obey
Dennis	Hastings	O'Brien
Dickinson	Hawkins	O'Hara
Dingell	Hechler, W. Va.	O'Neill
Downing	Heckler, Mass.	Pepper
Dulski	Heinz	Perkins
Eilberg	Helstoski	Pickle
Evans, Colo.	Hinshaw	Pike
Evins, Tenn.	Hogan	Podell
Fascell	Horton	Powell, Ohio
Fisher	Howard	Price, Ill.
Flood	Hungate	Price, Tex.
Flynt	Hutchinson	Railsback
Ford, William D.	Johnson, Colo.	Randall
Forsythe	Johnson, Pa.	Rarick
Fountain	Jones, Tenn.	Roberts
Frelinghuysen	Karth	Robinson, Va.
Fulton	Kastenmeier	Rodino
Fuqua	Ketchum	Rostenkowski
Gettys	Koch	Roybal
Giaimo	Kuykendall	Ruth
Gibbons	Latta	Ryan
Ginn	Litton	Sarasin
Gonzalez	Lujan	Satterfield
Grasso	McClory	Shipley
Gray	McCloskey	Shriver
Green, Oreg.	McCollister	Sikes
Green, Pa.	McCormack	Slack
Gross	McDade	Smith, N.Y.
Grover	McEwen	Spence
Gude	McSpadden	Staggers
Guyer	Madden	Stephens
Haley	Madigan	Stratton
Hamilton	Mailliard	Stubblefield
Hammer-schmidt	Mallary	Stuckey
Hanna	Mann	Symington
Hanrahan	Maraziti	Taylor, N.C.
Harrington	Martin, Nebr.	Teague, Tex.
Hastings	Martin, N.C.	Thompson, N.J.
Hawkins	Mathias, Calif.	Treen
Hechler, W. Va.	Mayne	Vander Jagt
Heckler, Mass.	Mazzoli	Vanik
Heinz	Mezvinsky	Vigorito
Helstoski	Michel	Waggonner
Hinshaw	Miller	White
Hogan	Minish	Whitehurst
Horton	Minshall, Ohio	Wilson, Bob
Howard	Mitchell, Md.	Wilson, Charles H., Calif.
Hungate	Mizell	Wilson, Charles, Tex.
Hutchinson	Moorhead, Calif.	Winn
Johnson, Colo.	Moorhead, Pa.	Wolff
Johnson, Pa.	Mosher	Wright
Jones, Tenn.	Nelsen	Wyman
Karth	Owens	Yates
Kastenmeier	Parris	Young, Fla.
Ketchum	Passman	Young, Ga.
Koch	Patten	Young, Tex.
Kuykendall	Pettis	Zablocki
Latta	Peyser	Zion
Litton	Poage	
Lujan	Preyer	
McClory	Pritchard	
McCloskey	Quie	
McCollister	Quillen	
McCormack	Rangel	
McDade	Rees	
McEwen	Regula	
McSpadden	Reid	
Madden	Reuss	
Madigan	Rhodes	
Mailliard	Rinaldo	
Mallary	Robison, N.Y.	
Mann	Roe	
Maraziti	Rogers	
Martin, Nebr.	Roncalio, Wyo.	
Martin, N.C.	Rooney, Pa.	
Mathias, Calif.	Rose	
Mayne	Rosenthal	
Mazzoli	Roush	
Mezvinsky	Rousselot	
Michel	Roy	
Miller	Ruppe	
Minish	St Germain	
Minshall, Ohio	Sarbanes	
Mitchell, Md.	Scherle	
Mizell	Schneebeli	
Moorhead, Calif.	Schroeder	
Moorhead, Pa.	Sebelius	
Mosher	Seiberling	
Nelsen	Shoup	
Owens	Shuster	
Parris	Sisk	
Passman	Skubitz	
Patten	Smith, Iowa	
Pettis	Snyder	
Peyser	Stanton, J. William	
Poage	Stanton, James V.	
Preyer	Stark	
Pritchard	Steed	
Quie	Steelman	
Quillen	Steiger, Ariz.	
Rangel	Steiger, Wis.	
Rees	Studds	
Regula	Symms	
Reid	Talcott	
Reuss	Teague, Calif.	
Rhodes	Thomson, Wis.	
Rinaldo	Thone	
Robison, N.Y.	Thornton	
Roe	Tiernan	
Rogers	Towell, Nev.	
Roncalio, Wyo.	Udall	
Rooney, Pa.	Ullman	
Rose	Van Deerlin	
Rosenthal	Waldie	
Roush	Wampler	
Rousselot	Whitten	
Roy	Wiggins	
Ruppe	Wydler	
St Germain	Wylie	
Sarbanes	Yatron	
Scherle	Young, Alaska	
Schneebeli	Young, Ill.	
Schroeder	Young, S.C.	
Sebelius	Zwach	
Seiberling		
Shoup		
Shuster		
Sisk		
Skubitz		
Smith, Iowa		
Snyder		
Stanton, J. William		
Stanton, James V.		
Stark		
Steed		
Steelman		
Steiger, Ariz.		
Steiger, Wis.		
Studds		
Symms		
Talcott		
Teague, Calif.		
Thomson, Wis.		
Thone		
Thornton		
Tiernan		
Towell, Nev.		
Udall		
Ullman		
Van Deerlin		
Waldie		
Wampler		
Whitten		
Wiggins		
Wydler		
Wylie		
Yatron		
Young, Alaska		
Young, Ill.		
Young, S.C.		
Zwach		

ANSWERED "PRESENT"—4

Frey	Huber	McKinney
Holtzman		

NOT VOTING—52

Bell	Broomfield	Clawson, Del
Bolling	Burke, Calif.	Clay
Breaux	Clark	Conyers

Dent	Keating	Runnels
Diggs	King	Sandman
Dorn	Kluczynski	Steele
Erlenborn	Leggett	Stokes
Goldwater	Meeds	Sullivan
Griffiths	Melcher	Taylor, Mo.
Gubser	Metcalfe	Veysey
Hansen, Wash.	Mills, Ark.	Walsh
Harsha	Morgan	Ware
Harvey	Moss	Whalen
Hays	Nix	Widnall
Hébert	Patman	Williams
Hunt	Riegle	Wyatt
Ichord	Roncallo, N.Y.	
Johnson, Calif.	Rooney, N.Y.	

So the amendment to the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. PRICE OF TEXAS TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. STAGGERS

Mr. PRICE of Texas. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute offered by the gentleman from West Virginia (Mr. STAGGERS).

The Clerk read as follows:

Amendment offered by Mr. PRICE of Texas to the amendment in the nature of a substitute offered by Mr. STAGGERS: Page 36, line 23, strike out the quotation marks.

Page 36, insert after line 23 the following:

"(9)(A) This subsection shall not apply to the first sale of crude oil or petroleum condensates produced from any lease within the United States by a seller (i) who produced such oil or condensate, (ii) who (together with all persons who control, are controlled by or who are under common control with, such seller), produces in the aggregate less than 5,000 barrels per day of crude oil and petroleum condensates, averaged annually, and (iii) who is not a refiner or marketer or distributor of refined petroleum products (or a person who controls, is controlled by, or is under common control with such a refiner, marketer, or distributor).

POINT OF ORDER

Mr. CONTE. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. CONTE. Mr. Chairman, my point of order is that we have already considered the amendment before today. It was the Roy amendment, and therefore a point of order should lie against it.

Mr. DINGELL. Mr. Chairman, I would like to be heard also on the point of order.

The CHAIRMAN. The Chair will state that as the Chair understands the amendment the figure has been changed, therefore it is not the same amendment since the figure has been changed.

Mr. DINGELL. May I be heard on the point of order?

Mr. ECKHARDT. Mr. Chairman, I would like to speak against the point of order.

The CHAIRMAN. May the Chair suggest that the Clerk complete the reading of the amendment, and then I will recognize the gentleman on his point of order.

The Clerk read the remainder of the amendment, as follows:

"(B) For purposes of subparagraph (A)—

"(i) a person produces crude oil or petroleum condensates only if he has an interest in the production thereof which permits him to take his production (or share thereof) in kind, and

"(ii) the term 'control' means control by ownership."

The CHAIRMAN. The gentleman from Massachusetts will be heard on his point of order.

Mr. CONTE. Mr. Chairman, I insist on the point of order even though the amendment changes the figures. The amendment is now in the third degree, and therefore the point of order should be upheld.

Mr. DINGELL. Mr. Chairman, I make a point of order on the grounds that this is again bringing before the Committee a portion of the bill which has already been amended. As the Chair recalls, we adopted the Skubitz amendment, which dealt with the same subject matter, and at the same place, and I submit, regardless of the point of order raised by the gentleman from Massachusetts (Mr. CONTE) that this is a violation of the Rules of the House as an attempt to redo action earlier taken by the Committee with regard to the Skubitz amendment, which was likewise dealing with the limitation on the coverage of the particular section to include coverage of people who operate stripper wells.

Mr. ECKHARDT. Mr. Chairman, I speak against the point of order. The Skubitz amendment dealt in an entirely different subject matter. The Skubitz amendment dealt with oil produced by well, not oil produced by producer, and provided that in those cases of wells producing less than, as I recall, 10 barrels per day, these should be exempted.

The amendment here is not dealing with stripper wells. It has nothing to do with wells. It has to do with the size of the producers. Therefore, this subject matter has not been previously covered. This does not change the Skubitz amendment at all, and it deals with a different subject.

Of course, the point of order with respect to the proposition that this is in the third degree is frivolous, because this is introduced as an additional amendment, and the amendment is different materially from the 25,000 barrels.

Mr. DINGELL. Mr. Chairman, I again note, with the assistance of the Chair, that the Skubitz amendment and the amendment now before us appear at precisely the same place in the bill.

The CHAIRMAN (Mr. BOLLINGS). For the reasons stated by the gentleman from Texas (Mr. ECKHARDT) because the Chair does not rule on the inconsistency of amendments, and the fact that the number of barrels involved in this amendment is different from that in the former amendment, the Chair overrules the points of order, and the amendment will be voted on.

The question is on the amendment offered by the gentleman from Texas (Mr. PRICE) to the amendment in the nature of a substitute offered by the gentleman from West Virginia (Mr. STAGGERS).

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

RECORDED VOTE

Mr. PRICE of Texas. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 140, noes 226, present 15, not voting 51, as follows:

[Roll No. 681]

AYES—140

Alexander	Hanrahan	Rees
Archer	Hansen, Wash.	Rhodes
Bauman	Hastings	Roberts
Blackburn	Henderson	Robinson, Va.
Boggs	Hicks	Rogers
Bowen	Horton	Roncallo, Wyo.
Breckinridge	Hosmer	Roy
Brinkley	Hungate	Ruth
Brooks	Jarman	Schneebeli
Brotzman	Johnson, Colo.	Sebelius
Brown, Mich.	Johnson, Pa.	Seiberling
Broyhill, Va.	Jones, Okla.	Shipley
Buchanan	Jones, Tenn.	Shriver
Burgener	Jordan	Sisk
Burke, Fla.	Karth	Skubitz
Burleson, Tex.	Kazen	Spence
Butler	Kemp	Staggers
Byron	Ketchum	Stanton, J. William
Camp	Kuykendall	Steed
Casey, Tex.	Kyros	Steelman
Cederberg	Landgrebe	Steiger, Ariz.
Chamberlain	Landrum	Stubblefield
Clausen, Don H.	Litton	Stuckey
Cochran	Long, La.	Symington
Collins, Tex.	Long, Md.	Symms
Conlan	Lott	Taylor, N.C.
Crane	Lujan	Teague, Calif.
Daniel, Dan	McClory	Teague, Tex.
Daniel, Robert W., Jr.	McKay	Thompson, N.J.
Davis, S.C.	McSpadden	Thornton
de la Garza	Mahon	Towell, Nev.
Denholm	Mathis, Ga.	Treen
Dennis	Michel	Ullman
Dickinson	Milford	Vander Jagt
Eckhardt	Montgomery	Waggonner
Edwards, Ala.	Moorhead, Calif.	White
Evans, Colo.	Mosher	Whitehurst
Fisher	Natcher	Whitten
Flowers	O'Brien	Wilson, Charles, Tex.
Flynt	Owens	Winn
Forsythe	Parris	Wright
Fuqua	Passman	Young, Alaska
Ginn	Pickle	Young, Ga.
Gonzalez	Poage	Young, S.C.
Haley	Powell, Ohio	Young, Tex.
Hammer-schmidt	Preyer	Zion
	Price, Tex.	
	Rarick	

NOES—226

Abdnor	Cleveland	Gettys
Abzug	Cohen	Giaimo
Adams	Collins, Ill.	Gibbons
Addabbo	Conte	Gilman
Anderson, Calif.	Corman	Goodling
Anderson, Ill.	Cotter	Grasso
Andrews, N.C.	Coughlin	Green, Oreg.
Andrews, N. Dak.	Cronin	Green, Pa.
Annunzio	Culver	Gross
Arends	Daniels, Dominick V.	Grover
Armstrong	Danielson	Gude
Ashbrook	Davis, Ga.	Gunter
Ashley	Davis, Wis.	Guyer
Aspin	Delaney	Hamilton
Badillo	Dellenback	Hanley
Bafalis	Dellums	Hanna
Baker	Devine	Hansen, Idaho
Barrett	Dingell	Harrington
Bennett	Donohue	Hawkins
Bergland	Downing	Hechler, W. Va.
Bevill	Drinan	Heckler, Mass.
Biaggi	Dulski	Heinz
Biester	Duncan	Helstoski
Bingham	du Pont	Hillis
Blatnik	Edwards, Calif.	Hinshaw
Boland	Eilberg	Hogan
Brademas	Esch	Holifield
Brasco	Evins, Tenn.	Holt
Bray	Fascell	Holtzman
Broomfield	Findley	Howard
Brown, Calif.	Fish	Hudnut
Brown, Ohio	Flood	Hutchinson
Broyhill, N.C.	Foley	Jones, Ala.
Burke, Mass.	Ford, William D.	Jones, N.C.
Burlison, Mo.	Fountain	Kastenmeier
Burton	Fraser	Koch
Carey, N.Y.	Frelinghuysen	Latta
Carney, Ohio	Frenzel	Leggett
Carter	Frey	Lehman
Chappell	Froehlich	Lent
Chisholm	Fulton	McCollister
Clancy	Gaydos	McDade
		McFall
		Macdonald

Madden	Perkins	Slack
Madigan	Peyser	Smith, Iowa
Mailliard	Pike	Snyder
Mallary	Podell	Stanton,
Mann	Price, Ill.	James V.
Maraziti	Pritchard	Stark
Martin, Nebr.	Quie	Steiger, Wis.
Martin, N.C.	Quillen	Stephens
Mathias, Calif.	Railsback	Stratton
Matsunaga	Randall	Studds
Mayne	Rangel	Talcott
Mazzoli	Regula	Thomson, Wis.
Mezvinsky	Reid	Thone
Miller	Reuss	Tiernan
Minish	Rinaldo	Udall
Mink	Rodino	Van Deerlin
Minshall, Ohio	Roe	Vanik
Mitchell, Md.	Rooney, Pa.	Vigorito
Mitchell, N.Y.	Rose	Waldie
Mizell	Rosenthal	Wampler
Moakley	Rostenkowski	Widnall
Mollohan	Roush	Wilson,
Moorhead, Pa.	Roybal	Charles H.,
Murphy, Ill.	Ruppe	Calif.
Murphy, N.Y.	Ryan	Wolff
Myers	St Germain	Wydler
Nedzi	Sarasin	Wylie
Nelsen	Sarbanes	Yates
Nichols	Satterfield	Yatron
Obey	Scherle	Young, Fla.
O'Hara	Schroeder	Young, Ill.
O'Neill	Shoup	Zablocki
Patten	Shuster	Zwach
Pepper	Sikes	

ANSWERED "PRESENT"—15

Beard	Huber	Rousselot
Collier	McCloskey	Smith, N.Y.
Conable	McEwen	Wiggins
Derwinski	Pettis	Wilson, Bob
Eshleman	Robison, N.Y.	Wyman

NOT VOTING—51

Bell	Harvey	Nix
Bolling	Hays	Patman
Breaux	Hébert	Riegle
Burke, Calif.	Hunt	Roncallo, N.Y.
Clark	Ichord	Rooney, N.Y.
Clawson, Del	Johnson, Calif.	Runnels
Clay	Keating	Sandman
Conyers	King	Steele
Dent	Kluczynski	Stokes
Diggs	McCormack	Sullivan
Dorn	McKinney	Taylor, Mo.
Erlenborn	Meeds	Veysey
Goldwater	Melcher	Walsh
Gray	Metcalfe	Ware
Griffiths	Mills, Ark.	Whalen
Gubser	Morgan	Williams
Harsha	Moss	Wyatt

So the amendment to the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. BINGHAM TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. STAGGERS

Mr. BINGHAM. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute offered by the gentleman from West Virginia (Mr. STAGGERS).

The Clerk read as follows:

Amendment offered by Mr. BINGHAM to the amendment in the nature of a substitute offered by Mr. STAGGERS: Amend section 107 on page 16 at line 14 after "common carrier.", by adding a new subsection:

"(c) The Interstate Commerce Commission shall by expedited proceedings adopt appropriate rules under the Interstate Commerce Act which will contribute to conserving energy by eliminating discrimination against the shipment of recycled materials in rate structures and other Commission practices."

And redesignate the present subsection (c) as subsection "(d)".

PARLIAMENTARY INQUIRY

Mr. BINGHAM. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. BINGHAM. Mr. Chairman, is there any way a Member can advise the Committee that both managers are agreeable to this amendment?

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. BINGHAM) to the amendment in the nature of a substitute offered by the gentleman from West Virginia (Mr. STAGGERS).

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

RECORDED VOTE

Mr. CRANE. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 349, noes 8, answered "present" 17, not voting 58, as follows:

[Roll No. 682]

AYES—349

Abdnor	Conte	Hamilton
Abzug	Corman	Hammer-
Adams	Cotter	schmidt
Addabbo	Coughlin	Hanley
Alexander	Crane	Hansen, Idaho
Anderson,	Cronin	Hansen, Wash.
Calif.	Culver	Harrington
Anderson, Ill.	Daniel, Dan	Hastings
Andrews, N.C.	Daniel, Robert	Hawkins
Andrews,	W., Jr.	Hechler, W. Va.
N. Dak.	Daniels,	Heckler, Mass.
Annunzio	Dominick V.	Heinz
Archer	Danielson	Helstoski
Arends	Davis, Ga.	Henderson
Armstrong	Davis, S.C.	Hicks
Ashbrook	Davis, Wis.	Hillis
Ashley	de la Garza	Hinshaw
Aspin	Delaney	Hogan
Badillo	Dellenback	Holifield
Bafalis	Dellums	Holtzman
Baker	Denholm	Horton
Barrett	Derwinski	Hosmer
Bennett	Devine	Howard
Bergland	Dickinson	Hudnut
Bevill	Dingell	Hungate
Biaggi	Donohue	Jarman
Biester	Downing	Johnson, Pa.
Bingham	Drinan	Jones, N.C.
Blackburn	Dulski	Jones, Okla.
Blatnik	Duncan	Jones, Tenn.
Boggs	du Pont	Jordan
Boland	Eckhardt	Karth
Bowen	Edwards, Ala.	Kastenmeier
Brademas	Edwards, Calif.	Kazen
Brasco	Eilberg	Kemp
Bray	Esch	Ketchum
Brinkley	Evans, Colo.	Koch
Brooks	Evins, Tenn.	Kuykendall
Broomfield	Fascell	Kyros
Brotzman	Findley	Landrum
Brown, Calif.	Fish	Latta
Brown, Mich.	Fisher	Leggett
Broyhill, N.C.	Flood	Lehman
Broyhill, Va.	Flowers	Lent
Buchanan	Flynt	Litton
Burgener	Foley	Long, La.
Burke, Fla.	Ford,	Long, Md.
Burke, Mass.	William D.	Lott
Burleson, Tex.	Forsythe	Lujan
Burlison, Mo.	Fountain	McClory
Burton	Fraser	McCloskey
Butler	Frelinghuysen	McCollister
Byron	Frenzel	McDade
Camp	Frey	McFall
Carey, N.Y.	Froehlich	McKay
Carney, Ohio	Fulton	McSpadden
Carter	Fuqua	Madden
Casey, Tex.	Gaydos	Madigan
Cederberg	Gettys	Mahon
Chamberlain	Giaimo	Mallary
Chappell	Gibbons	Mann
Chisholm	Gilman	Maraziti
Clancy	Ginn	Martin, Nebr.
Clausen,	Gonzalez	Martin, N.C.
Don H.	Grasso	Mathias, Calif.
Cleveland	Green, Oreg.	Mathis, Ga.
Cochran	Green, Pa.	Matsunaga
Cohen	Gude	Mayne
Collins, Ill.	Gunter	Mazzoli
Collins, Tex.	Guyer	Mezvinsky
Conlan	Haley	Michel
Milford	Reid	Stuckey
Miller	Reuss	Studds
Minish	Rhodes	Symington
Minshall, Ohio	Rinaldo	Symms
Mitchell, Md.	Roberts	Talcott
Mitchell, N.Y.	Robinson, Va.	Taylor, N.C.
Mizell	Robison, N.Y.	Teague, Calif.
Moakley	Rodino	Teague, Tex.
Mollohan	Roe	Thompson, N.J.
Montgomery	Rogers	Thomson, Wis.
Moorhead,	Roncalio, Wyo.	Thone
Calif.	Rooney, Pa.	Thornton
Moorhead, Pa.	Rose	Tiernan
Mosher	Rosenthal	Towell, Nev.
Murphy, Ill.	Rostenkowski	Treen
Murphy, N.Y.	Roush	Udall
Myers	Rousselot	Ullman
Natcher	Roy	Van Deerlin
Nedzi	Roybal	Vander Jagt
Nelsen	Ruppe	Vanik
Nichols	Ryan	Vigorito
Obey	St Germain	Waggonner
O'Brien	Sarasin	Waldie
O'Hara	Sarbanes	Wampler
O'Neill	Satterfield	White
Owens	Scherle	Whitehurst
Parris	Schneebeli	Whitten
Passman	Schroeder	Widnall
Patten	Seiberling	Wiggins
Pepper	Shipley	Wilson,
Perkins	Shoup	Charles H.,
Pettis	Shriver	Calif.
Peyser	Shuster	Wilson,
Pickle	Sikes	Charles, Tex.
Pike	Sisk	Winn
Poage	Slack	Wolff
Podell	Smith, Iowa	Wydler
Powell, Ohio	Snyder	Wylie
Preyer	Spence	Wyman
Price, Ill.	Staggers	Yatron
Price, Tex.	Stanton,	Young, Alaska
Pritchard	J. William	Young, Fla.
Quie	Stanton,	Young, Ga.
Quillen	James V.	Young, Ill.
Railsback	Steed	Young, S.C.
Randall	Steelman	Young, Tex.
Rangel	Steiger, Ariz.	Zablocki
Rarick	Steiger, Wis.	Zion
Rees	Stratton	Zwach
Regula	Stubblefield	

NOES—8

Bauman	Holt	Macdonald
Brown, Ohio	Jones, Ala.	Stephens
Dennis	Landgrebe	

ANSWERED "PRESENT"—17

Beard	Grover	Mink
Collier	Hanna	Ruth
Conable	Huber	Sebelius
Eshleman	Hutchinson	Skubitz
Goodling	Johnson, Colo.	Wilson, Bob
Gross	McEwen	

NOT VOTING—58

Bell	Hays	Roncallo, N.Y.
Bolling	Hébert	Rooney, N.Y.
Breaux	Hunt	Runnels
Breckinridge	Ichord	Sandman
Burke, Calif.	Johnson, Calif.	Smith, N.Y.
Clark	Keating	Stark
Clawson, Del	King	Steele
Clay	Kluczynski	Stokes
Conyers	McCormack	Sullivan
Dent	McKinney	Taylor, Mo.
Diggs	Mailliard	Veysey
Dorn	Meeds	Walsh
Erlenborn	Melcher	Ware
Goldwater	Metcalfe	Whalen
Gray	Mills, Ark.	Williams
Griffiths	Morgan	Wright
Gubser	Moss	Wyatt
Hanrahan	Nix	Yates
Harsha	Patman	
Harvey	Riegle	

So the amendment to the amendment in the nature of a substitute was agreed to.

The result of the vote was announced as above recorded.

PREFERENTIAL MOTION OFFERED BY MR. M'COLLISTER

Mr. McCOLLISTER. Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. McCOLLISTER moves that the Committee do now rise.

The CHAIRMAN. The question is on the preferential motion offered by the

gentleman from Nebraska (Mr. McCOLLISTER).

The question was taken; and the Chairman announced that the "noes" appeared to have it.

RECORDED VOTE

Mr. SCHERLE. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 86, noes 290, answered "present" 2, not voting 54, as follows:

[Roll No. 683]

AYES—86

Bauman	Haley	Powell, Ohio
Bevill	Hanna	Price, Tex.
Blackburn	Hastings	Rangel
Bowen	Hillis	Robinson, Va.
Brinkley	Hogan	Robison, N.Y.
Brooks	Hutchinson	Rousselot
Broomfield	Jarman	Ryan
Brown, Mich.	Johnson, Pa.	Scherle
Broyhill, Va.	Kemp	Schneebeli
Buchanan	Kuykendall	Shoup
Burgener	Landgrebe	Shriver
Burleson, Tex.	Lent	Shuster
Chamberlain	Lott	Spence
Chappell	Lujan	Steelman
Conable	McClory	Steiger, Wis.
Conlan	McCloskey	Studds
Coughlin	McCollister	Teague, Tex.
Daniel, Dan	McEwen	Towell, Nev.
Daniel, Robert W., Jr.	McKinney	Whitehurst
	McSpadden	Whitten
Davis, S.C.	Mallary	Wyman
Dennis	Mathis, Ga.	Yates
Dickinson	Mink	Young, Alaska
Eshleman	Minshall, Ohio	Young, Fla.
Flynt	Montgomery	Young, S.C.
Frelinghuysen	Moorhead, Calif.	Young, Tex.
Froehlich		Zion
Gonzalez	Myers	Zwach
Gross	Pike	
Gude	Poage	

NOES—290

Abdnor	Cleveland	Fuqua
Abzug	Cohen	Gaydos
Adams	Collier	Gettys
Addabbo	Collins, Ill.	Giaimo
Alexander	Collins, Tex.	Gibbons
Anderson, Calif.	Conte	Gilman
	Corman	Ginn
Anderson, Ill.	Cotter	Goodling
Andrews, N.C.	Crane	Grasso
Andrews, N. Dak.	Cronin	Gray
	Culver	Green, Oreg.
Annunzio	Daniels, Dominick V.	Green, Pa.
Archer		Grover
Arends	Danielson	Gunter
Armstrong	Davis, Ga.	Guyer
Ashbrook	Davis, Wis.	Hamilton
Ashley	de la Garza	Hammer-schmidt
Aspin	Delaney	
Badillo	Dellenback	Hanley
Bafalis	Dellums	Hansen, Idaho
Baker	Denholm	Hansen, Wash.
Barrett	Derwinski	Harrington
Bennett	Devine	Hawkins
Bergland	Dingell	Hechler, W. Va.
Biaggi	Donohue	Heckler, Mass.
Biester	Downing	Heinz
Bingham	Drinan	Helstoski
Blatnik	Dulski	Henderson
Boggs	Duncan	Hicks
Boland	du Pont	Hinshaw
Brademas	Eckhardt	Holifield
Brasco	Edwards, Ala.	Holt
Bray	Edwards, Calif.	Holtzman
Breckinridge	Eilberg	Horton
Brotzman	Esch	Hosmer
Brown, Calif.	Evans, Colo.	Howard
Brown, Ohio	Evins, Tenn.	Huber
Broyhill, N.C.	Fascell	Hudnut
Burke, Fla.	Findley	Hungate
Burke, Mass.	Fish	Johnson, Colo.
Burlison, Mo.	Fisher	Jones, Ala.
Burton	Flood	Jones, N.C.
Butler	Flowers	Jones, Okla.
Byron	Foley	Jones, Tenn.
Camp	Ford, William D.	Jordan
Carney, Ohio		Karth
Carter	Forsythe	Kastenmeier
Casey, Tex.	Fountain	Kazen
Chisholm	Fraser	Ketchum
Clancy	Frenzel	Koch
Clausen, Don H.	Frey	Kyros
	Fulton	Landrum
Latta	Perkins	Stanton, J. William
Leggett	Pettis	
Lehman	Peyser	Stanton, James V.
Litton	Pickle	
Long, La.	Podell	Steed
Long, Md.	Preyer	Steiger, Ariz.
McCormack	Price, Ill.	Stephens
McDade	Pritchard	Stratton
McFall	Quie	Stubblefield
McKay	Quillen	Stuckey
Macdonald	Railsback	Symington
Madden	Randall	Symms
Madigan	Rarick	Talcott
Mahon	Rees	Taylor, N.C.
Mann	Regula	Teague, Calif.
Maraziti	Reid	Thompson, N.J.
Martin, Nebr.	Reuss	Thomson, Wis.
Martin, N.C.	Rhodes	Thone
Mathias, Calif.	Rinaldo	Thornton
Matsunaga	Roberts	Tiernan
Mayne	Rodino	Treen
Mazzoli	Roe	Udall
Mezvinsky	Rogers	Ullman
Michel	Roncalio, Wyo.	Van Deerlin
Milford	Rooney, Pa.	Vander Jagt
Miller	Rose	Vanik
Minish	Rosenthal	Vigorito
Mitchell, Md.	Rostenkowski	Waggonner
Mitchell, N.Y.	Roush	Waldie
Mizell	Roy	Wampler
Moakley	Roybal	White
Mollohan	Ruppe	Widnall
Moorhead, Pa.	Ruth	Wiggins
Mosher	St Germain	Wilson, Bob
Murphy, Ill.	Sarasin	Wilson, Charles H., Calif.
Murphy, N.Y.	Sarbanes	
Natcher	Satterfield	
Nedzi	Schroeder	Wilson, Charles, Tex.
Nelsen	Sebelius	
Nichols	Seiberling	Winn
Obey	Shipley	Wolff
O'Brien	Sikes	Wydler
O'Hara	Sisk	Wylie
O'Neill	Skubitz	Yatron
Owens	Slack	Young, Ga.
Parris	Smith, Iowa	Young, Ill.
Passman	Smith, N.Y.	Zablocki
Patten	Snyder	
Pepper	Staggers	

ANSWERED "PRESENT"—2

Beard	Cochran

NOT VOTING—54

Bell	Harsha	Patman
Bolling	Harvey	Riegle
Breaux	Hays	Roncallo, N.Y.
Burke, Calif.	Hébert	Rooney, N.Y.
Carey, N.Y.	Hunt	Runnels
Cederberg	Ichord	Sandman
Clark	Johnson, Calif.	Stark
Clawson, Del	Keating	Steele
Clay	King	Stokes
Conyers	Kluczynski	Sullivan
Dent	Mailliard	Taylor, Mo.
Diggs	Meeds	Veysey
Dorn	Melcher	Walsh
Erlenborn	Metcalfe	Ware
Goldwater	Mills, Ark.	Whalen
Griffiths	Morgan	Williams
Gubser	Moss	Wright
Hanrahan	Nix	Wyatt

So the preferential motion was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. LONG OF LOUISIANA TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. STAGGERS

Mr. LONG of Louisiana. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute offered by the gentleman from West Virginia (Mr. STAGGERS).

The Clerk read as follows:

Amendment offered by Mr. LONG of Louisiana to the amendment in the nature of a substitute offered by Mr. STAGGERS: Page 55, line 12, after "and perferential bus/car pool lane regulations" insert "and indirect source regulations."

Page 55, line 23, after "and preferential bus/car pool lane regulations" insert "and indirect source regulations."

Page 56, line 10, after "and preferential bus/car pool lane regulations" insert "and indirect source regulations."

Page 56, line 13, after "and preferential bus/car pool lane regulations" insert "and indirect source regulations."

Page 56, line 16, after "and preferential bus/car pool lane regulations" insert "and indirect source regulations."

Page 56, line 20, after "and preferential bus/car pool lane regulations" insert "and indirect source regulations."

Page 56, line 25, at the end of subsection (C) insert the following:

"The term 'indirect source' shall mean a source that causes or may cause mobile source activity. The provisions of this paragraph shall in no way diminish the Administrator's power to regulate stationary sources of air pollution.

POINT OF ORDER

Mr. STAGGERS. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. The gentleman from West Virginia (Mr. STAGGERS) makes a point of order against the amendment.

The gentleman will state his point of order.

Mr. STAGGERS. Mr. Chairman, the amendment seems to amend a section that has already been amended, and I would like, if I could, to have the sponsor of the amendment tell me in his language what is in it and why the point of order should not lie.

Mr. LONG of Louisiana. No, Mr. Chairman.

Mr. STAGGERS. Mr. Chairman, I will say this: I will try to explain what the bill does.

The CHAIRMAN. The Chair will hear the gentleman from West Virginia on the point of order.

Mr. STAGGERS. I thank the Chairman.

The point of order, as I gather the point of order, would lie on the fact that the amendment is not germane, because of the fact that it amends the part that has already been amended on the car pool. We took this up earlier on the parking restrictions, and this amendment goes further.

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

Mr. STAGGERS. Yes, I yield to the gentleman from Michigan.

Mr. DINGELL. Mr. Chairman, what the amendment does is, it substitutes indirect language for "car pools" and for "parking surcharge."

In other words, it goes rather more broadly than the original language. It sets up an entirely new group.

Mr. STAGGERS. Mr. Chairman, I withdraw my point of order.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana (Mr. LONG) to the amendment in the nature of a substitute offered by the gentleman from West Virginia (Mr. STAGGERS).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. SCHERLE. Mr. Chairman, I demand a recorded vote.

A recorded vote was refused.

So the amendment to the amendment in the nature of a substitute was rejected.

PARLIAMENTARY INQUIRY

Mr. DERWINSKI. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. DERWINSKI. Mr. Chairman, my parliamentary inquiry is this:

In view of the ruling of the Chair on the point of order made against the amendment that was just rejected and the nature of the handling of the objection by the Chair, do we now believe that the Chair will be consistently understanding in permitting points of order to become explanations of some of these complex amendments?

The CHAIRMAN. The Chair will abide by the rules of the House, and when a Member makes a point of order, the Chair will hear the Member on the point of order.

Mr. DERWINSKI. Then, Mr. Chairman, one further parliamentary inquiry:

Would it be in order for me at this time to ask unanimous consent that all debate on the amendment in the nature of a substitute and all amendments thereto be open until midnight?

The CHAIRMAN. Will the gentleman restate his proposed unanimous-consent request?

Mr. DERWINSKI. Mr. Chairman, I ask unanimous consent that all debate on the amendment in the nature of a substitute and all amendments thereto be open until midnight.

The CHAIRMAN. If the Chair understands the gentleman, the gentleman is proposing by unanimous consent that the Committee of the Whole rescind its previous agreement?

Mr. DERWINSKI. That is exactly right, Mr. Chairman.

The CHAIRMAN. And the gentleman is proposing that the Committee of the Whole enter into a new agreement which would provide for no further debate at midnight?

Mr. DERWINSKI. Well, Mr. Chairman, the real intent is to provide that we vote on amendments after some explanation of their content so we are not voting in the blind. This is not a proper parliamentary statement, but it is a statement of the facts before us.

The CHAIRMAN. The Chair will try to state the unanimous-consent request which I understand the gentleman is seeking to make.

The gentleman from Illinois (Mr. DERWINSKI) seeks unanimous consent to rescind the agreement heretofore entered into by the Committee of the Whole and to provide that all debate on the Staggers amendment and all amendments thereto close at midnight tonight.

Is there objection to the request of the gentleman from Illinois?

Mr. HOWARD. Mr. Chairman, reserving the right to object, I would like to ask the gentleman from Illinois will the thrust of his unanimous consent request, should it be granted, be that there will be a vote on this bill at midnight tonight or that from midnight on there will be no further debate on any amendment at the desk?

Mr. DERWINSKI. The thrust of the unanimous consent request is that the situation in the House on this bill would be greatly improved if there be explanations available by the gentlemen who offer amendments so that the House could more effectively and quickly dispatch these amendments. It would be the thrust that in so doing we would greatly facilitate disposing of many of these amendments before midnight.

Mr. HOWARD. Further reserving the right to object, I yield to the gentleman from West Virginia.

Mr. STAGGERS. I would like to ask the gentleman from Illinois this question: If this request is granted by the House—and I am asking if—and we vote on this amendment and all amendments thereto at midnight tonight we will give all of the amendments at the desk equal time?

Mr. DERWINSKI. No. I cannot agree to that.

Mr. WOLFF. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

AMENDMENT OFFERED BY MR. HEINZ TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. STAGGERS

Mr. HEINZ. Mr. Chairman, I offer an amendment in the nature of a substitute offered by the gentleman from West Virginia (Mr. STAGGERS).

The Clerk read as follows:

Amendment offered by Mr. HEINZ to the amendment in the nature of a substitute offered by Mr. STAGGERS:

Page 8, line 18, insert in lieu thereof the following:

(e) Section 4(d) of the Emergency Petroleum Allocation Act of 1973 is amended to read as follows:

"(d) Consistent with the objectives of subsection (b) and the objective that crude oil, residual fuel oil, and refined petroleum products which are produced or refined within the United States be totally allocated for use by ultimate users within the United States, no crude oil, residual fuel oil, or refined petroleum product may be exported unless the President, by order, after considering evidence submitted by the person desiring to export such oil or product approves such export upon a finding that such export will in no way contribute to any shortages of any such oil or product within the United States. For purposes of this section, and subsection (a) insofar as it applies to this subsection, the term 'refined petroleum product' includes all petrochemical feed stocks."

POINT OF ORDER

Mr. DINGELL. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. The gentleman will state it.

Mr. DINGELL. Mr. Chairman, the rules of the House require that the amendment be germane first to the bill and second to the section to which it is addressed.

Mr. Chairman, I would point out that while the amendment is desirable in controlling exports, the language of the bill at page 44, line 22, deals with the subject of exports. That is the place at which an amendment relating to a prohibition on exports should be addressed.

As the Chair will note, the amendment appears at page 8, line 18, at a section relating to the Emergency Petroleum Allocation Act. And while the statute has within its four corners controls and prohibitions on exports, it would appear quite plain that the language of the amendment would not be germane in the light of the fact that the language elsewhere in the Emergency Petroleum Allocation Act deals with this and the amendment directs itself to setting up a new section there.

It also should be clear that the language of the bill itself at page 44, line 22, and following, has a prohibition on exports of petroleum, petroleum feed stocks, and so forth. Therefore the amendment, although it is offered in the best intention by an able Member of this body, is not germane.

The CHAIRMAN. Does the gentleman from Pennsylvania desire to be heard on the point of order?

Mr. HEINZ. I do, Mr. Chairman.

Mr. Chairman, the first point I would like to make is that the Emergency Petroleum Allocation Act, which section 103 amends, does deal with export and it does have certain controls placed on exports. My amendment, although it is an amendment to section 103 of the bill, is in effect an amendment to the Emergency Petroleum Allocation Act, and therefore is germane on those grounds.

Second, I would like to point out that the amendment that I offer is different from any other amendments that have been offered. In fact, the gentleman from Massachusetts (Mr. STUDDS), earlier offered an amendment to section 123 on exports, which was accepted by this body and which, I might point out, does make in section 123 specific reference to the Emergency Petroleum Allocation Act of 1973.

Finally, Mr. Chairman, I would suggest that the amendment is drawn in such a way as to avoid, and I have had, I might say, lengthy consultations with legislative counsel, an ungermane approach to the question of requiring that any refined petroleum products, including petrochemical feed stock, which are both covered by this bill, be subject to prior authorization by the President of the United States before they may be exported.

The CHAIRMAN (Mr. BOLLING). The Chair is ready to rule.

Section 103 does deal with allocations, and the first portion of the amendment offered by the gentleman from Pennsylvania (Mr. HEINZ), refers to total allocation within the United States and to the relation between those allocations and exports. The remainder of the amendment is germane to the section of the bill to which offered. Therefore the Chair overrules the point of order.

The question is on the amendment offered by the gentleman from Pennsylvania to the amendment in the nature of a substitute offered by the gentleman from West Virginia (Mr. STAGGERS).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. HEINZ. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 152, noes 205, answered "present" 22, not voting 53, as follows:

[Roll No. 684]

AYES—152

Abdnor	Froehlich	O'Brien
Addabbo	Fuqua	Owens
Alexander	Gaydos	Parris
Anderson, Ill.	Gettys	Pike
Andrews, N. Dak.	Gilman	Price, Tex.
	Ginn	Pritchard
Aspin	Grasso	Quillen
Badillo	Gray	Randall
Bafalis	Gunter	Rinaldo
Baker	Guyer	Rogers
Bauman	Hamilton	Roush
Bennett	Hanrahan	Roy
Bergland	Harrington	Ruth
Bevill	Hawkins	St Germain
Biester	Hechler, W. Va.	Sarasin
Bingham	Heckler, Mass.	Sarbanes
Blatnik	Heinz	Shipley
Boland	Hicks	Shriver
Bowen	Hogan	Sikes
Brasco	Holt	Snyder
Bray	Horton	Spence
Brinkley	Hudnut	Staggers
Brown, Mich.	Jarman	Stanton, J. William
Broyhill, N.C.	Kastenmeier	
Broyhill, Va.	Ketchum	Stanton, James V.
Buchanan	Koch	
Burgener	Kuykendall	Steiger, Ariz.
Burke, Mass.	Landgrebe	Stephens
Burlison, Mo.	Landrum	Stratton
Byron	Latta	Stuckey
Camp	Lehman	Studds
Clausen, Don H.	Lent	Talcott
	Lott	Taylor, N.C.
Cochran	Lujan	Teague, Calif.
Cohen	McCollister	Teague, Tex.
Collins, Tex.	McDade	Thone
Conte	Madigan	Tiernan
Cotter	Mann	Towell, Nev.
Cronin	Maraziti	Vanik
Davis, Ga.	Mathis, Ga.	White
Denholm	Mayne	Whitten
Dennis	Mazzoli	Wilson, Charles, Tex.
Derwinski	Mezvinsky	
Donohue	Michel	Winn
Drinan	Miller	Wolff
Duncan	Minish	Wydler
du Pont	Mink	Wylie
Eshleman	Minshall, Ohio	Wyman
Flood	Mollohan	Yatron
Flowers	Montgomery	Young, Fla.
Flynt	Mosher	Young, S.C.
Foley	Myers	
Forsythe	Nichols	

NOES—205

Abzug	Danielson	Henderson
Adams	Davis, S.C.	Hillis
Anderson, Calif.	Davis, Wis.	Hinshaw
	de la Garza	Holifield
Andrews, N.C.	Delaney	Holtzman
Annunzio	Dellenback	Hosmer
Archer	Dellums	Howard
Arends	Devine	Hungate
Armstrong	Dickinson	Johnson, Colo.
Ashbrook	Dingell	Johnson, Pa.
Ashley	Downing	Jones, Ala.
Barrett	Dulski	Jones, N.C.
Biaggi	Eckhardt	Jones, Okla.
Brademas	Edwards, Ala.	Jones, Tenn.
Breckinridge	Edwards, Calif.	Jordan
Brooks	Eilberg	Karth
Broomfield	Esch	Kazen
Brotzman	Evans, Colo.	Kemp
Brown, Calif.	Evins, Tenn.	Kyros
Brown, Ohio	Fascell	Leggett
Burke, Fla.	Findley	Litton
Burleson, Tex.	Fish	Long, La.
Burton	Fisher	Long, Md.
Butler	Ford, William D.	McClory
Carey, N.Y.		McCormack
Carney, Ohio	Fountain	McFall
Carter	Fraser	McKay
Casey, Tex.	Frelinghuysen	McSpadden
Cederberg	Frenzel	Macdonald
Chamberlain	Fulton	Madden
Chappell	Giaimo	Mahon
Clancy	Gibbons	Mallary
Cleveland	Gonzalez	Martin, Nebr.
Collier	Green, Oreg.	Martin, N.C.
Collins, Ill.	Green, Pa.	Mathias, Calif.
Conlan	Gude	Matsunaga
Corman	Haley	Milford
Crane	Hammer-schmidt	Mitchell, Md.
Culver		Mitchell, N.Y.
Daniel, Dan	Hanley	Mizell
Daniel, Robert W., Jr.	Hansen, Idaho	Moakley
	Hansen, Wash.	Moorhead, Calif.
Daniels, Dominick V.	Hastings	
	Helstoski	Moorhead, Pa.
Moss	Rhodes	Symington
Murphy, Ill.	Roberts	Symms
Murphy, N.Y.	Robinson, Va.	Thompson, N.J.
Natcher	Rodino	Thomson, Wis.
Nedzi	Roe	Thornton
Nelsen	Roncalio, Wyo.	Treen
Obey	Rooney, Pa.	Udall
O'Hara	Rose	Ullman
O'Neill	Rosenthal	Van Deerlin
Passman	Rostenkowski	Vigorito
Patten	Roybal	Waggonner
Pepper	Ruppe	Waldie
Perkins	Ryan	Wampler
Peyser	Satterfield	Whitehurst
Pickle	Scherle	Widnall
Poage	Schroeder	Wiggins
Podell	Seiberling	Wilson, Charles H., Calif.
Powell, Ohio	Shoup	
Preyer	Shuster	
Price, Ill.	Sisk	Yates
Quie	Slack	Young, Alaska
Railsback	Smith, Iowa	Young, Ga.
Rangel	Stark	Young, Ill.
Rarick	Steed	Young, Tex.
Rees	Steelman	Zablocki
Reid	Steiger, Wis.	Zion
Reuss	Stubblefield	Zwach

ANSWERED "PRESENT"—22

Beard	Huber	Schneebeli
Blackburn	Hutchinson	Sebelius
Conable	McCloskey	Skubitz
Frey	McEwen	Smith, N.Y.
Goodling	McKinney	Vander Jagt
Gross	Pettis	Wilson, Bob
Grover	Regula	
Hanna	Rousselot	

NOT VOTING—53

Bell	Harsha	Riegle
Boggs	Harvey	Robison, N.Y.
Bolling	Hays	Roncallo, N.Y.
Breaux	Hébert	Rooney, N.Y.
Burke, Calif.	Hunt	Runnels
Chisholm	Ichord	Sandman
Clark	Johnson, Calif.	Steele
Clawson, Del	Keating	Stokes
Clay	King	Sullivan
Conyers	Kluczynski	Taylor, Mo.
Coughlin	Mailliard	Veysey
Dent	Meeds	Walsh
Diggs	Melcher	Ware
Dorn	Metcalfe	Whalen
Erlenborn	Mills, Ark.	Williams
Goldwater	Morgan	Wright
Griffiths	Nix	Wyatt
Gubser	Patman	

So the amendment to the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. WYMAN TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. STAGGERS

Mr. WYMAN. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute offered by the gentleman from West Virginia (Mr. STAGGERS).

The Clerk read as follows:

Amendment offered by Mr. WYMAN to the amendment in the nature of a substitute offered by Mr. STAGGERS: Page 59, after line 23, insert the following:

(1) Section 202(b) of the Clean Air Act (42 U.S.C. 1857) is amended by adding at the end thereof the following:

"(6)(a) Notwithstanding any other provision of law the authority of the Administrator to require emissions controls on automobiles is hereby suspended except for automobiles registered to residents of those areas of the United States as specified by subsection (b) of this section, until January 1, 1976 or the day on which the President declares that shortage of petroleum is at an end, whichever occurs later.

(b) Within 60 days after the date of enactment of this paragraph, and annually thereafter, the Administrator shall designate, subject to the limitations set forth herein, geographic areas of the United States in which there is significant auto emissions related air pollution. The Administrator shall not designate as such area any part of the United States outside the following Air Quality Control Regions as defined by the Administrator as of the date of enactment of this paragraph without justification to and prior approval of the Congress.

(A) Phoenix-Tucson, intrastate.

(B) Metropolitan Los Angeles, intrastate.

(C) San Francisco Bay area.

(D) Sacramento Valley area.

(E) San Diego area.

(F) San Joaquin Valley area (California).

(G) Hartford-New Haven (Conn.)-Springfield (Mass.) area.

(H) District of Columbia, Maryland, and Eastern Virginia area.

(I) Metropolitan Baltimore and abutting counties.

(J) New Jersey, downstate New York, and Connecticut area.

(K) Metropolitan Philadelphia and abutting counties area.

(L) Metropolitan Chicago and abutting counties (Ill. & Ind.)

(M) Metropolitan Boston and abutting counties area.

For purposes of this paragraph, the term 'significant air pollution' means the presence of air pollutants from automobile emissions at such levels and for such durations as to cause a demonstrable and severe adverse impact upon public health."

(2) Section 202(a) of such Act is amended by adding at the end thereof the following new paragraph:

"(3) Regulations prescribed under this subsection shall not apply to motor vehicles or motor vehicle engines registered by owners who reside in geographic areas which are not designated by the Administrator under section 202(b)(6) as areas in which there is significant air pollution, for the period beginning on the date of enactment of this paragraph, and ending on January 1, 1977, or the day on which the President declares that shortage of petroleum is at an end, whichever occurs later."

POINT OF ORDER

Mr. STAGGERS. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. STAGGERS. Mr. Chairman, I rise to the point of order that the gentleman's amendment has already been considered in the committee and rejected.

Mr. DINGELL. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. Does the gentleman from New Hampshire wish to be heard?

Mr. WYMAN. I do, Mr. Chairman.

Mr. Chairman, I checked with the Parliamentarian before offering this amendment. The date has been changed in the amendment. It is now January 1, 1976, and I offer it at this time pursuant to request.

The Chair has already ruled on the point of order.

Mr. DINGELL. Mr. Chairman, may I be heard on the point of order?

The CHAIRMAN. The gentleman from Michigan will be heard on the point of order.

Mr. DINGELL. Mr. Chairman, the author of the amendment has already pointed out to the House that he is again offering precisely the same amendment with the date changed.

In other words, what he is telling us is there is no substantive change in the amendment, and that the changes are cosmetic in character and do not change the quality or the effect of the amend-

ment, except insofar as dealing with the effective date.

I would point out, in my view at least, that this is not a substantive change. This is a matter which was already rejected by the House and, as such, is violative of the rules, and is going back to redo actions already taken by the House.

The CHAIRMAN. Does the gentleman from New Hampshire (Mr. WYMAN) desire to be heard further on the point of order?

Mr. WYMAN. Very briefly, Mr. Chairman.

Mr. Chairman, there is a whole year's difference between these two amendments, and I am informed that that is significant.

The CHAIRMAN (Mr. BOLLING). The Chair is prepared to rule.

The Chair is reading from Volume 8 of Cannon's Precedents, page 438, section 2840, the heading of which is:

Similarity of an amendment to one previously rejected will not render it inadmissible if sufficiently different in form to present another proposition.

Following the heading, farther down in the discussion, there appears this language:

Mr. Speaker Clark on one occasion ruled that the change of one word in the language of a second amendment caused a deviation making that second amendment in order.

Because the change in this case appears to be substantive, the Chair overrules the point of order.

The question is on the amendment offered by the gentleman from New Hampshire (Mr. WYMAN) to the amendment in the nature of a substitute offered by the gentleman from West Virginia (Mr. STAGGERS).

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

RECORDED VOTE

Mr. MOSS. Mr. Chairman, on that I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 170, noes 205, answered "present" 3, not voting 54, as follows:

[Roll No. 685]

AYES—170

Abdnor	Clancy	Ginn
Alexander	Cleveland	Gonzalez
Andrews, N.C.	Cochran	Goodling
Andrews, N. Dak.	Collier	Gray
	Collins, Tex.	Gross
Archer	Conable	Guyer
Arends	Cotter	Haley
Ashbrook	Crane	Hammer-schmidt
Baker	Daniel, Dan	
Bauman	Daniel, Robert W., Jr.	Hanrahan
Bergland		Henderson
Bevill	Davis, S.C.	Hicks
Blackburn	Davis, Wis.	Hogan
Bowen	de la Garza	Holt
Bray	Denholm	Hosmer
Brinkley	Dennis	Huber
Brooks	Devine	Hudnut
Broomfield	Dickinson	Hutchinson
Broyhill, N.C.	Duncan	Johnson, Colo.
Broyhill, Va.	Edwards, Ala.	Johnson, Pa.
Burgener	Esch	Jones, N.C.
Burleson, Tex.	Eshleman	Jones, Tenn.
Butler	Fisher	Jordan
Byron	Flowers	Kazen
Camp	Flynt	Ketchum
Casey, Tex.	Fountain	Kuykendall
Cederberg	Froehlich	Landgrebe
Chamberlain	Gettys	Landrum
Chappell	Giaimo	Latta
Litton	Pepper	Steed
Lott	Pickle	Steiger, Ariz.
McClory	Poage	Stephens
McCollister	Powell, Ohio	Stratton
McCormack	Price, Tex.	Stubblefield
McEwen	Quillen	Stuckey
McKay	Railsback	Symms
McSpadden	Randall	Talcott
Macdonald	Rarick	Teague, Tex.
Madigan	Roberts	Thornton
Mahon	Robinson, Va.	Towell, Nev.
Mann	Rose	Treen
Martin, Nebr.	Rostenkowski	Ullman
Mathis, Ga.	Rousselot	Waggonner
Mayne	Ruppe	Wampler
Michel	Ruth	White
Milford	Ryan	Whitehurst
Miller	Sarasin	Whitten
Minshall, Ohio	Satterfield	Widnall
Mitchell, N.Y.	Scherle	Wilson, Bob
Mizell	Schneebeli	Wilson, Charles, Tex.
Mollohan	Sebelius	
Montgomery	Shipley	Wylie
Myers	Shriver	Wyman
Nichols	Shuster	Yatron
O'Brien	Skubitz	Young, Alaska
O'Hara	Slack	Young, S.C.
Owens	Snyder	Young, Tex.
Passman	Spence	Zion

NOES—205

Abzug	Frey	Patten
Adams	Fulton	Perkins
Addabbo	Fuqua	Pettis
Anderson, Calif.	Gaydos	Peyser
	Gibbons	Pike
Anderson, Ill.	Gilman	Podell
Annunzio	Grasso	Preyer
Armstrong	Green, Oreg.	Price, Ill.
Ashley	Green, Pa.	Pritchard
Aspin	Grover	Quie
Badillo	Gude	Rangel
Bafalis	Gunter	Rees
Barrett	Hamilton	Regula
Bennett	Hanley	Reid
Biaggi	Hansen, Idaho	Reuss
Biester	Hansen, Wash.	Rhodes
Bingham	Harrington	Rinaldo
Blatnik	Hastings	Rodino
Boland	Hawkins	Roe
Brademas	Hechler, W. Va.	Rogers
Brasco	Heckler, Mass.	Roncalio, Wyo.
Breckinridge	Heinz	Rooney, Pa.
Brotzman	Helstoski	Rosenthal
Brown, Calif.	Hillis	Roush
Brown, Mich.	Hinshaw	Roy
Brown, Ohio	Holifield	Roybal
Buchanan	Holtzman	St Germain
Burke, Fla.	Horton	Sarbanes
Burke, Mass.	Howard	Schroeder
Burlison, Mo.	Hungate	Seiberling
Burton	Jarman	Shoup
Carney, Ohio	Jones, Ala.	Sikes
Carter	Jones, Okla.	Sisk
Clausen, Don H.	Karth	Smith, Iowa
	Kastenmeier	Smith, N.Y.
Cohen	Kemp	Staggers
Collins, Ill.	Koch	Stanton, J. William
Conlan	Kyros	
Conte	Leggett	Stanton, James V.
Corman	Lehman	
Cronin	Lent	Stark
Culver	Long, La.	Steelman
Daniels, Dominick V.	Long, Md.	Steiger, Wis.
	Lujan	Studds
Danielson	McCloskey	Symington
Davis, Ga.	McDade	Taylor, N.C.
Delaney	McFall	Teague, Calif.
Dellenback	McKinney	Thompson, N.J.
Dellums	Madden	Thomson, Wis.
Derwinski	Mallary	Thone
Dingell	Maraziti	Tiernan
Donohue	Martin, N.C.	Udall
Downing	Mathias, Calif.	Van Deerlin
Drinan	Matsunaga	Vander Jagt
Dulski	Mazzoli	Vanik
du Pont	Mezvinsky	Vigorito
Eckhardt	Minish	Waldie
Edwards, Calif.	Mink	Wiggins
Eilberg	Mitchell, Md.	Wilson, Charles H., Calif.
Evans, Colo.	Moakley	
Evins, Tenn.	Moorhead, Calif.	Winn
Fascell		Wolff
Findley	Moorhead, Pa.	Wydler
Fish	Mosher	Yates
Flood	Moss	Young, Fla.
Foley	Murphy, Ill.	Young, Ga.
Ford, William D.	Murphy, N.Y.	Young, Ill.
	Natcher	Zablocki
Forsythe	Nedzi	Zwach
Fraser	Nelsen	
Frelinghuysen	Obey	
Frenzel	O'Neill	

ANSWERED "PRESENT"—3

Beard	Hanna	Parris

NOT VOTING—54

Bell	Gubser	Patman
Boggs	Harsha	Riegle
Bolling	Harvey	Robison, N.Y.
Breaux	Hays	Roncallo, N.Y.
Burke, Calif.	Hébert	Rooney, N.Y.
Carey, N.Y.	Hunt	Runnels
Chisholm	Ichord	Sandman
Clark	Johnson, Calif.	Steele
Clawson, Del	Keating	Stokes
Clay	King	Sullivan
Conyers	Kluczynski	Taylor, Mo.
Coughlin	Mailliard	Veysey
Dent	Meeds	Walsh
Diggs	Melcher	Ware
Dorn	Metcalfe	Whalen
Erlenborn	Mills, Ark.	Williams
Goldwater	Morgan	Wright
Griffiths	Nix	Wyatt

So the amendment to the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. DE LA GARZA TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. STAGGERS

Mr. DE LA GARZA. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute offered by the gentleman from West Virginia (Mr. STAGGERS).

The Clerk read as follows:

Amendment offered by Mr. DE LA GARZA to the amendment in the nature of a substitute offered by Mr. STAGGERS:

SEC. 215. Notwithstanding any other provision of law or regulation, any project or enterprise authorized by law or regulations of the Federal Government, regardless of time initiated shall be allowed the necessary fund for all its operations under any rules promulgated for such purposes."

Mr. DE LA GARZA. Mr. Chairman, this amendment is a clarifying amendment to the bill and, the part dealing with agriculture. We have situations and one unfortunately in my area where the Congress has authorized a project by law or by regulation that of necessity, because of the imposition of regulations as far as fuel allocations, have no base period on which to judge their criteria for allowing fuel. This amendment says that any project which has been authorized by the Congress or through regulation of the Federal Government would be given an allocation even though it did not have any base. The project in my area, Mr. Chairman, is a new sugar mill, whose allocation of mainland sugar quota has been granted by the U.S. Department of Agriculture. It is intended by this amendment that notwithstanding their not having a base period, they shall nonetheless be given an allocation as needed for all their operations.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. DE LA GARZA) to the amendment in the nature of a substitute offered by the gentleman from West Virginia (Mr. STAGGERS).

The amendment to the amendment in the nature of a substitute was agreed to.

AMENDMENT OFFERED BY MR. YOUNG OF ILLINOIS TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. STAGGERS

Mr. YOUNG of Illinois. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute offered by

the gentleman from West Virginia (Mr. STAGGERS).

The Clerk read as follows:

Amendment offered by Mr. YOUNG of Illinois to the amendment in the nature of a substitute offered by Mr. STAGGERS: Add an additional subsection (9) on page 37, after line 4 of the bill as follows:

"(9) Any action or proceeding under subsections (3) (A) and (B) of this section to determine windfall profits or to recover windfall profits under this Act must be brought within one year after the expiration of this "Emergency Energy Act" or any extension thereof. Further, it is expressly provided that windfall profits as defined in this section refer only to profits earned during the period beginning with the enactment of this Act and ending on the date of the expiration of this Act, or any extension thereof."

Mr. YOUNG of Illinois. Mr. Chairman, I ask unanimous consent to speak for 1 minute to explain this amendment.

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

There was no objection.

Mr. YOUNG of Illinois. Mr. Chairman, this amendment does two things. It clarifies the fact that the earnings which would be subject to the windfall projects section are determined from the beginning of the enactment of the act until the expiration of the act or any extension thereof. I think it is only explanatory of what the law would be anyway but it clarifies it.

The second thing the amendment does is to put a statute of limitations within which an action under the section to recover a windfall profit must be brought.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. YOUNG) to the amendment in the nature of a substitute offered by the gentleman from West Virginia (Mr. STAGGERS).

The amendment to the amendment in the nature of a substitute was agreed to.

AMENDMENT OFFERED BY MR. HANLEY TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. STAGGERS

Mr. HANLEY. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute offered by the gentleman from West Virginia (Mr. STAGGERS).

The Clerk read as follows:

Amendment offered by Mr. HANLEY to the amendment in the nature of a substitute offered by Mr. STAGGERS: On page 4, line 11, and page 10, line 25, strike out "and" after "agriculture," and insert "collection, transportation and delivery of mail by the United States Postal Service, its lessors, contractors and carriers, and" before "transportation services".

Mr. HANLEY. Mr. Chairman, I ask unanimous consent to proceed for 1 minute to explain the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. HANLEY. Mr. Chairman, at this time I wish to offer an amendment to sections 103(a) and 105(b) of H.R. 11450, the Energy Emergency Act. My amendment would include the "collection, transportation, and delivery of the mail by the U.S. Postal Service, its lessors, contractors, and carriers" within the enumerated "vital services" of proposed new section (h)(1) of the Emergency Petroleum Allocation Act of 1973 as provided in section 103(a) of H.R. 11450. In addition, it would amend the same language in subsection (b) of section 105, which is entitled Energy Conservation Plans.

The purpose of these amendments is to make it clear that mail service is to have a high priority in the allocation of fuel. In my position as chairman of the Subcommittee on Postal Service of the Committee on Post Office and Civil Service I have become aware of the necessity for the Postal Service and its contractors to receive the fuel they need to deliver the mail in a prompt and efficient manner. It is essential for the well-being of the Nation that we adopt this amendment.

Postal Service highway vehicles range from passenger type units to large, long-haul, double bottom trailers. They include: First, the postal owned and operated fleet of 102,000 vehicles which travel approximately 615-million miles a year; second, approximately 82,000 vehicles utilized by city and rural carriers under contract or leased for collection or delivery services—these vehicles travel approximately 845-million miles a year; and third 40,000 vehicles under contract to transport mail which travel approximately 700-million miles a year. A total of 224,000 motor units traveling approximately 2.2-billion miles per year are involved in the collection, transportation, and delivery of the U.S. mail.

In addition, contract air service is provided by air taxi operators over 175 different routes. These aircraft travel approximately 24 million miles a year.

The Postal Service utilizes both certified air and rail carriers for the transportation of mail. Most domestic and international U.S. flag carrier flights are used to transport mail. By rail, approximately 450 piggyback units a day are dispatched along with 21 Amtrak trains—each having 1 to 3 cars of mail—and 11 unit mail trains which carry a portion of the piggybacks which I mentioned before.

To keep their highway vehicles and air taxis moving the Postal Service and its contractors use approximately 350 million gallons of fuel a year: 120 million gallons of diesel; 226 million gallons of gasoline; 8 million gallons of aviation gas; and 4 million gallons of turbine aviation fuel. This is exclusive of the quantity of fuel utilized by rail and certified air carriers.

This fuel is obtained from both bulk and retail outlets depending upon the size and location of the operation. A great many of the operations include small vehicles obtaining fuel from local retail outlets.

The Postal Service has attempted to conserve available fuel supplies. Due to the forecasts of shortages of gasoline for the summer of 1973, the Postmaster General issued instructions to postal field units in May 1973, which limit postal vehicle speeds to 50 miles per hour; establish high quality maintenance programs; and require operators to accelerate slowly and shut off engines during stops.

The shortages of gasoline which we experienced last summer has now developed into a shortage of all petroleum fuels. Scheduled flights of certified air carriers have been substantially reduced in the past few months. About 300 scheduled flights were canceled in November and approximately 250 scheduled flights will be canceled this month with an additional 1,000 to be canceled by January 7, 1974. The Postal Service will be required to divert mail to other means of transportation.

However, compounding the difficulty in this regard is a recent Federal Register Notice stating that the airlines are no longer required to give the Postal Service 10 days notice before canceling a flight. In addition, the Postal Service's request for diesel fuel allocation for the month of December was cut by 11 percent—or 1 million gallons—by the Office of Petroleum Allocation. These actions can only result in delayed mail service.

The Postal Service has implemented a number of fuel conservation programs in an effort to reduce its fuel requirements. The instructions issued in May 1973 by the Postmaster General have been reemphasized. In addition, the Postal Service is shifting from highway transport to piggyback rail service wherever practicable. This action should result in a yearly net savings of approximately 4.6 million gallons of diesel fuel or 4.6 percent of the total usage.

The Postal Service is also consolidating more highway trips, improving loading to reduce trip frequency, consolidating mail and fast freight trains, reducing air taxi mileages and adjusting collection, delivery and local cartage services of postal vehicle operations. In addition, the reduction of speed limits on limited access highways to 55 miles per hour, which will affect postal contract tractor-trailers, will result in a 5-percent reduction in diesel fuel usage—a savings of 5 million gallons a year.

The Postal Service can only do so much on its own to continue to provide prompt, reliable, and efficient mail service to our constituents. Congress must assist them in this task. For this reason I ask my colleagues to join me in supporting these amendments to clarify the position of mail service as one of the vital services to receive top priority in any ordering of priorities among users of crude oil, residual fuel oil, or any refined petroleum product.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. HANLEY) to the amendment in the nature of a substitute offered by the gentleman from West Virginia (Mr. STAGGERS).

The amendment to the amendment in the nature of a substitute was agreed to.

AMENDMENT OFFERED BY MR. M'CLORY TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. STAGGERS

Mr. McCLORY. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute offered by the gentleman from West Virginia (Mr. STAGGERS).

The Clerk read as follows:

Amendment offered by Mr. McCLORY to the amendment in the nature of a substitute offered by Mr. STAGGERS: on Page 16 following line 14, add the following new paragraph and renumbering the ensuing paragraphs accordingly:

"(c) The revision of regular airline schedules, including the elimination of scheduled flights shall be permitted only pursuant to authority granted by the Civil Aeronautics Board. In exercising this authority, the Civil Aeronautics Board shall report to both Houses of the Congress within 30 days following such approved revision of plane schedules or elimination of regularly scheduled plane flights. The Civil Aeronautics Board shall be empowered to reinstate any such revised plane schedules or elimination of commercial air flights as to which both Houses of Congress shall by affirmative vote overrule any such orders of the Civil Aeronautics Board, and with respect to which the Congress shall find that such joint Congressional action shall not jeopardize the energy control purposes of this legislation."

Mr. McCLORY. Mr. Chairman, I ask unanimous consent to proceed for 1 minute and to revise and extend my remarks.

Mr. HOSMER. Mr. Chairman, I object.

Mr. DINGELL. Mr. Chairman, I do not object, but I do rise on a point of order.

The CHAIRMAN. The gentleman from Illinois asked unanimous consent to proceed for 1 minute.

The Chair recognizes the gentleman from Michigan.

POINT OF ORDER

Mr. DINGELL. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. DINGELL. Mr. Chairman, I regretfully make my point of order.

Mr. Chairman, the amendment offered by the gentleman substitutes an entirely new procedure and requires a proceedings essentially similar to or identical to that required by the Reorganization Act on reorganization in connection with actions to be taken by a Federal regulatory agency. Nowhere else in the bill which is now before us is any language imposing that kind of a procedure or process of congressional approval over the Federal regulatory agencies.

For that reason, Mr. Chairman, the amendment is not germane and falls as violative of the rule of germaneness. Since we are not engaging in an action or after an authority to the regulatory agency involved, but rather to set up an entirely new procedure involving congressional action, congressional approval of agency actions through a device which is totally different than that found anywhere else in the bill.

Mr. McCLORY. Mr. Chairman, may I be heard on the point of order?

The CHAIRMAN. The gentleman from Illinois may be heard.

Mr. McCLORY. This merely provides that in connection with reporting to the Congress by the Civil Aeronautics Board, the reports are already provided for in this bill; should they report any discontinuance of service of any airlines or consolidation of service which would jeopardize the jobs of pilots and other airline personnel in addition to this section, because it really augments the section with regard to reports.

I understand this essential or basic point is in the Senate version of this bill. I would like to have it in the House bill so it will be there when the measure goes to conference.

The CHAIRMAN. Does the gentleman from Texas desire to be heard on the point of order?

Mr. ECKHARDT. Mr. Chairman, I should like to be heard on the point of order.

Mr. Chairman, although the last question that escaped the point of order was that it seems marginally acceptable, this goes way beyond it. In that case sections of the bill directed precisely to the question of allocation were submitted to a recheck by Congress. In this section, the only thing that the bill has done is provided an emergency process by which a regulatory agency may exercise additional authority.

What is sought to be done here is to subject the processes of that agency with respect to doing its normal duties to a recheck by Congress, and it is a wholly new procedure not envisaged in the original acts creating and authorizing those agencies, thus calling for a second judgment on a question of policy by Congress.

Mr. Chairman, I submit that the matter is not germane.

The CHAIRMAN (Mr. BOLLING). The Chair will rule.

The Chair has had an opportunity to examine the language appearing on page 15, section 107. It appears to the Chair that insofar as the amendment is concerned, it represents a restriction in the exercise of the power outlined in section 107(a), so the Chair feels that the amendment is germane to the matter and overrules the point of order.

Mr. McCLORY. Mr. Chairman, I ask unanimous consent to proceed for 1 minute, and to revise and extend my remarks.

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

Mr. HOSMER. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. McCLORY. Mr. Chairman, I ask unanimous consent to extend and revise my remarks.

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

There was no objection.

Mr. McCLORY. Mr. Chairman, this measure appears to be deficient in protecting public and employee rights and interests in connection with the rescheduling or elimination of flights of commercial aircraft.

Mr. Chairman, there should be definite protection against any curtailment of air service—or layoffs of air personnel under the guise of a conservation of jet fuel or other petroleum products or energy sources—unless it is established that such conservation actions are required in carrying out the purposes of this act.

Mr. Chairman, it does not seem to me that air carriers either individually or in combination with other carriers should be permitted to curtail services without first receiving the approval of the Civil Aeronautics Board. Indeed, it would be preferable to have the Congress review orders of the Civil Aeronautics Board rendered in relation to any such curtailments of service.

Mr. Chairman, this legislation should not be a vehicle to relieve air carriers of essential regulation—as required under existing law. Furthermore, it should not be interpreted as a means for discontinuing essential or convenient service to the public. Above all, this measure should not make it possible for air carriers to reap excessive or windfall profits at the expense of their employees—and the public.

Mr. Chairman, I am offering an amendment to section 107 of the substitute bill—H.R. 11882—intended to correct the defects in this legislation which I have outlined. I hope that my amendment will be adopted.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. McCLORY) to the amendment in the nature of a substitute offered by the gentleman from West Virginia (Mr. STAGGERS).

The amendment to the amendment in the nature of a substitute was rejected.

AMENDMENT OFFERED BY MR. ROGERS TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. STAGGERS

Mr. ROGERS. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute offered by the gentleman from West Virginia (Mr. STAGGERS).

The Clerk read as follows:

Amendment offered by Mr. ROGERS to the amendment in the nature of a substitute offered by Mr. STAGGERS: Page 67, after line 26, add the following:

"(3) For the purpose of this section, the term "motor vehicle" means any self-propelled vehicle weighing 6,000 pounds or less designed for transporting persons or property on a street or highway, except for police, fire, ambulance, and other emergency vehicles.

"(b)(1) Subject to paragraph (2) and (3), not later than 30 days after submission of the results of the study under subsection (a), the Administrator shall submit to the Committee on Interstate and Foreign Commerce of the House of Representatives and the Committee on Public Works of the Senate proposed legislation which would establish a 25 per centum fuel economy improvement standard applicable to 1980 and later model new motor vehicles. Such improvement shall be calculated from a baseline of the fuel economy performance of each manufacturer's entire annual production of 1974 model year new motor vehicles (as measured over the 1974 certification test cycle prescribed pursuant to section 206(a)).

"(2) If the Administrator determines that establishing a fuel economy improvement standard of 25 per centum for 1980 and later model new motor vehicles—

(A) is technologically or economically unfeasible,

(B) cannot be complied with safely and without interferring with applicable emission requirements, or

(C) will have unreasonably disruptive impact on employment or the economy,

he shall propose legislation establishing such lesser fuel economy improvement standard which he determines is as close to 25 per centum as possible without having any of the effects described in subparagraphs (A), (B), or (C).

"(3) The legislation proposed by the Administrator may propose the establishment of a less than 25 per centum fuel economy

improvement standard for any manufacturer whose entire 1974 annual production of new motor vehicles meets or exceeds fifteen miles per gallon of gasoline (or other fuel). Any lesser standard under this paragraph shall be as close to 25 per centum as possible for that manufacturer without having any of the effects described in (A), (B), or (C) of paragraph (2) of this subsection.

POINT OF ORDER

Mr. BROYHILL of North Carolina. Mr. Chairman, I reserve a point of order on this amendment.

The CHAIRMAN. The gentleman will state his point of order.

Mr. BROYHILL of North Carolina. Mr. Chairman, I make the point of order that this amendment is not germane, that we have no other subject matter such as this in the bill, and, furthermore, that the House of Representatives or the Congress in prior action has authorized another Department of the Federal Government to undertake the same study, and thus this amendment is not in order.

Mr. ROGERS. Mr. Chairman, may I be heard on the point of order?

The CHAIRMAN. The gentleman from Florida may be heard on the point of order.

Mr. ROGERS. Mr. Chairman, actually this simply carries out part of the provision in the law which provides for a study on how this can be accomplished.

All this amendment does, in connection with that study, is to say the following: Where that study says, "He shall report to the Congress," this simply says or sets forth the manner in which he shall do that, by proposing specific legislative proposals that we ourselves would rule on, as the result of a study. And then he proposes how we can save fuel mileage.

That is all it is doing. It is set at 1980, and it simply carries out what we are trying to do in that study by having him report to the Congress.

It simply tells him how he shall make his report to the Congress, that it is proper and economically feasible.

Mr. HASTINGS. Mr. Chairman, I desire to be heard on the point of order.

The CHAIRMAN. The gentleman from New York may be heard on the point of order.

Mr. HASTINGS. Mr. Chairman, in the 1974 appropriation bill, this Congress by the votes of over 400 Members appropriated $2,400,000 to the Department of Transportation to conduct a study to achieve a 40-percent reduction in fuel consumption by automobiles.

Now, we go to the Environmental Protection Agency to give it the same authority and, therefore, we have two separate agencies of the Federal Government spending money on the very same studies.

Mr. ROGERS. Mr. Chairman, if I may be heard further on the point of order, it is not the same as the other. Rather, it is specifically different, because that is simply for a demonstration project to be done in that one instance. This is to propose legislation on how to bring some fuel economy to the American people.

The CHAIRMAN (Mr. BOLLING). For the reasons stated by the gentleman from Florida (Mr. ROGERS), the Chair overrules the point of order.

The question is on the amendment offered by the gentleman from Florida (Mr. ROGERS) to the amendment in the nature of a substitute offered by the gentleman from West Virginia (Mr. STAGGERS).

The amendment to the amendment in the nature of a substitute was rejected.

AMENDMENT OFFERED BY MR. BAKER TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. STAGGERS

Mr. BAKER. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute offered by the gentleman from West Virginia (Mr. STAGGERS).

The Clerk read as follows:

Amendment offered by Mr. BAKER to the amendment in the nature of a substitute offered by Mr. STAGGERS: On page 15, strike lines 13 and 14 and insert in lieu thereof the following:

"(d) COAL PRODUCTION AUTHORITY.—The Administrator may take such actions as are necessary to assure an adequate supply of coal to attain the objectives of this section, including, but not limited to, the granting of exemptions from provisions of the Economic Stabilization Act which inhibit the ability of coal producers to obtain the necessary equipment and personnel for production and distribution of coal; and the granting of exemptions, on a case-by-case basis, from provisions of the Federal Coal Mine Health and Safety Act, in such cases as mines located above the water table or in which methane has not been detected as prescribed in section 303(h) of such Act, where it has been determined (1) that such provisions substantially reduce the ability of the producer to provide necessary supplies of coal in an economical manner, and (2) that the exemption will not materially affect the health and safety of employees of that producer."

"(e) EXPIRATION.—The authority under this section (other than subsections (b) and (d) shall expire on May 15, 1975."

POINT OF ORDER

Mr. ECKHARDT. Mr. Chairman, I raise a point of order against the amendment on these grounds. The amendment is not germane in that it deals with the subject matter of another committee, the Committee on Education and Labor; in that it purports to amend the Federal Coal Mine Health and Safety Act under the exclusive jurisdiction of that committee; and it proposes to assign to the Administrator the ability to grant exemptions under that act, which is in no wise amended or altered by this provision.

Mr. BAKER. Mr. Chairman, may I be heard on the point of order?

The CHAIRMAN. The Chair will hear the gentleman.

Mr. BAKER. Mr. Chairman, on page 5 of the bill under consideration, line 22, the President is urged to take such action consistent with the provisions of this act and is authorized to take under this act and any other act action to encourage full production by the domestic energy industry at levels which make possible the expansion of facilities required to insure against a protraction in any such increased levels of unemployment. The amendment would increase employment in its implementation.

On page 7, line 22, and on to page 8, the act calls for the production and extraction of minerals essential to the requirements of the United States. This would further enhance employment in the Nation.

Then on page 14 it says nothing in the paragraph should be interpreted as requiring such source to use a particular grade of coal of any particular type, grade, or pollution characteristic if such coal is available to such source. Many of the small mines here would come under the provisions of this amendment.

I ask that the point or order be overruled.

The CHAIRMAN (Mr. BOLLING). The Chair is prepared to rule.

The language that appears on page 7, beginning at line 22, cited by the gentleman from Tennessee, says:

(b) Section 4(b)(1)(G) of the Emergency Petroleum Allocation Act of 1973 is amended to read as follows:

"(G) allocation of residual fuel oil and refined petroleum products in such amounts and in such manner as may be necessary for the maintenance of exploration for, and production or extraction of—

"(1) fuels, and

"(2) minerals essential to the requirements of the United States,

and for required transportation related thereto;".

The Chair believes that that language, together with the language cited on page 5 urging full production by the domestic energy industry, justifies the offering of this amendment which deals with coal production despite the point made by the gentleman from Texas with regard to the narrow construction of the section to which it is offered and, therefore, overrules the point of order.

The gentleman from Tennessee is recognized for 5 minutes in support of his amendment under clause 6 of rule XXIII.

Mr. BAKER. Mr. Chairman, this amendment addresses itself to the production of sufficient coal to satisfy current demands.

A considerable segment of our coal-producing areas include many small mines which are not now in operation. Much of this is occasioned by the application of the provisions of the Federal Coal Mine Health and Safety Act where actual need does not exist. The determinations of application of this law are simply made on too broad a basis.

There are many jobs available in the coalfields if we can make the deep hole mine operations profitable. I will tell you there is no better example of the free enterprise system in America than that expressed in the group of independent mine operators in the hills of this Nation.

If the Economic Stabilization Act and the Federal Coal Mine Health and Safety Act, in the opinion of the Administrator, hinders the pursuuit of the best interests of the Nation and its citizens, then this amendment would allow relief to the extent to which it is practicable.

I know of no operator who is not deeply concerned about safety and health. All of these operators come from the mines themselves and take a full responsibility for the miners and their families.

This is no broadside attack on the Economic Stabilization Act which expires in April next year and Mine Safety Act.

It is a vehicle to make the production of coal more attractive, to make coal available for public need, and to provide some jobs where others are being eliminated. Every exception which might be made will be accomplished on a case-by-case basis.

This amendment does not direct the Administrator to do anything. It allows him to take action to accommodate the requirements sufficient to encourage mine operators to make many small mines in this Nation productive.

I urge the adoption of this amendment.

Mr. STAGGERS. Mr. Chairman, I rise to oppose the amendment offered by the gentleman from Tennessee (Mr. BAKER) and I do so with reluctance because I know the good intentions of the gentleman.

Mr. Chairman, I request that I be recognized under the rule to speak in opposition to the amendment.

The CHAIRMAN. The gentleman is recognized to speak under the same rule.

Mr. STAGGERS. Mr. Chairman, this amendment would abrogate certain provisions of the Federal Coal Mine Health and Safety Act to allow a general exemption from that act. We do not know the full ramifications of it. There have been no hearings held on it. We do not know what it will do. I would not want to take the life of any man who works in the coal mines. I have seen too many men who went out to work in the morning, and who did not return in the evening. I just do not want to risk the health of those men.

I am not doubting the good intentions of the gentleman from Tennessee on this, because I know they are the best of intentions in offering his amendment. But I believe we should vote this amendment down. If necessary, we could have some hearings on it, and see where we would want to go on this.

As I say, we held no hearings in our committee on this. I am certain the regular committee has not held any hearings on this. I believe if this were before the regular committee that is entitled to look at this matter that they probably would vote it down.

I do not know what our committee could do on it, but I am pretty certain that they would vote it down.

As I say, I have seen too many men go to work in the morning and never come back in the evening, and I would not want that to happen to any man in America. So I would urge that this amendment be defeated.

Mr. FREY. I thank the Chairman for yielding.

Another part of the amendment in the way it is drawn has the expiration date of the entire language of this bill expiring on May 15, 1975. As I read the amendment, the authority for these two sections would not expire whatsoever. It would cause a tremendous conflict within the bill as written, and I think, although I certainly commend the gentleman for what he is trying to do, that this is not the way to do it.

Mr. HECHLER of West Virginia. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from West Virginia.

Mr. HECHLER of West Virginia. I thank the chairman for yielding.

Mr. Chairman, I have just returned from the convention of the United Mine Workers of America in Pittsburgh. The spirit of those coal miners has never been so high under their reform leadership and international president, Arnold Miller. The coal miners of this Nation are ready, willing, and eager to perform their patriotic duty by mining the coal necessary to meet the energy crisis. The demand for coal will require the employment of thousands of additional miners. It is absolutely essential that all miners be protected and that the energy crisis not be used as an excuse to weaken the protection of the Mine Safety Act. This is no time to weaken the Federal Coal Mine Health and Safety Act of 1969 which this Congress worked so hard to pass.

The number of deaths and injuries in the coal mines are still far too high in this most hazardous occupation in the Nation. Under the leadership of the safety division of the United Mine Workers of America great progress is being made. Now is not the time to turn the clock back and put the emphasis on production instead of protection. I think that for the sake of the energy crisis this would be a terrible time for the Nation to weaken the 1969 Federal Coal Mine Health and Safety Act.

Mr. STAGGERS. I thank the gentleman.

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

Mr. STAGGERS. I yield to the gentleman from Tennessee.

Mr. BAKER. I thank the gentleman for yielding.

I want to assure the gentlemen in this Chamber that there is no indication and no idea in my mind of weakening the Health and Safety Act among the miners. I have many of them in my district. I just want the unreasonable provisions recognized in the Mine and Safety Act, and somebody in authority ought to take recognition of the fact that the mine operators, the little mine operators, should not spend unnecessary money or put themselves out of business when they could be mining safely, if we were to recognize the true conditions that exist.

Mr. STAGGERS. I recognize the integrity of the gentleman and his intentions, but I do not believe this is the place to do it. I believe it should be done in regular order, so I urge that the amendment be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee (Mr. BAKER) to the amendment in the nature of a substitute offered by the gentleman from West Virginia (Mr. STAGGERS).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. BAKER. Mr. Chairman, I demand a recorded vote.

A recorded vote was refused.

So the amendment to the amendment in the nature of a substitute was rejected.

AMENDMENT OFFERED BY MR. FRASER TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. STAGGERS

Mr. FRASER. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute offered by the gentleman from West Virginia (Mr. STAGGERS).

The Clerk read as follows:

Amendment offered by Mr. FRASER to the amendment in the nature of a substitute offered by Mr. STAGGERS: Page 31, after line 17, insert the following new subsection:

(g) For purposes of this section, the terms "local governments" and "local units of government" include any metropolitan transportation organization designated as being responsible for carrying out section 134 of title 23, United States Code.

Redesignate the succeeding subsections of section 116 accordingly.

The CHAIRMAN. The Chair recognizes the gentleman from Minnesota under clause 6 of rule XXIII for 5 minutes.

Mr. FRASER. Mr. Chairman, I do not believe I will need the 5 minutes. I have checked this with both sides, the managers of the bill, and I hope they find it acceptable.

The purpose of my amendment is to make regional transportation planning agencies eligible for carpool funding under section 116 of this bill.

Since 1962, regional planning agencies, operating under section 134 of the Federal-Aid Highway Act, have attempted to identify their region's long-range transportation needs and outline alternative ways of dealing with current transportation deficiencies.

In most of the larger metropolitan areas, the section 134 agency, recognized by the Department of Transportation, is the areawide planning and coordination agency charged with the responsibility for undertaking comprehensive physical, social and economic planning for its metropolitan region.

Often these regional agencies span State lines. In the case of the Washington Metropolitan Area Council of Governments, parts of two States and the District of Columbia are covered. The Washington COG is currently operating a computerized carpool matching program. My amendment would enable the Washington COG to receive direct funding for its carpool system, provided that it continues to serve as the regional transportation planning agency under the terms of the Federal-Aid Highway Act.

The areawide comprehensive planning agencies are usually composed of elected officials representing local governments within the metropolitan area. My district, Minneapolis, happens to be part of a metropolitan region, whose areawide agency is organized somewhat differently. Our metropolitan council is an independent unit of government operating under State law. Its 15 members are appointed by the Governor of Minnesota. Transportation planning is only one of the council's wide ranging responsibilities.

Mr. Chairman, the new section 116 car

pool matching program represents a hopeful new effort to conserve energy and improve regional transportation systems at the same time. To be effective, any systematic car pool matching program should cover an entire metropolitan area. Obviously, we cannot expect each municipality within a metropolitan region to provide a car pool matching service for its residents.

It makes sense, then, to link the new section 116 program with ongoing efforts to develop more effective regional transportation programs. My amendment seeks to do this by making the one agency that knows the most about its area's transportation needs, the section 134 transportation planning agency, eligible for funding under section 116 of the Energy Emergency Act.

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

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

Mr. BROYHILL of North Carolina. I thank the gentleman.

Mr. Chairman, I agree that the urban transportation planning organizations that operate beyond city lines should certainly be recognized in the bill.

I have only one question and that is: What is section 134 of title XXIII, United States Code?

Mr. FRASER. That is the section of the Highway Act that states that there shall be formulated a comprehensive transportation plan in urban areas of over 50,000 and under an amendment in 1973 each State is required to designate an agency to carry on that planning.

Mr. BROYHILL of North Carolina. That was my understanding. I just wanted to get that definition in the RECORD.

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

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

Mr. GUDE. Mr. Chairman, I rise in support of the amendment.

I want to add my strong endorsement to the amendment offered by my colleague, the gentleman from Minnesota. There are more than 30 urban areas in the United States that cut across State boundaries. Often the only effective way to achieve a coordinated urban transportation policy in these areas is through regional planning agencies which include representatives from all the constituent governments in the area. In this area such an agency is the Metropolitan Washington Council of Governments which has already begun a computerized car pool matching program for the entire metropolitan area, including portions of Maryland, Virginia, and the District of Columbia. These jurisdictions working individually could not hope to create effective plans for the entire region. This amendment would permit regional groups such as COG to perform a valuable service in developing efficient car pool systems.

Without question car pooling has been shown to be one of the most effective ways of reducing motor vehicle traffic and thereby, gasoline consumption, all at considerable savings to the commuter. One study has shown the cost of a 10-mile commuter trip in a large urban area by one person in an auto to be $2.64. Various modes of rail transit ranged between $1.66 and $2.52 per ride, while a bus trip was estimated at $0.86. However, car pooling would reduce the per person cost to $0.88 if there were three riders, and only $0.66 if there were four riders. Moreover, if everyone joining a car pool stopped driving on his own, then every four-man pool represents a 75-percent savings on gasoline consumption. It makes good sense to encourage car pools, and it is only practical that we make available funds to all those agencies which can create effective car pools, as this amendment proposes.

Mr. STAGGERS. Mr. Chairman, I support the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota (Mr. FRASER) to the amendment in the nature of a substitute offered by the gentleman from West Virginia (Mr. STAGGERS).

The amendment to the amendment in the nature of a substitute was agreed to.

AMENDMENT OFFERED BY MR. MARTIN OF NORTH CAROLINA TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. STAGGERS

Mr. MARTIN of North Carolina. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute offered by the gentleman from West Virginia (Mr. STAGGERS).

The Clerk read as follows:

Amendment offered by Mr. MARTIN of North Carolina to the amendment in the nature of a substitute offered by Mr. STAGGERS: On page 6, at line 6, strike the period, and add: "; *Provided, however,* That any proposal by the President for the rationing of fuel for personal automobiles and recreational vehicles should, in addition to the basic non-discriminatory ration, include provisions under which the individual consumer may qualify for additional allocations of fuel upon payment of a fee or user charge on a per unit basis to the Federal Energy Administration."

POINT OF ORDER

Mr. STAGGERS. Mr. Chairman, I make a point of order against the amendment on the ground that it is not germane.

The CHAIRMAN. Does the gentleman from North Carolina desire to be heard on the point of order?

Mr. MARTIN of North Carolina. Mr. Chairman, I certainly would.

Mr. STAGGERS. Mr. Chairman, I make the point of order on the amendment on the ground that it authorizes a user's fee in the nature of a tax and that is not supposed to come within the jurisdiction of our committee. That authority is delegated to the Ways and Means Committee.

Mr. MARTIN of North Carolina. Mr. Chairman, I believe that the amendment is germane and pertinent to the section dealing with gasoline rationing. Far be it from me to test my experience against the experience of the chairman and for the most part I throw myself on the parliamentary wisdom and fairness of the Chair.

I will make one telling point. This amendment does not propose a tax as such and so does not run afoul of the prerogatives of the honorable Committee on Ways and Means. Instead it proposes an administrative fee to be charged, much as fees are charged by the National Park Service under the Golden Eagle plan for use of our park resources. This fee as I propose it would be charged for preferential use of any extra limited fuel resources.

The CHAIRMAN. The Chair is constrained to sustain the point of order on the ground that this amendment in effect would result in a tax not directly related to the rationing authority conferred by the amendment in the nature of a substitute.

AMENDMENT OFFERED BY MR. MARTIN OF NORTH CAROLINA TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. STAGGERS

Mr. MARTIN of North Carolina. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute offered by the gentleman from West Virginia (Mr. STAGGERS).

The Clerk read as follows:

Amendment offered by Mr. MARTIN of North Carolina to the amendment in the nature of a substitute offered by Mr. STAGGERS: On page 6, at line 6, strike the period, and add: "; *Provided, however,* That any proposal by the President for the rationing of fuel for personal automobiles and recreational vehicles should, in addition to the basic nondiscriminatory ration, include provisions under which the individual consumer may qualify for additional allocations of fuel."

Mr. MARTIN of North Carolina. Mr. Chairman, under the rule may I be heard in support of my amendment?

The CHAIRMAN. The gentleman can ask unanimous consent for time.

Mr. MARTIN of North Carolina. Mr. Chairman, I would ask unanimous consent first to explain that my second amendment is but a truncated amendment.

The CHAIRMAN. How much time does the gentleman desire to ask unanimous consent for?

Mr. MARTIN of North Carolina. Mr. Chairman, I ask unanimous consent to proceed for 3 minutes.

Mr. HOSMER. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. MARTIN of North Carolina. Mr. Chairman, I ask unanimous consent to proceed for 1 minute.

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

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from North Carolina (Mr. MARTIN) for 1 minute.

Mr. MARTIN of North Carolina. Mr. Chairman, my amendment proposes that in the event this Nation has to go to rationing of gasoline, as authorized by this bill, that we only do so on an equitable and fair basis; without having to have a cumbersome administrative apparatus to decide how much, if any, extra to allocate. We have all heard the appeals of traveling salesmen, hobbyists, tourists, sportsmen, large car owners, or the worker who lives a distance from his job.

My amendment provides that for per-

sonal automobiles or recreational vehicles, each consumer would get a basic ration—with no governmental favoritism for the hundreds of cases that will be brought asking for special treatment. No administrator will then have to decide whether one customer or one class of customers is entitled to a little more gasoline at the expense of somebody else. It provides instead that some extra share or ration can be obtained by any citizen exercising his or her own decision. The extra coupons, if that device is used, could be purchased from the administrator at a higher net price, or by meeting whatever other nondiscriminatory condition might be imposed. The decision would then be made on the basis of an economic consideration of need or value—rather than on administrative consideration.

A very important issue is at stake here. This bill before us already authorizes the President to establish gasoline rationing—or "end use allocation to individual consumers"—subject to legislative veto. It gives no direction as to the principles to be followed in any rationing system.

We need to give some direction. If on the one hand, we want rationing to be complete, with elaborate and ponderous administrative machinery for deciding which appeals for extra rationing are justified and which are not, which consumer has an essential case and which does not, if this is what we want, then we should amend the bill accordingly. I do not want this, because it would be chaotic and would lead to blackmarket profiteering.

If, on the other hand, we want rationing to be nondiscriminatory, with no preferential treatment of some consumers or classes for their personal automobiles or recreation, then we should amend the bill accordingly. And this is the objective of my amendment. It will indicate that we want a minimum of new bureaucracy; that we want special treatment only for vital areas of public safety, health, agriculture, and so forth, listed on page 4, line 9 of H.R. 11882 as reported; that we want any available reserve of gasoline, over and above that needed for these vital services and for the basic ration, to be offered to the public at a higher net price, for a fee payable to the Office of the Administrator.

This is what my amendment seeks to do, to preserve as much as possible of market and economic considerations instead of letting all decisions on distribution be made by the Government.

These are two different choices, but it may be that we do not want to give any direction, so that when the buck is passed we will just "duck the buck." In that case we should vote down all amendments on rationing, and just sit back and let somebody else lead this country.

Mr. Chairman, I hope the members of the committee will favor my amendment. It runs counter to the idea that Government is omniscient and can establish a complete set of priorities for the use of scarce fuels. It is not so much an ideological amendment as it is a pragmatic one.

It does not freeze out the poor, for they would be entitled to the same basic ration as anyone else, without having to qualify for it or buy it. They would be no worse off than they are now, perhaps better. It does not favor the rich any more than the vast majority—middle income consumers—who have their own job requirements for extra gasoline, their own hobbies, their own sporting interests. Under my amendment, if rationing comes, they would decide for themselves how to balance their needs—and wants—against economic considerations. Each could decide whether to pay the higher price or to ride the city bus, or join a car pool, or use a telephone more, or otherwise reduce consumption as an alternative to going above the basic ration.

Such a system would be equitable in sharing the shortage. It could be set up quickly and would minimize the bureaucracy. And it would let economic considerations comparable to the free market determine any extra allocations, and would tend to reduce demand.

I hope it will be adopted.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina (Mr. MARTIN) to the amendment in the nature of a substitute offered by the gentleman from West Virginia (Mr. STAGGERS).

The question was taken; and on a division (demanded by Mr. MARTIN of North Carolina) there were—ayes 53, noes 91.

So the amendment to the amendment in the nature of a substitute was rejected.

AMENDMENT OFFERED BY MR. ULLMAN TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. STAGGERS

Mr. ULLMAN. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute offered by the gentleman from West Virginia (Mr. STAGGERS).

The Clerk read as follows:

Amendment offered by Mr. ULLMAN to the amendment in the nature of a substitute offered by Mr. STAGGERS: Page 11, insert after line 11 the following:

(d) Nothing in this section or any other provision of this Act or of the Emergency Petroleum Allocation Act of 1973 shall be construed as authorizing the imposition of any tax.

(By unanimous consent, Mr. ULLMAN was allowed to proceed for 1 minute.)

Mr. ULLMAN. Mr. Chairman, this is a very simple amendment which merely makes it crystal clear that nothing in this act portends to or does grant away any of the taxing power of the Congress.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon (Mr. ULLMAN) to the amendment in the nature of a substitute offered by the gentleman from West Virginia (Mr. STAGGERS).

The amendment to the amendment in the nature of a substitute was agreed to.

AMENDMENT OFFERED BY MR. EDWARDS OF ALABAMA TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. STAGGERS

Mr. EDWARDS of Alabama. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute offered by the gentleman from West Virginia (Mr. STAGGERS).

The Clerk read as follows:

Amendment offered by Mr. EDWARDS of Alabama to the amendment in the nature of a substitute offered by Mr. STAGGERS:

On page 46, line 16, delete the word "paragraph" and insert the word "section."

On page 47, line 1, add a new section 119(a)(2) as follows:

"The Administrator shall, for any period beginning on or after the date of enactment of this section, temporarily suspend any stationary source fuel or emission limitation or other environmental protection requirement as it applies to any energy producing facility or refinery, if the Administrator finds that such facility or refinery will be unable to comply with such limitation during such period because of the unavailability of plant equipment or materials needed to construct an emission reduction system or other antipollution system and that such facility or refinery has entered into a contractual obligation to obtain the plant equipment or materials needed for such a system. A suspension granted under this paragraph shall be granted only for the period during which the facility or refinery to which it applies can reasonably be expected to be unable to obtain the plant equipment or materials needed to construct an emission reduction system or other antipollution system necessary to permit compliance with the stationary source fuel or emission limitation or other requirement which it suspends," and renumber the succeeding sections accordingly.

On page 52, line 7, delete subsection (e) of section 119 and add a new subparagraph (e) as follows: "No State or political subdivision may require any person, energy producing facility or refinery, to whom a suspension has been granted under subsection (a) to use any fuel the unavailability of which is the basis of such person's suspension or to meet any requirement the compliance with which is prevented by the unavailability of plant equipment or materials needed to construct an emission reduction or other antipollution system (except that this preemption shall not apply to requirements identical to Federal interim requirements under subsection (b) or a compliance schedule under subsection (a)(2)(A)(iii) including any requirement under subsection (a)(2)(B)(i). No State or political subdivision may require any person to use an emission reduction system for which priorities have been established under subsection (c) except in accordance with such priorities."

POINT OF ORDER

Mr. ROGERS. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. The gentleman will state his point of order.

Mr. ROGERS. Mr. Chairman, I must be constrained to make a point of order against this amendment. In checking the amendment, if one examines it carefully, it would amend the Federal Water Pollution Control Act, the Occupational Health and Safety Act, the Ocean Dumping Act; the Public Works Committee would be infringed upon; the Committee on Education and Labor would be infringed upon; the Committee on Merchant Marine and Fisheries would be infringed upon.

It is not germane. It also would amend the Solid Waste Disposal Act and the Coal Mine Health and Safety Act. It is not limited in time, nor constrained by any relationship to fuel shortage.

For all these reasons, a careful examination, I would think, would show that it is not germane and, furthermore, these matters have been already handled in the bill.

The CHAIRMAN. Will the gentleman from Florida cite the specific language? The Chair is concerned, because he has reference to page 46 of the committee amendment in the nature of a substitute, title II, and the language appearing on that page and thereafter.

Mr. ROGERS. Mr. Chairman, I think if the Chair would direct its attention to about the sixth line of the amendment, where it says, "Or other environmental protection requirement," which violates all of these other laws that this does not apply to at all, "To any energy producing facility or refinery."

The Chair can also direct its attention on the bottom, about four lines up, where it begins, "To meet any requirement the compliance with which is prevented by the unavailability of plant equipment or materials needed to construct an emission reduction or other antipollution system," so the language here is so broad it goes far beyond this act. It is an infringement on all of these other laws and on all the jurisdiction of these other committees.

The CHAIRMAN. Does the gentleman from Alabama (Mr. EDWARDS) desire to be heard on the point of order?

Mr. EDWARDS of Alabama. I would like to be heard, Mr. Chairman.

Mr. Chairman, first of all, let me say that I am impressed that I have been able to amend this many different acts and infringe upon this many different committees without realizing it.

This comes under the section called Suspension Authority, and in that section the Administrator is empowered to suspend the type of fuel an industry is required to use if it is not available.

By the same token, my amendment is limited to energy producing facilities or refineries which we desperately need now. And all it simply says is that if, in an effort to comply with EPA requirements, the Administrator finds that the material is not available, the Administrator has the right to suspend the requirement until the material is available if, in fact, the industry has made a good faith effort and a contract to obtain this equipment.

Mr. Chairman, to me this is a vital part of this particular legislation, trying to find ways to conserve fuel under the Emergency Energy Act. I think it is right on all fours with what this section is designed to do.

The CHAIRMAN (Mr. BOLLING). The Chair is prepared to rule.

While the language in the bill is broad, suspending certain procedural requirements of law, the Chair, in the absence of specific knowledge as to all of the other environmental protection requirements that are involved in the language of the amendment, feels constrained to sustain the point of order.

The Chair believes he will sustain the point of order on the ground that this language is simply so broad as to suspend virtually every requirement of law, and the Chair out of caution sustains it for fear of further broadening a bill which is already very broad.

AMENDMENT OFFERED BY MR. JONES OF OKLAHOMA TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. STAGGERS

Mr. JONES of Oklahoma. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute offered by the gentleman from West Virginia (Mr. STAGGERS).

The Clerk read as follows:

Amendment offered by Mr. JONES of Oklahoma to the amendment in the nature of a substitute offered by Mr. STAGGERS:

On page 9, after line 22, section 104 is amended by inserting the following new subsection after subsection (c), and redesignating the subsequent subsections:

SEC. 2. Price Control and Shortages. The President and the Administrator shall conduct a review of all rulings and regulations issued pursuant to the Economic Stabilization Act to determine if such rulings and regulations are contributing to the shortage of petroleum products, coal, natural gas, and petrochemical feedstocks, and of materials associated with the production of energy supplies, and equipment necessary to maintain and increase the exploration and production of coal, crude oil, natural gas, and other fuels. The results of this review shall be submitted to the Congress within thirty days of the date of enactment of this Act.

Mr. DINGELL. Mr. Chairman, I reserve a point of order.

Mr. HOSMER. Regular order, Mr. Chairman.

The CHAIRMAN. Regular order is ordered.

POINT OF ORDER

Mr. DINGELL. Mr. Chairman, I regretfully make a point of order against the amendment.

The CHAIRMAN. The gentleman will state his point of order.

Mr. DINGELL. Mr. Chairman, I would like to have given my good friend, the gentleman from Oklahoma, an opportunity to be heard.

Mr. Chairman, as the Chair will note, the amendment before us imposes the duty upon the President to perform a study related to the effectiveness and the effects of another statute, namely, the Economic Stabilization Act. As the Chair notes, the Economic Stabilization Act and studies under the Economic Stabilization Act lie in the jurisdiction of another committee, namely the Committee on Banking and Currency.

I am sure the Chair is also aware that nowhere else in this statute appears the Economic Stabilization Act.

While I recognize the merits of the amendment offered by the gentleman from Oklahoma and salute him for an awareness of a problem of considerable importance, nevertheless the rules of this House do not permit this committee to amend the Economic Stabilization Act, referring to the Committee on Interstate and Foreign Commerce, and indeed the Economic Stabilization Act is not mentioned anywhere else in the bill.

Of course, it follows the committee of which we are now a part may not direct studies relating to the effect of that under the guise of amending the bill H.R. 11882, because it deals with different matters.

I make a point of order against the amendment on the grounds of germaneness.

The CHAIRMAN. The gentleman from Oklahoma will be heard on the point of order.

Mr. JONES of Oklahoma. I think the amendment is germane to this bill, because in the first place it does fit into the overall concept of the bill in trying to ease our energy problems and fits in with the title of the bill.

Second, it does not amend the Economic Stabilization Act in any way but merely calls for a study to give to this Congress information that will be necessary in case an amendment to that act is necessary in the future.

So I believe it is germane to this bill, because it does fit into the overall objective.

The CHAIRMAN (Mr. BOLLING). The Chair is prepared to rule.

The amendment offered by the gentleman from Oklahoma (Mr. JONES) only provides for a study of certain effects of actions taken under the Economic Stabilization Act. The amendment in the nature of a substitute in its present form is replete with various studies.

Therefore the Chair overrules the point of order.

(By unanimous consent Mr. JONES of Oklahoma was allowed to proceed for 1 minute.)

Mr. JONES of Oklahoma. Very briefly, the purpose of this amendment is to direct the President and Administrator to conduct a study to discover if there is any relationship between the price control regulations and rulings and the present energy shortage, particularly as it affects new sources of energy and the equipment needed to produce those new sources of energy.

Known facts show that we have a decline in our domestic production and a shortage in equipment. Independent producers in my State are willing to go out and drill wells, but cannot get the equipment to do so. The reasons for this are that blame is laid on the price control rulings. Congress may be called on to rectify that, but we should not do it in a vacuum. We should have the studies conducted and the results back to us in 30 days so that we can take that action in a responsible manner.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma (Mr. JONES) to the amendment in the nature of a substitute offered by the gentleman from West Virginia (Mr. STAGGERS).

The amendment to the amendment in the nature of a substitute was agreed to.

AMENDMENT OFFERED BY MR. GILMAN TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. STAGGERS

Mr. GILMAN. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute offered by the gentleman from West Virginia (Mr. STAGGERS).

The Clerk read as follows:

Amendment offered by Mr. GILMAN to the amendment in the nature of a substitute offered by Mr. STAGGERS: On page 45, add a new section 125:

SEC. 125. DEVELOPMENT OF PROCESSES FOR THE CONVERSION OF COAL TO CRUDE OIL AND OTHER LIQUID AND GASEOUS HYDROCARBONS.

The President shall prepare and submit to Congress not later than 90 days after the date of enactment of this Act a plan for encouraging the conversion of coal to crude oil and other liquid and gaseous hydrocarbons.

(By unanimous consent Mr. GILMAN

was allowed to proceed for 1 minute and revise and extend his remarks.)

Mr. GILMAN. Mr. Chairman, my proposed amendment calls for the preparation and submission by the President to Congress within 90 days, a plan for developing a process for the conversion of coal to crude oil and other liquid and gaseous hydrocarbons.

Section 106 of this measure requires major fuel burning installations to convert to coal, in place of oil or natural gas, provided that these plants have the capability to do so and where the use of coal will have the least adverse environmental impact. While this is a necessary step, with coal being our most abundant natural resource, we cannot ignore the environmental concerns.

Coal can be effectively and safety converted to environmentally sound methods of usage. Research on the governmental level and in private industry has made some real breakthroughs in the conversion process. But our research has been helter-skelter and we are not fully apprised of the present status of coal conversion efforts.

What we need is an extensive, comprehensive plan, stepping up our research on coal conversion so that we can safely avail ourselves of the 390 billion tons of known recoverable coal.

Upon receiving this report from the President, as proposed by my amendment, we would be able to then determine where and how we should proceed in further efforts for converting coal to a safer burning fuel.

Our purpose in considering this legislation today is two-fold. We are dealing with the immediate energy shortages and at the same time taking a longer range look at the road ahead, making certain that we do not find ourselves the victims of recurring energy crunches.

As we look to the future, we are hopeful that we will be able to tap some of the more exotic energy sources: solar energy, geothermal energy and hydroelectric power. But as a more immediate solution to our energy problems we should certainly look to our most available resource—coal—which comprises 88 percent of all our known recoverable fuel reserves.

Accordingly, I urge my colleagues to adopt this amendment so that we might make use of our abundant coal reserves, safely and without any environmental hazards.

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

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

Mr. MOSS. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, I wonder if the gentleman from New York (Mr. GILMAN), would join in a unanimous consent request that his designation of the President would be changed to the Administrator, in order that it conform to the basic format of the substitute as it was reported and agreed upon in the Committee on Interstate and Foreign Commerce?

Mr. GILMAN. Mr. Chairman, I would have no objection to that.

Mr. MOSS. Mr. Chairman, I make that unanimous consent request to change the designation from the President to the Administrator.

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

There was no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. GILMAN), to the amendment in the nature of a substitute offered by the gentleman from West Virginia (Mr. STAGGERS).

The amendment to the amendment in the nature of a substitute was agreed to.

AMENDMENT OFFERED BY MS. HOLTZMAN TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. STAGGERS

Ms. HOLTZMAN. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute offered by the gentleman from West Virginia (Mr. STAGGERS).

The Clerk read as follows:

Amendment offered by Ms. HOLTZMAN to the amendment in the nature of a substitute offered by Mr. STAGGERS: Page 45, insert after line 9:

"SEC. 124. PROHIBITION OF PETROLEUM EXPORTS FOR MILITARY OPERATIONS IN INDOCHINA.

"In the exercise of his jurisdiction under the preceding section, and in order to conserve petroleum products for use in the United States, the Administrator shall prohibit the exportation of petroleum products for use, directly or indirectly, in military operations in South Vietnam, Cambodia or LAOS."

Page 45, line 9A, strike out "SEC. 124" and insert in lieu thereof "SEC. 125."

POINT OF ORDER

Mr. BROYHILL of North Carolina. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. The gentleman will state his point of order.

Mr. BROYHILL of North Carolina. Mr. Chairman, I make the point of order that this amendment is not germane to the bill since it deals with a subject matter that is under the jurisdiction of other committees of the House of Representatives, the Committee on Armed Services and the Committee on Foreign Affairs, as an example.

The CHAIRMAN. Does the gentlewoman from New York desire to be heard on the point of order?

Ms. HOLTZMAN. Mr. Chairman, I do desire to be heard on the point of order.

Mr. Chairman, certainly the subject of petroleum products seems to be within the jurisdiction of this committee since we have been debating this matter for at least 3 days. So I would urge that that subject is germane, and that my amendment is germane to the bill.

The CHAIRMAN (Mr. BOLLING). The Chair is prepared to rule.

The language of the amendment in the nature of a substitute which appears at the bottom of page 44 reads in part as follows:

To the extent necessary to carry out the purpose of this Act, the Administrator may under authority of this Act, by rule, restrict exports of coal, petroleum products, . . .

et cetera, et cetera.

The amendment offered by the gentlewoman from New York (Ms. HOLTZMAN) is a further delineation of that type of authority. Therefore the Chair overrules the point of order made by the gentleman from North Carolina (Mr. BROYHILL).

(By unanimous consent, Ms. HOLTZMAN was allowed to proceed for 1 minute.)

Ms. HOLTZMAN. Mr. Chairman, the purpose of this amendment is to deal with the problem that came to our attention in the last few days. We are apparently supplying about 23,590 barrels of oil per day to South Vietnam and Cambodia. In view of the extraordinary shortages here at home, it seems to be unnecessary to supply oil for military operations to Vietnam and Cambodia when we are taking it from the consumers and other users here at home.

I should also like to point out that South Vietnam and Cambodia may purchase oil from the Middle East, since they have not been boycotted by the Arabs, so that this amendment will not prevent their ability to obtain fuel from non-American sources.

I urge support of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York (Ms. HOLTZMAN) to the amendment in the nature of a substitute offered by the gentleman from West Virginia (Mr. STAGGERS).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Ms. HOLTZMAN. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 201, noes 172, answered "present" 1, not voting 58, as follows:

[Roll No. 686]

AYES—201

Abzug	Daniels, Dominick V.	Hamilton
Adams	Danielson	Hanley
Addabbo	de la Garza	Hanna
Alexander	Delaney	Hanrahan
Anderson, Calif.	Dellums	Hansen, Wash.
Anderson, Ill.	Denholm	Harrington
Andrews, N.C.	Donohue	Hawkins
Andrews, N. Dak.	Drinan	Hechler, W. Va.
Annunzio	Dulski	Heckler, Mass.
Aspin	du Pont	Heinz
Badillo	Eckhardt	Helstoski
Barrett	Edwards, Ala.	Hicks
Bennett	Edwards, Calif.	Holifield
Bergland	Eilberg	Holtzman
Bevill	Esch	Horton
Biaggi	Evans, Colo.	Howard
Biester	Evins, Tenn.	Hungate
Bingham	Fascell	Hutchinson
Blatnik	Fish	Johnson, Colo.
Boland	Flynt	Jones, N.C.
Brademas	Foley	Jones, Tenn.
Brasco	Ford, William D.	Jordan
Broomfield	Fountain	Karth
Brown, Calif.	Fraser	Kastenmeier
Brown, Mich.	Frenzel	Kazen
Broyhill, Va.	Froehlich	Koch
Burke, Fla.	Fulton	Kyros
Burke, Mass.	Fuqua	Landrum
Burlison, Mo.	Gaydos	Leggett
Burton	Gibbons	Lehman
Byron	Ginn	Litton
Carney, Ohio	Gonzalez	Long, La.
Carter	Grasso	Lujan
Cohen	Gray	McCloskey
Collins, Ill.	Green, Pa.	McCormack
Conte	Gross	McDade
Corman	Grover	Madden
Cotter	Gude	Madigan
Coughlin	Gunter	Matsunaga
Cronin	Guyer	Mazzoli
Culver	Haley	Mezvinsky
		Milford
		Miller

Minish	Rarick	Snyder
Mink	Rees	Stanton,
Minshall, Ohio	Regula	James V.
Mitchell, Md.	Reid	Stark
Moakley	Reuss	Steelman
Moorhead, Pa.	Rinaldo	Stuckey
Mosher	Robison, N.Y.	Studds
Moss	Rodino	Symington
Murphy, Ill.	Roe	Thompson, N.J.
Natcher	Roncalio, Wyo.	Thomson, Wis.
Nedzi	Rooney, Pa.	Thone
Nichols	Rose	Tiernan
Obey	Rosenthal	Udall
O'Neill	Rostenkowski	Van Deerlin
Owens	Roush	Vander Jagt
Parris	Roy	Vanik
Patten	Roybal	Vigorito
Pepper	Ryan	Waldie
Pickle	St Germain	White
Pike	Sarasin	Whitten
Podell	Sarbanes	Wolff
Price, Ill.	Schroeder	Wylie
Pritchard	Seiberling	Yates
Railsback	Shriver	Yatron
Randall	Shuster	Young, Ga.
Rangel	Smith, Iowa	

NOES—172

Abdnor	Goldwater	Price, Tex.
Archer	Goodling	Quie
Arends	Hammer-	Quillen
Armstrong	schmidt	Rhodes
Ashbrook	Hansen, Idaho	Roberts
Ashley	Hastings	Robinson, Va.
Bafalis	Henderson	Rogers
Baker	Hillis	Rousselot
Bauman	Hinshaw	Ruppe
Blackburn	Hogan	Ruth
Bray	Holt	Satterfield
Breckinridge	Hosmer	Scherle
Brinkley	Huber	Schneebeli
Brooks	Hudnut	Sebelius
Brotzman	Jarman	Shipley
Brown, Ohio	Johnson, Pa.	Shoup
Broyhill, N.C.	Jones, Ala.	Sikes
Buchanan	Jones, Okla.	Sisk
Burgener	Kemp	Skubitz
Burleson, Tex.	Ketchum	Slack
Butler	Kuykendall	Smith, N.Y.
Camp	Landgrebe	Spence
Casey, Tex.	Latta	Staggers
Cederberg	Lent	Stanton,
Chamberlain	Long, Md.	J. William
Chappell	Lott	Steed
Clancy	McClory	Steiger, Ariz.
Clausen,	McCollister	Steiger, Wis.
Don H.	McEwen	Stephens
Cleveland	McFall	Stratton
Cochran	McKay	Stubblefield
Collier	McKinney	Symms
Collins, Tex.	McSpadden	Talcott
Conable	Mahon	Taylor, N.C.
Conlan	Mallary	Teague, Calif.
Crane	Mann	Teague, Tex.
Daniel, Dan	Maraziti	Towell, Nev.
Daniel, Robert	Martin, Nebr.	Treen
W., Jr.	Mathias, Calif.	Ullman
Davis, Ga.	Mathis, Ga.	Waggonner
Davis, S.C.	Mayne	Wampler
Davis, Wis.	Michel	Whitehurst
Dellenback	Mitchell, N.Y.	Widnall
Dennis	Mizell	Wiggins
Derwinski	Mollohan	Wilson, Bob
Devine	Montgomery	Wilson,
Dickinson	Moorhead,	Charles H.,
Downing	Calif.	Calif.
Duncan	Murphy, N.Y.	Wilson,
Eshleman	Myers	Charles, Tex.
Findley	Nelsen	Winn
Fisher	O'Brien	Wydler
Flood	O'Hara	Wyman
Flowers	Passman	Young, Alaska
Forsythe	Perkins	Young, Fla.
Frelinghuysen	Pettis	Young, Ill.
Frey	Peyser	Young, S.C.
Gettys	Poage	Young, Tex.
Giaimo	Powell, Ohio	Zablocki
Gilman	Preyer	Zion

ANSWERED "PRESENT"—1

Beard

NOT VOTING—58

Bell	Diggs	Johnson, Calif.
Boggs	Dingell	Keating
Bolling	Dorn	King
Bowen	Erlenborn	Kluczynski
Breaux	Green, Oreg.	Macdonald
Burke, Calif.	Griffiths	Mailliard
Carey, N.Y.	Gubser	Martin, N.C.
Chisholm	Harsha	Meeds
Clark	Harvey	Melcher
Clawson, Del	Hays	Metcalfe
Clay	Hébert	Mills, Ark.
Conyers	Hunt	Morgan
Dent	Ichord	Nix
Patman	Stokes	Whalen
Riegle	Sullivan	Williams
Roncallo, N.Y.	Taylor, Mo.	Wright
Rooney, N.Y.	Thornton	Wyatt
Runnels	Veysey	Zwach
Sandman	Walsh	
Steele	Ware	

So the amendment to the amendment in the nature of a substitute was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. GROSS TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. STAGGERS

Mr. GROSS. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute offered by the gentleman from West Virginia (Mr. STAGGERS).

The Clerk read as follows:

Amendment offered by Mr. GROSS to the amendment in the nature of a substitute offered by Mr. STAGGERS: Page 45, insert after line 9:

"SEC. 124. PROHIBITION OF PETROLEUM EXPORTS FOR MILITARY OPERATIONS IN INDOCHINA.

"In the exercise of his jurisdiction under the preceding section, and in order to conserve petroleum products for use in the United States, the Administrator shall prohibit the exportation of petroleum products for use, directly or indirectly, in military operations in Israel.

Page 45, line 9A, strike out "Sec. 124" and insert in lieu thereof "Sec. 125."

(By unanimous consent, Mr. GROSS was allowed to proceed for 1 minute.)

Mr. GROSS. Mr. Chairman, there is no better time than 5 minutes after midnight, heralding this new day, to spread the good things of life as far around the world as it is possible to do so.

I ask for the adoption of my amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. GROSS) to the amendment in the nature of a substitute offered by the gentleman from West Virginia (Mr. STAGGERS).

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

RECORDED VOTE

Mr. LONG of Maryland. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 50, noes 320, answered "present" 1, not voting 61, as follows:

[Roll No. 687]

AYES—50

Bevill	Hicks	Nedzi
Brown, Mich.	Hungate	Nichols
Burlison, Mo.	Johnson, Colo.	Powell, Ohio
Byron	Johnson, Pa.	Railsback
du Pont	Kazen	Randall
Edwards, Ala.	Landgrebe	Rarick
Esch	Landrum	Regula
Flynt	Litton	Rose
Fuqua	McSpadden	Scherle
Ginn	Martin, Nebr.	Shuster
Goodling	Matsunaga	Snyder
Gross	Mazzoli	Stanton,
Guyer	Milford	J. William
Hanna	Miller	Steelman
Hanrahan	Mink	Stuckey
Hansen, Wash.	Minshall, Ohio	Vander Jagt
Hechler, W. Va.	Mosher	Wylie

NOES—320

Abdnor	Alexander	Andrews, N.C.
Abzug	Anderson,	Andrews,
Adams	Calif.	N. Dak.
Addabbo	Anderson, Ill.	Annunzio
Archer	Froehlich	Pickle
Arends	Fulton	Pike
Armstrong	Gaydos	Poage
Ashbrook	Gettys	Podell
Ashley	Giaimo	Preyer
Aspin	Gibbons	Price, Ill.
Badillo	Gilman	Price, Tex.
Bafalis	Goldwater	Pritchard
Baker	Gonzalez	Quie
Barrett	Grasso	Quillen
Bauman	Gray	Rangel
Bennett	Green, Oreg.	Rees
Bergland	Green, Pa.	Reid
Biaggi	Grover	Reuss
Biester	Gude	Rhodes
Bingham	Gunter	Rinaldo
Blackburn	Haley	Roberts
Blatnik	Hamilton	Robinson, Va.
Boland	Hammer-	Robison, N.Y.
Brademas	schmidt	Rodino
Brasco	Hanley	Roe
Bray	Hansen, Idaho	Rogers
Breckinridge	Harrington	Roncalio, Wyo.
Brinkley	Hawkins	Rooney, Pa.
Brooks	Heckler, Mass.	Rostenkowski
Broomfield	Heinz	Roush
Brotzman	Helstoski	Rousselot
Brown, Calif.	Henderson	Roy
Brown, Ohio	Hillis	Roybal
Broyhill, N.C.	Hinshaw	Ruppe
Broyhill, Va.	Hogan	Ruth
Buchanan	Holifield	Ryan
Burgener	Holt	St Germain
Burke, Fla.	Holtzman	Sarasin
Burke, Mass.	Horton	Sarbanes
Burleson, Tex.	Hosmer	Satterfield
Burton	Howard	Schneebeli
Butler	Huber	Schroeder
Camp	Hudnut	Sebelius
Carney, Ohio	Jarman	Seiberling
Carter	Jones, Ala.	Shipley
Casey, Tex.	Jones, N.C.	Shoup
Cederberg	Jones, Okla.	Shriver
Chamberlain	Jones, Tenn.	Sikes
Chappell	Jordan	Sisk
Clancy	Karth	Skubitz
Clausen,	Kastenmeier	Slack
Don H.	Kemp	Smith, Iowa
Cleveland	Ketchum	Smith, N.Y.
Cochran	Koch	Spence
Cohen	Kuykendall	Staggers
Collier	Kyros	Stark
Collins, Ill.	Latta	Steed
Collins, Tex.	Leggett	Steiger, Ariz.
Conable	Lehman	Steiger, Wis.
Conlan	Lent	Stephens
Conte	Long, La.	Stratton
Corman	Long, Md.	Stubblefield
Cotter	Lott	Studds
Coughlin	Lujan	Symington
Crane	McClory	Symms
Cronin	McCloskey	Talcott
Culver	McCollister	Taylor, N.C.
Daniel, Dan	McCormack	Teague, Calif.
Daniel, Robert	McDade	Teague, Tex.
W., Jr.	McEwen	Thompson, N.J.
Daniels,	McFall	Thomson, Wis.
Dominick V.	McKay	Thone
Danielson	McKinney	Thornton
Davis, Ga.	Madden	Tiernan
Davis, S.C.	Madigan	Towell, Nev.
Davis, Wis.	Mahon	Treen
de la Garza	Mallary	Udall
Delaney	Mann	Ullman
Dellenback	Maraziti	Van Deerlin
Dellums	Martin, N.C.	Vanik
Denholm	Mathias, Calif.	Vigorito
Dennis	Mathis, Ga.	Waggonner
Derwinski	Mezvinsky	Waldie
Devine	Michel	Wampler
Dickinson	Minish	White
Dingell	Mitchell, Md.	Whitehurst
Donohue	Mitchell, N.Y.	Whitten
Downing	Mizell	Widnall
Drinan	Moakley	Wiggins
Dulski	Mollohan	Wilson, Bob
Duncan	Montgomery	Wilson,
Eckhardt	Moorhead,	Charles H.,
Edwards, Calif.	Calif.	Calif.
Eilberg	Moss	Wilson,
Eshleman	Murphy, Ill.	Charles, Tex.
Evans, Colo.	Murphy, N.Y.	Winn
Evins, Tenn.	Myers	Wolff
Fascell	Natcher	Wydler
Findley	Nelsen	Wyman
Fish	Obey	Yates
Fisher	O'Brien	Yatron
Flood	O'Hara	Young, Alaska
Flowers	O'Neill	Young, Fla.
Foley	Owens	Young, Ga.
Ford,	Parris	Young, Ill.
William D.	Passman	Young, S.C.
Forsythe	Patten	Young, Tex.
Fountain	Pepper	Zablocki
Fraser	Perkins	Zion
Frelinghuysen	Pettis	
Frenzel	Peyser	

ANSWERED "PRESENT"—1

Beard

NOT VOTING—61

Bell	Hastings	Riegle
Boggs	Hays	Roncallo, N.Y.
Bolling	Hébert	Rooney, N.Y.
Bowen	Hunt	Rosenthal
Breaux	Hutchinson	Runnels
Burke, Calif.	Ichord	Sandman
Carey, N.Y.	Johnson, Calif.	Stanton, James V.
Chisholm	Keating	Steele
Clark	King	Stokes
Clawson, Del	Kluczynski	Sullivan
Clay	Macdonald	Taylor, Mo.
Conyers	Mailliard	Veysey
Dent	Mayne	Walsh
Diggs	Meeds	Ware
Dorn	Melcher	Whalen
Erlenborn	Metcalfe	Williams
Frey	Mills, Ark.	Wright
Griffiths	Moorhead, Pa.	Wyatt
Gubser	Morgan	Zwach
Harsha	Nix	
Harvey	Patman	

So the amendment to the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. VIGORITO TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. STAGGERS

Mr. VIGORITO. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute offered by the gentleman from West Virginia (Mr. STAGGERS).

The Clerk read as follows:

Amendment offered by Mr. VIGORITO to the amendment in the nature of a substitute offered by Mr. STAGGERS: At the end of the bill, add a new title as follows:

TITLE III—NONRETURNABLE BEVERAGE CONTAINER PROHIBITION ACT

SEC. 301. To reduce energy waste which is caused by the production of nonreturnable containers used for the packaging of soft drinks caused by the production of nonreturnable containers used for the packaging of soft drinks and beer, and to assure energy conservation, so that the essential needs of the United States are met, by banning such containers when they are sold in interstate commerce on a no-deposit, no-return basis.

(a) The Congress finds that the utilization of returnable beverage containers would result in substantial energy savings.

(b) It is the purpose of this Act to assist in the solving of this energy situation by preventing the use and circulation of the offending types of nonreturnable containers by banning their shipment and sale in interstate commerce.

SEC. 303. Definitions:

(1) Returnable beverage container means a beverage container which

(a) has a refund value

(b) is not a metal container with a detachable opening in the container

(2) "beverage" means any variety of liquid intended for human consumption

(3) "container" means a bottle, jar, can or carton of glass, plastic or metal or any combination thereof, for use in packaging a beverage.

SEC. 304. (a) No person shall manufacture for sale, sell, offer for sale, or introduce or deliver for introduction in interstate commerce any non-returnable container with respect to which no refundable money deposit is required from the consumer.

(b) Whoever violates subsection (a) of this section shall be fined not more than $1,000 or imprisoned for not more than six months or both.

(c) The President or Chairman of the Interstate Commerce Commission shall establish such regulations as are necessary for the purpose of this Act.

The CHAIRMAN. Will the gentleman from Pennsylvania advise the Chair if the amendment is printed in the RECORD.

Mr. VIGORITO. Yes, it is.

POINT OF ORDER

Mr. ROGERS. Mr. Chairman, I make a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. ROGERS. Mr. Chairman, I make the point of order that this amendment is not germane because obviously it creates a whole new title. It does not amend any existing section of the bill.

Second, it refers to nonreturnable beverage containers. This is not mentioned in the existing substitute.

Third, in effect it constitutes an amendment to the Solid Waste Disposal Act but with regulatory effect, affecting none of the operative provisions of the amendment and any reference to energy conservation; and, finally, the amendment regulates economic relationship between the purchaser and seller of consumer goods. This is not done anywhere in H.R. 11882, except maybe one could argue the windfall profits section might affect that, which this does not purport to amend.

For these reasons, Mr. Chairman, I am constrained to object and say it is not germane.

The CHAIRMAN. Does the gentleman from Pennsylvania desire to be heard on the point of order?

Mr. VIGORITO. Yes, Mr. Chairman. I think this is appropriate at this time because we are trying to save energy, and we definitely will save energy here, because we are using one-way containers, about 60 or 70 billion of them every year, and increasing at the rate of 70 billion every year. One returnable container can be used 20 times.

The CHAIRMAN. The gentleman from Pennsylvania will address himself to the point of order.

Mr. VIGORITO. Mr. Chairman, I leave it to the Chairman.

The CHAIRMAN. The Chair is prepared to rule.

For all the reasons outlined by the gentleman from Florida the amendment is clearly not germane to this bill and the Chair sustains the point of order.

AMENDMENT OFFERED BY MR. FLYNT TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. STAGGERS

Mr. FLYNT. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute offered by the gentleman from West Virginia (Mr. STAGGERS).

The Clerk read as follows:

Amendment offered by Mr. FLYNT to the amendment in the nature of a substitute offered by Mr. STAGGERS: Page 31, line 21 strike out the period, and insert a semi-colon and the following: "and, *provided further*, That the aggregate number of fuel inefficient passenger motor vehicles purchased by or for the legislative and judicial branches of the Federal Government and for all Departments in the executive branch may not exceed 30 per centum of the aggregate number of passenger motor vehicles purchased by each such branch in such year; and the aggregate number of fuel inefficient passenger motor vehicles purchased by each such branch in fiscal year 1976 may not exceed 10 per centum of the aggregate number of passenger motor vehicles by each such branch in each such year. For purposes of this subsection the term, fuel inefficient passenger motor vehicle for fiscal year 1975 means an automobile which does not achieve at least seventeen miles per gallon as certified by the Department of Transportation; for fiscal year 1976, and thereafter, the term fuel inefficient passenger motor vehicle means an automobile which does not achieve at least twenty miles per gallon, as certified by the Department of Transportation.

POINT OF ORDER

Mr. BROYHILL of North Carolina. Mr. Chairman, I make the point of order that this is an amendment or the language of an amendment which has already been considered, an amendment offered by the gentleman from California (Mr. ANDERSON).

The CHAIRMAN. Does the gentleman from Georgia desire to be heard?

Mr. FLYNT. Mr. Chairman, I am surprised that the gentleman from North Carolina would make a point of order against this amendment because this is the example setting section of the bill. We have asked everybody under creation to set an example by trying to conserve fuel and energy. This goes beyond the scope of the amendment offered by the gentleman from California. I have talked with the gentleman from California and I talked with him at the time he offered his amendment and he said if he had thought about it he would have included this too.

The CHAIRMAN. The Chair is prepared to rule.

The amendment offered by the gentleman from Georgia does not amend the Anderson of California amendment. The Chair therefore overrules the point of order.

Mr. FLYNT. I thank the Chairman.

(By unanimous consent Mr. FLYNT was allowed to proceed for 1 minute.)

Mr. FLYNT. Mr. Chairman, actually in speaking in opposition to the point of order, which the Chairman in his wisdom saw fit to overrule, I think I made my point. I just want to read this section of this bill that I am seeking to amend. It says:

(g) As an example to the rest of our Nation's automobile users, the President of the United States shall take such action as is necessary to require all agencies of Government, where practical, to use economy model motor vehicles.

Economy begins here and it should begin with us. I simply ask the Committee to try to conserve fuel by example as well as by precept.

This is the example selling section of the bill and I want to strengthen it.

This is a good amendment and by adopting it we can say that we want to conserve fuel as well as tell other people to conserve.

We can not expect Mr. Average Citizen to save on gas and energy fuel unless we ourselves are willing to do the same thing.

I urge the adoption of my amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. FLYNT) to the amendment in the nature of a substitute offered by the gentleman from West Virginia (Mr. STAGGERS).

The amendment to the amendment in the nature of a substitute was agreed to.

AMENDMENT OFFERED BY MR. CONTE TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. STAGGERS

Mr. CONTE. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute offered by the gentleman from West Virginia (Mr. STAGGERS).

The Clerk read as follows:

Amendment offered by Mr. CONTE to the amendment in the nature of a substitute offered by Mr. STAGGERS: On page 44, immediately below line 21, insert the following:

(c) In order to assist the effective implementation of the purposes of this Act by the Federal Government in the area of Federal employment, the President, through such authority or authorities in the executive branch as he considers appropriate, shall prepare and submit to the Congress within ninety days after the date of enactment of this act a detailed and comprehensive plan for the establishment and institution, to the extent practicable, of a new basic administrative workweek of forty hours for Federal civilian employees in the executive branch generally, with the requirements that the hours of work in such workweek be performed within a period of not more than four of any seven consecutive days, that the workweek occur in the period of Monday through Friday where possible, and that the basic nonovertime workday not exceed ten hours. Such plan shall make such new basic administrative workweek effective not later than the close of the sixth calendar month beginning after the date of enactment of this Act and contain such exemptions as may be necessary in the interests of the national security, the public welfare generally, the preservation of law and order, and the effective and efficient conduct of Federal activities and duties. In addition, the President shall submit to the Congress along with such detailed and comprehensive plan for a new basic administrative workweek such comprehensive draft or drafts of additional legislation as he considers necessary to fully implement such plan.

Mr. CONTE. Mr. Chairman, I ask unanimous consent to proceed for 1 minute to explain my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. CONTE. Mr. Chairman, I was pleased to learn the news that the President had declared December 24 and 31 holidays for Federal employees.

On this past November 26, I introduced House Resolution 716, urging the President to set aside these days for the purpose of saving energy and also to change the standard workweek for Federal employees to 4 days a week. This Monday through Thursday week would continue for as long as the President determined necessary. I also wrote to the President, prior to the filing of this measure, telling him of the necessity of conserving fuel supplies in every manner possible.

My amendment here today again calls for the establishment of this revised workweek.

It is not the intention of this action to overwork civil service employees. They would still work a total of 40 hours per week under this plan. This is an efficiency measure which would make better use of those 40 hours for all parties concerned and conserve energy as well. Overtime laws, presently in effect, would, of course, have to be changed to reflect the new status of the 4-day workweek in the scheme of governmental operations.

There exists at the present time an overriding need to conserve fuel supplies. The curtailment of energy supplies in the lighting, heating, and use of office machinery within the Federal buildings and offices would serve this end. The prompt action and example of the executive branch of our Government in implementing a 4-day work-week would bring about that curtailment.

By way of illustration, let me point out that Federal offices use about 891 trillion Btu's of energy each year. Under this proposal, one-half million barrels of fuel could be saved for each day that Federal offices were closed. This would amount to enough energy to heat 10,000 homes for the entire winter. This measure, then, can be predicted to be an effective means of easing our energy problems.

Transportation costs to the Federal employees would be reduced as much as 20 percent a week under this plan, and a significant reduction in pollution and commuter traffic would be a fringe benefit.

With fewer startups, coffee breaks, and lunch hours, the Federal Government would be the beneficiary of increased efficiency. We can expect a lower turnover in absenteeism. The increased leisure time of the long weekend would give a competitive advantage to the Government in recruiting skilled personnel and improved employee morale would be likely to spread.

The Federal Government must set the example. There is a total Federal work force of about 2.3 million, the greatest concentration of whom are settled in the Washington metropolitan area. Fully two-thirds of these people could be included under this proposal. It would be hoped that we could take the lead in proving the worth of the 4-day week so that State, city, and municipal governments would fall in line. What we need, in other words, is a domino effect which would stretch into the business community as the country as a whole mobilizes for the crunch that is already upon us.

I urge your support for this measure.

POINT OF ORDER

Mr. DINGELL. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. DINGELL. Mr. Chairman, I make a point of order that the amendment offered by my good friend from Massachusetts is not germane. The reasons, I think, are apparent to the Chair.

The amendment offered by my good friend would setup a 4-day workweek. I would be, I think, as surprised as the Chair if he were to find elsewhere in the bill and, indeed, on the basis referred to any reference to a 4-day, 40-hour workweek.

Obviously this matter is not within the jurisdiction of the Committee on Interstate and Foreign Commerce, but rather in the rules of Congress under the hands of the Committee on Post Office and Civil Service, if that committee has not voted away that power. I am not sure they did that some time back.

In any event, the amendment seeks to go far beyond the purpose and scope of the bill and deals with a whole new question, the workweek of Federal employees lying within the jurisdiction of a totally different committee.

For that reason, Mr. Chairman, I insist on the point of order as not being germane.

The CHAIRMAN. Does the gentleman from Massachusetts desire to be heard on the point of order?

Mr. CONTE. Yes, I do, Mr. Chairman.

The CHAIRMAN. The gentleman from Massachusetts is recognized.

Mr. CONTE. Mr. Chairman, before I proceed, it would be appropriate to announce to the House that we had 16 rollcalls for yeas and nays as a record in the House, and we have broken that record tonight with 21 so far.

Mr. Chairman, I think that the amendment is germane. If we look at section 122, which is the Employment Impact and Worker Assistance section, the first point of that section, (a) says that carrying out his responsibilities under this act, the President shall take into consideration and shall minimize, to the fullest extent practicable, any adverse impact of actions taken pursuant to this act upon employment.

I certainly feel this is germane. It takes that into consideration. It provides for a 40-hour workweek, 10 hours a day, keeping in mind the Civil Service laws and the overtime laws. If it does not go into effect and there is a shortage of energy, it is very, very possible, that a lot of Federal employees will be out of work much less than 40 hours a week.

Therefore, I hope the Chair will rule in my favor.

The CHAIRMAN. The Chair is prepared to rule. Despite the eloquent argument of the gentleman from Massachusetts, the fact of the matter is that the amendment goes well beyond the purposes of the section of the bill and the bill itself and the matter contained in the amendment surely comes within the jurisdiction of the Committee on Post Office and Civil Service.

Therefore, the point of order of the gentleman from Michigan is sustained.

AMENDMENT OFFERED BY MR. CARNEY OF OHIO TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. STAGGERS

Mr. CARNEY of Ohio. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute offered by the gentleman from West Virginia (Mr. STAGGERS).

The Clerk read as follows:

Amendment offered by Mr. CARNEY of Ohio to the amendment in the nature of a substitute offered by Mr. STAGGERS: Page 32, strike out line 9, and insert in lieu thereof the following:

SEC. 117. PROHIBITION ON PRICE GOUGING

Page 32, line 12, insert "to prevent price gouging with respect to sales of crude oil, residual fuel oil, refined petroleum products, and coal, including sales of diesel fuel to motor common carriers" immediately after "amended".

Mr. CARNEY of Ohio. Mr. Chairman, I ask unanimous consent to proceed for 1 minute in order to explain my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. CARNEY of Ohio. Mr. Chairman, we have seen and read a lot, although we have not had much time this week, but when we do get time to see the newspaper, we see that there is much distress among all truck drivers in the country basically on two things: First, they cannot get sufficient gasoline, only 15 gallons in places which can carry them only about 70 miles; second, they are being charged too much for fuel in some cases.

The committee, in its wisdom, has language in the bill which it adopted in the committee to take care of the first item. This amendment is an attempt to give some relief to truck drivers who are being gouged. Although we cannot condone every action they have taken, this amendment would show that we do recognize that there is a problem of price gouging and that Congress intends to give them some relief.

Mr. Chairman, I would urge the Members in their superior wisdom to adopt this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. CARNEY), to the amendment in the nature of a substitute offered by the gentleman from West Virginia (Mr. STAGGERS).

The amendment to the amendment in the nature of a substitute was agreed to.

AMENDMENT OFFERED BY MR. MATSUNAGA TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. STAGGERS

Mr. MATSUNAGA. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute offered by the gentleman from West Virginia (Mr. STAGGERS).

The Clerk read as follows:

Amendment offered by Mr. MATSUNAGA to the amendment in the nature of a substitute offered by Mr. STAGGERS: On page 4, line 13, after "safety," insert "employment"

Mr. MATSUNAGA. Mr. Chairman, I ask unanimous consent that I may proceed for 1 minute in explanation of my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Hawaii?

There was no objection.

Mr. MATSUNAGA. Mr. Chairman, the amendment which I offer is a simple clarifying amendment. It merely inserts one word into section 103 of the bill, H.R. 11882, which is being considered as an amendment in the nature of a substitute. The word is "employment," and it is proposed that it be added to line 13 of page 4 after the word "safety," so that line 13 would then read "health, safety, employment and the public welfare."

The amendment is fully in keeping with the purpose of the bill as laid out in section 101, calling for such actions as will meet the essential fuel needs of our Nation in such manner as will "minimize any adverse impact on employment."

My amendment is necessary because some doubt has been entertained as to whether or not the generic term "public welfare" as used in section 103 includes employment. Legal experts disagree on this point. Some say it does; others say it does not. My amendment would make it crystal clear, that in the ordering of priorities the impact on employment in vital services must be considered as a factor.

Certainly, Mr. Chairman no reasonable man is going to oppose this amendment, and I urge its adoption.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Hawaii (Mr. MATSUNAGA) to the amendment in the nature of a substitute offered by the gentleman from West Virginia (Mr. STAGGERS).

The question was taken; and on a division (demanded by Mr. MATSUNAGA) there were—ayes 112; noes 22.

So the amendment to the amendment in the nature of a substitute was agreed to.

AMENDMENT OFFERED BY MR. HECHLER OF WEST VIRGINIA TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. STAGGERS

Mr. HECHLER of West Virginia. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute offered by the gentleman from West Virginia (Mr. STAGGERS).

The Clerk read as follows:

Amendment offered by Mr. HECHLER of West Virginia to the amendment in the nature of a substitute offered by Mr. STAGGERS: On Page 31, Line 14, Strike out "$25,000,000" and insert "$1,000,000".

Mr. HECHLER of West Virginia. Mr. Chairman, I ask unanimous consent to address the House for 1 minute in order to explain my amendment.

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

Mr. DU PONT. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. HECHLER of West Virginia. Mr. Chairman, I ask unanimous consent to address the House for 30 seconds in order to explain my amendment.

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

Mr. DU PONT. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. HECHLER of West Virginia. Mr. Chairman, I ask unanimous consent to address the House for 15 seconds in order to explain my amendment.

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

Mr. DU PONT. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. HECHLER of West Virginia. Mr. Chairman, under our liberal rules which allow Members to revise and extend their remarks, I feel I owe the committee and the House an explanation of this amendment even though I am not actually speaking these words on the floor. My good friend and colleague from Delaware (Mr. DU PONT), for whom I have great affection and regard, was fully within his rights in objecting to my request for time to explain my amendment. He was courteous and good humored in informing me in advance that he would object, because I have objected to the consideration of resolutions like National High Blood Pressure Week, and National Check Your Vehicle Emissions Month which I personally feel should not be dignified as part of the legislative process. I respect my friend from Delaware for his position, and trust that he may reciprocally appreciate that my objections are not frivolous but are a sincere expression that the House of Representatives must devote its energies to more important problems facing the Nation.

With respect to my amendment, which reduces from $25 million to $1 million the authorization for the Office of Carpool Promotion in the Department of Transportation, I would like to observe that one of the prime ways to save gasoline is through carpooling, which I heartily endorse. However, I feel that the formation of carpools must be done at the grassroots, and not through the dictation of a new Federal bureaucracy freshly established. Nor is it necessary to dispense $25 million of Federal largesse for this purpose. The use of the express bus lanes of Shirley Highway by carpools containing at least four passengers in each car has been working very well, thank you, without any Federal handout. The carpools established during gas shortages in World War II were organized without Federal subsidies. It seems to me that action by every local community, civic group, and family will better be inspired and stimulated at the local level rather than calling the shots from Washington.

Finally, a clue to the nature of this new office is in its title and the language of the bill itself. This is an "Office of Carpool Promotion." It will be noted that on page 30, subsections (2), (3), (4), and (5) commence with the words "promoting, encouraging and promoting," "promoting," and "promoting." I believe one of the evils of this administration has been that it is so filled with promoters that they tend to lose sight of substance and truth in their excessive zeal to "promote" everything under the sun. I would rather trust the local initiatives at the local level than all this high-powered promotion dictated from Washington. The people of this Nation are bombarded day and night already with the fast-gushing propaganda of full-page ads, radio and television commercials, billboards, and other "mass media" efforts by the oil corporations; let us not spend any more taxpayers' money on what we ought to be doing better ourselves without all this "hifalutin" promotion.

This is why I feel that a $1 million ceiling is better than $25 million, and I hope they do not even have to spend that much.

The question is on the amendment offered by the gentleman from West Virginia (Mr. HECHLER) to the amendment in the nature of a substitute offered by the gentleman from West Virginia (Mr. STAGGERS).

The amendment to the amendment in the nature of a substitute was agreed to.

AMENDMENT OFFERED BY MR. RANDALL TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. STAGGERS

Mr. RANDALL. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute offered by the gentleman from West Virginia (Mr. STAGGERS).

The Clerk read as follows:

Amendment offered by Mr. RANDALL to the amendment in the nature of a substitute offered by Mr. STAGGERS: Page 7, line 17, after the word "for" the following: "Production, harvesting and transporting farm products and."

(By unanimous consent, Mr. RANDALL was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RANDALL. Mr. Chairman, it has been suggested by the minority and certain members of the staff of the majority that this subject may be covered at page 4. However, the listing of priorities is given there, and agriculture is listed as No. 7.

When we get over to the other listing, agriculture is omitted altogether and we talk about such things as displacement of persons due to unemployment, we talk about travel for educational opportunities and for other good and sufficient reasons, and there is nothing mentioned concerning agriculture, production, harvesting, and transportation of farm products.

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

Mr. RANDALL. Yes, I yield to the gentleman from California.

Mr. MOSS. Mr. Chairman, the matter is covered, and it is covered in the earlier amendments to the Emergency Petroleum Allocation Act of 1973, and it is incorporated by a reference, which, under section 4(c), says, "Maintenance or agricultural relations."

Mr. RANDALL. Mr. Chairman, I only have a minute. I will not yield further.

Mr. MOSS. Well, Mr. Chairman, I am telling the gentleman what is covered.

Mr. RANDALL. Mr. Chairman, may I proceed?

The CHAIRMAN. The time of the gentleman from Missouri (Mr. RANDALL) has expired.

Mr. BROYHILL of North Carolina. Mr. Chairman, I ask unanimous consent to proceed for 1 minute in opposition to the amendment.

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

Mr. RANDALL. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. MOSS. Mr. Chairman, I ask unanimous consent to proceed for 15 seconds for the purpose of clarification.

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

Mr. RANDALL. Mr. Chairman, reserving the right to object, may I be granted the time?

Mr. HOSMER. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

The question is on the amendment offered by the gentleman from Missouri (Mr. RANDALL) to the amendment in the nature of a substitute offered by the gentleman from West Virginia (Mr. STAGGERS).

The amendment to the amendment in the nature of a substitute was rejected.

Mr. HAMMERSCHMIDT. Mr. Chairman, I rise in support of two amendments offered by my distinguished colleague from New Hampshire, LOUIS WYMAN. They would reduce the ultimate required automobile emissions control levels from the 96 percent mandated under the Clean Air Act of 1970 to a ceiling of 90 percent and suspend for the duration of the energy crisis, the automobile emissions requirements of the Clean Air Act of 1970 for those parts of the Nation determined by EPA to lack a significant air pollution level.

In my judgment, these amendments offer great potential relief from the pressures on our domestic gasoline supplies. Especially in light of the current circumstances, Congress now should approach our clean air problem with temperance and a good measure of commonsense. It would otherwise, I fear, result in great economic harm to our Nation and physical suffering of many innocent people.

I understand that a reduction to 90 percent of the automobile emissions controls level would result in a national fuel savings of at least 15 percent. It would also eliminate the need for costly and controversial catalytic converters on 1975 and 1976 model cars. These converters would add about $150 per car, a factor which would contribute to inflation.

The converter requires unleaded gasoline, for which 4 to 5 percent more crude oil is required to refine than leaded gasoline. As a result of efforts to curb exhaust emissions already, fuel mileage has slowly declined 7 to 10 percent since 1967.

The demand for gasoline in the first quarter of 1973 was 5.5 percent higher than during the same period only 1 year ago. According to a study prepared by the Congressional Research Service at the request of the Interior and Insular Affairs Committee, the single most important factor contributing to this increase appears to be the gasoline penalty imposed by present antipollution devices. It has been estimated that new emissions control devices have increased annual consumption by more than 300,000 barrels a day. This is about all we can be expected to save by reducing our speeds, carpooling to work, and reducing our pleasure driving.

A recent report printed in the April 1973 issue of the Oil and Gas Journal cited the following results of a study:

One private set of fleet tests indicated the mileage loss of 1971 models over 1970 at 7%, 1972, at 6%, and the 1973 over 1972 at 8%. This represented a cumulated mileage loss of 19%; but two direct comparative tests of 1973 models against 1970 models showed a loss ranging from 11% to 17% depending on the number of miles the 1970 models had been driven prior to testing.

These data showed much greater mileage declines than governmental tests made for the Environmental Protection Agency which reported losses of only about 7 percent.

The amendment to suspend automobile emissions requirements for those parts of the Nation determined by the EPA to lack a significant air pollution level and providing that vehicles lacking emission controls may not be operated other than in such areas represents a responsible reaction to the energy crisis. Many parts of our country do not have a demonstrated air pollution problem and I would not see the justification in requiring people who live in such areas to waste barrels and barrels of precious fuel. My constituents in northwest Arkansas should not be required, especially in the face of rationing or a surtax, to operate an automobile equipped to combat air pollution in Los Angeles. If we run out of fuel in Arkansas, people will lose their jobs and air quality standards goals will start to be a high-flown theory that fails to put the interest of the people first.

According to the 1970 census, 72.7 percent of the population lives in areas where there are less than 100,000 people and 55.2 percent live in communities of less than 25,000. In Arkansas, discounting urban fringe communities, 50 percent of the population lives in a rural area with a population under 2,500, with 38.5 percent residing in communities of less than 1,000. I have over half a million constituents and they do not want to be required to drive automobiles designed to cope with Gary, Ind., conditions.

While I do not want to overreact to the energy situation, the outlook for the immediate future appears grim. We have made many commendable gains in our goals to protect the environment. However, our current fuel status warrants relief from generalized air standards which penalize many wide-open sections of the country where there is not an air problem. We must remember that nature itself is capable of accommodating a certain amount of air impurities, and in those places where nature is overburdened, it is possible to control operation of vehicles which are not properly equipped.

I strongly urge the support of my colleagues for the two Wyman amendments.

Mr. BAUMAN. Mr. Chairman, no one can deny that the Nation is confronted with an energy crisis of unprecedented proportions. It is only natural that the Congress should look for a way of minimizing or solving the problem, and thus, we have had before us for 3 days something entitled the "Energy Emergency Act." This bill, as we all know, has been hastily drafted, amended and reamended countless times and rushed to the floor even before printed copies were available. After 3 days of an orgy of amendments literally no one knows what is in this bill, but it does not take long at all to discover that it represents a formula for economic disaster.

This bill is, above all, the first step toward a fuel rationing plan. While it contains other provisions, many of which would plant the seeds of destruction of our petroleum sources, it is the rationing mandate which remains the key provision. This is not obvious, of course. Actually, rationing is not mentioned directly anywhere in the bill. Now, we have discovered a new euphemism for rationing, "end-use allocation." But a stinkweed by any other name still smells the same.

And while this bill appears on the surface to allow the President a variety of options in dealing with the energy shortage, it makes inevitable only one: rationing. Nearly every other course of action, except for those specifically required in this bill, such as oil-to-coal conversion or suspension of air quality regulations, would have to be approved by Congress before taking effect. Approval of such proposals by this body

could take weeks or months, leaving the President only one effective option: rationing.

This, of course, is by design, not by accident. Proponents of rationing want to make sure that it does become a reality, and this bill is the ideal vehicle.

But in this headlong plunge toward rationing, let us keep several things in mind. First, our experience so far with fuel allocation has been less than reassuring. The mandatory allocation program which the Congress approved several months ago specified that agriculture, including fishing, would be one of the high-priority areas receiving fuel allocations. In practice, this has meant untold amounts of redtape and resultant delays. Farmers, fishermen, and citizens in general in my district have had numerous delays without any word from the allocation bureaucracy concerning their requests for fuel. Delays of this sort can have disastrous results in terms of total food production and work real hardship on the farmer, the waterman, and all citizens.

If inefficiency of this sort is the hallmark of the existing Federal fuel allocation program, young as it is, what can we expect of a system of nationwide rationing? Besides being an administrative nightmare, it will inevitably mean delays, additional shortages, and real hardship for many.

I represent a district which is largely rural, as a great many of us do. Countless citizens must travel long distances to reach their jobs in such areas, oftentimes adding up to 60 or 70 miles of travel each day. How are they expected to reach their jobs if they are held, say, to 10 or 15 gallons of gas a week? Persons living in urban areas may have access to mass transit facilities, and might just pull through on 10 gallons. But in my district there are a great many people who commute many miles to Baltimore, Wilmington, or Washington where little or no suburban mass transit is available. In rural areas, of course, mass transit is nonexistent. A system of fuel rationing will undoubtedly deprive people there of their jobs. I know that no one wants higher prices for gasoline. But I also know that if there is a choice between paying more for gas and keeping a job, or paying less for gas but losing a job, the choice is obvious.

Other flaws in this bill abound. The section prohibiting windfall profits is another collection of verbage designed to present a political appeal, but it can only spell disaster for consumers depending on the petroleum industry. To begin with, windfall profit is never defined in this bill. It will mean whatever some bureaucrat at the renegotiation board wants it to mean. Second, the standard against which oil industry profits are to be judged is the worst 5-year period for profits in the history of the U.S. petroleum industry. At a time when the only long-range solution to the fuel shortage is greatly increased exploration and development including removal of price controls, this bill would deprive the industry of the necessary additional capital for reinvestment in exploring and developing new fields.

Mr. Chairman, the American people have been asked to endure many sufferings in the name of solving various crises which have faced this Nation. Often the solution has compounded the problem and the bill before us is certainly of that type. Americans have suffered big taxes to the point that they now work nearly a quarter of each year to pay for local, State, and Federal Government. They are burdened with all sorts of governmental regulations and the insolence of bureaucrats who ignore the fact that they are public servants—servants of the people.

And today we are being asked by the proponents of this bill to subject our people to the possibility of not only fuel and gasoline shortages, but the vast and oppressive weights of a massive Federal bureaucracy which inevitably will bungle the job and compound the problem.

There is barely an ounce of economic good sense contained in the pages of this bill. After the parliamentary nightmare we have endured here, few here today understand its provisions and even fewer are able to explain the ramifications it will have on our national economy and the millions of souls who must suffer if we make the mistake of enacting this legislation. As a responsible representative of my people, I must vote against this legislative monstrosity.

Mr. HOGAN. Mr. Chairman, it was my original intent to offer an amendment to H.R. 11450, the National Emergency Energy Act, prohibiting discriminatory limitations upon individuals who observe in the exercise of their religion, a Sabbath day other than Sunday. However, due to the ruling by the Rules Committee, I am unable to present a nongermane amendment to this bill.

In spite of the ruling, I feel my colleagues should be aware of the effects this legislation will have on certain religious organizations.

It is important to note under section 105, subsection (a), dealing with the energy conservation plans, the bill provides that the President shall have the power to restrict the energy consumption of businesses. If I understand this wording in the right context, it could mean the President will have the power to restrict the working hours of a business, which could include a complete shutdown of all businesses on Sundays.

I am informed that 25 percent of our fuel allocation is consumed on weekends, and the President has asked that all gas stations close down on Sundays to help alleviate the overflow of weekend traveling which is one of the main factors in fuel consumption.

When the President requested this ban on Sunday gasoline sales, I became very concerned over the possibility of discrimination against those who worship God on a day other than Sunday.

I am particularly concerned for the Seventh-day Adventists, whose world headquarters, located in Takoma Park, Md., I have the honor to represent. The SDA church has designated Saturday as its day of worship and according to deep religious convictions, the members of this church engage in personal business on Sunday and worship in their respective churches throughout the country on the seventh day of the week, Saturday. They feel as I do that every individual has the right to worship God according to his or her personal convictions.

Due to the enactment and enforcement of Sunday blue laws, Seventh-day Adventists have been forced by Government order to curtail public business activities, and they believe that every citizen of this land should be free to carry out his business activities and his religious activities according to the dictates of his conscience as regards religious matters.

Now that our Nation is faced with an energy crisis. Seventh-day Adventists believe that every effort should be made to cooperate with the Government in the conservation and allocation of energy supplies. It is noted that a proposed plan will call for the closing of gasoline stations from 9 o'clock Saturday evening to 12 o'clock Sunday night. I feel it would be unfortunate that Seventh-day Adventist service station operators will be deprived of 2 days of business because of their religious convictions; that is, they will be closed as usual on Saturday, due to their religious convictions, and if the Federal law makes it absolutely mandatory for them to be closed also on Sunday, it will mean a hardship to them in their business because of their religion.

I am confident that the Adventist communities and Adventist businessmen, especially in the gas station business, will try in every way to cooperate even though this may mean a certain hardship to them. They do not feel that religious discrimination is being intended through regulations of the energy crisis, and they do appreciate every effort of the Government to respect religious convictions.

There has been talk of the revival of the blue laws which are religious laws giving religious significance to Sunday and the mandatory closing of business establishments on this day. When it comes to this issue, Seventh-day Adventists feel that their voice in opposition should be heard. They feel, and the church feels, that people should be allowed to worship on any day they wish to worship, but that there should be no Government encouragement or legislation which would make it seem to be Government supported for people to attend worship on Sunday and to refrain from buying gas, or other commodities, on this day because of it being a religious holiday. Seventh-day Adventists do not in any way want to interfere with those who worship God on Sunday. However, they would like to have the Government also grant them the right to worship God on Saturday in harmony with what they believe is the commandment of God, to work 6 days and rest on the seventh.

When the Senator from Washington (Mr. JACKSON) stated that perhaps the Sunday blue laws might have to be revived and reestablished to make it mandatory for people to refrain from business activities, the Seventh-day Adventists felt that there was justified reason for concern.

Mr. Chairman, our colleagues should be aware, that under section 105, subsection (c) of the bill before us provides that—

Proposed restrictions on the use of energy shall be designed to be carried out in such

a manner so as to be fair and to create a reasonable distribution of the burden of such restrictions on all sectors of the economy, without imposing an unreasonably disproportionate share of such burden on any specific industry, business or commercial enterprise, or on any individual segment thereof.

I cannot help but feel, because of this section, in relation to subsection (a) and its provisions to give the President the power to close down businesses on Sundays, that special provisions should be made to prohibit any limitations on the operation of businesses open on Sunday, if they have been previously closed on Saturday due to religious convictions.

Mr. Chairman, I strongly urge my colleagues to take this provision under serious consideration. Since the ruling by the Rules Committee prevents me from introducing an amendment to make this provision, I hope efforts will be made in the next Congress to uphold the religious liberties of the first amendment by prohibiting any legislation which might discriminate or force undue hardships upon those who worship on a day other than Sunday.

Mr. KYROS. Mr. Chairman, I would like to take this opportunity to call attention to section 206, energy conservation study in H.R. 11882. Recently I have come across some significant data which clearly confirms the wisdom of this section. In particular, under subsection (3), I believe that retreading is a good example of industrial recycling and resource recovery in order to reduce energy demand. It is my understanding that the retreading industry could increase its production capacity by some 25 million passenger retread units in a period of 15 to 18 months. This would result in increased employment opportunities for some 22,000 more employees and a potential savings of crude oil from the use of retreads rather than new tires of 125 million gallons per week. If the industry could convert, for example, 1 million new truck tires to retread truck tires, an additional 21 million gallons of crude oil could be saved per year. In addition, if 60 percent of the spare tires available for 1974 cars were retreads, an additional saving of 24,300,000 gallons of crude oil could be secured. Thus, retreading offers a potential saving of 170 million gallons of crude oil, and this is a reasonable estimate; retreading offers an employment opportunity of some 22,000 people at the local level. This further offers an opportunity of utilizing some millions more old tires in a recycling process which, of course, is another major benefit. I would hope that the energy conservation study include retreaded tires. This is certainly an area which offers substantial crude oil savings as well as potential job opportunities and reduced expenditures for the consumer.

Mr. McDADE. Mr. Chairman, the legislation before us attempting to alleviate the current energy crisis is among the most complicated and difficult matters we have ever faced. We have given the administration the authority to deal equitably and swiftly with the crisis and we have provided the mechanism for congressional scrutiny of their decisions as well.

Because there are significant changes in both House and Senate versions of the bill, the conferees will have an important task ahead. Of particular concern to me was the action of the Senate for including language in S. 2589, the Senate version of the bill providing a 25-percent reduction in the fuel allocation to tourist industry described as "a nonessential use." The House bill recognizes that these industries in many areas of the Nation provide the base of the local economy. In Pennsylvania, tourism is the second largest industry. The House version of the bill wisely recognizes that access to available fuel supplies should be made to all commercial industries assuring that there will be no discrimination against any segment of the economy. I urge the House conferees to stand firm on including section 115 in the final version of the bill.

Mr. Chairman, the circumstances which have led Congress to alter its agenda and devote the past several weeks to a crash program to meet our energy needs are a sad commentary on our present energy dilemma. Our response to the energy situation for the past several years has been no response—to pretend it did not exist. Each time a warning was sounded it was ignored. For a number of years the Appropriations Committee has called for a national energy and coal policy without success. The Select Committee on Small Business has repeatedly warned of the harmful effects of failing to conserve our Nation's resources to no avail.

Because these early warnings were not heeded, we are today working frantically to produce an energy bill.

What is our energy policy? That is the heart of the present dilemma. Yet the legislation being debated in the Congress this week is occurring precisely because there is no answer to that question.

For how many years, how many decades, have we wasted our energy? America is currently using 55 percent of the entire world's resources, although it has only 6 percent of its people. In the 7 years from 1960–67, the world consumed as much petroleum as it had in the previous 70 years. During the next 3 years we consumed that much again. Soon that consumption demand will be on an annual basis. In this doubtful economic climate, we are anticipating doubling our number of passenger cars by 1985. The growth has continued unabated even when we know fossil fuels like oil took millions of years to form, and once gone, are irreplaceable.

What is our policy? This administration has had no policy; nor has any previous administration.

Frankly, it is disquieting to see the "energy czars" come and go; to hear fumbling and contradictory answers to my question at a congressional hearing; and to know that we must "break the budget" because we have never been requested to appropriate the money to supply the minimum number of personnel required to establish an Energy Office. Perhaps most frightening is the realization that our legion of "experts" were isolated and failed to recognize the complexity of the web of economic survival and the interrelationship of energy problems.

In the long run, we must look at our potential resources—and make them our usable reserves. It is estimated that our country may have coal resources to last us 300 years, and existing oil and oil shale resources to last us 500 years.

But potential resources are transformed into reserves, not by moving rock, but by expanding the artificial boundaries of geological knowledge and economic availability that separates the two. The potential of our resources can only be realized as a result of applied research. Major development of new technologies will be the key to this.

The energy crisis of today is not an umitigated tragedy. We have been thrown back, largely, upon our own resources, and we have found these resources wanting. But in discovering this, we have also begun to discover the action, the lack of action, and the lack of planning of the past which have led us into an uncomfortable present. We have before us today, therefore, the clear responsibility of living the future with greater wisdom.

We must develop a new ethic in America that faces the fact that our resources are finite. We have little choice but to set out with new sensitivity on a program of restrained use of our nonrenewable resources. We have treated petroleum in the past with almost the same lack of restraint with which we treated water. We have about the same quantity of water on earth today which was present when the pyramids were built; but we have drastically reduced the quantity of petroleum on earth in just the 20th century, knowing as we did so that it took millions of millions of years for nature to produce that petroleum.

We are facing today the same challenge in the matter of countless other products of nature, principally our minerals, which we have taken from the earth as though we were plunderers, not as though we were the transient passengers on this space ship Earth with a responsibility to give that ship to our children as spaceworthy as she was when we came abroad.

We have lacked a policy in petroleum. Now we must create that policy overnight. We have lacked a policy in the whole energy field. Now we must create that whole energy policy overnight.

We have time today to set our policies in order in our other nonrenewable resources. We have the most comprehensive survey of those minerals, their use, their quantity, their location, prepared by the Office of Geological Survey in this year 1973. We have a very simple choice. We can take that book today and begin the planning that will husband those resources intelligently as we move through the future years with all the new resources which we will need and will discover to replace them, and if we do so, the future will bless us. Or we can blindly plunder the earth of her riches, and some day in the future, and in the not-too-distant future, the Congress will sit here in this same chamber again debating an emergency mineral resources bill; and if we walk this second path, the men who debate that bill then will wonder at the lack of wisdom of the men who sit in this House and in this administration today.

I hope, and I trust, and I expect, that an immediate and vigorous program will be instituted to set a wise and clear policy for the use of our resources, all of our resources, in the future. Certainly, this is the least lesson we can learn today.

Mr. SPENCE. Mr. Chairman, the bill before us today is a bitter pill. For many of us, this legislation represents another intrusion into the free market system which has made ours a trillion dollar economy. Others point out that the executive branch is being granted too much power.

Unfortunately, in the course of these last three days, we have taken a bill which has already been variously described as "tangled and confusing," "ill-conceived," and an "accounting and legal nightmare," and made it even worse by trying to rewrite it on the floor. We have created a bill the size of a book, and I would venture to say that no more than a handful of us really know what the final version is.

Perhaps at this point a brief summary of what we face would be in order. The total projected petroleum demand for the winter season was 18 million barrels per day. It now appears that we may miss that mark by as much as 20 percent. This includes two very vital areas: Fuel oil—shortage of 700,000 barrels per day—and gasoline—over 1 million barrels per day short. These shortages cannot be blamed entirely on the Arab oil embargo, though of course, this has not helped a bit. Rather, we are experiencing the effects of a combination of factors which could have produced no other result.

For example, a few years ago, there was every reason to expect that an additional 3 to 4 million barrels of oil would be available from Alaska, and offshore areas including the Santa Barbara channel. As we all know, a myriad of legal and environmental problems have stymied the development of these sources.

It appears that the political, economical and environmental angles to the energy crisis will ensure at least periodic shortages for a number of years, so it is clear that immediate conservation measures have to be taken.

Several of the President's proposals in response, along with the approximate savings in barrels per day are as follows: National 50 mph speed limit—225,000; various public and private conservation measures, including reducing home thermostats to 65 degrees in winter—900,000 total; year-round daylight savings time—30,000; requiring existing electric utilities to switch to coal—400,000; reduce airline flights by 10 percent—170,000; and, increased production on certain oil fields—100,000.

Mr. Chairman, everyone has his own theory about how we arrived at this point. Some blame the present administration, though this crisis has been developing through many administrations, and the record is replete with instances of warnings by this President coupled with positive suggestions. Just as often, the oil industry is blamed. It is said that either they should have known how bad things would be at this point, or that they actually engaged in a giant conspiracy to bring it about. Many unforeseen events have entered the picture and have made their contribution to the situation as we find it today. Who could have predicted, for example, that 10 billion gallons of oil would still be under the ground in Alaska, with the pipeline not even begun by 1973?

We, as individual Americans, must share the blame—with only 6 percent of the world's population, we burn one-third of the world's energy. Our consumption of energy has been steadily increasing at a pace faster than production.

The point is, Mr. Chairman, there is no one factor that can be blamed for our current problems; and, at the same time, none of the groups I have mentioned can totally escape blame. There is plenty for them, and for others, to go around. In any event, it serves no useful purpose at this point to dwell on assessing blame—we must now pull together to bring ourselves out of this crisis. The American people have shown that they will cooperate in such efforts when they feel that they are being treated fairly, and when everyone is asked to share equally in the burdens of sacrifice.

The problem now has been compounded since this body, after having loaded down this bill with many amendments and with anywhere from 60 to 75 amendments still pending, has voted to shut off all debate and vote on the remaining amendments without the opportunity for debate. This matter is too important to this Nation, and our people, to be handled in this manner. I am prepared to remain here all night long if necessary to consider what is the best way to solve the overall problem confronting us.

This bill should be recommitted to the committee, or voted down, so that it can be considered in a sober manner by that body and reported back to us in a form which can be understood by the overall membership of this body. We need legislation to deal with the energy crisis in the best possible way. We do not need to complicate the problem, or even contribute to it, by hasty and ill-considered legislation.

If this bill is passed today, however, we must remain vigilant in the aftermath. We must keep a close watch on the rules and regulations which are promulgated under the authority of this bill, and insure that no segment of our economy is either favored or asked to bear a disproportionate share of the load.

Mr. ANNUNZIO. Mr. Chairman, I rise in support of the bill and recognize that it is an honest effort to deal with the energy needs of this country.

The problem is clear: The country is faced with crippling shortages and the consumer will, as usual, have to bear the burden of the shortages and pay ever-increasing higher prices in the process. Hopefully, this bill will lessen that burden, keep the prices down to some reasonable level, and assure that vital energy needs are met, and it is in this hope that I support the bill.

This bill, unfortunately, has many shortcomings. Several of my colleagues have called this bill "a can of worms," and nothing could be closer to the truth. Several of the bill's provisions range across the jurisdiction of several committees of the House and deal with matters that simply ought to be dealt with elsewhere. Most importantly, however, the bill gives enormous power to the President and that should give us all pause for concern because the President has a demonstrated record of excessively allowing companies to gouge consumers with excess profits. Why anyone would think this leopard would change his spots is beyond me. But then this is an emergency situation and the Congress cannot at this time afford for the sake of the American people to delay any measure which might alleviate the crisis.

But simply because this is an emergency does not mean that the Congress should pass this bill and in effect, ship the problem downtown to the Executive because that will only further complicate the problem. The Congress needs to exercise continuing authority over the energy crisis and construct long-term solutions to the problem. Committees, specifically the Banking Committee of which I am a member, should exercise their authority in those areas where they have jurisdiction so that the public, not just the special interests, are served. I for one, am going to do all within my power to urge my committee to exert all its influence to see that the shortages are stopped and that the people can get the energy they need at prices they can afford.

As everyone knows, the House Committee on Banking and Currency more than 8 months ago urged the President to institute an allocation program to assure that scarce petroleum products would be distributed so those that need energy would be able to obtain it. The President and administration lobbied hard against that provision. From that, I think it is fair to say that the administration simply did not care whether there was a fair distribution of needed oil supplies.

It was only after the problem had reached the crisis stage that the administration took action and because of that delay we are now forced to legislate without knowing all the facts. The fact that the administration has acted at such a late date, and the fact that the administration has demonstrated an unwillingness to deal with the problem simply reinforces the need for the Congress to exercise its legislative powers on a continuing basis.

Just because we pass this bill does not mean that we should not attempt to formulate additional legislation in the second session of the 93d Congress. The problem of energy shortages will be with us for a long time, and the problem of the administration's ability and desire to execute a fair allocation program, especially to consumers will also be with us for some time.

For these reasons, I will use all my power and influence to have the House Banking Committee conduct close studies of the administration of all these energy programs. Hearings should be heard so that consumers will have an opportunity to explain on a continuing basis problems caused by oil prices and no gasoline and no heating oil, and I expect that early in the next session we will have further legislation dealing with this problem.

Mr. SYMMS. Mr. Chairman, I rise in

opposition to this bill, the procedure here today, and the Government bungling of the energy needs of this country.

The old adage is so true, "anytime a political solution is sought for an economic problem the end result is massive amounts of taxpayers' money is spent only to compound the problem."

Mr. Chairman, the whole country is now painfully aware that we are in the middle of a severe shortage of energy—a shortage which not only threatens to cut into our conveniences and comforts, but into our livelihoods as well.

It is time that we all began to face facts. The most important fact today, Mr. Chairman, is that this shortage of fuel was largely caused by Government. The second most important fact is that Government, having gotten us into this mess in the first place, is at this very moment threatening to get us in still deeper.

Various Government officials whose policies caused our present crisis are right now searching frantically for scapegoats. Scapegoat No. 1 is to be the Arabs. The fact is, however, that every informed person knew at least a year ago, long before the Arab boycott started, that the United States would face a critical shortage of fuel this winter. The most important cause of this shortage is not the Arabs, but: First, our lack of refining capacity to turn out gasoline and other fuels and second, the sharp reduction in our energy production caused by the excessive environmentalist craze which has for the past several years put the interests of ecology before the needs of the people. Both these causes of our energy crisis are in turn due to misplaced and misguided Government regulations and interventionism.

Many Government bureaucrats now even have the gall to offer us a second scapegoat—the American people. We are now told that Americans are "energy pigs" because we have 6 percent of the world's population and use about a third of the world's energy. What these bureaucrats, who are now mainly interested in covering up their own mistakes and saving their own skins, fail to mention is that the American people also produce over a quarter of the world's goods and services. The Arabs, to name just one group of people, would find themselves hard pressed without American medical supplies and American technology. What would the Russians do without capitalist produced food?

The American people have no reason to be ashamed because we have automobiles and central heating. We have these things because we have worked for them and earned them.

Let me just review briefly, Mr. Chairman, exactly how Government has brought on this crisis.

First, Government put a ceiling price on natural gas. Such ceiling prices increase use and discourage exploration and the development of new sources of gas.

Second. Government has treated coal in much the same way. Banning the use of coal with high sulfur content, restricting strip mining, and, of course, freezing the price all combine to restrict supplies by reducing production. Higher production costs are forbidden to be offset with higher sales prices and so investment and new sources are once again discouraged.

Third. Atomic power, which next to coal represents our best hope for putting the country on its own two feet again, has been hamstrung and delayed by Government intervention piled upon intervention. Construction of nuclear powerplants has been delayed for years by confusing and uncertain licensing requirements. Operation at full power has been delayed even after construction and the construction of many new plants has been delayed by environmentalist lawsuits.

Fourth. With natural gas, coal, and nuclear power handicapped by the deadweight of thousands of bureaucrats, petroleum experienced the most intensive treatment of all. First of all, and most important, our refining capacity has been crippled by environmental legal tactics to restrict refining sites, by onerous Government regulations, and by the freezing of prices of oil products, thereby keeping oil companies from obtaining the needed capital for necessary expansion.

Even the pro-Government Harvard economist, John Kenneth Galbraith, agrees that—

> In the United States the scarcity of gasoline and home heating oil is due primarily to a shortage of American refining capacity, which is not expected to be made up before 1977. So long as capacity is inadequate, and there is little slack elsewhere in the world, product will be short even if crude oil is available without limit.

Not content with insuring that we would have less oil than we need, at least until 1977—not just until 1974 as a highly placed optimist has recently promised—newly enacted Government regulations have required gas-guzzling emission control devices on all new cars. This one law alone has had the effect of eating up at least 20 percent of our gasoline supply.

In addition, over the past few years, Government has banned the use of oil containing a certain percentage of sulfur with obvious effects, delayed the use of much-needed Alaskan oil by interminable arguments over the ecological effect of the pipeline, and it has stopped or slowed down the drilling for new sources of offshore oil.

For good measure, the Government has been holding down the price of gasoline to a point lower than market demands, thereby insuring increased use and the inevitable market dislocations.

Not content with all this, Mr. Chairman, the same people who gave us this totally unnecessary energy shortage are now gearing up to present us with a full-scale depression. The country must realize that we are now in very serious danger of an unemployment rate ranging from 8 to 14 percent by next spring and that is nothing less than a depression.

Let me just review once again, Mr. Chairman, some of the specific half-baked schemes now being readied by the wonderful wizards of Washington.

First. The Federal Energy Administration—which through no fault of its own was born yesterday—is now seriously discussing plans to hire 2,500 bureaucrats and, as soon as they can man their desks, they will begin to implement policies which may well put over 10 million productive Americans out of work.

Second. The proposed cuts in the general aviation industry alone—40-percent cut in business general aviation—will throw at least 100,000 workers onto the unemployment rolls. This bright idea if put into effect will simply destroy an industry which the country may well need at some point in the future. My own State of Idaho, and most of the Western States, are greatly dependent upon the general aviation industry to keep our economies going. The indirect loss of jobs, needless to say, will be far greater than the 100,000 directly affected. The situation is no different in the reaction industry and will have an immediate economic impact in Idaho running into millions of dollars.

Third. The proposed sharp cuts in energy allocation for agriculture will inevitably result in food shortages and then higher food prices. The American people cannot eat oil anymore than the Arabs can; without food we cannot expect to do much else.

Fourth. There are plans for 4-day weeks. In the case of the Federal Government this might not be too bad; that way we may be able to inflict 20-percent less damage upon the rest of us. But more seriously, what we must do is work more, not less, in order to dig ourselves out of the pit the bureaucrats have pushed us into. We all must work harder to pay for the increased costs of the energy that we have become accustomed to using.

Fifth. Cutting down on speed on the highways, voluntarily saving gasoline. and turning down thermostats are certainly helpful at this time. We must not let the Government fool us, however, by talking about these relatively small savings. The real issue, I cannot stress too often, is misplaced Government controls and interventionism. Once we get the Government off the backs of the energy producers and other hard-working Americans the problem will be solved.

Sixth. Daylight saving time, in my view, is more of this same action for action's sake which makes little difference. Setting a clock back or ahead an hour is simply like cutting the bottom off a blanket and sewing it on the top. Such brilliant ideas are always popular with bureaucrats since it means a few more jobs for people who like doing that sort of thing.

Seventh. Perhaps the very worst disaster that is waiting for us is gasoline rationing. While rationing worked to a fair degree during World War II—when we had about one-third of the cars we have now—the economy then was geared to an all-out war effort and there was a good deal of patriotic cooperation. Peacetime rationing is quite another matter. Justice does not require treating everyone alike, but treating like cases alike. It would require hundreds, perhaps thousands, of local "gasoline boards" to try to be fair to millions of Americans all of whom have different

energy needs. What is fair to a city-dweller who has public transportation available is obviously unfair to a farmer in Idaho who is wholly dependent upon his car. If we are to have rationing, we had better import several battalions of Soviet bureaucrats who have had 56 years' experience in allocating materials and only foul up about half the time. The inevitable result of rationing would be a widespread black market in which disrespect for the law would grow like a cancer across the country. A market already distorted would be distorted still more. Instead of solving the energy crisis, rationing would prolong it, in fact institutionalize it. Gasoline rationing inspector would become a recognized career for young people.

Eighth. An additional tax on gasoline will not solve any problems. It would merely line Uncle Sam's pockets with taxpayer dollars without adding one drop of fuel to the supply at hand. If prices must rise, let them rise in a free market as an incentive to industry to develop new energy sources and increase refining capacity. As in all supply-demand equations, as free enterprise acts to increase supplies to take advantage of higher prices, this larger supply will force prices back into perspective. This simple rule has been infallible since man first began to barter. I am constantly amazed at bureaucratic arrogance and its belief that history can be ignored or rewritten at will.

Mr. Chairman, I cannot overemphasize the dangers which the country is now facing. I believe we have reached a point where we could do well to pay attention to the words of Herman Goering when he was a prisoner in 1945. Speaking to Henry J. Taylor, the well-known journalist, the former reichsmarshal and czar of the economy of the Third Reich said:

> Your America is doing many things in the economic fields which we found out caused so much trouble. You are trying to control people's wages and prices—people's work. If you do that, you must control people's lives. And no country can do that part way. I tried it and failed. Nor can any country do it all the way either. I tried that too and it failed. You are no better planners than we. I should think your economists would read what happened here. . . Will it be as it always has been that countries will not learn from the mistakes of others and will continue to make the mistakes of others all over again and again?

If Herman Goering finally learned this lesson, is it too much to hope for the present planners in Washington to read a little history and finally learn their lesson also?

What should be done? What can we do now to get ourselves out of the mess our Government have pushed us into? As I have been saying for the past year I have been a Member of this House, Mr. Chairman, the Government should get the hell out of the way and let American workers, farmers, and businessmen get on with the job.

First. First of all, we should repeal all the crippling ecology legislation which has grown up in the past decade. Our environment is certainly important, but Americans should be told the true cost of each of these laws. That is, they should be allowed to decide if they want to preserve a number of square miles of Alaskan wilderness and pay $2 a gallon for their gasoline. Or, would they prefer to have a pipeline cut through Alaska and pay 50 cents a gallon? The American people have a right to the facts and the right to make their own decision.

Second. We should remove the price controls on gasoline, in fact we should remove all price and wage controls and let the free market operate. The price of gasoline will certainly rise for a while, but, with increased profits the oil companies will be able to develop new sources of oil from coal, tar sands, oil shale, and conventional wells. With increased production supply will rise to meet demand. When that happens prices will fall. This process recently happened in the case of beef. A higher price for gasoline will be superior to rationing since it will insure that those who need gasoline the most will be willing to pay for it: if a low-paid worker needs gasoline to get to his job, his employer will increase his wages to meet this new need. As a matter of fact, the real price of gasoline—1973 dollars compared with 1963 dollars—has actually fallen by 8 percent in the last 10 years. So a price rise has been overdue for some time now in any event. This situation, of course, has contributed greatly to our present shortage.

In a free market, when the price of a good starts to rise three forces immediately go to work. First, people start to use the good to the extent that they really need it; second, producers and consumers begin the search for new sources or a cheaper substitute or both; and third, producers attempt to expand production by employing technology more effectively to meet the demand. It is this free market process that has always supplied our needs in the past; we will run short of energy only if we frustrate that process and hamper the free and creative efforts of our people with the dead hand of bureaucracy.

Third. We must also encourage by every means the so-called exotic sources of energy as my colleague from Arizona, Hon. JOHN B. CONLAN has recently pointed out on the floor of this House. Atomic energy, solar energy, coal gasification and liquification, geothermal energy, tidal and wind power, and magneto-hydrodynamics all offer promise of eventually making America self-sufficient in energy.

Fourth. We must not, as I have emphasized before, allow ourselves to be diverted from these permanent solutions by the sugar-coated public relations gimmicks of panicky Federal planners. Lower thermostats and slowed speeds on our highways will help carry us through this immediate situation. Attention to our export situation is needed, but let us not lose our perspective.

We are talking about 68,000 barrels a day, a great deal of which returns again to this country after foreign refinement. A good deal more of these exports leave the country from close to the Mexican and Canadian borders as a matter of geographic necessity. Pipeline is not available to retain it in the United States. Again, there is merit in all of these considerations, but they pose no long-term answers.

We must bear in mind that we are now going through America's second energy crisis. The first occurred in the middle of the 19th century when whale oil was the chief means of lighting our lamps. As our population grew, naturally more and more whale oil was required. As demand exceeded supply, the price, of course, rose. With rising prices there was pressure—and incentive—to develop a substitute. In 1859 petroleum was discovered in Pennsylvania and in 1867 kerosene broke the whale oil market. Whale oil prices fell and cheap kerosene was available to meet the increased demand. This process holds obvious lessons for us all; America's first energy crisis was solved without the use of Government controls by making use of the free market. If we had controls and rationing of whale oil in 1850, I would not like to speculate on where the country would find itself today.

A lot of my constituents are genuinely puzzled about how such a crisis could have hit us full in the face without some advance warning. I ran across an interesting quotation from the September 1960 meeting in Los Angeles of the American Association of Petroleum Geologists, in which Michel Halbouty said:

> I can safely predict that between now and 1975 we will have an energy crisis in this country. Then the people will say—"The industry is to blame. Why weren't we told?"—Well, I'm telling them now.

And there is a great deal more documentation during the period from 1940 to the present in which the crisis was forecasted. None is more distressing to me than a Senate Interior Committee forecast prepared in 1947. This detailed analysis of American energy proved to be remarkably accurate through 1972. Today, eight men who participated in that study still serve in this Congress—AIKEN, EASTLAND, MCCLELLAN, MAGNUSON, FULBRIGHT, YOUNG, SPARKMAN, and STENNIS. Why were not each and every one of these men on their feet and screaming when their colleague, Senator MANSFIELD, moved to virtually eliminate all coal mining on public lands right in the midst of a full-blown, critical shortage of domestic energy supplies predicted more than 25 years before?

I think I have made it clear, Mr. Chairman, where the responsibility for our present crisis lies. If we want to be self-sufficient in energy by 1980 we know where to begin. Let liberty vis-a-vis free enterprise work instead of trying to make total control vis-a-vis socialism work.

Mr. Chairman, if we here in the policy-making board do not use statesmanship and foresight today to get the Government out of the way of solving this problem, we have no future. Stop Government remedies that kill the patient. Repeal. You do not offer another length of rope to a man who is already strangling. When history is written, the blame will clearly and fairly be given to the governmentality of the politicians and constituencies of 20th century Americans.

Mr. GRAY. Mr. Chairman, I rise in

support of H.R. 11450 as amended. I recognize that this has been a difficult problem to resolve all the various and sundry views on such a critical problem as an energy crisis. In fact, there are no easy or quick solutions to the energy crisis. We in southern Illinois hold the key to the long-range solution to the oil and gas shortage. We have a 1,000-year supply of coal. Yes, Mr. Chairman, 150 billion tons of black gold that can be converted to liquid gasoline, crude oil, and natural gas. I urge the President and the administration to join the oil and gas industry by locating several conversion plants in the lower counties of Illinois. We have the water, coal, and manpower plus great communities to support an all-out effort to get such plants in operation very quickly.

Mr. Chairman, I think we should recognize that Congress did not cause the fuel crisis. I would like to list the five main reasons why we are now in this serious dilemma:

Impounding millions of dollars in funds appropriated by Congress for energy research and development—while simultaneously criticizing the Congress for not doing enough to solve the energy crisis.

Maintaining an oil import control program which kept foreign oil out of the United States during recent years while America's fuel reserves were falling to dangerously low levels.

Refusing to implement the mandatory fuel allocation authority granted by Congress until it was too late to make much impact on the distribution of fuel supplies and then, at this late date, implementing the program ineffectively.

Failing to draw up contingency plans and to stockpile adequate fuel reserves in the face of obvious political instability in the Middle East.

Mishandling the price control program by freezing gasoline prices at seasonal peaks and home heating oil at seasonal lows, thus forcing refiners to convert crude oil to gasoline instead of to heating oil in preparation for the winter months.

Mr. Chairman, let us now turn from the mistakes of the past and get on with some action. Research, development, and construction of coal to gas plants will be a great start. Then add the Alaska pipeline and hopefully the Mideast oil as additional sources plus more drilling and shale oil and we will take care of our needs now and in the future. I cannot agree with some of the provisions in this bill but it is a beginning and I hope that the other body will help clean up the legislation so the President and his administration can have additional tools they say they need to bring back the economy from this threat that is now hanging over us. Mr. Chairman, I would not want to sit down without commending my good friend the distinguished chairman of the Committee on Interstate and Foreign Commerce, Mr. STAGGERS and the entire committee for their diligent efforts in trying to solve a very serious problem. Thank you.

Mr. JOHNSON of California. Mr. Chairman, first may I take this opportunity to commend the chairman of the Committee on Interstate and Foreign Commerce, the gentleman from West Virginia, and the fellow members of his committee for bringing to the floor of the House of Representatives what I believe is an excellent piece of legislation meant to solve a desperate problem. The committee accomplished this really in an extremely short time especially when you consider the complexities of the issues.

I would like to address myself to one specific section of this legislation—namely, those provisions which are designed to safeguard against unreasonable discrimination and unequitable treatment in the distribution of the energy resources of the Nation.

It is, of course, recognized that in the present energy crisis there is not enough fuel to go around and the question therefore resolves itself to how do we allocate those supplies which we have without creating a crisis of equal importance to that which we face today.

Some suggestions relative to allocation of our fuel and other energy resources would, I fear, create problems of equal or greater significance to the Nation. For instance if a rationing program were devised with the sole purpose of forcing people to use mass transit it would be extremely discriminatory against those areas where there is no mass transit. We must provide means by which our people in the less populated areas can get to work. In other words geographically any solution to our energy emergency must be fair to all regions. To fail to achieve this goal would create massive pockets of unemployment; disrupt the delivery of raw materials, food and fiber to our urban areas. The same can be said of other segments of our economy. I do not believe that we can single out any specific industry or business to say that you must go bankrupt because there is no fuel. You must fire all of your employees because there is no fuel.

The Second Congressional District, which I represent, is a large area covering approximately one-fourth of the State of California, and offering some prime recreation areas. If we were to follow the advice of some, including the other body, and set aside recreation as a nonessential use the unemployment levels in this and other similar areas of our Nation would be astronomical. It is therefore with great feeling that I support the language of the committee which in its discussion of discrimination and inequitable treatment concluded:

> No user or class of users should be called upon during this shortage period to carry an unreasonably disproportionate share of the burden. This is fundamental to the traditional notion of fairness and equal protection. The Committee expects the President and the Administrator of the Federal Energy Administration created under this Act to assiduously observe these requirements in the conduct of their functions.

As the committee says, actions have already been taken which have brought dislocation and distortions in the competitive market which have created unusual problems relative to individual groups of competitors offering similar service.

In part, this has been the unavoidable result of attempting to cope with a crisis situation without having first developed a decisionmaking structure which affords government an opportunity to appreciate the full ramifications of its actions. For example, there must be a realization by those in authority that the public good is not served by denying allocations of fuel for certain uses which have the appearance of being nonessential, such as recreational activities or various aspects of general aviation, if to do so would result in significant unemployment. There are, of course, many areas in this Nation where recreation and tourism provide the base of the local economy. Moreover, Government must equip itself so as to be able to look beyond the immediately affected industry to discover the ripple effects of its action on other supportive and relative industry groupings.

Access to adequate supplies of fuels is basic to the survival of virtually every commercial enterprise and, accordingly, Government must act with great care to assure that its actions are equitable and do not unreasonably discriminate among users.

In conclusion, Mr. Chairman, I urge my colleagues in the House of Representatives to preserve the spirit of equity which I believe we all seek in trying to solve this immediate problem.

Mr. MINISH. Mr. Chairman, I rise in strong support of the amendment offered by the gentleman from New York (Mr. MURPHY), a member of the committee.

Passage of this amendment will represent one more vote by the Congress in favor of Federal mass transit operating assistance. Back on October 3, we passed the Urban Mass Transportation Act of 1973, which I sponsored to provide $800 million in Federal operating subsidies to the Nation's mass transit systems over the next 2 fiscal years. We are currently in conference with the Senate on that legislation and we earnestly hope to reach a final agreement shortly.

When we do conclude our conference, we will have an excellent program of operating aid to present to the President for his signature. An affirmative vote here today on the Murphy amendment will strengthen our position and the position of all who believe an essential element in overcoming the energy crisis is the development of quality urban mass transportation in the United States.

Mr. DERWINSKI. Mr. Chairman, because of the shocking procedure which was tolerated in the passage of this bill, I find it very difficult to vote "yes." On the other hand, I recognize the seriousness of the energy problem and I believe that some bill must be passed. However, in casting my vote for the bill, I must, nevertheless, protest against the parliamentary procedure as well as the great number of uncertainties that exist in this measure.

Specifically, this bill will more directly affect the lives of all citizens in our country than any other piece of legislation we will work on in the 2 years of this Congress. Yet, we have cut off debate, we have voted on amendments which were not debated, the original rule prevented

normal substitutes and amendments procedures, so that what we have been laboring under is a form of gag rule. Frankly, this is as bad an example of legislative railroading as I have witnessed in my 15 years in Congress.

At the time debate was cut off, there were 77 amendments waiting at the desk. Members had no opportunity to legitimately study the merits of these amendments, and then to compound the problem, when the bill comes back from conference late next week we will be under the gun of the Christmas adjournment rush. I am fearful that the conference version will then be railroaded through. Months later when Members are flooded with complaints from their constituents over the procedures being applied under the authority of this act, what explanation can those who voted to gag the House and prevent full discussion and consideration given to their irate constituents.

This bill is so important that it should have had additional time in committee and additional time on floor debate, and it could have been passed in a much better form before we adjourn next week.

Mrs. HECKLER of Massachusetts. Mr. Chairman, all of us have seen reports that petroleum products are being exported from this country, despite the shortages now existing, and the threats of industry shutdowns. Of particular note are the continued exports of petrochemical feedstocks, which are the vital raw material for a number of specialized industries.

Realistically, we cannot expect the big oil companies to voluntarily pass up the opportunity for bigger profits by exporting their products abroad. Each would merely wait for the other to act first, fearing that the competitor would gain a competitive advantage by continuing to sell overseas.

In fairness, the prohibition must apply to all companies across the board.

This will require Government action, and so far this administration has shown little inclination to force the big oil companies to make any sacrifices in the national interest.

Since 1969, the executive branch has had authority to control the export of critical materials, under the Export Administration Act. This authority has been little used, and never in the case of petroleum exports.

Again, several weeks ago, we passed and sent to the President the Emergency Allocation Act, Public Law 93–159, which contained in section 4 language which strongly indicated that Congress wanted the termination of exports during this crisis. Unfortunately, that language left much to the discretion of the executive branch, the effect of which has been that nothing has been done to control exports.

So it seems that nothing will be done to keep petroleum products in this country until there is a direct congressional mandate to do so.

My preference would be to go to the heart of this problem, and to do so without disrupting several export programs which are still beneficial to the United States.

Exceptions to this prohibition should include—

Our reciprocal arrangements with Canada and Mexico, and the Netherlands;

Those exports which are for resale back to the United States.

I am only interested in prohibiting those exports which are for sale of the product overseas. I recognize, as I am sure do others in this chamber, that American companies are now exporting crude oil to foreign refineries, the product of which is then imported back into this country. This allows the companies to get around the problem of limited domestic refinery capacity.

Mr. VANIK. Mr. Chairman, I rise in support of the amendment offered by the gentleman from California (Mr. ANDERSON) to require the Federal Government to use more energy efficient automobiles in its future car purchases.

The automobile has become an important American institution. Direct gasoline consumption by cars represents 13 percent of our total energy budget. In 1970 more than 95 percent of urban passenger traffic and 85 percent of inter-city traffic was carried by the automobile. The auto has become the major cause of the congestion which chokes our cities. At the same time it is responsible for almost one-half of the emissions by weight which pollute our air. Between 1950 and 1970 automobile travel increased threefold to 900 billion vehicle miles. During the same period per capita auto travel increased by 85 percent.

Unfortunately, while we have become more and more dependent on the automobile, we have failed to develop a more efficient type of auto. Our streets are clogged with gas guzzlers that are nearly obsolete in today's energy short world.

Due in large part to its voracious appetite for energy, our country is facing the likelihood of significant trade imbalances from our energy needs. The net foreign exchange burden may be as high as $10 billion by 1980. We owe it to ourselves—to our national security—to eliminate wasteful consumption of precious petroleum. If America's 92.7 million passenger cars could increase in efficiency from 12 miles per gallon to 18 miles per gallon, the Nation could save over 25 billion gallons of gasoline per year—a significant savings in view of our present over-reliance on foreign petroleum supplies.

The amendment now before the House seeks to encourage the market for and development of more efficient automobiles. By writing in this requirement, the Federal Government can help lead the way in using more efficient forms of transportation.

I urge the adoption of the amendment.

Mr. DORN. Mr. Chairman, yesterday I believe I made a mistake in supporting the so-called antibusing amendment to this act. This was the amendment which would deny fuel to certain school districts for transportation purposes. During the debate on that amendment we were holding hearings in our Public Works Economic Development Subcommittee on the problems of revitalizing our rural areas. When I supported the so-called busing amendment I did so as it was represented to me as being primarily a question of fuel.

I support the Eckhardt amendment today because it would go a long way toward rectifying the mistake the House made yesterday. The Eckhardt amendment would make it clear that nothing adopted yesterday would deny fuel for student transportation within an area in which students are required to be transported as a result of lawful action by school authorities.

After studying the debate on the so-called antibusing amendment adopted yesterday I am now convinced it was a resurrection of the old antibusing amendments which I have consistently opposed. These are simply attempts to get Detroit, Denver and some other urban areas off the hook. When we in South Carolina have bused voluntarily, or under Court order or HEW decree it is most unfair to us to be penalized for upholding the law.

Since we have abided by the law then I feel that the Federal Government should help us provide safer, more and better buses for our schoolchildren. It is completely unfair to deny us use of our local and State funds to carry out court orders, HEW decrees and yes, voluntary plans. The amendment approved yesterday would only penalize those who have complied with the law, and those who devised voluntary plans for busing to improved and consolidated schools.

Mr. Chairman, I do not believe that the so-called antibusing amendment has a chance of remaining in the final version of this bill. The amendment had no business in this legislation. I made a mistake in supporting it and my vote was inconsistent with all my past votes against amendments designed to get Detroit off the hook and which would penalize States like South Carolina.

Mr. Chairman, should this unwise and unfair amendment remain in the House bill I will use every opportunity to have it stricken. Should this provision remain in the final version of the bill it would give the administration arbitrary power to cut off fuel supplies for education transportation at a time when fuel is already in critically short supply. This power should not be given to any agency, any department, or even to the Chief Executive. If this so-called antibusing amendment is in the energy bill after final passage I will urge the House-Senate conferees to delete it entirely.

Mr. RANDALL. Mr. Chairman, I oppose H.R. 11882 as amended so repeatedly in the Committee of the Whole, for reasons I shall outline.

Out in the Middle West there is a saying, "You can load a wagon down so heavily it cannot move." That, in my judgment, is what we have done to H.R. 11882. There have been times during this long debate of the past 3 days that I felt if certain amendments were adopted I might be able to stomach some of the objectionable portions of the Committee effort. But when the Committee of the Whole defeated the very reason-

able amendment to temporarily modify the emission devices on late model cars as an important means to conserve large quantities of motor fuel, it is impossible to support what is left.

My remarks are contained elsewhere in the RECORD today in relation to the proposal that emission requirements for cars registered to a resident of those parts of the United States having no significant air pollution should be suspended for the duration of the energy crisis.

There are over 30 major provisions of this Emergency Energy Act, but the bill is drawn in a confusing and disorderly manner. Perhaps this is because of the extreme time pressure under which it was written. The report which accompanies the bill is superficial in both its explanations and definitions.

Mr. Chairman, one colleague said to me that all we are doing with this bill is fooling the public. From the viewpoint of an individual Member that thought could be translated to the proposition that all we are doing is fooling our constituents. Everything that is provided in this bill has already been enacted into law. There are a series of statutes in the nature of emergency powers that have never been repealed. Last April we extended the Economic Stabilization Act which I supported. This summer we passed the Mandatory Allocation Act which I supported and which was signed by the President within the recent past.

Yes, everything was covered by the two bills passed by Congress earlier this year save and except the rationing of petroleum products. The chairman of the committee which managed the bill on the floor was heard to say that the word rationing was not mentioned in the bill and that he was opposed to rationing. Yet, during the debate, it was acknowledged that "in-use" allocation was one and the same as rationing, exactly that and nothing more. The time may come in the future when rationing may be a last resort. But we have not reached that point yet because the Federal Energy Administrator 2 days ago announced the country has already accomplished a 15-percent drop in gas consumption in the 3-week period just passed.

Americans are responding. They should be thanked for their efforts. For that reason I do not intend to burden them with rationing with all its hardships and all of its evil consequences that inevitably result from such a course.

We should all bear in mind that H.R. 11882 cannot increase the total quantity of fuel. It will do nothing except to limit use in the short run. We would have done better to spend our time on an energy research bill which would have increased the total quantity of energy.

But, Mr. Chairman, there are so many other things wrong with this bill. The House refused removal of emission devices that would save fuel. Then there was not a single reference in this entire bill that provides for any local voice in the administration of gasoline rationing; there was no single reference to any consultation or delegation of any authority to any Governor, or mayor or county official. Surely the recollection of some of the problems that occurred during the time of rationing during World War II should have been enough to avoid the mistakes we make in this bill of too much centralized authority and decisionmaking here in Washington.

One of my very strong objections to this bill is the listing of the vital services which must be provided for and which amount to nothing more or less than a listing of priorities in the event that rationing does come. I was amazed to note that agriculture is rated seventh.

Now we all know that public services including fire, police and ambulance service and the hospitals as well as the production of energy itself should be listed as a first priority but to put agriculture way down to the low priority that it has been assigned in this bill neglects and the importance of the production and transporting of farm products that are so vital to the life of our country.

There are some good provisions in H.R. 11882 but they are very few in relation to the objectionable features. I oppose this bill because if I were to support it it would imply that I believed it would alleviate the energy crisis. As I said before, it proposes no actions that cannot already be taken by bills passed except perhaps the deceptive "in-use allocation."

I have no idea how long it will take to decipher this bill because it contains confusing and overlapping provisions which have produced a confused piece of legislation. It would have been better if we were to work on a bill providing new sources of energy, as well as let up on emission standards until the emergency is lessened.

Finally, perhaps the best description of the objectives are found in the remarks of one of our colleagues who says that this bill can create a top-heavy bureaucracy and do precious little about the problem of energy supply. Rationing can only result in a maze of bureaucratic entanglements that can confuse the public particularly those in the moderate to low income bracket.

Finally in opposing this legislation I am voting to deny the President a domestic "Gulf of Tonkin Resolution."

The CHAIRMAN. Are there further amendments to the amendment in the nature of a substitute? If not the question is on the amendment in the nature of a substitute, as amended.

The amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. BOLLING, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 11450) to direct the President to take action to assure, through energy conservation, rationing, and other means, that the essential energy needs of the United States are met, and for other purposes, pursuant to House Resolution 744, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

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

MOTION TO RECOMMIT

Mr. SHOUP. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. SHOUP. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. SHOUP moves to recommit the bill H.R. 11450 to the Committee on Interstate and Foreign Commerce.

Mr. STAGGERS. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

RECORDED VOTE

Mr. SHOUP. Mr. Speaker, on that I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device and there were—ayes 173, noes 205, not voting 54, as follows:

[Roll No. 688]

AYES—173

Abdnor	Flowers	Michel
Abzug	Fraser	Milford
Andrews, N. Dak.	Frey	Miller
Archer	Fulton	Minish
Armstrong	Fuqua	Mink
Ashbrook	Gettys	Mitchell, Md.
Badillo	Goldwater	Moorhead, Calif.
Baker	Goodling	Myers
Bauman	Gross	Natcher
Beard	Grover	Nichols
Bevill	Gunter	Obey
Biaggi	Guyer	O'Brien
Bingham	Hammer-schmidt	Parris
Blackburn	Hanna	Pike
Brasco	Hanrahan	Powell, Ohio
Bray	Hansen, Idaho	Price, Tex.
Brinkley	Harrington	Quie
Brooks	Hawkins	Quillen
Brown, Calif.	Hechler, W. Va.	Randall
Brown, Mich.	Helstoski	Rangel
Burgener	Hicks	Rarick
Burke, Fla.	Hinshaw	Regula
Burleson, Tex.	Holt	Roberts
Camp	Holtzman	Robinson, Va.
Casey, Tex.	Howard	Rodino
Cederberg	Hungate	Roe
Chappell	Jarman	Rousselot
Clancy	Johnson, Colo.	Roybal
Collier	Johnson, Pa.	Ruth
Collins, Ill.	Jones, Okla.	Ryan
Collins, Tex.	Jones, Tenn.	Satterfield
Conlan	Jordan	Scherle
Corman	Kastenmeier	Schneebeli
Crane	Kazen	Sebelius
Daniel, Dan	Kemp	Shipley
Daniel, Robert W., Jr.	Ketchum	Shoup
	Koch	Shuster
Davis, S.C.	Kuykendall	Sikes
Davis, Wis.	Landgrebe	Slack
de la Garza	Latta	Snyder
Dellenback	Lent	Spence
Dellums	Lott	Stark
Denholm	Lujan	Steed
Dennis	McCollister	Steelman
Devine	McEwen	Steiger, Ariz.
Dickinson	McKinney	Steiger, Wis.
Dorn	McSpadden	Stubblefield
Downing	Madigan	Studds
Duncan	Martin, Nebr.	Symms
Edwards, Calif.	Martin, N.C.	Teague, Tex.
Eilberg	Mathis, Ga.	Thompson, N.J.
Evins, Tenn.	Mayne	Thomson, Wis.
Fisher	Mazzoli	Thone

Towell, Nev.	Williams	Wolff
Treen	Wilson,	Wyman
Vander Jagt	Charles H.,	Young, Alaska
Waggonner	Calif.	Young, Fla.
Waldie	Wilson,	Young, S.C.
Wiggins	Charles, Tex.	Young, Tex.

NOES—205

Adams	Forsythe	Patten
Addabbo	Fountain	Pepper
Alexander	Frelinghuysen	Perkins
Anderson,	Frenzel	Pettis
Calif.	Froehlich	Peyser
Anderson, Ill.	Gaydos	Pickle
Andrews, N.C.	Giaimo	Poage
Annunzio	Gibbons	Podell
Arends	Gilman	Preyer
Ashley	Ginn	Price, Ill.
Aspin	Gonzalez	Pritchard
Bafalis	Grasso	Railsback
Barrett	Green, Oreg.	Rees
Bennett	Green, Pa.	Reid
Bergland	Gude	Reuss
Biester	Haley	Rhodes
Blatnik	Hamilton	Rinaldo
Boland	Hanley	Robison, N.Y.
Bolling	Hansen, Wash.	Rogers
Bowen	Hastings	Roncalio, Wyo.
Brademas	Heckler, Mass.	Rooney, Pa.
Breckinridge	Heinz	Rose
Broomfield	Henderson	Rostenkowski
Brotzman	Hillis	Roush
Brown, Ohio	Hogan	Roy
Broyhill, N.C.	Holifield	Ruppe
Broyhill, Va.	Horton	St Germain
Buchanan	Hosmer	Sarasin
Burke, Mass.	Huber	Sarbanes
Burlison, Mo.	Hudnut	Schroeder
Burton	Jones, Ala.	Seiberling
Butler	Jones, N.C.	Shriver
Byron	Karth	Sisk
Carney, Ohio	Kyros	Skubitz
Carter	Landrum	Smith, Iowa
Chamberlain	Leggett	Smith, N.Y.
Clausen,	Lehman	Staggers
Don H.	Litton	Stanton,
Cleveland	Long, La.	J. William
Cochran	Long, Md.	Stanton,
Cohen	McClory	James V.
Conable	McCloskey	Stephens
Conte	McCormack	Stratton
Cotter	McDade	Stuckey
Coughlin	McFall	Symington
Cronin	McKay	Taylor, N.C.
Culver	Madden	Teague, Calif.
Daniels,	Mahon	Thornton
Dominick V.	Mallary	Tiernan
Danielson	Mann	Udall
Davis, Ga.	Maraziti	Ullman
Delaney	Mathias, Calif.	Van Deerlin
Derwinski	Matsunaga	Vanik
Dingell	Mezvinsky	Vigorito
Donohue	Minshall, Ohio	Wampler
Drinan	Mitchell, N.Y.	White
Dulski	Mizell	Whitehurst
du Pont	Moakley	Whitten
Eckhardt	Mollohan	Widnall
Edwards, Ala.	Montgomery	Wilson, Bob
Esch	Moorhead, Pa.	Winn
Eshleman	Mosher	Wydler
Evans, Colo.	Moss	Wylie
Fascell	Murphy, Ill.	Yates
Findley	Murphy, N.Y.	Yatron
Fish	Nedzi	Young, Ga.
Flood	Nelsen	Young, Ill.
Flynt	O'Hara	Zablocki
Foley	O'Neill	Zion
Ford,	Owens	
William D.	Passman	

NOT VOTING—54

Bell	Hays	Riegle
Boggs	Hébert	Roncallo, N.Y.
Breaux	Hunt	Rooney, N.Y.
Burke, Calif.	Hutchinson	Rosenthal
Carey, N.Y.	Ichord	Runnels
Chisholm	Johnson, Calif.	Sandman
Clark	Keating	Steele
Clawson, Del	King	Stokes
Clay	Kluczynski	Sullivan
Conyers	Macdonald	Talcott
Dent	Mailliard	Taylor, Mo.
Diggs	Meeds	Veysey
Erlenborn	Melcher	Walsh
Gray	Metcalfe	Ware
Griffiths	Mills, Ark.	Whalen
Gubser	Morgan	Wright
Harsha	Nix	Wyatt
Harvey	Patman	Zwach

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On this vote:

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

Mr. Runnels for, with Mr. Dent against.

Mr. Clark for, with Mrs. Boggs against.

Mr. Clay for, with Mr. Johnson of California against.

Mr. Stokes for, with Mr. Hébert against.

Mrs. Chisholm for, with Mr. Riegle against.

Mrs. Griffiths for, with Mr. Morgan against.

Mr. Melcher for, with Mr. Kluczynski against.

Mr. Ichord for, with Mr. Breaux against.

Mr. Nix for, with Mr. Mills of Arkansas against.

Mr. Conyers for, with Mr. Carey of New York against.

Mr. Diggs for, with Mr. Gray against.

Mr. Metcalfe for, with Mr. Meeds against.

Mr. Taylor of Missouri for, with Mr. Hunt against.

Mr. King for, with Mr. Sandman against.

Mr. Roncallo of New York for, with Mr. Wright against.

Until further notice:

Mr. Patman with Mr. Zwach.

Mrs. Burke of California with Mr. Keating.

Mr. Macdonald with Mr. Steele.

Mr. Rosenthal with Mr. Bell.

Mrs. Sullivan with Mr. Del Clawson.

Mr. Ware with Mr. Wyatt.

Mr. Erlenborn with Mr. Gubser.

Mr. Hutchinson with Mr. Mailliard.

Mr. Walsh with Mr. Talcott.

Mr. Harvey with Mr. Whalen.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the passage of the bill.

Mr. SCHERLE. 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 265, nays 112, answered "present" 3, not voting 52, as follows:

[Roll No. 689]

YEAS—265

Abdnor	Chamberlain	Foley
Adams	Chappell	Ford,
Addabbo	Clancy	William D.
Alexander	Clausen,	Forsythe
Anderson,	Don H.	Fountain
Calif.	Cleveland	Frenzel
Anderson, Ill.	Cochran	Frey
Andrews, N.C.	Cohen	Froehlich
Andrews,	Collier	Fuqua
N. Dak.	Collins, Tex.	Gaydos
Annunzio	Conable	Gettys
Arends	Conte	Giaimo
Ashley	Cotter	Gibbons
Aspin	Coughlin	Gilman
Bafalis	Cronin	Ginn
Bennett	Culver	Grasso
Bergland	Daniel, Dan	Gray
Biaggi	Daniel, Robert	Green, Oreg.
Biester	W., Jr.	Green, Pa.
Bingham	Daniels,	Gude
Blatnik	Dominick V.	Gunter
Boland	Danielson	Haley
Bolling	Davis, Ga.	Hamilton
Bowen	Davis, Wis.	Hanley
Brademas	Delaney	Hanrahan
Brasco	Derwinski	Hansen, Wash.
Bray	Devine	Hastings
Breckinridge	Dingell	Heckler, Mass.
Brinkley	Donohue	Heinz
Broomfield	Downing	Helstoski
Brotzman	Drinan	Henderson
Brown, Mich.	du Pont	Hillis
Brown, Ohio	Eckhardt	Hinshaw
Broyhill, N.C.	Edwards, Ala.	Hogan
Broyhill, Va.	Eilberg	Holifield
Buchanan	Esch	Holt
Burgener	Eshleman	Horton
Burke, Mass.	Evans, Colo.	Hosmer
Burlison, Mo.	Fascell	Howard
Butler	Findley	Huber
Byron	Fish	Hudnut
Carey, N.Y.	Fisher	Johnson, Pa.
Carney, Ohio	Flood	Jones, Ala.
Carter	Flowers	Jones, N.C.
Cederberg	Flynt	Karth
Koch	O'Brien	Smith, Iowa
Kuykendall	O'Hara	Smith, N.Y.
Kyros	O'Neill	Snyder
Landrum	Owens	Staggers
Lehman	Passman	Stanton,
Litton	Patten	J. William
Long, La.	Pepper	Stanton,
Long, Md.	Perkins	James V.
Lott	Pettis	Steiger, Wis.
McClory	Peyser	Stephens
McCloskey	Pickle	Stratton
McCollister	Podell	Stubblefield
McCormack	Preyer	Stuckey
McDade	Price, Ill.	Symington
McFall	Pritchard	Taylor, N.C.
McKay	Quie	Teague, Calif.
McKinney	Quillen	Thomson, Wis.
Madden	Railsback	Thone
Mallary	Rees	Tiernan
Mann	Reid	Treen
Maraziti	Reuss	Udall
Martin, N.C.	Rhodes	Ullman
Mathias, Calif.	Rinaldo	Van Deerlin
Mathis, Ga.	Robinson, Va.	Vander Jagt
Matsunaga	Robison, N.Y.	Vanik
Mayne	Roe	Vigorito
Mezvinsky	Rogers	Wampler
Milford	Roncallo, Wyo.	White
Minish	Rooney, Pa.	Whitehurst
Mink	Rose	Whitten
Minshall, Ohio	Rostenkowski	Widnall
Mitchell, N.Y.	Roush	Wiggins
Mizell	Roy	Williams
Moakley	Ruppe	Wilson, Bob
Mollohan	Ruth	Winn
Montgomery	St Germain	Wolff
Moorhead, Pa.	Sarasin	Wydler
Mosher	Sarbanes	Wylie
Moss	Satterfield	Wyman
Murphy, Ill.	Scherle	Yates
Murphy, N.Y.	Schroeder	Yatron
Natcher	Seiberling	Young, Ga.
Nedzi	Shriver	Young, Ill.
Nelsen	Sikes	Young, Tex.
Nichols	Sisk	Zablocki
Obey	Skubitz	Zion

NAYS—112

Abzug	Gross	Poage
Archer	Grover	Powell, Ohio
Armstrong	Guyer	Price, Tex.
Ashbrook	Hammer-	Randall
Badillo	schmidt	Rangel
Baker	Hanna	Rarick
Barrett	Hansen, Idaho	Regula
Bauman	Harrington	Roberts
Beard	Hawkins	Rodino
Bevill	Hechler, W. Va.	Rousselot
Blackburn	Holtzman	Roybal
Brooks	Hungate	Ryan
Brown, Calif.	Jarman	Schneebeli
Burke, Fla.	Johnson, Colo.	Sebelius
Burleson, Tex.	Jones, Okla.	Shipley
Burton	Jones, Tenn.	Shoup
Camp	Jordan	Shuster
Casey, Tex.	Kastenmeier	Slack
Collins, Ill.	Kazen	Spence
Conlan	Kemp	Stark
Corman	Ketchum	Steed
Crane	Landgrebe	Steelman
Davis, S.C.	Latta	Steiger, Ariz.
de la Garza	Lent	Studds
Dellenback	Lujan	Symms
Dellums	McEwen	Teague, Tex.
Denholm	McSpadden	Thompson, N.J.
Dennis	Madigan	Thornton
Dickinson	Mahon	Towell, Nev.
Dorn	Martin, Nebr.	Waggonner
Dulski	Mazzoli	Waldie
Duncan	Michel	Wilson,
Edwards, Calif.	Miller	Charles H.,
Evins, Tenn.	Mitchell, Md.	Calif.
Fraser	Moorhead,	Wilson,
Fulton	Calif.	Charles, Tex.
Goldwater	Myers	Young, Alaska
Gonzalez	Parris	Young, Fla.
Goodling	Pike	Young, S.C.

ANSWERED "PRESENT"—3

Frelinghuysen	Hicks	Leggett

NOT VOTING—52

Bell	Gubser	Mailliard
Boggs	Harsha	Meeds
Breaux	Harvey	Melcher
Burke, Calif.	Hays	Metcalfe
Chisholm	Hébert	Mills, Ark.
Clark	Hunt	Morgan
Clawson, Del	Hutchinson	Nix
Clay	Ichord	Patman
Conyers	Johnson, Calif.	Riegle
Dent	Keating	Roncallo, N.Y.
Diggs	King	Rooney, N.Y.
Erlenborn	Kluczynski	Rosenthal
Griffiths	Macdonald	Runnels

Sandman	Taylor, Mo.	Wright
Steele	Veysey	Wyatt
Stokes	Walsh	Zwach
Sullivan	Ware	
Talcott	Whalen	

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Leggett for, with Mr. Hays against.
Mr. Meeds for, with Mr. Hicks against.
Mr. Hébert for, with Mr. Clark against.
Mr. Rooney of New York for, with Mrs. Griffiths against.
Mr. Kluczynski for, with Mrs. Chisholm against.
Mrs. Boggs for, with Mr. Melcher against.
Mr. Breaux for, with Mr. Nix against.
Mr. Mills of Arkansas for, with Mr. Diggs against.
Mr. Dent for, with Mr. Conyers against.
Mr. Morgan for, with Mr. Metcalfe against.
Mr. Riegle for, with Mr. Clay against.
Mr. Johnson of California for, with Mr. Runnels against.
Mr. Wright for, with Mr. Ichord against.
Mr. Hunt for, with Mr. Stokes against.
Mr. Sandman for, with Mr. Rosenthal against.
Mr. Steele for, with Mr. King against.
Mr. Ware for, with Mr. Taylor of Missouri against.
Mr. Whalen for, with Mr. Roncallo of New York against.

Until further notice:

Mrs. Burke of California with Mr. Keating.
Mr. Macdonald with Mr. Mailliard.
Mr. Patman with Mr. Gubser.
Mrs. Sullivan with Mr. Harvey.
Mr. Bell with Mr. Zwach.
Mr. Erlenborn with Mr. Hutchinson.
Mr. Walsh with Mr. Talcott.
Mr. Wyatt with Mr. Del Clawson.

Mr. HICKS. Mr. Speaker, I have a live pair with the gentleman from Washington (Mr. MEEDS). If he had been present he would have voted, "yea." I voted "nay." I withdraw my vote and vote "present."

Mr. LEGGETT. Mr. Speaker, I have a live pair with the gentleman from Ohio (Mr. HAYS). If he had been present he would have voted "nay." I voted "yea." I withdraw my vote and vote "present."

The result of the vote was announced as above recorded.

The title was amended so as to read:

A bill to assure, through energy conservation, end-use allocation of fuels, and other means, that the essential energy needs of the United States are met, and for other purposes.

A motion to reconsider was laid on the table.

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2589) to declare by congressional action a nationwide energy emergency; to authorize the President to immediately undertake specific actions to conserve scarce fuels and increase supply; to invite the development of local, State, National, and international contingency plans; to assure the continuation of vital public services; and for other purposes, 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?

There was no objection.

MOTION OFFERED BY MR. STAGGERS

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

The Clerk read as follows:

Mr. STAGGERS moves to strike out all after the enacting clause of the Senate bill S. 2589 and to insert in lieu thereof the provisions contained in H.R. 11450 as passed by the House, as follows:

That this act, including the following table of contents, may be cited as the "Energy Emergency Act".

TABLE OF CONTENTS

TITLE I—ENERGY EMERGENCY AUTHORITIES

SEC. 101. PURPOSE.

The purpose of this act is to call for proposals for energy emergency conservation measures and to authorize specific temporary emergency actions to be exercised to assure that the essential needs of the United States for fuels will be met in a manner which, to the fullest extent practicable, (1) is consistent with existing national commitments to protect and improve the environment, (2) minimizes any adverse impact on employment, (3) provides for equitable treatment of all sectors of the economy, and (4) maintains vital services necessary to health, safety, and public welfare, and (5) insures against anticompetitive practices and effects, and preserves, enhances, and facilitates competition in the development, production, transportation, distribution, and marketing of energy resources.

SEC. 102. DEFINITIONS.

For purposes of this Act:

(1) The term "State" means a State, the District of Columbia, Puerto Rico, or any territory or possession of the United States.

(2) The term "petroleum product" means crude oil, residual fuel oil, or any refined petroleum product (as defined in the Emergency Petroleum Allocation Act of 1973).

(3) The term "United States" when used in the geographical sense means the States, the District of Columbia, Puerto Rico, and the territories and possesions of the United States.

(4) The term "Administrator" means the Administrator of the Federal Energy Administration.

SEC. 103. AMENDMENTS TO THE EMERGENCY PETROLEUM ALLOCATION ACT OF 1973.

(a) Section 4 of the Emergency Petroleum Allocation Act of 1973 is amended by adding at the end thereof the following new subsections:

"(h)(1) If the President finds that, without such action, the objectives of subsection (b) cannot be attained, he may promulgate a rule which shall be deemed a part of the regulation under subsection (a) and which shall provide, consistent with the objectives of subsection (b), an ordering of priorities among users of crude oil, residual fuel oil, or any refined petroleum product, and for the assignment to such users of rights entitling them to obtain any such oil or product in precedence to other users not similarly entitled. A top priority in such ordering shall be the maintenance of vital services (including, but not limited to new housing construction, education, health care, hospitals, public safety, energy production, agricultural operations as defined in paragraph (1)(C) of subsection (b) of this section, collection, transportation and delivery of mail by the United States Postal Service, its lessors, contractors and carriers, and transportation services, which are necessary to the preservation of health, safety, employment, and the public welfare).

"(2) The President shall by order, in furtherance of the rule authorized pursuant to paragraph (1) of this subsection and consistent with the attainment of the objectives in subsection (b) of this section, cause such adjustments in the allocations made pursuant to the regulation under subsection (a) as may be necessary to provide for the allocation of crude oil, residual fuel oil, or any refined petroleum product in such manner and in such amounts to permit such users to obtain any such oil or product based upon such entitlements.

"(3) The President shall provide for procedures by which any user of such oil or product for which priorities and entitlements are established under paragraphs (1) and (2) of this section may petition for review and reclassification or modification of any determination made under such paragraphs with respect to his priority or entitlement. Such procedures may include procedures with respect to local boards as may be established pursuant to section 109(c) of the Energy Emergency Act.

"(4) The President may, by order or rule (which rule shall be deemed a part of the regulation under subsection (a)), require adjustments in the processing operations of any refinery in the United States with respect to the proportions of residual fuel oil or any refined petroleum products produced through such operations if he finds that such adjustments are necessary to assure the production of residual fuel oil or any refined petroleum product in such proportions nec-

essary to attain the objectives of subsection (b) of this section.

"(5) The President shall consult with the Department of Labor, and if there is an increase in the level of unemployment from the level of unemployment in 1973 based upon the average 1973 figures and such increase reasonably results from energy shortages, then the President is urged to take such actions consistent with the provisions of this Act, and he is authorized to take under this Act and any other Acts to encourage full production by the domestic energy industry at levels of investment return which make possible the expansion of facilities required to assure against a protraction in any such increased levels of unemployment.

"(6) For purposes of this subsection, the term 'allocation' shall not be construed to exclude the end-use allocation of gasoline to individual consumers.

"(l)(1) The President may, by order, require the production of crude oil at the producer level at the maximum efficient rate of production.

"(2) The President shall consult with the Department of the Interior and with appropriate State governments in order to determine which producers should be reasonably required to produce crude oil at the rates specified in paragraph (1) of this subsection.

"(3) For purposes of this subsection, maximum efficient rate with respect to any oilfield other than oilfields on Federal lands shall be such rate as is determined by the State in which such oilfield is located, and with respect to any oilfield on Federal land shall be such rate as is determined by the Department of the Interior, except that the President may establish after consultation with such State (or with the Department of the Interior, in the case of any oilfield on Federal lands) a maximum efficient rate higher than the rate established by the State or by the Department of the Interior if he determines that such higher maximum efficent rate will not unreasonably impair the ultimate recovery of crude oil or natural gas from any such oilfield under sound engineering and economic principles.

"(4) The President shall direct the appropriate Federal agency to require that all existing and future development plans for oilfields involving Federal leases, permits or other arrangements for production of crude oil on Federal lands shall include or be amended to include effective provisions for the secondary recovery of crude oil, and, to the greatest extent technologically possible consistent with sound engineering and economic principles, for the tertiary recovery of crude oil, before the well is abandoned.

"(j) Notwithstanding any other provision of this Act, or any provision of State or local law with respect to the allocation of gasoline or diesel fuel, there shall be provision for adequate supplies of gasoline, diesel fuel related products for essential and purposeful mobility of persons in the armed services of the United States on military orders, for household moves related to employment or displacement due to unemployment, and for moves due to health, educational opportunities, or other good and sufficient reasons.

"(k)(1) Except as provided in paragraph (3) of this subsection, no provision of the regulation under subsection (a) (including a regulation under subsection (h)) may provide for allocation of any refined petroleum product to any person (including a State or political subdivision thereof, or State or local educational agency) if the product so allocated will be used for the transportation of any public school student to a school farther than the public school closest to his home offering educational courses for the grade level and course of study of the student within the boundaries of the school attendance district wherein the student resides.

"(2) Any energy conservation plan proposed under section 105 of the Energy Emergency Act and any regulation under this section for allocation of petroleum products for transportation of public school students shall have as its purpose conserving refined petroleum products by reducing to the minimum the distance traveled by such students to and from the schools within the school attendance district in which the student resides. Such plans shall be formulated in consultation with the affected State and local educational agencies.

"(3) Nothing in this subsection shall prohibit allocation of refined petroleum products for student transportation to relieve conditions of overcrowding; to meet the needs of special education; or where the transportation is within the regularly established neighborhood school attendance areas.

"(4) This subsection shall not take effect until August 1, 1974.

"(l) If any provision of the regulation under subsection (a) provides that any allocation of residual fuel oil or refined petroleum products to be based on use of such a product or amounts of such product supplied during a historical period, the regulation shall contain provisions designed to assure that the historical period can be adjusted (or other adjustments in allocations can be made) in order to reflect regional disparities in use, or unusual factors influencing use, of the product in the historical period. This subsection shall take effect 30 days after the date of enactment of the Energy Emergency Act."

(b) Section 4(b)(1)(G) of the Emergency Petroleum Allocation Act of 1973 as amended to read as follows:

"(G) allocation of residual fuel oil and refined petroleum products in such amounts and in such manner as may be necessary for the maintenance of exploration for, and production of extraction of—

"(1) fuels, and

"(2) minerals essential to the requirements of the United States,

and for required transportation related thereto;".

(c) Section 4(c)(3) of the Emergency Petroleum Allocation Act of 1973 is amended by striking out "or" immediately before "(B)" and by inserting immediately before the period at the end thereof the following: ", or (C) to take into account lessened use of crude oil, residual fuel oil, and refined petroleum products prior to the date of enactment of this Act as a result of unusual regional climatic variations within the United States".

(d) Section 4(g)(1) of the Emergency Petroleum Allocation Act of 1973 is amended by striking out "February 28, 1975" in each case the term appears and inserting in each case "May 15, 1975".

(e) Section 4 of the Emergency Petroleum Allocation Act of 1973 is amended by inserting at the end thereof the following new subsections:

"(l)(1) The President shall transmit any rule (other than any technical or clerical amendments) which amends the regulation (promulgated pursuant to subsection (a) of this section) with respect to end-use allocation authorized under subsection (h) of this section.

"(2) Any such rule with respect to end-use allocation shall, for purposes of subsections (m) and (n) of this section, be treated as an energy action and shall take effect only if such actions are not disapproved by either House of Congress as provided in subsections (m) and (n) of this section.

"(m) Disapproval of Congress.—

"(1) For purposes of this section, the term 'energy action' means any rule under subsection (1) or repeal of such rule.

"(2) The President shall transmit any energy action (hearing an identification number) to the Congress. The President shall have such action delivered to both Houses on the same day and to each House while it is in session.

"(3) Except as otherwise provided in paragraph (4) of this section, an energy action shall take effect at the end of the first period of 15 calendar days of continuous session of Congress after the date on which the plan is transmitted to it unless, between the date of transmittal and the end of the 15-day period, either House passes a resolution stating in substance that that House does not favor the energy action.

"(4) For the purpose of subsection (1) of this section—

"(A) continuity of session is broken only by an adjournment of Congress sine die; and

"(B) the days on which either House is not in session because of an adjournment of more than 3 days to a day certain are excluded in the computation of the 15-day period.

"(5) Under provisions contained in an energy action, a provision of the plan may be effective at a time later than the date on which the action otherwise is effective.

"(6) An energy action which is effective shall be printed in the Federal Register.

"(n) DISAPPROVAL PROCEDURE.—

"(1) This subsection is enacted by Congress—

"(A) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they are deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of resolutions described by paragraph (2) of this subsection; and they supersede other rules only to the extent that they are inconsistent therewith; and

"(B) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

"(2) For the purpose of this subsection, 'resolution' means only a resolution of either House of Congress, the matter after the resolving clause of which is as follows: 'That the does not favor the energy action numbered transmitted to Congress by the President on , 19 .', the first blank space therein being filed with the name of the resolving House and the other blank spaces therein being appropriately filled; but does not include a resolution which specifies more than one energy action.

"(3) A resolution with respect to an energy action shall be referred to a committee (and all resolutions with respect to the same plan shall be referred to the same committee) by the President of the Senate or the Speaker of the House of Representatives as the case may be.

"(4) (A) If the committee to which a resolution with respect to an energy action has been referred has not reported it at the end of 5 calendar days after its introduction, it is in order to move either to discharge the committee from further consideration of the resolution or to discharge the committee from further consideration of any other resolution with respect to the energy action which has been referred to the committee.

"(B) A motion to discharge may be made only by an individual favoring the resolution, is highly privileged (except that it may not be made after the committee has reported a resolution with respect to the same energy action), and debate thereon shall be limited to not more than 1 hour, to be divided equally between those favoring and those opposing the resolution. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"(C) If the motion to discharge is agreed to or disagreed to, the motion may not be renewed, nor may another motion to discharge the committee be made with respect to any other resolution with respect to the same energy action.

"(5)(A) When the committee has reported, or has been discharged from further consideration of, a resolution with respect to an energy action, it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. The motion is highly privileged and is not debatable. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"(B) Debate on the resolution shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the resolution. A motion further to limit debate is not debatable. An amendment to, or motion to recommit, the resolution is not in order, and it is not in order to move to reconsider the vote by which the resolution is agreed to or disagreed to.

"(6)(A) Motions to postpone, made with respect to the discharge from committee, or the consideration of a resolution with respect to an energy action, and motions to proceed to the consideration of other business, shall be decided without debate.

"(B) Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution with respect to an energy action shall be decided without debate."

SEC. 104. FEDERAL ENERGY ADMINISTRATION

(a) There is hereby established a Federal Energy Administration, to be headed by a Federal Energy Administrator, who shall be appointed by the President by and with the advice and consent of the Senate. The Administrator may be removed by the President for cause. The Administrator shall serve for a term ending on May 15, 1975. Vacancies in the office of Administrator shall be filled for the remainder of the term of the original Administrator, in the same manner as the original appointment.

(b) The Administrator shall be compensated at the rate provided for level II of the Executive Schedule. Subject to the Civil Service and Classification provisions of title 5, United States Code, the Administrator may employ such personnel as he deems necessary to carry out his functions.

(c) Effective on the date on which the Administrator first takes office (or, if later, on January 1, 1974), all functions, powers, and duties of the President under sections 4, 5, 6, and 9 of the Emergency Petroleum Allocation Act of 1973 (as amended by sections 103, 117, and 118 of this Act), and of any officer, department, agency, or State (or officer thereof) under such sections (other than functions vested by section 6 of such Act in the Federal Trade Commission, the Attorney General, or the Antitrust Division of the Department of Justice), are transferred to the Administrator. All personnel, property, records, obligations, and commitments used primarily with respect to functions transferred under the preceding sentence shall be transferred to the Administrator.

(d) Price Control and Shortages. The President and the Administrator shall conduct a review of all rulings and regulations issued pursuant to the Economic Stabilization Act to determine if such rulings and regulations are contributing to the shortage of petroleum products, coal, natural gas, and petrochemical feedstocks, and of materials associated with the production of energy supplies, and equipment necessary to maintain and increase the exploration and production of coal, crude oil, natural gas, and other fuels. The results of this review shall be submitted to the Congress within thirty days of the date of enactment of this Act.

(e) Section 27(k) of the Consumer Product Safety Act shall apply to the Administrator. The Federal Energy Administration shall be considered an independent regulatory agency for purposes of chapter 33 of title 44, United States Code.

SEC. 105. ENERGY CONSERVATION PLANS.

(a) Within 30 days of the date of enactment of this Act and from time to time thereafter, the Administrator shall propose one or more energy conservation plans which shall be designed to supplement and be coordinated with actions taken and proposed to be taken under other authority of this or other Acts to result in a reduction of energy consumption to a level which can be supplied by available energy resources. For purposes of this section the term "energy conservation plans" means proposed plans for transportation controls (including highway speed limits, and plans for maximizing car pooling arrangements in all communities and business where applicable), priority allocation plans for energy conserving recyclable raw materials for use within the United States, or such other restrictions on the public or private use of energy (including limitations on energy consumption of businesses) which are necessary to reduce energy consumption. The Administrator shall submit such plans to the Congress for appropriate action.

(b) Energy conservation plans shall provide for the maintenance of vital services (including new housing construction, education, health care, hospitals, public safety, energy production, agricultural operations as defined in paragraph (1)(C) of subsection (b) of section 4 of the Emergency Petroleum Allocation Act of 1973, collection, transportation and delivery of mail by the United States Postal Service, its lessors, contractors and carriers, and transportation services, which are necessary to the preservation of health, safety, and the public welfare).

(c) Plans submitted by the Administrator pursuant to subsection (a) of this section shall provide that, to the maximum extent practicable, proposed restrictions on the use of energy shall be designed to be carried out in such manner so as to be fair and to create a reasonable distribution of the burden of such restrictions on all sectors of the economy, without imposing an unreasonably disproportionate share of such burden on any specific industry, business or commercial enterprise, or on any individual segment thereof and shall give due consideration to the needs of commercial, retail, and service establishments whose normal function is to supply groceries or goods and services of a convenience nature during times of day other than conventional daytime working hours.

(d) Energy conservation plans submitted pursuant to this section shall include proposals to provide for Federally sponsored incentives for the use of public transportation and Federal subsidies to maintain or reduce existing fares and additional expenses incurred because of increased service.

(e) Nothing in this section or any other provision of this Act or of the Emergency Petroleum Allocation Act of 1973 shall be construed as authorizing the imposition of any tax.

SEC. 106. COAL CONVERSION AND ALLOCATION.

(a) PROHIBITION OF USE OF NATURAL GAS AND PETROLEUM PRODUCTS BY CERTAIN USERS.— The Administrator shall, to the extent practicable and consistent with the objectives of this Act, by order, after balancing on a plant-by-plant basis the environmental effects of use of coal against the need to fulfill the purposes of this Act, prohibit, as its primary energy source, the burning of natural gas or petroleum products by any major fuel-burning installation (including any existing electric powerplant) which, on the date of enactment of this Act, has the capability and necessary plant equipment to burn coal. Any installation to which such an order applies shall be permitted to continue to use coal as provided in subsection (b) of this section until January 1, 1980. To the extent coal supplies are limited to less than the aggregate amount of coal supplies which may be necessary to satisfy the requirements of those installations which can be expected to use coal (including installations to which orders may apply under this subsection), the Administrator shall prohibit the use of natural gas and petroleum products for those installations where the use of coal will have the least adverse environmental impact.

A prohibition on use of natural gas and petroleum products under this subsection shall be contingent upon the availability of coal, coal transportation facilities, and the maintenance of reliability of service in a given service area. The Administrator may require that fossil-fuel-fired electric powerplants in the early planning process, other than combustion gas turbine and combined cycle units, be designed and constructed so as to be capable of using coal as a primary energy source instead of or in addition to other fossil fuels. No fossil-fuel-fired electric powerplant may be required under this section to be so designed and constructed, if (1) to do so would be unreasonable or would result in an impairment of reliability or adequacy of service, or (2) if an adequate and reliable supply of coal is not available and is not expected to be available. In considering whether a conversion requirement under this subsection is unreasonable, the Administrator shall consider the existence and effects of any contractual commitment for the construction of such facilities and the availability of compensation or tax relief for any capital loss incurred through such conversion requirement.

(b) USE OF COAL.—

(1) Except as provided in paragraph (2), any electric powerplant (A) which is prohibited from using petroleum products or natural gas by reason of an order issued under subsection (a), or which has voluntarily begun conversion to the use of coal during the period 90 days prior to the effective date of this Act and (B) which converts to the use of coal, shall not, until January 1, 1980, be prohibited from burning coal which is available to such source by any fuel or emission limitation, if the Administrator of the Environmental Protection Agency approves, after notice to interested persons and opportunity for presentation of views (including oral presentation), a plan submitted by the person who operates such plant. A plan submitted under the preceding sentence shall be approved only if it provides (A) that such plant shall make such use of control technology as may be necessary to enable such plant to come into compliance with national ambient air quality standards to which the suspension applied, as expeditiously as practicable; (B) for a schedule described in section 119(a)(2)(A)(iii) of the Clean Air Act (excluding section 119(a)(2)(B)(i)); and (C) that such plan will, during the period beginning on the effective date of the approval of the plan and ending at the time such plant complies with such stationary source of fuel or emission limitation, comply with interim requirements which the Administrator of the Environmental Protection Agency shall prescribe to assure that such source will not materially contribute to a significant risk to public health. Such Administrator shall approve any such plan before May 15, 1974, or if later 60 days after such plan is submitted.

(2) Nothing in paragraph (1) shall pro-

hibit the Administrator of the Environmental Protection Agency or a State or local agency, to the extent practicable after notice to interested persons and opportunity for presentation of views (including oral presentations), (A) from prohibiting the use of coal by such a source to which paragraph (1) applies if such Administrator or any such agency determines that the use of coal by such source is likely to materially contribute to a significant risk to public health; or (B) from requiring such source to use a particular grade of coal of any particular type, grade, or pollution characteristic, if such coal is available to such source.

(3) For purposes of this subsection, the term "fuel or emission limitation" means any emission limitation, schedule, or timeable for compliance, or other requirement, which is prescribed under any Federal, State, or local law or regulation (including the Clean Air Act) and which is designed to limit stationary source emissions resulting from combustion of fuels (including a restriction on the use or content of fuels).

(c) COAL ALLOCATION AUTHORITY.—The Administrator may be rule prescribe a system for allocation of coal to users thereof in order to attain the objectives specified in section 4(b) of the Emergency Petroleum Allocation Act of 1973 and of section 205 of this Act. Any rule prescribed under this subsection shall be deemed to be part of the regulation.

(d) EXPIRATION.—The authority under this section (other than subsection (b)) shall expire on May 15, 1975.

SEC. 107. REGULATED CARRIERS.

(a) AGENCY AUTHORITY.—The Interstate Commerce Commission (with respect to common or contract carriers subject to economic regulation under the Interstate Commerce Act), the Civil Aeronautics Board, and the Federal Maritime Commission shall, for the duration of the period beginning on the date of enactment of this Act and ending on May 15, 1975, have authority to take any action for the purpose of conserving energy consumption in a manner found by such Commission or Board to be consistent with the objectives and purposes of the Acts administered by such Commission or Board on its own motion or on the petition of the Administrator which existing law permits such Commission or Board to take upon the motion or petition of any regulated common or contract carrier or other person.

(b) The Interstate Commerce Commission shall, by expedited proceedings, adopt appropriate rules under the Interstate Commerce Act which eliminate restrictions on the operating authority of any motor common carrier of property which require excessive travel between points with respect to which such motor common carrier has regularly performed service under authority issued by the Commission. Such rules shall assure continuation of essential service to communities served by any such motor common carrier.

(c) The Interstate Commerce Commission shall by expedited proceedings adopt appropriate rules under the Interstate Commerce Act which will contribute to conserving energy by eliminating discrimination against the shipment of recyclable materials in rate structures and other Commission practices.

(d) REPORTS.—Within sixty days after the date of enactment of this Act, the Civil Aeronautics Board, the Federal Maritime Commission, and the Interstate Commerce Commission shall report separately to the appropriate committees of the Congress on the need for additional regulatory authority in order to conserve fuel during the period beginning on the date of enactment of this Act and ending on May 15, 1975 while continuing to provide for the public convenience and necessity. Each such report shall identify with specificity—

(1) the type of regulatory authority needed;

(2) the reasons why such authority is needed;

(3) the probable impact on fuel conservation of such authority;

(4) the probable effect on the public convenience and necessity of such authority; and

(5) the competitive impact, if any, of such authority.

Each such report shall further make recommendations with respect to changes in any existing fuel allocation programs which are deemed necessary to provide for the public convenience and necessity during such period.

SEC. 108. DELEGATION OF AUTHORITY.

The Administrator may delegate all or any of his functions under this Act or the Emergency Petroleum Allocation Act of 1973 to any officer or employee of the Federal Energy Administration as he deems appropriate. The Administrator may delegate any of his functions relative to implementation of regulations and energy conservation plans under this Act or the Emergency Petroleum Allocation Act of 1973 to officers of a State, or to State or local boards of balanced composition reflecting the makeup of the community as a whole. Section 5(b) of the Emergency Petroleum Allocation Act of 1973 is repealed, effective on the effective date of transfer of functions under such Act to the Administrator.

SEC. 109. ADMINISTRATION.

(a) ADMINISTRATIVE PROCEDURE.—

(1) Subject to paragraphs (2), (3), and (4) of this subsection, the provisions of subchapter II of chapter 5 of title 5, United States Code, shall apply to any rule or order (including a rule or order issued by a State or officer thereof) under this title except with respect to any rule or order pursuant to section 107 of this Act, section 205 (a), (b), (c), and (d) of this Act, or section 4(h) or 4(i) of the Emergency Petroleum Allocation Act of 1973, or under the authority of any energy conservation plan.

(2) Notice of any proposed rule or order described in paragraph (1) shall be given by publication of such proposed rule or order in the Federal Register. In each case, a minimum of ten days following such publication shall be provided for opportunity to comment; except that the requirements of this paragraph as to time of notice and opportunity to comment may be waived where strict compliance is found to cause serious impairment to the operation of the program to which such rule or order relates and such findings are set out in detail in such rule or order.

(3) In addition to the requirements of paragraph (2), if any rule or order described in paragraph (1) is likely to have a substantial impact on the Nation's economy or large numbers of individuals or businesses, an opportunity for oral presentation of views, data, and arguments shall be afforded. To the maximum extent practicable, such opportunity shall be afforded prior to the implementation of such rule or order, but in all cases such opportunity shall be afforded no later than 45 days after the implementation of any such rule or order. A transcript shall be kept of any oral presentation.

(4) Any officer or agency authorized to issue rules or orders described in paragraph (1) shall provide for the making of such adjustments, consistent with the other purposes of this Act or the Emergency Petroleum Allocation Act of 1973 (as the case may be), as may be necessary to prevent special hardships, inequity, or an unfair distribution of burdens and shall in rules prescribed by it establish procedures which are available to any person for the purpose of seeking an interpretation, modification, or rescission of, or an exception to or exemption from, such rules and orders. If such person is aggrieved or adversely affected by the denial of a request for such action under the preceding sentence, he may request a review of such denial by the officer or agency and may obtain judicial review in accordance with subsection (b) when such denial becomes final. The officer or agency shall, in rules prescribed by it, establish appropriate procedures, including a hearing where deemed advisable, for considering such requests for action under this paragraph.

(b) JUDICIAL REVIEW.—Any interested person (including a State or political subdivision thereof) may obtain judicial review of any rule or order described in subsection (a)(1) of this section in accordance with chapter 7 of title 5, United States Code. Review of a rule may be obtained in the Temporary Emergency Court of Appeals. Review of a rule or order shall be pursuant to the procedures of section 211 of the Economic Stabilization Act of 1970.

(c) LOCAL BOARDS.—

(1) The Administrator may by rule prescribe procedures for State or local boards which carry out functions under this Act or the Emergency Petroleum Allocation Act of 1973. Such procedures shall apply to such boards in lieu of subsection (a), and shall require that prior to taking any action, such boards shall take steps reasonably calculated to provide notice to persons who may be affected by the action, and shall afford an opportunity for presentation of views (including oral presentation of views where practicable) at least 10 days before taking the action. Such boards shall be of balanced composition reflecting the makeup of the community as a whole.

SEC. 110. PROHIBITED ACTS.

It shall be unlawful—

(1) for any person, who is engaged in the business of marketing or distributing diesel fuel to trucks on bona fide cargo runs, to deny to such trucks full fill-ups of fuel, unless—

(A) there is in effect under this Act, the Emergency Petroleum Allocation Act of 1973, or any other Act an end-use allocation regulation which restricts such full fill-ups by such person to such trucks, or

(B) such person has no such fuel available for sale;

(2) to violate any order under section 106;

(3) to violate any rule under the first sentence of section 123; or

(4) to violate any order of the Renegotiation Board issued pursuant to its authority under section 117 of this Act.

SEC. 111. ENFORCEMENT.

(a) CRIMINAL PENALTY.—Whoever willfully violates any provision of section 110 shall be fined not more than $5,000 for each violation.

(b) CIVIL PENALTY.—Whoever violates any provision of section 110 shall be subject to a civil penalty of not more than $2,500 for each violation.

(c) INJUNCTIVE AND OTHER RELIEF.—Whenever it appears to any person authorized by the Administrator to exercise authority under this Act that any individual or organization has engaged, is engaged, or is about to engage in acts or practices constituting a violation of any provision of section 110, such person may request the Attorney General to bring an action in the appropriate district court of the United States to enjoin such acts or practices, and upon a proper showing a temporary restraining order or a preliminary or permanent injunction shall be granted without bond. Any such court may also issue mandatory injunctions commanding any person to comply with such provision of section 110.

(d) PRIVATE RELIEF.—Any person suffering legal wrong because of any act or practice arising out of any violation of section 110 may bring an action in a district court of the United States, without regard to the amount in controversy, for appropriate relief, includ-

ing an action for a declaratory judgment or writ of injunction. Nothing in this subsection shall authorize any person to recover damages.

SEC. 112. GRANTS TO STATES

There are authorized to be appropriated such sums as may be necessary for the purpose of making grants to States to which the Federal Energy Administrator has delegated authority under section 109 of this Act. The Administrator shall make grants upon such terms and conditions as he may prescribe.

SEC. 113. FAIR MARKETING OF PETROLEUM PRODUCTS

The Emergency Petroleum Allocation Act of 1973 is amended by adding at the end thereof the following new section:

"FAIR MARKETING OF REFINED PETROLEUM PRODUCTS

"SEC. 8. (a) As used in this section:

"(1) The term 'commerce' means commerce between a State and a point outside such State.

"(2) The term 'marketing agreement' means that portion of an agreement or contract between a refiner and a branded independent marketer (A) which authorizes such marketer to market or distribute refined petroleum products using a trademark, trade name, service mark, or other identifying symbol or name owned by such refiner, or (B) which authorizes such marketer to occupy premises owned, leased, or in any way controlled by a refiner, for the purposes of marketing or distributing refined petroleum products, or (C) which authorizes both.

"(3) The term 'person' means an individual or a corporation, partnership, joint-stock company, business trust, association, or any organized group of individuals whether or not incorporated.

"(4) The term 'refiner' includes any person (other than a branded independent marketer) who controls, is controlled by, or under common control with, a refiner. For purposes of the preceding sentence, the term 'control' does not include control solely by means of a supply contract.

"(5) The term 'State' means any State, the District of Columbia, the Commonwealth of Puerto Rico, and any organized territory or possession of the United States.

"(6) The term 'to terminate' includes to cancel or to fail to renew.

"(b) The following conduct is prohibited:

"(1) A refiner shall not terminate a marketing agreement unless he furnishes prior notification pursuant to this paragraph to each branded independent marketer to which such termination applies. Such notification shall be in writing and shall be accomplished by certified mail to each such marketer; shall be furnished not less than ninety days prior to the date on which such agreement will be terminated; and shall contain a statement of intention to terminate together with the reasons therefor, the date on which such termination shall take effect, and a statement of any remedy or remedies available to such marketer under this section, together with a summary of the provisions of this section.

"(2) A refiner shall not terminate a marketing agreement unless the branded independent marketer to which such termination applies failed to comply substantially with one or more essential and reasonable requirements of such marketing agreement or failed to act in good faith in carrying out the terms of such agreement; except that such refiner may terminate such agreement if he does not, during the 3-year period which begins on the date of such termination, engage in the sale of any refined petroleum product in commerce for sale other than for resale in any relevant market within such branded independent marketer operated.

"(c)(1) A branded independent marketer may maintain a suit under this section against a refiner who engages in conduct prohibited by subsection (b), whose actions affect commerce, and whose products he sells or has sold, directly or indirectly, under a marketing agreement.

"(2) The court may award to any branded independent marketer actual damages resulting from the termination of a marketing agreement together with such equitable relief (including interim equitable relief and punitive damages) as may be appropriate, including declaratory judgments and mandatory or prohibitive injunctive relief. The court may, unless such suit is frivolous, direct that costs, including a reasonable attorney's fee, be paid by the defendant.

"(d) A suit under this section may be brought in the district court of the United States for any district in which the plaintiff resides, is found, or is doing business, without regard to the amount in controversy. No suit shall be maintained under this section unless commenced within four years after the date of the termination of such marketing agreement.".

SEC. 114. VOLUNTARY ENERGY CONSERVATION AGREEMENTS

(a) Within fifteen days of the date of enactment of this Act, the Administrator, in consultation with the Attorney General and the Federal Trade Commission, shall promulgate, by rule, standards and procedures by which retail or service establishments may develop and implement voluntary agreements to promote energy conservation by limiting the operating hours of such retail or service establishments, adjusting retail store delivery schedules, and by taking such other actions as the Administrator, after consultation with the Attorney General and the Federal Trade Commission, by rule determines to be necessary and appropriate to accomplish the objectives of this Act.

(b) The standards and procedures under subsection (a) shall be promulgated pursuant to section 553 of title 5, United States Code. They shall provide, among other things, that—

(i) A written copy of any agreement under this section shall be submitted to the Attorney General and the Federal Trade Commission and be available for public inspection;

(ii) Meetings held to develop and implement an agreement under this section shall permit attendance by interested persons and shall be preceded by timely notice to the Attorney General, the Federal Trade Commission, and to the public in the affected community;

(iii) Interested persons shall be afforded an opportunity to present, in writing and orally, data, views, and arguments at such meetings; and

(iv) A written summary of the proceedings of any such meeting together with copies of any written data, views, and arguments presented by interested persons shall be submitted to the Attorney General and the Federal Trade Commission and be available for public inspection.

(c) Actions taken in good faith, in accordance with this section and rules promulgated hereunder, to develop and implement a voluntary energy conservation agreement shall not be construed to be within the prohibitions of the antitrust laws of the United States, the Federal Trade Commission Act, or similar State statutes.

(d) Any voluntary agreement entered into pursuant to this section shall be submitted in writing to the Attorney General 10 days before being implemented. The Attorney General, at any time, on his motion or upon the request of any interested person, may disapprove any such voluntary agreement and hereby withdraw prospectively the immunity conferred by subsection (c).

(e) As used in this section—

(i) The term "voluntary agreement" shall not pertain to, or govern the conduct of, activities relating to the marketing and distribution of any petroleum product.

(ii) The term "retail or service establishment" shall mean an establishment 75 per centum of whose annual dollar volume of sales of goods or services (or both) is not for resale and is recognized as retail sales or services in the particular industry, as determined by the Attorney General.

(f) The Attorney General and the Federal Trade Commission shall each submit to the Congress and to the President at least once every six months a report on the impact on competition and on small business of the voluntary agreements authorized by this section.

(g) The authority granted by this section (including any immunity under subsection (c)) shall terminate on May 15, 1975.

SEC. 115. PROHIBITIONS ON UNREASONABLE ALLOCATION REGULATIONS.

Action taken under authority of this Act, the Emergency Petroleum Allocation Act of 1973, or other Federal law resulting in the allocation of refined petroleum products and electrical energy among users or resulting in restrictions on use of refined petroleum products and electrical energy, shall be equitable, shall not be arbitrary or capricious, and shall not unreasonably discriminate among users: *Provided*, That, with respect to allocation of petroleum products applicable to the foreign trade and commerce of the United States, no foreign corporation or entity shall receive more favorable treatment in the allocation of petroleum products than that which is accorded by its home country to United States citizens engaged in the same line of commerce, and allocations shall contain provisions designed to foster reciprocal and non-discriminatory treatment by foreign countries of United States citizens engaged in foreign commerce.

SEC. 116. USE OF CARPOOLS.

(a) The Secretary of Transportation shall encourage the creation and expansion of the use of carpools as a viable component of our nationwide transportation system. It is the intent of this section to maximize the level of carpool participation in the United States.

(b) The Secretary of Transportation is directed to establish within the Department of Transportation an "Office of Carpool Promotion" whose purpose and responsibilities shall include—

(1) responding to any and all requests for information and technical assistance on carpooling and carpooling systems from units of State and local governments and private groups and employees;

(2) promoting greater participation in carpooling through public information and the preparation of such materials for use by State and local governments;

(3) encouraging and promoting private organizations to organize and operate carpool systems for employees;

(4) promoting the cooperation and sharing of responsibilities between separate, yet proximately close, units of government in coordinating the operations of carpool systems; and

(5) promoting other such measures that the Secretary determines appropriate to achieve the goal of this subsection.

(c) The Secretary of Transportation shall encourage and promote the use of incentives such as special parking privileges, special roadway lanes, toll adjustments, and other incentives as may be found beneficial and administratively feasible to the furtherance of carpool ridership, and consistent with the obligations of the State and local agencies which provide transportation services.

(d) The Secretary of Transportation shall allocate the funds appropriated pursuant to the authorization of subsection (f) according to the following distribution between

the Federal and State or local units of government:

(1) The initial planning process—up to 100 percent Federal.

(2) The systems design process—up to 100 percent Federal.

(3) The initial startup and operation of a given system—60 percent Federal and 40 percent State or local with the Federal portion not to exceed 1 year.

(e) Within 12 months of the date of enactment of this Act, the Secretary of Transportation shall make a report to Congress of all his activities and expenditures pursuant to this section. Such report shall include any recommendations as to future legislation concerning carpooling.

(f) The sum of $1,000,000 is authorized to be appropriated for the conduct of programs designed to achieve the goals of this section, such authorization to remain available for 2 years.

(g) For purposes of this section, the terms "local governments" and "local units of government" include any metropolitan transportation organization designated as being responsible for carrying out section 134 of title 23, United States Code.

(h) As an example to the rest of our Nation's automobile users, the President of the United States shall take such action as is necessary to require all agencies of Government, where practical, to use economy model motor vehicles: *Provided:* That, the aggregate number of fuel inefficient passenger motor vehicles purchased by all executive agencies in fiscal year 1975 may not exceed 30 per centum of the aggregate number of passenger motor vehicles purchased by all executive agencies in such year; and the aggregate number of fuel inefficient passenger motor vehicles purchased by all executive agencies in fiscal year 1976 may not exceed 10 per centum of the aggregate number of passenger motor vehicles purchased by all executive agencies in such year. For purposes of this subsection, the term "fuel inefficient passenger motor vehicle" for fiscal year 1975 means an automobile which does not achieve at least seventeen miles per gallon as certified by the Department of Transportation; for fiscal year 1976, and thereafter, the term "fuel inefficient passenger motor vehicle" means an automobile which does not achieve at least twenty miles per gallon, as certified by the Department of Transportation. *And provided further,* That, the aggregate number of fuel inefficient passenger motor vehicles purchased by or for the Legislative and Judicial Branches of the Federal Government and for all Departments in the Executive Branch may not exceed 30 per centum of the aggregate number of passenger motor vehicles purchased by each such Branch in such year; and the aggregate number of fuel inefficient passenger motor vehicles purchased by each such Branch in fiscal year 1976 may not exceed 10 per centum of the aggregate number of passenger motor vehicles by each such Branch in each such year. For purposes of this subsection the term, fuel inefficient passenger motor vehicle for fiscal year 1975 means an automobile which does not achieve at least seventeen miles per gallon as certified by the Department of Transportation; for fiscal year 1976, and thereafter, the term fuel inefficient passenger motor vehicle means an automobile which does not achieve at least twenty miles per gallon, as certified by the Department of Transportation.

(i) (1) The President shall take action to require that no Federal official or employee in the executive branch below the level of Cabinet officer be furnished a limousine for individual use. The provisions of this subsection shall not apply to limousines furnished for use by officers or employees of the Federal Bureau of Investigation, or to those persons whose assignments necessitate transportation by limousines, because of diplomatic assignment by the Secretary of State.

(2) For purposes of this subsection, the term "limousine" means a type 6 vehicle as defined in the Interim Federal Specifications issued by the General Services Administration, December 1, 1973.

SEC. 117. PROHIBITION ON PRICE GOUGING.

(a) Section 4 of the Emergency Petroleum Allocation Act of 1973 (as amended by section 103 of this Act) is further amended to prevent price gouging with respect to sales of crude oil, residual fuel oil, refined petroleum products, and coal, including sales of diesel fuel to motor common carriers by adding at the end thereof the following new subsection:

"(m) (1) The President shall exercise his authority under this Act and under the Economic Stabilization Act of 1970 so as to specify prices for sales of crude oil, refined petroleum products, residual fuel oil, produced in or imported into the United States, which avoid windfall profits by sellers.

"(2) Any interested person, who has reason to believe that any price (specified under any of the authorities referred to in paragraph (1) of this subsection) of crude oil, refined petroleum products, residual fuel oil, permits a seller thereof any windfall profits, may petition the Renegotiation Board (created by section 107(a) of the Renegotiation Act of 1951 and hereinafter in this subsection referred to as the 'Board') for a determination under subparagraph (A) or (B) or paragraph (3).

"(3) (A) Upon petition of any interested person, the Board may by rule determine, after opportunity for oral presentation of views, data, and arguments, whether the price (specified under any of the authorities referred to in paragraph (1)) of crude oil, any refined petroleum product, residual fuel oil, or coal, permits sellers thereof to receive windfall profits. Upon a final determination of the Board that such price permits windfall profits to be so received, it shall specify a price for the sales of such item which will not permit such profits to be received by such sellers. After such a final determination, no higher price may be specified for sales of such item (under any of the authorities specified in paragraph (1)) except with the approval of the Board.

"(B) Upon petition of any interested person and notwithstanding any proceeding or determination under subparagraph (A), the Board may determine whether the price charged by a particular seller of crude oil, any refined petroleum product, residual fuel oil, permitted such seller to receive windfall profits. If, on the basis of such petition, the Board has reason to believe that such price has permitted such seller to receive windfall profits, it may order such seller to take such actions (including the escrowing of funds) as it may deem appropriate to assure that sufficient funds will be available for the refund of windfall profits in the event there is a final determination by the Board under this subparagraph that such seller has received windfall profits. Prior to a final determination under this subparagraph, such seller shall be afforded a hearing in accordance with the procedures required by section 554 of title 5, United States Code. Upon a final determination of the Board that such price permitted such seller to receive windfall profits, the Board shall order such seller to refund an amount equal to such windfall profits to the persons who have purchased from such seller the items the price of which resulted in such windfall profits. If such persons are not reasonably ascertainable, the Board shall order, for the purpose of refunding such profits, the seller to reduce the price for future sales of the item the price of which resulted in windfall profits, to create a fund against which previous purchases of such item may file a claim under rules which shall be prescribed by the Board, or to take such other action as the Board may deem appropriate.

"(C) Notwithstanding section 108 of the Renegotiation Act of 1951 and section 211 of the Economic Stabilization Act of 1970, any final determination under subparagraph (A) or (B) shall be subject to judicial review in accordance with sections 701 through 706 of title 5, United States Code.

"(4) (A) The Board may provide, in its discretion under regulations prescribed by the Board, for such consolidation as may be necessary or appropriate to carry out the purposes of this subsection.

"(B) The Board may make such rules, regulations, and orders as it deems necessary or appropriate to carry out its functions under this subsection.

"(5) The determination and approval authority of the Board under this paragraph may not be delegated or redelegated pursuant to section 107(d) of the Renegotiation Act of 1951 to any agency of the Government other than an agency established by the Board.

"(6) For the purposes of subparagraph (B) of paragraph (3), the term 'windfall profits' means that profit (during an appropriate accounting period as determined by the Board) derived from the sale of crude oil, any refined petroleum product, or residual fuel oil, determined by the Board to be in excess of the lesser of—

"(A) a reasonable profit with respect to the particular seller as determined by the Board upon consideration of—

(i) the reasonableness of its costs and profits with particular regard to volume of production;

(ii) the net worth, with particular regard to the amount and source of capital employed;

"(iii) the extent of risk assumed;

"(iv) the efficiency and productivity, particularly with regard to cost reduction techniques and economies of operation; and

"(v) other factors the consideration of which the public interest and fair and equitable dealing may require which may be established and published by the Board; or

"(B) the greater of—

"(i) the average profit obtained by all sellers for the particular item during the calendar years 1967 through 1971; or

"(ii) the average profit obtained by the particular seller for the particular item during such calendar years.

"(7) Except as provided in paragraph (4), for the purposes of this subsection, the term 'windfall profits' means profit in excess of the average profit obtained by all sellers for the particular item during the calendar years 1967 through 1971.

"(8) For the purposes of this subsection, the term 'interested person' includes the United States, any State, and the District of Columbia.

"(9) This subsection shall not apply to the first sale of crude oil described in subsection (e) (2) of this section (relating to stripper wells)."

(b) Notwithstanding any other provision of law, administrative proceedings before the Board under section of the Emergency Petroleum Allocation Act of 1973 shall be governed by subchapter II of chapter 5 of title 5, United States Code, and such proceeding shall be reviewed in accordance with chapter 7 of such title.

"(9) Any action or proceeding under subsections (3) (A) and (B) of this section to determine windfall profits or to recover windfall profits under this Act must be brought within one year after the expiration of this "Emergency Energy Act" or any extension thereof. Further, it is expressly provided that windfall profits as defined in this section refer only to profits earned during the period

beginning with the enactment of this Act and ending on the date of the expiration of this Act, or any extension thereof."

SEC. 118. IMPORTATION OF LIQUIFIED NATURAL GAS.

The Emergency Petroleum Allocation Act of 1973 is amended by adding at the end thereof the following new section:

"SEC. 9. Notwithstanding the provisions of section 3 of the Natural Gas Act (or any other provisions of law) the President may by order, on a finding that such action would be consistent to the public interest, authorize on a shipment-by-shipment basis the importation of liquified natural gas from a foreign country: *Provided, however,* That the authority to act under this section shall not permit the importation of liquified natural gas which had not been authorized prior to the date of expiration of this Act and which is in transit on such date."

SEC. 119. DEVELOPMENT OF ADDITIONAL ELECTRIC POWER RESOURCES.

Not later than ninety days after the date of enactment for this Act, the President shall prepare and submit to Congress a plan for the development of the hydroelectric power, solar energy, and geothermal resources of the United States by Federal and non-Federal interests. Such a plan shall provide for the expeditious completion of projects already authorized by Congress and for the planning of other projects designed to utilize available hydroelectric power, solar energy, and geothermal resources, including tidal power and pumped storage.

SEC. 120. ANTITRUST PROVISION.

(a) Except as specifically provided in subsection (1), no provision of this Act shall be deemed to convey to any person subject to this Act any immunity from civil or criminal liability, or to create defenses to actions, under the antitrust laws.

"(b) As used in this section, the term 'antitrust laws' means—

"(1) the Act entitled 'An Act to protect trade and commerce against unlawful restraints and monopolies', approved July 2, 1890 (15 U.S.C. 1 et seq.), as amended;

"(2) the Act entitled 'An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes', approved October 15, 1914 (15 U.S.C. 12 et seq.), as amended;

"(3) the Federal Trade Commission Act (15 U.S.C. 41 et seq.), as amended;

"(4) sections 73 and 74 of the Act entitled 'An Act to reduce taxation, to provide revenue for the Government, and for other purposes', approved August 27, 1894 (15 U.S.C. 8 and 9), as amended; and

"(5) the Act of June 19, 1936, chapter 592 (15 U.S.C. 13, 13a, 13b, and 21a).

"(c)(1) To achieve the purposes of this Act, the Administrator may provide for the establishment of such advisory committees as he determines are necessary. Any such advisory committees shall be subject to the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C. App. I), whether or not such Act or any of its provisions expires or terminates during the term of this Act or of such committees, and in all cases shall be chaired by a regular fulltime Federal employe and shall include representatives of the public. The meetings of such committees shall be open to the public.

"(2) A representative of the Federal Government shall be in attendance at all meetings of any advisory committee established pursuant to this section. The Attorney General and the Federal Trade Commission shall have adequate advance notice of any meeting and may have an official representative attend and participate in any such meeting.

"(3) A full and complete verbatim transcript shall be kept of all advisory committee meetings, and shall be taken and deposited, together with any agreement resulting therefrom, with the Attorney General and the Federal Trade Commission. Such transcript and agreement shall be made available for public inspection and copying, subject to the provisions of sections 552(b)(1) and (b)(3) of Title 5, United States Code.

"(d) The Administrator, subject to the approval of the Attorney General and the Federal Trade Commission, shall promulgate, by rule, standards and procedures by which persons engaged in the business of producing, refining, marketing, or distributing crude oil, residual fuel oil or any refined petroleum product may develop and implement voluntary agreements and plans of action to carry out such agreements which the Administrator determines are necessary to accomplish the objectives stated in section 4(b) of the Emergency Petroleum Allocation Act of 1973.

"(e) The standards and procedures under subsection (d) shall be promulgated pursuant to section 553 of Title 5, United States Code. They shall provide, among other things, that—

"(1) Such agreements and plans of action shall be developed by meetings of committees, councils, or other groups which include representatives of the public, of interested segments of the petroleum industry and of industrial, municipal and private consumers, and shall in all cases be chaired by a regular fulltime Federal employee.

"(2) Meetings held to develop a voluntary agreement or a plan of action under this subsection shall permit attendance by interested persons and shall be preceded by timely and adequate notice with identification of the agenda of such meeting to the Attorney General, the Federal Trade Commission and to the public in the affected community;

"(3) Interested persons shall be afforded an opportunity to present, in writing and orally, data, views and arguments at such meetings;

"(4) A full and complete verbatim transcript shall be kept of any meeting, conference or communication held to develop, implement, or carry out a voluntary agreement or a plan of action under this subsection and shall be taken and deposited, together with any agreement resulting therefrom, with the Attorney General and the Federal Trade Commission. Such transcript and agreement shall be available for public inspection and copying, subject to provisions of section 552 (b)(1) and (b)(3) of title 5, United States Code.

"(f) The Federal Trade Commission may exempt types or classes of meetings, conferences, or communications from the requirements of subsections (c)(3) and (e)(4) provided such meetings, conferences, or communications are ministerial in nature and are for the sole purpose of implementing or carrying out a voluntary agreement or plan of action authorized pursuant to this section. Such ministerial meeting, conference, or communication may take place in accordance with such requirements as the Federal Trade Commission may prescribe by rule. Such persons participating in such meeting, conference, or communication shall cause a record to be made specifying the date such meeting, conference, or communication took place and the persons involved, and summarizing the subject matter discussed. Such record shall be filed with the Federal Trade Commission and the Attorney General, where it shall be made available for public inspection and copying.

"(g)(1) The Attorney General and the Federal Trade Commission shall participate from the beginning in the development, implementation, and carrying out voluntary agreements and plans of action authorized under this section. Each may propose any alternative which would avoid or overcome, to the greatest extent practicable, possible anticompetitive effects while achieving substantially the purposes of this Act. Each shall have the right to review, amend, modify, disapprove, or prospectively revoke, on its own motion or upon the request of any interested person, any plan of action or voluntary agreement at any time, and, if revoked, thereby withdraw prospectively the immunity conferred by subsection (i) of this section.

"(2) Any voluntary agreement or plan of action entered into pursuant to this section shall be submitted in writing to the Attorney General and the Federal Trade Commission 20 days before being implemented, where it shall be made available for public inspection and copying.

"(h)(1) The Attorney General and the Federal Trade Commission shall monitor the development, implementation and carrying out of plans of action and voluntary agreements authorized under this section to assure the protection and fostering of competition and the prevention of anticompetitive practices and effects.

"(2) The Attorney General and the Federal Trade Commission shall promulgate joint regulations concerning the maintenance of necessary and appropriate documents, minutes, transcripts and other records related to the development, implementation or carrying out of plans of action or voluntary agreements authorized pursuant to this Act.

"(3) Persons developing, implementing or carrying out plans of action or voluntary agreements authorized pursuant to this Act shall maintain those records required by such joint regulations. The Attorney General and the Federal Trade Commission shall have access to and the right to copy such records at reasonable times and upon reasonable notice.

"(4) The Federal Trade Commission and the Attorney General may each prescribe such rules and regulations as may be necessary or appropriate to carry out their responsibilities under this Act. They may both utilize for such purposes and for purposes of enforcement, any and all powers conferred upon the Federal Trade Commission or the Department of Justice, or both, by any other provision of law, including the antitrust laws; and wherever such provision of law refers to 'the purposes of this Act' or like terms, the reference shall be understood to be this Act.

"(i) There shall be available as a defense to any civil or criminal action brought under the antitrust laws in respect of actions taken in good faith to develop and implement a voluntary agreement or plan of action to carry out a voluntary agreement by persons engaged in the business of producing, refining, marketing, or distributing crude oil, residual fuel oil, or any refined petroleum product that—

"(1) Such action was—

"(A) authorized and approved pursuant to this section, and

"(B) undertaken and carried out solely to achieve the purposes of this section and in compliance with the terms and conditions of this section, and the rules promulgated hereunder; and

"(2) Such persons fully complied with the requirements of this section and the rules and regulations promulgated hereunder.

"(j) No provision of this Act shall be construed as granting immunity for, nor as limiting or in any way affecting any remedy or penalty which may result from any legal action or proceeding arising from, any acts or practices which occurred (1) prior to the enactment of this Act, (2) outside the scope and purpose or not in compliance with the terms and conditions of this Act and this section, or (3) subsequent to its expiration or repeal.

"(k) Effective on the date of enactment of this Act, this section shall apply in lieu of section 6(c) of the Emergency Petroleum Allocation Act of 1973. All actions taken and any authority or immunity granted under such section 6(c) shall be hereafter taken or

granted, as the case may be, pursuant to this section.

"(l) The provisions of section 708 of the Defense Production Act of 1950, as amended, shall not apply to any action authorized to be taken under this Act or the Emergency Petroleum Allocation Act of 1973.

"(m) The Attorney General and the Federal Trade Commission shall each submit to the Congress and to the President, at least once every six months, a report on the impact on competition and on small business of actions authorized by this section.

"(n) The authority granted by this section (including any immunity under subsection (i)) shall terminate on December 31, 1974.

"(o) The exercise of the authority provided in section 107 shall not have as a principal purpose or effect the substantial lessening of competition among carriers affected. Actions taken pursuant to that subsection shall be taken only after providing from the beginning an adequate opportunity for participation by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division who shall propose any alternative which would avoid or overcome, to the greatest extent practicable, any anticompetitive effects while achieving the purposes of this Act."

SEC. 121. COMPREHENSIVE REVIEW OF EXPORT AND FOREIGN INVESTMENT POLICIES.

The Secretary of the Interior and the Secretary of Commerce are directed to prepare a comprehensive report of (1) United States exports of petroleum products and other energy sources, and (2) foreign investment in production of petroleum products and other energy sources to determine the consistency or lack thereof of the Nation's trade policy and foreign investment policy with domestic energy conservation efforts. Such report shall include recommendations for legislation and shall be submitted to Congress within ninety days after the date of enactment of this Act."

SEC. 122. EMPLOYMENT IMPACT AND WORKER ASSISTANCE.

(a) Carrying out his responsibilities under this Act, the President shall take into consideration and shall minimize, to the fullest extent practicable, any adverse impact of actions taken pursuant to this Act upon employment. All agencies of government shall cooperate fully under their existing statutory authority to minimize any such adverse impact.

(b) The President is authorized and directed to make grants to States to provide to any individual unemployed, if such employment resulted from the administration and enforcement of this Act and was in no way due to the fault of such individual, such assistance as the President deems appropriate while such individual is unemployed. Such assistance as a State shall provide under such a grant shall be available to individuals not otherwise eligible for unemployment compensation and individuals who have otherwise exhausted their eligibility for such unemployment compensation, and shall continue as long as unemployment in the area caused by such administration and enforcement continues (but not less than six months) or until the individual is reemployed in a suitable position, but not longer than two years after the individual becomes eligible for such assistance. Such assistance shall not exceed the maximum weekly amount under the unemployment compensation program of the State in which the employment loss occurred.

(c) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.

(d) On or before the sixtieth day following the date of enactment of this Act, the President shall report to the Congress concerning the present and prospective impact of energy shortages upon employment. Such report shall contain an assessment of the adequacy of existing programs in meeting the needs of adversely affected workers and shall include legislative recommendations which the President deems appropriate to meet such needs, including revisions in the unemployment insurance laws.

SEC. 123. EXPORTS.

To the extent necessary to carry out the purpose of this Act, the Administrator may under authority of this Act, by rule, restrict exports of coal, petroleum products, and petrochemical feedstocks, under such terms as he deems appropriate: *Provided*, That, the Administrator shall restrict exports of coal, petroleum products, or petrochemical feedstocks if either the Secretary of Commerce or the Secretary of Labor certifies that such exports would contribute to unemployment in the United States. In the administration of such restrictions, the Administrator may use existing statutory authorities and regulations including, but not limited to, the Export Administration Act of 1969. Rules under this section shall take into account the historical trading relations of the United States with Canada and Mexico and shall not be inconsistent with subsections (b) and (d) of section 4 of the Emergency Petroleum Allocation Act of 1973.

SEC. 124. PROHIBITION OF PETROLEUM EXPORTS FOR MILITARY OPERATIONS IN INDOCHINA.

In the exercise of his jurisdiction under the preceding section, and in order to conserve petroleum products for use in the United States, the Administrator shall prohibit the exportation of petroleum products for use, directly or indirectly, in military operations in South Vietnam, Cambodia, or Laos.

SEC. 125. REPORT AND TERMINATION DATE.

(a) No later than September 1, 1974, the President shall submit to Congress an interim report on the implementation of this Act, together with such recommendations as he deems necessary for amending or extending the authorities granted in this Act or in the Emergency Petroleum Allocation Act of 1973.

(b) Notwithstanding any other provisions of title I of this Act or of the Emergency Petroleum Allocation Act of 1973, any authorities granted in title I of this Act or by the Emergency Petroleum Allocation Act of 1973 which, but for this section would expire on December 31, 1974, one year after the date of enactment of this Act, or on February 28, 1975, shall expire on May 15, 1975.

SEC. 126. REPORTS ON NATIONAL ENERGY RESOURCES.

(a) For the purpose of providing to the Administrator, Congress, the States, and the public, to the maximum extent possible, reliable data on reserves, production, distribution, and use of petroleum products, natural gas, and coal, the Administrator shall promptly publish for public comment a regulation requiring that persons doing business in the United States, who, on the effective date of this Act, are engaged in exploring, developing, processing, refining, or transporting by pipeline, any petroleum product, natural gas, or coal, shall provide detailed reports to the Administrator every sixty calendar days. Such reports shall show for the preceding sixty calendar days such person's (1) reserves of crude oil, natural gas, and coal; (2) production and destination of any petroleum product, natural gas, and coal; (3) refinery runs by product; and (4) other data required by the Administrator for such purpose. Such regulation shall also require that such persons provide to the Administrator such reports for the period from January 1, 1970, to the date of such person's first sixty day report. Such regulation shall be promulgated 30 days after such publication. The Administrator shall publish quarterly in the Federal Register a meaningful summary analysis of the data provided by such reports.

(b) The reporting requirements of this section shall not apply to the retail operations of persons required to file such reports. Where a person shows that all or part of the data required by this section is being reported by such person to another Federal agency, the Administrator may exempt such person from reporting all or part of such data directly to him, and upon such exemption, such agency shall, notwithstanding any other provision of law, provide such data to the Administrator. The district courts of the United States are authorized, upon application of the Administrator, to require enforcement of such reporting requirements.

(c) Upon a showing satisfactory to the Administrator by any person that any report or part thereof obtained under this section from such person or from a Federal agency would, if made public, divulge methods or processes entitled to protection as trade secrets or other proprietary information of such person, such report, or portion thereof, shall be confidential in accordance with the purposes of section 1905 of Title 18 of the United States Code, except that such report or part thereof shall not be deemed confidential for purposes of disclosure to (1) any delegate of the Federal Energy Administration for the purpose of carrying out this Act, (2) the Attorney General, the Secretary of the Interior, the Federal Trade Commission, the Federal Power Commission, or the General Accounting Office when necessary to carry out those agencies' duties and responsibilities under this and other statutes, and (3) the Congress or any Committee of Congress upon request of the Chairman. The provisions of this section shall expire on May 15, 1975.

SEC. 127. DEVELOPMENT OF PROCESSES FOR THE CONVERSION OF COAL TO CRUDE OIL AND OTHER LIQUID AND GASEOUS HYDROCARBONS.

The Administrator shall prepare and submit to Congress not later than 90 days after the date of enactment of this Act a plan for encouraging the conversion of coal to crude oil and other liquid and gaseous hydrocarbons.

TITLE II—COORDINATION WITH ENVIRONMENTAL PROTECTION REQUIREMENTS

SEC. 201. SUSPENSION AUTHORITY.

Title I of the Clean Air Act (42 U.S.C. 1857 et seq.) is amended by adding at the end thereof the following new section:

"TEMPORARY AUTHORITY TO SUSPEND CERTAIN STATIONARY SOURCE EMISSION AND FUEL LIMITATIONS

"SEC. 119. (a) (1) The Administrator may, for any period beginning on or after the date of enactment of this section and ending on or before May 15, 1974, temporarily suspend any stationary source fuel or emission limitation as it applies to any person, if the Administrator finds that such person will be unable to comply with such limitation during such period solely because of unavailability of types or amounts of fuels. Any suspension under this paragraph and any interim requirement on which such suspension is conditioned under subsection (b) shall be exempted from any procedural requirements set forth in this Act or in any other provision of local, State, or Federal law. The granting or denial of such suspension and the imposition of an interim requirement shall be subject to judicial review only on the grounds specified in paragraphs (2) (B) and (2) (C) of section 706 of title 5, United States Code, and shall not be subject to any proceeding under section 304(a) (2) of this Act.

"(2) (A) After public notice and public hearing, the Administrator may, for any period beginning after May 15, 1974, and end-

ing not later than June 30, 1979, temporarily suspend any stationary source fuel or emission limitation as it applies to any person if the Administrator finds—

"(i) that such person will be unable to comply with such limitation solely because of the unavailability of types and amounts of fuels,

"(ii) that such suspension (in conjunction with interim requirements under subsection (b)) will not, after the applicable implementation plan deadline, result in or contribute to a level of air pollutants which is greater than that specified in a national primary ambient air quality standard, and

"(iii) that such person has been placed on a schedule which provides for the use of methods which the Administrator determines will assure continuing compliance with a national primary ambient air quality standard as soon as practicable (but no later than June 30, 1979), which schedule shall include increments of progress toward compliance with such standard by such date.

"(B)(i) Any schedule under subparagraph (A)(iii) shall include, if necessary to meet a national primary air quality standard, a date by which a contractual obligation shall be entered into for an emission reduction system which has been determined by the Administrator to be adequately demonstrated (except that in the case of a person wishing to construct and install such system himself as soon as practicable, but not later than June 30, 1979, the Administrator may approve detailed plans and specifications and increments of progress for construction and installation of such a system). Before the earliest date on which a person is required to take any action under the preceding sentence (but not later than May 15, 1977) any source may elect to have the preceding sentence not apply to it; but if such election is made, no suspension under this section may apply to such source after May 15, 1977.

"(ii) For purposes of subparagraph (A)(ii) and of subsection (b), the term 'applicable implementation plan deadline' means the date on which (as of the date of enactment of the Energy Emergency Act) a national primary ambient air quality standard is required by an applicable implementation plan to be attained in an air quality control region.

"(C) Any person may obtain judicial review of a grant or denial of a suspension under this paragraph and of any interim requirement on which such suspension is conditioned under subsection (b) by filing a petition with the United States district court for any judicial district in which is located any stationary source to which the action of the Administrator applies. The second and third sentences of clause (ii), and clauses (iii) and (iv) of section 206(b)(2)(B) of this Act shall apply to judicial review under this paragraph. No proceeding under section 304(a)(2) may be commenced with respect to any action or failure to act under this paragraph.

"(3) In issuing any suspension under this subsection, the Administrator is authorized to act on his own motion without application by any source or State.

"(b) Any suspension under subsection (a) shall be conditioned upon compliance with such interim requirements as the Administrator determines necessary for minimizing the threat to public health which may exist prior to the applicable implementation plan deadline and for assuring maintenance of the national primary ambient air quality standards during any portion of such suspension which may be authorized after the applicable implementation plan deadline. Such interim requirements and section 110 shall not be construed to preclude use of alternative or intermittent control measures which the Administrator determines are reliable and enforceable and which he determines will permit attainment and maintenance of the national primary ambient air quality standards during the period of the suspension. Such interim requirements shall include, but not be limited to, (A) a requirement that the source receiving the suspension comply with such monitoring and reporting requirements as the Administrator determines may be necessary to determine the effect on health or air quality of such suspension, (B) such measures as the Administrator determines are necessary to avoid an imminent and substantial endangerment to health of persons, and (C) requirements that the suspension shall be inapplicable during any period during which fuels or emission reduction systems which would enable compliance with the suspended fuel or emission limitations are in fact available to that person (as determined by the Administrator). Such fuel shall not be required to be used if the Administrator determines that the costs of changes necessary to use such fuel during such period are unreasonable.

"(c) The Administration may by rule establish priorities under which manufacturers of emission reduction systems shall provide such systems to users thereof, if he finds that priorities must be imposed in order to assure that such systems are first provided to users in air quality control regions with the most severe air pollution.

"(d) The Administrator shall study, and report to Congress not later than March 31, 1974, with respect to—

"(1) the present and projected impact on the program under this Act of fuel shortages and allocation and end-use allocation programs;

"(2) availability of scrubber technology (including projections respecting the time, cost, and number of units available) and the effects that scrubbers would have on the total environment and on supplies of fuel and electricity;

"(3) number of sources and locations which must use such technology based on projected fuel availability data;

"(4) priority schedule for implementation of scrubber technology, based on public health or air quality;

"(5) evaluation of availability of technology to burn municipal solid waste in these sources; including time schedules, priorities, analysis of unregulated pollutants which will be emitted and balancing of health benefits and detriments from burning solid waste and of economic costs;

"(6) projections of air quality impact of fuel shortages and allocations;

"(7) evaluation of alternative control strategies for the attainment and maintenance of national ambient air quality standards for sulfur oxides within the time frames prescribed in the Act, including associated considerations of cost, time frames, feasibility, and effectiveness of such alternative control strategies as compared to stationary source fuel and emission regulations;

"(8) proposed allocations of scrubber technology for nonsolid waste producing systems to sources which are least able to handle solid waste byproduct, technologically, economically, and without hazard to public health, safety, and welfare; and

"(9) plans for monitoring or requiring variance-receiving sources to monitor impact of variances on concentration of sulfur dioxide in the ambient air.

"(e) No State or political subdivision may require any person to whom a suspension has been granted under subsection (a) to use any fuel the unavailability of which is the basis of such person's suspension (except that this preemption shall not apply to requirements identical to Federal interim requirements under subsection (b) or a compliance schedule under subsection (a)(2)(A)(iii), including any requirement under subsection (a)(2)(B)(i)). No State or political subdivision may require any person to use an emission reduction system for which priorities have been established under subsection (c) except in accordance with such priorities.

"(f)(1) It shall be unlawful for any person to whom a suspension has been granted under subsection (a) to violate any requirement of which the suspension is conditioned pursuant to subsection (b).

"(2) It shall be unlawful for any person to violate any rule under subsection (c).

"(3) It shall be unlawful for any person to fail to comply with a schedule of compliance under subsection (a)(2)(A)(iii), including any requirement under subsection (a)(2)(B)(i).

"(g) For purposes of this section:

"(1) The term 'stationary source' fuel or 'emission limitation' means any emission limitation, schedule, or timetable for compliance, or other requirement, which is prescribed under this Act (other than section 303 111(b), or 112) or contained in an applicable implementation plan and which is designed to limit stationary source emissions resulting from combustion of fuels, including a prohibition on or specification of the use of any fuel or any type or grade or pollution characteristic.

"(2) the term 'stationary source' has the same meaning as such term has under section 111(a)(3).

"(h) Beginning 60 days after the enactment of this section, the Administrator shall publish at no less than 180-day intervals, in the Federal Register the following:

"(1) Up-to-date findings on the emission reduction systems determined to be adequately demonstrated for the purposes of subsection (a)(2)(B).

"(2) A concise summary of progress reports which are required to be filed by any person operating under a suspension pursuant to subsection (a)(2). Such progress reports shall report on the status of compliance with all requirements which have been imposed by the Administrator as a condition for receiving the suspension.

"(3) Up-to-date findings on the impact of the suspensions granted upon—

"(A) applicable implementation plans, and

"(B) ambient air quality in areas where any person has received a suspension under subsection (a)(2) of this section.

"(i)(1) In order to conserve available supplies of liquid and gaseous fuels, each coal-fired steam electric generating station which is eligible for such an exemption as provided in paragraph (2) is hereby exempted from all applicable stationary source fuel or emission limitations, unless the Administrator determines that the cost of compliance with any such limitation is reasonable in light of the projected useful life of the station, the availability of rate base increases to pay for such costs, and the risk to public health and the environment which may be associated with exemption from such limitation.

"(2) The exemption provided for in paragraph (1) shall only apply to coal-fired steam electric generating stations (A) which are to be taken out of service permanently by December 31, 1980, due to the age and condition of the station, according to the power supply plan (in existence on the date of enactment of the Energy Emergency Act) of the utility operating such station, (B) for which a certification to that effect has been annually filed with the Environmental Protection Agency and the Federal Power Commission, and (C) for which the FPC has determined that the certification has been made in good faith and the plan to cease operations by December 31, 1980, is likely to be carried out as planned in light of existing and prospective power supply requirements.

"(3) The Administrator of EPA shall be authorized to prescribe interim requirements

for any source exempted from any stationary source fuel or emission limitation under this subsection so long as such requirements impose only reasonable costs in light of the criteria precribed in paragraph (i))."

SEC. 202. IMPLEMENTATION PLAN REVISIONS.

(a) REVISIONS TO REFLECT SUSPENSIONS.—Section 110(a) of the Clean Air Act is amended—

(1) in paragraph (2)(B) by inserting before the semicolon at the end thereof ", and provision for energy conservation measures"; and

(2) in paragraph (3), by inserting "(A)" after "(3)" and by adding at the end thereof the following new subparagraph:

"(B) The Administrator shall review each applicable implementation plan and no later than May 1, 1974, determine for each State whether its plan must be revised in order to achieve the national primary or secondary standard which the plan implements within the deadlines established under paragraph (2)(A) of this subsection. In making such determination the Administrator shall consider any current or anticipated suspensions under section 119, any action under section 106(b), and any projected shortages of fuels or emission reduction systems. Plan revisions for any State for which the Administrator determines its plan is inadequate shall be submitted not later than July 1, 1974, and shall be approved or disapproved by the Administrator, after public notice and opportunity for hearing, but not later than September 1, 1974. If a plan revision (or portion thereof) is disapproved (or if a State fails to submit a plan revision), the Administrator shall, after public notice and opportunity for a hearing, promulgate a revised plan (or portion thereof) not later than November 1, 1974.".

(b) AMBIENT AIR STANDARDS.—Section 110 of the Clean Air Act, as amended (41 U.S.C. 1857(h) (1) and (2)), is amended to read as follows:

"(h)(1) The Administrator shall, upon application by the Governor for any air quality control region for which transportation controls have been imposed in order to attain and maintain the national primary ambient air quality standards by June 1, 1977, extend for two years the date required by any applicable implementation plan for attainment and maintenance of such standards, if the transportation controls for such region require a 20 percent (or greater) reduction in vehicle miles traveled by June 1, 1977, or if he otherwise finds that such controls are impracticable within such time.

(2) The Administrator may, upon application by the Governor for any such region, further extend the date for attainment and maintenance of such standard if he finds that imposition of additional transportation control requirements is impracticable within such time. In no event, however, shall the Administrator permit any extension (A) which allows for attainment of the primary standard less expeditiously than practicable, or (B) which allows a less than 10 percent annual improvement in air quality toward the achievement of such standard, so that protection of the public health may be assured by January 1, 1985."

(c) LIMITATION ON PARKING SURCHARGES, MANAGEMENT OF PARKING SUPPLY, AND PREFERENTIAL BUS/CARPOOL LANE REGULATIONS.—Subsection (c) of section 110 of the Clean Air Act, as amended (42 U.S.C. 1857 C-5) is amended by inserting "(1)" after "(c)"; by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively; and by adding the following new paragraph:

"(2)(A) The Administrator shall conduct a study and shall submit a report to the Committee on Interstate and Foreign Commerce of the United States House of Representatives and the Committee on Public Works of the United States Senate within 6 months after the enactment of this paragraph on the necessity of parking surcharge, management of parking supply, and preferential bus/carpool lane regulations in order to achieve national primary ambient air quality standards. The study shall include an assessment of the economic impact of such regulations, consideration of alternative means of reducing total vehicle miles traveled, and an assessment of the impact of such regulations on other Federal and State programs dealing with transportation. In the course of such study, the Administrator shall consult with other Federal officials including, but not limited to, the Secretary of Transportation, the Administrator of the Federal Energy Administration, and the Chairman of the Council on Environmental Quality.

"(B) No parking surcharge of parking supply, or preferential bus/carpool lane regulation may be promulgated by the Administrator under paragraph (1) of this subsection as a part of an implementation plan. All parking surcharge, management of parking supply, and preferential bus/carpool lane regulations previously promulgated by the Administrator shall be null and void upon the date of enactment of this subsection. This subparagraph shall not prevent the Administrator from approving parking surcharges, management of parking supply regulations, and preferential bus/carpool lanes if they are adopted and submitted by a State as part of an implementation plan. The Administrator may not condition approval of any implementation plan submitted by a State on such plan's including a parking surcharge, management of parking supply, or preferential bus/carpool lane regulation.

"(C) For purposes of this paragraph, the terms 'parking surcharge regulation' means a regulation imposing or requiring the imposition of any tax, surcharge, fee, or other charge on parking spaces, or any other area used for the temporary storage of motor vehicles. The term 'management of parking supply' and the term 'preferential bus/carpool lane' shall include those general activities covered by but not limited to regulations numbered 52.251 and 52.261 through 52.264 as set forth in vol. 38 of the Federal Register Number 217."

SEC. 203. MOTOR VEHICLE EMISSIONS.

(a) Revision of Standards.—

(1) Section 202(b)(1) of the Clean Air Act is amended—

(A) by striking out in subparagraph (a) "1975" and inserting in lieu thereof "1978";

(B) by striking out "during or after model year "1976" and all that follows in subparagraph (b) and inserting in lieu thereof "during model year 1976 shall contain standards which limit emissions to a maximum of 3.1 grams per vehicle mile of oxides of nitrogen. The regulations under subsection (a) applicable to emissions of oxides of nitrogen from light duty vehicles and engines manufactured during or after model year 1977 shall contain standards which limit emissions to a maximum of 2.0 grams per vehicle mile of oxides of nitrogen.", and

(C) by adding at the end of such paragraph the following new subparagraph:

"(C) Compliance with the regulations prescribed pursuant to this section for model years 1975, 1976, and 1977, shall be measured by certification test procedures prescribed by the Administrator for model year 1975. The regulation for model years 1975, 1976, and 1977 prescribed pursuant to subsection (a) (for carbon monoxide and hydrocarbons) shall impose the same emission standards as are in effect as of December 1, 1973, for model year 1975."

(2) Section 202(b)(5) of the Clean Air Act is repealed.

(b) Extension of Implementation Plan Deadlines.—Section 110 of the Clean Air Act is amended by adding at the end thereof the following new subsection:

"(g) Notwithstanding any other provision of this Act, the Administrator may, within the period by which (under subsection (a)(2)(A)(i)) an applicable implementation plan must provide for the attainment in a State of a national primary ambient air quality standard (as such period may be extended under subsection (e)), extend such period for not more than two additional years if he determines that such primary standard cannot be attained in such State within such period solely by reason of the amendments made by section 203(a) of the National Energy Emergency Act."

SEC. 204. CONFORMING AMENDMENTS.

(a)(1) Section 113(a)(3) of the Clean Air Act is amended by striking out "or" before "112(c)", by inserting a comma in lieu thereof, and by inserting after "hazardous emissions)" the following: ", or 119(f) (relating to certain requirements during suspensions and priorities)."

(2) Section 113(b)(3) of such Act is amended by striking out "or 112(c)" and inserting in lieu thereof ", 112(c), or 119(f)".

(3) Section 113(c)(1)(C) of such Act is amended by striking out "or section 112(c)" and inserting in lieu thereof ", section 112(c), or section 119(f)".

(4) Section 113 of such Act is amended by inserting at the end thereof the following new subsection:

"(d) For the purpose of this section, the violation of any provision of an approved plan under section 106(b) of the Energy Emergency Act shall be deemed a violation of a 'requirement of an applicable implementation plan during any period of federally assumed enforcement'."

(5) Section 114(a) of such Act is amended by inserting "119 or" before "303".

(b) Section 116 of the Clean Air Act is amended by inserting "119(f)" before "209".

SEC. 205. PROTECTION OF PUBLIC HEALTH AND ENVIRONMENT.

(a) Any allocation program provided for in title I of this Act or in the Emergency Petroleum Allocation Act of 1973, shall, to the maximum extent practicable, include measures to assure that available low sulfur fuel will be distributed on a priority basis to those areas of the country designated by the Administrator of the Environmental Protection Agency as requiring low sulfur fuel to avoid or minimize adverse impact on public health.

(b)(1) For the period beginning May 15, 1974, the Administrator of the Environmental Protection Agency may, after public notice and opportunity for presentation of views in accordance with section 553 of title 5, United States Code, and consultation with the Federal Energy Administrator, issue exchange orders to any person or persons requiring the exchange of any fuel subject to any allocation program under title I of this Act or such Act of 1973. The purpose of such exchange orders shall be to avoid or minimize the adverse impact of any such allocation program on public health in those areas of the country designated by the Administrator of the Environmental Protection Agency under subsection (a). Such Administrator may issue an order under this subsection only if he finds that (A) substantial emission reductions will be afforded for one or more emission sources in areas designated under subsection (a), and (B) the costs and fuel availability impact of such order will not be excessive.

(2) Violation of any exchange order issued under paragraph (1) of this subsection shall be a prohibited act and shall be subject to enforcement action and sanctions in the same extent as a violation of any requirement of an energy conservation and rationing program under title I of this Act.

(c) In order to determine the health ef-

fects of emissions of sulfur oxides to the air resulting from any conversions to burning coal pursuant to section 106, the Department of Health, Education, and Welfare shall, in cooperation with the Environmental Protection Agency, conduct a study of acute and chronic effects among exposed populations. The sum of $2,000,000 is authorized to be appropriated for such a study.

(d) No action taken under this Act shall, for a period of 1 year after initiation of such action, be deemed a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (83 Stat. 856). However, before any action under this Act that has a significant impact on the environment is taken, if practicable, or in any event within 60 days after such action is taken, an environmental evaluation with analysis equivalent to that required under section 102(2)(C) of the National Environmental Policy Act, to the greatest extent practicable within this time constraint, shall be prepared and circulated to appropriate Federal, State, and local government agencies and to the public for a 30-day comment period after which a public hearing shall be held upon request to review outstanding environmental issues. Such an evaluation shall not be required where the action in question has been preceded by compliance with the National Environmental Policy Act by the appropriate Federal agency. Any action take under this Act which will be in effect for more than a 6-month period (other than action taken pursuant to subsection (e) of this section), or any action to extend an action taken under this Act to a total period of more than 1 year shall be subject to the full provisions of the National Environmental Policy Act notwithstanding any other provision of this Act.

(e) Notwithstanding subsection (d) of this section, in order to expedite the prompt construction of facilities for the importation of hydroelectric energy thereby helping to reduce the shortage of petroleum products in the United States, the Federal Power Commission is hereby authorized and directed to issue a Presidential permit pursuant to Executive Order 10485 of September 3, 1953, for the construction, operation, maintenance, and connection of facilities for the transmission of electric energy at the borders of the United States without preparing an environmental impact statement pursuant to section 102 of the National Environmental Policy Act of 1969 (83 Stat. 856) for facilities for the transmission of electric energy between Canada and the United States in the vicinity of Fort Covington, New York, and for any other facilities for the transmission of electric energy between a foreign country and the United States which the Federal Power Commission finds will be subject to adequate environmental review conducted by a State agency pursuant to State law.

SEC. 206. ENERGY CONSERVATION STUDY.

(a) The Administrator of the Federal Energy Administration shall conduct a study on potential methods of energy conservation and, not later than 6 months after the date of enactment of this Act, shall submit to Congress a report on the results of such study. The study shall include, but not be limited to, the following:

(1) the energy conservation potential of restricting exports of fuels or energy-intensive products or goods, including an analysis of balance of payments and foreign relations implications of any such restrictions;

(2) federally sponsored incentives for the use of public transit, including the need for authority to require additional production of buses or other means of public transit and Federal subsidies for the duration of the energy emergency for reduced fares and additional expenses incurred because of increased service;

(3) alternative requirements, incentives, or disincentives for increasing industrial recycling and resource recovery in order to reduce energy demand, including the economic costs and fuel consumption trade-off which may be associated with such recycling and resource recovery in lieu of transportation and use of virgin materials;

(4) the costs and benefits of electrifying rail lines in the United States with a high density of traffic; including (A) the capital costs of such electrification, the oil fuel economies derived from such electrification, the ability of existing power facilities to supply the additional power load, and the amount of coal or other fossil fuels required to generate the power required for railroad electrification, and (B) the advantages to the environment of electrification of railroads in terms of reduced fuel consumption and air pollution and disadvantages to the environment from increased use of fossil fuel such as coal; and

(5) means for incentives or disincentives to increase efficiency of industrial use of energy.

(b) Within 90 days of the date of enactment of this Act, the Secretary of Transportation, after consultation with the Federal Energy Administrator, shall submit to the Congress for appropriate action an "Emergency Mass Transportation Assistance Plan" for the purpose of conserving energy by expanding and improving public mass transportation systems and encouraging increased ridership as alternatives to automobile travel.

(c) Such plan shall include, but shall not be limited to—

(1) recommendations for emergency temporary grants to assist States and local public bodies and agencies thereof in the payment of operating expenses incurred in connection with the provision of expanded mass transportation service in urban areas;

(2) recommendations for additional emergency assistance for the purchase of buses and rolling stock for fixed rail, including the feasibility of accelerating the timetable for such assistance under section 142(a)(2) of title 23, United States Code (the "Federal Aid Highway Act of 1973"), for the purpose of providing additional capacity for and encouraging increased use of public mass transportation systems;

(3) recommendations for a program of demonstration projects to determine the feasibility of fare-free and low-fare urban mass transportation systesm, including reduced rates for elderly and handicapped persons during nonpeak hours of transportation;

(4) recommendations for additional emergency assistance for the construction of fringe and transportation corridor parking facilities to serve bus and other mass transportation passengers;

(5) recommendations on the feasibility of providing tax incentives for persons who use public mass transportation systems."

"(d) In consultation with the Federal Energy Administrator, the Secretary of Transportation shall make an investigation and study for the purpose of conserving energy and assuring that the essential fuel needs of the United States will be met by developing a high-speed ground transportation system between the cities of Tijuana in the State of Baja California, Mexico, and Vancouver in the Province of British Columbia, Canada, by way of the cities of Seattle in the State of Washington, Portland in the State of Oregon, and Sacramento, San Francisco, Fresno, Los Angeles and San Diego in the State of California. In carrying out such investigation and study the Secretray shall consider, but shall not be limited to—

(1) the efficiency of energy utilization and impact on energy resources of such a system, including the future impact of existing transportation systems on energy resources if such a system is not established;

(2) coordination with other studies undertaken on the State and local level; and

(3) such other matters as he deems appropriate.

The Secretary of Transportation shall report the results of the study and investigation pursuant to this Act, together with his recommendations, to the Congress and the President no later than December 31, 1974.

SEC. 207. REPORTS.

The Administrator of the Environmental Protection Agency shall report to Congress not later than January 31, 1975, on the implementation of sections 201 through 205 of this title.

SEC. 208. RECOMMENDATIONS FOR SITING OF ENERGY FACILITIES.

The President shall, within 90 days after the date of enactment of this Act, recommend to the Congress actions to be taken by the executive branch and the Congress regarding the problem of the siting of all types of energy producing facilities.

SEC. 209. FUEL ECONOMY STUDY.

Title II of the Clean Air Act is amended by redesignating section 213 as section 214 and by adding the following new section:

"FUEL ECONOMY IMPROVEMENT FROM NEW MOTOR VEHICLES

"SEC. 213. (a) The Administrator shall conduct a study, and shall report to the Committee on Interstate and Foreign Commerce of the United States House of Representatives and the Committee on Public Works of the United States Senate within 120 days following the date of enactment of this section, concerning the practicability of establishing a fuel economy improvement standard of 20 percent for new motor vehicles manufactured during and after model year 1980. Such study and report shall include, but not be limited to, the technological problems of meeting any such standard, including the leadtime involved; the test procedures required to determine compliance; the economic costs associated with such standard, including any beneficial economic impact; the various means of enforcing such standard; the effect on consumption of natural resources, including energy consumed; and the impact of applicable safety and emission standards. In the course of performing such study, the Administrator shall consult with the Secretary of Transportation, the Administrator of the Federal Energy Administration, the Chairman of the Council on Environmental Quality, and the Secretary of the Treasury. The Office of Management and Budget may review such report before its submission to Congress but the Office may not revise the report or delay its submission beyond the date prescribed for its submission, and may submit to Congress its comments respecting such report. In connection with such study, the Administrator may utilize the authority provided in section 307(a) of this Act to obtain necessary information.

"(2) For the purpose of this section, the term 'fuel economy improvement standard' means a requirement of a percentage increase in the number of miles of transportation provided by a manufacturer's entire annual production of new motor vehicles per unit of fuel consumed, as determined by the Administrator for each manufacturer. Such term shall not include any requirement for any design standard or any other requirement specifying or otherwise limiting the manufacturer's discretion in deciding how to comply with the fuel economy improvement standard by any lawful means.".

SEC. 210. FUEL ALLOCATIONS.

Notwithstanding any other provision of law or regulation, any project or enterprise authorized by law or regulations of the Federal Government, regardless of time initiated shall be allowed the necessary fuel for all its

operations under any rules formulated for such purposes.

The motion was agreed to.

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

The title was amended so as to read: "A bill to assure, through energy conservation, end-use allocation of fuels, and other means, that the essential energy needs of the United States are met, and for other purposes."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 11450) was laid on the table.

APPOINTMENT OF CONFEREES ON S. 2589, ENERGY EMERGENCY ACT

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that the House insist upon its amendment to the bill S. 2589 and request a conference with the Senate.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia? The Chair hears none and appoints the following conferees: Messrs. STAGGERS, MACDONALD, MOSS, ROGERS, BROYHILL of North Carolina, BROWN of Ohio, and HASTINGS.

GENERAL LEAVE

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

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

There was no objection.

CONVENING OF 2D SESSION OF 93D CONGRESS

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate Joint Resolution 180 and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

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

Mr. GROSS. Mr. Speaker, reserving the right to object, may we have an explanation of this rather unusual language?

Mr. O'NEILL. Will the gentleman yield?

Mr. GROSS. I am glad to yield.

Mr. O'NEILL. There is nothing unusual about it. It is exactly the same type of resolution as was passed for the August vacation.

As you know, the Speaker of the House and the President pro tem of the Senate may call the Congress back into session and the majority leader of the Senate and majority leader of the House and the minority leader of the House and the minority leader of the Senate may call the Congress back into session if these people feel there is an emergency.

It is exactly the same resolution as we passed on the August vacation.

We anticipate we will be adjourning for a recess Thursday or Friday or whenever our work is completed. We anticipate the work will be completed this weekend, so this is the same resolution as we passed before.

Mr. GROSS. Mr. Speaker, I would respectfully submit to the gentleman from Massachusetts that while I realize these were the terms and conditions of the August recess resolution, I am not aware of previous adjournment resolutions of this nature. This is a sine die resolution. So I think it is unusual, despite what the gentleman from Massachusetts has said.

Mr. O'NEILL. Mr. Speaker, I would say to the gentleman from Iowa that we have consulted the leadership on both sides of the aisle, and in both the House and the Senate, and they have concurred with this. I believe the Senate is going to come in with a variation that theirs will be the date of January 28 instead of January 21. But the leadership of the House felt that this was fair for the House in view of the fact that we have been working so hard and long. Here it is almost on the eve of Christmas, and the Members are entitled to go back to their areas, to their districts, to the grassroots to find out how the people feel, and to also get some vacation for themselves, and we felt that this was the fair thing to do.

Mr. GROSS. I only hope we can get back.

Mr. Speaker, I withdraw my reservation of objection.

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

Mr. DELLENBACK. Mr. Speaker, reserving the right to object, may I ask the distinguished majority leader, the gentleman from Massachusetts (Mr. O'NEILL), whether we understand correctly that under this action of the House and the Senate that we are about to take that not only can the Speaker and the President pro tempore of the Senate call the Congress back into session, and not only can the majority leader of the House and the majority leader of the Senate call the Congress back into session, but that the minority leader of the House and the minority leader of the Senate, acting together, can call the Congress back into session if there is in their opinion an emergency situation?

Mr. O'NEILL. That is correct.

Mr. DELLENBACK. Mr. Speaker, further reserving the right to object, may I ask the distinguished majority leader a further question?

The gentleman from Massachusetts said something in his explanation earlier, that any two of these people could call the Congress back into session. Would this mean the majority leaders and the minority leaders of each House could call them back?

Mr. O'NEILL. Mr. Speaker, if the gentleman will yield, the interpretation of the gentleman from Oregon is correct, in just the way the gentleman asked the question.

Mr. DELLENBACK. Then, in each instance, there is a representative in each body, although it could be the minority side, who could call the Congress back into session?

Mr. O'NEILL. The gentleman is correct.

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

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

Mr. SEIBERLING. Reserving the right to object, Mr. Speaker, the distinguished majority leader, the gentleman from Massachusetts (Mr. O'NEILL) has told us that this is the usual resolution, but these are not usual times.

I would just like to ask the gentleman whether consideration has been given to the reaction of the people of this country and the circumstances they are going to be going through in the next month during which the Congress will have chosen to be in recess?

Mr. O'NEILL. Mr. Speaker, I would say that that is a matter of each individual's opinion. My own personal opinion is that this would be for the best interests of the Nation, when the Congress has been working as diligently and as hard as this Congress has, I think it would be in the best interests of the Nation for them to get home, acquaint themselves with the people at home and get some rest, and then come back here ready, willing, and able to continue the work that they are elected for.

I think the people expect us back in our districts. I think, in fairness to the Members themselves, that they should be able to get back to their districts and make trips around their districts, and find out how the feelings of the people are back home, and particularly to get some rest.

I would say that with the long hours that we have been working during this session, and as hard as we have been, that there are often times that there is bitterness of feeling, and that is something that would never happen if we had not been here for hours on end, and for weeks on end.

Therefore I hope that there will be no objection.

Mr. SEIBERLING. I withdraw my reservation of objection.

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

Mr. DERWINSKI. Mr. Speaker, reserving the right to object, may I say that I concur with the distinguished majority leader, the gentleman from Massachusetts (Mr. O'NEILL) in that there is some practical reason for getting back to the grassroots and understanding the views of the people back home. But I just want to clarify one thing. The gentleman from Oregon (Mr. DELLENBACK) raised the point also. I would ask the gentleman from Massacusetts, do I understand correctly that the minority leader of the Senate and the minority leader of the House, acting jointly, could call us back into session?

Mr. O'NEILL. If the gentleman would yield, the gentleman is correct.

Mr. DERWINSKI. That worries me just a little bit, because we have a new leader on this side, and he is still in his honeymoon period. This is such an awesome responsibility to place on a young man who has just accepted this great

assignment. I have complete confidence in him.

Mr. Speaker, I withdraw my reservation of objection.

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

Mr. STEIGER of Wisconsin. Mr. Speaker, further reserving the right to object, may I inquire of the majority leader if any objections were lodged this evening, when next might the Members of the House hope that this resolution would be presented to us?

Mr. O'NEILL. I have a program scheduled for Monday, tentative 3 and tentative 4. I intend to announce tentative 3 when asked by the minority leader. In the event there is an objection to my unanimous-consent request, then I would read tentative 4, which will put this matter under suspension.

Mr. STEIGER of Wisconsin. Further reserving the right to object, Mr. Speaker, the gentleman's unanimous-consent request is that the resolution be immediately considered; am I correct?

Mr. O'NEILL. The gentleman is correct.

Mr. STEIGER of Wisconsin. If that were the case, would a vote then be eligible on the resolution?

Mr. O'NEILL. A vote would be eligible. Yes, a vote would be had.

Mr. STEIGER of Wisconsin. Mr. Speaker, I shall object.

The SPEAKER. Objection is heard.

PERMISSION FOR COMMITTEE ON EDUCATION AND LABOR TO HAVE UNTIL MIDNIGHT SATURDAY, DECEMBER 15, 1973, TO FILE A CONFERENCE REPORT ON S. 1559

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that the Committee on Education and Labor may have until midnight tomorrow to file a conference report on the manpower bill, S. 1559.

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

There was no objection.

LEGISLATIVE PROGRAM FOR THE WEEK OF DECEMBER 17, 1973

(Mr. RHODES asked and was given permission to address the House for 1 minute.)

Mr. RHODES. Mr. Speaker, I ask for this time in order to ask the distinguished majority leader as to the program for the rest of the day, which I hope will consist of zero and also the program for the balance of the week, and, I hope, for the balance of the session.

Mr. O'NEILL. Will the distinguished minority leader yield?

Mr. RHODES. I yield to the distinguished gentleman from Massachusetts, our distinguished majority leader.

Mr. O'NEILL. We have concluded the business for the day and the business for the week. I will offer a motion to adjourn until 12 o'clock on Monday next.

The program for the week of December 17, 1973, for the House of Representatives is as follows:

Monday and the balance of the week:

On Monday we have the Consent Calendar.

Then we will consider S. 1435, District of Columbia self-government, conference report.

Next will be H.R. 3180, franking privilege, conference report.

There will be 25 suspensions, the first suspension being:

Senate Joint Resolution 180, convening of the second session of the 93d Congress;

The remainder of the other 24 suspensions are as follows:

S. 2482, Small Business Administration ceiling authority;

S. 513, FHA loans for fire equipment in nursing homes;

H.R. 11137, Senate confirmation of OMB Director;

H.R. 11793, Federal Energy Administration;

S. 1945, grapefruit marketing orders;

H.R. 11273, protection against importation of noxious weeds;

S. 1529, American Falls Dam, Idaho;

S. 1038, allowances for service members;

House Concurrent Resolution 386, U.S.S. *Carl Vinson*;

S. 2714, pay for certain service members;

H.R. 3418, uniform enlistment qualifications;

H.R. 5621, U.S. flags for deceased National Guard and Selected Reserve members;

S. 2166, disposal of opium from the national stockpile;

S. 2316, disposal of copper from the national stockpile;

S. 2413, disposal of aluminum from the national stockpile;

S. 2493, disposal of silicon carbide from the national stockpile;

S. 2498, disposal of zinc from the national stockpile;

S. 2551, disposal of molybdenum from the national stockpile;

S. 1773, sale of vessels stricken from the naval vessel register;

House Joint Resolution 858, L. B. J. Memorial grove;

H.R. 11763, National Visitors Center Act amendment;

H.R. 10044, customs and immigration border facilities;

H.R. 11714, energy conservation in buildings; and

H.R. 11928, Water Pollution Act amendment.

The following will then be considered:

House Resolution 746, authorization to suspend the rules; and

H.R. 11510, Energy Research and Development Administration, under an open rule, with 2 hours of debate.

Conference reports may be brought up not necessarily in this order and not necessarily limited to this list:

H.R. 11576, supplemental appropriations, fiscal year 1974;

H.R. 11575, Defense Department appropriations, fiscal year 1974;

H.R. 11771, Foreign Assistance appropriations, fiscal year 1974;

S. 2589, National Emergency Energy Act;

H.R. 9142, Northeast Railroad Assistance Act;

H.R. 11088, Emergency Security Assistance for Israel;

S. 14, Health Maintenace Organizations;

H.R. 5874, Federal Financing Bank;

S. 1559, Comprehensive Manpower Act; and

H.R. 9256, Federal Health Benefits.

And there could possibly be further conference reports called up which will be announced later.

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

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

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

Mr. Speaker, was there an omission of the Private Calendar which would ordinarily be called on Tuesday? It is not listed on the schedule.

Mr. O'NEILL. Mr. Speaker, if the gentleman will yield, the Private Calendar will be called on Tuesday.

Mr. GROSS. I thank the gentleman.

Mr. RHODES. Mr. Speaker, could the distinguished majority leader conjecture with the House as to what date we could possibly adjourn sine die?

Mr. O'NEILL. We have been speculating as to the hour and day and time we will adjourn, but we believe that the bill we have spent the last 3 days on is the key to the entire problem. We will have to bring it back after conference. It is my understanding the conference committee is scheduled to meet on Monday and they have high hopes it will be back on Thursday of next week. I would hope we would be able to get out of here Thursday or Friday at the latest.

Mr. RHODES. I thank the gentleman.

ADJOURNMENT TO MONDAY, DECEMBER 17

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that when the House adjorns today it adjourn to meet on Monday next.

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday of next week.

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

There was no objection.

PERSONAL EXPLANATION

Mr. MARTIN of North Carolina. Mr. Speaker, at 11:51 p.m. the House voted on the amendment offered by the gentlewoman from New York (Ms. HOLTZMAN). I was absent in order to take my two children home. Had I been present here I would have voted "no" against that ill-considered amendment.

PERSONAL EXPLANATION

Mr. THOMSON of Wisconsin. Mr. Speaker, on rollcall No. 663 I am recorded as not voting. I was present and voted "yea" by electronic device.

GENERAL LEAVE

Mrs. HECKLER of Massachusetts. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order today.

The SPEAKER. Is there objection to the request of the gentlewoman from Massachusetts (Mrs. HECKLER)?

There was no objection.

THE ELK HILLS NAVAL PETROLEUM RESERVE

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

Mr. KETCHUM. Mr. Speaker, I have for the past several weeks risen frequently to urge the opening of the Elk Hills Naval Petroleum Reserve. Over 100 members have cosponsored my resolution to accomplish this. Only the apparent opposition of the Joint Chiefs of Staff precluded its early consideration. I now enter into the RECORD a letter dated December 11, 1973 to me from the Joint Chiefs of Staff in directing their support for the resolution. Nothing now appears to halt the consideration and passage of the resolution except the vacillation of the House Armed Services Committee. I urge you, Mr. Speaker, to demand this resolution be heard. Barring your early action, I have no other recourse but to file a discharge petition.

THE JOINT CHIEFS OF STAFF,
Washington, D.C., December 11, 1973.

Hon. WILLIAM M. KETCHUM.

DEAR MR. KETCHUM: This is in reply to your letter to Admiral Moorer regarding Joint Chiefs of Staff support for H.J. Resolution 832. Prior to leaving for Europe last week, Admiral Moorer requested that I reply to your letter as soon as the JCS position on H.J. Resolution 832 was established.

On 5 November 1973, the Joint Chiefs of Staff stated that only a national defense emergency should result in a significant increase in production from the naval petroleum reserves, and further that, in their opinion, the national oil situation, while extremely serious, had not reached the level of a national defense emergency. It was recognized, at that time, that if no other alternate source of oil could be found, a one-time limited authorization to produce from Elk Hills might be required.

The JCS continued to review the need for Elk Hills production. On 7 December 1973, the JCS reassessed the situation in the context of H.J. Resolution 832 and agreed that the impact of the continued embargo of petroleum from the Middle East, together with other critical aspects of the national and international petroleum situation, has now reached a level which warrants emergency measures, as contemplated in H.J. Resolution 832. However, the JCS recommended that the proposed legislation should insure that the funds generated are used expeditiously to explore and develop Naval Petroleum Reserve Number 4 (Alaska). Further, the legislation should specify that this limited one-time authorization to produce from Elk Hills does not constitute a precedent for using the reserves for other than national defense requirements created by major international military conflict.

The Joint Chiefs of Staff therefore recommend that the following amendments to the Joint Resolution be sought.

a. Add the following to the end of Section 3:

"Such exploration, prospecting, conservation, and development shall give priority to Naval Petroleum Reserve Number 4, and such exploration and prospecting shall commence within 30 days after production commences under this authorization from Naval Petroleum Reserve Number 1. Development shall be completed as soon thereafter as reasonably possible."

b. At the end of the resolution, add a new fourth section, as follows:

"The use of the naval petroleum reserves for these purposes is considered a one-time response to a special emergency and is not a precedent for future uses of these reserves except as required for major international military conflict."

Subject to incorporation of the above amendments, the Joint Chiefs of Staff support the enactment of H.J. Resolution 832.

Sincerely,

ROBERT M. LUCY,
Colonel, USMC, Legal Adviser & Legislative Assistant to the Chairman, JCS.

A WEIGHTED SOCIAL SECURITY EARNINGS LIMITATION

The SPEAKER pro tempore (Mr. MCFALL). Under a previous order of the House, the gentleman from New Hampshire (Mr. WYMAN) is recognized for 15 minutes.

Mr. WYMAN. Mr. Speaker, the burdens of the unbroken inflation of the past decade have fallen most heavily—and unfairly—upon those individuals who can least afford them: The more than 30 million who are retired and living on fixed incomes. Nor is the cost of living expected to decrease, especially in light of the energy shortage.

This burden is made even heavier by the restriction imposed on earnings by the Social Security Act. The present earnings limitation is scheduled to be increased to $2,400 effective January 1, 1974. The average social security beneficiary receives slightly less than $2,000 per year, and the minimum benefits are approximately $1,000. Allowing an additional $2,400 in outside earnings would bring the average yearly income to $4,400 and the minimum to $3,400. Maximum social security benefits are presently $3,200, allowing an annual income of $5,600.

Clearly, the earnings limitation should be raised to allow retirees to adequately supplement their social security benefits. It is also evident that the need is greatest at the lower end of the benefit scale.

Accordingly, I am today introducing legislation which would increase the basic earnings limitation and add a sliding scale formula to allow those whose need is the greatest to earn more.

Mr. Speaker, at this point I would like to include a detailed description of my proposal, as well as a letter of endorsement by the American Association of Retired Persons and National Retired Teachers Association.

FACT SHEET

EXISTING LAW

Under present law, a social security retiree may earn up to $2,100 without any loss of social security benefits. For every $2.00 of earnings above this $2,100 amount the retiree loses $1.00 of social security benefits. The $2,100 amount is scheduled to be increased to $2,400 effective January 1974.

THE FORMULA

Under the Wyman proposal, each social security retiree would be allowed to earn an amount equal to the difference between—

(1) the sum of:

(a) $3,000;

(b) the maximum primary insurance amount for the calendar year (presently $3,200); and

(2) the total of the monthly insurance benefits to which such retiree is entitled under section 202.

Expressed in a different manner, the formula would allow a recipient of old age insurance benefits to earn during the year an amount equal to the sum of:

(a) $3,000, and

(b) the difference between the maximum primary insurance amount and the actual amount of the recipient's benefits.

FURTHER LIBERALIZATION TO $3,000

The proposal would have the effect of increasing, for every recipient of old age insurance benefits, the amount which may be earned without any reduction of those benefits from the present $2,100 to *at least* $3,000. For those who are receiving less than the maximum primary insurance amount, earnings in excess of $3,000 would be allowed.

THE EFFECTS OF THE SLIDING SCALE FORMULA

The amount of earnings in excess of $3,000 which may be earned without loss of benefits would be directly related to the amount of the recipient's old age insurance benefits. The greater the difference between the maximum primary insurance amount for a given year and the recipient's actual amount of benefits, the greater would be the amount of earnings allowed without loss of benefits. The Wyman proposal, therefore, would not only liberalize further the present retirement test, it would, by substituting for the present test—which treats everyone exactly the same without regard to the amount of their old age insurance benefits or their need for supplemental income—a sliding scale test, treat with relatively more favor those with lower old age insurance benefits and with greater need for supplemental earnings.

EXAMPLES OF THE FORMULA—EXAMPLE 1

Assuming that the maximum primary insurance amount is $3,200 for the given year, and the retiree is receiving $3,200 in old age insurance benefits, then he would be allowed to earn ($3,000.00) without any loss of benefits ($3,000+$3,200−$3,000=the amount to earn $3,000.00 without any loss of benefits). With respect to earnings in excess of $3,000.00, the usual rules would apply with the result that for every additional $2 of earnings, he would lose $1 of benefits.

EXAMPLE 2

Making the same assumptions as in Example 1 with the exception that the retiree actually receives only $2,100 in old age insurance benefits during the year, the retiree would be allowed to earn $4,170.00 without any loss of benefits ($3,000+$3,200—$2,100=the amount which may be earned without loss of benefits). For every $2 of earnings in excess of $4,100.00, $1 in benefits would be lost.

NOVELTY OF THE PROPOSAL

The unique feature of the proposal is that it would channel social security trust fund resources to those persons who have greater need therefor and in a manner that is not wasteful compared to the past practice of simply raising the earnings ceiling of the re-

tirement test, benefitting thereby many persons who are financially secure.

While the Wyman proposal would increase the amount earned without loss of benefits for everyone, it would allow the individual with lower social security benefits to earn an even higher amount.

AMERICAN ASSOCIATION OF RETIRED PERSONS—NATIONAL RETIRED TEACHERS ASSOCIATION,
Washington, D.C., December 7, 1973.

Hon. LOUIS C. WYMAN,
Cannon House Office Building,
Washington, D.C.

DEAR CONGRESSMAN WYMAN: On behalf of the nearly 6 million members of the National Retired Teachers Association and the American Association of Retired Persons, I would like to express our enthusiastic support for your bill to amend the social security retirement test to increase the amount of outside earnings permitted each year without reduction of benefits and to revise the method for computing that amount.

In the past, our organizations have supported a variety of alternatives to reform and liberalize the retirement test—including its complete abolishment. At the present time, we favor the further liberalization of the retirement test to $3,600. Since your proposal would have the effect of increasing, for every recipient of Old Age Insurance benefits, the amount which may be earned without reduction from the present $2,100 to $3,000 and since the liberalization of the test which would be effected thereby, falls within the scope of our present position, we find it desirable.

However, the factor which distinguishes your proposal from the many other retirement test proposals that have been introduced during the current session and the factor which we find so innovative and on which our enthusiasm is predicated is the sliding-scale aspect of the retirement formula under which those recipients of Old Age Insurance benefits who receive less than the maximum primary insurance amount would be able to earn the sum of $3,000 plus the difference between the maximum primary insurance amount and their actual amount of benefits. By substituting a sliding-scale test for the existing retirement test, which treats every social security recipient exactly the same without regard to the amount of his or her benefits or his or her need for supplemental income, your proposal will tend to treat more favorably those with lower Old Age Insurance benefits and, consequently, greater need for supplemental earnings.

Our organizations appreciate fully the arguments in support of the retirement test. Proponents argue that the Old Age Insurance system is designed to protect against a specific risk—the loss of earnings due to retirement; the elimination of the test would transform the program from one of social insurance to one in the nature of an annuity payable at a fixed age.

Those who defend the test also point out that a great majority of older persons who are eligible for Old Age Insurance would not be helped by the elimination of the test, either because they cannot work, they earn less than $2,100 a year or they are age 72 or older. The elimination of the test would, therefore, pay a premium to people who are fortunate enough to be able to continue in employment after reaching retirement age, as opposed to those who are forced to retire because of health or other compelling reasons. Moreover, much of the additional benefits which would be paid out as a result of further liberalization of the test would be paid, not to persons who receive low social security benefits and who worked in covered employment at low wages, but rather to retired executives, professionals, and other similar persons having little or no need for supplemental earnings.

Finally, it is agreed that repeal of the retirement test without reduction of other benefits, would add a substantial cost element to the Old Age Insurance program.

Our organizations recognize that further liberalization of the retirement test is not merely a philosophical, equitable or economic issue, it is also an emotional one. This was clearly demonstrated at the 1971 White House Conference on Aging and continues to be reflected in correspondence from our members.

Communications from our members remind us that the older American feels abused by the retirement test. He argues that he should not be deprived of his Old Age Insurance benefits because he engages in paid employment, particularly in the light of the fact that his non-working neighbor, with substantial income from stocks and bonds, receives his full benefits. To the older American, this is discrimination in favor of the well-to-do and a reward for idle living. Since the test penalizes productive labor, the older person considers it a violation of the work ethic. No amount of logical argument as to cost or the need to make way for younger workers is likely to dissipate this feeling.

Your proposal would not abolish the retirement test and cannot, therefore, be opposed on the grounds that it effects a change in the basic nature of the Old Age Insurance program. Moreover, since it would allow persons with lower Old Age Insurance benefits to earn more than persons with higher benefits, it would be less costly to the social security system than, for example, would be a liberalization of the test to $4,000 for everyone. By channelling social security trust fund resources to those persons who have greater need therefor and in a manner that is not wasteful in comparison to the past practice of simply raising the ceiling of the test and thereby benefiting many financially secure persons, much of the increased benefits which would be paid out would be paid to persons who receive low social security benefits and who worked in covered employment at low wages.

Sincerely,

CYRIL F. BRICKFIELD,
Legislative Counsel.

DECORUM IN DEBATE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. BAUMAN) is recognized for 5 minutes.

Mr. BAUMAN. Mr. Speaker, yesterday during debate on the Emergency Energy Act, there occurred an exchange between myself and the gentlelady from New York (Ms. ABZUG). The result was a ruling by the Speaker that certain words used by the gentlelady from New York were to be stricken from the RECORD.

I returned to my office last evening to find a telegram from Clarence Mitchell, director of the Washington Bureau of the National Association for the Advancement of Colored People, in which he said in essence that I had attacked the gentlelady from New York and that my objection to her words was "wholly unfair" and "gave comfort to those who are the enemies of civil rights."

In response to Mr. Mitchell, I have today sent him the following letter which I would like to share with the Members:

CONGRESS OF THE UNITED STATES,
Washington, D.C., December 14, 1973.

Mr. CLARENCE MITCHELL,
Director, Washington Bureau, National Association for the Advancement of Colored People, Washington, D.C.

DEAR MR. MITCHELL: I have received a copy of your telegram to Congresswoman Abzug together with your comment regarding my so-called "attack" on her.

Apparently, you do not know that the rules of the House of Representatives require that no Member impugn the motive of another during debate. There is no restriction on discussion of an issue on its intrinsic merit, but to pass from that level to a discussion of the personal character or motivation of another Member is forbidden. The point of order that I made was upheld yesterday by a ruling of the Speaker of the House when he struck the offending words of Congresswoman Abzug from the Record.

Passing along to the merits of your remarks, I must confess that what amounts to your attack on me is "wholly unfair," to borrow you phrase. I am not an enemy of civil rights, and I happen to believe that one of those civil rights is the right of parents to have their children educated at their neighborhood schools. At least 221 other Members of the House share this position based on yesterday's vote. In my own District black parents and white parents alike have rejected long distance hauling of their children in the name of some mythical good.

I had the pleasure of serving in the Maryland State Senate for three years with your son, State Senator Clarence Mitchell, whom I count as a friend. If you will consult with him, you will find that my reputation is one of fairness in debate and a high degree of tolerance for other people's views. In fact, earlier this year, as a State Senator, I repeatedly voted with your son against efforts to limit debate in the Maryland Senate on an anti-busing resolution. Although I favored the resolution, I also respected the right of Senator Mitchell and others who opposed it to speak at length. I do, however, believe that freedom of speech requires a degree of responsibility which must be exercised by those of us in Congress if we are to achieve any lasting good for the people of our country.

I look forward to working with you in what I am sure are our common goals.

Faithfully yours,

ROBERT E. BAUMAN,
Member of Congress.

I again restate my firm belief that the conduct of debate in this House can be kept on a level consistent with civilized discourse and that to do so will produce a far better end product when the laws of this Nation are written.

THE FAILURE OF CONGRESS TO DEAL WITH THE ASSAULT ON PRIVACY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Massachusetts (Mrs. HECKLER) is recognized for 60 minutes.

Mrs. HECKLER of Massachusetts. Mr. Speaker, I have taken this Special Order today to discuss some of the issues which most observers find are connected to the issue of privacy. That opening sentence is purposely somewhat vague, for no one could possibly discuss in an informed manner all the incredibly wide range of problems about which privacy questions have been raised, nor has anyone formed a truly inclusive definition of privacy.

And, Mr. Speaker, the major burden of my remarks today will show that the Congress of the United States has not met its clear responsibilities to deal with this most essential part of civilized living. Indeed, our response puts some new meaning in the shopworn line: "If you are not part of the solution, you are part of the problem."

We truly are part of the problem for, rather than mitigating, controlling, or even understanding the sophisticated new technology creating invasions of privacy, we have allowed massive invasions of everyone's privacy. As an attempt to correct the dismal record, I have introduced House Resolution 633 along with 20 cosponsors to create a Select Committee on Privacy and I have taken this Special Order today to attempt to lay out on the public record at least a portion of what so truly troubles so many of our fellow citizens.

Nothing more clearly shows that we are not an anticipatory body here in Congress than the current energy crisis. There have been many warnings through the years that we have been profligate with our natural resources and the suddenness with which the moment of truth has arrived highlights our shortsightedness.

I believe that the privacy guarantees contained in the Bill of Rights, particularly in the fourth amendment, assuring that no searches or seizures will take place without a warrant obtained on probable cause, are what provide the flow of energy within the rest of the Constitution. A lack of privacy is just as disastrous to a free democracy as a lack of energy is to an industrial society.

Everyone has his own favorite quotation defining privacy, and here are some which say far better than I why privacy is regarded as so important. Perhaps Yale Law School Prof. Charles Fried captures the human aspects the best:

> Privacy is the necessary context for relationships we would hardly be human if we had to do without—the relationships of love, friendship and trust. Intimacy is the sharing of information about one's actions, beliefs, or emotions which one does not share with all and which one has the right not to share with anyone. By conferring this right, privacy creates the moral capital which we spend in friendship and love.

Princeton's renowned Cromwell Professor of Law, William Beaney counteracts the often heard thought that people who care for privacy really want to flee from modern life:

> It should be made clear that the privacy to which all persons may lay claim is not a sterile or outmoded individual assertion. It is not a claim restricted to an aristocratic class, or to a few eccentrics who might prefer to resign from the human race . . . A freedom to determine the extent to which others may share in one's spiritual nature, and the ability to protect one's beliefs, thoughts, emotions, and sensations from unreasonable intrusions are of the very essence of life in a free society.

I do not want to turn my speech today into a collection of the great quotations but the most important danger to those of us in this Chamber and to all of us in government who do not take forceful action to protect our citizen's privacy is suggested by a stanza of King Gama in Gilbert and Sullivan's "Princess Ida":

> I know everybody's income and what everybody earns.
> And I carefully compare it with the income tax returns.
> To everybody's prejudice I know a thing or two.
> I can tell a woman's age in half a minute—and I do!
> Yet everybody says I am a disagreeable man! And I can't think why!

Invaders of privacy in positions of authority are loathed with quite good reason, as Gilbert writes. I believe that the failure of the Congress to address itself to the problem has caused some of the disenchantment with Government that is now so widespread in America today. And it began long before the gross, stupid and un-American act of breaking into a political party's headquarters to install wiretapping equipment and it continues today almost unnoticed among the bombshells of Watergate-related horrors.

Although a number of the following examples admittedly appear Orwellian, they are issues that concern many in the Congress and in the field of privacy and I feel we know far too little about them. To be an anticipatory body these issues should be raised in a public forum such as the Select Committee on Privacy that we are proposing, where the future implications for our society can be thoroughly discussed, understood and safeguards against abuse can be built in before they reach the crisis stage.

BEHAVIOR MODIFICATION DRUGS TO CHILDREN

I believe that a Select Committee on Privacy could take action, for example, on the appalling fact that 600,000 American grammar school children are now receiving dangerous chemicals, most often the amphetamines or Ritalin, to alter their behavior. These chemicals are often given under dubious control and with only cursory examination of the child in order to correct what is known as minimal brain dysfunction. The children which exhibit the behavior so labeled are restless, inattentive, uncomfortable with discipline; in short, all too often they exhibit just about every sign a normal, healthy child displays. But some are separated out for behavior modification therapy and are drugged for their own good.

Or is it for their own good? Might it better be described as being for the good of the overburdened schoolteacher, for the harassed parent, and for the school administrator who wants education to be delivered efficiently and economically? This problem was first brought to public attention when it was discovered that black children were receiving the drugs and has produced predictions that perhaps one-third of all ghetto children would someday be given amphetamines and Ritalin. An article in the authoritative "Journal of Learning Disabilities" puts it bluntly: "Disadvantaged children function similarly to advantaged children with learning disabilities."

But it was only after our now defunct Right to Privacy Subcommittee of the House Government Operations Committee held pioneering hearings that specific doubts began to emerge. Just recently it has been shown that food additives are linked to hyperactive behavior. On June 27, 1973, the prize winning science reporter of the Washington Star-News, Judith Randal, commented on this finding and Morton Mintz also reported on the study in the Washington Post of October 29, 1973.

This is highly significant because ghetto children unfortunately do not have the same good nutrition that most children with more advantages have, and so logically more of them will exhibit this sort of behavior. In addition, another study has demonstrated that hyperactive children seem to have a higher concentration of lead in their blood and many of us are aware of the controversy over poor children eating the peelings from lead-based paints.

And so it may be possible that the "experts" who predicted the zoom in the use of amphetamines and Ritalin were counteracting the effects of one chemical with another.

This, of course, is not to say that the use of drugs on carefully screened children should be stopped. However, I am not convinced that many parents and physicans are adequately alerted to the emerging doubts about this therapy. I understand that a major network will shortly have a special on the subject of drugs to kids and will report that as high as 80 percent of the use of this therapy in some areas of the country is unjustified. I would argue that a Select Committee on Privacy would be an excellent forum to air this controversy.

PSYCHOSURGERY

On March 2, 1972, Judith Randal of the Washington Star-News asks a question which, while advanced in the context of psychosurgery, is a question asked with growing alarm by many in America:

> Is there any length to which society will not go to suppress behavior it considers deviant?

She was responding to the publication of the first information about the return of psychosurgery and lobotomy, a massive article by Dr. Peter Breggin which can be found in the CONGRESSIONAL RECORD of February 24, 1972, and which, together with another article by Dr. Breggin, "Psychosurgery for the Control of Violence," in the RECORD of March 30, 1972, began the current debate over the irreversible mutilation of healthy brain tissue in order to deal with psychological problems. Five hundred to 600 such operations were performed last year, according to the most respected estimate, and those targeted are mostly old people, women, and most incredibly children allegedly suffering from minimal brain dysfunction. In one case in Mississippi, a boy of 9 has had several such operations.

Certainly a Select Committee on Privacy would correct the present CONGRESSIONAL RECORD on consideration—a part of one morning's hearing in the Senate—particularly in view of the obvious threat such a surgical technique has to inmates in prisons or mental hospitals. Dr. Robert Neville of the Institute of Society, Ethics and the Life Sciences, among the

many outside groups studying the ramifications of psychosurgery, puts the threat well:

It can be the cheapest and easiest treatment to adopt for controlling patients and therefore potentially dangerous, especially because it can be used improperly to subdue aggressive dissidents on the theory that they're diseased.

William Buckley on "Firing Line" the other evening raised some serious doubts about the safeguards surrounding this procedure.

A Select Committee on Privacy could constantly monitor new developments in psychosurgery to, at the very least, limit its application to carefully selected individual cases if, indeed, it is a valid technique in any case.

BIG BROTHER AND PSYCHOTECHNOLOGY

That is the title of a most interesting article in the October 1973 issue of Psychology Today by Dr. Stephen L. Chorover of Massachusetts Institute of Technology. I will insert this article into the RECORD at the conclusion of my remarks today because he surveys the entire scene of behavior modification in a provocative manner, although I do find his analysis of the Pentagon Papers case somewhat overdrawn and I am not sure his discussion of the heroin problem will find many sympathetic ears in this Chamber. But, unfortunately, I do agree with a most damning remark he makes in his conclusion:

For too long the "experts" and the politicians have been allowed to carry on a mutually self-servicing dialogue. They assert that there are certain "basic issues" in every important policy matter that are either too complicated or too sensitive for the average citizens to deal with. This position can never be justified in a society that claims to be democratic.

I suggest, Mr. Speaker, that Dr. Chorover is correct not because of a basically evil design on the part of politicians, but rather because we have not equipped ourselves with the tools, here in the Congress, to understand, assess, and hopefully influence the activities of those who modify the behavior of Americans. A Select Committee on Privacy would allow us the opportunity to create a formal body in the House, with adequate staff assistance, to speak to the "experts" on their own terms and bring fundamental human concerns to bear on this aspect of the "technology of behavior," in B. F. Skinner's particularly repugnant phrase. After all, since $283,000 of the tax dollars of Americans were granted by the National Institute of Mental Health to Dr. Skinner, giving him time to write his best-selling book, "Beyond Freedom and Dignity," should we not spend a few thousand dollars here in the Congress to defend freedom and dignity and make them real for more of our citizens?

THE COMPUTER

Upon seeing the word "computer," some of my colleagues will immediately contend that the problems associated with electronic data processing are already being addressed by the House and, therefore, a Select Committee on Privacy is redundant. I am aware that certain aspects of computer technology are under discussion, particularly proposed legislation to control dissemination of arrest records by a subcommittee of our Judiciary Committee and the access of individuals to their own computerized records by a subcommittee of our Government Operations Committee. I applaud Chairman DON EDWARDS for his continuing hearings on the "Security and Privacy of Criminal Arrest Records" and Chairman WILLIAM MOORHEAD for his ongoing hearings on "Records Maintained by Government Agencies," as well as my colleagues—and, incidentally, cosponsors of House Resolution 633—Congressman ED KOCH, BARRY GOLDWATER, JR., and others who are trying to deal with these complex and immediate problems created by computerization. MIKE HARRINGTON will have excellent remarks on this subject later in the debate today.

Interestingly, the computer industry is in the forefront of those looking to the Congress to provide ground rules for the way their machines are used. Mr. Robert P. Henderson, vice president, of the Honeywell Corporation in Boston, and a constituent of mine, in testimony before Senator ERVIN on Federal data banks, computers and the bill of rights observed:

I feel that the phenomenal speed and efficiency of the computer has raised the processes of data collection, storage, retrieval, and dissemination to the point where it will be easier to invade the privacy of our citizenry. To prevent that, I believe that we must make personal information a property right, with all the protections and guarantees of due process that our laws provide for property.

As vital as these steps are, however, they deal only with the most obvious, albeit the most damaging to personal privacy, aspects of the problems posed to America by computerized data banks. But there are other, almost unknown applications of computer technology which present subtle threats to the very fabric of our society. When a Select Committee on Privacy is established, I would expect one of its first actions would be to hold a strictly informative series of hearings to publicize exactly what the state of the art is in the following areas and to determine whether they are truly in the public interest.

1. THE COMPUTER AS CRYSTAL BALL

Last week in Atlanta, the National Council of Juvenile Court Judges, recipient of Law Enforcement Assistance Administration funds, held a 3-day National Symposium on Computer Applications in the Juvenile Justice System. Three investigators from the University of Pennsylvania's College of Human Development, who have received LEAA funds, presented a paper entitled "A Computer Assisted Evaluation and Prescriptive System for Juvenile Delinquents." I will include that speech in the RECORD, not because it is any more threatening or because the system it describes is any more advanced than others, but only because it is the most recent example I have which discusses the use of the computer to predict individual behavior. As I understand the system, "an automated process for generating recommendations" will help "the probation worker to develop meaningful recommendations." The worker dealing with the juvenile fills out a check list rather than writing a report, the list is fed into a computer, and the probation officer acts on the individual's case in accordance with what the computer recommends. According to the paper, "experimental implementation in select probation departments has become a reality" and thus the system already has contributed "to the accurate identification of a youth's developmental needs and problems and to determining the most appropriate dispositions for fulfilling those needs."

Let us not forget that our children are individuals and that they do not deserve to be saddled with predictive behavior all their lives as a result of some tests and a computer when they were 6 years old.

Although I do not wish to hold this proposal up to special criticism, for it is indicative of a national trend, however, I cannot resist from wondering what a College of Human Development is doing prescribing future behavior for juvenile delinquents with law enforcement funds.

I am offended by yet another of those acrid acronyms which afflict our scene. The project is called the Computer-Assisted Regional Evaluation System and I presume that all doubts are to be laid to rest because the acronym is CARES. Could anyone criticize a computer who cares?

CARES is another LEAA funded project now in its third year. All around the country, the computer is being used to score psychological tests and, because of its speed and accuracy, it is being used to identify potential drug users, truants, and delinquents. In 1965, hearings were held in the House and in the Senate on psychological testing, but at that time, few people understood that scoring and evaluating those tests would soon be inexpensive and would not depend solely on highly trained individuals. Since psychological tests are used to label children and thus alter, in either subtle or obvious ways, what is expected of them, these specific computer applications can make the discredited plan of Dr. Arnold Hutschnecker a reality. In 1970, he proposed to give every 6- to 8-year-old child in the country a test which would predict whether that child would swing toward violence in later life. A massive public outcry followed the unearthing of Dr. Hutschnecker's proposal and it was discarded. But we might note that the first phase of lobotomies in this country, which mutilated the brains of some 50,000 citizens, was stopped because of the development of shock treatment and drug therapy. A question I would propose for the Select Committee on Privacy would be whether Dr. Hutschnecker's plan, killed in the sunlight of publicity, may not be going forward in the shadowy bowels of projects like the Computer Assisted Regional Evaluation System. Right now, all we in the Congress are saying is who CARES?

2. THE COMPUTER AS EAVESDROPPER

Electronic eavesdropping is often considered to be a wasteful tool of law enforcement because of the expense in monitoring and transcribing conversations. Now, a technology is in the development process which will allow voice-

prints to weed out of a babble of voices the single individual who is of interest to the eavesdroppers. This technology may well make all current debate over electronic surveillance outmoded. A Select Committee on Privacy could discover exactly how listening is being done, if not who is doing the listening.

3. THE COMPUTER AS A POLLSTER

The ability of the computer to analyze massive amounts of information about individuals may contain an ultimate threat which goes far beyond the invasion of personal privacy. Computer programs are being devised to determine what motivates the individual and what his most basic drives are. Governmental agencies and private firms are then able to predict the behavior of the citizen and to know what his response will be to specific stimuli.

In July of 1971, Victor Zorza, the famed expert on Soviet affairs, wrote an article which puts the most ominous threat in stark terms. He describes plans for a national computer network in Russia and how thought control is its basic purpose. Mr. Zorza writes:

> But the main purpose of any such system would be to prevent any disloyal ideas from even taking shape in the heads of Soviet citizens . . . the full record of his psychological characteristics and actions would be used to devise an approach that would quickly persuade him . . . that his best interests require him to conform to the political guidance of his spiritual advisor at the KGB.

CONCLUSION

The potential of the computer to indue conformity is, I feel, at the basis of many of the 1984 and brave new world fears about the computer. Only a Select Committee on Privacy could possibly raise this issue, and many others I have discussed, because only a Select Committee on Privacy would be free from specific areas of jurisdiction or oversight of ongoing programs and would have the capability to ask the experts: Where are you taking us? And once that question was answered, then the question could intelligently be raised: Is that where we, as a Nation, want to go?

As I believe I have demonstrated, the power of the computer coupled with behavior modifying drugs and techniques provide an overwhelming new tool for invading the sacred privacy of individual Americans and our entire society. This is no longer a theory, it is now an industry.

But, Mr. Speaker, when these ideas and proposals for House action have been discussed in the past—as they have on far too few occasions—they have been dismissed with the thought that these concerns are like the doom and gloom prophecies of Cassandra. But we forget a very fundamental truth about that old myth: Cassandra was always right. However, now that so many of the most grim projections have come to pass in modern America, I believe the time has arrived when we in the House of Representatives must seize our responsibility to participate actively in the shaping of governmental policy in an area which affects the basic human rights of each of our constituents. Privacy is not an issue which separates liberal from conservative, black from white, rich from poor, or Republican from Democrat. There is nothing partisan or ideological in protecting human rights.

Rather, privacy is an issue which unites us all as Americans, and as human beings concerned about our future, the future of our country, and, most important, the future of our children.

Mr. Speaker, I would like to insert the following relevant materials, however, due to limits on length of extraneous material, I can only insert the first items and will submit the other material next week:

LIST OF MATERIAL TO BE ENTERED IN RECORD

First, "A Computer Assisted Evaluation and Prescriptive System for Juvenile Delinquents," by Fred W. Vondracek, Ph. D., Hugh B. Urban, Ph. D., William H. Parsonage, M.A. of the College of Human Development of Pennsylvania State University presented at the National Symposium of Computer Applications in the Juvenile Justice System, Atlanta, Ga., December 6–8, 1973;

Second, "The Psyche and the Surgeon," by Lee Edson of the New York Times Magazine, September 30, 1973;

Third, "Drugging and Schooling," Trans-Action, July/August 1971, by Charles Witter;

Fourth, "In Defense of Privacy," New York Times, December 11, 1973, by Tom Wicker;

Fifth, "Study Links Food Additives to Hyperactivity in Children," Washington Post, October 29, 1973, by Morton Mintz;

Sixth, "Additives Blamed in Child Ills," Washington Star-News, June 27, 1973, by Judith Randal; and

Seventh, "Big Brother and Psychotechnology," Psychology Today, October 1973, by Stephan L. Chorover.

I include the following:

A COMPUTER ASSISTED EVALUATION AND PRESCRIPTIVE SYSTEM FOR JUVENILE DELINQUENTS

(By Fred W. Vondracek, Ph.D., Hugh B Urban, Ph.D., Wm. H. Parsonage, M.A., College of Human Development, the Pennsylvania State University)

Over the course of years the juvenile court systems of this country have been assigned a variety of tasks and responsibilities. However, although multiple and varied, they have generally been considered to be subsidiary to one principal objective, *viz.* the rehabilitation of troubled youths and their return to the community context as useful and productive citizens. In pursuit of this objective, the courts have been provided with considerable flexibility; a variety of options and alternative courses of action have been built into the system in order to maximize the capabilities of the courts for: (1) accurately identifying a youth's developmental needs and problems; (2) determining the most appropriate dispositions for fulfilling those needs; and (3) ensuring the satisfactory implementation of the dispositions chosen. The presumption has been that, given such latitude of operation, the courts would either have, or could develop, the necessary skills and procedures. Clearly, the extent to which juvenile courts have the capabilities for identifying problems, prescribing remedies, and implementing solutions, determines the degree to which they can be successful in fulfilling their mission.

This three-step process, i.e., determining whether (and to what extent a youth is struggling with problems in his development, what sort of remedial actions might be most appropriate, and what might be required in order to actuate suggested solutions, can be seen to constitute a succession of decisions about the youth and his life circumstance. Decisions are judgments made by people, and the exercise of judgment requires three principal ingredients: 1) a set of *standards* or criteria in terms of which the judgments will be made; 2) a collection of *information* relevant to the criteria employed; and 3) a *set of rules* governing the manner in which the information will be weighed or evaluated in relation to the standard(s). In any human organizational system, decisions will be found to vary widely (if not wildly) whenever multiple individuals collect varied and heterogeneous information and apply it in an unregularized fashion to judgmental criteria which vary from one person in the system to the next. Such is often the case within juvenile justice systems where a variety of people are involved, each one looking at the youth from his own vantage point, often with differing information about the youth at hand, making judgments according to differing sets of principles, and frequently with conflicting objectives in mind.

A significant contribution to the improvement of juvenile court systems operation would be the development of an information processing system which could provide relevant, comprehensive, and maximally objective information pertinent to the decisions or judgments which need to be successively made. Such a system would apply a set of evaluative rules or procedures to the information in systematic and regularized fashion, and it would utilize standardized criteria in order to produce reliability of judgments from one instance to the next. The overall effect of developing and implementing such an information processing system would be to replace the heterogeneous and typically incomplete informational base of the multiple human processors in the system with a single, integrated information and evaluation base.

Successfully constructed, such a system would provide an array of considered judgments, constituting recommendations to those persons in the system who are explicitly charged with the responsibility for emerging with conclusive decisional judgments concerning the youths in question. It is through the utilization of computers that information processing systems can be developed which to facilitate the formulation of effective decisions at the critical decision points within the system.

Figure 1 represents a flow-chart depicting the overall process of juvenile justice as defined by recent legislation in the Commonwealth of Pennsylvania. It is reasonably proximate to the operational sequences governing juvenile courts in other states as well. Inspection of this flow-chart will identify the major steps to be followed in the handling of juveniles brought within the purview of the system. A number of options are associated with the steps.

The sequence of operations is therefore reducible to a succession of decision-points; these critical decision junctures are identified by groupings of various options listed at the top of Fig. 1.

The first decision point, *viz.* (1) the decision to refer or not refer the juvenile to the juvenile court, can take place outside the system, although it is a decision which is often made in consultation with representatives of the system as well. All other decisions are made essentially "within" the system, including: (2) whether to establish jurisdiction; (3) whether to file for court action or to seek an alternative instead; (4) whether to arrange for an adjudicatory hearing or to take some other formal court action; (5) whether to adjudicate the youth as delinquent, or to dismiss; and (6) whether to implement remedial procedures in relation to the kinds of problems the youth represents and the treatment resources which are available.

Effective decisions at each of these junctures are essential if the system is to accomplish what it is designed to accomplish, i.e., if it is to successfully do its work. An integrated information processing system for the juvenile court would go a long way toward facilitating the formulation of effective decisions at each of these decision-points.

There is one decision point, however, which in the eyes of many encompasses the single most critical set of judgments which court systems endeavor to make. These are the decisions which follow after the court has chosen to exercise jurisdiction and to proceed with adjudicatory action with respect to a particular juvenile. It is the point at which the court system attempts to decide what is amiss and what therefore needs to be done. It is the final decision point in the figure above, pertaining to the court's dispositional decision.

Information which is the basis for the dispositional decisions is collected, summarized and evaluated in what can be referred to as a *bio-psycho-social investigation;* in more typical parlance it is referred to as a pre-sentence investigation. It is on the basis of judgments made in relation to the information gathered in such an investigation that decisions are reached which have far-reaching and significant consequences not only for the youth and his family, but also for the efficacy and the credibility of the system as a whole. Consequently, the informational requirements for this phase of the juvenile court procedures may be viewed as constituting the heart of the entire decisional system.

THE CARES PROJECT

The Computer-Assisted Regional Evaluation System (CARES) project has addressed itself to the development of a comprehensive information-processing system for the juvenile court. The focus of these research and development efforts, now in their third year, has been on providing sophisticated information summaries and evaluations regarding a youth's developmental status, designed to serve as the basis for optimal decision-making within the juvenile court system. From the outset it was recognized that utilization of traditional methods and technologies would prove to be insufficient for accomplishing this objective. The task of ordering, synthesizing, and processing the very large amounts of information necessary for good decision-making, would strain the intellective capabilities of even the most highly trained professional. Moreover, the cost of employing the necessary numbers of such highly trained professionals would be staggering. Fortunately, the emergence of readily available on-line computer systems appears to provide a vehicle for accomplishing the task in an efficient and economical manner.

The use of computers in the Administration of Justice System is not new, particularly in the areas of simple information storage and retrieval. Most computer specialists, however, will observe that computers used for data storage and retrieval purposes only are grossly under-used. A computerized information system, properly developed and fully utilized, should make use of the computer's capability for carrying out highly complex manipulations, including decision-making. It is in this capacity as decision-making aide that the computer can ultimately provide its most important service to the juvenile justice system. The CARES project is firmly based on that assumption.

INFORMATIONAL INPUTS OF THE SYSTEM

The ultimate success of utilizing the computer as an aid in decision-making depends to a large extent upon the quality of the data submitted to the computer. Even the most sophisticated manipulation of the data by the computer cannot produce an acceptable output if the data input is initially unsatisfactory. Consequently, automation of the predisposition investigation requires careful refinement of a data collection procedure which satisfies not only the requirements of the system's users, but also the special requirements of the computer system itself.

The processing of sophisticated information from the juvenile investigation through the computer necessitates a certain amount of structure in the investigation itself; it also requires a prestructured means of recording the data that is collected in the process. The basic aim is to facilitate recording of the data and its transmission to the computer with translation held to a minimum, i.e., the data that is recorded can be submitted to the computer "as is," or without converting it to another form. The use of checklist formats has been shown to be quite suitable for achieving these objectives without restricting the interviewer unduly. The present authors feel that a number of improvements in the juvenile investigation can be realized from the use of such computer-compatible-checklist formats, provided they are embedded in a training program for their use. The improvements can be summarized as follows:

1. The organization of the data recording forms creates a pre-organization or structure for the interviewer, thus facilitating an orderly sequence of data collection and comprehensiveness of coverage.

2. Objectivity in recording the data is enhanced due to the fact that responses are marked immediately on available forms, thus preventing selective forgetting or "interference" from other cases seen between the interview and the summarization or evaluation of the data.

3. Uniformity of the basic data is achieved, since the data is collected and recorded according to a standardized format, thus permitting comparisons across cases as well as summary statistical analyses.

In an effort to asure comprehensiveness as well as maximum reliability and validity of the data collected, the CARES procedure specifies collection of data from five specific sources: 1) the youth; 2) his mother or parents; 3) his teacher or teachers; 4) the school system in which the juvenile is or has been enrolled; and 5) the interviewer or data collector himself. Detailed data-collection forms, as well as a manual for their use, have been developed to ensure the most comprehensive and precise information possible.

Figure 2, Flow Chart for Computer Assisted Regional Evaluation System, depicts the flow of information from the initial transmission of the basic data to the computer to the final output of the system.

Inspection of this figure also suggests very clearly that the quality of the data submitted to the computer is crucial since it bears directly upon the nature and quality of all the outputs of the system listed at the bottom of the flow chart. It should be noted in this connection that the CARES procedure makes provision for the collection of a second set of data once the computer has evaluated the adequacy of the initial data input. This is based on the assumption that the initial data input is insufficient for an adequate case summary and for scanning the entire range of developmental problems likely to be found in a juvenile population, but that the in-depth evaluation of certain problems may require the collection and input of more specialized information regarding problems tentatively identified in the evaluation of the initial informational input.

In light of the varied and complex outputs required of the evaluation system, it is understandable that the data input requirements are substantial. Consequently, the entire data collection procedure for the CARES system has been designed so as to be: 1) *comprehensive,* in the sense that it would survey the youth's status with respect to all significant aspects of his development (physical, intellective, emotional, educational, social, etc.); 2) *selective,* and pointed toward the collection of data from various domains of the person's life which can be considered to be both essential and pertinent; 3) *developmentally oriented,* featuring not only an historical analysis and an assessment of his current status, but also an analysis of his circumstance in relation to his aspirations, goals and estimates of his future prospects; 4) *contextual,* in that the occurence of his behavior is studied in relationship to the situational conditions under which he is functioning; 5) *integrative,* in providing a common conceptual and language frame within which a wide range of observational reports concerning the youth become synthesized into a coherent summarization of his situation; and 6) *standardized,* so that systematic data becomes collected which is uniform across subjects; variations in response are then the result of the youths themselves rather than a function of the methods of data collection employed. The comparability of data collected in such a standardized fashion makes valid camparative analysis possible.

SUMMARY OUTPUTS OF THE SYSTEM

In Figure 2 are listed five primary outputs which represent the current products of the CARES system.

Case Summary. The first product, namely an automated natural language case summary, represents an attempt to lighten the burden of the probation worker by eliminating the tedious task of report writing. The logic by which the computer derives a natural language case summary is relatively simple. The first requirement is a file which contains a natural language equivalent for each possible answer on the juvenile investigation data collection forms. The second requirement is a file containing the actual answers submitted to the computer for any given case. Upon command the computer compares the two files and retrieves only those natural language statements which apply to any given case. The entire process of compiling the natural language case summary takes only minutes and in the final analysis permits the probation worker to spend more time attending to the needs of his clients.

Syndrome Analysis and Problem Summary Although the natural language case summary will be of unquestionable help to the probation worker, it is the syndrome analysis and problem summary which may be considered the heart of the CARES system. In simple terms the syndrome analysis and problem summary attempt to provide the probation worker with a sophisticated and comprehensive analysis and summarization of the most pertinent problem areas contained in the raw data submitted about any given case. The typical probation worker will not have been trained to discover behavioral patterns indicative of the range of developmental disorders which can occur; the syndrome analysis is designed to assist in that task. It is also unlikely that the probation worker could recognize and adequately summarize all potential problems indicated in the raw data; the problem summary will serve this purpose as well. Fortunately, the computer memory can capitalize on the input of the best trained individuals in various specialties. The syndrome analysis and problem summary can be of such quality and sophistication as would be impossible if either the probation worker had to compile it on his own or even if he had the assistance of local professionals from various specialities.

The process of developing a computer program for the recognition of syndromes or patterns of deviant behavior is a complex task. The approach utilized in the CARES project capitalizes upon findings reported in a wide range of professional literature (e.g., corrections and probation and parole, criminology and delinquency, sociology, clinical psychology, and neuropsychiatry and medicine) instead of attempting anew to generate

patterns from the collection of raw empirical data—which has been a more characteristic approach, and in the opinion of the investigators, a very wasteful strategy.

In terms of procedure, the development of each syndrome is a research project in its own right. First, the literature and research pertaining to any given syndrome is reviewed thoroughly, and descriptive statements are generated which are concrete, denotative, and explicit indicants of a particular pattern of behavior. Statements are used which in each case represent a consensus of observers. The statements finally are placed within a classificatory framework so that each syndrome description which emerges is a systematic and ordered representation of all those specific behavioral characteristics which observers agree to reliably recur together.

Secondly, items corresponding to substantiated research findings are identified in each of the nine modules of the CARES data collection procedures. Thirdly, the computer is instructed to recognize all items pertaining to a given syndrome and to assign differential weights to each item depending upon its significance as an indicant of the syndrome. Finally, depending on the degree of certainty with which a certain syndrome pattern is identified in any given case, the computer prints a syndrome summary or a request for further data pertaining to a given syndrome. These syndromes, for the most part, comprise those which are presumed to occur with some frequency in a typical juvenile population. They include such syndromes as: amphetamine users, chronic marijuana users, primary sociopath, gang member, the alienation syndrome, the compulsive syndrome, and many others. In order to provide a comprehensive coverage of the behavioral problems encountered by juveniles, it is anticipated that in addition to those syndromes developed as part of the CARES Project, others will have to be added eventually.

Although the syndrome analysis can be viewed in actuality as a process of identification, the CARES system also incorporates a more direct problem identification process. This process is designed to identify more straightforward and direct problems which do not require a complex pattern analysis as is the case with the syndrome analysis. Such straightforward problems could be obvious indications of dental problems, other illnesses, and clearly defined crises which are reported by individuals. Those kinds of problems clearly do not require a complex analysis for their identification. It is important, however, that they are called to the attention of the probation worker as soon as possible and, therefore, the CARES system requires that problem statements are presented in summary fashion along with the syndrome analyses performed on any given set of case data.

Recommendations and Resources Data Bank. The syndrome analysis and problem summary statement will be of great assistance to the probation worker in developing an understanding, the probation worker is asked to develop recommendations for the treatment and/or disposition of juvenile. The resource data bank which has been incorporated into the CARES system will be useful in helping the probation worker to develop meaningful recommendations. Probation workers often have difficulty in formulating remedial suggestions because they are not always aware of all potential resources available, not only within their own country but within a surrounding region. Furthermore, since a knowledge of the discrete problems of a juvenile is not sufficient for the development of good treatment recommndations, the CARES system has an an automated process for generating recommendations based on the syndrome analysis and the problem summary. Such recommendations can be based on the most recent information concerning alternate methods of treating juveniles with various kinds of problems and problem-combinations. Some recommendations generated by the computer may not be feasible in a given situation, and therefore the computer program will generate a hierarchy of preferred recommendations for each individual based upon his individual syndrome analysis and problem summary. The probation worker will be able to choose from among the array of suggestions, those which he finds most useful in making his own final recommendations in the case.

The resource data bank is a critical component in the task of assisting each probation worker to reach his final recommendations. In essence, the resource data bank is a compilation of all the different services available, not only in the probation officer's county, but in the entire region as a whole. Based on this information the computer is programmed to accomplish a match/mismatch process to determine the most appropriate resource available for implementing the preferred recommendations in each case. Automation of this process will save considerable time for probation workers who otherwise would have to effect a time-consuming search for potential treatment resources.

CONCLUSION

The development of the CARES procedure has been underway for almost three years. Nevertheless, the task is far from completed. The design and operationalization of a complex system such as CARES is a multi-year undertaking requiring substantial resources, and many and diverse talents. Nevertheless, the system has developed to the point where experimental implementation in selected probation departments has become a reality. The primary purpose of experimental implementation has been to develop a means for systematic evaluation and feedback from those who use the system. Such feedback is then used by the research and development staff to continually refine and further develop the system. The participation of various professionals "on the front line" has been a distinguishing feature throughout the development of the CARES procedure. This policy has brought substantial benefits to the participating probation workers who have felt that they have learned much from their participation, and to the research and development staff who have found the constructive input from the probation workers an essential component of the overall system development effort.

In the view of the present investigators the CARES procedure holds considerable promise for assisting the courts to realize at least two of the three capabilities cited earlier as essential to the ultimate success of the entire juvenile court system. The CARES procedure can contribute to the accurate identification of a youth's developmental needs and problems, and to determining the most appropriate dispositions for fulfilling those needs. The third capability, namely that of ensuring the satisfactory implementation of the disposition(s) chosen, is something that the probation and court personnel can pursue with increased vigor and commitment due to the fact that a system such as CARES can indeed save substantial amounts of time and effort traditionally spent in pursuing the predisposition evaluation.

Mr. HARRINGTON. Mr. Speaker, technology has allowed us to gather, store, and disseminate vast amounts of information with great efficiency. Although we recognize the benefits that are derived, nevertheless, such technology has the potential of being used against the common good. I am referring to the invasion of individual privacy.

My colleague from Massachusetts (Mrs. HECKLER) has introduced House Resolution 633, of which I am a cosponsor, to create a Select Committee on Privacy. Such a committee, it seems to me, would provide a coherent forum which would enable Congress to conduct a thorough investigation of technology and its overall implications regarding the rights of citizens. I, therefore, commend the Congresswoman and join her in support of such an effort.

Too often we find ourselves without the ability to adequately analyze problems thoroughly, but instead only react relatively blindly to crisis. I imagine each of my colleagues will appreciate this as we move through the final weeks of the first session of the 93d Congress. Mrs. HECKLER's proposal would allow us to avoid this kind of uninformed response in the important area of personal privacy.

No government on Earth collects, records, and disseminates as much individualized criminal information as the United States. This collection and dissemination by Federal, State, and local government, if allowed to go unchecked, creates two fundamental problems. First, information from a personal data file may be disclosed to an unauthorized person. Second, such information may be false, incomplete, or disclosed in a misleading way, so that its recipient receives a mistaken impression of the individual in question.

An individual's ability to obtain employment can be severely affected by the mishandling of arrest records. In New York City alone, 75 percent of the employment agencies will not recommend an individual for employment if the person has been arrested, regardless of whether that arrest was followed by a conviction. This disadvantage is compounded by the fact that a large number of people are arrested, found not guilty and then released without charges being filed. The record states, however, that an arrest was made, but includes no follow-up information. This often leads to seriously mistaken assumptions about the nature of the arrest and works particular hardship on minority groups.

As Mr. Arthur P. Miller points out:

> It has been estimated that an extremely high percentage of black males in an urban ghetto have an arrest record by the time they are 18 or 21. In many cases, the records result from dragnet arrests, street cleaning operations, or a large number of innocent people are taken into custody. If their record simply shows arrests, we are, in effect, putting a cross on their backs in terms of getting them into the job and education market.

Problems can arise even if the record is complete. Let's take the example of the man whose record states that he was arrested, tried, and convicted under a law which has subsequently been struck down by the Supreme Court. He still has a conviction record.

The laws of privacy which have been developed deal mainly with misinformation which is revealed in the mass media. But if an individual's arrest record contains false information unknown to him, certainly we must provide that individual with forms of recourse.

The problem was not as acute years ago, because information collected was not as extensive or as accessible to var-

ious institutions. Technology has brought us to a point where the information goes from one agency to a university, to a corporation, to the States and cities without giving the individual the right of access to that file or the right to challenge its accuracy. In fact, he will seldom know it exists, and if he does, he will not know about its distribution to various public and private agencies and institutions. These problems grow more serious as the Federal data bank ties in with more and more State data banks.

These issues are exemplified by the relationship which has developed between Massachusetts and the Federal Government. In 1972, Massachusetts enacted the Criminal History Systems Act which created a statewide data bank and established strict regulations for the handling of that information. The system has been designed to tie into the FBI's national crime information computerized system, but, as I have pointed out, the Federal regulations do not provide adequate internal and external safeguards against potential abuse.

While the National Crime Information Center—NCIC—policy paper claims that "each record; for all practical purposes remains the possession of the entering agency," the claim is patently false. Once a State enters its records to the NCIC file, it loses control over the uses to which those records will be put by persons outside its jurisdiction. Once the information reaches the Federal level Massachusetts would have no assurance that this information would not be given to groups prohibited from receiving this information under Massachusetts law. Consequently, Governor Sargent has refused to allow Massachusetts to tie into the Federal bank until he receives assurances that the information will be handled in compliance with Massachusetts regulations.

I was pleased to hear that Mr. Clarence Kelly, FBI Director, recently stated that he would "welcome" legislation to place tight controls over the crime data bank in order to protect individual privacy. I would like to note that such legislation, including a bill I introduced, is already before the Congress. Although such legislation would deal with the major possible abuses, it would be difficult to enact legislation to cover every possible injustice which could arise without putting serious constraints on the criminal justice system. Further, many of the problems that arise from a crime data network are inherent in other areas as well, such as records gathered by other government departments and agencies.

I, therefore, believe that a Select Committee on Privacy would enable us to consider the problems as they relate to all areas and allow us to put them in the proper perspective. It seems to me that it would also provide a tool to help us strike a proper balance between the need to gather, store, and disseminate information, and the need to protect privacy. I, therefore, urge all my colleagues to give support to House Resolution 633.

Mr. DUNCAN. Mr. Speaker, privacy is something like the weather; everybody talks about it but nobody does anything about it. And those who are actively doing something about personal privacy, that is, invading it, are not doing any public talking.

That is why I believe very strongly in the Select Committee on Privacy embodied in House Resolution 633 and why I commend the gentlewoman from Massachusetts for taking this special order today. I believe we in the House ignore at our peril developments in the new technologies, techniques and attitudes to change, predict or manipulate the behavior of Americans. A cursory examination of the record we have made here in the Congress discloses that our response to ongoing programs that sound as if they had come from "Brave New World" may be described by saying "Let's wait until 1984 before we do anything."

Certainly the sudden energy crisis shows that the Congress is not an anticipatory body, but in the area of an understanding of the new technology if surveillance and manipulation of Americans, we have not even been a participatory body. We have let all the developments proceed, developments which outside observers and far too few within the Congress feel may change the daily lives and the most cherished beliefs of our citizens, without our concern.

I believe a Select Committee on Privacy could, at the very least, hold a series of strictly informative hearings to disclose where we are in these areas and then could ask an informed question: Is that where we want to go? At the very least, I see two problems which it would be negligent of the House of Representatives not to consider.

First, Mr. Speaker, is the computer. I have been impressed by the fact that computer industry spokesmen themselves have asked the Congress to become involved in the decisionmaking about what uses the miracle of electronic data processing will be put. For they recognize that theirs is a future-oriented business, and they look to the people's elected representatives to lay out certain ground rules under which they can retain and expand their remarkable record of growth. For it is not the machine itself which invades privacy; rather, it is the insensitive and threatening uses to which it is put.

By assembling huge computerized data banks about the lawful actions of American citizens, by weaving every action into an inescapable web, the independence and vigor which has given our society so much of its strength and prosperity may be in the process of being blunted. This is a more basic and more dangerous point than those which are now being addressed by committees here in the House, because, in my opinion and in the opinion of many informed observers, a sense of constant surveillance by total recordkeeping which is created by computerization, creates at least some of the disenchantment with the workings of Government and industry.

When every school record, for example, is forever embedded in a computer and may always be immediately available to a snooper, the obvious fact that many students take longer than others to develop their capacity and interests—the so-called late bloomer—can be used to deny deserved opportunity when the individual makes his own commitment to his own future. Law-enforcement records in computerized systems, even if they show the complete disposition of a case, are seen by many to be in the process of changing this Nation from its traditional role as the home of the second chance into a one-chance society.

And so, Mr. Speaker, informative hearings by a new Select Committee on Privacy which would not be limited by their focus on one specific problem defined by a piece of proposed legislation, could allow us to understand the computer and perhaps devise sensible solutions which would ease the minds both of the makers of the machines and those who now feel threatened by them.

The second crucial area is in the technology of behavior where by using surgical procedures, mood-changing drugs, or intricately conceived systems of reward and punishment, Americans are being convinced to change the way they live. After all, anyone who sets out to modify behavior must be modifying that behavior toward some standard he likes and away from some standard he dislikes. Whether this is what should go on in a democracy and whether massive amounts of Federal tax dollars should support it, are questions yet to be addressed coherently here in the Congress. Much is known about drugging grammar school children with dangerous chemicals to correct the syndrome known as minimal brain dysfunction which causes the child to be restless, bored, and inattentive; much has been written about psychosurgery which destroys healthy brain tissue in order to "solve" problems which seems to be psychological; and Harvard Prof. B. F. Skinner's book "Beyond Freedom and Dignity" was a best-seller last year. So we know what this industry is up to but we do not seem to ask its proponents any searching questions in the forum where such important issues are generally debated—hearings of a congressional committee. A Select Committee on Privacy would be the ideal vehicle to bring the doubts which so many Americans have about the technology of behavior to the attention of our colleagues and we could then have solid information on which to decide whether the public interest is really being served.

There are hundreds of other areas, Mr. Speaker, which demand prompt and sophisticated scrutiny and which the standing committees who have jurisdiction do not seem willing or simply do not have the time to explore in the depth which is demanded. For example, should we allow the social security number to become a universal identifier for every transaction engaged in by Americans? Are there really new devices, as has frequently been written, which can overhear any conversation and can identify any individual by his voice-print and, if so, do these new technologies of surveillance make our current laws about electronic eavesdropping outmoded? Is it really true that sophisticated computer analysis of massive amounts of personal data can devise accurate predictions of an individual's future actions? Is there really a lie detector, the psychological stress evaluator; which can accurately and inexpensively determine

the truth of a statement at the time it is being spoken and, unlike the older polygraph, can this determination take place unknown to the speaker?

The answers to these and many other questions are unknown to the Congress, Mr. Speaker, and only a Select Committee on Privacy could investigate these matters and could bring to the Congress and the American people the kind of information which is so obviously necessary if we are to survive as a free society. I commend the lady from Massachusetts for taking this special order today and I am very pleased to cosponsor her resolution for a Select Committee on Privacy. The areas designed to study, including those I have spoken of in this speech and many other problems which will burst upon us in tomorrow's headlines, demand the concerned scrutiny of the Congress. If we let these problems slide by, if we drift toward what has been called post-constitutional America, we in this Chamber will find the most important decisions in American society being made without our understanding, control, or even influence. It is time to equip ourselves to take action.

Mr. THONE. Mr. Speaker, the right to privacy is one that is increasingly being violated in America.

Our freedom to mind our own business—and not have others mind it for us—is being threatened by both Government and business.

Earlier this year, we in Congress did succeed in repelling a threat to turn all tax returns of farmers over to the U.S. Department of Agriculture's Statistical Reporting Service. The agency said it wanted the individual tax returns only to make it easier to define those who raise various types of livestock and cultivate various crops. As I pointed out when the issue was first raised, most farmers would be glad to do without the information provided by the Statistical Reporting Service in order to keep USDA bureaucrats from snooping through their private confidential Federal income tax returns.

It was a good thing for America that we won this fight to protect farmers' tax returns. It was the first time that any Federal agency had ever asked for access to the returns of all those engaged in one occupation. If it had been carried through, it would have set a dangerous precedent.

Currently, I am cosponsoring a bill to safeguard the privacy of all tax returns. Present law states that an individual's tax return is a "public record." The bill I am cosponsoring would state that an income tax record is a "confidential and private record." This proposed legislation would take away from a President the power to open up tax returns by Executive order. The bill would lay down strict conditions for inspection of returns, largely only for tax administration and law enforcement.

In the field of Government, we must also move to protect the privacy of social security records from uses other than programs under the Social Security Administration.

In the area of business, Congress must move to protect employees from wiretapping by employers and to control the wholesale distribution of confidential information by data banks, credit and medical histories, insurance systems, and other forms of commercial reporting.

We are now just about 10 years away from 1984. We must make certain that the conditions predicted by George Orwell in the book, "1984"—where a citizen could not make a move without being watched over by Big Brother government—does not come true in America.

Mr. OBEY. Mr. Speaker, I wish to commend the gentlewoman from Massachusetts (Mrs. HECKLER) for reserving this special order to discuss privacy. I think she put the subject in perfect perspective in saying that privacy "is neither partisan nor ideological in nature; rather, because it cuts across so many attitudes and viewpoints, it is truly at the core of freedom."

Privacy covers a lot. Sometimes it means our right under the fourth amendment to the Constitution to be secure in our persons, houses, papers, and effects against unreasonable searches and seizures. Sometimes, in the words of the television character, "The Prisoner," conceived and portrayed by Patrick McGoohan, it means, "I will not be pushed, filed, stamped, indexed, briefed, debriefed, or numbered." And other times it means, quite simply, the chance to enjoy solitude.

Today I am concerned with what Government and industry are doing to compromise our personal privacy: To intrude upon it and to excerpt our identities in the form of marketable, retrievable numbers and symbols. In my view, Government and industry have made great inroads upon our privacy, and I believe that we should be at some pains to see that these practices stop.

My purpose is to highlight as many of these intrusive practices as I can, in hopes that we can join forces to oppose them.

SAFEGUARDING CRIMINAL INFORMATION SYSTEMS

New Federal Bureau of Investigation rules allow a person to obtain a copy of his FBI "rap sheet," and the fact that this step should be regarded as progress shows how far we have to go to establish the right of privacy in criminal information systems.

The new rules allow a person the chance to change, correct, or update the information in his rap sheet, but leave him no way of knowing whether the revisions will ever reach all those who have used or seen the original record. On the surface the rules change looks welcome, but in reality it puts the burden on the individual to see that his record is current and accurate, rather than on the FBI and other law enforcement agencies.

Rules the FBI published November 28 allow a person to get a copy of his own rap sheet by submitting satisfactory proof of identity—name, date, and place of birth—and "a set of rolled-ink fingerprint impressions" taken on cards or forms that law enforcement agencies commonly use for this purpose. They also specify that payment of $5 be made in the form of a certified check or money order.

Between the fingerprint and payment requirements, it sounds harder for a person to obtain his own record than it is for some distant State agency that licenses barbers or plumbers. Furthermore, if a person finds his identification record is wrong or out of date, he cannot go back to the FBI to make the necessary changes. He has to apply to the agency that supplied the material in the first place.

A rap sheet is a listing of fingerprints submitted to the FBI in connection with arrests or, in some cases, in connection with employment, naturalization, or military service. The FBI has fingerprint files on more than 61 million persons.

All rap sheet information, including arrest charges and disposition, is obtained from Federal, State, and local agencies. The name of the contributing agency is noted on the record.

Mr. Speaker, at this point I should like to insert a copy of the rules as they were published in the Federal Register, along with an article headed "Effort Grows To Assist Job Hunters Haunted by Criminal Records," from the Wall Street Journal of November 13, and another, headed "Kelley Urges Law To Tighten Controls Over Criminal Data," from the Washington Post of November 20:

[Order 556-73]

PART 16—PRODUCTION OR DISCLOSURE OF MATERIAL OR INFORMATION; SUBPART C—PRODUCTION OF FBI IDENTIFICATION RECORDS IN RESPONSE TO WRITTEN REQUESTS BY SUBJECTS THEREOF

By order dated September 24, 1973, the Attorney General of the United States directed that the Federal Bureau of Investigation, hereinafter referred to as the FBI, publish rules for the dissemination of arrest and conviction records to the subjects of such records upon request. This order resulted from a determination that 28 U.S.C. 534 does not prohibit the subjects of arrest and conviction records from having access to those records. In accordance with the Attorney General's order, the FBI will release to the subjects of identification records copies of such records upon submission of a written request, satisfactory proof of identity of the person whose identification record is requested and a processing fee of five dollars.

Since the FBI Identification Division is not the source of the data appearing in identification records, and obtains all data thereon from fingerprint cards or related identification forms submitted to the FBI by local, state, and Federal agencies, the responsibility for authentication and correction of such data rests upon the contributing agencies. Therefore, the rules set forth for changing, correcting or updating such data require that the subject of an identification record make application to the original contributing agency in order to correct the deficiency complained of.

The relevant provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rule making, opportunity for public participation and delay in effective date are inapplicable because the material contained herein relates to the interpretation of 28 U.S.C. 534 as allowing the granting of an exemption to subjects identification records and relief of prior administrative restrictions on dissemination of such records to them. Furthermore, it is deemed in the public interest that there be no delay in effective date of availability of identification records to the subjects thereof.

By virtue of the order of the Attorney General, dated September 24, 1973, and pursuant to the authority delegated to the Director, FBI by 28 CFR 0.85(b), Part 16 of 28 CFR Chapter I, is amended by adding the following new Subpart C:

§ 16.30 Purpose and scope.

This subpart contains the regulations of the Federal Bureau of Investigation, hereafter referred to as the FBI, concerning procedures to be followed when the subject of an identification record requests production thereof. It also contains the procedures for obtaining any change, correction or updating of such record.

§ 16.31 Definition of identification record.

An FBI identification record, often referred to as a "rap sheet," is a listing of fingerprints submitted to and retained by the FBI in connection with arrests and, in certain instances, fingerprints submitted in connection with employment, naturalization or military service. The identification record includes the name of the agency or institution which submitted the fingerprints to the FBI. If the fingerprints submitted to the FBI concern a criminal offense, the identification record includes the date arrested or received, arrest charge information and disposition data concerning the arrest if known to the FBI. All such data included in an identification record are obtained from the contributing local, State and Federal agencies. The FBI Identification Division is not the source of such data reflected on an identification record.

§ 16.32 Procedure to obtain an identification record.

The subject of an identification record may obtain a copy thereof by submitting a written request via the United States mails directly to the FBI, Identification Division, Washington, D.C. 20537, or may present his written request in person during regular business hours to the FBI Identification Division, Second and D Streets SW., Washington, D.C. Such request must be accompanied by satisfactory proof of identity, which shall consist of name, date and place of birth and a set of rolled-linked fingerprint impressions taken upon fingerprint cards or forms commonly utilized for applicant or law enforcement purposes by law enforcement agencies.

§ 16.33 Fee for provision of identification record.

Each written request for production of an identification record must be accompanied by a fee of five dollars ($5.00) in the form of a certified check or money order, payable to the Treasurer of the United States. This fee is established pursuant to the provisions of 31 U.S.C. 483a and is based upon the clerical time beyond the first quarter hour to be spent in searching, identifying and reproducing each identification record requested, at the rate of $1.25 per quarter hour, as specified in § 16.9. Any request for waiver of fee shall accompany the original request for the identification record and shall include a claim and proof of indigency. Consideration will be given to waiving the fee in such cases.

§ 16.34 Procedure to obtain change, correction or updating of identification records.

If, after reviewing his identification record, the subject thereof believes that it is incorrect or incomplete in any respect and wishes changes, correction or updating of the alleged deficiency, he must make application directly to the contributor of the questioned information. Upon the receipt of an official communication directly from the agency which contributed the original information the FBI Identification Division will make any changes necessary in accordance with the information supplied by the agency.

CLARENCE M. KELLEY,
Director,
Federal Bureau of Investigation.

NOVEMBER 21, 1973.

[FR Doc. 73-25198 Filed 11-27-73; 8:45 am]

EFFORT GROWS TO ASSIST JOB HUNTERS HAUNTED BY CRIMINAL RECORDS

(By Richard A. Shaffer)

A Vietnam veteran in his early 20s, long out of work, applied for a job a few months ago as a letter carrier with the New York post office. He scored high on the qualifying test. Nevertheless he was turned down because he had once been arrested, for possession of marijuana. He hadn't been convicted of the crime.

In Georgia last year, Unice Harbor, an experienced driver, was denied a job by Bowman Transportation Co., a Decatur trucking firm, because he had once been convicted of a felony: More than 10 years earlier he had pleaded guilty of robbery and been put on probation for a year.

Such frustrating experiences aren't news to anyone ever convicted of a crime or even charged with one. Law-enforcement records are readily available from local authorities and are widely used by employers. Millions of otherwise qualified workers find themselves last in line for decent jobs—or not in line at all.

As a result of campaigns against this sort of treatment, most states have passed laws sealing or annulling the records of some categories of criminals, such as first offenders who were granted probation. But because the records aren't actually destroyed, employers have routinely uncovered them anyway.

A NEW APPROACH

Now a new approach is emerging that promises to be more effective. A number of courts, state legislatures and government agencies are insisting that employers disregard criminal records unless they are clearly relevant to the job. While no one is advocating that banks be required to hire convicted embezzlers as tellers, plenty of people are advocating that a former drug addict, say, shouldn't be denied a job as a welder.

The new approach stems partly from a desire to improve job opportunities for members of minority groups. When Litton Systems Inc., a subsidiary of Litton Industries, refused to hire a black sheet-metal mechanic because he had a record of 14 arrests, a federal court ruled that to disqualify job applicants on the basis of arrest records was racially discriminatory because blacks were more commonly arrested than whites. This particular job applicant had never been convicted of any criminal offense.

In the wake of the Litton case—and of similar decisions by the federal Equal Employment Opportunity Commission—New York's Commission on Human Rights and the State of Illinois have recently declared it an unfair labor practice to turn down a job applicant merely because of an arrest record, unless state law makes a specific exception.

OPENING DOORS

Some observers believe that the new leniency will eventually open many doors that now are closed to the rehabilitated and the unjustly accused.

The Federal Bureau of Investigation says that at least two million of the 8.7 million Americans arrested annually for nontraffic offenses are never convicted. Legally they are presumed innocent, but most employers spurn them. The job-seeker with a mere arrest record is excluded by nearly a fifth of the several hundred state and local government agencies surveyed last year by Georgetown University's Institute of Criminal Law and Procedure. Such job-seekers are even more unwelcome in private industry, according to a 1962 study by sociologists at Yale University Law School who believe that the study is still valid.

Even bleaker are the job prospects of those actually convicted. For them, government agencies are among the worst places to go job hunting. Over half the states bar public employment to anyone with a criminal record, and while the federal government encourages others to hire former criminals, it often hesitates to do so itself. Few private companies ban such hiring, but experts believe that a widespread reluctance to hire ex-convicts has the same result as a ban.

OTHER BARRIERS

In addition to these barriers, myriad licensing requirements in various states bar ex-convicts from more than 350 different occupations ranging from fortune teller, barber and junk dealer to electrician, mortician and bartender, according to a study published this year by the American Bar Association's National Clearinghouse on Offender Employment Restrictions. (In the last two years, nine states have barred denial of such licenses solely because of a criminal record.)

These barriers undoubtedly contribute to the 15% unemployment rate among ex-convicts. It is largely because of this trouble finding jobs, penologists say, that one out of three ex-convicts soon returns to crime.

Probably few understand these frustrations better than Melvin Rivers, a director of the Fortune Society, an organization of ex-convicts. As a teen-ager, Mr. Rivers was convicted of assault and robbery. "When I got out, the one thing I wanted to do was go straight, get a job and settle down," he recalls. But that was far from easy to do.

Mr. Rivers found construction work closed off because, with a record, he couldn't get into the union. He could no longer sing with a group as he used to do because he couldn't get a cabaret license to sing anywhere that alcoholic beverages were sold. Most ironically, he couldn't even get a license to practice the one trade he had learned in prison, barbering.

At last, by lying about his past, he got a job scrubbing pots in a hospital. Five weeks later the truth was discovered. He was fired.

Mr. Rivers might have an easier time of it today because of the softening attitude. The softening, says E. Preston Sharp, general secretary of the American Correctional Society, is "no panacea, but it's an important step in the right direction."

KELLEY URGES LAW TO TIGHTEN CONTROLS OVER CRIMINAL DATA

(By Susanna McBee)

FBI Director Clarence M. Kelley said yesterday he would "welcome" legislation to place tight controls on criminal information systems in order to protect individual privacy.

In an interview Kelley, who has been the bureau's leader since July, said federal and state legislation to restrict the use of such systems would be "most acceptable."

He added, "I do not believe that we should have a carelessly administered system whereby there are possible leaks and possible inroads into what we have established as a secure system."

The issue has become important in police and civil liberty circles as more and more police departments are computerizing information about arrests, prosecutions, and sentences of crimes.

The FBI operates, the National Crime Information Center (NCIC) here, which contains computerized information on persons wanted for crimes, stolen vehicles, and criminal history files on individuals.

Civil libertarians contend that the criminal history segment which now accounts for only about 8 percent of all NCIC data, has inherent dangers because dispositions of cases are not always included and because unauthorized persons can gain access to the files. So far only six states have joined the national criminal history system.

Kelley conceded that there "could be a situation where the disposition of not guilty is not shown" on a person's criminal history file, and he insisted that the FBI is trying to correct the problem.

He said the FBI wants to build a system "so that dispositions come through immediately." He also agreed with a recent study of the National Advisory Commission on Criminal Standards and Goals, which says credit rating services and the media should not have access to criminal history data.

An FBI spokesman said later, however,

that Kelley favors the practice of bank officials checking FBI fingerprint files on prospective employees and that of state licensing agencies checking arrest records through local police departments. But the spokesman said Kelley does not approve of such information going to other private firms.

A 1971 decision in U.S. District Court here said the FBI had no statutory authority to hand out fingerprint files and arrest records to private employers, but since then Congress has passed riders to Justice Department appropriation bills giving the bureau some authority to continue the practice.

Kelley also discussed a Justice Department study of basic issues concerning the FBI—whether its intelligence gathering functions should be separated from its ordinary criminal investigations, how long the director should serve, whether additional guidelines for wiretapping should be established, and whether its investigative techniques should be revised.

The study was initiated by former Attorney General Elliot L. Richardson and former Deputy Attorney General William D. Ruckelshaus.

Kelley said the bureau has provided answers to about half the questions raised in the study, which has been slowed but not stopped by the departures of Richardson and Ruckelshaus.

The FBI director said he does not feel the bureau's intelligence gathering functions should be separated from its regular law enforcement work because, he said, "informants in a criminal field can and do turn up information valuable in a security investigation."

He said legislation dealing with intelligence gathering or surveillance would create "difficult" problems, but he disclosed that the bureau is considering changes in its investigative techniques.

Kelley said a task force is studying investigative operations in the bureau's New York office and hopes to apply its findings to other field offices.

He said he is not thinking of changing the FBI's use of informants, but he stressed that they should not become "provocateurs" or "violators of civil rights." As for charges that the FBI has engaged in burglaries in past surveillance activities, Kelley said, "I can assure you it's not going on now."

PRIVACY IN CREDIT INFORMATION

In an article in the Credit World for November 1973, Dr. Stanley L. Mularz acknowledges that the privacy issue is "still alive and kicking," then comments:

Most of this concern is fantasy and it can be safely stated that no social crisis exists and that there is a lack of evidence to indicate that invasions of privacy are so widespread as to cause alarm.

His statement is sheer unsupported bravado. He gives no grounds for "safely" stating that no social crisis exists—only his own conclusion. He gives no hint of what, if anything, he would count as an invasion of privacy, but does suggest the invasions have to be "widespread" before he would become alarmed.

I also ask to include my weekly newsletter of last March 14 on the consumer's right to privacy:

CONSUMER'S RIGHT TO PRIVACY

There is indeed such a thing as the consumer's right to privacy, according to the Federal Trade Commission, and the people who grant credit will have to respect it.

That's the gist of FTC thinking in ruling that credit guides may not be used for credit, insurance or employment fishing trips.

Credit guides are generally published by credit bureaus and leased on an annual basis to people who grant credit.

These "guides" are alphabetical listings of certain information, usually in code, rating each consumer as to how he pays his bills.

For example, a business dealing with a consumer rates the individual on a scale from 0 to 9 depending on the type of account, 9 being the most favorable rating a person may receive.

This information is assembled in a book called a "credit guide" which is distributed, for a fee, to all bureau members wishing to make use of the information.

When the FTC a year ago issued a proposed interpretation of the Fair Credit Reporting Act that would limit the use of these guides, it was deluged with protests from credit grantors who said they just couldn't get along without these bill-payer scorebooks.

Because of the outcry, the FTC withdrew its interpretation and held public hearings to give everyone a chance to speak his piece. And now the FTC has spoken.

These guides are nothing less than consumer reports, says the FTC, and while a recipient of the guide may well have a legitimate purpose in obtaining credit information on one or more of the consumers whose names are contained in it, no recipient "could conceivably ever have a transaction with every individual whose name is contained" in the guide.

Further, the permissible purpose for furnishing the consumer report must exist at the time the request for that report is made. It will not do to obtain the report merely on the chance that it might be needed later.

Existing guides must be recalled by Aug. 23, says the FTC, unless they have been modified to insure consumer anonymity—for example, by being number coded so that the consumer's identity is not disclosed.

The FTC explains that the history of the Fair Credit Reporting Act "reveals a concern for the consumer's privacy and the accuracy of information stored at credit bureaus, and demonstrates a sensitivity as to the balance between the free flow of credit information for legitimate business purposes and the right of the consumer to keep his affairs private."

In its handling of credit guides, I think the FTC succeeds in tipping that balance toward consumer privacy.

RESTRICTING THE USE OF SOCIAL SECURITY NUMBERS

On September 24, I introduced legislation (H.R. 10474) to prevent the Federal Government from using social security numbers as a cornerstone for building computerized dossiers on individual American citizens.

The bill establishes a citizen's right not to disclose his social security number to anyone unless expressly required to by Federal law, and prevents Government agencies and the business world from trafficking in these numbers if already on file.

It is my attempt to implement recommendations in the report, "Records, Computers, and the Rights of Citizens," submitted in July by the HEW Secretary's Advisory Committee on Automated Personal Data Systems, and to stop the number from being used, intentionally or unintentionally, as a standard universal identifier.

Mr. Speaker, I should like to include at this point a memorandum prepared for me by the Library of Congress on laws authorizing use of social security numbers as a form of identification and a portion of six different Federal forms, showing that each requests an applicant for some Federal benefit or honor to furnish his social security number:

[Form DSP–11, 3–72]

DEPARTMENT OF STATE—PASSPORT APPLICATION

(Before completing this application, read and detach Information for Passport Applications on pages 3 and 4) (Use supplemental sheets when the space provided is not adequate)

(To be completed by all applicants)

First name.
Middle name.
Last name.

I, ----------, a citizen of the United States, do hereby apply to the Department of State for a passport.

Mail passport to:
In care of (if applicable).
Street.
City, State, ZIP Code.
Phone Nos., Area Code, Home: Business:
Date of birth: Month, day, year.
Place of birth (City, State or Province, County).
Height: Ft. and in.
Color of hair (spell out).
Color of eyes (spell out).
Approximate date of departure.
Visible distinguishing marks.
Occupation.
Social Security No.
County of residence.
My permanent residence (Street address, City, State, ZIP Code) (If Mailing address, Write "same").

THE WHITE HOUSE FELLOWS APPLICATION

(In the following questions, indicate your answer or answers by circling the appropriate number or numbers at the right or by filling in the blanks provided)

1. Name (Last, First, Middle, Maiden).
Mr.
Mrs.
Miss
Ms.
2. Address (Number, Street, City, State, Zip Code).
3. Home phone (include area code).
4. Office phone (include area code).
5. Employer, job title, and total annual income.
6. Height without shoes: feet and inches.
7. Weight.
8. Birthplace (City and State, or foreign country).
9. Birth date (Month, day, year) Age.
10. Social Security Number.

VETERANS ADMINISTRATION—APPLICATION FOR MEDICAL BENEFITS

(Type of benefit applied for: 1, hospital treatment; 2, domiciliary care; 3, outpatient medical; 4, outpatient dental.)

1. Last name, first name, middle name.
2. Claim No.: C–
3. Social Security No.
4. Sex: 1, M; 2, F.
5. Name served under in military (If different from Item 1).
6. Religion.
7. Date and place of birth.

[VA Form 21–526 May 1973]

VETERANS' ADMINISTRATION—VETERAN'S APPLICATION FOR COMPENSATION OR PENSION

(Important: Read attached General and Specific Instructions before filling in this form. Typewrite, print or write plainly)

1A. First name, middle name, last name of veteran.
1B. Telephone No.
2. Mailing address of veteran (number and street or rural route, city or P.O., State and ZIP Code)
3. Social Security No.
4. Date of birth.
5. Place of birth.
6. Sex.
7. Railroad Retirement No.

8. Have you ever filed a claim for compensation from the U.S. Bureau of Employees Compensation? (Formerly the U.S. Employees Compensation Commission.) Yes; no.

9A. Have you previously filed a claim for any benefit with the Veterans Administration?

None.
Hospitalization or medical care.
Waiver of NSLI premiums.
Disability compensation of pension.
Vocational rehabilitation (Chapter 31).
Veterans educational assistance (Chapter 33 or 34).
War orphans or dependents educational assist (Chap. 35).
Dental or outpatient treatment.
Other (Specify).

9B. File number.

9C. VA office having your records (If known).

[VA Form 26-1880, Feb. 1973]

VETERANS' ADMINISTRATION—REQUEST FOR DETERMINATION OF ELIGIBILITY AND AVAILABLE LOAN GUARANTY ENTITLEMENT

(Note: Please read instructions on reverse before completing this form)

To Veterans Administration. Attn: Loan Guaranty Division.

1. Last, first, middle name of veteran.
2. Address of veteran (No., street or rural route, city or P.O. State and ZIP Code).
3A. Date of birth.
3B. Social security number.

[VA Form 21-534, Nov. 1972]

VETERANS' ADMINISTRATION—APPLICATION FOR DEPENDENCY AND INDEMNITY COMPENSATION OR DEATH PENSION BY WIDOW OR CHILD

(Including accrued benefits and death compensation where applicable)

(Important.—Read instructions before filling in form. Answer all items fully. Detach and retain only the instruction sheet. If more space is required, attach additional sheets and identify each answer by item number.)

1. Last name, first name, middle name of deceased veteran (Type or print).
2A. First name, middle name, last name of claimant (Type of print).
2B. Telephone No.
2C. Mailing address of claimant (Number and street or rural route, city or P.O., State and ZIP Code).
2D. Relationship to veteran (Check one); Widow; child.
3. If veteran previously applied to the Veterans Administration for any benefit insert claim number, if known.
4. Social security number of veteran.
5. Railroad Retirement No.
6. Veterans Administration Claim No.: XC-

Mr. STARK. Mr. Speaker, as a cosponsor of Mrs. HECKLER's resolution to create a House Select Committee on Privacy, I would like to add to the discussion of invasions of privacy.

As a former banker, I was closely involved with the controversy over unlimited access to financial institutions. And as a Member of this Body, I am increasingly concerned that there is a need to take a profound look at the volume of personal data collected and held by various agencies of the Government.

The Secretary's Advisory Committee on Automated Personal Data Systems, HEW, recently published a study entitled "Records, Computers, and the Rights of Citizens." In his introduction Caspar Weinberger quite aptly noted that:

Innovations now being discussed throughout government and private industry recognize that the computer-based record keeping system, if properly used, can be a powerful management tool.

However, he also cautioned that:

It is important to be aware, as we embrace this new technology, that the computer, like the automobile, the skyscraper and the jet airplane, may have some consequence for American society that we would prefer not to have thrust upon us without warning. Not the least of these is the danger that some recordkeeping applications of computers will appear in retrospect to have been oversimplified solutions to complex problems and that their victims will be some of our most disadvantaged citizens.

It is to this point that I believe the Members of this body ought to address themselves. It is the very real potential for abuse of confidence that we must recognize. I firmly believe that the most effective mechanism available to us in studying this question is the select committee, and hope that my colleagues will concur in recognizing the need for such a group.

For the interest of my colleagues, I would like to include in the RECORD some excerpts from a statement I made earlier this year on my own experiences with abuses of confidence and privacy of financial records. I introduced legislation this session, with more than 100 of my colleagues, to strictly limit access to this information held by financial institutions. I hope that this bill will come to the House floor early next session. The Supreme Court will also hear the case that I brought in California on this issue early next January. It appears, then, that this particular area of invasion of privacy will be carefully deliberated. But computer-stored data, as a threat to privacy, is of infinite proportions. I sincerely urge my colleagues to support House Resolution 633 and urge the appointment of a Select Committee on Privacy.

The following explains briefly the history of my involvement with the issue of financial privacy:

EXCERPTS FROM A STATEMENT MADE BY CONGRESSMAN STARK

Under the Bank Secrecy Act of 1970, all financial institutions were required to keep complete records of all transactions. The Secretary of the Treasury was delegated authority to require complete records of any such institutions's customers. The financial institution might also be required, upon request of the Treasury Department, to submit the entire financial history of a particular customer to the Treasury.

The intent of Congress in passing the act was to provide to law enforcement authorities a sufficiently broad framework for criminal investigation. The practical question of access to this information, however, was never squarely addressed. The right of the individual to privacy was presumed to be implicit, and therefore not a point of contention in passing the legislation. It was generally understood that there must not be easy access to these records, but the act did not require the issuance of a subpena to obtain the information.

The bill I have introduced, H.R. 9424, resolves all the ambiguities in existing law relating to an individual's financial records. It clearly safeguards the individual's right to privacy with respect to his financial transactions and history. Specifically, the Right to Financial Privacy Act establishes four means of access to private records held by financial institutions: customer consent, administrative subpenas and summonses, search warrants, and judicial subpenas. Correspondingly, the act places an obligation on the financial institutions not to disclose information from customer records unless one of the above requirements has been met. In addition, it is stipulated that the information obtained by the Government must be used only for those purposes for which it was originally solicited.

The need for this act, while not resulting directly from the Bank Secrecy Act, stems from subsequent controversy over the precise interpretation of an individual's fourth amendment rights. At Senate hearings held last year on legislation to amend the record-keeping laws, the Secretary of the Treasury admitted that subpenas are not required for the release of financial information. He suggested that as the 1970 act had not specifically addressed the matter of access to records, the Treasury could not take arbitrary administrative action to do so. It was therefore up to a bank to determine whether or not a subpena was necessary before records would be provided without the consent of the customer. The Treasury would take no position to supersede the bank's judgment.

In this situation, the privacy of a customer's financial records is dependent on the whim of his bank. Without his knowledge or consent, his entire financial history may be divulged. As he is unaware of official scrutiny, he cannot possibly challenge the dissemination of the information. There are no safeguards to protect this confidentiality.

In June 1972. I filed suit with the northern California ACLU and the California Bankers Association to test the constitutionality of this reporting system. The suit, asking for an injunction of the Bank Secrecy Act on the grounds that it authorized illegal search and seizure, was later joined by the Wells Fargo Bank. Bank of America representative Robert Fabian publicly voiced his own similar objections to the dangers inherent in the reporting provisions of the Act. He declared that "the regulations could undermine people's confidence in the banking system and the Government."

A Federal judge in San Francisco issued a temporary restraining order to prevent the act from taking effect. Subsequent to an appeals court decision, the Supreme Court is now deciding whether or not to hear the case.

This bill that I have introduced is not inconsistent with the esssence of the Bank Secrecy Act. It recognizes the critical need for a thorough system of record-keeping and reporting and upholds the requirements for reporting of information, subject to the previously mentioned limitations. Finally, the bill explicitly limits to two situations the Secretary of the Treasury's ability to require an institution to transmit reports or to keep records on customers. Such reports must either be required by the Internal Revenue Code, or by a supervisory agency. This, then, effectively repeals contrary provisions of titles I and II of the Bank Secrecy Act. However, I do not believe that their deletion in any way weakens the Bank Secrecy Act, or undermines its intent. Instead I believe it can only strengthen it, by removing any lingering doubt over possible or potential unconstitutional applications of its provisions.

This bill has already stimulated discussion. In particular, two areas of doubt have been raised, and I would like to attempt to answer them at this time. The first is criticism raised by certain members of the law enforcement sector—that the limits placed on the Secretary's right to obtain reports will inhibit important crminal investigation. I believe that the legal processes still open to any law enforcement officer under this Act are sufficient. This act simply guarantees that customers be notified and have an opportunity to respond to any attempt to gain access to their records except where the standard of probable cause has been met. Within the bounds of the fourth amendment rights, that is all that is constitutionally possible.

Others have objected to consideration of this act at this time on the grounds that airing of the issue may bias the upcoming decision of the Supreme Court to review the appeals case. It must be remembered, however, that legislative action will take precedence over court action in such a way as to render that appeal inoperative. If passed, this act answers all the charges filed in the original Californian suit.

Mr. WON PAT. Mr. Speaker, as a cosponsor of House Resolution 633, I join with my colleagues here today who have also given their support to this measure to urge that the House authorize the formation of a Select Committee on Privacy in the near future.

During the past decade, tremendous strides have been made in the field of computers. And today these electronic marvels contribute to making our lives easier by removing the drudgery of bookkeeping and other related work. In the process, however, the machines which were made to serve us have also compiled a frightening mass of information on almost every aspect of our daily lives. At a touch of a button, a stranger can now set a computer on a search that may reveal the most intimate details of our financial and personal lives. Nothing is considered too sacred to be fed into the computers in the name of efficiency: our financial statements, our tax records, our bank balances, our bills, and even comments concerning our personal lives made by our neighbors, coworkers, employers and businesses we frequent.

To Americans raised in the belief that our personal lives are nobody's business but our own, the ready availability of such information to almost anyone willing to pay for it is truly a matter of great concern, and well it might. For all too often we have found that this information can be used by individuals, corporations or even governments in their relentless drive for power.

In recent years a number of examples of the way in which data banks can be abused have come to light. The FBI, for instance, is known to have compiled a massive amount of information on the lives of many top Government officials, including Members of Congress. Other agencies are also known to have extensive files on thousands of individuals, many of whom have committed no crime other than to write an angry letter to some Government official.

Private industry has also gotten into the act. Numerous corporations, many involved in credit operations, maintain indepth files on citizens. The information contained in these files often is the sole arbiter of whether credit shall be extended to an individual. Prospective employers have also used credit files to ascertain the "character" of a potential employee. And jobs have been lost or won solely on the basis of what an impersonal file, compiled without our knowledge or permission, may have to say about us—regardless of whether this information is true or false.

The list of ways to invade our privacy could go on and on. I know that many of my colleagues will add to this awesome list.

What is important, however, is not so much how our privacy is being invaded, but what we are doing to stop this insidious encroachment of our freedom to live our lives without the ever-present threat of interference.

Congress must act to put a brake on those who would relentlessly snoop into our private lives. We must let those who deem it their right to snoop know that the American people will not condone their actions any longer.

I believe that the American people have a right to live their lives without fearing "Big Brother." Restrictions have to be placed on the type of information that can be compiled. And, equally important, restrictions must be placed on who can legally and morally have access to such information. Until such action is taken, the private affairs of Americans from Guam to New York will not be secure.

Our fellow Americans look to Congress to resolve this problem. I trust that my colleagues will join with the cosponsors of House Resolution 633 to support the prompt creation of a Select Committee on Privacy—a step which will ultimately lead to remedial legislation and one which will restore the public's faith in Congress' ability to take decisive action on a most crucial issue affecting each of us.

Mr. CRANE. Mr. Speaker, more and more Americans have become concerned in recent years over the many threats to their privacy from what they are increasingly coming to view as the Big Brother government in Washington.

These threats to privacy have expressed themselves in a variety of ways, such as the detailed census form which they are compelled to fill out under threat of prosecution. Initially, the census was devised as a means by which we might discover how large our population was and where it was living. The reason was simple: to apportion properly the Congress. Now, the census asks us a myriad of irrelevant and prying questions and coerces us into answering them. This is an invasion of privacy.

There was a time when civil rights legislation forbade discrimination on the basis of race, creed, sex, or national origin. Now, we have embarked upon a far different policy, that of enforcing artificial racial and sexual quotas upon employment. Rather than having a law which is "color blind" we are moving toward an ever-prying government which uses Federal aid as a basis for dictating to employers exactly how many employees he must have in each possible human category, whether sexual or racial. The Government requirement to keep records by race, sex, and national origin is clearly an invasion of privacy of both employers and potential employees.

The Department of Health, Education, and Welfare has used the medicare and medicaid legislation as the basis for invading the privacy of the traditional doctor-patient relationship. One interesting example of this abuse of power may be found in the story of St. Joseph Hospital in Thibodaux, La.

St. Joseph Hospital refused to provide Louisiana Blue Cross with what the hospital considered to be private and confidential medical records of patients who applied for medicare benefits. As a result, the General Counsel of the Department of Health, Education, and Welfare has ruled that unless "any records required are examined personally and first-hand by authorized personnel—whatever services are involved will be treated as unverified and refunds will be obtained." The HEW official states that:

This includes the entire medical record.

The Government requirement in this case clearly violates traditional ethical medical procedures. The Health Insurance Council, which represents 89 percent of all private health insurers in the country, has stated that:

As a general rule, certain information is not available from the hospital record for release to third parties. This includes such data as detailed psychiatric examination information, personal history of patient or family, etc.

The Council declared that:

The information acquired in a doctor-patient relationship is generally considered to be confidential or privileged communication.

In its June 1971 issue, Private Practice, the journal of the Congress of County Medical Societies, reports the details which would be included in the information called for by HEW. One sample case history included the following:

Crying, pessimism, bleak future, tension, headaches, nervousness—indefinite period actually, but inclined to date everything from the accident—lied to me at first, saying she hadn't been told a psychiatrist was called in, then inadvertently admitting it. Psychomotor retardation apparent. Unable to discuss more personal and intimate problems at this interview—She has taken an ovedose of pills on one occasion and I think she needs psychiatric assistance.

Does the Government, in order to fulfill medicare payment in the case of this patient, who was hospitalized for fainting at work, need to know the most intimate details of this individual's life, details obtained by a doctor in a confidential doctor-patient relationship? How many patients would tell their doctors any personal and intimate problems if they suspected that such information would one day find its way into the hands of Government bureaucrats intent upon keeping in Government files complete dossiers on the lives of all participants in Government programs? This policy is clearly an invasion of privacy.

Now, the medical profession and, with it, every American who becomes a patient, faces an even more dramatic invasion of privacy by government in the form of the Professional Standards Review Organizations—PSRO's—which begin in January 1974.

This law, initially presented as legislation which would save public funds, institutes local organizations—PSRO's—which will have the responsibility to see to it that doctors practice according to norms approved by a national council, which will include representatives of consumer groups and other nondoctors. A PSRO examiner will be in the position of challenging a doctor's professional judgment in a case. That examiner will not himself be required to have medical training.

Under this training, the principle of the confidentiality of the doctor-patient relationship will be seriously challenged. The doctor will be forced to reveal his

records to PSRO inspectors, and if he is to be paid for the services he performs, he will have to abide by HEW guidelines. The doctor will, in effect, be little more than a Government bureaucrat—and his files will be open to public inspection. The PSRO legislation is clearly an invasion of privacy.

Federal aid to education has also fostered a variety of programs which clearly invade the privacy of students and their parents.

Writing in the November 4, 1972, issue of Human Events, Solveig Eggerz reports a mother in Wheaton, Md., who complained that her fourth grade child was asked in a social studies class such questions as:

How is your mother? How is your father? Do you like having lots of boys in the family? Do you like your brothers like you like your boyfriends? Do you have fights at home? Do you wish you were the only child? Do your mommy and daddy fight? Do you and your parents love each other? How can you tell? How much does your father make at his job?

In another school an instructor is reported to have led a small group discussion called Contact. He probed into students' feelings about themselves, their families and friends in an aggressive manner. He pointed to one girl and addressed another asking, "What don't you like about her?" The first girl remained silent throughout the denunciation that followed. A parent who listened in was assured that "all personal things will remain confidential." These programs, often federally funded, are an invasion of privacy and are of mounting concern to parents throughout the country.

How much data which Government collects, often through coercive legislation, really remains secret and "classified?" Prof. Arthur Miller, in his book, "The Assault On Privacy," reports that MIT students in a project MAC—Machine Aided Cognition—were able to tap into computers handling classified Strategic Air Command data. If they can do this, any time-sharing user can tap into a computer data bank. Despite claims of confidentiality, there is presently no way in which computer personnel can guarantee their control over access. They cannot even guarantee that they can prevent rewriting of the information in the computer by outsiders.

The entire question of privacy in the modern, technological age is one which is becoming of increasing concern to Americans. It is the fourth amendment, ratified in 1791, that is considered the constitutional basis for the protection of the right to privacy.

It reads:

The right of people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

This right has been traced to Roman Law. There are references to it in the Justinian Code and, earlier, in the writings of Cicero. Its actual origins go back to the Bible itself.

In an article concerning the relationship of the fourth amendment with ancient Biblical law, Rabbi Norman Lamm notes that—

At the very beginning of the Biblical account of man, we are informed of the association of the feeling of shame, the reaction to the violation of privacy, with man's moral nature. Adam and Eve ate of the fruit of the tree of knowledge of good and evil, and after which "the eyes of both were opened, and they knew that they were naked; and they sewed fig leaves together, and made themselves girdles." The need to decide between good and evil gave man self-consciousness and a sense of privacy which was affronted by his exposure.

It is essential that Congress carefully review governmental invasions of privacy of our citizens and do everything possible to prevent such abuses of power. We must make certain that we, in the Congress, do not provide nonelected bureaucrats with such broad power that they are able to interpret their mandate as one calling for the invasion of privacy of individual citizens. If the right to privacy is open to question, all of our other rights will be equally vulnerable. This is the time to make clear that we will not tolerate any infringement of that right.

Mr. CHARLES H. WILSON of California. Mr. Speaker, I rise in support of House Resolution 633 to establish a Select Committee on Privacy. I agree that Congress needs a committee to fully evaluate the effects of technology on the operations of government, on the democratic institutions and processes basic to the United States, and on the basic human rights of all our citizens. While technology is advancing at an unparalleled rate and influencing every aspect of American life, I feel the Congress has not taken the time to first understand and then to possibly set legislative guidelines controlling such applications of technology.

A resolution similar in terms to House Resolution 633 was debated at length in the previous Congress. In addition to the general disinclination to create select committees of the House, sentiment was strongly expressed then that the subject matter of the resolution was within the jurisdiction of the Judiciary Committee. Without going into the merits of the jurisdictional issue at this time, may it not be argued that the Judiciary Committee is already sufficiently burdened, and that this problem cries out for the special attention to it that only a select committee can muster in the way of specialized member-interest, full-time staff, and expert witnesses? Do not a number of events associated with the Watergate investigation strengthen the case of the proponents of such a committee?

Intensive study of this complex and serious problem and well-thought-out recommendations by a select committee of the House are necessary conditions precedent to the consideration and eventual enactment of effective remedial legislation by the House of Representatives. Attempting to deal with these matters is too important a task to be left in abeyance any longer.

During the previous Congress, I had the honor to chair the Census and Statistics Subcommittee of the House Post Office and Civil Service Committee. Our subcommittee explored in great detail the methods and procedures used by the Census Bureau in taking the 1970 census. We were particularly concerned about the plethora of detailed questionnaires from the Census Bureau and other departments and agencies of the Federal Government which our citizens are required to answer. While I recognize the real need by the Government to obtain this data which will help to justify, continue, and support programs that benefit the entire community, it is doubly important to ensure that people's privacy is protected so that they do not rebel against the information gathering process and refuse to cooperate in future censuses and questionnaires.

I have therefore introduced H.R. 7762, which would amend title 13, U.S. Code, to assure confidentiality of information furnished in response to questionnaires and inquiries by the Census Bureau. This bill was reported out of the House Post Office and Civil Service Committee on June 4, and has been placed on the Union Calendar. The bill would also extend the responsibilities for confidentiality to all officers and employees of the Federal Government. H.R. 7762 is identical to a bill I introduced in the 92d Congress, and during the hearings which I chaired, it was shown time and time again by hundreds of concerned and sometimes irate citizens who communicated with us that they were anxious indeed about the preservation and protection of their personal privacy. But they were only a small sample of a much larger number of Americans who are similarly situated and similarly motivated. Recent surveys had demonstrated to the satisfaction of the subcommittee that an overwhelming number of U.S. citizens feared the regulation of their lives by computers and ancillary electronic hardware.

I believe that there is a profound need for all-encompassing review and recommendations for control of Federal prying and snooping into the private lives of American citizens.

Mr. Speaker, the time has come to enact this legislation to establish a Select Committee on Privacy. For as perhaps the most astute of the framers of our Constitution, James Madison, warned us:

I believe there are more instances of the abridgement of the freedom of the people by gradual and silent encroachment of those in power than by violent and sudden usurpations.

Mr. HORTON. Mr. Speaker, I would like to briefly speak on the importance of House Resolution 633, which I am sponsoring with Congresswoman HECKLER, to create a Select Committee on Privacy. Although the select committee will have no legislative jurisdiction, it would be a forum staffed by experts and responsible to the House, to explore the impact of technology upon human dignity, freedom, and privacy.

One of the select committee's tasks would be to investigate the role of the computer in our public and private lives. Behavior technology is now predicting our thoughts and actions. Huge data banks in the private sector have extensive information concerning countless Americans, yet lie beyond the reach of the Fair Credit Reporting Act. Our 1966 Government Operations Subcommittee

inquiry on privacy drew attention to the threatening proposal to join all Federal computer files in a national data bank. Despite the concern voiced at that time, the guidelines have yet to be established to prevent this from happening.

It is interesting to note that it is projected that the computer will be our Nation's largest industry by 1980, and the industry is looking to the Congress to provide an intelligent framework for its anticipated growth.

Apart from computers, a number of other areas need to be investigated by a Select Committee on Privacy. Our inquiry in 1970 revealed that behavior modification drugs had been used on at least a quarter of a million children. Pyschosurgery is being used with increasing frequency to control the behavior of those citizens who show only minor deviations from supposedly acceptable behavior. The establishment of fertility banks portends to be the first step in the development of eugenics in our society. All these techniques, and thousands more, are being encouraged by a naive philosophy which often places social engineering above personal liberty.

There are, of course, immense benefits to be gained from the wonders of modern science and behavior research, and it would not be the role of the select committee to blindly oppose change. What it could do, however, is restore some of the balance to the decisionmaking process and preserve the relevancy of the House of Representatives. While we authorize billions of dollars to find short-term solutions to immediate problems, we are not equipped to examine the possibility of antidemocratic results, and many people believe that we are ignoring, or even creating, long term problems. We are expected to be knowledgeable in the field of human privacy, but aside from occasional investigations on isolated proposals, the House still has no forum to weigh the effect of behavior modification.

I believe the modest amount we would spend to establish a select committee would allow us at least to understand the issues confronting us and permit us to ask the salient questions. It could have a major effect in preserving the confidence our citizens must have in their leaders if our system of government is to work. The select committee would do much to preserve the role of the Congress, the viability of our Constitution, and the freedom of our citizens. I urge my colleagues to support the establishment of this committee.

Mr. ROSENTHAL. Mr. Speaker, from 1965 until March 13, 1971, I was a member of a group within the Committee on Government Operations that was formally called at various stages of its existence the Special Inquiry on Privacy, the Special Subcommittee on Invasion of Privacy and which finally expired under the name of the Right to Privacy Inquiry of the Special Studies Subcommittee. According to published reports, this group received in its approximately 7 years a total of $75,000 from our Committee on Government Operations. There were periods of time when it had no staff aide, there were incidents when prospective witnesses could not attend hearings because of a refusal to provide for their expenses, and the atmosphere created was, to put it mildly, not conducive to the privacy work and not supportive of this group's activities. This group, under the leadership of our former colleague Cornelius E. Gallagher, suffered almost exactly the same kind of trouble within the committee as did my special consumer inquiry, which was also abolished on March 31, 1971.

In spite of these difficulties, however, the privacy group was able to hold pioneering hearings on psychological testing, the computer and invasion of privacy, credit bureaus and credit reporting agencies, and the administration of behavior modification drugs to grammar school children. Each of these hearings, and many other actions, brought forward information which a Select Committee on Privacy needs to follow up on, so that the opinions expressed at the time and which have been repeatedly confirmed since then can be fed into the formal decisionmaking process in the Congress.

I mention this background as an introduction to my remarks under Mrs. HECKLER's special order on privacy because I have a better reason to know than most of my colleagues just how insufficient and irrelevant privacy matters have been considered here in the House. For that reason, I am a very strong supporter of the proposal to create a Select Committee on Privacy which can bring a formal, well financed and well staffed congressional focus to bear on problems hitherto virtually ignored.

Mr. Speaker, privacy had been traditionally honored in many a public speech but in private or deep within the bureaucracy, it has been honored in the breach. I believe it is reasonable to suggest that the string of White House horrors which peaked at Watergate and which subsequently caused a fog of disrespect to settle over the entire executive branch stemmed, in part, from the clear message sent by the House of Representatives that we simply did not care enough about preserving the individual's right to privacy. Not only did we hold a pathetically small number of hearings on invasion of privacy but we passed such laws as the District of Columbia Crime Bill and the Omnibus Crime Control Act which legalized such invasions of privacy as no knock entry—if it was legal to break down the doors of a citizen's home in the dead of night, certain people may have thought that it was legal to break into the headquarters of a rival political party in the dead of night—preventive detention, wiretapping and other forms of electronic surveillance, and these laws' provisions which subtly shifted more and more power to the Federal Government and took more and more power away from the people.

In the New Yorker of March 25, 1972, Richard Harris concludes a brilliant description of unconstitutional, illegal and gross actions of the Nixon administration with these words:

No one can say that the President has willfully set out to undermine the Constitution that he swore to uphold. But how would the results be different if he had?

On June 17, 1972, Mr. Harris' word "willfully" was given a whole new immediacy and the events since Watergate have created an informed reanalysis of exactly what Candidate Nixon meant in 1968 when he rode to power by cunning conceived lipservice to "law and order."

I recognize, Mr. Speaker, that the constitutional basis of privacy is embodied in the Bill of Rights and that, through the years and on specific issues, every range of political opinion in the United States has condemned invasion of privacy. Liberal and conservative, black and white, rich and poor, powerful and powerless, Republican and Democrat have all agreed that the concepts involved in a defense of the right to privacy was grounded both in their own self-interests and in the overriding interest of the preservation of a constitutional democracy. But unless those deeply felt beliefs have an institution within the Federal Government to give them voice, it is far too easy to ignore human rights in the pursuit of efficiency and economy or unbridled power.

I have long contended that institutions create policy, and who can say "at this point in time" that those who created and carried out the continuing series of Watergate horrors, did not know "at that point in time" that the House of Representatives had neither the structure nor the will to protect personal privacy? And now, the one formal organization which continues to exist and which could bring forward sound legislation, Senator SAM ERVIN's Subcommittee on Constitutional Rights, has been uncharacteristically quiet due to other important activities of its chairman.

And so, Mr. Speaker, House Resolution 633, to create a Select Committee on Privacy here in the House, is given an impetus which, in my view, is far greater than ever before. We simply must have a body within this Chamber which will demonstrate to our citizens that we have learned something and we cannot be diverted by other crises, such as the energy crisis, from accepting the responsibilities of our own oath of office.

Mr. Speaker, I commend the gentlewoman from Massachusetts for taking leadership in this area, especially for the insight she shows when she says,

A lack of privacy is just as disastrous to a free democracy as a lack of energy is to an industrial society.

In his superb article, Richard Harris makes this comment with respect to governmental officials involved in the "law and order" crusade headed by Richard Nixon, John Mitchell and John Dean:

None of these officials has acted or spoken in any way which would demonstrate an understanding of just how fragile a system our democracy is. If they do in fact understand that, then their official actions—in pressing for laws that can now be used to crush civil liberties, in prosecuting leaders of the anti-war movement to still dissent, in harassing the press to end criticism, in invading the privacy of tens of thousands of citizens to catch a handful of crooks, in illegally suppressing protest to show firm-

ness—must be taken as signs that they see the system's weakness as an opportunity, not a peril.

This particular group of officials has been exposed, Mr. Speaker, but the system's fragility remains. I believe the most important argument that can be advanced in favor of a Select Committee on Privacy is that that act will show to the next group of officials who are deluded by power that the system has been strengthened and that they will not succeed if they "willfully set out to undermine the Constitution."

ENERGY: CRISIS, CHALLENGE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. FORSYTHE) is recognized for 10 minutes.

Mr. FORSYTHE. Mr. Speaker, over the years, Americans and American industry have developed a ravenous appetite for energy that has resulted in a glaring disparity between our available supply and the energy demand. Americans, who comprise 6 percent of the earth's population, last year consumed 40 percent of all the energy used in the world. In fact, the average American uses as much energy in just a few days as half of the world's population on an individual basis consumes in 1 year.

The origins of the energy crisis are numerous. The solutions are not easy. Americans have met crises before and we will meet this one also. Yet, the unanswered and nagging question is—why did not someone see the problem coming?

While the air is thick with accusations and countercharges, I believe that no one can escape some share of the responsiblity. In 1971 a special congressional task force studied the growth of energy demand and took a detailed look at ways to meet that demand. Unfortunately, their findings and recommendations went largely unheeded.

The President has consistently impounded funds appropriated by Congress for the research and development of new energy forms. Last year alone, the President impounded $54 million.

The public has grown accustomed to a cheap and abundant supply of energy and has become wasteful. Only until recently, the oil and power industries seemed to spend more time merchandising their products than in wise management and conservation. Still, the fact is, the United States is confronted by an energy crunch, and it makes no difference whether one praises the energy industry, the public, the Congress or the administration, for their foresight and accomplishments; or damns them for their sins. The problem exists and must be met.

The "solution" to the energy crisis lies in finding ways to conserve our existing supplies and to increase them. I would like now to examine both elements of that equation and place our options in focus.

A recent study estimated that through energy conservation consumption could be reduced by as much as 306.1 million gallons per day in 1980. This estimate is to be compared with projected 1980 oil imports of 386.4 to 487.2 million gallons per day.

The most significant energy conservation measures are the installation of improved insulation in both new and old homes and the use of more efficient air conditioners; a shift of intercity freight from trucks to rail, intercity passengers from air to rail and bus, and urban passengers from automobile to mass transit; and the introduction of more efficient industrial processes and equipment.

That a concerted energy conservation program can have a significant impact is demonstrated by the fact that the energy required for space heating in residential buildings—12 percent of our national consumption—could be cut in half if the efficiency of home heating units were improved and if homes were properly insulated. It has been estimated that the efficiency of most heating equipment now in use ranges from 35 percent to 50 percent.

In view of these facts, I have introduced legislation to provide individual homeowners with a greater incentive and ability to make energy saving home improvements to their residences. My bill establishes a low-interest loan program for the large scale expenditures often involved in improving the heating equipment or fully insulating a house. The loan would be provided at a 5 percent annual interest rate and would extend for 10 years, by which time the expenditures should pay for themselves through reduced fuel costs.

Significant energy savings can also be realized by reducing unnecessary automobile travel and by driving at a lower speed. With respect to the latter suggestion, I am pleased to note that the House of Representatives has recently approved legislation providing for a national speed limit of 55 miles per hour. This measure when finally enacted will save approximately 4.4 million gallons of gas per day. However, I do not believe that this measure goes far enough. If a 50-mile-per-hour speed limit were set an additional 6.8 million gallons a day could be saved.

During the debate on this legislation it was suggested that a different speed limit should be established for cars and trucks since truck engines are constructed to operate more efficiently at higher speeds. However, it remains my position that the relatively small savings in gas that would be realized by a differential speed limit do not justify the additional and serious hazards presented by trucks bearing down on slower moving automobiles, particularly in view of the fact that a truck, by virtue of its bulk, requires more distance to stop than a car.

The other part of this gasoline saving formula calls for the reduction of unnecessary automobile traffic. To achieve this goal the administration has been considering imposing a surtax of up to 30 cents per gallon of gasoline or rationing existing supplies.

In my view, an additional gas tax is not the way to go. Immediately upon learning that individuals within the administration were giving serious consideration to rationing gas through increased prices, I protested to Gov. John Love, who was then Director of Energy Policy at the White House. In my letter, I objected to the tax approach for the following reasons:

First. Increasing the price of gasoline for the purpose of rationing would only artificially add to an already serious inflationary situation, worsened by unemployment caused by a fuel shortage.

Second. Such increases would unconscionably discriminate against the poor, causing them to lose jobs because they could not afford to drive to work.

Third. It would only delay the decision to equitably ration fuel, but prices would be at far higher levels. And I said:

> It would be far better to put some bureaucrats to a little trouble to resolve this problem than to take the easy way out and drive another nail into the coffin of the poor.

While I recognize that rationing may become necessary, I do not welcome this eventuality as it will surely be an administrative nightmare. Nevertheless, I believe that rationing, at a later time, if necessary, is a better alternative than a gasoline surtax now.

If a rationing system is indeed needed it will be essential that the system be so structured as to recognize the needs of people who like many of my constituents depend upon their car for transportation to and from work and who do not live in an area adequately served by mass transit. These people have no real alternative to automobile travel. It is for this reason that I have consistently supported legislation to expand this Nation's mass transit system.

Carpooling is a reasonable alternative in the absence of adequate mass transit facilities. Every effort must be made to encourage carpooling. However, many people who reside in New Jersey for example find themselves confronted with a problem. These commuters are being discouraged from carpooling because of the Delaware River Port Authority—DRPA—refusal to alter the procedure by which it collects commuter bridge tokens. The present procedure restricts token use to specific vehicles and makes it impossible for members of carpools to share tokens and use different vehicles. I have proposed a feasible way to permit a more flexible usage of tokens and thus encourage carpooling. However, the DRPA has not yet taken action on my proposal.

Another energy conservation measure which I supported in the House provides for year-round daylight saving time. Significant savings can be realized from this simple change in time. Even after subtracting an increased morning usage of lighting caused by later sunrises, enactment of this bill will result in a daily energy savings of up to 18.9 million gallons of oil.

In assessing the potential for energy conservation, it is also important to address the question of institutional disincentives to energy conservation. I believe it is essential that the Congress reexamine our laws to see if they inadvertently discourage energy savings.

One such area is title II of the National Housing Act under the Federal Housing Administration. As the law now reads, the ceiling on FHA mortgages, $33,000 in the case of a single family dwelling, fre-

quently dissuades homebuyers from installing energy conserving devices because of the higher initial costs of these devices. The long term effect of the limited ceiling discourages sales of energy saving devices and also discourages research into what companies see as a dead end market.

In order to conserve and allocate existing fuel resources the President has proposed cutting back on the volume of fuel certain sectors of the economy will receive. In determining how these resources are to be allocated our goal must be the equality of sacrifice, not the sacrifice of equality and I am deeply disturbed that the President's recent actions may result in the sacrifice of equality.

Recently, I wrote the President expressing my concern in this regard. In my letter I stated that:

> Americans are willing to sacrifice in the cause of America. But, most of us believe that the burden should be equally shared; that no individual or group should be exempt or treated with special favor. In my view, and in the view of many of my constituents who have written to me, this applies not only to automotive travel, and to our homes and offices, but to other forms of transportation and uses of fuel as well. As a matter of fact, many constituents are wondering about the necessity for Presidential trips to Key Biscayne and San Clemente, at a time when they are being asked to sacrifice.

I can point to many sectors which I do not believe are receiving fair and equal treatment. This situation must be rectified. The channels that are available for reviewing all allocation decisions must be used and must remain open. I do not believe that tactics such as those used by certain truckers to block traffic for hours are constructive.

If energy conservation has become a national goal, as it should and as it must, then why is the United States still exporting oil to other nations? Before racing to join the bandwagon of those public officials clamoring for an immediate end to all oil exports, I began an investigation regarding the destination and purpose of these exports.

The results of my study indicate that U.S. exports of nonfuel petroleum products amounted in 1972 to about 67 percent of our total foreign petroleum sales. Petroleum coke lubricants, petrochemical feedstocks, and special naphthas, not heating oil and gasoline, constitute the bulk of what we sell to foreigners. Further, these nonfuel items are derived from refining wastes and thus their production has no impact on the availability of crude oil that will be made into fuel oil.

When a comparison is made between U.S. exports of petroleum products used for fuel and the total American consumption of petroleum fuels we find that we are exporting the equivalent of about three-tenths of 1 percent of the national total. Within this framework, U.S. heating oil exports in 1972 amounted to fractions in the hundredths of 1 percent of all heating oil consumed in the United States.

With respect to the destination of these fuel oil exports, fully one-half go to U.S. Pacific Trust Territories. Another one-quarter, goes to Venezuela and the Netherlands. The Venezuelan exports are to provide a lighter oil, not available in Venezuela, that is required to thin down heavy Venezuelan crude. The blended oils are then shipped back to the Northeastern United States.

Fuel oil exports to the Netherlands are being used for blending with a high sulphur crude to reduce the sulphur levels to those required to meet U.S. environmental standards. The blended oil is then sent back to the United States. The remaining petroleum fuel that is exported is sent to the United Kingdom, Mexico, Denmark, and Japan.

The point is that if the United States cut off all petroleum exports without differentiating between fuel and nonfuel items our already serious balance-of-payments situation would be adversely affected. If, on the other hand, only fuel oil exports are curtailed, the United States will be unable to import oil drilled in Venezuela or refined in the Netherlands. The United States would be losing significantly more oil supplies than it would be saving. The purported advantages of embargoing oil exports does not, after careful analysis, appear as attractive as it does at first blush.

It has also been suggested that the United States use its general export as a weapon and cease all exports to those oil producing states which have embargoed oil shipments to this Nation. Such a proposal would have substantial merit if the volume or composition of U.S. exports to the Arab nations were significant enough to give this Nation an effective lever and trading point.

Recently the Department of State and the House Foreign Affairs Committee studied this question and determined that U.S. exports to the oil producing countries of the Middle East represent an extremely small part of their needs. If the United States banned all exports to the Arab nations, these countries could all too easily replace our manufactured products and foodstuffs with European or Russian supplies. Both the State Department and the Foreign Affairs Committee concluded that the United States had no effective leverage and that an export embargo would only further anger the oil-producing states.

It has also been suggested that the Congress and the Environmental Protection Agency relax certain environmental standards so as to permit the burning of dirtier fuels and reduce the need for the installation of energy consuming environmental protection devices. The problem is one of clashing national priorities. The decisions which will be made may affect the basic structure of our society and the quality of life in America for many years to come. These decisions must not be made in haste. They must be carefully weighed to achieve the optimal balance of national needs and priorities.

While energy conservation is the first part of the solution to the energy crisis, developing additional supplies is the other element. I was pleased to see the Congress approve the construction of the trans-Alaskan pipeline as this will enable the United States to take advantage of the rich reserves of the North Slope of Alaska. However, because of my deep concern for our Nation's environmental quality, I gave this issue a great deal of study. There was little doubt about the need for this project in terms of energy resources. Nevertheless, there was a significant debate over where an Alaskan route or a trans-Canadian route was environmentally superior.

There were several key issues which I considered, dealing with permafrost, seismically active land areas, base of spill cleanups, and caribou trails that would be crossed. I concluded that the Alaskan route, while not environmentally perfect, was the better choice.

Despite the tapping of this resource, the United States will still need to import oil. The problem is that most of the oil is being transported in supertankers of 200,000 deadweight tons or greater. These tankers require channel and harbor depths of 80 to 100 feet. Yet, existing North Atlantic harbors are only 40 to 50 feet deep and can receive ships no larger than 40,000 to 70,000 deadweight tons. These harbors have been dredged to the maximum possible depths already, and to reconcile the difference between our harbor size and the harbor size required by these supertankers, the President has recommended the passage of legislation authorizing the construction of deepwater ports.

There is universal agreement among energy experts that even if no deepwater ports were constructed, the volume of oil imported into the United States, particularly through the Delaware Bay route, will increase dramatically. This does depend to a large extent, however, on our negotiations in the Middle East.

If the oil must be brought ashore, are deepwater ports safer than mooring a supertanker in the outer reaches of a harbor and bringing the oil ashore in small ships—a process called lightering.

The Coast Guard believes that as smaller vessel traffic increases, so will the probability of oil spills. The Council on Environmental Quality estimates that based on the same volume of oil being delivered, a lightering operation would result in the spillage of 90 percent more oil than a deepwater port.

These facts are important in evaluating such a facility and were a central consideration when the House Merchant Marine and Fisheries Committee, of which I am a member, debated legislation regulating the construction of deepwater ports. The bill, which was favorably reported by the committee, was amended several times during the committee meetings. Without the acceptance of these amendments, I could not have supported the bill.

One amendment enables States adjacent to any proposed site to exercise an absolute veto over any proposal for a deepwater port facility. The committee bill, as originally introduced, required that the impact on the marine environment be a major consideration before any license for port construction was issued. However, the landside impacts of deepwater port facilities are of equal concern to me, and the committee accepted my amendment, which the com-

mittee accepted to also require consideration of the landside impact of these reports ashore.

Similarly, the legislation as originally introduced failed to require that public hearings be held before issuance of a construction license. Neither did it offer any protections for innocent third parties damaged by oil spills resulting from port operations. Nor did the original bill recognize the pressing need to improve existing oil spill cleanup technology.

Therefore, I sponsored a series of amendments to rectify these glaring deficiencies and to provide additional protection to the residents of coastal States. My amendments, which were all accepted:

Provided for the first time in maritime law a no-fault insurance fund to cover damage caused by oil spills. The fund, financed by a 2-cent per barrel fee charged to the owner of the oil, would cover damages up to $100 million per claim;

Authorized $10 million for each of 3 years for research and development to improve oil spill cleanup techniques; and

Required mandatory public hearings on all deepwater port applications. The original bill did not require such hearings.

However, the United States must no longer rely so heavily on drilled oil as an energy source. There is no shortage of power sources except in the case of drilled oil. What does exist is a serious shortage of research efforts that will enable this Nation to utilize these alternative sources.

The Department of Interior estimates, for example, that there could be as much as 7 trillion barrels of oil—42 gallons to a barrel—trapped in shale in the Northern Rockies—enough to make the United States self-sufficient for hundreds of years. Yet the technology for effectively extracting this oil and disposing of the substantial waste materials is not yet available.

Coal is our most abundant fuel resource, however. The potential resource base is on the order of 800 billion tons, an amount sufficient to last 1,500 years at the current rate of use. Not all of that coal is accessible with existing technology. But with existing technology, about one-quarter could be extracted, enough to last well over 300 years. Coal, unfortunately, is an environmentally dirty fuel and lost many of its markets to less expensive fuel oils and natural gas. However, coal can be converted into clean burning gas through coal gasification. Several major research efforts are underway to determine practical methods to accomplish this. To date, none of this research has come to fruition.

Solar energy would, of course, be an almost infinite source of power that has not been adequately researched and developed. Similarly scientists are now experimenting with a nuclear fusion process that if perfected represents an energy source of staggering proportions. The basis of the process is the hydrogen atoms found in water and the waste product is pure oxygen. Utilizing 1 percent of the world's water resources, the energy released by this process would amount to about 500,000 times the energy of the world's initial supply of fossil fuels.

Geothermal energy is electric power generated by steam released from naturally hot areas on the Earth or by the piping of briny hot water to vaporize a secondary "working fluid" which in turn drives a turbine generator unit. The United States is rich in geothermal energy resources, yet here again, no effort has been made to develop this resource.

As I said earlier, energy resources are not lacking. What is lacking is the technology to harness them effectively. Since coming to Congress I have consistently supported an expansion of this Nation's energy research and development effort. I have voted for expanded appropriations in this field just as consistently as the President has impounded them. In the 93d Congress, I have sponsored several energy research and development bills that I believe will provide the necessary funds and administrative machinery to increase the Nation's energy research effort to a meaningful level.

Mr. Speaker, there can be no doubt about the gravity of the crisis confronting our Nation. However, with proper energy conservation measures and intensified exploration of new energy sources I believe this is a crisis the American people can and will conquer.

IMPEACHMENT ISSUE: FISH OR CUT BAIT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Hampshire (Mr. CLEVELAND) is recognized for 5 minutes.

Mr. CLEVELAND. Mr. Speaker, on December 6, the gentleman from California (Mr. MCCLOSKEY) announced his intention to schedule a special order for discussion on December 11 of the need to dispose swiftly of the impeachment question. This has been postponed, understandably, in view of the crush of legislative business this week which includes virtual round-the-clock debate on the emergency energy act.

Yet I consider the question of such import as to merit my taking this means of sharing with my colleagues the thoughts I had hoped to express verbally on the floor this week.

I thank PETE MCCLOSKEY for his interest and leadership in this matter. As I understand it, his proposal is simply this: That the House fish or cut bait on the issue of impeachment. Another way of putting it—and here I allude to another expression of the New England point of view—we should either proceed promptly with an investigation of impeachment or get off the President's back.

PETE MCCLOSKEY deserves a word of praise for focusing on expediting consideration of the issue. Although there are those who are disposed to impugn his motives, I maintain allegiance to the American approach—outmoded, I fear, in the view of too many—of extending the benefit of the dobut.

I might say, Mr. Speaker, that this concern for rapid disposition of allegations against the President is shared by the dean of Senate Republicans, Mr. AIKEN of Vermont, and Vice President Ford.

On one hand, the Committee on the Judiciary is to be commended for refraining to act in ill-considered haste. Certainly a commitment to due deliberation is warranted and appears to reflect my view that the case for impeachment has by no means been made. I, for one, will be most anxious to consider the committee's findings as a basis for my own judgment.

But on the other, undue delay would not serve the national interest or the cause of fairness to the President or the country. One month ago, we voted the Judiciary Committee ample funds—a million dollars. There is no reason why it should not report to us by February 15.

Mr. MCCLOSKEY's letter of December 6, 1973, follows:

HOUSE OF REPRESENTATIVES,
Washington, D.C., December 6, 1973.

DEAR REPUBLICAN COLLEAGUE: It seems to me that the House of Representatives should move with all deliberate speed on the impeachment issue. Our duty to proceed with an investigation of impeachment is paralleled by our duty to assure due process of law to the President. As a potential criminal defendant, he cannot help but be under immense pressure and, correspondingly, of lessened ability to govern so long as the issue is unresolved. Therefore I suggest that we ask the Judiciary Committee to set a date certain to report back to the House a recommendation either for or against a bill of impeachment.

With the Committee serving as prosecutor and the full House in a grand jury capacity, 60 days should be adequate for any competent prosecutor's office to sift the evidence and analyze applicable law.

With all due respect for the serious issues which the Committee has had to deliberate before today, I think we should now ask them to return their recommendations to the House no later than February 15, 1974. I propose to take a special order to ask Chairman Rodino for a discussion of these matters following the close of business on Tuesday, December 11, and would invite you to participate in a colloquy with the Chairman and any other members of the Judiciary Committee who wish to discuss the matter at that time.

I enclose for your review some previous thoughts I have offered on the gravity of our special constitutional power and responsibility of impeachment.

Best regards,

Pete

PAUL N. MCCLOSKEY, Jr.

A POOR PERFORMANCE IN THE HOUSE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. FRENZEL) is recognized for 5 minutes.

Mr. FRENZEL. Mr. Speaker, the House's performance tonight is surely not one of which we can be proud. Tonight we have been compared to the Senate or to a zoo, and either, or both, is probably an apt comparison.

Our first mistake was to bring up this bill before any of us had copies of it. It is too important a bill to pull that kind of shuffle.

Our next mistake was the substitute amendment which greatly inhibited amendments. A rule with points of order waived and a substitute is about as restrictive as a closed rule.

The next mistake was the committee chairman's statement that he would try to see that all Members would have a chance to be heard. They did not have a chance.

The next mistake was the motion to limit debate to a few hours with nearly 80 amendments pending. It passed by one vote and effectively prevented dozens of Members from speaking in behalf of their amendments, after committee members had monopolized the previous 2 days of debate.

The last straw was the ludicrous performance of having this House cast repeated recorded votes on amendments with no debate and little idea of the issues. The constant demand for record votes made us look a little silly, and it reflected a great need to review our rules. But compared to the "gag-rule" motion it was protesting, the call for recorded votes was a minor outrage.

The House has performed well in difficult circumstances this year, but tonight, and this week, we could have used some leadership.

CONGRESSMAN DRINAN SPEAKS OUT ON PROPOSED REGULATIONS AFFECTING THE PETROCHEMICAL INDUSTRY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. DRINAN) is recognized for 20 minutes.

Mr. DRINAN. Mr. Speaker, out of the vast amount of confusion surrounding the future of our domestic industries in the face of the present energy shortages, a small bit of good news is available for the petrochemical industry.

On Wednesday, December 12, the Federal Energy Office issued the proposed mandatory petroleum allocation regulations pursuant to the Emergency Petroleum Allocation Act of 1973. These regulations assure resin manufacturers a continued supply of petrochemical feedstocks, with shortages spread out equally among all. They are at a great step ahead of the propane regulations which have been in effect this past fall, and which did not recognize the petrochemical industry as a priority user.

SUBSECTION D OF PROPOSED REGULATIONS

Two sections of the proposed regulations provide petrochemical feedstocks for the manufacturers of those resins, such as polyvinyl chloride and styrene monomer, which are so vital to the plastic fabricators of our country. The first of these is subsection D of the proposed mandatory petroleum allocation regulations. Subsection D governs the allocation of propane, butane, and propane-butane mixes to resin manufacturers. The "allocation fraction" to which these resin manufacturers will be entitled is determined by the total amount of their needs divided into the total of available supply. That is, if, as is the case, the petrochemical industry is entitled to 90 percent of what they received in the 1972 base year on a priority basis, and the availability of petrochemical feedstocks overall is 90 percent of what it was in the base year, then the petrochemical industry will be sure of receiving 81 percent of their feedstocks on priority basis. Petrochemical processors and resin manufacturers are declared priority users of propane, butane and propane-butane mixes. Under the regulations, they must be supplied for their priority requirements in accordance with the "allocation fraction." This will insure a steady flow of petrochemical feedstocks to this industry, with shortages within the industry spread about equitably.

SUBSECTION I OF PROPOSED REGULATIONS

Subsection I regulates the "other products" which make up approximately 50 percent of the petrochemical feedstocks used by manufacturers. The propane, butane and propane-butane mixes covered in subsection D make up the other approximately 50 percent. The allocation level of "other products" to resin manufacturers under subsection I is 100 percent to 120 percent of the amount used during the corresponding month of 1972. The regulations provide that each resin manufacturer will certify to his supplier the amount of petrochemical feedstocks necessary for him to meet his supply requirements to his customers, and that thereafter the resin manufacturers must be furnished 100 percent of the allocation level—or a pro rata share thereof of the shortage. Moreover, petrochemical feedstocks must be supplied up to 120 percent of the amount purchased during the corresponding month of 1972, and even more than that when the need is validated as provided by the regulations.

HELP FOR THE PLASTICS FABRICATORS

While the new regulations do not make direct allocations to plastics fabricators and other users of resins and petrochemicals, they do recognize the resin manufacturers as priority users, assuring them equitable and continued supplies of petrochemical feedstocks. I am hopeful that the continued supply of petrochemical feedstocks and the resins which are manufactured from them will be available for the plastics fabricators. Many resin manufacturers have kept faith with plastic fabricators since the shortages began, by not increasing exports of resins. Still others have indicated that they will not divert needed raw materials received under new allocation systems from fabricator customers.

The legislation which is before the House today, the Emergency Energy Act, contains an important section authorizing the new Federal Energy Administrator to restrict exports of petrochemicals. I offered my vigorous support to that section, and will continue to urge Administrator Simon to stop the export of petrochemicals. I also gave my wholehearted support to an amendment providing that the Administrator restrict the export of petrochemicals if the Secretary of Commerce or Labor certifies that such exports would increase unemployment.

I have previously written to Mr. William Simon, the Federal energy "czar" pointing out the urgent reasons why the petrochemical industry in America should receive the highest possible allocation of petroleum feedstocks. I have urged particularly that every possible consideration be given to the many newer companies in the petrochemical industry, where the average annual growth has been 7.3 percent for the past 5 years.

COMMENTS ON REGULATIONS

The regulations which have been printed in the Federal Register call for comments to be sent as follows: on subsection D, propane and butane, to William E. Simon, Administrator, care of Box 12, Federal Energy Office, 1016 16th Street NW., Washington, D.C. 20036; and on subsection I, other products, to William E. Simon, Administrator, care of Box 17, Federal Energy Office, 1016 16th Street NW., Washington, D.C. 20036. These comments must be received by December 20, 1973. I urge all interested parties to send their comments by that date.

These regulations are slated to become effective on December 27, 1973.

HISTORY OF PETROCHEMICAL INDUSTRY

I am hopeful that the regulations discussed about will provide relief for the seriously endangered petrochemical and plastics industry. There are 1,900 plants across the country where 300,000 people make their living by transforming petroleum raw materials into plastics, fibers, synthetic rubber, and a thousand other very useful everyday products.

The petrochemical industry consumes only 5 to 6 percent of the U.S. supply of natural gas and petroleum products. They utilize this petroleum feedstock not for fuel but for the basic raw materials from which they manufacture products which in 1973 will have sales of approximately $60 billion.

The importance of the priority classification given to the petrochemical industry is underscored by a recent study prepared by the Arthur D. Little Co. which projected that a 15-percent cutback in petrochemical feedstocks could result in the loss of jobs totaling between 1.4 and 1.6 million workers.

Mr. Speaker, the petrochemical industry needs its fair share of the 5 percent of the total petroleum sold in the United States each year. Petrochemical industry in the United States has no other source of its raw material except those feedstocks governed by these regulations. President Nixon has stated that the Federal Government in its allocation programs must make the preservation of jobs take priority over the convenience of consumers.

AID TO SMALL BUSINESS

Mr. Speaker, I think it is also essential that the Congress provide in the immediate future every possible remedy for small business enterprises that will be confronting severe strains because of the energy shortage. I have the hope that the House will subscribe to the language in S. 2589. The Senate passed version of the Emergency Energy Act, where in section 208(b) it is stated that:

It is the sense of the Congress that small business enterprises should cooperate to the maximum extent possible in achieving the purpose of this act and that they should have their needs considered by all levels of gov-

ernment in the implementation of the programs provided for.

S. 2589 also provides that the Small Business Administration shall provide full information concerning the provisions of the bill to any small business concern that might be affected. The bill also stipulates that Federal Energy Administrator shall "seek the views of small business in connection with adopting rules and regulations."

In the petrochemical and plastics industry there is a special need of such provisions since this burgeoning field has seen many enterprising and creative individuals establish a very large number of smaller corporations.

Mr. Speaker, I hope also that the House will implement the objectives of title 5 of the Senate passed bill (S. 2589) wherein reemployment assistance is mandated, as well as loans to small businesses which may be adversely affected by the President's actions undertaken to conserve scarce fuels and to assure the continuation of vital public services. The norm used for the granting of loans to small business is the finding by the SBA that such a loan is required "to remain successfully in operation or at previous levels of employment."

Mr. Speaker, small businesses account for an estimated 50 percent of the Nation's jobs and almost 40 percent of America's gross national product. In the plastics and petrochemical industries I feel quite certain that these figures are substantially higher. The energy shortage is the first major national problem that has ever confronted the plastics industry. The phenomenal growth of plastics since the end of World War II—an annual average rate of 11.5 percent—indicates the unprecedented expansion which plastics have enjoyed in numerous and diverse areas of our economy. The allocations of petroleum discussed above will prevent closings of many plants with catastrophic effects spilling over into almost every industry in America.

SOCIAL SECURITY LAWS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Ms. HOLTZMAN) is recognized for 5 minutes.

Ms. HOLTZMAN. Mr. Speaker, the present social security laws discriminate against those senior citizens 62 and older who must work to supplement their income. If they earn over $2,100 in a year, they are penalized by a reduction in their social security benefits. In addition, the law discriminates against working people by treating salary income differently than investment income.

I am today introducing legislation to correct these inequities. My bill would substantially increase the amount that senior citizens could earn without suffering any loss in their social security benefits. It would also end unfair discrimination against working senior citizens by treating income from all sources on the same basis.

For many of our elderly, the opportunity to earn additional income above the meager social security retirement level is discouraged by the so-called "retirement test," which reduces the individual's benefits if his earnings are in excess of $2,100. Although this figure will increase to $2,400 on January 1, I believe it still constitutes too harsh a penalty on those who are willing and able to remain in the labor force. Since this "test" applies only to earned income, it penalizes those lower- and middle-income citizens who work for extra income. For example, a person who gets $100,000 a year in dividends suffers no loss in social security benefits, but a person whose salary is more than $2,100 suffers a penalty. In short, the present system is geared to discriminate against those who need to supplement their income the most.

My legislation would raise to $4,000 the amount a social security recipient can earn without suffering a reduction in benefits. Beyond that level, $1 of benefits would be deducted for every $2 of income. In addition, my bill would take an important step in making the system more equitable by including all income under the retirement test, so that income from stocks and investments would be treated the same as income from salary.

I am not convinced that an earnings limitation is fair or at all necessary. However, it is clear that the present limit is unduly restrictive and an increase to $4,000 will enable many senior citizens to rise above the poverty level of income.

Although Congress has made several important changes that will provide increased resources to senior citizens to cope with the rising cost of living, there is far more that needs to be done. As of this year, a shocking 18.6 percent of our senior citizens live on incomes that fall below the poverty level. Many of my elderly constituents have told me that they come to know despair and fear in inflation that they never knew during the hardest days of the depression. Many feel betrayed by a system that promised "golden years" of security and dignity, only to offer hardships and inequities.

I believe these reforms merit a high position among our national priorities.

The text of my bill follows:

H.R. 11968

A bill to amend title II of the Social Security Act to increase to $4,000 the amount of outside income which (subject to further increases under the automatic adjustment provisions) is permitted each year without any deductions from benefits thereunder, but with a requirement that income of all types and from all sources be included in determining the amount of an individual's income for this purpose

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 203(f)(3) of the Social Security Act is amended by striking out "his earnings for such year in excess of the product of $175" and inserting in lieu thereof "his income for such year in excess of the product of $333.33⅓".

(b) Subsections (f)(1), (f)(4)(B), and (h)(1)(A) of such section 203 are each amended by striking out "$175" and inserting in lieu thereof "$333.33⅓".

(c) Section 202 of Public Law 93-66 is repealed; and the amendments made by such section shall be of no force or effect.

SEC. 2. (a) Section 203(f)(5) of the Social Security Act is amended to read as follows:

"(5) An individual's 'income' for any taxable year shall be the total of his gross income for such year for income tax purposes, as defined in section 61 of the Internal Revenue Code of 1954 and determined in accordance with parts II and III of subchapter B of chapter 1 of such Code; except that any amounts derived from or attributable to noncovered remunerative activity outside the United States (within the meaning of subsection (k)) shall be excluded."

(b)(1) Subsections (b), (f)(1), (f)(2), (f)(3), and (f)(7) of section 203 of the Social Security Act are each amended by striking out "excess earnings" wherever it appears and inserting in lieu thereof "excess income".

(2) The heading of section 203(b) of such Act is amended by striking out "Work" and inserting in lieu thereof "Excess Income".

(3) The second sentence of section 203(b) of such Act is amended by striking out "are less than such total" and inserting in lieu thereof "is less than such total".

(4) The heading of section 203(f) of such Act is amended by striking out "Earnings Are" and inserting in lieu thereof "Income Is".

(5) The first sentence of section 203(f)(1) of such Act is amended by striking out "are less than such sum" and inserting in lieu thereof "is less than such sum".

(6) The second sentence of section 203(f)(1) of such Act is amended by striking out "are charged to months" and inserting in lieu thereof "is charged to months".

(7) The last sentence of section 203(f)(1) of such Act is amended by inserting "or" before "(D)", and by striking out ", or (E)" and all that follows and inserting in lieu thereof a period.

(8) Section 203(f)(2) of such Act is amended by striking out "(D), or (E)" and inserting in lieu thereof "or (D)".

(9) The first sentence of section 203(f)(3) of such Act is amended—

(A) by striking out "any earnings of such individual for the month" and inserting in lieu thereof "any income of such individual attributable to the month"; and

(B) by striking out "with any net earnings or net loss from self-employment in such year" and inserting in lieu thereof "with the income of such individual for such year".

(10) Section 203(f)(4) of such Act is repealed.

(11) Section 203(f)(6) of such Act is repealed.

(12) Section 203(f)(7) of such Act is amended—

(A) by striking out "are charged to a month" and inserting in lieu thereof "is charged to a month"; and

(B) by striking out "are less than the total" and inserting in lieu thereof "is less than the total".

(13) The heading of section 203(h) of such Act is amended by striking out "Earnings" and inserting in lieu thereof "Income".

(14) The first sentence of section 203(h)(1)(A) of such Act is amended—

(A) by striking out "earnings or wages as computed pursuant to paragraph (5) of subsection (F)" and inserting in lieu thereof "income (as defined in subsection (f)(5))"; and

(B) by striking out "earnings (or wages)" and inserting in lieu thereof "income".

(15) Paragraphs (2) and (3) of section 203(h) of such Act, and the last sentence of paragraph (1)(A) of such section, are each amended by striking out "earnings" wherever it appears and inserting in lieu thereof "income".

(16) The fourth sentence of section 203(h)(3) of such Act is amended by striking out "(as computed pursuant to paragraph (5) of subsection (f))" and inserting in lieu thereof "(as defined in subsection (f)(5))".

(17) Section 208(a)(3) of such Act is amended by striking out "earnings" and inserting in lieu thereof "income".

(18) Section 5(1)(1) of the Railroad Retirement Act of 1937 is amended by striking out "excess earnings" wherever it appears and inserting in lieu thereof "excess income".

SEC. 3. The amendments made by this Act shall apply with respect to taxable years beginning after the date of the enactment of this Act.

ADDRESS OF CONGRESSMAN JOHN BRADEMAS, ANNUAL MEETING, NEW ENGLAND ASSOCIATION OF SCHOOLS AND COLLEGES, BOSTON, MASS.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. O'HARA) is recognized for 5 minutes.

Mr. O'HARA. Mr. Speaker, I take this opportunity to insert in the RECORD the text of a thoughtful address delivered this week by our distinguished colleague, Congressman JOHN BRADEMAS of Indiana, at the annual meeting of the New England Association of Schools and Colleges in Boston, Mass.

In his remarks, Congressman BRADEMAS discussed the Higher Education Amendments of 1972, of which he was a principal author, and the ways in which the Nixon administration has failed to comply with the intent of Congress in implementing this legislation.

Mr. BRADEMAS also discussed the work of the National Commission on the Financing of Postsecondary Education, of which he is a member.

The text of Mr. BRADEMAS' address follows:

ADDRESS OF CONGRESSMAN JOHN BRADEMAS

I am delighted to be with you this afternoon and to have the chance to talk to such a significant group of educators. I say "significant" because I realize that much that is best in American education was born and continues to be born in the schools and colleges of New England.

I want to applaud the subject of your annual meeting, "new priorities and new emphases" in education.

That so many persons from such different sectors of education come together to look at education is, I think, one of the most constructive contributions the New England Association makes and I wish only that your example were followed elsewhere in the country.

We meet at an extraordinary time in the life of this country, with shattering events tumbling down upon us, first, one after another, and then, seemingly, all at once—Watergate, the disintegration of a presidency, war in the Middle East, the energy crisis.

Some there are who look upon all these events with unrelieved despair, and I certainly am not one who greets them with joy.

But I suggest to you too, for there is some of the Calvinism of New England in my soul, that all these trials can mean—if we respond appropriately to them—a newer, better, more just and humane society.

And to shape such a society, we need, surely, systems of education—at every level—that are strong and resilient and effective.

Today I want to address myself to one level of education in particular—our institutions of higher learning.

That I do so in no way suggests that I lack a deep concern with other sectors of the educational enterprise.

For I have been among those on the House Committee on Education and Labor who this year have been wrestling long and hard with legislation to extend the Elementary and Secondary Education Act of 1965 and to forge it into a still more effective instrument for serving our schools.

And during this last year, my subcommittee has produced legislation in the areas of environmental education, drug abuse education, education of the handicapped, child abuse prevention, vocational rehabilitation, arts and humanities, and older Americans.

And next year my subcommittee agenda includes measures affecting early childhood development, museums, handicapped children's education, and libraries.

HIGHER EDUCATION AMENDMENTS OF 1972

But today, in keeping with your conference theme of new priorities and new emphases, I want to talk to you for a time about the most recent major Federal legislation to affect you, the Higher Education Amendments of 1972, and about the work of a group established by that act, the National Commission on the Financing of Postsecondary Education.

Last year, after many months of hearings and following a House-Senate conference that went on for eleven weeks, the final session lasting fourteen hours, weary Senators and Congressmen signed their names to a bill, later passed and enacted into law, that I have elsewhere described as the most significant legislation to help higher education since President Lincoln signed the Land Grant College Act over a century ago.

Let me recall for you the major provisions of the Act, then discuss with you the importance of some of them, and suggest why we are having so much trouble getting the legislation implemented as Congress intended.

STUDENT ASSISTANCE

Here is what the Act provided with respect to student assistance:

The law extended all existing programs, including college work study, National Direct Student Loans, Supplemental Educational Opportunity Grants, and the Guaranteed Student Loan program, for three more years.

We created a new program of Basic Educational Opportunity Grants under which each student would be entitled to $1,400 per year, less his expected family contribution.

We also created a new National Student Loan Marketing Association to buy, sell, and warehouse Guaranteed Student Loans in order to stimulate new loan capital.

Beyond the establishment of the new program of Basic Opportunity Grants, I believe the most significant new feature of the law was, of course, the program of direct, general institutional aid.

Under this provision, 90% of the funds an institution receives follows the Federal student assistance flowing to that campus while 10% of the money is based on the number of graduate students enrolled there.

In addition, the law authorized, at a level of $275 million over three years, start up and expansion grants for community colleges.

And we approved Veterans Cost of Instruction grants to institutions in the amount of $300 for each veteran enrolled, with an additional $150 for each veteran in a special or remedial program.

Of, I am sure, particular interest to many of you was the creation of the Fund for the Improvement of Postsecondary Education—a program of institutional grants with the aim of stimulating reform and innovation in postsecondary institutions.

BASIC OPPORTUNITY GRANTS

Now let me discuss with you the new BOG program and where we are on it right now.

Recall, if you will, that last year, as Congress was working on the Higher Education Bill, the Administration was pushing very hard for limiting Federal assistance grants solely to low-income students while letting all other students rely on loans from their friendly neighborhood banker.

Congress, under the leadership in the Senate of your own Claiborne Pell of Rhode Island, rejected this attempt and instead insisted that grants go to students of whatever income group, provided that they were in need of the money.

For surely it must by now be obvious that many students from families which we might all agree are in the middle income category are nonetheless, for a variety of reasons—several students in the same family in college at the same time, unusual family medical expenses, and others—in need of assistance.

The BOGs were therefore intended by Congress to help both low and moderate income students by providing them a grant of $1,400 annually minus the amount their families could reasonably be expected to contribute.

Despite the clear intent of Congress in creating the BOGs, the Nixon Administration—in still another manifestation of the Watergate mentality, that is, contempt for the law of the land—is trying to evade Congressional intent and, through regulations and guidelines, restrict eligibility for BOGs to low income families.

One instrument the Office of Education is using in this attempt is a family contribution formula which demands unrealistically high contributions from family income.

Another OE device to circumvent the spirit of the law is an unrealistic ruling with respect to low income families with large nonliquid assets, like farm equipment and small businesses.

By mandating unreasonable contributions from such assets, the guidelines would effectively lock many students out of the program.

So let me reiterate that in creating the BOGs program, Congress intended that *need*, not income, be the factor in determining the size of the student's grant.

That the Office of Education has still not made perfectly clear its intention to comply with Congressional intent explains why we on the subcommittee chaired by Congressman James G. O'Hara of Michigan are even now fighting with OE on the BOGs family contribution schedule.

Another feature of the 1972 act affected the Guaranteed Student Loan Program, which Congress sought to liberalize by removing, as a condition of eligibility, the $15,000 family income ceiling.

In order to prevent possible abuses by high income students, we required a needs test of them. But, again in defiance of Congressional intent, the Office of Education misapplied the test by applying it to all students, under and over $15,000.

The result, as you know, has been to make it more rather than less difficult for students in the $10,000-$15,000 category to obtain a private loan. The number of loans dropped an estimated 30% during the first ten months of 1973 compared with the same period last year.

NIXON CUTS BUDGET FOR HIGHER EDUCATION

But it has not been solely through rules, regulations and guidelines that the Nixon Administration has subverted Congressional intent in the 1972 Higher Education Amendments.

The presidential budget has also been a major weapon with which Mr. Nixon has sought to undermine Congressional efforts on behalf of students and the institutions at which they study.

The Nixon budget this past year called for zero funding of the Supplementary Opportunity Grants, for elimination of Direct Undergraduate Loans and the reduction of Work Study funds.

And I must here add that Congress specifically mandated that before the new BOG program could be put into effect, the existing student aid programs had to be funded at certain levels.

The same point I have been making with respect to student aid—Congress passes a law and the Nixon Administration evades it—can be made of another key provision in the '72 act.

For the first time ever, Congress, with strong support from both Democrats and Republicans and with the support of the Administration approved a program of general aid to institutions, that is to say unearmarked money, funds that could be spent as the institution saw fit.

And here, I must in fairness point out I along with the Administration favored a cost of education allowance rather than a per capita formula as the appropriate basis for the aid.

Let me here also observe, by the way, that one of the reasons Congress rejected the per capita avenue to institutional aid, that is, $100 per lower division student, $150 per upper division student and $200 per graduate student is that the major higher education associations in Washington, chief proponents of it, were unable to give Congress any objective justification or rationale for providing all institutions, no matter their economic condition, the same amount of institutional aid money per student.

Congress could understand, however, why it was sound public policy to provide general aid to institutions on the basis of the Federal assistance to students on that campus, for, clearly, students do not bring enough money with them to pay the full cost of their education.

And if their presence on campus is at least in part occasioned by Federal aid, the Federal government has a corresponding obligation to help the institution make up the difference.

That was an argument that made some sense in public policy terms and, moreover, did not require an analysis of the economic status of each institution, an analysis for which American higher education is not, apparently, intellectually yet equipped.

But here, too, the Nixon Administration has said no, in this case, abandoning a program it once proudly supported for the President's Fiscal '74 budget carried not one dime for institutional aid.

Nor did the budget ask a penny for the new Veteran's Cost of Instruction Program.

And to compound the injury, Mr. Nixon asked Congress either to eliminate totally or drastically reduce funds for existing categorical programs of aid to institutions, such as language and area studies, community services, college libraries and basic research programs.

CONGRESS SUPPORTS HIGHER EDUCATION

As I trust you also by now know, Congress has rejected this reversal of priorities, and in the Labor-HEW Appropriations Bill just enacted into law, most of the programs were funded at near last year's level although, unhappily, Mr. Nixon was given authority to cut spending on each by as much as 5%.

It must be clear then, I think you will agree, that although Congress took a giant step forward for American higher education last year, we have, in terms of effective implementation of the new legislation, miles to go before any of us can sleep.

What this means is that we in Congress must continue vigorously to do battle with an Administration hostile to education generally and still, despite the events of Watergate, contemptuous of Congressional intent.

We who wrote the law must keep fighting to insure that those charged with executing it faithfully do so.

And, may I here add, we on the Hill need your help from back home . . . in the information and analyses you can supply to us about how or, indeed whether, the new law is working at your institutions as well as in your expressions of concern to your own Congressmen and Senators that the new priorities and emphases of the 1972 Act be followed.

NATIONAL COMMISSION ON THE FINANCING OF POSTSECONDARY EDUCATION

Now there is another new priority, a new emphasis, in the Higher Education Amendments that I have not yet discussed but of which I think it is essential that I here speak briefly.

Tomorrow morning at 8:00 and again on Sunday morning the members of the National Commission on the Financing of Postsecondary Education will begin their final two sessions of work.

The NCFPSE was established by the 1972 Act as a 17 member group: 13 appointed by the President, 4 from Congress, 2 Senators and 2 Representatives, one of each party . . . I am the Democratic Congressman . . . and by the way, my Harvard classmate, Senator William Hathaway of Maine, is the Democratic Senator on the Commission.

I have spoken earlier of the frustration that many of us who shaped the Higher Education Amendments felt last year in failing to obtain from the higher education community thoughtful, reasoned analyses to enable us more effectively to deal with the issues with which we were wrestling, especially the institutional aid question.

The sad state of such knowledge is one of the reasons Congress, as part of the Higher Education Amendments, established the National Commission on the Financing of Postsecondary Education. For we were mightily distressed by the failure of the American education community to pay serious intellectual attention to the economics of higher education.

You will all recall, for example, the several reports of recent years contending that many of our colleges and universities were in deep financial distress. But when our committee attempted to find a definition of "financial distress" or even "financial need" our inquiries fell on stony ground.

For there are no commonly accepted standards of economics in higher education. Yet, in my view, the continued absence of more systematic attention to such problems on the part of the higher education community poses real dangers to the future financing of higher education, especially public financing.

Those of us who sit on the National Commission on the Financing of Postsecondary Education have, accordingly, been working hard to fashion by the end of the year not a laundry list of legislation Congress should pass to help postsecondary education.

AN ANALYTICAL FRAMEWORK

Rather we have set for ourselves a far more formidable but, in my opinion, more constructive path, that of developing an analytical framework within which, hopefully, those who make decisions about postsecondary education—Congressmen, Governors, state legislators, administrators—can more soundly, more rationally, if you will, decide . . .

We have in short attempted to build an intellectual construct for looking at postsecondary education and to do so from first principles.

COMMISSION'S OBJECTIVES

So our first Commission task was to evolve a definition of postsecondary education.

Then, after much deliberation, we agreed on a set of eight objectives for postsecondary education. Here, in rapid summary, they are: student access, student choice, student opportunity, educational diversity and flexibility, institutional excellence, institutional independence, institutional accountability, and adequate financial support.

Our next step was to describe the operation of current patterns of financing postsecondary education and then to assess their impact on achieving the objectives we had earlier stipulated.

And because Congress specifically mandated an analysis of the incidence of financial distress among postsecondary institutions, we devote a chapter to this subject.

The heart of our report, however, as I have earlier suggested, will be our effort to delineate a framework for analyzing policies for financing postsecondary education.

And here we shall seek to link ten major elements. Again, I list them for you briefly: objectives; criteria to measure the achievement of objectives; a set of general policies to accomplish the objectives; financing mechanisms to carry out the policies: specific financing programs; an extensive data base for postsecondary education; a series of assumptions about the society and the institutions of postsecondary education; a method for estimating student and institutional responses to changes in financing; a set of measurements to describe the achievement of the objectives; and, finally, a judgmental review of the financing mechanisms and programs in relation to the objectives.

Obviously, we on the Commission set ourselves a huge and difficult assignment but we felt, to repeat, that those who make policies for financing postsecondary education very much needed a comprehensive analytical framework to assist them.

Ours will be no prescription, I hasten to say, for some kind of new "national" system of postsecondary education.

Nor were we unaware of the pitfalls attempting to quantify many factors which we realize are not easily, if at all, susceptible of quantification.

The Commission has proceeded rather on the assumption that, with respect to shaping policies to support the institutions that symbolize reason in our society, we require a more systematic, more rational, if you will, effort to apply reason.

I hope that the report of our Commission, which should be available in a few weeks, will stimulate the most searching dialogue across the country on the part of all those concerned with postsecondary education and, of course, particularly on the part of educators.

For while the case for adequate support of our schools and colleges and universities may be self-evident to you and to me, I think you will agree, to put the point as gently as possible, that not everyone shares that faith.

NEED BETTER RESEARCH ON EDUCATION

We need, if we are to justify increased expenditures on education, at every level, the most thoughtful, reasoned, honest analysis and the most telling arguments and evidence about education we can muster.

And then I believe we can prevail.

That conviction on my part is one of the reasons I became the most vigorous champion in Congress of the National Institute of Education, to support more and better research on education.

That conviction is why I felt an obligation to serve as a member of the National Commission on the Financing of Postsecondary Education.

That conviction is why I continue to champion the effective implementation by the Executive Branch of the programs Congress authorized in the Higher Education Amendments of 1972.

And that conviction—that reasoned understanding is the best way to make the case for supporting education—is why I am pleased today to be with the members of the New England Association of Schools and Colleges.

SAFE SCHOOLS STUDY ACT

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

Mr. BINGHAM. Mr. Speaker, I am today introducing, for myself and Mr. BELL, a bill, the Safe Schools Study Act, which would require HEW to conduct a full and complete study to determine the

extent of the problem of crime in our Nation's schools, and evaluate the most practicable and effective solutions to school crime. The study would also measure the dollars lost and the psychological detriment that such crime is causing in the country's public schools. In addition, we believe this study will reveal the best methods for local school officials to handle this problem in their school district.

Serious crime in public schools against students, staff, and facilities is steadily increasing and is seriously disrupting the educational environment. Recent research has revealed that as much as $500 million a year in equipment, supplies, and facilities are lost by the Nation's schools through vandalism alone. That estimate does not include the dollar value of resulting losses in teaching and learning time and efficiency. Schools have become the third most popular target for bombers in the Nation, and school fires, 60 percent of which originate as arson or during an act of vandalism, cost $50 million in 1973.

There is no nationally uniform system for computing the statistics on school crime. This makes analyzing the extent of the problem and developing effective solutions quite difficult.

The Safe Schools Study Act is a necessary piece of legislation.

The major provisions of this legislation include a statistical analysis of the incidence of crime and violence in schools, the geographic location of such crime, and the costs directly related to that criminal activity; an analysis of existing school security programs and their effectiveness; an analysis of innovative and compensatory educational programs and how they relate to the reduction of crime in schools; and an analysis of the causes of crime and violence in schools in larger urban areas.

Expressions of support for this concept have been voiced by school districts in over 10 States, including those of Los Angeles, Calif., New York City, Milwaukee, Wis., Seattle, Wash., St. Louis, Mo., Fort Lauderdale, Fla., Boston, Mass., Memphis, Tenn., Cleveland, Ohio, Detroit, Mich., Flint, Mich., and Chicago, Ill., and the number is increasing daily.

A mandate for a study by Congress such as Mr. BELL and myself propose would provide tangible evidence of the extent of the school safety problem. In addition, it would enable HEW and Congress to understand and evaluate various innovative security, community action, and educational programs, and choose the best available methods for dealing with the threat that crime and violence is posing to the value and function of the public schools in this country.

I am inserting at this point in the RECORD a copy of the bill.

H.R. 11962

A bill to provide for a full and complete investigation and study by the Secretary of Health, Education, and Welfare of crime and violence in elementary and secondary schools, to determine the efficacy of school security programs, and for other purposes

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 "Safe Schools Study Act".

SEC. 2. The Secretary of Health, Education, and Welfare (hereinafter referred to as the "Secretary") shall make a full and complete investigation and study to determine—

(1) the incidence of crime and violence in elementary and secondary schools including trends and projections over the five year period ended June 31, 1974. For the purposes of this paragraph "crime and violence" means such serious criminal, violent, or disruptive behavior as the Secretary shall determine.

(2) the number and geographic location of schools, by school district and by state, affected by crime, and the rate of offenses per student population in such school districts by categories as provided in paragraph (a).

(3) the costs associated with the incidence of such crime and violence as defined by the Secretary including repair and replacement of property, expenses for the prevention of crime and violence, and the loss of staff and student time in schools.

(4) the effect of school security programs on the prevention and deterrence of such crimes and violence, and the effects such programs have upon learning and the relationship of the school to the community. For the purpose of this paragraph, school security programs include the use of guards, identification cards, and technical devices.

(5) the effect of innovative and compensatory educational programs on the prevention and deterrence of such crimes and violence. For the purposes of this paragraph, innovative and compensatory programs are programs to aid students in overcoming educational disadvantages including those authorized by the Elementary and Secondary Education Act of 1965, as amended, and similar Federal, State, and local programs.

(6) the relationships between school crime and violence in the larger urban areas selected by the Secretary and—

(A) the presence of unauthorized persons in such schools.

(B) the presence of youth gangs in or around such schools.

(C) the incidence of crime and violence in the general geographic area of such schools.

(D) other sociological or psychological factors which may be causes of school crime and violence.

SEC. 3. Within 30 days after the date of the enactment of this Act, the Secretary shall request each state education department to take the steps necessary to establish and maintain appropriate records to facilitate the compilation of information under Section 2, and to submit such information to him no later than 7 months after the date of enactment of this Act. In conducting this study, the Secretary may utilize data and other information available as a result of any other studies which are relevant to the purposes of this Act. Not later than 13 months after the date of the enactment of this Act, the Secretary shall make a report to the Congress on the study required by Section 2, together with such recommendations as he may deem appropriate. In such report, all information required under each paragraph of Section 2 shall be stated separately and be appropriately labeled, and shall be separately stated for elementary and secondary schools, as defined in sections 801 (c) and (d) of the Elementary and Secondary Education Act of 1965. The Secretary may reimburse each state education department for the amount of expenses incurred by it in meeting the requests of the Secretary under this section.

SEC. 4. There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this section.

ENERGY EMERGENCY ACT AMENDMENT

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

Mr. BINGHAM. Mr. Speaker, at the appropriate time I intend to offer an amendment to the Energy Emergency Act which would eliminate Interstate Commerce Commission discrimination against recyclable commodities.

The ICC has for many years imposed discriminatory rates on the movement of recyclable commodities. Railroads, for example, are allowed to charge $1.50 more per gross ton for scrap iron than for iron ore. Though this country now suffers from severe commodity shortages, such as in paper, the ICC in the Western portion of the United States, requires the railroads to charge $315 per carload for recyclable waste paper while competing pulpwood costs only $172 per carload. Virgin aluminum generates freight revenue of $669 per carload while scrap aluminum, from discarded beer and soda cans, must withstand a burdensome rate of $1,374 per carload.

If recyclable resource materials were used in place of virgin materials, substantial energy savings would result. In the steel industry, for example, energy savings would approach 75 percent if scrap iron were used instead of iron ore. Utilization of recycled aluminum in the aluminum industry is, and this is a truly remarkable savings in terms of energy expended, 95 percent less energy-intense than the virgin resource.

The ICC's long-established policy of promoting the exploitation of the Nation's virgin resources is misguided in light of the exploding energy crisis. The ICC has had many months to see the error of their ways, yet, the crustacean bureaucracy continues plodding along as if nothing had happened. By failing to change its policies the ICC has exacerbated the commodity shortages consumers and manufacturers alike are facing. It is all too obvious that the ICC is unable or unwilling to upset its cozy relationship with the transportation industry to act forthrightly in dealing with the energy crisis.

The ICC's discriminatory policies make it economically unsound to attempt to reclaim resource materials as an alternative to virgin materials. The growing shortages of domestic supplies of essential raw materials, and the obvious energy savings that would result from utilizing recyclable resources, makes congressional action to rectify the ICC's inept management imperative.

My amendment would force the ICC to eliminate its archaic, discriminatory and possibly dangerous policies toward recyclable commodities during this time of national crisis.

The text of my amendment to the committee amendment in the nature of a substitute follows:

Amend Section 107 on page 16 at line 14 after "common carrier.", by adding a new subsection:

"(c) The Interstate Commerce Commission shall by expedited proceedings adopt appropriate rules under the Interstate Commerce Act which will contribute to conserving energy by eliminating discrimination against the shipment of recyclable materials in rate structures and other Commission practices," and redesignate the present subsection (c) as subsection "(d)."

AMERICAN WORLD TRADEMARK SHOULD BE HUMAN RIGHTS CRUSADE

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

Mr. LEGGETT. Mr. Speaker, this week is Human Rights Week in the United States, so named to commemorate the proclamation of two documents, historic in the annals of human freedom, whose anniversaries and spirits lie close together. The first is our own American Bill of Rights, the guarantee of fundamental freedoms to all Americans, which became effective on December 15, 1791. The second is the Universal Declaration of Human Rights, proclaimed by a unanimous United Nations General Assembly on December 10, 1948, which set acknowledged standards of human liberties for all nations of the world to strive toward.

It is a sad commentary, Mr. Speaker, that these few days rededicated to mankind's highest aspirations have gone virtually unremarked and uncelebrated. It is hard not to conclude that this annual exercise has taken on the hollow sound of words without conviction, of rote acknowledgement meant to stand in place of real action.

This is particularly sad to see for this year marks the 25th anniversary of the Declaration of Human Rights. I regret that over this quarter of a century since that grand design to inscribe a new bill of rights for all mankind, little progress has been made in meeting its high goals. It is about the present state of our own commitment to these ideals that I wish to say a word today.

I want to speak mainly about our foreign affairs rather than our actions at home. Not that I feel we have solved our own problems. Far from it. Much needs to be done here in the United States to provide real, effective equality of opportunity and treatment before the law for all Americans. But I am not one of those who finds only failures in our efforts. Great progress has been made in the last 25 years in the United States in civil rights, education, aid for the disadvantaged, legal reform, and more. When we compare the United States of today with that of 1948 we can only feel that a revolution of grand proportions has been launched and is well underway.

I am confident that the Congress will maintain the momentum of progress at home despite the return to privilege and venality we have seen in the White House and regularly find lying across the road of change. Every cloud has its sunny side. The rainstorm of illegal actions against our most precious freedoms which has blown from the White House, has aroused the Congress and American people as never before. We have already begun to move to correct the situation. I am confident we will build a more durable umbrella to protect our liberties than we have ever had before.

I wish I could speak with equal satisfaction and confidence of the scene abroad. The fact is, the mammoth changes which have taken place around the world since the Second World War have achieved relatively little in terms of human rights. While we have witnessed and welcomed vast and important transformations like the eclipse of colonialism, the rise of a new community of independent States, unprecedented expansion in trade and other relations between States, a gradual decline in armed conflict, we still find unabated gross political, economic and social inequalities and grotesque political oppression of all kinds—arbitrary arrest and detention, control of speech, thought, association, religion, movement, even torture as policy. In short, candor requires us to admit that despite the changes of the last 25 years, the whole rogues' gallery of degrading and violent oppressions against man's higher nature remains a common practice of governments abroad.

These violations, which no right-thinking man would condone, have proved so endemic and enduring that I fear many of us have come not to think of them at all. I am afraid we have come rather to think of repression, like need, as a common curse, restricted to no one form of government or political system, so distracting and difficult to deal with that we put it aside in order to get on with the business of the day. In our relations with the Communist countries we have seen oppression to be their steadfast companion. We rarely find it worthy of special mention and apparently not important enough to be allowed to complicate the quest for détente. We also find oppression as the troubled offspring of most governments of developing countries. Apparently hoping it will mellow as it ages, we do not mention it in any effort to reform but only when we want to embarrass. And it has become the bastard child of some of our most constant friends, an issue whose existence we prefer not to acknowledge at all, apparently because we have been so long in bed together with these friends that our own paternity may be in question.

Mr. Speaker, no list is necessary to remind each of us how deep and wide this silent current of abuse runs, or to show how reluctant we have been to make any waves in support of right and justice. Simply to mention Greece, South Vietnam, Portugal, and Spain, and the bulk of South America, as an example, is to remind us all of how we have closed our eyes for years to persistent patterns of political oppression in the so-called interest of our own security.

Mr. Speaker, the persistence of human rights violations cannot be an excuse for continued inaction. It should instead compel us to action.

The world has changed over the past two decades. None but the most inflexible still believes that a monstrous and massive Communist monolith is now actively threatening our very freedom. Perhaps the feeling we once had that a gun was at our head can be said to have justified our earlier disregard for more basic values in years past. No such excuse exists today. Particularly now that we are no longer consumed in our own great transgression in Southeast Asia, we can, should, and must mark a new beginning in foreign affairs where human rights and decency are given the priority we accord them at home.

I recognize that translating this laudable goal into effective action is no simple equation. I do not, for example, advocate that we should maintain diplomatic and commercial relations only with countries whose systems of government we approve. A break in relations rarely achieves constructive results. Inevitably it destroys communication and often the only avenues of influence we may have. I do not urge either that we attempt to export our own brand of democracy, worthy as that may sound. We have come to learn since our first naive ventures into the third world that there can be no one blueprint for good and responsive government and that political democracy as we know it may be meaningless with no tradition of popular participation and without the economic and social development on which free choice must be founded. Nor do I believe that our Government can appropriately or with any hope of achievement interfere directly in the internal affairs of other states. The failures of our past misadventures down this blind alley speak for themselves.

But if there are steps we should not take, many avenues remain open. I would like to think that they could be explored and followed by the Congress and President together as the Constitution intended. The sorry record of the White House in violating basic rights at home and in paying them little heed abroad makes clear, however, that the Congress will have to take the lead once again while the Executive remains paralyzed by its own infirmities.

The record of this Congress in human rights is already good. We can justly applaud our continuing oversight in Southeast Asia and such recent acts as:

The Vanik amendment to the trade reform bill to restore humane considerations to the push for détente;

Provisions in the Foreign Assistance Act to end aid for police training and with it one direct U.S. contribution to political repression; and

The renewed effort, which I am confident will succeed, to end the U.S. violation of U.N. sanctions against Rhodesia.

In contrast, the action yesterday to deny petroleum supplies for schoolbusing is lamentable. Such measures as these have been valuable and necessary, but the time has come when we must move beyond essentially ad hoc approaches in a broader effort to raise the priority we give to human relations in our foreign policy and to strengthen the institutions of our Government and of international organizations concerned with human rights. A number of possible measures suggest themselves which would seem feasible and effective:

The Congress should advise and consent to the principal international human rights conventions. Our failure to do so has seriously impaired our ability to speak for human rights elsewhere;

The Congress should insure that U.S. economic and military aid does not strengthen and support oppressive governments and in fact is employed in ways which favor and encourage respect for human rights;

We should see that our Government takes the lead in encouraging greater efforts by international organizations to investigate and take action in the realm

of human rights, providing enhanced financial support for these efforts as appropriate;

We should revise the organization and precepts of our own Government agencies involved in foreign affairs to see that human rights are given priority as a matter of policy and that the human rights impact of every policy is adequately considered; and

We should require the executive branch to keep the Congress fully and currently informed of its progress in promoting fundamental freedoms and of the actions of foreign governments affecting human rights, particularly where U.S. assistance is in contemplation.

Mr. Speaker, these are but some of the steps which are long overdue. I am advised that the Subcommittee on International Organizations and Movements of the Foreign Affairs Committee, under the distinguished chairmanship of my colleague from Minnesota (Mr. FRASER) has recently completed hearings on human rights which were the most extensive in the history of the Congress. I understand that the report of these hearings is now in preparation, and the subcommittee hopes to recommend significant legislation to strengthen our effort to promote fundamental freedoms. I commend my colleague and his fellow subcommittee members for their initiative in this important undertaking. I look forward with anticipation to the day, hopefully not long after we convene in January, when the House as a whole may consider these measures.

Mr. Speaker, regretfully in most countries of the world today Watergate has become the watermark of what America stands for. The Congress helped lay the foundation for this misunderstanding by acquiescing in years of neglect of the fundamental freedoms in our foreign policy. We may have gained some temporary advantage by this expediency but I fear we have earned a deeper alienation which could undermine our international role for years to come. We face a future in which American economic and military supremacy and security can no longer be blandly assumed. If we are to maintain a secure claim to continued world leadership that claim must be founded again on right and not on might—on a return to the commitment to human values which is our unique heritage and which until recent years was the hallmark of the United States around the world.

Some years ago William Allen White pointed out that liberty is the one thing you cannot keep unless you are willing to give it to others. I hope we will all have this lesson in mind as we complete the business of the 93d Congress in the year ahead.

ADEQUACY OF FUNDING FOR PROPOSED ENERGY RESEARCH AND DEVELOPMENT

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

Mr. PRICE of Illinois. Mr. Speaker, on December 11, the Joint Committee on Atomic Energy held hearings on the December 1 report of the Chairman of the AEC providing recommendations for a $10 billion, 5-year energy research and development program. This session was very useful in terms of helping the committee members to better understand the specifics of the proposal. One of the questions which I raised at the hearing was the adequacy of the $10 billion amount to do the job—particularly in terms of funding demonstration plants and "first-of-a-kind" production plants. It is my position—as well as others' in the Congress and elsewhere—that $10 billion for 5 years is far short of the needs—particularly considering that only about $4 billion of this represented new money beyond that previously planned.

On December 13, the Washington Post carried a story that the President had indicated that he was willing "to spend whatever amounts may be needed to develop new sources of energy to make this country independent of foreign fuel sources." The story went on to suggest that the administration was now thinking about spending $10 billion over 3 years instead of 5. I am pleased that there apparently is a recognition that we are going to have to establish a high level of funding. On the other hand, I have heard other comments to the effect that the OMB would be cutting back from the $10 billion, 5-year program. The proof of the pudding will, of course, be evident when the administration sends forward its budget proposal for fiscal year 1975 next month.

I request permission to put in the RECORD at this time a copy of the Washington Post article.

SPENDING FOR ENERGY ACCEPTABLE TO NIXON

Republican congressional leaders reported yesterday that President Nixon is willing to spend whatever amounts may be needed to develop new sources of energy to make this country independent of foreign fuel sources.

They said after a meeting with the President that they had discussed the possibility of spending $10 billion on research and development in three years instead of the five years the President first proposed.

Senate Minority Leader Hugh Scott (R-Pa.) and House Minority Leader John Rhodes (R-Ariz.) said the President agreed that a speed-up may be desirable.

The increased spending may result in a budget deficit, Scott said, but he added that it is more important to make the U.S. self-sufficient in energy than to avoid deficit spending.

"The important thing is to be self-sufficient and be free from blackmail," Scott said.

The two leaders met with the President and Vice President Ford for 70 minutes to consider pending legislation and to discuss plans for the next session of Congress.

Mr. Nixon promised to direct all federal agencies to expedite their research and development activities affecting energy, Scott said.

Rhodes said the Atomic Energy Commission could profitably spend more money to develop the fast breeder reactor and fusion technology.

The two leaders predicted that the new Vice President would play an active role in the development of administration domestic policy, but they said they had not heard the President say he wanted Ford to be his chief domestic aide.

Ford attended a meeting yesterday of the energy emergency action group which the President chairs and will attend the next meeting of the Quadriad, the top economic advisory group, deputy press secretary Gerald L. Warren announced.

PROPOSED CLASS-ACTION SUIT AGAINST AIRLINE PILOTS' ASSOCIATION

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

Mr. DAN DANIEL. Mr. Speaker, word came to me this morning that if the airline pilots engage in a strike over the Christmas holidays, a class-action suit will be brought against the pilots individually and the Airline Pilots' Association for damages. The suit will be brought by those who hold confirmed reservations, in the conviction that there is no justification for the strike; fuel has been provided for such flights.

SOLAR ENERGY IS THE ONLY ANSWER

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

Mr. ALBERT. Mr. Speaker, under leave to extend my remarks, I am including a guest editorial entitled "Solar Energy Is the Only Answer," which was published in the December 11, 1973, edition of the Seminole Producer of Seminole, Okla. The editorial was written by a noted Oklahoma journalist, James T. Jackson, a constituent of mine who now lives in Pauls Valley, Okla. For many years Mr. Jackson was publisher of the Seminole Producer. The paper grew up in that community with one of the most spectacular oil booms in the history of this country. Mr. Jackson probably appreciates as much as any newspaperman in America the importance of fossil fuels, particularly petroleum and petroleum products. He saw in his years in Seminole the development and depletion of one of the great fossil fuel deposits in America. He has had an unusual interest in sources of energy. He now envisions the development and use of the vast energy resources of the Sun as the answer for the future. I commend his editorial to my colleagues:

SOLAR ENERGY IS THE ONLY ANSWER

(By James T. Jackson)

There can be only one permanent and certain answer to the energy shortage. It is the simplest answer of all—merely harness the vast energy of the sun.

Individuals, at small cost, have harnessed this energy to heat their homes. Most of the experimentation has been on a small scale by individuals. The federal government has raised the money available for research in this field several times over, but it is still a piddling sum, as federal appropriations go.

Atomic power is not the answer. No one wants a nuclear power plant anywhere near him, and the nuclear wastes are an insurmountable problem. The world's supplies of fossil fuels are diminishing and should be

saved for more valuable services than heating and transportation.

My access to the results of the use of solar energy are limited. I do know that the first solar furnace was built in Germany in 1921. I also know that heat as high as 7,000 degrees centigrade has been achieved in an installation built by the French government. Heat of that intensity will burn a 16-inch hole in a one-half inch steel plate in a few seconds.

Enough experimentation has been done to prove that the wide use of solar power for a number of purposes is practical. The initial cost is high, but how about the initial cost and continuing cost of the space program?

If the United States would devote one-tenth the money and effort to the development of solar power that has been spent on the space program, solar power could be providing a great deal of our energy needs within a decade.

One of our troubles is that we think of energy in terms of fossil fuels. We are frantically hunting new sources of oil and gas. The second "power czar" appointed by the president will ask 250 executives of oil companies to help him. Some would be so cruel as to say that's like putting the fox to guard the hen house.

The fossil fuels we have left beneath the earth's surface are too valuable to the petrochemical industry to even allow their use for heating or powering cars, buses or trucks. Many of the new "miracle drugs" are derived partially or wholly from fossil fuels. The synthetic fabric industry, the plastic industry must depend on fossil fuels.

I'm an old man. I can't hope to live long enough to see this world converted to a solar energy world. But there are youngsters living who will live to see it. And I hope a few of them may remember this essay.

If the world continues to depend on fossil fuels, civilization must, inevitably grind to a deadening halt. There just isn't enough such fuel left on this tired old planet to do the job.

There is an inexhaustible supply of energy that falls upon this earth every day. We don't know how many million years it has been there, but we can be assured it will still be here when the fossil fuels are too valuable to be thrown away as we have wasted them in the past.

DELUXE MAILMEN

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

Mr. GROSS. Mr. Speaker, several months ago, as the mail service continued to decline, I was intrigued to learn of the lavish surroundings which the Postmaster General and other top officials of the Postal Service ordered for themselves in their new headquarters offices in Washington.

The General Accounting Office has now provided me with a breakdown of the cost of this to the American taxpayers and I know that they will be interested to learn that it cost them $48,500 to furnish the Postmaster General's office and another $130,600 for the reception area, the so-called press conference room, and a room for the Board of Governors.

The Postmaster General's secretary sits at a $1,400 desk and the boss himself is equipped with a telephone table that cost $127.50. He has a sofa priced at $821.08 and a convertible couch that cost $1,043.

He did use the Postmaster General's desk from the old headquarters building, and his secretary is established behind a desk that is about $500 cheaper than the receptionist's $1,400 number.

The Postmaster General has an $800 marble countertop lavatory and the office floor is covered with carpeting that cost $11,666, including installation. When you enter the office it is through two sets of walnut doors, one with the Postal Service seal, the other without. The four doors cost $3,671.

The draperies in the office came to $5,999.50 and the place is equipped with a pantry that cost $5,280.

The other rooms, including a $45,000 kitchen, contain a $1,685 drum table, a $1,528 sofa, a $1,900 sideboard, a $1,325 conference table, a $1,177 credenza, and a $3,718 chandelier. There is $12,000 worth of carpeting on the floor and $4,700 worth of draperies.

With such luxury provided by the taxpayers it might be expected that the Postmaster General would spend most of his time in these fancy surroundings, but the GAO tells me he spent $12,900 for travel outside Washington, D.C., in fiscal year 1973.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ADAMS, for December 17, on account of business.

Mr. HUDNUT, for Monday and Tuesday, December 17 and 18, on account of illness in family.

Mr. MAILLIARD, for next week, on account of official business.

Mr. RONCALLO of New York (at the request of Mr. RHODES), for after 12 o'clock noon and the balance of the day, on account of illness in family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. YOUNG of South Carolina) and to revise and extend their remarks and include extraneous matter:)

Mr. WYMAN, for 15 minutes today.

Mr. BAUMAN, for 5 minutes today.

Mrs. HECKLER of Massachusetts, for 60 minutes, today.

Mr. FORSYTHE, for 10 minutes, today.

Mr. CLEVELAND, for 5 minutes, today.

Mr. FRENZEL, for 5 minutes, today.

(The following Members (at the request of Mr. JONES of Oklahoma) and to include extraneous matter:)

Mr. GONZALEZ, for 5 minutes, tolay.

Mr. DRINAN, for 5 minutes, today.

Miss HOLTZMAN, for 5 minutes, today.

Mr. O'HARA, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. HENDERSON to revise and extend his remarks immediately after Mr. RANDALL on the Wyman amendment in the Committee of the Whole today.

Mr. ROBISON of New York to extend his remarks prior to the vote earlier this afternoon on the Wyman amendment.

Mr. CONTE, during the debate on the Wyman amendment in the Committee of the Whole today.

Mr. CONTE to extend his remarks and insert his statement on his own amendment in the Committee of the Whole today.

Mr. HECHLER of West Virginia to revise and extend his remarks on the Baker amendment.

Mr. HECHLER of West Virginia to revise and extend his remarks on the Sarasin amendment following remarks of Mr. STUDDS.

Mr. HECHLER of West Virginia to revise and extend his remarks on his amendment considered on the afternoon of December 14.

(The following Members (at the request of Mr. YOUNG of South Carolina) and to include extraneous material:)

Mr. WYMAN in two instances.
Mrs. HOLT.
Mr. WIGGINS in two instances.
Mr. BLACKBURN.
Mr. HILLIS.
Mr. STEIGER of Wisconsin.
Mr. BAUMAN.
Mr. HANSEN of Idaho.
Mr. RAILSBACK.
Mr. FREY.
Mr. BELL.
Mr. WINN.
Mr. VANDER JAGT.
Mr. HOSMER in two instances.
Mr. CONTE.
Mr. PRICE of Texas in two instances.
Mr. CARTER in four instances.
Mr. HANRAHAN.
Mr. FORSYTHE.
Mr. ASHBROOK in three instances.
Mr. DERWINSKI in three instances.
Mr. HUDNUT.
Mr. ARMSTRONG.
Mr. CLEVELAND.
Mr. PARRIS in five instances.
Mr. KEMP in two instances.
Mr. CARTER in four instances.
Mr. BURGENER.
Mr. SNYDER in two instances.
Mr. TREEN.
Mr. REGULA.
Mr. DELLENBACK.
Mr. BRAY in three instances.

(The following Members (at the request of Mr. JONES of Oklahoma) and to include extraneous matter:)

Mr. HARRINGTON in three instances.
Mr. HOWARD.
Mr. JOHNSON of California.
Mr. TEAGUE of Texas in six instances.
Mr. O'NEILL.
Mr. KASTENMEIER.
Mr. GONZALEZ in three instances.
Mr. RARICK in three instances.
Mr. OBEY in four instances.
Mr. HUNGATE.
Mr. RIEGLE in three instances.
Mr. FISHER in three instances.
Mr. VANIK in two instances.

ENROLLED BILL SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 11324. An act to provide for daylight saving time on a year-round basis for a 2-year trial period, and to require the Federal

Communications Commission to permit certain daytime broadcast stations to operate before local sunrise.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

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.

ADJOURNMENT

Mr. JONES of Oklahoma. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 47 minutes a.m.) under its previous order, the House adjourned until Monday, December 17, 1973, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BLATNIK: Committee on Public Works. House Joint Resolution 858. Joint resolution to provide for the establishment of the Lyndon Baines Johnson Memorial Grove on the Potomac. (Rept. No. 93–731) Referred to the House Calendar.

Mr. BLATNIK: Committee on Public Works. H.R. 11714. A bill to provide for the development of improved design, lighting, insulation, and architectural standards to promote efficient energy use in residential, commercial, and industrial buildings; with amendment (Rept. No. 93–732). Referred to the Committee of the Whole House on the State of the Union.

Mr. BLATNIK: Committee on Public Works. H.R. 10044. A bill to increase the amount authorized to be expended to provide facilities along the border for the enforcement of the customs and immigration laws (Rept. No. 93–733). Referred to the Committee of the Whole House on the State of the Union.

Mr. BLATNIK: Committee on Public Works. H.R. 11763. A bill to amend the National Visitor Center Facilities Act of 1968, as amended, to facilitate the construction of an intercity bus terminal, and for other purposes (Rept. No. 93–734). Referred to the Committee of the Whole House on the State of the Union.

Mr. BLATNIK: Committee on Public Works. H.R. 11928. A bill to amend the Federal Water Pollution Control Act to establish the ratio for allocation of treatment works construction grant funds, to insure that grants may be given for other than operable units, and to clarify the requirements for development of priorities; with amendment (Rept. No. 93–735). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BINGHAM (for himself and Mr. BELL):

H.R. 11962. A bill to provide for a full and complete investigation and study by the Secretary of Health, Education, and Welfare of crime and violence in elementary and secondary schools, to determine the efficacy of school security programs, and for other purposes; to the Committee on Education and Labor.

By Mr. BURTON:

H.R. 11963. A bill for the relief of certain natives of the Philippines who served in the U.S. Armed Forces during World War II; to the Committee on the Judiciary.

H.R. 11964. A bill to amend title XVIII of the Social Security Act to broaden the coverage of home health services and post-hospital home health services under the medicare program; to the Committee on Ways and Means.

By Mr. FRASER:

H.R. 11965. A bill to amend the Public Health Service Act to provide for the making of grants to assist in the establishment and initial operation of agencies and expanding the services available in existing agencies which will provide home health services, and to provide grants to public and private agencies to train professional and paraprofessional personnel to provide home health services; to the Committee on Interstate and Foreign Commerce.

H.R. 11966. A bill to amend title XVIII of the Social Security Act to liberalize the conditions under which post-hospital home health services may be provided under part A thereof, and home health services may be provided under part B thereof; to the Committee on Ways and Means.

By Mr. GUNTER (for himself, Mr. MOSS, Mr. LEHMAN, Mr. PEPPER, and Mr. STUDDS):

H.R. 11967. A bill to reform the conduct and financing of Federal election campaigns; to the Committee on House Administration.

By Ms. HOLTZMAN:

H.R. 11968. A bill to amend title II of the Social Security Act to increase to $4,000 the amount of outside income which (subject to further increases under the automatic adjustment provisions) is permitted each year without any deductions from benefits thereunder, but with a requirement that income of all types and from all sources be included in determining the amount of an individual's income for this purpose; to the Committee on Ways and Means.

By Mr. McDADE:

H.R. 11969. A bill to authorize the Secretary of the Navy to conduct programs of exploration for oil and gas on Naval Petroleum Reserve No. 4, in the State of Alaska; to the Committee on Armed Services.

By Mr. MITCHELL of New York:

H.R. 11970. A bill to amend chapter 67 (relating to retired pay for nonregular service), title 10, United States Code, to authorize payment of retired pay actuarially computed to persons, otherwise eligible, at age 50, and for other purposes; to the Committee on Armed Services.

By Mr. MITCHELL of New York:

H.R. 11971. A bill to amend chapter 13 of title 44, United States Code, to provide that certain proceedings of the Italian American War Veterans of the United States, Inc., shall be printed as a House document, and for other purposes; to the Committee on House Administration.

H.R. 11972. A bill to grant a Federal charter to the Italian American War Veterans of the United States; to the Committee on the Judiciary.

H.R. 11973. A bill to provide for improved labor-management relations in the Federal service, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 11974. A bill to amend chapter 59 of title 38, United States Code, to provide for the recognition of representatives of the Italian American War Veterans of the United States, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. ROE:

H.R. 11975. A bill to amend the Public Health Service Act to assure an adequate supply of chlorine and certain other chemicals and substances which are necessary for safe drinking water and for wastewater treatment; to the Committee on Interstate and Foreign Commerce.

H.R. 11976. A bill to provide that service charges paid by property owners to independent sewerage authorities shall be tax deductible as part of the real property tax paid on said properties; to the Committee on Ways and Means.

H.R. 11977. A bill to amend the Internal Revenue Code of 1954 to permit an exemption of the first $7,500 of income received by a taxpayer who is 65 years of age or older; to the Committee on Ways and Means.

By Mr. WALSH:

H.R. 11978. A bill to declare by congressional acton a nationwide energy emergency; to create a national energy policy; to conserve our national energy resources and increase the supply of scarce fuels; and for other purposes; to the Committee on Ways and Means.

By Mr. WON PAT:

H.R. 11979. A bill to amend title 5, United States Code, to include as creditable service for purposes of the civil service retirement system certain periods of service by persons hired pursuant to a contract between the Department of the Navy and a private business organization to perform work in and around naval vessel repair facilities on Guam, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. WYMAN:

H.R. 11980. A bill to amend title II of the Social Security Act to increase the amount of outside earnings which (subject to further increases under the automatic adjustment provisions) is permitted each year without any deductions from benefits thereunder, and to revise the method for determining such amount; to the Committee on Ways and Means.

By Mr. YOUNG of Illinois:

H.R. 11981. A bill to amend the Controlled Substances Act to require probation in cases of certain marihuana offenders and to remove in certain cases the age restrictions on the expunging of certain official records; to the Committee on Interstate and Foreign Commerce.

By Mr. BRADEMAS:

H.R. 11982. A bill to amend the Teacher Corps provisions of the Education Professions Development Act to provide for retraining of experienced teachers, and for other purposes; to the Committee on Education and Labor.

By Mr. GILMAN:

H.R. 11983. A bill to impose an excess-profits tax on the income of corporations engaged in the production of oil and oil products for a limited period in order to establish a fund for the research, development, and exploration of new energy resources; to the Committee on Ways and Means.

By Mr. SARASIN (for himself, Mr. MCKINNEY, and Mr. STEELE):

H.R. 11984. A bill to impose an embargo on the export of petrochemicals until price controls on petrochemicals are removed; to the Committee on Banking and Currency.

By Mr. WIGGINS (for himself, Mr. SCHERLE, Mr. FISH, and Mr. GILMAN):

H.J. Res. 865. Joint resolution authorizing the President to proclaim March 29, 1974 as "Vietnam Veterans Day"; to the Committee on the Judiciary.

By Mr. FREY:

H. Con. Res. 401. Concurrent resolution expressing the sense of Congress with respect to the Government of the Democratic Republic of Vietnam; to the Committee on Foreign Affairs.

By Mr. GUNTER (for himself and Mr. LEHMAN):

H. Res. 747. Resolution creating a select committee to conduct an investigation and study of the role of the oil and gas industry in contributing to the current energy crisis; to the Committee on Rules.