and on final passage of that bill, H.R. 8449.

Upon disposition of H.R. 8449, the Senate will proceed to the consideration of S. 2776, a bill to provide for the effective and efficient management of the Nation's energy policies and programs.

ORDER TO PROCEED TO THE CONSIDERATION OF S. 2776

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent, in that event, that the unfinished business be laid aside temporarily and remain in a temporarily laid-aside status until the Senate completes action on S. 2776 or until the close of business tomorrow, whichever is the earlier.

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

ADJOURNMENT TO 11 A.M.

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until the hour of 11 o'clock tomorrow morning.

The motion was agreed to; and at 6:36 p.m. the Senate adjourned until tomorrow, Tuesday, December 18, 1973, at 11 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate December 17, 1973:

DEPARTMENT OF JUSTICE

William B. Saxbe, of Ohio, to be Attorney General.

HOUSE OF REPRESENTATIVES—*Monday, December 17, 1973*

The House met at 12 o'clock noon.

The Reverend C. Wade Freeman, Jr., Capitol Hill Metropolitan Baptist Church, Washington, D.C., offered the following prayer:

So teach us to number our days, that we may apply our hearts unto wisdom.—Psalms 90: 12.

We thank you Father today. Forgive us for being presumptuous in our manner of life, living as if we were to be here forever.

Teach us to remember the importance of our days that we might accomplish Your will in our individual lives. Grant that today Thy holy divine wisdom shall be both sought after by and granted to these Members of Congress of this Christian Nation.

As day-by-day decisions are made, grant that we may live the life revealed to us by Thy Son Jesus.

In whose name we pray. Amen.

THE JOURNAL

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

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

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

H.R. 655. An act to provide for the naming of the lake to be created by the Buchanan Dam, Chowchilla River, Calif.

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. 6186. An act to amend the District of Columbia Revenue Act of 1947 regarding taxability of dividends received by a corporation from insurance companies, banks, and other savings institutions; and

H.R. 11372. An act to conserve energy on the Nation's highways.

The message also announced that the Senate agrees to the amendment of the House to a bill of the Senate of the following titles:

S. 1776. An act to amend the Federal Water Pollution Control Act, as amended.

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

S. 1561. An act to provide that Mansfield Lake, Ind., shall be known as "Cecil M. Harden Lake";

S. 2150. An act to amend Public Law 92-181 (85 Stat. 583) relating to credit eligibility for public utility cooperatives serving producers of food, fiber, and other agricultural products;

S. 2264. An act to provide civil service retirement credit for certain language instructors of the Foreign Service Institute, Department of State;

S. 2509. An act to name structure S-5A of the Central and Southern Florida Flood Control District, located in Palm Beach County, Fla., as the "W. Turner Wallis Pumping Station" in memory of the late W. Turner Wallis, the first secretary-treasurer and chief engineer for the Central and Southern Florida Flood Control District;

S. 2535. An act to designate the Chartiers Creek flood protection project in Allegeny County, Pa., as the "James G. Fulton flood protection project";

S. 2795. An act to authorize the Secretary of the Treasury to change the alloy and weight of the 1 cent piece;

S. 2812. An act to authorize a formula for the allocation of funds authorized for fiscal year 1975 for sewage treatment construction grants, and for other purposes.

S.J. Res. 159. Joint resolution to provide for the designation of the last Sunday in May of each year as "Walk a Mile for Your Health Day".

RESIGNATION AS A MEMBER OF THE HOUSE-SENATE CONFERENCE COMMITTEE ON H.R. 9142, REGIONAL RAIL REORGANIZATION ACT

The SPEAKER laid before the House the following resignation as a member of the House-Senate conference committee on H.R. 9142, Regional Rail Reorganization Act of 1973:

HOUSE OF REPRESENTATIVES,
Washington, D.C., December 14, 1973.

Hon. CARL ALBERT,
The Speaker of the House,
Washington, D.C.

DEAR MR. SPEAKER: Because of personal reasons, it is with the deepest regret that I find it necessary to resign from the House-Senate Conference Committee which will be considering the differences between the Senate and House passed versions of H.R. 9142, the Regional Rail Reorganization Act of 1973.

Thank you for your understanding.

Sincerely,

JAMES HARVEY,
Member of Congress.

The SPEAKER. Without objection, the resignation is accepted.

There was no objection.

The SPEAKER. The Chair appoints the gentleman from Florida (Mr. FREY) as a conferee on the bill H.R. 9142, the Regional Rail Reorganization Act of 1973, to fill the existing vacancy thereon.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 11576

Mr. MAHON. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tonight to file a conference report on the bill (H.R. 11576) making supplemental appropriations for the fiscal year ending June 30, 1974, and for other purposes.

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

There was no objection.

CONFERENCE REPORT (H. REPT. NO. 93-736)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 11576) "making supplemental appropriations for the fiscal year ending June 30, 1974, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 2, 4, 25, 39, 44, 69, 78, 85, 88, 93, 96, 99, and 101.

That the House recede from its disagreement to the amendments of the Senate numbered 6, 8, 10, 11, 12, 16, 20, 23, 27, 28, 30, 32, 33, 46, 49, 59, 61, 62, 63, 65, 66, 72, 73, 76, 77, 79, 81, 82, 98, 105, 106, and 107, and agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$1,300,000"; and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows: In lieu of the matter proposed by said amendment insert:

"CHAPTER II

"DEPARTMENT OF DEFENSE—MILITARY

"Operation and Maintenance, Navy

"For the exploration at Naval Petroleum Reserve No. 4, $7,500,000 as authorized by 10 U.S.C. 7422."

And the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment to the Senate numbered 9, and agree to the same with an amendment, as fol-

lows: In lieu of the sum proposed by said amendment insert "$8,450,000"; and the Senate agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$125,000"; and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$5,670,000"; and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$29,100,000"; and the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$8,960,000"; and the Senate agree to the same.

Amendment numbered 34: That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$10,000,000"; and the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment, as follows: In lieu of the matter proposed by said amendment insert: "HEALTH SERVICES DELIVERY. For an additional amount for 'Health services delivery', for carrying out section 4(c) of Public Law 93-53, $7,000,000."; and the Senate agree to the same.

Amendment numbered 40: That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$725,668,000"; and the Senate agree to the same.

Amendment numbered 41: That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$630,000,000"; and the Senate agree to the same.

Amendment numbered 42: That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment, as follows: In lieu of the matter stricken by said amendment insert: "and section 110(b),"; and the Senate agree to the same.

Amendment numbered 45: That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$47,857,000"; and the Senate agree to the same.

Amendment numbered 60: That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$11,300,000"; and the Senate agree to the same.

Amendment numbered 67: That the House recede from its disagreement to the amendment of the Senate numbered 67, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$15,000,000"; and the Senate agree to the same.

Amendment numbered 68: That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$15,000,000"; and the Senate agree to the same.

Amendment numbered 83: That the House recede from its disagreement to the amendment of the Senate numbered 83, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$2,250,000"; and the Senate agree to the same.

Amendment numbered 84: That the House recede from its disagreement to the amendment of the Senate numbered 84, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$5,000,000"; and the Senate agree to the same.

Amendment numbered 87: That the House recede from its disagreement to the amendment of the Senate numbered 87, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$26,000,000"; and the Senate agree to the same.

Amendment numbered 89: That the House recede from its disagreement to the amendment of the Senate numbered 89, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$105,000,000"; and the Senate agree to the same.

Amendment numbered 92: That the House recede from its disagreement to the amendment of the Senate numbered 92, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$17,000,000"; and the Senate agree to the same.

Amendment numbered 97: That the House recede from its disagreement to the amendment of the Senate numbered 97, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$90,400,000" and the Senate agree to the same.

Amendment numbered 102: That the House recede from its disagreement to the amendment of the Senate numbered 102, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$3,500,000"; and the Senate agree to the same.

Amendment numbered 103: That the House recede from its disagreement to the amendment of the Senate numbered 103, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$1,100,000"; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 7, 14, 15, 18, 21, 22, 24, 29, 31, 35, 36, 38, 43, 47, 48, 50, 51, 52, 53, 54, 55, 56, 57, 58, 64, 70, 71, 74, 75, 80, 86, 90, 91, 94, 95, 100, 104, 108, 109, and 110.

GEORGE MAHON,
JAMIE L. WHITTEN,
JOHN J. ROONEY,
JOE L. EVINS,
EDWARD P. BOLAND,
DANIEL J. FLOOD,
TOM STEED,
JOHN M. SLACK,
JULIA BUTLER HANSEN,
JOHN J. MCFALL,
E. A. CEDERBERG,
ROBERT H. MICHEL
(except to No. 5),
SILVIO O. CONTE
(except to No. 5),
GLENN R. DAVIS,
HOWARD W. ROBISON
(except to No. 5),
JOSEPH M. MCDADE
(except as to amendment No. 5).

Managers on the Part of the House.

JOHN L. MCCLELLAN,
WARREN G. MAGNUSON,
JOHN O. PASTORE,
ALAN BIBLE,
ROBERT C. BYRD,
GALE W. MCGEE,
WILLIAM PROXMIRE,
JOSEPH M. MONTOYA
(except for amendments 84, 85, 93, 94),
DANIEL K. INOUYE,
THOMAS F. EAGLETON,
MILTON R. YOUNG,
ROMAN L. HRUSKA,
NORRIS COTTON,
CLIFFORD P. CASE,
HIRAM L. FONG,
MARK O. HATFIELD,
TED STEVENS,
CHARLES MCC. MATHIAS, JR.,
RICHARD S. SCHWEIKER,
HENRY BELLMON,

Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 11576) making supplemental appropriations for the fiscal year ending June 30, 1974, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

Amendment No. 1: The following provision in the opening paragraph of the Senate bill, "and shall be made available for expenditure except as specifically provided by law" was not agreed to by the conferees because it was deemed to be an unnecessary restatement of existing provisions of law. It was therefore deleted without prejudice.

CHAPTER I

Department of Agriculture

Agricultural Research Service

Amendment No. 2: Deletes appropriation in the amount of $500,000 proposed by the Senate to carry out a comprehensive study and investigation to determine the reason for the extensive loss of livestock through injury and disease while such livestock is being transported in interstate commerce for commercial purposes.

The conferees are in agreement that this is an essential study that needs to be initiated immediately and direct the Department to proceed without delay. In the opinion of the conferees, the cost of this study for the remainder of the 1974 fiscal year can be absorbed within available funds.

Foreign Agricultural Service

Amendment No. 3: Appropriates $1,300,000 for "Foreign Agricultural Service" instead of $1,000,000 as proposed by the House and $1,628,000 as proposed by the Senate.

Forestry Incentives Program

Pending hearings on the next regular appropriation, the incentives for tree planting for the remainder of the current fiscal year shall be financed under the cooperative tree-planting program of R.E.A.P., where up to 80 per cent of the cost has been paid by the United States and more than 5.5 billion seedlings have been set out.

Environmental Protection Agency

Research and Development

Amendment No. 4: Restores House language deleted by the Senate. The House language prohibits the Environmental Protection Agency from using funds to administer any program to tax, limit, or otherwise regulate parking facilities.

CHAPTER II

Department of Defense—Military

Operation and Maintenance, Navy

Amendment No. 5: The conferees agreed to provide $7,500,000 for further exploration of petroleum products at Naval Petroleum Reserve No. 4, in Alaska, in lieu of the $72,000,000 provided by the Senate for the ex-

ploration, development, and production at Naval Petroleum Reserves Number 1 and 4.

CHAPTER III

Amendment No. 6: Changes chapter number.

Veterans Administration

Amendment No. 7: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate to insert language requiring independent audit and approval through the appropriations process of Veterans Administration contract settlements, with an amendment to exclude settlements of $1,000,000 or less. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Although this provision confirms current understandings of reprogramming authority, the conferees recognize that it could place a hardship on contractors who have recently negotiated a settlement with the Veterans Administration, but have not been paid by the agency. The conferees agree that a secured advance payment in an amount not to exceed $6,000,000 can be made in such situations prior to the effective date of this bill, provided that such payment is formally approved by the Office of Management and Budget, with the understanding that an independent audit will ultimately be performed and that final payment will be subject to Congressional approval.

It is the sense of the conferees that all claims against the Veterans Administration should be processed through the agency board of contract appeals unless there is adequate legal analysis, audit information, and claim documentation to show that settlement outside the board of contract appeals is in the best interests of the Government. This procedure should be taken into consideration when appropriations are requested to fund such claims. It is further the sense of the conferees that when funds are requested to settle such claims, the sum should include funds to pay interest on the claim settlement.

CHAPTER IV

Amendment No. 8: Changes chapter number.

Department of the Interior

Bureau of Land Management

Amendment No. 9: Appropriates $8,450,000 for management of lands and resources instead of $8,150,000 as proposed by the House and $8,500,000 as proposed by the Senate. The increase above the amount proposed by the House includes $300,000 for coal leasing activities.

Amendment No. 10: Appropriates $500,000 for construction and maintenance as proposed by the Senate. The managers on the part of the House and Senate are in agreement that the House limitation of $29,000 on the unit cost of employee housing shall not apply to the temporary housing to be constructed by funds appropriated under this paragraph.

Bureau of Indian Affairs

Amendment No. 11: Inserts heading as proposed by the Senate.

Amendment No. 12: Appropriates $2,240,000 for education and welfare services as proposed by the Senate.

Amendment No. 13: Appropriates $125,000 for resources management instead of $197,000 as proposed by the Senate.

Amendment No. 14: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which appropriates $1,020,000 for construction and which provides that $2,700,000 of the amount appropriated under this heading in the Department of the Interior and Related Agencies Appropriation Act, 1974, shall be available for assistance to the Ramah Navajo School Board, Incorporated, New Mexico, for the construction of school facilities.

Amendment No. 15: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides an additional $1,000,000 advance to be disbursed, at the discretion of the Secretary of the Interior, among the Regional Corporations established under the Alaska Native Claims Settlement Act.

Territorial Affairs

Amendment No. 16: Appropriates $10,110,000 for Trust Territory of the Pacific Islands as proposed by the Senate instead of $8,410,000 as proposed by the House.

Bureau of Mines

Amendment No. 17: Appropriates $5,670,000 for mines and minerals instead of $4,170,000 as proposed by the House and $6,170,000 as proposed by the Senate. The increase above the amount proposed by the House includes $1,500,000 for construction of the Mine Health and Safety Academy, Beckley, West Virginia.

The managers on the part of the House and Senate are in agreement that, of the funds appropriated to the Bureau of Mines for petroleum research, $1,300,000 shall be for contract research on non-nuclear explosive fracturing to stimulate the production of oil and gas wells.

Amendment No. 18: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment which provides that $1,500,000 of the amount appropriated for mines and minerals shall remain available until expended instead of $2,000,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Office of Coal Research

Amendment No. 19: Appropriates $29,100,000 for salaries and expenses instead of $26,100,000 as proposed by the House and $30,200,000 as proposed by the Senate. The increase above the amount proposed by the House includes $1,000,000 for system studies, and $2,000,000 for research on magnetohydrodynamics.

Amendment No. 20: Provides language as proposed by the Senate which provides that the appropriation for salaries and expenses remain available until expended.

Office of Oil and Gas

Amendment No. 21: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment providing $33,545,000 for salaries and expenses instead of $21,145,000 as proposed by the House and $75,576,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The increase above the amount proposed by the House includes additions of $2,600,000 for assistance to States under the authority of the Economic Stabilization Act; $10,000,000, contingent upon enactment of S. 2589 or similar legislation, to be available as follows: $5,000,000 for a State grant program and $5,000,000 for implementation of other emergency energy programs authorized by such legislation; and a reduction of $200,000 for the Mandatory Petroleum Allocation program.

Amendment No. 22: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment which provides that $10,000,000 of the funds made available for salaries and expenses shall be set aside as a contingency reserve and shall be available for obligation only upon the enactment into law of S. 2589, Ninety-third Congress, or similar legislation, instead of $52,000,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Bureau of Sport Fisheries and Wildlife

Amendment No. 23: Appropriates $450,000 for resource management as proposed by the Senate instead of $500,000 as proposed by the House.

National Park Service

Amendment No. 24: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides $12,000 for planning and construction.

Office of Saline Water

Amendment No. 25: Deletes language as proposed by the Senate. The managers agree that closure by the Office of Saline Water of the Roswell, New Mexico, Test Facility is contrary to the intent of Congressional appropriations to keep this facility operating and direct that no funds be used to close or deactivate this facility.

Office of the Secretary

Amendment No. 26: Appropriates $8,960,000 for salaries and expenses instead of $8,595,000 as proposed by the House and $9,445,000 as proposed by the Senate. The decrease below the amount proposed by the Senate includes a reduction of $485,000 for energy conservation research related to mobile homes.

Amendment No. 27: Appropriates $543,000 for departmental operations as proposed by the Senate instead of $400,000 as proposed by the House.

Office of the Solicitor

Amendment No. 28: Appropriates $999,000 for salaries and expenses as proposed by the Senate.

Related Agencies
Department of Agriculture

Forest Service

Forest Protection and Utilization

Amendment No. 29: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment providing $9,890,000 for forest land management instead of $8,590,000 as proposed by the House and $8,550,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate. The increase above the amount proposed by the House includes $1,300,000 for timber salvage and rehabilitation work in the Northwest where the tussock moth has caused widespread damage.

Amendment No. 30: Appropriates $240,000 for forest research as proposed by the Senate.

Amendment No. 31: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides language which prohibits abolishing any region, moving or closing any regional office for research, State and private forestry, and national forest system administration of the Forest Service, Department of Agriculture, without the consent of the Committees on Appropriations and Committees on Agriculture and Forestry in the U.S. Senate and U.S. House of Representatives.

American Revolution Bicentennial Administration

Amendment No. 32: Appropriates $7,100,000 for salaries and expenses as proposed by the Senate.

CHAPTER V

Department of Labor

Amendment No. 33: Changes chapter number.

Manpower Administration

Amendment No. 34: Appropriates $10,000,000 for "Community service employment for older Americans", instead of $40,000,000 proposed by the Senate.

Department of Health, Education, and Welfare

Health Services and Mental Health Administration

Amendment No. 35: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment, which appropriates $36,500,000 of which $9,500,000 shall remain available until expended for "Health services planning and development", instead of $9,500,000 to remain available until expended as proposed by the House.

It has come to the conferees' attention that the Department of Health, Education and Welfare is planning to further decentralize and regionalize vital drug, alcohol and mental health programs administered by the recently organized Alcohol, Drug Abuse and Mental Health Administration. Because of the possibility that further decentralization of program decisions to the ten regional offices involves implementation of a plan for de facto revenue sharing of questionable legality which could retard development of consistent policies and frustrate current efforts to develop a more coherent administration of drug, alcohol, mental health and other health programs, the conferees expect the Secretary to defer any final decision on this matter until the appropriate Committees of Congress have had an opportunity to carefully review the decentralization and regionalization proposals.

Amendment No. 36: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment which will provide that $10,000,000 of the $27,000,000 earmarked for carrying out the provisions of Public Law 93-154 shall be derived by transfer from funds previously appropriated for emergency medical services activities, instead of a transfer of $7,000,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The managers are agreed that, of the funds previously appropriated to the National Heart and Lung Institute for the purpose of conducting emergency medical services, $3 million is transferred to the "Health Services Planning and Development" appropriation to carry out the program authorized by the Emergency Medical Services Systems Act and $7 million may be redirected to continue other Heart and Lung Institute research grant programs.

Amendment No. 37: Appropriates $7,000,000 for "Health services delivery", instead of $30,105,000 proposed by the Senate, and adjusts legal citation.

National Institutes of Health

Amendment No. 38: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment which appropriates an additional amount of $5,000,000 for "Health manpower", to be available only upon enactment into law of authorizing legislation.

Office of Education

Amendment No. 39: Deletes appropriation of $12,447,000 for "Emergency school assistance", proposed by the Senate.

Social and Rehabilitation Service

Amendments Nos. 40, 41 and 42: Appropriate $725,668,000 for "Social and rehabilitation services" instead of $707,538,000, as proposed by the House, and $752,668,000, as proposed by the Senate, and provide that $630,000,000 shall be for grants under sections 110 (a) and (b) of the Rehabilitation Act of 1973, instead of $609,000,000 for grants under section 110(a) and $6,870,000 for grants under section 110(b), as proposed by the House, and $650,000,000 for grants under section 110(a), as proposed by the Senate.

Amendment No. 43: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment which will provide that $4,000,000 to remain available until expended shall be for facilities construction as authorized by section 301 of the Rehabilitation Act of 1973, instead of $6,000,000, proposed by the Senate. The managers are agreed that $1,000,000 is to be used for the construction of a new rehabilitation center in Arkansas, and $3,000,000 is for upgrading and improving facilities at the West Virginia Rehabilitation Center.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 44: Deletes appropriation of $7,500,000 for "Multidisciplinary centers of gerontology", proposed by the Senate.

Related Agencies

ACTION

Amendment No. 45: Appropriates $47,857,000 for "Operating expenses, domestic programs", instead of $46,319,000 as proposed by the House and $49,395,000 as proposed by the Senate.

Administrative Provisions

Amendment No. 46: Inserts heading, as proposed by the Senate.

Amendment No. 47: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment which will insert a new section, appropriating funds necessary for full obligation of fiscal year 1973 appropriations found by courts to have been illegally impounded, as proposed by the Senate, with a technical change in the number of the section.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 48: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment which will insert a new section providing continuing appropriations for activities of the Cabinet Committee on Opportunities for Spanish-speaking People and manpower training programs of the Department of Labor, as proposed by the Senate, with technical changes in the language of the Senate amendment to assure continuation of various other ongoing activities of the Manpower Administration, and to change the section number.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

CHAPTER VI

Legislative Branch

Amendment No. 49: Changes chapter number.

Amendment Nos. 50 through 56: Reported in technical disagreement. Inasmuch as these amendments relate solely to the Senate and in accord with long practice, under which each body determines its own housekeeping requirements, and the other concurs without intervention, the managers on the part of the House will offer motions to recede and concur in the Senate amendments Nos. 50 through 56.

Amendment No. 57: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate to appropriate $117,000 for "Senate Office Buildings".

Amendment No. 58: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate to appropriate $20,900,000 for "Construction of an Extension to the New Senate Office Building".

CHAPTER VII

Atomic Energy Commission

Operating Expenses

Amendment No. 59: Changes chapter number.

Amendment No. 60: Appropriates $11,300,000 instead of $5,500,000 as proposed by the House and $16,500,000 as proposed by the Senate. The managers are agreed that the funds provided above the House Bill are for energy related research for the Civilian Reactor Research and Development and Reactor Safety Research Programs.

DEPARTMENT OF DEFENSE—CIVIL

Department of the Army

Corps of Engineers—Civil

General Investigations

The managers are in agreement that the amounts for the studies provided for in the Senate Report are to be allocated within available funds.

Construction, General

The managers are agreed that the language included in the House and Senate reports relating to the Tennessee-Tombigbee Waterway is not intended and shall not operate to slow down in any way the construction of this project.

Flood Control, Mississippi River and Tributaries

Amendment No. 61: Appropriates $14,600,000 as proposed by the Senate instead of $7,600,000 as proposed by the House.

Revolving fund

The managers agree that the Corps of Engineers shall proceed with the immediate planning in connection with the modification and rehabilitation of hopper dredges. These plans are to be submitted to the Committees on Appropriation of the House and Senate for approval. Otherwise the moratorium shall continue.

CHAPTER VIII

Amendment No. 62: Changes chapter number.

Department of State

International Organizations and Conferences

Amendment No. 63: Inserts headings.

Contributions to International Organizations

Amendment No. 64: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate appropriating $17,337,000 to be available without regard to the ceiling set in the Department of State Appropriation Act, 1973 and to be available only upon the enactment of authorizing legislation.

International Conferences and Contingencies

Amendment No. 65: Appropriates $1,700,000 as proposed by the Senate.

Department of Justice

Legal Activities and General Administration

Salaries and Expenses, Community Relations Service

Amendment No. 66: Appropriates $500,000 as proposed by the Senate.

Department of Commerce

Economic Development Administration

Development Facilities

Amendment No. 67: Appropriates $15,000,000 instead of $38,900,000 as proposed by the Senate.

Industrial Development Loans and Guarantees

Amendment No. 68: Appropriates $15,000,000 instead of $28,700,000 as proposed by the Senate.

Planning, Technical Assistance, and Research

Amendment No. 69: Appropriates $6,500,000 as proposed by the House instead of $13,900,000 as proposed by the Senate.

Amendment No. 70: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

which shall be available for extension of grants to existing Economic Development Districts and planning organizations, including administrative expenses, and to fund new districts which meet the requirements of 42 U.S.C. 3171, as amended.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 71: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate providing that no restrictions be imposed in the authorization, designation, and funding of new economic development districts which meet the requirements of 42 U.S.C. 3171, as amended.

Domestic and International Business Administration

Salaries and Expenses

Amendment No. 72: Appropriates $2,100,000 as proposed by the Senate instead of $1,953,000 as proposed by the House.

Participation in United States Expositions

Amendment No. 73: Appropriates $150,000 for Federal participation in the 1974 Arctic Winter Games as proposed by the Senate.

United States Travel Service

Salaries and Expenses

Amendment No. 74: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment appropriating $2,000,000 instead of $2,344,000 as proposed by the Senate.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Related Agencies

Equal Employment Opportunity Commission

Salaries and Expenses

Amendment No. 75: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment increasing the limitation for payments to State and local agencies to $2,500,000 instead of $3,700,000 as proposed by the Senate.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Foreign Claims Settlement Commission

Salaries and Expenses

Amendment No. 76: Appropriates $105,000 as proposed by the Senate.

International Radio Broadcasting

Amendment No. 77: Inserts heading.

Board for International Broadcasting

Amendment No. 78: Appropriates $125,000 as proposed by the House instead of $150,000 as proposed by the Senate.

CHAPTER IX

Department of Transportation

National Highway Traffic Safety Administration

Amendment No. 79: Changes chapter number.

Amendment No. 80: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment which will appropriate $30,335,000 for traffic and highway safety instead of $30,570,000 as proposed by the House and $31,585,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees agree that no funds are to be allocated to the crash recorder fleet test program.

Amendment No. 81: Deletes language proposed by the House making the appropriation for traffic and highway safety contingent upon the enactment of authorizing legislation by the Ninety-third Congress.

CHAPTER X

Amendment No. 82: Changes chapter number.

Department of the Treasury

Bureau of Alcohol, Tobacco, and Firearms

Amendment No. 83: Appropriates $2,250,000 for salaries and expenses instead of $2,000,000 as proposed by the House and $2,525,000 as proposed by the Senate.

United States Customs Service

Amendment No. 84: Appropriates $5,000,000 for salaries and expenses instead of $7,000,000 as proposed by the House and $2,300,000 as proposed by the Senate.

Amendment No. 85: Restores language proposed by the House which would make funds available for payment for rental space in connection with Customs preclearance operations.

Amendment No. 86: Reported in technical disagreement. The Managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which would prohibit the expenditure of funds to change the boundaries of the Pembina, North Dakota Customs District without consent of the Committees on Appropriations of the United States Senate and House of Representatives.

Internal Revenue Service

Amendment No. 87: Appropriates $26,000,000 for accounts, collection and taxpayer service instead of $26,800,000 as proposed by the House and $25,000,000 as proposed by the Senate.

Presidential Election Campaign Fund

Amendment No. 88: Deletes language proposed by the Senate which would appropriate to the Presidential Election Campaign Fund amounts designated to such fund by individuals under section 6096 of the Internal Revenue Code of 1954.

United States Postal Service

Amendment No. 89: Appropriates $105,000,000 for payment to the Postal Service Fund instead of $110,000,000 as proposed by the House and $100,000,000 as proposed by the Senate.

Executive Office of the President

Council on International Economic Policy

Amendment No. 90: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which adds one word for clarity.

Amendment No. 91: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which would provide that the Council be exempt from the provisions of law regulating the employment and compensation of persons in the government service, and would provide $1,000 for official entertainment expenses.

Economic Stabilization Activities

Amendment No. 92: Appropriates $17,000,000 for salaries and expenses instead of $20,700,000 as proposed by the House and $10,000,000 as proposed by the Senate.

The White House Office

Amendment No. 93: Appropriates $1,500,000 for salaries and expenses as proposed by the House instead of $1,250,000 as proposed by the Senate.

Amendment No. 94: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows. In lieu of the language proposed by the Senate, insert the following:

Provided, That of the amount heretofore and herein appropriated for "Salaries and expenses" for the current fiscal year, the limitation for personal services as authorized by title 5, United States Code, section 3109, at such per diem rates for individuals, as the President may specify, and other personal services without regard to the provisions of law regulating the employment and compensation of persons in the Government service is $3,850,000 and the limitation on travel is $100,000.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Federal Energy Office

Amendment No. 95: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which would appropriate $9,360,000 for salaries and expenses for the newly established Federal Energy Office.

Independent Agencies

Civil Service Commission

Amendment No. 96: Appropriates $760,000 for salaries and expenses as proposed by the House instead of $500,000 as proposed by the Senate.

General Services Administration

Public Buildings Service

Amendment No. 97: Appropriates $90,400,000 for operating expenses instead of $82,400,000 as proposed by the House and $91,000,000 as proposed by the Senate.

Amendment No. 98: Appropriates $21,683,000 for repair and improvement of public buildings as proposed by the Senate instead of $19,000,000 as proposed by the House.

Amendment No. 99: Deletes language proposed by the Senate, which would make funds available until expended in connection with repair and improvement of public buildings.

Amendment No. 100: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which would reappropriate $1,290,000 for additional funding for the Federal Office Building project at Elkins, West Virginia.

National Archives and Records Service

Amendment No. 101: Deletes language proposed by the Senate which would make certain funds available until expended.

Property Management and Disposal Service

Amendment No. 102: Appropriates $3,500,000 for operating expenses instead of $3,000,000 as proposed by the House and $4,000,000 as proposed by the Senate.

Administrative Operations Fund

Amendment No. 103: Provides for an increase in the limitation on the Administrative Operations Fund of $1,100,000 instead of $1,000,000 as proposed by the House and $1,200,000 as proposed by the Senate.

General Provisions—General Services Administration

Amendment No. 104: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows. In lieu of the matter proposed by the Senate, insert the following:

"SEC. 1001. No appropriated funds shall be available for the purpose of defraying any expenses (including expenses for the payment of the salary of any person) incurred in connection with the transfer of title of all (or any portion) of the Sand Point Naval Facility, Seattle, Washington, to any person or entity for aviation use unless and until (A) the Administrator of General Services has transferred to the National Oceanic and Atmospheric Administration title to that portion of such facility as has been requested by the National Oceanic and Atmospheric Administration; and (B) the City of Seattle, Washington, and the County of King in the State of Washington, and the State of Washington have each approved a plan for aviation use of a portion of such facility."

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

CHAPTER XI

Claims and Judgments

Amendment No. 105: Changes chapter number.

Amendment Nos. 106 and 107: Add the citation to include claims and judgments contained in Senate Document Numbered 93–49 as proposed by the Senate; and appropriate $57,352,301 for claims and judgments as proposed by the Senate instead of $47,011,168 as proposed by the House.

CHAPTER XII

General Provisions

Amendment No. 108: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment to change the chapter number from XI to XII as proposed by the Senate, and correct the section numbers in said chapter to read Sec. 1201 instead of 1101, and Sec. 1202 instead of 1102. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 109: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides language limiting the log export prohibition to the contiguous 48 States. The managers are in agreement that a recently reported practice among some producers of giving a log two or more cuts, reassembling it and exporting it does not meet the domestic primary manufacturing requirements and is contrary to the letter and spirit of the Congressional restrictions on log exports. The Secretaries of Interior and Agriculture are directed to take appropriate steps to halt this practice.

Amendment No. 110: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides language that the limitation on log exports shall not apply to specific quantities of grades and species of timber which the Secretaries of Interior and Agriculture determine are surplus to domestic lumber and plywood manufacturing needs.

Conference total—with comparison

The total new budget (obligational) authority for the fiscal year 1974 recommended by the committee of conference, with comparisons to the budget estimate total, and the House and Senate bills follows:

Budget estimates	[1] [2] $1,534,183,886
House bill	1,433,035,718
Senate bill	[2] 1,888,425,386
Conference agreement	[2] 1,638,625,386

[1] Includes $105,393,668 not considered by the House.

[2] Includes $875,000 for fiscal year 1973.

Conference agreement compared with:

Budget estimates	+$104,441,500
House bill	+205,589,668
Senate bill	—249,800,000

GEORGE MAHON,
JAMIE L. WHITTEN,
JOHN J. ROONEY,
JOE L. EVINS,
EDWARD P. BOLAND,
DANIEL J. FLOOD,
TOM STEED,
JOHN M. SLACK,
JULIA BUTLER HANSEN,
JOHN J. MCFALL,
E. A. CEDERBERG,
ROBERT H. MICHEL (except to No. 5),
SILVIO O. CONTE (except to No. 5),
GLENN R. DAVIS,
HOWARD W. ROBISON (except to No. 5),
JOSEPH M. MCDADE (except as to amendment No. 5),

Managers on the Part of the House.

JOHN L. MCCLELLAN,
WARREN G. MAGNUSON,
JOHN O. PASTORE,
ALAN BIBLE,
ROBERT C. BYRD,
GALE W. MCGEE,
WILLIAM PROXMIRE,
JOSEPH M. MONTOYA (except for amendments 84, 85, 93, 94),
DANIEL K. INOUYE,
THOMAS F. EAGLETON,
MILTON R. YOUNG,
ROMAN L. HRUSKA,
NORRIS COTTON,
CLIFFORD P. CASE,
HIRAM L. FONG,
MARK O. HATFIELD,
TED STEVENS,
CHARLES MCC. MATHIAS, JR.,
RICHARD S. SCHWEIKER,
HENRY BELLMON,

Managers on the Part of the Senate.

CONSENT CALENDAR

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

NAMING OF THE NUCLEAR-POWERED AIRCRAFT CARRIER CVN–70 AS THE U.S.S. "CARL VINSON"

The Clerk called the concurrent resolution (H. Con. Res. 386) to provide for the naming of the nuclear-powered aircraft carrier CVN–70 as the U.S.S. *Carl Vinson.*

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

Mr. GROSS. Mr. Speaker, reserving the right to object, first of all, I should like to point out that many of these bills were not available, not only on this calendar, but listed elsewhere, were not available until 1 o'clock Saturday afternoon.

Some of them were received as late as this morning. A number of the bills are listed on both the Consent and Suspension Calendars. It seems to me that in the future, they ought to be listed one way or the other and not on both calendars.

Mr. Speaker, I am not going to object to consideration, particularly the stockpiling bills on the Consent Calendar in view of the situation that exists with respect to time and the business to come before the House before any possible adjournment.

With respect to the bill under consideration, the naming of the nuclear-powered aircraft carrier as the *Carl Vinson,* it seems to me that it would have been well to continue the Navy tradition that our warships not be named for persons living.

I regret that this custom has been abandoned, but I expect and I think the Members of Congress can expect almost anything in these days of Admiral Zumwalt and his Z-grams.

Mr. O'NEILL. Mr. Speaker, will the gentleman yield?

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

Mr. O'NEILL. Mr. Speaker, if I may explain it to the gentleman, the procedure was a little unusual this morning, but it was at the request of the chairman of the Committee on Armed Services that we list all items from 10 through 20 on the suspension list, in case they were objected to be on the Consent Calendar. In the event there was an objection, he did want to have an opportunity to bring them up for a vote.

May I also say that item 5 on the Suspension Calendar has not been reported, so it will not be considered today.

Mr. GROSS. Mr. Speaker, I thank the gentleman. I hope that in the future we will be able to get the bills representing the legislation to come before the House at an earlier hour and date than we did this week.

I am aware that the House was in session until nearly 2 o'clock on Saturday morning and, therefore, it put great pressure upon the document room and those who could supply the bills.

However, it leaves those of us who have some interest in what is going on in the House of Representatives in a bad situation in trying to read and understand 25 bills, plus whatever conference reports are available.

Mr. Speaker, I withdraw my reservation of objection.

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

There being no objection, the Clerk read the concurrent resolution as follows:

H. CON. RES. 386

Whereas the President of the United States on November 18, 1973, at a ceremony in honor of the Honorable Carl Vinson on his ninetieth birthday, announced the naming of the CVN–70 as the United States ship Carl Vinson; and

Whereas the Honorable Carl Vinson, of Milledgeville, Georgia, served as a Member of the United States House of Representatives from November 3, 1914, to January 2, 1965, a period of more than fifty years, thus establishing a record of service in the House of Representatives unparalleled in our Nation's history; and

Whereas Carl Vinson served as chairman of the former House Naval Affairs Committee from 1931 until 1947, and of the House Committee on Armed Services for fourteen of the sixteen years from 1949 through 1964, a combined total of thirty years, thus establishing a record for congressional service as chairman of a major committee; and

Whereas Carl Vinson's leadership of these two committees of the Congress was marked by great distinction and the exercise of high responsibilities that demonstrated unswerving devotion to his country; and

Whereas Carl Vinson was a driving force in the spectacular growth and development of United States military strength and national security over a period of almost four decades; and

Whereas Carl Vinson served his public stewardship with immense integrity, honesty, and selflessness, and with the needs of the Nation always as his primary concern; and

Whereas among his many other notable achievements, Carl Vinson was the architect of the farflung two-ocean Navy that gave the United States its preeminent role as the leader of the seas, among all world powers; and

Whereas Carl Vinson has been a longtime advocate of nuclear power for naval vessels; Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress of the United States concurs in the naming of the nuclear-powered aircraft carrier CVN–70 as the United States Ship *Carl Vinson*.

Mr. PRICE of Illinois. Mr. Speaker, on November 18, 1973, at a celebration of the 90th birthday anniversary of the Honorable Carl Vinson, the President of the United States announced that our Navy's newest nuclear-powered aircraft carrier would be named the *Carl Vinson*.

The decision to designate the CVN–70 as the U.S.S. *Carl Vinson* is unprecedented in that heretofore the Navy has not named any of its ships after a living person. Departure from this precedent is, however, in the view of the Committee on Armed Services, completely justified and singularly praiseworthy since the Honorable Carl Vinson is uniquely deserving of this honor. His lifelong government service has been dedicated to the prosperity and welfare of our beloved Nation. The Honorable Carl Vinson, more than any other single Member of the U.S. Congress, has contributed immeasurably to the national security and, therefore, merits the accolades and honor implicit in this action by the President of the United States.

The Honorable Carl Vinson is, in truth, a living legend as is evidenced by the following short summary of his biography:

Carl Vinson was born in Baldwin County, Ga., on November 18, 1883, the son of Edward S. and Annie Morris Vinson. He attended the Georgia Military College, in Milledgeville, Ga., and graduated from Mercer Law School, Macon, Ga., on June 5, 1902. He practiced law in Milledgeville in the firm of Hines & Vinson.

In 1905 Carl Vinson began his long tenure of public service when he was appointed county prosecutor. He held that office until 1909, when he was elected to the Georgia Legislature. He served for 4 years, being elected speaker pro tempore in his second term, at the age of 28. He was appointed county judge in 1913.

In 1914 Carl Vinson was elected to the U.S. House of Representatives to fill an unexpired term in the 63d Congress. He was reelected to each succeeding Congress through the 88th, a total of 26 Congresses. He represented Georgia's 10th District from 1914 to 1932 and, following a reapportionment, the Sixth District for the remainder of his service. He served as chairman of the Naval Affairs Committee from 1930 to 1946. With the establishment of the Armed Services Committee following the congressional reorganization of 1947, he served as chairman of that committee in the 81st, 82d, 84th, 85th, 86th, 87th, and 88th Congresses.

Carl Vinson served in the House of Representatives from November 3, 1914, to January 2, 1965, a period of more than 50 years' continuous service. He served as chairman of a standing committee of Congress for 30 years. Both of these records are unequaled in the history of the U.S. Government.

Carl Vinson married Mary Green of New Philadelphia, Ohio, on April 6, 1921. Mrs. Vinson died on November 16, 1950.

Mr. Vinson has been honored by practically every patriotic national organization in the United States, including the American Legion, American Political Science Association, American Veterans, Air Force Association, Association of the U.S. Army, National Guard Association, Reserve Officers Association, Society of Naval Engineers, Navy League, Veterans of Foreign Wars, as well as the U.S. Naval Academy and the U.S. Air Force Academy.

In May 1964 Mr. Vinson was presented the Thomas D. White National Defense Award for 1964 for having contributed most significantly to the national defense and security of the United States during the preceding years. On June 26, 1964, at the direction of the President, he was awarded the Distinguished Service Medal for his outstanding contributions to the Armed Forces and to the Nation. On September 14, 1961, he was awarded the Presidential Medal of Freedom with Special Distinction.

When Carl Vinson retired at the conclusion of the 88th Congress, he had held public office for 59 consecutive years.

Mr. Speaker, I urge my colleagues to give this resolution their unanimous vote.

Mr. BRAY. Mr. Speaker, I concur wholeheartedly in the remarks of Mr. Price. For my part, I consider it most fitting that the name of Carl Vinson will be commemorated throughout the U.S. Fleet on the most modern carrier afloat. At Carl Vinson's 90th birthday the President stated that:

He was Mr. Armed Services, he was Mr. Navy, he was Mr. American, he was Mr. Congressman. He was all of those things, but the emphasis on his life was primarily that of strength, military strength.

Certainly then it is entirely appropriate that the House of Representatives by this concurrent resolution wholeheartedly approve the naming of a great ship for a great man. In that context then, Mr. Speaker, I consider it most appropriate that I place in the RECORD comments concerning the U.S.S. *Carl Vinson* and particularly its impressive characteristics:

THE CVN–70, U.S.S. "CARL VINSON"

The newest nuclear-powered aircraft carrier authorized and funded by the Congress is the CVN–70. It is the fourth nuclear-powered aircraft carrier authorized by the Congress—the previous carriers being: U.S.S. *Enterprise*, the U.S.S. *Nimitz*, and the U.S.S. *Eisenhower*.

The characteristics of the U.S.S. *Carl Vinson* are most impressive. However, because of the current awareness of the energy crisis confronting the western world, none is more impressive than the fact that this vessel will be nuclear powered, and therefore free from any dependency on fuel oil. It will be capable of literally "steaming" indefinitely.

Set out below are some of the characteristics of this vessel which will enable it to contribute most substantially to the military strength of the United States:

CHARACTERISTICS

Displacement combat load—94,400 tons
Length overall—1,092 feet
Beam overall—252 feet
Beam at waterline—134 feet
Speed—30-plus knots
Reactors—2 pressurized water reactors
Air wing—about 100 planes

MANNING

Ship:	
Officers	132
Enlisted men	2,960
Total	8,092
Air group:	
Officers	331
Enlisted men	2,762
Total	8,093

Builder—Newport News Shipbuilding and Drydock Company, Newport News, Va.
Keel laying—Fall 1975.
Commissioning—Fall 1980.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

FRANK M. SCARLETT FEDERAL BUILDING

The Clerk called the bill (H.R. 11311) to name the Federal building, U.S. post office, U.S. courthouse, in Brunswick, Ga., as the "Frank M. Scarlett Federal Building."

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

H.R. 11311

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal building, United States post office, United States courthouse, at 801 Gloucester Street, Brunswick, Georgia, shall hereafter be known and designated as the "Frank M. Scarlett Federal Building". Any reference in a law, map, regulation, document, record, or other paper of the United States to such building shall be held to be a reference to the "Frank M. Scarlett Federal Building".

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

GENERAL LEAVE

Mr. HOWARD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous matter, on the bill just passed.

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

There was no objection.

F. EDWARD HÉBERT FEDERAL BUILDING

The Clerk called the bill (H.R. 11622) to name the Federal office building, south, in New Orleans, La., as the "F. Edward Hébert Federal Building."

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

H.R. 11622

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal office building, south, at 600 South Street, New Orleans, Louisiana, shall hereafter be known and designated as the "F. Edward Hébert Federal Building". Any reference in a law, map, regulation, document, record, or other paper of the United States to such building shall be held to be a reference to the "F. Edward Hébert Federal Building".

Mr. BLATNIK. Mr. Speaker, of the many bills that have been reported from the Committee on Public Works over my years of service with that distinguished committee, as a member, and now as its chairman, few have given me more pleasure than the one that the House is considering today, H.R. 11622, to name the Federal Office Building South in New Orleans, La., as the F. Edward Hébert Federal Building.

EDDIE HÉBERT is an old and dear friend of mine; I have known him during my entire 27-year tenure in the House of Representatives. I have found him to be a decent, warm human being, an extremely effective Congressman, a fine leader of his Committee on Armed Services, and, above all, a man who will sit down and listen to another man's problem and help him work it out if it is at all possible.

EDDIE HÉBERT epitomizes the finest that can be said of a Member of Congress. But, more important, EDDIE HÉBERT epitomizes that quality that we all admire and respect and eventually learn to love in a man who combines a sense of duty to country with a real feeling toward his fellow Members and his fellow citizens.

We honor ourselves when we today unanimously pass this legislation to name this building in New Orleans as a tribute to the outstanding accomplishments and dedicated services of my dear friend, F. EDWARD HÉBERT.

Mr. HARSHA. Mr. Speaker, I rise in support of H.R. 11622, a bill to name the Federal office building, south, in New Orleans, La., as the "F. Edward Hébert Federal Building."

My distinguished colleague, ED HÉBERT, has served ably in Congress for 33 years, is the dean of the Louisiana delegation, and chairs a vital legislative committee, the House Armed Services Committee. His accomplishments in Congress are many, including dedicated service to the then House Un-American Activities Committee, many of the subcommittees of the Armed Services Committee and the Committee on Standards of Official Conduct.

The committee believes it is fitting and proper to name the Federal office building, south, in New Orleans, La., as the "F. Edward Hébert Federal Building" as a tribute to his outstanding accomplishments and dedicated service.

Mr. HÉBERT's record speaks far more eloquently of his accomplishments than any words I might utter.

I urge the approval of this legislation.

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

GENERAL LEAVE

Mr. HOWARD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous matter, on the bill just passed.

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

There was no objection.

AMENDMENT TO THE CIA RETIREMENT ACT AND COST-OF-LIVING ADJUSTMENT TO THE RETIREMENT PAY OF CERTAIN OFFICERS OF THE ARMED SERVICES

The Clerk called the Senate bill (S. 2714) to amend section 291(b) of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, relating to cost-of-living increases, and to increase the pay and allowances of certain officers of the Armed Forces whose pay and allowances are not subject to adjustment to reflect changes in the Consumer Price Index.

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

S. 2714

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 291(b) of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, as amended (78 Stat. 1043; 50 U.S.C. 403 note) is further amended—

(1) by renumbering paragraphs (1), (2), and (3) as paragraphs (2), (3), and (4) respectively; and

(2) by inserting the following new paragraph (1):

"(1) An annuity (except a discontinued service benefit under section 234(a)) which—

"(i) is payable from the fund to a participant who retires, or to the widow or widower of a deceased participant; and

"(ii) has a commencing date after the effective date of the then last preceding annuity increase under section 291(a);

shall not be less than the annuity which would have been payable if the commencing date of such annuity had been in effective date of the then last preceding annuity increase under section 291(a) In the administration of this paragraph, a participant or deceased participant shall be deemed, for the purposes of section 221(h), to have to his credit, on the effective date of the then last preceding annuity increase under section 291(a), a number of days of unused sick leave equal to the number of days of unused sick leave to his credit on the date of his separation from the Agency.".

(b) The amendments made by subsection (a) shall apply only with respect to annuities which commence on or after July 2, 1973.

SEC. 2. (a) Notwithstanding any other provision of law, effective on the date of enactment of this Act, the pay and allowances of members of the Armed Forces to whom this Act applies shall be increased to amounts equal to the amounts such pay and allowances would have been increased if the pay and allowances of such members had been increased, under section 1401a, b, of title 10, United States Code, by the same percentage rates, consecutively compounded, that the retired pay or retainer pay of members and former members of the Armed Forces entitled to retired pay or retainer pay since October 1, 1967, has been increased, and such member shall, on and after the date of enactment of this Act, have his pay and allowances increased effective the same day and by the same percentage rate that the retired pay or retainer pay of members and former members of the Armed Forces is increased under such section 1401a(b).

(b) This section applies to members of the Armed Forces entitled to pay and allowances under either of the following provisions of law:

(1) The Act of June 26, 1948, chapter 677 (62 Stat. 1052).

(2) The Act of September 18, 1950, chapter 952 (64 Stat. A224).

(c) No amounts shall be paid, as the result of the enactment of this section, for any period prior to the date of enactment of this section.

Mr. BRAY. Mr. Speaker, I concur in the remarks of the chairman of our Subcommittee on Intelligence with regard to S. 2714. For special reasons some years ago the Congress passed legislation creating a separate retirement act for certain personnel of the Central Intelligence Agency. However, at the same time, the remaining personnel in the Agency are covered under the provisions of the Civil Service Retirement System and it has been our policy to keep the operations of both systems in the Central Intelligence Agency as equitable as possible. In essence that is what section 1 of S. 2714 does with regard to cost-of-living adjustments.

With reference Generals Bradley and Spaatz, Mr. Speaker, I believe it most appropriate that we approve also section 2 of this legislation which would bring the retirement compensation of these two distinguished officers in line with the benefits afforded other members of the retired military community. As noted by Congressman NEDZI, Generals Bradley and Spaatz are the sole survivors of that distinguished list of 13 officers whose service during World War II received particular consideration by the Congress.

Following the allied victory in World War II Congress recognized in a special way through legislative enactment the contribution to that victory made by 13 men who because of their unique and outstanding qualities rose to highest positions of command and leadership in the Armed Forces.

In the words of the Committee on Armed Services in its report on the bill which later became Public Law 79-333:

The success of the armed forces of this Nation is largely due to the outstanding organizational abilities, vision, and strategical concepts of the officers involved in this bill. From them stemmed the dynamic force which insured the proper training, equipping, and deployment of the strongest Army and Navy the world has ever known. They contributed greatly to the formulation and execution of the strategy that caused the annihilation of our enemies. Your committee believes it is entirely appropriate that these officers be permitted to continue to hold the grades in which they have served.

Eight of those individuals had attained during World War II the 5-star rank which has traditionally been reserved for those wartime commanders who demonstrated to an outstanding degree the ability to command the combat forces in wartime. A list of those individuals were:

ARMY

George C. Marshall.
Douglas MacArthur.
Dwight D. Eisenhower.

AIR FORCE

Henry H. Arnold.

NAVY

William D. Leahy.
Ernest J. King.
Chester W. Nimitz.
William Halsey.

In addition, five other officers who during World War II had attained the grade of general or admiral and had served in positions of high command and responsibility and in those positions had made outstanding contributions to the success of the Armed Forces, were similarly recognized by special legislation. They are listed below:

ARMY

Omar N. Bradley.

AIR FORCE

Carl Spaatz.

NAVY

R. A. Spruance.

MARINE CORPS

Alexander A. Vandegrift.

COAST GUARD

Russell R. Waesche.

The legislative recognition afforded these officers consisted in making permanent the grade in which they had served during World War II and in authorizing them to continue to receive, whether in the active service or in retirement, the pay and allowances authorized for their grade. As a further mark of recognition General Bradley was in 1950, by special act of Congress, appointed to the permanent grade of General of the Army, with the same rights and benefits as were authorized for the eight original appointees in that grade.

General Bradley and General Spaatz are the only surviving members of that select group of officers.

These distinguished officers have received but two increases in their compensation since 1958; 3.2 percent in 1966 and 4.5 percent in 1967. From October 1, 1967 to July 1, 1973, persons on the military retired rolls have received cumulative increases in their retired pay totaling in excess of 39 percent. Neither General Bradley nor General Spaatz have received any increases in their compensation during that period.

S. 2714 will authorize an immediate increase in their compensation of approximately 39 percent, and will authorize future increases in their compensation at the same time and in the same percentage as persons on the military retired rolls.

Mr. NEDZI. Mr. Speaker, this legislation consists of two sections:

The first to amend the CIA Retirement Act to aline it with the cost-of-living provisions of the civil service retirement system. Second, the measure would provide increased retirement pay to Gens. Omar Bradley and Carl Spaatz to aline their retirement benefits with the cost-of-living provisions enjoyed by other military retirees.

Since about one-third of the CIA employees are covered by the CIA Retirement System and the remaining two-thirds by the civil service retirement system, over the years the House Armed Services Committee and the Congress have endeavored to conform the CIA Retirement Act to applicable changes in the civil service system, including provisions for cost-of-living adjustments. On October 24, 1973, the President approved Public Law 93-136 which amended the cost-of-living provision of the civil service retirement system to guarantee retirees and survivors an annuity no less than what would have been paid had the individual been eligible to receive the last cost-of-living increase. Thus, those who retire after the effective date of the last cost-of-living increase will be entitled to that increase in retirement pay.

This will prevent that last minute rush by Federal employees to retire just prior to the effective date of the cost-of-living increase and will spread retirement dates over the former normal pattern. Section 1 of this bill would simply provide conforming legislation for Central Intelligency Agency retirees. The Agency advises that the cost will be borne out of the Central Intelligence Agency Retirement and Disability Fund and the impact will be relatively minor.

The second branch of the legislation with regard to Gens. Omar Bradley and Carl Spaatz will make them eligible for the cost-of-living adjustments to retirement compensation now enjoyed by other military retirees. Generals Bradley and Spaatz are the sole survivors of a distinguished group of ranking World War II flag officers who were the subjects of special pay legislation in 1946 and 1948 which allowed them to receive active duty pay and allowances while in a retired status. The 1958 Military Pay Act provided cost-of-living adjustments to military retirement pay but specifically excluded the category of officers which includes Generals Bradley and Spaatz. Thus, since that time they have not benefited from cost-of-living pay adjustments except in two instances when special legislation was passed which gave them a 3.2-percent increase in 1966 and 4.5-percent increase in 1967.

Section 2 of this bill would bring their retirement pay up to date and make them eligible for any cost-of-living adjustments in the future.

On December 11 the House Armed Services Committee by unanimous vote reported the bill favorably. Likewise, Mr. Speaker, we recommend favorable action on this bill today.

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

ESTABLISHING UNIFORM ORIGINAL ENLISTMENT QUALIFICATIONS FOR MALE AND FEMALE PERSONS

The Clerk called the bill (H.R. 3418) to amend section 505 of title 10, United States Code, to establish uniform original enlistment qualifications for male and female persons.

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

H.R. 3418

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. (a) The first sentence of section 505(a) of title 10, United States Code, is amended by striking out "in the case of male persons and not less than eighteen years of age in the case of female persons".

(b) The second sentence of section 505(a) of title 10, United States Code, is amended by striking out "male" and by striking out ", or female person under twenty-one years of age,".

SEC. 2. Section 505(c) of title 10, United States Code, is amended by—

(1) inserting "of persons for the duration of their minority or for a period of two, three, four, five, or six years," after "enlistments";

(2) inserting a period after "be" and by striking out the dash after "be"; and

(3) by striking out paragraph (1) and paragraph (2).

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

PROVIDING FOR THE PRESENTATION OF A FLAG OF THE UNITED STATES FOR DECEASED MEMBERS OF THE NATIONAL GUARD AND SELECTED RESERVE

The Clerk called the bill (H.R. 5621) to provide for the presentation of a flag of the United States for deceased members of the National Guard and Selected Reserve.

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

H.R. 5621

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1482 of title 10, United States Code, is amended by adding the following new subsection at the end thereof:

"(e) The Secretary concerned may pay the necessary expenses incident to the presentation of a flag to the person designated to direct the disposition of the remains of a member of the National Guard or a Reserve of an armed force under his jurisdiction who is in the Selected Reserve, who is not covered by section 1481 of this title and who dies under honorable circumstances as determined by the Secretary."

With the following committee amendment: Strike all after the enacting clause and insert the following language:

That section 1482 of title 10, United States Code, is amended by adding the following new subsection at the end thereof:

(f) The Secretary concerned may pay the necessary expenses for the presentation of a flag to the person designated to direct the disposition of the remains of a member of the Ready Reserve of an armed force under his jurisdiction who is not covered by section 1481 of this title and who dies under honorable circumstances as determined by the Secretary.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill to amend title 10, United States Code, to provide for the presentation of a flag of the United States for deceased members of the Ready Reserve."

A motion to reconsider was laid on the table.

AUTHORIZING THE DISPOSAL OF OPIUM FROM THE NATIONAL STOCKPILE

The Clerk called the Senate bill (S. 2166) to authorize the disposal of opium from the national stockpile.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. YATES. Mr. Speaker, reserving the right to object, in view of the controversial nature of the bill and in view of the fact that there is some reason to object to it, and in view of the fact that this bill and the following bills, coming out of the Committee on Armed Services, relate to the disposal of certain metals and other materials from the stockpile, I ask unanimous consent that this bill be passed over without prejudice.

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

There was no objection.

AUTHORIZING THE RELEASE OF COPPER FROM THE NATIONAL STOCKPILE AND THE SUPPLEMENTAL STOCKPILE

The Clerk called the Senate bill (S. 2316) to authorize the disposal of copper from the national stockpile and the supplemental stockpile.

Mr. YATES. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

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

There was no objection.

AUTHORIZING THE DISPOSAL OF ALUMINUM FROM THE NATIONAL STOCKPILE

The Clerk called the Senate bill (S. 2413) to authorize the disposal of aluminum from the national stockpile and for other purposes.

Mr. YATES. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

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

There was no objection.

AUTHORIZING DISPOSAL OF SILICON CARBIDE FROM THE NATIONAL STOCKPILE

The Clerk called the Senate bill (S. 2493) to authorize the disposal of silicon carbide from the national stockpile and the supplemental stockpile.

Mr. YATES. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

AUTHORIZING DISPOSAL OF ZINC FROM THE NATIONAL STOCKPILE

The Clerk called the Senate bill (S. 2498) to authorize the disposal of zinc from the national stockpile and the supplemental stockpile.

Mr. YATES. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

AUTHORIZING DISPOSAL OF MOLYBDENUM FROM THE NATIONAL STOCKPILE

The Clerk called the Senate bill (S. 2551) authorizing the disposal of molybdenum from the national stockpile, and for other purposes.

Mr. YATES. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

AMENDING UNITED STATES CODE RELATING TO SALE OF NAVAL VESSELS

The Clerk called the bill (S. 1773) to amend section 7305 of title 10, United States Code, relating to the sale of vessels stricken from the Naval Vessel Register.

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

S. 1773

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (1) of section 7305 of title 10, United States Code, is amended to read as follows:

"(1) Except as provided in subsection (a), no vessel of the Navy may be sold in any manner other than that provided by this section, or for less than its appraised value, unless the sale thereof is specifically authorized by law enacted after June 30, 1973."

SEC. 2. The amendment made by the first section of this Act shall not apply in the case of any Navy vessel with respect to which a written agreement to sale was entered into prior to June 30, 1973.

With the following committee amendment:

On page 1, line 3 strike all after the enacting clause and insert in lieu thereof:

That section 7307 of title 10, United States Code, is amended to read as follows:

(a) Notwithstanding any other provision of law, no naval vessel over 100 tons may be sold or title otherwise transferred or otherwise disposed of, to any other nation unless the Chief of Naval Operations certifies that it is not essential to the defense of the United States, and a copy of such certificate shall be submitted to the Committees on Armed Services of the Congress.

(b) After the date of enactment of this law, no naval vessel over 100 tons may be sold, leased, loaned, transferred or otherwise disposed of, directly or indirectly, to any other nation until the expiration of 30 calendar days after the date upon which a report of the facts concerning the proposed transaction is submitted to the Committees on Armed Services of the Senate and House of Representatives.

The committee amendment was agreed to.

Mr. BENNETT. Mr. Speaker, S. 1773 would provide congressional overview, for the first time, of the transfer to other nations of all naval vessels over 100 tons.

Presently, the law requires that the Congress pass legislation approving the proposed transfer of any aircraft carrier, battleship, cruiser, destroyer, or submarine carried on the Naval Vessel Register to any other nation. Since this law went into effect in 1951 there have been 17 laws passed approving the transfer of 145 ships.

On the other hand, there have been between 4,000 and 5,000 ships transferred without the necessity of legislation since the vessels were either not on the Naval Vessel Register or not of the specific class; that is, aircraft carriers, battleships, cruisers, destroyers, or submarines.

S. 1773, as originally drafted, would require enactment of legislation for the approval of the transfer of all naval vessels. The Armed Services Committee also believes there should be some further congressional review of the transfer of these ships but does not believe new legislative authority should be required for each individual ship transfer. Your committee recommends that the method of congressional review be the same method of review normally observed in connection with real estate transactions.

Therefore, S. 1773, as amended, would require that all of the proposed transfers come before the Armed Service Committee and lie there for 30 days. This procedure will provide the committee with the opportunity to hold hearings in depth on each transfer, if required, and approve or deny the transfer or take any other appropriate action. I would note again that this will apply to all naval vessels over 100 tons, not just the five classes presently listed in the law. I would also note that this applies to the ships whether or not they are carried on the Naval Vessel Register.

Further, the Chief of Naval Operations must certify, for any ship which is to be sold or which title is to be transferred, that it is no longer essential to the defense of the United States. The certificate is not required for leasing or loaning of vessels since it may be desirable for the United States to be able to recapture these vessels and use them again in its own Navy at some time in the future. The certificate is to be furnished to the Armed Services Committee.

Both the Department of Defense and the Department of State objected to S. 1773 in its original form. No official ex-

ecutive branch position on the amended bill has been received by the committee; however, officials of the Department of the Navy have expressed no opposition to the bill as amended by the committee.

Mr. Speaker, the Armed Services Committee, a quorum being present, voted without objection to recommend passage of S. 1773 as amended.

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: "An act to amend section 7307 of title 10, United States Code, relating to the transfer of naval vessels to other nations."

A motion to reconsider was laid on the table.

A "NO" VOTE AGAINST ADJOURNMENT RESOLUTION

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

Mr. VANIK. Mr. Speaker, today, I expect to vote against Senate Joint Resotion 180, a resolution providing for an adjournment of Congress until January 21.

I understand the plight and the need for all Members to return to their districts for a firsthand reaction of how their constituents feel about the recent course of national events. This is particularly important for Members whose districts are a long distance away.

However, I do not believe that we need a month to make our findings on conditions at home. I believe I know how my constituents feel. They are disillusioned. They are angry and disturbed about the energy crisis—the uncertainty of warmth in their homes—the uncertainty of their jobs—the sudden obsolescence of their cars—the uncertainty of services they deem essential to decent life.

Our constituents are angry with the political process and the system which has failed them. They are rightfully disturbed that those who deal in the day-to-day functions of the Government are failing to act. They are concerned that we are not legislating more providently and anticipating grave problems before they reach crisis dimensions.

I can understand the need for a short, 10-day visit to the constituency, but, in my judgment, anything longer severely sets back the capacity of this body and the entire legislative process to respond to the urgent problems of these days. If I have correctly estimated voter reactions, this decision to spend 30 days at home will be too long for comfort. I think they will send us packing back to Washington with a mandate for action.

THE AMERICAN RAILROADS

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

Mr. BURKE of Massachusetts. Mr. Speaker, I take this time to call to the attention of Members of Congress the frightening condition of the railroads of America. At the present time there are thousands of tons of coal being exported to our trading partners throughout the entire world, and on the entire east coast of America some utility companies are trying to convert from oil to coal because of the energy crisis.

The warning signs of impending disaster are all about us. Great Britain has announced a 3-day workweek. Here in America while we have been building highways, cloverleafs, underpasses, overpasses, this Nation has allowed its railroads to deteriorate to such an extent as to place in serious jeopardy the very security of the United States. Yes, while Rome burns Nero plays the fiddle.

The utility companies tell us they must convert to coal in many of their plants because of the shortage of oil.

They are unable to do this because there are no railcars available. The roadbeds are in a terrible condition. I believe that this is a matter that the administration and the Department of Transportation should be looking into.

COMMONSENSE IN SAVING GASOLINE

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

Mr. WYMAN. Mr. Speaker, in better than 90 percent of this country the breezes blow, the air moves, and there is no real problem affecting public health from automobile emissions. To continue to require the owners of cars registered and operated in this huge majority of the national geography to buy cars with emission control devices that waste a fifth of their gasoline mileage is outrageous.

Suspend these requirements at least for the duration of the gasoline shortage and we would save hundreds of thousands of gallons of gasoline each day. The American people rightly demand that the tail stop wagging the dog and that this Congress act now to avoid wildly escalating gasoline prices and shortages.

No more immediately meaningful action is presently available than to end emissions controls where they are not needed. Where autos significantly pollute, emissions controls should and will continue to be required, but this is in less than 10 percent of the land area of the United States.

Mr. Speaker, public indignation over the continuation of this folly is mounting each and every day. Those who blindly persist in continuing the unreasonably and blindly high auto emissions standards for the entire country will be held accountable at the polls next fall—as well they should be.

Those Members of Congress who voted last Friday to take off auto emissions controls in those parts of this country where there is no significant air pollution harmful to public health deserve public support for fighting gasoline shortages and high prices in a most effective way.

WASHINGTON STREETS ARE SAFER

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

Mr. LANDGREBE. Mr. Speaker, and Members of the House, it was just 4 years ago that I was placed on the Committee on the District of Columbia to help make the 13th vote to get the Nixon crime bill out of the Democrat-controlled District of Columbia Committee where it had been gathering dust while crime was rampant in this city.

At that time it was not safe for a Congressman to walk from the Cannon Building up to the Coronet Hotel.

At this time, Washington is not perfect by any means, but last Thursday, at 10:30 p.m., my wife walked that route by herself, and she is not necessarily a brave woman.

I say to the people of this Nation, and the citizens of the District of Columbia, "you have a great deal to be thankful for because of the Republican administration that has had the responsibility for this city during the past 4 years."

OUR NEGLECTED COAL RESOURCES

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

Mr. NELSEN. Mr. Speaker, a moment ago one of our colleagues made reference to the exporting of coal to foreign countries.

When we were considering the Emergency Energy Act last week, Mr. Speaker, I repeatedly tried to get some attention for that problem we have in the energy field, and in this respect I pointed to how we have neglected developing the coal resources of our country. Then I learned through an article that was in one of our national publications about foreign countries who are in the United States now buying up coal mines in various parts of the United States, and exporting that coal which we have not properly developed prior to this energy crisis we are now in.

I appreciated the attention that was given to this problem. What we have done is to neglect the resources that we have, and put the whole load on our limited petroleum resources, and now we find our country in an energy crisis.

We have abundant energy in the form of coal, and I think it is important that we look into its possible uses. We need to do more in this area.

EXTENDING LIMITS OF CONFINEMENT OF FEDERAL PRISONERS

Mr. KASTENMEIER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 7352) to amend section 4082(c) of title 18, United States Code, to extend the limits of confinement of Federal prisoners, together with a Senate amendment thereto, and disagree to the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 2, after line 3, insert:

TITLE I—COMPENSATION FOR VICTIMS OF VIOLENT CRIME

DECLARATION OF PURPOSE

SEC. 101. It is the declared purpose of Congress in this Act to promote the public welfare by establishing a means of meeting the financial needs of the innocent victims of violent crime or their surviving dependents and intervenors acting to prevent the commission of crime or to assist in the apprehension of suspected criminals.

PART A—FEDERAL COMPENSATION PROGRAM

SEC. 102. The Omnibus Crime Control and Safe Streets Act of 1968, as amended, is amended by—

(1) redesignating sections 451 through 455, respectively, as sections 421 through 425;

(2) redesignating sections 501 through 522, respectively, as sections 550 through 571.

(3) redesignating parts F, G, H, and I of title I, respectively as parts I, J, K, and L of title I; and

(4) adding at the end of part E of title I, as amended by this Act, the following new part:

"PART F—FEDERAL COMPENSATION FOR VICTIMS OF VIOLENT CRIME

"DEFINITIONS

"SEC. 450. As used in this part—

"(1) 'Board' means the Violent Crimes Compensation Board established by this part;

"(2) 'Chairman' means the Chairman of the Violent Crimes Compensation Board established by this part;

"(3) 'child' includes a stepchild, an adopted child, and an illegitimate child;

"(4) 'claim' means a written request to the Board for compensation made by or on behalf of an intervenor, a victim, or the surviving dependent or dependents of either of them;

"(5) 'claimant' means an intervenor, victim, or the surviving dependent or dependents of either of them;

"(6) 'compensation' means payment by the Board for net losses or pecuniary losses to or on behalf of an intervenor, a victim, or the surviving dependent or dependents of either of them;

"(7) 'dependent' means—

"(A) a surviving spouse;

"(B) an individual who is a dependent of the deceased victim or intervenor within the meaning of section 152 of the Internal Revenue Code of 1954 (26 U.S.C. 152); or

"(C) a posthumous child of the deceased intervenor or victim;

"(8) 'financial stress' means the undue financial strain experienced by a victim or his surviving dependent or dependents as the result of pecuniary loss from an act, omission, or possession giving rise to a claim under this part, disregarding ownership of—

"(A) a residence;

"(B) normal household items and personal effects;

"(C) an automobile;

"(D) such tools as are necessary to maintain gainful employment; and

"(E) all other liquid assets not in excess of one year's gross income or $10,000 in value, whichever is less;

"(9) 'gross losses' means all damages, including pain and suffering and including property losses, incurred by an intervenor or victim, or surviving dependent or dependents of either of them, for which the proximate cause is an act, omission, or possession enumerated in section 456 of this part, or set forth in paragraph (B) of subsection (18) of this section;

"(10) 'guardian' means a person who is entitled by common law or legal appointment to care for and manage the person or property, or both, of a minor or incompetent intervenor or victim, or surviving dependent or dependents of either of them;

"(11) 'intervenor' means a person who goes to the aid of another and is killed or injured while acting not recklessly to prevent the commission or reasonably suspected commission of a crime enumerated in section 456 of this part, or while acting not recklessly to apprehend a person reasonably suspected of having committed such a crime;

"(12) 'liquid assets' includes cash on hand, savings accounts, checking accounts, certificates of deposit, stocks, bonds, and all other personal property that may be readily converted into cash;

"(13) 'member' means a member of the Violent Crimes Compensation Board established by this part;

"(14) 'minor' means an unmarried person who is under eighteen years of age;

"(15) 'net losses' means gross losses, excluding pain and suffering, that are not otherwise recovered or recoverable—

"(A) under insurance programs mandated by law;

"(B) from the United States, a State, or unit of general local government for a personal injury or death otherwise compensable under this part;

"(C) under contract or insurance wherein the claimant is the insured or beneficiary; or

"(D) by other public or private means;

"(16) 'pecuniary losses' means net losses which cover—

"(A) for personal injury—

"(1) all appropriate and reasonable expenses necessarily incurred for medical, hospital, surgical, professional, nursing, dental, ambulance, and prosthetic services relating to physical or psychiatric care;

"(2) all appropriate and reasonable expenses necessarily incurred for physical and occupational therapy and rehabilitation;

"(3) actual loss of past earnings and anticipated loss of future earnings because of a disability resulting from the personal injury at a rate not to exceed $150 per week; and

"(4) all appropriate and reasonable expenses necessarily incurred for the care of minor children enabling a victim or his or her spouse, but not both of them, to continue gainful employment at a rate not to exceed $30 per child per week, up to a maximum of $75 per week for any number of children;

"(B) for death—

"(1) all appropriate and reasonable expenses necessarily incurred for funeral and burial expenses;

"(2) loss of support to a dependent or dependents of a victim, not otherwise compensated for as a pecuniary loss for personal injury, for such period of time as the dependency would have existed but for the death of the victim, at a rate not to exceed a total of $150 per week for all dependents; and

"(3) all appropriate and reasonable expenses, not otherwise compensated for as a pecuniary loss for personal injury, which are incurred for the care of minor children enabling the surviving spouse of a victim to engage in gainful employment, at a rate not to exceed $30 per week per child, up to a maximum of $75 per week for any number of children;

"(17) 'personal injury' means actual bodily harm and includes pregnancy, mental distress, and nervous shock; and

"(18) 'victim' means a person who is killed or who suffers personal injury where the proximate cause of such death or personal injury is—

"(A) a crime enumerated in section 456 of this part; or

"(B) the not reckless actions of an intervenor in attempting to prevent the commission or reasonably suspected commission of a crime enumerated in section 456 of this part or in attempting to apprehend a person reasonably suspected of having committed such a crime.

"BOARD

"SEC. 451. (a) There is hereby established a Board within the Department of Justice to be known as the Violent Crimes Compensation Board. The Board shall be composed of three members, each of whom shall have been members of the bar of the highest court of State for at least eight years, to be appointed by the President, by and with the advice and consent of the Senate. The President shall designate one of the members of the Board to serve as Chairman.

"(b) No member of the Board shall engage in any other business, vocation, or employment.

"(c) The Board shall have an official seal.

"(d) The term of office of each member of the Board shall be eight years, except that (1) the terms of office of the members first taking office shall expire as designated by the President at the time of appointment, one at the end of four years, one at the end of six years, and one at the end of eight years and (2) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term.

"(e) Each member of the Board shall be eligible for reappointment.

"(f) Any member of the Board may be removed by the President for inefficiency, neglect of duty, or malfeasance in office.

"(g) The principal office of the Board shall be in or near the District of Columbia, but the Board or any duly authorized representative may exercise any or all of its powers in any place.

"ADMINISTRATION

"SEC. 452. The Board is authorized in carrying out its functions under this part to—

"(1) appoint and fix the compensation of an Executive Director and a General Counsel and such other personnel as the Board deems necessary in accordance with the provisions of title 5 of the United States Code;

"(2) procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5 of the United States Code, but at rates not to exceed $100 a day for individuals;

"(3) promulgate such rules and regulations as may be required to carry out the provisions of this part;

"(4) designate representatives to serve or assist on such advisory committees as the Board may determine to be necessary to maintain effective liaison with Federal agencies and with State and local agencies developing or carrying out policies or programs related to the provisions of this part;

"(5) request and use the services, personnel, facilities, and information (including suggestions, estimates, and statistics) of Federal agencies and those of State and local public agencies and private institutions, with or without reimbursement therefor;

"(6) enter into and perform, without regard to section 529 of title 31 of the United States Code, such contracts, leases, cooperative agreements, or other transactions as may be necessary in the conduct of its functions, with any public agency, or with any person, firm, association, corporation, or educational institution, and make grants to any public agency or private nonprofit organization;

"(7) request and use such information, data, and reports from any Federal agency as the Board may from time to time require and as may be produced consistent with other law;

"(8) arrange with the heads of other Federal agencies for the performance of any of its functions under this part with or without reimbursement and, with the approval of the President, delegate and authorize the redelegation of any of its powers under this part;

"(9) request each Federal agency to make its services, equipment, personnel, facilities,

and information (including suggestions, estimates, and statistics) available to the greatest practicable extent to the Board in the performance of its functions;

"(10) pay all expenses of the Board, including all necessary travel and subsistence expenses of the Board outside the District of Columbia incurred by the members or employees of the Board under its orders on the presentation of itemized vouchers therefor approved by the Chairman or his designate; and

"(11) establish a program to assure extensive and continuing publicity for the provisions relating to compensation under this part, including information on the right to file a claim, the scope of coverage, and procedures to be utilized incident thereto.

"COMPENSATION

"SEC. 453. (a) The Board shall order the payment of compensation—

"(1) in the case of the personal injury of an intervenor or victim, to or on behalf of that person; or

"(2) in the case of the death of the intervenor or victim, to or on behalf of the surviving dependent or dependents of either of them.

"(b) The Board shall determine the amount of compensation under this part—

"(1) in the case of a claim by an intervenor or his surviving dependent or dependents, by computing the net losses of the claimant; and

"(2) in the case of a claim by a victim or his surviving dependent or dependents, by computing the pecuniary losses of the claimant.

"(c) The Board may order the payment of compensation under this part to the extent it is based upon anticipated loss of future earnings or loss of support of the victim for ninety days or more, or child care payments, in the form of periodic payments during the protracted period of such loss of earnings, support of payments, or ten years, whichever is less.

"(d) The Board may order the payment of compensation under this part to a victim or his surviving dependent or dependents held in abeyance until such time as the victim or his surviving dependent or dependents has exhausted his liquid assets.

"(e)(1) Whenever the Board determines, prior to taking final action upon a claim, that such claim is one with respect to which an order of compensation will probably be made, the Board may order emergency compensation not to exceed $1,500 pending final action on the claim.

"(2) The amount of any emergency compensation ordered under paragraph (1) of this subsection shall be deducted from the amount of any final order for compensation.

"(3) Where the amount of any emergency compensation ordered under paragraph (1) of this subsection exceeds the amount of the final order for compensation, or if there is no order for compensation made, the recipient of any such emergency compensation shall be liable for the repayment of such compensation. The Board may waive all or part of such repayment.

"(f) No order for compensation under this part shall be subject to execution or attachment.

"(g) The availability or payment of compensation under this part shall not affect the right of any person to recover damages from any other person by a civil action for the injury or death, subject to the limitations of this part—

"(1) in the event an intervenor, a victim, or the surviving dependent or dependents of either of them who has a right to file a claim under this part should first recover damages from any other source based upon an act, omission, or possession giving rise to a claim under this part, such damages shall be first used to offset gross losses that do not qualify as net or pecuniary losses; and

"(2) in the event an intervenor, victim, or the surviving dependent or dependents of either of them receives compensation under this part and subsequently recovers damage from any other source based upon an act, omission, or possession that gave rise to compensation under this part, the Board shall be reimbursed for compensation previously paid to the same extent compensation would have been reduced had recovery preceded compensation under paragraph (1) of this subsection.

"(h) The Board may reconsider a claim at any time and modify or rescind previous orders for compensation based upon a change in financial circumstances of a victim or one or more of his surviving dependents that eliminates financial stress.

"LIMITATIONS

"SEC. 454. (a) No order for compensation under this part shall be allowed to or on behalf of a victim or his surviving dependent or dependents unless the Board finds that such a claimant will suffer financial stress from pecuniary losses for which the act, omission, or possession giving rise to the claim was the proximate cause.

"(b) No order for compensation under this part shall be made unless the claim has been made within one year after the date of the act, omission, or possession resulting in the injury or death, unless the Board finds that the failure to file was justified by good cause.

"(c) No order for compensation under this part shall be made to or on behalf of an intervenor, victim, or the surviving dependent or dependents of either of them unless a minimum pecuniary or net less of $100 or an amount equal to a week's earnings or support whichever is less, has been incurred.

"(d) No order for compensation under this part shall be made unless the act, omission, or possession giving rise to a claim under this part, was reported to the law enforcement officials within seventy-two hours after its occurrence, unless the Board finds that the failure to report was justified by good cause.

"(e) No order for compensation under this part to or on behalf of a victim, his surviving dependent or dependents, as the result of any one act, omission, or possession, or related series of such acts, omissions, or possessions, giving rise to a claim, shall be in excess of $50,000, including lump-sum and periodic payments.

"(f) The Board, upon finding that any claimant has not substantially cooperated with all law enforcement agencies incident to the act, omission, or possession that gave rise to the claim, may proportionately reduce, deny, or withdraw any order for compensation under this part.

"(g) The Board in determining whether to order compensation or the amount of the compensation, shall consider the behavior of the claimant and whether, because of provocation or otherwise, he bears any share of responsibility for the act, omission, or possession that gave rise to the claim for compensation and—

"(1) the Board shall reduce the amount of compensation to the claimant in accordance with its assessment of the degree of such responsibility attributable to the claimant, or

"(2) in the event the claimant's behavior was a substantial contributing factor to the act, omission, or possession giving rise to a claim under this part, he shall be denied compensation.

"(h) No order for compensation under this part shall be made to or on behalf of a person engaging in the act, omission, or possession giving rise to the claim for compensation, to or on behalf of his accomplice, a member of the family or household of either of them, or to or on behalf of any person maintaining continuing unlawful sexual relations with either of them.

"PROCEDURES

"SEC. 455. (a) The Board is authorized to receive claims for compensation under this part filed by an intervenor, a victim, or the surviving dependent or dependents of either of them, or a guardian acting on behalf of such a person.

"(b) The Board—

"(1) may subpena and require production of documents in the manner of the Securities and Exchange Commission as provided in subsection (c) of section (18) of the Act of August 26, 1935, except that such subpena shall only be issued under the signature of the Chairman, and application to any court for aid in enforcing such subpena shall be made only by the Chairman, but a subpena may be served by any person designated by the Chairman;

"(2) may administer oaths, or affirmations to witnesses appearing before the Board, receive in evidence any statement, document, information, or matter that may, in the opinion of the Chairman, contribute to its functions under this part, whether or not such statement, document, information, or matter would be admissible in a court of law, provided it is relevant and not privileged;

"(3) shall, if hearings are held, conduct such hearings open to the public, unless in a particular case the Chairman determines that the hearing, or a portion thereof, should be held in private, having regard to the fact that a criminal suspect may not yet have been apprehended or convicted, or to the interest of the claimant; and

"(4) may, at the discretion of the Chairman, appoint an impartial licensed physician to examine any claimant under this part and order the payment of reasonable fees for such examination.

"(c) The Board shall be an 'agency of the United States' under subsection (1) of section 6001 of title 18 of the United States Code for the purpose of granting immunity to witnesses.

"(d) The provisions of chapter 5 of title 5 of the United States Code shall not apply to adjudicatory procedures to be utilized before the Board.

"(e)(1) A claim for compensation under this part may be acted upon by a member designated by the Chairman to act on behalf of the Board.

"(2) in the event the disposition by a member as authorized by paragraph (1) of this subsection is unsatisfactory to the claimant, the claimant shall be entitled to a de novo hearing of record on his claim by the full Board.

"(f)(1) Decisions of the full Board shall be in accord with the will of a majority of the members and shall be based upon a preponderance of the evidence.

"(2) All questions as to the relevancy or privileged nature of evidence at such times as the full Board shall sit shall be decided by the Chairman.

"(3) A claimant at such times as the full Board shall sit shall have the right to produce evidence and to cross-examine such witnesses as may appear.

"(g)(1) The Board shall publish regulations providing that an attorney may, at the conclusion of proceedings under this part, file with the Board an appropriate statement for a fee in connection with services rendered in such proceedings.

"(2) After the fee statement is filed by an attorney under paragraph (1) of this subsection, the Board shall award a fee to such attorney on substantially similar terms and conditions as is provided for the payment of representation under section 3006A of title 18 of the United States Code.

"(3) Any attorney who charges or collects for services rendered in connection with any proceedings under this part any fee in any amount in excess of that allowed under this subsection shall be fined not more than $1,000 or imprisoned not more than one year, or both.

"(h) The United States Court of Appeals

for the District of Columbia shall have jurisdiction to review all final orders of the Board. No finding of fact supported by substantial evidence shall be set aside.

"CRIMES

"SEC. 456. (a) The Board is authorized to order compensation under this part in any case in which an intervenor, victim, or the surviving dependent or dependents of either of them files a claim when the act, omission, or possession giving rise to the claim for compensation occurs—

"(1) within the 'special maritime and territorial jurisdiction of the United States' within the meaning of section 7 of title 18 of the United States Code;

"(2) within the District of Columbia; or

"(3) within 'Indian country' within the meaning of section 1151 of title 18 of the United States Code.

"(b) This part applies to the following acts, omissions, or possessions;

"(1) aggravated assault;
"(2) arson;
"(3) assault;
"(4) burglary;
"(5) forcible sodomy;
"(6) kidnapping;
"(7) manslaughter;
"(8) mayhem;
"(9) murder;
"(10) negligent homicide;
"(11) rape;
"(12) robbery;
"(13) riot;
"(14) unlawful sale or exchange of drugs;
"(15) unlawful use of explosives;
"(16) unlawful use of firearms;
"(17) any other crime, including poisoning, which poses a substantial threat of personal injury; or
"(18) attempts to commit any of the foregoing.

"(c) For the purposes of this part, the operation of a motor vehicle, boat, or aircraft that results in an injury or death shall not constitute a crime unless the injuries were intentionally inflicted through the use of such vehicle, boat, or aircraft or unless such vehicle, boat, or aircraft is an implement of a crime to which this part applies.

"(d) For the purposes of this part, a crime may be considered to have been committed notwithstanding that by reason of age, insanity, drunkenness, or otherwise, the person engaging in the act, omission, or possession was legally incapable of committing a crime.

"SUBROGATION

"SEC. 457. (a) Whenever an order for compensation under this part has been made for loss resulting from an act, omission, or possession of a person, the Attorney General may, within three years from the date on which the order for compensation was made, institute an action against such person for the recovery of the whole or any specified part of such compensation in the district court of the United States for any judicial district in which such person resides or is found. Such court shall have jurisdiction to hear, determine, and render judgment in any such action. Any amounts recovered under this subsection shall be deposited in the Criminal Victim Indemnity Fund established by section 458 of this part.

"(b) The Board shall provide to the Attorney General such information, data, and reports as the Attorney General may require to prosecute actions in accordance with this section.

"INDEMNITY FUND

"SEC. 458. (a) There is hereby created on the books of the Treasury of the United States a fund known as the Criminal Victim Indemnity Fund (hereinafter referred to as the 'Fund'). Except as otherwise specifically provided, the Fund shall be the repository of (1) criminal fines paid in the various courts of the United States, (2) additional amounts that may be appropriated to the Fund as provided by law, and (3) such other sums as may be contributed to the Fund by public or private agencies, organizations, or persons.

"(b) The Fund shall be utilized only for the purposes of this part.

"ADVISORY COUNCIL

"SEC. 459. (a) There is hereby established an Advisory Council on the Victims of Crime (hereinafter referred to as the 'Council') consisting of the members of the Board and one representative from each of the various State crime victims compensation programs referred to in paragraph (10) of subsection (b) of section 301 of this title, each of whom shall serve without additional compensation.

"(b) The Chairman of the Board shall also serve as the Chairman of the Council.

"(c) The Council shall meet not less than once a year, or more frequently at the call of the Chairman, and shall review the administration of this part and programs under paragraph (10) of subsection (b) of section 301 of this title and advise the Administration on matters of policy relating to their activities thereunder.

"(d) The Council is authorized to appoint an advisory committee to carry out the provisions of this section.

"(e) Each member of the advisory committee, other than a member of the Board, appointed pursuant to subsection (d) of this section shall receive $100 a day, including traveltime, for each day he is engaged in the actual performance of his duties as a member of the committee. Each member of the Council or advisory committee shall also be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of his duties.

"REPORTS

"SEC. 460. The Board shall transmit to the Congress an annual report of its activities under this part. In its third annual report, the Board upon investigation and study shall include its findings and recommendations with respect to the operation of the overall limit on compensation under section 454(e) of part F of this title with respect to the adequacy of State programs receiving assistance under paragraph (10) of subsection (b) of section 301 of part C of this title."

COMPENSATION OF BOARD MEMBERS

SEC. 103. (a) Section 5314 of title 5 of the United States Code is amended by adding at the end thereof the following new paragraph:

"(58) Chairman, Violent Crimes Compensation Board."

(b) Section 5315 of title 5 of the United States Code is amended by adding at the end thereof the following new paragraph:

"(95) Members, Violent Crimes Compensation Board."

CRIMINAL VICTIM INDEMNITY FUND FINES

SEC. 104. (a) Chapter 227 of title 18 of the United States Code is amended by adding at the end thereof the following new section:

"§ 3579. Fine imposed for Criminal Victim Indemnity Fund

"In any court of the United States, the District of Columbia, the Commonwealth of Puerto Rico, a territory or possession of the United States, upon conviction of a person of an offense resulting in personal injury, property loss, or death, the court shall take into consideration the financial condition of such person, and may, in addition to any other penalty, order such person to pay a fine in an amount of not more than $10,000 and such fine shall be deposited into the Criminal Victim Indemnity Fund of the United States."

(b) The analysis of chapter 2227 of title 18 of the United States Code is amended by adding at the end thereof the following new item:

"3579. Fine Imposed for Criminal Victim Indemnity Fund.".

PART B—FEDERAL GRANT PROGRAM

SEC. 105. Subsection (b) of section 301 of part C of title I of the Omnibus Crime Control and Safe Streets Act of 1968, is amended by adding at the end thereof the following new paragraph:

"(10) The cost of administration and that portion of the costs of State programs, other than in the District of Columbia, to compensate victims of violent crime which are substantially comparable in coverage and limitations to part F of this title."

SEC. 106. Paragraph (a) of section 601 of part G (redesignated part K by this Act) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by striking "and" the second time it appears, striking "or" the sixth time it appears, striking the period, and inserting the following: ", or programs for the compensation of victims of violent crimes."

SEC. 107. Section 501 of part F (redesignated as part I by this Act) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, is amended by inserting "(a)" immediately after "501" and adding at the end thereof the following new subsection:

"(b) In addition to the rules, regulations, and procedures under subsection (a) of this section, the Administration shall, after consultation with the Violent Crimes Compensation Board, establish by rule or regulation criteria to be applied under paragraph (10) of subsection (b) of section 301 of this title. In addition to other matters, such criteria shall include standards for—

"(1) the persons who shall be eligible for compensation;

"(2) the categories of crimes for which compensation may be ordered;

"(3) the losses for which compensation may be ordered; and

"(4) such other terms and conditions for the payment of such compensation as the Administration deems necessary and appropriate."

PART C—MISCELLANEOUS PROVISIONS

SEC. 108. Section 569 of the Omnibus Crime Control and Safe Streets Act of 1968, as amended and as redesignated by this Act, is amended by inserting "(a)" immediately after "569" and by adding at the end thereof the following new subsection:

"(b) There is authorized to be appropriated for the fiscal year ending June 30, 1973, $5,000,000 for the purposes of part F."

SEC. 109. Until specific appropriations are made for carrying out the purposes of this Act, any appropriation made to the Department of Justice or the Law Enforcement Assistance Administration for grants, activities, or contracts shall, in the discretion of the Attorney General, be available for payments of obligations arising under this Act.

SEC. 110. If the provisions of any part of this Act are found invalid or any amendments made thereby or the application thereof to any persons or circumstances be held invalid, the provisions of the other parts and their application to other persons or circumstances shall not be affected thereby.

SEC. 111. This Act shall become effective upon the date of enactment.

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

Mr. GROSS. Mr. Speaker, reserving the right to object, I would like to inquire whether the gentleman from Wisconsin proposes to ask for a conference with the Senate.

Mr. KASTENMEIER. Mr. Speaker, if the gentleman from Iowa will yield, this is a bill which the gentleman from Iowa, I am sure, remembers, because we had a colloquy on the floor regarding it. It is a bill that costs nothing, and that was passed by the House on September 17 of this year, without a recorded vote.

Mr. GROSS. But the gentleman did not ask to go to conference. He called the bill up, disagreed to the Senate amendments, and it ended there. Does the gentleman propose to go to conference with the bill?

Mr. KASTENMEIER. If the gentleman will yield further, the answer is "No," inasmuch as the Senate will now agree to the House bill without the amendment added, we are informed.

Mr. GROSS. I thank the gentleman for his explanation.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Senate amendment was disagreed to.

CALL OF THE HOUSE

Mr. DIGGS. 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. 690]

Adams	Ford, William D.	Mitchell, Md.
Addabbo	Frelinghuysen	Moakley
Anderson, Ill.	Fuqua	Moorhead, Pa.
Andrews, N.C.	Gilman	Murphy, Ill.
Aspin	Goldwater	O'Brien
Badillo	Grasso	Patman
Beard	Green, Oreg.	Pepper
Biaggi	Griffiths	Peyser
Blackburn	Grover	Podell
Blatnik	Gubser	Powell, Ohio
Boggs	Gunter	Railsback
Boland	Hanrahan	Rees
Bolling	Harrington	Reid
Brasco	Harsha	Rinaldo
Breckinridge	Harvey	Robison, N.Y.
Broomfield	Hébert	Rodino
Burke, Calif.	Heckler, Mass.	Roe
Burke, Fla.	Helstoski	Roncallo, N.Y.
Burton	Henderson	Rooney, N.Y.
Butler	Hillis	Rousselot
Carey, N.Y.	Hogan	Ruth
Chappell	Holifield	Ryan
Chisholm	Holtzman	St Germain
Clark	Hudnut	Sandman
Clausen, Don H.	Hunt	Sarasin
Clay	Keating	Staggers
Cleveland	Kluczynski	Stanton, James V.
Cochran	Kuykendall	Steele
Conyers	Kyros	Steiger, Ariz.
Cotter	Landrum	Stokes
Cronin	Lent	Talcott
Daniels, Dominick V.	McDade, McKinney	Taylor, Mo. Treen
Delaney	Madden	Vander Jagt
Dent	Mailliard	Veysey
Dickinson	Maraziti	Walsh
Donohue	Martin, Nebr.	Whitehurst
Downing	Martin, N.C.	Widnall
Dulski	Matsunaga	Wolff
Eckhardt	Metcalfe	Wright
Edwards, Ala.	Mills, Ark.	Wyatt
Eshleman	Minish	Wydler
Evans, Colo.	Mink	Young, Alaska

The SPEAKER. On this rollcall 304 Members have recorded their presence by electronic device, a quorum.

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

TRUTH IN GIVING

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

Mr. VAN DEERLIN. Mr. Speaker, charitable solicitations are big business in this country. Estimates vary widely, but it is generally conceded they raise at least $8 billion a year and perhaps closer to $30 billion.

Much of this money never reaches the intended beneficiaries.

Instead, it is skimmed off to meet various overhead costs, sometimes including commissions for the services of professional fund raisers.

Unfortunately, the would-be contributor now usually has no way of knowing where his donated dollar would go, how it would be divided. He does not know whether the campaign he is asked to support was initiated by a worthy cause or by some outside promoter in it for what he can get. Today I am offering a bill intended to shed some light in this area.

Of course, no one wants to harm the legitimate charities, and my bill would not do that.

It is the fly-by-night operators who are bilking the public and getting away with it because there is nothing in existing law to stop them.

A case in point is the American Kidney Fund which in 1972 raised $799,434 but spent less than $39,000 of that—a meager 4.9 percent—on patient care. The balance of $760,000 went for administrative and fundraising expenses, including $604,000 for a direct mail campaign.

It is doubtful the people who gave to this drive had any idea how small a proportion of their contributions was getting through to the individuals who were supposed to be helped.

Shoddy operations drain money away from legitimate charities. The American Kidney Fund, in fact, was in direct competition with a well-regarded organization, the National Kidney Foundation, which pays out only about 20 percent of its receipts for overhead.

The purpose of the truth-in-giving bill which I am now introducing, Mr. Speaker, is to protect bona fide charities from unfair competition as much as it is to penalize unscrupulous operators.

This bill has been a long time in the works. It has gone through seven separate drafts, with the hope of evolving a final product that is fair as well as effective. For the past 11 months, I have been assisted by a special advisory committee composed of representatives of some of our leading charities.

In order to get a bill that satisfies the twin requirements of cracking down on the unethical firms while sparing the others from undue harm we have had to make some compromises.

We have attempted to limit the application of our proposal to solicitations by mail.

We have exempted churches, schools and some of their support organizations.

We have turned to the Internal Revenue Service for guidance as to what constitutes a bona fide charity.

The bill would do the following things:

It would require charities that solicit through the mails to furnish on request financial statements and breakdowns of how contributions are disbursed. In most cases the information would have to be provided within 30 days after the request was received.

The bill also would require most but not all fundraisers to include in their solicitation letters a statement about the availability of the financial records. Charitable organizations which the IRS has determined already enjoy broad-based support would not have to comply with this stipulation, since it would seem to serve little useful purpose if applied to them.

It is unlikely, of course, that many individuals would go through the bother of sending a stamped, self-addressed envelope, as provided by the bill, in order to get some financial data.

The real value will come from the assistance given postal fraud inspectors, consumer protection agencies and other organizations with a need to know how the professional fundraisers function. When questioned, a dubious operator would no longer be able to simply duck the issue.

It is my hope that the Committee on Interstate and Foreign Commerce will see fit to act on this legislation early in the next session.

CONFERENCE REPORT ON S. 1435, DISTRICT OF COLUMBIA SELF-GOVERNMENT AND GOVERNMENT REORGANIZATION ACT

Mr. DIGGS. Mr. Speaker, I call up the conference report on the bill (S. 1435) to provide an elected Mayor and City Council for the District of Columbia, and for other purposes, 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 Michigan?

POINT OF ORDER

Mr. LANDGREBE. Mr. Speaker, I raise a point of order against this conference report.

The SPEAKER. The gentleman will state his point of order.

Mr. LANDGREBE. Mr. Speaker, I wish to raise one point of order concerning section 738 of the conference report No. 93–703, the advisory neighborhood council, for the reason that it fails to provide as the conferees stated and intended during the conference held on this legislation.

The SPEAKER. Does the gentleman from Michigan desire to be heard on the point of order?

Mr. DIGGS. Mr. Speaker, I yield to the gentleman from Minnesota (Mr. FRASER).

Mr. FRASER. Mr. Speaker, as I understand it, the point of order is that the conference report is not identical to the language of the bill as it was passed by the House.

Is that the gentleman's point of order?

Mr. LANDGREBE. Mr. Speaker, I will

be glad to restate my point of order, if the gentleman so desires.

The SPEAKER. The gentleman will restate his point of order.

Mr. LANDGREBE. Mr. Speaker, I want to make a point of order concerning section 738 of conference report No. 93–703, "Advisory Neighborhood Councils" for the reason that it fails to provide as the conferees stated and intended during the conference held on this legislation.

In conference, the requirement was Neighborhood Councils must first be approved by the electors in the same public referendum required for the approval of the charter. Nowhere in section 738 does that requirement appear.

If the legislation were approved, the councils would be created by operation of law, not by the affirmation of the electors as provided for by the conferees. This section is contrary to the intent of the conferees and this report must not be considered.

Mr. Speaker, I will ask, is that clear to the gentleman?

Mr. FRASER. Mr. Speaker, may I just make the observation that while it is true that a clause was not in the conference report, as many of us had intended, in fact, the conference report is signed, it has been filed, and it has been printed. It stands upon its own merits, and the absence of that language is in no sense fatal or even serious with respect to the operation of the bill.

Moreover, that, along with certain other technical errors which occurred in this very complex and lengthy document, will be cured with the consent of the Chamber via a subsequent concurrent resolution that will be offered.

But in any event, the conference report was signed by the conferees, it stands on its own and it speaks for itself, and I cannot believe there is any point of order that should be raised on the claim that something is not in it that is supposed to be in it.

Mr. BROYHILL of Virginia. Mr. Speaker, will the gentleman yield for a parliamentary inquiry?

Mr. DIGGS. I yield to the gentleman from Virginia.

PARLIAMENTARY INQUIRY

Mr. BROYHILL of Virginia. Mr. Speaker, in the event the point of order is overruled, is there any way for the House at this time to insert the language into the bill and into the conference report, the language which was fully intended by the conferees to be included in the bill?

Obviously, it was a technical mistake, an error in printing, that it was not inserted in the conference report to start with.

The SPEAKER. In response to the inquiry made by the gentleman from Virginia, the Chair will state that the House could by a concurrent resolution direct the Secretary of the Senate to include the language before the bill is finally enrolled.

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

Mr. DIGGS. I yield to the gentleman from Minnesota.

Mr. NELSEN. Mr. Speaker, I just want to make the point that the referendum dealing with the Neighborhood Councils was in the bill, agreed upon by the conference of both sides, and inadvertently it was not included in the language. I think we all admit that this is true.

It would seem to me that it should be the wish of all of us to correct that oversight at some time, and at what point it may be, I do not know. But I do feel we should correct what was the intention of the conference committee.

Mr. FRASER. Mr. Speaker, if the gentleman will yield, I agree with the gentleman from Minnesota. We should correct it, but I do not think the point of order lies at this stage.

The SPEAKER. Does the gentleman from Indiana (Mr. LANDGREBE) wish to be heard further on his point of order?

Mr. LANDGREBE. Mr. Speaker, I hesitate to belabor this point and delay the process of this House, but this is a very important point. There has been talk here about some compromise, but, Mr. Speaker, this is a very critical point. This is not the omission of a dot or a comma.

This is a very important part of the bill. What I am trying to get is an action on this floor that this correction has been made and not just to pass it over as something very insignificant. It is a very important part of the bill, and the conferees admit it.

The SPEAKER. The Chair is prepared to rule. The gentleman from Indiana makes a point of order that the conference report violates the rules and precedents of the House. Since the conference report on the bill S. 1435 was filed on December 6, 1973, the Chair has carefully scrutinized the agreements that were reached in conference to be sure that the managers have not violated the rules of the House with respect to conference reports. Obviously where, as here, there is a Senate bill and a House amendment in the nature of a substitute therefor and both are extensive and comprehensive legislative proposals the task of writing a conference compromise is a difficult and painstaking task.

Several of the managers on the part of the House conferred with the Chair during the conference deliberations and stressed to the Chair that at every stage of their negotiations particular attention was being given to the rules governing conference procedure and the authority of the conferees.

Whenever a possible compromise infringed or even raised a question of the infringement of the rules of the House the Chair was informed that the managers on the part of the House resolved that matter so there was no conflict with the provisions of rule XXVIII, clause 3.

The gentleman from Indiana has made the further point of order that the conference report is not properly before the House because a subsection of the report, allegedly agreed to in conference is not contained in the report submitted to the two Houses.

The Chair, of course, has no knowledge of how this agreement was reached. The only information the Chair has on what was agreed to in conference is derived from the conference report. The Chair does note that the subsection allegedly omitted was not contained in the Senate bill and thus the managers had the authority, under clause 3, rule XXVIII to eliminate that provision if they so desired.

Volume 5 of Hinds' precedents section 6497, states that "A conference report is received if signed by a majority of the managers of each House." The Chair has examined the report and the papers and finds that it is signed by 6 of the 10 managers on the part of the House and by all 7 managers on the part of the Senate. The Chair can only observe that the report is here in a legal manner.

The Chair therefore overrules the point of order.

POINT OF ORDER

Mr. LANDGREBE. Mr. Speaker, I have another point of order I would like to make at this time.

The SPEAKER. The gentleman will state it.

Mr. LANDGREBE. I raise a point of order against the conference report in reporting section 502—Authorization of Appropriations.

The conferees have clearly exceeded any authority in projecting a Federal payment of $300 million for fiscal year 1978.

The original Senate version of the bill called for a percentage of general fund revenues as the Federal payment. That percentage was 40 percent by fiscal year 1978.

The House version called for a lump-sum payment not to exceed $250 million.

The limits of disagreement are either a lump sum of $250 million or a percentage—40 percent—of whatever the general fund revenues are, not will be, in 1978. The conferees could have chosen either method. Instead, they chose to mix apples and oranges and come up with an authorization which not only exceeds the amounts stated in either version of the bill, but is an amount which greatly exceeds any figure, any statistic or any information presented for either committee's consideration.

Mr. Speaker, I could read on. I have about 2 hours of language here. But I think my point is clear, and I would ask for a ruling at this time.

The SPEAKER. Does the gentleman from Michigan desire to be heard on the point of order?

Mr. DIGGS. I do, Mr. Speaker.

Mr. Speaker, the amounts in the conference report reflect the compromise between the House bill, as authorized and the amounts that would have been generated under the Senate provisions as estimated by the Executive Office of the Budget, and these amounts are not based on any subsequent authority which the Mayor and Council might need to raise revenue, but rather are firmly grounded in the basic revenue authority which is in the report.

I have taken the opportunity, Mr. Speaker, of conferring on this matter at every juncture with the distinguished and able gentleman from Kentucky, the Chairman of the Committee on Appropriations House Subcommittee on the Dis-

trict of Columbia, Mr. NATCHER, and these amounts reflect a reasonable estimate of the cost to the District in the coming years brought on by its role as the Capital of the Nation.

For that reason, Mr. Speaker, I think that the point of order raised by the gentleman from Indiana (Mr. LANDGREBE) should not be sustained.

The SPEAKER. The Chair is ready to rule.

The gentleman from Indiana makes the point of order that the conferees have exceeded their authority under clause 3, rule XXVIII by including in section 502 of the conference report an authorization above the amounts contained in either the Senate bill or in the House amendment in the nature of a substitute. The Senate bill in section 201, provided that the authorization for the Federal payment for fiscal 1975 and each year thereafter shall be an amount equal to 40 per centum of such fees charges receipts and revenues so estimated for such fiscal year. The House amendment, in section 502, provided for an annual authorization of $250,000,000 for fiscal 1975 and each year thereafter. During their deliberations, the conferees were provided by the District of Columbia government an estimate of general fund revenues for fiscal years 1975 through 1978. The Chair is advised that the Commissioner of the District of Columbia sent a letter to the chairman of the Committee on the District of Columbia Committee which incorporated by reference that revenue estimate which has been provided the conferees and which ratified that estimate, based either upon projected revenues to be derived from the taxing authority conferred upon the city council in the pending conference report or, in the alternative upon revenue raising authority in existing law. Based upon calculations of 40 percent of those estimated revenues the conferees have recommended authorization figures for fiscal years 1975 through 1978 which though higher than the authorizations for fiscal 1976, 1977, and 1978 in the House amendment are lower than the 40 percent of estimated revenue figures for those years submitted by the District of Columbia government to the conferees during their deliberations.

In the opinion of the Chair, the House conferees have remained within their scope of authority under clause 3, rule XXVIII and the point of order is overruled.

Are there further points of order? If not, is there objection to the request of the gentleman from Michigan?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of December 6, 1973.)

Mr. DIGGS (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 Michigan?

There was no objection.

The SPEAKER. The gentleman from Michigan (Mr. DIGGS) is recognized for 30 minutes, and the gentleman from Minnesota (Mr. NELSEN) is recognized for 30 minutes.

Mr. DIGGS. Mr. Speaker, during my 19 years as a Member of the House this has been my first opportunity to participate in a conference as well as, obviously, my first opportunity to participate as chairman of such a conference. As a result of this experience, I now have gained an extra measure of appreciation and understanding of the work of a conference committee and of those who have been sharing the responsibility for this matter over the years.

I call particular attention, Mr. Speaker, to the conferees themselves, because I think that we are dealing here with a report which reflects a truly national consensus. When we talk about self-determination for the District of Columbia we are not only talking about a matter of local interest, but because of the unique role of this capital community, it is of concern to each one of the Members of the 435 districts across this country.

When we look at the list of conferees and measure it in terms of geography or ideology, or party affiliation, besides myself, the gentleman from Minnesota (Mr. FRASER), the gentleman from California (Mr. REES), the gentleman from Washington (Mr. ADAMS), the gentleman from South Carolina (Mr. MANN), the gentleman from Kentucky (Mr. BRECKINRIDGE), we see a balance that speaks for itself.

Then when we apply the same measurement to the conferees from the other body, in addition to the chairman of the committee, the gentleman from Missouri (Senator EAGLETON); the gentleman from Hawaii (Senator INOUYE), a former House Member; the gentleman from Illinois (Senator STEVENSON); the gentleman from California (Senator TUNNEY), also a former House Member; the gentleman from Maryland (Senator MATHIAS), the ranking Republican Senate conferee who represents two of the contiguous counties to the District; the former Republican Governor of Oklahom, Dewey Bartlett; and the gentleman from New Mexico, a former mayor-commissioner of Albuquerque (Senator PETE DOMENICI); when we look at the conference report from that standpoint, Mr. Speaker, we see a product well balanced in the deliberative processes of the Congress.

We went, Mr. Speaker, into this conference with some 45 principal points of difference to be resolved, and this proceeding was stretched out over a period of almost 4 weeks, in which not only the conferees to whom I have referred to participated, but the House minority party conferees also had ample opportunity to have their views evaluated.

I think we should also note, Mr. Speaker, that this product represents the preponderance of the House position. This conference report is faithful to the House version of the bill. This is contrary to the expectations and speculation of some people who anticipated that the proponent conferees were too dominant to produce a balanced product.

The single most important difference contained in this conference report as far as the final House version is concerned is the matter of partisan elections.

But I look upon criticisms of partisan elections as really being an attack upon the institution of partisanship. We have had, in my view, enough of that kind of criticism this year. In essence to say that partisan elections are tainted in some fashion, in my view reinforces the erroneous belief in some quarters that there is something tainted about partisan elections, that inherently it produces some kind of corruption or undue influence. We need to defend the institution of partisanship in this regard. We have also built into the partisan provision a protection of minority interests, that no party can nominate more than three of their at-large members of the city council.

In the give and take of this conference report also, Mr. Speaker, we note that some of the strongest feelings on the part of some of us have been set aside. For example, on congressional veto, the Senate was very strong on that and as a matter of fact I think I learned for the first time the real reason the Senate has been able to pass home rule in the past so expeditiously is because it was just felt in the other body that as long as there is a veto apparatus, as long as there is a congressional process to correct what they might consider to be a misaction on the part of a local legislative body, then they were inclined to be generous about it. So the veto was retained in the bill despite some misgivings about it from the self-determination purists among us in this body and beyond.

Second, the Federal enclave was maintained, and although the House was almost evenly divided on that issue and the Senate was opposed to it, we did consider it seriously.

Additionally, we did something which is not unprecedented but which is very rare indeed, namely, at my request the conferees agreed to have the distinguished gentlewoman from Oregon, the author of that particular provision, come into the conference to make a statement and answer any questions.

It is my feeling in the final analysis that even though it might be surplusage in the minds of some people, what we have basically here is a problem involving confidence between the Congress and the Federal establishment and the local community. If during this transition period well-meaning Members feel more comfortable or secure in the knowledge that the Federal establishment is still under the Federal jurisdiction, that it is not subject to some capricious action on the part of some locally elected official that might affect the services within the establishment, then in my view the enclave concept is worth preserving in the conference report, and this is the rationale that I personally followed in support of it.

For those who might still have reservations about the Hatch Act, let me point out that the District of Columbia is in many respects really more like a State than a new municipality in its functions and its responsibilities, and every single State in this Nation elects its officials on a partisan basis.

I think there is another quite important point here, namely, that out of all the differences between the two bodies during our conference, this partisan elec-

tion, was the most significant one which was insisted upon by the Members of the other body. Seasoned Members who are here will recognize there have to be some victories on both sides. In that context and for other reasons, I think that concession was fair and equitable.

I think also that one must recognize that all the protections in the current Hatch Act are continued, which should minimize abuses that one might have reason to anticipate.

In connection with the judiciary, Mr. Speaker, and Presidential appointment of judges, some feel very strongly that local judges should be appointed by local authorities consistent with self-determination; but we stuck by the House sentiment on this. We stuck by BILL HARSHA and left the appointment where it was, while at the same time taking what we considered to be a step forward in a national trend, namely, the establishment of the merit process in the selection of judges. So in the establishment of the Judicial Nominating Commission, that provision is retained where the President makes a selection from three nominees that are submitted to him.

So, Mr. Speaker, when we examine the conference report based upon those particular provisions, we have reserved the right of the Congress to legislate for the District at any time on any subject; we have retained in the Congress the authority to review and appropriate the entire District budget, set up authorized audits and so on; we have preserved the court system. We have insured that all planning by the local government may be vetoed by the Federal Planning Agency if it affects the Federal interests.

We have prohibited the local Council from among other things, enacting tax reductions and increasing height limitations on buildings and affecting the functions of property of the United States.

We have prohibited them from regulating the courts and the U.S. attorney's office and the marshal's office, and from increasing their authority over the Aqueduct, the National Guard, the Zoological Park, or over any Federal agency.

We have continued the President's right of control over the local police in emergency situations, which is in addition to his other powers over law enforcement, civilian and military; we have provided that all charter amendments be approved by both Houses of Congress; and that there will be a 30-day layover for any act passed by the Council and a procedure which would provide for the disapproval of all Council acts.

This legislation is a reasonable and rational accommodation between the interests of all Americans in their Nation's Capital and the basic principle that government should be responsible to the governed.

At the outset, I want to again reemphasize that the conference report retains the key provisions of the House bill which accomplish the objectives expressed by the House. These include:

First, reserving the right of Congress to legislate for the District at any time on any subject;

Second, retaining in Congress the authority to review and appropriate the entire District budget;

Third, authorizing audits of the accounts and operations of the District government by the General Accounting Office;

Fourth, preserving the court system established by the Congress in the 1970 crime bill;

Fifth, insuring that all planning done by the local government may be vetoed by the Federal planning agency—NCPC—if it adversely affects the Federal interest;

Sixth, prohibiting the local Council from, among others, enacting a tax on nonresidents, increasing the height limitation on buildings, affecting the functions or property of the United States, regulating U.S. courts, U.S. attorney's office, and the U.S. marshal's office in the District of Columbia, or increasing the Council's authority over the Washington Aqueduct, the National Guard, the National Zoological Park, or any Federal agency;

Seventh, establishing a National Capital Service Area—enclave—and continuing the efficacy of the Federal and local laws within this prescribed area;

Eighth, authorizing emergency control of the police by the President;

Ninth, preserving Presidential appointment of the judges;

Tenth, providing that all charter amendments be approved by both Houses of Congress within 35 days; and

Eleventh, providing for a 30-day layover for congressional disapproval of all Council acts.

I therefore urge your favorable consideration and acceptance of this historic effort.

Because of the length of the conference report and the complex and broad-reaching nature of this legislation, I would like to take this opportunity to explain the major provisions of the conference substitute.

AGENCY TRANSFERS

The conference report adopts the House provisions transferring the following agencies to the local government.

REDEVELOPMENT LAND AGENCY (RLA)

RLA is established as an instrumentality of the District government with a board of five members appointed by the Mayor, subject to Council approval. While the transfer of the agency takes effect on July 1, 1974, the appointment authority shall not become effective until January 2, 1975. The conference adopted the House provisions with an amendment which would allow the newly elected Council to adopt proposals covering the disposition of complaints and claims involving RLA, the safe and sanitary condition of RLA rental property, assessment procedures, and the planning, design, and construction of public facilities in a redevelopment area. Of course, this provision does not limit the Council from taking any other action regarding RLA activities.

D.C. MANPOWER ADMINISTRATION

All functions of the Secretary of Labor with respect to manpower programs and the District's public employment service are transferred. The District is also made eligible to participate in Labor Department apprenticeship programs. In addition, all District employees workmen's compensation processes are transferred to the District on the date the District establishes an independent personnel system or systems.

NATIONAL CAPITAL HOUSING AUTHORITY

The NCHA is transferred to the District government and the Mayor is vested with all functions, powers and duties presently vested in the President under the Alley Dwelling Act.

PUBLIC SERVICE COMMISSION

The Commission is maintained to insure that every public utility doing business within the District is required to furnish safe, adequate, and reasonable service and facilities. The Commission shall be composed of three Commissioners appointed by the Mayor, with Council approval.

ARMORY BOARD

The composition of the Board is amended to consist of the Commanding General, D.C. Militia, and two other members appointed by the Mayor for four-year terms, subject to Council approval.

PLANNING

The Mayor is established as the central planning agency for the District, and is responsible for D.C. planning and preparation of the local elements of the Comprehensive Plan. The Mayor submits his multi-year capital improvements plan to the National Capital Planning Commission for review and comment. Neither the National Capital Planning Commission nor the Mayor has any power over the U.S. Capitol Building and grounds, or over any other buildings under the control of the Architect of the Capitol.

With respect to provisions for the District of Columbia Zoning Commission, the conference report adopts the major provisions of both the House amendment and the Senate bill, including the continuance of the five-member Zoning Commission, consisting of the Architect of the Capitol, the Director of the National Park Service, and three citizens appointed by the Mayor for four-year terms. Other provisions adopted by the conference report include a requirement that all zoning maps, regulations and amendments not be inconsistent with the comprehensive plan; a requirement for public hearings; and a requirement for a 30-day period for NCPC review and comment on proposed zoning amendments.

BOARD OF EDUCATION

The present Board of 11 members is retained with the Mayor and Council given authority to establish the maximum amount of funds appropriated to the Board, but prohibiting them from specifying the purposes for which such funds might be expended by the Board.

Since the present Board is made a part of the District Charter all changes in the structure of the Board can be made only according to the charter amending procedure.

CITY COUNCIL

The conference report provides for a council composed of 13 members, 8 elected from single member wards, 5 elected at-large, including a separate Office of Chairman, each to serve for 4-year terms

elected on a staggered basis in partisan elections. Of the 5 at-large members, not more than 3 may be nominated by any one political party. The Chairman and members must be D.C. residents for 1 year and are compensated at a rate equal to the highest level of a GS–12—$22,705—with the Chairman to receive an additional $10,000.

The conference report grants general legislative powers to the Council which shall include:

First, authority to pass acts consistent with this Act;

Second, authority to pass taxing measures;

Third, authority to reorganize, abolish or establish agencies and departments of the D.C. government; and

Fourth, authority to establish an independent personnel system or systems within 5 years.

The Council may not change the building height limitations nor legislate with respect to the Commission on Mental Health. In addition, Congress retains authority over the District of Columbia criminal laws until January 2, 1977. During this period I shall actively support the revision of the D.C. Criminal Code. After this time such authority shall be vested in the D.C. Council and any Council changes shall be subject to a veto by either House for 30 legislative days. We have also provided that any Member may bring a disapproving resolution to the floor if the District Committee fails to report such disapproving resolution over Council changes in the Criminal Code. Finally, as an additional safeguard to assure that Council actions do not conflict with the Federal interest, the President of the United States may, within 30 days, sustain the Mayor's veto over Council acts.

MAYOR

The conference report provides for the partisan election of a Mayor for a 4-year term who is required to be a D.C. resident for 1 year. The Mayor is established as the Chief Executive Officer of the District and is vested with basic executive authority including the following:

First, filing of financial reports by November 1 of each year;

Second, establishing, reorganizing, and abolishing agencies, subject to Council approval; and

Third, appointing a city Administrator.

In the event of a vacancy, the Chairman of the Council becomes Acting Mayor until a special election is held within 114 days.

Because the conference spent a lengthy period considering the most forthright procedures for holding viable elections in the District, I want to clarify that in adopting partisan elections for the Mayor and City Council the conference also adopted the House-passed provision that no person otherwise qualified to hold the office of Mayor or Member of the Council shall be disqualified from being a candidate for such office because of employment in the competitive or excepted service of the United States. This assures that the large resource of federally employed talent in this city shall be permitted to run for these positions. I hastily add, however, that this provision is terribly limited and circumscribed since it would only authorize an exemption during the specific period that an employee is a candidate. Clearly, it would not authorize U.S. employees to engage in political participation and management in support of any candidate for those local offices.

The House provision was also adopted to provide that no more than two of the three members of the Board of Elections, all of whom are appointed by the Mayor with Council consent, shall be of the same political party.

In addition, during the course of the conference, questions have been advanced regarding whether the present Office of Commssioner of the District of Columbia comes within the purview of the Hatch Act. It is my view and the view of the conferees that under section 732 (d) (4) of title 5 of the United States Code, the Hatch Act does not apply to Commissioners of the District of Columbia or their successors under Reorganization Plan No. 3 of 1967. Specifically, the Office of Commissioner of the District of Columbia would not be under the scope of the Hatch Act.

JUDICIARY

Under the conference report, Congress retains authority over the composition, structure and jurisdiction of the D.C. courts and the President continues to appoint the local judges for a 15-year term from a list of three nominees submitted to him by the newly created Judicial Nomination Commission.

The judicial nomination procedure as encompassed in the conference report reflects both the Federal interest in local judicial nominees and the need for a merit selection process for these nominees.

The purpose of the new Judicial Nomination Commission is to recommend qualified persons to the President of the United States to fill vacancies on either of the District of Columbia local courts. The composition of the Commission reflects both the need for community input and representation of the Federal interest in the consideration of nominees for judgeships. The Commission will consist of seven members to serve staggered 6-year terms. The members will be appointed as follows:

First, two will be appointed by the Board of Governors of the Unified Bar of the District of Columbia;

Second, two will be appointed by the elected Mayor, one of whom shall be a nonlawyer;

Third, one shall be appointed by the Council who shall be a nonlawyer;

Fourth, one shall be appointed by the Chief Judge of the U.S. District Court for the Dstrict of Columbia who shall be an active or retired Federal judge serving in the District; and

Fifth, one appointed by the President of the United States.

Under this procedure the President retains the appointing authority but is circumscribed in the execution of that authority in that he must appoint one of the persons the Commission recommends. In cases where the President does not select within 60 days one of the three names submitted by the Judicial Nomination Commission, the Nomination Commission shall then select one of these three names and transmit the selection to the Senate for confirmation.

The conference also adopted the House provisions establishing a District of Columbia Commission on Judicial Disabilities and Tenure. The members of that Commission will be appointed under the home rule bill in exactly the same way as the members of the Nomination Commission. The Tenure Commission has been given a new responsibility—to evaluate candidates for reappointment. Under the new system a judge who is a candidate for reappointment declares himself to be such. The Tenure Commission then evaluates his performance and rates him as either "exceptionally well-qualified," "well-qualified," "qualified," or "not qualified." The evaluation is then submitted to the appointing authority. The Tenure Commission was selected for this evaluation task because it is this Commission which will deal with the day-to-day complaints about particular judges. If a judge is deemed to be exceptionally well-qualified or well-qualified, the Commission of the sitting judge is automatically extended for another 15-year term. If the judge is deemed to be qualified, the appointing authority may reappoint him with the advice and consent of the Senate. If the judge is deemed to be not qualified, he may not be reappointed.

This special procedure for renomination of judges was added to provide security of tenure for potential candidates for the bench. This reappointment procedure assures that those attorneys who do decide to leave the private practice for the bench will do so with the knowledge that they may continue in that service and not be excluded from reappointment for reasons that do not reflect upon their judicial temperament and qualifications.

D.C. BUDGET AND APPROPRIATIONS

The conference report retains a sound financial management system for all the District of Columbia government operations as provided in the House-passed bill. Most importantly, the conference report preserves Congress complete role in the review and appropriation of the entire District budget, and mandates improvements in the budget's formulation, approval and execution.

First, the report retains a comprehensive program budget system for both operating and capital outlay activities of the new city government. The Mayor is responsible for the preparation and submission to the Council of a balanced budget consisting of seven documents, including a detailed budget, multi-year plans, program performance reports, and issue analyses.

Taken together, these documents and the planning required to produce them will provide the District of Columbia, the President, and the Congress with an excellent budgeting system which identifies both broad program analysis and detailed line-item expenditures. A sound budgeting system cannot, of course, guarantee good decisions. But a sound system, especially one which provides for full public disclosure of information, increases substantially the probability of good decisions.

The report also retains very definite

standards to assure soundness of the budget execution process, including requiring the Mayor to maintain consistency between the budget, accounting and personnel systems. Employees can only be hired according to allotments in balanced budgets approved by the Council.

Legal and proper expenditure of all District funds is also safeguarded through three separate audits in the House-passed version and retained in conference.

First, there is an internal audit of all accounts, operations and agency records conducted by the Mayor's office;

Second, there is created an Office of the District of Columbia Auditor, selected and approved by the Council, which conducts on an ongoing basis a thorough review of all the city's accounts and operations;

Third, there is authorized an independent annual audit by the General Accounting Office to determine if programs are being conducted in an efficient and effective manner and in line with the purposes for which the moneys, including the Federal payment, were appropriated.

It is the intent that to the extent possible, such GAO audits of selected operations shall be conducted on an annual basis, and that the Comptroller General shall continue the existing practice of keeping all the District government activities under continual audit review.

FEDERAL PAYMENT

The conference report retains complete congressional approval over the Federal payment with a thorough annual review and recommendation by the President, the Office of Management and Budget, and the House and Senate Appropriations Committees, and Congress in accord with the Budget and Accounting Act.

The House provisions for determining an adequate, equitable Federal payment level by weighing the costs and benefits to the District of being the Nation's Capital, was also retained in conference. I want to stress that there is nothing automatic about the Federal payment contained in this bill.

The conference substitute authorizes the Federal payment at the following levels: $230 million in fiscal year 1975, $254 million in 1976, $280 million in 1977, and $300 million in 1978 and each year thereafter. These amounts reflect a compromise between the House bill authorized amount and the amount that would have been generated under the Senate provisions.

DISTRICT'S BORROWING AUTHORITY

The conference report retains provisions authorizing the District to borrow on a long-term basis to pay for congressionally approved capital projects, to meet cash-flow emergencies, and to issue revenue bonds for projects which would be self-financing. There are five points I believe essential to sound borrowing legislation which are preserved in the conference report.

First, no municipality should be allowed to accrue debts beyond its capability to repay these debts. The substitute retains a strict but workable limit on the District's borrowings, requiring that the principal and interest to be paid out in any one year on all outstanding bonds plus those bonds proposed to be issued cannot exceed 14 percent of the estimated current year revenues of the city.

Second, procedures should be established to assure that a city can repay those bonds which it is legally permitted to issue. The conference report guarantees such repayment by pledging full faith and credit of the District to pay off the bonds and notes. The District is authorized when necessary to levy a special tax which, together with other District revenues available for this purpose is sufficient to retire the bonds as they come due. These moneys are set aside in a separate fund audited by GAO. As a final safeguard, if the sinking fund is insufficient, the annual Federal payment to the District must first be used to make up the deficit. I want to point out that nothing in the borrowing provisions or in any part of the conference report eliminates the city's responsibility to repay all outstanding loans from the U.S. Treasury.

Third, an optional referendum by the voters of the city on the issuance of such bonds is provided.

Fourth, bonds should be issued at a reasonable cost to the taxpayers, and should not have to be sold at unduly high interest rates. We have assured that District bonds, like bonds of other municipalities are exempt for Federal and District of Columbia tax purposes. The tax status of municipal bonds greatly affect both their stability and long-term costs.

Finally, capital improvements projects which can be self-financing, should not be financed by bonds paid from general tax revenues. To avoid this, the conference adopted the House provision authorizing the District to issue revenue bonds to finance construction and rehabilitation in the areas of housing, healthy, education, recreation, commercial, and industrial development. These bonds are self-financing, that is the revenues from the buildings and activities so financed are sufficient to pay the costs of the borrowings and do not constitute a debt of the city.

ADVISORY NEIGHBORHOOD COUNCILS

The conference report provides that a public referendum shall be held at the time of the charter referendum to determine if procedures should be established to set up Advisory Neighborhood Councils. If the referendum measure is adopted, the Council is required to divide the District into areas for Neighborhood Councils, to advise the Council on planning, streets, recreation, social services, health, safety, sanitation, and review zoning changes and licenses.

NATIONAL CAPITAL SERVICE AREA

The conference report adopts the House provision with amendments to insure, among others, that all Federal and District laws applicable to the area would continue in force and effect and that such laws are amendable by the appropriate authorities. We have also provided that citizens who live in the area can continue to vote in the local elections. Additionally, the report makes certain that all private property and District government buidlings and parking lots are excluded from the service area.

I want to stress that the new Service Director's duties are designed to supplement and not supplant existing structures and officials.

It is our view that he would act to supply services only in those cases where existing police, fire, sanitation and street maintenance services are inadequate in the service area.

CONCLUSION

For nearly 100 years, the residents of the District of Columbia have been denied the privilege and responsibility of electing their local officials to decide those matters purely local in nature. Upon favorable consideration by this House of Conference Report 93–703, the citizens of this city will be one step closer to this long-sought opportunity.

Mr. Speaker, when we went into that conference, we indicated to the conferees of the other body that if there was any nonnegotiable provision in this act, it was relative to the role of the Appropriations Committee of the Congress with respect to the Federal budget.

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

Mr. DIGGS. Mr. Speaker, I yield to the gentleman from Kentucky.

Mr. NATCHER. Mr. Speaker, I rise in support of the conference report on the bill S. 1435. As you know, this is the District of Columbia Self-Government and Government Reorganization Act.

I want to commend the distinguished gentleman from Michigan (Mr. DIGGS) and the Members of his committee for their accomplishments in passing this act through the House and faithfully carrying out their responsibilities to see that the House passed provisions prevailed in every instance possible in the conference. It was a distinct privilege for me to join with Mr. DIGGS and the members of his committee in urging acceptance of this bill at the time it was presented to the House. At this time, I also would like to commend the distinguished gentleman from Washington, (Mr. ADAMS) the chairman of the subcommittee that spent many hours in preparing the bill and in holding hearings on this legislation.

As you will recall, Mr. Speaker, at the time this bill was presented to the House, I stated that in order to comply with the provision of the Constitution's delegation of home rule to the residents of the District, must be given with the express reservation that the Congress may, at any time, revoke or modify the delegation in whole or in part and further that the Congress must take such action as in its wisdom it deems desirable with respect to any municipal action taken by the people or the Government of the District of Columbia. I further stated that Congress must retain full residual and ultimate legislative jurisdiction over the District in conformity with the constitutional mandate. In addition, Congress must, under the constitutional provision, retain the right to review and to appropriate the entire District budget approving of the necessary Federal payment and passing upon all reprogramming requests.

Mr. DIGGS and his committee have car-

ried out the constitutional mandate in its entirety. Some Members in the House and some of the residents of the District of Columbia believed that Mr. DIGGS and his committee should go further, but the bill as presented clearly shows that the District of Columbia Committee in the House would not violate the constitutional mandate. This was an excellent job, Mr. Speaker and again, I want you to know that it was a pleasure for me to join with the members of the District of Columbia in the passage of this legislation.

As Members of Congress, we have no right to ignore the provision of the Constitution concerning the District of Columbia and assuming that the committee proceeded beyond this bill with powers and duties granted which are in conflict with the provision of the Constitution, then, of course, upon the filing of a suit the provisions exceeding the constitutional mandate would, of course, be held unconstitutional. There is only one way to exceed the constitutional mandate and that is after a constitutional amendment is adopted by the Congress and presented to the States for ratification. Any future bills which grant additional rights and responsibilities to the people of the District in dealing with the municipal problems must protect the Federal interest and preserve the constitutional authority of the Congress over the Nation's Capital.

Mr. Speaker, as I have stated before, I may know as much about the operation of the District government as any Member of Congress. I have served on the Committee on Appropriations for 19 years and during this period of time have served on three subcommittees on the Committee on Appropriations with one of the subcommittees being the subcommittee on the District of Columbia budget.

I am chairman of the District of Columbia budget subcommittee of the Committee on Appropriations and have served in this capacity since 1961. I have never voted against any legislation which complies with the constitutional provision concerning the operation of the District of Columbia.

Our Nation's Capital, like a great many other large cities in this country, is faced with major problems which became more serious each year. Welfare, crime, education, and health are some of the major problems confronting our Nation's Capital. As chairman of the District of Columbia Budget Subcommittee, I have made every effort to see that adequate funds were appropriated each year for the operation of our Nation's Capital. As you have hard me say before, the year I was elected to the Committee on Appropriations and placed on the Subcommittee of the District of Columbia Budget, the total budget for our Nation's Capital was $139,578,760. The Federal payment was $20,000,000. The budget for fiscal year 1974 under which the District of Columbia is now operating approves the expenditure of a total of $1,199,498,000. This includes a Federal payment of $187,450,000. In 1961 when I became chairman of the subcommittee, the District of Columbia budget totaled $223,086,004. The Federal payment was $25,000,000.

Mr. Speaker, certainly we should continue our efforts to see that adequate funds are appropriated for the public school system here in our Nation's Capital. Our children must be taught to read and write and to obtain a good education. We now how a pupil-teacher ratio in our elementary schools of 25.2 which is one of the best in the country. Our total per capita expenditure for education in our Nation's Capital for fiscal year 1974 is $1,358. This is one of the highest in the Nation. Since 1961, we have constructed 3,228 new classrooms at a total cost of $303,337,463. The total number of projects is 118 and the number of projects along with the number of classrooms and the total amount expended is one of the highest in our country. For public schools, we will have a total for fiscal year 1974 of $165,896,300. In addition to this amount, the public school system will receive $28,561,600 in Federal grants.

For human resources, we recommended and Congress approved a total of $218,443,000 for fiscal year 1974.

For public assistance, we recommended and Congress approved total expenditures of $99,067,500. The local amount totals $52,373,200 and the Federal expenditure is $46,695,300. We now have 118,000 people on public assistance and it is estimated that during the present fiscal year of 1974, this total will go to 120,000 people.

For some 6 years as chairman of the subcommittee on the District of Columbia Budget, I have maintained that investigators were necessary in the welfare department, operating at reasonable hours to see that ineligibles were removed from the welfare roles. Back during the days when Miss Thompson was director, I maintained, Mr. Speaker, that if the ineligibles were removed, several million dollars would be saved each year. The hearings each year disclose the testimony concerning this matter and it is a serious problem here in our District of Columbia. Certainly, hungry people must be cared for and those in need must be assisted. At the same time, ineligibles and those who constantly present fraudulent claims for assistance must be removed. Mr. Yeldell is making every effort to comply with the requests that we have made on our subcommittee all down through the years and if he receives the necessary assistance from the District Building, I believe that all of the ineligibles will be removed.

Our Nation's Capital is the most beautiful city in the world and this year some 20,000,000 visitors will come to visit with us. Certainly, every effort should be made to see that these people have an opportunity to visit the many different buildings and monuments without fear of being robbed or molested. Chief Wilson is making every effort to see that this takes place.

Mr. Speaker, in going back again for just a moment to the conference report, I would like to call attention to the Members that Mr. DIGGS and his committee have carried out the wishes of the Congress and the conference report accomplishes the following 12 objectives:

First, reserves the right of Congress to legislate for the District at any time on any subject;

Second, retains in Congress the authority to review and appropriate the entire District budget;

Third, authorizes audits of the accounts and operations of the District government by the General Accounting Office;

Fourth, preserves the court system established by the Congress in the 1970 crime bill;

Fifth, insures that all planning done by the local government may be vetoed by the Federal planning agency—NCPC—if it adversely affects the Federal interest;

Sixth, prohibits the local Council from among others, modifying the District of Columbia Criminal Code until the Law Revision Commission reports in 1977, enacting a tax on nonresidents, increasing the height limitation on buildings, affecting the functions or property of the United States, regulating U.S. courts, U.S. attorney's office and the U.S. marshal's office in the District of Columbia, or increasing the Council's authority over the Washington Aqueduct, the National Guard, the National Zoological Park, or any Federal agency;

Seventh, establishes a National Capital Service Area to further guarantee our control over principal Federal properties;

Eighth, authorizes emergency control of the police by the President;

Ninth, preserves the Presidential appointment of the judges;

Tenth, provides that all charter amendments be approved by both Houses of Congress within 35 days;

Eleventh, provides for a 30-day layover for congressional disapproval of all Council acts; and

Twelfth, retains the governmental reorganization as proposed by the Nelsen Commission.

Mr. Speaker, I support the conference report for the bill S. 1435 and sincerely hope that all of the Members will support this conference report.

Mr. GROSS. Mr. Speaker, will the gentleman yield for a question?

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

Mr. GROSS. Mr. Speaker, is there a provision in this conference report providing for a delegate to the District of Columbia from the Senate?

Mr. DIGGS. No, there is not. It is not a part of the conference report.

Mr. GROSS. That was conveniently dropped in conference, is that correct; the amendment to provide for a delegate?

Mr. DIGGS. The amendment failed to be sustained.

Mr. GROSS. The Members of the other body did not care to be represented?

Mr. DIGGS. Well, I do not see a statement on their part specifically directed to that particular provision, but the results speak for themselves.

Mr. GROSS. May I say to the gentleman that neither do I see any statement in the conference report to that effect.

Mrs. GREEN of Oregon. Mr. Speaker, will the gentleman yield?

Mr. DIGGS. I yield to the gentlewoman from Oregon.

Mrs. GREEN of Oregon. Mr. Speaker, I thank the gentleman very much.

Mr. Speaker, I want to join in commending the gentleman from Michigan for a very, very fine job. He has been eminently fair.

Certainly our association with him in recent weeks has proven that he is a man of his word, and certainly in the conference committee and before that, he did everything in his power to bring out a bill which would be acceptable to the House.

I wish also to pay my respects to the gentleman from Minnesota (Mr. ANCHER NELSEN).

If the gentleman will yield further to me, I wish to say that I think if it had not been for the excellent work that the gentleman from Minnesota (Mr. NELSEN) has done, along with the gentleman from Michigan, there simply would not be a bill at this time.

Both of them sincerely and honestly are interested in the District of Columbia, and I want to express my personal thanks for inviting me into that conference. That was a new experience, as I have said before.

Mr. Speaker, there is one question I would like to ask, and that is in reference to the partisan elections. I noticed that the gentleman said, with regard to the partisan elections, that there should not be an attack upon the partisan procedures we have. In my city, as the gentleman knows, we have no partisan elections, and I sought that. I realize it is a matter of give and take in the conference.

Mr. Speaker, my inquiry now, if the gentleman from Michigan would respond, is if, in view of the decision made by the Chairman of the Civil Service Commission, that would prevent the Mayor and the members of the City Council from running for these offices because they are partisans, and it is my understanding that at a later time, or maybe the Senate has already acted on this, we will amend the Hatch Act to allow the Mayor and the members of the City Council to run, even though they are Federal employees.

Mr. DIGGS. Mr. Speaker, I will say to the gentlewoman that I welcome an opportunity to respond to that question.

We do expect to consider this matter this week. I am working on it now, along with the distinguished ranking minority member of the committee.

As the gentlewoman knows, there were two different bills, one partisan and one nonpartisan, and the House bill or our version has a provision that would allow Federal employees to be candidates for local elections.

It was our understanding that the current Mayor would not be prohibited from running by the Hatch Act, but the Civil Service Commission, as the gentlewoman indicated, has recently rendered an opinion that both the Mayor and the City Council members would have to resign in order to run for office.

We certainly do not wish to have this kind of hiatus in the Government, as I am sure no other Member of the legislative or the executive branch wishes. And so in order to prevent this, the Senate passed an amendment to House bill 6186 to exempt the Mayor and the City Council members from the proscriptions of the Hatch Act.

The fine communication so generously referred to by the gentlewoman still exists between myself the gentleman from Minnesota (Mr. ANCHER NELSEN) and there is no question in my mind that before this week is out an effective solution to this problem will be brought back to this body for disposition.

Mrs. GREEN of Oregon. Mr. Speaker, would the gentleman yield for one other question?

Mr. DIGGS. I yield to the gentlewoman from Oregon.

Mrs. GREEN of Oregon. Mr. Speaker, is it the gentleman's intention to exempt all Federal employees from the Hatch Act, or just the Mayor and the City Council?

Mr. DIGGS. Well, I think that is a matter that is to be resolved between, first of all, the gentleman from Minnesota (Mr. NELSEN) and myself.

I do see something emerging out of the informal discussions, a desire, No. 1, to make as many people eligible as possible for this first and historic election, and that would seem to suggest an exemption for both Federal and District employees.

However, on the other hand, I see emerging also some kind of time limitation on this whole proposition, a time limitation that might be tied to just this election, so that before the next election the very unique application of the Hatch Act to this community might be adjudicated in some other fashion.

Furthermore, I wish to stress that when I talk about Federal or District employees I am talking only about those who are candidates. So therefore there is a considerable limitation even in that regard.

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

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

Mr. BROYHILL of Virginia. Mr. Speaker, will the gentleman yield?

Mr. NELSEN. I yield to the gentleman from Virginia.

Mr. BROYHILL of Virginia. Mr. Speaker, I rise in opposition to the conference report.

Mr. Speaker, at the outset, I wish to emphasize the fact that I am not opposed to the principle of self-government for all American citizens, including the residents of the District of Columbia. Because of the unique role of the District as the Capital City of this Nation, however, in any action to grant home rule to this city, we, Members of the Congress, must hold paramount our responsibility to assure that the inherent interest of the Federal Government in this Nation's Capital be amply protected.

I yield to no Member of this body in my sincere desire to grant to the citizens of the District of Columbia as great a degree of self-determination and participation in their local government as is consistent with the Federal interest in this Capital City, and I submit that the record of my 21 years of service as a Member of Congress bears eloquent witness to this fact. I was one of the sponsors of the act of 1960, which gave the citizens of the District the right to vote for President and Vice President. Also, I grant strong and active support to the bill which provided for the first elected Board of Education in this city, as well as the legislation to give the District of Columbia its nonvoting Delegate to the U.S. House of Representatives. And further, on two separate occasions, I testified before the House Committee on the Judiciary urging favorable action on legislation which would have afforded the District voting representation in the Congress.

Thus, I have consistently acted to encourage greater participation on the participation on the part of the voters in the District of Columbia in the affairs of their Government—and I shall continue to support such measures, but not at the sacrifice of the interest of the 200 million American citizens to whom this city belongs.

The version of this bill which the House approved last October 10 and sent back to the Senate for their further action contained provisions which, if enacted into law, would militate seriously against the rightful Federal interest in the District of Columbia, as I pointed out at that time, even though some substantial improvements in the bill were attained by amendments on the floor. And this is the principal reason why I was obliged to vote against its final passage on that occasion. And now, the House-approved bill has been so badly eroded by actions of the conference committee, even in some of the areas where it had been improved by floor amendment, as to make it even more unacceptable in its present form.

One example of this deterioration of the bill in conference is in the area of appointment of judges to the Superior Court of the District of Columbia and the District of Columbia Court of Appeals. When the House home rule bill, H.R. 9682, was brought to the floor, it provided that such judges would be appointed by the mayor of the city, rather than by the President as has been the case since the District of Columbia was founded.

This provision, which was sharply criticized by the Federal judiciary and by the organized bar, met with strong opposition on the Floor, and the bill was amended to restore to the President the authority to appoint all district court judges, subject to approval by the Senate, from among lists of names submitted by a D.C. Judicial Nomination Commission. This nominating commission was to consist of nine members, to be appointed as follows: Two by the unified District of Columbia Bar; two by the mayor; one by the Speaker of the House; one by the President of the Senate; and three by the President of the United States.

The conference report, however, while retaining the appointment of judges by the President, has seriously weakened this provision by changing the composition of the Nominating Commission to seven members, with two to be appointed by the Board of Governors of the unified District of Columbia Bar, two by the

Mayor, one by the District of Columbia Council, one by the chief judge of the U.S. District Court for the District of Columbia, and one by the President.

Thus, whereas under the terms of the House-approved bill, five of the nine members of this Commission would have been appointed by the Federal establishment—three by the President and two by the Congress—under the conference-approved version, the Federal appointees will number only two out of a total of seven members, with one each by the President and the chief judge of the U.S. Court for the District. At the same time, the number of appointments to the Commission by the elected city government—the Mayor and the Council—will increase from two of a total of nine members to three out of a total of seven.

The significance of this change is immediately apparent, as it will serve to so reduce the President's latitude of selection of appointees to judgeships in the District's courts as to seriously impede his authority. And this situation is further worsened by the fact that the conference bill also provides that in the event the President does not nominate from the list of names sent him by the nominating commission for any judgeship vacancy within a period of 60 days, the nominating commission shall be authorized to appoint a judge to that position, subject, of course, to approval by the Senate.

This emasculation of the House-approved bill could thus well result in a situation wherein the President may be confronted with the option of either appointing a judge to the District of Columbia bench from among a list of three persons, none of whom he regards as suitable for such a position, or of having the District of Columbia government-dominated Judicial Nominating Commission name a judge of their own choosing. Thus, this action of the conference committee has completely circumvented the will and intent of the House in this vitally important area.

I wish to point out that the delegation of the power of appointment of judges to these courts in the District of Columbia to the Mayor, either by direct provision of law or by circumvention thereof, is completely unprecedented, since in no other city in the United States are judges of courts of general jurisdiction appointed by officials of the local government. The obvious reason for this is to protect such judgeships from the evils which could result from local political pressures on the judiciary.

Furthermore, this provision relating to the appointment of judges in the District of Columbia courts in this bill is very important to the Federal interest in the city, because the District of Columbia Superior Court and the District of Columbia Court of Appeals will have the same jurisdiction over violations of the law occurring in the Federal enclave, which is provided for in the bill, as they will have in the case of such violations committed elsewhere in the District of Columbia. For this reason, I regard it as imperative that the judges of these courts be appointed by the President, with approval by the Senate, with no risk whatever of local political considerations becoming involved in such appointments.

At this point, I should like to state that the House amendment to the home rule bill creating this Federal enclave, comprising the greater part of the Federal buildings in the city and no privately owned or residential properties whatever, into a National Capital Service Area, which will be controlled by the Federal Government, is the most significant and beneficial element of this proposed legislation. And I wish to express my admiration and my gratitude to our colleague from Oregon, the Honorable EDITH GREEN, for her statesmanship in promoting this concept and in getting it incorporated into the House-approved bill. Further, I wish to state that I am unalterably opposed to any action which would serve to weaken the rightful and proper authority of the Federal Government in this enclave.

Another serious problem which the conference committee has injected into this bill involves the city elections for the offices of Mayor, Chairman of the Council, and members of the Council. In the House-approved bill, these elections were to be nonpartisan, which would have permitted broad citizen participation, since employees of the Federal and District of Columbia Governments are permitted under the Hatch Act to participate fully in nonpartisan political campaigns for local office, although they cannot be candidates for election. The conference-approved bill, however, provides that these elections shall be partisan—and further provides that Federal Government employees may run as partisan candidates in these elections. This latter, of course, is nothing short of an amendment to the Hatch Act, for the special benefit of Federal employees who are residents of the District of Columbia.

Not only is this discriminatory, since Federal Government employees are not permitted this degree of partisan political activity in any other jursdiction in the United States, but it also poses a grave threat to the Federal interest, not only in the District of Columbia but throughout the entire Federal service system.

This ill-conceived provision, if enacted into law, will inevitably serve as a precedent for further erosion of the Hatch Act, which will eventually destroy the effectiveness of that act throughout the Federal Government. Partisan political presures, with all their vicious inequities, will again be applied to Federal Government personnel, and this will, of course, lead to a return to the "spoils system" in Government service, the very evil which the Hatch Act was designed to eliminate and prevent.

I feel strongly that we, in the Congress, cannot in good conscience support this provision, which seeks to accommodate the selfish wishes of certain elements in the citizenry of the District of Columbia at the expense of destroying the moral fiber and effectiveness of the entire Federal Government service.

The conference committee has wrought still further serious damage to this bill in the matter of the annual Federal payment to the District of Columbia. The authorization for this Federal payment is presently $190 million, and the House-approved version of the home rule bill would have increased this authorization to $250 million, for fiscal year 1975 and each year thereafter. The Senate-approved bill provided that the District's annual Federal payment request, which would automatically be appropriated, would be based on a formula related to the city's annual revenues. The Senate estimated that this formula would result in a Federal payment to the city of about $211 million in fiscal year 1975, and increasing to some $264 million by fiscal year 1978.

The conference report contains a provision for a Federal payment authorization of $230 million for fiscal year 1975, $254 million for fiscal year 1976, $280 million for fiscal year 1977, and $300 million for fiscal year 1978 and each year thereafter.

I take strong exception to this action of the conference committee, first on the grounds that I believe this $300 million figure to be in excess of the scope of the conference and thus properly subject to a point of order. Neither the House-approved bill nor the Senate-approved version contained an authorization or an estimate for a Federal payment as high as $300 million for fiscal year 1978, and thus it is my opinion that this figure in the conference report is improper in view of the rules of conference.

I also feel strongly that the figures in the conference-approved bill for Federal payment authorizations are exorbitant and completely unjustified at this time. In the first place, the Congress has never before established increases in the Federal payment authorization prospectively for future years, as this conference-approved bill would do. This is for the very good reason that there can be no reliable grounds for granting such increases on that basis, as far as fiscal year 1978 is concerned. I contend that there is no justification whatever for the Congress to assume a need for a $300 million authorization for a Federal payment to the District of Columbia at that time, since there simply is no valid reason for such assumption four years in advance.

Furthermore, I seriously question the justification for any increase in the present Federal payment authorization whatever at this time, in view of the establishment of the National Capital Service Area in this home rule bill. This enclave provision means that the District Government will no longer be called upon to spend any funds whatever in that very considerable Federal portion of the District of Columbia. The city will provide no police protection in the enclave except in cases of emergency, which means that the Metropolitan Police Force can be reduced somewhat in size; and the city will no longer be called upon to build or maintain any streets in that area of the city, which will result in a further considerable saving to the District.

The bill does provide that the Director of the National Capital Service Area shall utilize, to the extent practicable, District of Columbia governmental services in the area of fire protection and sanitation services. However, the Fed-

eral Government will undoubtedly pay the District government for any such services which may be utilized, just as they pay the city now for water and sewer services in all Federal Government buildings in the city. And furthermore, it must be remembered that the District will not lose 1 cent of tax revenues as a result of the creation of this Federal enclave, since there is no taxable property within its bounds.

Thus, we have the somewhat ridiculous situation of the city government facing a considerable decrease in expenditure of funds because of the creation of this Federal enclave, and at the same time being afforded a very substantial continual increase in the authorization for its anual Federal payment.

Here again, the Federal interest is definitely at stake, because these are Federal funds which are involved—revenues collected from every taxpayer in the United States—which are being so prodigally pledged to the District of Columbia government in this conference report.

This problem has been a growing source of concern to me for some time, as I have seen the demand for Federal funds by the District government mushroom year after year. In fiscal year 1973, for example, 51.7 percent of the District's total financial resources available were Federal funds, and I am confident that this figure may be expected to increase in future years.

I am quite conscious of the responsibility of the Federal Government to afford a proper share of the funding for the operation of the Nation's Capital, and for this reason I have supported every increase in the authorization for the annual Federal payment to the District of Columbia in the past 21 years. At the same time, however, I am also acutely aware of the fact that there is a limit to the ability of the Nation's taxpayers to contribute increasingly each year to the District. And for this reason, we in the Congress must look for means for every reasonable economy in this expenditure. So in this present instance, when we are proposing to decrease materially the District government's expenditures relative to the Federal presence in the Capital City, and at the same time are being asked to approve an increase of more than 50 percent in the authorization for the annual Federal payment to the city over the next 4 years, I cannot in good conscience support such a proposal.

I also see a danger, not only to the Federal interest but also to that of the suburban communities of the Washington metropolitan area—including the 10th district of Virginia, which I have the honor to represent in the Congress—in the provisions of this bill relating to the National Capital Planning Commission, which is a Federal entity responsible for planning and development for the Federal Establishment both in the District of Columbia and in the suburban jurisdictions of the metropolitan area.

At present, the NCPC consists of 12 members, 2 of whom are the District of Columbia Commissioner and Deputy Commissioner. Under the provisions of this home rule bill, however, the Commissions membership will include not only the Mayor and the chairman of the City Council, but also two other citizen members appointed by the Mayor. The other members of the NCPC will be the Secretary of the Interior, the Secretary of Defense, the Administrator of GSA, the chairmen of the House and Senate Committees on the District of Columbia or their alternates, and three citizen members appointed by the President, one of whom shall be from Virginia and one from Maryland.

Thus, the District of Columbia's representation on this vitally important Commission will be doubled, to consist of 4 out of the 12 members. This will give the District an unfair overrepresentation on the agency, whose function involves oversight over all the planning and development of the Federal Government throughout the entire metropolitan area. This situation could give the District a possible ratio as great as 7 to 1, against only one person from Virginia and one from Maryland. Inasmuch as the District of Columbia and the nearby areas of Virginia and Maryland are in competition for Federal facilities and Federal jobs, with the livelihoods of citizens in all the jurisdictions vitally affected, this advantage to the District of Columbia represents grossly unfair competition.

As the representative of a considerable portion of northern Virginia, I will not support any legislation containing such a derogation of the rightful interests of my constituents. When the House home rule bill was debated in this body, I spoke in support of an amendment offered by my colleague from Maryland, Honorable LAWRENCE HOGAN, which would have corrected this inequity. However, the amendment was defeated, and thus the last opportunity to achieve justice in this area of the bill was lost.

I have serious misgivings also in connection with the provision in this bill which requires the Council to establish, within 5 years, a District government merit system for its personnel. This District of Columbia merit system may provide for continued participation in all or part of the Federal Civil Service System, but I am fearful that the Council may not avail themselves of the option of continuing the present inclusion of District of Columbia government employees under the U.S. Civil Service System, in favor of establishing a new personnel system of their own. This I believe would be a serious mistake, as the experience and expertise of the U.S. Civil Service System, which has undeniably been a tremendous benefit to employees of the District government over the years, would be lost; and I believe that a new local system established in its stead would take many years to perfect, with the likelihood of great harm accruing to the city's employees in the meantime.

The bill provides that under the new merit system, persons employed by the District government at the time such a system is established must be provided benefits as to pay, tenure, leave, retirement, et cetera, at least equal to those which they enjoy at the time the new system is initiated. Thus, I am assured that no present employees will suffer any loss of such benefits. However, I am concerned that a new and inexperienced administration over a District of Columbia merit system might result in discriminatory practices in such areas as the hiring of new personnel and promotions for both present and future employees. Also, nothing in this bill would prevent the Council from requiring all future city government employees to reside in the District of Columbia, which in my opinion would be an injustice.

I have received many calls and letters from residents of my district who are employed by the District of Columbia government, expressing anxiety over this potential situation, and I share their concern. However, it is my hope that the District of Columbia Council will realize the wisdom of retaining the services of the U.S. Civil Service Commission for the administration of the District of Columbia merit system, in the best interests of all the city's employees and of the District itself. It is my opinion, however, that this bill would be considerably more desirable without the provision authorizing this option of an independent personnel system.

Mr. Speaker, as I have stated, I have a deep and abiding conviction that all citizens of this Nation should be free to participate in the affairs of their local and Federal Governments to as great a degree as possible. I have worked and voted in the Congress to make possible and to encourage such participation on the part of the residents of the District of Columbia, and I would support this conference-reported bill if its provisions did not militate against the Federal interest in the District—the vested and inalienable rights of all the citizens of the United States to whom this city belongs, as the capital of their Nation—and also if it did not contain provisions which are unfairly inimical to the interests of the people in my congressional district. The sponsors of this legislation could have presented this body with such a bill, with no harm or loss to the citizens of the District of Columbia in their rightful quest for self-determination in their local government—and I would have given such a bill my complete support. However, not only did these sponsors not bring out such a bill, but they opposed and defeated a number of amendments offered on the floor which would have achieved this purpose. And this attitude was continued in conference, where, as I have pointed out, further serious damage was done to the bill. I was a member of the conference committee, and I and my colleagues on the minority side were simply outvoted at every turn.

So the result is that we have before us today a conference report which in good conscience I could not sign, and the acceptance of which, for the reasons I have stated, I am obliged to vote against.

Mr. NELSEN. Mr. Speaker, first I want to thank the chairman of the committee, Mr. DIGGS, for the fine communications that we continued all through this conference. It has been a pleasure to work with him. He has done a fine job in his first management of a major piece

of legislation as chairman of the committee.

Furthermore, I want to pay my respects to my colleague from Minnesota (Mr. FRASER), and the gentleman from Washington, (BROCK ADAMS). I have always felt free to deal with them on the affairs of the District Committee to insure the best interests of the residents and the Congress and have always had fine cooperation although we have not always totally agreed. Certainly, however we established understanding as we went along and the District and the Nation was the winner in the resolution of our differences.

Next I want to state my very high regard for and extend my respects to the gentlewoman from Oregon (Mrs. GREEN), for her work on this bill on the floor and in the conference. Her contributions in the national interest in forging this bill will long be remembered. It was a pleasure to work with Mrs. Green again after having worked closely with her in the 92d Congress when she served on the District Committee. Mr. Speaker, I wish to state that I favor home rule for the District of Columbia and expanded self-government for the residents of the District of Columbia. My record as a member of the House District Committee, first as a Member and more recently as ranking minority member, bears out that statement. Over the years I have been highly instrumental in giving a Presidential vote to the residents of the District of Columbia. I have been instrumental in insuring that an elected school board was provided in the District. More recently, I authored and saw enacted into law a bill that provided for representation in the Congress for residents of the District in the form of an office of non-voting delegate in the House of Representatives.

I have worked assiduously in the interest of the residents of the District of Columbia and in the interests of your constituents and mine in insuring that the Federal interest in the District of Columbia has been protected as we move over the years to address and expand the local, parochial interests of the residents here. That was the basic thrust behind my moves to give land grant status to the District of Columbia, especially for its vocational schools, and for working to insure that the residents would have an opportunity for a fine technical and vocational education in a school such as the Washington Technical Institute, which has been so successful in recent years under the leadership of Dr. Cleveland Dennard.

Mr. Speaker, the chairman mentioned in his opening statement the people who were involved in shaping this conference report.

He did not mention that I was there, and that I helped shape the conference report, although I did not sign the report. The reason I did not sign it is that it contained provisions similar to H.R. 9682 which I opposed in the full committee but voted to report to the floor because I thought the Congress should have an opportunity to work its will on the committee bill, H.R. 9682.

The House on October 10, 1973, passed an amendment to S. 1435, the home rule bill, that provided for nonpartisan elections in the District of Columbia. This provision for nonpartisan elections was in contradiction to the action taken by the House District Committee in reporting out H.R. 9682, wherein partisan elections were provided for and required.

I objected to the partisan election provisions in H.R. 9682, and I specifically provided for nonpartisan elections in my substitute bill, H.R. 10692, which I took to the Rules Committee and obtained a favorable ruling as respects its introduction as a substitute to the House District Committee bill as reported out by the full committee.

After Congresswoman EDITH GREEN and I went to the Rules Committee with our substitute bills, more particularly H.R. 10692, which I introduced and she cosponsored providing for home rule for the District of Columbia, and after winning our fight before the Rules Committee to have our substitute H.R. 10692 be held in order as a substitute when the home rule issue came up for consideration on the floor, those who sponsored and cosponsored H.R. 9682 hurriedly put together a substitute to their own bill, which they introduced on the floor on October 9, 1973. That substitute, which the House ultimately passed, specifically provided for nonpartisan elections.

Unfortunately, the Senate bill, S. 1435 as passed by the Senate, contained provisions for partisan elections. The conference has taken the partisan provisions contained in the Senate version of S. 1435 and adopted that as part of the conference report. This is unfortunate in the extreme, because I believe that it was unwise to impose partisan elections on the residents of the District of Columbia.

From the beginning when home rule was discussed, the question of the residents of the District of Columbia electing their own officials was a predominant feature and thrust of home rule. However, the introduction of the issue of partisan elections in the District of Columbia necessarily raises the issue of whether some of the home rule proponents were not more concerned with the issue of partisan elections than they were with the issue of home rule of self-government for the residents of the District of Columbia.

This is compounded, of course, by the fact that section 741 of the conference report contains an exemption from the Hatch Act, so that Federal employees may be candidates for the offices of Mayor, chairman of the Council, and members of the Council of the District of Columbia.

My opposition to the bill reported out by the House District Committee, which also contained partisan elections and also contained an exemption to the Hatch Act—Section 740 of that bill—is thus as valid today as it was when that original bill was reported out of committee. My dissenting views as they related to that bill are quoted below with the exception that I have stricken the word bill where it appears in the dissenting views of that report—House Report 93-482—and inserted the words "conference report."

It is difficult to conceive of an exemption that is more likely to strike a death blow to the Hatch Act than one that offers the protection of the career service to one who is seeking a politically partisan elective office. Whether intended or as a result of oversight, it is highly probable that the foregoing provisions in this conference report would have that result.

Proponents of this conference report might well see a golden harvest in political contributions from the pockets of Federal and local employees were they able to successfully and indirectly initiate the repeal of the Hatch Act. Exemptions such as those contained in this conference report could well open the door to a reversion to the "spoils system" which the Hatch Act was initially enacted to correct.

The Supreme Court decision on June 25, 1973, in *U.S. Civil Service Commission v. Letter Carriers*, _____ U.S. _____ (1973) upholds a constitutional challenge to the Hatch Act and its reasoning is worth calling to the attention of Members of Congress:

We unhesitatingly reaffirm the *Mitchell* holding that Congress had, and has, the power to prevent Mr. Poole and others like him from holding a party office, working at the polls and acting as party paymaster for other party workers. An Act of Congress going no further would in our view unquestionably be valid. So would it be if, in plain and understandable language, the statute forbade activities such as organizing a political party or club; actively participating in fund-raising activities for a partisan candidate or political party; becoming a partisan candidate for, or campaigning for, an elective public office; actively managing the campaign of a partisan candidate for public office; initiating or circulating a partisan nominating petition or soliciting votes for a partisan candidate for public office; or serving as a delegate, alternate, or proxy to a political party convention. Our judgment is that neither the First Amendment nor any other provision of the Constitution invalidates a law barring this kind of partisan political conduct by federal employees.

* * * * *

Such decision on our part would no more than confirm the judgment of history, a judgment made by this country over the last century that it is in the best interest of the country, indeed essential, that federal service should depend upon meritorious performance rather than political service, and that the political influence of federal employees on others and on the electoral process should be limited.

* * * * *

In 1966, Congress determined to review the restrictions of the Hatch Act on the partisan political activities of public employees. For this purpose, the Commission on Political Activity of Government Personnel was created. 80 Stat. 868. The Commission reported in 1968, recommending some liberalization of the political activity restrictions on federal employees, but not abandoning the fundamental decision that partisan political activities by government employees must be limited in major respects. 1 Report of Commission on Political Activity of Government Personnel, *supra*.

* * * * *

This account of the efforts by the Federal Government to limit partisan political activities by those covered by the Hatch Act should not obscure the equally relevant fact that all 50 States have restricted the political activities of their own employees.

* * * * *

Until now, the judgment of Congress, the Executive and the country appears to have been that partisan political activities by federal employees must be limited if the Government is to operate effectively and fairly, elections are to play their proper part in rep-

resentative government and employees themselves are to be sufficiently free from improper influences. *E.g.*, 84 Cong. Rec. 9598, 9603; 86 Cong. Rec. 2360, 2621, 2864, 9376. The restrictions so far imposed on federal employees are not aimed at particular parties, groups or points of view, but apply equally to all partisan activities of the type described. They discriminate against no racial, ethnic or religious minorities. Nor do they seek to control political opinions or beliefs, or to interfere with or influence anyone's vote at the polls.

* * * * *

The Congress, acting as the local legislature for the District of Columbia in taking up this home rule bill, should certainly act responsibly. As we noted in the dissenting views to the original home rule bill, H.R. 9682, as reported out of the full committee, over two-thirds of the cities in this country having a population of over 100,000 have nonpartisan elections. Now we in this conference report are imposing on the District of Columbia partisan elections, which I think time and circumstances will prove to be extremely unwise and taken together with the amendment of the Hatch Act, may in the future, if permitted to continue, become the undoing of home rule in the District of Columbia at some future time.

Thus, I submit that the conferees by putting partisan elections in this home rule legislation have erred. I want to make this emphatic point, namely, that the champions of home rule for years and years and years have talked and talked and talked about a voice in their own affairs. Did they really mean they wanted a partisan voice speaking in the District for the foreseeable future with a spoils system to sustain the voice here and nationally.

The purpose of home rule is to give the people a chance to participate in their government. When you put partisan elections into this bill under the provisions of the Hatch Act you immediately place restrictions on over 125,000 individuals to participate freely in these elections which they would be free to do with nonpartisan elections. Is not full participation of citizens consistent with home rule and the lack of full participation inconsistent with it. Of course, it is. And, do not say the answer to that is to amend the Hatch Act, so the Supreme Court noted in the letter carriers decision, it is:

The judgment of history, a judgment made by this country over the last century, that it is in the best interest of the country, indeed essential, that Federal service should depend on meritorious performance rather than political service, and that the political influence on Federal employees on others and on the electoral process should be limited.

It should also be noted that the Supreme Court stated that all 50 States have restricted the political activities of their own employees.

Not only that, but years ago I ran an agency, the Rural Electrification Administration, and one of the big problems was the fact that even under the laws under which we operated—the Hatch Act—we found that after I left to run for Congress that people were coerced into buying tickets for political rallies with $50 down and $10 a month.

There is every reason to believe that a spoils system can easily grow out of partisan elections, which can more easily be prevented under a system of nonpartisan elections. Too, nonpartisan elections are the rule in approximately two-thirds of cities with populations over 100,000.

So when you last saw the home rule bill as it was passed by the House it had a provision for nonpartisan elections in it. Then, we went into the conference committee, and what happened? From the Senate side they insisted on partisan elections.

I want to say that at that point my confidence in the fact that the proponents of home rule wanted to give the people a voice in their government began to be whittled away and my belief began to be strengthened that the purpose claimed was only secondary to the partisan appetites that began to appear.

I also want to make reference to some of the lobbying that went on during the process of legislating on home rule during the first session of this Congress. After we got through with the original bill, H.R. 9682, that came out of the full committee, and which ran into all kinds of opposition, the gentleman from Kentucky (Mr. NATCHER) was opposed to it because of the budget. I helped the gentleman get what he wanted. I think we were right—congressional control of appropriations and the budget—and those provisions are in there today. But each time we raised valid objections to provision in H.R. 9682, we had difficulty. But in fact the conference report conforms in many respects with the Nelsen-Green bill with one large notable exception, partisan elections and an amendment to the Hatch Act.

I also wish to call attention to the fact that during the course of the consideration of home rule that Common Cause representatives contacted individuals, many of them active in my own political party back in my district in Minnesota, suggesting, if not alleging, that I was the chief opponent to home rule. There was also literature distributed that by innuendo, and not so artful draftsmanship, left the reader with the impression that anyone who would question any provision in a bill providing home rule for the District of Columbia was motivated by racism. Now, this is nothing more or less than patent nonsense. I think I can say without fear of contradiction in this body that at no time in the course of my service in the Congress have I ever been motivated by such a factor. And I challenge anyone to make such an allegation. It is evidence of the dangerous and irresponsible actions of Common Cause in lobbying on this legislation that they circulated this type of literature and propaganda.

I have recently contacted representatives of Common Cause to determine what their position is on the repeal of of the Hatch Act exemption, inasmuch as we embark on that in this conference report. I had difficulty getting a response, and that which I received was equivocating. The League of Women Voters were also contacted, and their response was that they would leave the issue of Hatch Act exemption to their local chapters. Now, I find that equivocating also—and equivalent with ducking the issue, which I refuse to do. There is certainly national concern with repeal of the Hatch Act at the seat of the Government.

So I am a little disappointed in some of the things that have happened. But at the same time I must say to the conferees on the side of the House that my communications and relations with them have been very good. I am disappointed in this part of the conference report, and I think it is a mistake, but I am going to support the conference report.

I will tell the Members why. I think I could have made a point of order, and a very valid one. We had come out of the House after floor action with a bill with nonpartisan elections in it; a bill permitting the members of the council and the Mayor to run for office in the newly elected government even though subject to the Hatch Act, because the House provided for nonpartisan elections.

I wish to insert in the RECORD at this point the basis and rationale that I could have used in making a point of order against the action of the conferees:

AMENDMENT OF THE HATCH ACT BY WAY OF AN EXEMPTION CONTAINED IN SECTION 741 IS OUTSIDE THE CONFERENCE

Section 741 of the Conference Report constitutes an Amendment to the Hatch Act and, accordingly, is subject to a point of order in that it goes beyond the limits of the disagreements confided to them.

THE HOUSE PROVIDED FOR NON-PARTISAN ELECTIONS—THE SENATE PROVIDED FOR PARTISAN ELECTIONS—NEITHER VERSION

The House passed amendment to S. 1435 provided (Sec. 401) that members of the Council "shall be elected on a nonpartisan basis" and that (Sec. 421) the Mayor shall be elected "on a nonpartisan basis."

S. 1435 as passed by the Senate provided (in Title VIII) that candidates for office could run either as nominees of a political party after a primary or may run directly for election to the office for which they are nominated.

The House District Committee reported out H.R. 9682 on July 30, 1973, and it provided for partisan elections and contained a provision, Section 740, which constituted an amendment and exemption to the Hatch Act for Federal employees. I objected to this exemption in the Dissenting Views in House Report 93-482 which accompanied H.R. 9682.

The District Committee requested a rule from the House Rules Committee on H.R. 9682 where I appeared asking that my bill be ruled in order as a substitute for H.R. 9682. The Rules Committee approved House Resolution 581, which made my Substitute H.R. 10692 (which provided for non-partisan elections in the District) in order.

The sponsors of H.R. 9682, after House Resolution 581 was reported on October 5, 1973, rewrote their bill and introduced their own Substitute to H.R. 9682 when it reached the Floor on October 9, 1973. This "Committee Print" Substitute to H.R. 9682 deleted the provisions for partisan elections and provided for nonpartisan elections as did my own Substitute H.R. 10692.

However, the Committee Print Substitute to H.R. 9682, which was finally approved by the House on October 10, 1973, retained former Section 740 to H.R. 9682 and merely renumbered it Section 741. The Committee Print Substitute amended all after the enacting clause of S. 1435.

Section 741 of the House version of S. 1435 reads as follows:

HOLDING OFFICE IN THE DISTRICT

SEC. 741. Notwithstanding any other provision of law, no person who is otherwise qualified to hold the office of member of the Council or Mayor shall be disqualified from being a candidate for such office by reason of his employment in the competitive or excepted service of the United States. For the purposes of this section, a person shall be deemed to be a candidate on and after the date he qualifies under applicable provisions of law in the District to have his name placed on the ballot in either a primary or general election for the office for which he is a candidate. Such candidacy shall terminate—

(1) with respect to a person who has been defeated in a primary election held to nominate candidates for the office for which he is a candidate, on the day of such primary election;

(2) with respect to a person who is defeated in the general election held for the office for which he is a candidate, on the date of such general election; and

(3) with respect to a person who is elected in the general election held for the office for which he is a candidate, on the date such person assumes such office.

Section 741 in the House version was mere *surplus* age and was apparently retained in the Committee Print Substitute to H.R. 9682 as reported by the Committee—through error, inadvertence, or possibly extreme (but unnecessary) caution, because it in no way amended existing law.

Section 741, as it now appears in the Conference Report and as it appeared in the Committee Print Substitute as passed by the House, merely permits what is more comprehensively permitted and stated in existing law. Title 5 of the U.S. Code, Section 7326 provides as follows:

§ 7326. Nonpartisan political activity permitted

Secton 7324(a)(2) of this title does not prohibit political activity in connection with—

(1) an election and the preceding campaign if none of the candidates is to be nominated or elected at that election as representing a party any of whose candidates for presidential elector received votes in the last preceding election at which presidential electors were selected; or

(2) a question which is not specifically identified with a National or State political party or political party of a territory or possession of the United States.

For the purpose of this section, questions relating to constitutional amendments, referendums, approval of municipal ordinances, and others of a similar character, are deemed not specifically identified with a National or State political party or political party of a territory or possession of the United States. Pub. L. 89–554, Sept. 6, 1966, 80 Stat. 526.

HISTORICAL AND REVISION NOTES

Reviser's notes

Derivation: United States Code—5 U.S.C. 118n (less applicability to 5 U.S.C. 118k(a)).

Revised Statutes and Statutes at Large: July 19, 1940, ch. 640, § 4 "Sec. 18 (less applicability to § 12 of the Act of Aug. 2, 1939; added July 19, 1940, ch 640, § 4, 54 Stat. 767)", 54 Stat. 772.

Explanatory Notes. The words "or political party of a territory or possession of the United States" are added on authority of former section 118k–2, which is carried into section 1501.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

Library references

United States—45. C.J.S. United States § 42.

Section 7324(a) of Title 5 of the U.S. Code reads as follows:

§ 7324. Influencing elections; taking part in political campaigns; prohibitions; exceptions

(a) An employee in an Executive agency or an individual employed by the government of the District of Columbia may not—

(1) use his official authority or influence for the purpose of interfering with or affecting the result of an election; or

(2) take an active part in political management or in political campaigns.

For the purpose of this subsection, the phrase "an active part in political management or in political campaigns" means those acts of political management or political campaigning which were prohibited on the part of employees in the competitive service before July 19, 1940, by determinations of the Civil Service Commission under the rules prescribed by the President.

HATCH ACT CANNOT BE AMENDED IN CONFERENCE REPORT

The effect of the inclusion of Section 741 in the Conference Report when that Report contains a provision that provides for partisan elections (Section 751) results in an amendment to the Hatch Act, 5 U.S. Code, Section 7234 (see section quoted in pertinent part in a footnote to this statement) permitting Federal employees to participate as candidates in local elections, which is expressly forbidden in Section 7234, Title 5, U.S. Code.

Inasmuch as neither the Senate version nor the House version contained an amendment nor exemption to the Hatch Act, the Conferees may not go beyond the limits of disagreements confided to them.

The Senate provided for partisan elections with no Hatch Act exemptions for Federal or District employees, both of whom are expressly prohibited from taking an active part in political management or in political campaigns in behalf of partisan candidates by 5 U.S.C. 7324. The House, on the other hand, provided for nonpartisan elections with no Hatch Act amendment or exemption, inasmuch as Section 741 in permitting *Federal employees* who were residents of the *District* to be candidates in District of Columbia nonpartisan elections, is a redundancy and mere surplusage, since an exemption permitting *all Federal employees* to be candidates in local nonpartisan elections is broadly provided for in 5 USC S 7326 (see language quoted earlier).

Thus we see that—by taking the Senate language providing for partisan election and joining that with the language of Section 741 of the House version of S. 1435—the Conferees have adopted language in the Conference Report that *in fact* amends the Hatch Act. No longer is the language of Section 741 mere surplusage.

The Conferees by amending the Hatch Act, 5 USC S 7324, and providing an exemption for Federal employees to participate in District of Columbia partisan elections have gone beyond the limits of the disagreements confided to them in effecting an amendment to an Act (the Hatch Act, 5 U.S.C. 7324), which heretofore was not effected by either the House or Senate version.

THE SPECIFIC TOPIC, ISSUE, OR PROPOSITION OF AN AMENDMENT TO SECTION 2 OF THE HATCH ACT (5 USC 7324) WAS NOT COMMITTED TO CONFERENCE BY THE HOUSE

Section 741 of the House version of S. 1435 was mere surplusage when read in the context of the home rule bill as taken up and passed by the House.

Section 741 was consistent with but narrower than *section 4* of the Hatch Act (5 U.S.C. S 7326) and in no way *or manner* constituted an exemption to *section 2* of the Hatch Act by amendment.

Moreover, the issue or proposition of exempting Federal employees from local District of Columbia employees from the Hatch Act was not a matter committed to the House Conferees or for that matter to the conference committee.

The House Conferees, it is submitted, may not agree to the Senate language on partisan elections and certain House language relating to nonpartisan elections which results in broadening the matter in disagreement. Going into conference the Senate language provided for partisan elections with no section 2 Hatch Act exemptions for Federal employees, and the House language provided for nonpartisan elections with language permitting Federal employees to participate in District elections which was narrower than existing law and constituted more surplusage that was merely consistent with section 4 of the Hatch Act. The Conference Report language broadens the scope of the matter in disagreement by taking Senate language and House language to achieve a result that does not constitute a germane modification of the matter in disagreement.

The disagreement of the Conferees is broadened inasmuch as section 2 of the Hatch Act, 5 USC 7324, is now amended by the Conference Report, whereas neither the Senate nor the House language effected that result.

THE CONFERENCE REPORT LANGUAGE ALTERS THE FUNDAMENTAL PURPOSE OF S. 1435 (HOME RULE) BY AMENDING THE HATCH ACT (ANOTHER STATUTE) AND OFFENDS COMMON SENSE

The fundamental purpose of S. 1435 as stated in the hearings and in debate when the matter was taken up on the Floor was the opportunity for local residents to elect their own mayor and ciy council.

I submit that this fundamental purpose was expressed in my own bill, H.R. 10692, and in the Committee Print Substitute approved on the House Floor incorporating as it did provisions for nonpartisan elections.

This fundamental purpose was not altered or thwarted by the language in Section 741 of the Committee Print Substitute (S. 1435 as amended by the House), inasmuch as Section 741 did not amend existing law but was merely consistent, but narrower, than existing provisions of law exempting all Federal employees from participation in local nonpartisan elections.

The Conference Report by adopting Senate language providing for partisan elections and employing the House language to permit Federal employees to be candidates in District of Columbia local partisan elections (not only during the transitional period for the first elected government, but for all time) alters the fundamental purpose of what the House voted upon and accepted October 10, 1973, in amending S. 1435. It amends section 2 of the Hatch Act, which expressly prohibits Federal employees from being candidates in partisan local elections. Section 741, as it appears in the Conference Report, is nothing more nor less than discriminatory legislation favoring a specific group of Federal employees, that is, those Federal employees who happen to reside in the District of Columbia.

I submit that my point of order, based on the rule of germaneness in this section, is not a partisan issue in the House today. What the Conference Report does violates the rules of the House and common sense and as a procedural matter my point of order should be sustained.

CONCLUSION

Based on the foregoing reasons, I request that my point of order be sustained.

But I discussed this with the chairman of the committee, the gentleman from Michigan (Mr. DIGGS) and it is my understanding that there will be a bill, H.R. 6186, coming over from the Senate dealing with another matter, and we will have the usual nongermane tail tied to this bill that would permit the Mayor

and members of the City Council to run for office without resigning—a further indefinite amendment to the Hatch Act. All of this amending and legislative thrashing around all because of partisan elections.

But I must be realistic and so I must now work for reasonable arrangements to permit an orderly transfer of government with partisan elections.

Can the Members imagine a situation like that for the District of Columbia, where the entire Council and the Mayor might have to step out in order to be a candidate and thus endanger an orderly transition in the local government. This would never do.

Mrs. GREEN of Oregon. Mr. Speaker, will the gentleman yield?

Mr. NELSEN. I yield to the gentlewoman from Oregon.

Mrs. GREEN of Oregon. Mr. Speaker, would the gentleman from Minnesota also agree that perhaps the proposed amending of the Hatch Act is not as simple as some are suggesting it is going to be? The Hatch Act comes under the jurisdiction of another committee in the House, as I understand it, either the Committee on House Administration or Post Office and Civil Service. The relevant committee may want to exercise jurisdiction in terms of what impact any amendment to the Hatch Act may have not only in the District of Columbia but in all of our congressional districts. Does not the gentleman from Minnesota also agree that there still is a possibility that with a partisan election that the Mayor and all members of the City Council may still have to resign in order to run? I would also think a non-Federal employee—or one not exempt—might find it to his or her advantage to file a suit in court to test the constitutionality of such a special provision.

Mr. NELSEN. I think definitely that we have been acting in an area in which we have no jurisdiction, and I question the constitutionality of the action that the Senate has taken in attaching the type of amendment I understand appears in H.R. 6186 as amended by the Senate.

However, I should like to mention that the agreement that I have reached with the chairman is that when this bill comes over, we will not directly amend the Hatch Act. The amendment we would support is transitional only to accommodate the special situation that is precipitated by providing for partisan elections in this conference report. This exemption will also expire after the election January 2, 1975, after the newly elected representatives have been installed, so that this Congress can review the civil service law without having to do something with a gun to our heads in the process as we seem to be doing now.

I do not know that there is more that I can say. It is taking a chance, as far as I am concerned, because I am assuming that something will happen to another bill. I am taking the chairman's word for it. I have discussed this with the gentleman from Minnesota (Mr. FRASER), the gentleman from Washington (Mr. ADAMS), and the chairman, and I believe it is a way out of the situation we are in that I wished to avoid, but now that I am faced with it I will act responsibly.

Certainly it would be a travesty to have the whole or a majority of the city council and the mayor step out for 9 months so that they may run for office. There would have to be an interim there without a government. With the bill that is coming over with the amendment, I suggest that at least we will have a chance to review it in some detail now and more importantly next session.

The amendment that the chairman and I have worked out would repeal section 741 of the conference report, which exempts Federal employees from the Hatch Act who reside in the District of Columbia for all time. It is a provision that would have effect for the first election and forever after. The amendment that I favor that the chairman has agreed to is one that would permit all District employees to run as candidates on an equal basis with all other candidates for this first election only, so that we need not have mass resignations from the council, so that the District need not lose its mayor, if he decides to run for election, and so that on an equitable basis other District employees need not resign their position, in this instance only, so that they may run for an office on the council or for the office of mayor. It also provides that Federal employees who wish to be candidates for this first election, and first election only, would be placed on a parity with District employees. As you will note from a reading of title 2 of the conference report, there are three major agencies that are now Federal agencies or quasi-Federal agencies, which will ultimately be absorbed into the District Government. It would be unfair to permit District employees to run in this first election and to deny it to some of these Federal employees, who will soon become part of the local government. That is why I support in the amendment a provision that would permit Federal employees for this election and this election only, because of the unusual circumstances, to participate as candidates in this first election.

I might also add further that the deletion of the referendum vote for the neighborhood council in the conference report is a sad oversight, but I am convinced that it was not an intentional one. Perhaps we can correct that by concurrent resolution shortly after the consideration of this conference report today. I favor that action.

I am going to support the conference report. I did not sign it because of the partisan elections and Hatch Act provisions. I am convinced I am right, and I think time will bear me out. Anyway, in my judgment, the best way out is to pass this conference report.

I hope that the Congress will support the chairman and myself in adding the amendments that we will need in order to eliminate the possibility of a crisis in the government in the District of Columbia due to mass resignations during the time of the campaign and up to the time of having the new government sworn in.

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

Mr. NELSEN. I yield to the gentleman from Virginia.

Mr. PARRIS. I thank the gentleman for yielding.

I call the gentleman's attention to page 75 of the conference report. The language appears there as follows:

> The Senate bill contained provisions, not in the House amendment, prohibiting the Council from imposing any parking or road use tax. . . .

Are we to understand from that that the Council could adopt discriminatory tax assessments or fees for nonresidents under the language of this conference report?

Mr. NELSEN. I think the chairman made reference to that. I would yield to our chairman, the gentleman from Michigan, to clarify that point.

Mr. DIGGS. In answer to the gentleman's question, the Council would have such authority, but it would be subject to congressional veto.

Mr. PARRIS. Mr. Speaker, if the gentleman will yield further, the language in the next paragraph on page 75 says:

> The Conference Committee also agreed to limit the Council's authority to require residency for District government employees to those employed after the effective date of the personnel system . . .

Would it be the gentleman's understanding that if this legislation is adopted, the District Council will limit District government employees to those who reside in the District of Columbia?

Mr. NELSEN. Again I yield to the chairman for clarification.

Mr. DIGGS. I should say to the gentleman that such action is prospective. It would not affect any employee in that category who is presently on the rolls. They would be grandfathered in. Under the concept of self-determination, if the agency should make such a determination in the future, that would be within the prerogative.

Mr. PARRIS. I thank the gentleman.

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

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

Mr. GROSS. I thank the gentleman for yielding. Was the gentleman a conferee?

Mr. NELSEN. Yes, I was.

Mr. GROSS. Does the gentleman know why the Members of the Senate did not want another Senator as a delegate to the District of Columbia?

I just could not quite figure that out but when the matter was brought up in conference—and I assume I am not violating any rule on confidentiality—it was greeted by those from the other body with thunderous silence and so I must refrain from making a positive answer because I cannot come up with one.

Mr. GROSS. I thank the gentleman.

Will the gentleman yield to me to ask one quick question of the chairman, the gentleman from Michigan (Mr. DIGGS)?

Mr. NELSEN. I yield to the gentleman.

Mr. GROSS. Mr. Speaker, the gentleman spoke of the need to protect the minority in the District of Columbia. What minority was he talking about?

Mr. DIGGS. If the gentleman will yield, we are talking about minority party interests.

Mr. GROSS. Minority party?

Mr. DIGGS. We provide that no party can fill more than three of the five-at-large council—including the chairman—

seats which means that minority interests will have an opportunity for the election.

Mr. GROSS. So the gentleman was alluding in a political sense to minority?

Mr. DIGGS. In a political sense to minority, but I think within a party responsibility sense that concept is much broader, I will say to the gentleman.

The trend in partisan tickets around the country is toward balance—racial, ethnic religions, male-female. Smart local political management will be encouraged to follow such a trend.

Mr. GROSS. We are dealing now with the District of Columbia.

Mr. DIGGS. I understand.

Mr. NELSEN. Mr. Speaker, will the chairman yield.

Mr. DIGGS. I yield to the gentleman from Minnesota.

Mr. NELSEN. Mr. Speaker, I just want to inquire of the chairman if my understanding is correct as to the bill, H.R. 6186, coming over from the Senate which will provide that the sitting members of the Council and the Mayor can participate in the campaign for the first election and thereafter the elected mayor and members of the council can so participate. I am opposed to this for the reasons I stated earlier. I stated our agreement, as I understand it, earlier and I inquire if we are in accord? Is that our agreement, so it is a matter of record?

Mr. DIGGS. I would certainly agree that whatever we agree upon would have that kind of expiration date.

Mr. NELSEN. Is it the gentleman's understanding without question the Senate would go along with our agreement after we put it in the bill?

Mr. DIGGS. Yes. I think I can make a fairly firm commitment on that in terms of my own expectations. I would be surprised if we encountered any really serious or unresolvable problems.

Mr. NELSEN. I thank the gentleman for his comments.

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

Mr. NELSEN. I yield to the gentleman from Minnesota.

Mr. FRENZEL. Mr. Speaker, I do want to express my appreciation to the distinguished gentleman in the well, the gentleman from Minnesota (Mr. NELSEN) for his part in helping to put together this compromise, imperfect as it is. I take particular pride in knowing that two people from my State, the distinguished gentlemen from Minnesota (Mr. NELSEN) and (Mr. FRASER) have had such a strong hand in writing this historic legislation.

I hope it will be passed overwhelmingly. I hope even more so that we will be successful in getting the two-thirds necessary for suspension or whatever it takes to pass the amendment to modify the Hatch Act so that the suggestions of the gentleman from Minnesota (Mr. NELSEN) about the city council will be carried out.

I applaud the gentleman also for his efforts in trying to maintain a nonpartisan election. I am sorry it did not work out but I think he did a magnificent job on the bill as it is.

Mr. NELSEN. I thank the gentleman.

For the benefit of the Members, I wish to provide the following comparison of what was contained in the home rule bill, S. 1435 as amended in the House on October 10, 1973, and the language contained in the conference report, which you have before you today. That comparison appears below.

COMPARISON OF HOUSE VERSION OF HOME RULE BILL (S. 1435) AND THE CONFERENCE REPORT

CHARTER

House amended S. 1435

Title III and IV contained the charter. Amendments could be proposed by either (1) an act of the Council, or (2) petition signed by 5% of the registered voters; approved by majority voting in special referendum. Charter referendum was to be held not more than 5 months after date of enactment of the Act.

Conference report

The Substitute (sections 303, 601, 604, 701–704) provides:

(1) Any change from an elected Mayor-Council form of government must be initiated by Congress and approved by the President;

(2) Any other changes in the Charter shall be originated by the Council by act and then shall be referred to referendum of the citizens of the District of Columbia. If such Charter change is approved by the citizens, the Charter change or changes shall come to the Congress for a period of 35 legislative days. The committees shall have 20 legislative days within which to consider whether to approve the proposed Charter amendment. If at the end of the 20 days the committee does not report out a resolution approving such Charter amendment, any member may, during the next 15 days, file a highly privileged motion to approve the Charter amendment. Both Houses must approve the Charter amendment for it to go into effect.

GOVERNMENTAL REORGANIZATION

1. Redevelopment Land Agency

House amended S. 1435

The House amendment contained provisions, not included in the Senate bill, which would establish the RLA as an instrumentality of the District Government. Its Board, as of July 1, 1974, would consist of five members appointed by the Commissioner with the advice and consent of the Council.

Conference report

The Conference substitute (Section 201) adopts the House provision with amendments authorizing the Council to adopt legislation (1) to assure uniform procedures relating to disposition of complaints and claims involving the RLA; (2) to provide that all planning, designing, construction and supervision of public facilities contributed to any redevelopment area be carried out by an appropriate D.C. Agency; (3) to provide that any occupied rental property owned by RLA shall be maintained in a safe and sanitary condition; and (4) to provide that the Mayor may waive special assessments as for cost of sewers, streets, curbs and so forth where the cost therefore can be applied as non-cash local grants-in-aid.

2. National Capital Housing Authority

House amended S. 1435

The House amendment contained a provision, not included in the Senate bill, which transferred the NCHA which was established under the D.C. Alley Dwelling Act (D.C. Code, secs. 5–103 and 5–116), to the D.C. government; vested in the Commissioner all functions, powers, and duties of the President under the said Alley Dwelling Act; and authorized the transfer of all employees, property (real and personal), and unexpended balances of appropriations, allocations, and all other funds, and assets and liabilities of the Authority, to the D.C. government.

Conference report

The Conference substitute (section 202) conforms to the House amendment.

3. District of Columbia Manpower Administration

House amended S. 1435

The House amendment contained provisions, not included in the Senate bill, which transferred to the Commissioner all functions of the Secretary of Labor with respect to public employment services for the District. The District Public Employment Service would be eligible to participate with the Secretary on the same basis as a State, and the District would be eligible to participate in apprenticeship programs operated by the Secretary. Also, all functions of the Secretary with respect to claims filed by employees of the District Government under the Federal Employment Compensation Act (FECA) are transferred to the District.

Conference report

The Conference substitute (section 204) adopts the House provisions except that it provides for the transfer of FECA functions to the District only when the District has established its own independent personnel system or systems, as directed by this Act.

It is understood that existing agreements between the States of Maryland and Virginia and District of Columbia relating to job banks and the Cooperative Area Manpower Planning System will not be adversely affected by the transfer of the D.C. Manpower Administration to the District of Columbia as provided for in this Act.

4. Public Service Commission

House amended S. 1435

The House amendment contained a provision, not included in the Senate bill, which established a Public Service Commission to insure that every public utility doing business within the D.C. would be required to furnish service and facilities reasonably safe and adequate and in all respects just and reasonable, said Commission to be composed of three Commissioners appointed by the Mayor and Council approval.

Conference report

The Conference substitute (section 493) conforms to the House amendment.

5. Armory Board

House amended S. 1435

The House amendment amended present law to provide that the Armory Board shall consist of the Commanding General of the D.C. Militia, and two other members appointed by the Mayor for four-year terms, and subject to Council approval.

Conference report

The Conference substitute (section 494) conforms to the House amendment.

6. Board of Education

House amended S. 1435

The House amendment maintained present law, vesting finally in the Congress, the determination of line items in the school budget.

Conference report

The Conference substitute (sections 495, 719) provides that the school budget submitted to the Congress must be in line item form as presently required by law. Also, the Mayor and the Council in establishing the maximum amount of operating and capital funds which will be included in the District's annual budget for the Board of Education shall attach to the budget transmitted to the President a written statement explaining changes, if any, in the total amounts recommended by the Board for the District's school budget.

PLANNING AND ZONING

1. National Capital Planning Commission and Municipal Planning

House Amended S. 1435

The House amendment contained provisions, not included in the Senate bill, which established the NCPC as a Federal planning agency for the Federal government to plan for the Federal establishment in the National Capital region and provided that the Mayor would be the central planning agency for the District, responsible for D.C. planning and the preparation of the District elements of the comprehensive plan, published jointly with the NCPC. NCPC would comment on D.C. planning and retain planning authority for Federal and international projects. The NCPC would be composed of 12 members, 7 ex officio—the Secretaries of Interior and Defense, Administrator of GSA, the Mayor, Chairman of D.C. Council, and Chairmen of the House and Senate District Committees, or their designated alternates; and 5 citizen members, 3 appointed by the President and 2 by the Mayor. One of the Presidential appointees would be from Maryland and one from Virginia.

Conference Report

The Conference substitute (sections 203, 423) adopts, in essence, the House provisions amended (1) with respect to procedural requirements and time allowed the NCPC in acting upon proposed District elements of a comprehensive plan, or proposed District projects; and (2) to require the Mayor to submit his multi-year capital improvements plans to the NCPC for review and comment.

Neither the National Capital Planning Commission nor the Mayor has any power over the United States Capitol Building and Grounds as defined in sections 1 and 15 of the Act of July 31, 1946, as amended (40 U.S.C. 193a and 193m), or over any other buildings under the control of the Architect of the Capitol.

ZONING COMMISSION

House amended S. 1435

The House amendment included provisions, not in the Senate bill, amending present law (1) establishing a Zoning Commission consisting of the Architect of the Capitol, Director of the National Park Service, and three citizens appointed by the Mayor for four-year terms; (2) providing that amendments to the zoning maps and regulations, shall not be inconsistent with the comprehensive plans; and (3) requiring submission of any amendments, zoning regulations, or maps to the NCPC for review and to report their recommendations within 30 days.

Conference report

The Conference substitute (section 492) adopts the major provisions of both the House amendment and the Senate bill.

D.C. COUNCIL—LEGISLATIVE POWERS AND LIMITATIONS

House amended S. 1435

The House amendment contained provisions, not in the Senate bill, providing (1) the Council could organize, abolish or establish agencies and departments of the D.C. government: (2) the Council must establish an independent personnel system or systems within 5 years after the date of enactment; and (3) the Council could not change building height limitations nor change D.C. criminal laws or the organization and jurisdiction of the D.C. courts.

Conference report

The Conference substitute (sections 404, 602) adopts the major provisions of both the House amendment and the Senate bill and deletes the prohibition on the Council's imposing a parking or road use tax.

The Conference Committee also agreed to limit the Council's authority to require residency for District government employees to those employed after the effective date of the personnel system or systems to be adopted by the Council under this Act.

The Conference Committee also agreed to transfer authority to the Council to make changes in Titles 22, 23 and 24 of the District of Columbia Code, effective January 2, 1977. After that date, changes in Titles 22, 23 and 24 by the Council shall be subject to a Congressional veto by either House of Congress within 30 legislative days. The expedited procedure provided in section 604 shall apply to changes in Titles 22, 23 and 24.

D.C. COUNCIL—LEGISLATIVE PROCESS

House amended S. 1435

The House amendment contained provisions, not in the Senate bill, (1) giving the President power, within 30 days, to sustain a Mayor's veto of Council acts; (2) requiring the Council to submit all but emergency acts to Congress for a 30-day layover before they become effective; and (3) permitting emergency acts to be effective for only 90 days.

Conference report

The Conference substitute (sections 404, 412, 602(c)) adopts the House amendment provisions together with a Senate provision specifying that no act of the Council may be passed until 13 days after its introduction.

(3) The acts of the Council, after passage by the Council and approval by the Mayor, shall lie before Congress for 30 legislative days and shall thereafter go into effect unless a motion of disapproval has been passed by both Houses of Congress. If a motion of disapproval is filed, it shall be referred to the House and Senate District of Columbia Committees and if such committees report such a motion of disapproval, it shall be a highly privileged motion that the particular act of the Council be disapproved.

RECALL AND INITIATIVE

House amended S. 1435

The House amendment provided that the Mayor and any member of the Council or of the Board of Education could be recalled by petition filed with the Board of Elections and signed by 25% of the registered qualified voters voting in the last preceding general election. Recall was to be effectuated by a majority vote of the qualified electors voting in an election for such recall.

Conference report

The Conference substitute contains no such provisions.

MAYOR

House amended S. 1435

The House amendment provided for (1) non-partisan election of a Mayor who would be required to be a D.C. resident for 90 days preceding the election; (2) compensation to be at the Federal Executive Schedule level III (current $40,000), plus official allowances; (3) Chairman of the Council to serve as Mayor until a special election could be held approximately 114 days after a vacancy occurs; (4) a fiscal report of the Mayor would be required within 90 days after the end of the fiscal year; and (5) the Mayor would also be authorized to reorganize agencies and department of the D.C. government.

Conference report

The Conference substitute (sections 421, 422, 445, 448) provides (1) for partisan election of a Mayor for a 4-year term, who is required to be a D.C. resident for 1 year preceding the election; (2) compensation to be at the Federal Executive Schedule level III (currently $40,000), plus official allowances; (3) Chairman of the Council to become Acting Mayor until a special election approximately 114 days after a vacancy occurs; (4) the Mayor is required to file a financial report by November 1st of each year; and (5) the Mayor is authorized to reorganize agencies and departments of the D.C. government subject to Council approval.

JUDICIARY

House amended S. 1435

The House amendment provided for (1) the appointment of judges by the President, subject to Senate approval, for 15-year terms from three to five names submitted to him by the Judicial Nomination Commission; (2) retention by the Congress of authority over composition, structure and so forth of the D.C. courts; and (3) a Judicial Nomination Commission of 9 members, staggered 6-year terms, 2 appointed by the Unified D.C. Bar, 2 appointed by the Mayor from Council lists, 1 member appointed by the Speaker of the House of Representatives and 1 member appointed by the President of the Senate, and 3 members appointed by the President; all members to be U.S. citizens, D.C. residents, and non-Federal or District employees, and qualified to be judges of D.C. courts. The House amendment contained provisions, not in the Senate bill for (1) a Commission on Judicial Disabilities and Tenure, with same membership as the Judicial Nomination Commission; (2) the Judicial Nomination Commission to submit three to five names to the President; (3) the automatic reappointment of judges by the President if same were found by the Tenure Commission to be exceptionally well-qualified or well-qualified for reappointment, without Senate approval, but if recommended only as "qualified" for reappointment, requiring Senate approval; (4) a D.C. residence requirement for all new D.C. judges; and (5) the D.C. courts to prepare their own annual budget, submit the same to the Mayor for transmission to the Council and to the Congress along with the remainder of the D.C. budget.

Conference report

The Conference substitute (sections 431–434, 445, 718) provides for (1) appointment of judges by the President, subject to Senate approval, for a 15-year term, from a list of 3 nominees submitted by the Judicial Nomination Commission; if the President has not made an appointment within 60 days, then the Nomination Commission shall make the appointment, subject to Senate approval; (2) retention in Congress of authority over the composition, structure and jurisdiction of the D.C. courts; (3) a Judicial Nomination Commission to be comprised of 7 members; 1 appointed by the President, 2 by the Mayor (1 to be a non-lawyer), 2 by the Unified D.C. Bar, 1 by the Council (to be a non-lawyer) and 1 by the Chief Judge of the U.S. District Court for the District of Columbia, to be a retired or sitting Federal judge; all to be appointed for 6-year, staggered terms, all to be United States citizens and District of Columbia residents, non-Federal or non-District employees, and, in the case of lawyers appointed to the Commission, qualified to be judges of the D.C. courts; (4) a Tenure Commission to consist of 7 members of the same designation as for the Nomination Commission; no individual may serve simultaneously on both Commissions; (5) all new judges to be D.C. residents; and (6) the D.C. courts to prepare their own annual budget for submission to the Mayor, thence to the Council and to the Congress along with the remainder of the D.C. budget.

BOARD OF ELECTIONS

House amended S. 1435

The House amendment included provisions for the membership on the Board to be three persons, all appointed by the Mayor with Council approval, no more than two of whom could be of the same political party.

Conference report

The Conference substitute (section 491) conforms to the House amendment.

ELECTIONS PROCEDURES

House amended S. 1435

The House amendment provided for the nomination of nonpartisan candidates by petitions filed by not less than 60 days before the date of the general election, with the first elections to be held in 1974.

Conference report

The Conference substitute (section 735) conforms to the House amendment.

REVENUE SHARING

House amended S. 1435

The House amendment contained a provision, not in the Senate bill, which deleted from present law the automatic reduction in the District of Columbia's general revenue sharing allocation, if the District enacts a tax on the income of non-residents. The enactment of such a tax is prohibited in any event under other sections of the bill.

Conference report

The Conference substitute (section 751) adopts the House provisions amended to require partisan elections.

ADVISORY NEIGHBORHOOD COUNCILS

House amended S. 1435

The House amendment contains provisions, not included in the Senate bill, requiring the Council to divide the District into Neighborhood Council areas. Upon receiving a petition signed by at least 5% of the registered qualified electors of an area, the Council was required to establish for that neighborhood an elected Advisory Neighborhood Council to advise the Council on planning, streets, recreation, social services, health, safety, and sanitation and to review zoning changes and licenses. Expenses of such Councils to be paid by a levy of 1¢ per $100 of assessed valuation of real property.

Conference report

The Conference substitute (section 738) adopts essentially the House amendment.

NATIONAL CAPITAL SERVICE AREA

House amended S. 1435

The House amendment included provisions, not in the Senate bill, providing for the establishment of the National Capital Service Area, including the Federal monuments, the White House, Capitol building, Federal, executive, legislative, and judicial office buildings, Fort McNair, the Navy Yard, and Bolling Air Force Base. The President would appoint a Director who would assure police and fire protection within the area, and the maintenance of streets, highways, and sanitation services therefor.

Within one year, the President would be required to report to Congress his recommendations on the feasibility of combining the Executive Protective Service, the United States Park Police in the service area, and the United States Capitol Police under the Director.

Conference report

The Conference substitute (section 739) adopts the House provisions, amended to limit the authority of the National Capital Service Area Director over the buildings and grounds of the Capitol, the Supreme Court, and the Library of Congress. The section was also further amended to ensure that all Federal and District of Columbia laws applicable to the area would continue in force and effect; that such laws could be amended by the appropriate authorities; and that all private property, and buildings and adjacent parking lots owned by the District of Columbia government, are excluded from the National Capital Service Area.

EMERGENCY CONTROL OF POLICE

House amendment S. 1435

The House amendment contained provisions, not included in the Senate bill, to permit the President upon request to secure from the Mayor the services of the Metropolitan Police force when the President determined special conditions required such police for Federal purposes.

Conference report

The Conference substitute (section 740) adopts the House provisions, amended to limit the same to make it a temporary requisitioning only and subject to Congressional review.

PUBLIC MEETINGS

House amended S. 1435

The House amendment contained provisions, not in the Senate bill, requiring that all meetings and hearings of any District of Columbia government agency, board, or commission in which official action is to be taken or proposed, shall be open to the public; and the transcripts or transcriptions of such meetings shall be made available to the public.

Conference report

The Conference substitute (section 742) adopts the House amendment, with a change to include tapes and transcriptions thereof available to the public at a reasonable charge.

D.C. SENATE DELEGATE

House amended S. 1435

The House amendment included provisions, not in the Senate bill, providing that beginning January 3, 1975, there would be a non-voting Delegate in the Senate from the District of Columbia, elected for 6 years; such non-voting Delegate to be a qualified elector, at least 30 years of age, a resident of the District for 3 years immediately preceding his election, and holding no other paid office.

Conference report

The Conference substitute contains no such provision.

HOLDING OFFICE IN THE DISTRICT

House amended S. 1435

The House amendment contained provisions, not in the Senate bill, providing that no person otherwise qualified should be disqualified for being a candidate for the office of Mayor or member of the Council because of employment in the competitive or excepted service of the United States.

Conference report

The Conference substitute (section 741) conforms to the House amendment.

BALANCED BUDGET

House amended S. 1435

House directed Mayor to submit an annual budget prepared on the assumption that proposed expenditures for a fiscal year would not exceed estimated existing or proposed resources.

Conference report

House provision was adopted with minor language clarifications.

BUDGET CONTENT AND PROCEDURE

House amended S. 1435

House specified content of budget and retained Congressional appropriations and reprogramming provisions of existing law.

Conference report

House language was adopted with amendments to clarify Mayor/Council budget procedures to permit Mayor to line-item veto selected budget proposals and to clarify President's role in review and transmittal of the budget to the Congress.

1. Board of Education

House amended S. 1435

House made on change in existing law.

Conference report

Provision was adopted permitting the Mayor and the Council to establish the maximum allocation of funds to the Board with a prohibition against specifying the purposes for which such funds may be expended for the various programs under the Board's jurisdiction.

2. District of Columbia Courts' Budget

House amended S. 1435

House specified that Courts' budget was to be forwarded by the Mayor to the Council without revision but subject to his recommendations.

Conference report

House language was adopted with provision prohibiting Council from revising budget estimates submitted by the D.C. Courts.

DISTRICT OF COLUMBIA AUDITOR

House amended S. 1435

House established office of D.C. Auditor appointed by the Council Chairman, subject to Council approval, for six-year term. Auditor was to conduct yearly review of D.C. Government's accounts and operations. Reports were to be submitted to the Congress, the Mayor and the Council.

Conference report

House provisions were adopted.

GAO AUDIT

House amendments to S–1435

House required periodic GAO audits of D.C. Government's accounts and operations. Reports were to be submitted to the Congress, the Mayor, and the Council. The Mayor would have 60 days to respond.

Conference report

House provisions were adopted with amendments requiring annual GAO audits and allowing Mayor 90 days to respond to GAO reports.

ISSUANCE OF BONDS

1. General Obligation Bonds

House amended 1435

House allowed issuance of bonds to pay costs of any capital project authorized by Congress with rates of interest set by Mayor provided total amount of principal and interest to be paid in any one year on all such outstanding bonds would not exceed 14% of D.C. revenues credited during previous fiscal year. House also continues present law permitting Treasury borrowing and authorized special tax and sinking fund, with GAO audit responsibility, to pay principal and interest on bonds; and permitted optional use of general obligation bonds to pay D.C. Metro costs.

Conference report

House provisions were adopted with amendments to include Treasury loan obligations within the 14% limitation, to allow optional referenda on bond issues, to permit interim Treasury loan authority to complete ongoing projects only, to allow general obligation bonds to pay for D.C. Metro costs beginning with FY 76, and to require an annual audit by GAO of the sinking fund.

2. Short-term borrowing

House amended S. 1435

House authorized issuance of short-term notes in absence of unappropriated revenues in amounts not to exceed 1% of total appropriations for a fiscal year, and, in anticipated revenues for a fiscal year.

Conference report

House provisions were adopted with amendment increasing limitation on short-term borrowing in absence of unappropriated revenues from 1% to 2% of total appropriations for a fiscal year.

3. Revenue bonds

House amended S. 1435

House authorized Council to issue revenue bonds to finance projects for housing, health, transit, utilities, education and industrial development purposes to be financed solely by a pledge of anticipated revenues from such projects. Such bonds were not to con-

stitute a general debt of the District and could be issued without voter approval.

Conference report

House provisions were adopted with amendments to include projects for recreational and commercial purposes and with provisions allowing the mortgaging of private properties as additional security for certain of such bonds.

ANTI-DEFICIENCY PROHIBITION

House amended S. 1435

House included a provision prohibiting expenditures in excess of amounts appropriated, but contains no penalties for violations.

Conference report

Senate provision was adopted making District officers and employees subject to the Federal Anti-Deficiency Act.

FEDERAL PAYMENT

House amended S. 1435

Federal payment of $250 million was authorized for F.Y. 1975 and each year thereafter. Annual appropriation request was to be based on study of inter-city expenditure and revenue comparisons and nine other factors for assessing costs and benefits to the District in its role as the Nation's Capital. Each annual appropriation request for the Federal payment was to include a request for an annual Federal payment for the next following fiscal year as well.

Conference report

House provisions were adopted with specific annual authorizations for the Federal payment as follows: FY 1975, $230 million, FY 1976, $254 million; FY 1977, $280 million; FY 1978 and each year thereafter, $300 million.

There are some differences in the House amended version of S. 1435 and the conference report that I have not discussion above that deserve your attention.

In title II of the conference report we transfer major Federal or quasi-Federal agencies to the District government. In my view, the contracts and agreements which exist between those agencies and other parties will continue unimpaired under the local government. Constitutional due process would permit no less, but Congress certainly intends that procedures and safeguards for insuring and protection arrangements between these agencies and other parties that currently exist will be honored.

For instance in general the budget and financial procedures agreed upon by the conferees parallel those recommended by the Nelsen Commission by retaining the respective roles of the Congress, the President, the Federal Office of Management and Budget, and the Comptroller General of the United States in the preparation, review, submission, examination, authorization and appropriation of the total budget of the District government. I am particularly pleased that the legislation specifically identifies such elements of costs and benefits to the District brought about by its role as the Nation's Capital that should be considered by the Mayor in presenting his annual requests for appropriation of the Federal payment, and by the Federal Office of Management and Budget in reviewing and revising such requests prior to their submission to the Congress.

The provision in the legislation for authorization of the Federal payment departs from the Nelsen Commission recommendations by establishing specific authorizations for the fiscal years 1975, 1976, 1977, and 1978 and each fiscal year thereafter based upon some hurriedly prepared estimates obtained from the District government. The amounts of the authorizations contained in the bill, which incidentally are substantially in excess of the existing authorization, were inserted without the usual detailed review of the District government's justification for the increases. The result is that the House and Senate District Committees are, for all practical purposes, removed from their traditional annual overview role in the authorization of the Federal payment as recommended by the Nelsen Commission. This overview role, requiring annual authorization hearings approximately 18 months prior to a fiscal year in which an increased authorization could be justified, has been of particular help to the District in the past by encouraging long-range planning on the part of the District government and through the early identification of problem areas with financial impact.

There are other provisions in the bill that relate to changes in the composition of the Judicial Nominating Commission and the Judicial Disabilities and Tenure Commission that raise some questions in my mind. Certainly as to the composition of the appointments to the National Capital Planning Commission, I question whether in a Federal agency such as the Planning Commission, which is designed to protect the Federal interest, whether the local government should have as strong a representation as they would have under the provisions of the conference report.

Finally, I am concerned that all of the work that we put into the Nelsen Commission which in report form was contained in 3 volumes of over 2,000 pages whether that work and that effort will be largely in vain, if it is lost in the local government concern with elections, charters, and other matters provided for in this bill.

If the work of our Commission is not given a high priority by the Mayor and the City Council in the next year, then I think that the residents of the District and all of our constituents will have been done a disservice. I think there are great opportunities for improvements which we set forth in our report. I think it is in the interest of the residents of the District of Columbia, the Congress, and all of the citizens of this country that to the maximum extent possible the Commission's report should receive the greatest implementation possible within the next year.

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

Mr. NELSEN. I yield 3 minutes to the gentleman from Maryland (Mr. GUDE).

Mr. GUDE. Mr. Chairman, I am pleased to add my support to the conference report on S. 1435, self-government legislation for the District of Columbia. This represents a major step toward equality in the fundamental rights for citizens of Washington, while at the same time recognizing the uniqueness of the Nation's Capital.

As the gentleman from Minnesota (Mr. NELSEN), who contributed so much to this bill, pointed out there is a grandfather clause in this legislation which protects nonresident employees of the city.

The conference report retains the key provisions of the House bill, and I feel, adequately protects the legitimate Federal interest in this city. For those who find fault and claim that the Federal interests are not given substantial protection there are a number of items to be remembered. We must remember, first, that above all, Congress will always retain its ultimate authority over the District as set forth in the Constitution. Nothing changes that. Second, this bill retains the authority in the Congress to review the city's budget and appropriate the moneys for it. Furthermore, it authorizes independent audits of the accounts and operations of the District government, one to be conducted by our own arm, the General Accounting Office.

The conference committee has also adopted the House provision for a National Capital Service Area, including the monuments, the White House, and other Federal buildings to assure adequate police and fire protection and other such municipal services in these areas.

I could enumerate several other provisions in this conference report which represent the House position on key issues and which carefully and rightly protect the Federal interest in this Capital City—30-day layover for acts of the elected council and provisions for congressional disapproval, emergency control of the police by the President, and so on. The council is prohibited from increasing height limitations on buildings, from enacting a tax on nonresidents or impose any tax on property of the Federal Government.

It is a gross and cruel distortion of this issue to call this bill unconstitutional or an overwhelming and illegitimate concession of power to the city. It is right and it is fair. And it takes into account the needs of Washington and the needs of the American people.

Mr. NELSEN. Mr. Speaker, I yield 7 minutes to the gentleman from Indiana (Mr. LANDGREBE).

Mr. LANDGREBE. Mr. Speaker, I must admit the chairman has done a very kind and very helpful job.

CALL OF THE HOUSE

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

The SPEAKER. Evidently a quorum is not present.

Mr. DIGGS. 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. 691]

Adams	Frelinghuysen	Podell
Addabbo	Fuqua	Powell, Ohio
Alexander	Gilman	Rees
Anderson, Ill.	Goldwater	Reid
Archer	Grasso	Rinaldo
Aspin	Griffiths	Robison, N.Y.
Badillo	Grover	Rodino
Beard	Gubser	Roe
Biaggi	Hanrahan	Roncallo, N.Y.
Blackburn	Harvey	Rooney, N.Y.
Blatnik	Hébert	Ryan
Boland	Heckler, Mass.	Sandman
Bolling	Helstoski	Sarasin
Brasco	Henderson	Staggers
Broomfield	Hillis	Stanton, James V.
Burke, Calif.	Holtzman	Steele
Burton	Hudnut	Stokes
Butler	Hunt	Talcott
Carey, N.Y.	Jarman	Taylor, Mo.
Chappell	Johnson, Colo.	Teague, Tex.
Chisholm	Keating	Treen
Clark	Landrum	Vander Jagt
Clausen, Don H.	Lent	Veysey
Clay	McKinney	Walsh
Cotter	Mailliard	Whitehurst
Daniels, Dominick V.	Maraziti	Widnall
Delaney	Martin, Nebr.	Winn
Dent	Martin, N.C.	Wolff
Downing	Mills, Ark.	Wright
Dulski	Minish	Wyatt
Edwards, Ala.	Mitchell, Md.	Wydler
Eshleman	Moorhead, Pa.	Young, Alaska
Ford, William D.	O'Brien	
	Patman	
	Pepper	
	Peyser	

The SPEAKER. On this rollcall 331 Members have recorded their presence by electronic device, a quorum.

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

CONFERENCE REPORT ON S. 1435, DISTRICT OF COLUMBIA SELF-GOVERNMENT AND GOVERNMENT REORGANIZATION ACT.

The SPEAKER. The gentleman from Indiana is recognized.

Mr. LANDGREBE. Mr. Speaker, after some 49 minutes of violin playing and guitar strumming I am not sure I can do very much with the comments I have against this conference report in the few minutes that I have been allotted, but I would like to give the Members some of my feelings in opposition to this bill.

I happen to disagree with it. And I thank the colleague who made the point of order of no quorum being present. I believe that in spite of the overwhelming support that this measure has had that I at least have some valid objections to make.

One of the points that I would like to make regards the legislative history of this specific bill. This so-called home rule bill was first written in the District of Columbia Government Operations Subcommittee, totally rewritten by the full District of Columbia Committee, and then, when, it was about to be introduced in the House it was suddenly jerked away, completely rewritten, without Republican knowledge or consent and then handed to this House. If I remember correctly, we had only a few hours to consider what that bill contained when this House, under the fever and the pressure for some sort of so-called home rule, passed that bill, and we went to conference.

The conference to which I was named substantially revised the House version and reported it without the signature of one Republican House conferee. House minority Members were NELSEN of Minnesota, HARSHA of Ohio, BROYHILL of Virginia, and myself.

Now, I cannot give you the reasons why my Republican colleague refrained from signing the conference report. However, my reasons are as follows: The conference report puts entirely too much power in the hands of 14 elected officials—the mayor, and 13 councilmen will be elected, and they will have at their disposal approximately $1.5 billion per year. They will be running this city of 750,000 people.

Sure, there is reference to the Congress still having control in section 601 of the bill, but at the same time we say that out of one side of our mouth, we are saying out of the other side that those 14 people shall run this city.

There are a few things about the election procedures that have not even been dealt with in this bill. No. 1, how about the funding for these candidates? We have had a lot of talk in this country about the fear among the people concerning election frauds, the questionable sources of campaign money, and the amount of money that candidates spend.

This bill would permit unlimited campaign expenditures; it would permit unlimited contributions from corporations, unlimited contributions from unions, and from all kinds of special interest groups. It would require the keeping of a list of those contributions, but it does not specify a reporting date.

There are quite a few things like that that are not covered in this bill, which constitute part of my objections.

There is another prevalent feeling that, because there are so many black people in the District of Columbia, perhaps they ought to have control of this city. Now, I am not the one who raised the racial issue. This issue was raised in the letter that was sent out by the District Delegate FAUNTROY, and I will read it to the Members if any of them have not bothered to do so. It says:

> But there are some votes a Congressman can give that are cheap, that is, he will pick up votes and gain credit for himself with the black electorate, and not cost him anything with his white base of support. A vote for DC home rule is such a vote.

Now, I am going to ask the Members what is cheap about this bill? Let me tell you a few things that "ain't" cheap about this bill.

No. 1, this bill authorizes a total payment from the Federal Government, from your taxpayers and from mine, of $1,069,000,000, over the next 4 years. This amounts to a payment during the next 4 years from each and every congressional district in this United States of $2,450,000.

What is cheap about that, and how are the Members going to explain that to their people back home—nearing doubling the Federal payment from $194 million to $300 million, based on somebody's estimate down at city hall? No one has produced any figures upon which to base those estimates. How can we in good conscience give our approval here today, to that kind of fiscal insanity?

I wish to call to the attention of my colleagues a little article from this week's Human Events which reads as follows:

> Joseph P. Yeldell, a black, a Hubert Humphrey Democrat and the director of Washington, D.C.'s department of human resources, released figures last week showing that one of every three families receiving aid to dependent children (ADC) payments was either ineligible or overpaid. According to Yeldell, the city government may be shelling out $13.2 million more every year in these kinds of payments than it should be under the law.

How am I going to explain that to my people back in Indiana who are trying to educate their kids and who now pay more money for their limited amounts of gasoline?

There are many more objectionable features about this bill. There is no justification, no grounds that the people of this District are being harmed. In other words, if we are going to be sitting here as a tribunal, how can we indicate that the people living in the District of Columbia are being hurt, harmed, injured? They have the Federal schools; they have the Federal colleges; the Federal institutions, hospitals, and they have a per capita receipt from the Federal Government in Federal grants alone of $745 per person.

Compare this if you will to the State of Iowa where the Federal grant to each person is $115; in Ohio, it is $102 per capita.

Even though the very few minutes allotted me to state my obligations to this very bad piece of legislation have been consumed at this point I feel compelled, for the record to complete my remarks.

First. The broad general legislative authority delegated to the District government in S. 1435 is unconstitutional. It is in direct contravention of article I, section 8, clause 17, of the Constitution which gives to Congress alone the "power—to exercise exclusive legislation in all cases whatsoever over—the seat of government of the United States."

The purpose of this legislation can only be achieved by a constitutional amendment. The retention of congressional authority, contained in section 601 of the bill, is a farce. It states that:

> The Congress of the United States reserves the right, at any time, to exercise its Constitutional authority as legislature for the District, by enacting legislation for the District on any subject.

In effect, Mr. Speaker, the proponents of this bill bill are admitting in this section that what they are doing in and through passage of this bill is unconstitutional. In this section, they pay lipservice to the Constitution, while the rest of the bill gives the general legislative power to the local government in direct contravention of the Constitution.

Mr. Speaker, the Constitution itself is based on the principle of self-government; yet, it contains an express provision denying self-government to the "seat of Government of the United States"—the District of Columbia. This bill tries to circumvent this clear expression of what the Constitution intends by

reserving "ultimate legislative authority" to the Congress over the District. My experience does not permit me to jump to the conclusion that "ultimate authority"—as reserved in this bill—is the same as the constitutional mandate of "exclusive authority" contained in article I, section 8, clause 17. Mr. Speaker, I maintain that if we pass this bill, we ignore the Constitution, at our peril.

Second. S. 1435 creates something which is beyond the constitutional power of the Congress to establish—a virtually autonomous city-state. This bill concentrates in just 14 individuals all executive and legislative authority for the District's 43,000 to 44,000 employees—its over 700,000 residents—and its $1.5 billion annual budget. In every other part of the country, there is a layering of local governments, starting at the township or city level on up to the county and State level. In establishing only one level of government for the District, this bill fails to provide the necessary checks and balances to protect against an abuse of the tremendous amounts of power granted these 14 individuals. This legislation should not be examined on the assumption that good men will be implementing it; rather, we should be mindful of the consequences for the Capital City if unprincipled men take advantage of the opportunities for abuse of the power and authority that are built into the government structure set up by this bill. On that basis, I submit that the conference report should be rejected.

Third. Local interest over Federal interest. Mr. Speaker, this bill clearly favors the local interests over the Federal interest; it gives effective control of the Capital City—which belongs to all the American people—to locally elected municipal officials. A significant number of appointments on such agencies and commissions as the Judicial Nomination Commission, the Judicial Disability Commission, the Armory Board, and the National Capital Planning Commission have been given to the local government. Obviously, it is the intent of S. 1435 to downgrade the Federal interest in the Nation's Capital and replace it with local interest and control.

I agree with President Taft who opposed self-government in the District of Columbia "to prevent its being controlled by the parochial spirit that would necessarily govern men who did not look beyond the city to the grandeur of the Nation," and I am convinced that the conference report now before us will permit control of the Nation's Capital by local interests.

Where Federal and local interests conflict, it is clear that the Federal interest must prevail. It will not do so if this conference report is passed.

This bill has been drafted for the supposed benefit of the 750,000 residents of the District, to the disadvantage of all American citizens. About 20 million Americans visit Washington every year. These people are your constituents who come for a visit to their Nation's Capital.

They will be significantly affected by the change of authority over the law enforcement agencies of this city. Under this bill, the local government will have full authority over the Metropolitan Police Force, not the President and the Congress; the mayor will appoint the chief of police, not the President. In addition, the President's ability to deal with emergency situations in the Capital has been severely restricted; this Congress is being very foolhardy if we ignore the lessons of the past few years and lessen the President's ability to protect the Federal Government from violent force.

Fourth. Federal Payment Provisions. S. 1435 authorizes over $1 billion in the next 4 years as the Federal payment to the District government not including the over $2 billion in Federal grants and aid which the District will receive in the same period. Despite self-government, the Congress will be committed to paying larger and larger amounts of the District's expenses. By 1978, the taxpayers of this country will be contributing almost $1 million a day to the District government. It is obvious that this conference report foresees not a decrease in Federal subsidy to the local government as it embarks on home rule, but an increase in Federal support to the locally elected government. In effect, this would indicate an admission of greater inefficiency through elective government. The per capita cost of government in the District of Columbia is the highest of any city or county in the country, and this bill would increase per capita cost at a tremendous rate.

The proponents of home rule contend that home rule of the District of Columbia is the same as home rule in any community in any of the States, and that District residents should be given the same privileges. This oversimplified contention ignores several important and significant facts. The impact of home rule in a community of any of the States is essentially limited to the local citizens. The impact of home rule in the District of Columbia would be felt by more than 200 million people in the States of the Union. The conduct of the District government is of importance to all the citizens of the United States. Every taxpayer throughout the Nation contributes taxes for the operation of the District government. No other local government can extract funds from the people of the Nation as does the District of Columbia. The District receives the highest per capita Federal payments in grants and assistance of any city or State in the country. For example:

Per capita in Federal grant money

	Plus
District of Columbia	+$745
Illinois	+158
Indiana	+108
Iowa	+115
New York	+207
Ohio	+102
Pennsylvania	+137
Virginia	+136

(Calculated from "Federal Aid to States, Fiscal 1972—Annual report of Treasury Dept., Fiscal Division, Refer.—pg. 132 Committee Report on H.R. 9682)

It is clear that the people of the District are not being shortchanged under the present system. The seat of the National Government is not a territory of the United States. It is the Capital of the Nation.

Mr. Speaker, I must object to the conferees' effort to distort and subvert the Hatch Act. Section 741 of the report effectively amends the Hatch Act to permit Federal employees to become candidates for local office in the District.

Neither the Senate nor House version of the bill contained this amendment to the Hatch Act. This unfortunate amendment was added by the conferees, and is another example of the way the conference exceeded its proper authority. The combination of unrestricted campaign spending and this Hatch Act amendment can only result in the establishment of a corrupt political system in the District

I ask the Members; if the seat of the Federal Government were to be moved to Indianapolis, or Oklahoma City, or Wounded Knee, S. Dak., would you, especially Mr. FAUNTROY and Mr. DIGGS, insist that the local citizens of those communities exercise absolute control over the affairs of our Capital City? No, you would not want it, and you could not want it because the Constitution prohibits local control of the Nation's Capital in the clearest and most unambiguous language.

In conclusion, Mr. Speaker, this conference report can only be described as an unconstitutional power grab that would impose a poorly structured local government on our Capital City. I urge support for the motion to recommit which I intend to offer at the proper time.

The SPEAKER. The time of the gentleman has expired.

Mr. LANDGREBE. I shall return to my seat. I am sorry I did not get to yield to other Members.

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

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

Mr. WILIAMS. I thank the gentleman for yielding.

I should just like to ask the gentleman from Indiana (Mr. LANDGREBE), a question. Does this conference report actual mandate a doubling of the Federal contribution to the District of Columbia budget?

Mr. LANDGREBE. It does not mandate; it authorizes an increase from $194 million presently to $300 million for 1978.

Mr. WILIAMS. I thank the gentleman.

Mr. NELSEN. Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. HOGAN).

Mr. HOGAN. Mr. Speaker, I rise in opposition to the conference report on S. 1435, especially to the provisions of the bill which would turn over to a local government in the District of Columbia much of the authority over planning and

development for a Federal Government in the Nation's Capital region including my district.

The effect of the provisions in the bill regarding the National Capital Planning Commission indicates clearly that physical planning and leasing for the Federal Government in the entire metropolitan Washington area, which vitally affects the interests of both Maryland and Virginia, will come under control of the District of Columbia Government.

The new membership of the NCPC would be overwhelmingly weighed in favor of the District of Columbia, by a possible ratio of 7 to 1. Under the proposal, the members of the Commission would be the Secretary of the Interior, the Secretary of Defense, the Administrator of GSA, the Mayor of Washington, the chairman of the District of Columbia City Council, and the chairman of the House and Senate Committees on the District of Columbia or their alternates. Then the bill calls for five citizen members; three to be appointed by the President only one of whom must be from Maryland and one of whom must be from Virginia; but the other two are appointed by the Mayor of Washington. In other words possibly seven members of the Commission would be oriented in the interests of the District of Columbia with little interest in planning in the suburban areas of Maryland and Virginia.

This Commission is supposed to be a Federal planning agency for the region, so why should the Mayor and the City Council of the District of Columbia be permitted to sit on the planning commission any more than the county executive and chairman of the county council from my county and from all other counties, since our interests are vitally affected?

The constitutional questions which I have always had in the past to home rule legislation for the District of Columbia have been satisfied by the Green amendment which incorporates the enclave concept in the legislation. I have, in the past, introduced legislation to give full voting representation in Congress to District of Columbia residents, but I cannot approve of a Commission which will have control over planning in my district which is itself controlled by District of Columbia residents. This, in its own right, is unequal representation.

Mr. Speaker, I could have supported this legislation if the committee had seen fit to make some changes in the National Capital Planning Commission provision, the parking tax provision and the authority to restrict District of Columbia employment to residents of the District of Columbia. Since these objectionable provisions still remain, I feel compelled to oppose the legislation. I will vote "no" on the conference report.

Mr. FRASER. Mr. Speaker, the conference report adopts a very important feature of the House bill—section 738, relating to the advisory neighborhood councils. Language has been added to require citywide approval by the voters at the charter referendum election next May 7, through a separate vote on neighborhood councils.

This concept was discussed in subcommittee hearings last spring, in full committee markup this summer, and by those of us who were on the conference committee in recent weeks. The clear intent is to establish an official body in each community or neighborhood, elected by voters of that part of the city at a regular school board election at the official polling places, using ballots provided by the city election board.

When a neighborhood council has been elected, it will receive from the city "notice—of requested or proposed zoning changes, variance, public improvements, licenses or permits of significance to neighborhood planning and development within its neighborhood council area for its review, comment, and recommendation."

In this way the local people will be involved in decisions affecting their local area. An official group of local citizens will "review, comment, and recommend."

The duties and powers of each local council are also set out in these words:

May advise the District government on matters of public policy including decisions regarding planning, streets, recreation, social services programs, health, safety, and sanitation in that neighborhood council area.

This increase in control over decisions affecting their local area by the people closest to the problems is not such a novel idea in America. We have always had a good deal of local autonomy for each small community of 10,000 or 50,000. It is only in the greatly expanding cities of the past 100 years with annexation of suburbs and consolidation of functions that the people have been getting farther and farther away from the elected officials who are responsible for providing municipal services and making decisions on zoning and development. Washington, D.C., will have a way to reverse this trend in the new home rule bill we are now adopting.

London, England, has organized its municipal services in a way that gives more local control, yet leaves larger questions such as the transportation system to a larger unit of government. The 32 boroughs of the London area each elect councils which have a good deal of responsibility. The overall Greater London Council is elected to perform area-wide functions.

Community councils are being discussed and voted on in many large cities throughout the United States. Indianapolis is in the process of defining the boundaries and then holding elections for its local councils. Detroit has just adopted a new charter under which "subunits of government" may be established. Community councils in Detroit may be given advisory or substantive authority, or both, with respect to such programs as urban renewal, relocation, public housing, planning, and zoning actions, and other physical development programs; crime prevention and juvenile delinquency programs; health services; code inspection; recreation; education; and manpower training. In the words of the new Detroit charter:

The community council shall act as advocate, on the basis of ongoing research and study, for the needs of the community before the city council.

That is essentially the role we visualize for community councils in Washington, D.C. The language of the bill is purposely broad so that each community can focus on the activities and problems it considers most important to the local community. A small amount of tax money is provided to go directly to each local council to be used for programs or local expenses or even staff. Additional financing by the city council, by other Federal programs, or by voluntary funding is permitted, as the local council takes on more responsibility.

The broad legislative powers given to the city council under this home rule bill are intended to relieve Congress of the chore of making local regulations for local problems. Specific language in section 738 makes it clear that the city council can legislate as to neighborhood councils. Congress has set up the basic framework and authorization for financing, but it is not necessary for the city council to return to Congress for additions and changes to the neighborhood council program.

Mr. NIX. Mr. Speaker, I am pleased to support the conference report on S. 1435, the District of Columbia Self-Government Act. When this measure becomes law, the citizens of our Nation's Capital will have restored to them the precious right of self-government. They will at long last have the right to elect their own mayor and city council and to manage their own municipal affairs, a right taken for granted by all other American cities.

This bill is long overdue. But I am happy that the new system of government for the District of Columbia will be in operation at the time of our national Bicentennial. By passing this law, we are keeping faith with the belief of our Founding Fathers that the people are capable of governing themselves. In the future, when American and foreign visitors come to our Federal City, they will see that democracy is a living reality here, as it is throughout our land.

Mr. Speaker, I want to commend the gentleman from Michigan (Mr. DIGGS) and the members of the District of Columbia Committee for their efforts in making self-government for the District a reality. But above all, I want to extend my best wishes to the citizens of the District of Columbia as they prepare to embark on a new future. Self-government is a great blessing and a great responsibility. I am confident that the people of our Nation's Capital will prove to all doubters that democratic government is, as it always has been, the best guardian of the liberties and welfare of the people.

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

The previous question was ordered.

MOTION TO RECOMMIT OFFERED BY MR. LANDGREBE

Mr. LANDGREBE. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the conference report?

Mr. LANDGREBE. I certainly am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit. The Clerk read as follows:

Mr. LANDGREBE moves to recommit the conference report on the bill (S. 1435) to the Committee of Conference.

Mr. LANDGREBE. 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.

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

Mr. LANDGREBE. Mr. Speaker, I demand a recorded vote.

A recorded vote was refused.

Mr. LANDGREBE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 80, nays 259, not voting 93, as follows:

[Roll No. 692]

YEAS—80

Arends	Flynt	Powell, Ohio
Ashbrook	Goodling	Price, Tex.
Bafalis	Gross	Quillen
Baker	Haley	Rarick
Bauman	Hinshaw	Rhodes
Bray	Hogan	Roberts
Brooks	Holt	Robinson, Va.
Broyhill, Va.	Hosmer	Rousselot
Burgener	Huber	Ruth
Burleson, Tex.	Hutchinson	Satterfield
Camp	Jarman	Scherle
Casey, Tex.	Johnson, Pa.	Sebelius
Chappell	Ketchum	Skubitz
Clancy	King	Snyder
Clawson, Del	Landgrebe	Spence
Collins, Tex.	Lott	Steed
Conlan	Lujan	Steiger, Ariz.
Crane	Mayne	Symms
Daniel, Dan	Michel	Treen
Daniel, Robert W., Jr.	Minshall, Ohio	Waggonner
Davis, Wis.	Mizell	Whitten
Denholm	Montgomery	Williams
Dennis	Moorhead, Calif.	Wyman
Devine	Myers	Young, Fla.
Dickinson	Parris	Young, Tex.
Duncan	Pike	Zion
Fisher	Poage	

NAYS—259

Abdnor	Cederberg	Fish
Abzug	Chamberlain	Flood
Anderson, Calif.	Cleveland	Flowers
Andrews, N.C.	Cochran	Foley
Andrews, N. Dak.	Cohen	Forsythe
Annunzio	Collier	Fountain
Archer	Collins, Ill.	Fraser
Armstrong	Conable	Frenzel
Ashley	Conte	Frey
Barrett	Conyers	Froehlich
Bell	Corman	Fulton
Bennett	Coughlin	Gaydos
Bergland	Cronin	Gettys
Bevill	Culver	Giaimo
Biester	Danielson	Gibbons
Bingham	Davis, Ga.	Ginn
Boggs	Davis, S.C.	Gonzalez
Bowen	de la Garza	Gray
Brademas	Dellenback	Green, Oreg.
Breaux	Dellums	Green, Pa.
Breckinridge	Derwinski	Gude
Brinkley	Diggs	Gunter
Brotzman	Dingell	Guyer
Brown, Calif.	Donohue	Hamilton
Brown, Mich.	Dorn	Hammer-schmidt
Brown, Ohio	Drinan	Hanley
Broyhill, N.C.	du Pont	Hansen, Idaho
Buchanan	Eckhardt	Hansen, Wash.
Burke, Fla.	Edwards, Calif.	Harrington
Burke, Mass.	Eilberg	Harsha
Burlison, Mo.	Erlenborn	Hastings
Byron	Esch	Hawkins
Carney, Ohio	Evans, Colo.	Hays
Carter	Evins, Tenn.	Hechler, W. Va.
	Fascell	Heckler, Mass.
	Findley	

Heinz	Miller	Shriver
Hicks	Mink	Shuster
Hillis	Mitchell, N.Y.	Sisk
Holifield	Moakley	Slack
Horton	Mollohan	Smith, Iowa
Howard	Morgan	Smith, N.Y.
Hungate	Mosher	Stanton, J. William
Ichord	Moss	Stark
Johnson, Calif.	Murphy, Ill.	Steelman
Johnson, Colo.	Murphy, N.Y.	Steiger, Wis.
Jones, Ala.	Natcher	Stephens
Jones, N.C.	Nedzi	Stratton
Jones, Okla.	Nelsen	Stubblefield
Jones, Tenn.	Nichols	Stuckey
Jordan	Nix	Studds
Karth	Obey	Sullivan
Kastenmeier	O'Hara	Symington
Kazen	O'Neill	Taylor, N.C.
Kemp	Owens	Teague, Calif.
Kluczynski	Passman	Thompson, N.J.
Koch	Patten	Thomson, Wis.
Kuykendall	Perkins	Thone
Kyros	Pettis	Thornton
Latta	Pickle	Tiernan
Leggett	Preyer	Towell, Nev.
Lehman	Price, Ill.	Udall
Litton	Pritchard	Ullman
Long, La.	Quie	Van Deerlin
Long, Md.	Railsback	Vanik
McClory	Randall	Vigorito
McCloskey	Rangel	Waldie
McCollister	Regula	Wampler
McCormack	Reuss	Ware
McDade	Riegle	Whalen
McEwen	Robison, N.Y.	White
McFall	Rogers	Wiggins
McKay	Roncalio, Wyo.	Wilson, Bob
McSpadden	Rooney, Pa.	Wilson, Charles H., Calif.
Macdonald	Rose	Wilson, Charles, Tex.
Madden	Rosenthal	Winn
Madigan	Rostenkowski	Wylie
Mahon	Roush	Yates
Mallary	Roy	Yatron
Mann	Roybal	Young, Ga.
Mathias, Calif.	Runnels	Young, Ill.
Mathis, Ga.	Ruppe	Young, S.C.
Matsunaga	St Germain	Zablocki
Mazzoli	Sarbanes	Zwach
Meeds	Schneebeli	
Melcher	Schroeder	
Metcalfe	Seiberling	
Mezvinsky	Shipley	
Milford	Shoup	

NOT VOTING—93

Adams	William D.	Peyser
Addabbo	Frelinghuysen	Podell
Alexander	Fuqua	Rees
Anderson, Ill.	Gilman	Reid
Aspin	Goldwater	Rinaldo
Badillo	Grasso	Rodino
Beard	Griffiths	Roe
Biaggi	Grover	Roncallo, N.Y.
Blackburn	Gubser	Rooney, N.Y.
Blatnik	Hanna	Ryan
Boland	Hanrahan	Sandman
Bolling	Harvey	Sarasin
Brasco	Hébert	Sikes
Broomfield	Helstoski	Staggers
Burke, Calif.	Henderson	Stanton, James V.
Burton	Holtzman	Steele
Butler	Hudnut	Stokes
Carey, N.Y.	Hunt	Talcott
Chisholm	Keating	Taylor, Mo.
Clark	Landrum	Teague, Tex.
Clausen, Don H.	Lent	Vander Jagt
Clay	McKinney	Veysey
Cotter	Mailliard	Walsh
Daniels, Dominick V.	Maraziti	Whitehurst
Delaney	Martin, Nebr.	Widnall
Dent	Martin, N.C.	Wolff
Downing	Mills, Ark.	Wright
Dulski	Minish	Wyatt
Edwards, Ala.	Mitchell, Md.	Wydler
Eshleman	Moorhead, Pa.	Wyman
Ford,	O'Brien	Young, Alaska
	Patman	
	Pepper	

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Hébert for, with Mr. Adams against.

Mr. Landrum for, with Mr. Fuqua against.

Mr. Sikes for, with Mr. Brasco against.

Mr. Teague of Texas for, with Mr. Mitchell of Maryland against.

Mr. Blackburn for, with Mr. McKinney against.

Mr. Taylor of Missouri for, with Mr. Widnall against.

Mr. Hanrahan for, with Mr. Hunt against.

Until further notice:

Mr. Rooney of New York with Mr. Staggers.

Mr. Boland with Mr. Mills of Arkansas.

Mr. Addabbo with Mr. Aspin.

Mr. Biaggi with Mr. Talcott.

Mr. Badillo with Mr. Ryan.

Mr. Burton with Mr. Walsh.

Mr. Carey of New York with Mr. Vander Jagt.

Mr. Downing with Mr. Martin of Nebraska.

Mr. Dulski with Mr. Sandman.

Mrs. Chisholm with Mr. William D. Ford.

Mrs. Grasso with Mr. Roncallo of New York.

Mr. Cotter with Mr. Rinaldo.

Mr. Helstoski with Mr. Clay.

Mr. Minish with Mr. Stokes.

Mrs. Griffiths with Mr. Frelinghuysen.

Mr. Hanna with Mr. Anderson of Illinois.

Mr. Moorhead of Pennsylvania with Mr. Gilman.

Mr. Clark with Mr. Beard.

Mr. Dominick V. Daniels with Mr. Eshleman.

Mr. Delaney with Mr. Goldwater.

Mr. Dent with Mr. Broomfield.

Mr. Rodino with Mr. Grover.

Mr. Reid with Mr. Harvey.

Mr. Podell with Mr. Maraziti.

Mr. Pepper with Mr. Martin of North Carolina.

Mr. Rees with Mr. Butler.

Mr. Roe with Mr. O'Brien.

Mr. James V. Stanton with Mr. Mailliard.

Mr. Wolff with Mr. Don H. Clausen.

Mr. Wright with Mr. Peyser.

Mr. Alexander with Mr. Edwards of Alabama.

Mr. Blatnik with Mr. Lent.

Mrs. Burke of California with Mr. Sarasin.

Mr. Henderson with Mr. Steele.

Ms. Holtzman with Mr. Hudnut.

Mr. Patman with Mr. Gubser.

Mr. Whitehurst with Mr. Wyatt.

Mr. Wydler with Mr. Young of Alaska.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the conference report.

RECORDED VOTE

Mr. MONTGOMERY. 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 272, noes 74, not voting 86, as follows:

[Roll No. 693]

AYES—272

Abdnor	Burke, Fla.	du Pont
Abzug	Burke, Mass.	Eckhardt
Addabbo	Burlison, Mo.	Edwards, Calif.
Anderson, Calif.	Byron	Eilberg
Andrews, N.C.	Carney, Ohio	Erlenborn
Andrews, N. Dak.	Carter	Esch
Annunzio	Cederberg	Evans, Colo.
Archer	Chamberlain	Evins, Tenn.
Armstrong	Cleveland	Fascell
Ashley	Cochran	Findley
Barrett	Cohen	Fish
Bell	Collier	Flood
Bennett	Collins, Ill.	Flowers
Bergland	Conable	Foley
Bevill	Conte	Forsythe
Biester	Conyers	Fountain
Bingham	Corman	Fraser
Boggs	Coughlin	Frenzel
Bowen	Cronin	Frey
Brademas	Culver	Froehlich
Breaux	Danielson	Fulton
Breckinridge	Davis, Ga.	Gaydos
Brinkley	Davis, S.C.	Gettys
Brotzman	de la Garza	Giaimo
Brown, Calif.	Dellenback	Gibbons
Brown, Mich.	Dellums	Ginn
Brown, Ohio	Derwinski	Gonzalez
Broyhill, N.C.	Diggs	Gray
Buchanan	Donohue	Green, Oreg.
Burgener	Dorn	Green, Pa.
	Drinan	Gude
	Duncan	Gunter

Guyer	Mathias, Calif.	Schneebeli
Hamilton	Mathis, Ga.	Schroeder
Hammer-schmidt	Matsunaga	Seiberling
Hanley	Mazzoli	Shipley
Hansen, Idaho	Meeds	Shoup
Hansen, Wash.	Melcher	Shriver
Harrington	Metcalfe	Shuster
Harsha	Mezvinsky	Sisk
Hastings	Michel	Slack
Hawkins	Milford	Smith, Iowa
Hays	Miller	Smith, N.Y.
Hechler, W. Va.	Mink	Stanton,
Heckler, Mass.	Minshall, Ohio	J. William
Heinz	Mitchell, N.Y.	Stark
Hicks	Moakley	Steelman
Hillis	Mollohan	Steiger, Ariz.
Hinshaw	Morgan	Steiger, Wis.
Holifield	Mosher	Stephens
Horton	Moss	Stratton
Howard	Murphy, Ill.	Stubblefield
Hungate	Murphy, N.Y.	Stuckey
Ichord	Myers	Studds
Johnson, Calif.	Natcher	Sullivan
Johnson, Colo.	Nedzi	Symington
Johnson, Pa.	Nelsen	Taylor, N.C.
Jones, Ala.	Nichols	Teague, Calif.
Jones, N.C.	Nix	Thompson, N.J.
Jones, Okla.	Obey	Thomson, Wis.
Jones, Tenn.	O'Hara	Thone
Jordan	O'Neill	Thornton
Karth	Owens	Tiernan
Kastenmeier	Patten	Towell, Nev.
Kazen	Perkins	Udall
Kemp	Pettis	Ullman
King	Pickle	Van Deerlin
Kluczynski	Powell, Ohio	Vanik
Koch	Preyer	Vigorito
Kuykendall	Price, Ill.	Waldie
Kyros	Pritchard	Wampler
Latta	Quie	Ware
Leggett	Railsback	Whalen
Lehman	Randall	White
Litton	Rangel	Wiggins
Long, La.	Regula	Williams
Long, Md.	Reuss	Wilson, Bob
McClory	Riegle	Wilson, Charles H., Calif.
McCloskey	Robison, N.Y.	
McCollister	Roe	Wilson, Charles, Tex.
McCormack	Rogers	
McDade	Roncalio, Wyo.	Winn
McEwen	Rooney, Pa.	Wolff
McFall	Rose	Wydler
McKay	Rosenthal	Wylie
McSpadden	Rostenkowski	Yates
Macdonald	Roush	Yatron
Madden	Roy	Young, Ga.
Madigan	Roybal	Young, Ill.
Mahon	Ruppe	Young, S.C.
Mallary	St Germain	Zablocki
Mann	Sandman	Zwach
	Sarbanes	

NOES—74

Arends	Fisher	Rarick
Ashbrook	Flynt	Rhodes
Bafalis	Goodling	Roberts
Baker	Gross	Robinson, Va.
Bauman	Haley	Rousselot
Bray	Hogan	Runnels
Brooks	Holt	Ruth
Broyhill, Va.	Hosmer	Satterfield
Burleson, Tex.	Huber	Scherle
Camp	Hutchinson	Sebelius
Casey, Tex.	Jarman	Sikes
Chappell	Ketchum	Skubitz
Clancy	Landgrebe	Snyder
Clawson, Del	Lott	Spence
Collins, Tex.	Lujan	Steed
Conlan	Mayne	Symms
Crane	Mizell	Teague, Tex.
Daniel, Dan	Montgomery	Treen
Daniel, Robert W., Jr.	Moorhead, Calif.	Waggonner
		Whitten
Davis, Wis.	Parris	Wyman
Denholm	Passman	Young, Fla.
Dennis	Pike	Young, Tex.
Devine	Poage	Zion
Dickinson	Price, Tex.	
Dingell	Quillen	

NOT VOTING—86

Adams	Burton	Dulski
Alexander	Butler	Edwards, Ala.
Anderson, Ill.	Carey, N.Y.	Eshleman
Aspin	Chisholm	Ford, William D.
Badillo	Clark	
Beard	Clausen, Don H.	Frelinghuysen
Biaggi		Fuqua
Blackburn	Clay	Gilman
Blatnik	Cotter	Goldwater
Boland	Daniels, Dominick V.	Grasso
Bolling		Griffiths
Brasco	Delaney	Grover
Broomfield	Dent	Gubser
Burke, Calif.	Downing	Hanna
Hanrahan	Mills, Ark.	Sarasin
Harvey	Minish	Staggers
Hébert	Mitchell, Md.	Stanton, James V.
Helstoski	Moorhead, Pa.	
Henderson	O'Brien	Steele
Holtzman	Patman	Stokes
Hudnut	Pepper	Talcott
Hunt	Peyser	Taylor, Mo.
Keating	Podell	Vander Jagt
Landrum	Rees	Veysey
Lent	Reid	Walsh
McKinney	Rinaldo	Whitehurst
Mailliard	Rodino	Widnall
Maraziti	Roncallo, N.Y.	Wright
Martin, Nebr.	Rooney, N.Y.	Wyatt
Martin, N.C.	Ryan	Young, Alaska

So the conference report was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Adams for, with Mr. Landrum against.

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

Mr. McKinney for, with Mr. Taylor of Missouri against.

Mr. Hanrahan for, with Mr. Blackburn against.

Until further notice:

Mr. Rooney of New York with Mr. Vander Jagt.

Mr. Badillo with Mr. Wyatt.

Mr. Clark with Mr. Delaney.

Mr. Blatnik with Mr. Steele.

Mr. Brasco with Mr. Sarasin.

Mrs. Grasso with Mr. Talcott.

Mr. Cotter with Mr. Grover.

Mr. Rodino with Mr. Martin of North Carolina.

Mr. James V. Stanton with Mr. Hunt.

Mr. Stokes with Mr. Helstoski.

Mr. Henderson with Mr. Walsh.

Mr. Boland with Mr. Gubser.

Mrs. Chisholm with Mr. Rees.

Mr. Moorhead of Pennsylvania with Mr. Lent.

Mr. Clay with Mr. Minish.

Mr. Biaggi with Mr. Harvey.

Mr. Alexander with Mr. Edwards of Alabama.

Mr. William D. Ford with Mr. Anderson of Illinois.

Mrs. Griffiths with Mr. Hudnut.

Mr. Hanna with Mr. Martin of Nebraska.

Ms. Holtzman with Mr. Keating.

Mr. Staggers with Mr. Beard.

Mr. Wright with Mr. Eshleman.

Mr. Reid with Mr. Broomfield.

Mr. Mills of Arkansas with Mr. Roncallo of New York.

Mr. Dent with Mr. Frelinghuysen.

Mr. Dominick V. Daniels with Mr. Mailliard.

Mr. Dulski with Mr. Don H. Clausen.

Mr. Downing with Mr. Goldwater.

Mr. Carey of New York with Mr. Maraziti.

Mr. Burton with Mr. Gilman.

Mrs. Burke of California with Mr. Aspin.

Mr. Patman with Mr. O'Brien.

Mr. Pepper with Mr. Butler.

Mr. Podell with Mr. Rinaldo.

Mr. Ryan with Mr. Peyser.

Mr. Fuqua with Mr. Young of Alaska.

Mr. Widnall with Mr. Whitehurst.

The result of the vote was announced as above recorded. A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. ARRINGTON, one of its clerks, announced that the Senate disagrees to the amendments of the House to the bill (S. 2589) entitled "An Act 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," agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. JACKSON, Mr. BIBLE, Mr. METCALF, Mr. FANNIN, Mr. HANSEN, Mr. RANDOLPH, Mr. MUSKIE, Mr. BAKER, Mr. HOLLINGS, Mr. STEVENSON, and Mr. STEVENS to be the conferees on the part of the Senate.

The message also announced that Mr. EAGLETON be appointed as a conferee on the bill (H.R. 11576) entitled "An Act making supplemental appropriations for the fiscal year ending June 30, 1974, and for other purposes," in lieu of Mr. HOLLINGS, excused.

GENERAL LEAVE

Mr. DIGGS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report just agreed to.

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

There was no objection.

DIRECTING SECRETARY OF THE SENATE TO MAKE CORRECTIONS IN THE ENROLLMENT OF S. 1435

Mr. DIGGS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the concurrent resolution (H. Con. Res. 402) directing the Secretary of the Senate to make corrections in the enrollment of S. 1435.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 402

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill (S. 1435), to reorganize the governmental structure of the District of Columbia, to provide a charter for local government in the District of Columbia, subject to acceptance by a majority of registered qualified electors in the District of Columbia, to delegate certain legislative powers to the local government, to implement certain recommendations of the Commission on the Organization of the Government of the District of Columbia, and for other purposes, the Secretary of the Senate shall make the following corrections:

(1) In the parenthetical phrase in section 602(a)(5) of the bill, strike out "the Act of July 16, 1947" and insert in lieu thereof "title I of the District of Columbia Income and Franchise Tax Act of 1947".

(2) At the end of section 738 of the bill, insert the following subsection:

"(h) The foregoing provisions of this section shall take effect only if agreed to in accordance with the provisions of section 703(a) of this Act."

(3) In the first sentence of section 712 of the bill, strike out "711" and insert in lieu thereof "404(a)".

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

There was no objection.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

HONORABLE LEE SULLIVAN NAMED ADMIRAL OF THE OCEAN SEA

(Mrs. GREEN of Oregon asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. GREEN of Oregon. Mr. Chairman, it is with a great deal of personal pride, personal pleasure that I call to the attention of the Members of the House a richly deserved honor which has been awarded to one of our most distinguished colleagues, Mrs. LEE SULLIVAN, the gentlewoman from Missouri. May I also say it is one of the most poetic citations of which I have ever heard. Who would not envy, indeed, a time when one would be named "Admiral of the Ocean Sea"! That is exactly LEE SULLIVAN's new title, bestowed upon her at a very gala occasion in New York City last week. Just the title inspires a sense of romance and adventure, of exploration and daring, and superb skill. And for that matter those are the very qualities which mark LEE SULLIVAN's life.

One of the very few women, indeed half a dozen only in the history of the Congress, to ever chair a congressional committee and one of the relatively few women, in fact, to ever serve in Congress, she has indeed charted unknown seas and has done so with immense dignity and courage and success.

This latest tribute to her comes from individuals and groups most knowledgeable about the world's merchant fleet and therefore most knowledgeable, also, about the contributions of those hearty individuals who fight on behalf of these modern mariners.

In being named the 1973 Admiral of the Ocean Sea, LEE SULLIVAN joins the eminent ranks of only four previous awardees: Spyros Skouras, Helen Bentley, Andrew Gibson, and Joseph Curran. She is the first Member of Congress to be so honored. I know the pride I feel in being associated with her is shared by LEE's other colleagues. With affection and admiration and respect, may I offer our warmest congratulations.

Mr. RANDALL. Mr. Chairman, will the gentlewoman yield?

Mrs. GREEN of Oregon. I yield to the gentleman from Missouri (Mr. RANDALL).

Mr. RANDALL. Mr. Speaker, I join with the gentlewoman from Oregon in these congratulations to our colleague (Mrs. SULLIVAN).

As a member of the Missouri delegation, of course we all love the gentlelady from Missouri, LEE SULLIVAN. We also honor and respect her for her ability as a good legislator. Today we take this moment to commend and congratulate her as a recipient of the Admiral of the Ocean Sea. In New York last week Mrs. SULLIVAN was selected to receive the AOTOS award conferred by United Seamen's Service, which is an industry organization. The award is to honor those who have made outstanding contributions to the American merchant marine. LEE SULLIVAN has distinguished herself as being the first Member of Congress to be so honored.

The recipient of this honor, of course we know is the chairman of the House Merchant Marine Committee, and the first woman Member of Congress to chair that distinguished committee. At the awards ceremony Tuesday evening, December 11th in New York, Mrs. SULLIVAN made the point that our country must bolster its merchant marine, and warned that while that will not be easy and will require some hard accommodations by both maritime management and labor, such increase in the strength of our merchant marine is a necessity unless we are willing to risk in the future international blackmail from any nation that chooses to attempt it.

The gentlewoman from Missouri made the very strong point that we carry less than 6 percent of our commerce in our own ship bottoms. She went on in her acceptance remarks to make another strong point that either the personal whim or nationalistic zealousness of leaders of autocratic regimes can bring the American economy to a precarious position. She said the suddenness of the energy crisis and the Arab embargo should bring home to us the need for our own strong merchant marine.

The very impressive point which Mrs. SULLIVAN developed in her remarks was in the form of a rhetorical question, that if we are now suffering some economic dislocation because of the arbitrary shutoff of less than 10 percent of our total oil needs by the concerted action of a few small Arab nations, what would happen to us if the 94 percent of ocean shipping that we use were to be sharply curtailed or denied to us for political reasons of the countries that own these ships?

These sobering warnings should wake up every Member of the House to the need that whatever we can do to strengthen and increase the capacity of our own merchant marine should be voted by this Congress.

Finally, we salute Admiral SULLIVAN. We honor her today and congratulate her as the recipient of AOTOS. For those of us who are members of the Missouri delegation, we have always known and regarded her as a good shipmate.

Mr. HUNGATE. Mr. Speaker, will the gentlewoman yield?

Mrs. GREEN of Oregon. I yield to the gentleman from Missouri.

Mr. HUNGATE. Mr. Speaker, I would like to join in the commendation to Admiral SULLIVAN who is a leading Member of the Missouri delegation and a fine friend to us all and a constructive legislator. Certainly she contributes much to the work of this body.

Mrs. GREEN of Oregon. I thank my colleague, the gentleman from Missouri.

Mr. SYMINGTON. Mr. Speaker, will the gentlewoman yield?

Mrs. GREEN of Oregon. I yield to the gentleman from Missouri (Mr. SYMINGTON).

Mr. SYMINGTON. Mr. Speaker, I do want to join with my colleagues and the gentlewoman from Oregon in expressing gratitude for this well-deserved honor to our esteemed shipmate LEE SULLIVAN, the gentlewoman from Missouri.

Mr. ICHORD. Mr. Speaker, will the gentlewoman yield?

Mrs. GREEN of Oregon. I yield to the gentleman from Missouri (Mr. ICHORD).

Mr. ICHORD. Mr. Speaker, I appreciate our colleague, the gentlewoman from Oregon, taking this time to bring the honor bestowed upon our colleague, the beloved and highly esteemed gentlewoman from Missouri, LEONORA SULLIVAN, to the attention of the Members of the House.

When most people are asked who is the father of the U.S. Navy, they reply that it is John Paul Jones, but in fact it was not John Paul Jones who was the father of the U.S. Navy. It was a man by the name of John Barry, a naturalized American of Irish descent. I am happy that we again have the Irish name of Sullivan in the front ranks of the U.S. Navy.

GENERAL LEAVE

Mrs. GREEN of Oregon. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the subject of the award to Mrs. SULLIVAN, the gentlewoman from Missouri.

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

There was no objection.

PERSONAL EXPLANATION

Mr. YATES. Mr. Speaker, I find in the RECORD that I was not recorded on rollcall No. 682, although I did insert my voting card in the voting machine and I did vote "aye." I ask that my statement be noted in the CONGRESSIONAL RECORD, that I was present and did vote "aye" on this rollcall.

CONFERENCE REPORT ON H.R. 3180, USE OF FRANKING PRIVILEGE BY MEMBERS OF CONGRESS

Mr. UDALL. Mr. Speaker, I call up the conference report on the bill (H.R. 3180) to amend title 39, United States Code, to clarify the proper use of the franking privilege by Members of Congress, and for other purposes, 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 Arizona?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of December 11, 1973.)

GENERAL LEAVE

Mr. UDALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include ex-

traneous matter on the conference report now under consideration.

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

There was no objection.

Mr. UDALL. Mr. Speaker, it is with considerable pride that we in the House Committee on Post Office and Civil Service bring to the House Chamber today for final action this important legislation on the franking privilege. Since the beginning of our Government we have had the franking privilege for the purpose of communicating with our constituents and between Members of Congress. If we need anything today, we need communication and understanding between the citizens of this country and those who hold important positions in Government.

So we have brought this conference report for your approval. It is a bill which I believe is in the public interest and in the interest of the orderly transaction of business in the House of Representatives.

I would call attention to the Members of two or three of the major differences which exist between the House-passed bill and the conference report. These are matters that were worked out in the conference committee.

The first deals with mass mailing. As Members will recall, when the bill passed the House there was no prohibition of mass mailing of franked mail prior to an election. In the Senate an amendment was carried which would have had a 30-day cutoff in which a Member was campaigning as a candidate.

In the conference committee we agreed to a cutoff of 28 days covering both primary and general elections. We feel this will satisfy the legitimate demand for some kind of legal cutoff and yet not interfere with the legitimate rights of Members to communicate with their constituents.

I would point out that the cutoff would not apply to direct responses to inquiries. If a major public event or a major public issue arose during the last week of the campaign and thousands of constituents wrote to the Member, he would be able to respond to those requests or communications. The cutoff would not apply to communications between Members and their colleagues, the typical "Dear Colleague" letter, nor to news media communications relating to official business. The postal patron privilege which has been extended pretty much to the House is included in this conference report. Not only that, we spell it out. We clarify it. We relate it to the situation in which Congressional districts have been changed and we do this in a fair and responsible way.

In addition, a number of Members have raised a question regarding mass mailings utilizing the "postal patron" form of address. The question involves a situation where the postal facility responsible for delivering the mass mailing may be physically located outside the congressional district where the mail is destined to be delivered.

Assurances have been received that the Postal Service is aware of this matter and the legislation is clear that when this situation exists, it is the responsibility of the Postal Service to insure delivery of such franked mail in the correct congressional district notwithstanding the fact that the actual postal facility responsible for such deliveries is outside the congressional district.

These are the two major provisions to which I call my colleagues' attention.

Mr. TEAGUE of California. Mr. Speaker, will the gentleman yield?

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

Mr. TEAGUE of California. Does the conference report deal at all with the subject of leftover campaign funds from one campaign? Can they or can they not be used for the mailing out of monthly reports or questionnaires?

Mr. UDALL. Yes. This matter was settled as the House originally settled it when we debated it last spring.

We had an anomaly in that the Senate originally had held that excess funds could be spent for the printing and publishing of news letters. There had been a ruling, however, on the other hand that House funds could not be used for that purpose. The report makes clear that surplus campaign funds held by a committee can be used for the printing of news letters, questionnaires and similar matters of official business. It is the language of the Gubser amendment which also said that voluntary newsletter funds are not to be used as campaign funds, nor controlled by the 1971 Campaign Act.

So, this clarifies these two very vital questions.

Mr. TEAGUE of California. Mr. Speaker, I thank the gentleman.

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

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

Mr. CORMAN. Mr. Speaker, does the conference address itself to a Member including in his personal income funds which were spent for the printing and mailing of newsletters?

Mr. UDALL. No, this matter was not covered specifically. It ought to be addressed by the Committee on Ways and Means at some point, and I think we owe the Members some specific disposition. There is much gray area in this field and we ought to clarify it at the earliest opportunity.

Mr. Speaker, to assist our colleagues, I am attaching a further explanation of the conference report to highlight and detail the various provisions:

EXPLANATION OF CONFERENCE AGREEMENT

There are a number of significant differences between the conference agreement and the House passed bill.

The first deals with mass mailings. As you recall, the House passed bill did not contain a provision prohibiting mass mailings, but did require the House Commission on Congressional Mailing Standards to study and report to the House recommendations concerning the use of mass mailings during the period of thirty days before elections. The conference agreement deletes this provision and provides that mass mailings (defined as newsletters and similar mailings of more than 500 substantially identical pieces) may not be mailed less than 28 days before any election in which a Member is a candidate for public office, except for mailings—

(1) in direct response to inquiries or requests;

(2) to colleagues in Congress or to Federal, State or local officials; and

(3) of news releases to the communications media.

I might mention in this regard that the conference agreement allows postal patron mailings by Members of the House in the same manner as is presently utilized today.

The second major difference concerns the cost of franked mail as a political contribution. The conference agreement adopts the Senate language, which I might add we asked them to consider, which would prohibit consideration of the cost for franked mail, notwithstanding any Federal, State or local law to the contrary, as a contribution to or expenditure with respect to any limitation on campaign expenditures.

The third major difference relates to the franking of Mailgrams. The conference agreement allows costs due to the Postal Service for the sending of Mailgrams to be paid for under the frank. Other items transmitted by electronic means, as was provided for in the Senate amendments, could not be franked.

There are also some other differences which, in my opinion, are not major factors in the conference agreement.

The first deals with the inclusion in the conference agreement of a specific prohibition against using the frank for mailing cards expressing holiday greetings.

The second deals with the expiration of the franking privilege for non-returning Members of Congress. The conference agreement would allow the sending of official business matter and public documents under the frank until April 1st following the expiration of a term of office, as opposed to present law which allows such mailings until June 30th.

The next area deals with inclusion in the conference agreement of a provision which provides for administrative and judicial review for alleged violations by Senate Members and Senate officials. The Senate exercised its prerogative of choosing its own method of review, which is substantially different from that provided for violations by Members of the House. I should like to emphasize that the latter provision remains unchanged except for two technical amendments.

The last area of difference concerns franked mail for a surviving spouse of a Member. Presently there are no specific restrictions on the type of mail which a surviving spouse may send during 180 days following the death of a Member. The conference agreement provides that only "non-political" correspondence relating to the death of a Member may be sent during this period.

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

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

Mr. DULSKI. Mr. Speaker, I rise in support of the conference agreement on H.R. 3180 and urge its adoption.

The primary purpose of this legislation is, for the first time in some 200 years, to clarify the proper use of the franking privilege by Members of Congress.

Mr. Speaker, there are some significant differences between the conference agreement and the House-passed bill. However, I would like to assure the Members that, in my opinion, the agreement is a fair one, which should be supported by all the Members of the House.

I would like to address myself briefly to those areas of major interest in this legislation. The language in the House bill concerning postal patron mailings has not been changed.

Also the language concerning administrative and judicial review for violations by House Members and officials remains unchanged except for two minor technical amendments. This was an area where we expected some difficulty in conference, since the Senate had adopted amendments which would have substantially changed the scope of this review. The conferees agreed to adopt two procedures: one for the House as was passed by the House and another for the Senate for Members of the Senate.

Although I feel that a uniform review procedure for both Houses is preferable, the conference agreement, leaving the House provisions untouched and allowing the Senate to choose its own standards, is a reasonable compromise.

Mr. Speaker, there are other areas incorporating significant changes from the House-passed bill. One includes a prohibition on mass mailings. The gentleman from Arizona (Mr. UDALL) will explain this provision and all other major differences contained in the conference agreement.

Mr. GROSS. Mr. Speaker, I rise in support of the conference report.

Mr. Speaker, although I was a conferee on this legislation, my name does not appear on the conference report primarily because other important business on the floor prevented me from attending the conference, and I hestitate to sign a conference agreement which I had no part in drafting.

While I continue to have reservations about some parts of this franking reform legislation, I will not oppose its approval.

I continue to be concerned, Mr. Speaker, with the so-called laundry list of what is and is not frankable under this legislation, for I believe such lists lend themselves to contradiction and misinterpretation. Therefore, I strongly urge the Members appointed to the House Commission on Congressional Mailing Standards, if this bill is enacted, to move promptly toward establishing a set of reasonable and equitable guidelines which will make the act workable in the interest of Members of the Congress and the public.

During debate in the House on April 11, the House received assurances that the provisions of this legislation which establish the special commission will not involve additional cost and will require no additional hiring of staff. I trust this pledge will be carried out, and I hope that there will be no effort to circumvent the language of the legislation which specifies that the special commission will draw its personnel, office space, equipment and facilities from the Committee on Post Office and Civil Service.

Mr. Speaker, the franking privilege which Members of Congress have enjoyed since the days of the Continental Congress is a special and valued privilege. Because this legislation confers upon the Congress certain self-policing duties, it is important that the administration of this legislation be circumspect and evenhanded and that the final result in the application of this act is both helpful and fair to us and to the constituents we serve.

Mr. GROSS. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. DERWINSKI).

Mr. DERWINSKI. Mr. Speaker, as a conferee and a signer of the conference report, I can assure the Members of the House that this conference report sustains the House position on important points, and represents a major and long-needed reform of franking privilege laws.

In fact, Mr. Speaker, the conference report in some aspects is even better legislation than the bill which passed the House in that it provides additional safeguards against misuse of the frank and establishes firm restrictions on mass mailings prior to elections.

For example, the conference report prohibits the use of the frank for mailing holiday greeting cards. While the House bill would have prohibited such use by inference, it is practical, I believe, to specifically spell out this prohibition.

The conference report also tightens up the law with respect to Members of Congress using their frank after the expiration of their term of office. The House bill allowed such franking privilege to continue for 6 months, but the conference report allows this privilege to continue only until the first day of April following the expiration of a Member's term of office.

The conference report imposes a restriction on mass mailings prior to an election, whether such mailings are postal patron or individually addressed. This issue was unresolved in the House-passed bill. The conference report provides that mailings of 500 pieces or more of substantially identical matter may not be mailed under the frank for a period of 28 days before a primary or general election in which the Member of Congress is a candidate. In the interest of a Member's constituency, the provision does allow mailings of identical matter in direct response to an inquiry or request.

Mr. Speaker, I wish to reiterate the statement I made when this legislation was before the House this past April. The issue we are faced with is that of removing the cloud that has been placed over the entire scope of congressional franking privileges because of a series of conflicting court decisions that emerged last year.

The key provisions of this conference agreement will, in my opinion, serve the public interest and insure, to the greatest extent possible, against misuse and violation of the franking privileges. I urge the approval of the conference report.

Mr. UDALL. 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.

CONVENING OF 2D SESSION OF 93D CONGRESS

Mr. O'NEILL. Mr. Speaker, I move to suspend the rules and pass the Senate joint resolution (S.J. Res. 180) relative to the convening of the second session of the 93d Congress.

The Clerk read as follows:

S.J. RES. 180

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the second regular session of the Ninety-third Congress shall begin at noon on Monday, January 21, 1974, or at noon on the second day after their respective Members are notified to reassemble in accordance with section 2 of this resolution, whichever event first occurs.

SEC. 2. The Speaker of the House of Representatives and the President pro tempore of the Senate, or the Majority Leader of the Senate and the Majority Leader of the House of Representatives, or the Minority Leader of the Senate and the Minority Leader of the House of Representatives, shall notify the Members of the Senate and the House of Representatives, respectively, to reassemble whenever in their opinion the public interest shall warrant it.

The SPEAKER. Is a second demanded?

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

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

There was no objection.

Mr. O'NEILL. Mr. Speaker, we had colloquy with respect to this matter on Friday night, and if one looks in the CONGRESSIONAL RECORD on page 41779, he will find the colloquy between myself and the gentleman from Iowa (Mr. GROSS) and the gentleman from Oregon (Mr. DELLENBACK).

Mr. Speaker, the resolution speaks for itself. We expect to get through on Thursday or Friday of this week. We have talked to the leadership on both sides of the House and on both sides of the Senate.

This is a resolution which the leadership of the House has agreed to. Section 2 of the resolution is exactly the same as the resolution that we passed for the August recess enabling the Speaker of the House and the President pro tempore of the Senate; the majority leader of the House and majority leader of the Senate; the minority leader of the House and minority leader of the Senate, if they feel we should be called back, we could be called.

Mr. Speaker, it is my feeling that we have been here for many weeks; for many months, and that this is a well-deserved opportunity for us to go home during the Christmas vacation for an opportunity to work in our offices and see the people, to get the feeling at the grassroots.

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

Mr. O'NEILL. I yield to the distinguished minority leader.

Mr. RHODES. Mr. Speaker, I agree with the statement made by the distinguished majority leader. This is a good resolution, and it will be a good thing for the Members of this body to go back home and see what the boys in the drug store think about things. This is a part of being a Representative, and we have all too little time to do that very important part of our duties.

Mr. SPEAKER. I hope the resolution will be agreed to.

Mr. GROSS. Mr. Speaker, I yield 5 minutes to the gentleman from Oregon (Mr. DELLENBACK).

Mr. DELLENBACK. Mr. Speaker, I thank the gentleman from Iowa for yielding to me.

As the distinguished majority leader pointed out, we did have dialog on this subject the other evening in the closing minutes of the last day. One thing which was touched upon and which I would like to re-emphasize and say to the Members who are in attendance now and were not on the floor at that particular moment is, as the resolution points out, that this is not an adjournment from which we cannot return if there be any matters of urgency.

It was made expressly clear by the majority leader that there is a group which can call us back into session. If the Speaker wishes us to come back, he can call us back; if the President pro tempore of the Senate wishes to call us back, he can call us back; if the majority leader of the Senate and the majority leader of the House of Representatives, working together, wish to call us back, they can do so; and if the minority leader of the House and the minority leader of the Senate agree they should call us back, they can call us back.

Mr. Speaker, I think it is extremely important that we be in a condition of flexibility at this time so that when we adjourn, if there be any reason of importance for us to come back into session, we will come back. Otherwise we cannot come back unless the President calls us back. As this resolution makes it clear, there is a series of alternative ways whereby the Congress can, and, I expect, would be called back into session.

I would like also to emphasize what the distinguished minority leader said; that it is not a case of our deserving the right to return to our districts as a matter of vacation. It seems to me it is extremely important that in order for us to function well and effectively at these jobs, we keep in very close contact, on a two-way street with our respective constituencies.

To those of us who come from a long distance, as from the west coast, that is very difficult, if what we are trying to do is done only on weekends. A recess of this particular nature makes it possible for us to go back and attend some middle-of-the-week meetings which we lack the opportunity to do in the normal course of events.

So as one who comes from the opposite side of the country, I am delighted to see this kind of a resolution come into being, and I am sure that many of my colleagues who also come from any major distance will agree that this kind of a recess, particularly one from which we can be called back into session again, is highly desirable at this time.

Mr. GROSS. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I would like to ask the distinguished majority leader why we are doing this, in other words providing for sine die adjourment piecemeal.

Why is not the date of adjournment stated in this resolution?

Mr. O'NEILL. Mr. Speaker, actually I do not know when the conference committee is coming back with respect to the energy bill, and nonetheless I would hope we would be able to recess by Thursday or Friday or Saturday. We must, of course, pass that energy bill.

I am sure that is what the leadership on both sides is most concerned with, and the Members of the House do not want to go home without it being passed.

I understand that the Senate is thinking of returning the 28th, and they will be amending this resolution to January 28. So if there will be a difference in the dates, we do want to get this over to the Senate.

Mr. GROSS. Mr. Speaker, did I understand the gentleman to say that the other body is conjuring with the idea of working until December 28 and reconvening on the 28th of January?

Mr. O'NEILL. Well, there is a remote possibility of that. They are thinking of coming back, I understand, on January 28, so they will offer an amendment to our bill.

Mr. GROSS. Will they not feel lonely if we take off before they do?

Mr. O'NEILL. No, not any more lonely than we will feel without them after we come back on January 21.

Mr. GROSS. Well, does the gentleman think that we can come back as late as January 21 and do better than we have in this session?

Mr. O'NEILL. Well, I think the record of this session has been pretty good, if the gentleman will examine the record. I would only hope that we would be able to continue with this next session as well as we have in the first.

If we would summarize the legislation we have passed and what we have accomplished and the new rules we have put into effect, I would say that this has been an excellent Congress.

Mr. GROSS. Mr. Speaker, the point is that we are still here almost on Christmas Eve, not knowing whether we are going to get out or not.

Mr. O'NEILL. I cannot argue with that point.

Mr. GROSS. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. ROUSSELOT).

Mr. ROUSSELOT. Mr. Speaker, I will ask the distinguished majority leader this question:

What are the two or three major items we are waiting for besides the energy bill and the railroad bill? And are those "must" items of legislation before we go home for Christmas?

Mr. O'NEILL. We have on the second page of the whip notice the conference reports.

Mr. ROUSSELOT. I have seen all of those, but my point is—are there to be "must" items of legislation before we go home?

Mr. O'NEILL. Three of them are all ready—the health maintenance organization, the Federal financing bank, the Federal health benefits—but I do not feel there is any problem whatsoever about them.

Mr. ROUSSELOT. Are all of those things you just listed "must" items before we leave at Christmas?

Mr. O'NEILL. May I say I do not want to put all of them in the category of "musts."

Mr. ROUSSELOT. That is what I am trying to determine.

Mr. O'NEILL. Let me say this further, if you will allow me to. Having checked each one of these matters that are on the whip notice, we do not contemplate that there is any difficulty in getting them before the House before Thursday of this week. I do not want to categorize all of them as "must" legislation, but I say, having spoken to the chairmen of the committees, they do not anticipate there will be any trouble or any holdup on any of them whatsoever. The only thing we will be waiting on is the conference reports on the appropriation bills and the energy bill.

Mr. ROUSSELOT. I thank the gentleman.

Mr. ICHORD. Will the gentleman yield?

Mr. O'NEILL. I am delighted to yield to the gentleman.

Mr. ICHORD. I presume section 2 of the resolution in giving the leadership of the respective Houses the right to convene at a certain time contemplates giving them the authority to call the Congress back into session prior to January 21, 1974.

Mr. O'NEILL. That is exactly right.

Mr. ICHORD. It is not intended, then, to give them the authority to call us back after January 21, 1974, is it?

Mr. O'NEILL. No. This would give them the power to call before January 21.

Mr. GROSS. Mr. Speaker, I should like to yield 2 minutes to the gentleman from Ohio (Mr. HAYS).

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

I just listened to the majority leader talking about the urgency of this energy bill. I would like to tell the House I was making some speeches Friday and Saturday and I talked to over 1,000 people in three meetings. At least 200 of them, both Democrats and Republicans, came up to me after these meetings—not at each one but a total at the three—and universally they were saying, "What is wrong with you people in the Congress that you would give any administration this kind of power over the life and death of the American people but especially this administration?" And "Why would you put this power in the hands of a man like Simon, who has been making $3 million a year? He will certainly have a great conception of the problems of a coal miner or a steel worker who has to drive 60 or 70 miles round trip to work, and most of them in Ohio do."

So I just want to say, as far as I am concerned, if we got around to the energy bill in 1979, that would be time enough for me.

Although I was not here, I was paired against it.

Those of you who voted for the legislation will have a lot of explaining to do if you do not go to Florida during Christmas.

Mr. RHODES. Will the gentleman yield to me?

Mr. HAYS. I yield to the gentleman.

Mr. RHODES. I am a little amazed that the gentleman from Ohio would want to go home without having voted for an emergency energy act. Furthermore, I do not have any objection to Mr. Simon being appointed as energy administrator. I think you should have a successful man to be energy administrator. It is a very important job. I think the gentleman from Ohio's coal miners and steel workers would be well served if they had such a man doing this job and allocating fuel to them for their cars rather than having somebody who was not qualified do this important work. I am a little amazed at the gentleman from Ohio.

Mr. HAYS. Do not be amazed and do not be too shocked, because I will be back next year, and if you keep talking like that, you will not, so you will not be here to hear what I have to say.

Mr. RHODES. I will meet the gentleman from Ohio right in the well of the House on the day we are both sworn in for the 94th Congress and shake his hand.

Mr. HAYS. I am going to meet a lot of your own colleagues over there in their own district during the election campaign next year.

Mr. BURKE of Massachusetts. Mr. Speaker, I rise in support of Senate Joint Resolution 180, convening of the 2d session of the 93d Congress. There are those Members of Congress who do not want to return to their home districts. Yes, there are Members who do not listen to the voice of the people. They can be compared to the ostrich who buries his head in the sand. They wish the bad news so prevalent today would go away. The people are losing their confidence in public officials according to recent polls. This is no time to be lacking in courage. This is the time to go back to our districts, set up meetings with "We The People," hear them out at a grassroots level. I have made arrangements to meet the people of my congressional district by inviting all the residents into my three district offices and at several post offices. I have invited business people, public officials, utility firms, shoe firms, textile firms, labor officials, electronic firms, plastic manufacturers, shipbuilding firms, the clergy, and the public in general to come in and discuss with me their problems with the Federal Government. I expect to see a cross section of my district from those living in the teeming tenement district to those in the more affluent neighborhoods. I expect to talk to those who operate gasoline stations and also to those who supply home heating fuels. Yes, it is time that the Members of Congress returned back home in order to find out what the folks back home think of the present crisis.

It will be a rewarding experience. It will prepare the U.S. Congress to face up to the vital issues that confront us in 1974. Yes, this is no time to be lacking in courage. This is the time for all Members to face the music. Let us go back to hear the voice of the commonwealth. Let us shed ourselves of the influence of the Potomac. Let us return to Main Street, America.

The SPEAKER. The question is on the motion offered by the gentleman from Massachusetts (Mr. O'NEILL), that the House suspend the rules and pass the Senate Joint Resolution 180.

The question was taken.

Mr. FROEHLICH. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 263, nays 91, not voting 78, as follows:

[Roll No. 694]

YEAS—263

Abdnor	Eckhardt	McCloskey
Addabbo	Edwards, Calif.	McCormack
Alexander	Eilberg	McDade
Anderson, Calif.	Erlenborn	McEwen
Andrews, N. Dak.	Evins, Tenn.	McFall
Annunzio	Fish	McKay
Arends	Fisher	McSpadden
Ashbrook	Flood	Macdonald
Ashley	Flowers	Madden
Badillo	Foley	Madigan
Baker	Forsythe	Mahon
Barrett	Fountain	Mann
Bell	Fraser	Martin, N.C.
Bevill	Fulton	Mathias, Calif.
Boggs	Gaydos	Matsunaga
Boland	Gettys	Mazzoli
Bowen	Giaimo	Meeds
Brademas	Gibbons	Melcher
Bray	Ginn	Metcalfe
Breaux	Gonzalez	Mezvinsky
Breckinridge	Gray	Milford
Brinkley	Green, Oreg.	Mink
Brooks	Green, Pa.	Minshall, Ohio
Brown, Calif.	Gunter	Mitchell, N.Y.
Brown, Mich.	Guyer	Mizell
Broyhill, Va.	Haley	Moakley
Buchanan	Hamilton	Mollohan
Burgener	Hanley	Montgomery
Burke, Mass.	Hanna	Moorhead, Calif.
Burleson, Tex.	Hansen, Idaho	Morgan
Burlison, Mo.	Hansen, Wash.	Mosher
Byron	Harrington	Moss
Camp	Hawkins	Murphy, Ill.
Carney, Ohio	Hays	Murphy, N.Y.
Carter	Hechler, W. Va.	Myers
Casey, Tex.	Hicks	Nedzi
Cederberg	Hillis	Nelsen
Chamberlain	Hinshaw	Nichols
Chappell	Hogan	Nix
Clawson, Del	Holifield	Obey
Cochran	Holt	O'Hara
Collins, Ill.	Horton	O'Neill
Conable	Hosmer	Passman
Conlan	Howard	Pettis
Conte	Hungate	Pickle
Conyers	Hutchinson	Pike
Corman	Ichord	Poage
Cotter	Jarman	Powell, Ohio
Crane	Johnson, Calif.	Preyer
Cronin	Johnson, Colo.	Price, Ill.
Culver	Johnson, Pa.	Price, Tex.
Daniel, Dan	Jones, Ala.	Pritchard
Daniel, Robert W., Jr.	Jones, N.C.	Quie
Danielson	Jones, Okla.	Quillen
Davis, Ga.	Jones, Tenn.	Rangel
Davis, S.C.	Jordan	Rarick
de la Garza	Kastenmeier	Reuss
Dellenback	Kazen	Rhodes
Dellums	Ketchum	Roberts
Denholm	King	Robinson, Va.
Dennis	Kluczynski	Rodino
Derwinski	Kuykendall	Roe
Dingell	Kyros	Rose
Donohue	Latta	Rosenthal
Dorn	Leggett	Rostenkowski
Dulski	Long, La.	Roush
	Long, Md.	Rousselot
	Lott	Roy
	Lujan	Roybal
	Mahon	Runnels
	Mann	Ruppe
	Martin, N.C.	Sandman
	Mathias, Calif.	Satterfield
	Matsunaga	Scherle
	Mazzoli	Schneebeli
	Meeds	Sebelius
	Melcher	Shipley
	Metcalfe	Shoup
	Mezvinsky	Shriver
	Milford	Sikes
	Mink	Sisk
	Minshall, Ohio	Skubitz
	Mitchell, N.Y.	Slack
	Mizell	Smith, Iowa
	Moakley	Smith, N.Y.
	Mollohan	Snyder
	Montgomery	Stanton, J. William
	Moorhead, Calif.	Stark
	Morgan	Steed
	Mosher	Steelman
	Moss	Steiger, Ariz.
	Murphy, Ill.	Stephens
	Murphy, N.Y.	Stratton
	Myers	Stuckey
	Nedzi	Sullivan
	Nelsen	Symington
	Nichols	Symms
	Nix	Taylor, N.C.
	Obey	Teague, Tex.
	O'Hara	Tiernan
	O'Neill	Towell, Nev.
	Passman	Treen
	Pettis	Udall
	Pickle	Ullman
	Pike	Van Deerlin
	Poage	Vigorito
	Powell, Ohio	Waggonner
	Preyer	Waldie
	Price, Ill.	Ware
	Price, Tex.	Whalen
	Pritchard	White
	Quie	Whitten
	Quillen	Wiggins
	Rangel	Williams
	Rarick	Wilson, Charles H., Calif.
	Reuss	Wilson, Charles, Tex.
	Rhodes	Winn
	Roberts	Wolff
	Robinson, Va.	Wydler
	Rodino	Yates
	Roe	Yatron
	Rose	Young, Fla.
	Rosenthal	Young, Ga.
	Rostenkowski	Young, Ill.
	Roush	Young, S.C.
	Rousselot	Young, Tex.
	Roy	Zion
		Zwach

NAYS—91

Abzug	Frey	Randall
Archer	Froehlich	Regula
Armstrong	Goodling	Riegle
Bafalis	Grasso	Robison, N.Y.
Bauman	Gross	Rogers
Bennett	Gude	Roncalio, Wyo.
Bergland	Hammer-schmidt	Rooney, Pa.
Biester	Harsha	Ruth
Bingham	Hastings	St Germain
Brotzman	Heckler, Mass.	Sarasin
Brown, Ohio	Heinz	Sarbanes
Broyhill, N.C.	Huber	Schroeder
Burke, Fla.	Karth	Selberling
Butler	Kemp	Shuster
Clancy	Koch	Spence
Cleveland	Landgrebe	Steele
Cohen	Lehman	Steiger, Wis.
Collier	Litton	Stubblefield
Coughlin	McClory	Studds
Davis, Wis.	McCollister	Teague, Calif.
Devine	Mallary	Thompson, N.J.
Dickinson	Mathis, Ga.	Thomson, Wis.
Drinan	Mayne	Thone
Duncan	Michel	Thornton
du Pont	Miller	Vanik
Esch	Natcher	Wampler
Evans, Colo.	Owens	Wilson, Bob
Fascell	Parris	Wylie
Findley	Perkins	Wyman
Flynt	Railsback	Zablocki
Frenzel		

NOT VOTING—78

Adams	Ford, William D.	O'Brien
Anderson, Ill.	Frelinghuysen	Patman
Andrews, N.C.	Fuqua	Patten
Aspin	Gilman	Pepper
Beard	Goldwater	Peyser
Biaggi	Griffiths	Podell
Blackburn	Grover	Rees
Blatnik	Gubser	Reid
Bolling	Hanrahan	Rinaldo
Brasco	Harvey	Roncallo, N.Y.
Broomfield	Hébert	Rooney, N.Y.
Burke, Calif.	Helstoski	Ryan
Burton	Henderson	Staggers
Carey, N.Y.	Holtzman	Stanton, James V.
Chisholm	Hudnut	Stokes
Clark	Hunt	Talcott
Clausen, Don H.	Keating	Taylor, Mo.
Clay	Landrum	Vander Jagt
Collins, Tex.	Lent	Veysey
Daniels, Dominick V.	McKinney	Walsh
Delaney	Mailliard	Whitehurst
Dent	Maraziti	Widnall
Diggs	Martin, Nebr.	Wright
Downing	Mills, Ark.	Wyatt
Edwards, Ala.	Minish	Young, Alaska
Eshleman	Mitchell, Md.	
	Moorhead, Pa.	

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

TERMINATING FEDERAL SUPERVISION OVER MENOMINEE INDIAN TRIBE OF WISCONSIN

Mr. MEEDS. Mr. Speaker, I ask unanimous consent to take from the Speak-

er's desk the bill (H.R. 10717) to repeal the act terminating Federal supervision over the property and members of the Menominee Indian Tribe of Wisconsin as a federally recognized, sovereign Indian tribe; and to restore to the Menominee Tribe of Wisconsin those Federal services furnished to American Indians because of their status as American Indians; and for other purposes", with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments as follows:

Page 2, lines 5 and 6, strike out "at a general council meeting called by the Secretary pursuant to section 4(a) of this Act." and insert "pursuant to subsections 4(a) and 4(b) of this Act.".

Page 2, line 24, strike out "Nothing" and insert "Except as specifically provided in this Act, nothing".

Page 3, line 15, after "propriated." insert "The Menominee Restoration Committee shall have full authority and capacity to be a party to receive such grants to make such contracts, and to bind the tribal governing body as the successor in interest to the Menominee Restoration Committee: *Provided, however,* That the Menominee Restoration Committee shall have no authority to bind the tribe for a period of more than six months after the date on which the tribal governing body takes office.".

Page 3, line 16, strike out "thirty" and insert "fifteen".

Page 3, line 20, strike out "ninety" and insert "thirty".

Page 3, line 21, strike out "sixty" and insert "forty-five".

Page 4, line 9, after "Act." insert "The Menominee Restoration Committee shall have no power or authority under this Act after the time which the duly-elected tribal governing body takes office: *Provided, however,* That this provision shall in no way invalidate or affect grants or contracts made pursuant to the provisions of subsection 3(e) of this Act.".

Page 5, lines 1 and 2, strike out "Menominee Restoration Committee," and insert "Secretary,"

Page 5, lines 2 and 3, strike out "Secretary," and insert "Menominee Restoration Committee,".

Page 5, line 21, strike out all after "is" down to and including all of line 23 and insert "initiated.".

Page 6, lines 4 and 5, strike out "one hundred and eighty days after enactment of this Act," and insert "sixty days after final certification of the tribal roll.".

Page 6, line 12, strike out "Menominees" and insert "Menominee".

Page 6, line 21, after "officials" insert "as".

Page 7, lines 4 and 5, strike out "subsections (a) and (c) of".

Page 7, after line 10, insert:

"(e) The time periods set forth in subsections 4(c), 5(a), and 5(c) may be changed by the written agreement of the Secretary and the Menominee Restoration Committee."

Page 7, line 16, after "cooperation." insert "The Secretary shall submit such plan to the Congress within one year from the date of the enactment of this Act.".

Page 7, line 17, strike out "(b) The" and insert:

"(b) If neither House of Congress shall have passed a resolution of disapproval of the plan within sixty days of the date the plan is submitted to Congress, the".

Page 8, line 9, strike out "his" and insert "this".

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

Mr. GROSS. Mr. Speaker, reserving the right to object, I would ask the gentleman if all the Senate amendments are germane to the bill?

Mr. MEEDS. Mr. Speaker, if the gentleman will yield, the answer is yes. They are all germane. I think they are all helpful to the legislation. They have all been checked, by the majority and the minority, on both sides. I know of no objection.

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

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

There was no objection.

The Senate amendments were concurred in.

The title was amended so as to read: "An Act to repeal the act terminating Federal supervision over the property and members of the Menominee Indian Tribe of Wisconsin; to reinstitute the Menominee Indian Tribe of Wisconsin as a federally recognized sovereign Indian tribe; and to restore to the Menominee Tribe of Wisconsin those Federal services furnished to American Indians because of their status as American Indians; and for other purposes."

A motion to reconsider was laid on the table.

AMENDING THE SMALL BUSINESS ACT

Mr. STEPHENS. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2482) to amend the Small Business Act, as amended.

The Clerk read as follows:

S. 2482

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

AUTHORIZATION

SECTION 1. Paragraph (4) of section 4(c) of the Small Business Act is amended—

(1) by striking out "$4,300,000,000" and inserting in lieu thereof "$4,785,000,000";

(2) by striking out "$500,000,000" where it appears in clause (B) and inserting in lieu thereof "$556,250,000";

(3) by striking out "$500,000,000" where it appears in clause (C) and inserting in lieu thereof "$525,000,000"; and

(4) by striking out "$350,000,000" and inserting in lieu thereof "$381,250,000".

Any additional amounts authorized by this act which are not obligated by June 30, 1974, shall no longer be available after that date.

LOAN TO MEET REGULATORY STANDARDS

SEC. 2. (a) Section 7(b)(5) of the Small Business Act is amended to read as follows:

"(5) to make such loans (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administration may determine to be necessary or appropriate to assist any small business concern in effecting additions to or alterations in its plant, facilities, or methods of operation to meet requirements imposed on such concern pursuant to any Federal law, any State law enacted in conformity therewith, or any regulation or order of a duly authorized, Federal, State, regional, or local agency issued in conformity with such Federal law, if the Administration determines that such concern is likely to suffer substantial economic injury without assistance under this paragraph: *Provided,* That the maximum loan made to any small business concern under this paragraph shall not exceed the maximum loan which, under rules or regulations prescribed by the Administration, may be made to any business enterprise under paragraph (1) of this subsection; and".

(b)(1) Section 7(b)(6) of the Small Business Act is repealed.

(2) Paragraph (7) of such section 7(b) is redesignated as paragraph (6).

(c) Section 28(d) of the Occupational Safety and Health Act of 1970 (Public Law 91-596) is amended by striking out "7(b)(6)" and inserting in lieu thereof "7(b)(5)".

(d) In no case shall the interest rate charged for loans to meet regulatory standards be lower than loans made in connection with physical disasters.

CONFORMING TECHNICAL AMENDMENTS

SEC. 3. (a) Subsection (g) of section 7 of the Small Business Act, as added by section 3(b) of the Small Business Investment Act Amendments of 1972, is redesignated as subsection (h).

(b) Subsection (c) of section 4 of the Small Business Act is amended by striking out "7(g)" each place it appears in paragraphs (1)(B), (2), and (4) and inserting in lieu thereof "7(h)".

AUTHORITY OF SECRETARY OF AGRICULTURE WITH RESPECT TO NATURAL DISASTERS

SEC. 4. Notwithstanding the provisions of Public Law 93-24, the Secretary of Agriculture shall continue to exercise his authority with respect to natural disasters which occurred after December 26, 1972, but prior to April 20, 1973, in accordance with the provisions of section 5 of Public Law 92-385 as such section was in effect prior to April 20, 1973.

LIVESTOCK LOANS

SEC. 5. Section 7(b)(4) of the Small Business Act is amended by inserting before the semicolon at the end thereof the following: ": *Provided,* That loans under this paragraph include loans to persons who are engaged in the business of raising livestock (including but not limited to cattle, hogs, and poultry), and who suffer substantial economic injury as a result of animal disease".

LOANS FOR ADJUSTMENT ASSISTANCE IN BASE CLOSINGS

SEC. 6. Section 7(b) of the Small Business Act is amended by adding after paragraph (6) the following new paragraph:

"(7) to make such loans (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administration may determine to be necessary or appropriate to assist any small business concern in continuing in business at its existing location, in reestablishing its business, in purchasing a new business, or in establishing a new business if the Administration determines that such concern has suffered or will suffer substantial economic injury as the result of the closing by the Federal Government of a major military installation under the jurisdiction of the Department of Defense, or as a result of a severe reduction in the scope and size of operations at a major military installation.".

ANNUAL REPORT ON STATE OF SMALL BUSINESS

SEC. 7. The first sentence of subsection (a) of section 10 of the Small Business Act and the first word of the second sentence of such subsection are amended to read as follows: "The Administration shall, as soon as practicable each calendar year make a comprehensive annual report to the President, the President of the Senate, and the Speaker of the House of Representatives.

Such report shall include a description of the state of small business in the Nation and the several States, and a description of the operations of the Administration under this chapter, including, but not limited to, the general lending, disaster relief, Government regulation relief, procurement and property disposal, research and development, technical assistance, dissemination of data and information, and other functions under the jurisdiction of the Administration during the previous calendar year. Such report shall contain recommendations for strengthening or improving such programs, or, when necessary or desirable to implement more effectively congressional policies and proposals, for establishing new or alternative programs. In addition, such".

ANTIDISCRIMINATORY AMENDMENT

SEC. 8. Section 4(b) of the Small Business Act is amended by adding after "The Administrator shall not engage in any other business, vocation, or employment than that of serving as Administrator." the following new sentence: "In carrying out the programs administered by the Small Business Administration including its lending and guaranteeing functions, the Administrator shall not discriminate on the basis of sex or marital status against any person or small business concern applying for or receiving assistance from the Small Business Administration, and the Small Business Administration shall give special consideration to veterans of the Armed Forces of the United States and their survivors or dependents.".

INFLUENCING OF SBA DECISIONS

SEC. 9. The Small Business Act is amended by inserting at the end thereof the following new section:

"SEC. 22. (a) No Member of Congress or officer or employee of the United States may attempt to improperly influence the official conduct of any officer or employee of the Administration with respect to the entering into by the Administration of any loan, loan guarantee, or other agreement.

"(b) For purposes of subsection (a), the term 'Membership of Congress' means a United States Senator, a Representative in Congress, a Delegate to Congress, or the Resident Commissioner from Puerto Rico.

"(c) Any person who violates subsection (a) shall be fined not more than $10,000 or imprisoned for not more than one year, or both.

"(d) Any official decision of any officer or employee of the Small Business Administration with respect to which any violation of subsection (a) occurs is null and void."

SEC. 10. (a) Section 3 of Public Law 93-24 is amended by striking therefrom: ", and made unable to obtain sufficient credit elsewhere to finance their actual needs at reasonable rates and terms, taking into consideration prevailing private and cooperative rates and terms in the community in or near which the applicant resides for loans for similar purposes and periods of time", and insert in lieu thereof the following: "Such loans shall be made without regard to whether the required financial assistance is otherwise available from private, cooperative, or other responsible sources".

(b) The provisions of subsection (a) of this section shall be given effect with respect to all loan applications and loans made in connection with a disaster occurring on or after April 20, 1973.

(c) With regard to all disasters occurring on or after December 27, 1972, the Secretary of Agriculture shall extend for ninety days after the date of enactment of this section the deadline for seeking assistance under section 321 of the Consolidated Farm and Rural Development Act as amended by this section.

(d) Section 321(a) of Public Law 87-128, as amended, is hereby amended by striking "which cannot be met for temporary periods of time by private, cooperative, or other responsible sources (including loans the Secretary is authorized to make or insure under subtitles A and B of this title or any other Act of Congress), at reasonable rates and terms for loans for similar purposes and periods of time". The provisions of this subsection shall be given effect with respect to all loan applications and loans made in connection with a disaster occurring on or after December 27, 1972.

The SPEAKER. Is a second demanded?

Mr. J. WILLIAM STANTON. Mr. Speaker, I demand a second.

PARLIAMENTARY INQUIRY

Mr. KOCH. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. KOCH. Is the gentleman from Ohio opposed to the bill?

The SPEAKER. Is the gentleman from Ohio opposed to the bill?

Mr. J. WILLIAM STANTON. No, I am not, Mr. Speaker.

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

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

There was no objection.

Mr. STEPHENS. Mr. Speaker, the legislation before the House, S. 2482, with only a few major exceptions is identical to legislation which passed the House earlier this summer but was subsequently vetoed by President Nixon because of provisions in the legislation that would have provided liberal assistance to victims of natural disasters.

Between the time that the legislation was vetoed and before consideration of the new legislation took place in the Small Business Subcommittee, the subcommittee became aware of a large number of reports about SBA offices around the country in which alleged, questionable activities regarding SBA's loan programs were taking place. The subcommittee immediately launched investigations into these practices to make certain that the agency was operating in a manner in which Congress intended. Although the investigation has covered only two SBA offices there is sufficient information available to indicate that SBA has problems in a number of its offices. These problems range from possible criminal activities to poor management.

As originally passed by the Senate, S. 2482 would have increased the SBA's loan ceiling authorization by $2.3 billion or enough authority to carry the agency for an additional 2 years. However, when the subcommittee uncovered the problems at SBA it decided it would not be wise to authorize a full 2-year extension until the investigation had been completed and corrective actions taken. Thus, the subcommittee voted only enough of an authorization increase to provide for a 6-month extension. The actual increase in the total ceiling is $575 million with corresponding 6-month increases in SBA subloan ceilings. A few members of the subcommittee seem to think there are grounds not to provide any SBA increased lending authority until corrective actions have been taken. While I share their concern for corrective action, I do not feel it would be fair to penalize small businessmen across the country for the unfortunate acts of some SBA officials, employees, or borrowers.

In addition, President Nixon in responding to a letter of concern signed by more than a majority of all members of the full Banking Committee, both Democrats and Republicans, stated that he would take all necessary action to correct the SBA problems. SBA Administrator, Thomas Kleppe, has also said that he will conduct indepth investigations of SBA offices to find the problems, try to provide answers to them and report to us by February. Thus, the legislation that the Banking Committee is offering today is designed to help small businessmen, but at the same time warn the Small Business Administration that it must put its house in order. As chairman of the Small Business Subcommittee, let me assure my colleagues that unless corrective actions are taken that when the 6-month authorization expires, I will not come before you for an additional increase. It may well be at that time that we will have to write an entirely new approach to small business legislation. But, if that is what it takes to correct the problem then it must be done.

Testimony also revealed that when disaster struck in California and Agnes struck in the East, normal SBA functions were virtually stopped for 6 months. We put this duty on SBA.

Perhaps, after looking into this shortage of staffing, legislation to move disaster loans from SBA would be in order. But, perhaps the first step that must be taken by the Small Business Administration is to increase its audit and investigations staff. Of the more than 70 offices which contain loan portfolios, only 35 have ever received a full examination by SBA's portfolio review team which was created in 1970. In addition, the Small Business Administration's external audit division is so understaffed that it cannot even begin to process an audit request until 4 months after it has been received. The security and investigations unit of SBA has only approximately 11 employees including secretarial help to cover the entire country. This unit spends most of its time processing name checks on loan applicants with the Federal Bureau of Investigation.

Certainly, this lack of oversight by the agency has contributed to the problems now facing the Small Business Administration. Let me take just a few moments at this point to outline exactly what is contained in S. 2482 as recommended by the Banking and Currency Committee on a section-by-section basis. In order to facilitate floor action on the bill what is being recommended is that all after the enacting clause of the Senate bill be stricken and new language be used in the entire bill. With the exception of the new money figures and a section prohibiting improper influence in connection with SBA's activities, the bill is identical to the Senate passed resolution.

Section 1 of the legislation increases from $4.3 billion to $4.785 billion the amount of money the SBA may have outstanding at any time in its loan and guarantee program. This section also in-

creases the various subceilings for SBA's lending programs. This section does not appropriate any new funds, but allows SBA to spend funds when they are obtained.

Section 2 of the legislation consolidates several existing SBA loan programs and provides that if Congress enacts new standards for small businesses such as the Occupational Safety and Health Act of 1970 or the Coalminers' Safety Act of 1969, the SBA will make loans to small businesses and it must comply with these new requirements.

Section 3 contains only technical amendments.

Section 4 requires the Secretary of Agriculture to provide loans made in connection with natural disasters occurring after December 26, 1972 but prior to April 20, 1973 at an interest rate of 1 percent with a $5,000 forgiveness feature. This will enable farmers to receive disaster loans on the same terms as those received by homeowners and small businessmen from the SBA during that period of time.

Section 5 of the legislation would allow livestock feed operators to obtain disaster loans if their herds were seriously damaged by disease.

Section 6 provides low interest loans to small businesses affected by the closing of military installations.

Section 7 provides for an annual report to the Congress from the SBA on the state of small business. Although annual reports are now required from the SBA, the contents are not spelled out. In the present law, S. 2482, the guidelines for such reports are set down.

Section 8 prohibits SBA from discriminating against any borrower because of that person's sex and in addition requires SBA to give special consideration to assistance requests from veterans of the Armed Forces, their survivors or dependents.

Section 9 prohibits any Member of Congress or official or employee of the United States from attempting to improperly influence the SBA in any matter pending before that agency. Such a violation would be punishable by a fine not to exceed $1,000 or imprisonment for not more than 1 year, or both. In addition, the applications pending before the agency would automatically become null and void.

Section 10 provides that in all future disaster loans, the Secretary of Agriculture shall make loans on the same basis and terms as those provided to homeowners and small businessmen by the Small Business Administration.

We do not want to kill SBA but help it. Voting down our present proposal might come near to accomplishing the demise.

Mr. STEPHENS. Mr. Speaker, I yield myself 13 minutes.

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

Mr. STEPHENS. I will yield to the gentleman from Illinois.

Mr. ANNUNZIO. Mr. Speaker, I thank my distinguished colleague for yielding.

I wish to commend the gentleman from Georgia, the chairman of the subcommittee, and the members of the subcommittee—I have the honor to serve on that subcommittee—for the outstanding job they have done in the last month to 6 weeks in uncovering, with the chief investigator of the committee, all of the irregularities that have been before the committee.

I wish to commend the gentleman for the patience he has exercised throughout the hearings, where he gave the Administrator of this program full and ample opportunity in which to testify and to tell his side of the story.

Mr. Speaker, I want to point out that in this legislation we are only extending the loan for a 6-month period. We are hoping that at the end of 3 months the Administrator will come back to us with a program so that in the offices, in the 21 offices around the country, wherever there are any wrongdoings, they will report back to the subcommittee, and at the end of that time the subcommittee will possibly go out in the field and work with the various officers.

At the end of this 6-month period we are going to come back to the Congress with a package that I am sure my colleagues in the House will approve.

I further want to point out in this particular legislation the 6-month extension of time is a good one, because we should not punish these people who are not guilty of any wrongdoing. The small businessmen of America need these loans and they need this money and especially at this time do they need it to continue in business.

I urge adoption of the bill.

Mr. STEPHENS. I thank the gentleman for his support of the bill.

Mr. Speaker, it is not the objective of the Small Business Subcommittee to kill the Small Business Administration but, rather, to help them. The voting down of the present proposal before us might come nearer to accomplishing the demise of the Small Business Administration than anything else in view of the work that we have done and the hearings we have held and the thought we have given to this proposition.

I reserve the balance of my time.

Mr. KOCH. Mr. Speaker, I yield myself 8 minutes.

Mr. Speaker, I must say at the opening that it is a new experience having 20 minutes as opposed to the customary 5, but I will do my best.

I am distressed that I am speaking in opposition to a bill which comes out of the subcommittee on which I serve. The chairman under whom I serve, the gentleman from Georgia (Mr. STEPHENS), a great man and a great chairman and a good friend, I know understands what motivates me in this regard, which is a desire to bring to the House matters that I think are terribly important and which warrant your rejecting the bill before us under suspension of the rules.

If it comes up under a rule where we can amend it to make it a good bill, we can then pass it. My objection is not to legislation being enacted for the benefit of the Small Business Administration but, rather, enacting it under suspension of the rules where we cannot amend it. Let it come up under a rule. There are good amendments which will make this a much better bill.

Recent hearings were held by our committee which went on over a week's time. I attended those sessions. Under our distinguished chairman an enormous amount of information was elicited which would certainly have shocked you if you had listened with us.

This is what we ascertained from witnesses who came before us, including our own very great chief counsel, Curt Prins, who is a superb investigator and witness.

We know there are 72 Small Business Administration lending offices. Of those 72 lending offices at least 21 are under suspicion of having participated in some way in either criminal activity in which there may be some indictments, or in having mismanagement in their offices in possessing portfolios that are under great suspicion.

As the chairman pointed out, only 35 of the 72 offices have ever been audited at all. Now let me tell you what our investigation disclosed in part.

One of those involves the Richmond office where $11 million was obligated by the SBA by the director of that office, to his brother-in-law's benefit or interest. Much of that was canceled as the result of our committee holding hearings. Had the hearings not been held, they would not have in all probability canceled those obligations. And there is no question but that what took place in the Richmond office is something that calls for more than oversight on our part; undoubtedly it will and already has been forwarded to law enforcement agencies. Why? Because we even have affidavits that were presented at the hearings that were in conflict where someone committed perjury in that very case.

Let me give you another illustration in New York. We had a situation involving Dr. Matthew who received millions of dollars under the SBA program, all of the money now uncollectable. He is under 66 indictments, none having to do with this particular aspect, but other matters involving Federal funds. And it was also testified before our committee that there was an attempt to have an SBA auditor lose the Matthew file. That came up in the examination that our chairman and my colleagues on the committee conducted, an attempt on the part of higher-ups in the SBA to get the auditor to lose the Matthew file.

Let us talk about the program in general. SBA sounds terrific, right? Always find a good name for a program, and it does not make any difference what is beneath that good name. Small Business Administration, one would think we were talking about $10,000 loans, $25,000 loans, or $35,000 loans to small business people who cannot get them from the banks because they are not bankable loans.

You know, one of the ingredients of getting a loan from the SBA is that you get two letters from two different banks saying they will not give you a loan because you are not bankable. But that is understandable, that is the nature of the SBA, that we will provide 90 percent guaranty so that the bank will make the loan having only a very mini-

mum obligation, in the event of a loss, and will therefore grant the loan. But what are we really talking about? We are talking about loans of $350,000. And do you know what a small business is as defined by Tom Kleppe? If it is a wholesale business it can do $5 million gross annually and qualify. Is that a small business in your district, a wholesale operation that does $5 million a year, and is eligible for a small business loan? A retail establishment that does $1 million annually is eligible for a small business loan. Again that is not a small business not even in New York.

Let me go a little farther. The question is raised: Will the Small Business Administration come to a halt if we do not pass this bill? It will not. Under the existing legislation there is a revolving fund from which they can make new loans to the extent of $70 million a month. What this bill will do is add another $48 million to that kitty. So that instead of making loans up to $70 million a month, we are going to have to worry about $118 million a month being made by an agency which is not doing too well with the lesser sum. There is something wrong with that in my judgment.

What should we do? Well, I will tell you what we should do, and that is do exactly what was proposed in the committee. There were amendments in that committee, for example, an amendment to have the GAO audit those loans during this temporary period of the 6-month extension. It was the distinguished chairman, the gentleman from Texas, Mr. WRIGHT PATMAN, who made that proposal.

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

Mr. KOCH. I yield to our distinguished chairman.

Mr. STEPHENS. I thank the gentleman. That proposal was made in the full committee, not in the subcommittee.

Mr. KOCH. Yes, exactly.

Mr. J. WILLIAM STANTON. Mr. Speaker, will the gentleman yield?

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

Mr. J. WILLIAM STANTON. I thank the gentleman. Is it not true that the chairman of our full committee offered an amendment and it was withdrawn?

Mr. KOCH. Yes, and I am going to tell the Members why. The distinguished chairman of the Committee on Banking and Currency proposed that his amendment be effective during this 6-month period, during which time we are going to have our oversight hearings.

The SPEAKER. The time of the gentleman has expired.

Mr. KOCH. Mr. Speaker, I yield myself 5 additional minutes.

The chairman of our committee said during this period of 6 months in order to make certain that we do not have the kind of loans continue that have gone on in the past that we would be ashamed of, and that we would want stopped, because we do not want to have our tax dollars squandered, that we have the GAO audit those loans. He withdrew the amendment. Why? Because Members said we have got to get this bill out in time to go to conference with the Senate.

I will ask the chairman of our committee if that is not correct.

Mr. STEPHENS. Would the gentleman yield?

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

Mr. STEPHENS. The gentleman is correct in saying that he withdrew it, but he withdrew it also without objection because he said every loan made by the SBA had to be approved by the GAO before it was made.

Mr. KOCH. I do not disagree with the chairman. What I am saying is that the major reason for withdrawing it was that it would prevent us from going to conference with the Senate. I do not know why it is so important to go to conference with the Senate precipitously. With respect to the other amendments that came on before that committee it was the feeling that we could not, as the distinguished chairman indicated, debate them in time to meet some arbitrary deadlines. What I am saying is there is no deadline. This SBA program goes on.

Should the Members vote this bill down and it comes up under a regular rule this week or when we come back, it makes no difference, because as I mentioned it is an ongoing program permissible at the rate of $70 million a month in terms of new loans; we can amend it before final passage.

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

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

Mr. ROUSSELOT. I thank the gentleman. There was substantial testimony about that, and I was as concerned as the gentleman is about the improprieties that have occurred, and we do want to correct them, but during the testimony it was shown that the authority for SBA would run out at the end of this month or January.

The reason we are asking that action be taken now on a very temporary basis for 6 months or 2 years is to be assured that those that are genuine and real loans be made in time. I think our counsel, Mr. Mitchell, and others made the point that we need to have the ongoing program continue.

When would the gentleman want a regular rule to be brought up?

Mr. KOCH. I understand the gentleman's point. I am going to respond to it.

Mr. ROUSSELOT. I thank the gentleman.

Mr. KOCH. As I understand what the Committee on Rules does is if the Committee on Rules feels that this is an emergency, and the chairman of the subcommittee made the point that this is an emergency, they would give us a rule.

The reason we should do what I am suggesting, which is to amend this bill to protect the taxpayers, would be best illustrated by this one example. Let me just tell the Members what happens under this bill.

Probably most of the Members know what a bank bailout is, but for those few who do not, let me tell them. A bank gives someone a loan of—let us take a figure—$200,000, and we know of situations like this, where the interest is 5 percent and the loan goes sour. It is not a Small Business loan.

Now as far as the one who made the loan, the borrower, the one who received the money, and the bank granting the loan, adequate security was lacking and it is a sour loan; the bank wants somehow or other to get its money back. The borrower now goes to the SBA and he gets a new loan of $260,000 from that same bank guaranteed by the SBA and now it is at 11-percent interest, insured by the Government to the extent of 90 percent. The bank first takes back its $200,000 which was sour, and now it becomes a U.S. taxpayers' sour note, and sometimes even the balance of $60,000, which one might have thought the borrower might have gotten to put into that small business, may be required by the bank to put on deposit with a certificate of deposit, so the borrower gets nothing and the bank has been bailed out.

That has happened under SBA. That has happened in the program that is now ongoing. What I am suggesting is that we stop it, that we permit them to use this revolving fund, of $70 million per month and that between now and 6 months from now that we evolve a program which will safeguard the American taxpayer.

It does not have to take that long. If the Rules Committee thinks it is an emergency we can handle this on the floor through a regular rule this week.

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

Mr. KOCH. I yield to the gentleman from California (Mr. ROUSSELOT).

Mr. ROUSSELOT. Mr. Speaker, is it not true we have high-risk loans and some of them go sour in SBA, just as they do on foreign aid which the gentleman votes for all the time without complaining. There are some sour notes with some small businesses trying to get started up. I am sure the gentleman does not want to cut off the ability of this agency to go ahead with the program for decent people.

Mr. KOCH. I do not want a single dollar to be spent in a corrupt program if we can avoid it.

Mr. ROUSSELOT. Neither do I.

Mr. STEPHENS. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio (Mr. J. WILLIAM STANTON).

Mr. J. WILLIAM STANTON. Mr. Speaker, it is obvious from the parliamentary procedure we are in that we could not find a Member on the minority side who would be willing to take the 20 minutes allotted to the gentleman from New York. The reason for this is that we have reached the conclusion within our subcommittee and before the entire Banking and Currency Committee on this legislation, which was voted out by a vote of 30 to 2. We felt this was the type of compromise our committee wanted to bring before our colleagues for their favorable consideration today. A vote of 30 to 2 is a very substantial vote, especially out of our committee. We did so because of the fact that we have reached this compromise as a recognition that first of all we do have in the Small

Business Administration certain definite problems.

These problems we are looking at for the first time in the 9 years I have been on this subcommittee. We have been into hearings for several weeks. Immediately after our return in January and the first part of February we want to continue these investigations.

We are faced with the dilemma that unless we have this legislation passed which is before us, the lending of the Small Business Administration on some programs will be reaching a limit within the next few weeks, and on other programs in the early part of February.

What we are doing in seeking this continuation is to have a simple extension of 6 months on these existing programs. The reason we are doing this, and we have set in this bill a time ceiling of June 30, is with the sole purpose that our committee can come back and make some definite recommendations for the improvement of this legislation.

The SBA themselves are sending out 17 special investigating teams starting now for the next 6 weeks. We have within our committee investigators going out on an ongoing investigation and I personally give the Members assurances that we will continue to do our very best to protect the integrity of the American dollar, which all of us sincerely want to do.

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

Mr. J. WILLIAM STANTON. I yield to the gentleman from California.

Mr. BURGENER. Mr. Speaker, I would like to clarify one point. Our distinguished colleague, the gentleman from New York, may have inadvertently left an erroneous impression on the amount of the loans. I agree with the gentleman that $350,000 is not a small loan but I can point out the testimony in the case showed the average loan made throughout the country by SBA is $72,000 and I think the record should show that.

Mr. J. WILLIAM STANTON. I thank the gentleman from California.

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

Mr. J. WILLIAM STANTON. I yield to the gentleman from Minnesota.

Mr. ZWACH. Mr. Speaker, I want to compliment the subcommittee for bringing out this bill. In my congressional district we have made hundreds of small business loans. We have hundreds of very fine and helpful business loans made. Overall, the record is outstanding. Let us clean up what we find in the bill here. Let us not stop this fine bill from passing.

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

Mr. J. WILLIAM STANTON. I yield to the gentleman from California.

Mr. ROUSSELOT. Mr. Speaker, the impression has been given in newspaper reports that every small business loan is bad, but it is not. Mr. Kleppe has made a good effort to go to the Department of Justice and insist on prosecution where it has been called for. I think it would be clearly wrong to cut off the Small Business Administration, although there are some complaints about it, without keeping its door open because we are going home for Christmas. That is the reason for this suspension.

Mr. J. WILLIAM STANTON. Mr. Speaker, I thank the gentleman for his comments and I point out to my colleagues today that small business loans are made at the rate of almost 1,000 a day. When we pick out one bad loan here, one bad loan there, it is a very small percentage of SBA's total business.

Mr. KOCH. Mr. Speaker, am I correct when I state that there is a revolving monthly fund of $70 million available to the SBA if this bill is passed?

Mr. J. WILLIAM STANTON. The gentleman is absolutely right, but I just got through stating to the gentleman from California that when we have the volume of loans that we have now, we cause a general slowdown throughout SBA's 72 offices if we fail to pass this legislation. The gentleman's premise that we have enough money is not correct.

Mr. STEPHENS. Mr. Speaker, I yield the balance of my time for the conclusion.

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

Mr. HANLEY. Mr. Speaker, I rise in support of this measure, in particular because of my apprehension about the economy of our Nation during the next 6-month period.

I believe it is incumbent upon this body to recognize that the road appears to be a little bit rocky. Certainly we do not want to do anything that might jeopardize the ability of the small businessman during the next 6-month period to enjoy the accommodations of the Small Business Administration program.

I think it is unfortunate that we have to think and deal in terms of a short-term 6-month program; but this was brought about because of the circumstances that prevailed.

I have offered an amendment—I might say before that, that true, the resolving fund in all probability could take care of the present volume, that it is also true that the next 6 months can have the effect of increasing that volume measurably. For that reason it is well to consider and approve these additional moneys.

Beyond that, during the course of these hearings some very solid information was presented to the committee evidencing the improper influences from the executive branch, which have proven very costly to the Small Business Administration and, for that matter, to the taxpayers.

The gentleman from New York (Mr. KOCH) has already related some of these improprieties; so in an effort to make sure that these improper overtures are put to rest through this six-month period, I introduced an amendment which was accepted by the committee which would have the effect of imposing a criminal penalty on any Federal employee, any official of the Federal Government, or for that matter, any Member of Congress who exercised improper influence or association with an FBA loan application.

Along with that, I want to make it quite clear that during the course of our hearings there was not any suggestion at all that there was any undue or improper congressional influence advanced.

I want to make it clear also that this amendment in no way impedes or jeopardizes the ability of a Member of Congress to respond to a legitimate complaint of a constituent.

The SPEAKER. The time of the gentleman has expired.

Mr. KOCH. Mr. Speaker, I yield one additional minute to the gentleman from New York (Mr. HANLEY).

Mr. HANLEY. Mr. Speaker, this in no way jeopardizes the ability of a Member of Congress to respond to a constituent's complaint related to a Small Business Administration loan application; we assure the Members of that. That will be written into the legislative history of this bill.

Some people have evidenced a little bit of concern about that, but in essence what we are doing here has a similarity in the Postal Reorganization Act, when at that time we made an effort to rid that agency of any semblance of political activity, so this particular overture somewhat parallels it.

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

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

Mr. BIAGGI. Mr. Speaker, the gentleman said that there was nothing wrong or improper about responding to a constituent's complaint. How about assisting a constituent in his application?

Mr. HANLEY. Not at all. Actually, it is not the prerogative of a Member of Congress to assist with that application. That applicant has a responsibility——

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

Mr. KOCH. Mr. Speaker, I wish to use the balance of my time.

Mr. Speaker, what is it that we are discussing here today? It is not the abolition of the SBA program, because everybody on the committee, myself included, is for the SBA. What I am saying is that before we give it an additional $287 million in the next 6 months over and above the $70 million each month that it can use out of this current revolving fund, that we ought to have those amendments in this bill which will protect the taxpayer.

Nobody has to convince me that the SBA is a necessity in this day and age. We have it in New York and every other State, and the New York office and other offices are under a cloud just as a result of some of the matters that have been raised.

What I am saying is that before we enlarge the program, we ought to conduct the investigation, and during that time should not give them the money that this bill would provide without having some safeguard provisions such as the GAO audit that the chairman of the full committee has suggested.

Again, what I am suggesting to the Members is this: Vote this bill down. If it truly is an emergency, it will come up under a rule and we will then pro-

vide the necessary amendments to make certain that next year the Members will not have to respond to constituents who say, "Listen, in that 6 months' time they took the $287 million and they threw it away. We do not want that done with the taxpayers' money."

We can safeguard the taxpayer by voting this down, coming in with a rule, amending this bill in a way that I think most committee members would agree it should be amended if they thought we had enough time to do that, and then pass this bill unanimously.

Mr. STEPHENS. Mr. Speaker, let me point out to the gentlemen and ladies of the House that what has been alleged as matters of actual fact are really allegations. These are allegations we are investigating. We need more time to investigate these allegations of things we have had reported on hearsay. Then we want more time to get actual evidence that could be substantial in a courtroom, if necessary, and to then base our judgments upon that.

Mr. Speaker, we have not had an opportunity to do anything except listen to these kinds of allegations since October 24. Now, what we want to do is to get time to go into these things further, but not to kill SBA.

At the time we are trying to get some actual evidence that would stand up in a courtroom, something upon which we can base our legislation, which is really what we need.

Insofar as this matter is concerned on the rule, the Committee on Rules has no more scheduled meetings, and it would not be possible for us to move ahead with the bill, and SBA would be halted.

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

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

Mr. CHARLES H. WILSON of California. There is still some confusion as to the effect of the Hanley amendment which I understand is still in the bill.

What can a Member of Congress do insofar as assisting a constituent is concerned with SBA? What can he do, or what can he not do, will the gentleman tell me briefly?

Mr. STEPHENS. Mr. Speaker, I think it is the language in that amendment that can tell us what is proper, to commence with, and the final decision would have to be made by the court, in case something was brought up and something was done that was improper.

However, I do not believe we can assume that a Member of Congress is going to do something which is improper.

Mr. GONZALEZ. Mr. Speaker, over the years I have had an intense interest in small business. I operated a couple of small ventures, and know what it is like to be struggling along without help, without resources, without access to credit, and without even so much as good advice. My district is dominated by small businessmen; there are very few big employers in San Antonio, outside of the Government itself.

Knowing what small business needs, it gives me special pain to see the scandals and troubles that have affected the Small Business Administration. From the very beginning of the Nixon administration, I have seen people in SBA take advantage of their positions—and I have seen convictions spring from those speculations. And I have seen small businessmen mistreated, ill advised and ill used. I have seen a minority enterprise program that deprived needed resources from legitimate businessmen, while at the same time using those resources in ventures that seem more often than not to collapse or become troubled—and which, even when successful, often seem to be only fronts through which aspiring minority businessmen are abused, used, and exploited. I have seen the lending authority of SBA used for political ends, and I have seen a woefully large number of appointments made on the basis of politics rather than merit.

As a member of the Subcommittee on Small Business, I have learned that many of my worst fears about the recent administration of SBA have been all too true.

Knowing all this, dedicated as I am to small business, I see no sense in continuing the activities of the agency until it is thoroughly cleaned up. It seems to me that we would do more to help businessmen by cleaning up SBA first, and then restarting it, rather than trying to recover the agency after it has been lost.

Sometimes it is better to stop for a while and get things straight—and this is one of those times. I think that SBA ought to have a thorough cleaning now, and that this can best be done while it is stopped. You have to lay a ship in drydock once in a while, and SBA right now is one of those cases.

I support the purposes of SBA. It is an agency worthy of anyone's support—if it does its job. Our responsibility is to see that it does its job, and that means that we have to do more than throw some more money at it.

The SPEAKER. The question is on the motion offered by the gentleman from Georgia (Mr. STEPHENS), that the House suspend the rules and pass the Senate bill, S. 2482, as amended.

The question was taken.

Mr. KOCH. Mr. Speaker, I object to the vote on the ground that a quorum is not present, and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 339, nays 21, not voting 72, as follows:

[Roll No. 695]

YEAS—339

Abdnor	Barrett	Brown, Calif.
Abzug	Bauman	Brown, Mich.
Addabbo	Bell	Brown, Ohio
Alexander	Bergland	Broyhill, N.C.
Andrews, N.C.	Bevill	Broyhill, Va.
Andrews, N. Dak.	Biester	Burgener
	Boggs	Burke, Fla.
Annunzio	Boland	Burke, Mass.
Archer	Bowen	Burleson, Tex.
Arends	Brademas	Burlison, Mo.
Armstrong	Bray	Butler
Ashbrook	Breaux	Byron
Ashley	Breckinridge	Camp
Badillo	Brinkley	Carney, Ohio
Bafalis	Brooks	Carter
Cederberg	Horton	Reuss
Chamberlain	Hosmer	Rhodes
Chappell	Howard	Rinaldo
Clancy	Hungate	Roberts
Clark	Hunt	Robinson, Va.
Clawson, Del	Hutchinson	Robison, N.Y.
Cleveland	Ichord	Rodino
Cochran	Jarman	Roe
Cohen	Johnson, Calif.	Rogers
Collier	Johnson, Pa.	Rooney, Pa.
Collins, Ill.	Jones, Ala.	Rose
Collins, Tex.	Jones, N.C.	Rostenkowski
Conable	Jones, Okla.	Roush
Conlan	Jones, Tenn.	Rousselot
Conte	Jordan	Roy
Conyers	Karth	Roybal
Corman	Kazen	Runnels
Coughlin	Kemp	Ruppe
Crane	Ketchum	Ruth
Cronin	King	St Germain
Culver	Kluczynski	Sandman
Daniel, Dan	Kuykendall	Sarasin
Daniel, Robert W., Jr.	Kyros	Sarbanes
	Latta	Satterfield
Daniels, Dominick V.	Leggett	Scherle
	Lehman	Schneebeli
Danielson	Lent	Schroeder
Davis, Ga.	Litton	Sebelius
Davis, S.C.	Long, La.	Seiberling
Davis, Wis.	Long, Md.	Shipley
de la Garza	Lott	Shoup
Dellenback	Lujan	Shriver
Dellums	McClory	Shuster
Denholm	McCollister	Sikes
Dennis	McDade	Sisk
Derwinski	McEwen	Skubitz
Devine	McFall	Slack
Dickinson	McKay	Smith, Iowa
Donohue	McKinney	Smith, N.Y.
Dorn	McSpadden	Snyder
Drinan	Macdonald	Spence
Dulski	Madden	Stanton, J. William
Duncan	Madigan	Stark
du Pont	Mahon	Steed
Edwards, Calif.	Mallary	Steele
Eilberg	Mann	Steelman
Erlenborn	Maraziti	Steiger, Ariz.
Esch	Martin, N.C.	Steiger, Wis.
Evans, Colo.	Mathias, Calif.	Stephens
Evins, Tenn.	Mathis, Ga.	Stratton
Fascell	Matsunaga	Stubblefield
Findley	Mayne	Stuckey
Fish	Mazzoli	Studds
Fisher	Meeds	Sullivan
Flood	Melcher	Symington
Flowers	Metcalfe	Symms
Flynt	Mezvinsky	Taylor, N.C.
Foley	Michel	Teague, Calif.
Forsythe	Milford	Teague, Tex.
Fountain	Miller	Thompson, N.J.
Fraser	Minish	Thomson, Wis.
Frenzel	Mink	Thone
Frey	Minshall, Ohio	Thornton
Froehlich	Mitchell, N.Y.	Tiernan
Fulton	Mizell	Towell, Nev.
Gaydos	Moakley	Treen
Gettys	Montgomery	Udall
Giaimo	Moorhead, Calif.	Ullman
Gibbons	Morgan	Van Deerlin
Ginn	Mosher	Vigorito
Goldwater	Moss	Waggonner
Goodling	Murphy, N.Y.	Waldie
Grasso	Myers	Wampler
Gray	Natcher	Ware
Green, Oreg.	Nelsen	Whalen
Green, Pa.	Nichols	White
Gross	Nix	Whitten
Gude	Obey	Wiggins
Gunter	O'Hara	Williams
Guyer	O'Neill	Wilson, Bob
Haley	Parris	Wilson, Charles H., Calif.
Hamilton	Passman	
Hammer-schmidt	Patten	Wilson, Charles, Tex.
Hanley	Perkins	Winn
Hanna	Pettis	Wolff
Hansen, Idaho	Pickle	Wydler
Harsha	Poage	Wylie
Hastings	Powell, Ohio	Wyman
Hawkins	Preyer	Yatron
Hays	Price, Ill.	Young, Fla.
Hechler, W. Va.	Price, Tex.	Young, Ga.
Heckler, Mass.	Pritchard	Young, Ill.
Helstoski	Quie	Young, S.C.
Hicks	Quillen	Young, Tex.
Hillis	Railsback	Zablocki
Hinshaw	Randall	Zion
Hogan	Rangel	Zwach
Holifield	Rarick	
Holt	Regula	

NAYS—21

Anderson, Calif.	Biaggi	Eckhardt
	Bingham	Gonzalez
Bennett	Cotter	Harrington

Huber	Nedzi	Rosenthal
Kastenmeier	Owens	Vanik
Koch	Pike	Yates
McCloskey	Riegle	
Murphy, Ill.	Roncalio, Wyo.	

NOT VOTING—72

Adams	Frelinghuysen	Patman
Anderson, Ill.	Fuqua	Pepper
Aspin	Gilman	Peyser
Beard	Griffiths	Podell
Blackburn	Grover	Rees
Blatnik	Gubser	Reid
Bolling	Hanrahan	Roncallo, N.Y.
Brasco	Hansen, Wash.	Rooney, N.Y.
Broomfield	Harvey	Ryan
Buchanan	Hébert	Staggers
Burke, Calif.	Heinz	Stanton,
Burton	Henderson	James V.
Carey, N.Y.	Holtzman	Stokes
Chisholm	Hudnut	Talcott
Clausen,	Johnson, Colo.	Taylor, Mo.
Don H.	Keating	Vander Jagt
Clay	Landgrebe	Veysey
Delaney	Landrum	Walsh
Dent	McCormack	Whitehurst
Diggs	Mailliard	Widnall
Dingell	Martin, Nebr.	Wright
Downing	Mills, Ark.	Wyatt
Edwards, Ala.	Mitchell, Md.	Young, Alaska
Eshleman	Mollohan	
Ford	Moorhead, Pa.	
William D.	O'Brien	

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill as amended was passed.

The Clerk announced the following pairs:

Mr. Rooney of New York with Mr. Taylor of Missouri.
Mr. Brasco with Mr. Talcott.
Mr. Carey of New York with Mr. Clay.
Mr. Adams with Mr. Vander Jagt.
Mr. Delany with Mr. O'Brien.
Mr. Diggs with Ms. Holtzman.
Mr. Wright with Mr. Roncallo of New York.
Mr. Burton with Mr. Mitchell of Maryland.
Mr. Staggers with Mr. Martin of Nebraska.
Mr. Widnall with Mr. Peyser.
Mr. Reid with Mr. Buchanan.
Mrs. Chisholm with Mr. William D. Ford.
Mr. Ryan with Mr. Stokes.
Mr. Pepper with Mr. Grover.
Mr. Moorhead of Pennsylvania with Mr. Frelinguysen.
Mr. Fuqua with Mr. Mailliard.
Mr. Patman with Mr. Gilman
Mrs. Griffiths with Mr. Anderson of Illinois.
Mrs. Hansen of Washington with Mr. Gubser.
Mr. Hébert with Mr. Hanrahan.
Mr. Mollohan with Mr. Beard.
Mr. McCormack with Mr. Don H. Clausen.
Mr. Mills of Arkansas with Mr. Edwards of Alabama.
Mr. Downing with Mr. Broomfield.
Mr. Dingell with Eshleman.
Mr. Dent with Mr. Blackburn.
Mr. Aspin with Mr. Harvey.
Mr. Blatnik with Mr. Heinz.
Mrs. Burke of California wtih Mr. Podell
Mr. Rees with Mr. Hudnut.
Mr. James V. Stanton with Mr. Landgrebe.
Mr. Walsh with Mr. Henderson.
Mr. Young of Alaska with Mr. Landrum.
Mr. Whitehurst with Mr. Wyatt.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. STEPHENS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous matter, on the bill S. 2482, just passed.

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

There was no objection.

FHA-INSURED LOANS FOR FIRE SAFETY EQUIPMENT IN NURSING HOMES AND INTERMEDIATE CARE FACILITIES

Mr. BARRETT. Mr. Speaker, I move to suspend the rules and pass the Senate bill—S. 513—to amend section 232 of the National Housing Act to authorize insured loans to provide fire safety equipment for nursing homes and intermediate care facilities.

The Clerk read as follows:

S. 513

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 232 of the National Housing Act is amended by adding at the end thereof a new subsection as follows:

"(i) (1) The Secretary is authorized upon such terms and conditions as he may prescribe to make commitments to insure and to insure loans made by financial institutions or other approved mortgages to nursing homes and intermediate care facilities to provide for the purchase and installation of fire safety equipment necessary for compliance with the 1967 edition of the Life Safety Code of the National Fire Protection Association or other such codes or requirements approved by the Secretary of Health, Education, and Welfare as conditions of participation for providers of services under title XVIII and title XIX of the Social Security Act.

"(2) To be eligible for insurance under this subsection a loan shall—

"(A) not exceed the Secretary's estimate of the reasonable cost of the equipment fully installed;

"(B) bear interest at not to exceed a rate determined by the Secretary to be necessary to meet the loan market;

"(C) have a maturity satisfactory to the Secretary;

"(D) be made by a financial institution or other mortgagee approved by the Secretary as eligible for insurance under section 2 or a mortgagee approved under section 203(b) (1); and

"(E) comply with other such terms, conditions, and restrictions as the Secretary may prescribe.

"(3) The provisions of paragraphs (5), (6), (7), (9), and (10) of section 220(h) shall be applicable to loans insured under this subsection except that all references to 'home improvement loans' shall be construed to refer to loans under this subsection.

"(4) The provisions of subsections (c), (d), and (h) of section 2 shall apply to loans insured under this subsection, and for the purpose of this subsection references in such subsections to 'this section' or 'this title' shall be construed to refer to this subsection.".

The SPEAKER. Is a second demanded?

Mr. BROWN of Michigan. Mr. Speaker, I demand a second.

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

There was no objection.

Mr. BARRETT. Mr. Speaker, the Housing Subcommittee unanimously approved S. 513 on December 11 and was reported unanimously by the Committee on Banking and Currency on December 13. The bill passed the Senate on November 30. This bill would authorize FHA to insure loans for the purchase and installation of fire safety equipment which is necessary to meet the safety standard set in the 1967 Life Safety Code so that nursing homes and intermediate care facilities can qualify as service institutions under the medicare and medicaid programs.

A similar provision was included in both the Senate-passed Housing bill in 1972 and in our own housing bill. The principal difference between S. 513 and the provisions adopted in 1972 concerns the amount of these loans. In 1972 the Senate provided for loans of up to $10,000 for fire safety equipment: the House bill provided for loans of up to $50,000. The interest rate on the loans would be set at whatever the HUD Secretary deems necessary to meet the market. S. 513 limits the loan amount to the reasonable cost of the fire safety equipment, determined by the Secretary. The Secretary would also be authorized to set such other terms and conditions as he deems necessary.

It is my understanding that nursing homes and intermediate care facilities are experiencing serious difficulties in two areas in their efforts to comply with the life safety code: first, there is apparently a scarcity of contractors qualified to install these facilities; and second, there is a shortage of financing at reasonable rates.

S. 513 would help to solve one of these problems.

This bill has the support of the administration and I include in the RECORD following my remarks the letter from the Department of Health, Education, and Welfare expressing the administration's support.

I urge the adoption of S. 513.

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
December 12, 1973.

HON. WRIGHT PATMAN,
Chairman, Committee on Banking and Currency, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: There is before your Committee S. 513, a bill "To amend section 232 of the National Housing Act to authorize insured loans to provide fire safety equipment for nursing homes and intermediate care facilities."

The bill would authorize the Secretary of Housing and Urban Development to make commitments to insure, and to insure, loans made to nursing homes and intermediate care facilities for the purchase and installation of fire safety equipment needed to comply with the 1967 edition of the Life Safety Code of the National Fire Protection Association or other such codes or requirements approved by the Secretary of Health, Education, and Welfare as conditions of participation for providers of services under the Medicare and Medicaid titles of the Social Security Act.

To be eligible for the insurance, the loans must be limited to the reasonable cost of the equipment as installed, and must comply with such terms and conditions as the Secretary of Housing and Urban Development may prescribe, including those governing rate of interest, maturity, and qualifications of the lender.

Current law permits the Secretary of Housing and Urban Development to insure supplemental loans made to finance improvements to nursing homes and intermediate care facilities that were originally constructed with FHA financing. Therefore, the bill would have the effect of broadening this authority to include fire safety improvement loans to nursing homes and intermediate care facilities that are not FHA-insured.

In the Administration's proposed Housing Act of 1973, H.R. 10688, there is included a provision under which the Secretary of Housing and Urban Development could insure a supplemental loan for repairs or improvements to a broad range of health facilities, including hospitals, nursing homes, in-

termediate care facilities, and group practice facilities, as well as repairs or improvements to multifamily housing, even though the health facilities or housing are not covered by an FHA-insured mortgage, if the loan "would assist . . . in providing protection against fire or other hazards". (Section 503 (e) of the Revised National Housing Act as contained in section 201 of H.R. 10688.) This extension is sought because the Administration recognizes that the need for improved fire protection is not confined to nursing homes and intermediate care facilities, but exists also with respect to other health facilities and housing, including health facilities and housing used by the elderly people that S. 513 seeks to safeguard.

It is unnecessary to recall for the Committee the details of the recent tragedy in Pennsylvania that underscored for all of us the importance of swift action by the Federal Government, as well as by State and local governments, to reduce the threat posed to the elderly by premises inadequately shielded from fire. In order to avert such tragedies in the future, insofar as the Federal Government may act to do so, we urge that S. 513 receive prompt and favorable consideration as an interim measure pending enactment of the more comprehensive provisions of section 201 of H.R. 10688 as part of the overall restructuring of Federal housing legislation.

We are advised by the Office of Management and Budget that there is no objection to the presentation of this report and that enactment of H.R. 10688, and the portion of that bill incorporated in S. 513, would be in accord with the President's program.

Sincerely.

FRANK CARLUCCI, *Under Secretary.*

Mr. Speaker, I yield to the gentleman from Michigan (Mr. BROWN).

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

I quite concur with what the gentleman from Pennsylvania has said. This is necessary legislation. There is no objection to the legislation of which I know. The administration supports it. We on the minority side support it. I urge its acceptance.

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

Mr. BARRETT. I yield to the gentleman from Texas (Mr. GONZALEZ).

Mr. GONZALEZ. Mr. Speaker, I am glad to see this bill come before the House because it was the culmination our efforts. I started many months ago.

Everyone in the House knows of the terrible tragedies that have affected nursing homes. Virtually every State has experienced tragedies when nursing homes caught fire. Federal agencies have rightly set stringent standards on nursing homes, to reduce the hazards of fire and lower the chances of more tragedies. Yet we have a responsibility to do more than outlaw bad conditions; we also have a duty to help insure that nursing home operators can comply with Federal requirements. To do less would be to regulate thousands of poor and helpless people into the street; it would accomplish nothing.

This bill will help nursing home operators install the equipment they need to comply with Federal fire regulations. By passing this bill, we are insuring that there would be conformity with the law, and at the same time nursing homes will not be forced to close down because of inability to obtain financing for needed equipment.

I commend my colleagues on the Banking and Currency Committee for their help in bringing this legislation out. It is worthy of everyone's support.

I support this bill, and am proud to have had a role in it, from the very beginning of efforts to help nursing home operators meet Federal fire requirements. This bill saves lives, it saves homes, and it saves nursing home operators from being faced with an impossible task. In this bill, Congress has completed the responsibility of protecting people from needless hazards and met its duty to assist nursing home operators in this task.

Mr. BARRETT. Mr. Speaker, I yield to the gentleman from Washington (Mr. HICKS).

Mr. HICKS. Mr. Speaker, I rise in support of S. 513, to amend section 232 of the National Housing Act to authorize insured loans to provide fire safety equipment for nursing home and intermediate care facilities.

As you may recall, Mr. Speaker, when S. 513 came over to the House, I asked that it be given early consideration, calling attention to the December 4 fire in a suburban Philadelphia Nursing Home resulting in the death of 10 persons, 4 of whom were on medicaid. I wish to thank both the gentleman from Pennsylvania, chairman of the Housing Subcommittee and the gentleman from Texas, the chairman of the Banking and Currency Committee, for bringing S. 513 before the House today, so promptly. This extraordinarily quick action on the part of that committee is to be commended.

As chairman of the Special Studies Subcommittee of the Committee on Government Operations, I am concerned with the safety of the eldery in nursing homes and senior citizen residences. In October, our subcommittee held 3 days of hearings on the subject, based on a tragic fire in West Philadelphia, which took 11 lives.

In 1972, the Committee on Government Operations, as the result of the work of the Special Studies Subcommittee, issued a report "Saving Lives in Nursing Homes Fires." It recommended the installation of complete automatic sprinkler systems, which would also transmit an alarm to the nearest fire service, in all nursing homes, regardless of the type of construction. It also recommended Federal insurance of such loans, as a means of providing the necessary credit mechanism to facilitate financing of the installation of such equipment.

S. 513 is a bill to achieve this purpose. Its provisions permit the Secretary of Housing and Urban Development to make loans for such amounts, maturities and interest rates as he thinks proper.

I believe that he will exercise his judgment to achieve the objectives of the bill. While a number of prior proposals limited loans to 12 year maturities, this feature is not present in this bill. The differences in payments, between a restricted 12-year term and a 20-year loan is substantial, making it easier for the nursing home operator to make payments under the longer loan. Automatic sprinkler systems, according to the experts, have a life of at least 40 years, so that a loan for 20 years would not exceed the life of the security.

I trust also that if a "fire-resistive" home applies for insurance on a loan to install a sprinkler system, the Secretary will construe that as "fire safety equipment necessary for compliance" with the Life Safety Code, even though this is only optional under the code for such a structure. In fact, optional fire safety equipment in the code should be eligible for inclusion in such loans.

The passage of this bill, which, I understand, is not opposed by the administration, should open the way to a new safety era in nursing homes. It should begin to send downward the average number of multiple fire deaths in nursing homes which have averaged 30 per year for the last 5 years. It should enable us to attack the problem of the single fire death, on which there are no reliable figures, but which all agree is an even more severe problem.

Mr. BARRETT. Mr. Speaker, I yield to the gentleman from Illinois (Mr. FINDLEY).

Mr. FINDLEY. Mr. Speaker, I support this bill and this motion.

I am particularly committed as the author of H.R. 15030, I introduced this after the tragic fire which took 10 lives at the Carver Nursing Home in Springfield, Ill. According to a study conducted by the American Nursing Home Association:

> It is most likely that there would have been no loss of life from the fire [at the Carver Home] if . . . automatic sprinkler protection has been provided.

Nothing can bring back the 10 citizens who lost their lives earlier this year. But action like this, which is designed to prevent a recurrence of this tragedy, will do much to ease the pain for those who live on, especially those confined to nursing homes.

Fires such as the one at the Carver Home put into question our whole system of Federal, State, and local safety standards for health care facilities for the elderly.

It is my understanding that at the present time HEW has required that only skilled nursing homes must meet these stringent safety requirements, not intermediate facilities. I do not believe that such a distinction was intended by Congress in enacting the medicare-medicaid legislation; the fire at the Carver Home proves that no such distinction is warranted.

Just because one elderly patient generally requires a lesser degree of nursing care than another does not mean that he deserves a lesser degree of safety precautions or can provide for his own safety during an emergency. Every patient in every institution deserves protection from a sudden fire which may awaken him in the middle of the night.

For this reason, I urged all nursing home facilities shall in the future be re-

quired to meet the standards of the Life Safety Code.

The Life Safety Code has been developed by the National Fire Protection Association as an attainable and realistic standard which all nursing homes, hospitals, and other such facilities should meet. In 1968, Congress by law required skilled nursing homes to meet the strict standards of the Life Safety Code in order to qualify for Federal medicaid payments.

Mr. BARRETT. Mr. Speaker, I yield to the gentleman from Missouri (Mr. RANDALL).

Mr. RANDALL. Mr. Speaker, I enthusiastically support S. 513 to amend the Housing Act to authorize insured loans to provide fire equipment for nursing homes and intermediate care facilities.

I take this moment also to commend the gentleman from Pennsylvania (Mr. BARRETT) for bringing this matter passed by the other body to the floor of the House for consideration today. There is no reason for any single Member of the House to oppose this legislation.

My interest in this legislation stems from the 92d Congress when I was chairman of the Special Studies Subcommittee of the House Committee on Government Operations. By agreement of the House leadership and the Rules Committee, my subcommittee devoted the entire year of 1972 to problems of the aging in the United States. In connection with our exploration of the problems of the aging, of course we considered housing problems. There we considered the safety of inhabitants of nursing homes and intermediate care facilities as they are exposed to fire hazards.

Mr. Speaker, it was my sad duty to conduct investigations and hearings concerning the fires in the Geiger Nursing Home of Honesdale, Pa., where 18 aged persons lost their lives, and also the Lincoln Nursing Home near Cincinnati, Ohio, where 14 of our senior citizens met their deaths. While we made a thorough investigation of the foregoing fires, we made a shorter investigation of a nursing home fire in Springfield, Ill., where a total of 20 died, and a small Wisconsin nursing home where 5 died as a result of fires.

The report of the Special Studies Subcommittee which I was honored to chair on the investigation of nursing home fires estimated that two-thirds of all nursing homes in the United States are without effecive fire warning and control equipment. Our subcommittee also developed the information that the estimated cost of providing such equipment would amount to as much as $400 per bed.

S. 513, the bill before the House today, authorizes HUD to issue insurance on purchases of fire protection equipment for nursing homes. While the bill sets no amount of money limitation on insurance, the sponsors of this legislation believe that the program will be self-sustaining, in that no Federal funds will be invested for a long term and probably only to start or initiate the program. The remainder of the expense will be financed from premiums received.

There is no doubt that this bill is needed, because nursing homes and intermediate care facilities are experiencing serious difficulties in their efforts to comply with the new Life Safety Code which has been required by the Secretary of Health, Education, and Welfare.

Mr. Speaker, I do not want to dwell on unpleasant events, yet I cannot erase from my mind some of the testimony that was brought to my subcommittee last year by witnesses who arrived at the scene of these nursing home fires. We were told that these dear old souls were overcome as they were groping their way down the smoke-filled halls, and some were found suffocated by smoke trying to open the doors of their rooms, and even others were found smothered in their own beds. There is no way to know exactly how these lives could have been saved, but the best testimony submitted to our subcommittee was that there should be sprinkler systems installed, and then there should be an alarm system provided that would tie directly into the nearest fire department. There was some evidence that failure to isolate combustible materials in another building might have been helpful, but the key recommendation of all the fire marshals who appeared to testify was the need for some kind of a dampening system, and most of all early warning, in order that fire equipment and firefighters could be on their way to the scene of the fire just as soon as humanly possible.

This measure should be completely acceptable to every Member of this House, and my only regret is that our body had not acted on such legislation earlier.

Mr. STEELE. Mr. Speaker, I rise in support of S. 513, a bill authorizing loan insurance for federally mandated fire safety equipment in nursing homes. Tragic headlines continue to illustrate the vital necessity for improved fire safety in these institutions and S. 513 is an important first step in providing that safety. But loan insurance is only a start.

I first began researching and writing fire legislation over 2 years ago. Since that time there has been a growing recognition of the need to provide more Federal assistance in dealing with the Nation's fire problem. This problem has been most simply stated by the National Commission on Fire Prevention and Control in its comprehensive report entitled "America Burning." To quote from the report:

> Appallingly, the richest and most technologically advanced nation in the world leads all the major industrialized countries in per capita deaths and property loss from fire.

As chairman of the House Republican Task Force on Aging, I have been especially concerned with the tragic toll that fire takes on the elderly. Let me begin by citing a frightening statistic which will help to highlight this problem. According to the National Safety Council, the highest death rate by fire is among persons 65 years of age and older. In fact, the death rate for this age group is 10 times higher than that of young adults, aged 15 to 24.

Annually, 3,500 to 4,000 fires break out in nursing homes and homes for the elderly, and expose the residents to the dangers of fire. During the 20 years from 1950 to 1970, 496 residents of facilities for the aged died in multiple death fires, an average of some 25 per year. Amost unbelievably, the toll has actually risen above this 20-year average during the last year and a half. In 1972 there were 34 victims of multiple death fires in these facilities and in the first 6 months of 1973 there were 27. All this in a supposedly enlightened age of fire resistive buildings and the broad adoption of the Life Safety Code.

In testimony before the Senate Special Committee on Aging on October 3, I discussed the fire safety regulations for skilled nursing facilities that were recently promulgated by HEW. I expressed my concern that these regulations do not adequately provide for the safety of elderly nursing home patients. These standards allow the Secretary of Health, Education, and Welfare to waive portions of the Life Safety Code under certain conditions, the most disturbing of which is when a State has fire safety laws which "adequately protect" patients in skilled nursing facilities. Unfortunately, the regulations offer no definition of "adequately protects," nor is provision made for the cutoff of Federal funds to homes not in compliance with such State laws. Apparently, there are no plans to amend these requirements.

HOW TO SAVE LIVES

Our grim history of deaths by fire demands that we find a way to save lives. In my opinion, and in the opinion of many fire experts, the best way to save lives in fires is to require automatic sprinkler systems and alarms in all housing designed for the elderly. On September 13, I introduced H.R. 10293, the Elderly Life Safety Act, which would help to accomplish this goal. The Elderly Life Safety Act, or ELSA, would require automatic sprinkler systems and automatic alarms linked directly to municipal fire departments. In new buildings constructed with Federal Housing Administration insured mortgages, the sprinkler installation and alarm installation would be mandatory. If existing buildings fail to meet the new requirements, the bill authorizes HUD to insure loans made by private institutions to the owners of these facilities to bring them into compliance. This loan insurance provision, with a maximum 20-year period, recognizes the responsibility of the Congress to assure that adequate funds will be available for improvements in the facilities that we require. Failure to provide this help would close many nursing homes.

SPRINKLERS VERSUS FIRE RESISTIVITY

It has often been asked why should we go to the expense and suffer the disruption occasioned by the installation of sprinklers. The answer is simple. Sprinklers and alarms are the best method of saving lives, once a fire begins in facilities for the elderly. This conclusion has been recognized by this subcommittee as well as by the President's Commission on Fire Prevention. In their recently issued

report, the Commission recommended that:

Early warning detectors and total automatic sprinkler protection or other suitable automatic extinguishing systems be required in all facilities for the care and housing of the elderly.

While the record of fire-resistive construction is good, it by no means provides the degree of protection from fire that sprinklers and alarms do. It is usually materials burning within a building such as carpets, trash, foam-stuffed furniture, a bed, or nightclothes that cause death. Sprinklers put out fires and save lives once the fire has begun. Fire-resistive construction can only serve a preventive role.

Regrettably, many government officials on the local, State, and Federal levels do not make the vital distinction between prevention and life safety in a fire. A case in point is the Sbona Towers, a 12-story high rise for the elderly in Middletown, Conn. This structure is one of the finest elderly housing projects in the State and is, in many respects, similar to the Baptist Towers in Atlanta, Ga. Earlier this year I received a letter from the Middletown Housing Authority requesting my help in obtaining funds from HUD for the installation of a sprinkler system or automatic smoke detectors. HUD turned down the request citing compliance with all Federal, State, and local building codes. In its letter, HUD stated, and I quote:

According to technical comments, the 12 story building is very close to a fireproof structure.

I can only say that, in general, today's buildings are more escape-proof than fireproof. I know of no expert who can certify any building as "close to 100 percent fireproof." Such a comment totally overlooks life safety within the structure if it does start to burn. It also overlooks the special dangers faced by the elderly in a fire situation caused by immobility, loss of sensory perception and panic.

As we all recall, the Baptist Towers was an 11-story apartment building for the elderly which was also fire resistive. It is the consensus of fire officials that 9 of the 10 lives lost in that blaze could have been saved by automatic sprinklers. I only hope that such a fire does not strike the Sbona Towers building. Local fire officials have informed me that the fire department does not have the equipment to insure rescue of trapped occupants during a fire, and thus great faith must be placed in the ability of the elderly residents to evacuate the building by climbing down some 12 flights of stairs. It is difficult for me to stretch faith that far.

Tragically, HUD's reference to the Sbona Towers as being close to 100 percent fireproof reflects the parochial thinking which still survives when we talk about fire safety. I know my own thinking, and that of the members of this committee, is oriented toward the safety of the occupants of a building, not whether the structure will burn. In short, the buildings will not burn, but everything inside them will. It is for this reason that I stress the importance of having sprinkler systems in all facilities that house the elderly.

Mr. Speaker, we have sifted through the ashes of fires for nearly 200 years in this country. For nearly 100 years, it has been said that sprinklers are the best protection against fires. We, the lawmakers have not yet accepted this wisdom. But today we are making a start. I urge your support of S. 513. Thank you.

The SPEAKER. The question is on the motion offered by the gentleman from Pennsylvania (Mr. BARRETT) that the House suspend the rules and pass the Senate bill S. 513.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BARRETT. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in the RECORD and include extraneous matter and that all Members may have 5 legislative days in which to revise and extend their remarks on the Senate bill just passed.

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

There was no objection.

REQUIRING CONFIRMATION OF FUTURE APPOINTMENTS OF DIRECTOR AND DEPUTY DIRECTOR OF OFFICE OF MANAGEMENT AND BUDGET

Mr. BROOKS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 11137) to amend the Budget and Accounting Act, 1921, to require the advice and consent of the Senate for future appointments to the offices of Director and Deputy Director of the Office of Management and Budget, and for other purposes, as amended.

The Clerk read as follows:

H.R. 11137

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first two sentences of section 207 of the Budget and Accounting Act, 1921 (31 U.S.C. 16) are amended to read as follows:

"SEC. 207. There is in the Executive Office of the President an Office of Management and Budget. There shall be in the Office a Director and a Deputy Director, both of whom shall be appointed by the President, by and with the advice and consent of the Senate."

SEC. 2. The amendment made by the first section of this Act shall take effect—

(1) insofar as such amendment relates to appointments to the office of Deputy Director Office of Management and Budget, immediately after the individuals holding that office on the date of the enactment of this Act ceases to hold that office;

(2) insofar as such amendment relates to appointments to the office of Deputy Director of the Office of Management and Budget, immediately after the individual holding that office on the date of the enactment of this Act ceases to hold that office; and

(3) immediately as to such vacant office or offices, if the Office of the Director or the Office of the Deputy Director of the Office of Management and Budget is vacant when this Act is enacted.

The SPEAKER. Is a second demanded?

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

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

There was no objection.

(Mr. HOLIFIELD (at the request of Mr. BROOKS) was granted permission to extend his remarks at this point in the RECORD.)

Mr. HOLIFIELD. Mr. Speaker, H.R. 11137 was introduced by Representative JACK BROOKS and a large number of cosponsors, including myself. The bill amends the Budget and Accounting Act of 1921 to require confirmation by the Senate of future appointments to the offices of Director and Deputy Director of the Office of Management and Budget. The committee vote was unanimous.

This bill is a response by our committee to the failure of the House to override the President's veto of our earlier bill, H.R. 3932, on May 23 of this year. That vote was 236 ayes to 178 nays. Although not sufficient to override the veto, it was a tremendous majority in favor of the bill.

The pending legislation acts only prospectively, affecting future Directors and Deputy Directors and does not contain other features in the bill, such as revesting in the Director of the Office of Management and Budget, those functions which were transferred to the President by Reorganization Plan No. 2 of 1970. The Director of the Office of Management and Budget is undoubtedly one of the most powerful men in Government next to the President himself. The Congress should and must have the opportunity to review his credentials for the job.

There is no doubt in my mind about the constitutionality of this legislation. It is a bipartisan measure and I hope the House will pass it overwhelmingly.

A technical amendment was made in committee to make certain no functions would be transferred under the legislation. My understanding is that some sources in the administration had some concern about this. The amendment makes it crystal clear that the bill is limited only to confirmation and has no effect on functions.

Mr. BROOKS. Mr. Speaker, this legislation would require that the Senate confirm nominees for the positions of Director and Deputy Director for the Office of Management and Budget. The merits of this legislation have been agreed to by a majority of the Members of the House on two occasions already this year and by a majority of the Senate on three occasions. It would be the law today but for the failure of the House to get a two-thirds majority to override a Presidential veto. At the time the veto was before the House, a number of Members who voted to sustain it expressed a willingness to support such legislation if it were applicable to only future Directors and Deputy Directors of the Office of Management and Budget.

The legislation has been revised to provide for Senate confirmation of all future nominees to those offices and at this

time, enjoys broad bipartisan support throughout the Congress. It passed the Government Operations committee unanimously.

Similar legislation has again passed the Senate and I am confident they will accept our minor changes so that this bill can become law quickly and the Congress can assume its constitutional role of passing on the qualifications of appointees to these most powerful and responsible Government positions.

Mr. WYDLER. Mr. Speaker, I yield 5 minutes to the gentleman from New York (Mr. HORTON).

Mr. HORTON. Mr. Speaker, it is with great reluctance that I am now supporting this bill. It is true that the major concern I have about the constitutionality of requiring incumbents to face Senate confirmation is not at issue in the legislation before us today. It is also true that recent events have emphasized the need for adequate congressional review of executive branch actions. In my mind, the balance is now tipped in favor of requiring congressional imput on the selection of the Director and Deputy Director of the Office of Management and Budget.

I would, however, like to make three points of a cautionary nature:

First, the House has always had a closer, more important, relationship with the OMB Director; a relationship which is directed by our constitutional role of originating all revenue bills. The preeminence of the House in money matters has produced a stronger and more unified congressional role in this vitally important legislative area. It would not be helpful to the interests of congressional reform if the preeminent role of the House is lessened through an increase in Senate prerogatives in the budget area.

Second, the OMB Director has a vitally important function in the executive branch as Staff Assistant to the President for budget matters. The budget is the principal means for providing Presidential direction to executive branch activities. The Congress, in my opinion, must be exceedingly cautious about interfering in the relationship between the President and his Budget Director.

Third, the House must not be lulled into thinking that it has, with this legislation, made any of the vitally needed changes in the budget system of the Federal Government. With passage of this legislation before us today, I think it will become even more important for us in the House to give the closest scrutiny to needed reforms in the Federal budgetary system. This legislation could cause problems; and we must make sure that we reform the system in such a way as to truly strengthen the role of the Congress in the bugetary system, as well as assure that the budgetary system continues to function as a central and cohesive force in the management of the Federal Government.

As the chairman noted, the committee reported this legislation unanimously.

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

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

Mr. GROSS. Does the House have any part in confirming the budget reduction?

Mr. HORTON. It does not. This bill would offer that would be done by the Senate.

Mr. GROSS. Since appropriation bills originate in the House, why should not the House have a hand in confirmation of the budget?

Mr. HORTON. I would not object to it, but that is not the procedure we have always followed.

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

Mr. HORTON. I yield 5 minutes to the gentleman fromTexas (Mr. STEELMAN).

Mr. STEELMAN. Mr. Speaker, I do not intend to take much of my colleagues' time.

I think support of this bill is bipartisan. That is evidenced by the fact that I was able, along with the help of many of my colleagues, to get 160 cosponsors on the bill from both sides of the aisle.

I would like to review what the issues are. The basic issue, of course, is the same as it was last May when we first took this up, that is, whether or not the Senate should confirm the Director of the Office of Management and Budget.

The bill has changed somewhat, however, from its original version. We are not seeking to confirm the current holders of these two offices, but rather future appointees to these two offices. I think this cures the problem that many of the Members of this body had with the original bill.

I would like to say to my colleagues, what do we get by confirming Presidential nominees?

First, we establish the fitness of a nominee for a particular job; that is, we establish what particular success he has had in whatever his previous business or governmental service has been. I think this is particularly important for an office with duties as far reaching as those of the Office of Management and Budget.

I think, furthermore, and just as important, is the fact that we establish the philosophy of the particular nominee with regard to the job. What is his philosophy with regard to the budget-making powers of Congress?

What is his philosophy with respect to spending? What is his philosophy with respect to impoundments?

Mr. Speaker, the argument that has been made in opposition to this bill and that I expect will be in the minds of some Members of the body today is that the Director is simply a "faceless" confidential adviser to the President.

Mr. Speaker, while this might have been the case upon the occasion of the enactment of the 1920 Budget and Accounting Act, I submit that is not the case today. This argument simply does not hold water. The Director and Deputy of the Office of Management and Budget directs an organization of 660 employees. Federal agencies cannot propose legislation without sign off by the Office of Management and Budget. Federal agencies or employees cannot present testimony to congressional committees without approval of the Office of Management and Budget. And, the Office of Management and Budget recommends to the President whether bills need vetoing or not.

I think, while this office and this agency are of great importance and great help to the President in helping the executive branch be more efficient in the discharge of its duties, that does not argue for exempting the holders of the directorship or deputy from Senate confirmation. I would like to contrast, in concluding my argument, Mr. Speaker, other officers within the Executive Office of the President. These are not just agencies within the executive branch; these are components of the Executive Office of the President, as is the OMB, who are subject to Senate confirmation.

There are 22 officers in seven Executive Office components subject to confirmation, including the chairman and two members of the Council of Economic Advisors; director and deputy of the Central Intelligence Agency; the special representative and two deputies in the Office of Special Representative for Trade Negotiations; director, deputy, and five assistant directors of the Office of Economic Opportunity; a chairman and two members of the Council of Environmental Quality; the director and deputy of the Office of Telecommunications Policy; and director and deputy director of the Special Action Office for Drug Abuse and Prevention.

Mr. Speaker, I hope my colleagues will see, and I think the vast majority do, that the time is long past for the director and deputy of the Office of Management and Budget, the most powerful single agency within the Office of the President, within the entire executive branch, be subject to Senate confirmation, as are these officials I have named and as are members of the President's Cabinet.

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

Mr. STEELMAN. I yield to the gentleman from Maine.

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

Mr. Speaker, I take this time to associate myself with the remarks the gentleman has made in this regard.

I recall last spring the gentleman's efforts in the original bill which would have made the OMB Director subject to confirmation. However, the now Vice President FORD at that time said that if we really want to do this thing right, we should keep away from any suggestion of a partisan attack. We are doing this, and that is what the gentleman does. I support it.

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

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

Mr. HILLIS. Mr. Speaker I thank the gentleman for yielding to me. I would like to associate myself with the remarks of the gentleman in the well.

Mr. WYDLER. Mr. Speaker, before we vote, I would just like to make this com-

ment; I think it is important for the House to consider it.

In a substantial way, what the House is really trying to express here in this legislation is a desire to get some control over the Federal budgetary system. If this bill takes the concentration and attention of the House away from the really only way it can do that—and that is by passing into final law the budgetary control legislation which we considered here previously—we will be doing ourselves and the country a disservice.

This bill will not really allow the Congress any overall budgetary control. The only way we can do that is with other legislation, and I hope that we will press hard to see that that is enacted.

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

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

Mr. BROWN of Michigan. Mr. Speaker, it occurs to me that with the adoption of the 25th amendment, we have started upon a new era with respect to confirmation. It seems to me that in adopting this legislation, since the House is the fiscal body in the Congress, here was an opportunity for the House to draw upon the 25th amendment in the confirmation process and have these fiscal agents of our executive confirmed by the fiscal body in the Congress; that is, confirmed by the House rather than by the Senate.

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

The SPEAKER. The question is on the motion offered by the gentleman from Texas (Mr. BROOKS) that the House suspend the rules and pass the bill H.R. 11137, as amended.

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

Mr. BROOKS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate bill (S. 37) to amend the Budget and Accounting Act, 1921, to require the advice and consent of the Senate for future appointments to the offices of Director and Deputy Director of the Office of Management and Budget, and for other purposes.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 37

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 207 of the Budget and Accounting Act, 1921 (31 U.S.C. 16), is amended to read as follows:

"SEC. 207. There is in the Executive Office of the President an Office of Management and Budget. There shall be in the Office a Director and a Deputy Director, both of whom shall be appointed by the President, by and with the advice and consent of the Senate. The Deputy Director shall perform such duties as the Director may designate, and during the absence or incapacity of the Director or during a vacancy in the office of the Director he shall act as Director. The Office, under such rules and regulations as the President may prescribe, shall prepare the budget, and any proposed supplemental or deficiency appropriations, and to this end shall have the authority to assemble, correlate, revise, reduce, or increase the requests for appropriations of the several departments or establishments.".

SEC. 2. The amendment made by the first section of this Act shall take effect—

(1) insofar as such amendment relates to appointments to the office of Director of the Office of Management and Budget, immediately after the individual holding that office on the date of the enactment of this Act ceases to hold that office; and

(2) insofar as such amendment relates to appointments to the office of Deputy Director of the Office of Management and Budget, immediately after the individual holding that office on the date of the enactment of this Act ceases to hold that office.

SEC. 3. The functions transferred to the President by section 101 of Reorganization Plan Numbered 2 of 1970 are transferred to the office of Director of the Office of Management and Budget. The President may, from time to time, assign to such office such additional functions as he may deem necessary.

SEC. 4. The Director and the Deputy Director of the Office of Management and Budget shall each serve for a term of four years beginning at noon on January 20 of the year in which the term of the President begins, except that (1) the term of the Director and Deputy Director serving on the date of the enactment of this Act shall begin on such date and shall expire at noon on January 20, 1977, and (2) any individual appointed to fill a vacancy in the office of Director or Deputy Director occurring prior to the expiration of the term for which his predecessor was appointed shall serve only for the unexpired portion of such term. Nothing in this section shall be construed to affect the power of the President to remove the Director or Deputy Director.

MOTION OFFERED BY MR. BROOKS

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

The Clerk read as follows:

Mr. BROOKS moves to strike out all after the enacting clause of S. 37 and insert in lieu thereof the provisions of H.R. 11137, as passed, as follows:

Strike out all after the enacting clause, and insert:

That the first two sentences of section 207 of the Budget and Accounting Act, 1921 (31 U.S.C. 16) are amended to read as follows: "SEC. 207. There is in the Executive Office of the President an Office of Management and Budget. There shall be in the Office a Director and a Deputy Director, both of whom shall be appointed by the President, by and with the advice and consent of the Senate."

SEC. 2. The amendment made by the first section of this Act shall take effect—

(1) insofar as such amendment relates to appointments to the office of Director of the Office of Management and Budget, immediately after the individual holding that office on the date of the enactment of this Act ceases to hold that office;

(2) insofar as such amendment relates to appointments to the office of Deputy Director of the Office of Management and Budget, immediately after the individual holding that office on the date of the enactment of this Act ceases to hold that office; and

(3) immediately as to such vacant office or offices, if the Office of the Director or the Office of the Deputy Director of the Office of Management and Budget is vacant when this act is enacted.

The motion was agreed to.

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

A similar House bill (H.R. 11137) was laid on the table.

AUTHORIZING THE SECRETARY OF THE INTERIOR TO ENTER INTO AGREEMENTS WITH NON-FEDERAL AGENCIES FOR THE REPLACEMENT OF THE EXISTING AMERICAN FALLS DAM, MINIDOKA PROJECT, IDAHO

Mr. JOHNSON of California. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1529) to authorize the Secretary of the Interior to enter into agreements with non-Federal agencies for the replacement of the existing American Falls Dam, Minidoka project, Idaho, and for other purposes, as amended.

The Clerk read as follows:

S. 1529

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior (hereinafter called the Secretary) is authorized to negotiate and enter into agreements with the American Falls Reservoir District or other appropriate agency representing the present spaceholders (hereinafter called the constructing agency), which agreements shall authorize the constructing agency to finance and provide for the construction of a dam and related facilities to replace the existing American Falls Dam of the Minidoka project, Idaho-Wyoming. The United States shall take title to the dam upon a determination by the Secretary that construction of the dam is substantially completed, and the dam shall be a feature of the Minidoka reclamation project and shall be considered to be a "Government dam" as defined by the Federal Power Act (Act of June 10, 1920, 41 Stat. 1063, as amended). The Secretary shall operate and maintain the replacement dam as a feature of the Minidoka project. The construction and operation of the replacement dam shall not result in an increase in the elevation of the reservoir water surface above that maintained for the original dam, and provision shall be made for the correction and prevention of erosion related to the reservoir or for the full and adequate compensation of adjacent landowners (including owners of land subject to a flowage easement for the reservoir) if such erosion cannot be corrected or prevented.

SEC. 2. (a) Replacement of the existing dam as authorized in section 1 hereof shall in no way alter or change the present proportionate storage rights of present spaceholders in the American Falls Reservoir and shall constitute a reaffirmation of existing contract rights between the Secretary and the spaceholders except as otherwise provided in this Act.

(b) The constructing agency shall: (i) include as a part of the project, a river crossing meeting the then current Department of Transportation standards for Federal-aid secondary highway two-lane traffic which crossing shall be located on top of the replacement dam or immediately downstream from the dam, and which crossing shall be financed by State, Federal, and constructing agency funds, or any combination thereof as the parties deem appropriate; and (ii) design and construct an additional two lanes on top of the replacement dam, which addi-

tional two lanes may be funded with State, Federal, or constructing agency funds, or any combination thereof. For the purposes of subpart (ii) of this subsection, the constructing agency shall be considered an "agency" within the meaning of section 320 (a) of title 23, United States Code.

(c) The plans and specifications for the construction of the dam shall require that an adequate two-lane, two-way crossing shall be maintained at or near the site of the dam during construction.

SEC. 3. The constructing agency may enter into repayment contracts with the spaceholders in the existing American Falls Reservoir providing for the repayment by the spaceholders of proportionate shares of the total project costs incurred by the constructing agency for engineering financing, designing, and constructing the replacement dam, and the Secretary shall be a party to said contracts and the delivery of water to the spaceholders shall be contingent upon the execution of such contracts and the fulfillment of the obligations thereunder: *Provided*, That said contracts shall be consistent with the terms of existing contracts between the Secretary and the spaceholders for repayment of the costs of the existing American Falls Dam.

SEC. 4. The constructing agency may contract with an appropriate non-Federal entity for the use of the falling water leaving the dam for power generation, which contract shall provide for a monetary return to the constructing agency to defray the costs of construction of the replacement dam. The constructing agency may enter into agreements with an appropriate non-Federal entity to coordinate the construction of hydroelectric power facilities with the construction of the replacement dam. The contract and agreements for use of the falling water shall not be subject to the limitations of section 9(c) of the Reclamation Project Act of 1939 (53 Stat. 1194), or any similar limitations in any other applicable Acts of Congress: *Provided*, That said contract for falling water shall be approved by the Secretary and shall not impair the efficiency of the project to serve the other purposes of the Minidoka project.

SEC. 5. Construction of the replacement dam shall not be initiated until the Secretary has approved the designs and specifications of the dam and the plan of construction of the dam and of the proposed operation of the dam and reservoir. Construction of each related facility shall not be initiated until the Secretary has approved the designs and specifications thereof. Costs incurred by the Secretary in reviewing such designs, specifications, plans, and construction shall be included as project costs allocated to beneficiaries of the replacement dam and shall be reimbursable to the Secretary.

SEC. 6. The Secretary is authorized to provide specific facilities for public recreation and fish and wildlife enhancement in connection with the replacement dam, and the costs of such facilities shall be repaid in accordance with the provisions of the Federal Water Project Recreation Act (79 Stat. 213). In addition, specific facilities for public recreation may also be provided in accordance with the Land and Water Conservation Fund Act of 1965 (78 Stat. 897), as amended (16 U.S.C. 460, et seq.).

SEC. 7. There is hereby authorized to be appropriated for construction of specific facilities for public recreation and fish and wildlife enhancement the sum of $400,000 (July 1972 prices) plus or minus such amounts, if any, as may be required by reason of the changes in the cost of construction work of the type involved therein as shown by engineering cost indices. There are also authorized to be appropriated such funds as may be necessary to meet the prorated construction cost apportionable to the irrigation storage rights of the Michaud Division of the Fort Hall Indian Reservation for space in the reservoir behind the American Falls Replacement Dam and such cost shall be subject to the Act of July 1, 1932 (47 Stat. 564; 25 U.S.C. 366a). There are also authorized to be appropriated such funds as are required for the operation and maintenance of the dam and related facilities.

The SPEAKER. Is a second demanded?

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

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

There was no objection.

Mr. JOHNSON of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to rise in support of S. 1529, to authorize the Secretary of the Interior to enter into agreements with non-Federal entities for the replacement of American Falls Dam, Minidoka project, Idaho, and for other purposes.

This measure is in sharp contrast to the usual bill from the Committee on Interior and Insular Affairs authorizing construction of a Federal Reclamation facility. In this case, we are making it possible for the people of Idaho to accomplish, through their own initiative and largely with their own resources, an important public improvement rather than to authorize the work to be done with the Federal taxpayers' money.

American Falls Dam is a structure contructed almost 50 years ago by the Bureau of Reclamation. It creates a reservoir of about 1,700,000 acre-feet to regulate the water supply for 900,000 acres of land in the Snake River valley. In recent years, deterioration of the concrete has been noted and the stability of the structure has been so affected that it has been necessary to limit the water storage content in the reservoir by approximately one-third. The water supply, thus limited, poses a serious and continuing threat to the productivity of the dependent lands and the success of the entire agriculture-related economy of southern Idaho.

Because of the large backlog of authorized reclamation projects and the probable time lag in securing a replacement structure through conventional reclamation construction, the people of Idaho, working through their delegation, have sponsored this legislation to enable nonFederal construction. Accordingly, this measure is attractive from two standpoints; first, it allows the deficient dam to be replaced much more promptly than would be the case through Federal construction; and second, it enables the replacement to be accomplished at a minimal public expense.

Actually, Mr. Speaker, S. 1529 is a simple measure. It authorizes the Secretary of the Interior to contract with the American Falls Reservoir District, an entity created and empowered by Idaho law, through which the district will raise capital, design and construct the dam—in accordance with plans approved by the Secretary. When the dam is completed, it will revert to the Secretary for operation and maintenance and title will vest in the United States. This is important to the protection of the public investment in related canals and dams forming the total system of which American Falls is a part.

The bill authorizes the reservoir district to enter into an agreement with a private power company through which the irrigation water releases from the reservoir can be used for the generation of hydroelectric power in a powerplant to be constructed wholly by private funds.

Revenues from such a falling-water contract will enable the district to retire the debentures which it must issue to finance construction of the replacement facility.

An added aspect of S. 1529 is that it affords a mechanism for replacing the inadequate and dangerous highway crossing of the Snake River over the existing American Falls Dam. State, local, and Federal-aid highway funds will be used for this purpose and it is anticipated that there will be a completely modern four-lane crossing facility when the project is completed. Two lanes will occupy a river bridge being constructed initially to serve during the construction period and two additional lanes will occupy the crest of the replacement dam.

Safeguards are included in the bill to assure that the reservoir shall not be to a higher elevation and thereby involve any new land resources; that programs for reservoir bank erosion prevention and correction will be vigorously prosecuted; and that the water rights and contract entitlements in the present reservoir will be preserved and protected.

The bill also provides that $400,000 be authorized for fish and wildlife and recreation enhancement. This development will be carried forth under the provisions of existing law which requires one-half of the amount to be repaid to the United States at interest.

Also involved in the bill are about $200,000 of Federal appropriations to cover the cost of Secretarial oversight of the replacement program. This amount is required to be reimbursed to the United States.

There is an added Federal obligation in the bill to cover the prorata—2.8 percent—share of the cost of the new dam assignable to the Fort Hall Indian Reservation. The amount of this obligation can only be estimated at this time as $750,000 since the final cost of the replacement dam is not known.

The summation of these public expenses is $1,350,000. For this modest public investment, the Government will be saved the construction of a major dam that could cost as much as $30 million. The Nation will also be protected against the loss of valuable food production from almost 1 million acres of land and the economy of southern Idaho will be supported against the caprices of drought for the indefinite future.

Mr. Speaker, this is one of the most clearly supportable bills that I have ever had the privilege to be associated with. I cannot see any reason for any Member to withhold his vote. It has no adverse environmental effects of any measurable consequence, it undergirds our food production capability and it enhances our capacity to produce pollution-free hydroelectric power. It does all of these things at minimal expense.

I urgently urge its passage.

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

Mr. Speaker, I rise in support of S. 1529. In the 21 years that I have served on the House Interior Committee, I have seen few legislative proposals as fitting as this measure to bring about the construction of a replacement dam at American Falls, Idaho.

As has been pointed out, the existing American Falls Dam was built 40 some years ago to encourage development of the once arid land of southern Idaho. The dam and its ancillary facilities have proved quite successful.

Today, nearly 1 million irrigated acres of the American Falls complex provide security and abundance to many thousands of our fellow Americans. Annually they add over a hundred million dollars worth of agricultural commodities to the national economy.

In recent years, the structural dependability of this dam has been compromised by an alkali-aggregate reaction in its concrete. As a consequence, the storge capacity of the reservoir behind the dam has been effectively decreased by one-third. Today the reservoir can impound only a fraction of the spring runoff waters it was designed to hold. It lacks storage to offset the lack of rain waters in a dry year.

To preserve the social and economic benefits of the original dam, it is necessary to build a replacement dam as soon as possible To this end the people of Idaho have proposed a novel and farsighted action: they will build the dam with their own money if the Federal Government will clear away redtape and bureaucratic obstacles.

To a Congress regularly besieged by professional handout seekers and treasury looters, this comes as a refreshing proposal. In the season when Santa Claus is on many minds and legislative Christmas trees sprout like weeds, a group of Americans actually are asking for an opportunity to do something for themselves.

Astrologers may look at this as one of those strange turnarounds that develop once or twice per century to coincide with the coming of a comet, but there are others who see in it an even more wonderous development: the reassertion of the old American belief that citizens can sometimes take care of themselves without direction and financing from Washington.

This dam is needed by the hard-working people of Idaho. They do not deserve to see their hard-won economic and social gains wiped out by an engineering blunder of a half century ago. Enactment of S. 1529 will protect them from the threat of future dry spells. It will protect them from floods in an abnormally wet year. It will provide a new river crossing at American Falls and, additionally, it will make possible 2½ times the hydroelectric generating capacity of the existing generating facility at the dam.

Enactment of S. 1529 will demonstrate, once again, that the world belongs to the strong and self-reliant—to those who look to their own resources for the protection of their own well being.

This is an excellent piece of legislation and I urge its adoption.

Mr. Speaker, I yield such time as he may consume to the gentleman from Idaho (Mr. HANSEN).

Mr. HANSEN of Idaho. Mr. Speaker, this measure authorizing replacement of the American Falls Dam (S. 1529) is of vital importance to the national economy as well as to the economy of the State of Idaho. In recommending its approval today, I would first like to express my sincere appreciation for the remarkably prompt and efficient efforts of the distinguished members of the House Committee on Interior and Insular Affairs who have unanimously recommended the measure for favorable action by the full House. I also commend Chairman HAROLD T. JOHNSON of the Subcommittee on Water and Power Resources, for the priority attention he has given this legislation, and for expediting field hearings in Idaho earlier this year.

The House leadership has also demonstrated an understanding of the need for prompt affirmative action on the American Falls Dam replacement legislation by bringing it to the floor at this time under suspension of the rules. Final approval by the Congress this year would make favorable action all the more effective by speeding the construction and full operation of a safe and adequate dam on the American Falls Reservoir.

Because of the present emphasis on legislation that would make the United States self-sufficient in energy at the earliest possible date, it should be pointed out at the outset that proposed dam will provide 2½ times more electrical energy than is now produced by the present American Falls Dam. The proposed plant together with downstream plants would generate on the average about 420 million kilowatt hours of electricity per year. That is equivalent to about 210,000 tons of coal or 28 million gallons of oil per year.

As much as this increased power is needed, there are other compelling reasons to authorize replacement of the dam.

The Bureau of Reclamation built the American Falls Dam in 1927. Since that time gradual and progressive concrete deterioration has produced severe limitations on the strength and durability of the dam. In its present weakened condition the storage level has been reduced to less than 65 percent of the reservoir's capacity. The level will be further reduced if the dam is not replaced.

The reservoir behind the dam was designed to store 1.7 million acre-feet of the Upper Snake River and supply water for the irrigation of nearly 900,000 acres of very fertile and productive farmland.

It is because the productivity of this agricultural land is jeopardized that affirmative action is needed without delay. With hundreds of thousands of acres of farmland dependent on water stored in the reservoir, the combination of reduced storage capacity and one or more water short seasons could result in serious crop losses. This would obviously inflict severe economic injury on the farming industry in the area as well as the communities that depend on and serve the agricultural economy. The significance of this potential loss is even more alarming in view of the Nation's present need to expand food production. Such a loss would have a serious effect on the national economy.

The present condition of the dam not only threatens the agricultural economy of the region, as well as the Nation, but also endangers the recreation, fish and wildlife, flood control, and hydroelectric functions of the reservoir.

Another major consideration is the need to provide a safe and adequate road across the top of the dam. The inadequacy of the present highway, which is the only river crossing in nearly 80 miles, has resulted in burdensome traffic restrictions. This means a serious inconvenience to the traveling public, an adverse impact on the economy because of heavy dependence on trucking, and an additional burden to a section of the Nation already confronted with a severe energy shortage. The effect of this bill's passage will be to provide for a four-lane crossing to greatly alleviate current traffic problems incurred by the approximately 3,000 vehicles that now cross the dam daily.

This bill has progressed quickly through various stages of the legislative process. It was introduced simultaneously in the House and Senate on April 10, 1973, with the united support of Idaho's entire congressional delegation. Senate hearings were held on June 15, with subsequent passage by the full Senate on June 19. House subcommittee hearings were held both in Washington on May 15, and at Burley, Idaho, in October.

During the Idaho field hearings it was estimated that if the bill is enacted this year, and other State and locals are not unduly delayed, the new dam would be ready for full irrigation use and power production at the beginning of 1976.

The people of Idaho deserve credit for their support of enactment of this measure. Communities, organizations, and individuals from my State offered well reasoned and helpful testimony during House subcommittee field hearings in Idaho. At this time when so many claims are being made on the Federal dollar, the people of Idaho are not asking for Federal funding. They are only requesting the go-ahead to rebuild the structure themselves. I am sure that the Members of this body are even more inclined to act favorably on behalf of those who exhibit the kind of problem-solving, do-it-yourself spirit that the citizens of Idaho have demonstrated in this situation.

Mr. SYMMS. Mr. Speaker, I would like to associate myself with the statement of the distinguished dean of the Idaho House delegation, Mr. HANSEN. The people of the First District stand behind the American Falls project. The replacement of American Falls is an amazing example of free enterprise. Local people, realizing they would stand in line as much as 30 years for a Federal dole, got together to solve a local problem. I not

only support the project on the basis of need and merit, but I wholeheartedly salute the water users and those associated wtih the project for finding an ingenious solution that does not require vast expenditures of Federal funds. May it set an example for others.

Mr. HOSMER. Mr. Speaker, I yield such time as he may consume to the gentleman from New Mexico (Mr. LUJAN).

Mr. LUJAN. Mr. Speaker, I am pleased to join my Interior Committee colleagues in enthusiastic support of S. 1529.

The members and staff of the Subcommittee on Water and Power Resources have devoted countless hours in recent months to the development of this vital piece of legislation. As a result, we have before us a first-class legislative proposal for the remedy of a situation that threatens the social and economic fabric of southern Idaho.

As my colleagues have already pointed out, the structural strength of the existing American Falls Dam has deteriorated markedly over the past several decades. The decreasing strength of the dam has made it necessary to severely limit the amount of water that can be impounded behind it. Maximum storage is now restricted to 11.3 feet below full pool which reduces the reservoir's storage capacity to 1,125,000 acre-feet or approximately 66 percent of maximum capacity. If a new dam is not built soon, additional operating restrictions will almost certainly be required.

This means that the men and women who depend upon American Falls to irrigate the 900,000 acres of land in its irrigating system are skating on thin ice. If next summer is as dry as last summer, there will not be enough spring runoff waters stored behind the dam to offset the paucity of rain during the growing season.

Mr. Speaker, those of us who represent the drier areas of this country are keenly aware of what such events can mean. Thousands of Idahoans depend directly upon American Falls water for their livelihood. Millions of their fellow Americans depend upon the hundred million dollars worth of agricultural commodities that are produced each year in this area. If we fail to avert this potential crisis, we must bear a large portion of the responsibility for what is likely to happen.

S. 1529 would avoid this possibility by allowing the construction of a replacement dam. Significantly, it would do so by authorizing the Secretary of the Interior to contract with local interests who would actually bear the cost of building the new dam. This represents an important departure from the usual method of financing Federal dams. The water users supported this proposal because they felt that it would ultimately speed authorization and construction.

In addition to guaranteeing the future of the irrigation system, the construction of the new dam would provide flood protection in unusually wet years by permitting greater impoundments behind the dam. It would provide a needed river crossing for auto traffic—the only crossing for 80 miles. And, it would provide for a 2½-fold increase in hydroelectric generating capacity at the damsite.

Mr. Speaker, this legislation should become law. I urge all my colleagues to support it.

The SPEAKER. The question is on the motion offered by the gentleman from California (Mr. JOHNSON) that the House suspend the rules and pass the Senate bill S. 1529, as amended.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

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

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

There was no objection.

PROVIDING FOR TRAVEL AND TRANSPORTATION ALLOWANCE TO MEMBERS OF UNIFORMED SERVICES

Mr. PRICE of Illinois. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1038) to amend title 37, United States Code, to authorize travel and transportation allowances to certain members of the uniformed services in connection with leave.

The Clerk read as follows:

S. 1038

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 7 of title 37, United States Code, is amended:

(1) By inserting the following new section:

"§ 411b. TRAVEL AND TRANSPORTATION ALLOWANCES: TRAVEL PERFORMED IN CONNECTION WITH CERTAIN LEAVE.

"(a) Under uniform regulations prescribed by the Secretaries concerned, a member of a uniformed service stationed outside the forty-eight contiguous States and the District of Columbia who is ordered to make a change of permanent station to another duty station outside the forty-eight contiguous States and the District of Columbia may be paid travel and transportation allowances in connection with authorized leave from his last duty station to a place approved by the Secretary concerned, or his designee, or to a place no farther distant than his home of record if he is a member without dependents, and from that place to his designated post of duty, if either his last duty station or his designated post of duty is a restricted area in which dependents are not authorized.

"(b) The allowances prescribed under this section may not exceed the rate authorized under section 404(d) of this title. Authorized travel under this section is performed in a duty status.".

(2) By inserting the following new item in the analysis:

"411b. Travel and transportation allowances: travel performed in connection with certain leave."

immediately below

"411a. Travel and transportation allowances: travel performed in connection with convalescent leave.".

The SPEAKER. Is a second demanded?

Mr. YOUNG of Florida. Mr. Speaker, I demand a second.

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

There was no objection.

Mr. PRICE of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the purpose of the bill, S. 1038, is to provide to members of the Armed Forces payment for travel and transportation back to the continental United States between consecutive overseas assignments when at least one of those assignments is without dependent accompaniment. The great majority of military personnel who serve consecutive overseas assignments do so as volunteers. Exceptions occur when there are particular requirements for specific skills in specialties which are undermanned. In these cases it is necessary to direct consecutive overseas assignments. It was also necessary to do so in order to rectify imbalances in troop levels in Europe to meet the requirements of multiple tours in Vietnam.

The benefits to which this bill refers include transportation provided in kind aboard military, chartered, or commercial carriers or reimbursement in lieu of such travel. While awaiting such transportation and while traveling overseas, a per diem allowance is authorized at an amount dependent upon the established rate for the particular location involved. Within the continental United States the reimbursement policy provides either reimbursement for actual costs of transportation via commercial carriers or a mileage allowance if privately provided transportation is utilized. It is important to realize that this bill does not affect the existing transportation or travel allowances. It merely adds to those eligible for such allowances, service members who serve consecutive tours of duty overseas.

The benefits are limited to only those service members who are ordered to consecutive overseas assignments when at least one of those assignments is to a duty station where the member will not be accompanied by his dependents. In addition, the bill limits the entitlements of bachelor personnel to an amount not to exceed the cost of such benefits had the single person returned to his or her home of record.

The obvious intent of the bill is to provide to service members the opportunity to return to the continental United States for the purpose of either relocating their families from an overseas duty station to the place of residence where the family will await the member's return from an accompanied tour, relocating a family from a Conus base to the overseas duty station, or visiting with the family between two unaccompanied tours overseas.

In the case of bachelor personnel, the bill provides an opportunity for the member to return to visit his or her family between consecutive overseas assignments. Since the family may have moved from the entry point of the member onto active duty—that is from the member's home of record—the bill limits the Government's liability for the costs involved.

Existing travel and transportation entitlements between consecutive overseas

assignments are computed on the basis of the most direct route between such duty stations. Thus, if a member desired to return to the 48 contiguous States or the District of Columbia for the purposes listed previously, he or she would have to do so at great personal expense. Your Committee on Armed Services feels that this is important in these cases and seeks, through this bill, to correct that deficiency.

In addition, the bill provides that such time as is consumed in the actual travel to and from the continental United States, including any time consumed awaiting transportation, be considered as being in a duty status, thus insuring that the member's accrued annual leave is not wasted.

The Department of Defense estimates that the costs associated with this bill will approximate $1.2 million per year. While it is not possible to accurately predict the situation over the next 5 years, it is fair to say that should present force levels and overseas obligations remain as they are now, the above figures should represent the maximum cost for each of the next 5 years. Should the number of overseas assignments be reduced, the costs associated with this bill will diminish accordingly.

In addition, since it is quite possible that this new benefit may induce more volunteers for consecutive overseas assignments, additional savings will accrue to the defense budget in that fewer personnel relocations will be required to fill billet vacancies overseas from servicemen stationed within the continental United States.

Mr. Speaker, the Department of Defense supports this legislation and the Office of Management and Budget has interposed no objection to its consideration.

Members will recall that the House passed this measure unanimously in the last Congress (H.R. 3542) but it expired in the Senate.

It is the opinion of your Armed Services Committee that this is a good bill and rectifies a deficiency in the personnel management capabilities of the Defense Department.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker S. 1038 is the same bill passed unanimously by the House in the 92d Congress.

Mr. Speaker, the purpose of S. 1038 is to provide the means whereby a member of the armed services may assist his family in their relocation between overseas assignments, or, if the member is without dependents, to return to the United States to visit with his or her family between consecutive overseas assignments.

I am certain that each of us is aware of the difficulties involved in moving a family and its household goods and personal effects. These problems are compounded when the movement involves transportation to or from foreign countries. It is made even further difficult when the movement must be made either without the service member himself, or with him but at his own personal expense. This bill would resolve these sorts of problems.

It also provides an additional benefit to the service as a whole. In the case of both bachelor and married personnel, the bill makes it economically feasible for the members to return to the United States for the purpose of taking annual leave between overseas assignments. The tremendous boost to the morale of those concerned can be easily imagined. As a matter of fact, although no firm estimates are possible, the Department of Defense believes that this legislation will provide a real inducement to military personnel to volunteer for consecutive overseas assignments. This will undoubtedly assist in maintaining a higher morale among military personnel overseas since they will be volunteers and the frequency of involuntary consecutive overseas tours can be reduced.

It will also effect certain cost savings, based upon the numbers who volunteer, since it will not be necesasry to reassign other personnel to fill the vacancies these volunteers will be assigned to.

The benefit which this bill provides to military personnel is smilar, though not quite as broad, as the benefit presently afforded to civil servants assigned overseas. Civilian employees are provided Government transportation and additional leave time in order to return to the United States every 2 years. This bill limits the benefits to military personnel in those instances wherein at least one of the overseas assignments is without the family. This was done in recognition of the fact that military personnel accept the fact that some portion of their career will be served unaccompanied and are thus better prepared, and indeed in some cases, desirous of the more mobile lifestyle. The nature of military service overseas and the remoteness of some of the bases makes unaccompanied duty assignments inevitable. The committee and the House, which passed this measure last year, believe that a return trip to the United States is desirable and fully justified when one of the consecutive overseas assignments is to be served without the member's family.

In addition, when a bachelor service member, male or female, is ordered to or volunteers for consecutive overseas assignments, the bill provides for Government transportation and travel allowances back to the States for the purpose of leave. If a serviceman desired to take leave at some place other than his home of record, such as at the new residence of his parents, the Government's costs would be limited to only that amount which did not exceed what it would have cost to go to the home of record.

Mr. Speaker, this is a good bill.

Mr. SMITH of Iowa. Will the gentleman yield?

Mr. PRICE of Ilinois. I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. Mr. Speaker, I have been interested in this kind of legislation for 2 or 3 years. I have introduced bills on the subject, but they did not have a limit on them such as this one has.

If a young man comes from his duty station outside the 48 States and goes to another duty station within the 48 States, he cannot get a trip home under this bill. However, if he goes to a new duty station outside the 48 States, he can. In some instances, for example, he will come in from the Pacific to San Francisco and his next duty station is some other place in California. That serviceman must pay his own way back to Iowa and then back to California, and some of these boys just cannot do it. Why should the military treat him that way?

Mr. PRICE of Illinois. I think that this bill takes care of a portion of the complaint raised by the gentleman from Iowa, at least in those cases that apply to two consecutive overseas tours.

Mr. SMITH of Iowa. If he is going to go back to Hawaii it takes care of him but if he goes to a new duty station in the 48 States, he pays his own way back to Iowa.

I do not think that that is the way the military should treat them in these instances, and I believe that this is another instance of being pennywise and pound foolish. They are having trouble trying to recruit new members for the service, and I think that such paying for trips home after a man has been overseas would lead to a better enlistment record in the voluntary service. Paying transportation so a young man could go back home would be money spent better than paying some of these recruiters to go around trying to recruit men.

Mr. PRICE of Illinois. I think this corrects just a portion of the complaint that the gentleman from Iowa is concerned about.

Mr. SMITH of Iowa. That is correct in a limited way.

The SPEAKER. The question is on the motion offered by the gentleman from Illinois (Mr. PRICE) that the House suspend the rules and pass the Senate bill S. 1038.

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

GENERAL LEAVE

Mr. PRICE of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks in connection with the Senate bill just passed, S. 1038.

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

There was no objection.

FURTHER LEGISLATIVE PROGRAM

(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 that we are adding to the Suspension Calendar tomorrow House Joint Resolution 865, authorizing the President to proclaim March 29, 1974, as "Vietnam Veterans Day."

DEMOCRATIC IMPEACHMENT STRATEGY

(Mr. OWENS asked and was given permission to address the House for 1

minute and to revise and extend his remarks and include extraneous matter.)

Mr. OWENS. Mr. Speaker, as one of the so-called fire-eating junior Democratic Congressmen on the House Judiciary Committee who was interviewed by Robert Novak in preparation for his syndicated article on impeachment printed in this morning's Washington Post, I want to speak out to deny that his interpretation of Democratic impeachment strategy is accurate.

It is not the intention of that committee, nor its distinguished chairman, nor, I am convinced, of the House party leadership, to delay a House decision on the impeachment resolutions beyond early spring. Obviously, a case for impeachment can be made in that much time, or it can not be made at all.

All committee Democrats are aware that the President is not able to concentrate on running the Government because he is so completely preoccupied with his own survival, and because all are aware of the turmoil, not to mention election year political instability that the energy shortage will cause. None want to be responsible for the inability of the President to focus on that and other problems.

Mr. Novak's observation that political motives of the House Democrats will govern, eventually, and his conclusion that such motivation will result first in delay, then in impeachment, shows a naive understanding, in my opinion, of the emerging facts of American political life. It is in the political interests of the Democrats in Congress to retain Mr. Nixon in office—to face the elections of 1974 and 1976 with a discredited, demoralized, lameduck President. It is in the political interests of the Republicans in Congress to clean their own house, to present to the electorate as the leader of their party in post-Watergate 1974 the only Republican certified clean and honest by the Democratic Congress. An incumbent President FORD in 1976 would, in all probability, be very difficult for the Democrats to defeat.

A more sophisticated observer would have sensed the Democratic determination to see this serious matter through. If we are political in our actions, it will be to resist impeachment, not push for it.

I believe the majority and the minority in Judiciary Committee want a rapid, thorough, complete, investigation and a decision early next year to charge the President or to clear him, in the realization that this country, with so much power in the executive, now desperately needs a president able to concentrate on crisis of unprecedented proportion. I speak for only one of the "fire-eating young Democrats," but I want this thing over and done with—one way or the other—by March or April at the latest. This country can not survive without a President able to govern and if we don't have hard evidence assembled by this spring which dictates removal from office, I for one, will do what I can to help rehabilitate Richard Nixon.

VIETCONG AMBUSHES AMERICAN TEAM SEARCHING FOR MIA'S

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

Mr. HUBER. Mr. Speaker, this last Saturday the press reported that about 30 Communist troops ambushed and killed an unarmed American officer and seriously wounded four soldiers as their helicopters landed to inspect an old crash site 12 miles from Saigon. These men were part of a team searching for our missing in action. This team was in a plainly marked helicopter and was carrying out a mission in accordance with the terms of the agreements previously signed with the Vietcong and the North Vietnamese.

What the Communists did was typical of all Communists but particularly typical of the activities of the enemy in Vietnam. Terror is always more important than military objectives in their view. Such activities of the Communists makes the passage of my House Concurrent Resolution 271, which requires that we not consider any aid, trade, diplomatic recognition, or any other form of communication, travel, or accommodation with North Vietnam and the Vietcong (PRG) until there is compliance with the agreements of January 27 and June 13, 1973, relative to our MIA's, more imperative than ever.

Indeed, it is a sad affair that this body, unfortunately, in my view, voted Friday to cut off the export of petroleum products for military use in Indochina at the time this happened. Would this body have our men walk into the jungles to search for crash sites without any protection? Would it have the trucks, tanks, and planes of our allies in southeast Asia grind to a halt in order to make their point? Is not continued North Vietnamese aggression plain enough for all to see? Perhaps instead of marching down the aisle to pass crippling amendments relative to our allies, we ought to be coming up with the amendments to hurt the other side or do we no longer want to protect our men who risk their lives?

The article follows:

U.S. PROTESTS RED AMBUSH

SAIGON.—About 30 Communist troops ambushed and killed an unarmed American officer and wounded four other U.S. soldiers yesterday as their helicopters landed to search for the remains of a GI 12 miles south of Saigon, a survivor said.

He said one South Vietnamese pilot also was slain and at least three other Vietnamese crewmen were wounded, and that he saw about five dead attackers left in the field. Twelve South Vietnamese accompanied the Americans in their three choppers.

The American officer killed was identified as Capt. Richard Morgan Rees, 32, of Kent, Ohio.

The Pentagon identified four Army men wounded in the incident:

Lt. Ben C. Elfrink who was listed as very seriously wounded. His wife, Sheryl, has been flown from Thailand to South Vietnam to be with him, the Army said. His parents are Mr. and Mrs. Clifford H. Elfrink of Isabel, S.D.

Spec. 4 Randall J. Nash of Amarillo, Tex., was listed as seriously wounded. His parents are Mr. and Mrs. James Nash.

Listed as slightly wounded were Sgt. Herman C. Ballard, son of Don R. Ballard, Columbus, Ohio, and Sgt. 1 Ronnie L. Watson, husband of Mrs. Rossalind Watson, North Fort Pierce, Fla.

They were the first American casualties reported among the 150-man Joint Casualty Resolution Center, charged with searching for 1,300 Americans missing in action in the Indochina war.

(In Washington, Secretary of Defense James R. Schlesinger denounced the shooting attack on the U.S. search helicopter in South Vietnam as "a despicable act" and said "We should be prepared to take the necessary measures" to prevent a recurrence.

("We will indicate our substantial displeasure to the other side, but we will not cease the search for the missing in action," Schlesinger said during a talk before a group of Jaycees officers. He did not indicate what "the necessary measures" might be. The United States is barred by Congress from any military action in Indochina.

(The State Department said: "We are making known to the Communist side in the strongest terms our condemnation of this latest and most outrageous action . . .

("We deplore this unprovoked attack on unarmed helicopters engaged in a humanitarian mission specifically authorized by the Paris accords . . .

("This was the latest and most contemptible of a series of violations by the Communist side of the accords they signed in Paris last January. They have consistently adopted a callous attitude toward the provisions of the agreement that call for a full accounting of those of all nationalities missing in action in Vietnam.")

Spokesmen for the North Vietnamese and Viet Cong delegations to the Joint Military Team said they had no report on the incident and had not been informed of the mission in advance. The South Vietnamese denied this.

The helicopters had the orange stripes of the Joint Military Team authorized to conduct searches under the cease-fire, said Army Maj. Richard Laritz, 38, of St. Paul, Minn., the operations officer in charge of the mission.

Most of the members of the 13-man U.S. search team had gotten off the helicopters when Laritz said they "were taken under intense enemy fire. I heard four heavy explosions land alongside my helicopter.

"After my officer exited we started taking heavy fire. I don't know whether he was knocked down by a bullet or whether he was knocked down by an explosion . . . As you know our people were unarmed and the aircraft was unarmed and we had no weapons as means of protection."

Laritz said he had been instructed as recently as Friday that if they engaged hostile fire they were to surrender themselves immediately "to insure that we took the least possible casualties."

"My officer picked himself up out of the grass and mud, put his hands up in the air and said something. I don't know what he said. And at that time he was shot and killed.

"I fought in the Korean War and numerous battles in Vietnam. I've seen many people die. I can understand that in a war . . . But my officer, my man, was murdered in cold blood. It's as simple as that."

Laritz said rocket-propelled grenades and machine gun fire hit all three aircraft, completely destroying one.

CODE OF CONDUCT IN THE ARMED FORCES

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

Mr. BINGHAM. Mr. Speaker, on Thursday, December 13, the Department of Defense announced that it would begin the first major review of the military Code of Conduct in nearly 20 years. The study will consider how the code should

be updated in the light of the experience of the U.S. servicemen held prisoner during the Indochina war.

This is gratifying, since I called for major changes in the Code of Conduct almost 5 years ago. In a letter to the President on January 27, 1969, prompted by the obvious, shameful and ludicrous inadequacy of the Code of Conduct during the *Pueblo* crisis, I urged that drastic revisions be made in the rule that requires American prisoners, under threat of court martial, to give their captors nothing more than name, rank and service number information. My suggestion was that American prisoners should be allowed to sign statements or make confessions which do not contain any factual information which would be useful to the hostile power and that, to the best of the prisoner's knowledge, is not already known to the hostile government. This change should be accompanied by announcements by the U.S. Government, through all available channels, that American military personnel have been so instructed, and that therefore, no such statement or confession can be believed.

This suggestion is still relevant, and I urge the Department of Defense to include consideration of it in its study.

Although I regret that it took so long for the Defense Department to undertake this study, I commend it for finally doing so.

I include at this point in my remarks a copy of my January 1969, letter to the President on this subject:

JANUARY 27, 1969.

Mr. PRESIDENT: The mental and emotional torture suffered by Commander Lloyd M. Bucher and members of the crew of the USS Pueblo at the hands of their North Korean captors shows (in addition to the inhumanity of the current government of North Korea) the shameful and ludicrous inadequacy of the Code of Conduct for Military Personnel. The rule that requires American prisoners, under threat of court martial, to give their captors nothing more than "name, rank, and service number" must be drastically revised.

The mistreatment American prisoners are forced to undergo to avoid signing false "statements" and "confessions" does not prevent their captors from using such statements for propaganda purposes. If death or sheer stamina under torture permits an American prisoner to resist making or signing statements dictated by his captors, it is easy enough for them to use similar treatment on other prisoners until someone submits. Even if no prisoner can be forced to make or sign trumped-up statements, hostile captors can forge prisoner's signatures, or simply issue whatever propaganda statements they wish to promulgate without a prisoner's submission.

In short, American prisoners are forced, by the "name, rank, and service number" limitation, to trade severe mental and physical mistreatment, and sometimes their very lives, without in any way frustrating the enemy's goals—to suffer and often to die for nothing.

The probability that American prisoners would be subjected to this kind of severe mental and physical torture could be greatly reduced if the following steps were taken immediately:

1. Revise the "name, rank and service number" provision of the Code of Military Conduct to permit any American soldier imprisoned or detained by a hostile government to sign or make any statement or confession which does not contain any factual information that would be useful to the hostile power and that, to the best of the prisoner's knowledge, is not already known to the hostile government.

2. Announce through all available diplomatic and public channels, including the United Nations, that American military personnel have been so instructed, and that no statement or confession signed by any American military person held or detained by a hostile government can be believed.

These changes would be consistent with our international commitments under the Geneva Convention relative to the Treatment of Prisoners of War. American captives would not be allowed to give any real assistance or factual information to hostile governments, any more than they are permitted to do so under the current Code. What these changes would do is remove one of the major excuses used by hostile captors to torture and kill American military men, reduce the probability that American soldiers would have to suffer such torture and death, and reduce the propaganda usefulness of false enemy statements and confessions attributed to American captives.

I strongly urge you, as President of the United States, to make these changes in the Code of Military Conduct by Executive Order before any more American military men are forced to suffer and perhaps die under the senseless "name, rank, and service number" rule.

JONATHAN B. BINGHAM,
Member of Congress.

O. J. SIMPSON RUSHES INTO HISTORY: THE STORY OF A CHAMPION WHO STRIVES MIGHTILY

The SPEAKER pro tempore. (Mr. McFALL) Under a previous order of the House, the gentleman from New York (Mr. KEMP) is recognized for 15 minutes.

Mr. KEMP. Mr. Speaker, I want to share with my colleagues in the Congress my feelings about the historic, record-shattering performance of O. J. Simpson.

These, I believe, are eloquently expressed by the renowned American poet, Edgar Lee Masters who wrote:

Immortality is not a gift,
Immortality is an achievement:
And only those who strive mightily
Shall possess it.

Mr. Speaker, these profound lines perfectly fit the indomitable, super athlete and extraordinary human being that we in western New York call "The Juice."

Orenthal James Simpson, the Buffalo Bills' running back is not as big nor as physically overpowering as the great Jim Brown whose record he surpassed Sunday in Shea Stadium. But to the delight of millions of television football fans who identify with the achievement of seemingly impossible American goals, O. J. is the epitome of dedication and self-generated excellence. Two thousand three yards in one season sounds more like a team than just one man, but that is the record set in New York yesterday by my friend, O. J. Simpson.

Within the heart of this thoughtful, gentle-speaking man, there burns a raging desire. Not to be just good at his chosen profession. Not just to be a record-breaking running back but to be the very best.

O. J.—simply—has that priceless and rare dedication to stretch, beyond all limits, the superb talent with which he is endowed.

The published account of his meeting with Jim Brown, as a teenager in San Francisco, is typical of O. J.'s matter-of-fact approach to his iron-willed determination to excel. Following a game in which the famous Cleveland Brown player had tested the Forty Niners, the young O. J. is reported to have told his idol:

I'll break your record someday.

Mr. Speaker, I like that attitude. It says to the world especially young Americans everywhere "you must have a goal in life." Someday was Sunday, December 16, 1973, when O. J.'s prediction became football history.

Against the New York Jets, O. J. amassed 200 yards with 34 carries, averaging nearly 5.9 yards for each bruising assault upon the Jet defense. In the course of his performance, O. J. surpassed Jim Brown's heretofore record of 1,863 yards, established a decade ago, by 140 yards and he wound up his regular 1973 rushing total with an unprecedented 2,003 yards, a record that many, recordkeeping football buffs, had described as "unattainable" against modern day, sophisticated defenses.

Mr. Speaker, anybody who knows O. J. Simpson also knows he does not know the meaning of "can't."

During my last year with the Buffalo Bills in 1969, when this two-time All-American, Heisman Trophy winner was the Bills' No. 1 draft choice, his other teammates, our coaches and I knew, instinctively, that O. J.'s a leader and champion.

Not just because he had been all-city at Galilee High School in San Francisco, not just because the astute John McKay of U.S.C. had described him as "not only the finest player I have ever coached but also the finest human being," but because O. J. worked and tried harder and was the team's team player.

Such spirit and team attitude is a joy to a coach, such as Lou Saban, the great head coach of Buffalo, owner Ralph C. Wilson, Jr., and the entire Bills team.

And O. J.'s example has an incalculable effect upon his offensive teammates up front, the people to whom he gives the credit, like guards Reggie McKenzie and Joe DeLamielleure, tackles Donnie Green and Dave Foley, center Bruce Jarvis and tight end Paul Seymour and his running mates Jim Braxton and Larry Watkins. Quarterback Joe Ferguson knows he can count on O. J. to catch passes and to block with the same enthusiasm as he shows when he is called upon to carry the ball for critical yardage.

After his 7 yard run in the fourth quarter of yesterday's game, that took him to the 2,003 yard mark. O. J. typically ascribed his achievement to the play of his teammates.

That monumental accomplishment—and the marking of a record 332 carries in a regular season, 27 more than any other man in professional football, evoked a typical O. J. understatement.

"Things," he said, "are starting to turn out right." They sure are—for O. J. and the Buffalo Bills.

And no man in sports, or in many other fields of human, competitive endeavor,

knows better than O. J. that "Immortality is not a gift."

Mr. Speaker, I know my colleagues join me in expressing our best regards to O. J. Simpson, his lovely wife Marguerite and family.

As the UPI reports in today's edition of the Washington Star-News, O. J. acknowledges that "records are made to be broken."

At this point, Mr. Speaker, I request permission to add the story captioned "Simpson Rushes Into History" to my remarks.

SIMPSON RUSHES INTO HISTORY

NEW YORK.—It was a record many said never would be broken but O. J. Simpson predicted he'd do it 12 years ago.

The record was Jim Brown's single-season rushing record of 1,863 yards and Simpson didn't break it Sunday, he demolished it with a 200-yard performance that sparked the Buffalo Bills to 34–14 romp over the New York Jets.

The 200 yards gave Simpson 2,003 for the season. He's the first player to surpass the 2,000-yard mark and to gain 200-yards three times in one season.

"I guess I was about 13 or 14," Simpson told nearly 150 newsmen, "and we were in the ice cream parlor. Brown was in there for some reason or other late after a game and everybody was milling around asking for his autograph. But I was a real wise kid and I told him, 'You ain't so tough, I'm going to break all your records.'

"Now I find it happens to me. I go into a playground and kids come up telling me I'm not so tough. But records are made to be broken and I'm sure this one will, too. I set a lot of records in college and I thought would last for years but Don McCauley broke the yardage record and A. D. (Anthony Davis) is just wiping them out at Southern Cal."

Simpson wasted little time in overwhelming the Jets. Treading gingerly over a icy, snow-covered Shea Stadium turf, Simpson picked up five yards on his first carry of the game and then burst for 30 yards to become only the 20th player in history to surpass the 5,000-yard career rushing mark. The former Heisman Trophy winner from Southern Cal carried seven times for 57 yards in a drive that ended with Jim Braxton plunging over from the one for a 7-0 lead.

Simpson broke Brown's record on his eighth carry and was mobbed by his teammates but the joy was short-lived as he fumbled on the next play and two plays later, Joe Namath hit Jerome Barkum with a 48-yard TD pass to tie the score.

Simpson burst 13 yards for a TD with 72 seconds left in the half and the Bills broke it open when rookie Bill Cahill returned a punt 51 yards for a touchdown 48 seconds later.

The 2,000-yard mark came on a seven-yard run with 5:56 left to play and even the pro-Jet crowd of 47,740 roared its approval, chanting, "Juice, Juice, Juice."

Simpson made sure he shared his greatest moment with the guys who made it possible—his linemen. He brought the entire line plus wide receivers Bob Chandler and J. D. Hill and Ferguson, the rookie quarterback, to the crowded news conference and introduced each one.

"They're the ones who did it for me and they should get the same credit," Simpson said.

While Simpson was obviously overjoyed at the records, he said making the playoffs might have made them sweeter. The Bills were knocked out of contention when Cincinnati beat Houston 27-24.

MORE SERIOUS THAN WATERGATE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. ASHBROOK) is recognized for 60 minutes.

Mr. ASHBROOK. Mr. Speaker, the possibility of perjury, leaking of classified information, cleansing of security files, another confrontation of Congress with the White House on executive privilege and, believe it or not, denial of access to still more telephonic tapes, has turned a perfunctory confirmation hearing before the Senate into a situation more serious than Watergate. Involved are not just the small cast of Watergate characters, however highly placed, but officials and employees of the entire Federal service. Nor is this but a one-time Watergate affair—President Nixon ran into this continuing problem as a U.S. Congressman.

As in Watergate, the problem centers around the integrity, reliability, and trustworthiness of Federal employees and the denial to Congress by executive privilege of access to needed information to carry out its responsibility to evaluate laws and programs it has authorized. The central constitutional issue, again as in Watergate, hinges on the basic issue—can executive privilege be used to cover up wrongdoing?

Unfortunately, the spirit of "Operation Candor" apparently does not apply to the State Department on congressional queries not related to Watergate.

While Special Watergate Prosecutor Jaworski will be permitted to search secret White House files, a U.S. Senator is denied by the State Department access to pertinent tapes or summaries on another matter.

While the White House permits several executive branch officials to appear publicly before the Senate Watergate hearings on one hand, the State Department permits a Federal employee to be interviewed by a Senator and then denies to a Member of a House investigating committee the same opportunity to question the same Federal employee on the same matter.

State officials fully realize that if they are compelled by the White House to submit to "Operation Candor," and provide data and witnesses now sought by the House Internal Security Committee, a thorough fumigation of State would be well on its way. Additionally, shakeups at other culpable agencies and departments would ensue, and meaningful corrective action on the Watergate affair would have a basis in a revised Federal employee security-suitability program. This is the scope of the situation mentioned above as "more serious than Watergate."

THE SONNENFELDT CASE

The matter concerns in the first instance Mr. Helmut Sonnenfeldt, whose nomination for Under Secretary of Treasury has been withdrawn after opposition to the nomination developed in Senate Finance Committee hearings. Speculation that he would be nominated for a State Department position was recently confirmed when Mr. Sonnenfeldt's name was sent up to the Foreign Relations Committee of the Senate for the key position of Counselor at State.

For those unfamiliar with the Sonnenfeldt case, the Senate Finance Committee held its first hearing on the Sonnenfeldt nomination for Under Secretary of Treasury on May 15 of this year. What appeared at the outset to be a pro forma review of the nominee's record actually took a controversial turn when John Hemenway, a former colleague of Mr. Sonnenfieldt's at State, appeared as an opposition witness and, among other things, named several persons who alleged that Mr. Sonnenfeldt had leaked classified information both to the press and to representatives of a foreign country. When Chairman RUSSELL LONG decided that FBI security records should be consulted to confirm or refute the allegations, further hearings were scheduled for a later date.

On October 1 and 2 additional hearings were held and conflicting testimony under oath raised the question of possible perjury. The Senate Committee subsequently voted to approve the Sonnenfeldt nomination and by mutual consent of the concerned parties, Monday, December 10, was set as the date for the Senate vote. Prior to the December 10 date, Secretary Kissinger announced at a press conference that Mr. Sonnenfeldt's nomination was being withdrawn and that he would later be submitted again, this time to fill the post of Counselor of the State Department, a key State position. Thus the speculation which began in August that he would go over to the State were confirmed. The nomination is now before the Senate Foreign Relations Committee for action.

Despite President Nixon's cooperation with the Senate Watergate Committee, the State Department, now led by Mr. Henry Kissinger, a personal friend of Mr. Sonnenfeldt for many years and his close associate on the National Security Council, on November 30 forbade a potentially key Federal witness, Francis Niland, to provide information to the House Internal Security Committee relating to Mr. Sonnenfeldt's suitability for high government office. A photograph of Mr. Sonnenfeldt, incidentally, appeared in the Washington Post on December 12 in which he is sitting next to Secretary Kissinger at a meeting of the European Economic Commission in Brussels, illustrating his important function in U.S. foreign affairs.

Another extraordinary circumstance in this Congress-executive confrontation is that the State Department official who accompanied Mr. Niland revealed, in answer to questions that Mr. Niland had been permitted previously by the State Department to discuss the Sonnenfeldt case privately with Senator RUSSELL LONG in detail.

The situation clearly shows that the State Department is discriminating against the House of Representatives and its committees and that it is now formally denying the duly authorized committee in the area of internal security information which it provided on an informal basis to the chairman of a Senate committee.

I submit this decision of the State Department is characteristic of that institution, which prefers to act outside official channels, where official responsibility can be clearly established, and seeks channels of informal or personal contacts where public accountability is difficult to trace. The denial of pertinent information on November 30 indicates that the State Department feels that it may reveal some, or perhaps all, information in its security files on occasions of its own choosing. Is this, then, not the rule of men, of selective invocation of executive privilege? It certainly is not the rule of law.

The American public is already deeply scandalized by the revelations of the Watergate affair. It has a right to be. It is now manifest that persons in the highest places in the White House, with direct access to the President, have manipulated documents, have diverted information, have lied both personally and publicly, have stated falsehoods under oath. Many of these persons were lawyers, committed by their profession to uphold the law and to agents of justice. Many of these men, of thorough legal professional training, are now themselves sentenced to prison for breaking the very laws they swore to protect and serve.

THE SERIOUSNESS OF LEAKS

From time to time we hear that there was some genuine issue of national security, involving the life of some top secret informant residing in the Moscow Kremlin, behind the operations of the apparatus known as the "plumbers." We are told that this issue of national security was so great that the "plumbers" even felt they had to risk breaking American law to protect American national survival. Indeed, President Nixon stressed his concern about leaks in his remarks at the White House to recent POW's on May 25 of this year:

> And by our secrets, what I am saying here is not that we are concerned about every little driblet here and there, but what I am concerned about is the highest classified documents in our national security files, in the State Department, in the Defense Department, which, if they get out, for example, in our arms control negotiations with the Soviets, would let them know our position before we ever got to the table.

If "leaks" are so dangerous, why does the State Department insist on concealing from the House Internal Security Committee its evidence of the "leaks" of classified information in which Mr. Sonnenfeldt allegedly participated? Some of these alleged leaks have been stated publicly already at the hearings before the Senate Finance Committee. Mr. Stephen Koczak, a retired foreign service officer of more than 20 years service with the State Department, has testified under oath to personally hearing Mr. Sonnenfeldt leak top secret information to officials of a foreign power. Mr. Koczak is currently the Director of Research of the American Federation of Government Employees—AFL–CIO. He has appeared at least a hundred times before Senate and House Committees to present or support testimony on all issues involving the conditions of employment, and the rights and duties of Federal employees.

Yet, Mr. Sonnenfeldt testified publicly under oath that Mr. Koczak's allegations are untrue. On the very surface, therefore, there is here the possibility of perjury. On the very surface, therefore, it is apparent that Mr. Koczak should have no motive to harm Mr. Sonnenfeldt personally. I believe, in the light of the perjuries which have been revealed in the Watergate, this contradiction under oath should be clarified at once.

An initial step to resolve the perjury matter has already been taken. In answer to an inquiry, the office of the U.S. Attorney responded to John Hemenway, a key opposition witness in the case:

> Your letter dated November 1, 1973 regarding possible criminal violations by Mr. Helmut Sonnenfeldt, an employee of the U.S. Department of State has been referred to Mr. Joseph Tafe, Internal Security Division, Department of Justice for investigation and prosecutive determination.

Mr. Sonnenfeldt has also under oath denied "leaking" any information to certain press correspondents, contradicting Mr. Otto Otepka's testimony under oath that Mr. Sonnenfeldt had. Mr. Niland's testimony deals with evidence obtained by the State Department reportedly corroborating Mr. Otepka's testimony that Mr. Sonnenfeldt in fact "leaked" information repeatedly to the press over a number of years. In the 1960 election he allegedly "leaked" information to Robert Kennedy, then managing the campaign of John Kennedy for the Presidency against Richard Nixon. The purpose, apparently, was to assist John Kennedy to defeat Richard Nixon, if the allegation is true.

Testimony before the Senate Finance Committee alleged that Mr. Sonnenfeldt was seen leaving the home of Marguerite Higgins, the deceased author and reporter, in the company of Senator Robert Kennedy. Unfortunately, critical questions as to whether it was just a luncheon or a political strategy meeting and who else attended were not explored in the committee questioning. Presumably, the State Department, which had Mr. Sonnenfeldt under personal surveillance in addition to a tap on his phone during this period, has the information in its files.

The Higgins' episode could be of significance when it is remembered that it was during this period, during the Kennedy-Nixon 1960 campaign, that a classified study on the U.S. posture abroad was given by a State Department employee to a member of the Kennedy campaign committee, William Brubeck. I understand the contents were promptly leaked to the Washington Post. When President Kennedy assumed office, Mr. Brubeck was brought into the State Department where he still holds a responsible position, and his State Department cohort was continued in Federal service.

Did Mr. Sonnenfeldt fill a similar political role during the Kennedy campaign?

Was the Higgins' luncheon in reality a political strategy meeting?

If so, this could explain Mr. Sonnenfeldt's return to the Bureau of Intelligence and Research—INR—during the Kennedy administration, with a promotion, after having been transferred from there because he, allegedly, could not get approval for access to certain highly sensitive information due to his propensity for leaking classified information and because he was not a native-born citizen. As previously stated, State Department files, and Mr. Sonnenfeldt's security file in particular, should indicate the truth of the matter and whether someone is lying, covering up, or both.

In light of these allegations, I believe that the House and Senate should know whether there was a previous situation in 1960 similar to the Watergate which led to certain actions by the State Department security officers resulting in Mr. Sonnenfeldt's transfer to a less sensitive position in the Arms Control and Disarmament Administration. They also need to know whether Mr. Sonnenfeldt was subsequently cleared to a post of high sensitivity because of his past services to Robert Kennedy and John Kennedy in the 1960 campaign.

THE VARIOUS SONNENFELDT INVESTIGATIONS

In his very complete review of the Sonnenfeldt case in the CONGRESSIONAL RECORD on December 10, 1973, page 40361, Senator JESSE HELMS of North Carolina presented a very useful description of the various Sonnenfeldt investigations. To present a proper background, the following treatment of the investigations duplicates in part Senator HELMS' review.

As the House is not involved in the confirmation process, my interest is that of ranking minority Member of the House Internal Security Committee. Our committee, since September, 1970, has been reviewing the Federal civilian employee loyalty-security program which seeks to provide for Federal service reliable and trustworthy employees, while at the same time providing equal and fair treatment for all such employees. In the four volumes of hearings on this issue, Executive Order 10450 plays a central role and outlines standards or guidelines for Federal employment. It is in this context that the committee is primarily interested in this case. And it is in this contest that our committee will seek to obtain all pertinent information even if it comes down to subpoenas and the exercise of executive privilege.

In 1954, when Mr. Sonnenfeldt was in INR, it was judged necessary to tap his phone because of the leaking of classified information to newsmen, according to Mr. Otto Otepka who was a State security officer at that time. Several persons are still at State who were involved in the 1954–55 episode. The tapes of the phone conversations were recently denied to Senator RUSSELL LONG, chairman of the Senate Finance Committee, according to his remarks in the CONGRESSIONAL RECORD on December 6 of this year. Summaries of the tapes were reviewed by Mr. Otepka who, in his sworn testimony before the Senate Committee, stated that John Scali, now our Ambassador to the U.N., and Marvin Kalb of CBS, were two of the newsmen involved.

Based on the Senate hearings and other sources of information, some of the questions concerning the case that still await satisfactory answers are:

Was classified information actually leaked by Mr. Sonnenfeldt to newsmen in the 1954–55 period?

Did Mr. Sonnenfeldt give classified information to newsmen John Scali, Marvin Kalb and others, as charged by Mr. Otepka? Mr. Otto Otepka, a security officer at State at that time who saw summaries of taped conservations of Mr. Sonnenfeldt confirmed the leaks under oath. Mr. Sonnenfeldt later denied the charges.

Were the other newsmen involved?

If Mr. Sonnenfeldt did have contacts with newsmen at this time, were the attractions of the press for a GS–7 or GS–9, his position ratings at this time, based on his intelligence research position and his willingness to dispense his highly desirable product, classified material?

If so, was other classified information conveyed by means other than by phone?

Were any breaches of security noted in Mr. Sonnenfeldt's security file at that time and are they a part of his security record today, if the allegations are true?

How does one account for the fact that Mr. Sonnenfeldt was not questioned on this matter until the 1960–61 period?

THE 1958 ALLEGATION

In 1958 a State Department official, Stephen Koczak, heard Mr. Sonnenfeldt transmit orally highly sensitive intelligence information to representatives of the Government of Israel, without authorization, according to Mr. Koczak's sworn testimony before the Senate Finance Committee on October 1, 1973.

Unable to obtain assistance in the chain of command at State when he reported the violation, Mr. Koczak reported the allegation to a CIA friend with whom he had served in Israel several years before. The CIA agent contacted the FBI and Mr. Koczak was interviewed by an agent of the FBI in 1959.

As to the disposition of this particular investigation, Mr. Koczak, in his sworn testimony before the Senate committee, stated that:

> The Department of State had determined that the information in those telegrams (the sources of the classified information) concerning the Lebanese Government and their relations with us was so sensitive that they could not be entered as evidence and for this reason no prosecution took place.

In the same vein, in his sworn Senate testimony Mr. Otepka stated:

> I, as a security officer, could not examine all of the vital details. But my understanding was that these offenses were committed; that the State Department decided not to take any administrative action based on this particular offense since it might impair our relations with the Government involved.

As Mr. Otepka was to find out later, in his one and only interrogation of Mr. Sonnenfeldt, he was not permitted to discuss at all the most serious allegation—the Israeli episode.

Serious questions again arise in connection with the 1958 episode:

How did State handle Mr. Koczak's allegation when he first reported it in 1958?

Why the delay until the 1960–61 period when Mr. Sonnenfeldt admitted being questioned about the classified telegrams?

Why, according to Mr. Otepka, was neither he nor Mr. Niland allowed to broach the Israeli incident or see the telegrams? Was it because of the sensitivity of the issue, as claimed by Messrs. Koczak and Otepka?

Was the whole Israeli affair, as claimed by Mr. Otepka, handled by the FBI and State at a high level because of its sensitivity?

Does the sensitivity of the issue explain why the 1958 investigation was not listed in correspondence to me by the Secretary of Treasury or the Civil Service Commission in their rundowns of the Sonnenfeldt investigations?

Why did the State Department not call in the FBI to question Mr. Sonnenfeldt on so serious an allegation of commission of a felony?

Is there any record of this allegation in Mr. Sonnenfeldt's personnel security file?

Was this, in short, another Watergate-type coverup?

THE 1960–61 INVESTIGATION

During the 1960–61 period, according to Mr. Otepka, Mr. Sonnenfeldt was transferred from INR to a position in the U.S. Disarmament Agency with a reduction in his security clearance status. As discussed previously, when the Kennedy administration arrived on the scene, Mr. Sonnenfeldt, some months later, transferred back to INR—with a promotion.

Later in 1960 a second wiretap was used to investigate Mr. Sonnenfeldt's activities along with personal surveillance. According to Mr. Otepka, it was during this investigation that Mr. Sonnenfeldt was seen in the company of the late Senator Robert Kennedy at the Marguerite Higgins function at her house. Here again, a record of the wiretap tapes should be available, plus the reports on the personal surveillance.

In late 1960 or early in 1961 Mr. Sonnenfeldt submitted to a lie detector test, the results of which he assumed were favorable as he was continued in his position and subsequently promoted. Mr. Otepka, in his testimony, stated that he was informed by the investigator involved that only perfunctory questions that did not go into substance were asked.

Again, many pertinent questions suggest themselves:

As Mr. Sonnenfeldt, during this period, submitted to a lie detector test, had his phone tapped, was under personal surveillance, and was interrogated for the first and only time by Messrs. Niland and Opteka, why was no mention made of this investigation by either Treasury or CSC in their correspondence to me?

Are the summaries of wiretaps during this period still available and are they included in Mr. Sonnenfeldt's personnel security file?

Was the above-mentioned Higgins' luncheon a political strategy meeting?

If so, did Mr. Sonnenfeldt play a politically partisan role in the 1960 Presidential campaign?

Was payment for political service a reason for his advancement up the State Department ladder—as it possibly was in the case of William Brubeck?

Did political service explain his return to the Bureau of Intelligence and Research—INR—during the Kennedy administration—with a promotion—after having been transferred from INR, according to Mr. Otepka, because he could not get approval under security standards established and enforced by the U.S. Joint Intelligence Board for access to certain highly sensitive data?

Were the reasons for his transfer, as claimed by Mr. Otepka, because of his propensity for leaking classified information and because he was not a native-born citizen?

Was his security clearance status reduced when he transferred to the U.S. Disarmament Agency where, it is claimed, he occupied a position not involving the "need to know" for communications intelligence data?

Mr. Sonnenfeldt's explanation of his transferral to the Disarmament Agency is quite different from that of Mr. Otepka. Mr. Sonnenfeldt, in his Senate testimony, relates his transfer to some experience in the disarmament field when a number of people with disarmament experience were collected to form a nucleus of a new disarmament agency.

Here again, State Department files, and especially Mr. Sonnenfeldt's security file, should indicate whose version of the matter is correct, and who is lying, covering up, or both.

THE 1959–71 PERIOD

In the 1969–71 period press accounts list Mr. Sonnenfeldt as one of the 17 newsmen and government officials whose phones were tapped because of leaks of sensitive information. It will be remembered that the tapes in this case became an issue between the Foreign Relations Committee and the executive during the nomination of Henry Kissinger as Secretary of State. Although Secretary Kissinger stated that his subordinates were exonerated, the issue could well be reviewed again by the House Internal Security Committee.

MORE SERIOUS THAN WATERGATE

In addition to its possible bearing on foreign policy, the Sonnenfeldt case assumes importance as a test case in evaluating the workability of the Federal employee personnel security program. This program, which at one time covered the activities of Messrs. Dean, Erlichman, and Haldeman, in addition to Mr. Sonnenfeldt, could in effect be described as the conscience of the Federal service. The term "security" encompasses the standards of loyalty and suitability and is detailed in Executive Order 10450 and implementing regulations. It seeks to determine the fitness of citizens for Federal employment while guaranteeing them fair and equitable treatment.

The extensive hearings before the House Internal Security Committee have made clear that Executive Order 10450 needs drastic revision or even scrapping, and very explicit legislation with appropriate penalties must be enacted to provide fair treatment for Federal servants while at the same time protecting our national interests.

Specifically, various questions concerning the order relate to Presidential nominees, the security investigations index, the integrity of personnel security files, accountability for personnel investigations and evaluations, the safeguarding of classified information, and many others. A number of these have been brought

to light because of the Sonnenfeldt issue and other cases now before the House Internal Security Committee.

When Watergate has become an issue of the past, the Federal employee program will still be very much needed.

When Watergate is no longer a compelling issue, concessions on Executive privilege might again be hard to come by, thus again complicating congressional review of Federal activities.

Whatever its outcome, the Sonnenfeldt case can help the American public to understand that the overall problem is monumental—and more serious than Watergate.

CONGRESSMAN GLENN ANDERSON'S ELOQUENT STATEMENT ON THE INVISIBLE PLIGHT OF ASIAN-AMERICANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Hawaii (Mr. MATSUNAGA) is recognized for 10 minutes.

Mr. MATSUNAGA. Mr. Speaker, on the third day of January of this year my distinguished colleague from California, Mr. GLENN ANDERSON, and I introduced H.R. 261, a bill to assist one of the most misunderstood groups of Americans in the Nation—Americans of Asian ancestry. Since then we have been joined by 15 of our colleagues, who fully appreciate the hardships and obstacles confronting these American citizens.

The difficulties they faced, since the first Chinese immigrants were enticed to our western shores to construct America's railroads, and now face daily in the crowded inner cities of San Francisco, New York and elsewhere, were recently related most eloquently and forcefully by my good friend and colleague, GLENN ANDERSON of California. Testifying before the California State Advisory Committee to the U.S. Civil Rights Commission, Congressman ANDERSON brought home the often overlooked sufferings of many Asian Americans.

I offer his timely and most persuasive statement for the benefit of my colleagues and other readers of the RECORD:

STATEMENT OF CONGRESSMAN GLENN M. ANDERSON BEFORE THE CALIFORNIA STATE ADVISORY COMMITTEE TO THE U.S. COMMISSION ON CIVIL RIGHTS, NOVEMBER 30, 1973

In the New York Harbor stands a symbol of Liberty, beckoning the newcomers to our land:

"Give me your tired, your poor,
Your huddled masses yearning to breathe free,
The wretched refuse of your teeming shore,
Send these, the homeless, tempest-tossed to me:
I lift my lamp beside the golden door."

The Swedes, the Irish, the Poles, the Italians—the millions who entered this country—were met, at first, with aggression which later subsided as the people assimilated.

But, here, on the West Coast, the Asians, the Pacific Peoples, who "yearned to breathe free," who came seeking a better life, were met with a hostility, an aggression that has not subsided, but rather has continued to this day. However, the attitudes towards Americans of Asian descent vary from blatant racism—bred by ignorance—to a mythical concept of the model citizen—the myth—"That they have it made".

Obviously, these stereotypes deter reasoning and rational thinking in dealing with the specific problems that confront Asian Americans.

But, there is a saying that the "past is prologue to the future," and, as a result, the inequitable practices and victimization by prejudice are not merely a phenomenon of years gone by, but are still very much alive today.

And our duty, as inheritors and caretakers of the American experiment, is to insure that the attainment of the ideal of "life, liberty, and the pursuit of happiness" is not denied a person simply because the color of the skin may be different, or the customs and the language unique.

It is our duty—yours as a private citizen and mine as a public official—to insure that, in the case of Asian Americans, the past of racial prejudice is not prologue to a future of discrimination.

And, in the final analysis, to overcome prejudice, change must come from within individuals, with individual cooperation and with individual interaction.

But, let me now describe some of the problems that must be confronted and overcome if we are to attain a truly equal and democratic society.

First, the government—at all levels—must take the lead in both abolishing old policies which discriminate against Asian Americans and in establishing new programs which are designed to bring all the advantages of this society to all people.

The first step must be an awakening to the fact that Americans of Asian descent, the Pacific peoples, do, in fact, have problems—unique problems, problems unlike those encountered by other groups—that must be met.

THE ELDERLY

Elderly Asian Americans perhaps face the most severe problems in the community.

According to the White House Conference on Aging, "elderly Asian Americans are suffering from unprecedented problems that are devastating the lives of these aged people."

Because of the language barrier, the lack of bilingual staff in social service agencies, and the failure of the government to publicize the availability of programs, the older Asian American is not acquainted with the available benefits such as social security, old-age assistance, health care, housing and recreation.

When we realize that the suicide rate among Asian American elderly, in certain areas, is three times the national average; when we realize that studies show that 34 percent of Asian American elderly have never had a medical or dental examination, it should be obvious that their problems—again, according to the White House Conference—are "overwhelming to the point that it is impossible for Asian American aged to look only to their families for help."

The problems of the aged Filipino Americans are particularly acute, since the first entrants to this country were male and the laws prohibited marriage to "white" women. As a result, the elderly males—who never married—have no family to help them. The median age of the Filipino American is 40.9 years, compared to 26.6 for whites.

And the Federal government has not offered the kind of assistance needed to solve these problems.

For example, between 1969 and 1971, grants to communities to aid the aged totaled $32 million; yet, not one dollar was given to Asian American communities for their aged problems.

And the reason, as documented by the White House Conference, is that "according to government officials, Asian Americans don't have problems."

EMPLOYMENT

Of all employers, the government should be a model in equality. But, unfortunately, that is not the case.

A five-member Task Force appointed by the Los Angeles County Board of Supervisors in January 1973, found that the Asian Americans were not advanced in county jobs in accord with their skills and ability, and the Task Force accused county officials of racial and ethnic bias against Asian Americans.

And, the Federal government is not any better. Of some 2.5 million Federal employees, 5,712 people are in top positions (GS–16, 17, 18); yet, only 23 are Americans of Asian descent. And in the very top positions—GS–17 and 18—some 1,657 employees—only 6 are Asian American.

YOUTH

As in all countries, the hope of the future rests with the younger generation. Yet, in the Asian American community, the young are not receiving the special attention that should be accorded the leaders of the future.

Like other communities, the Asian American community has been wracked by drugs. In a recent year, in one section of Los Angeles alone, at least a dozen deaths of Asian American youth were attributed to the overdose of drugs.

In order to meet the needs of rising expectations, Asian American children must receive a quality education—an education designed to bring the Asian American economic and social success.

This has not been the case in the past.

According to a 1965 study by the California Department of Industrial Relations, median school years completed by Filipino Americans was 8.7 years.

Perhaps the reason for this alarming dropout rate is the language barrier. Obviously, it is difficult, if not impossible, to compete if the language is not understood.

The New York City Chinatown Planning Council estimates that 90 percent of new arrivals to the United States do not understand spoken English. And, in San Francisco Chinatown, over 70 percent of the new population lack a knowledge of English.

In Pasadena, California, 15 percent of the Japanese-Americans in the school system identify Japanese as their first language.

But, the myth that Asian Americans "do not have problems" persists. Programs are not aimed at helping Asian Americans. Research has not been conducted to determine the depth of these problems.

In fact, from 1969 to 1971, the Department of Health, Education, and Welfare authorized $30.7 million in research and demonstration grants to minority communities for child welfare, rehabilitation and special health projects, but none of these grants were made available to Asian American communities.

No doubt, the Asian American has been discouraged and frustrated by the lack of government empathy. They see Federal programs helping other minorities, but they are neglected. They see that special college programs, designed for minorities from disadvantaged areas, are not available to Asian Americans.

While in a recent year only five Filipino Americans from the Seattle area graduated from the three local universities, the government continues to turn its back on the needs of the Asian American student largely due to the myth that "all Asian American students do well in school and, thus, do not need government help."

It is particularly disturbing when we realize the Emergency Desegregation Act, as recommended by the Administration in 1970, by definition, excluded Asian American communities from the benefits of this Act—despite the fact that schools in Asian American communities are in desperate need of Federal assistance.

Fortunately, the Congress corrected this oversight, and allowed Federal funds to aid the schools in the Asian American community.

CONCLUSION

A major problem that has stifled efforts to recognize, investigate, isolate and correct the inequities relating to the Asian American community has been a lack of information. In fact, more often than not, when seeking factual data, Americans of Asian descent are listed as "others". And, as "others" it is easy to get lost in this crowd of over 200 million people; it is easy to close our eyes, forget and ignore their problems. But action is needed—now.

What we need is a beginning—and the place to start, as I see it, is with a Federal Cabinet-level committee established to pinpoint the problems and recommend action to eliminate the inequities and the injustices. This committee would have the specific task of identifying areas of discrimination—areas of need—and developing solutions.

On the state level, I favor an Asian American Advisory Council—similar to the one created in the State of Washington—to find solutions and offer recommendations to short and long term problems of the Asian American community.

While it is true that many Asian Americans have surmounted legal, economic, political, and social barriers, the facts show that in all too many instances, the remnants of prejudice and bigotry still pervade our society and continue to confront Americans of Asian descent.

It should be clear that, if one man's rights are denied, the rights of all are in danger—that if one man is denied equality, we cannot be sure that we will enjoy our fundamental rights.

History has placed us all within a common border. All of us—from the weakest to the most powerful—share one possession: the name "American". To be an "American" means to have been a stranger to the new land—either yesterday or yesteryear—and to deny the stranger—to reject his human dignity and rights—is to reject America and our ideals.

Let us remember the words engraved in the Statue of Liberty, and begin to live them in our daily lives.

THE ENERGY CRISIS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. HAMILTON) is recognized for 15 minutes.

Mr. HAMILTON. Mr. Speaker, Americans no longer doubt that the Nation is in an energy crisis.

The warning signs have been appearing since around 1970, and their gravity has steadily mounted:

Scattered electrical blackouts and brownouts;

Shortages last winter of propane gas for drying crops;

The Arab oil cutoff;

Gasoline shortages and periodic shutdowns of gas stations;

Reduced airplane schedules; and

Heating oil shortages last winter and critical shortages predicted for this winter and the years to come.

Americans also understand that we are at a decisive moment in the development and use of our energy resources. They recognize the elements of the crisis; an increase in the price of energy, the dilemma of increased energy production at the expense of some additional abuse to the environment, arguments over energy policy among politicians and bureaucrats, the necessity of importing more energy from abroad, and perhaps personal inconveniences and even hardships. They are beginning to believe the experts who say we will be chronically short of fuel for at least the next 5 years, regardless of what steps may be taken immediately.

Although Americans have come reluctantly to accept the fact of the shortage, they do not understand why it came upon us so suddenly, or what the prospects are for the future, or what decisions confront us.

The observations that follow are made with the hope that they may contribute to a better understanding of a complex and far-reaching problem, and with the belief that, although the energy crisis is real and solutions to it will come hard, there is no reason for panic and every reason to think that intelligent planning and action will see us through.

I. SOURCES OF ENERGY

A beginning point in our quest for a better understanding of the energy crisis is a quick survey of the sources of energy and the prospects for their development in the next several years:

OIL AND GAS

Oil and gas provide 75 percent of our current energy needs. They are widely used because of low transportation costs, convenient form, and environmental advantages. Expansion of supply depends on improved rates of recovery in drilling operations and development of alternative sources, such as the vast oil shale deposits in the western United States. The technology of getting the oil from the shale is difficult, however, and full production of perhaps one million barrels per day is not likely until the mid-1980's.

Even with the oil from the Alaska pipeline, estimated to rise to 2 million barrels per day by 1980, domestic production of oil will not exceed 12 million barrels per day, leaving a balance of 18 million barrels per day to be imported in order to meet estimated consumption by 1985 of 30 million barrels per day. Even with large imports, shortages will become severe in the next few years due to lack of refining capacity. Gasoline and heating oil rationing are likely, at least until the end of the Arab oil boycott.

Production of gas, as of oil, has peaked. It is difficult to import gas because it must be liquefied and transported in special ships. The gas shortage has been exacerbated by price controls, which have held the cost of gas below that of other energy sources. The controls have also promoted waste and discouraged exploration.

United States reserves of oil and gas are liimted. If they were to come only from domestic sources, our reserves would be exhausted by the end of the century. Most experts believe it is unlikely that our oil and natural gas production can be sufficiently expanded. We simply cannot sustain a total annual growth in oil and gas consumption of over 4 percent, without an expensive and risky reliance on foreign imports.

It is, therefore, unlikely that oil and gas will meet the anticipated demands of the future.

COAL

Coal, which amounts to about one-fifth of our total fuel used, is the most abundant fossil fuel in the Nation. The reserves are ample for the foreseeable future, but extracting them from the earth by strip-mining or deep mining can be unsafe and unhealthy, and coal burning pollutes the air.

Nevertheless, coal is a promising fuel for the future. Converting it to gas—coal gasification—or to a liquid—coal liquification—is appealing because of declining natural gas and oil supplies. Pilot plants for coal gasification are in operation and commercial plants are expected by 1985. By 1990, coal could be supplying significant amounts of gas and oil if enough capital is forthcoming, ample water for the manufacturing process is available, and the safety and environmental problems of extracting the coal are solved.

NUCLEAR POWER

Nuclear power, the best developed new source of energy, is at once the most promising and the most troublesome. It will not, however, be much help in the short-term energy crisis. At present, 39 nuclear-powered generating plants are in use, 55 are under construction, and 90 others are on order. Nuclear powerplants already provide about 1 percent of the total national demand for energy, and by 1980 they will provide about 7 percent.

Nuclear power is gradually overcoming a succession of difficulties, including assurance of safe operation, economic feasibility, and environmental acceptability. But other difficulties lie ahead. The expansion of nuclear power may consume all U.S. uranium stocks in about 10 years, forcing the nation to develop a "breeder reactor," which uses a more plentiful form of uranium and produces more fuel than it consumes. It will also require some technological refinements. A commercial demonstration plant by the mid-1980's is the target. Some scientists think the long-range answer to our energy needs is thermonuclear fusion, a process that could release inexhaustible amounts of clean energy through the combusion of hydrogen atoms to form heavier atoms of helium and without dangerous radioactivity. The technology of controlled fusion power is immensely complex, and scientific, economic and engineering barriers must be overcome.

Nuclear research should receive top priority by the Federal Government. It has developed at a slower pace than originally planned. If the many questions, particularly regarding the environment, are solved, the rate of use should rise sharply in coming years.

GEOTHERMAL ENERGY

Geothermal energy is already being tapped to generate about .1 percent of our electric power. Using various methods, the almost limitless heat stored in the earth's interior can be brought to the surface as steam or hot water for heating and power generation. The encouraging results of the limited research being done on extracting heat energy from the earth indicate the need for expanded geothermal study.

If the pollution problems—and they

are less formidable than the dangers in nuclear energy—could be overcome, geothermal energy, virtually unlimited as it is, could make a much larger contribution to our total energy production.

SOLAR ENERGY

The amount of energy in the sun is immense, and enough of that energy reaches the earth daily to more than supply all the energy the world needs. Long underrated as a source of energy, solar energy is attracting more attention. Utilization of this source is almost nonexistent. Since solar energy is thinly distributed and intermittent, with night and overcast skies often prevailing, its efficient collection and storage present difficult technological problems. Although costs are likely to be high, solar energy is clean, renewable and abundant, and these qualities provide strong incentives to develop it, especially for heating and cooling buildings, which now consume more than 20 percent of our total energy requirements.

This year, Federal funding for solar research was increased from $3 million to $12 million. Even this figure is low and should be increased.

HYDROGEN GAS

Although little time or money has been put into research and development of hydrogen fuel, it is an appealing source of energy because it is abundant and clean, with no waste disposal problems. The production of hydrogen, though, requires large amounts of electricity, and at present all known methods of producing electricity, except solar power, cause pollution. When the collection of energy from the sun becomes feasible, it could be used to generate hydrogen. Such a combination, though still lying far in the future, could be a clean, usable and abundant source of energy.

Until these alternatives and largely untapped sources of energy fulfill their promise, the United States must rely on more conventional fuels and confront the problems they entail. The energy shortage today arises because we failed to plan adequately yesterday. Today we must plan to assure sufficient energy for tomorrow and these far-out and far-off solutions demand attention and development.

II. REASONS FOR THE ENERGY CRISIS

But for the immediate future many of these forms of energy are not yet available to us. It is only too obvious that the United States was pitifully unprepared for the energy crisis. Many voices correctly foresaw the coming of the crisis, but with remarkable consistency the top policymakers failed to pay enough attention to advocate and take the painfully unpopular steps needed. The energy crisis is a classic illustration of the difficulty democratic governments have in heading off a crisis before it breaks.

In hindsight, at least, the reasons for our shortage are easy to identify.

DEMAND

Burgeoning demand is far and away the most important cause of the energy crisis. The explosive economic growth in Western Europe, Japan, and the United States has led to a dramatic increase in worldwide demand for energy. As other countries become more prosperous, they are demanding, and competing with the United States to obtain fuel supplies.

The United States, with 6 percent of the world's population, is now consuming 35 percent of the world's energy. We consume twice as much energy per capita as the prosperous West Germans, four times as much as the Japanese. We are the world's largest consumer of oil, natural gas, and coal. Our demand for energy continues to increase at a rate far in excess of population growth.

Furthermore, a major shift in the pattern of energy use has occurred with demand for cheap, clean, but scarce, natural gas going up while relative demand for abundant but dirty coal declines.

Low energy prices in the United States have encouraged high levels of consumption. We have been paying recently 35–45 cents for a gallon of gas compared with prices of between 75 cents and $1 in Western Europe, and government-regulated low prices for natural gas has exploded demand for it.

GOVERNMENTAL ACTIONS

Bad governmental policy has contributed to the energy shortage, too. The Nation has simply failed to manage its energy resources well.

Government has done little, until very recently, to discourage high consumption and waste, Research and development were inadequate, poorly organized and with insufficient cooperation between government and industry.

Federal policies, by their lack of stability, thoroughness and long-term planning, have inhibited the power companies from looking for greater resources. Oil companies and utilities have been in constant uncertainty over Federal policy.

For many years Federal policy included oil import quotas, established at a time when we produced more oil than we were using domestically. The President delayed much too long in lifting the quotas, even waiting long after his own Commission advised him to do so. Phase VI regulations, which set price ceilings on fuels, may have encouraged the oil companies to withhold production as a means of pressuring the Government to raise the ceilings. Oil companies complain that the regulations holding prices at unnaturally low levels have inhibited further exploration, and that accumulation of adequate capital to develop new resources has been discouraged.

Another aspect of Government policy, environmental regulation, has forced cutbacks in polluting fuels, stymied efforts to site powerplants, caused increased fuel consumption—as with automobile emission standards—postponed construction of the Alaska pipeline, and discouraged stripmining of coal.

As Americans increasingly realize the crunch of the energy shortage, the search for scapegoats intensifies and the environmental movement is a likely candidate. While the primary culprit is the explosive growth in demand, not the tentative success of the environmental movement, it is nonetheless true that environmental controls have increased consumption of energy somewhat—that is, automobile emission controls have resulted in an average 10 percent loss in fuel economy.

Even as the Nation squandered nearly half of its energy by overheating, overcooling, and overlighting, the President dragged his feet in developing tough conservation measures.

Moreover, the administration underestimated the repeated threats from the Arab States to halt oil shipments unless the United States changed its pro-Israeli policy, and it also misjudged the severity of the crunch that the lack of Arab oil could have on the U.S. economy.

The energy shortage has also been due to distribution difficulties. Last winter some parts of the country suffered from severe shortages while other parts had all the fuel they needed.

OIL COMPANIES

The oil industry can share much of the blame for the energy crisis. It refused until recently to acknowledge a shortage, claiming even in 1972 that crude oil stocks were sufficient to meet demand and over a period of years opposing efforts to remove import quotas. The companies now admit that they failed to appreciate how rapidly the demand for oil would grow. Even as late as 1968 the oil companies thought that with Alaska, the North Sea, Santa Barbara, and other finds, their supply problems were over.

The allegation is often heard that the major petroleum companies are creating an artificial shortage by restricting output in an effort to fatten profits. Critics of the oil companies, citing profit increases of up to 90 percent for this year over 1972, have discounted industry claims of a squeeze by an international cartel of oil-exporting countries and insufficient economic incentives to explore for more oil. They accuse the producers of reducing supply and raising prices to eliminate cutrate dealers.

Oil companies, while admitting that their profits are much higher than they were in 1972, attribute the increase to a mild winter, which slowed business last year, and inadequate profits in earlier years for adequate investment and exploration.

Although there is little direct evidence of abuses, we should not discount the possibility that they may have occurred. It is possible that short-term oil shortages may be partly artificial, and that some companies have acted to exploit the shortages, but, even so, these instances should not be allowed to obscure the fact that the long-term problem is real and not contrived.

III. PROSPECTS FOR THE FUTURE

SHORT TERM

The immediate concern in the United States centers around the short-term availability of fuel supplies, from now into the 1980's. Little that we can do now can possibly make any more fuel available for 3 to 5 years at the very least. For now, the only way to make energy supplies stretch farther is to consume less.

On a nationwide basis, the recently implemented mandatory allocation controls will not make any more energy

available, but, hopefully, will provide a more even distribution of scarce resources. If controls work, no one will be totally without fuel, and neither will anyone have unlimited access to energy.

No one can be sure how severe the shortage will be. In November 1973, a Library of Congress study summarized the impact this way:

The shortage will be the most severe since World War II and will affect every energy-consuming phase of American life. At the worst, some factories, schools and businesses may have to close or limit operations, and many personal activities may have to be curtailed. Many homes may be cold and many electric utilities may have to limit output because of fuel restrictions. If the shortage is as severe and protracted, serious strains could develop in the U.S. economy.

We can expect to have enough heat this winter only if:

American oil refineries continue to operate at capacity, without major breakdowns;

The winter is not unusually cold, either here or in Western Europe; and

We are able to import enough oil to make up the difference between domestic supply and demand. The Interior Department figures that the country will have to import 650,000 barrels of heating oil a day to supply adequate heat, but many fear that other nations will sell us only 350,000 or less.

Our best hope is that an early settlement on the Middle East will induce the Arabs to increase their oil production immediately and to resume sales to the United States and Europe. Until this situation changes, though, we will have to look elsewhere for up to 20 percent of our oil or, more likely, go without. There is little the United States can do to increase supply during the next 12 months. Even a favorable Middle East settlement and renewed imports of Arab oil would not close the gap between present supply and demand, although it would be much eased within 6 weeks after the embargo and production cutback ended.

LONG-TERM

There appears little relief in sight until sometime in the 1980's. It takes 3 years to build a refinery, 5 years to create a port, 5 years to develop an oil field, and 8 years for a nuclear plant. Development of nonconventional fuels such as solar, geothermal, and so forth, will take even longer.

If the Nation does embark on a national energy strategy, the long-run prospects for self-sufficiency beyond 1980 seem excellent. As noted, several of the energy sources are promising for the long run. For most, the technology exists, and it is simply a matter of time—and large sums of money—before the difficulties are worked out and the present technical complications overcome.

IV. ENERGY STRATEGY THUS FAR

Confusion and lack of direction have characterized the early months of the energy crisis. Until December 1973, there was no centralization of energy policy and no central source of information on fuel supplies and outlook. For months the President, the Congress, over 50 Federal regulatory agencies and the oil companies debated the crisis without appreciable results. Governor Love's Energy Policy Office, with a professional staff of less than a dozen, failed to serve as a focal point for policy. The President's creation of a Federal Energy Administration has come far too late. It is still too early to predict how the new agency will function. However, its existence is an encouraging sign that perhaps the President is finally beginning to realize the magnitude of the crisis.

THE ADMINISTRATION

Notwithstanding this most recent action, it remains true that the President has simply failed to provide strong leadership in alerting the Nation to the energy crisis, or in planning and acting to meet it. Often he has only thickened the fog surrounding the energy problem. So far this year he has delivered five separate energy messages, each containing different proposals, some conflicting with his previous proposals, and each trying to correct the deficiencies of its predecessor. He has called for halfway measures, and demonstrated a lack of commitment to tough conservation and exploration of alternative energy sources. Even his recent message seriously underestimates the shortfall in oil. Rather than the 2 or 3 million barrels per day the President suggested, it may be more like 6 million barrels each day.

The President's mistakes are numerous. He impounded millions of dollars for energy research, maintained an oil import control program too long, refused to implement the mandatory fuel allocation authority granted by Congress until too late, failed to devise contingency plans and to stockpile fuel reserves in the face of the Middle East instability, mishandled the price control program forcing refiners to convert crude oil to gasoline rather than heating oil, and failed to inform the American people of the gravity of the energy crisis.

The actions he calls for, though some are desirable and necessary, are insufficient. His suggestion for the conversion of industry to coal, for example, should have been made months ago. For too long he emphasized increasing fuel supplies, when, in the short term, the only really effective step was to curb rising demand. Even in April of 1973, he denied the existence of a crisis, refused to discuss the foreign policy implications of the energy shortage and decline to increase sharply energy research.

In view of his record, his repeated efforts to blame the Congress for the energy crisis simply will not wash. Nor will his attempt to deride the Congress for failure to act on his energy program of seven pieces of legislation. He thereby overlooked the fact that the Alaska pipeline bill is now law; one piece of legislation—providing compensation for the companies that had drilling leases cancelled in the Santa Barbara Channel—was not an energy bill at all, and the President has himself withdrawn support for it; the proposal for a tax credit to encourage exploration no longer seems necessary, given the present boom in exploration currently limited only by severe shortages in drilling equipment; the proposal for deep water ports is still under consideration, but with diminished urgency in view of the Arab embargo and the goal of self-sufficiency.

Other proposals, one to simplify power plantsite selection and another to set new standards for strip mining, are moving slowly because of difficult environmental and safety problems, and neither offers great relief from the shortage. The proposal to deregulate natural gas is the only one that would help the country this winter, and it raises many complex questions of balancing industry and consumer interests which simply cannot be easily resolved in the Congress, even though the case for deregulation gets stronger as the price of oil rises.

In his November 1973, speeches, the President finally began to acknowledge the magnitude of the crisis. For the first time, he urged Americans to start conserving fuel. The legislation he proposed in that message has merit, particularly the request for broad Presidential authority to take emergency measures to cut consumption and, if necessary, institute rationing.

The President is also right in wanting to reorganize and streamline the Federal agencies dealing with energy policy. In December, Nixon established the Federal Energy Administration to coordinate the energy programs of Government agencies. Earlier this year he proposed division of responsibility for energy research and development on the one hand, and licensing and regulatory functions on the other, between new agencies. Existing programs would be split to fit the new organizational structure, with most functions placed under the proposed Energy Research and Development Administration.

CONGRESSIONAL ACTION

The congressional record of action on the energy crisis has been decidedly undistinguished, and the Congress must share the blame for the current energy crisis with the Executive.

In some respects the Congress has been ahead of the President. For instance, in April the Congress gave him standby authority to make mandatory fuel allocations, but he did not use it until November. And many elements of the President's program to deal with the energy shortage have been proposed or forecast by Members of Congress throughout 1973, including the need for stepped up energy research, the rejection of the oil import quotas and the necessity of developing a national energy strategy.

A few Members of Congress have been urging action on energy legislation for several years, but the legislative branch began seriously to tackle the problem only in the late part of 1973. Even now, its performance is hampered by many shortcomings, organizational and otherwise:

Energy policy on Capitol Hill is fragmented, with no clear-cut lines of responsibility in the committees, and a proliferation of energy-related bills emanating from many committees, without an overall plan;

Congress is split over administration reorganization proposals to meet the energy crisis; and

Even as shortages become more and more acute, the Congress is unable to

decide whether it wants to dampen demand for gasoline by rationing, by taxation or deregulation.

The President's accusation that the Congress has been inactive on energy policy has some merit, but the Congress has passed, held hearings, or is otherwise acting on most of the energy legislation proposed by Nixon, and has had difficulties in keeping up with his fluctuating views on fuel. As with all important legislation, Congress needs strong Presidential leadership in order to act decisively.

The fact, then, is that there is plenty of blame for both the President and the Congress to share.

The roots of our energy difficulties extend deep, of course, and, although the President and the Congress in power at the time the difficulties erupt must take most of the blame, it is probably true that the Nation slid into the energy crisis over a period of years, with many leaders and groups contributing mistakes and failing to act with foresight.

Late in 1973, the President and the Congress responded to the energy crisis with several important pieces of legislation. The trans-Alaska oil pipeline was approved, the President was required to institute mandatory allocations of petroleum, a National Energy Emergency Act granted the President extensive authority to allocate supplies and reduce demand, a major reorganization of the Government's energy research and development functions was approved, and all-year daylight saving time—exempting Indiana—was authorized. Other energy legislation can be expected in 1974, including authorization for deepwater ports and further increases in funds for energy research.

We can take hope, then, that, with the organizational changes, the conservation measures already announced and under consideration, and the spate of energy legislation the Congress enacted in late 1973, we are beyond the takeoff stage, always a difficult one in a democracy, and on our way toward a coherent and systematic approach to the energy crisis, recognizing, of course, that many obstacles still remain.

V. RECOMMENDATIONS

The overriding question, then, is what steps should be taken to resolve the energy crisis. It seems to me several steps are required, among them:

NATIONAL ENERGY STRATEGY

The most important step is to develop a comprehenssive national energy strategy. This strategy will require that we limit our demand for energy, expand our research, exploration, development and production of energy, resolve the conflicting demands of energy production and environmental protection, and adjust American foreign policy to the challenges of the crisis.

Energy policy in this country should aim at an adeqate supply at reasonable prices without unacceptable abuse to the environment and without dependence upon foreign sources. Such a target must be approached with appropriate regard for costs and for the environment. Development of U.S. energy sources, for example, could be very expensive in the short term as compared with some reliance on imports, and the production of energy without heed to environmental damage could be disastrous.

A national energy policy should set forth steps the Nation could take in the immediate short and long term as suggested, for example, in this chart prepared by the Energy Subcommittee of the House Science and Astronautics Committee:

NUMBER OF YEARS REQUIRED TO DEVELOP ENERGY SOURCES

0–1 YEAR

Energy Conservation: voluntary, encouraged and mandatory.
Rationing of all finished petroleum products.
Use Naval Petroleum Reserves.
Convert to Daylight Savings Time.
Insulate homes.

1–5 YEARS

Revitalize the coal mining industry.
Improve transportation facilities for coal.
Convert central power stations to coal.
Modify air quality standards to allow use of coal with best-available sulfur removal technology.
Enact Strip mining legislation.
Provide incentives for small cars.
Improve and use more mass transit.
Complete the Alaska pipeline.
Provide incentives for new drilling programs for gas and oil.
Build new oil refineries.
Develop a coordinated energy planning and management authority.

5–20 YEARS

Develop solar energy for heating and cooling.
Develop geothermal energy.
Develop oil shale.
Enact legislation to facilitate power plant siting and eliminate delay in construction.
Develop a nuclear breeder reactor.
Enlarge Uranium Enrichment Programs.
Gasify and liquefy coal.

MORE THAN 20 YEARS

Develop nuclear fusion.
Develop solar farms to make electricity.
Develop satellite solar energy.
Develop a hydrogen energy economy.

We need a national commitment, with strong leadership from Congress and the President, to develop and follow a comprehensive energy strategy. The public must be educated to recognize the dimensions of the problem and to participate in finding solutions. No matter how expensive the national energy search may prove to be in the short run, it is preferable by far to the alternative—the prospect of increasingly scarce, expensive, and dirty fuels coupled with the flexibility in international affairs would accompany dependence on foreign sources.

CONSERVATION

Any national energy strategy must create a political and economic environment that will encourage energy conservation. It is important that Government officials, and the Federal Government itself, lead by example in reducing wasteful practices. If each of us becomes energy-conscious, we can substantially reduce our consumption of energy.

These energy-saving suggestions may be helpful:

Before buying any new applicance, be sure it is really needed;

Stop using unnecessary gadgets:

Turn off lights and appliances when not in use;

Shop for energy-saving appliances. For example, regular refrigerators—which use 40 percent less power than the frost-free variety—and black and white TV sets—which use 30 percent less voltage than color sets.

Use fluorescent lights instead of regular lightbulbs;

Wash clothes in cold water and dishes by hand;

Use recycled paper;

Use containers that can be recycled;

Eliminate unnecessary packaging;

Insulate buildings better;

Set thermostats lower;

Keep cars tuned properly;

Use car pools;

Drive smaller cars;

Drive more slowly and less frequently; and

Use mass transit.

GOVERNMENT ORGANIZATION

The creation of the Federal Energy Administration in December 1973, is an encouraging step. It must be given the authority to implement a national energy policy, oversee energy research, development and demonstration, gather and assess all information, direct the energy conservation program, and evaluate economic and environmental factors in energy proposals.

The President's plan to create a new Federal agency to manage research and development on energy should be approved in the Congress and is expected to be. For the present, action is delayed on his allied proposal to create a new Department of Energy and Natural Resources because there are too many controversial issues, but such a reorganization should be pursued.

RESEARCH AND DEVELOPMENT

As already suggested, a national energy strategy should increase investment on a major scale in diversified research and development of fossil fuels and newer forms of energy. Price, lead times, environmental abuse, availability and other factors will have to be taken into account in the range of choices of energy sources. The proposal in the Congress for a crash program of new investment in energy with $20 billion of Federal money over a 10-year period should be enacted as a part of our overall energy strategy for the future. This research will not close the gap between demand and supply today, but it is essential for tomorrow.

It is also imperative that the Federal Energy Administration develop more accurate statistics on both the supply and demand of energy resources. The beginning of every solution is an accurate understanding of the problem and such understanding can be based only on accurate information. The lack of information makes difficult policy decisions more difficult, and increases the risks of bad decisions. There have been too many uncertainties about how bad the shortage will be and how much it would be relieved by particular actions.

SPECIAL POLICY MEASURES

The problem for the Federal Government in the face of a fuel shortage of

growing but uncertain dimensions is to make choices in devising a program among alternatives that most Americans will not like. The Government programs will likely develop in stages as the gravity of the shortage becomes clearer. One task of the Congress, already achieved, was to pass legislation to help us cope with shortages this winter. Key bills are those concerning mandatory allocation and special Presidential powers to order emergency curtailment of a variety of energy-consuming activities. The Congress was forced to arm the President with broad powers to dictate a national response to the shortage, simply because the unwieldy Congress cannot devise quickly an intricate program of allocation and conservation.

The Government must also act to develop reserves of fuel, such as the shale reserves and oil in the outer continental shelf and encourage greater exploration and research.

No matter how vigorously pursued, voluntary conservation probably will not save enough fuel. If it does not, Federal energy policy will have to consider other laws to cut energy consumption. Most of these proposals are matters of real controversy and they raise questions with no simple answers, but they are proposals which such policy must confront.

No one wants rationing, but for the first time since World War II, 110 million American motorists may soon have it. At this moment no final decision has been made, and the President has said he would turn to rationing only as a last resort. He is seeking the least painful way to achieve a 30-percent reduction in gasoline consumption in early 1974. The Congress has granted to the President the authority to employ some kind of end-use allocation. Several alternative approaches to restrict consumption are under consideration: first, a tax increase of 30–40 cents per gallon, coupled with a possible tax writeoff for low-income groups; second, an increase in the price of oil to whatever level it takes to clear the market; third, rationing, with either a plan of nontransferable coupons assigned to motor vehicle owners on the basis of their occupations, or a plan to distribute transferable coupons to every licensed driver, allowing a motorist to sell his unnecessary coupons to others; or fourth, any combination of these approaches.

In Washington rationing is coming to be regarded as increasingly likely, especially since there are no signs of a letup in the Arab oil export embargo. No system will be equitable and any system will have disadvantages, but there is simply no way to manage scarcity with complete fairness.

William Simon, the head of the Federal Energy Administration, has stated that no decision on rationing will be made until January 1974, and even then it would take another 2 months to draw up plans, print coupons, and get the program started.

New approaches to discourage consumption should also be examined: For example, a tax on automobiles with a sharply rising tax rate according to weight or gasoline consumption or tax incentives to owners of automobiles with more efficient engines. The entire price structure for consumption of natural gas and electricity may have to be revised, and instead of the price being lowered as more energy is consumed, the price could be raised to encourage conservation. Peak load pricing, charging more for electricity at peak use periods, should also be considered. Advertising that promotes energy use could be banned or disallowed as a business deduction, building codes could encourage buildings that use energy efficiently, and industry could be required to label fuel consumption on products. Industry incentives to expand production, including guarantees that construction of refineries will not be interrupted, and tax incentives can be given.

A difficult area of energy policy is to balance the demand for energy with the protection of the environment. For example, Federal standards for auto emissions help to clean the air, but reduce gasoline consumption by about 10 percent. Is conserving energy through relaxation of clean air standards more important than clearer air? Single-minded pursuit of either desirable goal—clean air or fuel economy—will lead us astray, and the task of Government policy is to strike an appropriate balance. Any changes should be made in ways that will minimize potential adverse effects on efforts to clean up the environment. Perhaps the best approach is that environmental regulations should be relaxed on a "temporary, case-by-case basis," as the President suggested, and not by sweeping suspensions of environmental standards.

A growing concern for Government policymakers is that the spiraling energy shortage will cause a serious slowing down of the Nation's economy. Already automobiles and airline industries have announced employment layoffs. Economic forecasts for 1974 are being revised downward.

Chairman Stein of the President's Council of Economic Advisers says the energy shortage could slow real growth to only 1 percent and cause unemployment to increase from its present 4.7 percent to nearly 6 percent. Economists are quick to admit they are engaging in much more guesswork than usual, but in general the pre-Arab embargo forecasts for 1974 of reduced but respectable economic growth have been changed to near zero growth or even a recession. Many experts expect a first half of the year recession, coupled with more inflation and higher unemployment. A major aim of the Nation's energy policy must be to insulate the productive sector of the economy, as much as possible, from the energy shortage, and to keep the economy operating as close to full employment as possible.

FOREIGN POLICY

A vital portion of a national energy strategy, until we are self-sufficient, will be foreign policy. Our energy consumption and available domestic supply require that we import more energy from abroad. We presently import about one-third of our consumption of oil, and by 1980 we could be importing about 50 percent of our total consumption. Only in the long term can our foreign dependence be reduced without sharp limits on domestic demand. With the recognition of U.S. dependence on foreign oil all sorts of difficult foreign policy issues are raised, including the impact of the Arab-Israeli conflict, Soviet-United States relations, the relationship of the United States to the oil producing states, cooperation among the oil consuming states, and many others.

THE MIDDLE EAST

Our strategy toward the Middle East must reflect our realization of a number of important factors.

Close to 75 percent of the free world's proven oil reserves are in the Middle East area. Saudi Arabia's proven reserves alone are almost 4 times those of the United States.

With American production of both oil and natural gas declining, we will have to import significant quantities of petroleum products from the Persian Gulf. Like it or not, there is no other source available.

The United States, wealthy and powerful as it is, finds itself in the uncomfortable position of being dependent upon small, independent and potentially unstable states, which have the quantities of oil our gargantuan appetite requires. The annual cost of these oil imports in 1980 could be on order of $70 billion, some of which may flow back to the United States through the purchase of goods and services. The prospects of huge additional cash outlays of this magnitude, at a time when the United States already has trade problems, raise potentially serious economic and political problems.

Peace in the Middle East is vital to the flow of oil to the United States. Though we cannot forget our need for good relations with the rest of the world, the Persian Gulf area will have to assume high priority among our international concerns. We will need excellent Presidential leadership to ensure us a continual supply of Arab oil, at the same time we continue to demonstrate support for Israel.

Our policy toward the Middle East should emphasize several features:

First, a peace settlement of the Arab-Israeli conflict is an urgent national interest. A thorny linkage exists between our policy toward this conflict and our access to Middle East oil, as President Nixon has acknowledged. A quick, permanent settlement of the conflict may not be likely, but some movement toward a settlement may be possible. Peace should not be imposed from the outside, and can only be achieved by the Arabs and Israelis themselves, but we must impress upon them our deep desire for peace. The proposals for a time-related, phased withdrawal peace plan and the idea of big power guarantees of any agreement need concerted attention.

Second. We must pay more attention to the Arab world, learning more about it, demonstrating a concern for its economic development and acknowledging its place in the international economy. The oil rich Arab States can buy technical assistance and technology to help them diversity and strengthen their economies. Effective economic, political and security policies toward the Arab States are our best guarantees that they will be

willing to help us with our energy problem. Our present policy toward the Persian Gulf has a strong military flavor, emphasizing arms sales to Iran and Saudi Arabia, but our policy should be more comprehensive with equal emphasis on economic and social development.

The United States, however, cannot allow the Arab world to undermine its political and economic independence, and we must be prepared as a nation to take whatever steps may be necessary to keep the Arab world from bending our interests.

These policies will allow us to remain committed to Israel's survival, and her deterrent strength. They will offer acceptable alternatives to the distasteful choice between an adequate oil supply or support of Israel.

Our foreign policy must also take into consideration the U.S.S.R. and Canada, countries with an important actual or potential bearing on our fuel supplies. It is important that the United States diversify our sources of foreign supply.

U.S.S.R.

In the U.S.S.R., immense gas fields have recently been discovered. Though more expensive than domestic, regulated gas, Soviet natural gas could eventually become competitive if the price of gas is allowed to rise in the United States. Of potentially great significance in maintaining our gas supply, therefore, is our ability to continue détente with the U.S.S.R. We must assure that we not rely too heavily on the U.S.S.R., and that any dependence is mutual and in pursuit of détente.

CANADA

Canada has been our best source of imported oil. Recently, fearing shortages at home and anxious not to alienate the Arabs, Canada has imposed export quotas and a stiff tax on oil exports to the United States. This marks a break in our normally friendly relations with our neighbor, one which must be resolved without delay. The United States and Canada are economically and culturally interdependent, and it is to our mutual advantage to negotiate resumption of this important element in our national energy strategy.

VENEZUELA

Although Venezuela is today our major supplier of imported oil, its production has peaked, and the political condition in the country makes it unlikely that the United States can count on it for a major portion of its oil imports. Nevertheless, a sympathetic understanding by the United States of the Venezuelan desire for a balanced economy would be helpful to the United States in assuring access to a stable supply of oil.

OTHER COUNTRIES

Cooperation with the industrial nations in research, emergency planning and sharing should also be a part of our national energy strategy. We have suddenly, surprisingly, become one of the many oil-importing countries. We can compete with others for fuel suppliers, but we must also cooperate. We can work with Western Europe and Japan to develop jointly new energy sources, to develop mutual assistance programs, to guard against short-term supply interruptions and to avoid destructive price competition for fuels, and in efforts to bring about negotiations which may lead to peace or a reduction of tensions in the Middle East.

CONCLUSION

As difficult as it may be for Americans to comprehend, we are in an energy crisis. Perhaps a situation as serious as this was needed to jolt us out of our complacency and force us to act with resolve to find ways of using the limitless energy around us. We can do it, but eventual self-sufficiency will require the cooperation of all parts of society—government, business and individual citizens.

Undoubtedly, Americans will find inconvenience and some may experience hardship in the energy shortage. But, the shortage may not be all bad. Many of our troubles today stem from our surpluses, and the extravagant consumption of many of us simply could not go on forever in a finite world. For those of us, maybe a little belt tightening will be good, 50-mile-per-hour speed limits, cooler rooms and staying home can have some benefits, too. One writer put it this way:

> We need to cut down, slow up, stay home, run around the block, eat vegetable soup, call up old friends, and read a book once in a while. Americans have always been able to handle austerity and even adversity. Prosperity's what's been doing us in.

As important, then, as any single step is for all of us to change some or our basic attitudes. The energy shortage is here to stay for several years. It is not an isolated, passing event, and we had best learn to live with it.

It is encouraging that, by decisive margins, the polls show that the American people are prepared not only to go along with the demands put upon them by the President in the energy crisis, but they are willing to go well beyond current sacrifices if necessary.

Technology alone will not save us from the energy crisis. It will help ease the crunch, but the basic solution lies in politics, not science—the politics of developing and implementing a national energy strategy and in evolving relations with the rest of the world that make for peace, stability and international economic order.

A difficult era lies ahead. But that is nothing new in the American experience, and we should enter it not with panic, but with confidence that by good sense and determination, the American dream can continue to be realized.

"O. J." SPELLS JOY FOR BUFFALO AS GRID STAR SETS RECORD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. DULSKI) is recognized for 15 minutes.

Mr. DULSKI. Mr. Speaker, there is joy in Buffalo this day, and it is spelled "O. J."

To those few who may not watch TV football or see the sports pages, O. J.—or, as Buffalonians know him: "The Juice"—is O. J. Simpson, the star ballcarrier of the Buffalo Bills professional football team.

The Buffalo Evening News today proclaimed O. J. as "Buffalo's Man of the Hour" and to that, I say: Amen.

O. J. carried the ball for the Bills 2,003 yards this season, demolishing the 1963 record of 1,863 yards set by Cleveland's Jim Brown.

Sunday's game with the New York Jets was the last game of the regular season for Buffalo. Going into the game, O. J. had already amassed 1,803 yards and he and his teammates were fired up to see him break that record at the same time hopefully keeping Buffalo in the playoffs.

Buffalo didn't make the playoffs, by a whisker, but O. J. was roaring down the field from the opening kickoff and never stopped until the closing moments when the new record was safely in the bag.

O. J. is not just another football player. I have the privilege of knowing him and of knowing what a humble, considerate man he is. Too few know of this gentleman's concern for his fellow man.

Indeed, one New York City sportswriter is quoted as saying in the dressing room after Sunday's game: "I'm more impressed with O. J. Simpson as a man than a player."

The reason for this accolade is clear when one knows how O. J. insisted on meeting with the press after Sunday's game. He refused to face the press unless every member of the Bills' offensive unit went with him.

This is the mark of a real man—a man I am proud to know personally—and the incident is so well told by sports writers for our Buffalo newspapers that I include their stories at this point in my remarks.

[From the Buffalo Courier-Express Dec. 17, 1973]

A TOUCH OF CLASS—O. J. LAUDS HIS "LINE"

(By Warner Hessler)

NEW YORK.—It was O. J. Simpson's greatest moment.

No, not the records.

O. J.'s greatest moment came 40 minutes after the final gun had sounded when, flanked by six security guards, he was led into a press room under Shea Stadium to answer questions from a crowd of reporters.

They were prepared for the Buffalo Bill's record-breaking runner, many having scribbled down questions on note paper. They were not prepared, however, for the kind of entrance Simpson made.

As O. J. walked into the crowded room, he was followed by 10 members of the Bills' offensive unit. "He wouldn't go face the press unless we went with him," said one player.

"Gentlemen, I want you to meet my boys," said O. J. after he settled into a chair facing the microphones. "These cats did it for me all year, and I'll be forever grateful to them for their work."

Before allowing any questions to be asked, Simpson introduced each member of the starting lineup, including "my main man," guard Reggie McKenzie, and told the press

how much each player contributed to his record.

NEW YORK PRESS IMPRESSED

"I'm more impressed with O. J. Simpson as a man than as a player," said one member of the New York press.

"Yeah, you'd never see Joe Namath or Jim Brown do something like that, sharing the spotlight with his teammates," echoed another.

Simpson then went into an unprepared opening statement which answered a lot of questions before they were asked.

"Our game plan, as you could tell, was to go after the record from the beginning, get it out of the way, and then settle down and concentrate on winning the game," said O. J.

"Getting the record meant a lot to me, personally. Just two years ago, I was as low as I could be, so you will never realize just how much this means to me.

"All season long, people talked about the record, but I tried to keep it out of my mind so I could concentrate on playing football. I was able to do that pretty well until last week, when the record drew very near.

"I knew I gained a lot of yards on that first touchdown drive, but I didn't know how close I was to the record until Fergy (quarterback Joe Ferguson) came over to me on the sidelines and said we needed just four more yards."

"I LOVE THESE GUYS"

Simpson then turned to face his offensive teammates and talked about them.

"Every team has been playing us for the run all season, but these guys have been knocking them out. My name is going to go into the record books, but it's as much theirs as it is mine. I love these guys."

O. J. then turned back to the microphones and talked about the team's future . . . and his future with them.

"My only disappointment today comes from us not making the playoffs. We lost games this year we should have won, but we're the youngest team in the league, and we made mistakes you won't see us make next year. The Super Bowl is our goal, and this team's getting there. I plan to play two more years, but if we're close to the Super Bowl, then I'll play longer. I think at this stage of the season we're as good as any team in the league."

O. J.'s rushing record, the team rushing record, and the 9–5 season had a positive effect on the players' outlook for next year.

NEW SPARK IN TEAM

"I told O. J. during the summer, 'Let's shoot for 2,000 yards and really set the world on fire,' and we did," said McKenzie. "Right is, we've done a hell of a lot, come a long way, and we'll do even more next year.

"O. J. is always talking about his offensive line, and you have to feel something special for a man like that. I love him."

Guard Joe DeLamielleure echoed those thoughts. "Nobody can take away from us what we did this year," said Joe D. "There's not much glory being an offensive lineman, but here's a record, something we can identify with. We were counting yards on the field today, keeping track. Everybody wanted the record."

Two lockers down, tackle Donnie Green was immersed in his own thoughts.

"I'm thinking of next year right now," said Green. "I actually started thinking of next year as the final minute ticked off the clock today. There is so much we know we can do next year.

"Everybody on this team knows this season is nothing compared to what we can do in the future. We know we're going to get better, and we just can't wait."

Suddenly, it's fun again being a Buffalo Bill.

[From the Buffalo Evening News, Dec. 17, 1973]

SIMPSON'S FRIENDS SHARE HIS GLORY

NEW YORK, Dec. 17.—Frank Ramos, the Jet's public relations director, had issued 387 press passes for the O. J. Simpson's extravaganza and the media men stood in a special room set up in Shea Stadium for O. J. interview following Sunday's game.

When Simpson entered the room he wasn't alone.

"Gentlemen," he said as he entered, "I'd like you to meet some friends of mine."

In his wake walked the Bills' entire offensive unit, even Bob Penchion, the extra offensive tackle.

O. J. hadn't forgotten anyone.

"This is Joe Ferguson, our quarterback," he began. "He's a rookie and did he do a job!"

"This is Jim Braxton, who missed the first half of the season due to an old problem, a birth defect in his back. When he got back in the lineup as our fullback he really opened things up for me."

On he went, introducing all of them to the assembled reporters, insisting they share the glory of the moment.

MY MAIN MAN, REG

"And, of course, this is my main man, Reg McKenzie," he finished.

Milt Richman, the United Press International sports editor, said he had never seen anything like it in 30 years covering sports.

"What makes it all the more amazing is that he does it so naturally," commented Richman. "You know he genuinely enjoys sharing this success with them."

Ferguson disclosed that Simpson's record progress was relayed down to the players from the scouting booth in the press box by assistant coaches Bob Shaw and Billy Atkins.

"We knew where he was," said Fergy.

Simpson reminded his interviewers that just 2 years ago the Bills were the dregs of the sport with a 1–13 won-lost record.

GLAD HE WAITED

"We couldn't have been lower," he said. "I wanted out. I wanted to play somewhere else."

"The person who kept me from going to Ralph Wilson to ask to be traded was Jack Horrigan, who isn't with us any more (Horrigan, the Bills' vice president for public relations died last June.)

"Jack was my man. He listened to my troubles and my complaints and soothed me. He was a man you listened to. He told me then that Lou Saban was probably coming to Buffalo and that it would mean good times. He told me just to be patient and wait.

"I'm glad I did."

The team effort which O. J. was acknowledging was captured by another Buffalo sportswriter in this report of what happened on the field:

[From the Buffalo Evening News, Dec. 17, 1973]

O. J., TEAMMATES SHARE ODYSSEY TO GRID GLORY

(By Larry Felser)

NEW YORK, Dec. 17.—With approximately 7 minutes remaining in Sunday's football game between Buffalo and the New York Jets in Shea Stadium, the Bills' quarterback, came into the huddle with some interesting information.

"I have some news which I think will fire up you guys," said Ferguson. "Juice is only 60 yards away from 2000."

As soon as he made the announcement that the "Juice," O. J. Simpson. was within reach of what was thought to be the unreachable in professional football, Ferguson said he immediately saw a reaction.

"They just seemed to rise up off the ground," he said. "Everyone started yelling, 'let's get it.' "

Simpson dashed through the holes opened by his big blockers 34 times for 200 yards, reaching an all-time record for a professional ball carrier, 2003 yards in a single season.

Jim Brown's old record fell only 17 plays—4 minutes, 26 seconds into the game.

"It was a 27 play," explained Ferguson. In Bills' parlance that is the No. 2 back Simpson, through the No. 7 hole, left tackle.

"I take to the fullback (Jim Braxton) up the middle. Reggie McKenzie (the left guard) leads the way and the other guard, Joe DeLamielleure, pulls in front of him through the hole.

O. J'S FAVORITE PLAY

"It's O. J.'s favorite play."

It is basic and simple, but, as Joe Namath says, "when Simpson gets the ball on any play all hell breaks loose."

The Jets even anticipated the play.

"I called a 5 under, and undershift," said Jet linebacker Ralph Baker, who decides what defense the New Yorkers will use. "They ran right into the strength of our defense.

"But they came here to get a record and they got it."

The play gained 6 yards, putting Simpson at 1865 yards for the season, 2 more than the record Brown, the great Cleveland power runner, set in 1963.

Coach Lou Saban removed Simpson from the game after he passed the 2000-mark. The few thousand fans remaining in cold, dank Shea Stadium gave him a standing ovation and his teammates on the field hugged him and slapped him on the back.

As he ran toward the bench the other Bills ran out to meet him, defensive end Earl Edwards leading the way. They hoisted him atop their shoulders and carried him to the bench.

When he got down on the ground he ran over and embraced the team's offensive line coach Jim Ringo, the man who told him last September—after the Bills had lost all their exhibition games—"stay on your feet and we'll get you 1800."

When the fans started pouring out on the field to mob him in congratulations, he got a police escort to the dressing room with almost 3 minutes remaining in the game.

When the contest ended and the rest of the Bills reached the dressing room, Simpson stood at the door to greet each man, frequently wiping away tears.

"These are the cats who did it," he said. "They worked for it all year."

Over in the corner of the dressing room Donnie Green, the huge offensive tackle, smiled and said, "I can hardly wait for next season to get here."

O.J. saw to it that his great offensive teammates received full credit for their job in helping him achieve national fame. Credit, too, must go to Coach Lou Saban for patiently and skillfully building a winning combination around the rushing star.

The following editorial considers these broader aspects of this great day for Buffalo:

[From the Buffalo Evening News, Dec. 17, 1973]

BUFFALO'S MAN OF THE HOUR

Every generation produces one or two superstar athletes whose exploits far outshine all others. O. J. Simpson is such an athlete, and every Western New Yorker can be proud that he was wearing a Buffalo uniform when he compiled the incredible yardage that carried him into pro football immortality. That the crowning moment occurred at New York's Shea Stadium, in the process of humbling Buffalo's special rivals,

the New York Jets, only added to the sense of exhilaration.

Almost as memorable as O. J.'s climactic achievement on the field Sunday was the way he shared the spotlight with his teammates. Bringing the entire offensive unit with him to meet the press after the game, he introduced each of the 10 other players personally and identified them as "the cats who did the job all year." It was, indeed, a well-deserved tribute to an outstanding team effort that set a league rushing record for the Bills, and it reflected a spirit that should help this still-young team in its efforts to cap this year's fine over-all record with a shot at the Superbowl next year.

Much credit must obviously go, too, to Coach Lou Saban, who patiently and skillfully built a team offensive around the remarkably talented O. J., as well as to Ralph C. Wilson Jr., owner of the Bills and the man with ultimate responsibility for their up and downs.

Most of all, however, it is an occasion to pay special recognition to a brilliant athlete, one who combines natural gifts with that great concentration and dedication that is the mark of every true champion. It is equally a moment of satisfaction for Buffalo and Erie County, which have invested both emotion and tax dollars in supporting major-league football here—in large part as a means of advertising this region and building up its image for economic and civic development. The national spotlight trained all this year on the exploits of O. J. and the Buffalo Bills can't help but bring enhanced prestige and promotion for the entire Buffalo community.

As a well-known entertainer would say it: "How sweet it is."

The Buffalo Bills were in the doldrums in 1969, so much so that they had first draft choice. Their pick, naturally, was O. J. Simpson, the phenomenal star of the University of Southern California team who had won the coveted Heisman trophy.

The pickings were lean for a couple of years for O. J. in pro football. Indeed, he despaired and was ready to leave the team, except for the wise counsel of one of Buffalo's finest citizens, Jack Horrigan, former sportswriter who became vice president of the Bills. Sadly, Jack did not live to see O. J. reach the pinnacle Jack was sure he would achieve. Jack died last June after a hard-fought bout with cancer.

Another who counseled O. J. during his lean years in Buffalo was his former coach at USC, John McKay, who retains highest respect for O. J. as a "human being." Following is a recent interview with McKay:

[From the Buffalo Courier-Express, Dec. 17, 1973]

JUICE MISUSED FOR 3 YEARS—McKAY

(By Warner Hessler)

O. J. Simpson was misused, and possibly almost ruined, during his first three professional football years with the Buffalo Bills, says his college coach, John McKay of the University of Southern California.

"I have never been associated with, or seen, a player who could dominate a football game as much as O. J. could," said McKay last week. "O. J. can chart the course of almost any game he plays in, if you get the ball to him often enough."

According to McKay, the Bills' reluctance to get the ball to Simpson often enough led to what O. J. calls his "three lost years."

RAUCH, MCKAY DISAGREE

John Rauch, who coached Simpson his first two years in Buffalo before resigning before the 1971 season, didn't believe any player, not even O. J., could dominate his offense. "Having one player carry the load is not my style," Rauch once said. "I couldn't build my offense around one player, no matter how good he was. O. J. can be a good pass receiver, and I expect him to block also."

McKay totally disagrees with this philosophy when he talks about Simpson.

SOUGHT MCKAY'S ADVICE

"We happen to think of O. J. as a home-run hitter," said McKay, "and you don't tell a home-run hitter to bunt. We gave the ball to him every chance we got, knowing that sooner or later he would get the home run. It paid off for both him and us."

McKay said O. J. came to him for advice occasionally during the lean years in Buffalo.

"It was clear to me that he was playing for a coach who didn't understand the running game, and wasn't aware that he had the greatest threat in football," McKay added. "I told O. J. not to let the situation get him down, that things would change for the better.

"When I found out that Lou Saban was going to coach Buffalo last year, I told Simpson that was a guy who understands what made up a sound running game, and that with Saban there was no way he could fail to make it big."

It didn't take O. J. long to realize his college coach was right.

INSPIRED BY SABAN

"Lou Saban has inspired me," said Simpson shortly after his first meeting with the new coach last year in pre-season. "He's tough, but he's fair, and there seemed to be a reason for every play he gave us."

McKay's office is cluttered with pictures of O. J. from the 1967–68 glory years at Southern Cal, and McKay admits he will never forget "O. J. the football player."

McKay also will never forget "O. J. the human being."

"I have never been around a man I admired more," McKay remembers. "He was a warm person, the most popular man on campus, and he went out of his way to make friends.

"He wasn't noisy, although God knows he had every right to be loud, boastful and a little above everybody else. I think so much of O. J. that if he called me right now and said he wanted to talk to me in Buffalo, I'd take the next plane."

ARE WE FORGETTING THE MIA'S?

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

Mr. SIKES. Mr. Speaker, as the Christian world prepares to celebrate the Christmas season and as another year draws to a close, the families of the almost 1,200 men listed as missing in action in Vietnam face still another season of wondering about the fate of their loved ones.

Today, almost 11 months since the peace accord was signed, those who control Communist destinies in Southeast Asia have done little to aid in the search for those men or ease the minds of their families. In many cases they refuse to allow our teams to look for bodies. They have offered us no further help in accounting for the MIA's who seemingly have been swallowed up in the aftermath of the fighting.

It is obvious that the Communist leaders in their callous disregard for humane considerations have no intention of honoring the peace accord which called for a full accounting of prisoners and missing in action.

Why is it that we hear no voices raised in the Congress in behalf of these unfortunate individuals? Is there no longer concern about what has happened to so many of our people and to their families? Are we willing to let the MIA issue and the hopes of MIA families slowly die on the vine?

I do not want to see the memory of these unfortunate individuals and the hopes of their families relegated to dust-covered files and hidden from the consciousness of a country which owes so much to those who are missing.

I am one of those who would like to see sufficient pressure brought to bear to insure full disclosure from the Communists about American MIA's and freedom to search without restrictions in any areas where it is felt MIA's might have disappeared. Yet there is little likelihood that this can be accomplished. The Communists ignored diplomatic efforts. The Congress has stripped the President of any power he may have had to deal with problems in Indochina by taking from him the authority to use the military forces in America's interests.

Needless to say, the United States must continue to express in the strongest terms its determination that these men be accounted for when they are negotiating with Communists, for there should be continued insistence on information and help on the MIA question, and we Congressmen have not lost our voice. We should continue to speak up at every opportunity until the Communist world realizes that the American people will refuse to have this subject relegated to oblivion.

THE ARMED SERVICES NEED MORE NOT FEWER RESERVISTS

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

Mr. SIKES. Mr. Speaker, I have been reading disturbing reports in various quasi-official military publications, put out by service-oriented organizations, which are deeply concerned with the defense posture of this great Nation of ours. I speak particularly of the National Guardsman and the Officer which are the official publications of the National Guard and Reserve Officers Associations respectively. Also, the Army Times has recently carried similar stories noting that, in the near future, drastic personnel cuts in the Department of Defense will include reductions in the Army National Guard and Army Reserve. It is absolutely incredible to me that at a time when everybody from our Commander in Chief on down through the Defense Establishment has rationalized deep cuts in our Active Forces that people within the Pentagon would even consider a decrease in the Army Reserve components. In various public statements and in advancing the total force concept, it has been repeatedly emphasized that the Reserve forces are to have increasing responsibility for national security. It should be clear to us

all, therefore, that DOD and the military forces should be building up the strength of the Reserve in manpower and weaponry.

At a time when the Active Army's strength is the lowest since the start of the Korean conflict in 1950, to reduce the strength of the Army National Guard and Army Reserve is sheer folly. We not only are imperiling our national security, but we are seriously weakening the hands of our statesmen at the bargaining table. Let me quote from an editorial by Major General McMillan, the president of the National Guard Association, in a recent issue of the Guardsman:

We believe most earnestly that such reductions will expose the Nation to unacceptable risks . . .

Leading officials in the Pentagon have told us on several occasions that, with such large slices being taken from the Active Forces, it was imperative that the Guard and Reserve be maintained at high strength and readiness levels. I feel certain that those statements reflected their best military judgment. It seems inescapable, therefore, that the Reserve Forces reductions now being studied reflect political and economic pressures, more than sober military assessments.

Additional cuts in the Active Military Forces will subject this Country to risks that prudent men should not be willing to accept. If cuts also are imposed on the Guard and Reserve, we put the Nation in even greater peril. . . .

There is a limit below which further reductions represent wishful thinking and foolhardiness rather than a reasoned assessment of our National security needs.

Now from Reserve Officers Association magazine, the Officer:

We take seriously the statement attributed to the Chief of Staff of the Army several months ago, who said that any members of his staff who did not fully support the Reserves would find themselves in another assignment. At the same time, we recognize that the cross-current of the competitive forces at large in the Pentagon do indeed damage the cause of the Reserves, and that it is unlikely that the Total Force Concept will be manifest in precisely the same application of standards to the Reserves and the Active Forces.

In an Administration which is as open as the current one, the degree of secrecy surrounding the daily conferences and the planning in the military Services has greatly diminished. It is no great feat to determine what the Active Force leaders had in store for their services, including the Regulars and Reserves, and thus there is no great sense of accomplishment in being able to report the reversal of the traditional oft-stated policy in the nation's military establishment:

The nation shall maintain a relatively small professional active force, but it shall be supported by a substantially larger Reserve force; and that as the Regular force is reduced in size, the Reserve forces, taking advantage of the availability of additional trained and experienced men and women, shall be proportionately enlarged.

The new policy being advanced and sought to be established as permanent policy by the military forces is that under the Total Force Concept equality of treatment means that when the Regular forces are reduced the Reserve forces will see aplied a same percentum reduction.

I am afraid we are creating another "Paper Tiger." I would hope that key defense officials are not again giving "lipservice" to the Reserves. Shades of post-World War I, post-World War II, and post-Korea. During the fiscal year 1974 budget hearings before the Senate, posture statements were made by top defense personnel. The Secretary of Defense stated:

Programs to modernize Guard and Reserve forces and improve their readiness will be continued in FY 1974. . . . These units are essential to our total force concept which places increased emphasis on the Guard and Reserve forces as the size of our active forces declines.

Admiral Moorer, JSC chairman, stated:

While the US does not plan to compete with the USSR and PRC in number of military personnel, US ground forces, both active and reserve, must be equipped with modern weapons and maintained at a high state of combat effectiveness so that they can be moved overseas in a relatively short period of time. Moreover, because of the decreasing size of our active ground forces, we will have to rely even more than in the past on our Reserve forces, particularly the organized Reserves. Accordingly, we must improve Reserve force readiness by ensuring that the Reserve units are properly manned, equipped, and trained. This will not only require more funds, but also Congressional approval of the new Reserve personnel legislative proposals reflected in President Nixon's FY 1974 Budget.

Speaking about recruiting, the Secretary of the Army said:

Our aim in recruiting is to have enough full-time trained recruiters in the Reserve Components to get both the quality and quantity of people needed to man units at authorized strength, although we continue to rely heavily on the units themselves to recruit in their own locale. However, to date our recruiting efforts have not produced the required numbers. More is needed. Proposed legislation to provide economic incentives such as enlistment/reenlistment bonuses, Educational Benefits, and Servicemen's Group Life Insurance are considered high priority items that are strongly supported by the Army. I hope that such legislation will be enacted soon. It will help.

General Abrams, Army Chief of Staff, stated, before the same committee in March of this year:

Turning now to the Reserve Components, I can report that these vital elements of our military power are well aware of their essential mission, and they are making every effort to meet the stated goals. However, as is the case in the Active Army, recruiting and retention of personnel pose a major challenge for the future. The Army National Guard is approximately 12,800 people short, while the Army Reserve is short close to 26,700 of its mandated strength. Our on-going recruiting efforts have produced encouraging upward trends, and the hire of Guard and Reserve recruiter technicians should result in even better progress. However, your help is needed to provide visible incentives such as bonuses and insurance. Such incentives are essential if we are to maintain the required strength of the Reserve Components in an all-volunteer environment.

In response to a letter from our distinguished colleague, O. C. Fisher, the present Secretary of Defense, Mr. Schlesinger, said in part:

I shall also expect, in addition to those designated as having a Reserve responsibility, that all members of my staff and the military departments will actively contribute to the development of Reserve Forces capable of being the initial and primary augmentation of the Active Forces in wartime.

This response was dated August 23 of this year.

How can responsible people forget so quickly or are they all talking with tongues in their collective cheeks? Or are they talking with forked tongue?

As I stated earlier a buildup of Reserve Forces would appear to be critically needed. Although in the spring Army officials were asking for immediate action on a bonus for enlistment and reenlistment, DOD took the view, and it was stated in public hearing in the Senate only last week, that due to improvements in the situation they would not ask for any substantial new incentives for the Reserve components at this time. It is true there are some strength improvements but a look at the record shows how few new enlistments are coming into the system, and the record clearly indicates that such legislation is needed now. Although prior service people are welcome you cannot run an Army with all chiefs and no Indians. New blood is required to achieve the proper balance. I strongly urge that we ask the Secretary of Defense to have the Reserve component chiefs from all the services to appear before the House Armed Services Committee and state their requirements to attain and maintain their strength goals. Although nonprior service enlistments are of paramount importance a reenlistment bonus is also needed to increase retention. It is also highly cost effective.

We keep hearing about the total forces. It appears to me that the Reserve components should share in the pluses that the Active Army enjoys, not just the minuses such as reduction in force and decreases in the budget.

Another question we should ask each of the service departments is "Do they have the proper balance in combat and combat support type units?" Perhaps it is time to add more combat units in the Reserve components due to the extreme cutback of the Active Forces.

I have often heard it stated that about 60 percent of the DOD budget costs are attributable to personnel costs. In these days of an extreme economy pinch, it is clear to me that we can get far more for our money with a larger Reserve. With the last two pay raises, it costs approximately $10,000 to pay, clothe, and feed an active force member for 1 year. Maintaining an Army Reservist or Army Guardsman over the same period is about $2,000.

We have had clearly demonstrated, just within the last few weeks, what a viable, responsive, and motivated Reserve Force can accomplish in a critical war where they are called upon to engage in a fight for their homeland.

It seems to me that it is time to take a good hard look at the Defense Department and ascertain its priorities. My long service with Government, dealing with all aspects of defense questions, has proven to me that the attainment of national security through military preparedness is essential to all our other goals. Without that we can come in second best. Let us strive for a strong Reserve. Only by increasing our Reserve

Forces can we have the bench strength to augment the Active Establishment should the necessity arise.

ON THE SUBJECT OF IMPEACHMENT

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

Mr. KOCH. Mr. Speaker, the most important matter before the House of Representatives today is whether to impeach the President. This issue has been the subject of most of my mail in recent weeks and the subject of passionate debate whenever I meet with constituents. On December 9, I spoke at a well-attended meeting of the New York Civil Liberties Union. The topic was Richard Nixon's impeachment. Similar meetings are being called throughout the country by local ACLU chapters to give those who believe that President Nixon should be impeached an opportunity to press their views on their Congressmen.

I believe it is vital that we move decisively to resolve this issue. The national interest requires resolution. For this reason I am today urging the Judiciary Committee to reconvene immediately after the New Year recess to commence full-scale hearings on impeachment. I am writing to each member of the Judiciary Committee to express my strong feelings and those of my constituents that action must be taken immediately. I shall urge the members of the Judiciary Committee to hold hearings promptly and to set a goal of reporting their findings and recommendations to the full House by February 28, 1974.

I am taking this action, because I believe there has been regrettable delay in moving forward with the impeachment process since October when more than 100 of our colleagues, including myself, sponsored resolutions to initiate impeachment proceedings. However, I do not believe—as do some—that impeachment should be voted upon without a prior hearing by the Judiciary Committee, in which evidence is presented under oath and the President has the opportunity to defend himself.

There are several reasons why I believe such hearings to be essential. Impeachment of a President is an extraordinary event. It must not be undertaken recklessly. We must not let the passions of the moment provoke an act that may be regretted in history's more demanding perspective. Our system has always made a distinction between a trial under conditions of due process and "trial by the press." Although the impeachment process is not a judicial trial, it is a solemn determination by the Nation's legislature and must accord with prevailing standards of civil liberties. An ordinary criminal facing serious charges has the right under our system to grand jury indictment and other pretrial safeguards. The President should not be denied similar fundamental elements of fair procedure.

Proper procedural safeguards are also necessary to demonstrate to the public and to the world that impeachment is not—and will not in the future become—a tool of partisan politics. Impeachment must never become a substitute for the electoral process. As a Democrat who believes, on the basis of available information, that President Nixon has committed impeachable acts, I nevertheless believe deeply that he be accorded every measure of due process which our system extends to those accused of crimes—and I shall base my vote on the evidence presented to, and under the procedures established by, the House of Representatives.

It would be far better if the President recognized the corrosion of confidence and the inability of his administration to govern effectively, if he recognized the toll of each new revelation of abuse on the public's forbearance and confidence in our Government, if he recognized that the good of the country demands his resignation. But the Congress cannot sit back and wait for the President to resign. We have the constitutional responsibility—as well as the authority—to determine whether a President has committed high crimes and misdemeanors and to remove him from office if it is so determined. We cannot avoid this responsibility, and the future effectiveness of the Congress will be colored by how we respond to this challenge. If we fail to deal with this question promptly, with fair and effective procedures, and with dispassionate motives, we shall have failed the Nation at a time of peril and each of us shall have failed in his or her responsibility to "uphold and defend the Constitution."

Our Nation's history shows that the tenor of national leadership affects the moral tone of all segments of society. While we cannot place full responsibility on the Nixon administration for the breakdown of moral fiber in this country, the impact on the public of the unlawful and unethical activities of our Chief Executive and those around him cannot be underestimated. In the public confusion and outrage that have followed the revelations of the past year, an attitude of callousness and cynicism has emerged in our citizenry that will not easily be removed. A "return to normalcy" will not come overnight, but we must begin to restore confidence and respect—and, Mr. Speaker, leadership in this effort should be made here in the House of Representatives through the impeachment process.

The confirmation of GERALD FORD as Vice President removes the concern of some over who would succeed Richard Nixon if he were to be impeached. Now we must remove the unsettling uncertainty of not knowing whether or not Richard Nixon will serve out his term of office. I, therefore, urge the Judiciary Committee to act promptly on the question of impeachment, and to present its findings and recommendations to the full House by February 28, 1974.

THE FAR LEFT AND THE FAR RIGHT: REVERSE SIDES OF THE SAME COIN

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

Mr. KOCH. Mr. Speaker, the calumnies against the Jews on the part of those on the far left and the far right grow more strident every day. But, this comes as no surprise to those who have always recognized that the far left and the far right are reverse sides of the same coin.

The other day I read an article which reported that the Soviet Union is stirring up anti-Jewish feelings among its public to distract their attention from the monumental problems facing that society. From time immemorial, rulers in the Soviet Union and other countries have attempted to make Jews the scapegoat for their societies' difficulties. The Soviet Union seeks to camouflage its anti-Semitism by using the euphemism "Zionism" as the object of its criticism and so now we have the official Soviet press agency, Tass, asserting that there is "deliberate anti-American and openly subversive activity of the Zionist lobby" in the United States. The statement of Tass went on with even viler canards. Now the Soviet Union's anti-Semitism campaign has gained an ally in Father Daniel Berrigan, S.J. Father Berrigan recently addressed the Association of Arab University Graduates and said the following in describing Israel as "a criminal Jewish community" and a "nightmare," that manufactures human waste. "The coinage of Israel is stamped with the imperialist faces whose favor she has courted; the creation of an elite of millionaires, generals, and entrepreneurs."

These comments are reminiscent of those of Father Charles Coughlin, whose philosophy lay on the far right of the ideological spectrum. Both have used anti-Semitism to advance what they believe to be social justice. It is sad that such detractors of human decency should command such a large following of very good people who in their desire to right wrongs and improve social conditions, listen only to selected rhetoric of these leaders and fail to examine their basic philosophies.

Just as it is absurd to give any economic assistance to the Soviet Union without demanding any changes in its repressive policies against its own people, it is absurd to award Father Daniel Berrigan the Gandhi Peace Award for anti-war activities. Those interested in justice for all should look at the whole state and the whole man before they make such decisions.

FREEDOM FOR GREECE

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

Mr. MADDEN. Mr. Speaker, George Anastaplo, professor, lecturer, author, and former citizen of Greece, is a recognized leader of forces dedicated to win freedom and self-government for his native homeland.

The following communication to the editors of Greek publications is a factual and brief recommendation for a practical solution which he recommends to free the Greek people from tyranny:

THE KARAMANLIS SOLUTION FOR GREECE

To the Editor:

The crisis which has toppled the bloody Papadopoulos dictatorship in Athens cannot be resolved, or even smothered, by recourse to still another military strongman, especially one with so much experience in torture. This crisis is rooted in the incompetence and arrogance of colonels who cannot be expected to handle intelligently the complex social and economic problems of Greece. Such usurpers cannot enlist the necessary services and good will of the better professionals, politicians and military officers of that country for the great work of reconciliation and austerity which Greece so desperately needs.

The shortsighted role played by our government since the colonels first took over in 1967 has already (and perhaps even permanently) compromised, in the eyes of the resentful Greek people, our legitimate interests in that country and hence in the Middle East. Among our mistakes of the past six years have been that of publicly backing the wrong man in Greece. I have found, in my visits at the State Departament and the Pentagon during this period, that our leaders have been remarkably unequipped to consider seriously the long-range consequences of the policies they were pursuing.

We should, before still another dictator becomes consolidated in Athens, try to redeem somewhat our good name by using our remaining influence in Greece and NATO to help the Greek people recover control of their own affairs. This can best be done, it seems to me, by vigorously encouraging the colonels to step aside for Constantine Karamanlis, the man whose prestige as a former conservative prime minister still recommends him to the Greek people as the best way to avoid the even bloodier crises which now threaten their country.

Greece may be the only country in the world today where the genuine popular alternative to domestic tyranny is so moderate and so experienced a politician as Mr. Karamanlis. What more can the Greeks or the United States hope for? Dare we or they risk further deterioration in Greece and in American-Greek relations? Everyone should realize by now that phony constitutions and fake elections cannot work in Greece today.

GEORGE ANASTAPLO,
Lecturer in the Liberal Arts, The University of Chicago; Professor of Political Science, Rosary College.

SENATOR HENRY JACKSON ON ENERGY CRISIS

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

Mr. MADDEN. Mr. Speaker, on last Saturday evening, U.S. Senator HENRY JACKSON was the guest speaker to a mass meeting sponsored by the Young Democrats of Lake County, Ind. This was the largest gathering of Young Democrats in the history of northwest Indiana. His analysis of the deplorable economic situation of our Nation was factual and well received by the No. 1 industrial region in the United States—the Calumet district of the Hoosier State.

In the Sunday edition of the Gary Post Tribune, the newspaper's bureau chief, Guy Slaughter has outlined the Senator's analysis of our domestic and international problem.

Mr. Speaker, I include the following article from the Gary, (Ind.) Post Tribune:

SENATOR JACKSON: NEED CRASH RESEARCH TO SOLVE ENERGY CRISIS

(By Guy Slaughter)

MERRILLVILLE.—An unannounced but obviously working candidate for the U.S. presidency said here Saturday night America's energy crisis could be solved by a crash research program coupled with able administration and a quick exploitation of domestic oil deposits.

U.S. Sen. Henry "Scoop" Jackson, D-Washington, speaking at a press conference preceding a Democratic fund-raising dinner here, told what he would do to solve the energy crunch if he were president.

Tacking a 50-cent tax on each gallon of gasoline won't help the oil shortage, Jackson said.

Instead of cutting consumption, it would merely bite into the wallet of the "little fellow," and add financial hardship to gasoline deficiencies, he said.

Sharing the news conference with U.S. Sen. Vance Hartke of Indiana, Floyd Fithian of Lafayette, a candidate for Democratic nomination as Indiana's 2nd District Congressman, and U.S. Rep. Ray Madden, D-Gary, Jackson blamed the energy crunch on "all past administrations" for a policy of dependency upon oil imports.

But the present administration, he said, must carry the major share of the blame for "Its failure to foresee what was happening" and for allowing "rising prices and rising profits" in the oil industry to overshadow the national welfare.

If he had won the presidency he tried for in 1972 and were now in office, Sen. Jackson told The Post-Tribune, his first acts would be to:

Launch a crash research program to discover how to burn America's abundant coal and shale oil resources without polluting the atmosphere with sulphur products, thus utilizing vast untapped deposits of coal and shale oil to produce "clean" energy for centuries to come.

Push studies of solar energy and atomic fission as sources of heat, light and power.

Tap naval reserve oil supplies that are adequate to head off further declines in energy materials.

Exploit untapped oil fields in Alaska and off-shore areas whose productive capacity could end the shortages.

Overhaul national policy to utilize foreign oil supplies in the short run and end dependency on those supplies in the long run.

He hopes to see increased emphasis on federal subsidy money plowed into mass transportation systems to help alleviate gasoline shortages, Sen. Jackson said.

And he called the energy shortage the "biggest issue and the greatest problem" facing the American public now and for a decade or more to come.

"It could put millions out of work with its impact on steel, aluminum, copper and allied industries," he said.

"The government must intervene in this situation if we are to avoid a serious economic crisis," Jackson said, adding that he regards energy czar William Simon as one "Who will do everything he can to protect jobs; I don't always agree with him, but I respect him."

Earlier, Sen. Hartke said one complicating factor in the energy crisis is what he called "hoarding," which, he said, he hopes to control through legislation.

His bill, Hartke said, will call for volunteered inventories of all oil-products storage, with those holding supplies that won't be used up within 30 days ineligible to procure more.

"Storage facilities throughout the country are loaded with gas and oil," he asserted. "And nobody actually knows how much we have in this nation."

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. YOUNG of Alaska (at the request of Mr. RHODES), on account of death in family.

Mr. ESHLEMAN (at the request of Mr. RHODES), for today, on account of the weather.

Mr. MOSS. for the period December 20, from 3:30 p.m., through the period December 31, 1973, on account of official business.

Mr. BRASCO (at the request of Mr. O'NEILL), for today, on account of weather conditions.

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. THONE) and to revise and extend their remarks and include extraneous matter:)

Mr. ESCH, for 15 minutes, on December 18.

Mr. KEMP, for 15 minutes, today.

Mr. ASHBROOK, for 60 minutes, today.

Mr. FISH, for 60 minutes, on December 18.

Mr. STEELE, for 15 minutes, today.

(The following Members (at the request of Mr. MEZVINSKY) and to revise and extend their remarks and include extraneous matter:)

Mr. MATSUNAGA, for 10 minutes, today.

Mr. HAMILTON, for 15 minutes, today.

Mr. GONZALEZ, for 5 minutes, today.

Mr. DULSKI, for 15 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. MADDEN, and to include extraneous matter:

(The following Members (at the request of Mr. THONE) and to include extraneous material:)

Mr. WYMAN in two instances.

Mr. KEMP in two instances.

Mr. STEIGER of Wisconsin.

Mr. ASHBROOK in three instances.

Mr. YOUNG of Illinois in two instances.

Mr. DERWINSKI in three instances.

Mr. COLLINS of Texas in three instances.

Mr. BRAY in three instances.

Mr. MATHIAS of California.

Mr. MILLER in six instances.

Mr. ROUSSELOT in two instances.

(The following Members (at the request of Mr. MEZVINSKY) and to include extraneous matter:)

Mr. KARTH in three instances.

Mr. RANGEL in 10 instances.

Mr. MOSS.

Mr. WOLFF.

Mr. ANNUNZIO in six instances.

Mr. HELSTOSKI in 10 instances.

Mr. ROE in three instances.

Mr. GONZALEZ in three instances.

Mr. RARICK in three instances.

Mr. NIX.

Mr. McCORMACK.
Mr. O'NEILL.
Mr. DAN DANIEL in two instances.
Mr. MAZZOLI.
Mr. ANDREWS of North Carolina.
Mr. PICKLE in 10 instances.
Mr. Brown of California in 10 instances.
Mr. HARRINGTON in three instances.
Mr. SYMINGTON.

SENATE BILLS AND A JOINT RESOLUTION REFERRED

Bills and a joint resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1561. An act to provide that Mansfield Lake, Indiana, shall be known as "Cecil M. Harden Lake"; to the Committee on Public Works.

S. 2150. An act to amend Public Law 92-181 (85 Stat. 583) relating to credit eligibility for public utility cooperatives serving producers of food, fiber, and other agricultural product; to the Committee of Agriculture.

S. 2176. An act to provide for a national fuels and energy conservation policy, to establish an Office of Energy Conservation in the Department of the Interior, and for other purposes; to the Committee on Interstate and Foreign Commerce.

S. 2509. An act to name structure S-5A of the Central and Southern Florida Flood Control District, located in Palm Beach County, Florida, as the "W. Turner Wallis Pumping Station" in memory of the late W. Turner Wallis, the first secretary-treasurer and chief engineer for the Central and Southern Florida Flood Control District; to the Committee on Public Works.

S. 2535. An act to designate the Chartiers Creek flood protection project in Allegheny County, Pa., as the "James G. Fulton flood protection project"; to the Committee on Public Works.

S. 2795. An act to authorize the Secretary of the Treasury to change the alloy and weight of the 1 cent piece; to the Committee on Banking and Currency.

S. 2812. An act to authorize a formula for the allocation of funds authorized for fiscal year 1975 for sewage treatment construction grants, and for other purposes; to the Committee on Public Works.

S.J. Res. 159. Joint resolution to provide for the designation of the last Sunday in May of each year as "Walk a Mile for Your Health" Day; to the Committee on the Judiciary.

SENATE ENROLLED BILL AND JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled bill and a joint resolution of the Senate of the following titles:

S. 1776. An act to amend the Federal Water Control Act, as amended; and

S.J. Res. 180. A joint resolution relative to the convening of the second session of the 93d Congress.

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

BILLS PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on December 15, 1973, present to the President, for his approval, bills of the House of the following title:

H.R. 3490. To amend section 40(b) of the Bankruptcy Act (11 U.S.C. 68(b)) to remove the restriction on change of salary of full-time referee; and

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 daytime broadcast stations to operate before local sunrise.

ADJOURNMENT

Mr. MEZVINSKY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock p.m.), the House adjourned until tomorrow, Tuesday, December 18, 1973, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1635. A letter from the Deputy Director, Office of Management and Budget, Executive Office of the President, transmitting a report that the appropriations to the General Services Administration for "Public buildings service, operating expenses," "Repair and improvement of public buildings," and "National archives and records service" for fiscal year 1974, have been apportioned on a basis which indicates the necessity for supplemental estimates of appropriation, pursuant to 31 U.S.C. 665; to the Committee on Appropriations.

1636. A letter from the Executive Director, Federal Communications Commission, transmitting a report on the backlog of pending applications and hearing cases in the Commission as of October 31, 1973, pursuant to section 5(e) of the Communications Act, as amended; to the Committee on Interstate and Foreign Commerce.

1637. A letter from the Chairman, Federal Power Commission, transmitting a copy of the publication entitled "Regulations to Govern the Preservation of Records of Natural Gas Companies, January 1, 1972"; to the Committee on Interstate and Foreign Commerce.

1638. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting reports concerning visa petitions approved according certain beneficiaries third and sixth preference classification, pursuant to section 204 (d) of the Immigration and Nationality Act, as amended [8 U.S.C. 1154(d)]; to the Committee on the Judiciary.

1639. A letter from the Chairman of the Board of Governors, U.S. Postal Service, transmitting the annual report of the Postmaster General for fiscal year 1973; to the Committee on Post Office and Civil Service.

1640. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, submitting a report on St. Joseph River Basin, Mich. and Ind.; to the Committee on Public Works.

RECEIVED FROM THE COMPTROLLER GENERAL

1641. A letter from the Comptroller General of the United States, transmitting a list of reports issued or released by the General Accounting Office during November 1973, pursuant to 31 U.S.C. 1174; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MAHON: Committee of conference. Conference report on H.R. 11576 (Rept. No. 93-736). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ARENDS:

H.R. 11985. A bill to authorize the establishment of the Washington Square National Historic Site in the State of Illinois, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. HICKS (for himself, Mr. ADDABBO, Mr. BADILLO, Mr. BURGENER, Mrs. CHISHOLM, Mr. CLAY, Mrs. COLLINS of Illinois, Mr. CRONIN, Mr. DOMINICK V. DANIELS, Mr. DENHOLM, Mr. DERWINSKI, Mr. EILBERG, Mr. HARRINGTON, Mr. HAWKINS, Mr. HELSTOSKI, Mr. LEHMAN, Mr. LITTON, Mr. LONG of Maryland, Mr. MAZZOLI, Mr. MITCHELL of Maryland, Mr. MOAKLEY, Mr. MURPHY of Illinois, Mr. PODELL, Mr. ROBISON of New York, and Mr. ROE):

H.R. 11986. A bill to amend the Civil Rights Act of 1964 to make it an unlawful employment practice to discriminate against individuals who are physically handicapped because of such handicap; to the Committee on Education and Labor.

By Mr. HICKS (for himself, Mr. RONCALLO of New York, Mr. ROSENTHAL, Mr. SARBANES, Mrs. SCHROEDER, Mr. STARK, Mr. THONE, Mr. VANIK, Mr. WINN, Mr. WON PAT, and Mr. YATRON):

H.R. 11987. A bill to amend the Civil Rights Act of 1964 to make it an unlawful employment practice to discriminate against individuals who are physically handicapped because of such handicap; to the Committee on Education and Labor.

By Mr. KARTH:

H.R. 11988. A bill to amend the Internal Revenue Code of 1954 with respect to the inclusion in gross income of, and the deduction allowed for, certain moving expenses of members of the Armed Forces; to the Committee on Ways and Means.

By Mr. TEAGUE of Texas (for himself, Mr. MOSHER, Mr. DAVIS of Georgia, Mr. HECHLER of West Virginia, Mr. BELL, Mr. WYDLER, Mr. DOWNING, Mr. WINN, Mr. FUQUA, Mr. FREY, Mr. SYMINGTON, Mr. GOLDWATER, Mr. HANNA, Mr. ESCH, Mr. FLOWERS, Mr. CAMP, Mr. ROE, Mr. COTTER, Mr. PARRIS, Mr. MCCORMACK, Mr. CRONIN, Mr. BERGLAND, Mr. MARTIN of North Carolina, Mr. PICKLE, and Mr. KETCHUM):

H.R. 11989. A bill to enhance the public health and safety by reducing the human and material losses resulting from fires

through better fire prevention and control, and for other purposes; to the Committee on Science and Astronautics.

By Mr. TEAGUE of Texas (for himself, Mr. MOSHER, Mr. DAVIS of Georgia, Mr. CONLAN, Mr. BROWN of California, Mr. MILFORD, Mr. THORNTON, Mr. GUNTER, and Mr. STEELE):

H.R. 11990. A bill to enhance the public health and safety by reducing the human and material losses resulting from fires through better fire prevention and control, and for other purposes; to the Committee on Science and Astronautics.

By Mr. VAN DEERLIN:

H.R. 11991. A bill to provide for disclosure of certain information by certain persons making charitable solicitations by use of instrumentalities of interstate commerce; to the Committee on Interstate and Foreign Commerce.

By Mr. HAYS:

H. Res. 748. Resolution authorizing payment for a limited period of 1974 and on the same basis as in 1973 of certain House committee expenses before adoption of applicable 1974 committee expense resolutions; to the Committee on House Administration.

By Mr. STEIGER of Wisconsin:

H. Res. 749. Resolution to amend the Rules of the House of Representatives regarding reports of the Committee on Rules repealing or amending any of the House rules; to the Committee on Rules.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

375. By the SPEAKER: Petition of June S. Johnson, Cleveland, Ohio, and others, relative to impeachment of the President; to the Committee on the Judiciary.

376. Also, petition of Horace E. DeLisser, Freeport, N.Y., relative to holding a joint session at the closing of the current session of Congress; to the Committee on Rules.

SENATE—*Tuesday, December 18, 1973*

The Senate met at 11 a.m. and was called to order by the President pro tempore (Mr. EASTLAND).

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal Father, amid the pressures of these busy days in this Chamber, in committee rooms and in offices, we pause to pray that peace may come at last to the land where first was heard the anthem "Peace on earth, among men of good will." May the wise men prevail in the councils of government. Transform soldiers' guns into shepherds' staffs. Lead statesmen in obeisance to Him who is born to the King of Kings and Lord of Lords. Imprint in our lives the eternal truth of Christmas, that love is stronger than hate, right more confident than wrong, good more durable than evil.

Through Jesus Christ our Lord. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, December 17, 1973, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the Executive Calendar under new reports.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDENT pro tempore. The nominations on the Executive Calendar, beginning with new reports, will be stated.

DEPARTMENT OF JUSTICE

The second assistant legislative clerk read the nomination of Anthony E. Rozman, of Michigan, to be U.S. marshal for the eastern district of Michigan.

The PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

DEPARTMENT OF STATE

The second assistant legislative clerk proceeded to read sundry nominations in the Department of State.

Mr. MANSFIELD. Mr. President, I am about to ask that these nominations be considered en bloc, but before I do so, I want to say a special word on behalf of Mr. Francis E. Meloy, Jr., of the District of Columbia, who is to be our new Ambassador to Guatemala.

I have known Mr. Meloy for many years. In my opinion, he is one of the outstanding members of the Foreign Service. I am delighted that he is getting this assignment. He should be given consideration for bigger things.

Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

WORLD HEALTH ORGANIZATION

The second assistant legislative clerk read the nomination of Dr. S. Paul Ehrlich, Jr., of Virginia, to be a representative of the United States of America on the Executive Board of the World Health Organization.

The PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

OVERSEAS PRIVATE INVESTMENT CORPORATION

The second assistant legislative clerk read the nomination of David Gregg III, of New York, to be Executive Vice President of the Overseas Private Investment Corporation.

The PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

The second assistant legisative clerk proceeded to read sundry nominations in the Diplomatic and Foreign Service, Air Force, Army, Navy, and Marine Corps which had been placed on the Secretary's desk.

The PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be notified of the confirmation of these nominations.

The PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate resume the consideration of legislative business.

There being no objection, the Senate resumed the consideration of legislative business.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

POSTPONEMENT OF IMPLEMENTATION OF THE HEADSTART FEE SCHEDULE

Mr. MANSFIELD. Mr. President, I ask the Chair to lay before the Senate a message from the House on H.R. 11441.

The PRESIDENT pro tempore laid before the Senate H.R. 11441, which was read twice by title, as follows:

A bill (H.R. 11441) an act to postpone the implementation of the Headstart fee schedule.

Mr. MANSFIELD. Mr. President, I ask unanimous consent for the immediate consideration of the bill.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to consider the bill.

Mr. JAVITS. Mr. President, I support Senate adoption of H.R. 11441, a bill to postpone the implementation of the Headstart fee schedule until July 1, 1975.

This bill follows very closely S. 2700, introduced on November 14 by Senator MONDALE, and which I cosponsored.