p.m. the Senate adjourned until tomorrow, Wednesday, December 19, 1973, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate December 18, 1973:

The following-named persons to be members of the U.S. Advisory Commission on International Educational and Cultural Affairs for terms expiring May 11, 1976:

Leo Cherne, of New York, reappointed.

Rita E. Hauser, of New York, vice Dr. Martha B. Lucas, term expired.

Leonard H. Marks, of the District of Columbia, vice Dr. Homer Daniels Babbidge, Jr., resigned.

CONFIRMATIONS

Executive nominations confirmed by the Senate December 18, 1973:

DEPARTMENT OF JUSTICE

Anthony E. Rozman, of Michigan, to be U.S. marshal for the eastern district of Michigan for the term of 4 years.

DEPARTMENT OF STATE

L. Dean Brown, of the District of Columbia, a Foreign Service officer of the class of Career Minister, to be Deputy Under Secretary of State.

Robert Stephen Ingersoll, of Illinois, to be an Assistant Secretary of State.

William B. Buffum, of New York, a Foreign Service officer of the class of Career Minister, to be an Assistant Secretary of State.

Stuart Nash Scott, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Portugal.

Harry G. Barnes, Jr., of Maryland, a Foreign Service Officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Romania.

Heyward Isham, of the District of Columbia, a Foreign Service Officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Haiti.

Joseph J. Jova, of Florida, a Foreign Service Officer of the class of career minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Mexico.

Ralph J. McGuire, of the District of Columbia, a Foreign Service Officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Mali.

Anthony D. Marshall, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Kenya.

Francis E. Meloy, Jr., of the District of Columbia, a Foreign Service officer of the class of career minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Guatemala.

Francis T. Underhill, Jr., of New Jersey, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Malaysia.

David H. Popper, of New York, a Foreign Service officer of the class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Chile.

David D. Newsom, of California, a Foreign Service officer of the class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Indonesia.

Viron P. Vaky, of Texas, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Colombia.

Francis L. Dale, of Ohio, to be the representative of the United States of America to the European office of the United Nations, with the rank of Ambassador.

WORLD HEALTH ORGANIZATION

Dr. S. Paul Ehrlich, Jr., of Virginia, to be the representative of the United States of America on the Executive Board of the World Health Organization.

OVERSEAS PRIVATE INVESTMENT CORPORATION

David Gregg III, of New York, to be Executive Vice President of the Overseas Private Investment Corporation.

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

NOMINATIONS IN THE DIPLOMATIC AND FOREIGN SERVICE, AIR FORCE, ARMY, NAVY, AND MARINE CORPS

Diplomatic and Foreign Service nominations beginning Sidney Leonard Wollons for reappointment as a Foreign Service officer of class 3, a consular officer, and a secretary in the Diplomatic Service of the United States of America, and ending Patsy G. Stephens, to be a consular officer of the United States of America which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on November 2, 1973.

Air Force nominations beginning Michael A. Abair, to be captain, and ending Morris A. Schultz, to be lieutenant colonel, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on December 3, 1973.

Army nominations beginning Frederick T. Abt, to be colonel, and ending Felix D. Winter, to be first lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on December 3, 1973.

Navy nominations beginning Wallace Johnson Ables, Jr., to be lieutenant commander, and ending Mabel Lillian Wallis, to be lieutenant commander, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on November 30, 1973.

Navy nominations beginning Rodney J. Allen, to be ensign, and ending Steven A. Balch, to be commander which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on December 3, 1973.

Navy nominations beginning Billie Ross Hardin, to be chief warrant officer, W–4, and ending Paul Samuel Zoglmann, to be chief warrant officer, W–3, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on December 3, 1973.

Marine Corps nominations beginning Donald M. Beck, to be colonel, and ending Mark E. Zotvogel, to be second lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on November 28, 1973.

HOUSE OF REPRESENTATIVES—*Tuesday, December 18, 1973*

The House met at 12 o'clock noon.

Father L. A. Paul Rose, Christ Church, Rockville, Md., offered the following prayer:

Almighty God, who has given us this good land for our heritage, we humbly beseech Thee that we may always prove ourselves a people mindful of Thy favor and glad to do Thy will. Bless our land with honorable industry, sound learning, and pure living. Save us from violence, discord, and confusion; from pride and arrogance; and from every evil way. Defend our liberties, and fashion into one united people the many peoples, kindreds, and tongues that are the citizens of this land. Endue with the spirit of wisdom those to whom in Thy name we entrust the authority of government, especially the Representatives in Congress assembled; that Thou would be pleased to direct and prosper all their consultations to the safety, honor, and welfare of Thy people; so that all things may be ordered and settled upon the best and surest foundations that peace and happiness, truth and justice, may be established among us for all generations. In the time of prosperity, fill our hearts with thankfulness, and in the day of trouble, suffer not our trust in Thee to fail; all which we ask through Jesus Christ our Lord. Amen.

THE JOURNAL

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

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 11771. An act making appropriations for foreign assistance and related programs for the fiscal year ending June 30, 1974, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 11771) entitled "An act making appropriations for foreign assistance and related programs for the fiscal year ending June 30, 1974, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. INOUYE, Mr. PROXMIRE, Mr. MCGEE, Mr. CHILES, Mr. BROOKE, Mr. HATFIELD, and Mr. MATHIAS to be the conferees on the part of the Senate.

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

S. 2772. An act to amend title II of the Clean Air Act, as amended.

REV. L. A. PAUL ROSE

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

Mr. GUDE. Mr. Speaker, I am pleased that the opening prayer today has been delivered for us by Rev. L. A. Paul Rose, associate rector of Christ Episcopal Church in Rockville, Md.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Christ Church is a historic institution founded in 1727 while Father Rose, who is 28 and received his masters of divinity last year from the General Theological Seminary, New York, is in charge of the parish's most youthful thrust—Christian education.

Before entering the seminary, Father Rose earned a bachelors in history at American University. He has studied us, too, you might say, for with just one more course he could have graduated with a second major in political science.

CONFERENCE REPORT FILED ON S. 1559, MANPOWER DEVELOPMENT AND TRAINING ACT OF 1973

Mr. PERKINS submitted the following conference report and statement on the Senate bill (S. 1559) to provide financial assistance to enable State and local governments to assume responsibilities for job training and community services, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 93-737)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the amendment of the House to the bill (S. 1559) to provide financial assistance to enable State and local governments to assume responsibilities for job training and community services, 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 House recede from its disagreement to the amendment of the Senate to the amendment of the House to the text of the bill and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

That this Act may be cited as the "Comprehensive Employment and Training Act of 1973".

STATEMENT OF PURPOSE

SEC. 2. It is the purpose of this Act to provide job training and employment opportunities for economically disadvantaged, unemployed, and underemployed persons, and to assure that training and other services lead to maximum employment opportunities and enhance self-sufficiency by establishing a flexible and decentralized system of Federal, State, and local programs.

TRANSITIONAL PROVISIONS

SEC. 3. (a) To the extent necessary to provide for the orderly transition of supporting job training programs, and to provide continued financial assistance for such programs, prior to July 1, 1974, the Secretary is authorized to provide financial assistance in the same manner and on the same conditions as provided in the Manpower Development and Training Act of 1962, as in effect prior to June 30, 1973, title I of the Economic Opportunity Act of 1964, and the Emergency Employment Act of 1971, as in effect prior to June 30, 1973, from funds appropriated pursuant to this Act.

(b) The authority contained in this section shall not be construed to postpone or impede the prompt designation of prime sponsors and the implementation of other provisions of this Act.

(c) Notwithstanding any other provision of this Act other than the provisions of section 4(d)(1), the Secretary is authorized from appropriations available under this Act for fiscal year 1974 to provide financial assistance for the program described in section 304(a)(3) during the period June 1, 1974, through October 1, 1974, in the same manner and on the same conditions as provided pursuant to the Manpower Development and Training Act of 1962, as in effect prior to June 30, 1973, and title I of the Economic Opportunity Act of 1964, as in effect prior to repeal by this Act.

AUTHORIZATION OF APPROPRIATIONS

SEC. 4. (a) There are authorized to be appropriated such sums as may be necessary for the fiscal year ending June 30, 1974, and for each of the three succeeding fiscal years for carrying out the provisions of this Act.

(b) Notwithstanding any other provision of law, unless enacted in specific limitation of the provisions of this subsection, any funds appropriated to carry out this Act which are not obligated prior to the end of the fiscal year for which such funds were appropriated shall remain available for obligation during the succeeding fiscal year, and any funds obligated in any fiscal year may be expended during a period of two years from the date of obligation.

(c)(1) For the purpose of affording adequate notice of funding available under this Act, appropriations under this Act are authorized to be included in an appropriation Act for the fiscal year preceding the fiscal year for which they are available for obligation.

(2) In order to effect a transition to the advance funding method of timing appropriation action, the provisions of this subsection shall apply notwithstanding that its intitial application will result in the enactment in the same year (whether in the same appropriation Act or otherwise) of two separate appropriations, one for the then current fiscal year and one for the succeeding fiscal year.

(d)(1) Of the amounts appropriated to carry out ths Act, the Secretary shall reserve and make available not less than $250,000,000 in the fiscal year ending June 30, 1974, and not less than $350,000,000 in the fiscal year ending June 30, 1975, to carry out public service employment programs under title II.

(2) In addition to the amounts reserved under paragraph (1) of this subsection, there are authorized to be appropriated and made available for the fiscal years ending June 30, 1974, and June 30, 1975, such sums as may be necessary to carry out public service employment programs under title II. There are authorized to be appropriated and made available for the fiscal year ending June 30, 1976, and for the succeeding fiscal year such sums as may be necessary to carry out public service employment programs under title II.

(e) Of the amount appropriated to carry out this Act for any fiscal year, not more than 20 percent of such amount (excluding any amount in excess of $250,000,000 of the amount made available for carrying out title II) shall be available for carrying out the provisions of title III and title IV.

TITLE I—COMPREHENSIVE MANPOWER SERVICES

DESCRIPTION OF PROGRAM

Sec. 101. It is the purpose of this title to establish a program to provide comprehensive manpower services throughout the Nation. Such programs shall include the development and creation of job opportunities and the training, education, and other services needed to enable individuals to secure and retain employment at their maximum capacity. Comprehensive manpower services may include, but shall not be limited to, programs and activities designed to carry out the purpose of this title, such as—

(1) outreach to make persons aware of the availability of manpower services and persuade them to use such services,

(2) assessment of the individual's needs, interests, and potential in the labor market and referral to appropriate employment, training, or other opportunities,

(3) orientation, counseling, education, and institutional skill training to prepare the individual to enter the labor market or to qualify for more productive job opportunities,

(4) training on the job,

(5) payments or other inducements to public or private employers to expand job opportunities, but payments to employers organized for profit shall not exceed the difference between the costs of recruiting, training, and providing supportive services for low-income persons and those regularly employed,

(6) services to individuals to enable them to retain employment,

(7) payment of allowances to persons in training for which they receive no remuneration and payment of such allowances for transportation, subsistence, or other expenses incurred in participating in manpower services or employment as are necessary to enable the individual to participate therein.

(8) supportive services to enable individuals to take advantage of employment opportunities, including necessary health care and medical services, child care, residential support, assistance in securing bonds, or any other necessary assistance incident to employment, and any other service needed to participate in employment or manpower services.

(9) development of information concerning the labor market and activities, such as job restructuring, to make it more responsive to objectives of the manpower services program.

(10) manpower training, employment opportunities, and related services conducted by community-based organizations,

(11) transitional public service employment programs, and

(12) any programs authorized by part A of title III and by title IV of this Act.

PRIME SPONSORS

SEC. 102. (a) The Secretary may make financial assistance available to a prime sponsor to enable it to carry out all or a substantial part of a comprehensive manpower program. A prime sponsor shall be—

(1) a State;

(2) a unit of general local government which has a population of one hundred thousand or more persons on the basis of the most satisfactory current data available to the Secretary:

(3) any combination of units of general government which includes any unit of general local government qualifying under paragraph (2) of this subsection:

(4) any unit of general local government or any combination of such units, without regard to population, which, in exceptional circumstances, is determined by the Secretary of Labor—

(A)(i) to serve a substantial portion of a functioning labor market area, or (ii) to be a rural area having a high level of unemployment; and

(B) to have demonstrated (i) that it has the capability for adequately carrying out programs under this Act; and (ii) that there is a special need for services within the area to be served, and (iii) that it will carry out such programs and services in such area as effectively as the State; or

(5) a limited number of existing concentrated employment program grantees serving rural areas having a high level of unemployment which the Secretary determines have demonstrated special capabilities for carrying out programs in such areas and are designated by him for that purpose.

(b)(1) A State shall not qualify as a prime sponsor for any geographical area within the jurisdiction of any prime sponsor described in paragraph (2), (3), (4), or (5) of subsection (a) unless such prime sponsor has not submitted an approvable comprehensive manpower plan for such area.

(2) A unit of general local government shall not qualify as a prime sponsor with re-

spect to any area within the jurisdiction of another eligible unit of general local government unless such smaller unit has not submitted an approvable comprehensive manpower plan for such area.

(e) (1) To be eligible for prime sponsorship for any fiscal year, an otherwise eligible applicant must submit to the Secretary a notice of intent to apply for prime sponsorship by such date as the Secretary shall prescribe.

(2) The Secretary may not, prior to March 1, 1974, designate as a prime sponsor, any State or unit of general local government containing another unit of general local government meeting the requirements of subsection (a)(2) of this section unless such smaller unit has submitted to the Secretary written consent for such designation.

ALLOCATION OF FUNDS

SEC. 103. (a)(1) Eighty percent of the amount available for this title in any fiscal year shall be allotted in accordance with the provisions of this subsection.

(2) Subject to the provisions of paragraph (4)—

(A) 50 percent of the amount allotted under this subsection shall be allotted on the basis of the manpower allotment of the State in the fiscal year prior to the year for which the determination is made compared to the manpower allotment for all States in that year;

(B) 37½ percent of the amount allotted under this subsection shall be allotted on the basis of the relative number of unemployed persons within the State as compared to such numbers in all States;

(C) 12½ percent of the amount allotted under this subsection shall be allotted on the basis of the relative number of adults in families with an annual income below the low-income level within the State compared to such total numbers in all States;

(D) Not less than $2,000,000 shall be allotted among Guam, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands, in accordance with their respective needs.

(3) The sum allotted to each State shall be allotted by the Secretary among areas within the State on an equitable basis based upon the factors set forth in paragraph (2).

(4) No prime sponsor shall be allocated an amount which is in excess of 150 percent of the amount received by the area served by that prime sponsor in the fiscal year immediately preceding the fiscal year for which the determination was made except that if the amount so allocated is less than 50 percent of the amount to which such prime sponsor is entitled under paragraph (2) in the fiscal year for which a determination was made, then such allocation shall be increased to 50 percent of the amount of such entitlement.

(b) Not more than 5 percent of the amount available for this title shall be available to the Secretary to encourage, after consultation with and receiving recommendations from the Governor of the appropriate State, voluntary combinations formed under section 102(a)(3).

(c) Five percent of the funds available under title I shall be available only for grants under section 112 except that such grants shall not increase the funds available in any prime sponsor's area by more than 20 percent of the amount allocated to such prime sponsor under subsection (a).

(d) One percent of the amount allocated under subsection (a) shall be available to the Secretary to be allocated in the same manner as provided under subsection (a) to State prime sponsors for the costs incurred in carrying out the provisions of section 107 (a)(2)(B). If any State does not need the amount allocated under this subsection for any fiscal year, that amount shall be available for State services under section 106.

(e) Four percent of the amounts available for this title shall be available to each State in the same proportion as that State's allocation under subsection (a) for State services under section 106.

(f) The remainder of the funds shall be available in the Secretary's discretion. In exercising his discretion the Secretary shall first utilize such funds to provide each prime sponsor with an amount for any fiscal year equal to 90 percent of such area's manpower allotment in the preceding fiscal year. The remainder shall be distributed in the Secretary's discretion among areas served by prime sponsors (or where a prime sponsor's plan has not been approved an area served by the Secretary under his authority in section 110). In exercising his discretion the Secretary shall take into account the need for continued funding of programs of demonstrated effectiveness.

(g) Grants made to prime sponsors designated under section 102(a)(5) shall be from funds not allocated under subsection (a).

(h) As soon as practicable after funds are appropriated to carry out this Act for any fiscal year, the Secretary shall publish in the Federal Register the allotments made pursuant to this section. Allotments under this section shall be based on the latest satisfactory data and estimates available.

(i) The Secretary is authorized to make such reallocations under this title as he deems appropriate of the unobligated amount of any allotment pursuant to subsection (a) to the extent that the Secretary determines that it will not be required for the period for which such allotment is available. Allotted amounts may not be reallocated for any reason before the expiration of the ninth month of the fiscal year for which such funds were allotted and thereafter may be reallocated only if the Secretary has provided thirty days' advance notice to the prime sponsor for such area and to the Governor of the State of the proposed reallocation, during which period of time the prime sponsor and the Governor may submit comments to the Secretary. After considering any comments submitted during such period of time, the Secretary shall notify the Governor and affected prime sponsors of any decision to reallocate funds and shall publish any such decision in the Federal Register. Priority shall be given in reallocating such funds to other areas within the same State.

PRIME SPONSOR'S PLANNING COUNCILS

SEC. 104. Each prime sponsor designated under this title shall establish a planning council consisting, to the extent practical, of members who are representative of the client community and of community-based organizations, the employment service, education and training agencies and institutions, business, labor, and, where appropriate, agriculture. The prime sponsor shall appoint the members of the council, designate the chairman, and provide professional, technical, and clerical staff to serve the council. It is the function of the council to submit recommendations regarding program plans and basic goals, policies, and procedures, to monitor and provide for objective evaluations of employment and training programs conducted in the prime sponsorship area, and to provide for continuing analyses of needs for employment, training, and related services in such area. Any final decision with respect to such recommendations shall be made by the prime sponsor.

CONDITIONS FOR RECEIPT OF FINANCIAL ASSISTANCE

SEC. 105. (a) The Secretary shall not provide financial assistance for any fiscal year to a prime sponsor unless such sponsor submits a comprehensive manpower plan, in such detail as the Secretary deems necessary, which—

(1) sets forth a comprehensive manpower program which meets the objectives of this title, including (A) a description of the services to be provided, and performance goals, (B) assurance that such services will be administered by or under the supervision of the prime sponsor, (C) a description of the geographical areas to be served under the plan, and (D) assurances that to the maximum extent feasible manpower services, including the development of job opportunities, will be provided to those most in need of them, including low-income persons and persons of limited English-speaking ability, and that the need for continued funding of programs of demonstrated effectiveness is taken into account in serving such groups and persons;

(2) provides, in the case of prime sponsors who are recipients of funds under title II for the development of a public service employment program, that it is fully integrated with the services under this title in order to assure that persons employed in such a program are afforded a better opportunity to find regular employment not supported under this Act:

(3)(A) provides appropriate arrangements with community-based organizations serving the poverty community, and other special target groups for their participation in the planning of programs included in the plan; (B) provides for utilizing those services and facilities which are available, with or without reimbursement of the reasonable cost, from Federal, State, and local agencies to the extent deemed appropriate by the prime sponsor, after giving due consideration to the effectiveness of such existing services and facilities, including, but not limited to, the State employment service, State vocational education and vocational rehabilitation agencies, area skills centers, local educational agencies, postsecondary training and education institutions, and community action agencies, but nothing contained herein shall be construed to limit the utilization of services and facilities of private agencies, institutions and organizations (such as private businesses, labor organizations, private employment agencies, and private educational and vocational institutions) which can, at comparable cost, provide substantially equivalent training or services or otherwise aid in reducing more quickly unemployment or current and prospective manpower shortages; (C) provides that in making arrangements for institutional training priority shall be given (to the extent feasible) to the use of skills centers established under the authority of section 231 of the Manpower Development and Training Act of 1962; (D) provides arrangements to the extent feasible for the coordination of services for which financial assistance is provided under programs administered by the Secretary of Labor relating to manpower and manpower-related services;

(4) provides for paying the allowances and compensation provided by section 111;

(5) provides that any transitional public service employment programs meet the requirements of section 205(c) and section 208, and that persons hired to fill jobs created by such programs will be residents of the areas described under paragraph (1)(C) of this subsection;

(6) provides assurances that programs of institutional training be designed for occupations in which skill shortages exist and assurances that such programs and training on the job shall, wherever possible, result in employment which provides economic self-sufficiency;

(7) contains such other information, assurances, statements, and arrangements consistent with the provisions of this Act as the Secretary shall prescribe by regulation including provisions designed to assist the Secretary in carrying out his special responsibilities under this section and section 108.

(b) The Secretary shall not provide financial assistance for any fiscal year to a prime sponsor unless such sponsor certifies that—

(1) its plan meets all the requirements of this section; and

(2) it will comply with all provisions of this Act.

(c) The Secretary shall provide financial assistance to each prime sponsor under this title to carry out the plan submitted by each such prime sponsor upon determining that—

(1) the plan is consistent with the provisions of this title;

(2) the plan was made public prior to submission to the Secretary;

(3) the prime sponsor has demonstrated maximum efforts to implement the provisions in the prior year's plan.

SPECIAL PROVISIONS RELATING TO STATE PRIME SPONSORS

SEC. 106. (a) Any State seeking assistance under this Act shall submit a State comprehensive manpower plan to the Secretary for approval in accordance with the requirements of this section.

(b) The State comprehensive manpower plan shall in addition to meeting the requirements of section 105—

(1) provide satisfactory arrangements for serving all geographical areas under its jurisdiction except areas served by an eligible applicant who has filed a notice of intent under section 102(c), except that such plan may be amended to include areas served by an eligible applicant whose plan is finally disapproved without prejudice to the remedies available to such eligible applicant under section 109;

(2) provide for the cooperation and participation of all State agencies providing manpower and manpower-related services in the implementation of comprehensive manpower services plans by prime sponsors in accordance with the provisions of this Act;

(3) set forth an overall State plan for the development and sharing of resources and facilities needed to conduct manpower programs under its direct sponsorship without unnecessary duplication and otherwise in the most efficient and economical manner;

(4) provide for the coordination of programs financed under the Wagner-Peyser Act in accordance with such rules, regulations, and guidelines as the Secretary determines necessary for the purpose of providing coordinated and comprehensive assistance to those individuals requiring manpower and manpower-related services to achieve their full occupational potential in accordance with the policies of this Act;

(5) set forth arrangements for assisting the Secretary in carrying out his responsibilities for enforcing the requirement for Federal contractors and subcontractors to list all suitable employment openings with local offices of the State employment service and provide special emphasis, as required in section 2012(a) of title 38, United States Code;

(6) set forth arrangements, if any, which the State may desire to provide for planning areas to serve geographical regions within the State; and

(7) make adequate provision for the coordination of the manpower and related services to be provided by the State in areas to be served by prime sponsors other than the State, and that provision has been made for the establishment of mechanisms to (A) provide for the exchange of information between States and local governments on State, intrastate, and regional planning in areas such as economic development, human resource development, education, and such other areas that may be relevant to manpower planning; and (B) promote the coordination of all manpower plans in a State so as to eliminate conflict, duplication, and overlapping between manpower services.

(c) Funds available to each State under section 103(e) may be used for—

(1) the provision of services under this Act throughout the State by State agencies responsible for employment and training and related services;

(2) providing financial assistance for special programs and services designed to meet the needs of rural areas outside major labor market areas;

(3) developing and publishing information regarding economic, industrial, and labor market conditions, including but not limited to job opportunities and skill requirements, labor supply in various skills, occupational outlook and employment trends in various occupations, and economic and business development and location trends;

(4) providing, without reimbursement and upon request, to any prime sponsor serving an area within the State, such information and technical assistance as may be appropriate to assist any such prime sponsor in developing and implementing its programs under this Act; and

(5) carrying out special model training and employment programs and related services, including programs for offenders similar to programs described in section 301(c) of this Act.

(d) The State prime sponsor shall annually certify compliance with all the requirements for State prime sponsors.

STATE MANPOWER SERVICES COUNCIL

SEC. 107. (a) (1) Any State which desires to be designated as a prime sponsor and to enter into arrangements with the Secretary under this title shall establish a Manpower Services Council (hereinafter referred to as the "Council") which shall exercise the powers and duties set forth in this section.

(2) The Council established pursuant to paragraph (1) shall—

(A) be appointed by the Governor (who shall designate one member thereof to be Chairman), and shall be composed of—

(i) representatives of the units or combinations of units of general local government in such State, who shall comprise at least one-third of the membership of the Council, which have comprehensive manpower plans approved under section 108 (except that the intial appointments to the Council may consist of representatives of units or combinations of units of general local government described in clauses (2), (3), (4), and (5) of section 102(a) which have indicated an intention to submit a plan for approval under section 108), and such representatives shall be designated by the chief executive officers of the units or combinations of units of general local government which qualify for representation under this section in accordance with procedures agreed upon by such chief executive officers;

(ii) one representative each of the State board of vocational education and the public employment service of such State;

(iii) one representative of each such other State agency as the Governor may determine to have a direct interest in overall manpower training and utilization within the State;

(iv) representatives of organized labor;

(v) representatives of business and industry;

(vi) representatives of community-based organizations and of the client community to be served under this Act (including, where persons of limited English-speaking ability represent a substantial portion of the client population, appropriate representation of such persons); and

(vii) representatives of the general public.

(B) be appropriately staffed and serviced by the State prime sponsor;

(C) meet at such times and in such places as it deems necessary.

(b) The Council shall—

(1) review the plans of each prime sponsor and the plans of State agencies for the provision of services to such prime sponsors, and make recommendations to such prime sponsors and agencies for the more effective coordination of efforts to meet the overall manpower needs of the State;

(2) continuously monitor the operation of programs conducted by each prime sponsor, and the availability, responsiveness, and adequacy of State services, and make recommendations to the prime sponsors, to agencies providing manpower services, and to the Governor and the general public with respect to ways to improve the effectiveness of such programs or services in fulfilling the purposes of this Act;

(3) make an annual report to the Governor which shall be a public document, and issue such other studies, reports, or documents as it deems advisable to assist prime sponsors or to otherwise help carry out the purposes of this Act.

REVIEW OF PLANS

SEC. 108. (a) The Secretary shall not approve a comprehensive manpower plan or any amendment thereto until he determines that it meets the requirements of section 105, and in the case of a State plan section 106, and that the plan was submitted to, and an opportunity to comment thereon provided, the Governor of the State and appropriate officials in units of general local government of the area to be served.

(b) (1) The Secretary shall not finally disapprove any comprehensive manpower plan submitted under this title, or any modifications thereof, without first affording the prime sponsor submitting the plan reasonable notice and opportunity for a hearing.

(2) If the Secretary receives a formal allegation from an affected unit of general local government that a prime sponsor has changed its comprehensive manpower plan so that it no longer complies with section 105 or that in the administration of the plan there is a failure to comply substantially with any such provision, with any provision of the plan, or with any requirements of section 603 or 604, he shall, and, if he receives such an allegation from any other interested person, he may, or, if such allegation is supported by substantial evidence, he shall, after due notice and opportunity for a hearing to the prime sponsor, determine whether the allegation is true. If he determines such an allegation to be true, the Secretary shall notify the prime sponsor that no further payments will be made to the prime sponsor under the plan (or, in his discretion, that further payments will be limited to programs under or portions of the plan not affected by such failure), until he is satisfied that there will no longer be any failure to comply. Until he is so satisfied, the Secretary shall make no further payments to such sponsor under the plan (or shall limit payments to programs under the plan not affected by the failure).

(c) The Secretary shall not disapprove any plan solely because of the percentage of funds devoted to a particular program or activity authorized under section 101 of this Act.

(d) Whenever the Secretary determines, after notice and opportunity for a public hearing, that any prime sponsor designated to serve under this Act is—

(1) maintaining a pattern or practice of discrimination in violation of section 603 (1) or section 612(a) of this Act or otherwise failing to serve equitably the economically disadvantaged, unemployed, or underemployed persons in the area it serves;

(2) incurring unreasonable administrative costs in the conduct of activities and programs, as determined pursuant to regulation;

(3) failing to give due consideration to continued funding of programs of demonstrated effectiveness including those previously conducted under provisions of law repealed by section 614 of this Act; or

(4) otherwise materially failing to carry out the purposes and provisions of this Act;

the Secretary shall revoke the prime spon-

sor's plan for the area, in whole or in part, and to the extent necessary and appropriate shall not make any further payments to such prime sponsor under this Act, and he shall notify such sponsor to return to him all or part of the unexpended sums paid under this Act during that fiscal year.

JUDICIAL REVIEW

SEC. 109. (a) If any prime sponsor is dissatisfied with the Secretary's final action with respect to the approval of its comprehensive manpower plan submitted under section 105 or section 106 or with his final action under section 108, such prime sponsor may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which the prime sponsor is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary. Thereupon the Secretary shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code.

(b) The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify his previous action, and shall certify to the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

(c) The court shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

AUTHORITY OF SECRETARY TO PROVIDE SERVICES

SEC. 110. (a) In any area of a State which has not qualified as a prime sponsor and for which no other prime sponsor has qualified under paragraph (2), (3), (4), or (5) of section 102(a) or where the Secretary has taken an action under subsection (b)(2) or (d) of section 108 which results in such services not being provided in such area, the Secretary is authorized and directed out of funds allotted to such State or local area under section 103(a) to provide for continuing programs by making payments directly to public and private nonprofit agencies and organizations conducting activities which he determines are not in violation of the requirements of this section. To the extent necessary to assure the delivery of services in the areas served by any prime sponsor subject to the provisions of this section, the Secretary is authorized (if no other eligible prime sponsor is designated under section 102 of this Act to serve such area) to make grants to and enter into contracts with public and private nonprofit agencies and organizations in the same manner and to the same extent as if the Secretary were the prime sponsor for that area.

(b) The Secretary shall, prior to making any payments under this Act for any fiscal year, enter into an agreement with any prime sponsor receiving payments under this Act which contains provisions adequate to assure that the provisions of this section are carried out effectively.

ALLOWANCES

SEC. 111. (a) Basic weekly allowances for individuals receiving training or education under this title for which no wages are payable shall be at a rate prescribed by the Secretary which when added to amounts received by the trainee in the form of unemployment compensation payments shall equal the minimum wage for a work week of forty hours under section 6(a)(1) of the Fair Labor Standards Act of 1938 or, if higher, under the applicable State or local minimum wage law, and such basic allowances shall, in the case of an individual with dependents, be increased by $5 a week for each dependent over two up to a maximum of four additional dependents. The prime sponsor may waive the payment of all or part of the allowances when it determines, under regulations prescribed by the Secretary, that such waiver will promote the purposes of this Act. Trainees receiving public assistance or whose needs or income are taken into account in determining such public assistance payments to others, shall receive an incentive allowance of $30 per week. Such allowance shall be disregarded in determining the amount of public assistance payments under Federal or Federally assisted public assistance programs. In prescribing allowances, the prime sponsor shall in accordance with regulations prescribed by the Secretary, allow additional sums for special circumstances such as exceptional expenses incurred by trainees, including but not limited to meal and travel allowances, or he may reduce such allowances by an amount reflecting the fair value of meals, lodging, or other necessaries furnished to the trainee. The prime sponsor shall take such action as may be necessary to insure that such persons receive no allowances with respect to periods during which they are failing to participate in such programs, training, or instruction as prescribed herein without good cause. Notwithstanding the preceding provisions of this subsection, the prime sponsor shall, in accordance with such regulations as the Secretary shall prescribe, make such adjustments as he deems appropriate in allowances which would otherwise be payable under this title, including but not limited to adjustments which take into account the amount of time per week spent by the individual participating in such programs and adjustments to reflect the special economic circumstances which exist in the area in which the program is to be carried on. Allowances shall not be paid for any course of training having a duration in excess of one hundred and four weeks.

(b) Individuals receiving training on the job shall be compensated by the employer at such rates, including periodic increases, as may be deemed reasonable under regulations prescribed by the Secretary, considering such factors as industry, geographical region, and trainee proficiency, but in no event at a rate less than that specified in section 6(a)(1) of the Fair Labor Standards Act of 1938 or, if higher, under the applicable State or local minimum wage law.

SUPPLEMENTAL VOCATIONAL EDUCATION ASSISTANCE

SEC. 112. (a) From the funds available to him for this section, the Secretary shall make grants to Governors to provide financial assistance, through State vocational education boards, to provide needed vocational education services in areas served by prime sponsors.

(b) All of the sums available to carry out this section shall be allotted among the States in the manner provided for allotting funds under section 103(a).

(c) Funds available under this section shall be used only for providing vocational education and services to participants in programs under this title in accordance with an agreement between the State vocational education board and the prime sponsor.

TITLE II—PUBLIC EMPLOYMENT PROGRAMS

STATEMENT OF PURPOSE

SEC. 201. It is the purpose of this title to provide unemployed and underemployed persons with transitional employment in jobs providing needed public services in areas of substantial unemployment and, wherever feasible, related training and manpower services to enable such persons to move into employment or training not supported under this title.

ALLOCATION OF FUNDS

SEC. 202. (a) Eighty per centum of funds available for any fiscal year under this title shall be allocated among eligible applicants in accordance with the number of unemployed residing in areas of substantial unemployment within the jurisdiction of the applicant compared to the number of unemployed residing in all such areas.

(b) The remainder may be distributed by the Secretary in his discretion taking into account the severity of unemployment within such areas.

FINANCIAL ASSISTANCE

SEC. 203. (a) The Secretary shall enter into arrangements with eligible applicants in accordance with the provisions of this title in order to make financial assistance available in areas of substantial unemployment for the purpose of providing transitional employment for unemployed and underemployed persons in jobs providing needed public services, and training and manpower services related to such employment which are otherwise unavailable, and enabling such persons to move into employment or training not supported under this title.

(b) Not less than 90 per centum of the funds appropriated pursuant to this title which are used by an eligible applicant for public service employment programs shall be expended only for wages and employment benefits to persons employed in public service jobs pursuant to this title.

ELIGIBLE APPLICANTS

SEC. 204. (a) Financial assistance under this title may be provided by the Secretary only pursuant to applications submitted by eligible applicants which are—

(1) prime sponsors qualified under title I; or

(2) Indian tribes on Federal or State reservations and which include areas of substantial unemployment.

(b) For fiscal year 1974, eligible applicants include any entity eligible to be a prime sponsor under section 102(a).

(c) For the purpose of this title "areas of substantial unemployment" means any area of sufficient size and scope to sustain a public service employment program and which has a rate of unemployment equal to or in excess of 6.5 per centum for three consecutive months as determined by the Secretary. Determinations concerning the rate of unemployment shall be made by the Secretary at least once each fiscal year.

(d)(1) Whenever an area of substantial unemployment within the jurisdiction of an eligible applicant is also within the jurisdiction of a unit of general local government or a combination of such units having a population of 50,000 or more (but less than that necessary to qualify as a prime sponsor under title I), the eligible applicant shall delegate to such unit or units of general local government the functions of program agent with respect to the funds allocated to such eligible applicant an account of such area of substantial unemployment.

(2) For purposes of this subsection the functions of program agent include the administrative responsibility for developing, funding, overseeing, and monitoring programs within the area but such functions shall be carried on consistently with the application for financial assistance which shall be developed by the eligible applicant in cooperation with the program agent.

(3) Whenever two or more units of general local government qualify as program agents with respect to the same area of substantial unemployment the provisions of section 102(b)(2) shall be applicable.

(e) Whenever the Secretary makes any determination required by this section, he shall promptly notify the Congress and shall pub-

lish such determination in the Federal Register.

APPLICATIONS

SEC. 205(a). Financial assistance under this title may be provided by the Secretary for any fiscal year only pursuant to an application which is submitted by an eligible applicant and which is approved by the Secretary in accordance with the provisions of this title. Any such application shall set forth a public service employment program designed to provide employment, in jobs providing needed public services, for persons residing in areas of substantial unemployment who have been unemployed for at least thirty days and, where appropriate, training and manpower services related to such employment which are otherwise unavailable, and to enable such persons to move into employment or training not supported under this title.

(b) Programs assisted under this title shall, to the extent feasible, be designed with a view toward—

(1) developing new careers, or

(2) providing opportunities for career advancement, or

(3) providing opportunities for continued training, including on-the-job training, or

(4) providing transitional public service employment which will enable the individuals so employed to move into public or private employment or training not supported under this Act.

(c) An application for financial assistance for a public service employment program under this title shall include provisions setting forth—

(1) assurances that the activities and services for which assistance is sought under this title will be administered by or under the supervision of the applicant, identifying any agency or institution designated to carry out such activities or services under such supervision;

(2) a description of the area to be served by such programs, and a plan for effectively serving on an equitable basis the significant segments of the population to be served, including data indicating the number of potential eligible participants and their income and employment status;

(3) assurances that only persons residing within the areas of substantial unemployment qualifying for assistance will be hired to fill jobs created under this title, and that the public services provided by such jobs shall, to the extent feasible, be designed to benefit the residents of such areas;

(4) assurances that special consideration will be given to the filling of jobs which provide sufficient prospects for advancement or suitable continued employment by providing complementary training and manpower services designed to (A) promote the advancement of participants to employment or training opportunities suitable to the individuals involved, whether in the public or private sector of the economy, (B) provide participants with skills for which there is an anticipated high demand, or (C) provide participants with self-development skills, but nothing contained in this paragraph shall be construed to preclude persons or programs for whom the foregoing goals are not feasible or appropriate;

(5) assurances (A) that special consideration in filling transitional public service jobs will be given to unemployed persons who served in the Armed Forces in Indochina or Korea on or after August 5, 1964, in accordance with criteria established by the Secretary (and who have received other than dishonorable discharges), and a description of the specific steps to be undertaken during such fiscal year to provide such special consideration, and of the types of jobs to be made available to such veterans, with special emphasis on the development of jobs which will utilize, to the maximum extent feasible, the skills which such veterans acquired in connection with their military training and service, and (B) that the applicant shall (i) make special efforts to acquaint such veterans with the program and the public service jobs available to veterans under this Act, and (ii) coordinate efforts in behalf of such veterans with those activities authorized by chapter 41 of title 38, United States Code (relating to Job Counseling and Employment Services for Veterans), or carried out by other public or private organizations or agencies;

(6) assurances that, to the extent feasible, public service jobs shall be provided in occupational fields which are most likely to expand within the public or private sector as the unemployment rate recedes;

(7) assurances that special consideration in filling transitional public service jobs will be given to unemployed persons who are the most severely disadvantaged in terms of the length of time they have been unemployed and their prospects for finding employment without assistance under this title, but such special consideration shall not authorize the hiring of any person when any other person is on lay-off from the same or any substantially equivalent job;

(8) assurances that no funds received under this title will be used to hire any person to fill a job opening created by the action of an employer in laying off or terminating the employment of any regular employee not supported under this title in anticipation of filling the vacancy so created by hiring an employee to be supported under this title;

(9) assurances that due consideration be given to persons who have participated in manpower training programs for whom employment opportunities would not be otherwise immediately available;

(10) a description of the methods to be used to recruit, select, and orient participants, including specific eligibility criteria, and programs to prepare the participants for their job responsibilities;

(11) a description of unmet public service needs and a statement of priorities among such needs;

(12) a description of jobs to be filled, a listing of the major kinds of work to be performed and skills to be acquired and the approximate duration for which participants would be assigned to such jobs;

(13) the wages or salaries to be paid persons employed in public service jobs under this title and a comparison with the wages paid for similar public occupations by the same employer;

(14) where appropriate, the education, training, and supportive services (including counseling and health care services) which complement the work performed;

(15) the planning for and training of supervisory personnel in working with participants;

(16) a description of career opportunities and job advancement potentialities for participants;

(17) assurances that procedures established pursuant to section 207(a) will be complied with;

(18) assurances that agencies and institutions to whom financial assistance is made available under this title have undertaken, or will undertake, analyses of job descriptions and reevaluations and, where shown necessary, revisions of qualification requirements at all levels of employment, including civil service requirements and practices relating thereto, in accordance with regulations prescribed by the Secretary, with a view toward removing artificial barriers to public employment of those whom it is the purpose of this title to assist;

(19) assurances that the applicant will, where appropriate, maintain or provide linkages with upgrading and other manpower programs for the purpose of (A) providing those persons employed in public service jobs under this title who want to pursue work with the employer, in the same or similar work, with opportunities to do so and to find permanent, upwardly mobile careers in that field, and (B) providing those persons so employed, who do not wish to pursue permanent careers in such field, with opportunities to seek, prepare for, and obtain work in other fields;

(20) assurances that all persons employed under any such program, other than necessary technical, supervisory, and administrative personnel, will be selected from among unemployed and underemployed persons;

(21) assurances that the program will, to the maximum extent feasible, contribute to the elimination of artificial barriers to employment and occupational advancement, including civil service requirements which restrict employment opportunities for the disadvantaged;

(22) assurances that not more than one-third of the participants in the program will be employed in a bona fide professional capacity (as such term is used in section 13(a)(1) of the Fair Labor Standards Act of 1938), except that this paragraph shall not be applicable in the case of participants employed as classroom teachers, and the Secretary may waive this limitation in exceptional circumstances;

(23) a description of the manpower needs of local governments and of local educational agencies within the area to be served together with the comments of such governments and agencies where appropriate, and assurances that jobs will be allocated equitably to such governments and agencies taking into account the number of unemployed within their jurisdictions and the needs of the agencies;

(24) assurances that the jobs in each job category in no way infringe upon the promotional opportunities which would otherwise be available to persons currently employed in public service jobs not subsidized under this title, and assurances that no job will be filled in other than an entry level position in each job category until applicable personnel procedures and collective bargaining agreements have been complied with;

(25) assurances that jobs funded under this title are in addition to those that would be funded by the sponsor in the absence of assistance under this Act; and

(26) such other assurances, arrangements, and conditions, consistent with the provisions of this title, as the Secretary deems necessary, in accordance with such regulations as he shall prescribe.

APPROVAL OF APPLICATIONS

SEC. 206. An application, or modification or amendment thereof, for financial assistance under this title may be approved only if the Secretary determines that—

(1) the application meets the requirements set forth in this title;

(2) an opportunity has been provided to officials of the appropriate units of general local government to submit comments with respect to the application to the applicant and to the Secretary;

(3) an opportunity has been provided to the Governor of the State to submit comments with respect to the application to the applicant and to the Secretary; and

(4) where a labor organization represents employees who are engaged in similar work in the same area to that proposed in the application, an opportunity has been provided such organization to submit comments with respect to the application to the applicant and to the Secretary.

SPECIAL RESPONSIBILITIES OF THE SECRETARY

SEC. 207. (a) The Secretary shall establish procedures for periodic reviews by an appropriate agency of the status of each person employed in a public service job under this title to assure that in the event that any person employed in a public service job under

this title and the reviewing agency find that such job will not provide sufficient prospects for advancement or suitable continued employment, maximum efforts shall be made to locate employment or training opportunities providing such prospects, and such person shall be offered appropriate assistance in securing placement in the opportunity which he chooses after appropriate counseling.

(b) The Secretary shall review the implementation of the procedures established under subsection (a) of this section six months after funds are first obligated under this title and at six-month intervals thereafter.

(c) Where the Secretary determines that an Indian tribe on a Federal or State reservation is unable to submit an application to carry out a public service employment program which meets the requirements of section 205, the Secretary shall assist such tribe in preparing, submitting, and implementing a public service employment program. The provisions of section 208 shall apply to programs carried out under this subsection.

SPECIAL CONDITIONS

SEC. 208. (a) The Secretary shall not provide financial assistance for any program or activity under this title unless he determines, in accordance with such regulations as he shall prescribe, that—

(1) the program (A) will result in an increase in employment opportunities over those opportunities which would otherwise be available, (B) will not result in the displacement of currently employed workers (including partial displacement such as a reduction in the hours of non-overtime work or wages or employment benefits), (C) will not impair existing contracts for services or result in the substitution of Federal for other funds in connection with work that would otherwise be performed, and (D) will not substitute public service jobs for existing federally assisted jobs;

(2) persons employed in public service jobs under this Act shall be paid wages which shall not be lower than whichever is the highest of (A) the minimum wage which would be applicable to the employee under the Fair Labor Standards Act of 1938, if section 6(a)(1) of such title applied to the participant and if he were not exempt under section 13 thereof, (B) the State or local minimum wage for the most nearly comparable covered employment, or (C) the prevailing rates of pay for persons employed in similar public occupations by the same employer;

(3) funds under this title will not be used to pay persons employed in public service jobs under this title at a rate in excess of $10,000 per year;

(4) all persons employed in public service jobs under this title will be assured of workmen's compensation, health insurance, unemployment insurance, and other benefits at the same levels and to the same extent as other employees of the employer and to working conditions and promotional opportunities neither more nor less favorable than such other employees enjoy;

(5) the provisions of section 2(a)(3) of Public Law 89-286 (relating to health and safety conditions) shall apply to such program or activity;

(6) the program will, to the maximum extent feasible, contribute to the occupational development or upward mobility of individual participants;

(7) no funds under this title will be used for the acquisition of, or for the rental or leasing of supplies, equipment, materials, or real property; and

(8) every participant shall be advised, prior to entering upon employment, of his rights and benefits in connection with such employment.

(b) Consistent with the provisions of this title, the Secretary shall make financial assistance under this title available in such a manner that, to the extent practicable, public service employment opportunities will be available on an equitable basis in accordance with the purposes of this title among significant segments of the population of unemployed persons, giving consideration to the relative numbers of unemployed persons in each such segment.

(c) Where a labor organization represents employees who are engaged in similar work in the same area to that proposed to be performed under any program for which an application is being developed for submission under this title, such organization shall be notified and afforded a reasonable period of time prior to the submission of the application in which to make comments to the applicant and to the Secretary.

(d) The Secretary shall prescribe regulations to assure that programs under this title have adequate internal administrative controls, accounting requirements, personnel standards, evaluation procedures, and other policies as may be necessary to promote the effective use of funds.

(e) The Secretary shall not provide financial assistance for any program under this title unless he determines, in accordance with regulations which he shall prescribe, that periodic reports will be submitted to him containing data designed to enable the Secretary and the Congress to measure the relative and, where programs can be compared appropriately, comparative effectiveness of the programs authorized under this title and other federally supported manpower programs. Such data shall include information on—

(1) characteristics of participants including age, sex, race, health, education level, and previous wage and employment experience;

(2) duration in employment situations, including information on the duration of employment of program participants for at least a year following the termination of participation in federally assisted programs and comparable information on other employees or trainers of participating employers; and

(3) total dollar cost per participant, including breakdown between wages, training, and supportive services, all fringe benefits, and administrative costs.

The Secretary shall compile such information on a State, regional, and national basis, and shall include such information in the report required by section 209 of this title.

(f) The Secretary shall not provide financial assistance for any program under this title unless the grant, contract, or agreement with respect thereto specifically provides that no person with responsibilities in the operation of such program will discriminate with respect to any program participant or any applicant for participation in such program because of race, creed, color, national origin, sex, political affiliation, or beliefs.

(g) The Secretary shall not provide financial assistance for any program under this title which involves political activities; and neither the program, the funds provided therefor, nor personnel employed in the administration thereof, shall be, in any way or to any extent, engaged in the conduct of political activities in contravention of chapter 15 of title 5, United States Code.

(h) The Secretary shall not provide financial assistance for any program under this title unless he determines that participants in the program will not be employed on the construction, operation, or maintenance of so much of any facility as is used or to be used for sectarian instruction or as a place for religious worship.

SPECIAL REPORT

SEC. 209. The Secretary shall transmit to the Congress at least annually a detailed report setting forth the activities conducted under this title, including information derived from evaluations required by this title and information on the extent to which (1) participants in such activities subsequently secure and retain public or private employment or participate in training or employability development programs, (2) segments of the population of unemployed persons are provided public service opportunities in accordance with the purposes of this title.

UTILIZATION OF FUNDS

SEC. 210. Funds available under this title to an eligible applicant may, at its option, be utilized for residents of the areas of substantial unemployment designated under this title for programs authorized under title I and part A of title III of this Act.

SPECIAL PROVISION

SEC. 211. The determinations to be made under section 204(c) shall take into account the rate of unemployment for a period of three consecutive months even though all or part of such period may have occurred prior to the enactment of this Act.

TITLE III—SPECIAL FEDERAL RESPONSIBILITIES

PART A—SPECIAL TARGET GROUPS

SPECIAL MANPOWER TARGET GROUPS

SEC. 301. (a) The Secretary shall use funds available under this title to provide additional manpower services as authorized under titles I and II to segments of the population that are in particular need of such services, including youth, offenders, persons of limited English-speaking ability, older workers, and other persons which the Secretary determines have particular disadvantages in the labor market. The Secretary shall take into account the need for continued funding of programs of demonstrated effectiveness.

(b) With respect to programs for persons of limited English-speaking ability under this Act, the Secretary shall establish appropriate procedures to ensure that participants are provided with manpower training and related assistance and supportive services (where feasible, at times designed to meet the needs of individuals unable to attend during normal working hours) designed to increase the employment and training opportunities for unemployed and underemployed persons of limited English-speaking ability, including (A) the teaching of occupational skills in the primary language of such persons for occupations which do not require a high proficiency in English, and (B) developing new employment opportunities for limited English-speaking persons and opportunities for promotion within existing employment situations for such persons, including programs for the dissemination of appropriate information, and job placement, and counseling assistance, and the conduct of training and employment programs, in the primary language of such persons, as well as programs designed to increase the English-speaking ability of such persons.

(c) With respect to programs for offenders referred to in subsection (a), the Secretary shall establish appropriate procedures to insure that participants are provided with such manpower training and related assistance and support services (including basic education, drug addiction or dependency rehabilitation, health care and other services) which will enable them to secure and obtain meaningful employment. To ensure the objectives of this subsection, the Secretary may, wherever feasible, provide for appropriate arrangements with employers and labor organizations, appropriate parole, probationary and judicial authorities, and for the utilization of training equipment comparable to that currently used for the job in which training is furnished. To support such programs, the Secretary shall develop information concerning the special needs of offenders for such services, including special studies regarding the incidence of unemployment

among offenders and the means of increasing employment opportunities for offenders.

(d) The Secretary shall carry out fully and effectively his responsibilities for the assignment of assistant veterans employment representatives under section 2003 of title 38, United States Code, and his other responsibilities under chapter 41 of such title and for the listing of all suitable employment openings with local offices of the State employment service by Federal contractors and subcontractors and providing for the special emphasis as required by section 2012(a) of such title.

INDIAN MANPOWER PROGRAMS

SEC. 302. (a) The Congress finds that (1) serious unemployment and economic disadvantage exist among members of Indian and Alaskan native communities; (2) there is a compelling need for the establishment of comprehensive manpower training and employment programs for members of those communities; (3) such programs are essential to the reduction of economic disadvantage among individual members of those communities and to the advancement of economic and social development in those communities consistent with their goals and life styles.

(b) The Congress therefore declares that, because of the special relationship between the Federal Government and most of those to be served by the provisions of this section, (1) such programs can best be administered at the national level; (2) such programs shall be available to federally recognized Indian tribes, bands, and individuals and to other groups and individuals of native American descent such as, but not limited to, the Lummis in Washington, the Menominees in Wisconsin, the Klamaths in Oregon, the Oklahoma Indians, the Passamaquoddys and Penobscots in Maine, and Eskimos and Aleuts in Alaska; (3) such programs shall be administered in such a manner as to maximize the Federal commitment to support growth and development as determined by representatives of the communities and groups served by this part.

(c)(1) In carrying out his responsibilities under this section, the Secretary shall, wherever possible, utilize Indian tribes, bands or groups (including Alaska Native villages or groups as defined in the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688)) having a governing body, for the provision of manpower services under this title. When the Secretary determines that such tribe, band, or group has demonstrated the capability to effectively administer a comprehensive manpower program, he shall require such tribe, band, or group to submit to him a comprehensive plan meeting the requirements of section 105.

(2) In carrying out his responsibilities under this section the Secretary shall make arrangements with prime sponsors and organizations (meeting requirements prescribed by the Secretary) serving nonreservation Indians for programs and projects designed to meet the needs of such Indians for employment and training and related services.

(d) Whenever the Secretary determines not to utilize Indian tribes, bands, or groups for the provisions of manpower services under this section, he shall, to the maximum extent feasible, enter into arrangements for the provision of such services with public or private nonprofit agencies which meet with the approval of the tribes, bands, or groups to be served.

(e) The Secretary is directed to take appropriate action to establish administrative procedures and machinery (including personnel having particular competence in this field) for the administration of Indian manpower programs authorized under this Act.

(f) Funds available for this section shall be expended for programs and activities consistent with the purposes of this part, including but not limited to such programs and activities carried out by eligible applicants under other provisions of this Act.

(g) For the purpose of carrying out this section, the Secretary shall reserve from funds available for this title an amount equal to not less than 4 percent of the amount allocated pursuant to section 103(a)(1).

(h) No provision of this section shall abrogate in any way the trust responsibilities of the Federal Government to Indian bands or tribes.

MIGRANT AND SEASONAL FARMWORKER MANPOWER PROGRAMS

SEC. 303. (a) The Congress finds and declares that—

(1) chronic seasonal unemployment and underemployment in the agricultural industry, substantially affected by recent advances in technology and mechanization, constitute a substantial portion of the Nation's rural manpower problem and substantially affects the entire national economy;

(2) because of the special nature of certain farmworker manpower problems such programs can best be administered at the national level.

(b)(1) Funds available for this section shall be expended for programs and activities consistent with the purposes of this section, including but not limited to programs and activities carried out by eligible applicants under other provisions of this Act.

(2) For the purpose of carrying out this section, the Secretary shall reserve from funds available for this title an amount equal to not less than 5 percent of the amount allocated pursuant to section 103(a)(1).

YOUTH PROGRAMS AND OTHER SPECIAL PROGRAMS

SEC. 304. (a) The Secretary may provide financial assistance in urban and rural areas, including areas having large concentrations or proportions of low-income, unemployed persons, and rural areas having substantial outmigration to urban areas, for comprehensive work and training programs, and necessary supportive and follow-up services, including the following:

(1) programs to provide part-time employment, on-the-job training, and useful work experience for students from low-income families who are in the ninth through twelfth grades of school (or are of an age equivalent to that of students in such grades) and who are in need of the earnings to permit them to resume or maintain attendance in school;

(2) programs to provide unemployed, underemployed, or low-income persons (aged sixteen and over) with useful work and training (which must include sufficient basic education and institutional or on-the-job training) designed to assist those persons to develop their maximum occupational potential and to obtain regular competitive employment;

(3) jobs, including those in recreation and related programs, for economically disadvantaged youths during the summer months;

(4) special programs which involve work activities directed to the needs of those chronically unemployed poor who have poor employment prospects and are unable, because of age, lack of employment opportunity, or otherwise, to secure appropriate employment or training assistance under other programs, and which, in addition to other services provided, will enable such persons to participate in projects for the betterment, physical improvement, or beautification of the community or areas served by the program;

(5) special programs which provide unemployed or low-income persons with jobs leading to career opportunities, including new types of careers, in programs designed to improve the physical, social, economic, or cultural condition of the community or area served;

(6) special services, when required, for middle-aged and older men and women, including recruitment, placement, and counseling for such persons who are unemployed as a result of the closing of a plant or factory or a permanent large-scale reduction in the work force of a locality, and provide grants to or contracts with prime sponsors to assist such sponsors in securing part-time or temporary employment for middle-aged and older persons; and

(7) other manpower programs conducted by community-based organizations.

(b) To the maximum extent feasible, programs or components of programs conducted under this section shall be linked to comprehensive work and training programs conducted by prime sponsors under title I of this Act, but the Secretary may provide financial assistance to a public agency or private organization other than a prime sponsor to carry out one or more component programs described in subsection (a) when he determines, after soliciting and considering comments of the appropriate prime sponsor, if any, that such assistance would enhance program effectiveness. In the case of programs under subsection (a)(1) of this section, financial assistance may be provided directly to local or State education agencies, after consultation with the Secretary of Health, Education, and Welfare, for the operation of such programs.

CONSULTATION WITH SECRETARY OF HEALTH, EDUCATION, AND WELFARE

SEC. 306. The Secretary of Labor shall consult with the Secretary of Health, Education, and Welfare, with respect to arrangements for services of a health, education, or welfare character under this Act, and the Secretary of Health, Education, and Welfare shall solicit the advice and comments of State educational agencies with respect to education services. Such services include but are not limited to basic or general education; educational programs conducted for offenders; institutional training; health care, child care, and other supportive services; and new careers and job restructuring in the health, education, and welfare professions. When the Secretary of Labor arranges for the provision of basic education and vocational training directly pursuant to the provisions of this title, he shall obtain the approval of the Secretary of Health, Education, and Welfare for such arrangements.

PART B—RESEARCH, TRAINING, AND EVALUATION

SEC. 311. (a) To assist the Nation in expanding work opportunities and assuring access to those opportunities for all who desire it, the Secretary shall establish a comprehensive program of manpower research utilizing the methods, techniques, and knowledge of the behavioral and social sciences and such other methods, techniques, and knowledge as will aid in the solution of the Nation's manpower problems. This program will include, but not be limited to, studies, the findings of which may contribute to the formulation of manpower policy; development or improvement of manpower programs; increased knowledge about labor market processes; reduction of unemployment and its relationships to price stability; promotion of more effective manpower development, training, and utilization; improved national, regional, and local means of measuring future labor demand and supply; enhancement of job opportunities; skill training to qualify employees for positions of greater skill, responsibility, and remuneration; meeting of manpower shortages; easing of the transition from school to work, from one job to another, and from work to retirement, opportunities and services for older persons who desire to enter or reenter the labor force, and for improvements of oppor-

tunities for employment and advancement through the reduction of discrimination and disadvantage arising from poverty, ignorance, or prejudice.

(b) The Secretary shall establish a program of experimental, developmental, demonstration, and pilot projects, through grants to or contracts with public or private nonprofit organizations, or through contracts with other private organizations, for the purpose of improving techniques and demonstrating the effectiveness of specialized methods in meeting the manpower, employment, and training problems, however, nothing in this subsection shall authorize the Secretary to carry out employment programs experimenting with subsidized wages in the private sector or with wages less than those established by the Fair Labor Standards Act of 1938, as amended, for employment subject to that Act. In carrying out this subsection with respect to programs designed to provide employment and training opportunities for low-income programs under this section require institutional training, appropriate arrangements for such training shall be agreed to by the Secretary of Labor and the Secretary of Health, Education, and Welfare.

(c) The Secretary is authorized to conduct, either directly or by way of contract, grant, or other arrangement, a thorough evaluation of all programs and activities conducted pursuant to this Act to determine the effectiveness of such programs and activities in meeting the special needs of disadvantaged chronically unemployed, and low-income persons for meaningful employment opportunities and supportive services to continue or resume their education and employment and to become more responsible and productive citizens.

(d) The Secretary shall conduct such research and investigations as give promise of furthering the objectives of this Act either directly or through grants, contracts, or other arrangements.

LABOR MARKET STATISTICS AND JOB BANK

SEC. 312. (a) The Secretary shall develop a comprehensive system of labor market information on a national, State, local, or other appropriate basis, which shall be made publicly available in a timely fashion.

(b) In addition to the monthly national unemployment statistics, the Secretary shall develop reliable methods, including the use of selected sample surveys, to produce more statistically accurate data on unemployment, underemployment and labor demand by State, local, and poverty areas.

(c) The Secretary shall develop preliminary data for an annual statistical measure of labor market related economic hardship in the nation. Among the factors to be considered in developing such a measure are unemployment, labor force participation, involuntary part-time employment, and full-time employment at less than poverty wages.

(d) The Secretary shall develop methods to establish and maintain more comprehensive household budget data at different levels of living, including a level of adequacy to reflect the differences of household living costs in regions and localities, both urban and rural.

(e) The Secretary shall set aside, out of sums available to the department for any fiscal year including sums available under section 4(c) of this Act, an amount which he determines is necessary and appropriate to enable him to carry out the provisions of this section, and shall no later than sixty days after such sums are appropriated and made available notify the appropriate committees of the Congress of the amount so set aside and the basis for his determination of need and appropriateness.

(f) The Secretary shall report to the Senate Committee on Labor and Public Welfare and to the House Committee on Education and Labor the results of his efforts under subsections (a), (b), and (c) of this section by December 31, 1974.

(g) The Secretary shall establish and carry out a nationwide computerized job bank and matching program (utilizing the listing of all suitable employment openings with local offices of the State employment service by Federal contractors and subcontractors and providing for the special emphasis as required by section 2012(a) of title 38, United States Code) on a regional, State, and local basis, using electronic data processing and telecommunications systems to the maximum extent possible for the purpose of identifying sources of available persons and job vacancies, providing an expeditious means of matching the qualifications of unemployed, underemployed, and economically disadvantaged persons with employer requirements and job opportunities, and referring and placing such persons in jobs.

EVALUATION

SEC. 313. (a) The Secretary shall provide for the continuing evaluation of all programs and activities conducted pursuant to this Act, including their cost in relation to their effectiveness in achieving stated goals, their impact on communities and participants, their implication for related programs, the extent to which they meet the needs of persons of various ages, and the adequacy of the mechanism for the delivery of services. In conducting the evaluations called for by this subsection, the Secretary shall compare the effectiveness of programs conducted by prime sponsors of the same class, of different classes, and shall compare the effectiveness of programs conducted by prime sponsors with similar programs carried out by the Secretary under section 110, or under title III. He shall also arrange for obtaining the opinions of participants about the strengths and weaknesses of the programs.

(b) In order to enable the Secretary to measure the relative and, where programs can be compared appropriately, comparative effectiveness of programs authorized under this Act and part C of title IV of the Social Security Act, he shall require that periodic reports be submitted to him. Reports submitted under this subsection shall contain data which shall include information on—

(1) enrollee characteristics, including age, sex, race, health, education level, and previous wage and employment experience;

(2) duration in training and employment situations, including information on the duration of employment of program participants for at least a year following the termination of federally assisted programs and comparable information on other employees or trainees of participating employers; and

(3) total dollar cost per trainee, including breakdown between salary or stipend, training and supportive services, and administrative costs.

From the information received pursuant to this section, the Secretary shall compile the information on a State, regional, and national basis.

(c) The Secretary is authorized to carry out a special program to demonstrate the efficacy of providing certificates or vouchers to economically disadvantaged, unemployed, and underemployed persons entitling private employers who provide employment, training, and services to each person volunteering to participate in such program to payment in amounts equal to the face value of the certificate for specified periods of time during which each such person may not be fully productive.

REMOVAL OF ARTIFICIAL BARRIERS TO EMPLOYMENT AND ADVANCEMENT

SEC. 314. The Secretary, in consultation with appropriate departments and agencies of the Federal Government, shall conduct a continuing study of the extent to which artificial barriers to employment and occupation advancement, including civil service requirements and practices relating thereto, within agencies conducting programs under this Act, restrict the opportunities for employment and advancement within such agencies and shall develop and promulgate guidelines, based upon such study, setting forth recommendations for task and skill requirements for specific jobs and recommended job descriptions at all levels of employment, designed to encourage career employment and occupational advancement within such agencies.

TRAINING AND TECHNICAL ASSISTANCE

SEC. 315. The Secretary of Labor, in consultation with the Secretary of Health, Education, and Welfare, and other appropriate officials, where appropriate, shall provide directly or through grants, contracts, or other arrangements, preservice and inservice training for specialized, supportive, and supervisory or other personnel and technical assistance which is needed in connection with the programs established under this Act.

TITLE IV—JOB CORPS

STATEMENT OF PURPOSE

SEC. 401. This title establishes a Job Corps for low-income disadvantaged young men and women, sets forth standards and procedures for selecting individuals as enrollees in the Job Corps, authorizes the establishment of residential and nonresidential centers in which enrollees will participate in intensive programs of education, vocational training work experience, counseling and other activities, and prescribes various other powers, duties, and responsibilities incident to the operation and continuing development of the Job Corps. The purpose of this title is to assist young persons who need and can benefit from an unusually intensive program, operated in a group setting, to become more responsive, employable, and productive citizens; and to do so in a way that contributes, where feasible, to the development of National, State, and community resources, and to the development and dissemination of techniques for working with the disadvantaged that can be widely utilized by public and private institutions and agencies.

ESTABLISHMENT OF THE JOB CORPS

SEC. 402. There is established within the Department of Labor a "Job Corps".

INDIVIDUALS ELIGIBLE FOR THE JOB CORPS

SEC. 403. To become an enrollee in the Job Corps, a young man or woman must be a person who—

(1) is a permanent resident of the United States who has attained age fourteen but not attained age twenty-two at the time of enrollment;

(2) is a low-income individual or member of a low-income family who requires additional education, training, or intensive counseling and related assistance in order to serve and hold meaningful employment, participate successfully in regular schoolwork, qualify for other training programs suitable to his needs, or satisfy Armed Forces requirements;

(3) is currently living in an environment so characterized by cultural deprivation, a disruptive homelife, or other disorienting conditions as to substantially impair his prospects for successful participation in any other program providing needed training, education, or assistance;

(4) is determined, after careful screening as provided for in sections 404 and 405, to have the present capabilities and aspirations needed to complete and secure the full benefit of the program authorized in this title, and to be free of medical and behavioral problems so serious that he could not or would not be able to adjust to the standards of conduct and discipline or pattern of work and training which that program involves; and

(5) meets such other standards for enrollment as the Secretary may prescribe (including special standards for the enrollment on a residential basis of 14 and 15 year olds) and agrees to comply with all applicable Job Corps rules and regulations.

SCREENING AND SELECTION OF APPLICANTS—GENERAL PROVISIONS

SEC. 404. (a) The Secretary shall prescribe necessary rules for the screening and selection of applicants for enrollment in the Job Corps. To the extent practicable, rules established under this section shall be implemented through arrangements which make use of agencies and organizations such as community action agencies, public employment offices, professional groups, and labor organizations. The rules shall establish specific standards and procedures for conducting screening and selection activities; shall encourage recruitment through agencies and individuals having contact with youths over substantial periods of time and able, accordingly, to offer reliable information as to their needs and problems; and shall provide for necessary consultation with other individuals and organizations, including court, probation, parole, law enforcement, education, welfare, and medical authorities and advisers. The rules shall also provide for—

(1) the interviewing of each applicant for the purpose of—

(A) determining whether his educational and vocational needs can best be met through the Job Corps or any alternative program in his home community;

(B) obtaining from the applicant pertinent data relating to his background, needs, and interests for evaluation in determining his eligibility and potential assignment; and

(C) giving the applicant a full understanding of the Job Corps program and making clear what will be expected of him as an enrollee in the event of his acceptance; and

(2) the conduct of a careful and systematic inquiry concerning the applicant's background for the effective development and, as appropriate, clarification of information concerning his age, citizenship, school and draft status, health, employability, past behavior, family income, environment, and other matters related to a determination of his eligibility.

(b) The Secretary shall make no payments to any individual or organization solely as compensation for the service of referring the names of candidates for enrollment in the Job Corps.

(c) The Secretary shall take all necessary steps to assure that the enrollment of the Job Corps includes an appropriate number of candidates selected from rural areas, taking into account the proportion of eligible youth who reside in rural areas and the need to provide residential facilities for such youth in order to meet problems of wide geographic dispersion.

SCREENING AND SELECTION—SPECIAL LIMITATIONS

SEC. 405. (a) No individual shall be selected as an enrollee unless it is determined that there is reasonable expectation that he can participate successfully in group situations and activities with other enrollees, that he is not likely to engage in actions or behavior that would prevent other enrollees from receiving the benefit of the program or be incompatible with the maintenance of sound discipline and satisfactory relationships between any center to which he might be assigned and surrounding communities, and that he manifests a basic understanding of both the rules to which he will be subject and of the consequences of failure to observe those rules. Before selecting an individual who has a history of serious and violent behavior against persons or property, repetitive delinquent acts, narcotics addiction, or other major behavioral aberrations, the Secretary of Labor shall obtain a finding from a professionally qualified person who knows such potential enrollee's individual situation that there is reasonable expectation that his conduct will not be inimical to the goals and success of the Job Corps and that the opportunity provided by the Job Corps will help him to overcome his problem.

(b) An individual who otherwise qualifies for enrollment may be selected even though he is on probation or parole, but only if his release from the immediate supervision of the cognizant probation or parole officials is mutually satisfactory to those officials and the Secretary, does not violate applicable laws or regulations, and if the Secretary has arranged to provide all supervision of the individual and all reports to State or other authorities that may be necessary to comply with applicable probation or parole requirements.

ENROLLMENT AND ASSIGNMENT

SEC. 406. (a) No individual may be enrolled in the Job Corps for more than two years, except as the Secretary may authorize in special cases.

(b) Enrollment in the Job Corps shall not relieve any individual of obligations under the Military Selective Service Act (50 U.S.C. App. 451 et seq.).

(c) Each enrollee (other than a native and citizen of Cuba described in section 609(3) of the Economic Opportunity Act of 1964 or a permanent resident of the Trust Territory of the Pacific Islands) must take and subscribe to an oath or affirmation in the following form: "I do solemnly swear (or affirm) that I bear true faith and allegiance to the United States of America and will support and defend the Constitution and laws of the United States against all its enemies foreign and domestic." The provisions of section 1001 of title 18, United States Code, shall be applicable to this oath or affirmation.

(d) After the Secretary has determined whether an enrollee is to be assigned to a men's training center, a conservation center, or a women's training center, the enrollee shall be assigned to the center of the appropriate type in which a vacancy exists which is closest to the enrollee's home, except that the Secretary, on an individual basis, may waive this requirement when overriding considerations justify such action. Assignments to centers in areas more remote from the enrollee's home shall be carefully limited to situations in which such action is necessary in order to insure an equitable opportunity for disadvantaged youth from various sections of the country to participate in the program, to prevent undue delays in the assignment of individual enrollees, to provide an assignment which inadequately meets the educational or other needs of the enrollee or is necessary for efficiency and economy in the operation of the program.

(e) Assignments of male enrollees shall be made so that, at any one time, at least 40 per centum of those enrollees are assigned to conservation centers as described in section 407, or to other centers or projects where their work activity is primarily directed to the conservation, development, or management of public natural resources or recreational areas and is performed under the direction of personnel of agencies regularly responsible for the functions relating to such resources or areas.

JOB CORPS CENTERS

SEC. 407. (a) The Secretary may make agreements with Federal, State, or local agencies, or private organizations for the establishment and operation of Job Corps centers. Job Corps centers may be residential or nonresidential in character, or both, and shall be designed and operated so as to provide enrollees, in a well-supervised setting, with education, vocational training, work experience (either in direct program activities or through arrangements with employers), counseling, and other services appropriate to their needs. The centers shall include conservation centers, to be known as Civilian Conservation Centers, to be located primarily in rural areas and to provide, in addition to other training and assistance, programs of work experience focused upon activities to conserve, develop, or manage public natural resources or public recreational areas or to assist in developing community projects in the public interest. The centers shall also include men's and women's training centers to be located in either urban or rural areas and to provide activities which shall include training and other services appropriate for enrollees who can be expected to participate successfully in training for specific types of skilled or semiskilled employment.

(b) To the extent feasible, men's and women's training centers shall offer education and vocational training opportunities, together with supportive services, on a nonresidential basis to participants in programs described in title I of this Act. Such opportunities may be offered on a reimbursable basis or through such other arrangements as the Secretary may specify.

PROGRAM ACTIVITIES

SEC. 408. (a) Each Job Corps center shall be operated so as to provide enrollees with an intensive, well-organized and fully supervised program of education, vocational training, work experience, planned avocational and recreational activities, physical rehabilitation and development, and counseling. To the fullest extent feasible, the required program for each enrollee shall include activities designed to assist him in choosing realistic career goals, coping with problems he may encounter in his home community or in adjusting to a new community and planning and managing his daily affairs in a manner that will best contribute to a long-term upward mobility. Center programs shall include required participation in center maintenance support and related work activity as appropriate to assist enrollees in increasing their sense of contribution, responsibility and discipline.

(b) To the extent practicable, the Secretary may arrange for enrollee education and vocational training through local public or private educational agencies, vocational educational institutions, or technical institutes where such institutions or institutes can provide training comparable in cost and substantially equivalent in quality to that which he could provide through other means.

(c) Arrangements for education shall, to the extent feasible, provide opportunities for qualified enrollees to obtain the equivalent of a certificate of graduation from high school. The Secretary, with the concurrence of the Secretary of Health, Education, and Welfare, shall develop certificates to be issued to enrollees who have satisfactorily completed their services in the Job Corps and which will reflect the enrollee's level of educational attainment.

(d) The Secretary shall prescribe regulations to assure that Job Corps work-experience programs or activities do not displace presently employed workers or impair existing contracts for service and will be coordinated with other work-experience programs in the community.

ALLOWANCES AND SUPPORT

SEC. 409. (a) The Secretary may provide enrollees with such personal, travel and leave allowances and such quarters, subsistence, transportation, equipment, clothing, recreational services, and other expenses as he may deem necessary or appropriate to their needs. Personal allowances shall be established at a rate not to exceed $35 per month during the first six months of an enrollee's participation in the program and not to exceed $50 per month thereafter, except that

allowances in excess of $35 per month, but not exceeding $50 per month, may be provided from the beginning of an enrollee's participation if it is expected to be of less than six months' duration and the Secretary is authorized to pay personal allowances in excess of the rates specified herein in unusual circumstances as determined by him. Such allowances shall be graduated up to the maximum so as to encourage continued participation in the program, achievement and the best use by the enrollee of the funds so provided and shall be subject to reduction in appropriate cases as a disciplinary measure. To the degree reasonable, enrollees shall be required to meet or contribute to costs associated with their individual comfort and enjoyment from their personal allowances.

(b) The Secretary shall prescribe specific rules governing the accrual of leave by enrollees. Except in the case of emergency, he shall in no event assume transportation costs connected with leave of any enrollee who has not completed at least six months' service in the Job Corps.

(c) The Secretary may provide each former enrollee upon termination, a readjustment allowance at a rate not to exceed $50 for each month of satisfactory participation in the Job Corps. No enrollee shall be entitled to a readjustment allowance, however, unless he has remained in the program at least ninety days, except in unusual circumstances as determined by the Secretary. The Secretary may, from time to time, advance to or on behalf of an enrollee such portions of his readjustment allowance as the Secretary deems necessary to meet extraordinary financial obligations incurred by that enrollee; and he may also, pursuant to rules or regulations, reduce the amount of an enrollee's readjustment allowance as a penalty for misconduct during participation in the Job Corps. In the event of an enrollee's death during his period of service, the amount of any unpaid readjustment allowance shall be paid in accordance with the provisions of section 5582 of title 5, United States Code.

(d) Under such circumstances as the Secretary may determine, a portion of the readjustment allowance of an enrollee not exceeding $25 for each month of satisfactory service may be paid during the period of service of the enrollee directly to a spouse or child of an enrollee or to any other relative who draws substantial support from the enrollee, and any sum so paid shall be supplemented by the payment of an equal amount by the Secretary.

STANDARDS OF CONDUCT

SEC. 410. (a) Within Job Corps centers, standards of conduct and deportment shall be provided and stringently enforced. In the case of violations committed by enrollees, dismissals from the Corps or transfers to other locations shall be made in every instance where it is determined that retention in the Corps, or in the particular Job Corps center, will jeopardize the enforcement of such standards of conduct and deportment or diminish the opportunity of other enrollees.

(b) In order to promote the proper moral and disciplinary conditions in the Job Corps, the individual directors of Job Corps centers shall be given full authority to take appropriate disciplinary measures against enrollees including, but not limited to, dismissal from the Job Corps, subject to expeditious appeal procedures to higher authority, as provided under regulation established by the Secretary.

COMMUNITY PARTICIPATION

SEC. 411. The Secretary shall encourage and shall cooperate in activities designed to establish a mutually beneficial relationship between Job Corps centers and surrounding or nearby communities. These activities shall include the establishment of community advisory councils to provide a mechanism for joint discussion of common problems and for planning programs of mutual interest. Whenever possible, such advisory councils shall be formed by and coordinated under the local community action agency. Youth participation in advisory council affairs shall be encouraged and where feasible separate youth councils may be established, to be composed of representative enrollees and representative young people from the communities. The Secretary shall establish necessary rules and take necessary action to assure that each center is operated in a manner consistent with this section with a view to achieving, so far as possible, objectives which shall include—

(1) giving community officials appropriate advance notice of changes in center rules, procedures, or activities that may affect or be of interest to the community;

(2) affording the community a meaningful voice in center affairs of direct concern to it, including policies governing the issuance and terms of passes to enrollees;

(3) providing center officials with full and rapid access to relevant community groups and agencies, including law enforcement agencies and agencies which work with young people in the community;

(4) encouraging the fullest practicable participation of enrollees in programs or projects for community improvement or betterment, with adequate advance consultation with business, labor, professional, and other interested community groups and organizations;

(5) arranging recreational, athletic, or similar events in which enrollees and local residents may participate together;

(6) providing community residents with opportunities to work with enrollees directly, as part-time instructors, tutors, or advisers, either in the center or in the community;

(7) developing, where feasible, job or career opportunities for enrollees in the community; and

(8) promoting interchanges of information and techniques among, and cooperative projects involving, the center and community schools, educational institutions, and agencies serving young people.

COUNSELING AND JOB PLACEMENT

SEC. 412. (a) The Secretary shall provide for the counseling and testing of each enrollee at regular intervals to follow his progress in educational and vocational programs.

(b) The Secretary shall counsel and test each enrollee prior to his scheduled termination to determine his capabilities and shall place him in a job in the vocation for which he is trained and in which he is likely to succeed, or shall assist him in attaining further training or education. In placing enrollees in jobs, the Secretary shall utilize the United States Employment Service to the fullest extent possible.

(c) The Secretary of Labor shall make arrangements to determine the status and progress of terminees and to assure that their need for further education, training, and counseling are met.

(d) Upon termination of an enrollee's training, a copy of his pertinent records, including data derived from his counseling and testing, other than confidential information, shall be made available immediately to the Department of Labor and the Office of Economic Opportunity.

(e) The Secretary shall, to the extent feasible in accordance with section 637(b) of the Economic Opportunity Act of 1964, arrange for the readjustment allowance provided for in section 409(c) of this Act, less any sums already paid pursuant to subsection (d) of that section, to be paid to former enrollees (who have not already found employment) at the public employment service office nearest the home of any such former enrollee if he is returning to his home, or at the nearest such office to the community in which the former enrollee has indicated an intent to reside. The Secretary shall make arrangements by which public employment service officers will maintain records regarding former enrollees who are thus paid at such offices including information as to—

(1) the number of former enrollees who have declined the offices' help in finding a job;

(2) the number who were successfully placed in jobs without further education or training;

(3) the number who were found to require further training before being placed in jobs and the types of training programs in which they participated; and

(4) the number who were found to require further remedial or basic education in order to qualify for training programs, together with information as to the types of programs for which such former enrollees were found unqualified for enrollment.

If the Secretary deems it advisable to utilize the services of any other public or private organization or agency in lieu of the public employment office, he shall arrange for that organization or agency to make the payment of the readjustment allowance and maintain the same types of records regarding former enrollees as are herein specified for maintenance by public employment service offices, and shall furnish copies of such records to the Secretary. In the case of enrollees who are placed in jobs by the Secretary prior to the termination of their participation in the Job Corps, the Secretary shall maintain records providing pertinent placement and follow-up information.

EVALUATION: EXPERIMENTAL AND DEVELOPMENTAL PROJECTS

SEC. 413. (a) The Secretary shall provide for the careful and systematic evaluation of the Job Corps program, directly or by contracting for independent evaluations, with a view to measuring specific benefits, so far as practicable, and providing information needed to assess the effectiveness of program procedures, policies, and methods of operation. In particular, this evaluation shall seek to determine the costs and benefits resulting from the use of residential as opposed to nonresidential facilities, from the use of facilities combining residential and nonresidential components, from the use of centers with large as opposed to small enrollments, and from the use of different types of program sponsors, including public agencies, institutions of higher education, boards of education, and private corporations. The evaluation shall also include comparisons with proper control groups composed of persons who have not participated in the program. In carrying out such evaluations, the Secretary shall arrange for obtaining the opinions of participants about the strengths and weaknesses of the program and shall consult with other agencies and officials in order to compare the relative effectiveness of Job Corps techniques with those used in other programs, and shall endeavor to secure, through employers, schools, or other Government and private agencies specific information concerning the residence of former enrollees, their employment status, compensation, and success in adjusting to community life. The Secretary shall also secure, to the extent feasible, similar information directly from enrollees at appropriate intervals following their completion of the Job Corps program. The results of such evaluation shall be published and shall be summarized in the annual report of the Secretary.

(b) The Secretary may undertake or make grants or contracts for experimental, research, or demonstration projects directed to developing or testing ways of securing the better use of facilities, of encouraging a more rapid adjustment of enrollees to community life that will permit a reduction in the period of their enrollment, of reducing trans-

portation and support costs, or of otherwise promoting greater efficiency and effectiveness in the program authorized under this part. These projects shall include one or more projects providing youths with education, training, and other supportive services on a combined residential and nonresidential basis. The Secretary may, if he deems it advisable, undertake one or more pilot projects designed to involve youth who have a history of serious and violent behavior against persons or property, repetitive delinquent acts, narcotics addiction, or other behavorial aberrations. Projects under this subsection shall be developed after appropriate consultation with other Federal or State agencies conducting similar or related programs or projects and with the prime sponsors, in the communities where the projects will be carried out. They may be undertaken jointly with other Federal or federally assisted programs, and funds otherwise available for activities under those programs shall, with the consent of the head of any agency concerned, be available to projects under this section to the extent they include the same or substantially similar activities. The Secretary may waive any provision of this title which he finds would prevent the carrying out of elements of projects under this subsection essential to a determination of their feasibility and usefulness. He shall, in the annual report of the Secretary, report to the Congress concerning the actions taken under this section, including a full description of progress made in connection with combined residential and nonresidential projects.

(c) In order to determine whether upgraded vocational education schools could eliminate or substantially reduce the school dropout problem, and to demonstrate how communities could make maximum utilization of existing educational and training facilities, the Secretary in cooperation with the Commissioner of Education, shall enter into one or more agreements with State educational agencies to pay the cost of establishing and operating model community vocational education schools and skill centers. Such facilities shall be centrally located in an urban area having a high dropout rate, a large number of unemployed youths, and a need in the area for a combination vocational school and skill center. No such agreement shall be entered into unless it contains provisions designed to assure that—

(1) a job survey be made of the area;

(2) the training program of the school and skill center reflect the job market needs as projected by the survey;

(3) an advisory committee composed of representatives of business, labor, education, and community leaders be formed to follow the center's activities and to make periodic recommendations regarding its operation;

(4) arrangements have been worked out with schools in the area and the administrator of the skill center for maximum utilization of the center both during and after school hours; and

(5) such accounting and evaluation procedures as the Secretary and the Commissioner of Education deem necessary to carry out the purpose of this project will be provided.

ADVISORY BOARDS AND COMMITTEES

SEC. 414. The Secretary shall make use of advisory committees or boards in connection with the operation of the Job Corps, and the operation of Job Corps centers, whenever he determines that the availability of outside advice and counsel on a regular basis would be of substantial benefit in identifying and overcoming problems, in planning program or center development, or in strengthening relationships between the Job Corps and agencies, institutions, or groups engaged in related activities. Nothing in this section shall be considered as limiting the functions of the National Advisory Council, established pursuant to section 605 of Economic Opportunity Act of 1964, with respect to any matter or question involving the Job Corps; but this shall not prevent the establishment through or in cooperation with the National Advisory Council of one or more boards or committees under this section.

PARTICIPATION OF THE STATES

SEC. 415. (a) The Secretary shall take necessary action to facilitate the effective participation of States in the Job Corps program, including, but not limited to, consultation with appropriate State agencies on matters pertaining to the enforcement of applicable State laws, standards of enrollee conduct and discipline, the development of meaningful work experience and other activities for enrollees, and coordination with State-operated programs.

(b) The Secretary may enter into agreements with States to assist in the operation or administration of State-operated programs which carry out the purpose of this part. The Secretary may, pursuant to regulations, pay part or all of the operative or administrative costs of such programs.

(c) No Job Corps center or other similar facility designed to carry out the purpose of this Act shall be established within a State unless a plan setting forth such proposed establishment has been submitted to the Governor, and such plan has not been disapproved by him within 30 days of such submission.

APPLICATION OF PROVISIONS OF FEDERAL LAW

SEC. 416. (a) Except as otherwise specifically provided in the following paragraphs of this subsection, and in section 8143(a) of title 5, United States Code, enrollees in the Job Corps shall not be considered Federal employees and shall not be subject to the provisions of law relating to Federal employment including those regarding hours of work, rates of compensation, leave unemployment compensation, and Federal employee benefits:

(1) For purposes of the Internal Revenue Code of 1954 (26 U.S.C. 1 et seq.) and title II of the Social Security Act (42 U.S.C. 401 et seq.), enrollees shall be deemed employees of the United States and any service performed by an individual as an enrollee shall be deemed to be performed in the employ of the United States.

(2) For purposes of subchapter I of chapter 81 of title 5 of the United States Code (relating to compensation to Federal employees for work injuries), enrollees shall be deemed civil employees of the United States within the meaning of the term "employee" as defined in section 8101 of title 5, United States Code, and the provisions of that subchapter shall apply except as follows:

(A) The term "performance of duty" shall not include any act of an enrollee while absent from his or her assigned post of duty, except while participating an activity (including an activity while on pass or during travel to or from such post of duty) authorized by or under the direction and supervision of the Job Corps;

(B) In computing compensation benefits for disability or death, the monthly pay of an enrollee shall be deemed that received under the entrance salary for a grade GS–2 employee, and section 8113 (a) and (b) of title 5, United States Code, shall apply to enrollees; and

(C) Compensation for disability shall not begin to accrue until the day following the date on which the injured enrollee is terminated.

(3) For purposes of the Federal tort claims provisions in title 28. United States Code, enrollees shall be considered employees of the Government.

(b) Whenever the Secretary finds a claim for damage to persons or property resulting from the operation of the Job Corps to be a proper charge against the United States, and it is not cognizable under section 2672 of title 28, United States Code, he may adjust and settle it in an amount not exceeding $500.

(c) Personnel of the uniformed services who are detailed or assigned to duty in the performance of agreements made by the Secretary for the support of the Corps shall not be counted in computing strength under any law limiting the strength of such services or in computing the percentage authorized by law for any grade therein.

SPECIAL LIMITATIONS

SEC. 417. (a) The Secretary shall not use any funds made available to carry out this part for the fiscal year ending June 30, 1968, in a manner that will increase the residential capacity of Job Corps centers above forty-five thousand enrollees.

(b) The Secretary shall take necessary action to assure that on or before June 30, 1968, of the total number of Job Corps enrollees receiving training at least 25 per centum shall be women. The Secretary shall immediately take steps to achieve an enrollment ratio of 50 per centum women enrollees in training in the Job Corps consistent with (1) efficiency and economy in the operation of the program, (2) sound administrative practice, and (3) the socioeconomic, educational, and training needs of the population to be served.

(c) The Secretary shall take necessary action to assure that for any fiscal year the direct operating costs of Job Corps centers which have been in operation for more than nine months do not exceed $6,900 per enrollee.

(d) The Secretary shall take necessary action to assure that all studies, evaluations, proposals, and data produced or developed with Federal funds in the course of the operation of any conservation or training center shall become the property of the United States.

POLITICAL DISCRIMINATION AND POLITICAL ACTIVITY

SEC. 418 (a) No officer or employee of the executive branch of the Federal Government shall make any inquiry concerning the political affiliation or beliefs of any enrollee or applicant for enrollment in the Corps. All disclosures concerning such matters shall be ignored, except as to such membership in political parties or organizations as constitutes by law a disqualification for Government employment. No discrimination shall be exercised, threatened, or promised by any person in the executive branch of the Federal Government against or in favor of any enrollee in the Corps, or any applicant for enrollment in the Corps because of his political affiliation or beliefs, except as may be specifically authorized or required by law.

(b) No officer, employee, or enrollee of the Corps shall take any active part in political management or in political campaigns, except as may be provided by or pursuant to statute, and no such officer, employee, or enrollee shall use his official position or influence for the purpose of interfering with an election or affecting the result thereof. All such persons shall retain the right to vote as they may choose and to express, in their private capacities, their opinions on all political subjects and candidates. Any officer, employee, enrollee, or other Federal employee who solicits funds for political purposes from members of the Corps shall be in violation of section 602 of title 18, United States Code.

(c) Wherever the United States Civil Service Commission finds that any person has violated the provisions of this section, it shall, after giving due notice and opportunity for explanation to the officer or employee or enrollee concerned, certify the facts to the Secretary with specific instructions as to discipline or dismissal or other corrective actions.

ADMINISTRATIVE PROVISIONS

SEC. 419. (a) In carrying out the provisions of this title, the Secretary shall have

the same powers as the Director of the Office of Economic Opportunity under section 602 of the Economic Opportunity Act of 1964.

(b) The provisions of section 604 of this act shall apply to this title only to the extent that such provisions are consistent with the provisions of this title.

TITLE V—NATIONAL COMMISSION FOR MANPOWER POLICY

FINDING AND DECLARATION OF PURPOSE

SEC. 501. (a) The Congress finds and declares that the responsibility for the development, administration, and coordination of programs of training and manpower development generally is so diffused and fragmented at all levels of government that it has been impossible to develop national priorities in these fields, with the result that even good programs have proved to be far less effective than could reasonably be expected. The Congress further finds that the lack of a coherent, flexible, national manpower policy reduces our prospects of solving economic and social problems which threaten fundamental national interests and objectives.

(b) Accordingly, the purpose of this title is to establish a National Commission for Manpower Policy which will have the responsibility for examining these issues, for suggesting ways and means of dealing with them, and for advising the Secretary on national manpower issues.

COMMISSION ESTABLISHED

SEC. 502. (a) There is established a National Commission for Manpower Policy (hereinafter referred to as the "Commission") which shall consist of seventeen members selected as follows—

(1) the Secretary of Labor, the Secretary of Health, Education, and Welfare, the Secretary of Defense, the Secretary of Commerce, the Secretary of Agriculture, and the Administrator of the Veterans' Affairs; and

(2) eleven members broadly representative of labor, industry, commerce, education (including vocational and technical education), State and local elected officials involved with manpower programs, persons served by manpower programs and of the general public appointed by the President.

(b) The Commission shall meet at the call of the Chairman, who shall be selected by the President and who shall be one of the ten appointed public members, but not fewer than three times a year.

(c) The Chairman (with the concurrence of the Commission) shall appoint a Director, who shall be the chief executive officer of the Commission and shall perform such duties as are prescribed by the Chairman. The Director may appoint, with the concurrence of the Chairman and the Secretary of Labor, such clerical staff as are necessary. The Commission may utilize such staff from the Department of Labor, the Department of Health, Education, and Welfare, and such other Federal agencies as may be available to assist the Commission in carrying out its responsibilities.

(d) The Commission may accept in the name of the Department of Labor and employ or dispose of gifts or bequests, to carry out its repsonsibilities under this title.

(e) Members of the Commission who are not officers or employees of the Federal Government shall be paid compensation at a rate of up to the per diem equivalent of the rate for GS–18 when engaged in the work of the Commission, including traveltime, and shall be allowed travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons in the Government service employed intermittently and receiving compensation on a per diem, when actually employed, basis.

FUNCTIONS OF THE COMMISSION

SEC. 503. The Commission shall—

(1) identify the manpower goals and needs of the Nation and assess the extent to which employment and training, vocational education, institutional training, vocational rehabilitation, economic opportunity, and other programs under this and related Acts represent a consistent, integrated, and coordinated approach to meeting such needs and achieving such goals;

(2) conduct such studies, hearings, research, or other activities as it deems necessary to enable it to formulate appropriate recommendations;

(3) examine and evaluate the effectiveness of any federally assisted manpower development programs (including those assisted under this Act), with particular reference to the contributions of such programs to the achievement of objectives sought by the recommendations under clause (2) of this section;

(4) examine and evaluate major Federal programs which are intended to (or potentially could) contribute to achieving major objectives of existing manpower and related legislation or those set forth in the recommendations of the Commission and particularly the programs which are designed (or could be designed) to develop information and knowledge about manpower problems through research and demonstration projects or to train personnel in fields (such as occupational counseling, guidance, and placement) which are vital to the success of manpower programs; and

(5) evaluate and make recommendations to the Congress with respect to the report of the Secretary required under section 506, and continue to make studies of the impact of energy shortages upon manpower needs and include these findings and recommendations with respect thereto in the reports required by section 505.

COORDINATION STUDY

SEC. 504. The Commission shall conduct a study of the utilization and interrelation of programs of manpower training with closely associated programs such as those conducted under the Wagner-Peyser Act, the work incentives program under part C of title IV of the Social Security Act, and others of similar nature, with a view to determining how they could be better coordinated and more effectively combined to serve individuals, particularly at the State and local levels, and shall make a report of their findings and recommendations to the President and the Congress not later than January 31, 1975.

REPORTS

SEC. 505. The Commission shall make at least annually a report of its findings and recommendations to the President and the Congress, and the first such report shall be transmitted not later than September 1, 1974. The Commission may make such interim reports or recommendations to the Secretary of Labor or to the heads of other Federal departments and agencies, and in such form, as it may deem desirable.

ENERGY STUDY

SEC. 506. The Secretary shall, immediately upon enactment of this Act, make a study of the impact of energy shortages, including fuel rationing, upon manpower needs. The Secretary shall make a report of his findings and recommendations thereon to the Congress and to the Commission not later than March 31, 1974.

TITLE VI—GENERAL PROVISIONS

DEFINITIONS

SEC. 601. (a) As used in this Act, the term—

(1) "Community-based organizations" means organizations which are representative of communities or significant segments of the communities and which provide manpower services (for example, Opportunities Industrialization Centers, Jobs for Progress, Mainstream, and Community Action Agencies).

(2) "Governor" means the chief executive and State.

(3) "Health care" includes, but is not limited to, preventive and clinical medical treatment, family planning services, nutrition services, and appropriate psychiatric, psychological, and prosthetic services, to the extent any such treatment or services are necessary to enable the recipient of manpower services to obtain or retain employment.

(4) "Low-income level" means $7,000 with respect to income in 1969, and for any later year means that amount which bears the same relationship to $7,000 as the Consumer Price Index for that year bears to the Consumer Price Index for 1969, rounded to the nearest $1,000.

(5) "Manpower allotment" means sums received by a State or area under title I of this Act for any fiscal year (or, where applicable, under title II of the Manpower Development and Training Act of 1962, and part B of title I of the Economic Opportunity Act of 1964).

(6) "Offender" means any adult or juvenile who is confined in any type of correctional institution and also includes any individual or juvenile assigned to a community based facility or subject to pretrial, probationary, or parole or other stages of the judicial correctional or probationary process where manpower training and services may be beneficial, as determined by the Secretary, after consultation with judicial, correctional, probationary, or other appropriate authorities.

(7) "Public service" includes, but is not limited to, work in such fields as environmental quality, health care, education, public safety, crime prevention and control, prison rehabilitation, transportation, recreation, maintenance of parks, streets, and other public facilities, solid waste removal, pollution control, housing and neighborhood improvements, rural development, conservation, beautification, veterans outreach, and other fields of human betterment and community improvement.

(8) "Secretary" means the Secretary of Labor.

(9) "State" includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

(10) "Unit of general local government" means any city, municipality, county, town, township, parish, village or other general purpose political subdivision which has the power to levy taxes and spend funds, as well as general corporate and police powers.

(11) "Underemployed persons" means—

(A) persons who are working part-time but seeking full-time work;

(B) persons who are working full-time but receiving wages below the poverty level determined in accordance with criteria as established by the Director of the Office of Management and Budget.

(12) "Unemployed persons" means—

(A) persons who are without jobs and who want and are available for work; and

(B) except for purposes of sections 103 and 202, adults who or whose families receive supplemental security income or money payments pursuant to a State plan approved under title I, IV, X, or XVI of the Social Security Act or would, as defined in regulations to be issued by the Secretary, be eligible for such payments but for the fact that both parents are present in the home (1) who are determined by the Secretary of Labor, in consultation with the Secretary of Health, Education, and Welfare, to be available for work, and (2) who are either (i) persons without jobs, or (ii) persons working in jobs providing insufficient income to enable such persons and their families to be self-supporting without welfare assistance;

and the determination of whether persons are without jobs shall be made in accordance with the criteria used by the Bureau of Labor Statistics of the Department of Labor in defining persons as unemployed, but such criteria shall not be applied differently on account of a person's previous employment.

(13) "Wagner-Peyser Act" means "An Act to provide for the establishment of a national employment system and for cooperation with the States in the promotion of such system, and for other purposes", approved June 6, 1933 (48 Stat. 113), as amended (29 U.S.C. 49 et seq.).

(b) As used in section 208(c) of this Act, the term "area" means—

(1) where the applicant is an eligible unit of government or an Indian tribe, that geographical area over which the applicant exercises general political jurisdiction, or

(2) where the applicant is a public agency or institution which is a subdivision of any eligible unit of government, that geographical area over which such unit of government exercises general political jurisdiction.

LEGAL AUTHORITY

SEC. 602. (a) The Secretary may, in accordance with chapter 5 of title 5, United States Code, prescribe such rules, regulations, guidelines, and other published interpretations under this Act as he deems necessary. Rules, regulations, guidelines and other published interpretations or orders may include adjustments authorized by section 204 of the Intergovernmental Cooperation Act of 1968. For purposes of chapter 5 of such title any condition or guideline for receipt of financial assistance shall be deemed a rule to which section 553 applies. All such rules, regulations, guidelines, and other published interpretations or orders under this Act shall be published in the Federal Register at least thirty days prior to their effective date. Copies of all such rules, regulations, guidelines, and other published interpretations or orders shall be transmitted to the appropriate committees of the Congress at the same time and shall contain with respect to each material provision of such rules, regulations, guidelines, and other published interpretations or orders, citations to the particular substantive section of law which is the basis therefor.

(b) The Secretary may make such grants, contracts, or agreements, establish such procedures (subject to such policies, rules, and regulations as he may prescribe), and make such payments, in installments and in advance or by way of reimbursement, or otherwise allocate or expend funds made available under this Act, as he may deem necessary to carry out the provisions of this Act, including (without regard to the provisions of section 4774(d) of title 10, United States Code) expenditures for construction, repairs, and capital improvements, and including necessary adjustments in payments on account of overpayments or underpayments. The Secretary may also withhold funds otherwise payable under this Act, but only in order to recover any amounts expended in the current or immediately prior fiscal year in violation of any provisions of this Act or any term or condition of assistance under this Act.

CONDITIONS APPLICABLE TO ALL PROGRAMS

SEC. 603. The Secretary shall not provide financial assistance for any program under this Act unless—

(1) the grant, contract, or agreement with respect thereto specifically provides that no person with responsibilities in the operation of such program will discriminate with respect to any program participant or any applicant for participation in such program because of race, creed, color, national origin, sex, political affiliation, or beliefs:

(2) such program does not involve political activities;

(3) participants in the program will not be employed on the construction, operation, or maintenance of so much of any facility as is used or to be used for sectarian instruction or as a place for religious worship;

(4) conditions of employment or training will be appropriate and reasonable in the light of such factors as the type of work, geographical region, and proficiency of the participant;

(5) appropriate standards for the health, safety, and other conditions applicable to the performance of work and training on any project are established and will be maintained;

(6) appropriate workmen's compensation protection will be provided to all participants;

(7) the program will not result in the displacement of employed workers or impair existing contracts for services or result in the substitution of Federal for other funds in connection with work that would otherwise be performed;

(8) persons shall not be referred for training in an occupation which requires less than two weeks of preemployment training unless there are immediate employment opportunities available in that occupation;

(9) training and related services under any such program are designed, to the maximum extent practicable, consistent with every individual's fullest capabilities, to lead to employment opportunities enabling participants to become economically self-sufficient;

(10) no person shall be referred for training authorized under paragraph (3) or (4) of section 101 unless the Secretary or the prime sponsor, as appropriate, shall have determined that there is a reasonable expectation of employment for such person in the occupation for which he is being trained;

(11) funds will be used to supplement, to the extent practicable, the level of funds that would otherwise be made available from non-Federal sources for the purpose of planning and administration of programs within the scope of this Act and not to supplant such other funds;

(12) the applicant will make such reports, in such form and containing such information as the Secretary may from time to time require, and will keep such records and afford such access thereto as the Secretary may find necessary to assure that funds are being expended in accordance with the provisions of this Act;

(13) the program will, to the maximum extent feasible, contribute to the occupational development or upward mobility of individual participants;

(14) the program has adequate internal administrative controls, accounting requirements, personnel standards, evaluation procedures, availability of inservice training and technical assistance programs, and other policies as may be necessary to promote the effective use of funds; and

(15) the program makes appropriate provision for the manpower needs of youths in the area to be served.

SPECIAL LIMITATION

SEC. 604. (a) No authority conferred by this Act shall be used to enter into arrangements for, or otherwise establish, any training programs in the lower wage industries in jobs where prior skill or training is typically not a prerequisite to hiring and where labor turnover is high, or to assist in relocating establishments from one area to another. Such limitations on relocation shall not prohibit assistance to a business entity in the establishment of a new branch, affiliate, or subsidiary of such entity if the Secretary of Labor finds that assistance will not result in an increase in unemployment in the area of original location or in any other area where such entity conducts business operations, unless he has reason to believe that such branch, affiliate, or subsidiary is being established with the intention of closing down the operations of the existing business entity in the area of its original location or in any other area where it conducts such operations.

(b) Acceptance of family planning services provided to trainees shall be voluntary on the part of the individual to whom such services are offered and shall not be a prerequisite to eligibility for or receipt of any benefit under the program.

(c) No non-governmental individual, institution, or organization shall evaluate any program under this Act if that individual or such institution or organization is associated with that program as a consultant, technical adviser, or in any similar capacity.

REPORTS

SEC. 605. (a) The Secretary shall make such reports and recommendations to the President as he deems appropriate pertaining to employment and occupational requirements, resources, use, and training, and his recommendations for the succeeding fiscal year, and the President shall transmit to the Congress within sixty days after the beginning of each regular session a report pertaining to manpower requirements, resources, utilization, and training.

(b) The Secretary and the Secretary of Health, Education, and Welfare shall report to the Congress on the extent to which community colleges, area vocational and technical schools and other vocational educational agencies and institutions, and vocational rehabilitation agencies are being utilized to carry out training programs supported in whole or in part from provisions of this and related Acts, the extent to which administrative steps have been taken and are being taken to encourage the use of such facilities and institutions and agencies in the carrying out of the provisions of this Act and any further legislation that may be required to assure effective coordination and utilization of such facilities and agencies to the end that all federally supported employment and training, vocational education, and vocational rehabilitation programs can more effectively accomplish their objectives of providing employment and training opportunities to all persons needing occupational training.

(c) The Secretary shall transmit to the Congress at the earliest appropriate date, but not later than March 1, of each calendar year a report setting forth a description of summer programs providing jobs for economically disadvantaged youth to begin in June of such year, including the number of opportunities in public and private agencies or organizations that will be provided under section 304(a)(3) of this Act or in the case of the summer of 1974 under section 3(c), and a statement as to the total number of such persons who would be eligible for such programs, together with his recommendations, if any, for supplemental appropriations for such programs.

(d) The Secretary, through the Bureau of Labor Statistics, shall annually compile and maintain information on the incidents of unemployment among offenders and shall publish the results of the information obtained pursuant to this subsection in the report required under subsection (a) of this section.

(e) The Chairman of the United States Civil Service Commission, in consultation with the Secretary, shall report to the President and to the Congress no later than six months after the effective date of this Act on the extent to which and manner in which employment opportunities for offenders may be increased in the Federal service, with special reference to the criteria used in determining the suitability of offenders for Federal employment, including such recommendations for additional legislation as they deem advisable.

(f) Each prime sponsor shall prepare for the Secretary, and make available, to the

public, a report on its activities under the Act, including a detailed comparison of program performance with approved plan.

LABOR STANDARDS

SEC. 606. All laborers and mechanics employed by contractors or subcontractors in any construction, alternation, or repair, including painting and decorating of projects, buildings, and works which are federally assisted under this Act, shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a-5). The Secretary shall have, with respect to such labor standards, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267) and section 2 of the Act of June 1, 1934, as amended (48 Stat. 948, as amended; 40 U.S.C. 276(c)).

ACCEPTANCE OF GIFTS

SEC. 607. The Secretary is authorized, in carrying out his functions and responsibilities under this Act, to accept in the name of the Department, and employ or dispose of in furtherance of the purposes of this Act, or any title thereof, an unconditional gift of any money or property, real, personal, or mixed, tangible or intangible, received by gift, devise, bequest, or otherwise; and to accept voluntary and uncompensated services, notwithstanding the provisions of section 3679(b) of the Revised Statutes of the United States.

UTILIZATION OF SERVICES AND FACILITIES

SEC. 608. (a) In addition to such other authority as he may have, the Secretary is authorized, in the performance of his functions under this Act, and to the extent permitted by law, to utilize the services and facilities of departments, agencies, and establishments of the United States. The Secretary is also authorized to accept and utilize the services and facilities of the agencies of any State or political subdivision of a State, with their consent.

(b) The Secretary shall carry out his responsibilities under this Act through the utilization, to the extent appropriate, of all resources for skill development available in industry, labor, public and private educational and training institutions, vocational, rehabilitation agencies, and other State, Federal, and local agencies, and other appropriate public and private organizations and facilities, with their consent.

INTERSTATE AGREEMENTS

SEC. 609. In the event that compliance with provisions of this Act would be enhanced by cooperative agreements between States, the consent of Congress is hereby given to such States to enter into such compacts and agreements to facilitate such compliance, subject to the approval of the Secretary.

PROHIBITION AGAINST POLITICAL ACTIVITIES

SEC. 610. The Secretary shall not provide financial assistance for any program under this Act which involves political activities; and neither the program, the funds provided therefor, nor personnel employed in the administration thereof, shall be, in any way or to any extent engaged in the conduct of political activities in contravention of chapter 15 of title 5, United States Code.

CRIMINAL PROVISIONS

SEC. 611. (a) Chapter 31 of title 18, United States Code, is amended by adding a new section 665 to read as follows:

"THEFT OR EMBEZZLEMENT FROM MANPOWEE FUNDS; IMPROPER INDUCEMENT

"SEC. 665. (a) Whoever, being an officer director, agent, or employee of, or connected in any capacity with, any agency receiving financial assistance under the Comprehensive Employment and Training Act of 1973 embezzles, willfully misapplies, steals, or obtains by fraud any of the moneys, funds, assets, or property which are the subject of a grant or contract of assistance pursuant to this Act shall be fined not more than $10,000 or imprisoned for not more than two years, or both; but if the amount so embezzled, misapplied, stolen, or obtained by fraud does not exceed $100, he shall be fined not more than $1,000 or imprisoned not more than one year, or both.

"(b) Whoever, by threat of procuring dismissal of any person from employment or of refusal to employ or refusal to renew a contract of employment in connection with a grant or contract of assistance under the Comprehensive Employment and Training Act of 1973, induces any person to give up any money or thing of any value to any person (including such grantee agency) shall be fined not more than $1,000, or imprisoned not more than one year, or both."

(b) The analysis of chapter 31 is amended by adding at the end thereof the following new item:

"665. Theft or embezzlement from manpower funds; improper inducement."

NONDISCRIMINATION

SEC. 612. (a) No person in the United States shall on the ground of race, color, national origin, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with funds made available under this Act.

(b) Whenever the Secretary determines that a prime sponsor or eligible applicant has failed to comply with subsection (a) or an applicable regulation, he shall notify the prime sponsor or eligible applicant of the noncompliance and shall request the prime sponsor or eligible applicant to secure compliance. If within a reasonable period of time, not to exceed sixty days, the prime sponsor or eligible applicant fails or refuses to secure compliance, the Secretary, in addition to exercising the powers and functions provided for the termination of financial assistance under this Act, is authorized (1) to refer the matter to the Attorney General with a recommendation that an appropriate civil action be instituted: (2) to exercise the powers and functions provided by title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d); or (3) to take such other action as may be provided by law.

(c) When a matter is referred to the Attorney General pursuant to subsection (b), or whenever he has reason to believe that a prime sponsor or eligible applicant is engaged in a pattern or practice in violation of the provisions of this section, the Attorney General may bring a civil action in any appropriate United States district court for such relief as may be appropriate, including injunctive relief.

(d) The Secretary shall enforce the provisions of subsection (a) dealing with discrimination on the basis of sex in accordance with section 602 of the Civil Rights Act of 1964. Section 603 of such Act shall apply with respect to any action taken by the Secretary to enforce such provisions of such subsection. This section shall not be construed as affecting any other legal remedy that a person may have if that person is excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in connection with any program or activity receiving assistance under this act.

RECORDS, AUDITS, AND REPORTS

SEC. 613. In order to assure that funds provided under this Act are used in accordance with its provisions, each recipient shall—

(1) use such fiscal, audit, and accounting procedures as may be necessary to assure (A) proper accounting for payments received by it, and (B) proper disbursement of such payments;

(2) provide to the Secretary and the Comptroller General of the United States access to, and the right to examine, any books, documents, papers, or records as he requires; and

(3) make such reports to the Secretary or the Comptroller General of the United States as he requires.

REPEALER

SEC. 614. Effective with respect to fiscal years after June 30, 1974, the Manpower Development and Training Act of 1962 and parts A, B, and E of title I of the Economic Opportunity Act of 1964 are repealed. Unexpended appropriations for carrying out such Acts may be made available to carry out this Act, as directed by the President.

EFFECTIVE DATE

SEC. 615. This Act shall take effect on the date of its enactement.

And the Senate agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the title of the bill, and agree to the same.

CARL D. PERKINS,
DOMINICK V. DANIELS,
JOHN H. DENT,
JAMES G. O'HARA,
LLOYD MEEDS,
PHILLIP BURTON,
JOSEPH M. GAYDOS,
ELLA P. GRASSO,
HERMAN BADILLO,
ALBERT H. QUIE,
MARVIN L. ESCH,
WILLIAM A. STEIGER,
PETER A. PEYSER,
RONALD A. SARASIN,
EDWIN B. FORSYTHE,
Managers on the Part of the House.

GAYLORD NELSON,
JENNINGS RANDOLPH,
EDWARD M. KENNEDY,
WALTER F. MONDALE,
ALAN CRANSTON,
HAROLD E. HUGHES,
WILLIAM D. HATHAWAY,
PETER H. DOMINICK,
JACOB K. JAVITS,
RICHARD S. SCHWEIKER,
BOB TAFT,
J. GLENN BEALL,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the 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 amendments of the House to the bill (S. 1559), to assure opportunities for employment and training to unemployed and underemployed persons, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The amendment of the Senate struck out all of the House amendment to the text of the Senate, and inserted a new text. This joint statement explains the action recommended by the committee of conference, except for minor or technical matters.

Transitional provisions

The Senate amendment authorizes the Secretary to provide financial assistance under the terms of existing law until July 1, 1974. This authority shall not be used to postpone the designation of prime sponsors and the Secretary is required to continue to provide financial assistance to national programs of demonstrated effectiveness. The House amendment has no comparable provisions. The conference compromise authorizes the Secretary to provide financial assist-

ance under the terms of existing law repealed by this act until July 1, 1974, and makes special provisions for continuation of the summer youth job program for the summer of 1974.

The conferees are concerned with the critical unemployment problems of the Nation's youth and recognize a special Federal responsibility for alleviating youth unemployment as has been demonstrated in the special summer programs for youth, as well as other manpower programs.

The conferees expect that the Secretary will continue to give due attention to the special problems of youth under the authority contained in section 304 of the Act.

To enable early planning for the summer youth job program for the coming summer, section 3(c) of the conference agreement contains a special transition provision authorizing the Secretary to provide jobs to economically disadvantaged youth during the period June 1, 1974, through October 1, 1974, from appropriations under the Act for fiscal year 1974, notwithstanding any other provision of the Act, in the same manner and on the same conditions as provided under previous authority.

The conferees intend that the "such sums" authorization under section 4(a), together with section 3(c) may be utilized to provide appropriations, by supplemental or otherwise, for fiscal year 1974 to maintain the basic level or meet additional needs for jobs but not recreational activities for youth during the summer of 1974.

The House and Senate reports have recommended an aggregate of $1.55 billion for manpower training programs for fiscal year 1974 (exclusive of public service employment), the amount appropriated by the Congress for those purposes for fiscal year 1973, which total included $237,443,000 was obligated for the summer youth job program.

The conferees intend that funds available under title I are not to be viewed as a substitute for funds appropriated for the summer youth jobs program under the provisions cited, and that the manner in which prime sponsors may utilize their title II funds will not relieve the Secretary of his special responsibility under the provisions cited above to provide for a summer youth job program for the summer of 1974.

Appropriations authorized

The Senate amendment authorizes appropriations for a fiscal year to be included in the Appropriations Act of the prior fiscal year. The House amendment provides that funds appropriated in one fiscal year shall remain available for obligation in the succeeding fiscal year. The conference agreement includes both provisions.

The House amendment provides that the Secretary shall reserve and make available for public employment programs $250,000,000 in fiscal year 1974 and $500,000,000 for fiscal year 1975. The Senate recedes with an amendment setting aside not less than $350,000,000 for fiscal year 1975, and providing an open-ended authorization for public employment programs on top of the set-asides for fiscal years 1974 and 1975.

The House amendment provides that no more than 20 percent of the funds appropriated shall be available to the Secretary to carry out his special responsibilities. The Senate amendment provides that no more than 25 percent of the funds available for manpower programs shall be available for the Secretary to carry out his special responsibilities. The Senate recedes.

TITLE I—COMPREHENSIVE MANPOWER SERVICES

Description of program

Both the Senate amendment and the House amendment describe eligible activities under the Act. The provision of the House amendment describe in general terms the kinds of programs and services contemplated under this title. The Senate bill, in addition to such general description, also includes specific references, by name, to individual manpower programs such as Mainstream, New Careers, OIC, Neighborhood Youth Corps, Opportunities Industrialization Centers, Jobs for Progress (SER) and Job Opportunities in the Business Sector (JOBS).

The Senate receded with an amendment adding to the description of programs and activities a new section including programs conducted by "community based organizations", which are defined to mean organizations which are representative of communities or some significant portions thereof (for example, Opportunities Industrialization Centers, Jobs for Progress (SER), "Mainstream" and community action agencies).

Prime sponsors

The House amendment provides that any unit of general local government which has a population of 100,000 or more persons is eligible to be a prime sponsor. The Senate amendment provides that cities of 100,000 or more persons and counties of 150,000 or more persons are eligible to become prime sponsors. On this difference the Senate recedes. In addition, the House amendment provides that, notwithstanding any population requirement, the largest unit of general local government in any State is eligible to become a prime sponsor. This provision is not retained in the conference report.

The Senate amendment provides that any consortium of adjoining units of general local government, which includes either a city of 100,000 or more persons or a county of 150,000 or more persons is an eligible prime sponsor. The House amendment provides that any combination of such units which contains any unit of general local government of 100,000 or more persons is an eligible prime sponsor. The Senate recedes with an amendment requiring such combination of units to have reasonable proximity to each other.

The Senate amendment provides that any unit or combination of units of general local government, without regard to population, may become a prime sponsor if the Secretary determines that such unit or units (1) serve a substantial portion of a labor market or a rural area of high unemployment, and (2) have demonstrated competence, a special need for services and effectiveness comparable or superior to that of the State in which they are located. The House amendment provides that any unit or combination of units of general local government without regard to population, may qualify only if they serve rural areas having substantial outmigration and high unemployment. The House recedes with an amendment limiting the provision to exceptional circumstances.

The House amendment provides that a limited number of existing CEP grantees serving rural areas may be eligible prime sponsors if the Secretary designates them for that purpose. There is no comparable Senate provision. The Senate recedes.

The House amendment provides that one unit of local government may not qualify as prime sponsor for another unit of local government within its geographical jurisdiction unless such other unit has failed to submit a plan to the Secretary. The Senate amendment permits the Secretary to choose from among the competing plans of units of local government proposing to serve a common geographical area within their jurisdiction. The Senate recedes.

The House amendment requires the Secretary to establish a date each year for the submission of a notice of intention to apply for prime sponsorship. The Senate amendment contains no comparable provision. The Senate recedes.

The House amendment provides that the Secretary may not designate any prime sponsor prior to March 1, 1974, which includes in its sponsorship plan another unit of local government meeting the consortium requirements of this section without the written consent of such unit. The Senate amendment contains no comparable provision. The Senate recedes.

Allocation of funds

The Senate bill provides that 75% of the manpower funds under the bill shall be apportioned among the States according to (1) the number of unemployed persons and (2) of adults who or whose families have an annual income below the BLS lower living standard budget and shall be apportioned within the State among areas served by prime sponsors and program agents on the same basis. The remaining funds shall be apportioned within the State's prime sponsorship area among local planning areas on an equitable basis taking into account the same factors.

The House amendment provides that 80% of the funds available for title I shall be allocated among the States in accordance with (1) the number of unemployed and (2) the manpower allotment of the State in the prior fiscal year. Funds are to be allocated within the State on an equitable basis taking into account the same factors.

The Senate bill provides that if appropriations for fiscal year 1974 through fiscal year 1976 are not sufficient to provide to each State and local area an amount equal to that received in fiscal year 1972 the Secretary shall reapportion the funds so that no State or local area receives a smaller proportion of the funds appropriated than it received in fiscal year 1972. The House amendment has no similar hold-harmless provision.

The conferees agreed on a formula which is a compromise of the approaches in the Senate and House amendment. Under the agreement 80 percent of the funds for title I are distributed in accordance with the following formula: 50 percent of the funds will be allocated in accordance with the prior year's allotment of manpower funds; 37½ percent will be allocated on the basis of the number of unemployed and 12½ percent will be allocated on the basis of the number of adults in low-income families. Low-income families are defined as families with an income of below $7,000 in 1969, adjusted upwards in accordance with increases in the consumer price index, rounded to the nearest thousand.

No State or local prime sponsor under the agreement shall receive less than 90 percent of its previous year's allotment, more than 150 percent of the amount of its allotment in the prior fiscal year, or less than 50 percent of the amount to which it is entitled under the allocation formula whichever is greater. The funds that are saved by the application of the maximum are to be reallocated to those areas which, under the formula, suffer a loss of more than 10 percent of the prior year's allotment. If additional funds are needed to reach the 90 percent hold harmless level, they shall be taken from the Secretary's discretionary funds under title I.

The allocation formula is applied to allocating the funds among the States and is also used as the basis for allocating funds among prime sponsors within the State. The conferees expect the Secretary to periodically update the data upon which allotments are based. In alloting funds within States it is expected that he will make every effort to maintain the relationships in the formula as nearly as he can based upon the most satisfactory current data available to him.

The Senate amendment provides no less than $1.5 million shall be apportioned to any State and no less than $150,000 shall be apportioned to the Virgin Islands, Guam, American Samoa, and the Trust Territory of

the Pacific Islands. The House amendment provides that at least $2,000,000 shall be allocated among Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Virgin Islands according to their respective needs. The Senate recedes.

The Senate amendment provides that 15 percent of the funds apportioned to areas served by prime sponsors and program agents within a State shall be available to the State to provide services to individuals in such areas, including financial incentives for consortia arrangements. The House amendment provides that no more than 1 percent of the funds allocated among the States shall be available to pay the costs of the State manpower services council. The House amendment also provides that no more than 5 percent of the title I funds are available to the Secretary to encourage consortia agreements and 5 percent are available only to State boards of vocational education. The remainder of the funds are available in the Secretary's discretion.

The conference compromise provides that up to 5 percent of the title I funds are available to the Secretary to encourage consortia agreements, 5 percent are available to Governors to provide programs of vocational education through State boards of vocational education, and 4 percent are available to Governors to carry out their responsibilities under section 106. The remainder of the funds are available in the Secretary's discretion except that he must first use such funds to insure that no area suffers a cut of more than 10 percent in its previous year's manpower allotment. In exercising his discretion he must give consideration to the need for continued funding of programs of demonstrated effectiveness. The conference agreement also provides that 1 percent of the funds allocated to the States goes directly to Governor for costs of statewide councils. The conferees wish to make it clear that Governors may submit recommendations about consortia on their own initiative.

The Senate amendment provides that the Secretary shall publish the apportionments in the Federal Register and authorizes the Secretary to make reallocations of obligated amounts when he determines that it will not be required. The House amendment has no comparable provisions. The House recedes.

Price sponsor's planning councils

The Senate amendment provides for the establishment by each prime sponsor of an employment and training council which will recommend programs for inclusion in the program statement, suggest appropriate goals, policies and procedures to the prime sponsor, and will be responsible for annual and ongoing evaluation of employment and training programs as well as monitoring programs to insure that they are structured to maximize employment opportunities for those who participate in them. Each council will be broadly representative of the various elements in the community having an interest in man-power programs such as business, organized labor, social service agencies, community-based organizations, educational institutions and agencies, community action agencies, the public employment service, and many others. Each council would have a staff which would be funded out of the amounts made available to the prime sponsor under this Act. The House amendment contains no comparable provision. The conferees agreed that prime sponsors would be required to establish advisory planning councils.

Conditions for receipt of financial assistance

Both the Senate amendment and the House amendments requires as a conditions precedent to the receipt of financial assistance for any year that the prime sponsor submit a plan or statement to the Secretary which includes a description of the services intended to be provided and performance goals, the geographical areas to be served, assurances that the program will be supervised by the prime sponsor, assurances that community based groups serving the poverty community are involved in the planning of programs and that existing facilities, organizations and institutions which provide manpower services are utilized to the extent feasible. The Senate amendment requires that funds be equitably spent to provide programs for all significant groups in need of them: The House amendment provides that manpower services be provided to those most in need of them. In addition, the Senate amendment requires the establishment of program goals, a description of employment and training needs and that priority be given to programs where public and private employers make employment commitments to prospective participants. The House amendment also requires that prime sponsors receiving funds under title II, as well as this title, integrate their title II programs with activities financed under title I. The conference compromise adopts the provisions of the House amendment, as well as the provisions of the Senate amendment on establishing goals and a provision requiring, wherever possible, that training lead to employment providing economic self-sufficiency.

The House amendment requires the prime sponsor to utilize services and facilities available from other state and federal agencies to the extent deemed appropriate by the prime sponsor. The Senate amendment requires such use to the extent feasible. The Senate recedes.

Both the Senate amendment and the House amendment apply the standards and safeguards developed in the Emergency Employment Act of 1971 to public service employment programs operated under this act. The Senate amendment references the Emergency Employment Act of 1971 itself. The House amendment references specific provisions of title II of H.R. 11010 which are carried over from the Emergency Employment Act of 1971. The Senate recedes.

Special provisions relating to State prime sponsors

The House amendment contains additional requirements that a State must meet in order to be designated as a prime sponsor. It must provide services in all areas not served by a local sponsor, provide for participation of State agencies in providing manpower services, develop a plan, coordinate programs financed under the Wagner-Peyser Act with activities under this act, and promote the coordination of all manpower programs in the State. The Senate recedes.

The Senate amendment provides for multi-county planning areas covering the entire State. The representative area planning council prepares the program statement for areas not covered by a prime sponsor and comments on the programs' statements of any prime sponsor within their area. The planning areas and councils are to be coordinated with other State planning agencies. The State must also designate any unit of general local government with a population of 75,000 or more as a program agent.

The Senate recedes with an amendment adding additional responsibilities contained in the Senate amendment for State prime sponsors as follows:

Authority for the provision of services throughout the State by State agencies responsible for employment and training and related services under this Act. The conferees intend that this authority will be used only for additional programs conducted under the authority of this Act;

Requirement for developing and publishing data on economic and labor market conditions;

Provision of information and technical assistance to local prime sponsors;

Carrying out model training programs, including programs for offenders;

Authority, but not the requirement, to establish, planning areas covering all of the State.

State manpower services council

The House amendment provides for a representative State Manpower Services Council to review prime sponsor plans, the plans of State agencies for provision of services, and to make recommendations for more effective coordination of manpower programs. The Council also monitors the operation of programs and makes recommendations on their improvement. The Senate amendment did not include this provision. It is retained in the conference agreement.

Review of plans

The House amendment specifies that the Secretary shall not approve a plan until he determines that it meets the statutory requirements and that an opportunity to comment has been given to specified officials.

The Senate amendment provides that the plan or program statement cannot be disapproved until certain procedures have been complied with and an opportunity for comment has been given to the officials specified in the House amendment and to area planning councils.

Both bills require notice for opportunity for hearing before final disapproval of a plan. The Senate amendment also requires an opportunity for the prime sponsor to submit corrective amendments.

The conference agreement retains the House language and adds the provisions of the Senate amendment requiring the Secretary to revoke a prime sponsor's plan if he determines the sponsor has failed to meet specified requirements of the Act.

Both bills provide for the termination of financial assistance (in whole or in part) to prime sponsors after an opportunity for a hearing. The grounds for termination in the Senate amendment are maintaining a pattern of discrimination, failing to serve equitably the significant segments of the population, incurring unreasonable administrative costs, failing to give due consideration to funding programs of demonstrated effectiveness, failing to assure that training has reasonable prospects of leading to employment, or otherwise failing to carry out the purposes of the Act. The House amendment provides that financial assistance shall be terminated if a prime sponsor changes its plan so that it no longer meets the statutory requirements or if it fails to comply with its plan or the statutory requirements.

In addition, the House amendment specifies that any affected unit of general local government is entitled to a hearing on an allegation of noncompliance and any other interested person may petition for such a hearing to be held at the Secretary's discretion.

The conference retains the structure and procedure of the House amendment and adds additional grounds for termination taken from the Senate amendment.

Judicial review

The House amendment provides for judicial review of the Secretary's final action under section 108 (review of plans). If an eligible prime sponsor is dissatisfied with such action he may petition the U.S. court of appeals for the circuit in which he is located for a review of that action. The Senate amendment contains no comparable provision. The Senate recedes.

Authority of Secretary to provide services

Both the Senate amendment and the House amendment contain provisions authorizing the Secretary to provide directly the services authorized under this Act to any area not being served by an approved prime sponsor. The differences in the two provisions are minor and of a technical nature. The House recedes.

Allowances

The Senate amendment has a single standard for determining allowances to all persons receiving services. The House amendment contains separate standards for persons receiving institutional training and those being trained on the job. The Senate amendment provides that the Secretary shall determine when the payment of allowances is appropriate, the House amendment permits the prime sponsor to waive payment of allowances under regulations of the Secretary. The Senate recedes.

The Senate amendment provides that any person receiving services under title I shall be considered a Federal employee for purposes of the Federal Employees Compensation Act. The Secretary is given regulatory authority to limit this application and to provide for adjustments for compensation payments received under other laws. The Senate recedes.

Supplemental vocational education assistance

The House amendment provides for grants to State boards of vocational education to provide vocational education and services in areas served by local prime sponsors under agreements between such boards and sponsors. The Senate amendment contains no comparable provision. The Conference agreement provides for grants to governors to provide financial assistance, through State vocational education boards, for vocational education services for all areas of the State, not just those served by local prime sponsors.

TITLE II—PUBLIC EMPLOYMENT PROGRAMS

Statement of purpose

The conference agreement on this section reflects decisions incorporated in later provisions of the report.

Allocation of funds

The House amendment provides that 80 percent of the funds available under title II shall be allocated in accordance with the number of unemployed residing in the area of substantial unemployment compared to the number of unemployed residing in all such areas. The remainder is to be distributed by the Secretary in his discretion taking into account the severity of unemployment in the area. The Senate amendment has no comparable provision. The Senate recedes.

Financial assistance

The Senate amendment makes both unemployed and underemployed persons eligible under the title. The House amendment limits eligibility to the unemployed. The House recedes, but the conferees recognize that priority in employment is to be given to the long-term unemployed so that opportunities for employment for the underemployed may be limited.

The Senate amendment provides that at least 85 percent of the funds appropriated be used for wages and employment benefits. The House amendment has a 90 percent minimum. The Senate recedes.

Eligible applicants

The Senate amendment includes as eligible applicants any unit of Federal, State, or general local government, any public agency which is a subdivision of such government, and Indian tribal organizations. The House amendment includes prime sponsors under title I, units of general local government with a population of 50,000 or more, combinations of units of general local government with an aggregate population of 50,000 or more and Indian tribes on Federal or State reservations. The conference agreement incorporates the provision of both amendments that prime sponsors are eligible applicants and provides that units and combinations of units of general local government with populations of 50,000 or more (but not eligible to be prime sponsors under title I) qualify as program agents who will administer the funds but not as eligible applicants.

The Senate amendment defines an area of substantial unemployment as one having an unemployment rate of 6 percent or more. The House amendment requires a rate of 7 percent or more. The conference report adopts a rate of 6½ percent.

Applications

The House amendment requires that a person be unemployed for at least 30 days to qualify under the program. The Senate amendment limits eligibility to those who have been unemployed for 15 weeks and to those who are unemployed or underemployed and from economically disadvantaged backgrounds but these requirements may be waived in the case of persons unemployed as a result of certain closings of or cutbacks in Defense Department facilities. The Senate recedes with the understanding that a person who has been unemployed for at least 30 days means a person who has been without work for 30 days or longer for reasons other than strike or lockout at his usual place of employment, and (i) has made specific efforts to find a job within the past 4 weeks, (ii) is not waiting to be called back to a job from which he has been laid off, or (iii) is not expecting to report to a new job other than a job funded under the Act, within the next 30 days.

The Senate amendment retains the provisions of the Emergency Employment Act requiring that programs be, to the extent feasible, designed with a view to upward mobility and continued training. The House recedes.

The House amendment requires that persons hired reside in the area of substantial unemployment and that the service provided be for the benefit of the residents of such areas. The Senate amendment has no comparable provision. The Senate recedes.

The Senate amendment requires a plan which includes a commitment that by the end of fiscal year 1974, 50 percent of the jobs supported under the act be filled by disabled or Vietnam era veterans. The House amendment requires that special consideration in filling public service employment jobs be given to unemployed veterans (discharged under conditions other than dishonorable) who have served in Indochina or Korea. The Senate recedes with an amendment. Special consideration is to be given to veterans who have served in Indochina or Korea on or after August 5, 1964 other than those who have been dishonorably discharged and the applicant must describe the specific steps he will undertake to provide such special consideration.

The House amendment requires special consideration for those who have been unemployed the longest and have the least prospect of finding regular employment, but such special consideration does not authorize the hiring of any person for a job from which another person is on lay-off. The Senate amendment prohibits the hiring of any person to fill a job vacant because of a layoff. The conferees adopted both provisions with the understanding that the language in the Senate bill is not intended to preclude the re-hiring of persons who have been laid off for bona fide reasons nor is it intended to prevent the filling of jobs vacated because of bona fide layoffs. The intention of this provision is to prevent so-called "paper layoffs".

The Senate amendment requires recipients of funds to examine job qualification requirements with a view to eliminating artifical barriers to employment. The House amendment has no similar provision. The conference report retains this provision of the Senate amendment.

The Senate amendment requires that due consideration be given to the employment of welfare recipients. The House amendment has no comparable provision. The Senate recedes, but in the understanding that welfare recipients are eligible for consideration for employment, and may be eligible for special consideration under paragraph 7 of section 205.

The House amendment requires a description of the manpower needs of local education agencies and of local governments in the area to be served and due consideration to allocating jobs to such agencies and governments; assurances that there will be no infringement of the promotional opportunities of existing employees and that jobs funded under the Act will be additional to those that would otherwise be funded. The Senate amendment contained no comparable provision. The Senate recedes.

The Senate amendment requires 10 percent State or local matching unless waived by the Secretary. The House amendment does not require matching. The Senate recedes.

The House amendment included language to assure that jobs provided persons under the public service employment program do not infringe on the promotional opportunities of those currently employed and that no job would be filled in other than an entry level position until applicable personnel procedures and collective bargaining agreements have been complied with. The Senate amendment contained no comparable provision. The conferees agreed to the House language with a modification to make clear that "entry level position" refers to entry levels in "each job category" not in the entire civil service job structure. The conferees intend that the provisions of this paragraph (Sec. 205(c)(24)) are to be read together with those provisions prohibiting discrimination (Sec. 208(f)) and those requiring efforts to overcome artificial barriers to the public employment of the disadvantaged (Sec. 205(c)(18) and 205(c)(24).

Special responsibilities of the Secretary

The Senate amendment provides for a review by the Secretary of the procedures established to review the promotional prospects of persons hired under the title. The House receded.

The Senate amendment also provides for a set-aside of up to 1 percent of the funds under this title for technical assistance. The House amendment has no comparable provisions. The Senate recedes, in recognition of the fact that technical assistance is available under section 311.

Special responsibilities of the Secretary

The House amendment provides that the Secretary shall assist an Indian tribe to prepare and implement a public service employment program where it is not able to do so. There was no comparable Senate provision. The Senate recedes.

Special conditions

The Senate amendment provides that funds under the Act will not be used to pay persons in jobs at a rate in excess of $12,000 per year. The House amendment has a $10,000 limit. The Senate recedes.

The House amendment, unlike the Senate amendment, specifies that a labor organization's opportunity for comment shall be given prior to the submission of the application. The conference report retains this provision.

Utilization of funds

The House amendment provides an eligible applicant may at its option use the funds received under this title for programs authorized under titles I and III–A. The Senate amendment has no comparable provision. The Senate recedes.

Special provision

The Senate amendment provides that the 3 consecutive months of unemployment can include months occurring before the date of enactment. The House recedes.

TITLE III—SPECIAL FEDERAL RESPONSIBILITIES

Special manpower target groups

Both amendments give the Secretary special responsibility for programs to serve those most in need of them. Both amendments in-

clude among these persons of limited English speaking ability and older workers. The Senate amendment also includes middle-aged workers and low-income persons who do not live in low-income areas; the House amendment specifies youth, persons in correctional institutions and other persons determined by the Secretary to have particular disadvantages in the labor market.

The House amendment provides that the Secretary shall take into account the need for funding programs of demonstrated effectiveness. The Senate amendment has no comparable provision applicable to the Secretary's responsibilities; it provides that he shall assure the continuation of the efforts of private sector efforts (including those of the National Alliance of Businessmen) to provide job opportunities for the disadvantaged and the continuation of opportunities industrialization centers, jobs for progress and similar programs, and provide support for offender programs.

The Senate receded with an amendment substituting "offenders" for "persons in correctional institutions" describing elements of programs for persons of limited English speaking ability, adding a new subsection describing programs for "offenders" and authorizing the Secretary under section 304(a)(7) to provide financial assistance to programs conducted by community-based organizations. The conferees intend the phrase "other persons which the Secretary determines have particular disdvantages in the labor market" to include middle-aged and low-income workers.

The Senate amendment includes as a special responsibility of the Secretary the effective implementation of the veteran's employment representatives and certain other special employment emphasis provisions of title 38, U.S.C. and giving special consideration to job training programs for persons affected by the closing of a Government facility. The House amendment contains no comparable provisions. The House recedes, but the conferees expect the Secretary to use funds available under other statutes in carrying out his responsibilities under title 38. U.S.C.

Indian manpower programs

The House amendment contains detailed provisions relating to the establishment, conduct, and administration of Indian manpower programs. The Senate amendment contains no comparable provision. The Senate recedes with an amendment requiring the Secretary to establish programs for nonreservation Indians.

Both amendments provide for a fund reservation for Indian manpower programs, based on the ratio that the total number of Indians and Alaskan Natives bear to the total number of poor. The House amendment applies the ratio to funds available under titles I and III of the amendment. The Senate amendment applies the ratio to all manpower funds under the Act. The conference compromise reserves from funds available for title III not less than an amount equal to 4 percent of the funds available under section 103(a).

Migrant and seasonal farmworker programs

Both amendments reserve funds for migrant and seasonal farmworker programs. The Senate amendment's reservation is determined by the ratio that the number of persons in migrant and seasonal farmworker families bear to the number of poor; the House amendment is limited to the number of persons in migrant farmworker families and it contains a maximum of 5 percent. Both amendments make the reservation applicable to all manpower funds under the amendments. The House amendment includes additional detailed provisions covering migrant and seasonal farmworkers.

The conference compromise reserves from funds available under title III not less than an amount equal to 5 percent of the funds available under section 103(a).

Youth programs and other special programs

The House amendment authorizes the Secretary to provide for work and training programs in certain urban and rural areas. The authority contained in this section has been used in the past to provide financial assistance for such programs as NYC, Mainstream and New Careers and summer youth job programs. These programs shall, to the maximum extent feasible, be linked to the programs funded under title I. The Senate amendment has no comparable provision. The Senate recedes, accepting the concise language of the House amendment, but with the understanding that such action does not prejudice the eligibility of activities specified in the Senate amendment and carried out under existing law.

The Senate amendment provides for special services to middle-aged and older workers who are unemployed as a result of a plant closing. The House amendment has no comparable provision. The House recedes with an amendment that the services would be provided when required and be delivered through prime sponsors.

Consultation with Secretary of Health, Education, and Welfare

The Senate amendment requires the Secretary of Labor to obtain the concurrence of the Secretary of HEW before he issues regulations with respect to assistance for services of a health, education or welfare character. The House amendment requires the Secretary of Labor to consult with the Secretary of HEW (who shall solicit the comments of State agencies) with respect to arrangements for basic education and vocational training. Where the Secretary arranges for such education or training directly, he must obtain the approval of the Secretary of HEW.

The Senate amendment provides for agreements with the Attorney General with regard to offender programs to assure coordination with programs under the Omnibus Crime Control and Safe Streets Act or the Juvenile Delinquency Prevention and Control Act and with the Director of Action for the use of volunteers in such programs. The House amendment has no comparable provision. The Senate recedes in light of the agreement in section 301(c).

Both amendments provide for a broad program of research, experimental, demonstration and pilot programs. The House amendment prohibits experimentation with subsidized wages in the private sector and with subminimum wages, and requires the concurrence of the Secretary of HEW for the arrangements for any institutional training in connection with this program. The Senate recedes.

The Senate amendment makes specific provision for demonstration programs to test the efficacy of providing vouchers to disadvantaged persons. The House amendment contains no comparable provision. The House receded with an amendment to assure that the voucher program is permissive rather than mandatory.

Labor market statistics and job bank

Both amendments require the Secretary to develop a labor market informations system, generally in accordance with the requirements of existing law. In addition, the Senate amendment requires the Secretary to gather by survey and regularly publish data on unemployment, underemployment and job vacancies by State, labor market area, rural areas and poverty neighborhoods. The conferees agreed to combine language from both the House and Senate amendments concerning labor market statistics and information.

Both amendments provide for computerized job bank programs. The Senate amendment specifies that mandatory listings by government contractors be utilized. The House amendment is somewhat greater in detail and specifies that information be made available to meet the needs of private and public users. The House recedes.

Evaluation

Both amendments require evaluations by the Secretary and provide for the development of identical data concerning program effectiveness. The House amendment specifies in greater detail the comparative effectiveness studies that are required and also requires a comparison of the effectiveness of programs authorized under this Act with those conducted under Title IV–C of the Social Security Act.

The Senate amendment makes the submission of program data a requirement for financial assistance under the Act; the House amendment makes the collection of the data a duty of the Secretary. The conference agreement consolidates the provisions of both versions.

Removal of artificial barriers to employment and advancement

The House amendment provides for a continuing study by the Secretary of the extent to which artificial barriers to employment within agencies conducting programs under the Act restrict employment and advancement opportunities. The Senate amendment has no comparable provision. The Senate recedes.

Training and technical assistance

Both amendments provides for technical assistance; the House amendment also provides for training programs in consultation with the Secretary of HEW. The Senate recedes.

Community services for the economically disadvantaged

The Senate amendment provides for grants to prime sponsors for community services programs for the disadvantaged. The House amendment has no comparable provision. The Senate recedes.

In light of the decision above, provisions of the Senate amendment reserving funds for community services programs are dropped.

TITLE IV—JOB CORPS

Transfer of Job Corps

The Senate amendment provides for the Secretary to carry out a Job Corps program carried out in accordance with the requirements of Title I–A of the Economic Opportunity Act. The House amendment incorporates the text of title I–A into the Manpower Act and also makes certain powers contained in title VI of the EOA and currently available to the Secretary of Labor by delegation from the Director of OEO applicable to his administration of the Job Corps. The Senate receded to the House provision which became title IV of the conference report.

TITLE V—NATIONAL COMMISSION FOR MANPOWER POLICY

The Senate amendment provides for a National Employment Opportunities Council appointed by the President and consisting of representatives of interested segments of the population of between 13 and 17 members serving staggered 3-year terms. The council is to identify the employment goals and needs of the Nation, assess the interrelationship and the extent to which manpower and approach to meeting these needs, review the administration of manpower and manpower related programs, conduct evaluations and make recommendations for improvement.

The House amendment provides for a 16-member Commission for Manpower Policy consisting of 5 designated cabinet officials and the Administrator of the VA and 10 members representative of interested organizations. The Commission is to make such studies and evaluations as it deems appropriate and conduct a study of the interrela-

tionship of manpower programs with those conducted under the Wagner-Peyser Act, Title IV–C of the Social Security Act and similar programs. The Commission is to submit a report to the President no later than January 31, 1975.

Senate recedes with amendments providing for client representation on the Commission, and clarifying the functions of the Commission.

The conferees note that there are proposals pending before the Congress to establish separate "full employment" boards or other mechanisms specifically designed to implement the policy of the Employment Act of 1946.

The conferees anticipate that the National Commission for Manpower Policy, although not itself specifically designed for that purpose, will in fulfilling its own charge serve as a forum for discussion of such proposals in the executive branch.

Energy study

The House amendment provides for the Secretary to make a study of the impact of the energy shortage on manpower needs. He shall make a preliminary report to the Congress and to the Commission by March 1974, and a final report within a year afterwards. The Senate amendment contains no comparable provision. The Senate recedes.

TITLE VI—GENERAL PROVISIONS

Definitions

The House amendment specifies that health care is limited to care necessary to obtain or retain employment. The Senate amendment has no similar limitation. Other definitions relate to the different substantive provisions of the Senate bill and House amendment. In general the provisions of the House amendment are retained, and the Senate deviations applicable to the conference agreement are retained.

Legal authority

The Senate amendment requires that all rules, regulations, and guidelines carry citation of authority and be published, and copies transmitted to the appropriate committees of Congress, thirty days before their effective date. The House amendment makes such rules, regulations, and guidelines subject to the Administrative Procedure Act.

The Conference compromise retains the language of the House amendment and adds the provisions of the Senate amendment requiring citation of a particular substantive section of statutory law for each material provision of such rules, regulations, and guidelines. The compromise further requires the Secretary to submit such regulations to the Congress at the same time that he publishes them in the Federal Register, which shall be thirty days prior to their becoming effective. The conferees expect that the Secretary shall not fail to meet the requirement for publication prior to 30 days before becoming effective without first notifying the committees of competent jurisdiction in the Congress and appearing before them, if requested to do so, to explain the need for such a waiver.

The Senate amendment gives the Secretary certain special powers concerning the rental or the purchase of property. The House amendment limits these special powers to the administration of the Job Corps Program. The Senate amendment also authorizes the expenditure of funds for printing without regard to other provisions of the law. The House amendment has no comparable provision. The Senate recedes.

Conditions applicable to all programs

The special conditions applicable to all manpower programs are identical except that the Senate amendment requires that training and related services be designed to the maximum extent practicable to lead to employment opportunities for which wages will be paid at a rate no less than the higher of the Federal or State minimum wage law. The House amendment requires a determination of reasonable expectation of employment before an individual undergoes institutional training. The House amendment has requirements relating to maximizing upward mobility, internal administrative controls and provision of services for youth.

The Conference Report adopts the requirements of both amendments with an amendment that training and related services shall, to the maximum extent feasible, lead to employment opportunities enabling participants to become economically self sufficient.

The Senate amendment provides that the Secretary shall establish procedures to insure that programs for offenders provide manpower and supportive services that enable them to secure and retain suitable employment. The House amendment has no comparable provision. The Senate recedes, in light of provisions included in section 301(c).

The Senate amendment requires the Secretary to establish procedures to insure that programs for persons of limited English speaking ability provide such training and supportive services as will increase employment and training opportunities for them. These procedures shall also provide that programs for such people emphasize occupations that do not require proficiency in English, emphasize technical English vocabulary necessary for specific occupations, train bilingual instructors and otherwise establish, maintain and operate programs to increase employment and advancement opportunities for persons of limited English speaking ability. The House amendment provides that in carrying out his special responsibilities the Secretary shall establish procedures to insure that programs for such persons will increase their employment and training opportunities. The Senate receded in light of the agreement in section 301(b).

The House amendment provides for the disregard of certain veterans' benefits in determining needs or qualifications of participants in programs under this Act. The Senate amendment has no similar provision. The House receded.

The House amendment provides that the acceptance of family planning services shall be voluntary. The Senate amendment achieves a similar result by defining health care to include only voluntary family planning services. The Senate recedes.

Reports

The Senate amendment provides that the Secretary shall make reports and recommendations to the President and continue the provisions of existing law requiring an Annual Manpower Report of the President. The House amendment provides for a report by the Secretary concerning his activities under the Act. The Senate amendment provides for additional reports by the Secretary on summer work experience and by the Secretary of Labor and HEW on the extent to which various educational and rehabilitation agencies are being utilized. The House amendment has no comparable provision.

The Senate amendment provides for a report from the Chairman of the CSC concerning employment opportunities for offenders in the Federal service. The House amendment has no comparable provision.

The House amendment also provides for annual reports by each prime sponsor. The Senate amendment provision regarding publication of program statements achieves the same result. The conference report adopts the provisions of the Senate amendment, with an amendment to include the House requirement that each prime sponsor make an annual report.

Repealer

The House amendment repeals the MDTA and Titles 1–B and 1–E of the EOA. The Senate amendment contains no repeal provision. The authorization for Title II of the MDTA expired last June 30. The Senate recedes.

Criminal provisions

The House amendment provides criminal penalties for certain misuse of funds and for improper inducement in connection with a grant or contract under this Act. There is no comparable provision in the Senate amendment. The Senate recedes.

Nondiscrimination

The House amendment provides remedies for discriminatory conduct in addition to the provisions for enforcing compliance with all the provisions of the Act. The Senate amendment has no such additional remedies for discrimination. The Senate recedes.

Records, audits, and reports

The House amendment contains standards for grantees concerning fiscal, audit and accounting procedures and provides for access to their records by the Secretary and the Comptroller General. The Senate amendment contains no comparable provision. The Senate recedes.

Amendment to title

The Senate recedes from its disagreement to the title contained in the House amendment.

Mr. CARL D. PERKINS,
Mr. DOMINICK V. DANIELS,
Mr. JOHN H. DENT,
Mr. JAMES G. O'HARA,
Mr. LLOYD MEEDS,
Mr. PHILLIP BURTON,
Mr. JOSEPH M. GAYDOS,
Mrs. ELLA GRASSO,
Mr. HERMAN BADILLO,
Mr. ALBERT H. QUIE,
Mr. MARVIN ESCH,
Mr. WILLIAM A. STEIGER,
Mr. PETER A. PEYSER,
Mr. RONALD A. SARASIN,
Mr. EDWIN B. FORSYTHE,
Managers on the Part of the House.

Mr. GAYLORD NELSON,
Mr. JENNINGS RANDOLPH,
Mr. EDWARD M. KENNEDY,
Mr. WALTER F. MONDALE,
Mr. ALAN CRANSTON,
Mr. HAROLD E. HUGHES,
Mr. W. D. HATHAWAY,
Mr. JACOB K. JAVITS,
Mr. PETER H. DOMINICK,
Mr. RICHARD S. SCHWEIKER,
Mr. BOB TAFT,
Mr. GLENN J. BEALL,
Managers on the Part of the Senate.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 11575, DEPARTMENT OF DEFENSE APPROPRIATIONS, FISCAL YEAR 1974

Mr. SIKES. Mr. Speaker, I ask unanimous consent that the managers on the part of the House may have until midnight tonight to file a conference report on (H.R. 11575) making appropriations for the Department of Defense for the fiscal year ending June 30, 1974, and for other purposes.

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

There was no objection.

SPECIAL ORDER TO DISCUSS IMPEACHMENT PROCEEDINGS

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

Mr. McCLORY. Mr. Speaker, I take this time merely to announce that at the conclusion of legislative business today I am taking a special order of 60 minutes in which I propose to discuss the subject of the pending impeachment inquiry before our House Judiciary Committee. I will undertake to point out at that time my views, and I am sure some of my Republican colleagues on the House Judiciary Committee also will be participating in this discussion. Some of the Republican leadership will join in this special order with the idea of establishing the procedures under which the inquiry is to be conducted and to try to set up a timetable for the completion of this work. Also, I will discuss the need for reposing basic responsibility in a select committee or subcommittee of the House Committee on the Judiciary to carry out this historic and unprecedented activity.

Mr. Speaker, I invite all of those Members who wish to participate in this discussion to be present here at the conclusion of our legislative business today.

COMMEMORATIVE DAYS—NATIONAL VOLUNTEER FIREMAN'S DAY

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

Mr. DU PONT. Mr. Speaker, early Saturday morning the gentleman from West Virginia (Mr. HECHLER) and I engaged in a disagreement over a unanimous-consent request. I had no disagreement with the gentleman's amendment, and had informed him beforehand that I would object to his request.

I used this opportunity to emphasize the fact that Mr. HECHLER has refused to allow any bills authorizing commemorative days to come to the floor on the Consent Calendar. I am the prime sponsor of one such bill, House Joint Resolution 609 which has 85 cosponsors. It authorizes January 17 to be proclaimed National Volunteer Fireman's Day. Twenty-five other similar bills are bottled up by Mr. HECHLER's actions. I understand his feelings on the merit of some of the bills and respect his position, even though I disagree with it.

Objecting to the request of a colleague to explain an amendment he is offering is not something I like to do, and the gentlemen from West Virginia was most gracious in his understanding of my objection. But, I felt I had no other means of dramatizing the impasse we have reached in regard to these bills.

I would hope that Members would urge Mr. HECKLER to end his one-man blockade so that these 26 bills may receive consideration by the House.

WILDCATS FROM MIDLOTHIAN, ILL.

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

Mr. DERWINSKI. Mr. Speaker, I am very pleased to bring to the attention of the Members the fact that the Wildcats, a community football team of Midlothian, Ill., were winners of the Mid-Atlantic Bowl Game played Saturday, December 8, at Morgan State University in Baltimore. They defeated the Turner Vikings of Baltimore, 6 to 0, in the game which was played for the benefit of the U.S. Marine Corps Toys for Tots program.

The Wildcats, who are champions of the Southwest Suburban League in Cook County, Ill., finished with an overall record of 15–0. During their outstanding season, no more than three touchdowns were scored against the Wildcats, and they rolled up very impressive margins in most of their games.

These young men range in age from 10 to 12 years old, and the maximum weight of a player is 90 pounds. Their coach, Hack Wayne, and his assistants are all volunteers, and the team is energetically supported by the parents in the community. Midlothian is a village southwest of Chicago with a population of about 17,000.

These young men are a great credit to their community, and I am very pleased to have such an outstanding group of young athletes in the district I represent.

MASSACRE OF INNOCENT VICTIMS

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

Mr. BINGHAM. Mr. Speaker, yesterday's massacre of at least 30 innocent people by Arab terrorists has stunned the world. These outrageous, inhuman, criminal acts cannot be tolerated. Immediate action must be taken in every available forum, not only to condemn these acts, but more importantly to seek international action to bring the terrorists to justice and to prevent such tragedies in the future.

The Arab States and the official Palestinian organizations have joined in condemning these actions, but they have yet to show their willingness to do anything to bring them to an end. In fact, the Egyptian newspaper Al Ahram audaciously suggests that the murders and hijacking might be an Israeli effort to sabotage the Geneva Middle East peace conference scheduled to start on December 21. I hope this kind of twisted logic will not be typical of the Arab response to this ugly, despicable murdering of innocent civilians, but that instead of Arab States and Palestinian organizations will finally give their support to international efforts to choke off terrorist activity.

The U.N. has yet to meet its responsibilities and commitments in this area with anything more than rhetoric. I understand that various African and Arab nations have consistently sabotaged U.S. initiatives seeking to develop such concerted international action. When Arab terrorism has been discussed in the U.N. General Assembly in the past 2 years, the Afro-Arab bloc has blocked any action to seek specific measures to combat terrorism in favor of exploring the general causes of terrorism or how diplomats can be protected from it.

After this latest barbaric series of murders and destruction, even these states surely cannot continue to delay and oppose U.N. efforts to combat terrorism. The time has long since passed when this kind of criminal activity can be ignored, pending solutions to Arab-Israeli disputes, or by justifying terrorism against innocent people as a legitimate tool of national liberation organizations. A continued stall in the U.N. only encourages more brutal, inhuman terrorist activity.

I am today urging Secretary of State Henry Kissinger to direct the U.S. Ambassador to the United Nations to put the question of combating Arab terrorism before the U.N. General Assembly at the earliest possible time, even if this should require a special session early in 1975. Immediate U.N. action would give the world hope for an end to these senseless acts of violence and the chance to judge for themselves which nations live up to their commitments and responsibilities to seek peaceful solutions to international problems.

FEELING OF ALIENATION BY AMERICAN CITIZENS

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

Mr. HANNA. Mr. Speaker, at no time since I have been in the House of Representatives have I noted in the population as a whole such an adverse feeling toward the Government. It would seem that in the light of this, we would try to avoid specific instances which are predictably going to increase the hostility and the feeling of alienation that exists.

I have in mind specifically an incident that appeared in the newspapers about the ex-Vice President, Mr. Agnew, and the two men assigned from the Secret Service to protect him. They took the last three seats on a New York-Washington shuttle, while people who had waited in line for these seats were forced to wait for the next plane.

This is an example of the double standard of justice which the American people have regrettably come to expect—one standard for the powerful and another for the average citizen. Here we have a man who did everything he had to, to avoid going to jail. The Government is still providing him with office space, staff, and Secret Service protection. Let us compare this to the treatment received by, for instance, a GI who received a dishonorable discharge for whatever reason. The GI does certainly not receive the same treatment from his Government as a veteran who left the service under honorable conditions. He is not eligible for the many veterans benefits. In the case of the former Vice President, it seems to me that we are providing him with services which he should not be entitled to receive. Where is the equity in the different treatment the Government extends to Mr. Agnew and to the GI?

These kinds of injustices are calculated to continue and deepen the animosities of our citizens. I personally can-

not understand why we are still providing these services for the former Vice President. I simply cannot understand it as a Representative, so how can I explain it to the people?

Mr. Speaker, I trust we will do something in this House to assure that the kind of action which has come from the former Vice President, the incident with the airlines, will not be continued and that we will do something about relieving ourselves of this problem.

MINIMUM WAGE LEGISLATION

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

Mr. CONTE. Mr. Speaker, the Members of this body have been keeping rather late hours and we have had marathon sessions in order to complete work on vitally needed legislation. We want this legislation passed before Christmas so that we can adjourn for the holidays with a clear conscience.

There is one piece of legislation that I have not heard mentioned recently in our rush to clear the calendars. I am speaking about the minimum wage legislation.

Under current minimum wage legislation the highest guaranteed rate is $1.60 per hour. It has been at that level since 1968. I think it is strange, considering the skyrocketing cost of living over the past 5 years, that the Congress continues to tolerate a minimum guarantee of only $64 per week.

With over 2½-million workers waiting for Congress to provide some relief from these obviously substandard pay scales, it is incumbent upon Congress to pass a new minimum wage scale before this session adjourns.

With the energy crisis causing ever increasing costs of fuel and threatening to place thousands more on the roles of the unemployed and underemployed, the need for a higher minimum wage is more obvious than ever before in recent history.

Earlier this session, this body failed to override a veto of a bill that would have guaranteed weekly pay checks of $80 before July 1, 1974, and $88 thereafter. And these meager sums were for the most fortunate of minimum wage employees. Those not covered prior to 1966 would have been guaranteed even less.

I submit, Mr. Speaker, that Members of this Congress cannot with a clear conscience go home until we rectify our failure to provide a modicum of dignity to the lives of our lowest paid workers.

This is the season for the giving of gifts and the expression of good wishes. It would indeed be appropriate for us to now give to those most in need and make it possible for their wishes to be fulfilled.

PERSONAL EXPLANATION

Mr. GILMAN. Mr. Speaker, yesterday's snowstorm, which crippled transportation in the Northeast region of our Nation, grounded air transportation out of New York, preventing me from being present in the legislative session.

Accordingly, Mr. Speaker, I ask permission to include in the CONGRESSIONAL RECORD a list of those votes taken on December 17, 1973, setting forth how I would have voted had I been present.

PRIVATE CALENDAR

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

MRS. ROSE THOMAS

The Clerk called the bill (H.R. 2535) for the relief of Mrs. Rose Thomas.

Mr. ROUSSELOT. 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 California?

There was no objection.

COL. JOHN H. SHERMAN

The Clerk called the bill (H.R. 2633) for the relief of Col. John H. Sherman.

Mr. ROUSSELOT. 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 California?

There was no objection.

RICHARD BURTON, SERGEANT, FIRST CLASS

The Clerk called the bill (H.R. 3533) for the relief of the estate of the late Richard Burton, sergeant, first class, U.S. Army, retired.

Mr. ROUSSELOT. 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 California?

There was no objection.

MR. AND MRS. JOHN F. FUENTES

The Clerk called the bill (H.R. 2508) for the relief of Mr. and Mrs. John F. Fuentes.

Mr. ROUSSELOT. 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 California?

There was no objection.

MURRAY SWARTZ

The Clerk called the bill (H.R. 6411) for the relief of Murray Swartz.

Mr. ROUSSELOT. 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 California?

There was no objection.

ESTELLE M. FASS

The Clerk called the resolution (H. Res. 362) to refer the bill (H.R. 7209) entitled for the relief of Estelle M. Fass, to the Court of Claims.

Mr. GROSS. Mr. Speaker, I ask uanimous consent that the resolution be passed over without prejudice.

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

There was no objection.

RITA SWANN

The Clerk called the bill (H.R. 1342) for the relief of Rita Swann.

Mr. GROSS. 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 Iowa?

There was no objection.

LEONARD ALFRED BROWNRIGG

The Clerk called the bill (H.R. 2629) for the relief of Leonard Alfred Brownrigg.

Mr. ROUSSELOT. 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 California?

There was no objection.

BOULOS STEPHAN

The Clerk called the bill (H.R. 4438) for the relief of Boulos Stephan.

Mr. ROUSSELOT. 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 California?

There was no objection.

FAUSTINO MURGIA-MELENDREZ

The Clerk called the bill (H.R. 7535) for the relief of Faustino Murgia-Melendrez.

Mr. ROUSSELOT. 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 California?

There was no objection.

NICOLA LOMUSCIO

The Clerk called the bill (H.R. 7684) for the relief of Nicola Lomuscio.

Mr. ROUSSELOT. 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 California?

There was no objection.

ROMEO LANCIN

The Clerk called the bill (H.R. 4172) for the relief of Romeo Lancin.

Mr. GROSS. 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 Iowa?

There was no objection.

KEVIN PATRICK SAUNDERS

The Clerk called the bill (H.R. 2634) for the relief of Kevin Patrick Saunders.

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

H.R. 2634

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provision of section 212 (a) (23) of the Immigration and Nationality Act, Kevin Patrick Saunders may be issued a visa and admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of that Act: *Provided,* That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this Act.

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.

LUCILLE DE SAINT ANDRE

The Clerk called the bill (H.R. 6477) for the relief of Lucille de Saint Andre.

Mr. ROUSSELOT. 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 California?

There was no objection.

The SPEAKER. This concludes the call of the Private Calendar.

FOR THE RELIEF OF ISABEL EUGENIA SERRANE MACIAS FERRIER

Mr. EILBERG. Mr. Speaker, I ask unanimous consent to take from the Speaker's table, the bill (H.R. 3758) for the relief of Isabel Eugenia Serrane Macias Ferrier, with a Senate amendment therto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Strike out all after the enacting clause and insert: That, for the purposes of the Immigration and Nationality Act and section 21(e) of the Act of October 3, 1965, Isabel Eugenia Serrane Macias Ferrier shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper officer to reduce by one number, during the current fiscal year or the fiscal year next following, the total number of immigrant visas which are made available to special immigrants as defined in section 101 (a) (27) (A) of the Immigration and Nationality Act: *Provided,* That the parents, brothers, or sisters of the said Isabel Eugenia Serrane Macias Ferrier shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

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

There was no objection.

The Senate amendment was concurred in.

A moton to reconsider was laid on the table.

FOR THE RELIEF OF MARIA LOURDES RIOS

Mr. EILBERG. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3334) for the relief of Maria Lourdes Rios, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 1, line 5, strike out "unlawfully" and insert "lawfully".

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

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

AUTHORIZING THE PRESIDENT TO PROCLAIM MARCH 29, 1974, AS "VIETNAM VETERANS DAY"

Mr. EDWARDS of California. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 865) authorizing the President to proclaim March 29, 1974, as "Vietnam Veterans Day".

The Clerk read as follows:

H.J. RES. 865

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby authorized and requested to issue a proclamation designating March 29, 1974, as "Vietnam Veterans Day", and calling upon the people of the United States to observe such day with appropriate ceremonies and activities.

The SPEAKER. The question is on the motion offered by the gentleman from California (Mr. EDWARDS) that the House suspend the rules and pass the joint resolution (H.J. Res. 865).

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

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. WIGGINS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the joint resolution just passed.

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

There was no objection.

(Mr. WIGGINS asked and was given permission to address the House for 1 minute.

Mr. WIGGINS. I yield to the gentleman from New York (Mr. FISH).

Mr. FISH. Mr. Speaker, I thank the chairman of the subcommittee and the ranking member for reporting this legislation out. Recognition of our Vietnam veterans is long overdue and this proclamation will give us an opportunity to honor the brave men who served in Vietnam.

Mr. Speaker, the men who served in Vietnam were called upon to make the greatest sacrifices ever made by American fighting men. I say this because the Vietnam conflict was unique in our history—different from the wars which preceded it.

It was a war which started so gradually that it was not immediately apparent to the public, or even the Congress, as to what was developing in Indochina. Yet, in spite of the obscurity of its beginnings, over the years it became the longest war in this Nation's history. It resulted in 46,000 Americans dead, and over 300,000 wounded.

Among unique features of the Vietnam war was that, unlike World War I, World War II, or even Korea, the weight of sacrifice was borne almost entirely by those who fought in Vietnam and by their loved ones here at home. There was no widespread public sacrifice.

Mr. Speaker, I strongly believe that passage of House Joint Resolution 865—to authorize a "Vietnam Veterans Day" on March 29, 1974—is a most appropriate way to commemorate the sacrifices made by American servicemen in Vietnam. Last year, the return of the courageous POW's brought about some of the overdue recognition for these men. The passage of this resolution—to honor all who served there—would complete the job.

Official figures obtained from the Veterans' Administration testify to the extent of the sacrifices of the Vietnam-era veteran. There are over 6,557,000 Vietnam era veterans of whom over 2,406,000 served in Vietnam. Today over 354,000 Vietnam era veterans are receiving VA disability compensation payments for service-connected injuries, while 47,500 dependents of deceased Vietnam era veterans are receiving dependency and indemnity compensation.

The need for some formal recognition of the sacrifices made by Vietnam veterans was first brought home to me by a then constituent and good friend, Mr. Alfonso Sellet of Ulster County, N.Y. Al Sellet, a Vietnam veteran himself, has been tireless in his efforts to bring about a "Vietnam Veterans Day." At his urging, a bill to propose a "Vietnam Veterans Day," was the first piece of legislation—House Joint Resolution 68—I introduced in the 92d Congress. His work with numerous veterans organizations, Members of Congress and the administration, in promoting such a national observance, deserves high praise. This Congress, I joined with Congressman BEN GILMAN in a cooperative effort to obtain passage of such legislation. With the help and support of Representatives DON EDWARDS, CHUCK WIGGINS and BILL SCHERLE, we were able to bring House Joint Resolution 865 to the floor.

Mr. Speaker, we cannot permit the political controversy over Vietnam to ob-

scure the tremendous contributions made by the 2.5 million young men who served in Southeast Asia. Through the adoption of this legislation, Congress can demonstrate that, despite diverging opinions on the wisdom of this conflict, these boys and their families are not to be forgotten.

Mr. WIGGINS. I yield to the gentleman from New York (Mr. GILMAN).

Mr. GILMAN. I thank the gentleman for yielding.

I want to congratulate the gentleman from California for introducing this resolution and having it passed today. Having initially submitted a similar resolution earlier in this session, I was pleased to cosponsor this resolution.

I feel very strongly about Vietnam Veterans Day, and I am pleased to support this measure.

Earlier in this legislative session I introduced a resolution calling upon the President to proclaim Vietnam Veterans Day honoring those men who served in Southeast Asia and returned to their homes, those men missing in action, and those men who made the supreme sacrifice of their lives for their country.

Alphonso Sellet, one of my constituents from Walker Valley, N.Y., whose efforts in organizing local and national veterans groups in support of Vietnam veterans prompted me to introduce this resolution, should be extremely pleased to see the fruits of his labors with the passage of the resolution now before us.

Following the introduction of my resolution, I received many favorable comments from veterans groups and individual veterans throughout our Nation, each expressing their sincere interest in paying tribute to those men who bravely fought this unpopular war.

This recognition, which admittedly is long overdue, is timely in that the day, March 29, that we are requesting the President to proclaim as Vietnam Veterans Day is the anniversary of the welcome return of our prisoners of war, many of whom had been held captive several years.

Mr. Speaker, in addition to proclaiming and reminding us of our joy for the termination of the Vietnam military involvement, this resolution should also serve as a national reminder that many of our Vietnam veterans, over 1,200, are still listed as missing in action and are unable to share in this day of recognition. While our Nation is indeed thankful for the return of our prisoners of war and our returning soldiers, we are also saddened by the fact that so many of our men are yet unaccounted for.

Accordingly I am pleased that by the passage of this resolution requesting the President to proclaim Vietnam Veterans Day, we will be giving long overdue recognition to those men who served their country so faithfully and well while at the same time we will also be directing our Nation's attention to the 1,200 veterans who are still missing and not able to enjoy the recognition we are now proclaiming.

CALL OF THE HOUSE

Mr. WYLIE. 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. 696]

Alexander	Griffiths	Powell, Ohio
Aspin	Gubser	Railsback
Blatnik	Hansen, Wash.	Reid
Bolling	Harvey	Rooney, N.Y.
Buchanan	Hébert	Ryan
Burke, Calif.	Hudnut	Sisk
Burton	Jarman	Stark
Carey, N.Y.	Jones, Ala.	Taylor, Mo.
Casey, Tex.	Karth	Udall
Clark	Landrum	Van Deerlin
Clausen, Don H.	McCormack	Vander Jagt
	Mailliard	Veysey
Clay	Martin, Nebr.	Waggonner
Delaney	Milford	Walsh
Dent	Mills, Ark.	Widnall
Diggs	Mosher	Wyatt
Frelinghuysen	Murphy, N.Y.	
Gray	Nelsen	

The SPEAKER. On this rollcall 381 Members have answered to their names, a quorum.

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

CONFERENCE REPORT ON S. 14, HEALTH MAINTENANCE ORGANIZATION ACT OF 1973

Mr. STAGGERS. Mr. Speaker, I call up the conference report on the bill (S. 14) to amend the Public Health Service Act to provide assistance and encouragement for the establishment and expansion of health maintenance organizations, health care resources, and the establishment of a Quality Health Care Commission, 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 Senate bill.

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

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of December 12, 1973.)

Mr. STAGGERS (during the reading). Mr. Speaker, I ask unanimous consent to dispense with further reading of the statement.

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

Mr. GROSS. Mr. Speaker, reserving the right to object, will the gentleman say whether all the language in this conference report was previously considered by the House and of the Senate?

Mr. STAGGERS. One of the provisions was not considered in the House when it passed the House. It was in the Senate, when it passed the Senate.

Mr. GROSS. Is the gentleman prepared to say that the subject matter to be found in section 1307, and all of that subject matter, was previously considered by both the House and the Senate?

Mr. STAGGERS. I believe the gentleman is concerned with section 1307(d) of the conference report. This language was not included in the House amendment. Section 3 of the Senate bill contained general language designed to prevent conflicts between the HMO program, and medicare and medicaid. This section contains much more restricted, specific language designed to achieve the same purpose.

Mr. GROSS. I am informed that there is subject matter to be found in this bill under sections 1307 and 1311 that was neither considered by the House nor by the Senate. I want to ask at this time whether someone is going to explain those provisions.

Mr. STAGGERS. I will be glad to explain the bill.

Mr. GROSS. With particular reference to this language, which I believe is subject to a point of order. It is not my desire to make a point of order if the language in section 1307 is going to be explained, together with section 1311, which I believe is also subject to a point of order.

Now, if the sections are going to be explained to the satisfaction of the House, I will not make the point of order.

Mr. STAGGERS. I think we can explain this to the gentleman's satisfaction.

Mr. GROSS. Mr. Speaker, with that assurance, I withdraw my reservation of objection.

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

There was no objection.

Mr. STAGGERS. Mr. Speaker, this conference report, to which all of the managers have agreed, is basically similar to the House-passed bill with some additions and modifications taken from the Senate bill.

The House and Senate bills, while similar in their intent, were written so differently that the conference report contains an entirely new draft of the legislation which generally follows the format of the House bill with the addition of Senate provisions.

The principal differences between the two bills included the amount of money authorized, the duration of the program, and the health services required of HMO's. The Senate bill authorized $805 million over a 3-year period. The House bill authorized $240 million over a 5-year period. The conference report authorizes $375 million over a 5-year period. The House bill required a limited, basic set of health services of HMO's and authorized them to provide a more complete set of supplemental services. The Senate bill required a comprehensive set of health services of HMO's, consisting of almost all of both the basic and supplemental services in the House bill. The conference report retains the House approach, but added a few services to the basic list; including acute care, and referral services for mental illness, alcoholism, and drug addiction. Numerous other differences of a lesser nature between the House and Senate approaches to HMO's were also resolved.

The House bill contained three major requirements which were not found in the Senate bill; that employers offer their employees the choice of joining an HMO in health benefits plan, that the Secretary of Health, Education and Wel-

fare continue to regulate HMO's benefitting from the legislation, and that the Secretary and the Comptroller General evaluate the program conducted. With minor modifications, all of these provisions are retained in the conference report.

The Senate bill contained six major provisions not found in the House bill; construction assistance for HMO's, capitation payments for needy HMO members, premium subsidies for HMO's whose premiums increased because of open enrollment, special assistance for developing HMO's in nonmetropolitan areas, preemption of State laws which would restrict the development of HMO's, and extensive provisions for controlling the quality of medical care. The first three—construction assistance, and capitation and premium subsidy payments—are not contained in the conference report. The conference report gives special attention to nonmetropolitan areas by requiring that 20 percent of the funds appropriated be spent in such areas. The conference report contains a preemption provision which is similar to one considered earlier by the Interstate and Foreign Commerce Committee and is limited in its application to HMO's receiving some other benefit under the legislation, rather than the provision in the Senate bill. Finally, the report substitutes for the extensive Senate provision concerning the quality of health care a requirement that HEW do research on quality assurance and report to the Congress on the research, and a requirement for an independent study of quality assurance.

This is a good report. The managers worked for many hours on resolving the many major and minor differences between the two bills. The Senate was most generous in its willingness to compromise on the many provisions which we know would have been unacceptable to the House. The $375 million is close to the House authorization and represents a reasonable compromise. In the first year, approximately $70 million would be authorized which compares favorably with the President's budget of $60 million. The language of the conference report has been reviewed by officials in the administration and, while I cannot tell you how they will respond to it finally, I can say that their reaction to date has been very favorable.

I would like to congratulate my fellow conferees on the job they have done in bringing this report back to the House. I urge its adoption.

Mr. STAGGERS. Mr. Speaker, I yield to the gentleman from Florida (Mr. ROGERS) who will respond to the question of the gentleman from Iowa (Mr. GROSS).

I rise in support of the conference report which will stimulate development of health maintenance organizations.

This legislation represents the first innovative change in the Nation's health delivery system since the medicare program, and promises to bring better health to millions of Americans at lower costs.

The bill authorizes HMO's to contract with individuals or groups on a prepaid basis. It mandates a package of basic services to which every purchaser will be entitled. These include inpatient and outpatient care, physician's services, home health services, diagnostic services, emergency services, and preventive health services.

Perhaps the concept of the bill is best depicted in our mandate of preventive services as a basic benefit. For in this concept we are stressing preventive medicine rather than simply curative medicine. Those operating the HMO's will find financial incentive in keeping people healthy. We hope that this will be the forerunner for the Nation in putting emphasis on prevention of diseases.

The bill does not have a specific number of HMO's which will result from this legislation, but we judge that around 100 will be completed before the program expires.

We have built in safeguards by requiring an evaluation by GAO of the program after the first 50 HMO's have operated for 3 years.

The funding allocated from the bill calls for $375 million over a 5-year period. These funds will be used for grants and contracts for feasibility and planning and later for development and operations.

We have also tried to insure that people in medically underserved areas can benefit from this legislation by requiring that a priority be given to such areas.

I think that this new system will be successful and give us exciting and constructive alternatives to our existing programs of delivering better health services to Americans.

Mr. ROGERS. I am delighted to explain the provisions of section 1311. This is the section concerned with the preemption of State laws. It is based on a much more sweeping provision in the Senate bill.

What we have done is limit this section so that only those HMO's who could qualify for other forms of assistance under this bill could qualify, thus limiting the provision in the Senate bill.

In section 1307, which pertains to HMO beneficiaries covered by medicare and medicaid, we have made changes which simply conform the bill to what would be allowable under the medicare and medicaid law. Those HMO's who serve medicare people do not have to provide medicare members the services most other HMO members reserve—for instance, children's dental care—since those services would not really apply to the medicare people or the older community. In other words, they could work out an arrangement so that the bid for medicare would cover the services which are provided already in the medicare bill.

Finally, they could also have insurance against any risk involved in covering medicare people. That basically would be the only change, and it is in conformance with the intent expressed in the Senate bill to conform HMO's so that they can apply to medicare and medicaid eligible individuals.

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

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

Mr. HEINZ. Mr. Speaker, I would just like to commend the gentleman from Florida (Mr. ROGERS) and also the gentleman from Minnesota (Mr. NELSEN), our ranking minority member on the Subcommittee on Health, along with all the other Members on the other side, who worked so very long and very hard, both last year and this year, to bring about what I think is an excellent Health Maintenance Organization conference report.

I wish to compliment also the conferees and the chairman on our side, the gentleman from West Virginia (Mr. STAGGERS) without whom I do not think we could possibly have written this conference report, which I am sure the House will adopt overwhelmingly and which the President will sign, I hope, this week.

Mr. Speaker, I wish to commend both the gentleman from West Virginia (Mr. STAGGERS) and the gentleman from Florida (Mr. ROGERS) especially for the fine leadership they have shown.

Mr. ROGERS. Mr. Speaker, I certainly thank the gentleman, and I am sure our chairman, the gentleman from West Virginia, does also.

I must say that I think the House can take great pleasure in this bill, because it is so close to the House bill which we passed.

We must remember that the measures had started out in the Senate with $5 billion, and we have been able to cut that to a reasonable figure, which it ought to be, around $375 million for 5 years. The bill from the other body would have only been for 3 years.

So I think the House conferees did a real service in working out the provisions, and certainly all the members of the subcommittee have worked hard to bring this out.

Mr. HEINZ. Mr. Speaker, I think we all agree wholeheartedly with the gentleman.

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

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

Mr. DENNIS. Mr. Speaker, I note in the report here the Commission on Quality Health Care Assurance, which was not in the House bill.

I am asking for information. My question is this:

Does this Commission on Quality Health Care Assurance look in the same direction as these PSRO efforts which we voted into law here last year without realizing it, and which have since become so controversial?

Mr. ROGERS. Mr. Speaker, I might say that that was so in the Senate bill, but those provisions were taken out in conference and a simple requirement for research and a study on quality substituted.

Mr. DENNIS. A study in the House bill?

Mr. ROGERS. The gentleman is correct.

Mr. DENNIS. And nothing further?

Mr. ROGERS. The gentleman is correct.

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

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

The previous question was ordered.

The SPEAKER. The question is on the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON H.R. 9256, GOVERNMENT EMPLOYEES HEALTH BENEFITS

Mr. WALDIE. Mr. Speaker, I call up the conference report on the bill (H.R. 9256) to increase the contribution of the Government to the cost of health benefits for Federal employees, 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 California?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of December 7, 1973.)

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

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

There was no objection.

The SPEAKER. The Chair recognizes the gentleman from California (Mr. WALDIE).

Mr. WALDIE. Mr. Speaker, the only difference in the conference report and the House-passed bill is in the amount by which the Government's share of health insurance premiums will be increased.

The House bill would have increased the Government's contribution from 40 to 55 percent beginning in 1973, with an additional 5 percent increase in each subsequent year until 1977, when the Government's contribution would then have reached 75 percent. Under the conference agreement, we reduced those contributions considerably. The Government's contribution would be increased from 40 to 50 percent, beginning in 1974, and from 50 to 60 percent, beginning in 1975, and that will be the end of the bill.

Thereafter the Government's contribution will remain at 60 percent. Therefore, it is a 2-year bill rather than a 5-year bill.

The maximum increase in the Government's contribution has been reduced from the 75 percent that the House agreed to to 60 percent.

The bill has been considerably reduced in its cost.

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

Mr. Speaker, the conference report on H.R. 9256, the health benefits bill is far from acceptable.

This so-called compromise commits the Federal Government to additional unbudgeted spending of $2 billion over the next 5 years. I repeat $2 billion. It is especially significant when you consider the rhetoric we have heard on the House floor throughout this year on the need to fight inflation.

If Members are serious about holding down inflation and costs of Government—and they should be—defeat of this legislation would be an important step in that direction.

Our country is confronted today with a rocketing rate of inflation, increasing unemployment, and dismal economic reports for 1974. Consequently, we are ill-advised to obligate the Federal Government for additional deficit spending of the magnitude proposed by this conference agreement.

Bear in mind that this legislation is another fringe benefit costing over $2 billion over the next 5 years for the President, Vice President, Members of Congress, and all Federal employees.

I do not intend to detail the arguments against this legislation, except to make one point. While Federal employees, as all employees, are subject to the rising costs of health care, they nevertheless have received pay increases totaling 36.54 percent over the past 5 years and, under the provisions of the Pay Comparability Act, similar increases can be expected in the future.

This bill simply turns around, reverses the contribution ratio, that is, the Federal Government is presently paying 40 percent of the cost of health benefits, and Federal employees, including Members of Congress, are paying 60 percent of their health benefits. This simply turns it around and provides that the Federal Government shall pay 60 percent and Federal employees 40 percent. Members of Congress who vote for this legislation will be voting to extract from Uncle Sugar a nice Christmas present for themselves.

Mr. Speaker, we must do more than merely talk about inflation and the high costs of Government. It is time to restore fiscal sanity in this Government, and all legislation of this nature should be defeated.

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

Mr. Speaker, in response to the gentleman from Iowa, I simply suggest that this administration has already approved a grant of 100 percent of the payment of life insurance premiums to postal employees this year, and a major increase in the Federal contribution to their health insurance premium. The 40 percent we pay for our Federal employees is probably among the lowest or is the lowest contribution of all major employers in the United States. This is a reasonable increase. It should have been the much higher percent the administration approved for postal employees, but it is better than we we are now paying. I think it is an entirely proper and just contribution.

Mr. GROSS. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. HOGAN).

Mr. HOGAN. Mr. Speaker, I disagree with the gentleman from Iowa (Mr. GROSS). The hearings on this legislation showed clearly that the Federal Government lags behind, not only the major industrial employers, but also behind the public employers on the State level and in many instances on the city level in the provision of health benefits. Many of these other employers pay 100 percent of the premium cost of health benefits. The bill before us goes nowhere near that goal.

I would have preferred to see the House version of this legislation prevail, but in the interest of compromise we worked out what I think is a practical bill which I hope the President will sign.

I urge all of our colleagues to give support to this conference report.

Mr. Speaker, the conference report on H.R. 9256, the health benefits bill, is, of course, a compromise between the House and Senate versions of the legislation.

I did not support these "compromise percentages" in conference—55 percent in 1974, and 60 percent in 1975—because I felt they were too little, too late. I did, however, sign the conference report as a practical expression of support for "a bill" to raise the Government contribution to health benefits premium. We had a choice between an inadequate bill or no bill. Therefore, I signed the conference report.

It is unfair and unrealistic to offer Federal employees a token increase in the Government's contribution to health benefits premium when in January 1974, a premium increase of nearly 20 percent is to be effected for those Federal employees enrolled in the Blue Cross-Blue Shield health benefits plan, which insures the largest number of Federal employees.

For years now, the Federal Government has lagged behind the private sector in providing a fair contribution to health benefits. In fact, the Civil Service Commission, in its report of December 1972, comparing the benefits offered by the Federal Government as an employer, and benefits offered by a sampling of private and public employees, had this to say:

> The financing of health benefits has long been a troublesome aspect of the Federal program, and the situation has not improved during the past year. While the numbers of employers who pay all or most of the health plan premiums for employees continues to increase, the Federal formula remains unchanged. In addition to lagging behind the private sector, the Federal contribution rate is now exceeded by many public employers at all levels.
>
> Although one of the strengths of the Federal program has always been the generosity of its benefit levels, its pre-eminence in this area is being seriously threatened by the strides made by other employers in the past year. Overall, the program is still somewhat more generous than those of most employers, but not by a sufficient amount to constitute a significant competitive advantage.

Mr. Speaker, the House, on September 20, 1973, voted by a substantial margin to increase the Government's contribution to health benefits to 75 percent by 1978. This graduated approach was realistic. It should have prevailed. In fact, as a matter of equity, the Federal Government should be paying the same amount of health benefits premiums paid by other large employers—the full cost.

Nevertheless, Mr. Speaker, this compromise is better than nothing at all. But, it is sad to think this is the best we can do for Federal employees.

Mr. GROSS. Mr. Speaker, I yield one minute to the gentleman from California (Mr. ROUSSELOT).

Mr. ROUSSELOT. Mr. Speaker, I appreciate the gentleman from Iowa yielding to me.

Mr. Speaker, I would like to discuss with my colleague, the gentleman from California (Mr. WALDIE), who I know is anxious to run for Governor, and further please a great number of fine Federal employees in California by supporting this extremely expensive legislation. We understand that politics move, and we appreciate that this bill is important to the gentleman's future election. But is it not true that our hearings showed that though it is correct that some very large industries pay 100 percent of the health benefits, for employees and that it is primarily the big industries that go to 100 percent; However, the ones that have great difficulty in paying 100 percent, or even close to it, are the small businesses. The hearings demonstrated that small and medium size businesses are the ones that are losing employees to the Federal Government because they cannot pay 100 percent of the health benefits, or anything close to it. Is that not the case?

Mr. WALDIE. If the gentleman will yield, no.

Mr. ROUSSELOT. I submit the gentleman is wrong on this point and that the testimony will show that it is small and medium size businesses that will be adversey effected by this bill. As a matter of fact, just this past month I have been going through my own area of southern California discussing with small businesses the problems they have in competing for employees in the open market, because the Federal Government is providing such high benefits in the health field. In addition, Federal employees enjoy a higher level of health benefits than do many employees in the private sector.

Just as an example, Risedale Industries, a small industry in my district lost a technical employee who works in the electronics field to the Post Office Department, of all things, because he could obtain a starting salary as a postal carrier of $10,000. This worker also stated that he could secure not only substantial health benefits, but he could also anticipate paying only 40 percent of the cost. So this business clearly lost an employee on the basis of this expensive kind of legislation.

I respectfully disagree with the gentleman from California. I do not believe the gentleman is entirely correct when he says that we are not taking employees out of the private market.

The SPEAKER. The time of the gentleman has expired.

Mr. GROSS. I yield 1 additional minute to the gentleman from California.

Mr. ROUSSELOT. Mr. Speaker, I thank the gentleman from Iowa for yielding further time to me.

I would really like to discuss the percentages with the gentleman from California. Is it not true that the basic contribution level by employees in the private sector in medium and small businesses is 50 percent.

Mr. WALDIE. Would the gentleman yield to me so as to permit me to respond to the gentleman?

Mr. ROUSSELOT. I will be glad to yield to the gentleman from California.

Mr. WALDIE. I hope that the gentleman is not suggesting that the solution to the problem that he describes as existing in the gentleman's district, is that the Federal Government should pay a salary comparable to the lowest salary paid by small businesses?

Mr. ROUSSELOT. I am talking about the contribution level of employees in the private sector to health benefits. I am not talking about salary levels. One of the main attractions for Federal employment today, is the liberal health benefits.

Mr. WALDIE. Then is it the intention of the gentleman from California that we should pay the lowest premium for health benefits comparable to those of the lowest paid employees in the United States?

Mr. ROUSSELOT. My point is that one of the major attractions the Federal Government has in drawing people away from private industry is because we are already providing substantial health benefits. Now in this bill we are asking the Federal taxpayers to pay 60 percent of these health benefits. And I know that if the gentleman from California had his way we would ask the taxpayer to pay 100 percent of all Federal employee health benefits. This bill carries the Federal Government far beyond the ability of the small businessman to compete for employees where the type of work is comparable.

The only point I am trying to make is to be sure the Members understand that it is primarily the large industries, the auto industries, the steel industries, and the others, that pay 80 to 100 percent of health coverage premiums.

The SPEAKER. The time of the gentleman from California has again expired.

Mr. GROSS. I yield 1 additional minute to the gentleman from California.

Mr. ROUSSELOT. The top 500 businesses are the ones that are paying closer to 100 percent not the small and medium size businesses. It is not just the salary consideration.

And I am not suggesting that we pay the lowest wages at the Federal level. I think salaries should be comparable for similar work. But what I am saying is that when we encourage the Federal Government to pay 75 percent of the health benefit costs, it tends to attract employees away from the private sector.

The small businessman cannot compete. With such expensive Federal fringe benefits which he must charge to the consumer.

Mr. WALDIE. I think the gentleman from California is absolutely wrong. I think the Federal Government has an obligation under law to pay comparable wages plus comparable benefits of comparable employers, and the smallest employer in the country is not comparable to the largest employer. We happen to be the largest employer in the world, not just in the country. We have an obligation and a responsibility to our employees that they be treated comparably because that is the law of the land.

The SPEAKER. The time of the gentleman has expired.

Mr. GROSS. Mr. Speaker, I yield 1 additional minute to the gentleman from California.

Mr. ROUSSELOT. I thank the gentleman for yielding.

My only point is that I believe we do a great disservice to the small and middle-sized businesses when we constantly make it more financially attractive to work for the Federal Government, and I say it is not true comparability, as I believe my colleague, the gentleman from California, is claiming.

Mr. HILLIS. Mr. Speaker, I rise in support of the conference report on H.R. 9256, the health benefits bill.

I strongly supported and cosponsored the House-passed bill which provided for a Government contribution of 75 percent in 1978, and hoped that this language would prevail. However, I recognize the budgetary realities of the situation and the reason for the reduced percentages.

The compromise before us provides for the Government to pay 50 percent of the health benefits premium in January 1974, and 60 percent of the costs in 1975. This compromise is $827,000 less than the House-passed version.

The Federal Government, the largest employer in the country, has not kept pace with other large employers in providing health benefits coverage for its employees.

For example, the largest employer in my district, General Motors Corp., provides health benefits coverage similar in many respects to that provided by Blue Cross-Blue Shield-high option under the Federal program. However, General Motors pays 96 percent of the premium or about $648 annually for each enrolled employee. In contrast, the Federal Government presently pays 40 percent or approximately $264 annually for each enrolled employee. Even with the increases provided under this legislation, the Federal Government will continue to lag behind other large employers, such as General Motors, in contributing to a health benefits program.

Mr. Speaker, I am hopeful approval of this legislation will be the first step in achieving the goal of the Federal Government paying the full cost of health care benefits.

Mr. DULSKI. Mr. Speaker, I rise in support of the conference agreement on H.R. 9256.

The primary purpose of this legislation is to increase the Government's share of the premium charges under the Federal employees' health benefits program.

In addition, this legislation would permit annuitants who retired prior to July 1, 1960, and who now are covered under the Retired Federal Employees' Health Benefits Act, to elect coverage under the more comprehensive health benefits program applicable to active employees.

Finally, Mr. Speaker, this legislation would require health insurance carriers to comply with Civil Service Commission decisions rendered in connection with claim disputes.

Mr. Speaker, there really is only one significant difference between the conference agreement and the House-passed bill.

The House bill would have increased the Government's contribution from 40 to 55 percent beginning in 1973 with an additional 5 percent increase in each subsequent year until 1977 when the Government's contribution would reach 75 percent.

Under the conference agreement, the Government's contribution will be increased from 40 to 50 percent beginning in 1974 and from 50 to 60 percent beginning in 1975 and in each year thereafter.

Mr. Speaker, I believe the conference agreement represents a very reasonable and politically feasible compromise between the original House and Senate positions.

While the conference agreement is much less liberal than the original House provisions, it, nevertheless, is more generous than the Senate version which would have limited the Government's contribution to 55 percent in 1975 and thereafter.

Over the next 5 calendar years the Government's contribution for health benefits will be increased by a total of $2 billion under the conference agreement. This amount is approximately $828 million less than the cost under the House-passed bill and approximately $321 million more than the Senate version.

Mr. Speaker, I want to take this opportunity to express my appreciation to the gentleman from California (Mr. WALDIE) and the other conferees, for their cooperation in developing the conference agreement.

I believe that, under the circumstances, the conferees have worked out a very acceptable compromise and I, therefore, urge adoption of the conference report.

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

The previous question was ordered.

The SPEAKER. The question is on the conference report.

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

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum 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 307, nays 82, not voting 43, as follows:

[Roll No. 697]

YEAS—307

Abdnor	Bennett	Brown, Calif.
Abzug	Bergland	Brown, Mich.
Adams	Bevill	Brown, Ohio
Addabbo	Biaggi	Broyhill, N.C.
Anderson, Calif.	Biester	Broyhill, Va.
Anderson, Ill.	Bingham	Burgener
Andrews, N.C.	Boggs	Burke, Mass.
Andrews, N. Dak.	Boland	Burlison, Mo.
Annunzio	Brademas	Carney, Ohio
Armstrong	Brasco	Carter
Ashley	Bray	Casey, Tex.
Badillo	Breaux	Cederberg
Barrett	Breckinridge	Chamberlain
Bauman	Brinkley	Chisholm
Bell	Brooks	Clark
Blatnik	Broomfield	Clausen, Don H.
Boland	Brotzman	Cleveland
Bolling	Brown, Calif.	Cohen
Bowen	Brown, Mich.	Collier
Brademas	Brown, Ohio	Collins, Ill.
Brasco	Broyhill, N.C.	Conable
Bray	Broyhill, Va.	Conlan
Breaux	Burgener	Conte
Breckinridge	Burke, Mass.	Conyers
Brinkley	Burlison, Mo.	Corman
Brooks	Carney, Ohio	Cotter
Broomfield	Carter	Coughlin
Brotzman	Casey, Tex.	Cronin
Brown, Calif.	Cederberg	Culver
Brown, Mich.	Chamberlain	Daniel, Robert W., Jr.
Brown, Ohio	Chisholm	Daniels, Dominick V.
Broyhill, N.C.	Clark	Danielson
Broyhill, Va.	Clausen, Don H.	Davis, Ga.
Burgener	Cleveland	Davis, S.C.
Burke, Mass.	Cohen	de la Garza
Burlison, Mo.	Collier	Dellums
Carney, Ohio	Collins, Ill.	Denholm
Carter	Conable	Derwinski
Casey, Tex.	Conlan	Dickinson
Cederberg	Conte	Diggs
Chamberlain	Conyers	Dingell
Chisholm	Corman	Donohue
Clark	Cotter	Dorn
Clausen, Don H.	Coughlin	Downing
Cleveland	Cronin	Drinan
Cohen	Culver	Dulski
Collier	Daniel, Robert W., Jr.	Eckhardt
Collins, Ill.	Daniels, Dominick V.	Edwards, Ala.
Conable	Danielson	Edwards, Calif.
Conlan	Davis, Ga.	Eilberg
Conte	Davis, S.C.	Esch
Conyers	de la Garza	Eshleman
Corman	Dellums	Evans, Colo.
Cotter	Denholm	Fascell
Coughlin	Derwinski	Findley
Cronin	Dickinson	Fish
Culver	Diggs	Fisher
Daniel, Robert W., Jr.	Dingell	Flood
Daniels, Dominick V.	Donohue	Flowers
Danielson	Dorn	Foley
Davis, Ga.	Downing	Ford, William D.
Davis, S.C.	Drinan	Forsythe
de la Garza	Dulski	Fountain
Dellums	Eckhardt	Fraser
Denholm	Edwards, Ala.	Frenzel
Derwinski	Edwards, Calif.	Frey
Dickinson	Eilberg	Froehlich
Diggs	Esch	Fulton
Dingell	Eshleman	Fuqua
Donohue	Evans, Colo.	Gaydos
Dorn	Fascell	Gettys
Downing	Findley	Giaimo
Drinan	Fish	Gibbons
Dulski	Fisher	Gilman
Eckhardt	Flood	Ginn
Edwards, Ala.	Flowers	Goldwater
Edwards, Calif.	Foley	Gonzalez
Eilberg	Ford, William D.	Grasso
Esch	Forsythe	Gray
Eshleman	Fountain	Green, Oreg.
Evans, Colo.	Fraser	Green, Pa.
Fascell	Frenzel	Grover
Findley	Frey	Gude
Fish	Froehlich	Gunter
Fisher	Fulton	Haley
Flood	Fuqua	Hamilton
Flowers	Gaydos	Hammer-schmidt
Foley	Gettys	Hanley
Ford, William D.	Giaimo	Hanrahan
Forsythe	Gibbons	Hansen, Idaho
Fountain	Gilman	Harrington
Fraser	Ginn	Harsha
Frenzel	Goldwater	Hawkins
Frey	Gonzalez	Hays
Froehlich	Grasso	Hechler, W. Va.
Fulton	Gray	Heckler, Mass.
Fuqua	Green, Oreg.	Heinz
Gaydos	Green, Pa.	Helstoski
Gettys	Grover	Henderson
Giaimo	Gude	Hicks
Gibbons	Gunter	Hillis
Gilman	Haley	Hinshaw
Ginn	Hamilton	Hogan
Goldwater	Hammer-schmidt	Holifield
Gonzalez	Hanley	Holt
Grasso	Hanrahan	Holtzman
Gray	Hansen, Idaho	Horton
Green, Oreg.	Harrington	Howard
Green, Pa.	Harsha	Hungate
Grover	Hawkins	Hunt
Gude	Hays	Ichord
Gunter	Hechler, W. Va.	Johnson, Calif.
Haley	Heckler, Mass.	Johnson, Pa.
Hamilton	Heinz	Jones, Ala.
Hammer-schmidt	Helstoski	Jones, N.C.
Hanley	Henderson	Jones, Okla.
Hanrahan	Hicks	Jordan
Hansen, Idaho	Hillis	Kastenmeier
Harrington	Hinshaw	Kazen
Harsha	Hogan	Keating
Hawkins	Holifield	Kemp
Hays	Holt	Ketchum
Hechler, W. Va.	Holtzman	Kluczynski
Heckler, Mass.	Horton	Koch
Heinz	Howard	Kuykendall
Helstoski	Hungate	Kyros
Henderson	Hunt	Lehman
Hicks	Ichord	Lent
Hillis	Johnson, Calif.	Litton
Hinshaw	Johnson, Pa.	Long, La.
Hogan	Jones, Ala.	Long, Md.
Holifield	Jones, N.C.	McClory
Holt	Jones, Okla.	McCloskey
Holtzman	Jordan	McCollister
Horton	Kastenmeier	McDade
Howard	Kazen	McFall
Hungate	Keating	McKay
Hunt	Kemp	Macdonald
Ichord	Ketchum	Madden
Johnson, Calif.	Kluczynski	Madigan
Johnson, Pa.	Koch	Mallary
Jones, Ala.	Kuykendall	Maraziti
Jones, N.C.	Kyros	Martin, N.C.
Jones, Okla.	Lehman	Mathias, Calif.
Jordan	Lent	Mathis, Ga.
Kastenmeier	Litton	Matsunaga
Kazen	Long, La.	Mazzoli
Keating	Long, Md.	Meeds
Kemp	McClory	Melcher
Ketchum	McCloskey	Metcalfe
Kluczynski	McCollister	Mezvinsky
Koch	McDade	Minish
Kuykendall	McFall	Mink
Kyros	McKay	Minshall, Ohio
Lehman	Macdonald	Mitchell, Md.
Lent	Madden	Mitchell, N.Y.
Litton	Madigan	Mizell
Long, La.	Mallary	Moakley
Long, Md.	Maraziti	Mollohan
McClory	Martin, N.C.	Moorhead, Pa.
McCloskey	Mathias, Calif.	Morgan
McCollister	Mathis, Ga.	Mosher
McDade	Matsunaga	Moss
McFall	Mazzoli	Murphy, Ill.
McKay	Meeds	Myers
Macdonald	Melcher	Natcher
Madden	Metcalfe	Nedzi
Madigan	Mezvinsky	Nelsen
Mallary	Minish	Nichols
Maraziti	Mink	Nix
Martin, N.C.	Minshall, Ohio	Obey
Mathias, Calif.	Mitchell, Md.	O'Brien
Mathis, Ga.	Mitchell, N.Y.	O'Hara
Matsunaga	Mizell	O'Neill
Mazzoli	Moakley	Owens
Meeds	Mollohan	Parris
Melcher	Moorhead, Pa.	Patman
Metcalfe	Morgan	Patten
Mezvinsky	Mosher	Pepper
Minish	Moss	Perkins
Mink	Murphy, Ill.	Pettis
Minshall, Ohio	Myers	Peyser
Mitchell, Md.	Natcher	Pike
Mitchell, N.Y.	Nedzi	Podell
Mizell	Nelsen	Preyer
Moakley	Nichols	Price, Ill.
Mollohan	Nix	Pritchard
Moorhead, Pa.	Obey	Quie
Morgan	O'Brien	Quillen
Mosher	O'Hara	Railsback
Moss	O'Neill	Randall
Murphy, Ill.	Owens	Rangel
Myers	Parris	Rees
Natcher	Patman	Regula
Nedzi	Patten	Reuss
Nelsen	Pepper	Rhodes
Nichols	Perkins	Riegle
Nix	Pettis	Rinaldo
Obey	Peyser	Robison, N.Y.
O'Brien	Pike	Rodino
O'Hara	Podell	Roe
O'Neill	Preyer	Rogers
Owens	Price, Ill.	Roncalio, Wyo.
Parris	Pritchard	Roncallo, N.Y.
Patman	Quie	Rooney, Pa.
Patten	Quillen	Rose
Pepper	Railsback	Rosenthal
Perkins	Randall	Rostenkowski
Pettis	Rangel	Roush
Peyser	Rees	Roy
Pike	Regula	Roybal
Podell	Reuss	Ruppe
Preyer	Rhodes	St Germain
Price, Ill.	Riegle	Sandman
Pritchard	Rinaldo	Sarasin
Quie	Robison, N.Y.	Sarbanes
Quillen	Rodino	Schroeder
Railsback	Roe	Seiberling
Randall	Rogers	Shipley
Rangel	Roncalio, Wyo.	Shoup
Rees	Roncallo, N.Y.	Shriver
Regula	Rooney, Pa.	Sikes
Reuss	Rose	Slack
Rhodes	Rosenthal	Smith, Iowa
Riegle	Rostenkowski	Staggers
Rinaldo	Roush	Stanton, J. William
Robison, N.Y.	Roy	Stanton, James V.
Rodino	Roybal	Steed
Roe	Ruppe	Steele
Rogers	St Germain	Steelman
Roncalio, Wyo.	Sandman	Stephens
Roncallo, N.Y.	Sarasin	Stokes
Rooney, Pa.	Sarbanes	Stratton
Rose	Schroeder	Stubblefield
Rosenthal	Seiberling	Stuckey
Rostenkowski	Shipley	Studds
Roush	Shoup	Sullivan
Roy	Shriver	Symington
Roybal	Sikes	Talcott
Ruppe	Slack	Taylor, N.C.
St Germain	Smith, Iowa	Teague, Calif.
Sandman	Staggers	Thompson, N.J.
Sarasin	Stanton, J. William	Thomson, Wis.
Sarbanes	Stanton, James V.	Thone
Schroeder	Steed	Thornton
Seiberling	Steele	Tiernan
Shipley	Steelman	Udall
Shoup	Stephens	Ullman
Shriver	Stokes	Vanik
Sikes	Stratton	Vigorito
Slack	Stubblefield	Waldie
Smith, Iowa	Stuckey	Wampler
Staggers	Studds	Ware
Stanton, J. William	Sullivan	Whalen
Stanton, James V.	Symington	White
Steed	Talcott	Whitehurst
Steele	Taylor, N.C.	Widnall
Steelman	Teague, Calif.	Williams
Stephens	Thompson, N.J.	Wilson, Bob
Stokes	Thomson, Wis.	Wilson, Charles H., Calif.
Stratton	Thone	Wilson, Charles, Tex.
Stubblefield	Thornton	Winn
Stuckey	Tiernan	Wolff
Studds	Udall	Wright
Sullivan	Ullman	Wydler
Symington	Vanik	Wyman
Talcott	Vigorito	Yates
Taylor, N.C.	Waldie	Yatron
Teague, Calif.	Wampler	Young, Alaska
Thompson, N.J.	Ware	Young, Fla.
Thomson, Wis.	Whalen	Young, Ga.
Thone	White	Young, Tex.
Thornton	Whitehurst	Zablocki
Tiernan	Widnall	Zion
Udall	Williams	Zwach
Ullman	Wilson, Bob	
Vanik	Wilson, Charles H., Calif.	
Vigorito	Wilson, Charles, Tex.	
Waldie	Winn	
Wampler	Wolff	
Ware	Wright	
Whalen	Wydler	
White	Wyman	
Whitehurst	Yates	
Widnall	Yatron	
Williams	Young, Alaska	
Wilson, Bob	Young, Fla.	
Wilson, Charles H., Calif.	Young, Ga.	
Wilson, Charles, Tex.	Young, Tex.	
Winn	Zablocki	
Wolff	Zion	
Wright	Zwach	
Wydler		
Wyman		
Yates		
Yatron		
Young, Alaska		
Young, Fla.		
Young, Ga.		
Young, Tex.		
Zablocki		
Zion		
Zwach		

NAYS—82

Archer	Clancy	Flynt
Arends	Clawson, Del	Goodling
Ashbrook	Cochran	Gross
Bafalis	Collins, Tex.	Guyer
Baker	Crane	Hastings
Blackburn	Daniel, Dan	Hosmer
Bowen	Dellenback	Huber
Burke, Fla.	Dennis	Hutchinson
Burleson, Tex.	Devine	Jarman
Butler	Duncan	Johnson, Colo.
Byron	du Pont	Jones, Tenn.
Camp	Erlenborn	King
Chappell	Evins, Tenn.	Landgrebe
Latta	Poage	Snyder
Lott	Price, Tex.	Spence
Lujan	Rarick	Steiger, Ariz.
McEwen	Roberts	Steiger, Wis.
McSpadden	Robinson, Va.	Symms
Mahon	Rousselot	Teague, Tex.
Mann	Runnels	Towell, Nev.
Mayne	Ruth	Treen
Michel	Satterfield	Waggonner
Miller	Scherle	Whitten
Montgomery	Schneebeli	Wiggins
Moorhead, Calif.	Sebelius	Wylie
Passman	Shuster	Young, Ill.
Pickle	Skubitz	Young, S.C.
	Smith, N.Y.	

NOT VOTING—43

Alexander	Gubser	Murphy, N.Y.
Aspin	Hanna	Powell, Ohio
Beard	Hansen, Wash.	Reid
Blatnik	Harvey	Rooney, N.Y.
Bolling	Hébert	Ryan
Buchanan	Hudnut	Sisk
Burke, Calif.	Karth	Stark
Burton	Landrum	Taylor, Mo.
Carey, N.Y.	Leggett	Van Deerlin
Clay	McCormack	Vander Jagt
Davis, Wis.	McKinney	Veysey
Delaney	Mailliard	Walsh
Dent	Martin, Nebr.	Wyatt
Frelinghuysen	Milford	
Griffiths	Mills, Ark.	

So the conference report was agreed to.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Buchanan.
Mr. Rooney of New York with Mr. Frelinghuysen.
Mrs. Burke of California with Mr. Harvey.
Mr. Ryan with Mr. Beard.
Mr. Carey of New York with Mr. Mailliard.
Mr. Dent with Mr. Martin of Nebraska.
Mrs. Griffiths with Mr. Hudnut.
Mr. Sisk with Mr. Reid.
Mrs. Hansen of Washington with Mr. McKinney.
Mr. Hanna with Mr. Powell of Ohio.
Mr. Clay with Mr. Delaney.
Mr. Leggett with Mr. Gubser.
Mr. Stark with Mr. Aspin.
Mr. Murphy of New York with Mr. Milford.
Mr. Karth with Mr. Davis of Wisconsin.
Mr. Landrum with Mr. Taylor of Missouri.
Mr. McCormack with Mr. Van Deerlin.
Mr. Mills of Arkansas with Mr. Vander Jagt.
Mr. Burton with Mr. Alexander.
Mr. Blatnik 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. WALDIE. 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 on the bill H.R. 9256, just passed.

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

There was no objection.

AUTHORIZING THE SECRETARY OF THE INTERIOR TO PURCHASE PROPERTY LOCATED WITHIN SAN CARLOS MINERAL STRIP

Mr. MELCHER. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 7730) to authorize the Secretary of the Interior to purchase property located within the San Carlos Mineral Strip, with an amendment.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there

objection to the request of the gentleman from Montana?

There was no objection.

The Clerk read the bill as follows:

H.R. 7730

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 is hereby authorized, in his discretion, under such regulations as he may prescribe, to acquire through purchase from permittees or lessees having grazing rights within the so-called San Carlos Mineral Strip as of January 24, 1969, any or all of their privately owned property, both real and personal, located within such area, taking title thereto in the name of the United States in trust for the San Carlos Apache Indian Tribe.

SEC. 2. The Secretary of the Interior is authorized and directed to compensate the owners of range improvements of a permanent nature placed, under the authority of a permit from or agreement with the United States, on the lands restored to the tribe for the reasonable value of such improvements, as determined by the Secretary. Persons whose grazing permits, licenses, or leases on lands within the area restored to the San Carlos Apache Tribe were canceled because of such restoration shall be compensated in accordance with the standard prescribed by the Act of July 9, 1942, as amended (43 U.S.C. 315q).

SEC. 3. For the purpose of purchasing such real and personal property and payment of compensation as provided above, there is hereby authorized to be appropriated, from any funds in the Treasury not otherwise appropriated, sums sufficient to defray the costs as determined by the Secretary.

AMENDMENT OFFERED BY MR. MELCHER

Mr. MELCHER. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MELCHER: Strike everything after the enacting clause and insert in lieu thereof the following:

That the Secretary of the Interior is hereby authorized and directed to acquire through purchase within the so-called San Carlos Mineral Strip as of January 24, 1969, all privately owned real property, taking title thereto in the name of the United States in trust for the San Carlos Apache Indian Tribe.

SEC. 2. The Secretary of the Interior is authorized and directed to purchase from the owners all range improvements of a permanent nature placed, under the authority of a permit from or agreement with the United States, on the lands restored to the tribe for the reasonable value of such improvements, as determined by the Secretary, provided, however, that if any such range improvements were constructed under cooperative agreement with the Federal Government, the reasonable value shall be decreased proportionately by the percentage of original Federal participation. Such permanent improvements shall include, but not be limited to, wells, windmills, water tanks, ponds, dams, roads, fences, corrals and buildings. The Secretary shall take title to such range improvements in the name of the United States in trust for the San Carlos Apache Indian Tribe.

SEC. 3. The Indian Claims Commission is directed to determine in accordance with the provisions of Section 2 of the Act of August 13, 1946 (60 Stat. 1050), the extent to which the value of the conveyances provided for in this Act should or should not be set off against any claim of the San Carlos Apache Tribe against the United States.

SEC. 4. There are authorized to be appropriated for the purposes of this Act not to exceed $1,500,000 to be available without fiscal year limitation. In no event shall any person receive total compensation under this Act in excess of $150,000.

Mr. MELCHER (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the amendment be dispensed with, and that it be printed in the RECORD.

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

There was no objection.

Mr. MELCHER. Mr. Speaker, this is a bill that had some problems when we considered it on suspension several weeks ago. It received a majority of votes but lacked the required two-thirds vote for passage under suspension of the rules. We have straightened out those problems and removed the objections raised in the House debate on the floor at that time. I am offering an amendment which has been examined very thoroughly by Members on both sides of the aisle.

This amendment revises the entire bill to direct the Secretary of Interior to purchase all the privately owned real property in the San Carlos mineral strip and all range improvements of a permanent nature such as wells, fences, buildings, and corrals to hold in trust for the San Carlos Apache Indian Tribe.

The Indians would get all of the land in the strip returned to them plus all of the improvements made on the land. The San Carlos Apache Tribe deserves this since it was a mistake of our Government to have removed this land from their control and use; $1½ million is authorized for this purpose with a limitation of $150,000 for any one person.

I urge that the House accept the amendment and pass the bill.

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

There was no objection.

The amendment was agreed to.

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.

PERSONAL EXPLANATION

Mr. SARASIN. Mr. Speaker, due to the inclement weather which disrupted normal airline traffic yesterday, I was unavoidably detained while returning from my regular weekend visit to the Fifth District of Connecticut. Therefore, I was unable to vote on two recorded votes, rollcall Nos. 692 and 693.

Had I not been detained, I would have voted "nay" on the motion to recommit and "yea" on final passage of the conference report accompanying S. 1435, a bill to provide self-government for the District of Columbia.

AUTHORIZING SPEAKER TO ENTERTAIN MOTIONS TO SUSPEND THE RULES ON WEDNESDAY, DECEMBER 19, 1973, AND FOR THE BALANCE OF THAT WEEK

Mr. MADDEN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 746 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 746

Resolved, That on Wednesday, December 19, 1973, and for the balance of that week, it shall be in order for the Speaker, at any time, to entertain motions to suspend the rules, notwithstanding the provisions of clause 1, rule XXVII.

Mr. MADDEN. Mr. Speaker, House Resolution 746 provides it shall be in order for the Speaker, at any time on or after Wednesday next, December 19, 1973, to entertain motions to suspend the rules of the House of Representatives.

This resolution is needed because even though it is anticipated that the House will adjourn by this Friday, December 21, it is impossible to know exactly when the last 6 days of the session will occur, without the adjournment resolution.

I urge adoption of House Resolution 746.

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

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

Mr. GROSS. Mr. Speaker, I thank the gentleman from Indiana, the chairman of the Committee on Rules, for yielding.

What now happens to the Suspension Calendar that we have before us?

Mr. MADDEN. I presume that the Suspension Calendar will continue until all bills are disposed of, and then possibly, I presume, there may be other bills taken up under suspension.

This resolution is merely to cover the situation under the Rules of the House. It is a rule that has always been recognized a few days before adjournment.

Mr. GROSS. I understand the purpose of it. I was just wondering if this would have anything to do with the schedule today, which is the second suspension day this week under the rules made applicable for this session.

Mr. MADDEN. Mr. Speaker, this does not affect today's proceedings at all.

Mr. GROSS. All right. Why do we continue the rule, the present rule, for suspensions on the last 6 days of a session, and which is predicated upon the adoption of a sine die adjournment resolution on a date certain?

Mr. MADDEN. Well, this is under the regular rules of the House. It is customary pending an adjournment.

Mr. GROSS. Mr. Speaker, this is to circumvent the regular rules of the House which provide for suspensions 6 days prior to the sine die adjournment of a session of Congress, providing only that the House has adopted a date for sine die adjournment.

Mr. MADDEN. Perhaps the gentleman from Iowa might have a suspension he wishes to have taken up.

Mr. GROSS. Why should we have this resolution to set aside a rule of the House which is explicit, but never used?

Mr. MADDEN. Mr. Speaker, I say to the gentleman from Iowa, that this is part of the rules of the House, and it is the practice in the closing days of every session.

Mr. GROSS. Mr. Speaker, I know it is done in this way, but the rules already provide for the consideration of suspensions, under certain conditions.

Mr. MADDEN. I will say to the gentleman that we are merely carrying out the rules of the House.

Mr. GROSS. If the pending resolution is adopted, it will constitute an edict on the part of the House that sets aside a rule.

Mr. MADDEN. It has been a customary practice in order to carry out the rules of the House.

Mr. GROSS. Yes; it is one of those in-and-out and roundabout deals. It has appeared in practically every session in recent years.

Mr. MADDEN. Mr. Speaker, I have heard the gentleman from Iowa get up time after time to inquire about when we are going to adjourn and ask questions concerning how long we think it is going to take before we go home. This is really a rule which may help the gentleman from Iowa to get back to Iowa and take care of his cows and chickens.

Mr. GROSS. I am not asking to get out at any price.

Let us stop footdragging and get down to work early in the next session so that we do not have to go through this kind of a charade again.

Mr. MADDEN. Mr. Speaker, I fully realize, after hearing the gentleman from Iowa complain any number of times about delaying adjournment, that this is going to be of great assistance to the gentleman from Iowa.

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

Mr. Speaker, had the reconvening resolution set a specific date for adjournment and had that date been within a 6-day period, this rule would not have been necessary.

Mr. Speaker, I have no requests for time.

I urge the adoption of the resolution and reserve the balance of my time.

Mr. MADDEN. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

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

Mr. ROUSSELOT. Mr. Speaker, I demand a recorded vote.

A recorded vote was refused.

Mr. ROUSSELOT. 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 284, nays 101, not voting 47, as follows:

[Roll No. 698]

YEAS—284

Abzug	Barrett	Breaux
Adams	Bennett	Breckinridge
Addabbo	Bergland	Brinkley
Anderson, Calif.	Bevill	Brooks
Andrews, N.C.	Biaggi	Broomfield
Andrews, N. Dak.	Biester	Brotzman
Annunzio	Bingham	Brown, Calif.
Arends	Boggs	Brown, Mich.
Ashley	Boland	Brown, Ohio
Badillo	Brademas	Broyhill, N.C.
	Brasco	Broyhill, Va.
	Bray	Burke, Mass.
Burleson, Tex.	Hicks	Regula
Burlison, Mo.	Holtzman	Reuss
Byron	Horton	Rhodes
Camp	Hosmer	Riegle
Carney, Ohio	Howard	Roberts
Carter	Hungate	Robison, N.Y.
Casey, Tex.	Jarman	Rodino
Chamberlain	Johnson, Calif.	Roe
Chappell	Johnson, Colo.	Rogers
Chisholm	Johnson, Pa.	Roncalio, Wyo.
Clark	Jones, Ala.	Roncallo, N.Y.
Clausen, Don H.	Jones, N.C.	Rose
	Jones, Okla.	Rosenthal
Clawson, Del	Jones, Tenn.	Rostenkowski
Cleveland	Jordan	Roush
Cohen	Kastenmeier	Roy
Collins, Ill.	Kazen	Roybal
Conable	King	Runnels
Conlan	Kluczynski	Ruppe
Conte	Koch	St Germain
Conyers	Kuykendall	Sarbanes
Corman	Kyros	Schneebeli
Cotter	Latta	Schroeder
Coughlin	Leggett	Seiberling
Cronin	Lehman	Shipley
Culver	Lent	Shoup
Daniels, Dominick V.	Litton	Sikes
	Long, Md.	Sisk
Danielson	McCloskey	Slack
Davis, Ga.	McDade	Smith, Iowa
Davis, S.C.	McEwen	Smith, N.Y.
Davis, Wis.	McFall	Snyder
de la Garza	McKay	Staggers
Dellums	McSpadden	Stanton, J. William
Denholm	Macdonald	
Dickinson	Madden	Stanton, James V.
Dingell	Mahon	
Donohue	Mallary	Steed
Downing	Mann	Steelman
Drinan	Mathias, Calif.	Steiger, Ariz.
Dulski	Matsunaga	Steiger, Wis.
Eckhardt	Mayne	Stephens
Edwards, Calif.	Mazzoli	Stokes
Eilberg	Meeds	Stratton
Erlenborn	Melcher	Stubblefield
Esch	Metcalfe	Stuckey
Eshleman	Mezvinsky	Studds
Evans, Colo.	Milford	Sullivan
Evins, Tenn.	Minish	Symington
Fascell	Mink	Taylor, N.C.
Findley	Mitchell, Md.	Teague, Tex.
Fish	Moakley	Thompson, N.J.
Fisher	Mollohan	Thomson, Wis.
Flood	Morgan	Thornton
Flowers	Mosher	Tiernan
Foley	Moss	Towell, Nev.
Ford, William D.	Murphy, Ill.	Treen
	Natcher	Udall
Forsythe	Nedzi	Ullman
Fraser	Nelsen	Vanik
Fulton	Nichols	Vigorito
Fuqua	Nix	Waldie
Gaydos	Obey	Ware
Gettys	O'Brien	Whalen
Giaimo	O'Hara	White
Gibbons	O'Neill	Widnall
Ginn	Owens	Wiggins
Goldwater	Passman	Williams
Grasso	Patman	Wilson, Charles H., Calif.
Gray	Patten	
Green, Oreg.	Pepper	
Green, Pa.	Perkins	Wilson, Charles, Tex.
Grover	Pettis	
Gude	Peyser	Wolff
Gunter	Pickle	Wright
Guyer	Pike	Wydler
Haley	Poage	Wyman
Hamilton	Podell	Yates
Hanley	Preyer	Yatron
Hansen, Idaho	Price, Ill.	Young, Alaska
Harrington	Pritchard	Young, Fla.
Hastings	Quillen	Young, Ga.
Hawkins	Railsback	Young, Ill.
Hays	Randall	Young, Tex.
Helstoski	Rangel	Zablocki
Henderson	Rees	Zwach

NAYS—101

Abdnor	Collins, Tex.	Froehlich
Archer	Crane	Gilman
Armstrong	Daniel, Dan	Gonzalez
Ashbrook	Daniel, Robert W., Jr.	Goodling
Bafalis		Gross
Baker	Dellenback	Hammer-schmidt
Bauman	Dennis	
Beard	Derwinski	Hanrahan
Bell	Devine	Harsha
Blackburn	Dorn	Hechler, W. Va.
Bowen	Duncan	Heckler, Mass.
Burgener	du Pont	Heinz
Burke, Fla.	Edwards, Ala.	Hillis
Butler	Flynt	Hinshaw
Clancy	Fountain	Hogan
Cochran	Frenzel	Holt
Collier	Frey	Huber
Hunt	Montgomery	Shriver
Hutchinson	Moorhead, Calif.	Shuster
Ichord		Spence
Keating	Myers	Steele
Kemp	Parris	Symms
Ketchum	Price, Tex.	Talcott
Lott	Quie	Teague, Calif.
Lujan	Rarick	Thone
McClory	Rinaldo	Waggonner
McCollister	Robinson, Va.	Wampler
Madigan	Rooney, Pa.	Whitehurst
Maraziti	Rousselot	Whitten
Martin, N.C.	Ruth	Wilson, Bob
Mathis, Ga.	Sandman	Winn
Michel	Sarasin	Wylie
Miller	Satterfield	Young, S.C.
Mitchell, N.Y.	Scherle	Zion
Mizell	Sebelius	

NOT VOTING—47

Alexander	Gubser	Minshall, Ohio
Anderson, Ill.	Hanna	Moorhead, Pa.
Aspin	Hansen, Wash.	Murphy, N.Y.
Blatnik	Harvey	Powell, Ohio
Bolling	Hébert	Reid
Buchanan	Holifield	Rooney, N.Y.
Burke, Calif.	Hudnut	Ryan
Burton	Karth	Skubitz
Carey, N.Y.	Landgrebe	Stark
Cederberg	Landrum	Taylor, Mo.
Clay	Long, La.	Van Deerlin
Delaney	McCormack	Vander Jagt
Dent	McKinney	Veysey
Diggs	Mailliard	Walsh
Frelinghuysen	Martin, Nebr.	Wyatt
Griffiths	Mills, Ark.	

So the resolution was agreed to.

The vote was announced as above recorded.

A motion to reconsider was laid on the table.

INDIAN RIVER, FLA., GRAPEFRUIT PROMOTION

Mr. VIGORITO. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1945) to amend the Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, so as to authorize certain grapefruit marketing orders which provide for an assessment against handlers for the purpose of financing a marketing promotion program to also provide for a credit against such assessment in the case of handlers who expend directly for marketing promotion.

The Clerk read as follows:

S. 1945

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8c(6)(I) of the Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 and subsequent legislation, is further amended by inserting in the first proviso "and Florida Indian River grapefruit" immediately after "with respect to almonds".

The SPEAKER. Is a second demanded?

Mr. TEAGUE of California. Mr. Speaker, I demand a second.

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

There was no objection.

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

Mr. Speaker, the legislation now before the House is S. 1945, a bill to permit marketing orders for Florida Indian River grapefruit to provide for crediting a handler's direct market promotion expenditures against his assessment for market promotion expenses under the order. It is identical to S. 1945 passed by the Senate on March 7, 1972.

Section 8c(6)(I) of the Agricultural Adjustment Act now provides for the es-

tablishment of market promotion programs under marketing orders, including in the case of a number of specified commodities paid advertising. Funds collected from handlers for these programs cannot, of course, be used for brand advertising, although brand advertising by individual handlers contributes to the success of the program. Under the bill an order could permit all or part of the handler's expenditures for promotion to be credited against his assessment.

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

Mr. VIGORITO. I yield such time as he may consume to the gentleman from Florida.

Mr. GUNTER. Mr. Speaker, this bill certainly is an example of American initiative and ingenuity. The purpose of the legislation, and any specific marketing order developed under it, would be to promote the words "Indian River" as they pertain to fresh Florida grapefruit.

This bill, Mr. Speaker, provides for a way wherein handlers and shippers can have a credit against the shipper's assessment obligation under the marketing order for a portion or all of the money that the handler or shipper spends in directly promoting Indian River grapefruit. It would encourage shippers of Indian River grapefruit to maintain or develop their own promotion, including paid advertising.

Mr. Speaker, this bill is timely since we are in a period of ever-increasing production in the Indian River district. I call attention to the production of grapefruit in the Indian River district. It has gone from 8.7 million boxes in the 1961–62 season up to 16.9 millions boxes in 1971–72.

It should also be pointed out, that this bill provides the same authorization as that provided for California almonds in Public Law 91–522, approved November 5, 1970, by the Congress and the President.

The California almond marketing order program, it is my understanding from the testimony before our committee on agriculture, is enjoying great success in that State.

I would also like to underscore the point, Mr. Speaker, that the growers and handlers within the Indian River district are in favor of this legislation. The Indian River Citrus League, representing some 85 percent of the growers in the district, has unanimously endorsed this legislation. The Indian River Grapefruit Committee has endorsed the bill.

Over the several months that this legislation has been under consideration, there has been wide publicity on this matter in the district. I have not received one letter or one phone call in opposition to the bill, so I think it is legislation that finds favor with those that are going to be affected by it.

I also want to emphasize that several of my colleagues from Florida have introduced similar legislation to the Senate bill now before us, including Mr. ROGERS, Mr. BAFALIS, and Mr. FREY. This legislation, I believe, is unanimously endorsed by all Members of the Florida delegation.

Mr. VIGORITO. Mr. Speaker, I yield to the gentleman from California.

Mr. TEAGUE of California. Mr. Speaker, I support this bill, not with overwhelming enthusiasm, but I shall support it at this time.

I yield to the gentleman from Florida (Mr. FREY).

Mr. FREY. Mr. Speaker, I am here today trusting the House will approve of and join our efforts to protect the prestige and recognition of Indian River grapefruit at the marketplace.

That protection and rightful place at the market can come only by amending the Agricultural Marketing Agreement Act of 1937 to allow Florida growers to develop their own promotional program.

The Indian River grapefruit is a tasty one with a high juice content and a thin, smooth rind.

This grapefruit can only be grown in the Indian River district—which includes portions of Brevard, Volusia, Indian River, St. Lucie, Martin and Palm Beach Counties—because of the soil and weather factors of this narrow strip of land along Florida's east coast.

There are more than 40 fresh citrus packinghouses in the Indian River district and more than 50 percent of the fresh grapefruit shipped from the Sunshine State comes from this district.

Value of the Indian River grapefruit is estimated to be about $70 million this year, a figure which denotes its importance to the area's economy.

Amending the marketing order will allow even more sales of Indian River grapefruit as it enables Indian River Citrus League members to receive credits toward promotion and advertising from assessments they now pay on each box of fruit produced.

The advertising will allow Indian River grapefruit to compete with a similar grapefruit, one produced in Texas and marketed under the name "Texas-Sweet."

Producers of TexasSweet will spend an estimated $800,000 this year alone to advertise their products while Indian river grapefruit growers are free to advertise their brand only at added expense.

Passage of this amendment, however, will guarantee to Indian River growers that they will be able to compete at a more equitable level with producers of other grapefruit.

I would like to add, Mr. Speaker, that this amendment we are considering today comes in the form of enabling legislation and let me also emphasize that the promotional effort must be approved through referendum before it can become effective.

The Indian River Citrus League supports this legislation and I trust it will receive favorable action by the Congress.

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

Mr. FINDLEY. Mr. Speaker, this bill deals only with the State of Florida. It deals only with a certain type of grapefruit that is produced in the State of Florida. I know of no opposition, organized or otherwise, among the producers and shippers of that particular commodity within the State of Florida. Nevertheless, I believe this Chamber should know what is in this bill.

There is a fundamental principle of public policy involved here which may be generally supported. I do not like it. I think it is bad policy, but in any event, I think we should know what is happening.

In the few years that I have been a Member of this body, the Congress has seen fit on several occasions to establish the concept of a mandatory checkoff among producers or handlers of a particular commodity for purposes of advertising that commodity. With one notable exception, all such advertising has been limited to the commodity itself, as distinguished from a particular brand name of that commodity.

Now, this has been an important step and I think a mistake in public policy. It is a policy which coerces the minority. Nevertheless, it has been established rather widely for various commodities.

I say it is a mistake because by a two-thirds vote, producers or handlers of a commodity can mandate the checkoff for advertising against every producer or handler of that product. He no longer has freedom of choice as to whether he will contribute to advertising of that commodity. This bill goes a step further—a vital step further—and permits the person against which the checkoff is mandated by this marketing order; permits him to credit against that checkoff the cost of brand name advertising.

Now, is it good public policy for the Congress to use the sanction of law to encourage brand name advertising? That is the fundamental issue here, and I hope the Members will at least ponder that before the vote occurs.

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

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

Mr. VIGORITO. Mr. Speaker, is it not correct that there already is a marketing order for Indian River grapefruit and there is a checkoff, I believe, 2 cents per box, and this action, this bill will merely give the producers a right to get a credit against their payment for individually advertising under the brand name?

Mr. FINDLEY. That is correct, and the question is whether it is good public policy to put the sanction of law behind the encouragement of such advertising. I think it is not good public policy, but I dare say the majority disagrees with me.

It is important, though, on a bill which deals only with the interests of a part of one State and only with a particular commodity, for the Congress to look at this question of public policy generally, because this may be an important and widely cited precedent.

There is precedent for this procedure. For the past year almonds have had an experimental pilot project to see how it works. It sanctions credit for brand name advertising. The department witness testifying on this particular bill now before us stated that he did not feel that the experiment had been in operation long enough to have enough experience to judge its value.

Mr. Speaker, I do not plan to demand a vote on this, but I just ask Members to consider the fundamental issue of public policy involved here.

Mr. VANIK. Mr. Speaker, I am opposed to this legislation, S. 1945, which would

provide an amendment to the Indian River agricultural marketing order for grapefruits to permit the financing of a marketing promotion program.

In general, marketing order legislation is anticonsumer, procartel; controls are created to regulate competition, to limit market supplies, and increase the cost of the ultimate product to the consumer.

Our colleague from Illinois (Mr. FINDLEY) makes some excellent points in his opposing views to this bill, printed in the committee report. As he notes, this bill establishes the principle of using legal sanctions to encourage advertising of brand-name products.

The question we must all ask ourselves is, once started, Where will this practice end?

Mr. ROGERS. Mr. Speaker, I rise in support of S. 1945, which would amend the Agricultural Marketing Agreement Act in order to encourage handlers of Indian River grapefruit to maintain or develop their own promotion programs, including paid advertising, by crediting their assessment obligations with all or a portion of their direct promotion expenditures as authorized in the order. On July 25, 1973, I joined my colleague, the Honorable LOU FREY, in introducing an identical bill, H.R. 9508, in the House of Representatives.

Citrus fruit produced in the Indian River district is of exceptional quality, due to a unique combination of weather and soil factors in the area. As such, I believe the bill before the House today is commendable in that its primary purpose is to protect, uphold and enhance the prestige of the name "Indian River" as it is applied to Florida citrus fruit.

It is my understanding that a similar arrangement to that provided for in this bill has been in effect for some time in regard to California almonds, with considerable success. It is my further understanding that S. 1945 is simply enabling legislation, and that any specific proposal to develop a marketing promotion program for Indian River district grapefruit under a Federal marketing agreement will have to be approved in a referendum by growers and handlers affected by the program.

Mr. Speaker, Florida has long enjoyed a reputation for production of citrus fruits of fine quality, and this reputation has been acquired in no small part due to the exeptional quality of the fruit produced in the Indian River district. I have always taken some pride in the fact that Indian River citrus has been produced in my congressional district. As an effort to protect and enhance the prestige of what is in fact quite a unique natural resource, I believe S. 1945 is a desirable piece of legislation and urge the House's favorable consideration of it.

Mr. BAFALIS. Mr. Speaker, I rise in support of S. 1945 which will amend the Agricultural Marketing Act to allow growers of Indian River grapefruit to maintain and develop their own promotions and advertising. As a sponsor of the House version of this legislation, I am most anxious to see it adopted by the House today.

As my colleagues know, Florida is a State well-known for the high quality of its citrus industry. And, among all its citrus products, the Indian River grapefruit is a real standout. This fruit is grown only in the Indian River district composed of parts of Volusia, Brevard, Martin, St. Lucie, Indian River, and Palm Beach Counties, and is of such distinct taste and quality that it commands 50 to 75 cents more per box at the packing houses than any other grapefruit.

Because of its distinct qualities and the great demand for Indian River grapefruit, a specific problem has arisen. The Florida citrus industry promotes fresh Florida grapefruit and other citrus through the Florida Department of Citrus. Regulations, however, prohibit this Department from embarking on any promotional campaign for a specific geographical product such as the Indian River grapefruit. Therefore, at the present time, the only promotion being done for the Indian River fruit is that financed by a few of the Indian River growers and shippers at an extremely high personal expense. Because of the uniqueness of their product, I feel the most practical way to accomplish this marketing is under the Federal Marketing Order program. Therefore, I joined in sponsoring legislation which would amend the Agricultural Marketing Act for this purpose.

Legislation similar to the House bill was passed by the Senate during the 92d Congress, but the House failed to take action on it. On June 28 of this year, the Senate again approved this bill. As the Representative of a very large portion of the Indian River district, I urge you to join me in support of S. 1945 which will allow the Indian River grapefruit growers to embark on their own advertising and marketing program. I can assure you your vote will be greatly appreciated.

The SPEAKER. The question is on the motion offered by the gentleman from Pennsylvania (Mr. VIGORITO) that the House suspend the rules and pass the Senate bill, S. 1945.

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. VIGORITO. 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 Pennsylvania?

There was no objection.

NOXIOUS WEED CONTROL

Mr. POAGE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 11273) to provide for the regulation of movement in foreign commerce of noxious weeds and potential carriers thereof, as amended.

The Clerk read as follows:

H.R. 11273

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Noxious Weed Act of 1973".

SEC. 2. The importation of noxious weeds, except under controlled conditions, allows the growth and spread of such weeds which interfere with the growth of useful plants, clog waterways and interfere with navigation, cause disease, or have other adverse effects upon man or his environment and therefore is detrimental to the agriculture and commerce of the United States and to the public health. The distribution within the United States of noxious weeds after their importation has like detrimental effects and allowing such distribution encourages and facilitates the burdening and obstructing of commerce, and is inimical to the public interest. Accordingly, the Congress hereby determines that the regulation of transactions in, and movement of, noxious weeds as provided in this Act is necessary to prevent and eliminate burdens upon and obstructions to commerce and to protect the public welfare.

SEC. 3. As used in this Act, except where the context otherwise requires:

(a) "Secretary" means the Secretary of Agriculture of the United States or any other person to whom authority may be delegated to act in his stead.

(b) "Authorized inspector" means any employee of the Department of Agriculture or agency of the Federal Government which is cooperating with the Department in the administration of any provisions of this Act, who is authorized by the Secretary to perform assigned duties under this Act.

(c) "Noxious weed" means any living stage (including, but not limited to, seeds and reproductive parts) of any parasitic or other plant of a kind, or subdivision of a kind, which the Secretary so designates.

(d) "United States" means any of the States, territories, or districts of the United States.

(e) "District" means the District of Columbia or any possession of the United States.

(f) "Move" means deposit for transmission in the mails, ship, offer for shipment, offer for entry, import, receive for transportation, carry, or otherwise transport or move, or allow to be moved, by mail or otherwise.

SEC. 4. The Secretary may promulgate such guaranties and other regulations requiring inspection of products and articles of any character whatsoever and means of conveyance, specified in the regulations, as a condition of their movement into the United States and imposing other conditions upon such movement, as he deems necessary to prevent the dissemination into the United States of any noxious weeds.

SEC. 5. (a) No person shall knowingly move any noxious weed into the United States, unless such movement is authorized under general or specific permit from the Secretary and is made in accordance with such conditions as the Secretary may prescribe in the permit and in such regulations as he may promulgate under this Act to prevent the dissemination into the United States of noxious weeds.

(b) No person shall knowingly sell, purchase, barter, exchange, give, or receive any noxious weed which has been moved in violation of subsection (a), or knowingly deliver or receive for transportation or transport in foreign commerce any advertisement to sell, purchase, barter, exchange, give, or receive any noxious weed which is prohibited from movement in such commerce under this Act.

(c) The Secretary may refuse to issue a permit for the movement of any noxious weed when, in his opinion, such movements would involve a danger of dissemination of noxious weeds into the United States.

SEC. 6. (a) Except as provided in paragraph (c) of this section, the Secretary may, whenever he deems it necessary as an emergency measure in order to prevent the dissemination of any noxious weed, seize, quarantine,

treat, destroy, or otherwise dispose of, in such manner as he deems appropriate, any product or article of any character whatsoever, or means of conveyance, which is moving into the United States, and which he has reason to believe is infested by or contains any such noxious weed, or which has moved into the United States, and which he has reason to believe was infested by or contained any such noxious weed at the time of such movement; and any noxious weed, product, article, or means of conveyance which is moving into the United States, or has moved into the United States in violation of this Act or any regulation hereunder.

(b) Except as provided in paragraph (c) of this section, the Secretary may order the owner of any product, article, means of conveyance, or noxious weed subject to disposal under paragraph (a) of this section, or his agent, to treat, destroy, or make other disposal of such product, article, means of conveyance, or noxious weed, without cost to the Federal Government and in such manner as the Secretary deems appropriate. The Secretary may apply to the United States district court, or to the United States court of any territory or possession, for the judicial district in which such person resides or transacts business or in which the product, article, means of conveyance, or noxious weed is found, for enforcement of such order by injunction, mandatory or otherwise. Process in any such case may be served in any judicial district wherein the defendant resides or transacts business or may be found, and subpenas for witnesses who are required to attend a court in any judicial district in such a case may run into any other judicial district.

(c) No product, article, means of conveyance, or noxious weed shall be destroyed, exported, or returned to shipping point of origin, or ordered to be destroyed, exported, or so returned under this section, unless in the opinion of the Secretary there is no less drastic action which would be adequate to prevent the dissemination of noxious weeds into the United States.

(d) The owner of any product, article, means of conveyance, or noxious weed destroyed, or otherwise disposed of, by the Secretary under this section, may bring an action against the United States in the United States District Court for the District of Columbia, within one year after such destruction or disposal, and recover just compensation for such destruction or disposal of such product, article, means of conveyance, or noxious weed (not including compensation for loss due to delays incident to determining its eligibility for movement under this Act) if the owner establishes that such destruction or disposal was not authorized under this Act. Any judgment rendered in favor of such owner shall be paid out of the money in the Treasury appropriated for administration of this Act.

SEC. 7. Any authorized inspector, when properly identified, shall have authority, (a) without a warrant, to stop any persons or means of conveyance moving into the United States, and inspect any noxious weeds and any products and articles of any character whatsoever, carried thereby, to determine whether such persons or means of conveyance are moving any noxious weed contrary to this Act or any regulation under this Act; (b) without a warrant, to stop any persons or means of conveyance moving through the United States, and inspect any noxious weeds and any products and articles of any character whatsoever carried thereby, to determine whether such persons or means of conveyance are moving any noxious weed contrary to this Act or any regulation thereunder, if such inspector has probable cause to believe that such persons or means of conveyance are carrying any noxious weed subject to this Act; and (c) to enter, with a warrant, any premises in the United States, for purposes of any inspections or other actions necessary under this Act, Any judge of the United States or of a court of record of any State, territory, or district, or a United States commissioner, may, within his respective jurisdiction, upon proper oath or affirmation showing probable cause to believe that there are on certain premises any products, articles, means of conveyance, or noxious weeds subject to this Act, issue warrants for the entry of such premises for purposes of any inspection or other actions necessary unthis Act. Such warrants may be executed by any authorized inspector.

SEC. 8. Any person who knowingly violates section 5 or 6(a) of this Act, or any regulation promulgated under this Act, shall be guilty of a misdemeanor and shall be punished by a fine not exceeding $500, or by imprisonment not exceeding one year, or both.

SEC. 9. (a) The Secretary is authorized to cooperate with the Government of Canada or Mexico, or local Canadian or Mexican authorities, in carrying out necessary surveys and control operations in Canada or Mexico, respectively, whenever he deems such cooperation is necessary to effectuate the objectives of any program conducted in the United States under this section.

(b) In performing the operations or measures authorized by paragraph (a), the cooperating foreign country, State, or other governmental agency shall be responsible for the authority necessary to carry out the operations or measures on all lands and properties within the foreign country, State, or other jurisdiction involved, other than those owned or controlled by the United States Government, and for such other facilities and means as in the discretion of the Secretary are necessary.

SEC. 10. There are hereby authorized to be appropriated such sums as the Congress may from time to time determine to be necessary for the administration of this Act. Any sums so appropriated shall be available for expenditures for the purchase, hire, maintenance, operation, and exchange of aircraft and other means of conveyance, and for such other expenses as may be necessary to carry out the purposes of this Act. However, unless specifically authorized in other legislation or provided for in appropriations, no part of such sums shall be used to pay the cost or value of property injured or destroyed under section 6 of this Act.

SEC. 11. The provisions of this Act shall not amend or repeal any of the provisions of the Plant Quarantine Act of August 20, 1912 (37 Stat. 315), as amended (7 U.S.C. 151–154, 156–164a, 167), the Federal Plant Pest Act (71 Stat. 31) (7 U.S.C. 150aa–150jj), the Federal Seed Act (53 Stat. 1275), as amended (7 U.S.C. 1551–1611), or any other laws.

SEC. 12. The provisions of this Act shall not invalidate the provisions of the laws of any State or political subdivision thereof, or of any territory or district of the United States relating to noxious weeds, except that no such jurisdiction may permit any action that is prohibited under this Act.

SEC. 13. If any provision of this Act or the application thereof to any person or circumstances is held invalid, the remainder of the Act and the application of such provision to other persons and circumstances shall not be affected thereby.

The SPEAKER. Is a second demanded?

Mr. TEAGUE of Texas. Mr. Speaker, I demand a second.

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

There was no objection.

Mr. POAGE. Mr. Speaker, this bill was passed by a unanimous 25 to 0 vote in the Committee on Agriculture. It rectifies what is obviosly a loophole in our laws which many of us did not know existed. Most of us had supposed that there were laws prohibiting the importation of noxious weed seed. There is not any such law.

We have felt that it was desirable that we keep noxious weeds and objectionable plants out of the United States. It is estimated that there is a $2 billion annual loss from weeds. Of course, they are not all foreign imported by any manner of means, but there are a great many very detrimental weeds that have been brought into the United States that are harmful all over this country. Most everybody thinks of the Canadian thistle, but that is not the only one by any manner of means.

Just as we have brought in animal pests, such as the English sparrow, we have brought in plant pests, and they have become a tremendous economic expense to the United States.

This bill, which has been modified to meet the objections of the Department of Agriculture and which had the unanimous approval of the committee, simply authorizes the Secretary of Agriculture in effect to announce that certain plants are noxious and to prohibit the importation of any material containing those plants or the seeds thereof, in order to keep them from coming into the United States.

We feel that the bill can certainly do nothing other than benefit our people.

Mr. Speaker, I hope that the House will pass this bill.

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

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

Mr. WYDLER. Mr. Speaker, could the gentleman give me an illustration of something that he considers a "noxious weed"?

What are we talking about?

Mr. POAGE. Mr. Speaker, I think the Canadian thistle is probably the one that is probably the best known over the United States. Certainly it is a noxious weed.

Johnson grass is a noxious weed, although it probably has been here long enough to be known as a homegrown product. I do not know how the cocklebur got into this country. It is certainly a noxious weed.

Certainly the bringing of some of those things into the United States can do nothing except open the door for trouble.

That is the entire purpose of the bill.

Mr. WYDLER. Mr. Speaker, if the gentleman will yield further, would, for example, tobacco be considered or could it be considered a noxious weed by the Secretary?

Mr. POAGE. Of course, I cannot tell the gentleman what the Secretary would consider, but I would assume that it would not be so considered, because a noxious weed in the normal terminology would be one that interfered with the development and interfered with the growth of more desirable plantlife.

I do not take it that tobacco does that sort of thing. I have never lived in a tobacco-growing section, and I am not familiar with all of its growth habits, but so far as I know, it is a rather difficult plant to grow, rather than one that crowds other plants out.

Mr. TEAGUE of California. Mr. Speaker, I support this bill.

I am not sure that the chairman of the committee mentioned the water lily, which is a great problem in the southern States, and which is a very important noxious weed.

The morning glory is another noxious weed. There are many, many noxious weeds which cost our people hundreds of millions of dollars.

Mr. Speaker, I support the bill.

Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. FREY).

Mr. FREY. Mr. Speaker, I appreciate the opportunity to speak today in support of legislation I introduced in April to ban the importation of noxious weeds.

I represent the space coast of Florida where we have grown rather accustomed to seeing men blast off in huge rockets to explore the Moon.

We have also grown accustomed to seeing our lakes and rivers choked with aquatic weeds, most of which were inadvertently brought into Florida and America from foreign countries.

It is indeed a paradox, watching men leave Cape Kennedy for the moon and yet not being able to navigate our rivers, streams, and lakes.

It is a paradox found not only in Florida, but in nearly every State in America.

Weeds are, in many cases, literally choking America—by strangling its agricultural crops and recreational and drinking water supplies—to death.

Weeds represent a problem perhaps as old as civilization itself; certainly they have plagued America since its founding.

The battle long ago outgrew proportions where it could be controlled with a hoe or plow and entered the legislative field more than a hundred years ago

In 1821 the State of Connecticut enacted a seed law to prohibit Canadian thistle seed from supplies of forage crop seeds.

Forty-one years later, in 1862, the battle drew national attention when Congress placed emphasis on weed control when it enacted the Federal Department of Agriculture and Land Grant College Act.

By the turn of the century, many State legislatures were getting into the act, passing this law and that against one seed or another which was presenting a problem to agriculture, navigation, or both.

Twenty-five States now have laws prohibiting the importation of certain seeds and plants, but the laws are a hodgepodge, varying in scope and effectiveness.

In 27 States there are extension weed control specialists who devote full time to educational programs designed to make people in their States aware of weeds and how they can combat them.

The key to weed control, as indeed is the key to many problems today, is people.

There are millions of farmers, ranchers, and homeowners, as well as thousands of herbicide dealers who daily fight the battle against weeds.

Their battles are waged on the farms where weeds present an expensive and perplexing problem, and they are waged in practically every backyard in America where homeowners annually trek to the hardware store, returning with various herbicides and sprays designed to rid their yards and gardens of unsightly, and in many cases deadly, weeds.

To the farmer, weeds necessitate a $2.5 billion annual expenditure, but still, the farmer is just keeping up with, if not indeed losing, the fight.

Weeds cause an 8 to 13 percent annual reduction in crop yields.

In 1970, for example, a survey indicated that more than 97 million bushels of soybeans were lost to weeds.

That loss was equal to the production of 3.7 million acres and valued at $212 million.

While the soybean farmer was losing enormous sums of money due to reduced crop yields, he was paying $124 million for herbicides to control those deadly weeds.

His costs, as the cost of the corn grower who spent $204 million in 1968 for herbicides and as in the case of the cotton grower who paid $89 million on weed control, were passed on to the consumer in the way of higher crop prices.

The consumer is also paying for research into ways to combat weeds which were imported to this country, sometimes as decorative aquatic plants and sometimes inadvertently as seeds in other grains.

In my State of Florida alone, taxpayers are financing a $10 to $15 million set of programs designed to control and ultimately rid the State of aquatic weeds which choke navigation and all but destroy our once scenic rivers and lakes for recreational uses.

But we are losing the battle in Florida, as in other States in America, to aquatic weeds.

The St. John's River and the Hillsborough River, once beautiful and untamed, are now choked in many places with aquatic plants, beautiful to look at but their presence makes navigation impossible.

Lakes in the interior of Florida are clogged with aquatic weeds, leaving the landowner with the option of annually spending large sums of money to cut the weeds and clean his lake or letting the waterway become an eyesore.

The historic Suwannee River in Florida was the object of a newsstory recently.

The river has become somewhat of an oddity because it is not yet choked with aquatic weeds, its beauty is not yet marred.

We are sure, however, it is only a matter of time before this beautiful river becomes covered with aquatic plants, destroying its beauty and making recreational uses of the river impossible.

There is a story we hear in Florida, and I cannot vouch for its authenticity, about how aquatic weeds got to the Sunshine State.

It seems a homeowner in the northern part of the State saw an imported water hyacinth in a plant store and decided it would look good in a lake bordering her backyard.

She bought several of these hyacinths, took them home and put them in the lake.

Several years later, as the story goes, the water hyacinth moved south with the waterways, taking root in every lake and stream it passed in its southerly route. The hyacinth had been imported to this country.

The movement of aquatic plants into rivers, streams, and lakes not yet choked with them, is of great concern and there are many waterways in Florida where floating booms have been placed across the mouth of a stream, acting as a barrier to the movement of aquatic plants.

It is time, Mr. Speaker, that Congress puts a high priority on ridding, or at least controlling, noxious weeds which are directly or indirectly injurious to crops and other useful plants, to livestock and other agriculture interests, and to irrigation, navigation, and public health.

We need a law to fill existing legislative gaps and I believe this legislation would do just that.

Basically, this bill would authorize the Secretary of Agriculture to designate as noxious weeds those weeds which are new to the United States or not known to be widely prevalent or distributed within the country and prevent their importation into this country.

In view of the staggering crop losses caused by noxious weeds and the present lack of legislative authority to solve the noxious weed problem, passage of this bill is a must.

The struggle for such a law began many years ago and it is time Congress took the necessary action to solve the problem.

The problem was long ago identified, and the time has come for Congress to take positive action to solve it.

Mr. POAGE. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the motion offered by the gentleman from Texas (Mr. POAGE) that the House suspend the rules and pass the bill, H.R. 11273, as amended.

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

A motion to reconsider was laid on the table.

AUTHORIZING DISPOSAL OF OPIUM FROM NATIONAL STOCKPILE

Mr. BENNETT. Mr. Speaker, I move to suspend the rules and pass the bill (S. 2166) to authorize the disposal of opium from the national stockpile, as amended.

The Clerk read as follows:

S. 2166

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of, by negotiation or otherwise, approximately sixty-five thousand seven hundred pounds (morphine content) of opium now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h). Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided,* That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the

protection of producers, processors, and consumers against avoidable disruption of their usual markets.

The SPEAKER. Is a second demanded?

Mr. BOB WILSON. Mr. Speaker, I demand a second.

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

The SPEAKER. Is the gentleman from California opposed to the bill?

Mr. BOB WILSON. I am not, Mr. Speaker.

The SPEAKER. Is the gentleman from Illinois opposed to the bill?

Mr. YATES. I am opposed to the bill, Mr. Speaker.

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

There was no objection.

Mr. BENNETT. Mr. Speaker, today the Armed Services Committee is reporting six stockpiles bills to the House of Representatives. Each of these bills provide for the disposal of quantities of materials which have been determined by the executive branch to be excess to stockpile requirements.

These bills were presented to Congress under different criteria than used in the past by the administration. The previous stockpile policy guidance used by the executive branch was based on a 3-year war. However, their current policy guidance under which stockpile objectives are calculated, established by the National Security Council in March 1973, substitutes for the previous 3-year war concept instead a provision for only the first year of an emergency.

The committee was very much concerned with the change in the administration's stockpile policy to reduce the planning period from a 3-year war to the first year of an emergency, and requested the National Security Council to provide the rationale for this change. They responded by advising that—

> The basis for the change in planning guidance from a 3-year war to the first year of a war is that "the first year" requirement is sufficient to protect our national security requirements. It gives us a prudent hedge with which to make a transition from a peacetime to a wartime economy. For the first year of a war the new stockpile amounts would ensure that defense requirements are met without major readjustments in the civilian economy.
>
> We do not predict that wars will last only one year. Beyond the first year of a war, the new guidance would allow priority defense needs to be met through domestic production, increased use of substitute noncritical materials, available imports and some austerity in the civilian segments of the economy.

In a future meeting the subcommittee will consider whether they wish to accept the administration's guidelines, which reduces the requirements from a 3-year to a 1-year emergency, or insist, if necessary by legislation, that our stockpile requirements should be maintained based upon a 3-year need. It is not my understanding that legislation would be required for this congressional policy.

In fact, in approving the six bills before the House today, the subcommittee was assured by officials of the executive branch that the amounts reflected in the bills would comply with the 3-year war requirement, even though in some instances the entire stockpile is depleted.

The reason for that is information brought out on the amount of material held for the Department of Defense being more than the amount that was needed for the Department of Defense.

The need stated for the stockpile was drawn down by production, and imports into this country during that period.

In those instances where the entire inventory has been declared excess—aluminum, silicon carbide and molybdenum—the U.S. production capability, plus available imports from Canada, is sufficient to satisfy defense and essential civilian needs for a 3-year war.

I feel that the subcommittee, the House Armed Services Committee, and the Congress have cooperated fully with the executive branch of the Government and at the same time maintained congressional control as envisioned by the law.

I am most grateful for the help and cooperation of my outstanding subcommittee and full committee and the generous consideration and cooperation rendered us by the House.

I urge the House to take favorable action on these bills today.

I must say that since this is the first bill we are taking up today, and that this is with regard to opium, the subcommittee of the House Committee on Armed Services, in looking into this particular bill, was very anxious that we be sure that nothing would in any way endanger our civilian population or our military population by too heavy a drawdown, and we therefore gave the maximum retention in this that any evidence would sustain in the committee.

There were some differences of opinion about how much was needed, but we took the maximum amount as indicated by each branch of the armed services, and by HEW for the civilian needs, and we arrived at a figure which we felt would be the maximum figure that would be needed for retention in the stockpile. That figure, I think, is a very sound figure because we retained all of the already manufactured opium and left the raw gum to be distributed. That is essentially the first bill before us today, the opium bill.

I will now yield to the gentleman from California (Mr. BOB WILSON) an equal amount of the time that I am permitted to have.

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

Mr. Speaker, I wish to concur in the remarks made by my distinguished colleague from Florida (Mr. BENNETT) who handled these matters before the stockpile subcommittee.

In reviewing the defense requirements for these six commodities the subcommittee analyzed very closely the requirements for copper and zinc.

Testimony revealed that under the 1973 stockpile policy guidance the direct and indirect requirements of the defense establishment for copper for 3 years in a wartime scenario is approximately 1,667,000 short tons. The available supply in the United States and imports from Canada for 1 year is 2,558,000 short tons. This certainly indicates that in an emergency the United States could produce the necessary Department of Defense requirements since the 1 year need is only 375,000 short tons.

The subcommittee approved the release of the entire excess of copper in the inventory in the amount of 251,600 short tons; however, the committee did accept the Senate rationale for retaining the beryllium copper in the stockpile.

In the beryllium industry that material can only be processed by two companies in this country, both of whom are having difficulty marketing their own production at the present time because beryllium goes very heavily into sophisticated equipment, such as the C–5 and other military hardware. The Senate felt, and the subcommittee agreed, that the disposal of the beryllium copper at this time would be inappropriate.

One of the principal reasons for the disruption in the domestic copper market, as testified to by witnesses, was caused by the imposition of domestic price controls on copper. This, along with other market influencing factors, caused an imbalance in the movement of copper to traditional users.

I am convinced that the decision by the committee to approve the release of excess copper from the stockpile will improve the supply situation and hasten a return to a more normal and stabilized position for domestic industry.

The Department of Defense requirements, both direct and indirect under the 1973 guidance for zinc is 1,418,000 short tons for a 3-year war scenario. Again, in the case of zinc, the U.S. supply and available imports from Canada are more than sufficient to satisfy the defense requirements. With the release of 357,300 short tons of zinc, which is excess of our needs, there still remains in the stockpile 202,700 short tons.

I believe the orderly disposal of the commodities under consideration today will not only benefit the Government through the sale of the excess materials, but would also relieve existing shortages in the economy that are being felt at this time.

The subcommittee and full committee were convinced, as reflected by the unanimous approval of these bills, that the release of the commodities would in no way jeopardize our national security.

I strongly urge the House to take favorable action on the six bills before us today.

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

Mr. BENNETT. Mr. Speaker, I yield to the gentleman from Missouri.

Mr. ICHORD. Mr. Speaker, as I understand the situation, the Senate bill authorized the disposal of the entire stockpile of opium; is that correct?

Mr. BENNETT. Of everything.

Mr. ICHORD. And we are reserving 75,900 pounds in this bill?

Mr. BENNETT. That is correct.

Mr. ICHORD. Mr. Speaker, I want to commend the gentleman from Florida, and the subcommittee, for having the wisdom and the foresight to reserve this not only for emergency purposes during a war period, but for other emergencies. I think that we should bring to the attention of the appropriate com-

mittees of the House, Mr. Speaker, that there is a worldwide shortage of legal opium, and that the shortage in this country has reached crisis proportions.

Now, what we have done by legislation in this body, particularly the action taken to shut off the opium supplies from Turkey, is that we not only shut off our illegal opium, we also shut off our supplies of legal opium.

I would admonish representatives of the pharmaceutical industry to sit down and discuss this matter with appropriate congressional committees. There should be some way and some action that we can take to control illicit opium and still assure ourselves of an adequate supply of legal opium, because opium is the source of morphine and codeine of which we have great need for medical purposes in this country.

I commend the gentleman from Florida and the subcommittee for reserving the supply for emergency purposes.

Mr. BENNETT. Mr. Speaker, one item that was brought out before the committee in its hearings was that there is not any real substitute for morphine. There were statements made by persons even at the highest levels of this Government to the contrary at the beginning of the hearing, but as we questioned each of the doctors who came before us we learned there just are not any lives saved by the utilization of these substitutes.

So any euphoria we might have about substitute drugs for opium would be not well founded. Nobody knows of any such substitute. Nobody expects to discover any such substitutes. So, opium, in fact, is the only thing that we can now rely upon to save life, for instance, in the trauma of a man dying because of shock. I think that is important to think about, because there just is not any other thing that we have so far discovered that is an adequate substitute.

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

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

Mr. WOLFF. I thank the gentleman for yielding.

Mr. Speaker, I, too, want to say that I feel the committee has done an excellent job in seeing to it that at least we have half of the supply left. I would go even further and say that we should retain the entire amount, because the specious statements that have been made about the fact that there is a lack of licit opium in the world today is belied by the statement that is made by the pharmaceutical manufacturers themselves when they say that Indian opium, wherein we get our supply of licit opium, has doubled each year from 1965 to 1972. The supply is available. The problem that we have with the supply of licit opium in the world is the fact that there are governments in this world today who find it more expedient and more profitable to take their crop of opium and put it into the illicit market.

I have clippings here from the Bangkok newspapers that show that the previous Government of Thailand, which produced some 300 tons of opium each year, was very definitely involved in the opium traffic.

What we have to do here is to look past the question of our own supply and see to it that we control the whole world's supply. Do the Members know where the additional opium that has been produced by India goes today? A goodly part of it goes to the Soviet Union who refused to cooperate with the entire world today in controlling opium traffic in an illicit fashion.

I think we had better think twice about this question of giving the manufacturers and pharmaceutical suppliers all that they want. They say that codeine is not habit-forming. Look at the cough syrups that are sold throughout the country today. We see that kids today throughout this country are purchasing cough syrups in quantities certainly that are much more than needed for the cure of a cough from a cigarette that was talked about. The fact is that the kids are purchasing this, and it is a habit-forming drug.

For us to just give in quantities, such as we are today, to the pharmaceutical manufacturers what they want is merely a ripoff of the U.S. Government.

Mr. BENNETT. I appreciate the contribution the gentleman from New York has made to this discussion. I do want to point out, however, that there are only 3 licensed companies in this field. They are licensed by the Drug Enforcement Administration of the Federal Government. They are under tight scrutiny by the Federal Government to see that none of their product gets into illicit activity, and they are the only ones that are asking for any of this to be released, the only ones that are going to get any of it. They do say there is a tremendous shortage of morphine in this country today, and we are facing a very real problem.

They do say that there is a great shortage today of licit opium for the proper purposes. These are supervised by the Drug Enforcement Administration. They are not going to control the matter any better or any worse because of the passage of this bill.

All we are going to do is to allow this excess to go into the hands of the Drug Enforcement Administration-controlled companies as GSA releases it to them through purely licit means.

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

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

Mr. RANGEL. Mr. Speaker, I thank the gentleman from Florida for yielding.

It is my understanding that the 65,700 pounds of opium is going to be transferred by the Federal Government to these three importers of opium.

Mr. BENNETT. It is. Not immediately but it really goes, after we pass this bill, to the GSA for them to dispose of in a way which will not be upsetting to the market and will be controlled by the drug enforcement people. In other words the passage of this legislation does not give any company any opium.

Mr. RANGEL. Is it not a fact that under the strategic stockpile action when the Government intends to unload any of the things in the stockpile, they are required under the provisions of this act not only to notify the Armed Forces Committees of the two Houses but also to put in the Federal Register the details of the transaction and the dates these things are going to be sold? It seems to me under this the Congress will not know and the American people will not know just what course is going to be required of these companies or whether it is a give away, and that we will just turn over jurisdiction altogether to GSA or to the Drug Enforcement Administration without any controls by the U.S. Congress.

Mr. BENNETT. The controls came by the laws we passed previously when we set up the GSA and gave them this power. We put in the detailed statute just how they will dispose of these things. This is not unique. It has been done many times.

Mr. RANGEL. Is it not a fact that under this legislation we will waive the 6 months' waiting period, the 6 months' notice to the American people as to what are the details of the transaction?

Mr. BENNETT. Mr. Speaker, I will say that the notice matter is the only thing that is waived.

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

Mr. Speaker, the fundamental question involved really in this bill and the succeeding bills is whether we believe in maintaining or eliminating the national strategic stockpiles. These were established immediately following World War II and they have been protected over the years. Slight amounts have been permitted to come out of the stockpile from time to time. However, the estimates of the strategic amounts that were declared to be necessary in the stockpiles have changed from time to time. Nevertheless the amounts that were established by the Department of Defense have been observed. Now the administration wants to clean out the stockpiles completely.

The Senate has gone along with that concept. This committee, the Armed Services Committee of the House, has refused to abide by that concept. Nevertheless, it has approved bills which permit removals of basic metals and opium from the stockpiles.

I am raising the issue because I am opposed to raiding the stockpiles for the civilian economy, particularly at this time when we have no emergency. We do have shortages, yes, but we do not have an emergency which requires these amounts to be taken from the stockpiles.

In each of the metals and in the case of opium we are critically dependent upon foreign countries for our supply. In the case of opium there is only one source of supply at the present time, and that is the Government of India. We consume in legitimate use approximately 400,000 pounds of opium annually in this country. We have imported only approximately 45,000 pounds of opium in 1972, which was the last year that figures are available.

The question in my mind is why has there not been a greater amount imported if we consume 400,000 pounds. Why do we import only 10 percent of that amount?

At any rate in the case of opium we have gone even further. As the gentle-

man from Missouri has pointed out, we had a source of supply of licit opium in Turkey, but because illicit drugs were being derived from that opium, we are now subsidizing the Government of Turkey not to grow poppies. As a result that source of supply has been eliminated.

The reason that has been advanced in each of these bills is the fact that the civilian economy is short of the item that is under consideration. Yes; the civilian economy is short of petroleum, too. Shall we then permit the military petroleum reserves to be invaded because we need petroleum in this country? Shall we open Elk Hills to the oil companies and let them take that amount? I think the comparison is apt, and I say "no."

The reason for the shortages at the present time is the fact that foreign markets provide higher prices for these critical metals. There is no appropriate protection in these bills. There is no provision in any of these bills that in the event these materials are turned over to the civilian market that they cannot be sold in export as well.

I would have thought that the committee, at least, would have put that kind of provision in the bill. It is not in the bill. The only reference to that contingency is with respect to the bill which releases aluminum from the stockpile. In the committee's report it is stated that the committee has an understanding with those to whom the stockpile of aluminum will be made available. The committee has an understanding with them that that will not be sold in foreign markets; but the committee does not state that those to whom the aluminum is made available will, nevertheless, not be able to sell in the foreign market aluminum that they already have in their own personal stockpiles and which will be replaced by the Government stockpiles. And that is true of all the other items to be sold from the stockpiles.

Therefore, I would think, Mr. Speaker, that considering these bills on suspension without the opportunity for offering amendments that might protect not only the strategic stockpile, but protect as well the civilian economy of our country, I would hope that these bills might be defeated, returned to the Committee on Armed Services and brought to the floor with the opportunity to offer protective amendments where we can offer such bills as they may be taken.

I yield 5 minutes to the gentleman from New York (Mr. RANGEL).

Mr. RANGEL. Mr. Speaker and gentlemen, some time ago Congress passed an act to allow us to collect materials that were in our national security interest. Now the President of the United States has asked the U.S. Congress to unload millions of dollars worth of commodities that are presently being held in these stockpiles.

I did not know until recently that included in the stockpile were tons of opium that we had accumulated over the years to protect our civilian population in the event of war.

This law is very clear regarding how stockpiled items are supposed to be disposed of in the private sector. Under the provisions of S. 2166 which we consider today, the safeguards called for in the law governing the disposal of stockpiled items are waived, removed, and opium can be disposed of without any safeguards or regulation. We are now being asked to allow tons of opium to be turned over to the private sector, without the Congress being given the 6 months' notice that is called for under the statute. Under the bill that is before us, Congress is not able to go to the Federal Register to find out the date of sale of this opium, nor to whom it is going to be sold, nor the amounts of money that will be paid by the companies to which it will be sold. We have now moved in this administration from the big wheat deal to the big opium deal, in which the manufacturers—and there are only three in the United States which are licensed to manufacture from opium—will receive tons of opium at a price that the Committee on Armed Services does not know, the General Services Administration does not know, the Drug Enforcement Administration does not know, and certainly we in the Congress do not know. The only people who do know, I am sure, are the pharmaceutical companies which will benefit. In the bill we are asked to pass today, 67,500 pounds of opium is mentioned as the amount to be disposed of from the opium stockpile. They say that is the approximate amount.

Now, I come from the city of New York, where it was thought that the New York City police were holding an approximate amount of heroin as evidence in criminal cases. But when the time came to go to court they could not find the heroin; talcum powder had mysteriously replaced it, and they have not to this day been able to find out what happened to all of the heroin that was stored in the police property clerk's office. Now we are told that the Government's opium supply is being held in Fort Knox. As a New Yorker, I am skeptical, and know there are a lot of safeguards that need to be built into the storage and disposal of a commodity as valuable on the illicit market as this. For some strange reason, such safeguards have been omitted from the legislation which is before us.

If the Members read the report, it will indicate that there are some suggested figures for the sale, but the Government is not bound by these figures.

What I do not understand is, at the time the President decided to unload all of the stockpiled opium on the private market, this was agreed to by the Department of Defense, the people who held the stockpile; this was agreed to by the Senate, but our Armed Services Committee found a need to continue the stockpile based upon their own estimate of how long a projected war would last, multiplied by three, with a year added for good measure. And so we still have the opium stockpile.

If we pass this piece of legislation, nobody here and no member of the committee—and I would yield to any one of them—could tell us when the drugs are going to be sold, who will be in charge of the transaction, how much money is going to be paid for the drugs, will they be exported to other countries, or whether these same drugs will be coming back into the communities that already are infested with illegal drugs. There is protection under the law that created the authority for the stockpile of strategic materials, and nobody has explained, either in public or in private, in the bill or in the report, why the Armed Services Committee sees fit to waive the protective provisions of the Stockpile Act in the disposition of a surplus of opium, a narcotic drug which is one of the most dangerous and expensive commodities known to man. It seems to me that if we need the opium, there are sources we could get it from outside of India.

Mr. BOB WILSON. Mr. Speaker, will the gentleman yield?

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

Mr. BOB WILSON. Mr. Speaker, the only part we waived was 6 months' notice, and our report very plainly says that the bill would preserve the substantive requirements of section 3 with respect to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

There will be satisfactory notice as to how much is being paid for these drugs and who buys them, but there will not be a 6-month waiting period.

Mr. RANGEL. Mr. Speaker, if there is any part of the bill which bothers me, it is that part. It says the Government will do the best it can to protect the manufacturers and consumers, but what the bill actually deletes, under the Stockpile Act, is that part that puts the public and Congress on notice as to when the sale will take place and what are the details of the transaction. That is waived.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. YATES. Mr. Speaker, I yield 1 minute to the gentleman from New York, to read to the gentleman the provision in the bill relating to the colloquy between the gentleman from New York and the gentleman from California.

The bill says this:

> That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

Mr. Speaker, that does not take care of the points raised by the gentleman from New York in his argument. I suggest that to the gentleman from California.

Mr. RANGEL. Mr. Speaker, for the balance of this minute, the only people protected in this bill are the pharmaceutical corporations, and if there are in fact no secret deals, why do we waive the 6 months' notice?

Mr. BOB WILSON. Mr. Speaker, the taxpayers are protected by this bill, too. I want to point out that the whole purpose of this stockpile is defense requirements in the national interest.

Mr. RANGEL. But the Department of Defense says they do not need the stockpile. Why is it that the American people are being denied the 6-month notice of when the sale is going to take place, and other details concerning the transaction?

Mr. YATES. Mr. Speaker, I yield 3

minutes to the gentleman from New York (Mr. WOLFF).

Mr. WOLFF. Mr. Speaker, the bill that we are considering today, S. 2166, which would authorize the disposal of 65,700 pounds of opium from the national stockpile, and waives the normal 6 month waiting period normally required for such disposal, is an unfortunate piece of legislation. It is simply special interest lawmaking, which grants favors for large pharmaceutical companies irrespective of the overall public interest.

If we are going to release opium from our war stockpiles, then we will be taking a step contrary to our aims in another real war we are fighting today—the war against narcotics addiction and drug abuse. Pharmaceutical manufacturers, testifying before the House Armed Services Committee, have indicated that there exists a worldwide shortage of opium that will become critical unless existing opium supplies are augmented. Their testimony, however, only gives one side of the picture. There does exist a shortage of licit opium in the world today; there does not exist a shortage of opium per se. We have only to look at the money being spent and the efforts made by our own Government to dry up opium supplies that become heroin on American streets, to realize the abundance of opium on the world's black market.

If the pharmaceuticals are crying shortage today, will they try tomorrow to have this Nation halt its program of paying out $35 million to Turkish opium farmers in lieu of their deadly production? It is this program, which has been so successful, that has led to the current east coast heroin shortage, and I cannot see any justification at all for reintroducing those farmers to their previous business.

At present, India is the only country producing a major supply of licit opium to meet legitimate world needs. And while India's production has literally doubled from 1965 to 1972, to 1,000 tons, we have supported this growth, because India has been relatively successful in preventing diversion to the illicit market. But we also know that the amount of Indian opium moving into the black market is steadily increasing, even as we have forgiven $2 billion in debts to the United States by India, while our own economy is suffering. American manufacturers claim that India has not been able to produce a supply sufficient to meet world demand. My question is, Can we justify releasing this opium when there are vast quantities of illegal opium being produced around the world, which could be converted into opium for licit, legitimate purposes if a concerted effort were made by all governments involved?

Furthermore, I think we should all note that 25 percent of this opium that we are asked to release is intended for use in antitussives—cough sirup for us laymen. Cough sirup. I ask anyone who wants to release stockpiled opium into the general market for the preparation of cough sirup to just look at the record of cough sirup being bought up by people who do not even smoke cigarettes—for illegal, improper, or unnecessary uses.

Last August, as chairman of the House Special Subcommittee on International Narcotics Control, I led a study mission to Southeast Asia to further survey Burma-Thailand-Laos opium production. I am convinced that the major flow of illicit opium into the United States comes from Southeast Asia, over half of which, approximately 400 tons, is produced in Burma. While I was in Bangkok, I was approached by Shan tribal leaders, who control most of the opium production in Burma, with an offer to sell to the United States virtually the entirety of Burma's opium crop, up to 400 tons. This amount, by the way, constitutes 7 times the amount of opium necessary to produce all of the licit heroin used in the United States in a year's time. The Shan offer, which was termed legitimate by our own CIA officials, could enable us not only to convert what are now illegal opium crops into a licit supply for world manufacturing purposes, but also to dry up the opium source that now accounts for as much as 75 percent of the heroin on America's streets. Unfortunately, our Government is reluctant to act on the Shan offer in fear of alienating the official Burmese Government with which, I might add, we do not even have diplomatic relations.

As we consider releasing opium from our national stockpile, it is important to keep in mind both sides of the opium picture. Will we continue to face shortages of licit opium on the one hand while combatting an overabundance of illicit opium on the other? While we are reducing our stockpiles for a hypothetical war situation, we cannot forget the "shooting war" being fought every day in the streets of our cities. The time has come to assess the role which every government plays in contributing to both opium markets in the world today and take the steps necessary to convert the illicit opium market into a licit one for legitimate world demand.

Mr. YATES. Mr. Speaker, I yield 4 minutes to the gentleman from Texas (Mr. GONZALEZ).

Mr. GONZALEZ. Mr. Speaker, I find it unbelievable and incredible that this legislation should be presented to the House under these circumstances today on a Suspension Calendar. In fact, I will go so far as to say, in my mind, at least, that if a sworn enemy of our country had concocted a scheme to really get at us, to really make us as vulnerable as a nation could be, he could not come up with a better scheme that what is presented here today for us to adopt in a hastily considered and ill-considered fashion.

This is true not only with respect to opium, but with respect to critical materials such as copper, aluminum, and the like.

If the Members will look at the committee report on copper release, on page 3, they will see this incredible statement. It says as follows:

> The President, as a part of the administration's legislative program for 1973, has proposed an omnibus stockpile disposal bill * * *.

In this next paragraph, the report continues:

> The administration proposal is controversial in several respects and will no doubt require extensive hearings before it could be reported in one form or another.

And yet here it is being repeated in a very quick fashion that no Member in this Chamber has had an opportunity to evaluate and no Member, on or off this committee, can properly defend such action in the national interest of this country and this Government.

Mr. Speaker, a few months ago I wrote the Secretary of the Treasury and asked him about a newspaper report attributed to him in which he said the Government was going to release one-tenth of the stockpiled material known as a nonferrous component. One-tenth is about a billion of this stockpile.

I asked the Secretary by what authority he said this, and he wrote back and said: "Under the existing laws, we have the authority to unilaterally release one-tenth, but we are coming to the Congress to ask for more authority."

I guess that is what this is.

Has any member on this committee checked this out with the Department of the Treasury and the Secretary of the Treasury? This is the Committee on Armed Services.

The Secretary of the Treasury then replied to my second query. I had asked him, "Well, if you are going to release nonferrous material, which is copper and aluminum, what else does that include?"

At first he did not admit the list; he just used this catch-all phrase, "nonferrous components."

Actually, the list included aluminum and copper and the like, and we pinpointed other materials, magnesium, for instance.

"Well," he said, "this is in consonance with our new Defense posture, that instead of a 4-year war, we can anticipate a 1-year war or emergency because of the détente and peacefulness that exist in the world today."

Mr. Speaker, I ask you, can you accept that rationale? Today they are talking about a 3-year war. That is not what the Secretary of the Treasury mentioned at all in his correspondence. Again we see the left hand of the Government not knowing what the right hand is doing, and we in the Congress are rubber stamping the abysmal type of thing. We share in the responsibility of this mismanagement. I am saying to you in all solemnity this afternoon that if we approve every one of these bills or even one of them in this willy-nilly fashion, we will all live to regret this day, because it is a serious miscalculation, it is wrong in principle, it is wrong in practice, and it is an absolutely scandalous way to proceed for the committee that we in the House entrust the defense of this Nation to, the Committee on Armed Services.

Mr. YATES. Mr. Speaker, I yield 2 minutes to the gentleman from Iowa (Mr. MEZVINSKY).

Mr. MEZVINSKY. Mr. Speaker, I am going to add my thoughts to what was said by the other gentlemen concerning their opposition to the whole package we have presented to us here.

We see a package that has stockpiles in it that are going to be depleted. We are now on opium, and we are going

down the list to a copper bill and several other bills which involve our entire stockpile.

It is a rather interesting note that we are caught up in an age when, on the one hand, we are talking about shortages and the Secretary of the Interior is saying at a press conference today on the shortage of petroleum that we should not depend on others, and on the other hand we find ourselves here saying that we can dispose of all of these vital and critical materials. It is a rather ironic commentary that while we have just passed a bill dealing with the petroleum shortage, we are, today, calling up bills on the suspension calendar which will bring us closer to shortages of other resources.

Mr. Speaker, first, I would like to make the point that I sense there is a big rush to get the stockpile bills out. I am very concerned as to why we are facing this rush, why we have to have these bills before us today, and why there is a critical need to remove these materials from our reserves. I do not see any reason, at least from the colloquy that we have had this afternoon, which justifies this rush procedure.

Mr. STRATTON. Will the gentleman yield to me?

Mr. MEZVINSKY. I will in just a moment after I finish this point.

The second point I want to make is that I think it is crucial for each one of these materials, and certainly on opium, that we have the right kind of notice. The point was made that we ought to have 6-months notice, and I do not think that is too much.

The copper bill is a perfect example of why this method of releasing strategic reserves is wrong. As the committee stated in its report, there is a severe, world-wide shortage of copper. The amount to be released from the stockpile is not enough to alleviate the shortage and would only serve to leave us in a vulnerable position, subject to international pressures should we need a greater supply of copper. This copper will not help world markets but could be of great value to us in a time of national emergency.

This copper is being released, so it is argued, to lower the price of copper. The amount of copper to be released is small, and there has been no evidence presented to show that it would have any effect on the market price.

I urge my colleagues to vote against these stockpile bills until such time as the many questions raised are answered.

The SPEAKER. The gentleman from Illinois has consumed his 20 minutes.

Mr. BENNETT. Mr. Chairman, I would like to conclude my remarks, and I yield myself as much time as I may need.

First of all, I would like to address myself to the point made by one of the recent speakers when he said this matter had been proposed willy-nilly. The subcommittee of which I am chairman held 5 or 6 days of solid testimony, and all Members of Congress knew about these hearings. As a matter of fact, this bill passed in July of this year, so there was plenty of notice, certainly.

If you want to read the hearings, you can see that the chairman of the committee put the witnesses on the griddle, and certainly you will see that it was no picnic for them and we were not just trying to agree with them. There was a great deal of scrutiny given to this matter, as a matter of fact.

On the next point there has been some confusion raised as to what this bill does. Actually, it does not put us on a 1-year basis at all as far as war is concerned. The chairman insisted in the testimony that we would be on the same footing as we have been for years in this country. This is not a 4-year war estimate but a 3-year war estimate.

We never had a 4-year war estimate in our country. We had a 5-year war requirement first and then we had a 3-year war requirement. Now they have suggested a 1-year emergency test but we are going back to that 3-year war basis. So even though the administration wants a 1-year war, these estimates here are based up on a 3-year war.

Then it has been said that we ought to have had more notice. We have had notices since almost the beginning of this year. We have had solid notice from July 28 of this year when the Senate passed this legislation.

I did not choose the method by which this matter came up. Actually, it was on the Consent Calendar originally, and then it went to the Suspension Calendar, because it was thought there would not be very much opposition to it. Members of the Congress do not choose the way that these things come up, and I would just as soon have had it come up any way the Members wish.

It has been said that we should have done something about the foreign exports of this material. The hearings are replete with witnesses who appeared before the committee being asked about that. That can be seen in the hearings, and also in the report. The fact is that these materials cannot be sold abroad under the legislative history of these bills.

Then the question was asked as to why we cannot require India to raise more opium. This is a strange thing to ask. Florida alone could grow all of the opium we need to take care of all of the morphine needs that our country could ever have. In fact, probably one county in Florida could do so. But we just do not want to raise opium in this country. So how are we going to insist that some other country do something that we are not willing to do ourselves?

Then it has been indicated that we are doing something loose here. Actually, only three specific companies are going to be allowed to buy the opium, and those companies are under the tight control of the Drug Enforcement Administration. They are controlled in every step they take, and none of this opium is going to find a way to be used outside of the medical uses.

Now I will yield to the gentleman from New York (Mr. STRATTON).

Mr. STRATTON. Mr. Speaker, I just want to rise in support of the gentleman from Florida. The gentleman from Florida (Mr. BENNETT) has been the chairman of this subcommittee, and I have had the opportunity to serve with him on it for most of the years that I have been on the Committee on Armed Services.

I would ask the gentleman from Florida, does not the gentleman think it is somewhat ironic that our committee has often been under attack in the past as the handmaiden of the "military-industrial complex" for hanging onto these very valuable stockpiles for the military, and not releasing them; and now suddenly we find ourselves being attacked for releasing them?

The gentleman from Iowa (Mr. MEZVINSKY) was talking a moment ago about his concept of how long the next war was going to be, either 3 or 4 years; and yet in this opium bill the committee has retained the basic stockpile requirements for a 3-year war. I do not know how much longer a war the gentleman from Iowa wants. But it does seem to me strange that those who have been berating the Armed Services Committee for not getting rid of these materials are now berating us for getting rid of some of them.

Mr. BENNETT. Mr. Speaker, I must say that I was very much prejudiced about disposing of these materials because I grew up during the depression. Well, I guess I do not have to say anything more than that; in other words, I just do not want to turn loose of anything, not even a penny, or a crust of bread, or anything. Nor do I want to do so with regard to the national defense of our country because it is against my basic nature to want to dispose of anything.

So, as I say, I started out by being very antagonistic on each of these bills. And we brought in the witnesses. And I might say that none of the Members of the Congress who are opposing this came before our committee. They could have. And as far as notice is concerned, this has been published in the papers, in the Washington Post, and in magazines. Yet during all the time of the hearings I was the only one who was in any way continuously critical of the matters. But, after the hearings, then I felt that it was the proper thing to do.

The SPEAKER. The question is on the motion offered by the gentleman from Florida (Mr. BENNETT) that the House suspend the rules and pass the Senate bill, S. 2166, as amended.

The question was taken.

Mr. YATES. 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 270, nays 122, not voting 40, as follows:

[Roll No. 699]

YEAS—270

Abdnor	Bafalis	Bowen
Adams	Baker	Brademas
Andrews, N.C.	Bauman	Bray
Andrews, N. Dak.	Beard	Breaux
	Bell	Brinkley
Archer	Bennett	Brooks
Arends	Bevill	Broomfield
Armstrong	Biester	Brotzman
Ashbrook	Bingham	Brown, Calif.
Ashley	Blackburn	Brown, Mich.

Brown, Ohio	Hillis	Rinaldo
Broyhill, N.C.	Hinshaw	Randall
Broyhill, Va.	Hogan	Rarick
Burgener	Holt	Regula
Burke, Fla.	Horton	Rhodes
Burleson, Tex.	Hosmer	Roberts
Burlison, Mo.	Huber	Robinson, Va.
Butler	Hunt	Robison, N.Y.
Byron	Hutchinson	Roe
Camp	Ichord	Rogers
Carter	Jarman	Rooney, Pa.
Casey, Tex.	Johnson, Colo.	Rose
Cederberg	Johnson, Pa.	Roush
Chamberlain	Jones, Ala.	Rousselot
Chappell	Jones, N.C.	Roy
Clancy	Jones, Okla.	Ruppe
Clark	Jones, Tenn.	Ruth
Clausen, Don H.	Keating	St Germain
	Ketchum	Sandman
Clawson, Del	King	Sarasin
Cochran	Kluczynski	Satterfield
Collier	Kuykendall	Scherle
Collins, Tex.	Kyros	Schneebeli
Conable	Landgrebe	Sebelius
Conte	Lehman	Shipley
Corman	Litton	Shoup
Coughlin	Long, La.	Shriver
Crane	Long, Md.	Shuster
Cronin	Lott	Sikes
Daniel, Dan	McClory	Skubitz
Daniel, Robert W., Jr.	McCloskey	Slack
	McCollister	Snyder
Davis, Ga.	McDade	Spence
Davis, S.C.	McEwen	Stanton, J. William
Davis, Wis.	McFall	
Denholm	McKay	Stanton, James V.
Derwinski	McSpadden	
Devine	Macdonald	Steed
Dickinson	Madden	Steiger, Ariz.
Dorn	Mahon	Steiger, Wis.
Downing	Mallary	Stephens
Duncan	Mann	Stratton
Edwards, Ala.	Maraziti	Sullivan
Erlenborn	Martin, N.C.	Symington
Esch	Mathis, Ga.	Symms
Eshleman	Matsunaga	Talcott
Evans, Colo.	Meeds	Taylor, N.C.
Evins, Tenn.	Melcher	Teague, Calif.
Fascell	Michel	Thomson, Wis.
Findley	Milford	Thone
Fish	Mink	Tiernan
Fisher	Minshall, Ohio	Towell, Nev.
Flood	Mitchell, N.Y.	Treen
Flynt	Mizell	Udall
Foley	Mollohan	Ullman
Forsythe	Montgomery	Vigorito
Fountain	Moorhead, Calif.	Waggonner
Frenzel		Wampler
Frey	Morgan	Ware
Froehlich	Myers	Whalen
Fuqua	Nedzi	White
Gaydos	Nelsen	Whitehurst
Gettys	Nichols	Whitten
Giaimo	Obey	Widnall
Gibbons	O'Brien	Wiggins
Ginn	O'Hara	Williams
Goldwater	O'Neill	Wilson, Bob
Goodling	Parris	Wilson, Charles H., Calif.
Grasso	Passman	
Gross	Patman	
Gude	Pepper	Winn
Gunter	Perkins	Wydler
Guyer	Pettis	Wylie
Haley	Peyser	Wyman
Hamilton	Pickle	Young, Alaska
Hanley	Pike	Young, Fla.
Hansen, Idaho	Poage	Young, Ill.
Harrington	Powell, Ohio	Young, S.C.
Harsha	Preyer	Young, Tex.
Hastings	Price, Ill.	Zablocki
Heinz	Price, Tex.	Zion
Henderson	Quie	Zwach
Hicks	Quillen	

NAYS—122

Abzug	Collins, Ill.	Eilberg
Addabbo	Conlan	Flowers
Anderson, Calif.	Conyers	Ford, William D.
	Cotter	
Anderson, Ill.	Culver	Fulton
Annunzio	Daniels, Dominick V.	Gilman
Badillo		Gonzalez
Barrett	Danielson	Gray
Bergland	de la Garza	Green, Oreg.
Biaggi	Dellenback	Green, Pa.
Boggs	Dellums	Grover
Boland	Dennis	Hammer-schmidt
Brasco	Diggs	
Breckinridge	Dingell	Hanrahan
Burke, Mass.	Donohue	Hawkins
Carney, Ohio	Drinan	Hays
Chisholm	Dulski	Hechler, W. Va.
Clay	du Pont	Heckler, Mass.
Cleveland	Eckhardt	Helstoski
Cohen	Edwards, Calif.	Holifield
Holtzman	Mosher	Smith, N.Y.
Howard	Moss	Staggers
Hungate	Murphy, Ill.	Stark
Johnson, Calif.	Natcher	Steele
Jordan	Nix	Steelman
Kastenmeier	Owens	Stokes
Kazen	Patten	Stubblefield
Kemp	Podell	Stuckey
Koch	Pritchard	Studds
Latta	Rangel	Teague, Tex.
Leggett	Rees	Thompson, N.J.
Lent	Reuss	Thornton
Lujan	Riegle	Vanik
Madigan	Rodino	Waldie
Mayne	Roncalio, Wyo.	Wilson, Charles, Tex.
Mazzoli	Roncallo, N.Y.	
Metcalfe	Rosenthal	Wolff
Mezvinsky	Rostenkowski	Wright
Miller	Roybal	Yates
Minish	Runnels	Yatron
Mitchell, Md.	Sarbanes	Young, Ga.
Moakley	Schroeder	
Moorhead, Pa.	Smith, Iowa	

NOT VOTING—40

Alexander	Hanna	Railsback
Aspin	Hansen, Wash.	Reid
Blatnik	Harvey	Rooney, N.Y.
Bolling	Hébert	Ryan
Buchanan	Hudnut	Seiberling
Burke, Calif.	Karth	Sisk
Burton	Landrum	Taylor, Mo.
Carey, N.Y.	McCormack	Van Deerlin
Delaney	McKinney	Vander Jagt
Dent	Mailliard	Veysey
Fraser	Martin, Nebr.	Walsh
Frelinghuysen	Mathias, Calif.	Wyatt
Griffiths	Mills, Ark.	
Gubser	Murphy, N.Y.	

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. Hébert with Mr. Buchanan.

Mr. Rooney of New York with Mr. Frelinghuysen.

Mr. Blatnik with Mr. Harvey.

Mr. Carey of New York with Mr. Hanna.

Mr. Dent with Mr. Karth.

Mrs. Hansen of Washington with Mr. Aspin.

Mr. Fraser and Mr. Gubser.

Mrs. Griffiths with Mr. Mailliard.

Mr. Alexander with Mr. Mills of Arkansas.

Mrs. Burke of California with Mr. Mathias of California.

Mr. Landrum with Mr. Railsback.

Mr. McCormack with Mr. Hudnut.

Mr. Murphy of New York with Mr. Seiberling.

Mr. Van Deerlin with Mr. Martin of Nebraska.

Mr. Sisk with Mr. McKinney.

Mr. Reid with Mr. Taylor of Missouri.

Mr. Ryan with Mr. Vander Jagt.

Mr. Burton with Mr. Walsh.

Mr. Delaney with Mr. Wyatt.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON H.R. 11771, MAKING APPROPRIATIONS ON FOREIGN ASSISTANCE

Mr. PASSMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 11771) making appropriations for foreign assistance and related programs for the fiscal year ending June 30, 1974, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments and agree to the conference requested by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana? The Chair hears none, and appoints the following conferees: Messrs. PASSMAN, ROONEY of New York, LONG of Maryland, ROYBAL, BEVILL, ROUSH, YATES, CHAPPELL, MCFALL, MAHON, SHRIVER, MILLER, CONTE, COUGHLIN, EDWARDS of Alabama, and CEDERBERG.

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

Mr. BENNETT. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2316) to authorize the disposal of copper from the national stockpile and the supplemental stockpile, as amended.

The Clerk read as follows:

S. 2316

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of, by negotiation or otherwise, approximately two hundred and fifty-one thousand six hundred short tons of copper now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h) and the supplemental stockpile established pursuant to section 104(b) of the Agricultural Trade Development and Assistance Act of 1954 (68 Stat. 456, as amended by 73 Stat. 607). Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided,* That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

The SPEAKER. Is a second demanded?

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

The SPEAKER. Does the gentleman from California (Mr. BOB WILSON) demand a second?

Mr. BOB WILSON. Mr. Speaker, I am in favor of the bill.

Mr. YATES. Mr. Speaker, I am opposed to the bill.

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

There was no objection.

Mr. BENNETT. Mr. Speaker, in looking into these stockpile disposals, we took testimony from Admiral Moorer, Chairman of the Joint Chiefs of Staff, and Mr. Clements, Under Secretary of Defense. Both of these men testified before the subcommittee, and under close interrogation favored going to the policy of the Federal Government of having a 1-year emergency as distinguished from having a 3-year war.

Despite that, the committee insisted in this bill, as in other bills, that we look at the matter as though we would have a 3-year war and have adequate supplies for the 3-year war. On my desk here, we have the printed hearings, and at page 151 of those hearings, the testimony is clear that after we enact this legislation, if we had a 3-year war, we would have an adequate stockpile in accordance with the Joint Chiefs of Staff and Department of Defense testimony. We did reserve a small amount of beryllium copper, a special type of copper used especially in some types of defense purposes, but

outside of that, the rest of the copper was disposed of.

That may come as a shock to many people as to why we would dispose of so much copper when copper is so much used. The simple answer is that we produce enough in 1 year in this country to take care of a 3-year military supply of copper in this country. We have the largest supply of copper in the world.

The theory of these bills, and particularly this one, is that we will see to it that we have enough in this stockpile that when we cut down on it for credits for imports we are safe. We do not need any imports at all to take care of this. We are sure of getting or producing enough ourselves in the following years. Maybe 1 year would be all we need to get enough for 3 years and that is the reason why there is a zero for this particular commodity.

So that is the situation with regard to copper. We do have this tremendous supply in this country. We have the largest reserves of copper in the world, and we just do not need to stockpile it as we have stockpiled it in the past.

There is one other thing I wish to say, and this applies to all of these bills. There are some things which have happened since this stockpiling legislation was enacted.

We had the war in Korea; it lasted 4 years. Not 1 ounce of anything was taken out of stockpile in order to run that war. We had the war in South Vietnam which lasted more years. The total number of the years of war was about 10 or 11 years of war, and we never had to draw down anything from the stockpile in order to conduct those wars.

In addition to that, we had tremendous inputs of new mines and new developments and new techniques which came along which allowed us to produce more.

In addition to that, Mr. Speaker, we have stockpiles of manufactured items in our warehouses, things which are already created and which are in our stockpiles of parts, and so forth.

Mr. Speaker, we no longer need to have a lot of copper wires running around in many of our manufactured items. We know, those of us who have looked into these things, that in our TV sets and in our radios we see all kinds of printed things, circuits which are printed on paper, and it is not necessary any longer to have all of these copper wires we used to have.

So this is an example of the change in times, the new things that have been developed.

Mr. Speaker, these are valuable assets. These are potential assets in case of war, but we do know that we have enough to take care of any contingency, because the Joint Chiefs of Staff have so testified, the National Security Council has so testified, and the Department of Defense has so testified.

Therefore, we bring this bill before the Members.

Mr. YATES. Mr. Speaker, I yield 5 minutes to the gentleman from Iowa (Mr. SMITH).

Mr. SMITH of Iowa. Mr. Speaker, we have been through a period when we had a grain shortage. We are now in the petroleum crisis. Both of these shortages were predictable, but we simply did not prepare for them.

Now, we are headed for a metals crisis in this country. It may be 2 years away, it may be 3 years away; we do not know for sure just how far away it is. But make no mistake about it, we are going to have a metals crisis in this country.

Now, I do not criticize the Committee on Armed Services for reporting this bill. That committee is looking only at what is needed for the armed services, but now we are in the House as a whole, and all of us ought to be looking at it from the standpoint of what we need for this whole country, not just for the armed services.

The question is: Should we at this time be selling metals out of a stockpile that is owned by the U.S. Government whether or not the armed services need it?

Now, as I understand it, in regard to the copper situation—and I wish the gentleman from Florida would correct me if I am not correct—according to the report, we are producing about 85 percent of the copper we used last year; is that correct?

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

Mr. SMITH of Iowa. I yield to the gentleman from Florida.

Mr. BENNETT. Mr. Speaker, according to the data we have, in the first year it is expected that the United States will produce 2,420,000 tons, and our requirements for the military for the 3-year period were only 1,667,000 tons.

So as I said, there is more produced in 1 year than the entire 3-year military supply requirement.

Mr. SMITH of Iowa. Mr. Speaker, I am talking about the needs for the entire Nation.

The fact now is that demand is outrunning supply. Demand has already exceeded supply on a national basis. I am not just talking about the military alone. We need more copper in this country than we are producing and, therefore, we are depending upon such places as Chile and Yugoslavia and some others for imports of copper.

This is a rather dangerous situation. What we must do at this time, which is what we did not do in the case of the grain shortage and the petroleum shortage, is to prepare for it. We ought to have some stockpile, maintain the stockpile, and let the economy adjust to the new situation.

When we take this metal out of the stockpile and put it on the market at a time like this, we are delaying adjustments instead of facing what is coming. We ought to keep it in reserve and make the adjustments. We are going to have to use more plastics in this country and get along with less copper, and less of some of the other metals.

My point is this: I am not criticizing the Committee on Armed Services for saying that we do not need this for the Armed Services, but we are in the House as a whole and we do need it for the Nation as a whole and we ought to be keeping it in that stockpile except to the extent we can anticipate replacements within a reasonable time. We should save it for the time when we will have a real emergency; and we will have an emergency such as we have now with regard to petroleum.

Mr. STRATTON. Will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman.

Mr. STRATTON. The gentleman is apparently under the impression that by selling this material from the stockpile we will automatically be exporting it.

Mr. SMITH of Iowa. I did not say a word about exports.

Mr. STRATTON. But the gentleman did say he wants to keep these materials for the whole country. Well, that is precisely what this material is being released for—for the whole country. We have a critical shortage of copper today in our Nation's industry. If you have anybody in any industry in your district that uses copper in any way at all, they have probably already been to your office asking you to help in releasing this copper to keep them in business.

Mr. SMITH of Iowa. The gentleman is helping me to make my point. I want people to prepare for what is coming. They will not see what is coming in the future if we use this material that we are releasing now. What I want to do is have them delay this release from the stockpile so that the industry will make the adjustments necessary.

If we release it, it will put everybody to sleep for another year or two, because we will have delayed the crisis, and then all of a sudden it will hit us like a ton of bricks, just like the petroleum shortage did.

We should keep these critical materials in the stockpile except during a period when we can expect that a drawdown can be replaced within a reasonable time or there is a far greater shortage than now. That is how to use strategic reserves.

Mr. STRATTON. But all we are talking about here is 250,000 tons of copper, and the annual U.S. consumption of copper is over 2 million tons. It would be a drop in the bucket. What the gentleman is really suggesting is adding to the present stockpile.

Mr. SMITH of Iowa. Build up the stockpile. I am not opposed to that.

Mr. STRATTON. He says we should build it up. That is what the gentleman is suggesting. But that action is not within the authority of our committee.

Mr. SMITH of Iowa. Yes. I think we ought to under certain circumstances.

Mr. STRATTON. But 250,000 tons would be just a drop in the bucket, as I have said.

Mr. YATES. Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. GONZALEZ).

Mr. GONZALEZ. Mr. Speaker, I rise to repeat and reemphasize substantially what I said awhile ago during the discussion on the release of opium.

This particular bill having to do with

the release of copper with regard to both the national stockpile as well as the supplemental stockpile is incredible again in its entirety. I cannot believe it is happening. I cannot believe the rationale of this bill coming from the Committee on Armed Services.

Now, I have great trust, faith, and respect for the members of this very august committee, but I cannot reconcile the fact that they are asking us to vote under a suspension of the rules on one of the most critical bills we will ever have to consider as Members of this great body. They are asking us to sanction this first by doing away with every single precautionary bit of legislation we have ever had with respect to stockpiling throughout our history.

They say this legislation is necessary in order to expedite the release of these critical materials. However, this depletes the entire contents of the national stockpile plus our supplemental stockpile, with only about 7,000 tons of this beryllium copper or whatever you want to call it being retained.

Somehow or other, gentlemen, the day has come when we have to, at the price of losing our national heritage, get to the bottom of this and find out why the left hand of the Government cannot know what the right hand of the Government is doing.

As an example, the Joint Economic Committee has considered the question of critical materials for the Nation. I wonder if anybody on this committee has ever bothered to read the extensive hearings held by that Joint Economic Committee.

I belong to the Committee on Banking and Currency which has jurisdiction over the National Defense Production Act relating to stockpiling of materials, and I know somebody is not checking with somebody else on this.

Statements that have been made both in the report and on the floor today are not reconcilable with statements contained in the findings of the Joint Economic Committee, from the national interest.

Another thing with specific reference to this bill is that again, even on a defense basis, and let us forget about the national overall domestic outlook, but on the defense basis we are saying now that because the administration made this request months ago when we were discussing the Economic Stabilization Act—and remember that the request had its origin not in defense matters but on price stability—and I beg the Members to please take time and read the report that the committee has placed before the House today where it says the entire stockpile shall go out, and on page 3 where it says that the legislation presented is far too controversial and requires long and considered deliberations, which I hardly think one can say it has had, despite the protestations from the gentleman from New York a while ago. I dare say that very few of the Members who do not belong to the Subcommittee on International Finance can tell me when we first met and what we discussed during the past 90 to 120 days.

So when they say that we have had all kinds of notice, that is just begging the question. That is not the point. The point is we are being asked, and I use this phrase deliberately, willy-nilly, for reasons that might have been valid in April to consider, but which today may not be so much, because we are on notice that not only are we faced with a shortage in such things as petroleum products, but in the critical materials of which copper is one.

I would say to the Members in all seriousness that I see no harm in slow and deliberate consideration of this. What is the haste? What is it? If the need was immediate in April when the proposals were first made because of price stabilization consideration, and this is December?

The SPEAKER. The time of the gentleman from Texas has expired.

Mr. BENNETT. Mr. Speaker, I yield 3 minutes to the gentleman from Rhode Island (Mr. TIERNAN).

Mr. TIERNAN. Mr. Speaker, I found the remarks of the preceding speaker very important, but I would like to say regardless of whether or not today that this bill was needed in April, that it has been needed for a long time. It is needed very urgently, right now, because I have three manufacturing plants that are closed in my district who manufacture copper wire.

Let me point out to the Members what this bill does. One-third of the copper that is going to be released from the stockpile is going to the mint, because the mint needs copper for coinage. That is in the report also.

But what really has happened to this industry is a shame.

I presented a bill to the committee, and the Committee on Armed Services took the bill up, but they were not able to put the language in the bill because it was not within the jurisdiction of the Committee on Armed Services. I want to take this opportunity to commend the chairman of the subcommittee, and the members of this committee, for taking this matter up.

As the report says, it is a controversial matter, but it is a very important matter, because never in the past has the Department of Defense consented to this type of situation. They have always tried to hold on to more than they needed. But here is a situation where we have people who are out of work because they cannot get copper.

And one of the other things that has happened, and this is why this whole situation came about, is this is not a long-term shortage that my colleague, the gentleman from Iowa, talks about. It is a short-term shortage that was created by the price freeze that was put into effect by this administration.

The price for copper on the world market is $1.05. All the copper scrap is being shipped overseas and being sold there at $1.05. That is why the copper screen manufacturers cannot get copper. And that is not the only reason why we need this copper released now; we need it for the purpose of manufacturing electrical wire.

What are we going to do if we run out of copper in this country? I would like to see what my colleague, the gentleman from Iowa, would say if there is not any copper around next year to take care of the needs of his farmer.

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

Mr. TIERNAN. I yield to the gentleman from New Jersey.

Mr. PATTEN. Mr. Speaker, this is a good bill, and we should support it. My headlines say that Standard Underground Cable in Perth Amboy will close. This bill will help stabilize our industries.

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

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

Mr. CONTE. I thank the gentleman for yielding.

Mr. Speaker, I want to compliment the gentleman in the well and associate myself with his remarks.

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

Mr. TIERNAN. I yield to the gentleman from New Mexico.

Mr. LUJAN. I thank the gentleman for yielding.

Mr. Speaker, I think the gentleman made a very good point about plants closing because there is no copper. If we do use up this reserve that we have, and get into some type of a national defense situation, where are we going to get the copper?

Mr. BENNETT. Mr. Speaker, I yield to the gentleman from California (Mr. BOB WILSON).

Mr. BOB WILSON. Mr. Speaker, I think we are confusing the two problems here. First of all, there is an adequate reserve of copper in the United States for the future. The domestic reserves in the United States are 24 percent of the total world reserves, and there are some 81 million tons of reserves in the United States.

The second problem, and the real crux of the problem, is that the Cost of Living Council is keeping the price of copper below a reasonable level, and that is the reason that these plants are closing and men are out of work. I think we can alleviate this situation right now by releasing this relatively small amount of copper that we are holding in reserve, because we are protected with adequate reserves that have not even been mined.

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

Mr. MITCHELL of New York. Mr. Speaker, I am very pleased that we are being responsive to the need for action on legislation to release copper from the national stockpile. I would remind my colleagues the copper proposed for release through the condition of sale is embargoed for domestic use. The measure we are now considering, S. 2316, is deserving of support for a number of very sound reasons, many of which were covered in my testimony before Subcommittee No. 3 of the House Armed Services Committee when I appeared at its hearing on September 26, 1973.

At this point I wish to include key elements of my testimony:

Mr. Chairman, Members of Subcommittee Number Three.

Thank you very much for affording me the opportunity to appear before you to testify on this vital legislation. As you may recall, I introduced this measure on July 18th, and at that time, I respectfully requested this committee to act "with dispatch," citing the critical nature of the problem involved. I, along with the American consumer, the many copper fabricating and copper consuming firms throughout this country, as well as the thousands of men and women who rely on copper for their employment, wish to express our heartfelt thanks to you for honoring our request. The manner in which this bill has been scheduled for hearings has indeed proven exemplary. We all appreciate your efforts.

My own personal interest in the copper situation has been prompted by my familiarity with the problems facing this industry. Every one of the firms in my Congressional District affected by this severe shortage of copper feels that unless relief is forthcoming soon, there will have to be substantial reductions in production, resulting in extensive unemployment.

Copper is a critical component of residential construction, automobiles, and other consumer durable goods. It is an important element in the wholesale price index. Its availability or non-availability affects many many facets of our economy. The shortage of copper has already reached crisis proportions. Copper fabricators simply do not have adequate supplies to meet the demand generated by the many users of copper.

Earlier this year a combination of shortfalls in production throughout the world coupled with accelerated demand for copper forced prices up to double what they were at the turn of the year. Although prices have fluctuated widely since mid-year there is no reason to expect a significant drop in prices unless a substantial addition is made to the supply stream.

This situation is further complicated by the imbalance created during the sixty-day price freeze. Because of that freeze material that would normally have gone to domestic users was diverted to higher priced foreign markets.

The excessively high prices have inhibited the normal operations of the copper market. Copper is simply not available through normal channels. The problem is compounded each day we delay action by this inflationary trend in prices. As prices go higher, the situation becomes even more critical.

The nature of this material, the radical swings in this somewhat unique market and the severe effect this shortage may have on already alarming employment statistics, all point to one solution. Sufficient supplies of copper, a material already declared as surplus by the Administration, must be released from the National Stockpile in order to meet domestic needs. You will find that this solution is widely accepted in all sectors, and there is little disagreement over the need to authorize this release.

Mr. Speaker, before concluding I would like to commend the members and staff of House Armed Services Subcommittee No. 3, under the chairmanship of my distinguished colleague from Florida (Mr. BENNETT), for the highly professional manner in which it handled this vital legislation. As a newcomer to the Congress this is my first thorough exposure to the intricate workings of the legislative process in connection with a bill that I have sponsored and have followed closely because of its wide-ranging importance, not only to my district and the people I represent, but to the Nation. Very simply, I am deeply impressed.

Mr. BENNETT. Mr. Speaker, I yield 1 minute to the gentleman from Connecticut (Mr. SARASIN).

Mr. SARASIN. Mr. Speaker, I think there is some confusion as to what we are doing with this copper. In my district the availability of copper is exceedingly important. The largest city in my district, Waterbury, Conn., is called "Brass City" of the country. That includes zinc as well, and I will also support the release of zinc from the stockpile. The producers of copper in this country use both ore and scrap copper.

In my district it is about 50–50, so we do need both. When the Cost of Living Council held down the price of copper, and created an artificially low price, tons and tons of scrap copper were shipped overseas. If we needed this legislation in April, as stated by the gentleman from Texas, because of price stabilization, we certainly need it now.

Copper is one of the commodities considered by the Cost of Living Council as being eligible as a volatile commodity so that the companies are exempt from the prenotification requirements. The price is still unstable. The release of copper from the stockpile will help get it back in the economy and will help those who depend upon it to continue in their jobs.

Mr. Speaker, I urge support of the bill.

Mr. BENNETT. Mr. Speaker, I think the opposition should be heard from. I yield to the gentleman from Illinois (Mr. YATES).

Mr. YATES. Mr. Speaker, I yield such time as he may consume to the gentleman from Colorado (Mr. EVANS).

Mr. EVANS of Colorado. Mr. Speaker, I am concerned because of the extent to which we are being asked to dispose of material here, copper in this bill, which currently happens to be in short supply.

On the question of copper, I note on page 3 of the report, first, that all of our strategic stockpile is going to be done away with, and then I note on page 3 these three or four interesting statements. At the top it says:

This alloy would not contribute to relief in the current copper shortage because of the technical limitations on its use.

Then in the third paragraph we find this statement:

In the meantime there is a current worldwide shortage of copper and the supply picture is showing a further tightening.

Then in the next paragraph we find:

Stocks of copper are declining rapidly and are reaching critical levels.

Then in the third paragraph from the bottom we find this:

Domestic consumption of all forms of copper amounted to 2,019,500 short tons in 1971, and 2,220,100 short tons in 1972. In 1971 the U.S. produced about 1,809,000 short tons of primary copper. The primary import sources in 1972 were Canada 66%, Chile 14%, Yugoslavia 13%, Mexico 4% and other countries 3%.

It was my understanding that these laws were passed for the purpose of putting our military in a position of not being embarrassed by shortages. We have shortages in aluminum and we have shortages in copper and yet we have bills here which would allow the disposition of all our stockpiles. I do not think it makes sense to do so.

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

Mr. Speaker, this bill is not like the opium bill which the House just passed. In that bill the amount of opium was retained in the national stockpile which the Department of Defense and the committee stated to the House was necessary to take care of the Nation's needs. In this bill there will be no amount of copper retained in the national stockpile at all. All the copper in the national stockpile is authorized to be disposed of by this bill. Oh, 7,000 tons of copper alloy will be retained but that metal is usable only for special purposes.

Let me reiterate to the members what my friend, the gentleman from Colorado, just said which is printed on page 3 of the committee report:

Stocks of copper are declining rapidly and are reaching critical levels. In addition to significant supply shortages created by problems in major producing countries such as Chile and Zambia, the price freeze was driving important U.S. supplies of brass and copperbearing scrap abroad.

I understand pressure was put on the U.S. Government to embargo exporting of copper, but apparently the Government did not do it. It should have done so to provide balance to the price support program. The price controls were put on to keep the price of copper at a reasonable level in this country. There was an opening at the other end of the economic scale, which permitted copper to go to markets abroad for higher prices.

The point is with the sale from the stockpile of copper, there are still no export controls which will stop the shipping and selling of copper to other countries. I wonder whether what we are doing in passing these bills will really take care of the situation.

Again, I allude to what my friend, the gentleman from Colorado (Mr. EVANS), said. The purpose of the stockpile is to protect the Armed Forces. This bill will get rid of everything in the national stockpile as far as copper is concerned, and there will be no copper left.

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

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

Mr. BELL. Mr. Speaker, as I understand there are two different types of copper, scrap copper and the copper we can mine. It is my understanding there is plenty of copper we can mine which basically makes up our national resource. There is plenty of it. As I understand it that is under price control. As far as getting it out, we have it, but because of price control it is not being mined. Is that not the explanation?

Mr. BENNETT. That is correct.

Mr. BELL. When the question came

to the floor, many of us were concerned as to whether our national mines contained an adequate supply of copper for the needs of our Nation.

Mr. BENNETT. It is available when the price is right.

Mr. BELL. As I understand it then, there is plenty of copper in the ground and we cannot get it out at this time because of the price control.

Mr. BENNETT. During the hearings the committee became so enraged when we realized that this price control was the reason for the shortage in this country that it protested the matter; and the administration during the process of these hearings relaxed the controls on copper.

Mr. YATES. May I say the committee did not get so enraged that it saved any copper for the national stockpile.

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

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

Mr. GONZALEZ. Mr. Speaker, I think there is one factor this House ought to have before it before we vote. I do not think it can be denied that we import a little more than one-third of the copper utilized in this country. That is more of the percentage than of the petroleum we had to import. If we have had all these glowing reports about the production of copper in this country, why do we have to import one-third of our copper?

The truth is that in April it looked like a good deal to release copper that now and then approximated $1 per pound. We bought it at 33 cents. What we are going to do is get rid of it and compel the armed services and everybody else in America to pay the inflated price, when we have it now, when we bought it at a reasonable and normal market price.

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

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

Mr. HOSMER. Mr. Speaker, it is my understanding, except for the one-third of the stockpile that is to go to the Treasury for coining purposes, the other two-thirds being released can be sold anyplace, and there is no export control upon it, and this entire two-thirds would probably be shipped overseas to buyers who had a higher asking price available.

Mr. YATES. I share that concern. The committee report says:

> The balance of the material will be sold over a period of several months on a sealed-bid basis for domestic consumption only.

But there is nothing in the bill itself. There is only that statement. There is only that statement in the report and there is no provision in the bill and no amendment can be offered to protect the use of the metal for domestic purposes.

Mr. HOSMER. Mr. Speaker, there is no provision at all that would require anybody to certify they were purchasing from this stockpile.

Mr. YATES. That is correct. The point is that there are still no export controls and the market is still volatile enough to permit the copper to be sold overseas.

I think this bill should be defeated. I do not like to see the national stockpile totally depleted.

The SPEAKER. The gentleman has 2 minutes remaining.

The gentleman from Florida has 9 minutes.

Mr. BENNETT. Mr. Speaker, that will give me time to answer a few of these things.

During the recent hearings on the disposal of copper from the stockpile, as well as other materials, where the question of limiting the material to domestic consumption was raised, GSA assured the committee that appropriate action would be taken in GSA's disposal program to assure that these materials, which are now in short supply, would be sold only for domestic consumption.

In the case of copper, of the 251,600 tons which would be authorized by the bill, 85,000 tons will be transferred to the Bureau of the Mint for use in U.S. coinage. With regard to the balance of material which would be sold commercially, GSA will incorporate stringent provisions in its sales contracts which will specifically prohibit the export of any of the copper. The contracts will require that the copper be consumed only in the United States. The contracts would also provide the right of examination to the Government of any of the purchasers' records incident to the sale of copper for a period of 3 years after the date of sale. This right of examination will permit GSA to thoroughly investigate any possible violation of the contract provisions. GSA maintains a staff of contract auditors and investigators who would be available to conduct any necessary investigation.

Should any of the contract requirements prohibiting export of copper be violated, GSA would pursue its legal remedies under the contract, including the possibility of debarment from Government contracting of any violator. GSA has used similar contract language in its disposal of many commodities, such as zinc, cadmium, antimony, and no problems have occurred in the administration of such limitations.

In view of the assurances we have obtained from GSA and in light of our confidence in GSA disposal procedures, which have been the subject of our committee's examination over the years, we do not believe that amendment of the legislation is necessary.

Now, I would like to address myself to one or two other points made in the debate which preceded this.

The statement was made that we have thown away all precautionary measures. Actually, the only thing we did was not have the notice required, because of the extreme urgency of the need for this copper in the United States at this time. We cannot have it both ways. We cannot say this is totally for national defense and say it should also protect the domestic situation.

As a matter of fact, it embodies some parts of both. That is partly why this is being done. The national defense is being protected, but it is at an urgent time when employment is going down, when thousands of people are losing their jobs.

Thousands more will lose their jobs unless we make some real opportunity for going concerns to continue. So, what is so wrong if the Joint Chiefs of Staff, Admiral Moorer, comes before us and says, "Release all of this"? What is so wrong when the Department of Defense says, "Release all of this"? What is so wrong about it? When are we going to wait for the time to come to help job opportunities? When is it that the need is going to be here? Thousands of people are out of jobs today.

We have arranged for the price control to be released as far as copper is concerned, so our release of the ore would not now normally find its way abroad anyway. But do we have to put it in the legislation itself when the legislative history shows the material should not be sold abroad?

Another thing was said, "Why do this in haste?" We are not doing this in haste. It was passed by the Senate in July. The chairman of the full committee then assigned it to my committee. We had weeks and months of preparations for the hearings. The hearings lasted for weeks. They went on day after day. All people who wanted to protest could have come in at that time. There has been no haste about this.

Actually, we have only taken up four or five commodities. There are 91 commodities involved in this stockpile—91. Multiply that by the weeks we took for these five. That is a staggering thought.

We do question. My committee is not buying at its face value the idea of having a 1-year emergency. Instead, we are requiring a 3-year war to be looked at so that we have to look at what it takes to run a 3-year war for national defense of our country, taking into consideration domestic uses as well. Then we have to look at—and believe me, it is hard to look at this—what countries can we rely upon? Even the State Department has difficulty about this sort of thing at times. How can we rely upon India for opium? So, we did not rely upon India. We decided we are going to have the 3 years' supply required.

If the Members had relied upon Chile, that would be interesting. How absurd can we get? We only get 10,000 tons from Chile. Our country alone produces 2,420,000 tons. The United States does. It produces more than it consumes. It does send some abroad, it is true. It does so because we have people in business who produce copper things and have business across the seas. We do not want to end all international trade, but we produce enough in this country in 1 year alone now to take care of our national defense interests in this country for 3 solid years of war.

Those are what the facts are. What is this 251,000 tons drawdown going to do when we consume almost 3 million tons in a year? It is almost nothing. It may help a little right now to preserve some jobs, but it is just a palliative. It will not last for any long period.

It just makes sense, if the Joint Chiefs of Staff say that we do not need this and the Department of Defense says that we do not need this and we are running out

of jobs in this country because of the need of these metals. We must therefore act now.

Mr. Speaker, I am a recent convert. I did not want to get rid of any of the stockpile. I have come to the conclusion that if the Joint Chiefs of Staff and the Department of Defense think we do not need it, and we have people out of jobs because they do not have this kind of material, and we can produce all of this in 1 year, why do we need to spend millions of dollars to stockpile it when we can make jobs available now?

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

Mr. BENNETT. Mr. Speaker, I yield to the gentleman from New Jersey.

Mr. PATTEN. Mr. Speaker, I come from the largest copper refining section in the United States. Those Members out west who mine the gold and silver, 40 percent of the silver and gold comes out of my district from copper refining.

Mr. Speaker, let me get to the point. Industry, labor unions, everybody wants this bill, but let me correct some impressions here. There has been a lot of talk about selling copper in Europe for a dollar. My industries are American and they are patriotic. They could have sold to other places, but they would not do it. They are selling to their regular customers in the United States. I know one fellow who has business in countries like France and the Netherlands and England who ran up $7,000 in toll charges in 1 day.

They would have bought everything, he said. They did not sell him a damn thing.

Our companies are good. They want their customers taken care of. We are going to get copper from Chile and it is going to be more than 10,000 tons, let us not worry about that.

Mr. Speaker, we will be back to normal, our men will be working, and in case of war, we can produce three times as much copper as is available in the United States.

So let us get on with this job and pass this bill.

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

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

Mr. BELL. Mr. Speaker, if there is an increase in demand for copper, why do we not mine more copper and get the price under control?

Mr. BENNETT. Mr. Speaker, I will answer the gentleman's question.

The reason we have not mined more copper was because of price controls. Nobody likes to say that, but that is the truth. Our Government told them they had to sit on their price, and so why should they mine more copper?

After all, companies are not just owned by individuals; they are owned by mass stockholder groups, and there is a trustee arrangement within the corporate structure, in regard to the profit picture. The corporate structure is not very anxious, in view of its responsibility to the stockholder groups, to make less money. Therefore, they do not produce as much copper as they normally do, when they have a price control imposed upon them.

The SPEAKER. The time of the gentleman from Florida (Mr. BENNETT) has all expired. The gentleman from Illinois (Mr. YATES) has 2 minutes remaining.

Mr. YATES. Mr. Speaker, I yield the gentleman from Florida 2 minutes in order that he may answer this question.

Referring to the safeguards the gentleman says are in this bill, is there any safeguard that would prevent any of the purchasers of this copper which is intended for our domestic use from using this copper and exporting other copper in the purchaser's possession?

Mr. BENNETT. Well, the GSA felt that they would be able to do that. Going beyond that, they said they would do it if they could, but we are not going to correct that by changing the statute, because they are going to take the hearings and report as part of the legislative history of the statute and abide by it.

Mr. YATES. They are going to keep the copper they bought from GSA, and they are going to use other copper for export?

Mr. BENNETT. Well, I will say to the gentleman that something has happened during the hearings and after the hearings. The price controls were released on copper, so that we are not faced now with exactly the problem which we had earlier.

Mr. YATES. Mr. Speaker, may I ask the gentleman one further question?

The gentleman said we have now provided for 3 years, as far as our needs are concerned.

Can the gentleman tell us what copper is in the stockpile or what copper the stockpile contains for the Nation's protection?

Mr. BENNETT. Mr. Speaker, the 3-year provision is based upon how much we have available right now from the production for 1 year, and we multiply it by three, and we find we have a great overage. We have much more than we need, both from the standpoint of national defense and from the standpoint of keeping our country going.

Mr. YATES. But there will be nothing in the national stockpile, will there?

Mr. BENNETT. There will be something. As was pointed out a moment ago, there will be some left there.

Mr. YATES. Has the bill provided for the complete sale of all of it?

Mr. BENNETT. No.

Mr. YATES. I assume the gentleman refers to the 7,000 tons of copper alloy; am I correct?

Mr. BENNETT. Yes. That would be a special type of copper for special uses, such as for the C–5, or something of that type.

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

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

Mr. BELL. Mr. Speaker, why does the administration not take the price control off of copper so there will be an interest in the mining of it?

Mr. YATES. The report says it will do so.

Mr. CONTE. Mr. Speaker, passage of this bill, to release over a quarter million tons of copper from the national stockpile, is important to the vitality of the copper manufacturing industry and the economic health of the Nation. I rise to support this bill, and I urge my colleagues to vote for its immediate passage.

This release of Government supplies is overdue. Copper fabricators have been plagued for the past year by a coincidence of severe economic problems that would submerge a less hardy group of entrepreneurs.

Supplies are tight. Prices have escalated. Exports have boomed. Due to price controls, manufacturers often cannot buy copper feedstocks at a price that would allow them any profit.

We can expect the supply picture to get worse. Demand is outpacing supply. While production has increased 2 percent over last year, demand is up by 11 percent. Early next year, one of the major copper producers will have to curtail production by 10 percent to allow the installation of new antipollution equipment in its plant.

In the meantime, there are no export controls on copper, and the flow of copper scrap out of this country continues at a rate that is 76 percent above last year.

Consumption of copper in the United States is 3 million tons a year. Ninety percent of this Nation's supply is produced domestically. But through the first 9 months of this year, only 1.7 million tons of copper was produced in the United States. These figures indicate that a serious shortfall between supply and demand will exist by the end of the year.

Release of this quarter million tons of copper from the national stockpile, which this bill calls for, would significantly alleviate the supply shortage.

Copper imports cannot make up the difference. Last year the United States imported 424,000 tons of copper. Our largest supplier, with 157,000 tons, was Canada. Other major suppliers were Peru, 93,000 tons; Chile, which nationalized American copper interests a few years ago, 60,000 tons; the Philippines, 30,000 tons; and Yugoslavia, 27,000 tons.

The size of the Government stockpile to be released under this bill is larger than the imports from any country for a single year.

If this bill is passed, and I am confident that it will, I intend to oversee the disposal of this Government copper to insure that a fair proportion of the supply is directed to small manufacturing firms, that no giant corporation or group of massive conglomerates monopolizes the procurement of this supply, that none of this copper from the national stockpile is exported, and that this supply is sold at a price that is reasonable and congruent with phase IV.

The economic vitality and future of many copper manufacturing firms, including several in my district, would be given a significant boost by passage of this bill. For many, it would mean cancellation of layoff announcements and continued employment.

This industry is essential to our economy. We cannot let it down. I urge the immediate enactment of this bill.

Mr. STEELE. Mr. Speaker, exactly 5 months ago today, in response to a growing shortage of copper and copper alloy products, I introduced legislation to authorize the sale of our surplus of stock-

piled copper. It is of great importance that we pass such legislation today in order to relieve the serious copper shortage that continues to threaten thousands of copper-related jobs and hundreds of copper and brass manufacturers.

In my own State of Connecticut, more than 420 firms work primarily with copper and brass and employ more than 30,000 workers. With unemployment levels as high as they are in Connecticut, we are especially concerned with the deteriorating situation in the copper and brass industry. A large number of Connecticut copper and brass workers have already been laid off or now work curtailed hours because their employers cannot get the copper they need, and with the energy crisis upon us, we simply cannot risk further unemployment.

Moreover, it is not only the primary copper and brass industry that stands to be injured by a continued shortage. Many major customers of copper products—Ford, IBM, Carrier, Western Electric, and Honeywell, to name a few—will not be able to continue full operations and employment if they cannot acquire normal quantities of the copper wire and other copper goods necessary. And many small- and medium-sized businesses that use large quantities of copper—Wyre Wynd in my own district is one example—may be forced to shut down large sections of their operations unless more copper is available. Therefore, the current shortage casts an ominous cloud over a huge segment of the American economy.

What has brought this shortage about? The reasons are manifold. First, the United States has long been a net importer of copper—to the tune of 193,000 tons last year, or 10 percent of our domestic consumption. Second, strikes and turmoil in copper-producing nations have led to a decline in world copper production. Chile, for example, has been producing 12,000 tons less monthly than in previous years. Third, the demands of steadily increasing foreign business activity have tightened the international copper market and driven world prices up, which has stiffened competition for American copper buyers on the world market. And coupled with the present international monetary uncertainty, this increased demand has encouraged speculation and made the international copper market even more volatile than it normally is.

Finally, phase 3½ controls froze domestic copper prices at exactly the time when foreign prices were climbing upward. This stimulated wholesale exportation of domestic copper—scrap exports for July totaled 58.3 million pounds, well over double the June export level.

Since the lifting of the freeze and phase IV restrictions on copper scrap, the domestic scrap supply has improved somewhat. However, the situation in the copper industry is still critical. In the first place, the price of copper scrap has risen to 92 cents a pound, which is 55 percent higher than the pre-July mean. Because raw materials constitute the largest portion of copper products' production costs—as much as 85 percent in some branches of the industry—manufacturers often cannot afford to absorb this price increase without jacking up the prices of their finished products accordingly. In the long run, this means one of two things: Either the consumer pays much more for copper products, or the manufacturer is forced to price himself out of the market.

In the second place, phase IV limits still apply to refined or producers' copper. This has kept the domestic price of refined copper from rising. Meanwhile, stirred by the tight world copper supply and the flux of the international monetary system, the price of refined copper on the London Metals Exchange—the primary trading place for international copper transactions—has climbed as high as $1.01 per pound. As of this morning, American manufacturers paid about 68 cents for a pound of refined copper, while LME merchants got over 90 cents for the same pound. This unusually wide gap between American and international markets is stimulating domestic producers, who usually shy away from foreign sales, to export a substantial portion of their refined copper to foreign buyers who will pay the higher price.

From this, we can predict a large increase in exports of refined copper for the last half of 1973, in contrast to an actual decrease in refined exports for the preceding 6 months.

What all this boils down to is this: although the lifting of the price freeze on scrap may have made a little more scrap available, this increase will be more than offset by the growing export of refined copper. Thus, copper will still be in too short supply to keep the copper industry running at capacity.

COPPER STOCKPILE RELEASE

It is in this context that this legislation is so important. Its point is simple. After a careful study, the administration determined that a large quantity of the materials now held in the strategic stockpiles, including copper, was no longer necessary for national defense purposes, and in April it introduced legislation to authorize the sale of these surplus materials. However, because of the worsening situation in the copper market, I extracted the copper provisions from the administration's omnibus bill in order to expedite action on them. I am pleased that the Armed Services Committee has seen fit to adopt this approach by reporting out a similar bill already passed by the other body.

Just what would the release of these 250-odd thousand tons of stockpiled copper do? Let me point to four basic aims to be accomplished:

First, the release of the copper stockpiles would make available large amounts of refined copper for use by domestic manufacturers now. If, for example, the stockpiles were released at the rate of 50,000 tons per month—roughly one-third our average monthly consumption of refined copper—American manufacturers would have at least an adequate supply of raw material to offset the reductions in world production of copper and the massive export drain that soaked up so much domestic copper during the July price freeze. These added supplies would save jobs and avoid shortages of copper goods in the national marketplace over the next 5 months. If we work diligently, this would give us adequate time to develop a longer-term solution to the copper supply program. Toward that end, I have joined with several colleagues in cosponsoring legislation to impose a 6-month embargo on copper exports.

Second, by making more copper available, the inflationary pressures of a tight market will be eased and prices will stabilize. At the least, the inflated price of scrap copper will level out and, in all likelihood, begin to drop as the additional copper from the stockpiles fills out the huge gaps in the present supply. Speculation will slow, and some semblance of predictability—which is essential under the current Cost of Living Council prenotification requirements—will return to the domestic copper market. In addition, it is probable that the infusion of more American copper into the world copper supply will exert a strong force on the sensitive London Metal Exchange and thereby drive the free market price of refined copper down toward the range of the current U.S. refined price—68 cents a pound. This would result in less export pull on American supplies, since the foreign market would no longer be priced so lucratively high.

Third, and particularly important in these times of economic uncertainty, the U.S. balance of trade would benefit by the increased availability of American copper. As mentioned before, the United States has for many years been a net importer of copper. Last year's net imports figured at 193,000 tons. At today's prevailing LME prices, the same import total would cost us over $355 million in trade deficits. However, the release of 250,000 tons of stockpiled copper would more than cover our import needs for this year, thereby diverting back into the national economy as much as $355 million that would otherwise flow overseas.

Fourth, the sale of the copper reserved would contribute to easing the pressure on the Federal budget. At current U.S. producer prices—68 cents a pound—this sale would add over $340 million to the income of the Federal Government. As you well know, this is a significant sum in the effort to hold down the national debt and strengthen the domestic economy.

Within these four advantages are benefits for every segment of society. For labor, threatened jobs would be secured. For management, production cutbacks would be averted and the worsening price/supply squeeze would be checked. For the Federal Government, a negative factor in our balance-of-trade position would be eliminated, and the U.S. Treasury would receive a shot in the arm. And for the consumer, the problems stemming from an inadequate supply of copper-based goods would be avoided. Further, by adding $340 million to the Federal Government's income, sale of the stockpiles would have a beneficial effect on our fight against inflation. Clearly, the sale of the national and supplemental copper stockpiles is in the interest of all concerned.

SUMMARY

This, then, is the situation: On one hand, the Federal Government is today holding more than 250,000 tons of copper

that has been labeled "surplus." On the other hand, the copper industry is caught between thin domestic supplies and a tight and expensive foreign market. Hanging in the balance are thousands of jobs, hundreds of copper and brass businesses, and substantial and direct benefits for the national economy and the Federal Treasury. All that is needed to bring these forces together is the approval from Congress to proceed with the sale of the stockpiles.

Let me make one final point about this bill. If anyone doubts the difficulty that copper manufacturers are having in acquiring the raw materials they need, I call attention to the fact that the Federal Government has asked Congress for permission to stop minting copper pennies and switch to aluminum-based 1 cent pieces. With worldwide shortages and rising prices, not even Uncle Sam can get the copper he needs to produce the item synonymous with copper—the penny.

Mr. Speaker, I believe, and I am confident that the House will share my belief, that the sale of our copper reserves should be authorized without delay. There can be no more strategic time than now for dispensing with this surplus of no-longer strategic copper.

Ms. HOLTZMAN. Mr. Speaker, I rise in opposition to this bill which authorizes the sale of all Government stockpiles of copper. I also oppose other bills similar to it which we are considering today—involving the sale of the Government's stockpiles of aluminum, zinc, silicon carbide, molybdenum, and opium.

The only rationale behind such depletion of our copper reserves is that the sale may help stabilize rising copper prices in this country. On examination, however, this justification falls flat on its face since members of the Armed Forces Committee have admitted that the sale of these copper stockpiles will have only a marginal impact on the price of copper in this country.

On the other hand, the reasons against completely depleting our copper stockpiles are weighty and compelling. The first reason is one of military preparedness. In the event of a war our Government will have none of its own copper reserves and we may be caught short of adequate supplies for military defense. Second, the Government may have to utilize these existing stockpiles to help alleviate more serious copper shortages in the future. We should have learned this from our experience with the so-called grain deal, in which for the purposes of détente we sold all our grain reserves forgetting that those reserves might have been crucial—as they later turned out to be—in helping to prevent the extraordinary inflation in food prices. We cannot foresee at the present time for what future crisis these copper reserves may be needed, but since selling them now will serve no necessary purpose, we ought to preserve them.

Accordingly, I cannot support the sale of all of our Government's copper stockpiles or the sale of our other mineral reserves which would serve only to make us more vulnerable now and in the future.

The SPEAKER. The question is on the motion offered by the gentleman from Florida (Mr. BENNETT) that the House suspend the rules and pass the Senate bill S. 2316, as amended.

The question was taken.

Mr. YATES. 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 315, nays 73, not voting 44, as follows:

[Roll No. 700]

YEAS—315

Abdnor	Donohue	Lent
Addabbo	Dorn	Litton
Anderson, Ill.	Downing	Long, La.
Andrews, N.C.	Duncan	Lott
Andrews, N. Dak.	du Pont	McClory
Annunzio	Eckhardt	McCloskey
Archer	Edwards, Ala.	McCollister
Arends	Erlenborn	McCormack
Armstrong	Esch	McDade
Ashbrook	Eshleman	McEwen
Ashley	Fascell	McFall
Badillo	Findley	McSpadden
Barrett	Fish	Macdonald
Bauman	Fisher	Madden
Beard	Flood	Madigan
Bell	Flowers	Mahon
Bennett	Flynt	Mallary
Bergland	Foley	Mann
Bevill	Ford, William D.	Maraziti
Biaggi	Forsythe	Martin, N.C.
Biester	Fountain	Mathias, Calif.
Bingham	Frenzel	Mathis, Ga.
Boland	Frey	Matsunaga
Bowen	Froehlich	Mayne
Brademas	Fuqua	Meeds
Brasco	Gaydos	Melcher
Bray	Gettys	Metcalfe
Breaux	Giaimo	Milford
Brinkley	Gibbons	Minish
Brooks	Gilman	Minshall, Ohio
Broomfield	Ginn	Mitchell, Md.
Brown, Calif.	Goldwater	Mitchell, N.Y.
Brown, Mich.	Goodling	Mizell
Brown, Ohio	Grasso	Moakley
Broyhill, N.C.	Gray	Mollohan
Broyhill, Va.	Gross	Montgomery
Burgener	Grover	Moorhead, Calif.
Burke, Fla.	Gude	Moorhead, Pa.
Burke, Mass.	Gunter	Morgan
Burleson, Tex.	Guyer	Mosher
Burlison, Mo.	Haley	Murphy, Ill.
Butler	Hamilton	Myers
Camp	Hammer-schmidt	Natcher
Carney, Ohio	Hanley	Nedzi
Carter	Hanna	Nelsen
Casey, Tex.	Harrington	Nichols
Cederberg	Harsha	Obey
Chamberlain	Hastings	O'Brien
Chappell	Hays	O'Hara
Chisholm	Hechler, W. Va.	O'Neill
Clancy	Heckler, Mass.	Parris
Clark	Heinz	Patman
Clausen, Don H.	Henderson	Patten
Clawson, Del	Hicks	Pepper
Clay	Hillis	Perkins
Cleveland	Hogan	Pettis
Cochran	Holt	Peyser
Cohen	Horton	Pickle
Collier	Howard	Pike
Collins, Ill.	Huber	Podell
Collins, Tex.	Hunt	Powell, Ohio
Conable	Hutchinson	Preyer
Conlan	Ichord	Price, Ill.
Conte	Jarman	Pritchard
Corman	Johnson, Colo.	Quie
Cotter	Johnson, Pa.	Quillen
Coughlin	Jones, N.C.	Randall
Crane	Jones, Okla.	Rees
Cronin	Jordan	Regula
Daniel, Dan	Kastenmeier	Rhodes
Daniel, Robert W., Jr.	Keating	Rinaldo
Daniels, Dominick V.	Kemp	Roberts
Davis, Ga.	Ketchum	Robinson, Va.
Davis, S.C.	King	Robison, N.Y.
Davis, Wis.	Kluczynski	Rodino
Dellums	Kuykendall	Roe
Derwinski	Kyros	Rogers
Devine	Landgrebe	Roncallo, N.Y.
Dickinson	Latta	Rooney, Pa.
	Leggett	Rose
	Lehman	Rosenthal
		Rostenkowski
		Roush
		Rousselot
		Ruth
		St Germain
		Sandman
		Sarasin
		Sarbanes
		Scherle
		Schneebeli
		Sebelius
		Seiberling
		Shipley
		Shriver
		Shuster
		Sikes
		Skubitz
		Slack
		Snyder
		Spence
		Staggers
		Stanton, J. William
		Stanton, James V.
		Stark
		Steed
		Steele
		Steelman
		Steiger, Ariz.
		Steiger, Wis.
		Stephens
		Stokes
		Stratton
		Stubblefield
		Studds
		Sullivan
		Symington
		Talcott
		Taylor, N.C.
		Teague, Calif.
		Thomson, Wis.
		Thone
		Thornton
		Tiernan
		Towell, Nev.
		Treen
		Udall
		Vanik
		Vigorito
		Waggonner
		Wampler
		Ware
		Whalen
		White
		Whitehurst
		Whitten
		Widnall
		Wiggins
		Williams
		Wilson, Bob
		Wilson, Charles H., Calif.
		Wilson, Charles, Tex.
		Wolff
		Wydler
		Wylie
		Wyman
		Yatron
		Young, Alaska
		Young, Fla.
		Young, Ill.
		Young, S.C.
		Young, Tex.
		Zablocki
		Zion
		Zwach

NAYS—73

Abzug	Gonzalez	Poage
Adams	Green, Oreg.	Rangel
Anderson, Calif.	Green, Pa.	Rarick
Bafalis	Hanrahan	Reuss
Baker	Hansen, Idaho	Riegle
Blackburn	Helstoski	Roncalio, Wyo.
Boggs	Hinshaw	Roy
Breckinridge	Holifield	Roybal
Brotzman	Holtzman	Runnels
Byron	Hosmer	Ruppe
Conyers	Hungate	Satterfield
Culver	Johnson, Calif.	Schroeder
Danielson	Jones, Tenn.	Shoup
de la Garza	Kazen	Smith, Iowa
Dellenback	Koch	Smith, N.Y.
Denholm	Long, Md.	Stuckey
Dennis	Lujan	Symms
Dingell	McKay	Teague, Tex.
Drinan	Mazzoli	Ullman
Dulski	Mezvinsky	Waldie
Eilberg	Miller	Winn
Evans, Colo.	Mink	Wright
Evins, Tenn.	Moss	Yates
Fulton	Nix	Young, Ga.
	Owens	

NOT VOTING—44

Alexander	Gubser	Passman
Aspin	Hansen, Wash.	Price, Tex.
Blatnik	Harvey	Railsback
Bolling	Hawkins	Reid
Buchanan	Hébert	Rooney, N.Y.
Burke, Calif.	Hudnut	Ryan
Burton	Jones, Ala.	Sisk
Carey, N.Y.	Karth	Taylor, Mo.
Delaney	Landrum	Thompson, N.J.
Dent	McKinney	Van Deerlin
Diggs	Mailliard	Vander Jagt
Edwards, Calif.	Martin, Nebr.	Veysey
Fraser	Michel	Walsh
Frelinghuysen	Mills, Ark.	Wyatt
Griffiths	Murphy, N.Y.	

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. Thompson of New Jersey with Mr. Reid.

Mr. Hébert with Mr. Fraser.

Mr. Rooney of New York with Mrs. Burke of California.

Mr. Dent with Mr. Burton.

Mrs. Griffiths with Mr. Hawkins.

Mrs. Hansen of Washington with Mr. Edwards of California.

Mr. Murphy of New York with Mr. Diggs.

Mr. Ryan with Mr. Buchanan.

Mr. Sisk with Mr. Harvey.

Mr. Van Deerlin with Mr. Martin of Nebraska.

Mr. Blatnik with Mr. Frelinghuysen.

Mr. Alexander with Mr. Mailliard.

Mr. Carey of New York with Mr. Gubser.

Mr. Landrum with Mr. Michel.

Mr. Karth with Mr. Hudnut.

Mr. Mills of Arkansas with Mr. McKinney.

Mr. Passman with Mr. Price of Texas.

Mr. Aspin with Mr. Railsback.

Mr. Delaney with Mr. Taylor of Missouri.

Mr. Jones of Alabama with Mr. Vander Jagt.

Mr. Walsh with Mr. Wyatt.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERMISSION TO CALL UP CONFERENCE REPORT ON H.R. 11576

Mr. MAHON. Mr. Speaker, the conference report was filed last night on the final supplemental H.R. 11576. I ask unanimous consent that it may be in order on tomorrow or any day thereafter to consider the conference report on H.R. 11576, a bill 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.

REQUEST FOR PERMISSION TO CALL UP CONFERENCE REPORT ON H.R. 11575, DEPARTMENT OF DEFENSE APPROPRIATIONS, 1974

Mr. MAHON. Mr. Speaker, we would have then the remaining big defense bill which is now in conference, and the conference is expected to be concluded today.

I want to ask unanimous consent that it may be in order on tomorrow or any day thereafter to consider the conference report on H.R. 11575, a bill making appropriations for the Department of Defense for the fiscal year ending June 30, 1974, and for other purposes.

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

Mr. GROSS. Mr. Speaker, reserving the right to object, I think the Members should be on notice as to what is being requested. This can mean that a conference report on a bill involving $86 billion, or it is higher than that?

Mr. MAHON. It is some $74 billion.

Mr. GROSS. All right then, a bill that appropriates $74 billion can be brought in and called up in the House without one scintilla of printed information concerning the action of the conference committee.

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

Mr. GROSS. Of course, I yield to the gentleman from Texas.

Mr. MAHON. The gentleman is raising a very important point. We are in conference with the Senate at this hour. We hope the conference report will be printed tonight.

If we conclude the conference and are able to get the conference report in shape by midnight, it will be printed and will appear in the RECORD tomorrow.

This is a matter of moving toward adjournment and it would be very likely that if the conference report is not brought up tomorrow, it will be brought up the following day in the event that it is impossible to get it printed tonight.

Mr. GROSS. I have no desire to prolong this session of Congress but neither do I desire to operate completely in the dark, and I must say to the gentleman that if he conditions his request upon the conference report being printed in the RECORD or being in printed form otherwise, I do not object. I must object otherwise because I think we ought to have something before us that we can read and derive some information from.

Mr. MAHON. Mr. Speaker, in view of the problems which have been pointed out by the gentleman from Iowa (Mr. GROSS) I believe it would be best at the moment to withdraw my request until we can better determine as to when this conference report can be brought up.

Mr. GROSS. I thank the gentleman. I would appreciate his withdrawal of the request at this time.

Mr. MAHON. Mr. Speaker, I withdraw my unanimous-consent request.

GENERAL LEAVE

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

By way of explanation, I would say these other bills are not nearly so controversial as the two bills which have already passed and, therefore, we can get along with the business of the day if we use the extension of remarks procedure.

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

There was no objection.

AUTHORIZING THE DISPOSAL OF ALUMINUM FROM THE NATIONAL STOCKPILE

Mr. BENNETT. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2413) to authorize the disposal of aluminum from the national stockpile and for other purposes.

The Clerk read as follows:

S. 2413

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of, by negotiation or otherwise, approximately two hundred and seven thousand four hundred and forty short tons of aluminum now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h). Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided,* That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

SEC. 2. Section 2 of Public Law 89–460 (80 Stat. 212) is repealed.

The SPEAKER. Is a second demanded?

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

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

There was no objection.

The SPEAKER. The Chair recognizes the gentleman from Florida.

Mr. BENNETT. Mr. Speaker, I want to speak briefly that this legislation before us right now has approval of the Joint Chiefs of Staff. The chairman of the Joint Chiefs of Staff came before our subcommittee and testified on this legislation, as did the Under Secretary of Defense from the Defense Department.

As a matter of fact, we took a more conservative position in the matter than did these two fine agencies. We required the testifying agency, the GSA, to testify on the basis of a 3-year war, which these other agencies of Government did not feel was necessary, but we required them to consider the materials on the basis of a 3-year war need.

On page 153 of the hearings, we will find that this amount of aluminum here is not needed, for the reason we have an adequate supply of other aluminum in this country to take care of our needs, according to the Department of Defense.

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

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

Mr. KETCHUM. I would like to say that I certainly concur in the statements the gentleman has made today on all these bills; but one small thing bothers me. We have talked about jobs, the fact that these bills will help retain jobs.

What I am worried about is getting people to those jobs. I wonder if the gentleman can answer why the House Committee on Armed Services continues to sit on the Elk Hills bill?

Mr. BENNETT. I am not the chairman of the full committee, but that matter is being studied in the full committee. That matter will come up in due course and will not come before the subcommittee of which I am chairman.

I would like to point out that there is an energy impact about aluminum, because aluminum itself is the most plenteous metal element on the surface of the earth. There is lots of it, but putting it in a form that is in a stockpile requires a good deal of energy input.

Therefore, we will not only be helping with jobs with reference to the stockpile, but we will also be conserving some energy as well. In fact, the present situation with aluminum in the country today is primarily caused because there has not been enough rainfall present in the Columbia River Valley to provide for high production of aluminum in that area.

In the United States the figure for our production in 1 year is 5,380,000 tons of aluminum. That is what we produce.

Now, what do we use? The Defense Department says we use 1,523,000 for 3 years; so we are producing three or four times as much in a year in this country as the Defense requirements are for a 3-year term.

There is another aspect with respect to this winter coming up; that is, that a good deal of this aluminum is needed by the producers of storm windows for houses to cut down the needed energy for heat, such windows can save 30 or 40 percent in energy consumption. That is one of the great needs for aluminum at this time.

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

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

Mr. GROSS. Is there a sufficient supply to mint pennies as it is planned to

do next year, to substitute for the copper pennies?

Mr. BENNETT. Next year they are going to be copper, because of the action taken in the bill just before this. What the decision of the Congress will be on aluminum pennies I do not know. I do think, from my own memory, that it does take action of Congress to change the metal content of a penny.

Mr. GROSS. The copper used in the minting of coins, does it have common usage other than pennies?

Mr. BENNETT. Yes, it does.

Mr. GROSS. Other than pennies?

Mr. BENNETT. Oh, yes. It is in the sandwich; it is the core.

Mr. GROSS. What coins does this apply to?

Mr. BENNETT. Everything but a nickle has some copper in it.

Mr. GROSS. Under the circumstances I do not understand why the Treasury plans to call in copper pennies and substitute for them aluminum pennies.

Mr. BENNETT. That is not an issue before us.

Aluminum is cheaper, a good deal cheaper. It is, I believe, the most plenteous mineral on the Earth as far as metals are concerned.

Mr. Speaker, I urge the passage of this bill.

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

First, Mr. Speaker, I want to pay my respects to my old friend from Florida (Mr. BENNETT) who unquestionably is one of the most able Members of the House. I regret very much that I find myself on the opposite side with him, but I feel very deeply and sincerely that the stockpiles should not be raided as these bills do for the civilian economy.

Mr. Speaker, I have asked for the rollcall votes on the first two bills. I maintain my opposition to the remaining bills under suspension which approve sales of critical metals from the stockpile, but I shall not ask for rollcalls on them.

Mr. Speaker, I urge the defeat of this bill.

Mr. YATES. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio (Mr. HAYS).

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

PRESIDENT GETS FREE HAND ON ENERGY CONSERVATION

Mr. HAYS. Mr. Speaker, I just have a tearout sheet on the AP ticker which reads as follows:

Senate and House conferees tentatively agreed today to give President Nixon a free hand in ordering immediate energy conservation measures. House Commerce Committee Chairman HARLEY O. STAGGERS, head of the House conferees, said that until March 1st Congress would have no power to veto any steps ordered by President Nixon under the bill.

Then, it goes on to say that after March 1, we would have a chance to veto anything. Now, if Congress wants to duck its responsibilities until March 1st, this is one way to do it, I suppose, but if some of these bureaucrats downtown decree that the corner grocery has to close at 5 o'clock, that you cannot drive your car during the week unless you can produce an affidavit that you are on business or something else—I have heard it said that Senator JACKSON is all for this because he said this is really going to put the monkey on the back of the President.

I do not know how he gets to thinking that way, because if these things happen and your constituents are bothered by them—and they will be—they are not going to call the White House—they could not get through if they did, but they are not going to call there in the first place.

They are going to call our offices, and they are going to ask why we consented to something to give the President a free hand to make laws with criminal penalties attached—that is what it amounts to.

If this comes under the heading of compromise, then I do not understand the word "compromise." I understand that since, some of us have talked to the chairman, and somebody apparently has talked to Senator JACKSON and he is saying, "No, that is not the way it is," but I thought it might be nice to let the House know what is going on. At least, to know what the chairman of the committee told the Associated Press was going on an hour or so ago, so that, before it becomes an accomplished fact and the Members have the opportunity to vote it up or down, they might want to make their preferences felt, that the Congress have some say about it.

They are going even beyond the Broyhill amendment which was defeated. The Broyhill amendment said we had 15 days to veto anything. This is a little bit like saying, "We are going to give the President power to hang anybody in the country until March 1, and then after March 1, you have a chance to appeal it." Of course, if you get hanged in the meantime, it will be a rather fruitless appeal.

Mr. McCLORY. Mr. Speaker, I rise to express my support of S. 2413, the bill before us today, which would authorize the disposal of aluminum from the national stockpile.

It is my understanding that American industry is faced with a critical material shortage due to the severely limited availability of primary aluminum. As a result, many companies are faced with the dim prospect of reduced output, followed by layoffs. This is not a time for additional unemployment, particularly when Congress may help avoid such additional layoffs by favorable action on S. 2413.

In addition to the problem of unemployment faced by the aluminum industry, there has also been concern expressed about the effect of an aluminum shortage on inflation and the economy in general. A shortage would obviously drive the price of aluminum upward, thus adding only further to our recurring problem with inflation. The release of aluminum from the stockpile would avoid a widely fluctuating price situation and tend to stabilize the price of aluminum.

Aluminum users are faced with a seller's market today. I know of at least one company in my congressional district that may be forced to purchase aluminum from a speculator at twice the ordinary market price. This company is faced with no alternative—either it must purchase badly needed aluminum from speculators or it must face a possible close-down of its operations.

The present tight situation was caused partially by the energy crisis, and accompanying unusual demands. The Congress just last week acted to relieve the pressures of the energy crisis. It is time now to act in the same manner with regard to the aluminum shortage.

It is my hope that Congress will see fit to provide the legislation which will release aluminum from the national stockpile. I urge my colleagues to give overwhelming support of S. 2413.

Mr. GONZALEZ. Mr. Speaker, the legislation now before us to dispose of the aluminum in the national stockpile, coming after passage of another bill to get rid of our stockpile of copper, appears to be heralding some kind of tidings of great joy at this Christmas season that peace has indeed come to the world—not only for the immediate moment but for the foreseeable future—and that we need not fear for any more national defense emergencies.

If that is the message President Nixon is trying to send us in requesting this legislation, he should be shouting it from the White House tops, and perhaps the stockmarket would start to go up and people would begin to feel a whole lot better about a lot of things. We might go cold because of administration blunders in the energy situation; we might be broke because of inflation; many of our people ate less this year because of the Russian wheat deal and its mysterious financial aspects—but at least we do not have to worry about national defense.

But I do not think that is the real message behind these stockpile disposal bills, particularly in copper and aluminum. The message I get is that this administration has so bungled its so-called anti-inflation program—despite having greater powers to combat inflation than any President in our history ever had—that it is willing to take a chance on future national defense needs for these strategic metals in order to throw the stockpiles on the market in the hope of holding down price increases.

And it is also eyeing the prospective revenues from the sale of strategic materials which would be vitally needed in case of national emergency.

What are they going to sell next? Some nuclear submarines? The Lincoln Memorial? If the Government had acquired title to Watergate along with many of the other residential properties it now owns, I could see some compelling reasons why it would want to get rid of that as quickly as possible—but why copper and aluminum at a time of worldwide shortage of those essential commodities?

Mr. Speaker, under the Defense Production Act, we permit the Government to buy strategic materials necessary for defense purposes, and I am just wondering if the aluminum and copper which go out from GSA under the legislation we are considering today will eventually be coming back to the Government under Defense Production Act inventory pur-

chases, at substantially higher prices than we will be getting for them under this legislation.

Let us not forget that we have had in the past to grab up massive quantities of strategic materials on an emergency basis, disrupting small businesses and causing great dislocations throughout the economy, when national defense requirements made these steps necessary. The purpose of the stockpiles was to avoid this kind of frantic grabbing of materials in short supply. They are better than money in the bank; they are insurance against national emergency dislocation.

Instead of robbing the stockpiles to meet existing shortage situations, we should be using the vast powers of the Government to encourage an expansion of production capabilities.

The SPEAKER. The question is on the motion offered by the gentleman from Florida (Mr. BENNETT) that the House suspend the rules and pass the Senate bill S. 2413.

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.

AUTHORIZING THE DISPOSAL OF SILICON CARBIDE FROM THE NATIONAL STOCKPILE AND THE SUPPLEMENTAL STOCKPILE

Mr. BENNETT. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2493) to authorize the disposal of silicon carbide from the national stockpile and the supplemental stockpile.

The Clerk read as follows:

S. 2493

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of, by negotiation or otherwise, approximately one hundred and ninety-six thousand five hundred short tons of silicon carbide now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h) and the supplemental stockpile established pursuant to section 104 (b) of the Agricultural Trade Development and Assistance Act of 1954 (68 Stat. 456, as amended by 73 Stat. 607). Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided,* That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

The SPEAKER. Is a second demanded?

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

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

There was no objection.

Mr. BENNETT. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. STEPHENS).

Mr. STEPHENS. Mr. Speaker, I represent 30 granite quarries and 65 granite manufacturing plants located in and around Elberton in northeast Georgia. These firms employ 1,700 workers; and produce $27 million of granite products—principally cemetery memorials—each year. They are the major industry in our area; and to a large extent, the economy of several cities and counties revolves around this business. The granite industry uses silicon carbide as a sawing abrasive to cut the stone. This sawing is essential to the rest of the production process; if the sawing stops, the industry stops. Thus, the concern with maintaining an adequate supply of silicon carbide is of paramount importance. If they have to curtail or cease their sawing operations, many of the granite industry employees will be forced to look for other employment—and once they leave our area, we will have little opportunity to get them back. So, the shortage of silicon carbide which the industry is currently facing is truly a most serious matter to us.

During 1973, the production of silicon carbide has not been adequate to meet the needs of the granite and other industries dependent upon this material, and a very serious shortage has developed.

The two principal suppliers are the Carborundum Co. and the Exolon Co., both located in the Niagara Falls, N.Y. area. Their supply of the "crude" silicon carbide has been drastically decreased this year due to the prolonged drought and resultant electrical energy shortage in the Northwest. New pollution abating requirements and other environmental considerations have caused postponements in their development of new facilities to produce this crude material. Their production facilities for making the sawing abrasive required by our granite firms have simply not been used to anywhere near capacity because of the shortage of the crude material.

It is my understanding that the Government has maintained a stockpile of this crude material—some 196,500 short tons—which it purchased and has been paying to keep in storage in the Buffalo, N.Y., and other areas. It is also my understanding that this material—either in whole or part—has been or can be declared surplus to the national defense effort; and it is the congressional authorization to release this material that we are interested in obtaining.

The suppliers advise us that the orderly release of this stockpile—which the General Services Administration will conduct when authorization is given if our understanding is correct—will alleviate the present shortage and permit them to produce the sawing abrasive for our industry and other industries dependent on this material. The stockpile should be sufficient to supplement their present production of the crude for several years or until additional facilities for producing this material can be placed in operation.

I wish to assure the House that our need for this material is urgent. The Georgia firms simply cannot obtain sufficient quantities of silicon carbide now to operate even at last year's level. We are living on a hand-to-mouth basis; if a weekly shipment fails to arrive, our granite operations have to be curtailed.

So far as we know, there is no opposition to the release of all of this crude material. The companies who use it in this form desperately need it; it is not a natural resource that may be depleted but a material that can readily be manufactured if future needs develop; the Government will be relieved of the storage costs and will be paid for the material released.

The Senate has acted favorably on this matter. I urge the House to act with all possible dispatch to approve this bill.

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

Mr. Speaker, I will say just the things said on the other stockpile bills apply here.

This is being considered at the request of the Joint Chiefs of Staff and the Department of Defense, and it has been scrutinized by the committee. It puts a 3-year war requirement on the stockpile not just a 1-year emergency. It meets the standards and production requirements for the stockpile.

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

Mr. Speaker, I make the same arguments in opposition to this bill as I made to the other bills relating to the stockpile.

I do not think that the national strategic stockpiles should be raided for civilian purposes, particularly when the metals will have to be replaced at some later date at a much higher price. I do not believe that it serves the national interest to sell the products that are being sold under the terms in the bills under consideration.

I think that the domestic producers could have been protected to a much greater degree if we had been given the opportunity to offer amendments to these bills. Unfortunately, under the suspension process we are not able to do so.

Mr. Speaker, I shall not ask for a roll-call vote again, but I do want to let the House know of my opposition to this bill.

The SPEAKER. The question is on the motion offered by the gentleman from Florida (Mr. BENNETT) that the House suspend the rules and pass the Senate bill S. 2493.

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.

AUTHORIZING THE DISPOSAL OF ZINC FROM THE NATIONAL STOCKPILE AND THE SUPPLEMENTAL STOCKPILE

Mr. BENNETT. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2498) to authorize the disposal of zinc from the national stockpile and the supplemental stockpile.

The Clerk read as follows:

S. 2498

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of, by negotiation or otherwise, approximately three hundred fifty seven thousand three hundred short tons of zinc now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h) and the supplemental stockpile established pursuant to section 104(b) of the Agricultural Trade Development and Assist-

ance Act of 1954 (68 Stat. 456, as amended by 73 Stat. 607). Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided*, That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

The SPEAKER. Is a second demanded?

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

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

There was no objection.

Mr. BENNETT. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. MORGAN).

Mr. MORGAN. Mr. Speaker, on September 20, Congressman JOSEPH GAYDOS and I introduced H.R. 10435, a bill identical to S. 2498 which is being considered at this time. This bill would authorize the disposal of approximately 357,300 short tons of zinc from the national stockpile and the supplemental stockpile and waive the 6-month waiting period normally required before such disposal could be started.

On April 12, 1973, the Office of Emergency Preparedness determined that the 357,300 short tons are in excess of the stockpile objective of 202,700 short tons. Thus, the passage of this bill will in no way infringe upon the legitimate strategic defense requirements inherent in the maintenance of a national stockpile. As of August 31, 1973, approximately 153,300 short tons of stockpile zinc remain available from prior disposal authorizations. Except for 22,000 short tons which by statute are allocated to Government use, it is expected that this supply will be exhausted by early 1974.

As you may know, Chairman HÉBERT of the Armed Services Committee has introduced H.R. 7153, an omnibus stockpile disposal bill developed by the General Services Administration. Because of the controversial nature of this bill, extensive hearings would be required to debate the merits of this broad legislation. In the meantime, however, the shortage of zinc has become an emergency, and a legislative remedy is needed.

One-half of our domestic zinc smelting capacity has closed since 1969 under the combined pressures of environmental regulations and increased costs. According to Mr. Simon Strauss, executive vice president of American Smelting & Refining Co., 7 out of 14 zinc smelters producing 600,000 tons, or 50 percent of our domestic capacity, have shut down, one more will do so this year, and another in 1975. Mine production is 20 percent less than its 1968 peak level.

Thus, the production of slab zinc has dropped from 1.15 million tons to 0.7 million tons this year, and to an estimated 0.6 million tons in 1974. U.S. consumption has increased from 1.2 to 1.5 million tons since 1971, and imports have doubled from 0.3 million to a current 0.7 million tons, with 0.8 to 0.9 million projected for 1974. The per-ton value of imports has also been rising. In 1969, one-third of the imported zinc was slab, and two-thirds was in the form of ore concentrate. Now, however, two-thirds is slab zinc, which is twice as expensive as zinc contained in concentrate, thus resulting in a $50 to $200 million balance-of-payment deficit that the industry has incurred and contributing to the weakness of the American dollar in world money markets.

The case of United States Steel is illustrative of the severity of this problem. This company is consuming 33 percent more slab zinc than it is able to purchase, yet it has increased purchases from domestic smelters, participated in Canadian production, and purchased General Services Administration stockpile releases at the maximum rate allowed. GSA allotted United States Steel only 195 tons from their third-quarter stockpile release.

Mr. Speaker, the need for this legislation is clear. Many of our domestic manufacturing concerns will benefit from its passage, and the American people will avoid the inevitable cost increases which would result from the importation of expensive foreign zinc.

Mr. BENNETT. I yield to the gentleman from Pennsylvania (Mr. GAYDOS).

Mr. GAYDOS. I thank the chairman for yielding to me.

I had the privilege of introducing legislation with my colleague from Pennsylvania on this subject. This problem is primarily important in our steel district. With the availability of the zinc contained in this legislation the production of galvanized steel products will be expedited. Production of these products has been curtailed. They are essential for the oil and gas industry, the transportation industry, and the agricultural industry, as well as a number of other industries. It is also important for the long-term domestic economy of our country.

The urgency of this legislation is very understandably demonstrated by the recent off-the-shelf offering by the General Services Administration of 25,000 tons of zinc which brought a response from 470 consumers asking in total for 100,000 tons of zinc. This demonstrates the obvious critical shortage involved.

Mr. Speaker, I want to compliment the chairman for his sincere efforts at bringing this legislation to the floor.

Mr. BENNETT. Mr. Speaker, I yield to the gentleman from Idaho (Mr. SYMMS).

Mr. SYMMS. I would like to point out that the price rise of zinc is from 21 cents to 30 cents a pound; the importance of that price rise is demonstrated by the fact that in the past year zinc sold for 50 cents a pound on world markets whereas our domestic producers have been forced to market their zinc at 19 or 20 cents a pound by our cost of living economic council. This helped to stimulate the shortage which we have in this country of this material.

I appreciate the remarks made by the gentleman from Pennsylvania (Mr. MORGAN) on this matter. However, I believe we should put it into its proper perspective.

We have forced a flow of capital out of this country to develop zinc mines in other countries of the world, primarily Canada. In my own district we have mines that run 8,000 feet deep in order to get the zinc out of the ground. It is very difficult to develop these mines. I believe we should be using some of this capital in this country to do this rather than sending it around the world, because of arbitrary bureaucratic price fixing.

Mr. Speaker, I believe that Members of this House should be very reluctant to reduce the stockpiles. It certainly will not hurt the zinc industry in the long run, because once the Government gets out of the zinc business the price of zinc will seek its natural level. Still we are selling the American people short by selling this zinc or any other metal out of the stockpile now at a time when they were purchased at a low price and making the people pay a higher price later on in order to replenish our stockpile, at a later date.

Mr. BENNETT. Mr. Speaker, before I yield such time as he may use to the gentleman from Missouri (Mr. RANDALL) I would like to say that we have large amounts of zinc still being retained in our stockpile.

I think this shows that we have looked at each one of the particular elements involved here individually.

We have also made provision to make sure that this material is not shipped overseas, and we have made provision to see that it not be sold to any but the proper consumers.

Mr. Speaker, I yield to the gentleman from Missouri (Mr. RANDALL).

Mr. RANDALL. I thank the chairman for yielding to me.

As the ranking member of the subcommittee, I can assure the House that a very careful look was taken at all sides of this problem—including adequate reserves remaining in the stockpile.

It was suggested in the well a moment ago that this was not simply a question of this material being used for military purposes but also for some long distant future civilian use. However, that is not what we are talking about—such things as future civilian needs. Our concern today is to be sure that after we declare this surplus there is enough left for military needs.

With regard to the civilian sector, both of the gentlemen from Pennsylvania here a moment ago spoke about what it means to their districts. But the need for zinc is not confined to any one single area of this country. It is true of any area where steel processing is going on. Zinc to be used in the galvanizing of many products. I might describe the use as in a whole myriad of products.

We have all heard of the domino theory. Out in the Middle West, for example, the Kansas City area has just gone through the TWA strike. If zinc is not available for our ARMCO steel mill which is in the Blue Valley industrial area of Kansas City, they will have to shut down and about 3,000 people will be out of work at that plant and plants nearby.

So, Mr. Speaker, we could very well start the dominos falling—which means widespread unemployment if we do not make some of these metals available to industry now.

People in industry are realistic. They realize that this is a one-time-around

sort of thing. They know that they cannot go back to the stockpile again and again.

I was glad to hear the gentleman from Idaho say that in Idaho they have some zinc mines that could be developed. I hope that they are opened and become operative. If that is true then we can make ourselves independent in the production of zinc as well as trying to achieve our independence in the production of some of the other metals and, of course, the goal of independence from the Middle East in petroleum.

Of course, we have heard some objection or perhaps it would be better to say concern but these metals are desperately needed if we are going to be able to continue to manufacture galvanized products through the remainder of this winter of 1973–74.

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

Mr. BENNETT. I yield to the gentleman from Idaho.

Mr. SYMMS. Mr. Speaker, I thank the gentleman for yielding, and I would just like to make the point to the gentleman from Missouri that we have been punishing the zinc producers in this country through Government edict. One of the reasons there is a shortage of zinc in the steel industry today is because we have held back on the production of zinc in this country by arbitrarily forcing the price of zinc below the cost of production. That is the point I want to make. I realize this bill is going to pass, but it will do so without my vote. But I do think it is important to note that the Cost of Living Council has arbitrarily and capriciously forced back the production of zinc. That is one of the reasons we are in here today, discussing selling our strategic reserve—so as to meet the domestic supply, which is needed—and I say that this will continue on ad infinitum as long as we are in this situation. This is like the guy selling the family jewels in order to live instead of going to work.

Mr. BENNETT. Mr. Speaker, I would like to point out that the producers of zinc appeared before our committee, and they were all unanimous in their willingness that we pass this bill. There was no one who testified in opposition to this bill. I told them in the hearings that I was going to contact the price control people about this because it was clearly shown by the testimony in the committee that there was needed correction. These controls on zinc have been relaxed now.

Mr. SMITH of Iowa. Mr. Speaker, will the gentleman yield?

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

Mr. SMITH of Iowa. Mr. Speaker, since consumers were mentioned here in the last few minutes, I might add that probably Iowa consumes more galvanized wire than any other place in the world. We have miles and miles of galvanized wire fencing. But my point is, and the reason I have opposed these bills, as in this case, for example, that by temporarily putting this supply on the market, and temporarily putting a downward pressure on the price, merely delays the time when they should make the adjustments necessary to get the producers to produce more of the raw material, and in the end the same consumers will be paying more instead of less. We are just delaying the time and then the adjustment needed will be greater and consumers will be hurt worse. That is my point, that economically it is the wrong thing to do.

Mr. BENNETT. Mr. Speaker, I will be eternally grateful for the remarks that have just been made. You may recall that there was an objection made to these bills coming up on the Consent Calendar, and I made no effort to keep them on the Consent Calendar, because I thought it was in the interest of America that they be handled as publicly as possible.

But I also want the Members to know that these releases from the stockpiles are not going to be any great thing down the road, because many of these releases will run out in a few months, and none of them will run for more than a few years, none of them, I think. And this means that we will have a situation of shortages of materials not only shortages in energy, but in other things.

I think we in America and, in fact all countries in the world, have to pull in our belts just a little bit. We have to be more careful to conserve things. We have the responsibility to see that the next generation has materials not just for wars, but to live ordinary lives.

We have that responsibility to our grandchildren and to our great-grandchildren.

We could in the future have the situation where we will have an emergency. What we do today in these bills will not solve that emergency because there will be nothing else to get out of the stockpile. It could well be a bad situation. And I want this to go out as a notice to the American people that they do not have these extra supplies to rely upon, and that strict conservation must take place. Despite this, the present legislation is warranted—because there is no defense need to the contrary and these materials are in fact needed now to protect against further unemployment.

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

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

Mr. RANDALL. Mr. Speaker, the point made by the chairman of the subcommittee deserves to be emphasized. There can be coming back a second time somewhere down the road. That is what the committee has said; the committee has said that here in the stockpile we have a source to galvanize fences for the gentleman from Iowa, and make other galvanized products for every part of the United States. No one has promised there will be another or future release from the stockpile. This could be the end.

But we have some to spare now. Everyone on the committee was unanimous that there is a present need for zinc in industry. Even after releasing this surplus we have enough for a war lasting 3 years. The solution to the problem of the gentleman from Iowa talks about is not before this committee today. I urge the speedy passage of the bill already passed by the Senate—S. 2498.

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

Mr. Speaker, I rise in opposition to this bill which would deplete the national strategic stockpile of necessary metals for the reasons previously stated.

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

The SPEAKER. The question is on the motion offered by the gentleman from Florida (Mr. BENNETT) that the House suspend the rules and pass the Senate bill S. 2498.

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.

MAKING IN ORDER CONSIDERATION OF THE CONFERENCE REPORT ON S. 1559, THE MANPOWER BILL, ON THURSDAY, DECEMBER 13, 1973

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that it may be in order on Thursday next to call up the conference report on the manpower bill, S. 1559.

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

There was no objection.

AUTHORIZING THE DISPOSAL OF MOLYBDENUM FROM THE NATIONAL STOCKPILE

Mr. BENNETT. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2551) to authorize the disposal of molybdenum from the national stockpile, and for other purposes.

The Clerk read as follows:

S. 2551

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of, by negotiation or otherwise, approximately thirty-six million five hundred thousand pounds (molybdenum disulphide equivalent) of molybdenum now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h). Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided,* That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

The SPEAKER. Is a second demanded?

Mr. BOB WILSON. Mr. Speaker, I demand a second.

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

There was no objection.

Mr. BENNETT. Mr. Speaker, I suppose the most distinctive thing about this bill is that we have great production in the United States. Seventy-five percent of the free world's production comes in the form of this particular metal. It is used in producing satellites, parts for airplanes, bicycle pipe, and a great number of other things.

Mr. Speaker, the amount here is in surplus, and we ask for its reduction.

Mr. BOB WILSON. Mr. Speaker, I want to commend the gentleman, the chairman of our subcommittee, for his diligent work. We have heard many, many witnesses. I think a commendable job was done. I think we have looked after the interests of the defenses of this country and the people of this country.

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

Mr. EVANS of Colorado. Mr. Speaker, will the gentleman yield?

Mr. BOB WILSON. I yield to the gentleman from Colorado.

Mr. EVANS of Colorado. I thank the gentleman for yielding.

Mr. Speaker, I find that the item we are considering here is one in which we have a surplus, not a shortage. I note on page 3 of the report it is stated:

Molybdenum has been in worldwide oversupply for several years due to the increase in mine capacity and producers have been reluctant to see additional stockpile molybdenum come on to the market.

Therefore, I have a different attitude on this item. But, for the life of me, Mr. Speaker, I do not see how we can give these items which are not in surplus away. These items in stockpile are critical defense items. These stockpiles were established for military reasons. If we ever have a military emergency, and if we change our production capacity from civilian production to military production, obviously these stockpiles, it seems to me, would be most essential.

The gentleman from Missouri just commented that many of these metals are becoming more and more in short supply today, and that once we have opened the cupboard here and doled out these stockpiles, that is it; the cupboard thereafter will be bare. So as to these other metals, excluding molybdenum, I still reserve and maintain my position of opposition. It is unwise to sell them away today or tomorrow, knowing that thereafter we may never have a stockpile again.

Mr. BOB WILSON. Mr. Speaker, I think we have been prudent. All of these metals that we are declaring surplus are metals that are for the most part obtainable either domestically or from Mexico or Canada. We do not have to rely on shipments from overseas. I think we have been prudent, and I can wholeheartedly recommend that the Members vote for this particular bill.

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

Mr. BOB WILSON. I yield to the gentleman from Missouri.

Mr. RANDALL. I thank the gentleman for yielding.

Mr. Speaker, I very much want to respond to the point made by the gentleman from Colorado. Let me tell him we have been cautious. This is as far as this committee intends to go now, or perhaps in the future. We do have enough for military purposes. We do have more than we need now but we may not have more later for civilian purposes. Our committee has proceeded with a spirit of caution led by our distinguished chairman. I can assure the House we have been careful and prudent in not going too far.

Mr. BENNETT. The scarcity has caused jobs to be lost or destroyed by the absence of this metal. This action would help our country now when it is needed.

The SPEAKER. The question is on the motion offered by the gentleman from Florida (Mr. BENNETT) that the House suspend the rules and pass the Senate bill S. 2551.

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.

AMENDING THE FEDERAL WATER POLLUTION CONTROL ACT

Mr. ROBERTS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 11928) to amend the Federal Water Pollution Control Act to establish the ratio for allocation of treatment works construction grant funds, to insure that grants may be given for other than operable units, and to clarify the requirements for development of priorities, as amended.

The Clerk read as follows:

H.R. 11928

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subsection (a) of section 205 of the Federal Water Pollution Control Act is amended by inserting immediately after the third sentence thereof the following new sentence: "For the fiscal years ending June 30, 1975, and June 30, 1976, such ratio shall be determined one-half on the basis of table I of House Public Works Committee Print Numbered 93–28 and one-half on the basis of table II of such print, except that no State shall receive an allotment less than that which it received for the fiscal year ending June 30, 1972, as set forth in table III of such print.".

(b) The last sentence of subsection (a) of section 205 of the Federal Water Pollution Control Act is amended by striking out "June 30, 1974," and inserting in lieu thereof "June 30, 1976,".

SEC. 2. Section 203 of the Federal Water Pollution Control Act is amended by adding at the end thereof the following new subsection:

"(d) Nothing in this Act shall be construed to require, or to authorize the Administrator to require, that grants under this Act for construction of treatment works be made only for projects which are operable units usable for sewage collection, transportation, storage, waste treatment, or for similar purposes without additional construction.".

SEC. 3. Section 511 of the Federal Water Pollution Control Act is amended by adding at the end thereof the following new subsection:

"(d) Notwithstanding this Act or any other provision of law, the Administrator (1) shall not require any State to consider in the development of the ranking in order of priority of needs for the construction of treatment works (as defined in title II of this Act), any water pollution control agreement which may have been entered into between the United States and any other nation, and (2) shall not consider any such agreement in the approval of any such priority ranking.".

The SPEAKER. Is a second demanded?

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

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

There was no objection.

Mr. ROBERTS. Mr. Speaker, section 516(b)(2) of the Federal Water Pollution Control Act requires the Environmental Protection Agency to submit to Congress biennially a detailed estimate of the cost of construction of all needed publicly owned treatment works in all of the States and in each of the States. The Environmental Protection Agency recently submitted their assessment of needs—"Cost of Construction of Publicly-Owned Wastewater Treatment Works," revised November 1973. Section 1 of H.R. 11928 amends section 205(a) of the Federal Water Pollution Control Act to set forth a formula for allotment of treatment works construction grant funds during the fiscal years June 30, 1975, and June 30, 1976, based upon the needs report submitted by the Environmental Protection Agency.

The Environmental Protection Agency needs report included a tabulation of the following eligible needs as set forth in table I of the House Public Works Committee Print No. 93–28:

(a) Provide treatment works to achieve secondary treatment,

(b) Achieve treatment "more stringent" than secondary treatment as required by water quality standards,

(c) Inspect and rehabilitate sewers to correct infiltration and inflow,

(d) Construct eligible new collector systems,

(e) Construct interceptor sewers, force mains and pumping stations, and

(f) Reduce combined sewer overflows.

The Environmental Protection Agency has, however, recommended that only the costs of providing treatment works to achieve secondary treatment, of achieving treatment "more stringent" than secondary treatment as required by water quality standards, and of constructing eligible new interceptor sewers, force mains and pumping stations be used as a basis for allotment.

The committee reviewed many possible allotment formulas. On the one hand, the clear intent of Congress as expressed in the Federal Water Pollution Control Act was that projects for infiltration and inflow, collector systems, and the reduction of combined sewer overflows be eligible for grants. On the other side, the Environmental Protection Agency testified that there were inaccuracies in the determination of the needs for infiltration and inflow, collector sewers and reduction of overflows from combined sewers.

It would be unfortunate and unfair to turn back from the mandate of the act that all categories of authorized needs be considered in the development of an allotment formula. However, to give full weight for allotment to those categories of the needs evaluation, which are subject to possible inaccuracies as pointed out by the Environmental Protection Agency would also be unfair. Thus, the bill as reported recognizes all needs while at the same time reducing the impact of the possible inaccuracies.

H.R. 11928 provides a method for determining the basic allotment for fiscal years 1975 and 1976, 50 percent upon the total assessment of needs—table I of committee print 93–28—and 50 percent upon the Environmental Protection Agency's recommendation—table II of committee print 93–28.

The utilization of needs as a basis for allotment of construction grant funds as required by the Federal Water Pollution Control Act for the fiscal year ending June 30, 1973, and thereafter has resulted in a reduction of the water pollution control effort in certain States in the fiscal years ending June 30, 1973, and June 30, 1974, because the President did not allot all of the available grant funds. Section 1 of H.R. 11928 rectifies this reduction in effort by providing that the actual allotments to the individual States for the fiscal years ending June 30, 1975, and June 30, 1976, shall in no case be less than the allotment received in the fiscal year ending June 30, 1972—table III of committee print 93–28. This provides an interim solution for those States which were severely affected by the changeover from population to needs in fiscal year 1973. This will permit these States to continue their program at a reasonable level until they are able to more accurately assess their true needs.

Section 2 of H.R. 11928 amends section 203 of the Federal Water Pollution Control Act so as to overrule an erroneous interpretation of that section by the Environmental Protection Agency. The Environmental Protection Agency has limited grants for portions of treatment works to "operate units." This was not the intent of the Congress and section 2 clarifies what was intended.

Section 3 of H.R. 11928 is intended to rectify a problem which was brought to the committee's attention during our recent hearings on the Environmental Protection Agency's needs report. Certain States which border the Great Lakes and Canada and the States bordering Mexico have been pressured by the Environmental Protection Agency to give precedence in the development of the ranking, in order of priority, of needs within that State for construction of those waste treatment works required to meet international agreements of the United States with other nations. It was not and is not intended that such international agreements be a basis for the Administrator to require States in the development of their ranking of needed works in order of priority to consider these international agreements. If it is the desire of the administration to have the international agreements implemented as a priority item, we would suggest that they submit appropriate legislation authorizing the construction and providing a source of appropriations for the necessary works.

In concluding, I would point out that the Federal Water Pollution Control Act of 1972 mandated the allocation of $7 billion in fiscal year 1975. However, in view of the fact that the administration has released only $5 billion of the $11 billion authorized for fiscal year 1973–74, I would caution all of my colleagues that the release of the $7 billion in 1975 is not assured.

I would ask permission to include in the RECORD at this point a table which would show the allotments to each State based upon H.R. 11928. This table indicates the amounts each State will receive, should $3, $4, or $7 billion be allotted.

ALLOTMENTS OF FEDERAL SEWAGE TREATMENT PLANT GRANT FUNDS, BY STATE, FOR FISCAL 1975

[In millions]

	$3 billion allotment	$4 billion allotment	$7 billion allotment
Alabama	[1] $33.8	[1] $33.8	$55.9
Alaska	10.9	15.0	26.5
Arizona	[1] 17.7	[1] 17.7	28.6
Arkansas	[1] 19.4	24.0	42.6
California	333.5	457.3	813.8
Colorado	22.5	31.1	55.2
Connecticut	50.7	69.7	123.6
Delaware	15.8	21.7	39.1
District of Columbia	27.9	38.2	67.8
Florida	120.0	164.4	292.7
Georgia	55.6	76.0	135.5
Hawaii	30.0	41.2	73.4
Idaho	[1] 7.8	7.9	14.0
Illinois	183.9	252.4	449.2
Indiana	[1] 50.0	63.7	113.2
Iowa	28.7	39.3	69.9
Kansas	29.2	40.1	71.3
Kentucky	47.6	65.2	116.0
Louisiana	[1] 35.6	[1] 35.6	51.0
Maine	19.1	26.2	46.8
Maryland	39.6	54.3	96.4
Massachusetts	65.7	90.3	160.7
Michigan	137.6	188.8	336.0
Minnesota	46.8	64.4	114.6
Mississippi	[1] 22.3	[1] 22.3	37.7
Missouri	54.3	74.5	132.7
Montana	[1] 7.5	[1] 7.5	9.8
Nebraska	15.3	21.0	37.0
Nevada	13.7	18.7	33.5
New Hampshire	25.6	35.2	62.2
New Jersey	185.8	254.7	453.4
New Mexico	[1] 10.7	[1] 10.7	13.3
New York	357.5	490.6	873.2
North Carolina	51.5	70.4	125.7
North Dakota	[1] 6.9	[1] 6.9	[1] 6.9
Ohio	141.0	193.2	344.4
Oklahoma	34.1	46.8	83.8
Oregon	24.8	34.1	60.8
Pennsylvania	162.5	222.5	396.1
Rhode Island	15.3	21.0	37.0
South Carolina	40.4	55.8	99.9
South Dakota	[1] 7.3	[1] 7.3	[1] 7.3
Tennessee	38.2	48.3	85.9
Texas	106.9	106.9	116.0
Utah	12.2	16.5	29.3
Vermont	8.5	12.0	21.0
Virginia	71.9	98.5	175.3
Washington	47.1	64.8	115.3
West Virginia	27.4	37.8	67.1
Wisconsin	42.6	52.4	92.9
Wyoming	[1] 4.0	[1] 4.0	5.6
Guam	[1] 2.2	[1] 2.2	3.5
Puerto Rico	29.8	40.8	72.7
Virgin Islands	2.3	3.0	5.6
American Samoa	.5	.7	.7
Pacific Island Territories	.3	.7	.7
Wake Island			

[1] Based on 1972 allocation.

Note: The 3 columns indicate the amount each State would receive depending on how much the administration ultimately allocates.

Mr. JAMES V. STANTON. Mr. Speaker, will the gentleman yield?

Mr. ROBERTS. I will be pleased to yield to the gentleman from Ohio, a member of the committee.

Mr. JAMES V. STANTON. Mr. Speaker, I am concerned about section 3 of H.R. 11928 and its implementation relating to the carrying out of our international agreements. Recently, the Governments of the United States and Canada agreed to undertake actions which would eventually restore the quality of our international waters, specifically the Great Lakes. I would ask the gentleman from Texas, is it not correct that section 3 of H.R. 11928 was amended by the committee so as to preserve the authority of the State to grant a priority to waste treatment works which would implement the agreement with Canada?

Mr. ROBERTS. The gentleman from Ohio is quite correct. The original provision in H.R. 11928 may well be described as a classic case of overkill. The committee was confronted with a situation where the Environmental Protection Agency has been pressuring the Great Lakes States to put their top priorities in those projects which might implement the agreement. In many cases a State was willing to go along with certain of the projects but also recognized problems which existed in other parts of its State which also needed to be corrected with similar high priorities. However, in drafting the original bill to correct this situation, the language of section 3 went a little too far—it precluded a State from considering such international agreements in the development of their ranking priority. This was not intended. What was intended was that the Environmental Protection Agency could not insist that a State must determine its ranking of priority on this basis. The amended section 3 permits a State, if it decides that it would be in its interest to consider international water pollution control agreements it may do so. If it does not want to do it, it does not have to.

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

Mr. ROBERTS. Mr. Speaker, I yield to the distinguished chairman of the committee.

Mr. BLATNIK. Mr. Speaker, I want to join my colleague and friend from Cleveland, Ohio, in his question. I appreciate the responses being made by the very able and respected chairman of the subcommittee on water resources (Mr. ROBERTS).

Mr. Speaker, I would like to add further that the committee was not unmindful of the obligation of the Federal Government in its agreement with Canada—with its friends from the north—to improve the status of all of the five Great Lakes and of the St. Lawrence River. In some areas, a great deal ought to be done, to improve the quality of the water, in other areas we must maintain the existing high quality of the water.

But, to arbitrarily tell the people in a given sovereign state, "You must give first priority to the Great Lakes basin regardless of the needs of the remaining areas in the various States. I am very much familiar with the waters of the Great Lakes and of the St. Lawrence River, but I would like the record to show that our committee authorized $11 billion for the program of giving grants for waste treatment works to municipalities who cannot carry this enormous multibillion dollar program alone. For the Federal Government it is a proper objective to assure that funding of projects are justified; but the Federal Government has no justification whatsoever for allocating only $5 billion for 1973 and 1974 when this Congress authorized $11 billion for that period.

Therefore, we are going to pound a few doors downtown at the so-called OMB—it is getting to sound like a mysterious organization in some subbasement—at the Office of Management and

Budget to remind them that when the Federal Government makes commitments, it must fulfill them and not try to shove its responsibility on to the individual States.

Mr. ROBERTS. Mr Speaker, I wish to thank my distinguished chairman, who is also the chairman of the Conference of Great Lakes Congressmen.

Mr. JAMES V. STANTON. Mr. Speaker, if the gentleman will yield further, if a State such as my State of Ohio decides that it believes the implementation of the international agreement is of vital importance and gives a priority to treatment works in the Cleveland area based on this reason, does section 3 require the Environmental Protection Agency to reject this ranking of priority?

Mr. ROBERTS. Absolutely not. The Administrator of the Environmental Protection Agency is authorized to approve such priority ranking if it is in accordance with the requirements of the Federal Water Pollution Control Act. However, what the Administrator could not do is force the State to consider the international agreements.

Mr. JAMES V. STANTON. If under H.R. 11928 the State is not required to consider the implementation of the international agreement, how then does the committee expect that the international agreement will ever be implemented?

Mr. ROBERTS. As I noted in my original statement, the committee, in my opinion, would certainly give favorable consideration to a proposal for legislation authorizing the construction and providing a source of appropriations for the necessary treatment works.

This is not unlike other international agreements which our country has entered into and where either the President or the State Department has sought and obtained special legislation to carry out the requirements of international agreements.

Mr. JAMES V. STANTON. Based on the answers of the gentleman from Texas, particularly his assurance that a State may, if it chooses, take into consideration international agreements in determining ranking of priorities and his stated opinion that the committee would look favorably upon a legislative proposal implementing the international agreement which would provide a source of funding, I will support H.R. 11928. I wish to make my position as clear as possible that I believe we cannot delay any longer in cleaning up the Great Lakes. This problem which we have discussed of the Environmental Protection Agency's requiring a State to consider international agreements in ranking of priorities would probably never have arisen if the administration had funded the water pollution control program at the levels recommended by the Committee on Public Works of which I am a member and authorized by the Congress in the Federal Water Pollution Control Act Amendments of 1972.

Mr. ROBERTS. Mr. Speaker, I thank the distinguished gentleman, and I appreciate his efforts in the committee.

Mr. VANIK. Mr. Speaker, I want to state to the gentleman in the well that I certainly appreciate the responses that he made to the questions that were submitted by my colleague from Ohio.

I would say, Mr. Speaker, that it is about time that the EPA paid some attention to the Great Lakes and encouraged the States to take necessary steps to save our lakes. I believe that when the President goes to Ottawa and makes a pledge to the Canadian people that our Government will spend $2 billion to clean up the lakes, the States should certainly cooperate in fulfilling that pledge.

If the gentleman will permit, I would like to ask one question.

Under the difference between the Senate formula and the gentleman's formula, it appears that there is more provided under the Senate formula, and I would like to hear some comment concerning that aspect.

Mr. Speaker, I rise to question H.R. 11928, the Water Pollution Act amendments designed to clarify the ranking or order of priority for construction of new water pollution control treatment works.

I am concerned that the House allocation formula does not appear to be as good for many States as the Senate formula, and, second, that the bill downplays the importance of cleaning up the Great Lakes.

If at least $2 billion is provided for waste treatment construction in fiscal year 1975—it is my hope that at least that amount is provided—then my own large, industrial State of Ohio, for example, will do better under the Senate allocation formula than under the House formula we are approving today. Assuming an appropriation of $2 billion under the House formula, Ohio would receive about $98.3 million while under the Senate formula, my calculations indicate that the State would be eligible for about $102.3 million. Thanks to a hold-harmless clause which insures that no State will get less than it received in fiscal year 1972, Ohio would receive $101.6 million—about $700 million less than it would receive under the Senate formula.

Equally important, I am very concerned about section 3 of the bill which provides that:

> Notwithstanding this Act or any other provision of law, the Administrator (1) shall not require any State to consider in the development of the ranking in order of priority of needs for the construction of treatment works . . . any water pollution control agreement which may have been entered into between the United States and any other nation. . . .

It can be pointed out that this provision is—from a strictly practical point of view—relatively meaningless. There is no other provision of law requiring that EPA or the States make a special effort to live up to our commitment with Canada to clean up the Great Lakes. The committee justifies this provision by saying that "certain States which border the Great Lakes and Canada and the States bordering Mexico have been pressured by the Environmental Protection Agency to give precedence in the development of the ranking, in order of priority, of needs within that State for construction of those waste treatment works required to meet international agreements of the United States and other nations."

My comment would be that it is about time that EPA paid some attention to the Great Lakes and encouraged the States to make the necessary effort to save our lakes. I believe that when the President travels to Ottawa and makes a pledge to the Canadian people that our Government will spend $2 billion by the end of 1975 to clean up the Great Lakes, then the EPA and the States should cooperate in fulfilling that pledge.

The language in this bill, however, will discourage the emphasis to provide special funding for the Great Lakes. It will be a setback of our cleanup efforts on the lakes.

I believe that we are beginning to make improvements on the qualities of the lakes. But a great, great deal more needs to be done. I believe that the language on international agreements—which is not included in the Senate bill—should be deleted so that the "psychological" emphasis for a full-scale cleanup of the lakes can continue.

Mr. BLATNIK. Mr. Speaker, this legislation represents an outstanding effort on the part of the Public Works Committee in working out a fair solution to the problem of allocating Federal grant funds for waste treatment works.

The Environmental Protection Agency proposed two tables for allocation of the grant funds to the States. One was based on all of the needs of the States, including rehabilitation of sewer systems to correct infiltration problems, the construction of new collector sewers, and the reduction of combined sewer overflows. The other table was based on only part of the needs—secondary and more advanced treatment works and new interceptor sewers. The committee heard testimony from several States, some of which would receive more funds under one table and some of which would receive more under the other table. In addition, some States found that under the needs concept they would receive less than they had previously when funds were allocated on the basis of population. The primary reason for this appears to be that these States have not yet accurately identified their true needs for wastewater treatment facilities.

The committee is very much committed to the allocation of funds on the basis of need. After much consideration, we determined that the most equitable solution would be to allocate the funds for the next 2 fiscal years on the basis of 50 percent of each of the two tables, with no State receiving less than its allocation of 1972. While some States may receive a little less under the committee's solution, all States will benefit greatly in the long run.

Mr. HARSHA. Mr. Speaker, there is some urgency about this legislation, because the bill must be passed before the 31st of December of this year. Under the law, the administration must allocate the money to the various States before January 1, 1974. So I rise in support of the legislation.

I offer my compliments to the gentleman from Texas for his clear explanation of H.R. 11928.

The members and the staff of the Committee on Public Works had to work very hard to develop a formula for allocation of treatment works construction grant funds for the fiscal years ending June 30, 1975 and June 30, 1976. As Mr. ROBERTS explained, there are many and varied possible formulas which could be used for allotment of construction grant funds.

I can say to you today that our committee looked at 9 or 10 different formulas with three objectives in mind. Those objectives were to arrive at a formula: first, which clearly was based upon needs; second, which recognized the need not to cause significant decreases in effort in the individual States, and third, which resulted in a formula which was most fair to the States.

Our committee brought the 1972 amendments to the Federal Water Pollution Control Act to this floor over a year and a half ago. The resulting Public Law 92–500 which is now being implemented is complex and difficult. We provided that the costs for construction of eligible new collector sewer systems, the cost to inspect and rehabilitate sewers are to correct infiltration and inflow, and the cost to reduce combined sewer overflows are eligible for grants. There was no misunderstanding on anyone's part. Such costs are eligible for grants. Therefore, the Environmental Protection Agency included in its development of costs for the recently completed needs study the costs for infiltration, collector sewers, and combined sewers. Because these costs are eligible for grants, the Committee on Public Works was adamant in that they should be recognized in the development of a formula for the allocation of grant funds. However, we also recognize that the Environmental Protection Agency testified before our committee that there was some inaccuracy in the development of these costs. Therefore, in the formula that we developed, we reduced the emphasis given to these three items. Fifty percent of the allocation formula is based upon a full assessment of costs including these three items and 50 percent is based upon a partial tabulation of costs excluding these items.

I might note that even though our formula has reduced the emphasis on these three items for purposes of allocation, we in no way will condone the Environmental Protection Agency's using this action on our part as a basis for minimizing grants for infiltration, collector sewers, and combined sewers. These are clear requirements in Public Law 92–500, and we fully expect the Environmental Protection Agency to vigorously pursue construction programs in these three areas.

Mr. Speaker, I and a number of the other members of the committee were contacted by our State water pollution control agencies about the inequities that were imposed upon certain of our States which border the Great Lakes and Mexico. The United States of America has quite properly entered into treaties with Mexico and Canada for the control of water pollution of our boundary waters. These treaties are important both to the United States of America and to our neighbors. These treaties, however, set strict timetables for actions for cleanup of the United States parts of the boundary waters. In order to accomplish the required cleanup, the Environmental Protection Agency has been emphasizing the international agreements in the Environmental Protection Agency's review and approval of the priority list for treatment works construction established pursuant to the law by the individual States.

Mr. Speaker, this has meant that States such as my own State of Ohio which are located on our boundary with Canada or Mexico are being required by the Environmental Protection Agency to put a large portion of their treatment works construction grant funds into border areas to assist in the fulfilling of our treaty obligations with our neighbors.

I admit we should fulfill our treaty obligations. However, I refuse to concede in so doing that we should deprive those parts of our border States which are removed from our boundary waters of their fair share of the treatment works construction grant funds allotted to their States. I submit that if we are to meet our treaty obligations we should not do it at the expense of the people who live in border States but who are removed from the drainage basins of our boundary waters.

I urge the President to consider immediately submitting to the Congress a proposal for new legislation which would provide a second source of funds to meet our treaty obligations. I am suggesting this because I think it to be only fair for treaty obligations of the United States of America which inure to the benefit of all the States, to be funded separately and apart from a particular State's share. To do otherwise is to place an unfair burden on border States.

Mr. Speaker, section 2 of H.R. 11928, which pertains to the funding of individual projects contains a most important provision. It must be properly implemented. I urge the General Counsel of the Environmental Protection Agency to sit down with the General Counsel of the Federal Highway Administration to ascertain the procedures utilized by the Federal Highway Administration in the highway grant program. We adopted language of the Federal Highway Administration when we set out the details for the water pollution control construction grant program.

We did not then and still do not now intend that grants only be for "operable units." The interpretation by the Environmental Protection Agency of the language of Public Law 92–500 was erroneous. We had made it clear to the Environmental Protection Agency that their interpretation was erroneous and they chose to ignore our intent. Section 2 of H.R. 11928 will make sure that the Environmental Protection Agency will not ignore any longer the intent of the Congress.

In section 2, we do not intend to mean that States may break down projects purely upon financial phases alone. We expect that there shall be a reasonable relationship between the definition of subprojects and engineering reason. Further, we expect that there shall be a reasonable relationship between the total number of projects or subprojects funded in any fiscal year and the expected availability of construction grant funds in future years. I must emphasize that we are in no way, shape, or form establishing a new program for reimbursement. Any construction agency which receives a grant for less than the full amount required to construct the whole project should understand clearly that we are not creating a contractual obligation of the United States to fund the Federal share of the balance of the total project.

Our committee has heard that the Environmental Protection Agency has regularly delayed the awarding of grants to agencies for the construction of treatment works. We hear regularly that each month finds a new requirement imposed upon the construction agencies which further delays their receiving of grants. Let me now say, and say it clearly, that this committee does not expect that section 2 of H.R. 11928 shall become a basis for delay. We expect just the opposite. We believe that section 2 of H.R. 11928 will result in the increasing rate of new construction starts.

In order to give the Environmental Protection Agency some guidelines on this, I would expect that regulations to implement section 2 would be promulgated within 120 days after enactment and that funding in accordance with section 2 would be initiated in the absolute latest by the beginning of the next fiscal year.

Mr. Speaker, I would like to ask my distinguished friend and colleague, the gentleman from Minnesota, the chairman of the Public Works Committee, if he concurs in my remarks.

Mr. BLATNIK. The gentleman's remarks are correct.

The distinguished gentleman from Ohio raised a question on the provision regarding international agreements.

Mr. Speaker, I might point out that the reason we put in the special section with which the gentleman is concerned is the fact that the Environmental Protection Agency requires the various border States to give the highest priority to those treatment works required to meet our international agreements. This is contrary to the law. We wrote specifically in the law that each State was to set its own priority.

In the State of Ohio, as an example, there are some $500 million worth of projects required on Lake Erie to meet our international agreements.

They need to be constructed immediately, if we are to meet the agreements. This means that the allocation for the State of Ohio for the next 2 fiscal years or more would be used only on the shores of Lake Erie. There are other areas in the State that have equal priority. H.R. 11928 would preclude the Administrator from making this unlawful requirement.

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

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

Mr. STEIGER of Wisconsin. Mr. Speaker, I appreciate very much the gentleman from Ohio yielding to me.

I want to raise a question on this determination of need. One of the difficulties that I have with this bill is that the new formula, as we have it in this bill, rather

effectively damages, for example, the State of Wisconsin.

We have 2 percent of the population, and we end up, if I read the tables correctly, with about 1.3 percent of the allocation of funds, when it is determined on the basis, as the gentleman explained, of 50 percent plus 50 percent of need, because the communities in Wisconsin had a good record of meeting their needs well in advance of a lot of the work that was done in other States.

I am not as yet sure why the decision was made by the Committee on Public Works, to disregard any kind of population analysis from its allocation under this kind of a formula.

Mr. HARSHA. Mr. Speaker, I would say to my distinguished friend from Wisconsin that we are not providing for reimbursement of past expenditures. This is a formula for the distribution or allocation of funds to construct new projects. We are providing for existing needs.

Wisconsin provided ahead of many of the other States.

That is certainly an admirable position for a State to be in, but we have many other needs. The proposed allocation formula is based upon the ratio of the needs a State has sent to EPA to the total needs of all the rest of the country.

Mr. STEIGER of Wisconsin. I understand that, may I say to the gentleman from Ohio. I do recognize that. But when I get through looking at all of the charts and tables that go with this I see we still end up in Wisconsin at a point less than we would if we would consider, for example, straight population.

Mr. HARSHA. I am sure we can pick out specific instances whereby in using a needs formula some States will receive more and some States will receive less than they would on the basis of a population formula. However, with all of the factors being considered, the needs formula was considered to be more equitable to get at the problem which exists throughout the entire country.

In addition to that, we included a provision whereby Wisconsin, for example, would not receive less than the allotment for fiscal year 1972. I am sure under the new formula with a reasonable total allotment, Wisconsin will receive more than it did in the past under the population formula.

Mr. STEIGER of Wisconsin. I am deeply grateful to the gentleman for his explanation and the continual good work he has done as well as the Committee on Public Works have done.

The difficulty comes in part related to the point that the distinguished chairman of the full committee made. We can receive more only if, in fact, we get more of an appropriation for the money that has been distributed under this act. That is one of the concerns I may say I have about what is being done today.

Mr. HARSHA. Of course, we provided for contract authority in the legislation hoping to circumvent the problems we had in the past with getting appropriations through the Administration and the OMB. Apparently we still have that problem, but that cannot be rectified in this particular legislation.

Mr. STEIGER of Wisconsin. I do understand that, and I thank the gentleman.

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

Mr. DON H. CLAUSEN. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of H.R. 11928. In so doing, I must say that this bill presented a difficult task to be accomplished by the Committee on Public Works. We worked very hard to develop a formula for the allocation of grant funds for treatment works construction which would be most fair to all of the States.

It was interesting to me to note when we held hearings on this bill that we had, I believe, 14 States come before the Committee on Public Works to testify. All but one advocated a formula which would provide maximum funding to their States. That one State, in fact, advocated a formula which would have provided the maximum 2 years hence. Each witness was interested solely in maximum funding for his State.

We on the committee also were interested in what was best for our States or region. As important as this was to each of us, it was even more important for the committee to do what was fair to all of the States. We did this.

It was suggested that we approve an allotment formula for only 1 year. This suggestion was properly rejected. The next study is due to be submitted in 14 months. This study will require this time. Our hearings indicated that an interim study as passed by the other body could not be completed in time. A 1-year allotment will result in an incomplete and possibly inaccurate study in 1975.

While some may say there is some inequity in the allotment formula we have reported I want to remind you that needs evaluation is the only equitable basis to allot grant funds. A new and more complete study will be available in 14 months.

What we have brought to you today is a formula for allocation which is fair to all the States and I urge your support of H.R. 11928.

Mr. HARSHA. Just to elaborate on the gentleman's statement, this allotment formula is only for a 2-year period. Every 2 years we must come back with a new cost estimate and therefore a new allotment formula will come from the Congress every 2 years. If you find from past experience that your needs have not been met, then the next needs report should reflect the additional needs of your particular State.

I now yield to my friend from North Carolina (Mr. MIZELL).

Mr. MIZELL. Mr. Speaker, I want to commend the Public Works Subcommittee on Water Resources for the work it has done in preparing the Water Pollution Control Amendments of 1973.

The subcommittee has established a new formula for allocation of clean water funds, and this new formula would give my State of North Carolina, for example, $24 million more than it received from this program in fiscal year 1973.

The Senate version of this bill is even more generous to my State, and a majority of other States as well, and while I fully appreciate the great care and considerable study that went into the preparation of the House version of this bill, I must continue to hope that the House-Senate conference will resolve the differences between these two formulas in a way that will benefit North Carolina and the majority of States to the fullest possible extent.

I am proposing today a compromise formula that would combine the House-inspired hold-harmless provision with the Senate's needs formula in a way that benefits 32 States over the House version, and still provides the other 17 States a great deal more money than they received in fiscal 1972.

The tables showing State allocations for a $3 billion allotment under the House formula, the Senate formula, and the formula I am proposing today are included in the RECORD at this point for my colleagues' information and review.

I would hope this compromise formula would receive the special consideration of the Members who will sit on the conference committee. I am convinced this formula represents the fairest and most equitable method of distribution of these funds that we could devise for these clean water funds.

[In millions]

	Senate version	House version	Mizell formula
Alabama	$31.92	$33.8	$44.3
Alaska	10.74	10.9	7.1
Arizona	16.50	17.7	23.2
Arkansas	21.15	19.4	26.6
California	369.60	333.5	312.8
Colorado	27.81	22.5	31.0
Connecticut	37.86	50.7	41.9
Delaware	14.61	15.8	10.8
District of Columbia	5.94	27.9	9.8
Florida	125.70	120.0	107.0
Georgia	65.49	55.6	66.2
Hawaii	30.39	30.0	18.2
Idaho	7.44	7.8	9.3
Illinois	175.68	183.9	164.5
Indiana	52.71	50.0	67.6
Iowa	36.63	28.7	39.8
Kansas	28.86	29.2	31.7
Kentucky	47.64	47.6	47.5
Louisiana	28.98	35.6	45.3
Maine	19.92	19.1	17.0
Maryland	50.88	39.6	54.9
Massachusetts	68.25	65.7	77.4
Michigan	123.45	137.6	126.
Minnesota	47.5	46.8	52.7
Mississippi	22.0	22.3	29.7
Missouri	65.7	54.3	67.0
Montana	6.2	7.5	9.7
Nebraska	14.3	15.3	19.7
Nevada	14.7	13.7	10.2
New Hampshire	24.0	25.6	15.9
New Jersey	190.9	185.8	132.2
New Mexico	8.0	10.7	13.3
New York	326.2	357.5	281.6
North Carolina	65.5	51.5	70.9
North Dakota	4.1	6.9	8.2
Ohio	153.4	141.0	152.7
Oklahoma	39.7	34.1	38.4
Oregon	25.7	24.8	29.3
Pennsylvania	139.7	162.5	161.0
Rhode Island	13.6	15.3	14.2
South Carolina	45.2	40.4	42.8
South Dakota	4.9	7.3	8.9
Tennessee	43.7	38.2	52.9
Texas	82.4	106.9	134.4
Utah	14.6	12.2	15.9
Vermont	8.9	8.5	8.2
Virginia	79.4	71.9	71.4
Washington	45.7	47.1	48.2
West Virginia	26.6	27.4	26.7
Wisconsin	46.5	42.6	58.1
Wyoming	3.1	4.0	5.1
Guam	1.6	2.2	.2
Puerto Rico	34.7	29.8	2.7
Virgin Islands	2.3	2.3	38.7
American Samoa	.5	.5	2.8
Trust Territory	.7	.3	.2
Pacific Island Total	3,000.2	2,999.8	

STATES GAINING UNDER MIZELL FORMULA

Alabama	Montana
Arizona	Nebraska
Arkansas	New Mexico
Colorado	North Carolina
Georgia	North Dakota
Idaho	Ohio
Indiana	Oklahoma
Iowa	Oregon
Kansas	South Carolina
Louisiana	South Dakota
Maryland	Tennessee
Massachusetts	Texas
Michigan	Utah
Minnesota	Washington
Mississippi	Wyoming
Missouri	

Mr. HARSHA. Mr. Speaker, I yield to the gentleman from Wyoming (Mr. RONCALIO) who is a member of the committee.

Mr. RONCALIO of Wyoming. Mr. Speaker, I thank the minority Member for yielding time to me on this side of the aisle.

I might say in answer to the inquiry of the gentleman from Ohio (Mr. STANTON) that I do not believe we can look to international help in this area because the International Joint Commission of the United States and Canada is limited as to funds, and until the very able chairman on our side and his Canadian counterpart can secure the kind of adequate funding they need, there will be very little they can do in this connection. So, the bill before us is the best bet we have for this purpose, and we hope that it can serve to improve boundary water quality between us and our Canadian neighbors.

I commend my colleagues on the committee for this legislation.

Mr. KASTENMEIER. Mr. Speaker, I would like to take just a moment to explain my opposition to H.R. 11928. This bill amends the Federal Water Pollution Control Act to establish a ratio for allocation of treatment works construction grant funds.

My State of Wisconsin, as well as its local communities have recognized the need to protect and restore valuable water resources. With Federal, State, and local funding and cooperation, 98 percent of Wisconsin citizens served by municipal sewage treatment are served by secondary treatment. As a result, Wisconsin has one of the highest secondary treatment percentages in the country, and it was achieved under a Federal allocation formula based upon population.

The allocation formula which we are present with today is not based on population at all, but instead is based on some questionable needs data generated by an Environmental Protection Agency survey. Allocation is based upon a needs formula which would reduce funds to States such as Wisconsin that have reduced their needs through diligent past effort. For example, under the population based allocation formula, Wisconsin received 2.13 percent of the total construction grant funds available nationally in fiscal year 1972. Under the allocation formula before us today, Wisconsin's share of the national total would fall to about 1.4 percent of the total.

While I agree with those who say that the allocation should not be based solely on population, I believe firmly that a population factor must be combined with the needs factors in the allocation formula. If this is not done, diligent past efforts at water pollution control are punished, while poor past performance is rewarded.

I cannot in good consience go back to my people in Wisconsin and ask them to send $60 million to Washington for water pollution control and get back under this allocation formula only $42 million. Wisconsinites are a generous people with a sincere interest in improving their environment, but they cannot be expected to pay the pollution bill for others who have been less diligent in their water pollution control efforts.

Therefore, it is with regret that I must oppose the allocation formula offered by my good friends and colleagues of the Public Works Committee.

The SPEAKER. The question is on the motion offered by the gentleman from Texas (Mr. ROBERTS) that the House suspend the rules and pass the bill (H.R. 11928) 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. ROBERTS. Mr. Speaker, I ask unanimous consent that the Committee on Public Works be discharged from further consideration of the Senate bill (S. 2812) to authorize a formula for the allocation of funds authorized for fiscal year 1975 for sewage treatment construction grants, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2812

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

SECTION 1. Section (a) of section 205 of the Federal Water Pollution Control Act, as amended (86 Stat. 837), is amended by inserting "(1)" after "(a)" and by adding the following new paragraph:

"(2) Sums authorized to be appropriated for the fiscal year ending June 30, 1975, shall be allotted by the Administrator among the States in the following ratio:

State	*Percentage*
"Alabama	1.064
Alaska	.358
Arizona	.550
Arkansas	.705
California	12.320
Colorado	.927
Connecticut	1.262
Delaware	.487
District of Columbia	.198
Florida	4.190
Georgia	2.183
Hawaii	1.013
Idaho	.248
Illinois	5.856
Indiana	1.757
Iowa	1.221
Kansas	.962
Kentucky	1.588
Louisiana	.966
Maine	.664
Maryland	1.696
Massachusetts	2.275
Michigan	4.115
Minnesota	1.582
Mississippi	.733
Missouri	2.191
Montana	.208
Nebraska	.475
Nevada	.491
New Hampshire	.800
New Jersey	6.362
New Mexico	.265
New York	10.872
North Carolina	2.182
North Dakota	.138
Ohio	5.113
Oklahoma	1.324
Oregon	.856
Pennsylvania	4.656
Rhode Island	.453
South Carolina	1.506
South Dakota	.164
Tennessee	1.457
Texas	2.748
Utah	.488
Vermont	.295
Virginia	2.648
Washington	1.524
West Virginia	.887
Wisconsin	1.550
Wyoming	0.104
Guam	.053
Puerto Rico	1.157
Virgin Islands	.075
America Samoa	.018
Pacific Island Territory	.042"

SEC. 2. Subsection (b) of section 516 of the Federal Water Pollution Control Act, as amended (86 Stat. 895), is amended by inserting "(1)" after "(b)"; by striking "(1)", "(2)", "(3)", and "(4)" and inserting in lieu thereof "(A)", "(B)", "(C)", and "(D)", respectively; and by adding the following new paragraph:

"(2) Notwithstanding the second sentence of paragraph (1) of this subsection, the Administrator shall make a detailed estimate called for by subparagraph (B) of such paragraph and shall submit such detailed estimate to the Congress no later than June 30, 1974. The Administrator shall require each State to prepare an estimate of cost for such State, and shall utilize the survey form EPA–1, O.M.B. No. 158–R0017, prepared for the 1973 detailed estimate, except that such estimate shall include all costs of compliance with section 201(g)(2)(A) of this Act or water quality standards established pursuant to section 303 of this Act, and all costs of treatment works as defined in section 212(2), including all eligible costs of constructing sewage collection systems and correcting excessive infiltration or inflow and all eligible costs of correcting combined storm and sanitary sewer problems and treating storm water flows. The survey form shall be distributed by the Administrator to each State no later than January 31, 1974.".

SEC. 3. Subsection (a) of section 203 of the Federal Water Pollution Control Act, as amended (86 Stat. 835), is amended to add at the end thereof the following sentence: "The Administrator shall approve as a project each physical or financial phase of a treatment works which otherwise meets the requirements of this Act.".

MOTION OFFERED BY MR. ROBERTS

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

The Clerk read as follows:

Mr. ROBERTS moves to strike out all after the enacting clause of the Senate bill S. 2812, and insert in lieu thereof the provisions of H.R. 11928, as passed by the House.

The motion was agreed to.

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

The title was amended so as to read: "To amend the Federal Water Pollution Control Act to establish the ratio for allocation of treatment works construction

grant funds, to insure that grants may be given for other than operable units, and to clarify the requirements for development of priorities."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 11928) was laid on the table.

GENERAL LEAVE

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

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

There was no objection.

ARCHITECTURAL GUIDELINES TO PROMOTE EFFICIENT ENERGY USE

Mr. HOWARD. Mr. Speaker, I move to suspend the rules and pass the bill, H.R. 11714) to provide for the development of improved design, lighting, insulation, and architectural standards to promote efficient energy use in residential, commercial, and industrial buildings, as amended.

The Clerk read as follows:

H.R. 11714

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of the General Services Administration in cooperation with the Secretary of Defense, the Secretary of Commerce, acting through the Director of the National Bureau of Standards, the Secretary of Health, Education, and Welfare, the Secretary of Housing and Urban Development, and the Administrator of Veterans' Affairs, is authorized and directed to develop engineering and architectural design guidelines to promote efficient energy use in residential, commercial, industrial, and institutional buildings applicable to both existing and new construction.

SEC. 2. The Administrator is authorized and directed to prepare in cooperation with the Secretary of Defense, the Secretary of Commerce, acting through the Director of the National Bureau of Standards, the Secretary of Health, Education, and Welfare, the Secretary of Housing and Urban Development, and the Administrator of Veterans' Affairs energy performance oriented model building codes for different types of classes of buildings, incorporating the most practicable guidelines possible for efficient energy use in differing regional environments. Such codes shall, to the extent possible, specify the energy conservation which may be achieved by adopting the practices recommended therein.

SEC. 3. In carrying out this Act the Administrator is authorized to cooperate with and utilize the services of private agencies, institutions, organizations, and individuals, including, but not limited to, professional engineering and architectural societies, trade associations, and consumer organizations, and to coordinate the development of the guidelines and model codes with such agencies, institutions, organizations, and individuals.

SEC. 4. The Administrator shall report to Congress the results of his activities under this Act no later than January 1, 1975, and from time to time thereafter as he deems appropriate.

SEC. 5. There is authorized to be appropriated to carry out this Act not to exceed $5,000,000 for the fiscal year ending June 30, 1974, not to exceed $10,000,000 for the fiscal year ending June 30, 1975, and not to exceed $1,000,000 for the fiscal year ending June 30, 1976.

The SPEAKER. Is a second demanded?

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

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

There was no objection.

The SPEAKER. The gentleman from New Jersey (Mr. HOWARD) will be recognized for 20 minutes, and the gentleman from Kentucky (Mr. SNYDER) will be recognized for 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. HOWARD).

Mr. HOWARD. Mr. Speaker, I yield such time as he may consume to the distinguished chairman of the full committee, the gentleman from Minnesota (Mr. BLATNIK).

Mr. BLATNIK. Mr. Speaker, H.R. 11714 is another effort by the Public Works Committee to cope responsibly with the energy crisis confronting our Nation. In furtherance of that effort, this bill would require that the Administrator of the General Services Administration in cooperation with the Secretary of Defense, Secretary of Commerce acting through the Director of the National Bureau of Standards, the Secretary of Health, Education, and Welfare, the Secretary of Housing and Urban Development, and the Administrator of Veterans' Affairs, develop engineering and architectural design guidelines for use in residential, commercial, industrial and institutional buildings.

This bill was introduced by my esteemed colleague, JIM HOWARD, chairman of the House Public Works Subcommittee on Energy. The bill was cosponsored by my esteemed colleagues, Mr. SNYDER and Mr. CLEVELAND. I wish to take this opportunity to thank them all on behalf of the people of this country for their continued efforts in leading our Nation through the energy crisis.

The bill provides an authorization of $5 million for fiscal year 1974, $10 million for fiscal year 1975, and $1 million for fiscal year 1976. The testimony before the subcommittee from both the private sector and the GSA showed that this sum was reasonable and necessary to accomplish the following purposes:

First. Experimentation to determine ways to save our energy being wasted in building. A waste which far exceeds that of most other uses. The National Bureau of Standards has a test house and an environmental chamber for this purpose. Then are doing important experimental work in this area. This work should be encouraged and made available to the American citizen.

Second. Universities, public agencies, private individuals and organizations have been working in this area. Until now with a seemingly inexhaustible supply of inexpensive energy little attention has been paid to them. It is imperative now that we gather that information, analyze it, and see to it that it is made available to the public.

Third. Major installations such as hospitals, schools, industrial buildings use great amounts of energy. But we are informed that very little attention has been paid to design of such facilities to make thrifty use of energy. This is not as simple a problem as say adding insulation to an existing dwelling place. It is a complicated problem requiring study and evaluation by the best engineering and architectural brains, coordination between discipline and development, and new understanding of our needs.

Fourth. Dissemination of the information. Telling the public the professions and the State and local authorities the findings and best way of utilizing them. Today most of us rely on a little folder that comes with our heating bill for advice. We need more than that now. We need to know when we support a bond issue for a building that proper energy-saving techniques will be used. They can only be used if we will find out what they are and tell the American public so it too knows.

Mr. HOWARD. Mr. Speaker, I wish to thank my esteemed colleague, Chairman BLATNIK, for his kind remarks. I also wish to take this opportunity to thank the members of my subcommittee, particularly the ranking minority member, GENE SNYDER, and our esteemed colleague, JIM CLEVELAND, who contributed so much in the preparation of H.R. 11714.

As Mr. BLATNIK stated, H.R. 11714 is still another effort by the House Public Works Committee to help lead our Nation through the critical energy crisis confronting it. Before being more specific about the bill, I would like to state that the intent and purposes of the bill would have merit and would be beneficial to all Americans even if there were no energy crisis. The energy crisis makes the bill urgent.

The bill takes a calm perspective of one area of fuel use that is in dire need of conservation measures. The conservation measures to be accomplished by this bill will for decades result in a greater efficient use of fuel by every single American. The achievement of that greater efficiency will not require any great sacrifice; rather it will result in tremendous savings not only of fuel, but of money as well, by every industrialist, by every merchant, by every institution, and by every household. H.R. 11714 would require that the Administrator of the General Services Administration in cooperation with the Secretary of Defense, Secretary of Commerce, acting through the Director of the National Bureau of Standards, the Secretary of Health, Education, and Welfare, Secretary of Housing and Urban Development and the Administrator of Veterans Affairs, develop engineering and architectural design guidelines for use in residential, commercial, industrial, and institutional buildings. These guidelines shall promote efficient energy use.

The Administrator of the General Services Administration acting through the cooperation with the same group of people shall develop energy performance oriented model building codes.

If the suggested amendment in the nature of a substitute is adopted, the Ad-

ministrator would be authorized to cooperate and utilize the services of the private sector.

A report is required from Administrator on January 1, 1975.

Authorization for fiscal year 1974 is $5 million; fiscal year 1975, $10 million; fiscal year 1976, $1 million; a total of $16 million.

In short the purpose of the bill is to help the American citizen save energy in buildings that he uses by providing information that will guide him in the construction of new buildings and the rehabilitation of existing buildings.

I respectfully urge passage of the bill.

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

Mr. HOWARD. I might say to the genman from Iowa.

Mr. GROSS. I thank the gentleman for yielding. What in the world are we spending $16 million on this proposition for? Why?

Mr. HOWARD. I might say to the gentleman from Iowa that the intention of this act was so that we may get the agencies of our Government who are involved in the construction of buildings to work with the private sector in developing specific recommendations for long-range energy savings in the construction and rehabilitation of buildings in this country.

It seems that one of the greatest wastes that we have, one of the greatest savings that we may make in fuel, is in the area of being able to retain the energy that we expend either in heating homes and keeping them heated or in keeping coolness in the summer. It is expected from this that we will be able not only to generate a great amount of fuel savings over the long run in the country, but also the saving of a great expenditure of money by the people who do the construction, whether it be in industry, whether it be the Federal Government itself, or whether it be the private citizens around the land.

It is estimated that this would be an amount of money that would be needed for us to develop these criteria and to be able to inform the people around the country of it.

Mr. GROSS. Does the gentleman mean to say that we have no in-house capability, and that we have got to go out and spend $16 million now? What kind of a bureaucracy is the gentleman proposing in the bill here?

Mr. HOWARD. There was testimony that authority to do this work was available to the agencies in the Federal Government, but they would need this amount of money over this several-year period to be able to effectively carry out the intent of the act.

Mr. GROSS. They will take all of the money the gentleman wants to give them and build another bureaucracy on top of what they already have. They will be glad to do that, I am sure. But the gentleman has $5 million for what remains of fiscal year 1974, $10 million for fiscal year 1975, and $1 million for fiscal year 1976. What is the million dollars for—to get rid of the bureaucracy that the gentleman is building in this instance?

Mr. HOWARD. It is estimated that this would cost this amount of money to get the people together and get the agencies together to do all of the studies to formulate the proposals that would be recommended, and then to be able to get these recommendations out to the public. We do not intend to come back here with legislation setting up actual building codes throughout the country, because we feel that this is properly the authority of the States and the local communities.

This is an attempt with this last million dollars to be able to get this information out among the public.

Mr. GROSS. I will say to my friend, the gentleman from New Jersey, that the report is completely silent as to how many people he intends to employ, how they are to be utilized, or anything else. This is just throwing $16 million at I do not know what.

Mr. HOWARD. The testimony we had was that actually the saving not only in fuel which we need, and we certainly are in this kind of situation, but actually also in money for every homeowner and every homebuilder would be substantially much higher than any expenditure we would make at this time for it.

Mr. GROSS. How does the gentleman know it will save a cockeyed dime? The report is silent as to any results stemming from this except some rhetoric.

Mr. HOWARD. There have been reports that have come from the various agencies and even from the private sector, such as the American Institute of Architectural Design and Engineering that actually we could make a savings on this. However, in the past it has never been felt to be needed because energy was so cheap. Actually in many areas of the country compared to the cost of a home the heating bill was not so great and we never honestly went into this situation as a serious national problem. Of course no one will deny that it is a serious national problem today, so we feel this really kills two birds with one stone. It not only will help in the immediate fuel situation but also in the long run as well, so we feel we get a dual benefit from the passage of this bill.

Mr. SNYDER. Mr. Speaker, does the gentleman from Iowa wish me to yield to him?

Mr. GROSS. No; but I just suggest the gentleman should make a really good argument if he wants to convince me, but I do not know about anyone else in the House.

Mr. SNYDER. Mr Speaker, I must confess I am not as adroit at making good arguments as is the gentleman from Iowa but I will do my best.

Mr. Speaker, the bill before us, H.R 11714, was one that I supported wholeheartedly. The Public Works Committee has for a period of some time antedating the current energy crisis held hearings on the subject of energy—its use, development, and conservation.

As a result, our committee has reported out several bills relating to energy. Our aim by and large has been to develop sound concepts as bases for long-term energy benefits.

Among the matters that we have considered and reported in the past, one involves the question of conservation of energy in public buildings. Our hearings indicated that by devoting attention to the saving of energy in nongovernment buildings a very considerable contribution to our energy program could be made. This contribution could have an almost immediate effect, and in the long term, could possibly save as much as 50 percent of the energy used in certain buildings today.

The first thing that is needed to be done, in our opinion, is to encourage Federal agencies to gather information and otherwise do what is necessary to determine what guidelines there should be to accomplish the purpose of efficient energy use in residential, industrial, commercial, and institutional buildings. Once this is done, the American people, many of us believe, will make use of this information. In some cases, they will do so out of the desire to save money. In others, they will do so because of their patriotic inclination. Still others, we feel, will do so because it makes good sense.

H.R. 11714 provides the means by which the Administrator of the General Services Administration, in cooperation with the Secretary of Housing and Urban Development, Secretary of Health, Education, and Welfare, Secretary of Commerce operating through the Director of the Bureau of Standards, Secretary of Defense, and the Administrator of Veterans Affairs, can get together and develop guidelines for the conservation of energy.

These guidelines are in no way to be considered directive or mandatory upon the citizens of the United States. If they are wise—and I trust that they will be—the people of the United States will wish to see them put to use. In such cases, they may do so and enact them into building codes or regulations through existing State, county, municipal, and other local authorities.

In order to assist local governments who are responsible for the development of codes, the Administrator is asked to develop energy performance model building codes. Once they are available, local authorities will be at liberty to make use of the information contained in them or not as they see fit.

Architects and engineers need this reservoir of information to do the best job for their clients and to be able to incorporate the best known technology in the conservation of energy.

The wisdom of utilizing performance specifications is, I believe, manifest. Energy conserving performance guidelines will, when proposed, provide the basis for building materials and construction industries to determine how the guidelines can best be met. Performance guidelines leave to those responsible for design, construction, and maintenance of buildings, the options that they should have to balance economics, aesthetics, and functions without the sacrifice of energy.

In conclusion, Mr. Speaker, I feel that the bill before us is one that is absolutely necessary in the area of conservation of energy. If fully exploited, it could lead to a most dramatic saving in energy necessary for the function of buildings, that is—the heating, ventilating, air conditioning, lighting, movement of people

and material, et cetera. The language of this bill is neither complicated nor long, yet, in my opinion, these words will prove to be among the most significant in our energy conservation future.

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

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

Mr. GROSS. It is not often that I disagree with my good friend from Kentucky.

Mr. SNYDER. I would say to the gentleman, you have your right to your own views once in awhile.

Mr. GROSS. I thank the gentleman, but I do not think I am in this case. I am struck by the fact there is not one single department statement in this report. I do not understand this. I am unable to absorb the argument that there is not the in-house capability in the General Services Administration and other departments and agencies of the Government to provide this know-how.

If the gentleman will yield further for just a minute, this looks to me like a windfall for the architects and engineers and consultants and so forth up and down the line.

Mr. SNYDER. Let me respond at this point, and I will yield to the gentleman further; but the gentleman is getting enough in here that I would like to respond as we are going along.

First, there is no doubt that in these agencies there are certain in-house capabilities; but in no case has it ever been put together in one central place.

The Veterans' Hospital people tell us there are great energy conservation savings in the plans they have developed in just siting a building.

The people in the other agencies hardly know what they are talking about; so if we can put this together in one central place where the agencies and the professional people mentioned, the architects and engineers, can draw upon them, we think it will be a great reservoir of energy-saving information which all the agencies can have in one central source.

There is some merit in what the gentleman says about it being a windfall to the architects and engineers. I do not know whether the hearings are printed yet or not, but when the consulting engineers testified in this matter, I made this point very definitely that I did not see the logic that we should be asking the American people to put this together for the architects. I wondered what in the world they had architectural schools for, if they did not have this capability.

I cannot say totally that they did not have a good answer for it. They had some response that had some merit insofar as the advancements, the technology that is being put together day by day as the art develops further along, that they would have this to draw from.

There is going to be some outfall of benefits to architects and engineers. They are, in effect, not going to pay for this. I cannot say that that particular aspect of this legislation is the best in that regard.

On the other hand, it is seldom that we have some legislation from which someone does not get some benefit, that they are not carrying their own load for.

I yield to the gentleman from Minnesota.

Mr. BLATNIK. The gentleman from Kentucky explained my point. I want the record to show that the point raised by the gentleman from Iowa is a proper one.

I want to further point out, with some dismay, that I notice the report did not explain this adequately. I hope to some degree we do it on the floor.

The gentleman from Kentucky explained it very well. I would like to reinforce his statement by citing testimony the subcommittee received from the American Consulting Engineers Council.

It was largely on the testimony of Roger J. Rice, vice chairman of the Energy Committee of the American Consulting Engineers Council.

He states, and I quote:

> Next, I will address the funding we believe would be required to carry out the provisions of H.R. 11714. As I have previously stated, we are firmly convinced that the initial work should be directed to accumulating and analyzing the existing technology, and making this readily available to all parties involved in the building industry. This phase alone, I would estimate to cost between $10 million and $15 million, and one or two million dollars required annually to keep the data current and to provide for appropriate dissemination.

Mr. Speaker, I have a few more comments. In discussing with some of the technical people doing research work, not only new methodology and new techniques, but with the new synthetic materials that are on the market but are not properly used. I will give one example, polystyrene. It is not too expensive. It is an insulator, an excellent insulator, and can be decorated and used as a wall covering in dens and many rooms in the home. It is found now that polystyrene is more flammable than wood and is also much more toxic in case of a fire and much more hazardous to cope with.

However, this polystyrene can be used if properly covered with a less flammable material. In fact, it is one of the finest insulation materials available. I tell the Members frankly that the houses built in America are poorly built. I have a house which is highly priced by these standards in North Arlington for which I could not get 3 cents in northern Minnesota. We do not have to open windows for ventilation. We can put a candle within 2 feet and the draft blows the candle out. It is slipshod work, expensive and overpriced. In Minnesota we find that despite these weather conditions, insulating is rather routine.

Throughout the country we waste one-third of the heat in the average home, which goes out the door or the windows. The gentleman is correct, we do have the information. It is scattered all over the lot, both in the government agencies and in these national service organizations. This information needs to be pulled all together, collated and given some semblance of order and meaningfulness so as to make it available to the people at large.

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

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

Mr. GROSS. Mr. Speaker, are we expected to believe that because there is cheap construction in houses and other buildings, that this bill is going to correct that? They can still build cheap buildings under the terms of this $16 million expenditure. I think building men know what is good insulation and what is flammable and nonflammable. All this is well known today. It is a question of whether we want to build good buildings or poor buildings.

Mr. BLATNIK. It will make the information available, but in the meantime the people should know exactly that for a $500 investment they can make a $300 annual saving on heat costs in their houses. They do not have that information now and frankly, they do not have good sources of information, including our own Housing and Urban Development Agency.

Mr. GROSS. All I can say is that $16 million is not to be sneezed at in these days, either in Minnesota or Kentucky.

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

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

Mr. HAYS. Mr. Speaker, I did not pay too much attention to this matter until I began to hear the debate, but is the gentleman saying that knowledge is not available on how to insulate a house and properly build a house?

I have my house insulated, and I think we know enough to be able to do it right. We have storm windows on it, and we have insulation in it.

I do not think that $16 million used by the GSA, of all agencies, in the name of heaven, is going to insure houses will be any better built in the future than they are built now.

I doubt if any Government agency can tell me how to turn down a thermostat. I can do that for 16 cents. You just dial it down, that is all there is to it. You dial it down to 68 degrees, or whatever the temperature should be. It should not take $16 million to be able to tell anybody how to do that.

Mr. BLATNIK. Mr. Speaker, I will say this: The best advice we get from the American Consulting Engineers Council and from people in the building industry is as I have stated it.

I will stand by my original statement that we should utilize, from wherever this knowledge may come, any new technology, new methods or new methodology, and new design techniques in order to improve all aspects of dwellings and commercial structures. The present methods we have in America are extremely wasteful, most wasteful.

Information may be available to some but not to others, but it should become available in an orderly, systematized manner such as this bill envisions.

Mr. SNYDER. Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

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

Mr. VANIK. Mr. Speaker, I would like to ask the gentleman if it is the com-

mittee's intention that the administrator develop building standards that will incorporate solar energy in the design of buildings.

Mr. HOWARD. No, not specifically solar. However, this is a followup piece of legislation to one which was passed by the House last week, concerning control by the General Services Administration and study in attempting to look toward the future as to the greatest problems of fuel and energy. I think under the terms and conditions of this legislation, under the category of improved design, certainly they would not ignore the solar energy technology.

It is certainly not mentioned, as is no other specific type of design, but it is an attempt to get the best thinking of all the people in and out of government in order to be able to provide for the people around the country the most efficient construction methods we can for now and for the future.

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

Mr. HOWARD. I yield to the gentleman from Idaho.

Mr. SYMMS. Mr. Speaker, I would like to ask a question.

Have any of the gentleman on the committee considered, or has the subject ever come up in the committee, concerning the fact that as the crisis continues, if the price of energy rises in the marketplace, there will be a natural evolution toward more insulation, and this emphasis will be put on by private citizens, and this will take place anyway without wasting $16 million of the taxpayers' money?

Mr. HOWARD. Mr. Speaker, we have not made any computation of savings. We may see some energy conservation in homes in the future, and we would certainly have to take into account an increase in the cost of energy, but this does not necessarily mean that this legislation wastes $16 million.

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

Mr. HOWARD. I would be happy to yield to the gentleman from Kentucky.

Mr. SNYDER. Mr. Speaker, we went into that to some extent with the vice president of the architects' association, or whatever the proper title was.

It is quite apparent that even as of today and over the years, they have been encouraging the use of gas and electricity by virtue of the fact that the more one uses, the cheaper it gets. But this is not going to continue to be true in the future. This is not going to continue to be a fact.

However, it is going to be a terrible expense upon business people and others to continue to use large amounts of energy. This will be requiring them to look for better ways to conserve this energy, and in this way the technology will then be available in one source so that they will be able to do it.

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

Mr. HOWARD. I yield to the gentleman from Idaho.

Mr. SYMMS. Mr. Speaker, I think my point is that when energy is in abundant supply, the price is cheaper.

So, naturally it is not so important. Now that the price of energy is going higher, conserving building practices will take place—it will take place. It takes a lot of energy to pay $16 million to a bunch of bureaucrats. That ought to be considered, that is, how much energy it will take to extract $16 million, out of the hides of the American taxpayers.

Mr. SNYDER. The gentleman's remarks make a point. There is no question but what energy has been cheap and there has been no technology developed in most of these areas to save the energy because we did not have to. That is what we want to do, that is, find out how to save it.

Reference has been made to the fact that people say do not tell me they do not know what is good insulation and what is not and so on and so forth. The truth of the matter is maybe they do and maybe they do not, but the testimony is that they do not.

Mr. SYMMS. I do not know what they testified, but I do know in the cold country where I am from, we insulate our houses pretty well today. We hope not to be forced to use paper money to insulate our houses with.

Mr. SNYDER. Next time we have an energy bill I hope the gentleman will come over and give us the benefit of some of his expertise on this subject.

Mr. MILLER. Mr. Speaker, it is becoming increasingly apparent that architecture is having a vast influence on energy use and conservation. To practice energy conservation in this sector, we do not need to return to candlelight and caves, nor do we necessarily need new technologies. The main problem is that the relatively simple means for saving energy through building design is being met by indifference. More efficient building design can stretch our dwindling energy resources.

How much energy a building needs for heating, cooling and lighting depends upon its site, its shape and the materials used. Energy use must be considered in building design, and that means starting at the beginning. From the very outset of the architectural process energy is often wasted. Our basic structural sciences are in reality based more on practical experience than on a scientific analysis of how materials should be used. Better insulation in new housing for example, would cut heating and cooling requirements by 40 to 50 percent. Extra construction costs could be recaptured in 4 to 7 years through reduced fuel and utility bills.

Over the last 2 years the Federal Housing Authority revised its insulation standards for single and multifamily housing units with the stated objective of reducing air pollution and fuel consumption. The FHA standards are merely guidelines to assist appraisers in determining the salable value of a housing unit. Since they are used by appraisers of conventional loan organizations as well as the FHA, they do exert considerable influence on the residential construction industry.

One part of the artificial world which architects have designed for the office worker is perhaps a super-abundance of light. In a high-rise building, 54 percent of the electrical energy consumed goes into lighting. In a low building this rises to 62 percent.

Electrical savings could be realized by using lower intensity lighting in less occupied areas—hallways, storage areas—or more use of fluorescent lighting, which uses one-fourth as much as ordinary filament bulbs. The overall average lighting levels, many buildings specialists feel, could be cut in half. In addition to wasting electricity, lighting produces waste heat which, in most buildings, is then dissipated into the atmosphere. A few architects are now trying to catch this "heat of light" and pass it through conventional ducts and vents to help heat a building.

Making use of wastes, in fact, is the basis of what are now called "total energy systems," in which a building contains its own generating system. Waste heat is not released but reused by converting it into usable heat at little or no additional expenditure of energy. Such systems are costly and are still far from being perfected.

Easy availability of power can no longer be taken for granted. Energy conservation must be taken more seriously.

Mr. HOWARD. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the motion offered by the gentleman from New Jersey (Mr. HOWARD) that the House suspend the rules and pass the bill H.R. 11714, as amended.

The question was taken.

Mr. SYMMS. 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 230, nays 160, not voting 42, as follows:

[Roll No. 701]

YEAS—230

Abdnor	Clay	Gilman
Abzug	Cleveland	Ginn
Adams	Cochran	Grasso
Addabbo	Cohen	Gray
Anderson, Calif.	Collins, Ill.	Green, Oreg.
Anderson, Ill.	Conte	Green, Pa.
Andrews, N. Dak.	Corman	Grover
Annunzio	Cotter	Gunter
Ashley	Cronin	Guyer
Badillo	Culver	Haley
Bafalis	Daniels, Dominick V.	Hamilton
Baker	Danielson	Hanley
Bennett	Dellums	Hanrahan
Bergland	Derwinski	Harsha
Biaggi	Diggs	Hastings
Bingham	Dingell	Hawkins
Blackburn	Donohue	Hechler, W. Va.
Blatnik	Dorn	Heckler, Mass.
Boggs	Drinan	Helstoski
Boland	du Pont	Henderson
Brademas	Eckhardt	Hicks
Brasco	Eilberg	Hillis
Breaux	Erlenborn	Hogan
Brinkley	Esch	Holifield
Brooks	Evans, Colo.	Holtzman
Brotzman	Fascell	Horton
Brown, Calif.	Findley	Hosmer
Brown, Ohio	Flood	Howard
Broyhill, N.C.	Foley	Hungate
Broyhill, Va.	Ford, William D.	Hunt
Burke, Mass.	Fraser	Johnson, Calif.
Burlison, Mo.	Frenzel	Jones, N.C.
Carney, Ohio	Froehlich	Jordan
Chisholm	Fulton	Kastenmeier
Clark	Fuqua	Kazen
Clausen, Don H.	Gaydos	Keating
	Gibbons	Kluczynski
		Koch
		Kyros

Latta	Patten	Stanton,
Leggett	Pepper	James V.
Lehman	Perkins	Stark
Litton	Peyser	Steele
Long, La.	Pickle	Steiger, Wis.
Long, Md.	Pike	Stephens
McCormack	Podell	Stokes
McDade	Preyer	Stratton
McFall	Price, Ill.	Stuckey
Macdonald	Quie	Studds
Madden	Quillen	Sullivan
Mann	Randall	Symington
Matsunaga	Rangel	Thompson, N.J.
Mazzoli	Rees	Thornton
Meeds	Regula	Tiernan
Melcher	Reuss	Udall
Metcalfe	Riegle	Ullman
Mezvinsky	Rinaldo	Vanik
Miller	Roberts	Vigorito
Minish	Rodino	Waldie
Mink	Roe	Wampler
Minshall, Ohio	Roncalio, Wyo.	Whalen
Mitchell, Md.	Rooney, Pa.	White
Mitchell, N.Y.	Rosenthal	Widnall
Mizell	Rostenkowski	Wilson, Bob
Moakley	Roy	Wilson,
Mollohan	Roybal	Charles H.,
Moorhead, Pa.	St Germain	Calif.
Morgan	Sandman	Wilson,
Mosher	Sarbanes	Charles, Tex.
Moss	Schroeder	Winn
Murphy, Ill.	Seiberling	Wolff
Nedzi	Shipley	Wright
Nix	Shriver	Yates
Obey	Shuster	Yatron
O'Hara	Sisk	Young, Ga.
O'Neill	Slack	Young, Tex.
Owens	Smith, Iowa	Zablocki
Parris	Smith, N.Y.	Zion
Passman	Snyder	Zwach
Patman	Staggers	

NAYS—160

Andrews, N.C.	Fountain	Nichols
Archer	Frey	O'Brien
Arends	Gettys	Poage
Armstrong	Giaimo	Powell, Ohio
Ashbrook	Goldwater	Pritchard
Bauman	Gonzalez	Railsback
Beard	Goodling	Rarick
Bell	Gross	Rhodes
Bevill	Gude	Robinson, Va.
Bowen	Hammer-	Robison, N.Y.
Bray	schmidt	Rogers
Breckinridge	Hansen, Idaho	Roncallo, N.Y.
Brown, Mich.	Hays	Rose
Burgener	Heinz	Roush
Burke, Fla.	Hinshaw	Rousselot
Burleson, Tex.	Holt	Runnels
Butler	Huber	Ruppe
Byron	Hutchinson	Ruth
Camp	Ichord	Sarasin
Carter	Jarman	Satterfield
Casey, Tex.	Johnson, Colo.	Scherle
Cederberg	Johnson, Pa.	Schneebeli
Chamberlain	Jones, Okla.	Sebelius
Chappell	Jones, Tenn.	Shoup
Clancy	Kemp	Sikes
Clawson, Del	Ketchum	Skubitz
Collier	King	Spence
Collins, Tex.	Kuykendall	Stanton,
Conable	Landgrebe	J. William
Conlan	Lent	Steed
Coughlin	Lott	Steelman
Crane	Lujan	Steiger, Ariz.
Daniel, Dan	McClory	Stubblefield
Daniel, Robert	McCloskey	Symms
W., Jr.	McCollister	Talcott
Davis, Ga.	McEwen	Taylor, N.C.
Davis, S.C.	McKay	Teague, Calif.
Davis, Wis.	McKinney	Teague, Tex.
de la Garza	McSpadden	Thomson, Wis.
Dellenback	Madigan	Thone
Denholm	Mahon	Towell, Nev.
Dennis	Mallary	Treen
Devine	Maraziti	Waggonner
Dickinson	Martin, N.C.	Ware
Downing	Mathias, Calif.	Whitehurst
Dulski	Mathis, Ga.	Whitten
Duncan	Mayne	Williams
Edwards, Ala.	Michel	Wydler
Eshleman	Milford	Wylie
Evins, Tenn.	Montgomery	Wyman
Fish	Moorhead,	Young, Alaska
Fisher	Calif.	Young, Fla.
Flowers	Myers	Young, Ill.
Flynt	Natcher	Young, S.C.
Forsythe	Nelsen	

NOT VOTING—42

Alexander	Buchanan	Dent
Aspin	Burke, Calif.	Edwards, Calif.
Barrett	Burton	Frelinghuysen
Biester	Carey, N.Y.	Griffiths
Bolling	Conyers	Gubser
Broomfield	Delaney	Hanna
Hansen, Wash.	Mailliard	Ryan
Harrington	Martin, Nebr.	Taylor, Mo.
Harvey	Mills, Ark.	Van Deerlin
Hébert	Murphy, N.Y.	Vander Jagt
Hudnut	Pettis	Veysey
Jones, Ala.	Price, Tex.	Walsh
Karth	Reid	Wiggins
Landrum	Rooney, N.Y.	Wyatt

So (two-thirds not having voted in favor thereof) the motion was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Rooney of New York and Mr. Murphy of New York for, with Mr. Hébert against.

Mr. Barrett and Mr. Carey of New York for, with Mr. Taylor of Missouri against.

Mr. Conyers and Mr. Delaney for, with Mr. Martin of Nebraska against.

Mr. Harrington and Mrs. Hansen of Washington for, with Mr. Pettis against.

Mr. Burton and Mr. Edwards of California for, with Mr. Price of Texas against.

Mr. Reid and Mr. Ryan for, with Mr. Vander Jagt against.

Mr. Dent and Mr. Karth for, with Mr. Gubser against.

Mrs. Griffiths and Mr. Hanna for, with Mr. Buchanan against.

Mr. Van Deerlin and Mr. Jones of Alabama for, with Mr. Broomfield against.

Until further notice:

Mrs. Burke of California with Mr. Harvey.
Mr. Alexander with Mr. Biester.
Mr. Landrum with Mr. Freylinghuysen.
Mr. Mills of Arkansas with Mr. Hudnut.
Mr. Aspin with Mr. Mailliard.
Mr. Wiggins with Mr. Walsh.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

LYNDON BAINES JOHNSON MEMORIAL GROVE

Mr. BLATNIK. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 858) to provide for the establishment of the Lyndon Baines Johnson Memorial Grove on the Potomac.

The Clerk read as follows:

H.J. RES. 858

Whereas friends and admirers of the late President Lyndon Baines Johnson wish to pay tribute to him by developing a living memorial in the form of a Lyndon Baines Johnson Memorial Grove on the Potomac and have formed a committee, in cooperation with the Society for a More Beautiful National Capital, Incorporated, a nonprofit corporation established under the laws of the District of Columbia on April 21, 1965, to that end;

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Interior is authorized to cooperate with the Committee for a Lyndon Baines Johnson Memorial Grove on the Potomac and the Society for a More Beautiful National Capital, Incorporated, in developing an appropriate memorial in the form of a living grove of trees and related facilities to honor Lyndon Baines Johnson, the thirty-sixth President of the United States.

SEC. 2. The grove shall be located on a portion of the land designated by the Secretary of the Interior on November 12, 1968, as Lady Bird Johnson Park, Washington, District of Columbia. The design of the grove shall be subject to the approval of the Secretary of the Interior, the National Capital Planning Commission, and the Commission of Fine Arts.

SEC. 3. Unless funds in the amount which the Secretary of the Interior determines are sufficient to insure completion of the memorial are certified available, and the development of the memorial is begun within ten years from the date of enactment of this joint resolution, the authorization granted by this joint resolution shall lapse. The United States shall be put to no expense in or by the development of the memorial.

The SPEAKER. Is a second demanded?

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

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

There was no objection.

Mr. BLATNIK. Mr. Speaker, I rise in strong support of House Joint Resolution 858 which would establish a memorial in the form of a grove of trees for the late Lyndon B. Johnson, the 36th President of the United States.

The details of the resolution will be explained adequately, I am confident, by the chairman of the Subcommittee on Public Buildings and Grounds, the gentleman from Illinois (Mr. GRAY), who has done his usual fine job in considering this legislation.

Mr. GRAY. Mr. Speaker, I thank my distinguished chairman the gentleman from Minnesota for yielding to me for the purpose of stating my approval of House Joint Resolution 858.

This resolution would establish the Lyndon Baines Johnson Memorial Grove on the Potomac River on land already owned by the Department of the Interior and previously dedicated as Lady Bird Johnson Park. Approximately 15 acres of this land will be planted with 500 towering white pine trees, green the year around and native to this part of the country. Also included will be azalea and rhododendron to provide vivid color in the spring and both pink and white dogwood to give color contrast in the autumn as well as spring. Walkways will be planned to insure maximum enjoyment of the grounds. The design of the grove has already won the enthusiastic approval of the Washington Fine Arts Commission and the National Park Service.

All of these plans for the design of the grove plus the responsibility of raising the money for the grove, is being handled by the Committee for the Lyndon Baines Johnson Memorial Grove on the Potomac. Mrs. Lyndon Johnson is working closely with the committee and has given the memorial grove her approval. No taxpayer funds will be needed.

Mr. Speaker, our good friend the distinguished gentleman from Texas (Mr. PICKLE), the principal author of this legislation, along with the entire Texas delegation and other members have pointed out the many great contributions our great former President made in the environmental area as well as many other areas. I will list for the record just some of the important programs approved and implemented by a great President in the 89th and 90th Congresses.

This is a utilitarian memorial that can be used and enjoyed by everyone and, therefore, I hope there will be a quick, unanimous vote to further memorialize a great President who did so much for the American people:

P.L. 89–4. Appalachian Regional Development Act, to regulate surface mining operations and reclaim damaged lands;

P.L. 89–72. Recognizes recreation as a purpose of Federal Water projects;

P.L. 89–80. Water Resources Planning Act to establish the Federal Water Resources Council and establish regional river basin commissions;

P.L. 89–118. Provides for research on practical ways to desalt sea water;

P.L. 89–195. Creates a national seashore accessible to one-fifth of the Nation's Atlantic coast population;

P.L. 89–232. Effects of Pesticides on Fish and Wildlife, to authorize funds for research.

P.L. 89–234. Water Quality Act of 1965, to establish state standards based on Federally promulgated criteria;

P.L. 89–272. Amendments to Clean Air Act, to establish automobile emission standards and authorize research and development in solid wastes disposal;

P.L. 89–285. Highway Beautification Act, concerning junkyards, and landscaping of areas adjacent to highways;

P.L. 89–454. Marine Resources and Engineering Development Act regarding Federal oceanographic activities established the National Council on Marine Resources and Engineering Development and the 15 member Commission on Marine Science, Engineering and Resources;

P.L. 89–669. Endangered Species Act to protect 35 species of mammals and 30–40 species of birds;

P.L. 89–675. Amendments to Clean Air Act, expanding grants to local control programs.

P.L. 89–688. Sea Grant Colleges, to promote the development of marine resources;

P.L. 89–701. Fish Protein Concentrate, to authorize research and development on fish flour;

P.L. 89–753. Clean Waters Restoration Act to provide matching grants to local governments up to $1¼ billion in 1971 for treatment plant construction;

Reorganization Plan No. 2 of 1965 to establish the Environmental Science Services Administration; *

Reorganization Plan No. 2 of 1966 to transfer the Federal Water Pollution Control Administration from the Department of Health, Education, and Welfare to the Department of the Interior; *

P.L. 90–148. Air Quality Act of 1967, to expand grants to control programs, to promulgate Federal ambient air quality criteria by which the states would establish standards, require the Secretary of the Department of Health, Education, and Welfare to designate air quality regions, publish information on control techniques, and enforce established standards;

P.L. 90–205. Extending the wetlands acquisition program for five years;

P.L. 90–271, P.L. 90–138, P.L. 90–532, P.L. 90–548. These acts added four major areas to the National Wilderness Preservation System;

P.L. 90–401. Land and Water Conservation Fund to finance the acquisition of parks and recreation areas including revenues from continental shelf oil and gas leases;

P.L. 90–411. Aircraft Noise, to authorize the FAA to set aircraft noise and sonic boom standards;

P.L. 90–419. Great Lakes Compact, to study and make recommendations on a nationwide system of estuarine areas;

P.L. 90–454. Estuaries Preservation, to require a report and recommendations on a nationwide system of estuarine areas;

P.L. 90–488. Amendments to Consolidated Farmers Home Administration Act for water and sewer grants, and outdoor recreational enterprises;

P.L. 90–515. National Water Commission established to make a non-Federal comprehensive survey of water resource problems;

P.L. 90–537. Colorado River Project, to authorize construction of Central Arizona Project and related developments for comprehensive water resources;

P.L. 90–542. Wild and Scenic Rivers System;

P.L. 90–543. National Trails System;

P.L. 90–544. Establishment of a 505,000-acre North Cascades National Park in Washington; and

P.L. 90–545. Redwood National Park to set aside a 58,000 acre area previously privately owned in Northern California.

Mr. Speaker, as Mr. PICKLE pointed out to our committee:

It is appropriate that this type of living memorial be made to Lyndon Baines Johnson in Lady Bird Johnson National Park, for throughout their marriage they acted as a unique team in their devotion to the public interest. Mrs. Johnson will always be remembered as our genuinely gracious First Lady who launched our country on the program to "Beautify America." In the spring of each year, when the narcissus and daffodils, early harbingers of a new life, bloom and flourish, when the thousands of tulips raise their colorful heads above the ground, when the dogwood and the azaleas burst forth in their multicolored brilliance—especially in Washington, D.C., and elsewhere through the land, people will say again "thank you, Lady Bird". Thus, this undertaking serves a dual purpose of a memorial to LBJ and to Lady Bird Johnson too.

It is also appropriate that this grove be located within the city limits of Washington, D.C., a place where Lyndon Baines Johnson served his state and nation with such distinction as a Congressman, Senator, Vice President and President. The proposal has the support of the leadership on both sides of the aisles, of the National Park Service, the Washington Fine Arts Commission and the Department of the Interior.

This resolution is very simple providing the legal framework to authorize the Memorial and not committing any public funds to the project.

I agree with that statement completely and move the previous question on the resolution.

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

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

Mr. GROSS. Merely to have a reiteration of the gentleman's statement, this proposition is not going to cost the taxpayers of the country a single dollar.

Mr. GRAY. In the spirit of Christmas, I would say I would be unhappy if I did not see my friend from Iowa and my neighbor from across the Mississippi rise and ask that question.

Also in the spirit of Christmas, I would say unequivocally that no, it will not cost the taxpayers anything. I thank him for his inquiry.

Mr. HARSHA. Mr. Speaker, I rise in support of House Joint Resolution 858 providing for the establishment of the Lyndon Baines Johnson Memorial Grove on the Potomac. This resolution authorizes the Secretary of the Interior to cooperate with two nonprofit associations in developing a memorial to the 36th President of the United States.

The memorial would be in the form of 15 acres of a living grove of 500 white pine trees, related walkways, and flowerbeds located in Lady Bird Johnson Park adjacent to the Potomac River in Washington, D.C. This grove of trees is a fitting memorial to our late President since he had such a strong interest in conservation. Although the Congress authorized a historic site for Lyndon Johnson, no memorial to the late President exists in the Nation's Capital.

It is anticipated that the memorial facility would cost $1.5 million to develop and $75,000 a year to maintain. The funds both for the development and the maintenance will come from private sources. Section 3 of the resolution specifies that, unless available funds are sufficient to insure completion of the memorial, the authorization granted by this joint resolution shall lapse. The United States shall be put to no expense in or by the development of this memorial.

The organizations engaged in the development of this grove will soon begin fundraising. This joint resolution will further aid their efforts to solicit the necessary funds for this project.

I urge its enactment.

Mr. PICKLE. Mr. Speaker, I am happy that the House of Representatives today is considering House Joint Resolution 858, a resolution providing for the establishment of the Lyndon Baines Johnson Memorial Grove on the Potomac. This resolution was unanimously passed by the Public Works Committee and has the approval of the Department of the Interior, the Washington Fine Arts Commission and the National Parks Service. It was originally cosponsored by leadership of the House and by the entire Texas delegation. It has the approval of Mrs. Lyndon Johnson who is working closely with the committee. It is a particular pleasure to wholeheartedly recommend this legislation to you both as a fitting tribute and a living memorial to one of our great Presidents and further to sponsor a memorial that will involve the expenditure of no public money.

The resolution proposes that the Lyndon Baines Johnson Memorial Grove on the Potomac be established on land already owned by the Department of the Interior and dedicated as Lady Bird Johnson Park. It is located on the south side of the Potomac on land within the District of Columbia. It is planned to plant 500 towering white pine trees on 15 acres of Lady Bird Johnson Park. They will be green the year around and are native to this part of the country. Also included will be azalea and rhododendron to provide vivid color in the spring and both pink and white dogwood to give color contrast in the autumn as well as spring. Walkways will be planned to insure maximum enjoyment of the grounds. The money for the grove will be raised by the Committee for the Lyndon Baines Johnson Memorial Grove on the Potomac which has already been formed. Contributions are to be made to the Society for a More Beautiful National Capital, Inc., a nonprofit corporation already established under the laws of the District of Columbia, contributions to which are tax deductible. The reason for using the society to accept the contributions is that it already has tax exempt status and therefore might eliminate months of delay in obtaining this status for a newly named organization from the

* Reorganization proposals initiated by the Executive branch become law unless they are specifically overruled by Congress (5 U.S.C. 901 *et seq.*).

Internal Revenue Service. It is anticipated that there will be many small donations so that many people who want a part in this tribute to a great President can contribute.

This is a utilitarian memorial that can be used and enjoyed by everyone and thus remind the Nation of the unprecedented contributions made by President Johnson in the environmental area.

At this time, Mr. Speaker, I would like to insert into the RECORD a list of the environmental legislation that was passed and signed by President Johnson during the 89th and 90th Congress:

The list follows:

ENVIRONMENTAL LEGISLATION PASSED DURING THE 89TH AND 90TH CONGRESS AND SIGNED BY PRESIDENT JOHNSON

P.L. 89–4. Appalachian Regional Development Act, to regulate surface mining operations and reclaim damaged lands.

P.L. 89–72. Recognizes recreation as a purpose of Federal Water projects.

P.L. 89–80. Water Resources Planning Act to establish the Federal Water Resources Council and establish regional river basin commissions.

P.L. 89–118. Provides for research on practical ways to desalt sea water.

P.L. 89–195. Creates a national seashore accessible to one-fifth of the Nation's Atlantic coast population.

P.L. 89–232. Effects of Pesticides on Fish and Wildlife, to authorize funds for research.

P.L. 89–234. Water Quality Act of 1965, to establish state standards based on federally promulgated criteria.

P.L. 89–272. Amendments to Clean Air Act, to establish automobile emission standards and authorize research and development in solid wastes disposal.

P.L. 89–285. Highway Beautification Act, concerning junkyards, and landscaping of areas adjacent to highways.

P.L. 89–454. Marine Resources and Engineering Development Act regarding Federal oceanographic activities established the National Council on Marine Resources and Engineering Development and the 15 member Commission on Marine Science, Engineering and Resources.

P.L. 89–669. Endangered Species Act to protect 35 species of mammals and 30–40 species of birds.

P.L. 89–675. Amendments to Clean Air Act, expanding grants to local control programs.

P.L. 89–688. Sea Grant Colleges, to promote the development of marine resources.

P.L. 89–701. Fish Protein Concentrate, to authorize research and development on fish flour.

P.L. 89–753. Clean Waters Restoration Act to provide matching grants to local governments up to $1¼ billion in 1971 for treatment plant construction.

Reorganization Plan No. 2 of 1965 to establish the Environmental Science Services Administration.*

Reorganization Plan No. 2 of 1966 to transfer the Federal Water Pollution Control Administration from the Department of Health, Education, and Welfare to the Department of the Interior.*

P.L. 90–148. Air Quality Act of 1967, to expand grants to control programs, to promulgate Federal ambient air quality criteria by which the states would establish standards, require the Secretary of the Department of Health, Education, and Welfare to designate air quality regions, publish information on control techniques, and enforce established standards.

P.L. 90–205. Extending the wetlands acquisition program for five years.

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P.L. 90–401. Land and Water Conservation Fund to finance the acquisition of parks and recreation areas including revenues from continental shelf oil and gas leases.

P.L. 90–411. Aircraft Noise, to authorize the FAA to set aircraft noise and sonic boom standards.

P.L. 90–419. Great Lakes Compact, to study and make recommendations on a nationwide system of estuarine areas.

P.L. 90–454. Estuaries Preservation, to require a report and recommendations on a nationwide system of estuarine areas.

P.L. 90–488. Amendments to Consolidated Farmers Home Administration Act for water and sewer grants, and outdoor recreational enterprises.

P.L. 90–515. National Water Commission established to make a non-Federal comprehensive survey of water resource problems.

P.L. 90–537. Colorado River Project, to authorize construction of Central Arizona Project and related developments for comprehensive water resources.

P.L. 90–542. Wild and Scenic Rivers System.

P.L. 90–543. National Trails System.

P.L. 90–544. Establishment of a 505,000-acre North Cascades National Park in Washington.

P.L. 90–545. Redwood National Park to set aside a 58,000 acre area previously privately owned in Northern California.

Thus, there were at least 31 pieces of major environmental legislation passed during the 89th and 90th Congress alone and included 3 major parks, the National Seashore Park on the Atlantic coast, the North Cascades National Park in Washington, and the Redwood National Park in northern California. It is fitting that the memorial can be a living reminder that this man of the soil never forgot the importance of enjoying nature and the inspiration to be derived from being out of doors. He came from the hill country of Texas and his greatest pleasure was the land.

It is appropriate that this type of living memorial be made to Lyndon Baines Johnson in Lady Bird Johnson National Park, for throughout their marriage they acted as a unique team in their devotion to the public interest. Mrs. Johnson will always be remembered as our genuinely gracious First Lady who launched our country on the program to "Beautify America." In the spring of each year, when the narcissus and daffodils, early harbingers of a new life, bloom and flourish, when the thousands of tulips raise their colorful heads above the ground, when the dogwood and the azaleas burst forth their multicolored brilliance—especially in Washington D.C., and elsewhere through the land, people will say again "thank you, Lady Bird." Thus, this undertaking serves a dual purpose of a memorial to LBJ and to Lady Bird Johnson too.

It is also appropriate that this grove be located within the city limits of Washington, D.C., a place where Lyndon Baines Johnson served his State and Nation with such distinction as a Congressman, Senator, Vice President, and President. The proposal has the support of the leadership on both sides of the aisles.

The resolution is very simple providing the legal framework to authorize the Memorial. It specifically states that no public funds are involved.

Section 1 authorizes the Secretary of the Interior to cooperate with the committee for the Lyndon Baines Johnson Memorial Grove on the Potomac and the Society for a More Beautiful National Capital, Inc., in developing a memorial grove of trees.

Section 2 designates the location in Lady Bird Johnson Park subject to the approval of the Secretary of the Interior, the National Capital Planning Commission and the Commission of Fine Arts.

Section 3 provides that unless funds in the amount that the Secretary of the Interior determines are sufficient to insure completion are available and the memorial begun within 10 years from the date of the enactment of this resolution, the authorization granted by this resolution shall lapse. It specifically states that the United States shall be put to no expense in or by the development of the memorial.

I urge the speedy passage of this resolution so that the work of the Committee for the Lyndon Baines Johnson Memorial Grove on the Potomac can proceed to make it a reality.

Mr. BLATNIK. Mr. Speaker, it is a privilege for me to rise today in support of House Joint Resolution 858 which would establish a memorial in the form of a grove of trees for the late Lyndon Baines Johnson, the 36th President of the United States.

The details of this resolution will be explained ably by the chairman of the Subcommittee on Public Buildings and Grounds, Mr. KENNETH J. GRAY, who has done his usual fine job in considering this legislation in the subcommittee which he chairs.

I would make one point to the Members of this body—no memorial to the late President exists in the Nation's Capital.

It was my privilege to know Mr. Johnson during his service in the Congress of the United States and, of course, to work with him as President. One of his great interests was conservation and urban beautification, as evidenced by his strong support of the Highway Beautification Act of 1965.

It is certainly fitting then that a grove of living trees in a park named in honor of his wonderful wife, Ladybird Johnson, should be a memorial in the Nation's Capital for President Johnson.

This legislation has the strong support of Mrs. Johnson and was reported unanimously by the Committee on Public Works, and I am privileged, as I said earlier, to rise and ask every Member of this House to vote for this resolution.

The SPEAKER. The question is on the motion offered by the gentleman from Minnesota (Mr. BLATNIK) that the House suspend the rules and pass the joint resolution (H.J. Res. 858).

The question was taken; and (two-thirds having voted in favor thereof) the

* Reorganization proposals initiated by the Executive branch become law unless they are specifically overruled by Congress (5 U.S.C. 901 *et seq.*).

rules were suspended and the joint resolution was passed.

A motion to reconsider was laid on the table.

CUSTOMS AND IMMIGRATION BORDER FACILITIES

Mr. BLATNIK. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 10044) to increase the amount authorized to be expended to provide facilities along the border for the enforcement of the customs and immigration laws.

The Clerk read as follows:

H.R. 10044

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to provide better facilities for the enforcement of the customs and immigration laws", approved June 26, 1930, as amended (19 U.S.C. 68), is further amended by striking out "$100,000" and inserting in lieu thereof "$200,000".

The SPEAKER. Is a second demanded?

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

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

There was no objection.

Mr. BLATNIK. Mr. Speaker, H.R. 10044 is legislation recommended by the Secretary of the Treasury to allow the Secretary of the Treasury and the Attorney General greater flexibility in constructing adequate facilities to meet the needs of our Mexican and Canadian borders.

Mr. Speaker, I yield to the distinguished chairman of the subcommittee, the gentleman from Illinois (Mr. GRAY).

Mr. GRAY. Mr. Speaker, I thank our distinguished chairman for yielding to me. He has been extremely helpful on this legislation and all other proposals out of our committee.

Mr. Speaker, the necessity for this legislation was occasioned by request of the Department of the Treasury concerning the need for improved remote border stations on the borders of Mexico and Canada.

Mr. Speaker, the statutory limitation now is $100,000 maximum for the construction of any one border station. The traffic across these two borders has increased 43 percent since 1962, which is the last time the Congress addressed itself to meeting this need.

This is a very simple bill. It merely increases the amount from $100,000 maximum to $200,000 per station. If the Members want to read the report it shows that no money will be expended next year, but between now and fiscal 1978 they expect a modest expenditure of $140,000 to $150,000 for the entire program each year.

Putting it very simply, they cannot build any additional stations with the present statutory limitation of $100,000. It is an administration request and we thought it was reasonable. They made a good case before the committee, and I urge that the bill be approved.

Mr. HARSHA. Mr. Speaker, I rise in support of H.R. 10044, a bill to increase from $100,000 to $200,000 the existing limitation on the amount of funds that may be expended to provide for facilities for the enforcement of the customs and immigration laws along our land borders. This bill amends the original act of 1930, as amended in 1962, providing for these special purpose facilities. The activities under this act include the acquisition of land, the construction of buildings, sheds, office quarters, and living facilities which are otherwise unavailable.

The proposed new ceiling of $200,000 is needed to meet the increasing costs of site acquisition and construction. Border facilities are usually erected in remote areas, and the costs are influenced by the unusually great distances that men and material must be transported to the job site. Extreme weather conditions add further cost requirements for Canadian border facilities due to the short construction time of a limited summer season.

Since 1962, when this act was last amended, traffic crossing into the United States at our land borders has increased by 43 percent. Furthermore, the increased flow of narcotics and dangerous drugs into the United States necessitates more facilities for the enforcement efforts of our customs officials.

This bill does not authorize additional facilities—that is a matter to be determined by the Attorney General and the Secretary of the Treasury. The bill before the House today merely allows greater flexibility to adequately meet the increased costs of our border facilities' needs.

I urge its enactment.

Mr. BLATNIK. Mr. Speaker, H.R. 10044, which is legislation recommended by the Secretary of the Treasury, allows the Secretary of the Treasury and the Attorney General greater flexibility in constructing adequate facilities to meet the needs of patrolling our Mexican and Canadian borders.

The present customs program for building new facilities and expanding existing facilities must be continued and accelerated if the Customs Service is to continue to efficiently and effectively fulfill its mission of revenue collection and the prevention of smuggling, while at the same time expediting the flow of border traffic. Since 1962, traffic crossing into the United States at the Mexican and Canadian borders has increased by 43 percent. Additionally, the priority antinarcotic program has resulted in intensified enforcement efforts. Facilities to meet the demands of these efforts are necessary; when facilities are inadequate enforcement of customs and revenue laws may be prejudiced.

To maintain proper control of our borders and to give to those who have been given the duty to see that our borders are safely protected this legislation is needed. I urge its passage.

The SPEAKER. The question is on the motion offered by the gentleman from Minnesota (Mr. BLATNIK) that the House suspend the rules and pass the bill H.R. 10044.

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

A motion to reconsider was laid upon the table.

NATIONAL VISITOR CENTER

Mr. BLATNIK. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 11763) to amend the National Visitor Center Facilities Act of 1968, as amended, to facilitate the construction of an intercity bus terminal, and for other purposes.

The Clerk read as follows:

H.R. 11763

Be it enacted by the Seante and House of Representatives of the United States of America in Congress assembled, That section 102(a)(4) of the National Visitor Center Facilities Act of 1968 (82 Stat. 43), as amended, is amended by replacing the semicolon after the phrase "paragraph (3)" with a comma and inserting thereafter the following: "and further, the Secretary is authorized to lease space within the proposed parking facility to provide for the construction of an intercity bus terminal in addition to the new railroad passenger terminal: *Provided,* That any such lease or leases shall be to such parties and upon such terms and conditions as the Secretary deems appropriate, including such rental rates and terms as shall reflect the economic value of the leased premises, and the cost of private improvements to be constructed therein;".

SEC. 2. The National Visitor Center Facilities Act of 1968 (82 Stat. 43), as amended, is amended by revising section 102(a)(3) to delete the phrase, "to accommodate as nearly as possible four thousand motor vehicles", and to substitute for it: "for adequate circulation, to accommodate charter buses, automobiles, and interpretive visitor transportation, as appropriate".

The SPEAKER. Is a second demanded?

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

PARLIAMENTARY INQUIRY

Mr. GROSS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GROSS. Mr. Speaker, is the gentleman opposed to the bill?

The SPEAKER. Is the gentleman from Ohio opposed to the bill?

Mr. HARSHA. Mr. Speaker, I am not.

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

The SPEAKER. Is the gentleman from Iowa opposed to the bill?

Mr. GROSS. Mr. Speaker, the gentleman from Iowa is opposed.

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

There was no objection.

The SPEAKER. The gentleman from Minnesota (Mr. BLATNIK) will be recognized for 20 minutes, and the gentleman from Iowa (Mr. GROSS) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. BLATNIK. Mr. Speaker, as the title of H.R. 11763 clearly states, it merely amends the National Visitor Center Facilities Act of 1968 to make possible the construction of an intercity bus terminal.

Mr. Speaker, I now yield to the distinguished Chairman of the Subcommittee, the gentleman from Illinois (Mr. GRAY).

Mr. GRAY. Mr. Speaker, once again I thank our distinguished and very able Chairman for yielding to me to explain this bill.

Mr. Speaker, this is a simple bill allowing the Secretary of the Interior to enter into agreements with the bus companies located in Washington to construct their own terminal facilities adjacent to the National Visitors Center at Union Station.

Once again, I would like to have the pleasure of calling to the attention of our friend from Iowa and other Members of this body that this bill will not cost the taxpayers 1 cent. To the contrary, it will be a revenue generator.

Very briefly, in 1968 Congress passed a Visitors Center Act that will require the renovation of Union Station and the construction of a parking facility immediately behind Union Station over the tracks. We now find that we have extra air space under the jurisdiction of the Secretary of the Interior. We want to bring all modes of travel together regardless of whether a constituent or a visitor comes in by train, or by air or by subway from downtown hotels or by motor vehicle.

We want all modes of travel to come together at one place for convenience.

The Greyhound and the Trailways bus companies are now located down at about 11th and New York Avenue. They want, with their own money, to build behind Union Station a bus terminal so they can be with the other modes of travel, Amtrak, the railroads, and others.

The Secretary of the Interior now will be paying $3.5 million a year for the leasing of the facilities now known as Union Station. We have over a million square feet of air space behind those tracks.

All this bill does is to allow the Secretary of Interior to lease some of that air space to the bus companies so that they can put in their own facilities.

I want to repeat, Mr. Speaker, that there is no authorization in here, now or any time in the future, to use taxpayers' funds to build a bus terminal at Union Station. To the contrary, we will recoup from the presently leased air space moneys from the bus companies.

I would hope this bill will pass unanimously.

Mr. Speaker, while I have the floor, I do want to announce the latest information on the Visitors Center plan. We have had agonizing delays in getting the construction of the Visitors Center started, but hopefully next week the contract will be signed, and we will be starting construction on a 1,200-car parking garage over the tracks immediately behind Union Station, and we will now be able to tie in the buses by this legislation, and hopefully very soon Amtrak and the railroads will get together under what we call an intermodal system immediately behind the bus station, so we will, in fact, have all modes of travel here within two blocks of the Capitol.

Incidentally, 70 percent of the people come here by automobile. They will be able to get out of their cars, come out of the subways, or they will get off the buses or trains and we will have scheduled minibuses and full sized buses to take the visitors to all points in and around Washington.

Any time we fill up a bus load of people under these conditions, we will be getting rid of about 30 vehicles off the streets.

Incidentally, during the summertime and in the spring around cherry blossom time in April, to Labor Day, we have an average of 50,000 vehicles on the streets of Washington. So I think we can see the wisdom of trying to get public transportation together in one spot and getting people out of their automobiles and into large accommodating buses.

This will not cost any money to the taxpayers, and it will generate revenue for the Treasury plus hopefully allow more parking facilities built with private capital.

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

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

Mr. SCHERLE. Mr. Speaker, can the gentleman announce to us what money the Department of the Interior anticipates using to develop this kind of a lease arrangement that the gentleman has been explaining for the House?

Mr. GRAY. Mr. Speaker, let me say to my friend, the gentleman from Iowa, that we presently have $16 million of railroad money under the original Visitors Center Act that they are borrowing from the banks and we have $8.6 million that was appropriated by this Congress this year, making a total of $24.6 million available for the National Visitors Center.

Because of inflation and other factors, costs have risen, and we now anticipate signing a contract next week for a 1,200-car parking garage, for automobiles only. The remainder of that $24 million will go into the renovation of the station.

So not one dime of the presently authorized or appropriated funds will go to carry out the provision of this act.

Now, to answer the gentleman's question directly, we have a lot of air space over the tracks at Union Station that is now under lease from the railroads for the $3.5 million-a-year annual lease payment. Whatever we have left over from the 1,200-car parking garage will be available for other uses, and this is one of those other uses.

We will charge the bus companies for whatever space they use. All this bill does is allow the Secretary to enter into an agreement and charge such rates as he deems advisable depending on the square footage that he has available to lease to the bus company.

Mr. SCHERLE. The same type of explanation was made with respect to the cultural center. They were supposed to be arranged on a first-come-first-paying basis, although they never paid their way and we ended up paying for the whole thing.

Mr. GRAY. My dear friend from Iowa is in error. This Congress authorized the selling of bonds for parking facilities at the Kennedy Center. We are not authorizing anything here except authorizing the Secretary to collect some money, and spend it.

Let me give an example. Let us say that I am in the automobile business and I have a competitor who is in the same business and someone wants to buy a car. If I do not sell the car to him my competitor will. If we do not lease space to the bus companies the railroads will, they have 300 more acres just behind the station.

Mr. SCHERLE. My only argument is I wonder if the gentleman from Illinois can tell the House how many projects in Washington were not supposed to cost the taxpayers a penny but in the end they did cost them a great deal of money.

Mr. GRAY. The gentleman from Iowa knows that we tried to put this project through in the original legislation in 1968 without using any taxpayer funds. We said let private enterprise do it. We have wound up getting the American and foreign visitor less parking facilities and everything else, because the Penn Central went into bankruptcy. All these things are certainly not the fault of Congress.

All I am saying here is under this bill under no circumstances can it possibly cost the taxpayers any money. On the contrary, it will bring in money. I am trying to reverse the process here, and turn it around, we should all be for that.

Mr. SCHERLE. Just as we did in the Kennedy Cultural Center and the Kennedy Stadium. This could very well be another one in that long line of projects, and it is being explained away just as the others have been explained.

Mr. GRAY. I know it is very late and we want to vote on this legislation, but I will reply to the gentleman that this bill does not give authority either for selling bonds or for making appropriations. This bill does not contain that authority.

Mr. SCHERLE. It does not take very long to change that legislation to the point where you can sell bonds.

Mr. GRAY. We already have the air space so this is just a question of utilizing space already owned. It is a question of whether we want to pay rent on air space we do not need or whether we want to recoup some money on it. That is the only question involved here.

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

Mr. Speaker, the promoters of this latest white elephant in the Nation's Capital have had to admit that the grandiose promises they tossed around so glibly in 1967 were little more than hot air. They have discovered that the alleged and much-advertised 4,000 parking spaces for visitors will cost so

much money that no one in his right mind will pay for them. Last year they reduced the number of parking spaces from 4,000 to 2,500. Next the Department of the Interior reduced that to 1,850 at a cost of $16 million. Now the Department says that the $16 million will "buy only 250 to 800 parking spaces."

What to do? Well, the old sleight of hand trick, this time employing the guise of promoting clean air. Because of the "national commitment" for clean air the sponsors now say they must not have all those cars parked at the so-called visitors center—they do not want to encourage cars. In 1967 and up to the present time they were encouraging all the automobiles they could get, because the revenue from parking was supposed to pay for this deal.

Now they say they want to encourage mass transit, so lo and behold, they propose to build a bus terminal instead of a parking garage.

The gentleman from Illinois (Mr. GRAY) on November 27, 1967, said:

The Washington Terminal Company, owned 50 percent each by the Pennsylvania Railroad and the Baltimore & Ohio Railroad, has agreed to spend approximately $19.5 million of their own money for this work. They will . . . construct a 4000-car parking garage . . . at a cost not to exceed $11 million.

Continuing, he said:

I believe that if anyone is fearful we are building a "white elephant" here, which will not be used, all he needs to do is look at the National Park Service statistics, which show that right now we need 13,00 parking spaces.

Going on, he said:

The revenues, certainly, from parking alone should be around $2 million a year.

And again he said:

We are talking about zero expenditures on the part of the Federal Government.

Mr. GRAY. Mr. Speaker, will the gentleman yield at that point?

Mr. GROSS. I will yield to the gentleman in just a minute or two.

I do not know how these bankrupt railroads are going to pay for this boondoggle. Perhaps the gentleman from Illinois knows.

Then we come down to November 14, 1973, that was only about a month ago, and I read from a local newspaper:

Interior Department officials touched off a Congressional furor yesterday by suggesting that all but 250 to 800 of the 4000 parking spaces planned for the National Visitor Center at Union Station be eliminated because of soaring costs.

Members of the Senate Public Buildings Subcommittee, hearing the proposal and the price tag of up to $16 million for the reduced number of spaces, appeared incredulous.

"There is a real question of who is going to come there (to the center) if there is no place to park," Senator Dick Clark (D-Iowa), the subcommittee chairman, declared during a subcommittee hearing on the center.

"It's preposterous!" exclaimed Rep. Kenneth J. Gray (D-Ill.), the original sponsor of the Visitor Center authorization bill in 1968, when he heard of the Senate testimony.

Gray, chairman of the House Public Buildings Subcommittee, said he will move to revoke the Visitor Center authorization, unless at least 1500 to 2000 parking spaces are retained.

"My credibility in the House is at stake," Gray said, "Let's face it, 70 percent of the visitors to Washington will be coming by bus or automobile. What they (the Interior officials) are proposing is a pittance."

Now, where are we with this Visitor Center or is it bus terminal? It seems to me it is an awfully good time to say no to this whole business, and start over again, or just let it die right where it is. Because I can see, and I think every Member of this House can see, that without the revenue to pay the commitment the taxpayers throughout the country are going to be stuck for this bill to the tune of millions of dollars.

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

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

Mr. GRAY. Mr. Speaker, I thank my friend, the gentleman from Iowa, for yielding. I am glad the gentleman took the well, because the gentleman has served a very useful purpose. As I said a moment ago, we have agonized for years in trying to provide the 205 million people of this country and millions of foreign visitors with a Nation's Capital that would welcome them here, give them a hot meal, and give them valuable information on how to see the city and learn about our free democratic government.

And when I found out that the Department of the Interior had proposed to eliminate the parking, the gentleman from Iowa is correct, I said I will not sit here and see the available money spent on the Union Station with no parking.

I am happy to tell the gentleman that after meeting with all parties involved, including the Assistant Secretary of the Interior, Jim Clark, White House representatives, and all others involved. We have the parking back up to 1,200 spaces for passenger vehicles, and with this bill we will have room for several hundred buses, so we are back up to the 1,700 or so parking places that the gentleman from Illinois talked about in that statement the gentleman from Iowa just quoted.

Mr. GROSS. Just a minute. 1,700? The gentleman from Illinois talked about 4,000 and sold the House on 4,000 parking spaces.

Mr. GRAY. The gentleman from Iowa is absolutely correct.

Mr. GROSS. Then later, 1,300, and now 1,700.

Mr. GRAY. Will the gentleman yield further?

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

Mr. GRAY. I thank the gentleman for yielding.

The gentleman is absolutely correct. As I said, we can appropriate money for every foreign country, but when we try to do something for the taxpayer, we "poor boy" the project. We started out without a dime of Federal taxpayer money to provide a needed public facility. What happened? We engaged a lousy architect, and while he fiddled with the plans for advertisement for bids, the Penn Central went into bankruptcy, so they could not raise the money.

I want the record to show that with the hundreds of meetings our committee and I have had and with the years of agonizing and waiting, not a dime of taxpayers' money has been spent on Union Station to this date, so we have not been out anything. We are still striving to do something and believe me we will do something soon.

Mr. GROSS. Not a dime of the taxpayers' money supposed to be involved in the building of District of Columbia Stadium either, but do not for 1 minute think that the taxpayers are not going to be asked one way or the other to pick up that $20 million bill. The Nation's taxpayers are already paying a substantial part of the interest on the $20 million.

Mr. GRAY. Would my friend, the gentleman from Iowa, yield further?

Mr. GROSS. I yield.

Mr. GRAY. The gentleman from Iowa knows that the District of Columbia stadium was a bond issue. This gentleman had nothing to do with that project. The gentleman who managed it is a very distinguished Federal judge in Arkansas. The gentleman can take that up with him. However, I believe we should be proud of R. F. K. Stadium. It would cost $100 million today.

Mr. GROSS. The distinguished judge of whom you speak, a former Member of this body, stood on the floor of the House and promised that project, as are people here today promising this project will not cost the taxpayers a dime. We are helping pay the interest on the $20 million of bonds on that stadium, and there is no way under the Sun that those bonds can be paid off unless the taxpayers of this country pay them off.

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

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

Mr. HALEY. I thank the gentleman for yielding.

Mr. Speaker, I have heard these propositions come before the Congress for a good many years: It is going to cost the taxpayers nothing. We have the Center for the Performing Arts down here that was not going to cost us anything. We have this stadium out here that has cost us a lot of money. We have this leasing arrangement over there that is going to cost a lot of money.

Mr. Speaker, I take this bill with a grain of salt because I know that every time we pass a bill here for the District of Columbia, eventually it is going to cost the taxpayers of the United States a lot of money. I hope that this bill will be defeated.

Mr. GROSS. I thank my friend from Florida for his comments.

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

Mr. GROSS. I yield to the gentleman.

Mr. GRAY. I thank the gentleman for yielding.

I probably have rambled here too long, Mr. Speaker, but I want to have this clearly understood. We already have a public law on the books passed in 1968, and we will be obligated to pay the railroads $3½ million per year for that facility for millions of annual visitors com-

ing to Washington. Here is where we are today. We do not need all of the space that we are going to pay for in the back of the train station building. This bill merely says, "Let us permit the bus companies to build their own terminal and pay us rent," so we are trying here to be a lessor to a lessee and collect some money for the taxpayers. Who would not want to do that?

These collateral issues that are being talked about, the R. F. K. Stadium and the Kennedy Center, have absolutely nothing to do with what is before us now. We have already committed by agreement in 1968 to pay $3½ million a year on a turnkey job. The day the Center opens for the public, we start paying rent, and we will be paying for a lot of airspace we do not need if this bill is not passed.

All this bill says is, Let us rent that space and make some money on it. What is wrong with that?

Mr. GROSS. The gentleman is really flexible. He changed his mind from 13,000 to 4,000, parking spaces and now down to about 1,000. Is that the gentleman's figure?

Mr. GRAY. The gentleman from Illinois never changed his mind. The project has been guided by inflation and costs. In 1968 we could built 4,000 spaces for the money available. To day we can only get 1,200. Does the gentleman realize that construction costs are going up by 12 to 15 percent a year? Five years at 12 percent is 60 percent. We have lost to inflation. It is not the fault of the gentleman from Illinois, and it is not the fault of any of the Members who voted for the visitors center bill or the Secretary of the Interior.

Mr. GROSS. How is the gentleman going to accommodate all of these people if he converts it into a bus terminal without adequate parking spaces? If he needed 4,000 parking spaces or 13,000 parking spaces 4 or 5 years ago, he still needs them now; does he not?

Mr. GRAY. Will the gentleman yield further?

Mr. GROSS. Yes, I yield.

Mr. GRAY. It is like getting old. The only alternative to old age is death. We are having 50,000 cars a day coming here now. The alternative is do we want to provide car parking and some spaces for the buses or no parking at all because we cannot stand out here with a policeman and say to motorists that they must not come in with their cars or have someone out on the highways to say they must not come in with their buses.

The gentleman from Illinois and other Members of Congress and the Department of the Interior are trying to provide places for the people to park. It is that simple.

Mr. GROSS. Did the gentleman say something about foreign aid and not having money for the people in this country?

Mr. GRAY. The gentleman did.

Mr. GROSS. The gentleman votes for foreign aid all the time.

Mr. GRAY. There was a bill the other day to cut aid to Cambodia by $100 million and I voted "aye" to cut it so we could provide needed help at home.

Mr. GROSS. How about the granddaddy of them all, the $5 to $6 billion annual foreign aid bill. Has the gentleman been supporting that?

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

Mr. GROSS. I yield to the gentleman from Iowa (Mr. SCHERLE).

Mr. SCHERLE. Mr. Speaker, did I hear my colleague, the gentleman from Iowa, saying we are paying the railroads $3.5 million?

Mr. GRAY. We will when the facilities are ready.

Mr. SCHERLE. Who is "we"?

Mr. GRAY. The National Park Service.

Mr. SCHERLE. Where will they get the money?

Mr. GRAY. When we get this facility open, we will get all the revenues from the sales of goods and other services and parking fees. Otherwise it comes through the direct appropriation process. I am sure with more than 25 million people coming here each year we will have a lot of revenue coming from tourists who are now spending more than $800 million each year in Washington. By making their stay enjoyable and convenient that amount should double. So the $3½ million rent is small, indeed, compared to the benefits.

Mr. GROSS. But you have said there must be at least 4,000 parking spaces to even come close to balancing the budget. Now the gentleman is talking about some 1,000 parking spaces. He is getting more flexible from moment to moment.

Mr. SCHERLE. We had the same arrangement with Bob Short when we had the Washington Senators as far as concessions and when he took off and went to Dallas he was still paid $65,000 and he was not even in the vicinity.

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

Mr. GROSS. I yield to the gentleman.

Mr. HARSHA. Mr. Speaker, the main issue on this legislation has been clouded by a number of side issues. I would think the gentleman would be extremely happy by this legislation, because by his own admission with the cutback in the parking spaces we save money.

Mr. GROSS. It does not save money.

Mr. HARSHA. It certainly does.

Mr. GROSS. Because if you do not pay off what you have contracted for it all comes back to the taxpayers. The gentleman is not so naive as to think that the taxpayers all across the country will escape getting hooked on this deal if parking revenues are insufficient.

Mr. HARSHA. Certainly the gentleman is not naive, but the bill provides for another method of obtaining revenue, by authorizing the Secretary to lease. When they enter into a lease that has to be paid for.

Mr. GROSS. By the taxpayers, and the gentleman will probably have to pay the bus companies to come over there or give them a sweetheart contract.

Mr. HARSHA. That is ridiculous.

Does the gentleman yield further?

Mr. GRAY. Mr. Speaker, I yield to my distinguished friend, the gentleman from Ohio.

Mr. HARSHA. Mr. Speaker, I want to invite to the attention of the House the language of the bill where it says:

> The Secretary is authorized to lease space within the proposed parking facility to provide for the construction of an intercity bus terminal in addition to the new railroad passenger terminal: *Provided*, That any such lease or leases shall be to such parties and upon such terms and conditions as the Secretary deems appropriate, including such rental rates and terms as shall reflect the economic value of the leased premises, and the cost of private improvements to be constructed therein.

There is to be no expenditure of Federal money on this particular piece of legislation. Quite the contrary, the Federal Government is to realize some revenue. The Department of the Interior, the administration sent the bill up here and they requested it. It will cost the Federal Government nothing.

I urge adoption of the legislation.

Mr. BLATNIK. Mr. Speaker, the purpose of H.R. 11763 is to amend the National Visitor Center Facilities Act of 1968 to facilitate the construction of an intercity bus terminal.

The National Visitor Center authorized by the Public Works Committee some years ago is necessary to provide for those hundreds of thousands who visit Washington every year a place to receive information about our Nation's Capital where to go and what to see. They come here by many forms of transportation, plane, bus, car, among others. As an adjunct to the visitor center there is planned a railway station. Within that railway station it seems to us that there is a need to provide a form of a bus terminal as the use of buses is increasing and will continue to increase in years to come. This legislation then is an essential part of what will become intermodal transportation center working in conjunction with the visitor center.

I urge its support.

The SPEAKER. The question is on the motion offered by the gentleman from Minnesota (Mr. BLATNIK) that the House suspend the rules and pass the bill H.R. 11763.

The question was taken.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum 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 356, nays 18, not voting 58, as follows:

[Roll No. 702]

YEAS—356

Abdnor	Baker	Brinkley
Abzug	Beard	Brooks
Adams	Bell	Brotzman
Addabbo	Bennett	Brown, Calif.
Anderson, Calif.	Bergland	Brown, Mich.
	Bevill	Brown, Ohio
Anderson, Ill.	Biaggi	Broyhill, N.C.
Andrews, N.C.	Bingham	Burgener
Andrews, N. Dak.	Blackburn	Burke, Fla.
	Blatnik	Burke, Mass.
Annunzio	Boggs	Burleson, Tex.
Archer	Boland	Burlison, Mo.
Arends	Bowen	Butler
Armstrong	Brademas	Byron
Ashley	Brasco	Camp
Badillo	Bray	Carney, Ohio
Bafalis	Breaux	Casey, Tex.

Cederberg	Hogan	Randall
Chamberlain	Holifield	Rangel
Chappell	Holt	Rees
Chisholm	Holtzman	Regula
Clancy	Horton	Reuss
Clark	Hosmer	Rhodes
Clausen, Don H.	Howard	Riegle
	Hungate	Rinaldo
Clawson, Del	Hunt	Roberts
Cleveland	Hutchinson	Robinson, Va.
Cochran	Ichord	Robison, N.Y.
Cohen	Jarman	Rodino
Collier	Johnson, Calif.	Roe
Collins, Ill.	Johnson, Colo.	Rogers
Conable	Johnson, Pa.	Roncallo, Wyo.
Conte	Jones, N.C.	Roncallo, N.Y.
Corman	Jones, Okla.	Rooney, Pa.
Cotter	Jones, Tenn.	Rosenthal
Coughlin	Jordan	Rostenkowski
Crane	Kastenmeier	Roush
Cronin	Kazen	Rousselot
Culver	Keating	Roy
Daniel, Dan	Kemp	Roybal
Daniel, Robert W., Jr.	Kluczynski	Ruppe
	Koch	Ruth
Daniels, Dominick V.	Kuykendall	St Germain
	Kyros	Sandman
Danielson	Leggett	Sarasin
Davis, Ga.	Lehman	Sarbanes
Davis, S.C.	Lent	Satterfield
Davis, Wis.	Litton	Schneebeli
de la Garza	Long, La.	Sebelius
Dellenback	Long, Md.	Seiberling
Dellums	Lott	Shipley
Denholm	Lujan	Shoup
Derwinski	McClory	Shriver
Devine	McCloskey	Shuster
Dickinson	McCollister	Sikes
Diggs	McCormack	Sisk
Dingell	McDade	Skubitz
Donohue	McEwen	Slack
Dorn	McFall	Smith, Iowa
Downing	McKay	Smith, N.Y.
Drinan	McKinney	Snyder
Dulski	McSpadden	Spence
Duncan	Macdonald	Staggers
du Pont	Madden	Stanton,
Eckhardt	Madigan	J. William
Edwards, Ala.	Mahon	Stanton,
Edwards, Calif.	Mallary	James V.
Eilberg	Mann	Stark
Erlenborn	Maraziti	Steed
Esch	Martin, N.C.	Steele
Eshleman	Mathias, Calif.	Steelman
Evans, Colo.	Mathis, Ga.	Steiger, Ariz.
Evins, Tenn.	Matsunaga	Stephens
Fascell	Mayne	Stokes
Findley	Mazzoli	Stratton
Fish	Meeds	Stubblefield
Fisher	Melcher	Stuckey
Flood	Metcalfe	Studds
Flowers	Mezvinsky	Sullivan
Foley	Milford	Symington
Ford, William D.	Miller	Talcott
	Minish	Taylor, N.C.
Forsythe	Mink	Teague, Calif.
Fountain	Minshall, Ohio	Teague, Tex.
Fraser	Mitchell, N.Y.	Thompson, N.J.
Frenzel	Mizell	Thomson, Wis.
Frey	Moakley	Thone
Froehlich	Mollohan	Tiernan
Fulton	Montgomery	Towell, Nev.
Fuqua	Moorhead, Calif.	Treen
Gaydos		Udall
Gettys	Moorhead, Pa.	Vanik
Giaimo	Morgan	Vigorito
Gibbons	Moss	Waggonner
Ginn	Myers	Waldie
Goldwater	Natcher	Wampler
Gonzalez	Nedzi	Ware
Goodling	Nelsen	Whalen
Grasso	Nichols	White
Gray	Nix	Whitehurst
Green, Oreg.	Obey	Whitten
Green, Pa.	O'Brien	Widnall
Grover	O'Hara	Wilson, Bob
Gude	O'Neill	Wilson, Charles H., Calif.
Gunter	Owens	
Guyer	Parris	
Hamilton	Passman	Wilson, Charles, Tex.
Hammer-schmidt	Patman	
	Patten	Winn
Hanley	Pepper	Wolff
Hanrahan	Perkins	Wright
Hansen, Idaho	Peyser	Wydler
Harsha	Pickle	Wylie
Hastings	Pike	Wyman
Hawkins	Poage	Yates
Hays	Podell	Yatron
Hechler, W. Va.	Powell, Ohio	Young, Alaska
Heckler, Mass.	Preyer	Young, Fla.
Heinz	Price, Ill.	Young, S.C.
Helstoski	Pritchard	Young, Tex.
Henderson	Quie	Zablocki
Hicks	Quillen	Zion
Hinshaw	Railsback	Zwach

NAYS—18

Bauman	Gilman	Latta
Carter	Gross	Rarick
Collins, Tex.	Haley	Runnels
Conlan	Huber	Scherle
Dennis	Ketchum	Schroeder
Flynt	Landgrebe	Symms

NOT VOTING—58

Alexander	Hanna	Price, Tex.
Ashbrook	Hansen, Wash.	Reid
Aspin	Harrington	Rooney, N.Y.
Barrett	Harvey	Rose
Biester	Hébert	Ryan
Bolling	Hillis	Steiger, Wis.
Breckinridge	Hudnut	Taylor, Mo.
Broomfield	Jones, Ala.	Thornton
Broyhill, Va.	Karth	Ullman
Buchanan	King	Van Deerlin
Burke, Calif.	Landrum	Vander Jagt
Burton	Mailliard	Veysey
Carey, N.Y.	Martin, Nebr.	Walsh
Clay	Michel	Wiggins
Conyers	Mills, Ark.	Williams
Delaney	Mitchell, Md.	Wyatt
Dent	Mosher	Young, Ga.
Frelinghuysen	Murphy, Ill.	Young, Ill.
Griffiths	Murphy, N.Y.	
Gubser	Pettis	

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The Clerk announced the following pairs:

Mr. Rooney of New York with Mr. Harvey.
Mr. Hébert with Mr. Wiggins.
Mrs. Burke of California with Mr. Mosher.
Mr. Burton with Mr. Ashbrook.
Mr. Alexander with Mr. Martin of Nebraska.
Mr. Reid with Mr. Biester.
Mr. Young of Georgia with Mr. Young of Illinois.
Mr. Murphy of New York with Mr. Broomfield.
Mr. Dent with Mr. Hillis.
Mr. Delaney with Mr. Clay.
Mr. Mitchell of Maryland with Mr. Ryan.
Mr. Murphy of New York with Mr. Pettis.
Mr. Jones of Alabama with Mr. Broyhill of Virginia.
Mr. Karth with Mr. Hudnut.
Mr. Harrington with Mr. Conyers.
Mrs. Hansen of Washington with Mr. King.
Mr. Barrett with Mr. Mailliard.
Mr. Carey of New York with Mr. Buchanan.
Mrs. Griffiths with Mr. Michel.
Mr. Hanna with Mr. Frelinghuysen.
Mr. Landrum with Mr. Price of Texas.
Mr. Mills of Arkansas with Mr. Gubser.
Mr. Rose with Mr. Steiger of Wisconsin.
Mr. Thornton with Mr. Taylor of Missouri.
Mr. Ullman with Mr. Vander Jagt.
Mr. Van Deerlin with Mr. Walsh.
Mr. Aspin with Mr. Williams.
Mr. Breckinridge 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. GRAY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the three last bills passed.

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

There was no objection.

PERSONAL STATEMENT

Mr. MARTIN of North Carolina. Mr. Speaker, yesterday during the consideration of S. 1435, the District of Columbia self-government conference report, I was unable to return from my district because of travel difficulties. Had I been here, on rollcall 692, on the motion to recommit, I would have voted "nay" and on rollcall No. 693, the vote on final passage, I would have voted "yea."

THE RICHMOND SMALL BUSINESS ADMINISTRATION OFFICE AND THE VIRGINIA DELEGATION

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

Mr. ROUSSELOT. Mr. Speaker, Mr. Thomas Regan, very recently Deputy Administrator of the Small Business Administration in Richmond, Va., has been the subject of extensive inquiry by the Small Business Administration Subcommittee of the Committee on Banking and Currency of which I am a member. Mr. Thomas S. Kleppe, Administrator of the Small Business Administration has been quoted in several newspapers to the effect that all of Virginia's congressional delegation had contacted him to retain Mr. Regan in his job. In examination before the subcommittee on December 11, Mr. Kleppe made it clear that those members of the Virginia delegation who were new to the Congress in 1973, specifically, Congressmen STANFORD E. PARRIS, ROBERT W. DANIEL, JR., and Mr. CALDWELL BUTLER, had not made such inquiries. Mr. Kleppe also made it abundantly clear that the contacts he received from the Virginia congressional delegation were no more than routine inquiries, and involved no improper political pressure. The foregoing will appear in the following excerpts from Mr. Kleppe's testimony:

Mr. ROUSSELOT. In many articles that have appeared primarily in the Virginia newspapers, in recent weeks, and in the Washington Post and the Washington Star, the implications have been that the "Virginia Delegation" at given times put substantial pressure on you along with so-called bankers and people from the financial community on behalf of Mr. Regan.

And maybe you have already described it for us somewhat, but could you provide for the record those that actually did either call or write, and what was the nature of their requests. Was it pressure to demand that Mr. Regan stay? What was the nature of the inquiries or the letters or whatever as a general statement?

Mr. KLEPPE. I would be very glad to comment on that, John, because I did receive letters from—I thought I had the names right here, but I do not. Three or four members of the Virginia Delegation. Of course, that precludes the new members, because they were not in at the time this took place, and I know some of the new members were concerned that they were included in that statement, and such is not the case.

Mr. ROUSSELOT. So those elected in 1972 would in no way be included?

Mr. KLEPPE. That is correct. And as I have testified before, and as I would say again, all of the contracts that are received by telephone or by letter, when I explained to them what the decision was regarding the 90-day period in Philadelphia and the plan to send him back to Richmond if everything gets cleaned up and corrected, and that was the recommendation. We were going to go through with it.

I do not recall of one follow-up contract that could be interpreted as a political contact what-so-ever regarding the Regan and the Richmond situation.

Mr. ROUSSELOT. Were they both Democrats and Republicans?

Mr. KLEPPE. Yes.

Mr. ROUSSELOT. So it was not just a Republican thrust?

Mr. KLEPPE. No, nor was it just a Democrat thrust. It was a non-partisan thrust.

Mr. ROUSSELOT. Now, did those who made inquiry or asked for consideration on behalf of Mr. Regan, did they personally call you and pressure you, or hound you, or was it just a normal letter or inquiry?

Mr. KLEPPE. I do not happen to interpret a telephone call from a John Rousselot or a Bob Stephens or Tom Gettys as a pressure telephone call. Maybe because it is because I had the privilege of serving with you fellows, but I think you are entitled to call me without me interpreting it as a pressure.

So I did hear from some of those people, but I hear from them on many things. I think that is the purpose of a Congressman. I think that is my job, to respond, to be sensitive where it fits with the problems that have to be decided.

And so, they were not pressures, John. They were contacts. They were calls. They were honest concerns about registering their feeling, their opinion about the situation at hand.

THE PENDING IMPEACHMENT INQUIRY

The SPEAKER pro tempore (Mr. MAZZOLI). Under a previous order of the House, the gentleman from Illinois (Mr. MCCLORY), is recognized for 60 minutes.

Mr. MCCLORY. Mr. Speaker, I have taken this special order to explain my own position with respect to the pending impeachment inquiry being undertaken by my House Judiciary Committee. A number of my Republican colleagues on the committee feel as I do that our position should be clarified to the end that we may know in what manner we are moving—to conduct and complete this inquiry for our own benefit and for the benefit of our constituents and the American people.

I should point out that we have for the most part supported an appropriation of $1 million for augmenting the Judiciary Committee staff for the specific purpose of this inquiry. We wart to emphasize that we are fully as interested, perhaps more interested, than our Democratic counterparts in a full, fair and expeditious conduct of this extraordinary action. Above all, in this connection we do not wish to be parties to any dilatory tactics nor do we want to utilize this inquiry for purposes of partisan political advantage or for gaining publicity for ourselves or anyone else.

While the precedents for such pending proceedings are very inconclusive there are several basic points that need to be established out of fairness to all members of the committee and, yes, for the benefit of our Government itself.

First, it should be definitely established that the inquiry is being conducted under the direction of the committee—a subcommittee—or a select committee of the House Judiciary Committee. It is not a satisfactory answer to me for the inquiry to be in the sole control of the chairman of the committee—or worse, in the control of a staff or possibly outside consultants or experts. For the committee to drift along and to await action and recommendations which might be developed by others over whom the committee has little or no control, would be a disservice to the prerogatives and responsibilities of this committee and would be fraught with danger to Congress and the Presidency as institutions. It has been brought out that such inquiries have been conducted by committees of the House Judiciary Committee numbering from 3 to 12 members. In some cases, the entire committee has acted where the question was whether or not such an inquiry should be initiated. However, there are no instances that have come to my attention where the inquiry was vested in the sole control of the chairman or was placed in the hands of a staff. Clearly, the committee must assume responsibility for conducting and carrying out the impeachment inquiry—and that should be preliminary to the staff investigation—not deferred until after the staff has acted.

Second, a timetable for the impeachment inquiry is both essential and equitable. While it may not be possible to fix a definite date for termination for the investigation which will be undertaken at this stage, it is clearly wrong not to establish some deadline for the inquiry to be concluded—or, at least for a report—even an interim report—to be made to the full committee. It smacks of partisan politics to refuse to consider a schedule for concluding the committee's work on the impeachment inquiry. After all, the inquiry is a preliminary step which has been described by the chairman as a proposed investigation of existing material which has been developed by other committees of the Congress and elsewhere. That kind of a job can be scheduled and a concluding date can be fixed without too great difficulty. While the chairman has described the inquiry as being conducted in stages, there is no indication when even the first stage will be completed. Apparently, one reason for this delay is the lack of a so-called special counsel. In a memorandum of November 13, 1973, the chairman stated that he hoped soon to "name a special counsel." A week ago the chairman stated that he expected to make the "appointment of a special counsel prior to Christmas." I understand now that the special counsel will be named on Thursday. I am pleased to have this advice even though it did not come from the chairman. However, I do not believe that the time consumed in selecting a special counsel should be an excuse for delaying the scheduling of the work of our committee. The timetable should be a committee decision—not a staff decision—and certainly not a decision which should be made by some as yet unnamed special counsel, which the committee would then be bound to adhere to.

Third, there should be an early determination as to the manner in which the inquiry is to be conducted. If the plan is to investigate existing materials as has been heretofore stated by the chairman, this issue could be determined promptly. Clearly in order to conduct an inquiry which can be both thorough and conclusive it would seem essential to review certain confidential evidence. This could only be done in executive sessions at which time witnesses and law-enforcement investigators and authorities might more freely produce evidence relative to the charges involved in the inquiry proceedings.

Mr. Speaker, while some may feel that there is benefit from indecision—delay—and the uncertainty which hangs over this Nation at this time, I am confident that it is the wish of you, Mr. Speaker, and the overwhelming majority of this House that the impeachment inquiry should be conducted expeditiously and on the basis of ground rules and procedures which may be freely discussed and readily agreed upon by the House Judiciary Committee acting as a whole.

To date, virtually nothing that I have discussed here today has been settled by the committee or by any agreement between the chairman and the ranking minority member—or in any other way.

Mr. Speaker, I would hope that the Judiciary Committee might meet tomorrow or Thursday in order to settle these issues before we return to our constituents during the Christmas recess. That is the purpose for the special order which I have taken today and in which I expect my Republican colleagues on the House Judiciary Committee now to contribute.

I now yield to the gentleman from New Jersey (Mr. MARAZITI).

Mr. MARAZITI. Mr. Speaker, as I understand it, the gentleman favors immediate inquiry for considering the seriousness of this matter and the welfare of the Nation; is that his position?

Mr. MCCLORY. Yes. I think we should set a definite deadline. We should establish procedures, and we should repose authority in some subcommittee or repose it in a select committee or repose it somewhere, so that we know who is in charge of this inquiry, that is, either the committee itself, or a subcommittee or select committee, and not repose responsibility in a staff.

Mr. MARAZITI. Mr. Speaker, I associate myself with the remarks of the gentleman, and I should like to go on to say that I see no reason whatever for delay.

The Committee on the Judiciary released the name of GERALD R. FORD on November 27, and there has not been any subject that has taken up any time of the Committee on the Judiciary. They have a staff through which they can gather whatever evidence is necessary. I cannot see why the committee could not institute its proceedings this week. I do not think it is necessary to attempt to gather any tremendous amount of information, because over 42 Congressmen have introduced impeachment resolutions in which they allege high crimes and misdemeanors.

I suggest that the first thing to do is to call upon these Congressmen to take the witness chair before the Committee

on the Judiciary and testify to the alleged high crimes and misdemeanors, because I cannot imagine any Congressman introducing these resolutions without having, as they believe, the necessary information.

Mr. McCLORY. I thank the gentleman. I am not certain as to what procedure might be followed, but at least we should establish the procedures which we will follow.

Mr. Speaker, I yield to the gentleman from New York (Mr. FISH).

Mr. FISH. Mr. Speaker, I thank the gentleman for yielding and compliment the gentleman for taking this special order. His statement has spelled out clearly the case for expeditious handling of the impeachment inquiry.

Our committee was charged by the Speaker to undertake an investigation into whether grounds for impeachment of the President exist. That was 7 weeks ago. Here we are, a few days from adjournment of the first session, and there will be a 4-week interval before the second session of the Congress reconvenes.

As the gentleman from Illinois has stated, many procedural matters have not been decided upon by the committee—not the least of which is the lack of supervision over the Judiciary Committee staff during the next 4 weeks.

Let us examine what has been done and what has not been done by our committee since October 23, when the resolutions of impeachment and resolutions of inquiry were referred to us. We were told that the files of numerous House and Senate committees that have investigated Watergate-related matters is available to us. We are advised that a committee staff of 31 is in the process of analyzing the files of these other committees and collating the material. Further, that experts will be assisting the committee in an advisory capacity.

After all this time has elapsed, however, the full committee has as yet to determine the full scope of the inquiry—yet to decide what constitutes an impeachable offense. I am unaware of any decision as to whether the full committee or a select committee of the Judiciary members will undertake the inquiry or oversee the staff work. No timetable has been set either for staff work or hearings.

I see no reason that a timetable cannot be set for the completion of the staff work and, certainly, the Congress should not adjourn this session and be absent for a full month without such a timetable. A reasonable time to complete the staff work would be 60 days with periodic reporting to members of the committee so that hearings may commence early in the second session.

Mr. Speaker, if we permit this inquiry to drift into the spring and summer, confidence in the processes of our Government will be further eroded. The closer we get to the 1974 election, and the further we get away from the events which generated this inquiry, the more likely whatever we do, will be described as partisan—a charge I am not making at this time. But I foresee that, no matter how professional our work is, how objective we attempt to be, it will not be credible if it is still underway in the fall of 1974.

The American people increasingly have been looking to the Congress for leadership. We have a responsibility that we cannot shirk. Our former minority leader, Vice President FORD, has publicly expressed support for the inquiry. In addition, we owe the President, in simple fairness, expeditious handling of this inquiry.

Mr. McCLORY. I thank the gentleman from New York for his contribution and I compliment the gentleman for his initiative in encouraging the special order which we are taking today.

I yield now to the gentleman from New Jersey (Mr. SANDMAN).

Mr. SANDMAN. I thank the gentleman from Illinois for yielding.

I take this opportunity to join in the remarks made by the gentleman from Illinois and the gentleman from New York. I believe in everything generally they said. Mr. Speaker, I would like to take this opportunity to join in the remarks made by the gentleman from Illinois (Mr. McCLORY). I believe it is in the best interest of the country that the charges made against the President of the United States be aired by the House Judiciary Committee and be disposed of, one way or another, at the earliest possible date.

The continual badgering of the President has made his awesome job increasingly difficult and, in my judgment, has had a profound effect upon the ability of this President, or any other President, to perform the duties of the Chief Executive in the best interest of the country.

I was one of the first to compliment the chairman of the House Judiciary Committee for his expeditious handling and his fairness pertaining to the confirmation of Vice President GERALD R. FORD only a few weeks ago. In all fairness, I cannot say that the inquiry into the alleged charges for impeachment against President Nixon have been handled likewise.

I am concerned about the continued drag of time with little or no accomplishments by the committee. Last week, the full Judiciary Committee met only one time. Nothing was accomplished at that meeting. Much to the surprise of the entire committee, the chairman announced that no business would be transacted at that meeting. Not a single vote was taken, not even a vote on our method of operation. Nothing worthwhile was resolved at all during the entire workweek.

We are now in the last week of the session prior to a month-long adjournment, and I find it increasingly difficult to believe that the chairman of the Judiciary Committee, who claims he is acting with dispatch, has again failed to call a single meeting of the full committee for this last week we are in session. This is absolutely incredible.

The Congress has appropriated $1 million for this inquiry. A large additional staff has already been hired. The chairman has stated that nothing can happen until the chief counsel has been appointed by himself and that he should be very careful in the selection of such counsel. I have no quarrel with this. However, this is no reason why the full committee should not agree upon a modus operandi.

Is this inquiry going to be conducted by a select committee of the Judiciary Committee? Is it going to be conducted by the full committee which is comprised of 38 members? Is it going to be conducted by the chairman alone? Or worst of all, is it going to be conducted by the General Counsel exclusively who has been elected by no one? These things must and should be resolved by the end of this week. I do not know of a single member of the Judiciary Committee who wants to go home without resolving these very important matters now.

If this is going to be a bipartisan investigation, then it seems to me that a small select committee must be appointed forthwith. The chairman, of course, should have the right to appoint the Members from his side of the aisle, and the ranking Republican should appoint the Members from the other side of the aisle. Such a committee should be responsible for conducting the investigation. That committee should direct the new staff and the General Counsel. Under no circumstances, should the General Counsel and/or the chairman of the committee run the entire affair exclusive of all other members.

We should agree now on the authority of the select committee. It should, in a bipartisan sense, lay out the program of the inquiry, set the days of hearings as well as those meetings that are going to be held in executive session, and approve which witnesses will be called and when. We should not be notified by the general counsel, who will be picked solely by the chairman after the fact.

I think that it is incumbent upon the chairman to tell us what he intends to do about all of these things.

In addition to all of this, it is impossible for me to believe that a fair trial can be had if it is going to be a trial by media—newspapers or television. In a true bipartisan sense, cannot we agree that all official releases affecting the entire committee and its business should be released jointly by the chairman and the ranking Republican member (Mr. HUTCHINSON)?

If the House Judiciary Committee is to carry out its constitutional duties and obligations as the court of original jurisdiction in those proceedings affecting the impeachment of the President of the United States, it can only be done in a spirit of bipartisan openmindedness. It should not be conducted toward the end that we are going to impeach the President come hell or high water. By the same token, members of the President's party, such as myself, must likewise exercise the same quality of judgment.

Under these circumstances, it is incumbent upon the chairman of the House Judiciary Committee to resolve these questions that I have posed prior to the

adjournment of the House which is scheduled for either Thursday or Friday of this week.

During the month of recess, the staff that has been appointed by the chairman should be at work, and they should be reporting to a bipartisan select committee and working under the direction of that committee.

As one member of the House Judiciary Committee, I will be available around the clock from now until adjournment time. Let us do our job and get on with it now.

Mr. McCLORY. I thank the gentleman for a very clear and fine statement.

I want to add that the gentleman's statement represents a consensus of views of the Republican Members of the House Committee on the Judiciary vis-a-vis the impeachment inquiry.

I yield to the gentleman from Iowa (Mr. MAYNE).

Mr. MAYNE. Mr. Speaker, I thank the gentleman for yielding and I wish to commend him for the leadership he has shown in taking this special order on this very important matter.

Mr. Speaker, the American people certainly expected and had a right to expect that the Committee on the Judiciary would move much more promptly to conduct an inquiry into the matter of impeachment than unfortunately has proved to be the case.

The great bulk of the resources calling either for impeachment of the President or for investigation of the grounds for possible impeachment were introduced in the House on October 23 and sometime later that week, upon its introduction, the House leadership very promptly did refer these resolutions to the Committee on the Judiciary for urgent consideration; but despite the urgency and the overwhelming public interest in the prompt result of this matter and the overriding interest and concern of the Congress and of everyone in properly clearing the air, we have really witnessed a truly remarkable inertia in the chairman and the majority leadership of the Committee on the Judiciary in this matter. There has been an amazing unwillingness or inability to get this inquiry underway in a proper manner.

In fact, in the almost 2 months which have elapsed since the committee was directed to undertake its inquiry on October 23, the chairman has seen fit to call only one business meeting of the committee for the purpose of taking any action whatsoever. That was on October 30, and on that occasion the chairman made it clear, both in the prior announcement setting down the ground rules of the meeting and in his opening remarks at the outset of the meeting itself, that the only aspect to be discussed was his own motion to place all subpena power for calling witnesses to be summoned in this investigation in himself, the chairman alone.

Of course we, the minority members of the committee, disagreed with this, which we felt was an unwarranted arrogation of power depriving our ranking minority member and other minority members of the right to participate in the subpenaing of witnesses whom we thought might in the course of events be essential to the committee's obtaining the full necessary facts. At that meeting on October 30, we appealed to the majority, to in all fairness permit the minority to share in this important subpena power; to at least let our ranking minority Member have concurrent subpena power with the chairman, but all of our requests for fair play and evenhanded, nonpartisan conduct of this first essential phase of the inquiry were speedily overwhelmed in a naked display of partisan power by the majority.

There was a straight-line party vote overruling all of our attempts for minority participation in this subpenaing process. I say to you, Mr. Speaker that this display of partisan power leaves little reason for hoping for fairness in the future conduct of the inquiry. I sincerely hope that events will prove that we can have more ground for hope, but events up until this time leave us looking through a very murky glass indeed.

The chairman, since October 30, has not deigned to call a single additional business meeting of the committee, or any subcommittee thereof, to take any action whatsoever on the impeachment inquiry. Now, it is true that last Tuesday, on the 11th, as the gentleman from New Jersey has mentioned, we were invited to come to a briefing—not a business meeting. It was clearly specified in the invitation to this meeting that no votes were going to be allowed, no action was going to be taken; it would just be a discussion, and it turned out to be more or less of a briefing by the chairman as to what he had been doing in the way of employing staff. But we were not permitted to offer any motions or to take any action and, as the gentleman from New Jersey has said, nothing was decided.

Now, whereas there have been statements made that there would be consultation with the minority, my inquiries into this with the ranking minority Member lead me to believe that too often this is a matter of being confronted with a fait accompli. It is not until a decision has been taken, the action made, that anyone in the minority is informed. We do not have an opportunity to be in on the takeoff as well as the landing.

Mr. McCLORY. Mr. Speaker, "consultation" according to the chairman seems to mean reporting to the committee members decisions which the chairman has already made. That really is not consultation. "Consultation" implies a conversation prior to the time of the decisionmaking, and that just has not occurred.

Mr. MAYNE. Mr. Speaker, this is a matter of great importance to this country. It should not be made a matter of narrow partisanship. The partisan elements in both parties should be willing to submerge their feelings of partisanship to allow a truly national consideration of this matter.

I think if we are going to have that kind of nonpartisanship, we are going to have to adhere to the admonition of the great American, Arthur Vandenberg, who said that it would be "necessary to let the minority in on the takeoff as well as the landing."

Now, today, Tuesday, a regular meeting day for our Committee on the Judiciary, on the eve of the recess, this matter was not considered of sufficient urgency for the chairman to call any meeting whatsoever. I am unaware of any conflict which could have prevented it.

We are about to adjourn this first session of the 93d Congress, with no real effort having been made by the chairman to call the full committee together to take any action to even ascertain our full views and ideas as to how best to expedite the investigation and inquiry.

Now, I believe that our committee should be proceeding promptly and vigorously to expedite the inquiry and should remain in Washington until the job is done. It was for that reason that I could not find it within my conscience to vote for the resolution of adjournment yesterday.

Any action by the committee has been effectively stalled, I regret to say, up until this moment, and apparently the chairman has no intention of permitting the committee to take any action before the recess. That means that the Committee on the Judiciary is to be paralyzed and this inquiry is to be paralyzed until January 21. This gives rise to the suspicion, which I fear is a justifiable one, that action has been held off until the Congress and the committee are out of town so that the period of the congressional recess can be used for a barrage of one-sided, well-prepared, highly partisan, and perhaps already prepared press releases about this inquiry.

And if the inquiry is made as to why the minority is not participating in it, then the shield can be used to hide behind that, of course, "the minority is out of town in recess, and cannot be consulted."

Mr. Speaker, we still have opportunity this week, should the chairman decide to call the committee together and really consult with the Members, and here I say, "really consult" with his own majority members, as well as with us on the minority side.

I cannot see that even those on the majority side have been privileged to have very much consultation on this matter.

If the chairman will do this and allow us jointly and cooperatively to determine upon a reasonable course of action, I think that it is not too late to accomplish much and expedite the matter.

Now, in closing, Mr. Speaker, I want to call attention to the very excellent and constructive attitude which has been taken on this matter by the League of Members of the House urging that there be expeditious, prompt handling of this matter.

They have put out a statement entitled "The Time for Action."

Mrs. Lucy Wilson Benson, the president of the league, has written to all members of the Committee on the Judiciary, saying that they believe that—

The impeachment inquiry should be carried out as expeditiously, fully, and fairly as is possible.

For that reason the board authorized the enclosed "Time for action." In doing so, and I continue the quote:

The league is seeking through a process that has already been put in motion and one that has been seconded by Republicans and Democrats, conservatives and liberals. Senator GEORGE AIKEN of Vermont put it most succinctly when he said "Either impeach him or get off his back."

The League of Women Voters, as one of the organizations interested in good government in this country, is not satisfied with the dilatory stalling and inert posture of the House Committee on the Judiciary on this day of December 18, 1973. They, like the rest of the country, want the committee to proceed with all deliberate speed in a fair manner to get this matter resolved.

We cannot do it by leaving everything to the staff, staff that the chairman has seen fit to employ for the next period of several weeks.

Mr. McCLORY. I thank the gentleman for a very forceful statement.

I yield to the gentleman from Wisconsin (Mr. FROEHLICH).

Mr. FROEHLICH. I thank the gentleman from Illinois for yielding and commend him for his leadership in this matter and I would specifically like to associate myself with the remarks of the gentleman from New Jersey (Mr. SANDMAN).

Mr. Speaker, in the weeks ahead, the Committee on the Judiciary will undertake a thorough inquiry into various charges that have been levelled against the President. In these deliberations, we shall seek to elicit the facts and to determine whether these facts provide a reasonable basis for believing that the President was personally involved in offenses that are impeachable under the Constitution of the United States.

This is a solemn business for America. It should be conducted solemnly. It should proceed with dispatch toward the single objective of impeaching or clearing the President of the United States.

Every member of the committee and every Member of the Congress should rise to the occasion with a new passion for responsibility.

Every Member should shed all motives of partisanship and work only for the public welfare.

Mr. Speaker, I am a Republican. I have served in the ranks of the Republican Party and carried its banner all my adult life. I am proud of my association with this party, even in these difficult times.

I am a Republican, however, who believes that "He serves his party best who serves his country best." Hence, on the question of impeachment, my vote will not be determined by loyalty to my party. It will be determined by a faithfulness to the facts.

I am prepared to do my duty as a public official, however painful and unpleasant that duty may be—and regardless of the political consequences.

In the meantime, I do not intend to be intimidated by senior members of the committee or the House. I will not permit any threatened campaign of guilt by association to still my voice or paralyze my actions in the face of unfairness or political gamesmanship.

I intend to speak up and speak out whenever I believe it is necessary—and to tell my people the truth.

What is the truth today? The truth is that the Judiciary Committee is not proceeding with dispatch toward the single objective of impeaching or clearing the President. The committee is proceeding at a snail's pace with the twin objectives, first, of impeaching a President and, second, of tearing down, humiliating, and destroying the Republican Party.

Can it be doubted for a moment that America's best interest lies in a prompt effort to clear the atmosphere of all the poisonous charges surrounding the Watergate scandal. But the committee does not intend to proceed quickly to clear the air. It intends to inch forward, poring over every particle of administration dirt and scraping every cesspool, not only to resolve old charges but also to try to uncover new ones.

Many citizens have written to me demanding the immediate impeachment of the President. These citizens, whether they are right or wrong, want prompt action. According to all indications, however, the Republican members of the committee will not be permitted to act promptly because the committee's leadership is embarking on a course that will drag out the proceedings for months to come.

Perhaps we can expect action in mid-June, after the New Jersey primaries and just in time for a sensational Senate trial that will distort and inflame the November elections.

Today the committee's leadership is operating not with candor and openness but with stealth and cunning. The committee's Republican members are informed of new developments by news release from the chairman's office. They are not permitted to participate meaningfully in the committee's decisionmaking process.

By design of the majority, the majority members may obtain all the evidence they want without informing the minority while the minority may obtain only such evidence as they can obtain voluntarily or with the knowledge and permission of the majority.

Nothing has caused me greater concern so far than the Speaker's request for $2 million to conduct the investigation. Sitting as a member of the Committee on House Administration, which approved the funding, I was not provided with a scrap of evidence on how the chairman planned to spend this money. The request was reduced by the committee to $1 million with no apparent hardship to the investigation. To this date, I have still not been informed on how all this money is to be spent, except to be provided with a fancy organizational chart with a lot of boxes and titles.

It is high time for the American people to know the truth, not only about the Watergate scandal but also about the plans of certain Democrat impresarios to use that scandal to secure a one-party Congress.

This is an indecent objective. It should be recognized and labelled as such.

I call upon Chairman RODINO to rethink his investigation and revise his procedures so that the Republican members can participate as equals.

And, even more important, I call upon the chairman to set a date certain for a conclusion of the formal investigation and a vote in the committee. If months of additional investigation are thought to be necessary, let him tell the American people now. Let them evaluate the need, if any, for a long delay—and then we can all put our minds to legitimate ways to speed the proceedings.

I am prepared to move forward quickly and responsibly.

I ask nothing less from the committee's leadership.

I include in my remarks an excellent letter from the president of the Wisconsin League of Women Voters urging Congress to "get on with the business of the inquiry" and bring it to a close one way or another.

LEAGUE OF WOMEN VOTERS
OF WISCONSIN, INC.,
Madison, Wis. December 14, 1973.

Hon. HAROLD FROEHLICH,
House of Representatives,
Washington, D.C.

DEAR MR. FROEHLICH: The League of Women Voters of Wisconsin urges that the House Judiciary Committee "get on with" the business of the inquiry regarding the possibility of impeachment proceedings.

The American people are entitled to know the truth. We feel that the inquiry must proceed quickly and as thoroughly and fairly as possible. Adequate staffing is essential; I have written Democratic members of the Wisconsin Congressional delegation urging them to make sure that enough money is appropriated for staff for the minority members of the Committee and that you share in all planning, strategy, and timing.

If the inqury finds no grounds for instigating impeachment procedures, then critics "should get off the President's back" and let him govern. We are sorely in need of leadership. IF the inquiry finds sufficient grounds for impeachment proceedings then we should get on with that, too and find the president either guilty or not guilty. The people of this country are strong enough to cope with any kind of emergency—but they must be leveled with.

Sincerely,

FLOSS WHALEN,
President.

Mr. McCLORY. Mr. Speaker, I yield to the gentleman from Ohio, the vice chairman of the Republican conference (Mr. DEVINE).

Mr. DEVINE. I thank the gentleman for yielding.

I wish to propound a question, but I would precede it with a very brief statement.

I was quite impressed by the remarks of the gentleman from New Jersey (Mr. MARAZITI) that we have had 40 or 50 of our colleagues introduce resolutions of impeachment, and it is difficult for me to understand why these persons who make allegations of high crimes and so forth are not prepared and called immediately before the committee to present their evidence in support of their resolutions.

Another thing that does concern me, Mr. Speaker—and I would direct this question, ultimately, to the gentleman in the well—is what, indeed, has the Committee on the Judiciary been doing this year?

We are in the 12th month of this session. I am on the Committee on House Administration, as the Member in the well well knows, and we are called upon to have the committee members come before our committee pleading for funds with which to operate. Of course, the Committee on the Judiciary came in and, if my recollection is accurate—and do not hold me precisely to the figure—it seems to me we granted something in the nature of $600,000 for their operations for this year. Several months ago they came in and asked for another $70,000. At that time I propounded a question to the chairman and to others who appeared before our committee: "What has the Committee on the Judiciary been doing this year?"

I notice a lack of legislation on the floor, compared to what it has been in the past. There has been quite a bit of activity, but there has not seemed to be so much this year.

Lo and behold, about a month ago we were presented with a resolution asking for not $1 million but $2 million for the Committee on the Judiciary to involve itself only in the impeachment resolution which had been introduced but also in the investigation of the new Vice President. During the course of the questioning it was pointed out that the Senate had already held lengthy hearings, and I think a 1,700-page FBI report had come over. So they dropped the vice presidential part of the request from the $2 million.

I made a motion then that the amount be reduced to half a million dollars, and they compromised in the committee and finally awarded $1 million for the purpose of conducting this impeachment investigation.

Now here we are in the middle of December with probably the most important issue facing the Nation and that has the whole country wondering. I think there were a number of editorials that said "Put up or shut up."

I ask the gentleman in the well has the Committee on the Judiciary been active at all this year, and do they continue in this policy of procrastination perhaps to put it over for another year into the election year and maybe into the following year and the Presidential election year? What is the opinion of the gentleman?

Mr. McCLORY. Let me say to the gentleman I am very proud of the output of the House Committee on the Judiciary. Most of the subcommittees have been very active. I think our work and legislative product has been very commendable. For example, after extensive hearings we recommended and secured passage of an extension and a great improvement of the Law Enforcement Act, which is the principal anti-crime measure which this Congress has the opportunity to work upon.

We have brought forth important immigration legislation, and many, many other measures from various subcommittees. In addition to that, we have had extensive studies on a comprehensive review, recodification and revision of the bankruptcy laws. Also a proposed Federal Code of Evidence upon which a vast amount of work has been done, plus, of course, the historic and unprecedented proceedings relating to the confirmation of the new Vice President. In my opinion those confirmation proceedings were conducted very thoroughly and very commendably by the House Committee on the Judiciary.

So I would say, by and large, the work product of the committee has been good, but with respect to this subject of the impeachment inquiry, I think there is the general feeling, as expressed by the gentleman from Iowa (Mr. MAYNE) of displeasure and disenchantment on the part of some of the members on the majority side of the committee, which I am sure is the fact, plus the unanimous dissatisfaction of the Republican Members on the committee with respect to the conduct on this proposed impeachment inquiry.

So that this is really the only strong complaint we have at this time. I would say that it should be and can be promptly resolved by the chairman.

Mr. SMITH of New York. Mr. Speaker, will the gentleman yield?

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

Mr. SMITH of New York. Mr. Speaker, I thank the gentleman for yielding.

I think perhaps the gentleman from Illinois (Mr. McCLORY) would agree that this is a time perhaps when we can fully and justifiably defend the work of the Committee on the Judiciary. I know that the Subcommittee on Criminal Justice has spent a great deal of time in a monumental work toward codifying the Federal Rules of Evidence whch we hope will be before the House in January. Besides all the other work, the Special Prosecutor bill, the confirmation of the Vice President, Mr. FORD, the extension of the Watergate Grand Jury, and others, so, I think the work generally in the Committee on the Judiciary can be well justified and defended with the Committee on House Administration.

Mr. Speaker, I would like to commend the gentleman from Illinois, Mr. McCLORY) for taking this special order in regard to this project on investigating the impeachment possibilities. I want to associate myself with the remarks of the gentleman from Illinois generally. I want to say that particularly do I think that it is for the best interests of the whole United States if this project of the Committee on the Judiciary shall proceed with dispatch to its conclusion, whatever that conclusion may be.

Further, I strongly believe that the impeachment investigation can best be pursued by a select committee of the Committee on the Judiciary, which would come to the full committee from time to time for policy decisions, and which would of course welcome the attendance of any members of the full committee at any time.

In addition, Mr. Speaker, I cannot too strongly urge the necessity of observing due process as the committee proceeds in this investigation. The work of this committee must be recognized as eminently fair by all citizens of this country.

I thank the gentleman again for yielding to me.

Mr. McCLORY. I thank the gentleman from New York for his statement, and his support for this action.

I now yield to the gentleman from Illinois (Mr. RAILSBACK).

Mr. RAILSBACK. Mr. Speaker, I want to commend the gentleman from Illinois for taking this time to discuss the impeachment inquiry. I share with the gentleman many of the concerns he has expressed, particularly those that relate to the lack of communication and participation by the minority in structuring the inquiry itself. I personally believe that Chairman RODINO is attempting to find a top-flight counsel to head the inquiry, but I am concerned that in the interim the special ad hoc subcommittee of the Judiciary Committee has not been appointed and that selection of the special counsel has been given as the reason. It seems to me that many valuable committee functions and much preliminary research could be performed by such a subcommittee prior to the appointment of special counsel.

It is my sincere hope that as additional staff are appointed for the special purpose of working on the inquiry, the minority will be given staff at least in proportion to its representation in the House of Representatives. If there is to be a successful inquiry, it is absolutely necessary that it be handled in a nonpartisan manner. This issue is so important it is imperative that we have full bipartisan participation.

I feel there are some steps that must be taken immediately by the Judiciary Committee if we are to proceed expeditiously and to afford the President the rights to which he is entitled. First, a small, manageable ad hoc subcommittee comprised of an equal number of Democrats and Republicans should be appointed promptly to begin the initial impeachment inquiry. The size of such a subcommittee should be limited to 8 or 10 members to enable it to function efficiently and effectively. Second, the subcommittee should undertake to formulate a timetable for the actions of the subcommittee as well as the full Judiciary Committee.

By setting a timetable, we would at least have a goal to strive toward. Third, ground rules should be formulated which take up: First, the rights of the accused; second, the standards of proof required; third, the admissibility of evidence; fourth, the question of what constitutes an impeachable offense; fifth, the question of open or closed sessions; and sixth, all other procedural and legal questions that will ultimately confront the Judiciary Committee.

With respect to the question of rights of the accused, it is my own belief and there is ample precedent for it, that the

respondent should have the right to counsel present at all hearings, whether the hearings be closed or open. The counsel should have the right to cross-examine. This would be particularly true if open hearings were held. Otherwise, we would run the risk of having the public only see one side of the case presented.

The respondent should also have the right to request the issuance of subpenas on his own behalf. It is interesting to note that as the years have passed, particularly in the 20th century, the House of Representatives has increasingly added to the rights of the accused in the interest of fair play. In addition, it is my own personal belief that it would be a serious mistake to have those Members who have already introduced resolutions calling for impeachment serving on the ad hoc committee. I believe we must undertake this difficult responsibility in an impartial and unbiased manner.

Mr. Speaker, the American people believe in justice. They believe in the rights of the accused to have a fair trial. They believe that a man is innocent until proven guilty. These rights are no less important in the type of proceedings that we are undertaking than they are in a criminal trial.

Perhaps these rights are even more significant, because we as members of the House Judiciary Committee are being asked to consider removing a man from office who was reelected only a year ago by an overwhelming majority of the American people. Let us therefore proceed expeditiously with full realization of the importance of the responsibility that has been assigned to us.

Mr. Speaker, I only hope that we on the House Judiciary Committee measure up to the important responsibility which has been vested in us.

Mr. McCLORY. I thank the gentleman for his comments.

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

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

Mr. DENNIS. I thank the gentleman for yielding.

I will be brief, Mr. Speaker. Before I turn my attention to the matter of impeachment, which concerns us this afternoon, I should like to say at the outset that I join in no suggestion from anyone of general criticism toward the work of the Comimttee on the Judiciary. Indeed, I think probably one of the more unfortunate aspects of the impeachment matter is that it will almost necessarily interfere to some extent with the regular program of the committee.

However, that may be, up to this time this committee has done a good job.

The subcommittee on which I formerly served, headed by the gentleman from Pennsylvania (Mr. EILBERG) for instance, got out a fundamental revision of the immigration law this year, which has been long overdue, and passed it in this House.

The subcommittee on which I presently serve, headed by the gentleman from Missouri (Mr. HUNGATE), has done truly monumental work in getting out a new Code of Evidence for the Federal courts, and in starting preliminary work on a revision of title 18 of the Federal Code, moving out Special Prosecutor's bills, moving Senator ERVIN'S bill from over in the Senate, concerning the subpenaing of documents from the Executive, and the whole committee has held the Ford hearings.

I think we have been a very busy, productive committee; and without trying to say anything too flowery about the gentleman, I really am glad to take the opportunity to say that I think the gentleman from Missouri (Mr. HUNGATE) is probably one of the best subcommittee chairmen in the Congress.

Let me turn for a minute to the matter which causes us to have a special order today. A few years ago when I was a freshman Member in the House the Honorable GERALD R. FORD took the floor to call for the impeachment of Justice William O. Douglas of the Supreme Court of the United States. On that occasion Mr. FORD said, in effect, that an impeachable offense was practically anything the Congress decided they wanted to make it. I fully recognize the political force and the political power and the political truth of that statement. If you have the votes you can impeach, I suppose, and only a few experts, scholars like Professor Berger, think that there is any such thing as judicial review. But I have never subscribed to that position as a legal proposition, as distinguished from a political one.

If one can believe what he reads in the papers, and I concede that is a big "if," it may be that in the impeachment inquiry now underway by our committee we are coming dangerously close to adopting the theory to which I have just referred. In the Evans and Novak column in the Washington Post the day before yesterday they spoke of what they call "closing of the gap over impeachment politics between fire-eating junior Democratic Congressmen who—according to them—abound on the Judiciary Committee and the party's leadership in the House. Both leaders and fire-eaters—they say—now agree on this strategy: Delay a vote until a long, hard investigation generates nationwide impeach sentiment, probably next summer at the earliest."

I recognize, of course, that is only newspaper talk. Knowing my colleagues on the committee I would hesitate to believe that there was any truth in it; but that seems to be the suspicion abroad in the land, that the majority is delaying this for political reasons and is planning impeachment for political reasons when political sentiment has been built up by the delay.

I certainly hope that is not the approach which anyone on this committee intends to take.

There is much to do in this committee. There is a great deal of legal research to be undertaken as to what is an impeachable offense. There is much factual research to be undertaken as to whether there is any shred of evidence which might credibly be regarded as an impeachable offense. And these things take time, so I would not try to draw any deadline on this committee.

I do not think that would be appropriate, but there are certain things that can be done and done without much delay.

We can decide whether to proceed by a subcommittee or a full committee.

We can decide on the composition of the subcommittee.

We can consider whether hearings should be open or executive.

We can think about the procedure to be undertaken and whether people have a right to counsel and whether people have a right to cross-examine, and so on.

And above all, as some peole have already pointed out, we can determine these things by committee action, not out of the hat of the chairman, or anyone else.

So I say we do need a careful and thorough investigation.

I would not suggest any deadline on this procedure, but there comes a time when, in this matter as in other matters, in the homely phrase, we need to put up or shut up.

Mr. McCLORY. I think the gentleman has about 30 seconds left remaining.

GENERAL LEAVE

Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on the subject of this special order.

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

There was no objection.

Mr. McCLORY. Mr. Speaker, I yield to the gentleman from Ohio for a question.

Mr. SEIBERLING. I was going to ask a question, but before the gentleman from Indiana leaves I would like to respond to his reference to the Evans and Novak column. I was one of the members of the committee who was mentioned in the column as being a fire-eating liberal. My immediate reaction was: heck, I don't even smoke! They lumped me with two other Members who happen to have introduced resolutions of impeachment, something I have expressly refused to do. So I will let the gentlemen judge whether the columnists were lumping apples with oranges.

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

Mr. SEIBERLING. If I may finish my thought, I will then yield, if there is time.

The interesting thing is that Evans and Novak were then taking the tack that the so-called fire-eating liberals were pressing Chairman RODINO to pull out all the stops on the impeachment investigation.

A month later they were writing a column saying that those whom they call fire-eating liberals are dragging their feet and want to drag this thing out until next June.

I suggest that neither of their columns is due any credence, because as far as I can tell, since they have labeled me as one of this group, my position for a thorough, expeditious investigation has not changed one iota and I do not believe

any of the other Democratic members have changed.

I would hope that the members of the committee will base their judgments of their colleagues on objective evidence and personal observation and not on what appears in some newspaper column.

I have some questions for the gentleman from Illinois (Mr. RAILSBACK).

Does not the Constitution lodge the sole power to try impeachment in the Senate of the United States?

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

Mr. McCLORY. I yield to the gentleman.

Mr. RAILSBACK. My understanding is that is correct.

Mr. SEIBERLING. Would it not be a usurpation of the constitutional authority of the Senate for the House to set up a similar proceeding, with all that the gentleman said should be included in the Judiciary Committee's investigation procedure? For example, the right to be deemed innocent until proven guilty implies a complete trial on the merits before the Committee on the Judiciary or a subcommittee thereof; would that not be a usurpation of the powers of the Senate?

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

Mr. McCLORY. As I see the inquiry, it would put the House Committee on the Judiciary in the role of a grand jury, or investigative body whereas the Senate would act more in the nature of a petit jury to try the issues.

I yield to the gentleman from Illinois.

Mr. RAILSBACK. I thank the gentleman for yielding. Let me reply by saying this. If we were to perform as a grand jury there would be no open hearings; but one thing, we would have the evidence presented to us. Presumably there would be no leaks. Presumably it would be an entirely secret proceeding.

I would say to the gentleman if that was to happen, then some of the fears that I expressed, I would not have expressed.

Let me also say to the gentleman that I do not believe I said that we had to find that he was guilty beyond a reasonable doubt. I purposely did not say that.

I said that the special select committee should consider what should be the standards of proof required as far as our proceeding is concerned; but do not be so naive as to think that we are going to act like a grand jury, because already members on the other side have said there should be open hearings. If there are going to be open hearings, it is only fair to that man, if we are going to proceed, they are similar to a grand jury; it is not fair to have public hearings and have the prosecutors come in and present all the incriminating evidence without having counsel present. That is not a grand jury proceeding.

Mr. McCLORY. Let me say, I do not want to yield further; but that is one of the decisions the committee should be making and it relates to the proceedings we should be carrying out.

Mr. Speaker, I agree to yield briefly to the gentleman from Virginia (Mr. BUTLER).

Mr. BUTLER. Mr. Speaker, I thank the gentleman from Illinois for yielding to me.

Mr. Speaker, I just want to associate myself with the remarks of the gentleman in the well and say that I appreciate this opportunity to join in this protest of the action or lack of it by the chairman. I hope he will reconsider the procedure which he has adopted, take us into his confidence and proceed in the orderly fashion which the circumstances indicate.

Mr. McCLORY. Mr. Speaker, I yield to the gentleman from California (Mr. McCLOSKEY).

Mr. McCLOSKEY. Mr. Speaker, I want to commend the gentleman from the Judiciary Committee for taking this special order. This is a great committee; it is a committee which has handled, to my knowledge in the 6 years I have been in the Congress, six constitutional amendments; that has handled a previous inquiry into an impeachment. It has historically and to this date contained the ablest lawyers in the House of Representatives.

Each of those lawyers is aware of the fact that the House only has two special constitutional responsibilities; one of them to initiate revenue measures; one to undertake impeachment. As lawyers, we undertake this as prosecutors; that the first rule of due process in a criminal case is that the defendant is entitled to a speedy trial. No prosecutor, when his attention is called to circumstances of a possible crime, would not speedily at least undertake an investigation.

Yet, here we are today, December 18, with resolutions that have been referred to this committee over 6 weeks or 2 months ago, and if I understand the gentleman's remarks correctly, there has not even begun an investigation into the facts that have been alleged against the President of the United States as justifying his impeachment.

Mr. McCLORY. Mr. Speaker, according to the report we have from the chairman of the committee, the staff has already initiated the investigation; that is, a review of the evidence that has been deduced in other committees of the Congress and in other hearings and in court proceedings. The staff seems to have been concerned with putting together the existing evidence, the existing factual material. It may be that this will be the entire scope of the inquiry; we really do not know.

Mr. McCLOSKEY. Mr. Speaker, I understand that and I commend the staff for moving with that, but as I understand the gentleman's remarks, there has been no subcommittee appointed, no select committee, no member of the House Judiciary Committee has begun independently to evaluate the evidence. Yet, as the gentleman from Ohio said earlier, the people that have introduced 26 resolutions have not been called upon to testify to back them up. I am one of those individuals. I submitted a resolution to this committee 7 weeks ago indicating more specific criminal code violations.

This is not a matter that requires a great constitutional understanding or great scholastic attainments. Any one of the attorneys on the Judiciary Committee knows what the title XVIII charges are; what evidence is required to convict; what evidence may be considered, and it is just appalling that what the gentleman has said, that this great committee with this tremendous responsibility, with the focus of the entire United States and the Congress today asking what is Congress doing on the major issue of our time, and here, over a month after a million dollars has been specially funded to cover the cost of investigation of this matter, I say there has been no meeting to consider the evidence; no appointment of a subcommittee; no appointment of a means of procedure to consider the evidence.

I think that the gentleman rightly points out that this is an abdication of the responsibility of the Judiciary Committee, and unless the chairman insists that there be procedure by a majority of the committee under the rules of the House to call this meeting, and if it is to be the nonpartisan inquiry that the Democratic members of the committee had mentioned that they take pride in, it will not be nonpartisan; that there is now a responsibility on the Democratice members of that committee to join with the Republicans to insist that the chairman at least expedite the procedure of the examination of this evidence.

Mr. McCLORY. Mr. Speaker, we have no way of providing answers to our constituents, or to the American people, during the Christmas recess except the answers we are providing presently in this special order.

Mr. Speaker, I now yield to the gentleman from Maryland (Mr. HOGAN).

Mr. HOGAN. Mr. Speaker, I would like to commend the gentleman from Illinois for taking time to discuss this subject. All of us on the committee share his concern about the drift this is taking. I am concerned not only about the delay, but also about partisanship. We can say all day that the investigation will not be partisan.

However, there have been many indications so far that it will be partisan. The chairman demanded personal subpena powers. By a straight party line vote, it was given to him. He said on the one hand the subpena power would be used very discriminatingly and on very rare occasions, and yet he did not want the full committee to exercise the power to authorize those subpenas.

Second, the committee asked for $2 million to finance this impeachment investigation. It was cut down to $1½ million, and finally they got $1 million.

The SPEAKER pro tempore. The time of the gentleman from Illinois has expired.

Mr. HOGAN. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois (Mr. McCLORY) be permitted to proceed for 2 additional minutes.

The SPEAKER pro tempore. The

Chair will inform the gentleman that he cannot entertain that type of a unanimous-consent request at this time.

Mr. MAYNE. Mr. Speaker, the American people expected, and have the right to expect, that the House Judiciary Committee would move much more promptly to conduct an inquiry into the matter of impeachment than has been the case.

The great bulk of the various resolutions calling for impeachment of the President or calling for investigation of grounds for possible impeachment were introduced in the House on October 23 and subsequent days that week. Upon their introduction, the House leadership, the Speaker, determined that circumstances required that the matter be immediately referred to the House Judiciary Committee for urgent consideration.

Despite the urgency and the overwhelming public interest in the prompt resolution of this matter, and the interest of the Congress, the President and all other parties concerned in clearing the air, we have witnessed a truly remarkable unwillingness or inability on the part of the chairman and majority membership of the House Judiciary Committee to get this inquiry underway.

In the almost 2 months since the committee was directed to lodge this inquiry, the chairman of the committee (Mr. RODINO) has seen fit to call only one meeting of the committee for the purpose of taking any action whatsoever toward investigating the grounds for impeachment. That was on October 30, and on that occasion the chairman made it clear both in the announcement of the meeting and in his remarks at the outset of the meeting that the only aspect to be discussed was his own motion to place all subpena power for calling witnesses to hearings held in this investigation in himself alone. The minority members of the committee of course disagreed with this arrogation of power, which deprived the ranking minority member and all other minority members of the committee of the ability to participate in the subpenaing of other witnesses whom they might in the course of events believe essential to the committee's obtaining the full and complete story. We appealed to the majority to in all fairness permit the minority to share in this important subpena power and to at least let our ranking minority member have concurrent subpena power with the chairman, but all of our requests for fair play and even-handed nonpartisan conduct of this first phase of the inquiry were speedily overwhelmed on a straight party line vote. This unfortunate display of naked partisan power by the majority leaves little reason for hope for fairness in the future conduct of the inquiry.

Since that date, October 30, the chairman has not deigned to call a single business meeting of the committee or any subcommittee thereof to take any action whatever on the impeachment inquiry.

The chairman at no time called the committee together to consult with the members—certainly not with the minority members—as to how the committee should proceed on the investigation of possible grounds for impeachment. He did finally invite the members to meet with him last Tuesday, December 11, but only to hear him relate what he himself had done in the way of employing and directing staff, and the dictate was clearly laid down in advance of the briefing by the chairman that no votes would be taken and no action decided upon.

In the meantime, the chairman approached the House Administration Committee for $1.5 million additional funds for the purpose of conducting the investigation, without consulting the minority or as far as I know any other members of his committee. On November 15, when my colleagues and I protested this lack of consultation and lack of any detailed budget or justification for this proposed additional spending, reduced to $1 million by the House Committee on Administration, the chairman did make some statements on the House floor assuring that the minority would be consulted. But the majority of the House, on basically party line votes, moved the question after less than an hour's debate, defeated an effort to insure that the committee's minority would have control over one-third of the new funds, and approved the authorization.

As I have stated, the chairman did finally give the members of the Judiciary Committee some information as to what he had done in hiring staff and obtaining information from the Library of Congress and other sources regarding the process of impeachment.

It was revealed that numerous staff have been hired, but the promise and assurance of full consultation with and participation by the minority remains unfulfilled.

Consultation does not mean just informing minority members of fait accompli, it means active participation by the minority while the alternatives are being pondered and decisions are being made. As that noted statesman and proponent of nonpartisanship, the late Senator Arthur Vandenberg, so often pointed out, nonpartisanship means being included in the takeoffs and not just in the landings or crashes. We of the minority are not being included in the takeoffs—and from what I understand, neither have many of the majority members of the committee. This is not a game of solitaire, but a serious inquiry of importance and interest to all members of the committee.

Today, being a Tuesday, is the regular day for House Judiciary Committee meetings—but the full committee was not called to meet although I am unaware of any conflict which would have prevented a meeting. We are about to adjourn this 1st session of the 93d Congress, to reconvene January 21, 1974, with no real effort by the committee chairman to call the full committee together, ascertain their ideas and views as to how to best expedite the necessary investigation and hearings, and get the inquiry underway, and advise them as to what the staff will be doing in preparation for as-yet-unscheduled hearings. Our committee should be proceeding promptly and vigorously to expedite this inquiry and should remain in Washington until the job is done. I therefore in all conscience could not support and voted against the resolution of adjournment which was presented to the House and approved yesterday.

Any action by the committee has now been effectively stalled by the chairman to this point, and he apparently has no intention of permitting the committee to take action before the recess, which means before January 21, 1974.

This gives rise to the suspicion, which I fear is a justifiable one, that the committee chairman is holding off until the Congress and the committee members are out of town during the period between sessions, and that he will then let loose a barrage of one-sided, well-prepared, and probably already at this time prepared press releases about what the committee will and will not do regarding the inquiry as to the grounds for impeachment. He may hide behind the shield he created, stating that of course he had no opportunity to consult with the minority members of the committee before making the announcements because they were not in Washington.

We still have opportunity this week should the chairman decide to call the committee together and really consult with the members and determine upon a reasonable course of action permitting this very important inquiry to be carried forward without further delay and not be used for partisan purposes. The American public expects and deserves no less.

Mr. Speaker, Ms. Lucy Wilson Benson, president of the League of Women Voters of the United States, by letter of December 13, 1973, advised me that the league believes "the American public must be convinced that a thorough and fair inquiry has been made." She stated that, to assure that end, she had—

Written to Chairman RODINO and the other majority members of the committee urging that at least one-third of the appropriated funds be made available for minority staffing, and that the minority be represented in all planning for staff, strategy and timing.

Mr. Benson's letter concluded:

It is essential that [our] inquiry be carried out in a manner that will help restore citizens' confidence in the ability of their elected officials to govern responsibly and equitably.

Mr. Speaker, in view of the several important and thoughtful observations and recommendations made by Ms. Benson, I ask unanimous consent that her letter, together with the League of Women Voters memorandum to local, State, and international league presidents and the league's factsheet on the impeachment inquiry, both enclosed with her letter, be printed in the CONGRESSIONAL RECORD at this point in my remarks.

THE LEAGUE OF WOMEN VOTERS OF THE UNITED STATES,
Washington, D.C., December 17, 1973.

Hon. WILEY MAYNE,
House Judiciary Committee, U.S. House of Representatives, Washington, D.C.

DEAR MR. MAYNE: The League of Women Voters is committed to orderly governmental processes and promoting citizen confidence in public officials and the institutions they are responsible for. Recent developments on the national scene have undermined that confidence and disrupted those procedures. Your Committee has now undertaken a mo-

mentous inquiry into whether or not grounds for impeaching the President exist.

The League considers the impeachment *process* a legitimate constitutional means whereby the representatives of the people (Congress) can determine whether or not there are grounds for removal from office of a member of the executive or the judiciary. The League does *not* prejudge whether an individual is guilty or innocent nor does it have a position on what causes impeachment might be based upon.

We believe, however, that whatever the outcome, the American public must be convinced that a thorough and fair inquiry has been made. To assure that end, I have written to Chairman Rodino and the other majority members of the Committee urging that at least one-third of the appropriated funds be made available for minority staffing, and that the minority be represented in all planning for staff, strategy and timing. I also wrote them that our members support efforts to find a special counsel with the highest qualifications and hope his/her appointment will be made soon so that hearings can get underway expeditiously.

The League believes that the Committee hearings must be open so that the public can follow all major developments and lines of inquiry. This openness should also cover acquisition and publication of documents pertaining to specific charges that can be released within the limits of national security and protection of individual rights as determined by the Supreme Court.

League members and other citizens across the country will be following the deliberations of the House Judiciary Committee with great interest and concern in the months to come. It is essential that your inquiry be carried out in a manner that will help restore citizens' confidence in the ability of their elected officials to govern responsibly and equitably.

Sincerely,

LUCY WILSON BENSON, *President.*

MEMORANDUM

To: Local, State and ILO Presidents.
From: Lucy Wilson Benson, President.

On December 3 and 4, the Board of Directors held a special meeting to discuss possible League reaction to the current chain of events in Washington. We did so out of deep concern for the effort that the so-called Watergate revelations are having on public confidence and trust in all levels of government and to see what role, if any, the League could play in restoring a sense of equilibrium and perspective.

As you can well imagine, the discussion covered a broad range of subjects. From the outset of the meeting it was clear, as I indicated in my memo of October 24th, that we could not, as an organization, speak to many of the specific issues, charges, and countercharges which are so much a part of the Watergate controversy. While nothing is certain in these tumultuous times, it seems highly likely that the impeachment process now underway in the House of Representatives may ultimately provide the answers to some of the questions raised by Watergate as well as other actions taken by the Executive Branch over the past five years.

It is not the League's business to judge the validity of the charges that have been made—that task rests with the House Judiciary Committee. However, the Board does believe that as an organization dedicated to responsible and responsive government we have an obligation to insist that the impeachment process be carried out as expeditiously, fully and fairly as is possible. For that reason, the Board authorized the enclosed Time for Action which speaks to the Judiciary Committee procedures.

In doing so, the League is speaking to a process that has already been put in motion and one that has been seconded by Republicans and Democrats, conservatives and liberals. George Aiken (R., Vt.) put it most succinctly when he said, "Either impeach him or get off his back." In talking about impeachment, the Board found itself wrestling with the whole question of what the word really means and what the process actually involves. The steps now being taken by the House Judiciary Committee are preliminary steps—they constitute an inquiry into whether or not impeachable offenses have been committed by the President. Because of the difficulties we had and because of the general public confusion over the nature and semantics of impeachment we have prepared the enclosed Fact Sheet for League information and use. We are also considering publishing a fuller version for all members in the next issue of The Voter.

The Board also believes that Leagues can play a vitally important public education role on the impeachment issue—in giving citizens the facts about the process, how it came into being, and what it entails. In short, that it is not a process to be feared unless one fears the Constitution. The Board will be discussing the League's public education role in more detail at its next regular meeting January 7–10. In the interim, we hope that if you have a congressional interview scheduled in the upcoming recess you will bring the matter up with your Congressman. Leagues should also consider sponsoring community discussions on the process either through public meetings or via radio or television public affairs programs. Your Congressman, for example, might welcome the opportunity to discuss the matter on a League moderated panel along with other community leaders and authorities. If you have any suggestions for League activities that you'd like the Board to consider, please let us know.

For your information, the Representative Government Committee will meet next week to analyze the results of the campaign finance decision making and to formulate recommendations for the Board to consider. Since Congress failed to act this session, there will be plenty of work for the League in 1974. We plan to mail the results out as quickly as possible after the Board meeting. In addition, you can get a detailed summary of our new campaign financing position by calling (202) 296–0218, the League Spotmaster service, any time between 9:30 a.m. Friday, January 11 and 5:00 p.m. Monday, January 14.

FACT SHEET—(TO ACCOMPANY TIME FOR ACTION ON THE IMPEACHMENT INQUIRY)

The Time for Action which this "Fact Sheet" accompanies, is limited to action on the impeachment inquiry, but it is necessary that League members and the public understand the larger context in which an inquiry takes place. The process of impeachment is already underway. This is the first step provided in the Constitution; it takes place in the House.

Resolutions to investigate charges against the President and asserting specific articles of impeachment have been introduced by House members and referred to the House Judiciary Committee Chairman, Peter W. Rodino.

The House has granted $1 million to the Committee for expanded staff, etc., to investigate whether or not impeachable offenses have been committed by the President. (The resolution—H. Res. 702—passed 367 to 51, with Republicans voting 138 for passage and 47 against, and Democrats voting 229 for and 4 against.)

31 staff members are already at work and Samuel L. Garrison has been named Chief Counsel for the Republicans.

Misconceptions abound and many questions are raised about "impeachment":

What does the term "impeachment" mean?

How does it fit into the overall Constitutional process for removal of public officials from office?

What is that overall process of bringing charges and determining the innocence or guilt of an individual?

To answer those and other questions for League members, and provide a basic community information tool, this fact sheet provides:

1. The provisions set forth in the Constitution with regard to removal from office upon impeachment and conviction;
2. A discussion of terms pertinent to discussion and action;
3. A brief description of the distinctly separate processes for which the House and Senate are responsible;
4. A brief review of official House action to date;
5. A brief list of resource material.

WHAT THE CONSTITUTION SAYS

The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors. [Article II, section 4.]

The House of Representatives . . . shall have the sole Power of Impeachment. [Article I, section 2.]

The Senate shall have the sole Power to try all Impeachments. When sitting for that purpose, they shall be on Oath or Affirmation. When the President of the United States is tried, the Chief Justice shall preside: and no Person shall be convicted without the Concurrence of two thirds of the Members present.

Judgment in Cases of Impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office of honor, Trust or Profit under the United States: but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to Law. [Article I, section 3.]

In summary:

The House alone has the power to bring charges of impeachable offenses; that is, to impeach.

The Senate alone has the power to bring the accused individual to trial and determine innocence or guilt; that is, possibly to convict and remove from office.

The only penalty the Senate can impose is removal from office and disqualification from holding any future public office.

DISCUSSION OF TERMS

(1) Impeachable offenses: The Constitution lists these as "treason, bribery, high crimes and misdemeanors." Not all of these terms have been defined precisely by law or legal precedent, and one purpose of the inquiry is to define "impeachable offenses." Definitions range from A to Z as you can see from the following quotes:

"Impeachable offenses are not confined to acts interdicted by the Constitution or the federal statutes, but include also acts not commonly defined as criminal or subject to indictment." and

"Impeachment may be based on offenses of a political character, on gross betrayal of public interests, inexcusable neglect of duty, tryrannical abuse of power and offenses of conduct tending to bring the office into disrepute."—From Cannon's Precedents of the House of Representatives (Vol. VI, Sec. 545).

"Those offenses which proceed from the misconduct of public men, or, in other words, from the abuse or violation of some public trust. . . ." Impeachable offenses are political, "as they relate chiefly to injuries done immediately to the society itself."—From The Federalist (No. 65) by Alexander Hamilton.

"What, then, is an impeachable offense? The only honest answer is that an impeachable offense is whatever a majority of the

House of Representatives considers to be at a given moment in history."—Gerald Ford, April 1970, in connection with his effort to have U.S. Supreme Court Justice William O. Douglas impeached.

(2) Inquiry: an official investigation by a House committee to determine whether or not there is justification for a formal accusation. An "inquiry" does not constitute impeachment.

(3) Articles of Impeachment: an official statement of one or more charges (or accusations) that are deemed to be offenses which could constitute justification for removal of certain public officials from office. The "articles" may be submitted by individual House members in resolutions or may be drawn up by a committee charged with investigating claims or evidence of "impeachable" charges.

(4) Impeachment: one step in the process of removal of a public official—the formal accusation by majority vote in the House that one or more "impeachable offenses" has been committed. Such a vote of accusation (i.e. impeachment) by the House does not result in removal from office; it is comparable to indictment by a grand jury and leads to trial to determine innocence or guilt with regard to the charges or accusations.

(5) House Managers: one or more members selected by the House to prosecute the impeachment (accusation) in the Senate.

(6) Impeachment Trial: the Senate procedure for determining innocence or guilt of charges brought by the House. The procedure may be compared to trial by jury, but is more flexible than civil or criminal court proceedings. In effect, the Senate serves as the courtroom, the House Managers as Prosecutors, the Chief Justice of the U.S. Supreme Court as judge and the Senators as jury.

(7) Conviction: a two-thirds vote by the Senators present agreeing that the individual accused is guilty on at least one article of impeachment. It is only after such a Senate vote that a President or other public official can be removed from office. A failure to attain the two-thirds vote in the Senate has the effect of retaining the accused individual in office, but still liable to indictment and conviction for criminal and indictable offenses in judicial branch procedures.

THE PROCESS OF REMOVAL FROM OFFICE

. . . The process of impeachment in the House may begin in a variety of ways: by charges made on the floor by a member; by resolution or memorial; by charges transmitted from the President, a state legislature, a grand jury; or in response to facts derived and reported by an investigating committee of the House. Indeed, 'common fame', such as facts contained in newspaper reports, has at times led the House to order an investigation with a view toward impeachment. As Thomas Jefferson, drawing on a 1625 Resolution of Parliament, said: 'Common fame is a good ground for the House to proceed by inquiry, and even to accusation.'

. . . If the investigating Committee recommends impeach, it sends to the House a resolution and articles of impeachment which specify the grounds of accusation. These are then debated and voted upon, a majority vote of those present being required to bring the President to trial. The House then selects 'managers' to prosecute the impeachment in the Senate trial. In the past, House managers have been chosen by the Speaker or by majority vote of House members. The House managers then transmit the articles of impeachment to the Senate. The Senate, in turn, informs the House when it is ready to proceed with the trial.

The Senate trial is governed by the Senate Rules of Procedure. . . . When the President is on trial, the Chief Justice presides. The trial begins with the Justice administering an oath to the Senate members. Each must swear or affirm that he or she will do impartial justice according to the Constitution and laws. The accused is then summoned to appear and answer the charges. The accused may appear personally or by counsel. A failure to appear personally or by counsel is treated as the equivalent of a plea of "not guilty".

The proceedings are somewhat similar to, but far more flexible than, those applicable in either a civil or criminal trial. Both sides may present witnesses and evidence and the accused has the right to cross-examine witnesses. Procedural questions which arise during the trial, such as questions of evidence, are ruled upon by the Chief Jutice. However, at the request of a single member, he may be overruled by a majority vote of the Senators present.

The Constitution specifically provides that conviction requires a two-thirds vote of the Senators present. The Senate rules require a separate vote on each article (charge). A two-thirds vote on a single article is sufficient for conviction.

The Constitution limits the penalties to removal from office and disqualification from future office.

Summarized from *Jefferson's Manual* and House Rules, by the American Civil Liberties Union in "The Impeachment Handbook," November 1973, pp. 26–27.

RESOLUTIONS BEFORE THE HOUSE JUDICIARY COMMITTEE

The Committee has before it 107 resolutions of two basic types:

One kind sets forth specific charges (Articles of Impeachment) which it requests the Committee to submit to the House for a vote. There are 31 resolutions of this kind, which set forth either three, seven, or eight charges of criminal, illegal, or political acts the sponsors deem to be impeachable offenses;

The other type of resolution (with 76 sponsors and co-sponsors) calls for official Committee investigations of the President "to determine whether high crimes have been committed and to report any articles of impeachment or other recommendations it deems proper."

The Committee also has before it one resolution asking that Congress *censure* and condemn the President for his "announced defiance of the judicial branch. . . ."

RESOURCE MATERIAL

In recent months a number of books and publications have been issued. The few we cite are intended to provide facts and official documents related to impeachment and removal from office and to place that issue in the context of increased executive branch power.

(1) Raoul Berger, *Impeachment: The Constitutional Problems,* Harvard University Press, 1973.

(2) House Committee on the Judiciary, 93–I, "Impeachment: Selected Materials," (1973), Y.4. J89/1: IM 7/2. Government Printing Office, Washington, D.C. $4.40.

(3) Arthur M. Schlesinger, Jr., The Imperial Presidency, Houghton Mifflin, 1973. (The Atlantic, November '73, reproduces the last chapter from that book—"The Runaway Presidency.")

RATE OF CRIME

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. ESCH) is recognized for 15 minutes.

Mr. ESCH. Mr. Speaker, the incidence and rate of serious crime have been increasing according to official compilations of offenses reported to police. It seems that each day we read of another utterly senseless murder or crippling attack that falls into that too familiar category we call street crime.

I do not raise this matter as an alarmist. Rather, I seek to focus attention on the need to probe the causes and effects of urban violence and the importance of planning—not only by government and law enforcement officials but by community agencies and citizens action groups as well.

The importance of developing cooperation among all elements of the criminal justice system and the communities they serve was clearly spelled out in six reports prepared by the National Advisory Commission on Criminal Justice Standards and Goals.

The $1.75 million study could well serve as a blueprint for achieving a measurable reduction of crime. Utilization of its standards and recommendations would give us the tools for a coordinated attack on lawlessness while making certain we would not sacrifice our constitutional liberties and civil rights.

The Commission recently raised a timely warning about the threat posed to an individual's right to privacy by the unchecked use of computers to compile crime records. A major portion of the report emphasized the need to protect against unauthorized tapping of computers and to enact legislation limiting collection and distribution of criminal history records.

The "right to privacy" has its roots in American law in the guarantees of the fourth amendment to the Constitution. This right is becoming increasingly important in police as well as civil liberty circles as police departments turn to computerized information about arrests, prosecutions, and sentences for crimes.

Computerized information systems have enormous potential for increasing the capability of law enforcement. The urgency of the Nation's crime problem plus the availability of computers and data processing equipment used by skilled professionals have made integrated local, State, and national information systems a real possibility. Uses of information and computers vary from jury selection to police manpower allocation to crime-oriented planning to correctional program placement.

In Detroit, where there have been more than 700 homicides this year alone, the police department has expended $2 million and 2 years of work in developing a new computerized control center. Indeed, the facility makes the Detroit force the most modern in America. As a typical example of the computer's usefulness, it will monitor police scout cars. It will know the average time a car spends in responding to a family trouble call and alert a dispatcher if the officers do not call back within the specified time. Computers will also be used in connection with the city's 911 emergency number which is the telephone number designated for public use throughout the country in reporting an emergency or asking for assistance. Congress has passed and the President has signed the Emergency Medical Services Act which included a provision for emergency communications assistance. Hopefully, this will stimulate action on the bill sponsored by many of us which will help

communities with the extra expenses encountered in establishing the "911" emergency telephone number.

Computers in crime control are proving their worth in many communities across the Nation. In San Jose, Calif., the police computer is programed with geographical information that enables the dispatching officer to send men familiar with the neighborhood to answer the alarm. Officers can also sit down at consoles and draw on the computer's memory for information that may lead to a vital clue in solving a crime. Computers are widely used in traffic bureaus and State motor vehicle departments to handle license and registration records, keep track of offenders' records, and help trace stolen cars.

The National Computerized Information Center—NCIC—is a rapid-response system that can provide local agencies with information on wanted felons plus identification numbers for stolen vehicles or weapons. At some future time, the entire Nation will be serviced by this interlocking computer system so that an officer on a beat can have instantaneous access to information concerning suspects by simply contacting his local computer terminal.

However, there are increasing concerns not only for adequate funding of this endeavor but also for adequate standards and safeguards for governing its use. We must be concerned about using this system in a way that protects constitutional liberties and civil rights, including the right to privacy.

Senator CHARLES MCC. MATHIAS, of Maryland, recently illustrated that point when he told the Senate how a local police officer sold information to a credit union which he obtained through the national computer system. Under current Federal law, dissemination of this information is not even a crime. Similarly, Senator SAM ERVIN, of North Carolina, and the Senate's acknowledged constitutional expert, cautioned that the FBI identification division received over 11,000 requests for record searches each day. In Senator ERVIN's words:

> We cannot know how many times Americans have been denied jobs even though they were found innocent of charges, or the case was dropped, or the original arrest was a mistake, or illegal, or even unconstitutional. Simple justice means that a man should not be denied employment because of an arrest record unless a complete trial record shows he was found guilty by a court of law.

In short, Mr. Speaker, we must balance a concerted tough attack on organized crime and street crime with the kinds of safeguards that will protect the right to privacy that all of us should enjoy as citizens of the United States. For that reason, I was very pleased with the recommendations of the Fifth Advisory Commission report prepared by a task force headed by Col. John R. Plants, director of the Michigan State Police, which warned us of the misuse of computerized crime data. Also, many of us in Congress are anxiously awaiting completion by the Justice Department of comprehensive legislation needed to deal with law-enforcement data banks and information systems. This effort was supported by former Attorney General Elliot Richardson and hopefully a draft bill will be sent to Congress sometime next year. In addition, FBI Director, Clarence M. Kelley, a pioneer in the use of computerized crime information systems, has said that he will seek legislation to place tight controls on criminal information systems to protect individual privacy.

While all of this is encouraging, controversy has arisen over the authority of the FBI to continue its current program of disseminating arrest records for law enforcement and other purposes. That authority is in doubt because of a court order against the FBI by the District Court of the District of Columbia in the case of *Menard* v. *Mitchell*, 321, Fed. Supp. 718 (1971) and the Senate-House disagreement over the necessity for inclusion of such authority in the State-Justice-Commerce appropriations bills for fiscal year 1974.

As a result, I am today introducing a bill identical to that of legislation introduced by Senator ERVIN and cosponsored by Senator MATHIAS, Senator MANSFIELD, Senator HRUSKA, Senator PASTORE and Senator YOUNG and others which would serve as a temporary stopgap measure to resolve the controversy. It will make the FBI's dissemination of arrest and fingerprinting records less vulnerable to an adverse court ruling and protect innocent individuals while providing Congress with adequate time to enact comprehensive legislation.

While I do not necessarily subscribe to every provision in the legislation, I am hopeful that hearings will be scheduled early next year by the distinguished Member from California, Mr. EDWARDS, chairman of the House Judiciary Subcommittee on Civil Rights, who has introduced a similar measure. Certainly, the subcommittee will want to have the benefit of testimony by the Justice Department and Members of Congress in addition to law enforcement experts from the State and local levels.

Under the bill, the Attorney General shall acquire, collect, classify and preserve identification, criminal identification, crime and other records and exchange these records for the official use of the Federal Government, the States, cities and penal and other institutions for law enforcement purposes. The Attorney General may exchange such records with the officials of federally chartered or insured banking institutions to promote or maintain the security of those institutions and if authorized by State statute, with officials of State and local governments for employment and licensing purposes. It also forbids the exchange of records indicating a person has been arrested on any criminal charge or charged with any criminal offense unless the record discloses the person pleaded guilty or nolle contendere or was convicted of the charge in a court.

It provides that all copies of records of information filed as a result of an arrest that is legally terminated in favor of the arrested individual shall be returned to that individual within 60 days of final disposition and shall not be maintained in the files of any Federal agency, if a copy of the formal court order disposing of the case is presented, or upon formal notice from one criminal justice agency to another. These records include fingerprints, photographs or any records of files except investigative files relating to that arrest. However, the records may be retained if another criminal action is pending against the arrested individual or if he has been previously convicted.

Finally, the Attorney General's authority to disseminate records to nonlaw enforcement agencies under the previously mentioned guidelines would expire on December 31, 1974 at the end of the 93d Congress. This would assure the measure is temporary and require the Justice Department to return to Congress for additional authority, hopefully in the form of a comprehensive arrest records bill.

A TRIBUTE TO GOV. NELSON A. ROCKEFELLER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. GROVER) is recognized for 20 minutes.

Mr. GROVER. Mr. Speaker, New York State Gov. Nelson A. Rockefeller has resigned his office as of this day. As one who served in the New York State Legislature during 4 years of his initial administration, I can attest to his great executive and administrative abilities, his legacy of leadership, and his outstanding record.

Nelson Rockefeller's 15 years as Governor of New York set historic records, both in terms of service in office and achievement in office. He was sworn in as New York's 49th Governor on New Year's Day of 1959. Governor Rockefeller was elected to four 4-year terms, the record not only for New York State Governors, but for all State Governors in the Nation's history.

I would like to take this opportunity to summarize a list of the many accomplishments of the Rockefeller administration:

HISTORIC HIGH POINTS

State University of New York—world's largest;

Pure Waters Program—first and largest of its kind;

Mass Transportation—1967 Transportation Bond Issue, Metropolitan Transportation Authority, rehabilitation of commuter railways, subways and bus services;

The Adirondack Park Agency—preserving the Northeast's last great wilderness;

The Department of Environmental Conservation;

The Urban Development Corporation—rebuilding cities and building new towns;

The State Council on the Arts—economic survival for cultural resources;

No Fault auto insurance;

Strongest anti-hard drug penalties in America;

9,300 new or expanded industrial plants added to the state's economy;

State Revenue Sharing;
First decline in state welfare rolls since World War II;
Medical care for the needy, the nation's largest program, under Medicaid;
55 new state parks;
Empire State Plaza—America's most beautiful state capital.

MAJOR NATIONAL FIRSTS OF THE ROCKFELLER ADMINISTRATION

First state program for total eradication of water pollution;
First state to assume major responsibility for operating mass transportation;
First state Urban Development Corporation;
First state council providing aid to sustain the arts;
First statewide minimum wage law;
First state aid to private colleges;
First state mandatory seat belt law;
First state loans for private, non-profit hospital and nursing home construction;
First state hospital cost control program;
First state to require infant testing to prevent PKU, a retarding disease;
First state institutes of Kidney Disease, Birth Defects and Burns Care;
First state rent grants to low income families;
First state law mandating minimum training for local police;
First state support of methadone maintenance research.

GENERAL SUMMARY OF MAJOR PROGRAMS

The arts

Created the nation's first State Council on the Arts;
Started the first program of direct state aid to cultural organizations faced with economic collapse, now aiding 850 symphony orchestras, museums, theatre and dance companies and other cultural resources;
Sponsored and provided state funds for an average of over 7,000 cultural events every year;
Provided state funds towards construction of the Saratoga Performing Arts Center;
Provided state funds for the construction of the New York State Theatre in Lincoln Center;
Instituted the annual New York State Awards honoring individuals, corporations, organizations and communities making a significant contribution to the state's cultural life;
Instituted the Ghetto Arts Program to stimulate and provide cultural opportunities in inner city areas.

Consumer protection

Created the State Consumer Protection Board;
Created the permanent Consumer Frauds Bureau in the Attorney General's office which has handled 270,000 consumer complaints;
Initiated no fault auto insurance;
Required disclosure of actual installment buying interest charges through the "Truth in Lending" law;
Outlawed assignment of wages in installment sales;
Made banks and other finance agencies holding installment sales contracts responsible, along with the original seller, for defective goods;
Provided a three-day period in which the consumer can cancel a door-to-door sales contract;
Established state meat and poultry inspection;
Brought out-of-state land promoters operating in New York under state supervision;
Brought mail order insurance companies under state supervision;
Required utility companies to pay customers a rebate when a final rate increase approved by the state is lower than a temporarily approved increase.

Criminal justice

Doubled the size of the State police;
Established the state-wide prosecutor of organized crime;
Established a special prosecutor to investigate and prosecute corruption in the police and criminal justice system of New York City;
Set the nation's toughest drug penalty, a mandatory life sentence for hard drug pushing;
Established the first special narcotics courts to speed the handling of drug crime cases;
Authorized 228 additional judgeships to reduce court congestion and speed the administration of justice;
Created the Division of Criminal Justice Services;
Created the New York State Identification and Intelligence System which uses rapid communications technology to disseminate criminal information to local police;
Established the New York State Police Academy;
Adopted the "stop and frisk" and "no-knock" laws to strengthen police powers to apprehend criminals;
Modernized the State Penal Law for the first time in 80 years;
Mandated minimum training requirements for local police officers;
Extended the Waterfront Commission's powers to combat organized crime to include airport freight operations;
Removed minor traffic and housing violations from the criminal courts, freeing more judges and courts for serious criminal cases;
Established the Crime Victims Compensation Board to provide financial relief to innocent victims of crime.

Drug abuse

Created the State Narcotics Addiction Control Commission—later the State Drug Abuse Control Commission—to help rehabilitate drug addicts and abusers;
Initiated mandatory treatment for drug addiction;
Financially supported research and carried out the nation's largest methadone maintenance program;
Mandated drug abuse education programs in all schools.

Economic growth

Attracted over 9,300 new plants or major expansions to the state's economy;
Created the State Job Development Authority to provide low-cost loans for business expansion, which created 21,000 new jobs and retained nearly 7,000 existing jobs in the state;
Created the Job Incentive Board, which provided tax incentives for businesses to locate and expand in low-income areas, adding 6,200 new jobs and retaining 6,300 existing jobs in the state;
Provided a one per cent state tax credit for business plant expansion;
Established New York State trade offices in major foreign cities and a Division of International Commerce which have stimulated nearly $1 billion in additional export sales;
Completed or initiated 30 construction projects for industrial parks, commercial and community facilities through the state's Urban Development Corporation;
Created the State Council of Economic Advisers;
Created the State Science and Technology Foundation to encourage research;
Created the New York State Atomic and Space Development Authority.

Education

Built the largest public university system in the world, which grew from 41 campuses and 38,000 students, to 72 campuses and 232,000 full-time students;
Increased community colleges from 13 to 38;
Initiated scholar incentive awards now aiding over 227,000 students, and increased all forms of state financial assistance to public and private college students by over 1,000 per cent;
Initiated and supported programs enabling nearly 23,000 students from disadvantaged backgrounds to attend both public and private colleges;
Began the nation's first program of aid to financially pressed private colleges;
Increased State aid to City University by nearly 20 times;
Established the Empire State University, a "college without walls" to provide college credit and courses to students not enrolled in conventional college programs;
Established 5 Einstein Chairs in the sciences and 5 Schweitzer Chairs in the humanities at various universities in the state;
More than quadrupled state aid to primary and secondary schools, from $594 million to $2.5 billion, to improve education and help relieve pressure for further additional local school taxes;
Provided state text-book aid and certain other assistance to private primary and secondary schools;
Provided the first state financial support for educational television;
Required special education for mentally retarded children in public schools;
Established the Atmospheric Sciences Research Center;
Established the Marine Science Research Center.

Environmental protection

Launched the Pure Waters Program, the first and largest state bond issue in the nation to end water pollution—$1 billion, later augmented by the $1.15 billion Environmental Bond Issue;
Preserved the northeast's last great wilderness through creation of the Adirondack Park Agency;
Created the Department of Environmental Conservation;
Initiated the first state aid for the operation of local sewage treatment facilities;
Created the Environmental Facilities Corporation to help local governments finance and construct waste treatment plants;
Protected tidal wetlands;
Banned DDT and other potentially dangerous pesticides;
Established the Hudson River Valley Commission to help protect the environment and historic heritage of the Valley;
Established the nation's first system for zoning air by purity standards for agricultural, residential and industrial areas;
Established a state-wide air quality monitoring network;
Banned open burning and open dumps;
Required air pollution exhaust controls on motor vehicles five years before the Federal government;
Achieved reduction of air pollution in New York City and other urban areas;
Established the use of state boards on Electric Generation Siting and the Environment to insure the environmental compatibility of new powerplants;
Added a "Conservation Bill of Rights" to the State Constitution.

Farm families

Created the State Agricultural Resources Commission;
Set up the agricultural districting program to insure the preservation of prime farm lands;
Provided farmers with a 5-year real property tax exemption on new farm buildings;
Provided a one per cent tax credit on new investment in farm machinery, equipment and construction;
Constructed or reconstructed 14,000 miles of farm-to-market roads;
Increased state financial support agricultural research by 140 per cent.

Virtually eradicated brucellosis disease in cattle, the virus disease afflicting Long Island ducks, cholera in hogs and the once extensive potato disease, golden nematode.

Health

Carried out the nation's largest state medical care program for the needy under Medicaid;

Financed the development of medical facilities serving 12,500 hospital and 24,400 nursing home patients;

Created the Bureau of Heart Disease;

Created the Birth Defects Institute;

Created the Kidney Disease Institute;

Created the Burns Care Institute;

Began mandatory PKU testing of new-born infants which enables early detection and prevention of a potentially retarding illness;

Prohibited use of lead-based paints on toys to prevent lead-poisoning;

More than tripled state financial support of the state's world respected cancer research center, Roswell Park Memorial Institute;

Instituted a functioning system of hospital costs controls;

Created two new state medical schools and provided financial aid to existing medical schools permitting enrollment expansion equivalent to two more medical schools.

Highway safety

Passed the nation's first seat belt legislation and set requirements for padded dashes, visors, tire safety, and dual braking systems;

Required all motor vehicles to be safety inspected annually;

Set strict standards and penalties for drunken driving;

Authorized use of "breathalyzers" to detect and prosecute drunken drivers;

Established the penalty of driving while impaired to facilitate the conviction of drinking drivers;

Required the first periodic retesting of drivers' vision;

Established mandatory Driver Improvement Clinics for persistent violators;

Required motorcyclists to wear crash helmets;

Developed the first state-financed model safety car.

Housing

Completed or started over 88,000 units of housing for limited income families and the aging through new and expanded programs in the State Division of Housing;

Created the Urban Development Corporation, which has thus far completed or started 30,000 homes;

Created the State Housing Finance Agency to generate private funds for construction of middle-income housing;

Authorized the Housing Finance Agency to make loans for rehabilitating run-down but basically sound housing;

Established the Home Owners Purchase Endorsement (HOPE) to reduce down payment requirements on co-operative projects in middle-income housing projects;

Established the nation's first program of state grants allowing low-income families to rent in middle-income housing;

Created the New York State Mortgage Agency to increase the availability of home mortgages.

Human rights

Achieved virtual total prohibition of discrimination in housing, employment and places of public accommodation;

Outlawed job discrimination based on a person's sex or age;

Outlawed "block-busting" as a means of artificially depressing housing values;

Initiated special aid to cover additional costs incurred by school districts seeking to correct racial imbalance;

Opened five offices in minority communities to provide commercial counseling to small businessmen;

Banned discrimination in the sale of all forms of insurance;

Provided the nation's first program for making insurance available to ghetto businesses ordinarily denied commercial insurance;

Increased by nearly 50 percent the numbers of black and Puerto Rican persons holding state jobs.

Labor benefits

Set the first state-wide minimum wage law;

Provided increased worker benefits as follows:

Minimum wage, 5 increases.

Workmen's compensation, 5 increases.

Unemployment insurance, 4 increases.

Disability, 4 increases.

Included migrant workers, for the first time, under the state minimum wage law;

Authorized the first unemployment insurance for migrant workers;

Achieved passage of the Taylor Law which, for the first time, recognized the right of public employees to organize and bargain collectively;

Started the state's first Manpower Training Program;

Began the Career Development Program which recruits and trains disadvantaged persons for state government careers.

Local government

Increased the share of state tax revenues to local government in state aid from 52.3% to over 61%;

Initiated state Revenue Sharing with local government;

Initiated state aid to local government in new areas including: day care, water pollution, drug treatment, transportation, parks and nursing homes;

Established the Office of Local Government;

Added the "Bill of Rights" for a local government to the state Constitution;

Enabled county governments to adopt their own charter;

Improved assessment practices through state-supported assessor training and modernized tax mapping.

Lottery

Initiated the state lottery, which provides additional funds for education.

Mental health

Employed modern treatment techniques that reduced the number of mentally ill patients from nearly 90,000 to 43,000 and the median stay from 240 to 41 days;

Improving staffing in state mental facilities from one employee for every five patients to one employee for every two patients;

Carried out the largest construction program in the state's history, completing five new state schools, one new state hospital, six new children's hospitals, 11 new rehabilitation centers; and starting six new state schools, and four new state hospitals;

Reorganized state mental hospitals into smaller intensive treatment units;

Provided hostels allowing mildly retarded persons to remain in their home communities;

Adopted the unified services program allowing a local government to offer a wider range of state, local or non-profit treatment facilities to patients;

Increased state aid to local governments over 5½ times to enable treatment of more patients near home and family;

Recodified the Mental Hygiene Law for the first time in 46 years.

Off-track betting

Legalized off-track betting, which allows local government to share in revenues from wagering.

Older persons

Created the State Office for the Aging;

Allowed property tax reduction for older home owners;

Developed special housing programs for the aging leading to the construction of nearly 12,000 units;

Authorized low-interest state loans for the construction of Community Senior Citizen Centers;

Instituted the first direct state matching aid to finance local older citizen programs.

Parks and recreation

Built 45 and began 10 more new state parks;

Began the first state parks in New York City;

Acquired 380,000 acres of land for future park use;

Constructed Gore Mountain ski area;

Established the Office of Parks and Recreation.

Prison reform

Instituted a large-scale construction program to rehabilitate and modernize prison facilities;

Created a new Department of Correctional Services combining the old Department of Correction and Division of Parole;

Started the work-release program to ease the inmate's readjustment to society;

Initiated prison furloughs for compassionate, medical and other reasons;

Provided 30 vocational courses and evening education for inmates;

Enabled inmates to prepare and receive High School Equivalency Diplomas and Regents Diplomas;

Initiated a special recruitment program which has increased the number of correction officers from minority groups;

Reduced the civil penalties that reduce job opportunities open to ex-inmates;

Provided intensive treatment for physically handicapped inmates to improve employment potential upon release;

Developed a plastic surgery program to correct unsightly malformations or scars which can seriously hamper readjustment;

Established innovative Diagnostic and Treatment Center at Clinton Prison to provide intensive treatment and social casework services for mentally disturbed inmates;

Established Beacon State Institution to provide mental defectives with increased psychiatric and psychological services by utilizing available professional staff at Matteawan;

Authorized inmate-elected committees to present grievances in state correction facilities;

Expanded mail, telephone and visiting privileges of inmates.

Transportation

Won approval of the nation's largest state bond issue—$2.5 billion—for the coordinated development of mass transportation, highway and air transportation;

Introduced the state's first program of support for mass transportation facilities, including $1 billion from the 1967 bond issue;

Created the Metropolitan Transportation Authority for the unified control, development and operation of mass transit in the New York City region;

Purchased and initiated total rehabilitation of the Long Island Rail Road;

Initiated rehabilitation and took over operation of all other commuter rail services in the New York metropolitan area;

Began the first new subway construction in 40 years;

Provided the first state program of financial assistance to bus companies, providing for over 650 new buses in 20 communities;

Created the State Department of Transportation;

Built or rebuilt over 22,000 miles of highway, including completion or major advancement of the Northway, the Route 17—Southern Tier Expressway, the Long Island Expressway and Interstate 81 from Canada to Pennsylvania;

Won two national awards for beautiful highway construction—for the Northway and Route 17;

Initiated the first program of state aid for the modernization and expansion of airports.

Veterans benefits

Established "One-Stop" centers to help veterans in disadvantaged communities find jobs;

Placed nearly 190,000 veterans in jobs;

Placed over 45,000 veterans in on-the-job training;

Established war service scholarships for Vietnam veterans;

Allowed World War II service in the computation of state retirement benefits.

Welfare

Achieved the first major decline in welfare rolls since World War II;

Required employable welfare recipients to take available jobs or job training, or else lose welfare benefits;

Reorganized the State Department of Social Services making it directly accountable to the Governor;

Created the Office of Welfare Inspector General to root out welfare frauds;

Began the state breakfast program for children in low-income areas;

Established the first state loan fund enabling non-profit groups to establish day-care centers;

Provided the nation's best program of publicly paid medical care for poor families and individuals;

Established the School of Social Welfare in the State University.

Women

Appointed women to head the largest number of state agencies in New York's history, including: the Department of Civil Service, Department of State, Division of Housing; Office of the Aging State University Board of Trustees, Consumer Protection Board;

Prohibited discrimination against women in education, employment, housing, places of public accommodation and credit applications;

Admitted women for the first time into the State police;

Initiated an Affirmative Action Program to increase job opportunites and to remove obstacles to training and promotion for women in state government;

Backed state ratification of the Equal Rights Amendment to the Federal Constitution;

Created the Women's Unit in the Governor's Office;

Established the State Guidance Center for Women to provide career direction to women.

Youth

Created the State Division for Youth;

Established the Youth Employment Program, which to date has placed 75,000 in full-time jobs;

Began the Summer Youth Opportunity campaign which encouraged employers to hire young summer employees;

Began the School to Employment Program (STEP) to train school dropouts;

Created the Hometown Beautification Program to provide useful summer work to communities;

Established short-term Adolescent Training Centers.

Mr. Speaker, I would now like to submit for the RECORD a portion of the Governor's resignation announcement:

I have decided not to seek a fifth term as Governor of New York.

I will resign next Tuesday after 15 years of service to the people of the State. At that time, Lieutenant Governor Malcolm Wilson will be sworn in as Governor.

We are living in critical times. I have great faith in our country, and I am optimistic about the future. But we can't take that future for granted. Therefore, after long and careful consideration, I have concluded that I can render a greater public service to the people of New York and the Nation by devoting myself to the work of two bipartisan national commissions.

These commissions deal with the tremendous problems and opportunities of this rapidly-changing world and the critical choices we must face as individuals and as a Nation. For over a year, I have been working on the organization of these commissions at the request of the President and with the cooperation of the leadership of the Congress.

One of these is the *Commission on Critical Choices for Americans*. Last February, the President wrote me, pointing out that "America cannot afford to stand on its past accomplishments . . . We as a people must periodically revitalize our Nation and our society. To renew the spirit and the promise of America, it is essential that we now examine our society in a comprehensive way."

He went on to ask me to expand our New York study which I had been discussing with him on The Role of the Modern State in a Changing World into "a national commission which would be bipartisan and broadly representative of all Americans," and to report periodically to him and to the Congress the Commission's findings and recommendations. I agreed to organize the Commission and to serve as chairman.

The Commission is composed of 40 leading Americans, including the Vice President of the United States, Gerald R. Ford; the two Democratic Majority Leaders, Senator Mike Mansfield and Representative Thomas O'Neill, Jr.; the two Republican Minority Leaders of the Congress, Senator Hugh Scott and Representative John Rhodes; Secretary of State Kissinger and Secretary of the Treasury Shultz, who are, respectively, Assistants to the President for national security and national economic affairs.

This Commission will analyze the impact of present world trends on our future security and well-being. It will focus on the critical choices facing Americans and on the development of new concepts and policies needed to cope with the impact of rapid change.

The other commission is the *National Commission on Water Quality*. It was established by the Congress in 1972 to recommend criteria for carrying out the amended Federal Pure Water Act. It is a far-reaching undertaking that will affect every lake and river basin in the country.

It is a bipartisan commission composed of five United States Senators, five Members of the House of Representatives, five public members appointed by the President, and I was elected chairman.

Both of these commissions have had their initial meetings; both are totally bipartisan in their makeup; and both are scheduled to finish their work within two years. Both can have a major impact on the shaping of our national policies for the future.

The shaping of these policies depends upon a far greater understanding by the American people of the significance of the present trends to their future freedom and well-being. Only in this way can we again develop the kind of national will and purpose that made possible the founding of this unique democracy, and which is essential to the growth and strength of America as we approach our Bicentennial.

Because I feel this so deeply, I am resigning as Governor in order to be able to devote my energies to the success of these commissions. My only regret is that my undertaking these tasks has been interpreted as a political maneuver to seek the Presidency. I am not a candidate for nomination for the Presidency or for any other political office. Whether I will become a candidate in the future, I do not know. I should like to keep my options open.

But under no circumstances would I consider such a move before the latter part of 1975, or while I am chairman of these commissions.

I deeply believe, however, that the vitality of the two-party system is the very essence of democracy. Accordingly, I shall maintain my personal commitment to help strengthen the Republican Party.

I could not step aside from my duties as Governor some 12 months before expiration of my final term except for my unquestioned confidence in Malcolm Wilson. He has been elected Lieutenant Governor four times and is uniquely qualified and prepared to serve as Governor of New York.

Mr. Speaker, there are many rumors concerning Governor Rockefeller's future public service. No one, of course, can predict where his work with the two commissions—on one of which I am pleased to serve—will lead, but for those of us who know the Governor, there is no doubt that wherever and whatever his future ventures may be, they will serve only to add to his notable record.

PETROCHEMICAL INDUSTRY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. CRANE) is recognized for 5 minutes.

Mr. CRANE. Mr. Speaker, recently a number of staff and Members of Congress had the opportunity to hear a disturbingly important message about the petrochemical industry. Unfortunately, the importance of petrochemicals in terms of employment and gross national product as well as impact on our life style is only dimly perceived by most Americans as well as those of us in Government. That is not surprising since few of us have a background in chemical engineering.

The gentleman who addressed the staff and Members of Congress, Mr. Louis Dehmlow, has a distinguished background in chemical engineering and the petrochemical field. For a quarter of a century, he has served as president of the Great Lakes Solvents Co. and GLS Fiberglass Co. in Chicago. In addition, he is an officer of the National Association of Chemical Distributors and the National Association of Plastics Distributors.

I would like to share Mr. Dehmlow's remarks with my colleagues at this time:

REMARKS OF MR. LOUIS DEHMLOW

Very soon, debate will begin on the Energy Emergency Act. In dealing with the energy emergency, a distinction must be made between the 90% to 95% of the oil and gas that is burned for energy and the 5% to 10% of that oil and gas that is used to make petrochemicals, which effect the lives of every single person in this country by contributing to his employment, his personal income and the many products which make our 20th Century way of life possible.

We have a grave warning: The leverage of that portion of our energy resources which passes through the petrochemicals industry is so great that any more closing of the valves or diverting of the streams will cause serious economic, political and personal consequences.

We are approaching the condition of a farmer who is burning his seed to heat his barn.

Who are we?

We are independent, mostly small, chemicals and plastics wholesaler-distributors. We are the most economical way through which manufactured products can reach the more numerous, smaller customers. We function at the flanges of the big manufacturers' bell curve—we serve the 80% of the customers who account for only 20% of their sales and earnings. Our function in the economy is to add value to products by specializing in the marketing and distribution functions of buying, storing, transporting and selling smaller quantities of products.

A company like mine buys over 1500 products from more than 50 manufacturers and sells them to about 2500 customers. Over 90% of our customers buy less than $600 worth of products in a month. We invest in the smaller companies which are the backbone of our economy.

What are Petrochemicals?

The Petrochemical Industry involves the changing of oil and gas into basic and intermediate organic chemicals which are themselves changed into various products like plastics, rubber, synthetic fibers, paint, inks, cosmetics and medicines. And the plastics, rubber and fibers, for example, become integral parts of hundreds of thousands of other manufactured products.

A flow chart of options for processing a petrochemical molecule looks like the delta at the mouth of the Mississippi River—the river has many paths to choose from to flow.

Benzene, for example, can be changed into ethyl-benzene which can be changed into styrene which can be made into polyester resins for fiberglass tanks or polystyrene plastics for insulation or synthetic rubber for fan belts or shoes. The possibilities seem endless. Who it is who makes these many choices is important to every American in modern life.

Perhaps the industry should sponsor a 60 second, two-part TV spot commercial showing people how petrochemicals effect their lives.

Scene 1: A housewife standing in her kitchen.

Scene 2: The same housewife standing in her kitchen *without* petrochemically based products. She would have no plastic tile on her floor, no paint on her walls, no safely coated electric wiring, no enamel on her stove, no detergent in her sink, no handles on her pans . . . but think of her person! She would have no lipstick on her mouth, no polish for her nails, no heels for her shoes, no synthetic fibers for her blouse, no double-knits for her slacks, no nylon underwear. In fact, we'd have an "x-rated" commercial and a person in need of a thermostat setting higher than 68°.

Ask the blockading truckers, who want 100% of their gasoline and diesel fuel to burn, if they would take their fuel from the 5% to 10% the petrochemical people need—the petrochemical people who gave them their tires, their steering wheels, their taillight lenses, their wiring insulation, even their distributor caps—and most important, most of the things their trucks haul.

The Commerce Department figures say petrochemicals are a 20 billion dollar industry. But because of the enoromus multiplying effect of their value added to our economy, small reductions in oil and gas available for feedstock will have great economic impact.

What is happening?

Arthur D. Little, Inc., the Massachusetts Research Firm, in their report, "United States Petrochemical Industry Impact Analysis," November 1973, gave the hypothetical condition that IF the petrochemical output decreases 15%, consuming industries would LOSE 1,600,000 to 1,800,000 jobs, and the economy would LOSE the domestic production value of 65 to 75 billion dollars!

We chemicals and plastics distributors are here to tell you that we are now experiencing shortages of many products that greatly exceed the hypothtical example of 15%. We are out of some products. Our customers are already facing lay-offs and shut-downs.

Styrene has all but disappeared. As a result, we only have one-third (a decrease of 64%—not just 15%) of the December amount of polyester resin we budgeted for our customers.

Isopropyl Alcohol—in years past it was as common as rubbing alcohol—in fact it was rubbing alcohol—is not available to us in Chicago this month. Incidentally, the "controlled" price in Chicago is 49¢ a gallon. Last week it was quoted on the Gulf and East Coasts at $3.00 a gallon.

We can't compete with the gray market, the black market and the export prices for products. Most of us choose not to deal in those markets—where products are swapped without cash transactions in proportion to the artifically created higher prices—and sold by questionable people who work around Phase IV.

These people are coming into our business and making big money. We're not particularly pleased to have them in with us. Our image is becoming somewhat tarnished. But they come to us with the compliments of those wonderful people who gave us Al Capone—those people who believe that the complicated balances of supply and demand can be regulated by a few men.

What caused these shortages?

The oil industry has tried to warn us for several years that the world demand for energy was going to outrun its supply. But the shortages petrochemicals in this country have been made much worse by regulations—primarily price controls. The wrong people are "controlling" prices. The choices available from oil and gas through petrochemistry are too varied and complex to be controlled by a council. The control must remain in the marketplace—by the people—through a freely functioning pricing system.

Those who are responsible for determining the economic value of hundreds of thousands of petrochemical derivatives cannot do so without freely moving prices.

A doctor cannot relieve a child of a raging fever by breaking the thermometer. The temperature is the effect, not the cause, of the fever. A Federal agency cannot stop inflation by fixing prices. The prices are the effect, not the cause, of the inflation.

Our economic system is in a mess of supply dislocations—call them shortages—because without real prices, judgment is impaired and economic calculation is impossible.

What can you who make laws do?

First and foremost, remove Federal price controls. At least remove Federal price controls on the highly leveraged petrochemicals as well as the refinery products used to make them and the many products made from them. People would rather pay more for products than to have no products at all.

Second, if price de-control is not possible yet, please encourage greater allocation of oil and gas resources from the energy sector, which burns it, to the petrochemical sector, which multiplies its value many times. We must reverse a downward economic trend which has already begun.

Third, if price de-control is not possible yet, please encourage those who effect export to do so with finished products, not raw materials. Let the value be added to raw materials in this country by our business people who employ our labor.

This is a national emergency. But even if these suggested actions were taken immediately, it will take several years to recover from the harm already done.

BILL WOULD FACILITATE INDUSTRIAL DEVELOPMENT OF BARREN SAND ISLAND

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, today I am introducing a bill to enable the State of Hawaii to deal with one of its pressing problems, the shortage of prime industrial land on Oahu, the State's most populous island.

Sand Island, which forms the protective seaward perimeter of bustling Honolulu Harbor, provides an ideal location for expansion of industrial activity within the boundaries of the city of Honolulu. Close to the State's business and industrial center, the island is now needed by the State government as a site for long-awaited maritime facilities; for a bulk fuel storage area for nearby Honolulu International Airport, one of the busiest in the world; and for the expansion of the State's highly-successful Foreign Trade Zone.

In 1958, Congress enacted Public Law 85–756, transferring certain lands at Sand Island, Oahu from the United States to the then Territory of Hawaii. The only obstacle, which my bill will remove, is a provision in the original transfer authority which restricts use of income derived from the land solely for the support of the University of Hawaii. The State government has urged that this unnecessary provision be deleted from the law in order to divert the revenue to development and improvement of the land for the sorely-needed industrial uses. This will result in no loss of revenue for the University, which is now funded directly from the State's general fund.

On the other hand, development of this otherwise barren, sandy, and coral-strewn appendage promises to provide the people of the State long-needed facilities to bolster our commerce-dependent island economy.

I am hoping for an early hearing on this urgent legislation and prompt, favorable committee action.

I ask unanimous consent that the text of the bill be included at this point in the RECORD:

H.R. 12003

A bill to permit the State of Hawaii to use the proceeds from the sale, lease, or other disposition of certain real property for any public purpose

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding section 4(a) of the Act entitled "An Act to provide for the transfer of title to certain land at Sand Island, Territory of Hawaii, to the Territory of Hawaii, and for other purposes", approved August 25, 1958, the State of Hawaii may use for any public purpose the revenue or proceeds from the sale, lease, or other disposition of the lands held by it under a transfer made by Executive Order Number 10833 under such Act on August 25, 1959.

THE PRESIDENT'S APPROACH TO FEDERAL FUNDING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. MEZVINSKY) is recognized for 5 minutes.

Mr. MEZVINSKY. Mr. Speaker, I am submitting for the RECORD an article which appeared in the December issue of the University of Iowa Spectator. This article discusses the potential and real hardships which threaten a large university as a result of the President's haphazard approach to Federal funding.

This article was written prior to the President's signing the Labor-HEW appropriations bill and I think it demonstrates quite clearly what would have happened if Congress had not taken action to allocate budget funds to continue programs which the President's budget had sought to eliminate.

FEDERAL FUNDING

In the midst of a national discussion over the question of how to finance higher education, officials at Iowa have taken a measure of federal fund cuts for the 1973–75 biennium.

Their accounting: the University anticipated but never received $2,211,000 in 1973–74 and another $2,218,000 probably will be lost for 1974–75.

The $4.4 million loss in federal funds, reported by the University's office of educational development and research, includes only awards for education programs from the Department of Health, Education and Welfare.

The vanishing federal dollars reflect a decision on the national level to shift the cost of graduate and professional education to state and private sources, according to D. C. Spriestersbach, vice-president for educational development and research.

"We tend to attribute this shift to the national administration, yet in one form or another the big debate over who should pay for and who benefits from higher education was bound to take place," Spriestersbach said.

The timing and mode of the discussion might have been different with a different administration, he added, but the debate was inevitable.

Federal funds, once almost exclusively used for research, increasingly have been used to finance educational programs and salaries, particularly in the health fields.

URGENT NEEDS

"We were encouraged, even cajoled, to respond to urgent manpower needs in the areas of health and to bring on faculty and new programs," Spriestersbach said.

"It certainly is a source of anxiety," he noted, "that Congress established some national objectives, devised funding to attain them and now we are faced with losing the funding."

The health colleges and health-related disciplines in the College of Liberal Arts and the Graduate College reported the heaviest losses.

Figures provided for the units most severely affected are:

	1973–74 known loss	*1974–1975 additional loss*
	(both in thousands)	
Dentistry	619	595
Medicine	651	860
Nursing	367	279
Pharmacy	108	108
Liberal Arts	136	319
Graduate College	32	57
Financial Aid (work-study)	298	
Totals	2,211	2,218

The figures for 1973–74 are from awards already received.

To calculate the expected added losses for 1974–75, University officials used "reliable but mostly informal information from federal officials," and assumed that the President's budget will be funded at the levels he has proposed and that losses for all institutions will be in proportion to their present levels of federal support.

Training grants account for the heaviest losses for next year. These grants provided funds for individuals interested primarily in academic careers and health care. In addition, they have provided a large amount of support for instructional salaries and teaching supplies as well as student support.

Expected losses in training grants for 1974–75 are: Dentistry, $496,972; Liberal Arts, $290,522; Medicine, $578,819; Nursing, $206,-245.

Other forms of support to be withdrawn or reduced include institutional support grants, special improvement grants, some capitation grants and career development awards. These grants have been a major support for salaries of professional and technical personnel and for new programs requiring increased enrollments in the health colleges.

NO FUNNY MONEY

"These monies were inextricably bound into the heart of our total operation," Spriestersbach said. "This wasn't funny money."

To illustrate the broad areas of instruction and services affected by the cuts, he cites allied health grant funds. A $170,519 expected loss in these funds will affect programs involving medical technology, physical therapy, nuclear medical technology, dental hygiene, and the model rural health center dietetics program.

In answer to the inevitable question, "how did you manage last year?," college officials have detailed a number of emergency measures, noting that they began austere measures to insure federal carryover money when continuing federal support became uncertain in late 1972. Now, they say, the "well has run dry," and most of that carry-over money is gone.

Devices employed last year to husband funds and control cash flow, they report, include freezing unfilled budget fines, delaying the implementing of programs, using nonrecurring reserves, increasing the size of classes and, for Dentistry, using an unexpected savings from an 18-month delay in moving into its new building.

Not only is most of the carry-over money gone, but many of the students enrolled in new programs are advancing to more expensive levels of instruction.

For example, Pharmacy developed three new educational programs, including one in clinical pharmacy, on the basis of a capitation grant. Since 1970 the entering class increased 37 per cent and a large number of students are ready to enter the clinical pharmacy sequence.

Estimates of the losses are complicated in part because of uncertainties about the funding level for HEW and the outcome of court cases on impoundment.

"Our dilemma comes because we have to plan and make commitments," Spriestersbach said. "Institutions don't work like water faucets."

The abruptness and severity of the current losses combined with earlier reductions and eliminations of support through such programs as the National Defense Education Act will have effects "far beyond the specific programs," he stressed.

"We're going through the agony of minimizing the impact of the losses," he said.

"And we're desperately hoping that the debate over the country's aspirations concerning the quality of life and the modes by which we achieve our goals will lead to a consensus in time for us to move confidently ahead, retaining the critical strengths that have made the University of Iowa the significant teaching-research institution it has been during the last 75 years."

THE WSIX PARADE OF PENNIES

The SPEAKER per tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. FULTON) is recognized for 5 minutes.

Mr. FULTON. Mr. Speaker, for a dozen years WSIX–AM and FM in Nashville, Tenn., has been providing a Merry Christmas for thousands of needy children at a cost of mere pennies.

Thanks to the annual WSIX "Parade of Pennies" these children, who might otherwise face Christmas as just another day, will once again this year enjoy the happiness of this season through the receipt of gifts and the knowledge that there is good will among men.

Several years ago people at WSIX hit upon the idea of asking contributions of pennies for needy children. Knowing that many if not most persons are hard pressed for extra cash at Christmastime they realized also that just about everyone has a few extra pennies.

The goal the first year was $980.00, a number which corresponds to the WSIX-AM frequency. It was difficult, but that goal was reached.

Throughout the years the annual Parade of Pennies has brought in a higher and higher amount until this year's total is expected to exceed $20,000.

The proceeds are used in a variety of ways. One of the highlights is the annual Christmas party which, with the cooperation of Nashville's American Legion Post No. 5, is given for 2,000 to 2,500 youngsters. Each will receive a gift plus clothing to size, candy, fruit, and nuts. In additional, two local McDonald hamburger franchises will provide free lunch. The party will be day-long and there will be continuous entertainment in a city, Nashville, where entertainment is synonymous with its name.

In addition, funds are put aside for special cases wherein families need food, fuel, clothing, and so forth. Also, moneys are used to help provide for 10 toy centers operated by local council of community agencies.

As its name implies, the Parade of Pennies stresses small contributions. However, an outstanding and unique exception is General Truck Sales of Nashville. Each year, about September, the people at General Truck Sales put out a washtub in their garage and ask for contributions from the many truck drivers who bring their vehicles in for repair.

Later today, Mr. Paul Ruhle, manager of WSIX–AM and FM, and Mr. Chuck Adair of WSIX–FM will visit General Truck Sales to pick up a donation of $8,200 which has been collected to date.

Mr. Speaker, little things, in this case a few pennies, can mean a lot. By themselves a few pennies do not add up to much. But when thousands and thousands of persons contribute they can add up to a great deal. This year they will total over $20,000.

Because of the effort, spirit, and good will of the management and personnel of WSIX–AM and FM, an idea has been turned into an annual gift of Christmas to thousands of needy children. And because of the help of American Legion Post No. 5 and the thousands who have given a little, children who might have had nothing will receive much.

I wish to offer my congratulations and personal expression of appreciation of WSIX–AM and FM for the wonderful work they are doing in undertaking this annual project. Also each and every contributor is due thanks for the few or many pennies they may have provided. And a special expression of appreciation is due to the people at General Truck Sales for the extra effort and large contribution which they make. It is a privilege to have the opportunity to represent in Congress individuals and groups such as these.

FUEL SHORTAGE IN THE SAN JOAQUIN VALLEY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. McFALL) is recognized for 5 minutes.

Mr. McFALL. Mr. Speaker, on December 7 I addressed the House on the seriousness of the shortage of diesel fuel in the San Joaquin Valley—the heart of California's farming area.

At that time, I noted that the major oil companies were not cooperating in the Federal Government's efforts to prevent shortages in the production of food for Americans.

Local distributors of petroleum products reported they had not received any instructions from the parent companies to furnish diesel fuel to farm customers in compliance with orders from the Office of Petroleum Allocation for a 60-day period which began November 19.

I appealed to the oil companies to allow patriotism and love of country to overcome evident self-interest. In addition, I urged that the Office of Petroleum Allocation to "put some teeth into its efforts."

There has been some progress, I can now report. One of the 12 major companies serving farming preference customers has now issued instructions for its wholesale distributors to follow the orders. This company is Atlantic Richfield.

Others are not complying fully, I regret to report.

There are indications that a few of the companies are going part of the way. But we are still experiencing critical shortages which have caused direct immediate hardships in the feeding of cattle and harvesting crops and will have far-ranging future effects by curtailing plantings for next year's harvests.

The new chief of the Nation's Energy Office, William Simon, has just announced that agricultural producers will have enough fuel to meet their requirements to keep our grocery shelves stocked with sufficient supplies in the days ahead. This is as it should be and I commend him for his statement. But the fact remains that many of the farmers in the San Joaquin Valley have been forced to halt their operations despite the well-intentioned efforts of the Office of Petroleum Allocation a month ago.

Representatives of every oil company my office could contact in recent weeks has assured us that their firms were cooperating fully with the preference program for farming, mass transit, and production of fossil fuel.

Yet only Atlantic Richfield has issued clear-cut instructions to its local representatives to furnish diesel to the preference customers without preclearance from the Energy Office—OPA's successor—for the period between November 19 and January 19.

While each of the companies advised me it was sending additional diesel fuel to California farming areas in December in compliance with instructions from OPA on November 29, there is little evidence that it is reaching the farmers of my congressional district.

Nor has the Federal Energy Office taken any steps to force compliance with its orders.

As a consequence, a lively black market operation has developed in the San Joaquin Valley which is heavily patronized by those farmers and others who are financially able to pay 60 to 70 cents a gallon for diesel fuel which moved through legitimate channels earlier this year at about 12 cents a gallon.

All indications point to shortages in the many crops produced in the San Joaquin Valley next year—tomatoes, sugar beets, fruits and vegetables, cotton, dairy products, and other basic commodities. Higher prices for food and fiber, which will be available, appear inevitable unless cooperation between the oil industry and the Federal Energy Office occurs quickly.

Many less affluent farmers may be forced out of business entirely.

THE ARMY'S BINARY NERVE GAS PROPOSAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Utah (Mr. OWENS) is recognized for 5 minutes.

Mr. OWENS. Mr. Speaker, as I indicated in my remarks in the RECORD, on December 12, 1973, I have been working with other Members on another resolution calling for a comprehensive review of our Nation's national and international security policies on chemical warfare. I am pleased to reintroduce at this time, together with additional cosponsors, this legislation calling for such a review. I feel strongly about the need for this review, as many Members are aware, and I hope to be able to secure the interest and support of other Members as we see this issue develop.

In this regard, I was very interested to note in yesterday's New York Times a report to the effect that Dr. Fred C. Ikle, the Director of the U.S. Arms Control and Disarmament Agency, has now expressed some of the same misgivings which I feel concerning the need for the expenditure of several hundred million dollars for the production of the proposed new chemical warfare binary munitions system. According to the Times account, Dr. Ikle also raises some serious questions about "whether the binary gases, because of their ease of production, would not increase the danger of proliferation of chemical weapons and thus greatly complicate attempts to ban chemical warfare." Dr. Ikle apparently raised another question I have posed; namely, whether the United States must necessarily have nerve gases to deter a Soviet resort to the weapons.

I believe that this New York Times report is of sufficient interest to warrant reading in full. Accordingly, without objection, I included it in the RECORD.

[From the New York Times, Dec. 17, 1973]

ARMS UNIT FIGHTS A NEW NERVE GAS

(By John W. Finney)

WASHINGTON.—The Arms Control and Disarmament Agency is challenging the Army's plan for production of a new type of nerve gas on the ground that it is militarily unnecessary and would complicate international attempts to control chemical warfare.

It is doubtful that the Arms Control Agency, with a $7-million annual budget, can prevail against an Army that wants to spend at least $200-million producing the new nerve gas for its larger artillery shells. But in the debate now building up, the agency is staking out a new advocacy role on weapons planning.

In the past, it has not been the custom for the Defense Department to consult the agency about new weapons or for the agency to raise any questions that were heard within the Pentagon.

When the Army decided recently to go into production with the new binary type of nerve gas, for example, defense officials said that no attempt was made to consult in advance with the agency. Pentagon officials said it was strictly a military question of modernizing the Army's chemical warfare weapons and presented no arms control implications.

But within academic and some Congressional circles, the question was raised as to whether the binary gases, because of their ease of production, would not increase the danger of proliferation of chemical weapons and thus greatly complicate attempts to ban chemical warfare.

The same question is now being raised within the Government by Fred C. Ikle, the Swiss-born social scientist who took over as director of the agency last July.

THE COUNTER-ARGUMENT

With the agency no longer directing major arms control negotiations, there has been some concern in Government and academic circles that the agency was being turned into a "think tank" with little influence on policymaking. But to Dr. Ikle, his challenge on nerve gas is an example of how the agency can play an independent advocacy role in presenting the arms control implications of weapons programs.

The binary nerve gas consists of two separate chemical agents that become lethal only when combined, for example, in an artillery shell after it has been fired. The two agents—one consisting of a compound resembling insecticides used in the home and the other an alcohol compound that can be purchased in the commercial market—are relatively easy to produce.

For the Army, principal advantage of the binary gas is that it should relieve some of the public and Congressional concern about the safety of storing and transporting the present nerve gases.

This is conceded by arms control officials, although they question whether it will overcome the reluctance of European nations to have nerve gases stockpiled on their soil.

But the counter-agreement being raised by arms control officials is that such a move by the Army may stimulate even semi-industrialized nations to acquire the binary gases at a time when the United States is attempting to negotiate a treaty to ban the proliferation of chemical weapons by banning their production.

VIEWPOINT OF ARMY

Beyond such diplomatic complications, Dr. Ikle is asking whether the Army needs the new nerve gas.

The Army says it must modernize its chemical warfare stockpiles so they will be an effective deterrent against Soviet use of nerve gases. But Dr. Ikle questions whether the United States must necessarily have nerve gases to deter a Soviet resort to the weapons.

In other areas, such as radiological weapons, he said, "we have not found it necessary to have a retaliatory stockpile for each threat."

The agency says the Soviet Union would probably be deterred from use of nerve gases in violation of the 1925 Geneva protocol on chemical warfare because such a drastic step could provoke the use of nuclear weapons by the United States.

GREATER THREAT SEEN

Arms control officials say that probably a greater potential threat is that third countries could acquire nerve gases and be more inclined to use them in any war with the United States.

Arms control officials also question whether producing the new gases and destroying existing stockpiles represent the best military use of the funds.

As an alternative, they suggest new weapons, such as guided bombs, to destroy enemy stockpiles of nerve gases, Or, they propose, the Army might spend more money on defensive equipment and training against chemical warfare—an area in which the Army concedes the Soviet Union is now superior.

RICHARD NIXON: AMERICA'S MAN OF THE YEAR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. LEGGETT) is recognized for 5 minutes.

Mr. LEGGETT. Mr. Speaker, there are those cynical cohorts of confusion, those dyspeptic dissolute disciples of despair, who sustain the susurrations of sinister suggestion that history will not place President Nixon on the same platform as Jefferson, Washington, and Lincoln.

Recently these unworthy utterances have been laid to rest by the prestigious Committee To Support the Goal of Every Patriotic American, which has named Mr. Nixon its man of the year.

It should be noted that, while Jefferson, Washington, and Lincoln no doubt were competent men for their day, they never quite made the grade. Their efforts notwithstanding, they were never named man of the year by this prestigious society.

It should also be noted that, while in any less distinguished year Gov. Ronald Reagan's achievements would have easily carried him to victory, he was wiped off the board in 1973 by the overwhelming record of Mr. Nixon.

I insert for the perusal of my colleagues a news report of the award and its background, which recently appeared under the byline of the San Francisco Chronicle's star cub reporter, Arthur Hoppe:

MR. NIXON, MAN OF THE YEAR

(By Arthur Hoppe)

President Nixon has won the coveted Man of the Year award from the prestigious Committee to Support the Goal of Every Patriotic American.

"The goal of every patriotic American is, of course," said committee chairman Homer T. Pettibone, "to avoid paying as much income tax as can be avoided. Mr. Nixon has won the nation's admiration by becoming a millionaire in five short years while paying a smaller percentage of taxes than a family of four making $8000 annually.

Other nominees for the honor included Governor Ronald Reagan of California, who managed to pay no income taxes in one 12-month period and Chicago financier B. Blascomb Blatant, who netted $22.7 million on depreciable oil wells, depreciable high-rise shelters and depreciable chinchillas, thereby winding up so depreciated the I.R.S. owed him $2.58.

What won Mr. Nixon the award over such distinguished challengers was his "Operation Candor," in which he released 56 pages of documents detailing his financial transactions. "The President not only set an example for every patriotic American," Pettibone said, "but for the common good, he described exactly how he did it.

With this, Pettibone unveiled the coveted "Ponzi" award, a gold statuette of a siming man with a hand over this wallet—this one inscribed: "Richard Nixon, He Showed the Way!"

Not only is Mr. Nixon a patriotic American, Pettibone noted with pride, but he's a good family man. As evidence, Pettibone cited how the President enriched his daughter, Trish, by $45,000 at the low capital gains rate instead of hiring her for that amount at the high ordinary income rate.

Mr. Nixon said he did this by borrowing $20,000 from her and promising to cut her in on a lucrative Florida land deal by "an oral agreement."

("Trish, I'm a little on the shorts, Can you let me have twenty grand"?

("Sure, Daddy. But first let me check your credit rating. Let's see, you've got three houses mortgaged to the hilt, shaky job tenure and Spiro's your character reference?"

("Damn it, Trish, if you can't trust your Daddy, who can you trust?")

And, sure enough, the deal paid off—which shows that you can, too, trust Florida real estate promoters, no matter what their station in life.

What also swayed the judges. Pettibone said, was the fact that while Mr. Nixon voted in California as a resident, he paid no California income taxes whatsoever.

"Every good citizen should vote only on election day in the State he lives in," Pettibone said, "only on election day."

So, all in all, Pettibone feels that the President today successfully embodies the aspirations of all patriotic Americans.

"After all, patriotic Americans love this great land of ours and want to support their country in every possible way," said Pattibone, his hand over his heart, "in every possible way, that is, but financially."

LIBERALIZATION OF MARIHUANA LAW IN OREGON

(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, I introduced a bill earlier in this session to decriminalize possession of marihuana, as defined for personal use—that is, under 3 ounces. The Javits-Koch bill provides that marihuana in an individual's lawful possession would not be subject to seizure as contraband, marihuana intoxication would not be valid defense for any violation of Federal law, and the sale, distribution, or transfer for profit of marihuana would continue to remain crimes.

The State of Oregon recently enacted a somewhat similar law, and as the accompanying article from the New York Times shows, the skies have not fallen in; Oregon has not become a haven of drug-crazed hippies. In fact, the only apparent difference between the "old" and "new" Oregons is that the police under the present law have more time to give attention to the real criminal elements and dangers to society and protect law-abiding citizens.

The fundamentals of the Oregon law are simple. Possession of 1 ounce or less of marihuana is treated as a parking violation, with a maximum penalty of a $100 fine. No criminal record ensues. The article makes clear the popular support for the law coming from judges, police, and the citizens of Oregon. I have made clear in earlier statements the widespread support the decriminalization concept has: It ranges from the American Bar Association to the National Education Association. The time for change has come. Let us implement the recommendations of the National Commission on Marihuana and Drug Abuse—the Shafer Commission whose members were appointed by President Richard M.

Nixon. The personal use and possession of marihuana should be decriminalized.

[From the New York Times, Dec. 18, 1973]

OREGON HAS NOT BECOME A HAVEN FOR PUSHERS DESPITE NATION'S MOST LIBERAL DRUG LAWS

PORTLAND, OREG., December 15.—About nine weeks ago, Oregon abolished jail terms and heavy fines for possession of an ounce or less of marijuana, making the state's drug law the nation's most lenient.

The liberalization of the law has produced no startling changes. Possession of marijuana is still illegal, but now it is treated more like a traffic violation than a crime. A citation is issued and the maximum penalty on conviction is a $100 fine, regardless of the number of previous convictions. There is no criminal record.

The maximum penalty formerly was a year in prison and a $1,000 fine for the first offense, and 10 years and $2,500 for repeats.

There is no evidence that the state has become a haven for drug users and pushers, as opponents of the measure had warned.

Those who sell marijuana say that its price, supply and demand are following seasonal norms.

CHANGING ATTITUDE

For the most part, policemen, prosecutors and judges are pleased with, but not excited by, the liberalization. They say the law has simply caught up with society's changing attitude toward the casual use of marijuana.

"It's a good thing," said Bill Youngman, senior deputy district attorney for Multnomah County, which includes Portland, the state's largest city. "It was getting to be hell prosecuting those cases. Marijuana use had become so common that the grand jury just wouldn't indict and when they did, the juries wouldn't convict. We were losing our credibility with the courts."

"I think this law is going to work out very well," said Michael Bailey, the Multnomah County prosecutor who handles most marijuana cases. "It's a clear statement that the legislature wants a very small amount of our resources devoted to this area. I think in a few years complete legalization of marijuana may follow suit."

"Yes, this is a step toward legalization," said Sgt. Carl Dunafon of the Portland Police Department's narcotics detail. "And I oppose it. The law is too liberal. We don't have enough information to know the exact effects of this dangerous drug and here we are trying to legalize it."

Mr. Bailey said about 40 citations had been issued in the county for marijuana possession since the new law took effect Oct. 5—"mostly to teenagers, street people, hippies, the ones who smoke in public places."

He said practically all those to whom citations have been issued have pleaded guilty and accepted a usually light penalty.

Stiff criminal penalties for sale of any amount of marijuana, and for possession of large quantities of marijuana and other drugs, remain in force. Hashish, a more potent derivative of the marijuana plant, was inadverently included in the new law. Legislative leaders say this was an oversight and will be corrected during a special session early next year.

TOO EARLY TO TELL

"It's far too early to tell what the effect of the law is going to be on the market," said a Portland dealer who handles large quantities of marijuana. "The stuff is getting easy to come by again because of the harvest in Mexico. And the quality is going up. This is the best time to buy so I don't know how much of the increase is due to the law."

In Lane County, home of the University of Oregon, District Attorney Pat Horton said he was using the present system almost a year before the liberalized law took effect.

"There's been a saving of time and money," he said. "The average time for a policeman to arrest, lock up and process a person is 40 minutes. That's 40 minutes the cop is not on the street protecting life and property."

Mr. Horton foresees the eventual legalization of marijuana in Oregon, but with state controls on price and supply like those on liquor.

There is not total agreement.

"All this law really is is a license to sell," said District Attorney Doye Schifman of Douglas County, a less populous region in the southwestern part of the state. "The pusher can go on his merry way selling marijuana, and as long as he never carries more than a lid, an ounce, at one time . . ."

In the eastern Oregon town of Hermiston, a move is already under way to restore criminal penalties for possession.

"We don't know to what extent marijuana affects the brain, but it very definitely does," said Susan Roylance, 31-year-old mother of seven and head of the Committee Against Liberal Drug Laws.

GOOD NEWS ON EQUAL CREDIT FOR WOMEN

(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, in light of the hearings recently concluded by the Banking and Currency's Subcommittee on Consumer Affairs on the subject of sex and marital discrimination in credit applications, I was very pleased to learn today that the Federal Home Loan Bank Board has issued a policy statement prohibiting savings banks from discrimination against women or families dependent on a working wife's income in making mortgage loans.

Instances of sex discrimination in credit applications have been found to be widespread, not just with bank loans, but with all forms of credit. Last summer I introduced legislation—H.R. 8246 and H.R. 9499—prohibiting such discriminatory practices, and just recently, as a member of the Consumer Affairs Subcommittee, I heard several days of testimony on this subject. Almost overwhelmingly, those testifying indicated support for legislation, noting that there is no valid basis for such discrimination.

It is my intention to press in my subcommittee and in the full Banking and Currency Committee for legislation which will ban all forms of credit discrimination based on sex or marital status. The legislation is long overdue, and no additional hearings are required. The American public demands that action be taken now.

The article from today's New York Times describing the Federal Home Loan Bank Board's new policy follows:

HOME LOAN PANEL UPHOLDS WOMEN'S MORTGAGE RIGHTS

(By Linda Charlton)

WASHINGTON, December 17.—The Federal Home Loan Bank Board made it a matter of policy today that savings and loan institutions may no longer discriminate against women or families dependent on a working wife's income in making mortgage loans.

The board's statement of policy does not technically have the force of law, but it is accepted as binding by the savings banks, whose activities the board regulates.

The new policy statement was published today in the Federal Register, without the planned fanfare of a press release. The 10-inch snowstorm that muffled Washington kept the board's public-relations staffers from their desks.

The statement noted that the Civil Rights Act of 1968 did not specifically outlaw discrimination in lending on the basis of age, sex or marital status, but that such discrimination was "contrary to the principle of, and may in fact violate constitutional provisions which guarantee equal protection of the law" and "may additionally result in racial or ethnic discrimination."

The "supplementary guidelines" against which the board's member institutions are asked to "re-examine" their policies state that certain "loan underwriting decisions" may be discriminatory.

ASSUMPTION ON DIFFERENCES

They are the decisions that "differentiate loan applications on the basis of assumptions regarding comparative differences in credit worthiness between older and younger persons, or among married, single, widowed or divorced individuals" without considering the specific circumstances of each case.

"As far as they go, we're happy with them. We think it's a major step," said Steven M. Rhode, a research associate at the Center for National Policy Review, a privately funded organization affiliated with Catholic University Law School that served as counsel for 13 civil rights organizations who petitioned the board nearly three years ago to end discrimination in lending.

A survey taken by the board in 1972, Mr. Rhode said, indicated widespread discrimination against would-be borrowers on just such grounds. Marital status was considered by 64 percent of the institutions, and 18 percent said that marital status could disqualify a borrower. One quarter of the savings institutions said that they could not count a working wife's income at all in considering a mortgage-loan application.

A February study this year by the Oregon Student Public Interest Research group, an off-shoot of Ralph Nader's consumer advocate organization, concluded that generally women enjoyed "second-class status" in dealing with banks.

At an October hearing by the District of Columbia Commission on the Status of Women, more than one-quarter of Washington's mortgage lenders conceded that they had discriminated against women applicants. And the president of the New York State Bankers Association told a state legislative hearing in New York City in the same month that banks did discriminate against women, but that "there is no conscious policy of discrimination. It's just that bank officers are operating the way they did 20 years ago."

The loan bank board's statement also said that using only the "nonovertime income of the prime wage-earner may result in discrimination" because such standards "do not take account of variations in employment patterns among individuals and families."

To discount automatically a working wife's income or other income from overtime or part-time work, the board said, "will cause some applicants to be denied financing without a realistic analysis of their credit worthiness."

Because "minority group members and low- and moderate-income families rely more often on such supplemental income, the practice may be racially discriminatory in effect, as well as artificially restrictive of opportunities for home financing," it was said.

The policy statement also cited as poten-

tially discriminatory the practice of requiring fluent English as a prerequisite for loan approval. It placed in the same suspect category the "refusal to lend in a particular area solely because of the age of the homes or the income level in a neighborhood."

The statement ended with a cautionary note regarding the evaluation of would-be borrowers on the basis of "prior history": "A policy favoring applicants who have previously owned homes may perpetuate prior discrimination. Job or residential changes may indicate upward mobility."

ENERGY: WILL WE MEET THE TEST?

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

Mr. PRICE of Illinois. Mr. Speaker, the fuel shortage has been given sufficient publicity in recent weeks so that by now every American should be aware of the problems we face. But awareness is neither understanding nor acceptance. For even now one of our major tasks in meeting the energy dilemma is to dispel the popular notion that the shortages are an artificial creation of conspiring oil barons and spineless Government officials. If the people do not believe that the shortages are genuine it will be extremely difficult to make any of our solutions work.

It is still important, then, that we explain to the individual homeowner and commuter the causes of the shortage and the mechanics behind our remedial actions.

In this month's issue of Rural Electrification magazine, an article entitled "Energy: Will We Meet the Test?" presents a straightforward, easily understood and credible analysis of the energy situation and suggested measures to stabilize it. I ask unanimous consent that this article be included in the RECORD.

ENERGY: WILL WE MEET THE TEST?

President Nixon last month outlined a series of voluntary and mandatory energy-conservation programs which the Administration hopes will get the Nation through the winter. In addition, he called for congressional action—which is undoubtedly forthcoming—giving him additional emergency powers to cope with anticipated shortages.

Although some individuals and businesses immediately reacted by instituting portions of the President's recommendations, there are reports that the program may be too little too late—and that more severe steps such as rationing or sharply increased taxes on such commodities as gasoline may be necessary before spring.

The charts on these pages show the anticipated shortages to be from 2- to 3-million barrels of oil a day. To counter these shortages, the White House plan anticipates its proposed actions can save about 2,350,000 barrels a day—with the warning that more strict controls will come unless everyone cooperates.

The bulk of the Administration's anticipated savings is expected to come from the transportation sector. A cut in airline flights is supposed to save 170,000 barrels a day, while reduced highway speeds along with increased car pooling and use of mass transit could save 600,000 barrels a day.

Already, however, the transportation industry has warned that "any significant reduction in the public carrier services will create major economic dislocations and endanger our national security."

And, others point out, curtailment of automobile traffic on the highways could have a drastic and adverse impact on motels, restaurants, huge suburban shopping malls, resorts, service stations and roadside retailers of all kinds.

But cutbacks on auto usage seem to be the only effective short-term way to save oil.

The Highway Users Federation has released figures which show that:

If 60% of those who drive to work—mostly one person in one car—would switch to car pools, 1.8-billion gallons of gasoline would be saved each year.

If all passenger cars traveling at speeds higher than 50 miles an hour would cut their speeds by 10 miles an hour, annual fuel savings of 3-billion gallons would be realized.

If just 1% of all city auto travel could be switched from streets to freeway links now cut off, some 97-million gallons a year could be saved.

However, if the reports which came the first few days following the President's appeal for a cutback in auto usage and speeds are an indication, Americans aren't driving all that less and certainly not all that slowly. Reporter after reporter driving at 50 miles an hour said he was passed up by nearly everything on the road.

This may be why the Administration has under serious consideration contingency plans for gasoline rationing or a heavy tax on gasoline.

Rationing would presumably take the form of coupons issued to registered car owners. The coupons could be redeemed for gasoline for about 10 to 15 gallons a week.

The tax—reportedly from 30 to 40 cents a gallon—not only would serve to discourage consumption, but it also would provide funds to finance energy research projects.

As far as electric utilities are concerned, the Administration plans have a number of implications.

Actions to overcome this winter's energy shortage

[Barrels per day]

Reduce airline flights and improve efficiency	170,000
Reduce thermostat settings in homes, offices, and factories	640,000
Convert from oil to coal and prohibit further switching	430,000
Reduce highway speeds, increase car pools and mass-transit use	600,200
Increase production from non-government oil wells	350,000
Increase oil production from Elk-Hills naval reserve	160,000
Total barrels per day*	2,350,000

*If these actions fail to offset the actual shortage, additional steps may be implemented.

SOURCE: White House figures.

First, it seems obvious that more reliance will be placed on coal for firing power plants in the immediate future.

Second, it will likely mean that there will be some relaxation—on a case-by-case basis—of air quality standards, thus allowing the use of fuels that otherwise could not be used.

Third—for the long range—the promised stepped-up program for research and development into new energy sources could bring us out of an era of scarcity and its attendant spiraling costs.

Beyond that, it is difficult to determine just what the fuel shortage will bring in the months ahead. For one thing, a number of utilities are reporting a growing number of new electric heating loads as a result of natural gas and fuel oil shortages. This is especially true for rural electric systems because of the propane shortage. On the other hand, a sharp cutback in electric usage could put some utilities on the spot in that they may not receive revenues necessary to cover rising expenses.

The energy crunch also has special implications for farmers, who will feel it in two important ways. First, the fuel shortage could cut back on the number of acres that will be planted and harvested next year. Second, nitrogen fertilizer—which is made from natural gas—will be in short supply and certainly far more costly next year.

BELLEVILLE, ILL., NEWS-DEMOCRAT INDICATES PEOPLE OPPOSE GASOLINE RATIONING

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

Mr. PRICE of Illinois. Mr. Speaker, one of the newspapers in my congressional district, the Belleville News-Democrat, has instituted a monthly feature called the Plebiscite, in which the readers may voice their opinions on particular issues.

Mr. John E. Shuff, the president and publisher of the News-Democrat has been kind enough to furnish me with the results of the first plebiscite, which sought views on gasoline rationing, and I insert this information in the RECORD for the consideration of my colleagues:

NEWS-DEMOCRAT READERS OPPOSE GAS RATIONING

The federal government should not ration gasoline in its energy saving efforts, according to readers of the Belleville News-Democrat.

Responding to our first Plebiscite, 290 readers voted 3½ to 1 against rationing and said, for the most part, they object to rationing "because the government couldn't do it fairly."

The Plebiscite results showed: 220 against, 67 in favor and 3 who voted both ways.

Two of the people who seemed to have trouble making up their minds on the issue wrote rather lengthy comments explaining their dilemma.

"The decision should not be left to the whims or emotions of the populace," one writer said. "I don't want rationing; however, if it is needed then let's have it."

The Plebiscite, a new monthly feature started by the News-Democrat, was conducted as follows:

A story outlining the feature and listing the question on a coupon to be mailed or delivered to the newspaper was published in our Monday, December 3, edition. Readers were given until 4 p.m. December 10, to respond. They were not required to sign their names to the coupons but were asked to list the name of the town where they live. No extra copies of the paper were printed that day and we asked each reader to fill out only one coupon to insure a fair sampling.

The results, which were screened and read by our staff Tuesday, will be forwarded to U.S. Senators Charles Percy and Adlai Stevenson and U.S. Rep. Melvin D. Price.

The News-Democrat started the Plebiscite feature to encourage people to speak out on important issues of the day in a manner that would insure their collective feelings being made known to appropriate authorities.

The next Plebiscite on a topic yet to be determined will be conducted January 7.

Following are some representative comments from those who opposed gas rationing:

"It would create another bureau for corrupt action . . . the government can't do anything fairly."

"I think the gas shortage is political. When the price gets high enough, we'll get gas."

"If fuel is short the way they say it is, it is due to the way the government has operated and they should operate differently."

"When Nixon and his bureaucrats quit sending oil out of this country, then I might consider it (rationing). Also, he should stop flying back and forth. Tell him to stay at the White House where his job is."

"It would hurt the common man most."

"Kick the oil-bought President and legislators out of office to overcome the created shortage."

"It did not work before. Some got and some didn't. I'm a senior citizen . . . wear a sweater at 68 degrees and still cold."

"As those in World War II, those who know how to cheat and lie always get more gas than the honest citizen. I think we should quit exporting oil and use what we have for ourselves."

"Just another one of Nixon's messes."

"Ration the number of new eight cylinder cars being built in the U.S.A."

"It can't be done fairly. The rich will get as much as they need."

"My husband drives 100 miles round trip to work each day. That can't be done on 10 gallons of gas. Must we all move to the city?"

Following are representatives samples of comments made by those favoring rationing:

"Rationing would be more fair to the working man than raising the prices. Put controls on gas companies to keep the prices down."

"If necessary Government should investigate oil companies and control profits to them and curtail exporting from here."

"I am for rationing if the people who have to drive to work can get the amount of gas they need."

"Rationing yes but without the exorbitant extra tax they are considering which would as usual benefit only the rich."

"Gas rationing is the fairest way to cut down on the amount of gas used. High taxes on gasoline would be too difficult for most of us to pay."

"That's okay with me if everyone is rationed. I drove to St. Louis every day with coupon rationing the other time. Let people wake up. Get them out of their selfish, greedy attitude."

"I believe the people of America are spoiled. They almost always have had an excess of things and they have become accustomed to this. I believe they will keep using gas unnecessarily until they are restricted. Thank you for letting me voice my opinion."

Thank you for voicing your opinions. All of you. And, we hope you'll continue doing it on other issues that appear in the Plebiscite.

MONTGOMERY COUNTY SCHOOL SYSTEM JOINS SOUTHERN ASSOCIATION OF COLLEGES AND SECONDARY SCHOOLS

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

Mr. PERKINS. Mr. Speaker, the school officials in the Seventh Congressional District of Kentucky have traditionally been a strong force for beneficial development in the area—both in education and in general community improvement. Just recently, I was informed that the Montgomery County school system was accredited by the Southern Association of Colleges and Secondary Schools, an achievement which took the hard work and the efforts of many people in the community. This will benefit the young people in the schools very much, because it will help them get into college or other advanced training. I congratulate School Superintendent John Brock and his associates, and I would like to request unanimous consent to insert an article about this from the Mount Sterling Advocate in the RECORD.

JOINS SOUTHERN ASSOCIATION

Congratulations are in order to Supt. John Brock, the Montgomery County Board of Education and the faculty members of the county school system on the schools' being accredited by the Southern Association of Colleges and Secondary Schools.

The county schools have improved steadily over the past few years. About three years ago the high school received a Comprehensive Rating from the State Department of Education, the highest rating given by the state. Before and since then the administrative personnel and faculty members, backed by the school board, have been working diligently toward membership in the Association. Now the goal has been achieved.

Aside from the prestige that comes from accreditation by the Southern Association the main advantage is for those graduates who plan to enter universities and colleges outside Kentucky. Their chances of getting into a major university or college are much better than if they had graduated from a non-accredited high school.

Accreditation by the Southern Association also shows that you have a good program, qualified teachers, and administrators constantly striving to improve the system.

The county school system has had its ups and downs over the years, as most of them do, and it should be gratifying to all those who are concerned about the education and future of our youth to know that after a long haul our county schools have reached their place in the sun.

APPALACHIA AND POPULATION MIGRATION

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

Mr. PERKINS. Mr. Speaker, the Appalachian Regional Commission has just disclosed that a study it has made shows some very interesting facts about population migration as it relates to Appalachia.

The most significant point the study shows is that outmigration has ended.

I call this to the House's attention for several reasons.

One—it indicates very clearly that some of the great programs initiated by Congress—programs concerned with economic development, aid to education, more and better public facilities—are starting to produce the results we hoped and planned for when we wrote the legislation.

The other reason I am calling the House's attention to this report is that we are often faced with the problem of establishing formulas for distribution of funds, and sometimes the numbers of children and adults at various economic levels are a major consideration in establishing the formulas.

In that regard, I would like to ask the House to note that the report says Appalachian population grew 2.4 percent from 1970 to mid-1972, which was the same growth rate that the entire Nation experienced.

The author of the report said the findings came as a surprise—but I do not think we should let ourselves be surprised by these statistics.

Instead we should take them into account, when we prepare our formulas, and when we authorize and appropriate for the programs that are a significant reason for the region's revitalization.

The report follows:

APPALACHIAN OUTMIGRATION HAS ENDED, REPORT REVEALS

(By Bill Peterson)

WASHINGTON.—In a startling reversal, outmigration in Eastern Kentucky and most of Appalachia has ended and poverty-scarred areas that lost population for three decades are beginning to grow.

A report prepared last week by the Appalachian Regional Commission (ARC) indicates that the change has occurred since 1970 and involves many of the Nation's poorest, most remote counties.

In offering one of the first tangible signs that 10 years of Federal redevelopment and relief efforts produced any results, the report says population in the 13-State region—the Nation's poorest—grew 2.4 percent in 2½ years ending in mid-1972, the same rate of growth recorded in the United States as a whole during the period.

This reversed—at least temporarily—a trend that resulted in the loss of 2.5 million persons in the region in the 1950s and 1.6 million in the 1960s.

The population of Eastern Kentucky, the heart of the region, grew from 876,000 in 1970 to 914,000 in 1972, the report said. This leaves it with just 8,000 fewer persons than in 1960, the year Appalachia's poverty and joblessness became a national issue.

The four-page report attributes the shift to:

Higher unemployment and housing shortages in large metropolitan areas that traditionally attracted Appalachians.

Large increases in Social Security and black-lung payments, which have pumped millions of dollars into the region.

Increased job opportunities in the region, especially in coal mining in Eastern Kentucky.

Growth in recreation areas and an increase in retirement homes.

The Appalachian development program, which funneled $1.6 billion into the region since 1965, most for highways and public buildings.

A return of men and their families from the armed services, which have been cut by 886,000 since 1971, and persons who reached retirement age in Northern factories.

Dr. Jerome P. Pichard, the ARC population expert who wrote the report, said he was "very surprised" at the findings and had little statistical warning the central part of the region was beginning to grow.

"It appears the region is turning the corner, and it will no longer have the outmigration it had in the past," he said. "For Eastern Kentucky, this is extraordinary."

Pichard, however, cautioned that the study deals only with a two-year period and it is dangerous to draw too many conclusions from it.

CONSISTENT WITH U.S. TRENDS

The trends it notes parallel several national ones, including a sharp decline in the birth rate and an apparent halt in movement to large metropolitan areas that have characterized population shifts since World War II.

The report doesn't deal with poverty or income, and there is nothing in it to indicate firmly whether living conditions have improved in Appalachia.

Pichard notes the most recent census statistics indicate per capita income in Eastern Kentucky is less than half the national average and earlier ARC reports speculate as much as one-third the population may be jobless.

Census reports, for instance, show the per capita income in Wolfe County, Kentucky, was 34 per cent of the national average of $3,139 in 1970. The figure was 31 per cent in Owsley County, 47.6 per cent in Perry County, 47.6 per cent in Letcher County, 36 per cent in Breathitt County, 33 per cent in Clay county and 54.3 per cent in Pike County.

EACH GAINED IN POPULATION

Each of these areas has shown a population gain since 1970, however. Letcher County, which lost 3 per cent of its population during the 1960s, gained 8 per cent since 1970, for example.

A sampling of other Eastern Kentucky counties shows these population shifts:

[In percent]

County	Population 1960–70	Change 1970–72
Harlan	−26.9	+6.5
Floyd	−13.8	+7.6
Perry	−26.4	+3.2
Johnson	−11.2	+7.2
Wolfe	−13.2	+2.3
Knox	−6.2	+3
Breathitt	−8.2	+2
Pike	−10.6	+6.1
Martin	−11.1	+7.7

The only two counties to show a significant population decline since 1970 in Eastern Kentucky are Garrard and Cumberland. In Garrard's case the drop was 1.7 per cent, in Cumberland's 5 per cent.

The report said all 13 Appalachian states showed significant growth and migration since 1970. During the 1960s only Georgia had any immigration.

The change especially was dramatic in the heartland of the region, which includes Eastern Kentucky, an area that lost 15.4 per cent of its population during the 1960s.

The other three states in this heartland—West Virginia, Tennessee and Virginia—had growth rates similar to Kentucky since 1970, a fact apparently attributable to the resurgence of the coal industry, which dominates the area.

The report is based on census estimates made each year using such factors as car registrations, school enrollments and the size of the labor force, Pichard said.

BLAME NIXON

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

Mr. DEVINE. Mr. Speaker, Charles D. Lehman of Westerville, Ohio, recently wrote to the people of the United States about the blessings we enjoy. His letter follows:

DECEMBER 10, 1973.

To: United States People, wherever you are:

One of the many blessings we enjoy in this Nation today is freedom from blame. From the lowest laborer to the highest ranking Sentaor, none of the evils of our society rests on our shoulders.

Why?

The President is responsible? It is his fault!
If prices go up, blame Nixon
If prices go down, blame Nixon
If Israel attacks Egypt, blame Nixon
If Egypt attacks Israel, blame Nixon
If we run out of oil, blame Nixon
If we pollute, blame Nixon
If we don't prosecute vigorously, blame Nixon
If we prosecute too vigorously, blame Nixon

Only if something good happens do we need to step forward and accept responsibility. Isn't this a great situation? We can't lose. There is only one Bad Guy and all of the rest of us wear the white hats. What other nation in the world can offer this program. If we run out of white hats, blame Nixon.

CHARLES D. LEHMAN.

Now, Mr. Speaker, the above satire is painfully accurate. Just the other day I asked some of our colleagues that insist on doom and gloom postures if they could not find some way to blame the President for the far more serious energy crisis in England and Japan. They will probably find a way, ably assisted by the television network "newscasters."

WHERE IS OUR INTEGRITY?

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

Mr. DEVINE. Mr. Speaker, a most refreshing letter from a 20 year old co-ed at the Ohio State University was published in the Columbus Citizen-Journal.

Martha Hill, in my opinion, shows great insight, objectivity, and has a genuine feel for the greater interests of our Nation. Her letter follows:

WHERE IS OUR INTEGRITY?

I am 20 years old and a junior at The Ohio State University. In 1972, I voted in my first presidential election. I voted for President Nixon because I felt him to be a man of integrity and experience. I felt that in his first term, he served his country in a manner which upheld this integrity.

In view of all that has happened in recent months, I still feel he is as well qualified to govern as any man in this nation. Why all the talk of impeachment and resignation? Is this the way the United States treats a man who put an end to our involvement in the ugly Vietnam War—a war that caused riots and dissent; a war that he inherited from three previous administrations two of them Democratic? Is this the way we treat a man who has opened far-reaching negotiations with Russia and China, the most promising hope we've had for peace in this country?

I question not the integrity of the President. Rather, I question the integrity of all Americans; the news media, first and foremost, the United States Congress, secondly, and, we as citizens, lastly. Have we lost our senses over the matter called Watergate? I wonder how many other such scandals have been pigeonholed in the last 12 years, such as Bobby Baker, the Bay of Pigs, and Chappaquiddick? Why do we single out one man and one political party? There are no perfect men in this country, in either party. No man is without flaw; even Archibald Cox slips now and then.

I suggest that before we impeach a man, we give him the courtesy of being innocent until proven guilty in a court of law; not the mock trial such as I see on the 6:30 news every evening. Where is our integrity and judgment? Before we impeach Nixon, or before the media and cohorts force him to resign, let's look at the integrity of those so eager to oust him. Have their recent pasts been so honorable? Quite to the contrary. And, President Nixon hasn't even been proven guilty. For God's sake, let the man do the job that I, and the overwhelming majority of Americans, elected him to do in 1972.—Martha Hill, 870 Oxford-st, Worthington.

TO REMEDY DISCRIMINATION UNDER SOCIAL SECURITY LAWS

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

Ms. HOLTZMAN. Mr. Speaker, I am introducing today an amendment to the social security laws to remedy present discrimination against surviving widows who have worked.

At present a widow who has worked is faced with a difficult problem: She may receive either her own old-age benefit or a widow's benefit based on her husband's earnings—but not both. Since the widow's benefit is usually the larger, she will ordinarily receive that benefit and thereby lose her own contributions to the social security trust fund. As a result, most working widows collect exactly the same benefit as widows who have never worked. The unfairness inherent in the law is clear: Not only does the working widow collect no more than the woman who did not work, but she also loses everything she has contributed to the trust fund over the years. I think this law is an unfair restriction on the working spouse's right to receive social security benefits he or she has paid for through the payroll tax.

Under my bill, the working woman would be entitled to collect both her own old-age benefit and her widow's benefit when her husband dies. The bill would apply with the same force to men, allowing those eligible to collect a widower's benefit also to collect an old-age benefit.

My bill would reward those who have been a productive part of the economy and supply additional income at a time when it is most urgently needed. It would provide security for many widows since they would know that the death of

their spouse would not signal a sharp reduction in social security benefits.

In recent years we have witnessed a number of significant changes in the social security laws designed to end discriminatory treatment of women. This bill would be an important step in eliminating such inequities by recognizing that the working woman should collect benefits she has earned in her own right as well as those the law provides her as a surviving spouse.

I hope my colleagues will join me in supporting this important legislation.

PERSONAL EXPLANATION

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

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, due to yesterday's weather conditions, I was unable to be in the Chamber.

Had I been present, I would have voted "nay" on rollcall votes 692 and 694 and "yea" on votes 693 and 695.

LEGISLATION INTRODUCED TO ESTABLISH A STATUTORY CLASSIFICATION SYSTEM AS AN AMENDMENT TO THE FREEDOM OF INFORMATION ACT

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

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, I have today introduced legislation to correct the deficiencies and abuses inherent in the operation of the Nation's security classification system under Executive Order 11652 and its predecessor orders.

This bill would replace Executive order system by a statute—an amendment to the Freedom of Information Act (5 U.S.C. 552)—as recommended in the unanimous report adopted last spring by the House Government Operations Committee, based on extensive hearings and investigations by the Foreign Operations and Government Information Subcommittee, which I am privileged to chair. This report (H. Rept. 93-221) is entitled "Executive Classification of Information—Security Classification Problems Involving Exemption (b)(1) of the Freedom of Information Act (5 U.S.C. 552)." Details on this report were previously discussed in my remarks in the RECORD for May 24, 1973, at page 16936.

A number of our House colleagues are joining me in cosponsoring this important measure. They are:

Ms. ABZUG, Mr. ALEXANDER, Mr. BADILLO, Mr. BINGHAM, Mr. BROWN of California, Mrs. COLLINS of Illinois, Mr. COTTER, Mr. DELLUMS.

Mr. FASCELL, Mr. HARRINGTON, Mr. HICKS, Mr. HOWARD, Mr. KOCH, Mr. LEGGETT, Mr. MATSUNAGA, Mr. MAZZOLI.

Mrs. MINK, Mr. MOSS, Mr. REES, Mr. ROSENTHAL, Mrs. SCHROEDER, Mr. SEIBERLING, Mr. THOMPSON of New Jersey, and Mr. THONE.

The Foreign Operations and Government Information Subcommittee and its predecessor Subcommittee on Government Information, headed for many years by the distinguished gentleman from California (Mr. Moss), has studied the Executive Order classification system since 1956. It has held extensive hearings, conducted detailed investigations, and a number of reports dealing with weaknesses and administrative shortcomings of the security classification system, based on these studies, were subsequently adopted by the full Government Operations Committee during the late 1950's and early 1960's.

Our subcommittee continued this series of studies by extensive hearings and other investigations that began during the so-called Pentagon Papers controversy in June 1971. Other hearings on the classification system were held in May 1972 as part of our overall study of the operation of the Freedom of Information Act (5 U.S.C. 552).

The classification system, in whichever form it has taken, is an administrative mechanism, applying to Federal employees and military personnel, that assigns certain levels of security protection over various types of sensitive military and foreign policy information, equipment, devices, or other material, the disclosure of which—in the judgment of the classifier—would be in various degrees harmful to the national security. It is presently embodied in Executive Order 11652, issued by President Nixon in March 1972.

Since the Executive order governing classification procedures does not have the force of law, except for internal administrative purposes, there are no criminal sanctions within the order itself for the unauthorized disclosure of classified information. The major deterrent to such unauthorized disclosure is contained in the criminal penalties attached to the Espionage Act of 1917 and a provision of the Internal Security Act of 1950. However, except for classified information dealing with cryptographic systems or communications intelligence, the Espionage Act provides for certain additional legal requirements to sustain an action for unauthorized disclosure of classified data.

During our hearings on the new order in May 1972, testimony of administration witnesses made it clear that there was a serious lag in preparing departmental and agency regulations to implement the new order, which was to take effect on June 1, 1972. I therefore urged President Nixon on May 3, 1972, to postpone the effective date of the new order to provide sufficient time for the NSC guidelines and implementing regulations. My urgings were ignored, and the predicted administrative time lag in fully implementing the new order did occur. I earnestly hope that this has not resulted in a compromise of vital national defense and foreign policy secrets and undermine the integrity of our entire classification system.

Any discussion of the Government's classification system, the subject of heated controversy during recent years, must be framed in the larger context of its relationship to our overall national defense and foreign policy operations and its application to existing criminal statutes.

From the earliest period of our Republic, the President and other executive branch officials have limited the dissemination of information affecting defense and foreign policy interests. Few argue that government should not have such power to safeguard vital military and foreign policy secrets. It is likewise obvious that in a representative system the citizenry must be informed to the maximum extent possible of defense and foreign commitments made by their government so as to make sound electoral judgments in the selection of public officials.

The classic dilemma is thus posed between the need for governmental secrecy in some vital areas, as weighed against the public's "right to know." This dilemma has been accentuated because America's leadership position in world affairs has imposed severe budgetary demands that require our citizens to make very real human and economic sacrifices. Superimposed is the increasing difficulty which Congress has encountered in obtaining vital information from the Executive in the defense and foreign policy fields.

If the public has a "right to know," Congress has a constitutional "need to know" as the people's representatives, so that it can act intelligently and responsibily as a coordinate branch of Government in investigating, legislating, and appropriating public funds for weapons systems, defense installations, and foreign policy programs.

Key features of the bill are:

The bill would provide for an automatic 15-year declassification of national defense information previously classified.

It would limit the classification period in most cases to 3 years maximum for "Top Secret" information, authorizing a procedural "savings clause" for a narrow category of highly sensitive national defense information.

It would establish an independent regulatory body, known as the Classification Review Commission—CRC—composed of nine members. The CRC would have broad regulatory and quasi-adjudicatory authority over administration of the security classification system in the executive branch.

The CRC would also have the responsibility for settling disputes between the Congress and the Executive over access to classified information requested by a majority of either House of Congress, by congressional committees, or by the Comptroller General of the United States. Decisions of the Commission in this field would be subject to judicial review.

The authority to classify would be sharply reduced, both in terms of the number of executive departments and agencies and in terms of the categories of officials having such power.

Administration of the security classification system would be subject to oversight by Congress.

The use of definitions of "Top Secret," "Secret," and "Confidential" in carrying out the purposes of the law would be strictly enforced to eliminate the erroneous classification of millions of documents each year.

Enforcement mechanisms would prevent classification of documents to hide incompetence, inefficiency, wrongdoing, or embarrassment.

Mr. Speaker, our subcommittee plans hearings on this proposal next year. Such legislation, in the opinion of many, is long overdue. I will welcome the support and cosponsorship of this measure by other Members who are concerned with weaknesses and abuses of the present Executive order classification system.

OIL SHALE MINING AND ENERGY CORPORATION

Mrs. MINK asked and was given permission to extend her remarks at this point in the RECORD and to include extraneous matter.)

Mrs. MINK. Mr. Speaker, a rising crescendo of debate has been heard in these halls regarding the energy crisis presently facing the United States—and with good reason. This Christmas we all contemplate shortages of electricity, gasoline and other forms of energy in varying degrees of severity because mounting demand has outstripped supply, because the large energy corporation have manipulated the market, and because the Arab nations have chosen to cut back on their releases of oil.

Belatedly, action is being initiated on several fronts to meet this challenge. The Government has stepped up research and development efforts to improve energy sources and supplies. The Emergency Energy Act which the House recently approved, is the latest attempt to deal with the long-range aspects of this traumatic moment of truth. Clearly, new sources of energy and new methods of channeling that energy to the American consumer must be found, if we are to move ahead as a nation.

Thanks to our short-sighted infatuation with the internal-combustion engine, petroleum has become our principal source of fuel. Last year it accounted for nearly half of our energy use, with natural gas and coal providing most of the rest. Yet, despite mounting reliance on petroleum products, domestic oil production has remained relatively constant, with imports increasingly taking up the slack.

Where, then, within our territorial boundaries, are we to turn for these badly needed sources of new energy? New exploration of the Outer Continental Shelf holds promise, especially along the Atlantic seaboard, but grave environmental problems loom ahead. The Alaskan North Slope oil fields should provide an additional 10 billion barrels of proven reserves, but here again the difficulties involved in transporting this oil to market pose immense difficulties.

There are other more exotic sources—geothermal, solar, wind, tidal, hydrogen, and so on, all of which we must vigorously explore, by all means.

However, none of these sources, Mr. Speaker, bears the promise held out by another potential source of energy, which until recently has received relatively little attention.

I am referring, Mr. Speaker, to oil shale. Oil shale is the most significant energy resource known to exist in the world today. There are resources possibly exceeding 2 trillion barrels of hydrocarbons locked in the sedimentary formations of the Rocky Mountain States, Colorado, Utah, and Wyoming. An estimated 600 billion barrels of oil—approximately twice the current Middle East reserves—could be commercially produced from oil shale utilizing technology already achieved, of which some 130 billion barrels are relatively easily accessible.

Of the 11 million acres of land containing oil shale deposits which are considered to be potentially of commercial value, some 8.3 million acres—about 72 percent—with about 80 percent of the known oil shale reserves, are owned by the Federal Government. These public lands are managed for multiple-use purposes by the Bureau of Land Management of the Department of the Interior.

Unfortunately, the progress of oil shale development has been fitful at best. Private concerns and the Bureau of Mines have pursued investigations into various methods of extracting oil and gas from the shale, sometimes cooperatively, but usually independently and sometimes in secrecy. Of the two options available for producing shale oil, only surface or subsurface mining of the shale in conjunction with surface retorting is believed to have been advanced to the point where it may be possible to scale up to commercial production within this decade. The alternative method, known as in-situ, or "in place" processing, is in the experimental phase. Commercial application of this technique is not expected prior to 1980, although recent disclosures of a new in-situ procedure appear to be promising.

In any event, it is clear that by the mid-1980's, oil shale could contribute between half a million and a million barrels of oil per day to help meet the Nation's growing energy demands. The ultimate potential has not been established, but it could amount to several million barrels per day.

In order to tap this magnificent public resource for maximum public benefit, I believe that several objectives must be met.

Of first priority is stringent environmental protection. We have seen the devastating effects of surface mining in several areas of our country where coal deposits have been stripped from the earth. The Rocky Mountains must never meet the melancholy fate which has befallen Appalachia. However, preserving the splendid scenic and recreational values of this region will not be easy. We know, for example, that due to the semiarid nature of its climate, the region is extremely vulnerable to destruction of its precious water resources. Nearly all of the Colorado River Basin would be affected by oil shale recovery; therefore the exploration and development of this new resource must be done in such a manner as to assure the greatest possible protection for environmental factors, including strict requirements for restoration to the natural state.

Second, these resources on public lands should not be used for the private profit of a few. While commercial exploitation is practical in other types of mining or drilling situations, I do not feel it would necessarily provide the fullest degree of protection for the public interest in the development of our publicly owned oil shale reserves. Since to date there has been little actual production from the oil shale reserves, we are still in a position to make an informed and intelligent decision as to the best means of development.

In this context, Secretary of Interior, Rogers C. B. Morton, following issuance of an environmental impact statement, has announced the initiation of a prototype oil shale leasing program which would include offering six tracts of Federal lands, two each in Colorado, Utah and Wyoming, and each containing 5,120 acres.

Competitive bids are to be accepted, beginning early next year, for the commercial development of these tracts, which together are expected to support a combined production level of no more than 250,000 barrels per day.

This prototype Federal leasing program, as proposed by Secretary Morton, calls upon a private corporation or consortium to invest in the vicinity of $250 million for a 50,000 barrel per day oil shale operation. Since the program is defined as experimental by the Department of the Interior, there is no assurance that, upon completion of the prototype program, further development will be encouraged. Private industry is therefore being asked to invest large sums of money without the assurance that these outlays will be recouped at a profit.

On the other hand, if the prototype program is actually a commercial venture, to be subsidized by the Federal Government from the start, as some individuals claim, then emphasis must necessarily be placed on the realization of a profit, rather than on a true experimentation. This confusion as to the exact nature and intent of the prototype program gives rise to doubts as to the effectiveness of the Department of Interior's approach to oil shale development.

Secretary Morton has stated that adequate environmental regulations have been incorporated into the program, including provisions to monitor changes in the existing environment. Additional oil shale leasing would not be considered

until the environmental impact of prototype development has been fully evaluated.

Nevertheless, Mr. Speaker, I remain unconvinced that turning our vast oil shale reserves over to the same private industry which bears so large a share of the responsibility for our present dilemma is actually the best policy. The Subcommittee on Mines and Mining has been holding a series of informational hearings on oil shale development. Secretary Morton has been invited to appear and testify. I am hopeful that he will have some of the answers to the many disturbing questions which have been raised in the course of these hearings concerning the environmental, sociological and economic impacts of the Department of Interior's prototype program.

Third, our oil and gas industries have suffered from the dominance of a handful of giant corporations, the so-called "majors." It is time to correct that imbalance by providing the smaller independent oil and gas companies with a reliable and reasonably priced source of raw fuel.

Fourth, the oil shale producing regions will experience massive economic and social effects from the influx of population that is bound to accompany the rapid development of the oil shale resources. These States and local governments, along with the Indian tribes who once roamed all of our lands, relying on them for a livelihood, deserve to share in the proceeds of this enormous treasure of energy.

In short, Mr. Speaker, I believe our oil shale deposits should be developed both on an experimental and ultimately on an operational basis by a public agency. We have at hand the successful example of one such agency, the Tennessee Valley Authority, whose development of the water and coal resources of a region is world renowned. Although I am aware of the justifiable criticism which has been levelled at TVA for its involvement in strip mining in Appalachia, TVA could in other ways serve as a model for the public agency I have in mind.

I believe that an oil shale TVA with tough environmental controls could accomplish a great deal toward meeting the energy deficiency which now plagues our Nation.

Mr. Speaker, I have today introduced legislation to establish such a "TVA" for shale oil exploration and development. My bill would establish a public, nonprofit agency entitled the Oil Shale Mining and Energy Corporation to be governed by a board of three directors appointed by the President and confirmed by the Senate.

The purpose of this public corporation would be to develop oil shale resources on federally owned lands, excluding national parks and similar areas, and lands owned by or held in trust for Indians. Oil shale energy products would be sold. While this corporation would be patterned after TVA, I have included a strong mandate for environmental protection.

The corporation would be prohibited from using surface mining methods for extracting oil shale and would be instructed to give preference to nonnuclear in situ methodology, since this technique avoids removing shale from the underground strata, retorting it above ground, and eventually disposing of a large proportion of the spent shale on the surface. Studies have shown that the disposal of spent shale poses severe problems related to revegetation, stabilization, erosion, flood control, and surface water pollution.

Oversight of the environmental aspects of the design and planning for each facility, would initially become the responsibility of a 20-man environmental advisory committee, equally representative of industry, State and local governments, environmental and public interest organizations, Federal agencies, and Indian tribes. Methods other than in situ processing would require the approval of this committee, and all the public review and other provisions of the National Environmental Policy Act would have full force and effect.

The corporation would be empowered to sell bonds for the construction and acquisition of plans, transmission pipelines, and other facilities for the production and sale of oil and gas and other oil shale products. Provision will also be made for the sale of any other commercially valuable minerals incidentally derived from the production of oil shale, such as nahcolite or dawsonite, which may become important sources of chemicals used in cleaning stack gases and of alumina.

In its sale of oil shale products, the corporation would give preference to those oil and gas companies who are lacking their own means of primary production of oil and gas. In this way a healthy competition and diversification would be stimulated in the industry. At the same time, Mr. Speaker, my bill will give the Corporation the option of establishing mutually productive agreements with private industry as part of its exploration and development program. Those commercial efforts which to date appear to be most promising could thus be rapidly advanced toward full-scale commercial production, if it appears to be in the best public interest.

The Corporation would have control over all Federally owned oil shale reserves, wherever located. This will have the effect of nullifying the Department of Interior's prototype oil shale learning program. It will allow more time for reviewing joint Federal-State studies which are presently underway in Colorado, and bringing to bear a greater measure of public disclosure and intensive scrutiny of both the short-range and the long-range implications of development in any given location.

Finally, Mr. Speaker, my bill will ensure that the benefits of this Federal program of exploration and development of our immense oil shale reserves will accrue not only to the Nation as a whole but also to those who perhaps have the most to lose by it. Secretary Morton has said that the environmental impact which concerns him most is the huge population and tax burden which will be imposed on the fragile ecology and the slender resources of local governments in the Rocky Mountain region. I share that concern. My bill will establish an equitable distribution of the proceeds from the sale of the Corporation's energy and mineral products first to the States in which development takes place—in lieu of taxes—to enable the necessary remedial measures to be taken, and secondly to Indian tribes throughout the Nation who have been forced against their will to relinquish ancestral hunting grounds in the interest of an expanding industrial society.

Overall, I believe that the Oil Shale Mining and Energy Corporation approach offers the fairest, most flexible and most aggressive way of developing our oil shale resources so that the security and well-being of this Nation are advanced without seriously depleting the environmental values of future generations of Americans.

As chairman of the Subcommittee on Mines and Mining of the House Committee on Interior and Insular Affairs, I sincerely hope that full consideration can be given to my bill.

AMENDMENTS TO ENERGY REORGANIZATION ACT OF 1973

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

Mr. BINGHAM. Mr. Speaker, when the House considers the Energy Reorganization Act of 1973, H.R. 11510, I intend to offer two amendments which I believe are essential expressions of the Congress intent to play a major role in the future energy policy of the country.

The first of the two amendments is as follows:

Amend section 103 on page 34 after line 3 by adding the following new paragraph, and thereafter renumbering subsequent paragraphs accordingly:

"(7) insuring that the responsibilities specified in paragraphs (1) and (6) shall be carried out on a balanced basis, so that no one energy source or utilization technology is given disproportionate priority to the detriment or exclusion of other alternatives;"

This amendment would provide that ERDA embark upon a balanced energy R. & D. program, rather than put all of its emphasis on one particular project or alternative source of energy. While ERDA would need latitude in deciding what in its expert opinion are energy sources or technologies worthy of exploration, the bill as presently drawn makes no statement regarding the Congress intent to provide for the widest possible search for new and better sources of energy. There has been much discussion that because the bulk of the new agency will come from the AEC there will be an institutional bias in favor or nuclear-type projects. While it may be true that nuclear energy

is one of the most promising alternatives that ERDA will deal with, my amendment seeks to establish statutory language that would act as a guide to ERDA, expressing the Congress intent that pursuit of the nuclear alternative, or any other alternative, should not be given disproportionate priority to the detriment or exclusion of other promising systems such as solar or geothermal energy. In no way would my amendment restrict the legitimate pursuit of any viable energy alternative.

The second amendment I propose to offer is as follows:

On page 55 line 4 strike the word "Committees" and in its place insert "the Congress". On line 5 redesignate section 307 as section 307(a) and at line 8 add the following new paragraph:

"(b) On or before the date the Administrator transmits his estimates or requests for appropriations to the President or Office of Management and Budget, including any requests for increases therein, he shall transmit copies of the same directly to the Senate and House of Representatives. Such estimates and requests shall reflect the sole judgment of the Administrator and shall not be modified in any manner at the direction or request of any other agency of the Government."

This amendment would require ERDA to submit its budget requests directly to Congress, and in any event, no later than the time it would be transmitted to the OMB. The OMB would also be prohibited from tampering with the ERDA budget in any manner prior to its submission. has shown that OMB will employ all manner of subterfuge in its efforts to preempt the Congress' responsibility in the appropriations process.

My amendment would insure that the Congress is fully informed of ERDA's activities and future aims through the budget process. If OMB is allowed to continue its budgetary machinations in so essential an area as energy, the executive branch would be able to control ERDA's policy without Congress ever knowing what is taking place. The Congress should play a substantial role in mapping out the future energy policy of the United States rather than "rubber stamping" an executive branch fait accompli. In order to do so, it must have access to untampered budget information so that fiscal energy priorities are exposed to proper national debate.

AMENDMENT TO H.R. 11510 TO ALLOW EPA TO ESTABLISH ENVIRONMENTAL STANDARDS FOR NUCLEAR POWERPLANTS

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

Mr. SEIBERLING. Mr. Speaker, when H.R. 11510, the Energy Reorganization Act of 1973 is considered, I intend to offer an amendment which would place the authority to establish environmental standards for nuclear powerplants under the Environmental Protection Agency (EPA).

Last week, it was learned that the Director of the Office of Management and Budget (OMB) has instructed EPA that the Atomic Energy Commission (AEC) will determine radiation standards for plant emissions. There had been a disagreement between AEC and EPA over which would set the levels of permissible radioactive emissions from nuclear facilities. The disagreement resulted from a difference in interpretation of the following provision of Reorganization Plan No. 3 of 1970, which transferred to the Administrator of EPA—

(6) The functions of the Atomic Energy Commission under the Atomic Energy Act of 1954, as amended, administered through its Division of Radiation Protection Standards, to the extent that such functions of the Commission consist of establishing generally applicable environmental standards for the protection of the general environment from radioactive material. As used herein, standards mean limits on radiation exposures or levels, or concentrations or quantities of radioactive material, in the general environment outside the boundaries of locations under the control of persons possessing or using radioactive material.

According to OMB, that section gives EPA only the power to set "ambient standards" while the authority to set "emission standards" was retained by AEC.

Ambient standards refer to the quality of the air or water without regard to the source of pollutants, while emission standards refer to the levels of pollutants actually being emitted or discharged from the source.

There are two problems with the OMB interpretation. First, it prevents the establishment by EPA of standards for different components of the nuclear cycle. Now, EPA can set only a single final product standard, which means there are no EPA checks on the elements of the system. This would limit EPA to finding that the overall standard was met or was not met. It would prevent EPA from "cleaning up" any element of the process that was unsatisfactory but that did not of itself make the overall radioactive pollution level unsafe.

Second, the AEC has a built-in conflict of interest as the standard-setting and the licensing agency. The AEC is concerned with rapidly expanding the construction and operation of nuclear powerplants, a function potentially conflicting with deciding what standards are acceptable to public health. If the OMB position is allowed to prevail, the AEC will go the way of most of the Nation's regulatory agencies: it will serve the interests of the very industry that it was designed to regulate, rather than protecting the public from that industry.

We all want to promote safe sources of energy quickly and cheaply. But we cannot allow grave tasks of irreparable harm in the name of energy. How will AEC resolve the conflict when confronted by the problem that speedy development and operation of nuclear plants may necessitate relaxation of environmental health standards? Should AEC even be in the position to make that decision? I think not. I think our health standards must be set by an agency whose responsibility it is to protect our health, not one whose responsibility it is to make nuclear powerplants operational as rapidly as possible.

EPA has the authority to set ambient standards and needs the authority to set emission standards, as that is really the only way to control what comes out of nuclear powerplants and facilities in the way of waste and discharges. Having the power to set ambient standards is an insufficient method of regulating the amount of pollution from nuclear powerplants. In the case of radioactive pollution, we should regulate the pollution at the source since there are relatively few sources. This is not comparable to most air pollution standards, which are ambient because of the countless number of sources.

My amendment, therefore, is worded in the language of the Reorganization Plan No. 3 of 1970, except that my amendment clarified the language so that it clearly gives EPA the authority to set both ambient and emission standards. Because EPA has already drawn up a set of regulations establishing such standards, no time would be lost in making nuclear powerplants operational, provided health and environmental standards were satisfied. Most significantly, the amendment would eliminate the potentially grave conflict of interest which now exists in AEC.

Mr. Speaker, I think that the regulatory and licensing authority of the AEC must be separated from the environmental standard-setting authority. My amendment and a copy of a New York Times article from last week and a Times editorial which appeared this morning follow:

AMENDMENT TO H.R. 11510

SEC. 104. On page 36, between lines 21 and 22, insert the following new subsection:

"(g) There are hereby transferred to and vested in the Administrator of the Environmental Protection Agency such functions of the Atomic Energy Commission and the officers and components thereof as relate to or are utilized in connection with establishing generally applicable environmental standards for the protection of the general environment from radioactive material. As used herein, the term "radioactive material" includes all material which is subject to the licensing and regulatory functions of the Nuclear Energy Commission. As used herein, the term "standards" means both emissions and ambient limits on radiation exposures or levels, or concentrations or quantities of radioactive material, in the general environment outside the boundaries of locations under the control of persons possessing or using radioactive material. In establishing such standards to protect the public health and environment, the Administrator of the Environmental Protection Agency may take into account the cost and the effectiveness of emissions controls and other control systems, and he may set different standards for different classes and sizes of activities and facilities involved."

[From the New York Times, Dec. 12, 1973]

EPA LOSES ITS AUTHORITY TO LIMIT PLANT RADIATION

(By Richard D. Lyons)

WASHINGTON.—In a reversal of policy, President Nixon has shifted the authority to set

radiation standards for individual power plants from the Environmental Protection Agency to the Atomic Energy Commission.

The environmental agency, which was assigned the power three years ago, was on the verge of setting strict standards for individual plants while the A.E.C. has generally taken a more relaxed attitude toward radiation protection.

In September, the environmental agency was to have issued new radiation standards that would have drastically reduced the permissible limit of radiation-emitting materials that could be released from a nuclear power plant. The Administration has, in effect, canceled these standards by assigning the responsibility elsewhere.

Several critics of the atomic power industry said the effect of the move would be to allow more freedom in the construction and operation of nuclear plants, thus helping to open more generating stations to ease the energy crisis.

But these critics also foresee that looser standards may expose the general public to more radiation from the proliferating number of atomic power stations, and that this may eventually expose more people to the development of cancer and will eventually lead to genetic defects.

The President's intent is contained in a memorandum dated Dec. 7 from Roy L. Ash, director of the Office of Management and Budget in the White House, to Russell E. Train, administrator of the E.P.A. and Dr. Dixy Lee Ray, chairman of the A.E.C. A copy of the memorandum was obtained today by The New York Times.

The Ash memorandum states, in part, that a decision was needed "so that the nuclear power industry and the general public will know where the responsibility lies for developing, promulgating and enforcing radiation protection standards for various types of facilities in the nuclear power industry."

"We must, in the national interest, avoid confusion in this area," the memo continued, "particularly since nuclear power is expected to supply a growing share of the nation's energy requirements; and it must be clear that we are assuring continued full protection of the public health and the environment from radiation hazards.

"E.P.A. has construed too broadly its responsibilities to set 'generally applicable environmental standards for the protection of the general environment from radioactive material.'"

ON BEHALF OF PRESIDENT

"On behalf of the President," the memo went on, "this memorandum is to advise you that the decision is that A.E.C. should proceed with its plans for issuing uranium fuel cycle standards, taking into account the comments received from all sources, including E.P.A.; that E.P.A. should discontinue its preparations for issuing, now or in the future, any standards for types of facilities; and that E.P.A. should continue, under its current authority, to have responsibility for setting standards for the total amount of radiation in the general environment from all facilities combined in the uranium fuel cycle, i.e., an ambient standard which would have to reflect A.E.C.'s findings as to the practicability of emission controls."

Charles L. Elkins, an official in the environment agency's office of hazardous materials control, said the agency "was going to set standards for the entire uranium fuel cycle," that is mining, fabrication of fuel elements, operation of atomic power plant reactors and reprocessing of the spent fuel.

Mr. Elkins said the agency's original intent had been to set safety standards for each step, but that under the President's directive the agency may only set one standard for the sum total of all the radiation emitted by all the steps.

"We feel that the A.E.C. standards are not adequate today," Mr. Elkins said.

"We wanted standards on the lines of what people are actually exposed to from radiation, while the A.E.C., through its licensing procedure, attempts to control this by telling a power company how to build a plant to minimize radiation loss," he added in explaining the difference between the two approaches to regulation.

Ralph E. Lapp, a writer and nuclear power expert, said he did not feel that the change of authority would be harmful because "the amount of radioactive materials emitted from a plant are very low."

But Dr. Henry W. Kendall, a nuclear physicist at Massachusetts Institute of Technology who is an official of the Union of Concerned Scientists, said the switch in authority puts the country in the position "of having the goat guard the cabbages."

"The hope we had was that the E.P.A. would set and enforce standards because the A.E.C.'s track record has been extremely poor in the areas of reactor safety and radioactive waste disposal," Dr. Kendall said.

He noted that A.E.C. would have responsibilities for not only developing and promoting atomic power but also regulating it as well.

[From the New York Times, Dec. 18, 1973]

ENERGY RADIATIONS

The pressures brought about by the energy shortages to undercut the antipollution victories of the past few years are reflected anew in the Administration's decision to transfer authority for policing radiation levels of nuclear power plants from the Environmental Protection Agency to the Atomic Energy Commission.

Scientists honestly differ on what levels of radiation are harmless and what are dangerous to public health in the immediate or remote vicinity of a nuclear reactor. When the E.P.A. had the task of setting radiation standards, the country at least had the benefit of relatively independent scrutiny and judgment. The A.E.C., by contrast, is both a regulatory agency for civilian nuclear power plants and the Government's chief promoter of their development. A conflict of interest is inherent in these two functions; and no one can be confident that the standards set by the regulatory side of the agency will be untarnished by the eagerness of its promotional side to go full speed ahead.

It is undeniable that constraints growing out of concern for the quality of the environment have played a part in hampering the rapid development of nuclear power and other domestic energy sources. But far greater constraints have been imposed by economic and technological considerations, as well as by the grievous lack of Government planning and foresight. It is hard to avoid the suspicion that some in the business of energy policy and production are setting up environmentalists as straw men, to divert scrutiny from their own shortcomings over past years.

As citizens, environmentalists share the nation's concern about growing energy shortages. But in the effort to alleviate the energy problem, it is unacceptable to ride roughshod over the progress already made to keep livable the environment in which energy will be consumed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. PETTIS (at the request of Mr. RHODES), on December 19, on account of official business.

Mrs. HANSEN of Washington (at the request of Mr. O'NEILL), for this week, on account of illness.

Mr. ALEXANDER (at the request of Mr. O'NEILL), for Tuesday, December 18, and Wednesday, December 19, on account of family illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, and was granted to:

(The following Members (at the request of Mr. THONE), to revise and extend their remarks, and to include extraneous matter:)

Mr. GROVER, for 20 minutes, today.
Mr. RAILSBACK, for 5 minutes, today.
Mr. CRANE, for 5 minutes, today.
Mr. MILLER, for 5 minutes, today.
Mr. STEELE, for 25 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. MEZVINSKY, for 5 minutes, today.
Mr. GONZALEZ, for 5 minutes, today.
Mr. FULTON, for 5 minutes, today.
Mr. MCFALL, for 5 minutes, today.
Mr. OWENS, for 5 minutes, today.
Mr. LEGGETT, for 5 minutes, today.
Mr. SMITH of Iowa, for 5 minutes, on December 19.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. MIZELL, to revise and extend his remarks, and include extraneous matter, on H.R. 11928, under suspension of the rules, in the House today.

Mr. GONZALEZ, during discussion on S. 2413 today.

(The following Members (at the request of Mr. THONE), and to include extraneous matter:)

Mr. ASHBROOK in six instances.
Mr. RONCALLO of New York.
Mr. GILMAN in two instances.
Mr. PEYSER.
Mr. CONTE.
Mr. CARTER in two instances.
Mr. HUNT in two instances.
Mr. HILLIS.
Mr. HOSMER in two instances.
Mr. GOODLING.
Mr. BELL.
Mr. ARMSTRONG in three instances.
Mr. DERWINSKI in two instances.
Mr. BROYHILL of Virginia.
Mr. FROEHLICH.
Mr. SHUSTER.

(The following Members (at the request of Mr. MEZVINSKY) and to include extraneous matter:)

Mr. TEAGUE of Texas in 10 instances.
Mr. HAMILTON in three instances.
Mr. LEHMAN in 10 instances.
Ms. ABZUG in 10 instances.
Mr. O'NEILL.
Mr. GONZALEZ in three instances.
Mr. RARICK in three instances.
Mr. MOSS.
Mr. HARRINGTON in three instances.
Mr. GINN.
Mr. MOLLOHAN.
Mr. HUNGATE in two instances.
Mr. MOAKLEY in 10 instances.
Mr. DINGELL.
Mr. RANGEL in 10 instances.
Mr. WALDIE in two instances.
Mr. WOLFF in two instances.
Mr. THOMPSON of New Jersey in 10 instances.
Mr. BRECKINRIDGE in 10 instances.
Mr. ECKHARDT.
Mr. SMITH of Iowa in three instances.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 2264. An act to provide civil service retirement of the Foreign Service Institute, Department of State; to the Committee on Foreign Affairs.

S. 2772. An act to amend title II of the Clean Air Act, as amended; to the Committee on Interstate and Foreign Commerce.

ENROLLED BILLS SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 9256. An act to increase the contribution of the Government to the costs of health benefits for Federal employees, and for other purposes; and

H.R. 10717. 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.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

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

S. 1038. An act to amend title 37, United States Code, to authorize travel and transportation allowances to certain members of the uniformed services in connection with leave; and

S. 2714. An act 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.

BILL PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on December 17, 1973, present to the President, for his approval a bill of the House of the following title:

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.

ADJOURNMENT

Mr. MEZVINSKY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7:52 o'clock p.m.), the House adjourned until tomorrow, Wednesday, December 19, 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:

1642. A letter from the Assistant Secretary of State for Congressional Relations, transmitting reports on political contributions made by Ambassadors-designate David D. Newson, Francis T. Underhill, Viron P. Vaky, Lloyd I. Miller, and Walter J. Stoessel, Jr., and their families, pursuant to section 6 of Public Law 93–126; to the Committee on Foreign Affairs.

1643. A letter from the Chairman, Commission on Revision of the Federal Court Appellate System, transmitting the Commission's recommendations for change in the geographical boundaries of the Federal judicial circuits, pursuant to the section 6(1) of Public Law 92–489; to the Committee on the Judiciary.

1644. A letter from the Chairman, National Parks Centennial Commission, transmitting the final report of the Commission, pursuant to section 5(c) of Public Law 91–322; to the Committee on the Judiciary.

RECEIVED FROM THE COMPTROLLER GENERAL

1645. A letter from the Comptroller General of the United States, transmitting a report on the protection of the President at Key Biscayne and San Clemente, with information on protection of past Presidents; 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. PERKINS: Committee on conference. Conference report to accompany S. 1559 (Rept. No. 93–737). Ordered to be printed.

Mr. ICHORD: Committee on Internal Security. Report on a revolutionary target: The American Penal System (Rept. No. 93–738). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BINGHAM:

H.R. 11992. A bill to amend the Internal Revenue Code of 1954 to provide, in the case of an individual, a credit (not to exceed $200) or a deduction (not to exceed $800) for public transit fare expenditures incurred in traveling to and from work; and in the case of a handicapped individual unable to use public transportation, in credit (not to exceed $750) or a deduction (not to exceed $3,000) for reasonable transportation expenses incurred in traveling to and from work; to the Committee on Ways and Means.

By Mr. CLANCY:

H.R. 11993. A bill to provide for the imposition of an embargo on the shipment of goods and materials to Arab nations; to the Committee on Banking and Currency.

H.R. 11994. A bill to establish a Joint Committee on Energy; to the Committee on Rules.

By Mr. CONABLE:

H.R. 11995. A bill to promote public health and welfare by expanding and improving the family planning services and population sciences research activities of the Federal Government, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. DICKINSON:

H.R. 11996. A bill to provide for the conveyance of certain real property of the United States to the Ozark Public Building Authority, Ozark, Ala.; to the Committee on Armed Services.

By Mr. EVANS of Colorado:

H.R. 11997. A bill to authorize the sale and/or exchange of certain lands owned by the Ute Mountain Ute Indian Tribe in order to consolidate and obtain more intensive management on tribal land resources, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. HAWKINS:

H.R. 11998. A bill to extend the Follow Through program for 1 year; to the Committee on Education and Labor.

By Ms. HOLTZMAN:

H.R. 11999. A bill to amend title II of the Social Security Act to provide that an individual may simultaneously receive (without any reduction or offset) both an old-age or disability insurance benefit and a widow's or widower's insurance benefit; to the Committee on Ways and Means.

By Mr. JONES of Tennessee (for himself, Mr. ALEXANDER, Mr. BERGLAND, Mr. BOWEN, Mr. BROWN of California, Mr. BYRON, Mr. CLEVELAND, Mr. COHEN, Mr. DENHOLM, Mr. ESHLEMAN, Mr. FOLEY, Mr. GILMAN, Mr. GUNTER, Mr. HANLEY, Mr. HICKS, Mr. HILLIS, Mr. JONES of North Carolina, Mr. KAZEN, Mr. MATHIAS of California, Mr. MELCHER, Mr. MIZELL, Mr. PRITCHARD, Mr. ROBINSON of Virginia, Mr. RONCALIO of Wyoming, and Mr. ROSE):

H.R. 12000. A bill to enable egg producers to establish, finance, and carry out a coordinated program of research, producer and consumer education, and promotion to improve, maintain, and develop markets for eggs, egg products, spent fowl, and products of spent fowl; to the Committee on Agriculture.

By Mr. JONES of Tennessee (for himself, Mr. SHOUP, Mr. STEELE, Mr. STUBBLEFIELD, Mr. THONE, Mr. WAMPLER, Mr. YATRON, and Mr. ZWACH):

H.R. 12001. A bill to enable egg producers to establish, finance, and carry out a coordinated program of research, producer and consumer education, and promotion to improve, maintain, and develop markets for eggs, egg products, spent fowl, and products of spent fowl; to the Committee on Agriculture.

By Mr. LITTON:

H.R. 12002. A bill to provide an excise tax on every new automobile in an amount relat-

ing to the portion of such automobile's fuel consumption rate which falls below certain standards, to provide an energy research and development trust fund, and for other purposes; to the Committee on Ways and Means.

By Mr. MATSUNAGA:

H.R. 12003. A bill to permit the State of Hawaii to use the proceeds from the sale, lease, or other disposition of certain real property for any public purposes; to the Committee on Interior and Insular Affairs.

By Mr. MOORHEAD of Pennsylvania (for himself, Ms. ABZUG, Mr. ALEXANDER, Mr. BADILLO, Mr. BINGHAM, Mr. BROWN of California, Mrs. COLLINS of Illinois, Mr. COTTER, Mr. DELLUMS, Mr. FASCELL, Mr. HARRINGTON, Mr. HICKS, Mr. HOWARD, Mr. KOCH, Mr. LEGGETT, Mr. MATSUNAGA, Mr. MAZZOLI, Mrs. MINK, Mr. MOSS, Mr. REES, Mr. ROSENTHAL, Mrs. SCHROEDER, Mr. SEIBERLING, Mr. THOMPSON of New Jersey, and Mr. THONE):

H.R. 12004. A bill to amend section 552 of title 5 of the United States Code (known as the Freedom of Information Act) to provide for the classification and declassification of official information in the interest of national defense; to the Committee on Government Operations.

By Mr. ROGERS (for himself, Mr. KYROS, Mr. PREYER, Mr. SYMINGTON, Mr. ROY, Mr. NELSEN, Mr. CARTER, Mr. HASTINGS, Mr. HEINZ, Mr. HUDNUT, Mr. SIKES, Mr. BENNETT, Mr. HALEY, Mr. FASCELL, Mr. FUQUA, Mr. GIBBONS, Mr. PEPPER, Mr. CHAPPELL, Mr. GUNTER, Mr. LEHMAN, Mr. BURKE of Massachusetts, Mr. FREY, Mr. YOUNG of Florida, Mr. BAFALIS, and Mr. ROBISON of New York):

H.R. 12005. A bill to amend the Public Health Service Act to assure an adequate supply of chlorine and certain other chemicals and substances which are necessary for safe drinking water and for waste water treatment; to the Committee on Interstate and Foreign Commerce.

By Mr. ST GERMAIN:

H.R. 12006. A bill to reimburse the States for all unemployment compensation paid to individuals whose unemployment is attributable to the oil crisis; to the Committee on Ways and Means.

By Mr. SCHERLE (for himself, Mr. ANDERSON of Illinois, Mr. MICHEL, Mr. FRENZEL, Mr. QUIE, Mr. SNYDER, and Mr. DENHOLM):

H.R. 12007. A bill to amend the Internal Revenue Code of 1954 to provide that the tax on the amounts paid for communication services shall not apply to the amount of the State and local taxes paid for such services; to the Committee on Ways and Means.

By Mr. ANDERSON of Illinois (for himself and Mr. FULTON):

H.R. 12008. A bill to improve the conduct and regulation of Federal election campaign activities and to provide public financing for such campaigns; to the Committee on House Administration.

By Mr. ASPIN:

H.R. 12009. A bill to provide continued passenger rail transportation in America; to the Committee on Interstate and Foreign Commerce.

By Mr. ESCH:

H.R. 12010. A bill to protect the constitutional rights of the subjects of arrest records and to authorize the Federal Bureau of Investigation to disseminate conviction records to State and local government agencies, and for other purposes; to the Committee on the Judiciary.

By Mr. HECHLER of West Virginia:

H.R. 12011. A bill to amend the Labor-Management Reporting and Disclosure Act of 1959 to require that all officers of national labor organizations be elected by secret ballot of the members; to the Committee on Education and Labor.

By Mrs. MINK:

H.R. 12012. A bill to provide for the establishment of the Kalaupapa National Historic Site in the State of Hawaii, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 12013. A bill to provide for reinstatement of optional insurance coverage under the Federal employees group life insurance program for certain individuals who canceled optional insurance due to an increase in premiums because of age which was set at a lower amount later in the year of cancellation; to the Committee on Post Office and Civil Service.

By Mrs. MINK (for herself, Mr. BINGHAM, Mr. WILLIAM D. FORD, Mr. KASTENMEIER, Mr. MEEDS, Mr. RONCALIO of Wyoming, and Mr. SEIBERLING):

H.R. 12014. A bill to amend the Mineral Lands Leasing Act to provide for a more efficient and equitable method for the exploration for and development of oil shale resources on Federal lands, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. O'HARA:

H.R. 12015. A bill to permit the diversion and withdrawal of additional water from Lake Michigan into the Illinois waterway, and for other purposes; to the Committee on Public Works.

By Mr. TAYLOR of North Carolina:

H.R. 12016. A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder; to the Committee on Ways and Means.

By Mr. CULVER:

H. Con. Res. 403. Concurrent resolution expressing the sense of the Congress with respect to the Government's adoption of a policy concernnig foreign investment in the United States; to the Committee on Foreign Affairs.

By Mr. HILLIS (for himself and Mr. REGULA):

H. Res. 750. Resolution creating a select committee to conduct a full and complete investigation and study of shortages of materials and natural resources affecting the United States; to the Committee on Rules.

By Mr. LANDGREBE:

H. Res. 751. Resolution expressing the sense of the House of Representatives concerning the relocation of the Nation's Capital; to the Committee on the District of Columbia.

By Mr. OWENS (for himself, Mrs. BURKE of California, Mr. CORMAN, Mr. HAMILTON, Mr. HECHLER of West Virginia, Mr. KOCH, Mr. KYROS, Mr. RANGEL, and Mr. FRASER):

H. Res. 752. Resolution expressing the sense of the House of Representatives concerning ratification of the Geneva protocol of 1925, and a comprehensive review of this Nation's national security and international policies regarding chemical warfare; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BROWN of California:

H.R. 12017. A bill for the relief of Orapin Dee; to the Committee on the Judiciary.

H.R. 12018. A bill for the relief of Jose Manual Flethez; to the Committee on the Judiciary.

By Mr. McCLORY:

H.R. 12019. A bill for the relief of Dr. and Mrs. Milton Margoles; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

377. The SPEAKER presented a petition of Ruchell Magee, San Jose, Calif., relative to redress of grievances, which was referred to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

MICHIGAN COMPENSATORY EDUCATION PROGRAM HAILED

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, December 17, 1973

Mr. STEIGER of Wisconsin. Mr. Speaker, the Committee on Education and Labor is in the process of concluding markup on the extension of the Elementary and Secondary Education Act of 1965. One of the most important issues has been compensatory education for students in greatest need. Our esteemed colleague and ranking minority member, AL QUIE of Minnesota, has proposed a system based on individual educational disadvantage.

An article from the Tuesday, December 11, New York Times, discusses the impact of this concept in Michigan. I take this opportunity to share this article with my colleagues:

MICHIGAN COMPENSATORY EDUCATION PROGRAM HAILED

(By Evan Jenkins)

LANSING, MICHIGAN.—The State of Michigan is claiming exceptional success for an unusual program for helping children who are seriously behind in school.

The $25-million effort in what is called compensatory education, which reaches 127,000 children in 67 school districts, has attracted considerable attention nationally. It is basically the creation of John W. Porter, a 42-year-old black who has been Michigan's Superintendent of Public Instruction since 1969.

In an interview, Dr. Porter described the program as "an experiment in social philosophy" incorporating theories that rebut two current and controversial assertions about education—that schools are much less important than home environment and other factors in a child's ability to learn, and that blacks as whole are academically inferior to whites.

"When we began, we said we believed that