Strzelecki, Lorna R., xxx-xx-xxxx
Sweeney, Jane K., xxx-xx-xxxx
Swinger, Gary L., xxx-xx-xxxx
Trammell, Alan R., xxx-xx-xxxx
Tudor, William A., xxx-xx-xxxx
Tutt, James T., xxx-xx-xxxx
Vaught, Richard D., xxx-xx-xxxx
Wall, Evelyn L., xxx-xx-xxxx
Weaver, George, xxx-xx-xxxx
Webb, Joseph G., Jr., xxx-xx-xxxx
Wier, Carolyn R., xxx-xx-xxxx
Wika, Judith C., xxx-xx-xxxx
Wong, Elena Y. H., xxx-xx-xxxx

To be second lieutenant

Anderson, Timothy D., xxx-xx-xxxx
Boggess, George H., xxx-xx-xxxx
Corbin, Kathleen C., xxx-xx-xxxx
Daigle, Wade W., xxx-xx-xxxx
Edgecomb, Barbara L., xxx-xx-xxxx
Frank, Robert L., xxx-xx-xxxx
Gallaway, Barbara S., xxx-xx-xxxx
Maltas, Judy L., xxx-xx-xxxx
Menard, Edward J., xxx-xx-xxxx
Prucha, James F., xxx-xx-xxxx
Sadler, Freida J., xxx-xx-xxxx
Skaggs, Terree L., xxx-xx-xxxx
Sparks, Glenn E., Jr., xxx-xx-xxxx
Sullivan, Candice J., xxx-xx-xxxx
Taddiken, Patricia F., xxx-xx-xxxx
Walsh, Darleen F., xxx-xx-xxxx
Whitehead, David E., xxx-xx-xxxx

IN THE ARMY

The following-named officers for promotion in the Army of the United States under the provisions of Public Law 92–129.

MEDICAL CORPS

To be colonel

Ansbacher, Rudi, xxx-xx-xxxx
Arneson, Leslie A., xxx-xx-xxxx
Aton, James K., Jr., xxx-xx-xxxx
Bannister, Gary L., xxx-xx-xxxx
Bartelloni, Peter J., xxx-xx-xxxx
Benincaso, Frank V., xxx-xx-xxxx
Bezreh, Anthony A., xxx-xx-xxxx
Brott, Walter H., xxx-xx-xxxx
Bruckman, Joseph A., xxx-xx-xxxx
Cass, Kenneth A., xxx-xx-xxxx
Chamlian, Dikran L., xxx-xx-xxxx
Corby, Donald G., xxx-xx-xxxx
Diazball, Fernando, xxx-xx-xxxx
Dycaico, Armin G., xxx-xx-xxxx
Fagarason, Lawrence, xxxx
Fearnow, Ronald G., xxx-xx-xxxx
Feltis, James M., Jr., xxx-xx-xxxx
Gimesh, John S., xxx-xx-xxxx
Greely, Robert L., xxx-xx-xxxx
Haas, John M., xxx-xx-xxxx
Hardee, Erasmus B., xxx-xx-xxxx
Hawes, William J., xxx-xx-xxxx
Hazlett, David R., xxx-xx-xxxx
Heydorn, William H., xxx-xx-xxxx
Hill, Paul S., xxx-xx-xxxx
Holtzapple, Kenneth, xxx-xx-xxxx
Hutton, John E., Jr., xxx-xx-xxxx
Isom, Lawrence E., xxx-xx-xxxx
Kopp, Albert A., xxx-xx-xxxx
Larsen, Lowell D., xxx-xx-xxxx
Lennox, Kenneth W., xxx-xx-xxxx
Lindefjeld, Ole A., xxx-xx-xxxx
Mansfield, John O., xxx-xx-xxxx
Mayfield, Gerald W., xxx-xx-xxxx
Mays, Edward E., xxx-xx-xxxx
McCarty, Richard J., xxx-xx-xxxx
Moore, William J., Jr., xxx-xx-xxxx
Park, Richard, xxx-xx-xxxx
Patterson, Joseph R., xxx-xx-xxxx
Pauling, Fred W. III, xxx-xx-xxxx
Reister, Henry C., xxx-xx-xxxx
Sakakini, Joseph, Jr., xxx-xx-xxxx
Scavarda, Angelo, xxx-xx-xxxx
Schamber, Dean T., xxx-xx-xxxx
Soriano, Franklin M., xxx-xx-xxxx
Stansifer, Philip D., xxx-xx-xxxx
Strader, Lorenzo D., xxx-xx-xxxx
Stuart, Richard B., xxx-xx-xxxx
Szymonski, Zdzislaw, xxx-xx-xxxx
Top, Franklin H., Jr., xxx-xx-xxxx
Ulisnik, Wayne R., xxx-xx-xxxx
Vilabalzac, Gilber, xxx-xx-xxxx
Virtue, Clarence M., xxx-xx-xxxx
Williamson, Harold, xxx-xx-xxxx
Winter, Philip E., xxx-xx-xxxx
Yhap, Edgar O., xxx-xx-xxxx
Zbylski, Joseph R., xxx-xx-xxxx

The following-named officers for promotion in the Regular Army of the United States, under the provisions of title 10, United States Code, sections 3284 and 3298:

ARMY PROMOTION LIST

To be first lieutenant

Adams, Mitchell K., xxx-xx-xxxx
King, Richard C., Jr., xxx-xx-xxxx
Runge, Charles D., Jr., xxx-xx-xxxx

CONFIRMATIONS

Executive nominations confirmed by the Senate December 19, 1973:

DEPARTMENT OF TRANSPORTATION

Rodney Eugene Eyster, of Illinois, to be General Counsel of the Department of Transportation.

DEPARTMENT OF JUSTICE

Donald E. Walter, of Louisiana, to be U.S. attorney for the western district of Louisiana for the term of 4 years.

Denny L. Sampson, of Nevada, to be U.S. marshal for the District of Nevada for the term of 4 years.

U.S. ARMS CONTROL AND DISARMAMENT AGENCY

Thomas D. Davies, of Ohio, to be an Assistant Director of the U.S. Arms Control and Disarmament Agency.

DEPARTMENT OF STATE

Walter J. Stoessel, Jr., 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 Union of Soviet Socialist Republics.

Helmut Sonnenfeldt, of Maryland, a Foreign Service officer of class 1, to be Counselor of the Department of State.

Robert J. McCloskey, of Maryland, a Foreign Service officer of class 1, to be an Ambassador at Large.

Arthur A. Hartman, of New Jersey, a Foreign Service officer of class 1, to be an Assistant Secretary of State.

Robert C. Hill, of New Hampshire, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Argentina.

Lloyd I. Miller, of Ohio, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Trinidad and Tobago.

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

THE JUDICIARY

Herbert J. Stern, of New Jersey, to be U.S. district judge for the district of New Jersey.

HOUSE OF REPRESENTATIVES—*Wednesday, December 19, 1973*

The House met at 12 o'clock noon.

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

*Blessed be the Lord God of Israel, for He has visited and redeemed His people * * * to give light to them that sit in darkness and * * * to guide our feet into the way of peace.*—Luke 1: 68, 79.

Eternal God, our Father, come Thou to new life within us as we worship Thee in spirit and in truth. Illumine our darkened lives with the light of Thy presence and prepare our minds with wisdom for the decisions we must make and the actions we must take. Purify our thoughts, strengthen our spirits, kindle anew within us the attitude of good will, and by Thy spirit fit us for Thy service as we serve our country in this forum of freedom and democracy.

Bless our country with Thy presence as together we seek to find our way through the crisis now upon us. May the oil of integrity and good will lubricate all our relationships and make our life as a nation more smoothly onward toward greater things.

Let Thy spirit rule among the nations that peace may be firmly established for the good of all by the goodness of all. So shall Christmas be a reality in our day.

In the spirit of Christ we pray. Amen.

THE JOURNAL

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

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Marks, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills of the House of the following titles:

On November 29, 1973:

H.R. 5777. An act to require that reproductions and imitations of coins and political items be marked as copies or with the date of manufacture;

H.R. 7582. An act to amend title 10, United States Code, to entitle the Delegates in Congress from Guam and the Virgin Islands to make appointments to the service academies;

H.R. 8187. An act to amend section 2031 (b) (1) of title 10, United States Code, to remove the requirement that a Junior Reserve Officer Training Corps unit at any institution must have a minimum number of physically fit male students;

H.R. 10366. An act to amend title 10, United States Code, to remove the 4-year limitation on additional active duty that a nonregular officer of the Army or Air Force may be required to perform on completion of training at an educational institution;

H.R. 10369. An act to amend title 37, United States Code, to provide entitlement to round trip transportation to the home port for a member of the uniformed services on permanent duty aboard a ship being inactivated away from home port whose dependents are residing at the home port; and

H.J. Res. 735. Joint resolution authorizing the Secretary of the Navy to receive for instruction at the U.S. Naval Academy two citizens and subjects of the Empire of Iran.

On November 30, 1973:

H.R. 10937. An act to extend the life of the June 5, 1972, grand jury of the U.S. District Court for the District of Columbia.

On December 3, 1973:

H.R. 11104. An act to provide for a temporary increase of $10,700,000,000 in the public

debt limit and to extend the period to which this temporary limit applies to June 30, 1974.

On December 5, 1973:

H.R. 1353. An act for the relief of Toy Louie Lin Heong;

H.R. 1356. An act for the relief of Ann E. Shepherd;

H.R. 1367. An act for the relief of Bertha Alicia Sierra;

H.R. 1463. An act for the relief of Emilia Majowicz;

H.R. 1696. An act for the relief of Sun Hwa Koo Kim;

H.R. 1955. An act for the relief of Rosa Ines D'Elia;

H.R. 2513. An act for the relief of Jose Carlos Recalde Martorella;

H.R. 2628. An act for the relief of Anka Kosanovic;

H.R. 3207. An act for the relief of Mrs. Enid R. Pope;

H.R. 3754. An act for the relief of Mrs. Bruna Turni, Graziella Turni, and Antonello Turni;

H.R. 6334. An act to provide for the uniform application of the position classification and general schedule pay rate provisions of title 5, United States Code, to certain employees of the Selective Service System;

H.R. 6828. An act for the relief of Edith E. Carrera;

H.R. 6829. An act for the relief of Mr. Jose Antonio Trias;

H.R. 9575. An act to provide for the enlistment and commissioning of women in the Coast Guard Reserve, and for other purposes; and

H.R. 10840. An act to amend the act of August 4, 1950 (64 Stat. 411), to provide salary increases for members of the police force of the Library of Congress.

On December 6, 1973:

H.R. 9474. An act to amend title 38, United States Code, to increase the monthly rates of disability and death pensions and dependency and indemnity compensation, and for other purposes.

On December 8, 1973:

H.R. 1943. An act for the relief of Edgar P. Faulkner and Ray H. New;

H.R. 1949. An act for the relief of Hazel W. Lawson and Lloyd C. Johnson;

H.R. 2207. An act for the relief of Joseph C. Leeba;

H.R. 2213. An act for the relief of Cornelius S. Ball, Victor F. Mann, Jr., George J. Posner, Dominick A. Sgammato, and James R. Walsh;

H.R. 3044. An act for the relief of James Evans, publisher of the Colfax County Press, and Morris Odvarka;

H.R. 3530. An act for the relief of Eugenia C. Lyttle; and

H.R. 9276. An act for the relief of Luther V. Winstead.

On December 10, 1973:

H.R. 11710. An act to insure that the compensation and other emoluments attached to the Office of Attorney General are those which were in effect on January 1, 1969.

On December 11, 1973:

H.R. 4448. An act for the relief of 1st Lt. John P. Dunn, Army of the United States, retired; and

H.R. 7446. An act to establish the American Revolution Bicentennial Administration, and for other purposes.

On December 12, 1973:

H.R. 1328. An act for the relief of M. Sgt. Eugene J. Mikulenka, U.S. Army, retired;

H.R. 3751. An act for the relief of James E. Fry, Jr., and Margaret E. Fry;

H.R. 4175. An act for the relief of Manuel H. Silva; and

H.R. 8406. An act for the relief of William M. Starrs.

On December 13, 1973:

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

On December 14, 1973:

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

On December 15, 1973:

H.R. 974. A act designating the Texarkana Dam and Reservoir on the Sulphur River as the "Wright Patman Dam and Lake";

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

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

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

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

H.R. 6768. An act to provide for participation by the United States in the United Nations environment program;

H.R. 8528. An act to provide for increasing the amount of interest paid on the permanent fund of the U.S. Soldiers' and Airman's Home; and

H.R. 11324. An act to provide for daylight saving time on a year-round basis for a 2-year period, and to require the Federal Communications Commission to permit certain daytime broadcast stations to operate before local sunrise.

On December 18, 1973:

H.R. 3180. An act to amend title 39, United States Code, to clarify the proper use of the franking privilege by Members of Congress, and for other purposes.

MESSAGE FROM THE SENATE

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

H.R. 11441. An act to postpone the implementation of the Headstart fee schedule;

H. Con. Res. 278. Concurrent resolution authorizing the printing of additional copies of the joint committee print "Soviet Economic Prospects for the Seventies";

H. Con. Res. 386. Concurrent resolution expressing the concurrence of the Congress in naming the nuclear-powered aircraft carrier CVN–70 as the U.S. ship *Carl Vinson;* and

H. Con. Res. 402. Concurrent resolution directing the Secretary of the Senate to make corrections in the enrollment of S. 1435.

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

H.R. 8449. An act to expand the national flood insurance program by substantially increasing limits of coverage and total amount of insurance authorized to be outstanding and by requiring known flood-prone communities to participate in the program, and for other purposes; and

H.R. 8529. An act to implement the shrimp fishing agreement with Brazil.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1435) entitled "An act to provide an elected Mayor and City Council for the District of Columbia, and for other purposes".

The message also announced that the Senate agrees to the amendments of the House to bills of the Senate of the following titles:

S. 1529. An act to authorize the Secretary of the Interior to enter into agreements with non-Federal agencies for the replacement of the existing American Falls Dam, Minidoka project, Idaho, and for other purposes;

S. 2166. An act to authorize the disposal of opium from the national stockpile; and

S. 2316. An act to authorize the disposal of copper from the national stockpile and the supplemental stockpile.

The message also announced that the Senate had receded from its amendment to the bill of the House of the following title:

H.R. 7352. An act to amend section 4082(c) of title 18, United States Code, to extend the limits of confinements of Federal prisoners.

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

S. 1868. An act to amend the United Nations Participation Act of 1945 to halt the importation of Rhodesian chrome;

S. 2432. An act to establish a procedure assuring Congress the full and prompt production of information requested from Federal officers and employees.

S. 2794. An act to amend chapter 36 of title 38, United States Code, to authorize the Administrator of Veterans' Affairs to continue making educational assistance and subsistence allowance payments to eligible veterans and eligible persons during periods that the educational institutions in which they are enrolled are temporarily closed pursuant to a policy proclaimed by the President or because of emergency conditions;

S.J. Res. 182. Joint resolution extending the dates for the transmission of the 1974 Economic Report and the report of the Joint Economic Committee;

S. Con. Res. 30. Concurrent resolution to establish a procedure assuring Congress the full and prompt production of information requested from Federal officers and employees.

The message also announced that Mr. CASE was appointed as a conferee on 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" in lieu of Mr. BROOKE, excused.

PERMISSION TO FILE CONFERENCE REPORT ON DEPARTMENT OF DEFENSE APPROPRIATION BILL

Mr. MAHON. 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, 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?

There was no objection.

CONFERENCE REPORT (H. REPT. No. 93–741)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 11575) "making appropriations for the Department of Defense for the fiscal year ending June 30, 1974, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 14, 25, 72, 73, 76, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 102, 103, 104, 105, 106, 107, and 113.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 4, 5, 8, 16, 17, 18, 21, 22, 24, 29, 30, 31, 32, 33, 37, 38, 41, 46, 47, 48, 53, 54, 59, 60, 64, 65, 66, 69, 80, 82, and 108, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$7,109,950,000"; and the Senate agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$98,482,000"; and the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$1,649,394,000"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$1,087,131,000"; and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$327,879,000"; and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$340,837,000"; and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$2,033,250,000"; and the Senate agree to the same.

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$445,810,000"; and the Senate agree to the same.

Amendment numbered 40: That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$563,266,000"; and the Senate agree to the same.

Amendment numbered 42: That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$219,233,000"; and the Senate agree to the same.

Amendment numbered 43: That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$6,504,294,000"; and the Senate agree to the same.

Amendment numbered 57: That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$514,250,000"; and the Senate agree to the same.

Amendment numbered 61: That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$800,700,000"; and the Senate agree to the same.

Amendment numbered 67: That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$461,690,000"; and the Senate agree to the same.

Amendment numbered 67: That the House recede from its disagreement to the amendment of the Senate numbered 67, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$2,722,700,000"; and the Senate agree to the same.

Amendment numbered 68: That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$800,700,000"; and the Senate agree to the same.

Amendment numbered 70: That the House recede from its disagreement to the amendment of the Senate numbered 70, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$1,204,200,000"; and the Senate agree to the same.

Amendment numbered 74: That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$1,393,300,000"; and the Senate agree to the same.

Amendment numbered 77: That the House recede from its disagreement to the amendment of the Senate numbered 77, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$1,912,100,000"; and the Senate agree to the same.

Amendment numbered 81: That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$3,042,000,000"; and the Senate agree to the same.

Amendment numbered 101: That the House recede from its disagreement to the amendment of the Senate numbered 101, and agree to the same with an amendment, as follows: In lieu of the matter stricken and inserted by said amendment, insert the following:

SEC. 735. During the current fiscal year upon determination by the Secretary of Defense that such action is necessary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed $625,000,000 of the appropriations of funds available to the Department of Defense for military functions (except military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided*, That such authority to transfer may not be used unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated, and in no case where the item for which funds are requested has been denied by Congress: *Provided further*, That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority.

And the Senate agree to the same.

Amendment numbered 109: That the House recede from its disagreement to the amendment of the Senate numbered 109, and agree to the same with an amendment, as follows: In lieu of the number stricken and inserted by said amendment insert "742"; and the Senate agree to the same.

Amendment numbered 110: That the House recede from its disagreement to the amendment of the Senate numbered 110, and agree to the same with an amendment, as follows: In lieu of the number stricken and inserted by said amendment insert "743"; and the Senate agree to the same.

Amendment numbered 111: That the House recede from its disagreement to the amendment of the Senate numbered 111, and agree to the same with an amendment, as follows: In lieu of the number stricken and inserted by said amendment insert "744"; and the Senate agree to the same.

Amendment numbered 112: That the House recede from its disagreement to the amendment of the Senate numbered 112, and agree to the same with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following:

SEC. 745. No part of the funds in this Act shall be available to prepare or present a request to the Committees on Appropriations for the reprograming of funds, unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which reprograming is requested has been denied by the Congress.

And the Senate agree to the same.

Amendment numbered 114: That the House recede from its disagreement to the amendment of the Senate numbered 114, and agree to the same with an amendment, as follows: In lieu of the matter proposed by said amendment insert:

SEC. 746. None of the funds contained in this Act shall be used to furnish petroleum fuels produced in the continental United States to Southeast Asia for use by non-United States nationals.

And the Senate agree to the same.

Amendment numbered 115: That the House recede from its disagreement to the amendment of the Senate numbered 115, and agree to the same with an amendment, as folows: In lieu of the matter proposed by said amendment insert:

TITLE VIII

DEFENSE MANPOWER COMMISSION

There is hereby appropriated the sum of $400,000 to the Defense Manpower Commission for use in carrying out the provisions of title VII of the Department of Defense Appropriation Authorization Act, 1974.

And the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 3, 9, 13, 15, 23, 26, 27, 28, 34, 35, 36, 39, 44, 45, 49, 50, 51, 52, 55, 56, 58, 62, 71, 75, 78, and 79.

GEORGE MAHON,
ROBERT L. F. SIKES,
DANIEL J. FLOOD,
JOSEPH P. ADDABBO,
JOHN J. MCFALL
(except as to amendment 77),
JOHN J. FLYNT, Jr.
(except as to amendment 77),
ROBERT N. GIAIMO,
JAMIE L. WHITTEN,
WILLIAM E. MINSHALL,
GLENN R. DAVIS,
LOUIS C. WYMAN,
JACK EDWARDS,
E. A. CEDERBERG

Managers on the Part of the House.

JOHN L. MCCLELLAN,
JOHN C. STENNIS,
JOHN O. PASTORE,
WARREN G. MAGNUSON,
STUART SYMINGTON,
MILTON R. YOUNG,
ROMAN L. HRUSKA,
NORRIS COTTON,
CLIFFORD P. CASE
(except as to amendment No. 1),
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 11575), making appropriations for the Department of Defense for the fiscal year ending June 30, 1974, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

TITLE I—MILITARY PERSONNEL

Military personnel, Army

Amendment No. 1.—Appropriates $7,109,950,000 instead of $7,131,437,000 as proposed by the House and $7,098,050,000 as proposed by the Senate.

The conferees are in agreement that a portion of the total reduction of $101,450,000 is to be allocated to specific items as contained in the House Report. The remaining portion of the reduction is to be allocated by the Army. The specific reductions are as follows: Armed Forces Entrance and Examining Station, $900,000; Graduate training, $6,739,000; Support of automatic data processing, $1,200,000; Air Defense Operations, $2,000,000; Parachute jump pay, $1,900,000; Race relations counselors, $750,000; and Career counselors, $1,182,000. Implementation of the parachute jump pay reduction can be deferred from February 1 to April 1, 1974 if the Army desires to do so.

The House has receded with respect to the Elimination of marginal performers, Project Transition, Cost of living allowance, and Permanent change of station travel. However, the conferees are in agreement that Project Transition shall be terminated prior to the end of fiscal year 1974, but no specific dollar limitation is applied during fiscal year 1974. The remaining specific House reductions are agreed to by the Senate.

The Senate agreed to restore $11,900,000 of the $17,000,000 deleted from the bill for Military Assistance to South Vietnam and Laos, making a total of $42,400,000 available for this purpose in this appropriation.

With respect to items of difference as contained in the reports but not reflected by dollar changes or amendments to the bill, the conferees are in agreement that the House report with respect to the following items shall be in effect: Promotion to the grade of captain (O–3), Discontinuation of pre-medical training for Academy cadets, Proficiency pay for shortage skills, Accounting and budgeting for permanent change of station moves, Application and use of the combat arms enlistment bonus, the consolidation of Race relations schools, and Medical training for active duty officers. The House receded with respect to the consolidation of chaplain schools and has also agreed that the Movement of household goods and automobiles to and from Alaska, Hawaii, and U.S. Possessions and Territories shall be conducted in a manner which provides the same privileges and benefits to military personnel moving to and from these locations as is provided to military personnel moving between any other locations in the United States. The House will request the General Accounting Office to conduct a review and study on the feasibility and cost of consolidating the individual service Chaplain schools.

Military personnel, Navy

Amendment No. 2.—Appropriates $5,271,350,000 as proposed by the Senate instead of $5,281,995,000 as proposed by the House.

The conferees are in agreement that a portion of the $84,250,000 reduction is to be allocated to specific items as contained in the House report. The remaining portion of the reduction is to be allocated by the Navy. The specific reductions are as follows: Career counselors, $930,000; Race relations counselors, $250,000; Intercultural relations counselors, $145,000; Graduate training, $5,578,000; Enlisted degree training, $6,800,000; Southeast Asia strength, $2,475,000; and Support to other Nations, $1,064,000.

The House has receded with respect to the Elimination of marginal performers, Cost of living allowance, Strategic Programs manning and the Numbers of dentists to be employed by the Navy. The remaining specific House reductions were agreed to by the Senate.

With respect to items of difference as contained in the reports but not reflected by dollar changes or amendments to the bill, the conferees are in agreement that the House Report with respect to the following items shall be in effect: Promotion to the grade of lieutenant (O–3), Discontinuation of pre-medical training for Midshipmen, Shortage specialty proficiency pay, Budgeting and accounting for permanent change of station moves, and the Consolidation of race relations schools. The conferees are in agreement that the Consolidation of chaplain schools should not be affected until further study has been conducted. The movement of household goods and automobiles to and from Alaska, Hawaii, and U.S. Territories and Possessions shall be conducted in a manner which provides the same privileges and benefits to military personnel moving to and from these locations as is provided to military personnel moving between any other location in the United States.

Amendment No. 3.—Reported in technical disagreement. The managers on the part of the House will offer a motion to agree to the Senate amendment which provides that "not to exceed $9,900,000 shall be available for transfer to appropriate accounts under this head for the fiscal years 1969, 1971, and 1972, but only in such amounts as necessary for payments to the Internal Revenue Service for unpaid withholding taxes, and the accounts in such fiscal years shall be adjusted accordingly." This language is necessary to enable the Navy to pay the Internal Revenue Service for withholding taxes withheld from the pay of military personnel but never paid to the Internal Revenue Service during fiscal years 1969, 1971 and 1972 because the appropriation for these years was reported in deficiency under Revised Statutes 3679 (31 U.S.C. 665).

Military personnel, Marine Corps

Amendment No. 4.—Appropriates $1,547,000,000 proposed by the Senate instead of $1,549,452,000 as proposed by the House.

The conferees are in agreement that a portion of the $8,800,000 reduction is to be allocated to specific items as contained in the House Report. The remaining portion of the reduction is to be allocated by the Marine Corps. The specific reductions are as follows: Career counselors, $585,000; and Graduate training, $852,000.

The House has receded with respect to the Elimination of marginal performers, Project Transition, Marine Corps personnel assigned outside the Department of Defense, and Cost of living allowance. However, the conferees are in agreement that Project Transition shall be terminated prior to the end of fiscal year 1974, but no specific dollar limitation is applied during fiscal year 1974. The remaining specific House reductions were agreed to by the Senate.

With respect to items of difference as contained in the reports but not reflected by dollar changes or amendments to the bill, the conferees are in agreement that the House report with respect to the following items shall be in effect: Promotion to the grade of captain (O–3), Shortage specialty proficiency pay, Accounting and budgeting for permanent change of station moves, Application and use of the combat arms enlistment bonus, and the Consolidation of race relations schools. The conferees are in agreement that the Movement of household goods and automobiles to and from Alaska, Hawaii, and U.S. Territories and Possessions shall be conducted in a manner which provides the same privileges and benefits to military personnel moving to and from these locations as is provided to military personnel moving between any other locations in the United States.

Military personnel, Air Force

Amendment No. 5.—Appropriates $6,863,350,000 as proposed by the Senate instead of $6,886,411,000 as proposed by the House.

The conferees are in agreement that a portion of the $69,150,000 reduction is to be allocated to specific items as contained in the House report. The remaining portion of the reduction is to be allocated by the Air Force. The specific reductions are as follows: Military personnel assigned outside the Department of Defense, $970,000; Race relations counselors, $250,000; Graduate training, $6,980,000; and Southeast Asia strength levels, $5,300,000.

The House has receded with respect to the Elimination of marginal performers, Project Transition, and Cost of living allowance. However, the conferees are in agreement that Project Transition shall be terminated prior to the end of fiscal year 1974, but no specific dollar limitation is applied during fiscal year 1974. The remaining specific House reductions were agreed to by the Senate.

With respect to items of difference as contained in the reports but not reflected by dollar changes or amendments to the bill, the conferees are in agreement that the House report with respect to the following items shall be in effect: Promotion to the grade of captain (O–3), Discontinuation of pre-medical training for academy cadets, Shortage special proficiency pay, Accounting and budgeting for permanent change of station moves, Consolidation of race relations schools, and Medical training for active duty officers. The House has receded with respect to the Consolidation of chaplain schools and has also agreed that the Movement of household goods and automobiles to and from Alaska, Hawaii, and U.S. Possessions and Territories shall be conducted in a manner which provides the same privileges and benefits to military personnel moving to and from these locations as is provided to military personnel moving between any other locations in the United States.

Reserve personnel, Army

The conferees are in agreement that the House portion with respect to the establishment of Junior Reserve Officers Reserve training programs (High School ROTC). The House had directed that no new programs be established until the units not meeting current enrollment criteria meet enrollment standards or are disestablished.

Reserve personnel, Navy

The conferees are in agreement that the portion of the reduction of $2,697,000 not previously allocated is to be allocated at the discretion of the Navy. House instructions with respect to establishment of new Junior ROTC units was agreed to. The conferees are in agreement that Phased Force Component Companies and Systems Analysis Divisions

may be continued if adequate funds are available. While the House direction to phase out these units was not agreed to, the Navy is not precluded from phasing them out.

Reserve personnel, Air Force

The conferees are in agreement that the portion of the reduction of $12,338,000 not previously allocated is to be allocated at the discretion of the Air Force. House instructions with respect to establishment of new Junior ROTC units was agreed to.

TITLE III—OPERATION AND MAINTENANCE

Operation and maintenance, Army

Amendment No. 6.—Appropriates $98,482,000 instead of $93,382,000 as proposed by the House, and $104,582,000 as proposed by the Senate.

The conferees agreed that the House reduction of $3,000,000 applicable to air defense units should be sustained and that the immediate deactivation of these units should begin. The conferees also agreed that this position is applicable to the air defense units operated by the Army National Guard.

The conferees agreed that $3.1 million of the House reduction of $6.2 million for the Logistics Support System of the Army's Safeguard System should be restored. The conferees agreed that the restored funds can be used for contractual support of the Army's Safeguard Logistics and maintenance operations.

Amendment No. 7.—Appropriates $1,649,394,000 instead of $1,619,465,000 as proposed by the House, and $1,652,644,000 as proposed by the Senate. The House had deleted $6,500,000 for the revitalization of the Army's reenlistment program. The Senate restored these funds. The conferees agreed to restore $3,250,000.

Amendment No. 8.—Appropriates $310,178,000 as proposed by the Senate instead of $309,678,000 as proposed by the House.

Amendment No. 9.—Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment appropriating $1,802,832,000 instead of $1,808,832,000 as proposed by the House, and $1,807,832,000 as proposed by the Senate.

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

The conferees agreed to the House reduction of $10,000,000 for space-available travel and its position on this matter. The Senate had restored $5,000,000 of the House reduction.

Amendment No. 10.—Appropriates $1,087,131,000 instead of $968,531,000 as proposed by the House, and $1,087,831,000 as proposed by the Senate. The conferees agreed to the House reduction of $700,000 for degree-seeking training.

Amendment No. 11.—Appropriates $327,879,000 instead of $321,658,000 as proposed by the House, and $330,379,000 as proposed by the Senate. The House had reduced the Army request for reimbursement to the Post Office Department by $5,000,000. The Senate restored these funds. The conferees agreed that an additional $2.5 million would be sufficient.

Amendment No. 12.—Appropriates $340,837,000 instead of $414,237,000 as proposed by the House, and $262,337,000 as proposed by the Senate. The conferees agreed to restore $78,500,000 of the Senate reduction for MASF.

Amendment No. 13.—Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment appropriating $6,214,697,000 instead of $6,133,747,000 as proposed by the House, and $6,153,747,000 as proposed by the Senate.

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

The conferees concurred in the following changes recommended by the Senate and included in the various subdivisions of this appropriation:

Project Transition	+$1,200,000
Overseas dependent education	+127,500,000
Camouflage screens	+6,000,000
ADP leases	+800,000
Classified projects	−500,000
Energy conservation	−28,000,000
Executive development program	−1,500,000

In addition to the items in conference discussed under this appropriation, the Senate bill reflects a redistribution of House reductions among the various subdivisions of the appropriation. The adjustments are accommodated within the total appropriation.

Amendment No. 14.—The conferees agreed to delete language making the Secretary of the Army's determination final and conclusive upon the accounting officers of the Government.

Amendments Nos. 15, 28, 34, 45, and 52.—Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment permitting the transfer of three percent of the amount of any subdivision of this appropriation, but no subdivision may be increased by more than five percent.

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

Operation and maintenance, Navy

Amendment No. 16.—Appropriates $334,236,000 as proposed by the Senate, instead of the $335,566,000 as proposed by the House.

Amendment No. 17.—Appropriates $2,334,618,000 as proposed by the Senate, instead of the $2,371,731,000 as proposed by the House.

Amendment No. 18.—Appropriates $303,225,000 as proposed by the Senate, instead of the $304,935,000 as proposed by the House.

Amendment No. 19.—Appropriates $2,033,250,000 instead of $2,032,246,000 as proposed by the House, and $2,036,000,000 as proposed by the Senate. The conferees agreed to the House reduction of $5,500,000 for space-available travel.

Amendment No. 20.—Appropriates $445,810,000 instead of $423,822,000 as proposed by the House, and $451,793,000 as proposed by the Senate. The conferees agreed to the House reduction of $2,233,000 for degree-seeking training. The House reduced pilot training by $10,000,000 and the Senate restored $7,500,000. The conferees agreed that $3,750,000 for pilot training should be restored.

Amendment No. 21.—Appropriates $354,645,000 as proposed by the Senate, instead of $354,666,000 as proposed by the House.

Amendment No. 22.—Appropriates $177,285,000 as proposed by the Senate, instead of $178,353,000 as proposed by the House.

Amendment No. 23.—Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment appropriating $6,004,950,000 instead of $6,023,200,000 as proposed by the House, and $6,013,683,000 as proposed by the Senate.

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

The conferees concurred in the following changes recommended by the Senate and included in the various subdivisions of this appropriation.

Item	*Amount*
Project Transition	+$300,000
Overseas dependent education	+20,100,000
Sonobuoy support	+5,300,000
Classified projects	−2,100,000
Energy conservation	−43,800,000
Civilian financial management training	−1,800,000

In addition to the items in conference discussed under this appropriation, the Senate bill reflects a redistribution of House reductions among the various subdivisions of the appropriation. The adjustments are accommodated within the total appropriation.

Amendment No. 24.—The Senate inserted the citation of legislative authority of the Navy with regard to emergencies and extraordinary expenses. The House bill did not include this language. The House agreed to the Senate amendment.

Amendment No. 25.—The conferees agreed to include in the bill authority that the Secretary of the Navy may make payments from funds provided for emergencies and extraordinary expenses upon his certification that they are for confidential military purposes. The conferees further agreed to delete the language making the Secretary of the Navy's determination final and conclusive upon accounting officers of the government.

Amendments Nos. 26 and 27.—Reported in technical disagreement. The managers on the part of the House will offer motions to recede and concur in the Senate amendments.

The House bill included a provision that not more than $851,672,000 of the funds provided for the alteration, overhaul, and repair of naval vessels shall be available for performance of such work in Navy shipyards. The Senate amended the House language to provide that no less than the above amount would be available for such work in Navy shipyards and not less than $359,919,000 would be available for such work in private shipyards.

The conferees agreed that of the amounts contained in the Senate bill, $39,242,000 is included in the Operation and Maintenance, Navy Reserve appropriation.

Operation and maintenance, Marine Corps

Amendment No. 29.—Appropriates $212,374,000 as proposed by the Senate instead of $213,552,000 as proposed by the House.

Amendment No. 30.—Appropriates $101,254,000 as proposed by the Senate instead of $101,629,000 as proposed by the House.

Amendment No. 31.—Appropriates $66,486,000 as proposed by the Senate instead of $66,527,000 as proposed by the House.

Amendment No. 32.—Appropriates $29,642,000 as proposed by the Senate instead of $29,048,000 as proposed by the House.

Amendment No. 33.—Appropriates $410,645,000 as proposed by the Senate instead of $411,645,000 as proposed by the House.

The Marine Corps requested $750,000 for civilian pilot training in light aircraft during fiscal year 1974. The House reduced this request by $550,000 and directed the program be discontinued. The Senate concurred with the House reduction but recommended the program be continued using available funds within the appropriation. The conferees agreed with the House position that the program be discontinued. The conferees also concurred in the $1,000,000 Senate reduction for energy conservation.

In addition to the items in conference discussed under this appropriation, the Senate bill reflects a redistribution of House reductions among the various subdivisions of the appropriation. The adjustments are accommodated within the total appropriation.

Operation and maintenance, Air Force

Amendment No. 35.—Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an

amendment appropriating $1,108,442,000 instead of $1,124,154,000 as proposed by the House and $1,117,192,000 as proposed by the Senate.

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

Amendment No. 36.—Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment appropriating $1,006,832,000 instead of $1,014,091,000 as proposed by the House and $1,014,082,000 as proposed by the Senate.

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

Amendment No. 37.—Appropriates $530,843,000 as proposed by the Senate instead of $532,343,000 as proposed by the House.

Amendment No. 38.—Appropriates $177,530,000 as proposed by the Senate instead of $179,240,000 as proposed by the House.

Amendment No. 39.—Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment appropriating $2,304,868,000 instead of $2,318,938,000 as proposed by the House and $2,311,568,000 as proposed by the Senate.

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

Amendment No. 40.—Appropriates $563,266,000 instead of $517,736,000 as proposed by the House and $563,713,000 as proposed by the Senate. The conferees agreed to the House reduction of $447,000 from the degree-seeking graduate training program.

Amendment No. 41.—Appropriates $215,882,000 as proposed by the Senate instead of $211,467,000 as proposed by the House.

Amendment No. 42.—Appropriates $219,233,000 instead of $256,733,000 as proposed by the House, and $150,033,000 as proposed by the Senate.

Amendment No. 43.—Appropriates $6,504,294,000 instead of $6,532,100,000 as proposed by the House, and $6,458,241,000 as proposed by the Senate.

The House reduced the Air Force request for civilian personnel strength by $9,020,000. The Senate restored $5,000,000 of this reduction. The conferees agreed that the amount to be restored should be $2,500,000. The reduction was applied equally to the strategic forces and the general purpose forces subdivisions.

The House reduced the Air Force request for space-available travel by $10,000,000. The Senate restored $5,000,000. The conferees agreed with the House position on this matter and applied the $10,000,000 reduction to the central supply and maintenance subdivision.

The House deleted the budget request of $3,400,000 for modification of B-52D aircraft. The Senate restored these funds. The conferees agreed that the amount to be restored should be $1,700,000. This reduction has been applied to the central supply and maintenance subdivision.

The House deleted the Air Force request of $3,500,000 for improvements to Command Data Buffer software, which is part of the Minuteman force modernization program. The Senate restored these funds. The conferees agreed to restore $2,000,000. The reduction of $1,500,000 was applied to the strategic forces subdivision.

The House reduced the Air Force's request for the flying hour program by $12,000,000. The Senate restored these funds. The conferees agreed that this reduction should be sustained and the Senate receded. The reduction was applied equally to the strategic forces and general purpose forces subdivisions.

The House reduced the Air Force request for the MASF program by $30,000,000. The Senate made a further reduction of $99,600,000. The conferees agreed to the restoration of $69,200,000. These funds are included in the support of other nations subdivision.

The conferees concurred in the following changes recommended by the Senate and included in the various subdivisions of this appropriation.

Item	*Amount*
Project transition	$484,000
Overseas dependent education	44,900,000
Energy conservation	—49,000,000

In addition to the items in conference discussed under this appropriation, the Senate bill reflects a redistribution of House reductions among the various subdivisions of the appropriation. The adjustments are accommodated within the total appropriation.

Amendment No. 44.—Reported in technical disagreement. The Senate bill included language that funds provided for emergencies and extraordinary expenses can be expended on the approval of the Secretary of the Air Force, and that payments may be made on his certificate that they are for confidential military purposes, and that his determination is final and conclusive upon the accounting officers of the Government.

The conferees agreed to delete the language making the Secretary of the Air Force determination final and conclusive upon the accounting officers of the Government.

Therefore, the managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment striking the prohibitive language.

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

Operations and maintenance, Defense agencies

Amendment No. 46.—Appropriates $49,749,000 as proposed by the Senate instead of $243,885,000 as proposed by the House. The conferees agreed that funds for overseas dependents education should be included in the appropriations of the Military Services as proposed by the Senate. The Department of Defense has agreed that funds for overseas dependents education will be included in the budget request for the Secretary of Defense activities in fiscal year 1975.

The Office of the Assistant Secretary of Defense for Intelligence had requested an increase of 30 new civilian employees in fiscal year 1974. The House allowed an increase of 15 employees. The Senate denied additional funds but stated the requested increase in staff for the Assistant Secretary for Intelligence was reasonable; and, in effect, restored the positions denied by the House. The conferees agreed to the House position which limited the increase to 15 civilian positions.

The Senate recommended that $750,000 of the funds provided for Secretary of Defense activities be used to establish the Defense Manpower Commission which was included in the fiscal year 1974 Defense Authorization Act. The conferees agreed to delete this language as Title VIII of the bill provides $400,000 for the Defense Manpower Commission.

Amendment No. 47.—Appropriates $20,320,000 as proposed by the Senate instead of $20,194,000 as proposed by the House.

Amendment No. 48.—Appropriates $148,149,000 as proposed by the Senate instead of $145,649,000 as proposed by the House.

Amendment No. 49.—Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment appropriating $446,859,000 instead of $450,859,000 as proposed by the House, and $448,159,000 as proposed by the Senate.

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

The House reduced the request of the Defense Intelligence Agency by $1,500,000 for contract studies to be made for the Assistant Secretary of Defense for Intelligence. The Senate restored these funds but reduced classified intelligence projects by $200,000 for a net increase of $1,300,000 in this budget activity.

The conferees agreed with the House reduction for intelligence contract studies and the Senate reduction for classified intelligence projects.

Amendment No. 50.—Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment appropriating $1,454,898,000 instead of $1,650,408,000 as proposed by the House, and $1,456,198,000 as proposed by the Senate.

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

The conferees concurred in the discontinuation of the United States Armed Forces Institute (USAFI) by May 31, 1974.

The conferees concurred in the following changes recommended by the Senate and included in the various subdivisions of this appropriation.

Item	*Amount*
Building maintenance	+$64,000
DIS-ADP capability expansion	+126,000
DMA-General reduction	+2,500,000
NSA-Employee and program reductions	−2,500,000

Amendment No. 51.—Reported in technical disagreement. The Senate reinserted language in the bill that funds provided for emergencies and extraordinary expense can be expended on the approval of the Secretary of Defense, and that payments may be made on his certificate that they are for confidential military purposes, and that his determination is final and conclusive upon the accounting officers of the Government. The conferees agreed to delete the language making the Secretary of Defense's determination final and conclusive upon the accounting officers of the government.

Therefore, the managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment striking such prohibitive language.

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

Operation and maintenance, Army Reserve

Amendment No. 53.—Appropriates $253,900,000 as proposed by the Senate instead of $255,000,000 as proposed by the House. The conferees agreed to an additional Senate reduction of $1,100,000 relating to energy conservation measures.

Operation and maintenance, Navy Reserve

Amendment No. 54.—Appropriates $170,750,000 as proposed by the Senate instead of $172,000,000 as proposed by the House. The conferees agreed to an additional Senate reduction of $1,250,000 relating to energy conservation measures.

Operation and maintenance, Air Force Reserve

Amendment No. 55.—Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment appropriating $221,900,000 instead of $223,000,000 as proposed in the House, and $222,800,000 as proposed by the Senate.

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

The Air Force Reserve requested an increase of 543 technicians for fiscal year 1974. The House reduced this request by 200 technicians and $2,400,000. The Senate restored 150 of these positions and $1,800,000. The confereees agreed to restore 75 positions and $900,000.

The House agreed to the Senate reduction of $2,000,000 for energy conservation in the Air Force Reserve operations.

Operation and maintenance, Army National Guard

Amendment No. 56.—Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment appropriating $524,400,000 instead of $524,000,000 as proposed by the House, and $523,839,000 as proposed by the Senate.

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

As previously discussed, the conferees agreed to the House position relative to the deactivation of air defense units. The House reduced the National Guard, Army request for support of their air defense units by $3,000,000. The Senate restored these funds. The conferees agreed that $1,500,000 should be restored.

The Senate reduced funds for commercial bus transportation between home station and weekend training sites by $2,061,000. The conferees agreed to the restoration of these funds.

The House agreed to the Senate reduction of $1,100,000 for energy conservation.

Operation and maintenance, Air National Guard

Amendment No. 57.—Appropriates $514,250,000 instead of $510,500,000 as proposed by the Senate and $518,000,000 as proposed by the House.

The House reduced Guard technicians by $2,500,000 and 200 positions. The conferees agreed to restore $1,250,000 and 100 Guard technician positions.

The House provided $52,100,000 for POL products, a reduction of $3,800,000. The Senate provided $42,100,000 for an additional energy conservation reduction of $10,000,000. The conferees agreed to restore $5,000,000 of the Senate reduction and provide $47,100,000 for POL products.

Contingencies, Defense

Amendment No. 58.—Reported in technical disagreement. The House deleted $5,000,000 requested for contingencies. The Senate restored the House reduction and included language in the bill requiring a quarterly report to Congress of disbursements made under this appropriation.

The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment deleting the language requiring the submission of quarterly reports to Congress.

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

TITLE IV—PROCUREMENT

Aircraft procurement, Army

Amendment No. 59.—Appropriates $138,400,000 as proposed by the Senate instead of $139,400,000 as proposed by the House.

The conferees agreed to a reduction of $1,000,000 in aircraft spares and repair parts as proposed by the Senate. The Senate had provided $13,200,000 for aircraft spares and repair parts while the House had provided $14,200,000.

With respect to the fiscal year 1973 procurement of U–X utility aircraft by the Army and CX–X utility aircraft by the Air Force, the conferees agreed that the funds already appropriated be held in abeyance until this program is rejustified to Congress.

Missile procurement, Army

Amendment No. 60.—Appropriates $525,100,000 as proposed by the Senate instead of $514,600,000 as proposed by the House.

The conferees agreed to provide $10,500,000 for the AN/TSQ–73 Air Defense Command and Control System. The House had deleted all funds for this system.

Procurement of ammunition, Army

Amendment No. 61.—Appropriates $784,300,000 instead of $676,100,000 as proposed by the Senate and $931,300,000 as proposed by the House.

The conferees agreed to restore the $29,800,000 reduction by the House for the 4.2-inch mortar proximity fuze.

The Senate proposed a $159,000,000 general reduction in ammunition. The conferees agreed to restore $90,000,000 of the Senate reduction, for a general reduction of $69,000,000 below the House version.

The House had provided $73,000,000 in ammunition for the Military Assistance Service Funded program, and the Senate reduced this amount by $26,000,000. The conferees agreed to restore $18,200,000 of the Senate reduction.

The conferees also agreed to a general reduction of $100,000,000, as proposed by the Senate, to be offset by the transfer of $100,000,000 from the Army Stock Fund.

Amendment No. 62. Reported in technical disagreement. The Managers on the part of the House will offer a motion to agree to the Senate amendment to the language in the bill transferring $100,000,000 from the Army Stock Fund.

Other procurement, Army

Amendment No. 63. Appropriates $461,690,000 instead of $460,590,000 as proposed by the Senate and $502,290,000 as proposed by the House.

The conferees agreed to Senate reductions of $1,000,000 in system maintenance training equipment, of $1,400,000 in operation equipment, a general reduction of $25,000,000, as well as an additional reduction of $12,500,000 based on the transfer of funds from a prior year account.

The Senate had reduced the Military Assistance Service Funded program by $1,800,000. The conferees agreed to restore $1,100,000 of the Senate reduction.

Amendment No. 64. The conferees agreed to the Senate deletion of the language in the bill providing $200,000 for reimbursement to the Military Assistance Program.

Amendment Nos. 65 and 66. The conferees agreed to the Senate language in the bill providing an additional $39,500,000, of which $20,500,000 shall be derived by transfer from the "Other Procurement, Army, 1972/1974" account. The House had provided an additional $27,000,000, of which $8,000,000 was to be derived from that account.

Aircraft procurement, Navy

Amendment No. 67. Appropriates $2,722,700,000 instead of $2,646,700,000 as proposed by the Senate and $2,785,200,000 as proposed by the House.

The conferees agreed to the Senate reduction of $10,500,000 in the A–4M Skyhawk aircraft program. The House had provided $64,100,000 for 24 such aircraft while the Senate provided $53,600,000 for 20 aircraft.

The conferees agreed to the Senate reduction of $11,000,000 in the A–6E Intruder aircraft program. The House had provided $127,200,000 for 15 such aircraft and the Senate $116,200,000 for 13 aircraft.

The conferees agreed to the Senate reduction of $22,000,000 in the A–7E Corsair II aircraft program. The House had provided $152,100,000 for 42 aircraft and the Senate $130,100,000 for 30 aircraft.

The conferees agreed to provide $401,400,000 for 45 S–3A Viking aircraft as proposed by the House. The Senate had proposed a reduction of 9 aircraft and $66,000,000 in the program.

The conferees agreed to provide $29,000,000 for T–2C Buckeye trainer aircraft. The House had provided $32,100,000 for 24 such aircraft and the Senate had provided $24,000,000 for 12 aircraft.

The conferees agreed to the Senate deletion of $4,900,000 for the medium transport aircraft.

The conferees agreed to restore the $5,000,000 Senate reduction in A–6 aircraft modifications. The funds thus restored are for pods for the Condor missile modification to the A–6 aircraft.

The conferees also agreed to the Senate reduction of $11,000,000 in aircraft spares and repair parts.

Weapons procurement, Navy

Amendment No. 68. Appropriates $800,700,000 instead of $834,700,000 as proposed by the Senate and $790,700,000 as proposed by the House.

The Senate had restored the House reduction of $14,100,000 in advance procurement funding for the Harpoon missile. The conferees agreed to restore the $14,100,000 in the Research, Development, Test, and Evaluation, Navy appropriation.

The conferees agreed to the House denial of $12,400,000 for the AGM–83A Bulldog missile. This was an unbudgeted item and the House report language prevails with respect to this missile program.

The House had provided $26,600,000 for the Fleet Satellite Communications System, while the Senate provided $44,100,000 for that program. The conferees agreed to provide $36,600,000 for this communications system.

Shipbuilding and conversion, Navy

Amendment No. 69. Appropriates $3,468,100,000 as proposed by the Senate instead of $3,453,800,000 as proposed by the House.

The conferees agreed to provide $29,300,000 in advance procurement funding for the Sea Control Ship as proposed by the Senate. The House had deleted all funds for this ship. The conferees further agreed that no funds are to be obligated for this program pending a study by the Surveys and Investigations Staff of the House Appropriations Committee, and until specific approval in writing has been granted by both the House and Senate Appropriations Committees.

The conferees also agreed to a Senate reduction of $15,000,000 in auxiliaries and craft.

Other procurement, Navy

Amendment No. 70. Appropriates $1,204,200,000 instead of $1,202,300,000 as proposed by the Senate and $1,261,000,000 as proposed by the House.

The conferees agreed to Senate reductions of $4,600,000 in the AN/BQQ–5 sonar; $600,000 in AN/BQS–13 improvements; $400,000 in communications and electronics items under $500,000; $500,000 in expendable bathythermograph systems; $1,900,000 in AN/WLR–6 (E to N) kits; $4,300,000 in All-Digital Attack Center; $1,200,000 in AN/SSQ–53 (DIFAR) sonobuoys; $2,000,000 in AN/SSQ–47 sonobuoys; and $500,000 in Personnel and Command Support items under $500,000.

The Senate had reduced the $7,500,000 requested for the Military Assistance Service Funded program by $2,700,000. The conferees agreed to restore $1,900,000 of the Senate reduction.

The conferees also agreed to the general reduction of $40,000,000 as proposed by the Senate.

Aircraft procurement, Air Force

Amendment No. 71. Reported in technical disagreement. The managers on the part of the House will offer a motion to appropriate

$2,720,400,000 instead of $2,470,900,000 as proposed by the Senate and $2,693,800,000 as proposed by the House. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees agreed to provide $70,100,000 for 24 A-7D Corsair II aircraft as proposed by the Senate, and $151,600,000 for 12 F-111F aircraft as proposed by the House.

The House had provided $764,000,000 for 68 F-15 aircraft, while the Senate had provided $714,000,000 for 60 such aircraft. The conferees agreed to provide $736,000,000 for 62 F-15 aircraft.

The conferees agreed to provide $69,300,000 for reimbursement to the Military Assistance Program—$28,300,000 from new budget authority and $41,000,000 derived from prior year funds transferred forward to fiscal year 1974.

The conferees agreed to provide $7,600,000 for the E-3A AWACS aircraft program. The Senate had provided the $11,700,000 requested, while the House had deleted all the funds.

The conferees agreed to provide $32,300,000 for a fourth E-4A Advanced Airborne National Command Post aircraft as proposed by the Senate. The House had deleted the funds requested. The conferees are in agreement that no further 747 aircraft are to be budgeted for this program until the command-control-communications electronics package has completed development and has been thoroughly tested, along with the required electromagnetic pulse tests, utilizing the test bed aircraft funded by Congress in fiscal year 1973.

The conferees agreed to provide $38,100,000 for B-52D structural modifications. The Senate had provided $46,400,000 and the House had provided $29,800,000 for this modification effort.

The conferees agreed to provide $535,700,000 for aircraft spares and repair parts as proposed by the Senate instead of $573,700,000 as proposed by the House.

The House had provided $240,700,000 for the Military Assistance Service Funded program, and the Senate had reduced this amount by $85,700,000. The conferees agreed to restore $60,000,000 of the Senate reduction.

None of the agreed to reduction of $25,700,000 in the Military Assistance Service Funded program is to be applied against the reimbursement to the Military Assistance Program involving the transfer of F-5A aircraft to South Vietnam or against the F-5E aircraft program.

Amendments Nos. 72 and 73. Under Amendment No. 72, the conferees agreed to the House language in the bill making available $28,300,000 for reimbursement to the appropriation "Military Assistance." Under Amendment No. 73, the conferees agreed to the House language in the bill making available $41,000,000 of the funds transferred for reimbursement to the appropriation "Military Assistance."

Missile procurement, Air Force

Amendment No. 74. Appropriates $1,393,300,000 instead of $1,395,800,000 as proposed by the Senate and $1,371,500,000 as proposed by the House.

With respect to the AQM-34 drone modification program, the conferees agreed to provide $6,600,000 in this appropriation and to provide $2,500,000 in the Research, Development, Test and Evaluation, Air Force appropriation. The conferees further agreed that none of the $6,600,000 is to be obligated until the prototype has successfully completed its test program.

The conferees agreed to the Senate reduction of $5,000,000 in missile spares and repair parts. The Senate had provided $39,100,000 and the House had provided $44,100,000.

The conferees agreed to provide $30,100,000 for the Satellite Data System as proposed by the Senate instead of $13,100,000 as proposed by the House.

With respect to the Air Force Satellite Communications System, the conferees agreed to provide $3,200,000 as proposed by the Senate. The House had deleted the $4,300,000 requested for this communications system.

Other procurement, Air Force

Amendment No. 75. Reported in technical disagreement. The managers on the part of the House will offer a motion to appropriate $1,542,700,000 instead of $1,589,300,000 as proposed by the Senate and $1,605,600,000 as proposed by the House. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees agreed to delete the $11,800,000 requested for laser bomb kits as proposed by the House. The Senate had provided the funds requested.

The conferees agreed to Senate reductions of $11,300,000 for CBU-52 cluster bombs; $7,000,000 for CBU-58 cluster bombs; $3,000,000 for relocatable classrooms; $10,000,000 for special support projects; $1,500,000 for special projects/processing techniques; $2,900,000 for the Air Force Technical Application Center; and $5,000,000 for replenishment spares.

The conferees agreed to delete the $26,200,000 requested for the SLBM phased array radar and the $3,800,000 requested for the Continental Operations Range as proposed by the House. Both programs are under study by the Surveys and Investigations Staff of the House Appropriations Committee.

The conferees agreed to a general reduction of $18,100,000.

The House had provided $38,500,000 for the Military Assistance Service Funded program, and the Senate reduced this amount by $13,700,000. The conferees agreed to restore $9,600,000 of the Senate reduction.

Procurement, Defense agencies

Amendment No. 76. Appropriates $66,000,000 as proposed by the House instead of $66,280,000 as proposed by the Senate.

The House had deleted $1,200,000 for the purchase of commercial passenger vehicles and the Senate had restored $280,000 of the House reduction. The conferees agreed to delete all funds for these vehicles.

Military assistance service funded program

House Report No. 93-662, page 150, directed that the Military Assistance Service Funded Program be returned to the Military Assistance Program budget beginning in fiscal year 1975.

Senate Report No. 93-617, pages 25 and 26, agreed that military assistance to Laos and South Vietnam should revert to the Military Assistance Program as soon as practicable. However, the Senate report directed that only Laos be transferred to the Military Assistance Program effective with the fiscal year 1975 budget.

The conferees agreed that military assistance to South Vietnam revert to the Military Assistance budget beginning in fiscal year 1976. This applies to all appropriations.

TITLE V—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Research, development, test, and evaluation, Army

Amendment No. 77—Appropriates $1,912,100,000 instead of $1,866,458,000 as proposed by the House and $1,915,908,000 as proposed by the Senate.

The managers are in agreement on reductions as proposed by the Senate of $250,000 in In-house laboratory independent research, of $2,000,000 in Defense research sciences, of $1,000,000 in General medical investigations, of $1,200,000 in General chemical investigations, of $500,000 in Combat development investigations, and of $1,000,000 in Missile technology.

The conference agreement provides $110,000,000 for continued development of the Site Defense antiballistic missile system instead of $135,000,000 proposed by the Senate. The managers are in agreement on the provision of $23,900,000 for Exploratory ballistic missile defense as proposed by the Senate and $37,700,000 for Advanced ballistic missile defense as proposed by the Senate.

The managers are in agreement on the appropriation of $410,000 as proposed by the Senate instead of $2,210,000 as proposed by the House for the AN/TSQ-73 Air Defense Command and Control System.

The conference agreement provides $193,829,000, the full amount budgeted, for continued development of the SAM-D antiaircraft missile system as proposed by the House.

The conference agreement provides an additional $3,000,000 for the High Energy Laser program of the Army as proposed by the Senate. The House had proposed a reduction of this amount.

The House managers receded from the position of the House in providing $10,000,000 in the RDT&E appropriation for Mortar proximity fuse. This fuse is funded in the Procurement appropriation.

The Senate managers receded on the Senate increase of $900,000 for Cryptologic Activities.

The conference agreement provides $3,490,000 for development of Remotely piloted vehicles and drones instead of $3,990,000 as proposed by the Senate and $2,990,000 as proposed by the House.

The Managers agreed on the restoration of the $1,000,000 reduction proposed by the House in the Irradiated food program.

The Managers agreed on the reduction of $1,000,000 as proposed by the Senate in Petroleum, oil, and lubricants utilized in support of programs funded in this account.

Amendment No. 78.—Reported in technical disagreement. The Managers on the part of the House will offer a motion to provide $3,500,000 to be derived by transfer as proposed by the Senate.

Research, development, test, and evaluation, Navy

Amendment No. 79.—Reported in technical disagreement. The Managers on the part of the House will offer a motion to appropriate $2,651,805,000 for the research, development, test, and evaluation program of the Navy instead of $2,616,065,000 as proposed by the House and $2,647,945,000 as proposed by the Senate. The Managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The increase above the House and Senate figures is a result of an agreement to fund $14,100,000 requested for the Harpoon missile program in the RDT&E appropriation rather than in the Procurement appropriation where it was requested.

With regard to the Center for Naval Analyses, the managers are in agreement on the provision of $700,000 for Marine Corps studies instead of the $1,000,000 proposed by the Senate and on the provision of $6,500,000 for Navy studies instead of $5,500,000 as proposed by the House and $7,140,000 as proposed by the Senate.

The conference agreement provides for a $2,000,000 reduction in Acoustic search sensors as proposed by the Senate.

The conference agreement provides $8,300,000 for the continuation of the Project Sanguine submarine communications program. The funds provided are to be available for continuation of effort at the Wisconsin test facility and none of the funds are to be applied to any full scale development efforts.

The Senate recedes on reductions of $1,-

500,000 each in the Gryphon communication system and the Hydrus communication system.

The Managers are in agreement on the provision of $4,700,000 for the Phalanx program as proposed by the House instead of the $3,700,000 proposed by the Senate.

The conference agreement provides $523,000,000 for the development of the Trident missile system instead of $517,000,000 as proposed by the House and $529,000,000 as proposed by the Senate. The managers insist on the greatest degree possible of break-out and competition on the various components of this system.

The House Managers agreed on the reduction of $700,000 in the AN/SQS-26 sonar program as proposed by the Senate.

The conference agreement includes the reduction of $1,000,000 proposed in the Cryptologic Activities program as proposed by the House.

The House managers agreed to the restoration of $2,000,000 in Special Activities as proposed by the Senate making a total of $127,700,000 available.

The conference agreement includes Senate reductions of $2,000,000 in Marine gas turbines, $2,720,000 in Advance submarines, $1,000,000 in Ship development, and $2,500,000 in Acoustic communications.

The Managers agreed on a reduction of $2,300,000 in Undersea Surveillance instead of the $4,300,000 reduction proposed by the Senate. Thus, $36,300,000 is provided instead of $38,600,000 as proposed by the House and $34,300,000 as proposed by the Senate.

The Managers are in agreement on the reduction of $3,000,000 proposed by the Senate in Support technology.

The conference agreement includes $2,500,000 for Manpower effectiveness as proposed by the Senate and $7,450,000 for Environmental protection as proposed by the Senate.

The conference agreement includes $43,400,000 for Special Processes, an increase of $28,600,000 as proposed by the Senate.

The Managers are in agreement on a reduction of $8,600,000 for ASW surveillance as proposed by the Senate making $23,000,000 available for this program in fiscal year 1974.

The Managers are in agreement on the reduction of $1,400,000 in Petroleum, oil and lubricants utilized in this appropriation as proposed by the Senate.

The Managers are in agreement that none of the funds provided in this act shall be available for efforts to contract out the operation of the Pacific Missile Range. The Managers are in agreement with the House position that the Navy shall continue to operate the Pacific Missile Range with government, military and civilian personnel.

The Managers are in agreement with the direction in the House Report that $23,200,000 of fiscal year 1973 funds for the Phalanx program be funded by transfers through the reprogramming process.

Amendment No. 80.—The Managers are in agreement on the inclusion of the language as proposed by the Senate prohibiting the use of funds in this appropriation for full scale development of Project Sanguine.

Research, development, test, and evaluation, Air Force

Amendment No. 81.—Appropriates $3,042,000,000 instead of $2,998,000,000 as proposed by the House and $3,057,000,000 as proposed by the Senate.

The Managers are in agreement on an increase of $14,400,000 for Intelligence Satellite efforts. This amount had been deleted by the House. A corresponding reduction is made in the "Other Procurement, Air Force" appropriation.

The Managers are in agreement on a reduction of $1,000,000 in the Materials program as proposed by the Senate.

The conference agreement provides $11,000,000 for the Subsonic Cruise Armed Decoy program as proposed by the Senate instead of $5,000,000 as proposed by the House.

The managers have agreed on the appropriation of $25,000,000 for the Advanced Medium STOL Transport development program instead of $65,200,000 as proposed by the Senate. The House deleted all funds for this program.

The conference agreement provides $6,500,000 for aircraft equipment development as proposed by the Senate instead of $8,000,000 as proposed by the House, a reduction of $1,500,000.

The conference agreement includes $107,400,000 as proposed by the House for the A-10 aircraft development program instead of $97,400,000 as proposed by the Senate.

The managers are in agreement on a reduction of $1,000,000 in funding for the Western Test Range as proposed by the Senate.

The conference agreement includes $10,700,000 for the Satellite System for Precise Navigation as proposed by the Senate instead of $3,500,000 as proposed by the House. This agreement is based on assurances given by the Department of Defense that the navigation satellite programs of the Department of Defense in all services are to be closely coordinated and that other duplicative systems will be eliminated.

The Senate managers receded on the deletion of $2,500,000 for the AQM-34 tactical drone program proposed by the Senate.

The conference agreement includes $27,300,000 for the Advanced Airborne Command Post program as proposed by the Senate instead of $33,100,000 as proposed by the House.

The Managers are in agreement on the appropriation of $6,700,000 for Drones and remotely piloted vehicles instead of $5,000,000 as proposed by the House and $8,400,000 as proposed by the Senate.

The managers agreed to the deletion of $1,000,000 in Petroleum, oil and lubricants as proposed by the Senate.

Research, development, test, and evaluation, Defense agencies

Amendment No. 82.—Appropriates $457,900,000 as proposed by the Senate instead of $461,400,000 as proposed by the House. The managers are in agreement on all specific reductions made by the House and by the Senate. The unspecified reductions are to be applied to the various Defense Agencies as determined by the Secretary of Defense.

TITLE VI—SPECIAL FOREIGN CURRENCY PROGRAM

Amendment No. 83.—Makes the $2,600,000 appropriated for the Special Foreign Currency program available until June 30, 1975 as proposed by the House instead of June 30, 1976 as proposed by the Senate.

TITLE VII—GENERAL PROVISIONS

Amendment No. 84.—Section 718.—The conferees agreed to House language placing a limitation on the numbers of non-high school graduates and mental category IV enlistees who can be accepted for military service during fiscal year 1974.

Amendments Nos. 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, and 100.—Change section numbers.

Amendment No. 101.—Section 735.—Provides general transfer authority of $625,000,000 instead of $500,000,000 as proposed by the House and $750,000,000 as proposed by the Senate.

The managers agreed to House language placing restrictions on the use of this transfer authority.

Amendments Nos. 102, 103, 104, 105, 106, and 107.—Change section numbers.

Amendment No. 108.—Section 742.—The conferees agreed to delete the provision proposed by the House with respect to the imposition of strength limitations for officer personnel (0-4 through 0-10). The conferees agree that the reductions proposed by the House are reasonable in view of the overall mandated strength reduction imposed by the fiscal year 1974 authorizing legislation (P.L. 93-155) and this bill. The conferees direct the strength reduction for officers imposed in the House version be complied with by the military services during fiscal year 1974 pending enactment of revised officer personnel management legislation. The managers agreed to not include the provision in the law pending the enactment of similar legislation through the legislative committees.

Amendments Nos. 109, 110, and 111.—Change section numbers.

Amendment No. 112.—Section 745.—Changes section number and includes language proposed by the House which prohibits the reprogramming of funds for items which have been denied by Congress or the reprogramming of funds from higher priority items to lower priority items.

Amendment No. 113.—The conferees agreed to delete the provision proposed by the Senate with respect to the provision of special education training and therapy for handicapped children.

Amendment No. 114.—Section 746.—Changes section number and inserts language proposed by the Senate, with amendment to prohibit the furnishing of petroleum fuels produced in the United States to Southeast Asia except for United States Nationals in Southeast Asia.

TITLE VIII—DEFENSE MANPOWER COMMISSION

Amendment No. 115.—Senate provided new title making additional appropriations of $750,000 for the Defense Manpower Commission. The conferees agreed to the new title but reduced the proposed appropriation to $400,000.

GEORGE MAHON,
ROBERT L. F. SIKES,
DANIEL J. FLOOD,
JOSEPH P. ADDABBO,
JOHN J. MCFALL
(except as to amendment No. 77),
JOHN J. FLYNT, Jr.
(except as to amendment No. 77),
ROBERT N. GIAIMO,
JAMIE L. WHITTEN,
WILLIAM E. MINSHALL,
GLENN R. DAVIS,
LOUIS C. WYMAN,
JACK EDWARDS,
E. A. CEDERBERG,
Managers on the Part of the House.

JOHN L. MCCLELLAN,
JOHN C. STENNIS,
JOHN O. PASTORE,
WARREN G. MAGNUSON,
STUART SYMINGTON,
MILTON R. YOUNG,
ROMAN L. HRUSKA,
NORRIS COTTON,
CLIFFORD P. CASE
(except as to amendment No. 1),
Managers on the Part of the Senate.

PERMISSION TO CONSIDER CONFERENCE REPORT IN DEPARTMENT OF DEFENSE APPROPRIATION BILL

Mr. MAHON. Mr. Speaker, I 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?

There was no objection.

PERMISSION TO FILE CONFERENCE REPORT ON FOREIGN ASSISTANCE ACT APPROPRIATIONS

Mr. MAHON. 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. 11771, a bill making appropriations for foreign assistance and related programs for the fiscal year ending June 30, 1974, and for other purposes.

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

There was no objection.

CONFERENCE REPORT (H. REPT. No. 93–742)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to 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," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 12, 14, 19, 20, 40, 42, 43, 46, 47, 50, and 52.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 4, 7, 9, 11, 16, 17, 22, 25, 29, 32, 33, 34, 35, 39, 45, and 49, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$284,000,000"; and the Senate agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$135,000,000"; and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows: Restore the matter stricken by said amendment, amended to read as follows: *"Provided further,* That not more than $112,500,000 appropriated or made available under this Act shall be used for the purposes of section 291 during the current fiscal year.".

And the Senate agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert "$89,000,000"; and the Senate agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert "$40,500,000"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert "$36,500,000"; and the Senate agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert "$125,000,000"; and the Senate agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert "$7,500,000"; and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment, as follows:

In lieu of the sum named by said amendment insert "$750,000"; and the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended to read as follows:

"Contingency fund: For necessary expenses, $15,000,000, to be used for the purposes set forth in section 451."; and the Senate agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert "$40,000,000"; and the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment, as follows:

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

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment, as follows:

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

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert "$112,500,000"; and the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following:

"OVERSEAS PRIVATE INVESTMENT CORPORATION

"The Overseas Private Investment Corporation is authorized to make such expenditures within the limits of funds available to it and in accordance with law (including not to exceed $10,000 for entertainment allowances), and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 849), as may be necessary in carrying out the program set forth in the budget for the current fiscal year.

"Overseas Private Investment Corporation, reserves: For expenses authorized by section 235(f), $25,000,000, to remain available until expended."; and the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert "$10,000,000"; and the Senate agree to the same.

Amendment numbered 41: That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert "$50,000,000"; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 15, 36, 37, 38, 44, 48, 51, 53, and 54.

OTTO E. PASSMAN,
JOHN J. ROONEY,
CLARENCE D. LONG,
EDWARD R. ROYBAL,
SIDNEY R. YATES,
BILL CHAPPELL,
JOHN J. McFALL,
GEORGE MAHON,
GARNER E. SHRIVER,
SILVIO O. CONTE,
LAWRENCE COUGHLIN,
E. A. CEDERBERG,
Managers on the Part of the House.

DANIEL K. INOUYE,
WILLIAM PROXMIRE,
GALE McGEE,
LAWTON CHILES,
MARK O. HATFIELD,
CHARLES McC. MATHIAS, Jr.,
CLIFFORD P. CASE
(except as to amendments 44, 46 and 47),
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 11771) making appropriations for Foreign Assistance and related programs for the fiscal year ending June 30, 1974, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

TITLE I—FOREIGN ASSISTANCE ACT ACTIVITIES

FUNDS APPROPRIATED TO THE PRESIDENT

Economic Assistance

Amendment No. 1: Food and nutrition, Development Assistance: Appropriates $284,000,000 instead of $277,000,000 as proposed by the House and $291,000,000 as proposed by the Senate.

Amendment No. 2: Deletes language proposed by the House which would have provided that no grants made available to carry out the purposes of this paragraph should have been used to initiate any project or activity which had not been justified to the Congress.

Amendment No. 3: Population planning and health, Development Assistance: Appropriates $135,000,000 instead of $125,000,000 as proposed by the House and $145,000,000 as proposed by the Senate.

Amendment No. 4: Deletes language proposed by the House which would have provided that no grants made available to carry out the purposes of this paragraph should have been used to initiate any project or activity, except those under title X, which had not been justified to the Congress.

Amendment No. 5: Restores language proposed by the House amended to place a $112,500,000 ceiling on the funds for population programs for the current fiscal year instead of $100,000,000 as proposed by the House. The managers agree that this provision eliminates any requirement to restrict the use of any other funds this fiscal year or to carry over unprogrammed funds from one fiscal year into the next for the purpose of funding the population program in compliance with certain existing legislation.

Amendment No. 6: Education and human resources development, Development Assistance: Appropriates $89,000,000 instead of $88,000,000 as proposed by the House and $90,000,000 as proposed by the Senate.

Amendment No. 7: Deletes language proposed by the House which would have provided that no grants made available to carry out the purposes of this paragraph should have been used to initiate any project or activity which had not been justified to the Congress.

Amendment No. 8: Selected development problems, Development Assistance: Appropriates $40,500,000 instead of $52,000,000 as proposed by the House and $29,000,000 as proposed by the Senate.

Amendment No. 9: Deletes language proposed by the House which would have provided that no grants made available to carry out the purposes of this paragraph should have been used to initiate any project or activity which had not been justified to the Congress.

Amendment No. 10: Selected countries and organizations, Development Assistance: Appropriates $36,500,000 instead of $38,000,000 as proposed by the House and $35,000,000 as proposed by the Senate.

Amendment No. 11: Deletes language proposed by the House which would have provided that no grants made available to carry out the purposes of this paragraph should have been used to initiate any project or activity which had not been justified to the Congress.

Amendment No. 12: Limitation on grants, Development Assistance: Places a limitation on grants of $300,000,000 as proposed by the House instead of $340,000,000 as proposed by the Senate.

Amendment No. 13: International organizations and programs: Appropriates $125,000,000 instead of $105,000,000 as proposed by the House and $127,822,000 as proposed by the Senate.

Amendment No. 14: Earmarks $15,000,000 for the United Nations Children's Fund as proposed by the House instead of $18,000,000 as proposed by the Senate.

Amendment No. 15: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows. In lieu of the matter proposed by the Senate, insert the following:

"and of which $14,300,000 shall be available only for the United Nations Relief and Works Agency"

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

The Managers wish to make it perfectly clear that the reduction of this item in no way reflects a lack of support of the United Nations Relief and Works Agency by the conference committee. The amount earmarked in the Act is $14,300,000 which is the budget request for this Agency and unless this earmarking was reduced to the budget request from $36,500,000 proposed by the Senate, serious reductions would have to have been made in the other United Nations' programs covered under this paragraph.

The Managers acknowledge the United Nations Relief and Works Agency's current deficit which was brought about because of increased operating costs, dollar devaluation and especially recent hostilities in the area.

Although the United States contribution amounts to almost 50 percent of UNRWA's entire resource budget, the Managers agree that the respective committees will give most careful and sympathetic consideration to any future budget requests that may be made to adequately provide for this most deserving and strongly supported program.

It should be noted that an additional $2,000,000 is made available through a separate appropriation for the vocational training of Arab refugees.

Amendment No. 16: Deletes language proposed by the House which would have provided that no part of the appropriation should have been used to initiate any project or activity which had not been justified to the Congress.

Amendment No. 17: Deletes language proposed by the House which would have provided that none of the funds appropriated or made available pursuant to this Act should have been used to supplement the funds provided to the United Nations Development Program in fiscal year 1973.

Amendment No. 18: United Nations Environment Fund: Appropriates $7,500,000 instead of $5,000,000 as proposed by the House and $10,000,000 as proposed by the Senate.

Amendment No. 19: American schools and hospitals abroad: Appropriates $19,000,000 as proposed by the House instead of $10,000,000 as proposed by the Senate.

Amendment No. 20: Deletes language proposed by the Senate which would have provided that the amount appropriated under this paragraph should not have been used to furnish assistance to more than four institutions in the same country.

The managers agree that only projects which have been previously approved or are now on-going projects should be funded from this account. The managers also agree that not more than six new projects which have been previously approved should be started during this fiscal year and not more than two of these new starts should be located in any one country.

Amendment No. 21: National Association of the Partners of the Americas, Inc.: Appropriates $750,000 instead of $934,000 as proposed by the Senate.

In agreeing upon the separate $750,000 appropriation for the Partners of the Americas, the managers on the part of the Senate and the House of Representatives concur that this program should, as was originally agreed, be funded solely from non-government sources after fiscal year 1976.

Amendment No. 22: Albert Schweitzer Hospital: Appropriates $1,000,000 as proposed by the Senate.

Amendment No. 23: Contingency fund: Appropriates $15,000,000 instead of $30,000,000 as proposed by the House and restores the appropriation language. The Senate deleted this item.

The managers agree that the contingency fund should be used to provide assistance *primarily* for disaster relief purposes as indicated in the authorizing legislation. The managers believe funds have been too liberally allocated from this fund and should be better controlled.

Amendment No. 24: Administrative expenses: Appropriates $40,000,000 instead of $45,000,000 as proposed by the House and $24,000,000 as proposed by the Senate.

In approving $40,000,000 for AID Administrative Expenses, the managers on behalf of the Senate and House are agreed that there shall be no transfers from any other AID account to fund activities, programs, projects or other operations heretofore funded from the Administrative Expenses appropriation or any transfer of activities, programs, projects, personnel or other operations heretofore funded from the Administrative Expenses appropriation to funding from any other account.

Amendment No. 25: Administrative and other expenses: Appropriates $4,800,000 as proposed by the Senate instead of $5,432,000 as proposed by the House.

Military Assistance

Amendment No. 26: Appropriates $450,000,000 instead of $500,000,000 as proposed by the House and $300,000,000 as proposed by the Senate.

Indochina Postwar Reconstruction Assistance

Amendment No. 27: Appropriates $450,000,000 instead of $500,000,000 as proposed by the House and $400,000,000 as proposed by the Senate.

Security Supporting Assistance

Amendment No. 28: Appropriates $112,500,000 instead of $125,000,000 as proposed by the House and $100,000,000 as proposed by the Senate.

Amendment No. 29: Deletes language proposed by the House which would have provided that no part of the appropriation should have been used to initiate any project or activity which had not been justified to the Congress.

Overseas Private Investment Corporation

Amendment No. 30: Appropriates $25,000,000 instead of $50,000,000 as proposed by the House and restores the appropriation language. The Senate denied this item.

Inter-American Foundation

Amendment No. 31: Places a limitation on obligations of $10,000,000 instead of $7,500,000 as proposed by the House and $12,500,000 as proposed by the Senate.

GENERAL PROVISIONS

Amendment No. 32—Section 108: Deletes the word "amendment" and substitutes the word "section" as proposed by the Senate.

Amendment No. 33—Section 111: Deletes language proposed by the House which would have provided that no part of any appropriations contained in this Act would have been used to provide assistance to Ecuador unless the President determined that the furnishing of such assistance was important to the national interest of the United States.

Amendment No. 34—Section 112: Deletes language proposed by the House which would have provided that the funds appropriated or made available pursuant to this Act should have been available notwithstanding the provisions of section 10 of Public Law 91-672 and notwithstanding the provisions of section 655(c) of the Foreign Assistance Act of 1961, as amended.

Amendment No. 35—Section 111: Conforms section number.

Amendment No. 36—Section 112: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment which is as follows:

"SEC. 112. None of the funds appropriated or made available pursuant to this Act, and no local currencies generated as a result of assistance furnished under this Act, may be used for the support of police, or prison construction and administration within South Vietnam, for training, including computer training, of South Vietnamese with respect to police, criminal, or prison matters, or for computers, or computer parts for use for South Vietnam with respect to police, criminal, or prison matters."

Amendment No. 37—Section 113: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment which is as follows:

"SEC. 113. It is the sense of the Congress that excess foreign currencies on deposit with the United States Treasury, having been acquired without the payment of dollars, should be used to underwrite local costs of United States foreign assistance programs to the extent to which they are available. Therefore, none of the funds appropriated by this title shall be used to acquire, directly or indirectly, currencies or credits of a foreign country from non-United States Treasury sources when there is on deposit in the United States Treasury excess currencies of that country having been acquired without payment of dollars."

Amendment No. 38: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by the Senate insert the following:

SEC. 114. None of the funds made available under this Act for "Food and Nutrition, Development Assistance," "Population Planning and Health, Development Assistance," "Education and Human Resources Development, Development Assistance," "Selected Development Problems, Development Assistance," "Selected Countries and Organizations, Development Assistance," "International Organizations and Programs," "American Schools and Hospitals Abroad," "International Narcotics Control," "Indochina postwar reconstruction assistance," "Security supporting assistance," "Military assistance," or "Migration and refugee assistance" shall be available for obligation for activities, programs, projects, countries, or other operations unless the Committees on Appropriations of the Senate and House of Representatives are previously notified five days in advance.

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

TITLE III—FOREIGN ASSISTANCE (OTHER)

DEPARTMENT OF STATE

Migration and Refugee Assistance

Amendment No. 39: Appropriates $9,504,000 as proposed by the Senate instead of $9,100,000 as proposed by the House.

Assistance to Refugees From the Soviet Union

Amendment No. 40: Retains the House language.

Funds Appropriated to the President

International Financial Institutions

Investment in Asian Development Bank

Amendment No. 41: Appropriates $50,000,000 instead of $25,000,000 as proposed by the House and $100,000,000 as proposed by the Senate.

The conference managers are aware that the Administration's $100 million request for the Asian Bank is part of a broader program to replenish the Bank's soft loan resources, for which additional authorizing legislation is being sought. In reducing the request figure to $50 million, the conference managers understand that such a step would not be detrimental to the broader program designed to obtain substantial additional contributions from other nations, provided those other nations can feel reasonably sure the remaining $50 million will be forthcoming. The conference managers wish to note in this regard that they have no intention of denying a fiscal year 1975 request for the balance of $50 million when presented by the Administration. The conference managers support the favorable burden-sharing arrangements embodied in the proposal of which this $100 million is a part.

Investment in Inter-American Development Bank

Amendments Nos. 42 and 43: Delete earmarking language proposed by the Senate which would have allocated the funds to the three accounts of the Bank in the Act.

The managers agree that the funds appropriated under this paragraph should be allocated as follows: $25,000,000 for paid-in ordinary capital, $163,380,000 for callable ordinary capital, and $225,000,000 for the Fund for Special Operations.

It is the desire of the managers that the Committees be informed at all times of changes in U.S. policy toward the U.S. funding of international financial institutions. While it recognizes that projected funding levels are often reached only after negotiations with other member nations, it should now be clearly understood that the Congress is not committed to any given funding level until that figure is actually appropriated. It is the responsibility of the appropriate officials of the Department of the Treasury to keep the respective Committees on Appropriations of the Senate and House fully appraised as to the current and the projected future United States policy toward each international financial institution. In addition, target funding levels of each institution should be finalized only after full consultation with the Committees.

TITLE IV—EMERGENCY SECURITY ASSISTANCE AND DISASTER RELIEF ASSISTANCE

Emergency Security Assistance for Israel

Amendment No. 44: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment which makes the availability of funds contingent upon the enactment of authorizing legislation.

Amendment No. 45: Places a limitation on grants of $1,500,000,000 as proposed by the Senate instead of $1,000,000,000 as proposed by the House.

Emergency Military Assistance for Cambodia

Amendment No. 46: Appropriates $150,000,000 as proposed by the House instead of $100,000,000 as proposed by the Senate.

Amendment No. 47: Deletes language proposed by the Senate which would have provided that the President should not exercise his special authority during fiscal year 1974 under section 506 of the Foreign Assistance Act of 1961.

Amendment No. 48: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which would make the availability of funds contingent upon the enactment of authorizing legislation.

Disaster Relief Assistance

Amendment No. 49: Appropriates $150,000,000 as proposed by the Senate instead of $100,000,000 as proposed by the House.

Amendment No. 50: Deletes earmarking language proposed by the Senate which would have allocated the funds to the three regions covered under this item in the Act. The managers recommend the following allocation: $85,000,000 for Pakistan, $50,000,000 for the Sahel region of Africa and $15,000,000 for Nicaragua.

Amendment No. 51: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which would make the availability of funds contingent upon the enactment of authorizing legislation.

TITLE VI—GENERAL PROVISIONS

Amendment No. 52—SECTION 604: Deletes language proposed by the Senate which would have provided that none of the funds made available under this Act for "Military Assistance", "Security Supporting Assistance", and "Foreign Military Credit Sales" could have been used to provide assistance to Chile.

Amendment No. 53—Section 605: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows. In lieu of the matter proposed by the Senate, insert the following:

SEC. 604. None of the funds contained in this Act shall be used to furnish petroleum fuels produced in the continental United States to Southeast Asia for use by non-United States nationals.

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

TITLE VII—REGIONAL RAIL REORGANIZATION ACT OF 1973

Amendment No. 54: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment which will provide by transfer $35,000,000 for interim operating assistance, $3,000,000 for Office of the Secretary, salaries and expenses, and $6,000,000 for United States Railway Association, administrative expenses. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Although the conferees agree that it is an undesirable procedure to fund new programs without detailed hearings by both the House and Senate Appropriations Committees, it is felt that the Northeast and Midwest rail situation is of such urgency that action is essential before the next session of Congress. In providing that the funds be derived by transfer, it is not the intention of the conferees to reduce any essential programs of the Department. If restoration to those appropriations from which funds are transferred is required, the Department should request restoration and the conferees agree that they will consider such a request next session.

The conferees feel that the funds provided should be adequate for these programs until such time as hearings can be conducted by both the House and Senate Appropriations Committees. The conferees are advised that approximately $19,000,000 of loan guarantee authority is available under the Emergency Rail Services Act of 1970. In reducing the funds for interim operating assistance, the conferees suggest that this currently available loan guarantee authority be used prior to any new funds provided in the accompanying bill.

Conference total—with comparison

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

Budget estimates	$6,992,917,000
House bill	5,833,912,000
Senate bill	5,593,440,000
Conference agreement	5,780,434,000

Conference agreement compared with:

Budget estimates	−1,212,483,000
House bill	−53,478,000
Senate bill	+186,994,000

OTTO E. PASSMAN,
JOHN J. ROONEY,
CLARENCE D. LONG,
EDWARD R. ROYBAL,
SIDNEY R. YATES,
BILL CHAPPELL,
JOHN J. MCFALL,
GEORGE MAHON,
GARNER E. SHRIVER,
SILVIO O. CONTE,
LAWRENCE COUGHLIN,
E. A. CEDERBERG,
Managers on the Part of the House.

DANIEL K. INOUYE,
GALE W. MCGEE,
LAWTON CHILES,
CHARLES MCC. MATHIAS, JR.,
CLIFFORD P. CASE
(except as to amendments 46 and 47),
Managers on the Part of the Senate.

PERMISSION TO CONSIDER CONFERENCE REPORT ON FOREIGN ASSISTANCE ACT APPROPRIATIONS

Mr. MAHON. Mr. Speaker, I ask unanimous consent that it may be in order on tomorrow or any day thereafter to consider the conference report on H.R. 11771, a bill making appropriations for foreign assistance and related programs 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, will we have any kind of a printed copy of the conference report to accompany the foreign aid and defense bills?

Mr. MAHON. On defense we completed the conference about 7 o'clock last night. There were over 100 amendments and there were many major and minor items within some of the amendments to deal with. Because of the complexities involved in conference, it was not possible to file the report by midnight last night. It will be filed today, and it will be available tomorrow in the RECORD. The details of it, of course, can be made available as soon as it is checked and filed.

Mr. GROSS. Then the gentleman is saying that there will be a printed conference report available tomorrow either by way of the RECORD or otherwise in printed form?

Mr. MAHON. Mr. Speaker, if the gentleman will yield, the gentleman from Iowa is correct. That would also apply to the foreign assistance bill if we are able to reach agreement today.

Mr. GROSS. Mr. Speaker, I thank the gentleman, and withdraw my reservation of objection.

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

There was no objection.

PROVIDING FOR ADDITIONAL ASSISTANT SECRETARY OF THE INTERIOR FOR INDIAN AFFAIRS

Mr. HALEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 620) to establish within the Department of the Interior an additional Assistant Secretary of the Interior for Indian Affairs, and for other purposes, with a Senate amendment thereto, and disagree to the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Strike out all after the enacting clause and insert:

That there shall be in the Department of the Interior, in addition to the Assistant Secretaries now provided for by law, one additional Assistant Secretary of the Interior for Indian Affairs, who shall be appointed by the President by and with the advice and consent of the Senate, who shall be responsible for such duties as the Secretary of the Interior shall prescribe with respect to the conduct of Indian Affairs, and who shall receive compensation at the rate now or hereafter prescribed by law for Assistant Secretaries of the Interior.

SEC. 2. Section 5315 of title 5 of the United States Code is amended by striking out "(6)" at the end of item (18) and by inserting in lieu thereof "(7)".

SEC. 3. Section 462, Revised Statutes, as amended and supplemented (25 U.S.C. 1), and paragraph (45) of section 5316 of title 5 of the United States Code, are repealed; Provided, That this section shall not take effect until an Assistant Secretary of the Interior for Indian Affairs has been confirmed and takes the oath of office.

SEC. 4. Subsection 7(c) of the Alaska Native Claims Settlement Act (85 Stat. 688) is hereby amended by deleting that subsection in its entirety and inserting in lieu thereof a new subsection as follows:

"(c) The Secretary shall establish a thirteenth region for the benefit of Natives who are nonresidents of Alaska who elected to be enrolled therein, and they may establish a regional corporation pursuant to this Act."

SEC. 5. The Alaska Native Claims Settlement Act (85 Stat. 688) is hereby further amended by inserting at the end thereof a new section 28 as follows:

"SEC. 2. (a) A Native who elected to be enrolled in a thirteenth region, pursuant to subsection 5(c) shall be so enrolled, notwithstanding the fact that a majority of the Natives eligible to elect enrollment in that region may not have so elected.

"(b) Notwithstanding any provision of subsection 5(a) to the contrary, the Secretary shall, on or before December 31, 1973, or pursuant to subsection (f) of this section, if applicable, certify a temporary roll of all Natives eligible for benefits under this Act, which temporary roll shall be used as a basis for initial distribution of funds pursuant to subsection 6(c). Such initial distribution shall be made immediately upon certification of the temporary roll, anything to the contrary in subsection 6(c) or any other provision of this Act notwithstanding. When the final roll is certified, the Secretary shall take such steps as may be necessary to make appropriate adjustments in the distribution of funds pursuant to this Act. The final roll shall incorporate changes in enrollment pursuant to this subsection as well as other changes made by the Secretary in accordance with this Act.

"Any Native who, on or before December 1, 1973, had filed with the Secretary or his delegate any application to amend his enrollment application regarding his election whether or not to be enrolled in the thirteenth region shall, within not less than sixty nor more than ninety days of the enactment of this section, inform the Secretary whether or not he wishes to be enrolled in the thirteenth region. Any Native who so informs the Secretary shall be enrolled according to his preference as indicated in the information so submitted to the Secretary. Any Native who fails so to inform the Secretary shall be enrolled according to the information provided in that Native's original enrollment application. The Secretary shall take such action as he may deem necessary to insure that every Native affected by this section is aware of his option to change his enrollment decision. Within one hundred and twenty days of the enactment of this section the Secretary shall prepare and certify a final roll which when certified shall supersede the temporary roll authorized by this subsection.

"(c) Within thirty days of the certification of the final roll pursuant to this section, any bona fide organization representing nonresident Natives shall submit to the Secretary the names of not more than five Natives who have elected to be enrolled in the thirteenth region as nominees for the positions of the five incorporators of the thirteenth regional corporation. Not less than thirty days nor more than sixty days after such certification, the Secretary shall mail to all eligible voters ballots containing the names of all nominees and their associational affiliations for the purposes of an election by mail of the five incorporators who shall serve as the initial directors of the thirteenth regional corporation. Eligible voters in the election shall be only Natives eighteen years of age or older on the date of election of incorporators pursuant to this subsection who are enrolled in the thirteenth region. Valid ballots shall be only those ballots mailed to the Secretary or his designee not later than ninety days after such certification. The five nominees for whom the most votes are cast shall be elected incorporators of the thirteenth regional corporation and shall promptly take all steps authorized by this Act for such incorporators. All rules, regulations, and information relating to the election shall be transmitted directly to all known organizations representing nonresident Natives, the twelve regional corporations representing resident Natives, and all eligible voters.

"No moneys distributed or to be distributed pursuant to this Act may be expended or obligated by any Native, Native corporation, Native organization, representative thereof, or adviser thereto, to assist in, communicate on, or otherwise influence the election.

"(d) The articles of incorporation of the thirteenth regional corporation shall be submitted to the Secretary for approval in accordance with subsection 7(c) within eighteen months of the enactment of this section.

"(e) Except as specifically provided herein, nothing in this section shall be construed to alter or amend any of the provisions of this Act.

"(f) In the event the Secretary, prior to the enactment of this section, has certified a roll pursuant to subsection 5(a) of this Act, such certification shall be rescinded and a new temporary roll certified within ten days of the enactment of this section. Any distribution of funds pursuant to subsection 6(c) of this Act made by the Secretary or his delegate on the basis of the rescinded roll shall not be affected by this subsection.

"The Secretary shall make any necessary adjustments in future distributions of funds pursuant to subsection 6(c) to accommodate changes in the temporary roll reflected in the final roll in order to insure a final distribution of such funds in accordance with the final roll. The Secretary is authorized to make payments from the Alaska Native Fund to the thirteenth regional corporation, once established, during the period prior to the next regularly scheduled distribution from the fund pursuant to this Act. Such payments shall be in the form of advances on such corporation's adjusted share of such regularly scheduled distribution."

SEC. 6. The Alaska Native Claims Settlement Act (85 Stat. 688) is further amended by adding a new section 29 to read as follows:

"SEC. 29. Any corporation organized pursuant to this Act shall through December 31, 1976, be exempt from the provisions of the Investment Company Act of 1940 (54 Stat. 789), as amended. Nothing in this section shall, however, be construed to mean that any such corporation shall or shall not after such date be subject to the provisions of the Investment Company Act of 1940."

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

There was no objection.

The Senate amendment was disagreed to.

A motion to reconsider was laid on the table.

CONFEREES ADOPT VIEWPOINT OF SENATE IN EMERGENCY ENERGY BILL

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

Mr. ECKHARDT. Mr. Speaker, it is my understanding that the House conferees on the emergency energy bill have completely surrendered to the Senate viewpoint.

The main difference between the House and Senate versions is that the Senate version would give the President or more precisely his appointee, authority to make plans which would have the effect of law, the violation of which would constitute criminal offenses, whereas the House would not permit such plans to go into effect except by the ordinary processes of legislation by Congress.

Under the so-called compromise, the conferees would go further than the Senate in delegating to the Executive, authority to legislate. Originally the Senate version would have required the plan to remain in the hands of Congress for 15 days, after which, if Congress did not act, the plan would become law. Under the conference proposal, until March 1, 1974, the plans promulgated by the Administrator have immediate effect. This is not a legislative veto—it is legislative authority absolutely vested in the Executive with the power reserved in each House ultimately to override by specific action.

But, more fundamentally, it is the first delegation of legislative authority that I know of by which the Executive is permitted to legislate in a field, so long as he finds that such legislation accomplishes a very generally stated purpose. He must only find that the action is "necessary to reduce energy consumption." Then, his action has immediate effect, and a violation of its mandate is punishable by criminal sanctions without any intervening legislative action whatsoever.

If we would adopt this conference report tomorrow, we would reverse 1,500 years of struggle by English-speaking people to take legislative power away from the King and place it in Parliament.

It was a long struggle in which many men bled and died. At first the only power that could effectively challenge the King emanated from the clergy. Men like Bishop Latimer said in 1555 from the stake as the faggots were lit:

> Be of good comfort, Master Ridley. Play the man. We shall this day light such a candle, by God's grace, in England as I trust shall never be put out.

Seventy-two years later the Parliament forced upon the King the rule that no tax, loan or benevolence ought to be levied by the King or his Ministers without common consent by act of Parliament; and for many years thereafter, for defending the right of Parliament to be the exclusive legislator of the realm, many men suffered torture, forfeiture of estate, prison, and death.

In the late 18th century the battle against kingly forces was carried to these shores, because colonials, unlike Englishmen at home, were still the subjects of royal prerogatives, sanctions, and oppression.

It has been said that we should act now so that people would not go cold this winter, but we have already given the President authority to prevent that by the Emergency Petroleum Allocation Act which authorizes the President to—

> Promulgate a regulation providing for the mandatory allocation of . . . refined petroleum products(s), in amounts . . . and at prices specified in . . . such regulation [so that there will be] . . . equitable distribution of . . . refined petroleum products at equitable prices . . . and among all users; . . .

Thus, the people will not freeze, but we should stay here until hell freezes over before we should turn to naught 1,500 years of courage and sacrifice and martyrdom which is the foundation upon which the dignity and authority of this Congress stands.

SOCIAL SECURITY LEGISLATION SHOULD BE PASSED BEFORE CONGRESS ADJOURNS

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

Mr. BURKE of Massachusetts. Mr. Speaker, I take this opportunity to inform the House that the social security legislation passed by this House and passed by the Senate is now lying undone. If this Congress adjourns sine die this year and fails to act on the social security increase, it is entirely possible that this increase will not be able to be passed along to the elderly until well after August, September, or October of next year. To allow this thing to happen would be unconscionable, in my opinion.

Congress can do no less than pass this social security legislation before we adjourn sine die. I hope that the leaders on both sides of the aisle will move, because the leadership on both sides are going to be held responsible for this act, and every Member of Congress, when they go back to their people next week, will be asked why this social security bill was not passed.

I hope that legislative gimmickry is not going to be the cause of holding up this much-needed social security increase.

VOTING FOR CONFERENCE REPORT ON ENERGY BILL WILL RAISE QUESTIONS

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

Mr. HAYS. Mr. Speaker, in line with the remarks of the gentleman from Texas (Mr. ECKHARDT) let me say that George III must be whirling around in his grave, because the Congress, or at least the conference committee, has voted in this so-called energy bill to give the President of the United States powers that George III tried for more than 30 years to get and could not; in other words, absolute dictatorial powers to make laws, with criminal sanctions, without so much as by-your-leave of the Congress of the United States.

I still think that anyone who votes for that conference report will have a lot of questions to answer from his constituency. In that regard may I say that I got a call this morning from Cincinnati, which is not in my district, from a gentleman in whose word I have some confidence, who said that the biggest oil company of them all had more than 100 barges full of gasoline tied up on the Ohio River, but that they were limiting the independents that they had supplied for years to a pittance of gasoline per week in order to put the independent stations out of business.

The Members also might like to know that the five largest oil companies sell two barrels of products outside the United States for every barrel they sell in the United States, so that we are a minor customer and what happens here, although they are American-based conglomerates, does not get them too upset.

STATEMENT OF REPRESENTATIVE BARBER B. CONABLE OF NEW YORK CONCERNING A SOCIAL SECURITY INCREASE

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

Mr. CONABLE. Mr. Speaker, I want to express the hope that before we go home there will be movement toward a conference on the social security increases for which the Members of this House have voted. As you know, once again we are embroiled with the other body over the issue of nongermane amendments. These nongermane amendments involve major efforts at welfare reform, medicare revision and further changes in the social security system which have not been explored by this House. While the other body feels these amendments are worthy, they constitute for us a subversion of the legislative process and the impediment to prompt action on the social security increase should by now be apparent to the other body. Already, we have had some slippage in the timetable within which it is administratively possible to get the benefit increase into the hands of those who are expecting it. Whatever the merits of the legislative riders added by the other body, there can be little doubt of the disappointment and further congressional loss of credibility resulting from avoidable delays beyond April. We know real issues are involved here, but from outside the Congress this sort of maneuver looks like procedural, therefore insubstantial, congressional indifference. I support the House position as the easiest and most likely resolution of the impasse, but I hope all conferees concerned will keep in mind the misunderstanding and disappointment which will result from our failure somehow to remove this legislative roadblock during the remaining hours of this session.

LABOR-HEW APPROPRIATION BILL SIGNED; IMPOUNDMENT ANNOUNCEMENT WILL BE MADE TODAY

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

Mr. MICHEL. Mr. Speaker, I am happy to advise the Members that the President last night signed the regular 1974 fiscal year Labor-HEW appropriation bill into

law, and in the true Christmas spirit I suspect that later in the day there will be a significant announcement with respect to the $900 million of so-called impounded funds in the health and education fields. It is my understanding that most if not all of these funds held in reserve by OMB for a variety of programs will be released and that will be good news for many.

BLAME FOR FAILURE TO PASS SOCIAL SECURITY BILL

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

Mr. COLLIER. Mr. Speaker, I had not intended to take the floor but in the light of the remarks made by my good friend and colleague on the Ways and Means Committee (Mr. BURKE) with respect to the social security bill and likewise the remarks just made by my colleague, the gentleman from New York (Mr. CONABLE), I should remind the House that we did face up to our responsibility last June. Almost unanimously we passed the social security increase bill and we sent it over to the other body. That bill provided for an increase effective July 1.

So, Mr. Speaker, if there is any blame to be laid if this session ends without social security legislation, it falls solely upon the shoulders of the other body and not the House of Representatives

SHORTAGES OF MATERIALS AND NATURAL RESOURCES IN THE UNITED STATES

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

Mr. HILLIS. Mr. Speaker, yesterday I introduced legislation calling for a select committee to study shortages of materials and natural resources affecting the United States.

In recent weeks we have witnessed serious shortages in addition to the well-publicized shortages in energy. There have been shortages of aluminum, chemicals, and fertilizers. Fellow Members have spoken of shortages in timber, chlorine, scrap metals, and other basic commodities.

The National Commission on Materials Policy has projected demand on certain raw materials over the next 30 years and compared it with U.S. production. The conclusion of the Commission's report is that:

> For all materials, U.S. requirements are expected to exceed domestic production in the year 2000.

Despite the increasing demands for minerals, there has been a general reduction in domestic mineral exploration activities during the past year. The U.S. Geological Survey, after the first overall assessment of the Nation's mineral resources in 18 years, has concluded that our known deposits of mineral raw materials are seriously depleted. Reserves for some minerals such as asbestos, chromium, fluorine, and mercury, are scant.

Now is the time to investigate and to take action to prevent very serious shortages in the future. I urge this Congress to take the necessary steps to avert a crisis which could make the current energy crisis seem small in comparison.

MISHANDLING OF TAPES AND SUBPENAED MATERIAL

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

Mr. LOTT. Mr. Speaker, I was outraged this morning to learn that a young Washington lawyer for consumer activist Ralph Nader had played a portion of a subpenaed White House tape at a December 17 Georgetown cocktail party.

Lawyer William Dobrovir's conduct can only be termed unethical and irresponsible. It demeans the entire legal process and abridges the very processes such lawyers have been shouting about for so long.

Certainly, too, I would urge the Special Prosecutor and the House Judiciary Committee, of which I am a member, to take special precautions in dealing with subpenaed materials and tapes to see that such mishandling does not occur.

As the Judiciary Committee proceeds with its investigation of impending impeachment resolutions, due process must be meticulously observed.

CALL OF THE HOUSE

Mr. KEATING. 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. 703]

Alexander	Fraser	Rarick
Anderson, Ill.	Frelinghuysen	Reid
Archer	Fulton	Roncalio, Wyo.
Armstrong	Griffiths	Rooney, N.Y.
Ashbrook	Gubser	Roush
Aspin	Hanna	Ryan
Badillo	Hansen, Wash.	Satterfield
Bolling	Harvey	Scherle
Buchanan	Hébert	Sisk
Burke, Calif.	Jarman	Taylor, Mo.
Burton	Jones, Ala.	Teague, Tex.
Carey, N.Y.	Landrum	Van Deerlin
Clark	Mailliard	Veysey
Clay	Martin, Nebr.	Walsh
Conyers	Mills, Ark.	Wiggins
Delaney	Murphy, N.Y.	Wyatt
Dent	Pepper	
Evins, Tenn.	Pettis	
Flowers	Powell, Ohio	
Ford, William D.	Preyer	
	Price, Tex.	

The SPEAKER. On this rollcall 375 Members have recorded their presence by electronic device, a quorum.

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

PROVIDING FOR FEASIBILITY STUDY AND TO ACCEPT GIFTS FROM U.S. CAPITOL HISTORICAL SOCIETY

Mr. GRAY. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the joint resolution (H.J. Res. 736) to provide for a feasibility study and to accept a gift from the U.S. Capitol Historical Society, with a Senate amendment thereto and concur in the Senate amendment.

The Clerk read the title of the joint resolution.

The Clerk read the Senate amendment as follows:

Strike out all after the resolving clause and insert:

That, notwithstanding any other provision of law, the United States Capitol Historical Society is authorized, under direction of the Architect of the Capitol, to prepare a feasibility study to determine the desirability of installing within the United States Capitol Grounds, at the east front of the United States Capitol, all items of equipment and other facilities required for a sound and light performance, consisting of an interplay of light, music, narrative, and sound effects (without the use of live actors), which when projected onto the imposing facade of the east front of the United States Capitol, will re-create the evolution of American history, based on a foundation of thorough historical research, subject to the following conditions:

(1) Such study and all expenditures connected therewith will be borne by the United States Capitol Historical Society.

(2) Upon completion of such study, the United States Capitol Historical Society, at its expense, will furnish the Architect of the Capitol a report detailing the results of such study, installations, and programs proposed, and estimates of cost required to implement such project without expense to the United States, including maintenance and operating expenses.

(3) The project may not be implemented, beyond the report stage, except as provided in section 2 hereof.

SEC. 2. The Architect of the Capitol shall review such report and submit the same, with his recommendations, to the Speaker and majority and minority leaders of the House of Representatives and to the United States Senate Commission on Art and Antiquities.

If the project, as presented, with or without modifications, meets with the approval of such House and Senate officials, the Architect of the Capitol, notwithstanding any other provision of law, is authorized after such approval—

(1) To accept in the name of the United States from the United States Capitol Historical Society, as a gift, such sum or sums as may be required to further implement such project, and such sum or sums when received, shall be credited as an addition to the appropriation account "Capitol Buildings, Architect of the Capitol".

(2) Subject to section 3 hereof, to expend such sum or sums for all items of equipment and other facilities required for the sound and light performance, and for any other items in connection therewith.

SEC. 3. The Architect of the Capitol, under the direction of the House and Senate officials designated in section 2 hereof, is authorized to enter into contracts and to incur such other obligations and make such expenditures as may be necessary to carry out the provisions of said section 2.

SEC. 4. Sums received under this joint resolution, when credited as an addition to the appropriation account "Capitol Buildings, Architect of the Capitol", shall be available for expenditure and shall remain available until expended. Following completion of the installation, such sums may thereafter be used by the Architect of the Capitol, in whole or part, to defray any expenses which he may incur for maintenance and operation.

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

Mr. GROSS. Mr. Speaker, reserving

the right to object, I think we ought to have a few words of explanation as to what is being attempted here.

Mr. GRAY. Will the gentleman yield?

Mr. GROSS. I am delighted to yield to the gentleman.

Mr. GRAY. I thank the gentleman for yielding.

Mr. Speaker, this is the resolution that deals with a feasibility study for a light and sound program for the east front of the Capitol. The only change by the other body—and I would say it is not a substantive one—was that after the feasibility study has been completed the leadership of the House and Senate would have been, under the House resolution, required to approve the plan. Instead the other body made one change by striking out the majority and minority leaders of the Senate and substituting the words U.S. Senate Commission on Arts and Antiquities as the approving body acting on behalf of the Senate.

There are no Federal funds authorized in the resolution.

As the gentleman knows, his former distinguished colleague from Iowa, Mr. Schwengel, and the U.S. Capitol Historical Society will provide all of the funds necessary, if it is found feasible to put in a light and sound system at the Capitol, but as far as this resolution is concerned there are no changes from the House joint resolution except the words I mentioned which would provide that the Commission on Arts and Antiquities approval would be substituted for the majority and minority leaders of the Senate.

Mr. GROSS. This would have nothing to do with controlling the sound in the House itself, of which we have great volumes but not enough light?

Mr. GRAY. My distinguished friend is absolutely correct. This will all be on the outside and a very exciting plan.

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

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

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

TAXABILITY OF DIVIDENDS RECEIVED BY A CORPORATION FROM INSURANCE COMPANIES, BANKS, AND OTHER SAVINGS INSTITUTIONS IN THE DISTRICT OF COLUMBIA

Mr. DIGGS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 6186) to amend the District of Columbia Revenue Act of 1947 regarding taxability of dividends received by a corporation from insurance companies, banks, and other savings institutions, with Senate amendments thereto, concur in Senate amendments Nos. 1 and 2, and consider Senate amendment No. 3.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 1, line 8, strike out "article" and insert "subchapter".

Page 2, line 7, strike out "article" and insert "subchapter".

Page 3, after line 3, insert:

SEC. 3. (a) Section 7324(d)(4) of title 5, United States Code, is amended to read as follows:

"(4) the Mayor of the District of Columbia, the members of the Council of the District of Columbia, or the Chairman of the Council of the District of Columbia, as established by the District of Columbia Self Government and Governmental Reorganization Act; or"

(b) Notwithstanding any other provision of law, the provisions of section 7324(a)(2) of title 5, United States Code, shall not be applicable to the Commissioner of the District of Columbia or the members of the District of Columbia Council (including the Chairman and Vice Chairman), as established by Reorganization Plan Numbered 3 of 1967.

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

Mr. DELLUMS. Mr. Speaker, reserving the right to object, I would like to ask our distinguished Chairman of the Committee on the District of Columbia as to whether a nongermane Senate amendment is on this bill that would exempt the Mayor and the City Council from the Hatch Act provisions as contained in the District of Columbia home rule bill that both bodies have just passed.

Mr. DIGGS. Mr. Speaker, if the gentleman will yield, I welcome this opportunity to respond to the gentleman so as to explain the Nelsen amendment. And I will ask the gentleman from California (Mr. DELLUMS) to yield also to the ranking minority member on the committee so that he may further elaborate on this matter.

As the Members know, Mr. Speaker, in the home rule bill, because of the provisions therein, the Mayor and the City Council and, for that matter, city and Federal employees are "Hatched." And as we indicated in the debate the other day, the gentleman from Minnesota (Mr. NELSEN), and I were to work out a solution to this matter, and this represents that product.

The accommodation that the gentleman from Minnesota (Mr. NELSEN) and I have reached will prevent an hiatus in the District of Columbia government because it will grant an exemption for the currently appointed Mayor and the City Council members, some 10 people, to allow them to be a candidate in this first election for Mayor and Chairman and members of the Council so that, therefore, none of the current officials will have to resign in order to run for office.

Second, in order to encourage the widest range of public candidates, this accommodation of the Nelsen amendment exempts any person employed by the Federal Government or by the District of Columbia from the proscription of the Hatch Act insofar as such person may become a candidate for office, and may be involved in and take an active part in such candidacy.

In other words, this would only exempt them if they were candidates.

All of the other provisions and protections of the Hatch Act apply.

In addition to all of that, this exemption is temporary. It will terminate as of January 2, 1975.

And I would now ask the distinguished gentleman from California (Mr. DELLUMS), if he would yield to the gentleman from Minnesota (Mr. NELSEN), the author of the amendment, for whatever further explanation the gentleman may have?

Mr. DELLUMS. I am happy to yield to the gentleman from Minnesota (Mr. NELSEN).

Mr. NELSEN. Mr. Speaker, I thank the gentleman from California for yielding to me.

Mr. Speaker, I would like to point out that there is quite a little history on this point, up to this time, leading to the situation we are in.

No. 1, it was my wish in dealing with the "home rule" legislation that elections would be held on a nonpartisan basis. That is what the House approved and passed upon on October 10, 1973, but the minute that item got to conference a change was made providing for partisan elections. The conferees then tacked on to the Senate provision providing for partisan elections a House provision—which was meaningless when it appeared in the House-passed version of S. 1435, the home rule bill, because the House provided for nonpartisan elections—that would exempt Federal employees from the Hatch Act so that they could run for office in the District government. The exemption for Federal employees applies into the future for all time and was passed by the House the other day (Monday) when it approved the conference report No. 93-703. The question then arose what about those in the local District government who might wish to run for elective office next year—including the Mayor and members of the City Council. Of course, it would mean that they would have to resign in order to run.

What the Senate amendment does in my view is to specifically amend title 5, section 5324, of the United States Code, the Hatch Act, so as to provide that the Mayor and Members of the Council of the District of Columbia only be permitted to run in the first election. This amendment which I offer would broaden that so as to permit all city employees to run in this first election only, but it would terminate that authority on January 2, 1975, at which time the newly elected officials would take office.

However, the same amendment goes further. It would amend the Hatch Act, title 5, section 7324, so as to provide that the elected Mayor, Chairman, and members of the Council would be exempted from the Hatch Act in the future, just as section 741 of the conference report provides that Federal employees are exempt from the Hatch Act.

I feel this latter provision is particularly vulnerable to a test in the courts as to its constitutionality as it is discriminatory in the extreme and has perspective effect for all time.

The amendment I offer that applies

only for this first election and not to those officials who would be elected in the future. By inserting language with a termination date of January 2, 1975, we are forcing the Congress to look at it in the near future and hold those hearings upon which you place such great importance and emphasis. Accordingly, I do not see that we differ that much in our approach other than the fact that my amendment addresses an issue which is of immediate importance, in that the President is going to have the home rule bill on his desk this week for signature, and the chairman and I in open debate in this body discussed and agreed upon the contents of the enactment.

I stand ready with the Members of this body to effect this temporary correction of a problem that confronts the District of Columbia as they enter upon their first election for their local government officials.

I consider that in doing this, that is in offering my amendment, I have compromised myself much further than I would have liked to, but under the circumstances I must be realistic; and as I said in my amendment to provide continuity in the government of the District of Columbia during the transition period from the appointive government to the elected government.

I do not endorse the idea that the Hatch Act should be repealed or changed, but I do feel that the circumstances we are now in, having gone to this point with home rule legislation, require that we ought to have some kind of exemption for this election.

For this reason, I hope you will agree that this amendment of mine will provide a reasonable correction as the President considers the home rule legislation.

So we are not tampering on a long-range basis at all with our civil service system or Hatch Act in the country. In fact, my amendment to H.R. 6186 by striking section 741 of the home rule bill as contained in the conference report limits the effect of the exemption contained therein, for Federal employees, to the date of January 2, 1975, rather than for all time.

I hope my colleague, the gentleman from California, will go along with this amendment. I think it is the only thing we can do.

Mr. DELLUMS. Mr. Speaker, I should like to ask the distinguished gentleman from Michigan, why is it that the District of Columbia Committee was not given adequate opportunity to legislate in this area, since the elections will not take place until the fall of next year? We certainly have more than ample time for all of the members of the District of Columbia Committee to go through the usual process of referring this matter to a subcommittee with appropriate hearings, and then having the full committee work its will and come out with a rule and bring it to the floor.

We can do that in late January, early February, and March in plenty of time for these elections. Why are we trying to do it at the 11th hour right after a conference report that brought back a matter that the gentleman was not particularly in agreement with? I may personally agree with the proposal that the gentleman made. What I am suggesting is that this is no way to legislate, and that the committee ought to have the responsibility of coming to grips with this matter.

We may report the same proposal out.

Will the gentleman respond why the Committee on the District of Columbia was not given adequate opportunity to discuss this matter or even entertain it legislatively?

Mr. NELSEN. If the gentleman will yield, of course, our bill was on the nonpartisan elections. We dealt with a totally different approach on the House side, and this amendment is being proposed from the other side of the Capitol. I should like to have the gentleman from California yield to the chairman on this point, because he has the time.

I will be glad to supplement his statement.

Mr. DELLUMS. I do not mind the gentleman's answer. I would just like to know why our committee has not given responsibility in this matter.

Mr. NELSEN. If the gentleman will yield further, the gentleman understands that I am not in control of the committee. I am not in charge of what the committee does. I found that out the hard way.

Mr. DELLUMS. The gentleman worked out this proposal and submitted it; am I not correct?

Mr. NELSEN. This corrects the conference report. If the chairman of the committee wished to bring it back to the committee, that would have been his option, not mine. I am a member of the committee, but I am not in charge of the committee. But in any case this matter was discussed in some detail by the chairman and myself in some detail on Monday during consideration of the conference report on the home rule legislation.

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

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

Mr. DIGGS. I thank the gentleman for yielding.

In response, the gentleman from Minnesota (Mr. NELSEN) designated this matter partisan versus nonpartisan. It went through several stages, and the amendment before us is the product of the results of these various stages that it has gone through by both sides, and the agreement that was worked out in conference. This is the most expeditious way of handling the matter. If it is postponed until next year, I do not think it would accomplish any useful purpose, and it further might become politicized as we move into what is fast approaching campaign time here in the District for those who are interested in becoming candidates.

Mr. DELLUMS. May I ask my distinguished chairman a question? If this amendment could have been worked out between the time the conference ended and today, could we not hold hearings right after the 21st of January for a couple of days and discuss this matter? We may even bring a proposal to the floor, but it would be a full committee proposal and not part of the committee's proposal.

I am a member of that committee. I should like to talk about that matter. I may end up in the same position as my distinguished ranking minority member of the committee, but at this point I feel that I have not had my right as a member of the committee to be involved in a legislative process dealing with what may be a very political matter.

Mr. DIGGS. I can merely repeat to the gentleman that this is a temporary solution that has been worked out in consideration of all the reservations that he may entertain at this particular point and there will be full allowance within the context of this amendment to really go into this matter and to examine it and hold full hearings so that at the next election time there will be an adjudicated, more permanent solution to it. It is for that reason that we hope the gentleman will go along with our present arrangement.

Mr. NELSEN. Mr. Speaker, if the gentleman will yield further, I am in total agreement with my colleague, the gentleman from California (Mr. DELLUMS) that when we are dealing with a subject as important as the civil service system and the Hatch Act and making a change here, it can well be opening the door for a nationwide trend which could be disastrous, but the circumstances we are in are that we passed the conference report on the home rule bill and we now find that what we have done by the acceptance of the language of the Senate bill on partisan elections into the conference report together with section 741 of the House bill is that we put the Mayor of this city and the City Council and other key city employees in a situation where they will have to resign in order to run for elective office. I do not want to be a party to legislation that would deny other people in this city the opportunity of running under the same circumstances as the Mayor and the City Council members or other Federal employees—who are already exempt under the terms of the conference report—and yet that is what the conference report and the Senate amendment to H.R. 6186 would provide.

Mr. DELLUMS. Mr. Speaker, I would like to ask the gentleman a further question.

Mr. NELSEN. I will try to answer the gentleman.

Mr. DELLUMS. Mr. Speaker, if this matter is so important, then could we not put this matter on the District of Columbia agenda right after the 21st and expeditiously report a piece of legislation to the floor in plenty of time before any candidate announces, before we make a very serious step that I frankly think may be prejudicial to the election process.

Mr. NELSEN. Mr. Speaker, if the gentleman will yield further, I would point out in the original bill, H.R. 9682 reported out by the committee, a Hatch Act exemption was included. So the record is not entirely devoid of hearings on the issue. The gentleman was on the committee and sat in the markup on that bill. This amendment will do what the gentleman wants to do, which is to terminate this procedure on January 2, 1975. If the gentleman judges it to be a mistake, at least we have time in the future to stop it at the time the new government is installed and I think then or in the meantime our committee should review this and go back to nonpartisan elections, which I strongly urge, and then all the problems we are encountering in this area of the Hatch Act can be avoided and dispensed with once and for all.

Mr. DELLUMS. Does the gentleman from California (Mr. BELL) desire me to yield?

Mr. BELL. Mr. Speaker, I do think the gentleman from California recognizes the sense of our nonpartisan elections in California and I myself would be very much in favor of acting very strongly for altering the District home rule bill to provide for nonpartisan elections. If this comes back in January, I for one will guarantee I will fight very hard to return to nonpartisan elections. I think this will serve to avoid all this trouble for ourselves merely because the Senate desired to have a partisan election. I think that is ridiculous.

Mr. DELLUMS. I do not think that is at issue at this moment. I think what is at issue is that a proposal is being made that will exempt the incumbent appointed City Council from the Hatch Act. I think that has great political and legal ramifications. We might decide we would come back with the very same proposal as my colleague, the distinguished gentleman has, but we should not open the door without having hearings and discussing it among ourselves, and I do not think we ought to work out arrangements among two or three of us when we have committees charged with those responsibilities. I am tired of being ignored as are member nonsenior Members of this House, and weary of having the committees passed over and of having the situation where we as Members do not have an opportunity to fully function and have to come to the floor and use the floor to get our rights.

Mr. NELSEN. The gentleman might be tired and I am weary also and I sit on the committee and I am a minority voice and had my advice been followed on providing for nonpartisan elections we would not have had this problem right now.

But I am broadminded enough to realize once the Congress has spoken, once the House made a decision to adopt the conference report, then what do we do? We try to accommodate the situation, at the same time writing legislation with the idea of perhaps what the gentleman wants to do and what I certainly want to do and that is to bring about a change where we go to a nonpartisan election, where no citizen is denied his activities, where the restrictions of the Hatch Act are not going to hamper the activities of citizens toward participation in city government. No matter what we do, when we have a civil service system and have as many people in the Federal employ as we have here, if we have partisan elections we are putting people in full participation in their local government. Therefore, the problem we are faced with now is unfortunate, certainly not of my making, but I do feel a responsibility to effect a temporary solution.

I want to add further, that the gentleman indicated that the Mayor and the Council under this amendment, that everybody will have a chance to be a candidate and run for office and it will terminate after they have been installed, so we have a clean slate to start with.

I hope the gentleman will remove his objection and go along with this.

Mr. DELLUMS. Mr. Speaker, I have listened very carefully to the debate. I did not come here with a fixed mind. This is a very important matter. I do not want to infringe upon the stature and prerogatives of the chairman of the committee, who has worked very hard; but I think this matter can be disposed of by legislative process. I am not necessarily opposed to the concept, but I am opposed to the process and for those reasons, Mr. Speaker, I would object.

The SPEAKER. Objection is heard.

CONFERENCE REPORT ON H.R. 11576, MAKING SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR ENDING JUNE 30, 1974

Mr. MAHON. Mr. Speaker, pursuant to the order of the House of yesterday, I call up the conference report on the bill (H.R. 11576) making supplemental appropriations for the fiscal year ending June 30, 1974, 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 Texas?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of December 17, 1973.)

Mr. MAHON (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 Texas?

There was no objection.

Mr. MAHON. Mr. Speaker, I shall make a rather brief statement in order that Members may know generally what is included in the conference agreement on the supplemental appropriations bill. It is a $1.6 billion supplemental appropriations bill. Last year, the supplemental bill in October totaled about $5 billion. So this bill is not unreasonable from the standpoint of those who share my views that we need to hold expenditures down to a reasonable level.

Mr. Speaker, we bring back to the House today the conference report on the final supplemental appropriations bill of this session. The bill has 12 chapters and includes 110 amendments—110 differences between the House and Senate versions. The conference report has been printed in the RECORD and is available otherwise to Members.

Mr. Speaker, the conference agreement provides approximately $1.64 billion in new obligational authority. The House bill totaled $1.43 billion compared with a Senate bill of $1.88 billion. The Senate, however, considered some $105 million in supplemental estimates which were not before the House.

The conference agreement before us is $104 million above the budget. It is $205 million above the House bill and about $250 million below the Senate.

The major increases in the bill as passed by the Senate occurred principally in four areas; Labor-HEW, Defense, Interior, and State-Justice-Commerce.

In the Labor-HEW chapter the Senate added $163 million over the House bill. The House conferees were able to reduce that figure by $104 milion. The principal add-ons over the House bill were for older Americans, emergency health services, and vocational rehabilitation.

In the Defense chapter, the Senate added $72 milion. The House conferees held that figure to $7.5 million.

In the Interior chapter, the Senate added $75 million. We bring back an increase of $32 million in this area. The largest single add-on is related to the energy crisis.

In the State-Justice-Commerce chapter the Senate added $97 million. The conference report contains $52 million additional, the great majority of which is for economic development activities and the U.N. peacekeeping force in the Mid-East.

Other Senate add-ons include $22 million for Senate items which the conferees agreed to and another $10 million for claims and judgments which have been rendered against the Government and which are mandatory.

As I indicated earlier, the conference agreement we bring back today is $205 million over the House bill but about $250 million under the Senate bill. The Senate, of course, considered some $104 million in budget requests from the President which were not considered in the House.

Mr. Speaker, I ask unanimous consent to place in the RECORD at this point tabular information which summarizes the conference report and which identifies major items in conference and their disposition.

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

There was no objection.

SUMMARY OF CONFERENCE ACTION ON SUPPLEMENTAL APPROPRIATION BILL, 1974, H.R. 11576

Chapter No.		Budget estimates	House bill	Senate bill	Conference	Conference compared with— Budget estimates	House bill	Senate bill
I	Agriculture—Environmental and Consumer Protection	$12,128,000	$11,500,000	$12,628,000	$11,800,000	−$328,000	−$300,000	−$828,000
II	Defense			72,000,000	7,500,000	+7,500,000	+7,500,000	−64,500,000
III	Housing and Urban Development, Space, Science, and Veterans	8,200,000	7,800,000	7,800,000	7,800,000	−400,000		
IV	Interior and Related Agencies:							
	New budget (obligational) authority	98,878,000	88,131,000	163,923,000	121,025,000	+22,147,000	+32,894,000	−42,898,000
	Appropriation to liquidate contract authority	(1,500,000)	(1,500,000)	(1,500,000)	(1,500,000)			
V	Labor, and Health, Education, and Welfare:							
	New budget (obligational) authority	751,451,000	763,357,000	926,615,000	822,025,000	+70,574,000	+58,668,000	−104,590,000
	By transfer	(840,000)	(2,800,000)	(9,800,000)	(12,800,000)	(+11,960,000)	(+10,000,000)	(+3,000,000)
VI	Legislative:							
	New budget (obligational) authority	33,913,585	8,719,550	30,809,085	30,809,085	−3,104,500	+22,089,535	
	Fiscal year 1974	(33,038,585)	(8,719,550)	(29,934,085)	(29,934,085)	(−3,104,500)	(+21,214,535)	
	Fiscal year 1973	(875,000)		(875,000)	(875,000)		(+875,000)	
VII	Public Works—AEC:							
	New budget (obligational) authority	150,550,000	161,850,000	179,850,000	174,650,000	+24,100,000	+12,800,000	−5,200,000
	By transfer	(16,500,000)				(−16,500,000)		
VIII	State, Justice, Commerce, and Judiciary	68,962,000	32,587,000	129,895,000	84,526,000	+15,564,000	+51,939,000	−45,369,000
IX	Transportation	39,063,000	30,570,000	31,585,000	30,335,000	−8,728,000	−235,000	−1,250,000
X	Treasury, Postal Service, and General Government	313,686,000	281,510,000	275,968,000	290,803,000	−22,883,000	+9,293,000	+14,835,000
XI	Claims and judgments	57,352,301	47,011,168	57,352,301	57,352,301		+10,341,133	
	Total:							
	New budget (obligational) authority	1,534,183,886	1,433,035,718	1,888,425,386	1,638,625,386	+104,441,500	+205,589,668	−249,800,000
	Fiscal year 1974	(1,533,308,886)	(1,443,035,718)	(1,887,550,386)	(1,637,750,386)	(+104,441,500)	(+204,714,668)	(−249,800,000)
	Fiscal year 1973	(875,000)		(875,000)	(875,000)		(+875,000)	
	By transfer	(17,340,000)	(2,800,000)	(9,800,000)	(12,800,000)	(−4,540,000)	(+10,000,000)	(+3,000,000)
	Appropriation to liquidate contract authority	(1,500,000)	(1,500,000)	(1,500,000)	(1,500,000)			

MAJOR ITEMS IN CONFERENCE AND THEIR DISPOSITION: H.R. 11576—SUPPLEMENTAL, 1974

	Senate over (+) or under (−) House	Conference over (+) or under (−) House
Chapter II: Operation and Maintenance, Navy (Oil reserves) (Amendment No. 5)	+$72,000,000	+$7,500,000
Chapter IV:		
Office of Oil and Gas—Fuel Allocation and Contingency Fund (Amendment No. 21)	+54,431,000	+12,400,000
American Revolution Bicentennial Commission (Amendment No. 32)	+7,100,000	+7,100,000
Chapter V:		
Community Service Employment for Older Americans (Amendment No. 34)	+40,000,000	+10,000,000
Emergency Medical Services (Amendment No. 35)	+20,000,000	+17,000,000
Maternal and Child Health programs (Amendment No. 37)	+30,105,000	+7,000,000
Emergency School Assistance (Amendment No. 39)	+12,447,000	
Vocational Rehabilitation (Amendment No. 40)	+45,130,000	+18,130,000
Multidisciplinary Centers of Gerontology—Older Americans Act (Amendment No. 44)	+7,500,000	
Chapter VI: Legislative Branch—Senate Items (Amendment Nos. 52, 53, 55, 57, and 58)	+22,089,535	+22,089,535
Chapter VII:		
AEC—Weapons Systems (Amendment No. 60)	+$11,000,000	+$5,800,000
Corps of Engineers—Flood Control (Amendment No. 61)	+7,000,000	+7,000,000
Chapter VIII:		
U.N. Peacekeeping Force (Amendment No. 64)	+17,337,000	+17,337,000
Economic Development Administration (Amendments Nos. 67, 68, and 69)	+75,000,000	+30,000,000
Chapter X:		
Postal Service (Amendment No. 89)	−10,000,000	−5,000,000
Economic Stabilization Activities (Amendment No. 92)	−10,700,000	−3,700,000
Federal Energy Office (Amendment No. 95)	+9,360,000	+9,360,000
Public Building Service (Amendment No. 97)	+8,600,000	+8,000,000
Chapter XI: Claims and Judgments (Amendment No. 107)	+10,341,133	+10,341,133
Other	+26,649,000	+25,232,000
Total	+455,389,668	+205,589,668

Mr. MAHON. Mr. Speaker, there are also two items in the Labor-HEW chapter which deserve comment. Amendment No. 47 provides funds necessary for full obligation of fiscal year 1973 appropriations where the courts have found these funds to be illegally impounded.

Amendment No. 48 provides continuing appropriations for manpower training programs of the Departmnt of Labor and for activities of the Cabinet Committee on Opportunities for Spanish-Speaking People. This authority will continue appropriations at about the $1.5 billion annual level. This continuing authority is provided because authorizing legislation has not been enacted and we are, therefore, not in a position to come forward with the appropriations.

Mr. Speaker, although this report is above the budget, I believe the conferees have brought back the best possible compromise. And now, unless there are questions, Mr. Speaker, I will not discuss this conference report further. As I indicated earlier, the report is here and available to Members, and I will now yield for questions.

Mr. DOMINICK V. DANIELS. Mr. Speaker, will the gentleman yield?

Mr. MAHON. Mr. Speaker, I yield to the gentleman from New Jersey.

Mr. DOMINICK V. DANIELS. Mr. Speaker, with regard to amendment No. 48 providing continuing appropriations for Spanish-speaking people and the manpower training program, the gentleman mentioned that this supplemental provides $1,500 million for fiscal 1974. I realize that the authorization has not been approved, but we propose to bring to the floor of the House tomorrow the conference report on the comprehensive manpower bill which includes a set-aside of reserve of $250 million for public service employment.

Mr. Speaker, my question is, Will there be another supplemental report providing the $250 million for public service employees?

Mr. MAHON. Mr. Speaker, that would have to be considered later in the fiscal year but not this session. This is the final supplemental bill for this session. It would not be in order to appropriate funds for this program because it has not been enacted into law. It seems to me that the provision in amendment 48, which will continue appropriation availability for manpower training and for the Cabinet Committee on Opportunities for Spanish-Speaking People, is the best we could do under the circumstances.

Next year, if the manpower bill is enacted into law, we will be in a position then to consider a supplemental estimate for what might be necessary.

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

Mr. MAHON. I am glad to yield to the gentleman from Indiana.

Mr. BRADEMAS. Mr. Speaker, I appreciate very much the willingness of the distinguished chairman of the Committee on Appropriations to yield.

Mr. Speaker, I wonder if the chairman of the committee would allow me to put a question to the distinguished chairman of the Subcommittee on Labor-HEW appropriations.

Mr. MAHON. The gentleman may ask the question.

Mr. BRADEMAS. Fine. Mr. Speaker, I will direct the atention of the chairman of the committee to the debate in the House on the supplemental appropriations bill on November 30, 1973, when the gentleman from Texas (Mr. GONZALEZ) offered an amendment to increase from $615 million to $650 million the amount of money for the basic State vocational rehabilitation program.

In response to the gentleman from Texas (Mr. GONZALEZ) the gentleman from Pennsylvania (Mr. FLOOD) indicated his opposition to the amendment

on grounds, to quote the gentleman from Pennsylvania (Mr. FLOOD), that "Some States are not able to come up with the necessary matching funds."

Then the gentleman from Pennsylvania (Mr. FLOOD) went ahead to cite testimony of HEW witnesses to the effect that there was no problem about the amounts of money for basic grants under the new law. Again, to quote Mr. FLOOD from the House debate of November 30, "we clearly had the impression that the amount requested is all that is required to make allotments on the basis of the authorized amounts."

Then the gentleman from Pennsylvania (Mr. FLOOD) went ahead to advise the House as follows: "If later estimates from the States at any time show that matching funds are available so that the full amount of the authorization can be used, we expect that the administration will request a supplemental appropriation later in the year."

The gentleman from Kansas (Mr. SHRIVER) on the minority side of the subcommittee, echoed the same point of view as Mr. FLOOD's with respect to a subsequent request for supplemental funds if they prove necessary.

Said Mr. SHRIVER, who like Mr. FLOOD, cited testimony of HEW witnesses before the appropriations subcommittee:

> We clearly had the impression that the amount requested, the amount allowed in the bill is all that is required to make allotments on the basis of the $650 million authorized in the authorizing bill.
>
> I would emphasize further that if later estimates from the States of matching funds are available and the full amount of authorization can be used, the committee would expect a supplemental budget request.

Mr. Speaker, on the 10th of December, in the authorizing subcommittee which I chair, in putting questions to the Acting Commissioner of Rehabilitation Services, Mr. Corbett Reedy, I asked him a question with respect to the amount of money necessary to be appropriated to match available State funds for fiscal year 1974 under the basic program, and Mr. Reedy responded: "$644 million."

I then asked Mr. Reedy and Mr. Dwight, who is the head of the Social Rehabilitation Service, if they had made that information available to the gentleman from Pennsylvania (Mr. FLOOD). I pointed out that would have been the honorable thing to have done.

Neither Mr. Dwight nor Mr. Reedy was able to assure our subcommittee that in fact they had made available such information to the gentleman from Pennsylvania (Mr. FLOOD). Expressions of concern with respect to this entire matter were also voiced on the minority side of the committee by the gentleman from Minnesota (Mr. QUIE) and the gentleman from Idaho (Mr. HANSEN).

Therefore, Mr. Speaker, I want to ask the chairman of the committee, if, in light of this information developed subsequently, that is, subsequent to the hearings of the Subcommittee on Appropriations and subsequent to the vote in the House on the amendment offered by the gentleman from Texas (Mr. GONZALEZ) the committee would, in light of these assurances from Mr. FLOOD and Mr. SHRIVER, expect that the subcommittee would entertain favorably a supplemental appropriations request in order to make available adequate Federal moneys to match the available State moneys for the basic State vocational programs?

Mr. MAHON. Mr. Speaker, I will respond briefly to the gentleman's statement, and then I will ask the gentleman from Pennsylvania (Mr. FLOOD) to respond.

The Committee on Appropriations has taken another hard look at the requirements for appropriations for vocational rehabilitation. Of course, these appropriations are virtually mandatory to the extent that the States qualify for matching funds under the law and regulations, and since we got later information just prior to the conference that an additional amount would probably be required, we did provide additional funds in this conference report.

I believe the amount available now will be about $630 million rather than the $615 million which was provided in the House bill.

So there is no disposition on the part of the Committee on Appropriations to deny the necessary funds that can be spent.

As my friend knows, these funds have to be matched, and some States are not able to match their full allotment, and for that reason the total amount of the $650 million is not required at this time.

Of course, if it should be required later, and it could be established, then I am sure the Committee on Appropriations would look very favorably upon providing the necessary funds.

Mr. Speaker, I would like to yield at this moment to the gentleman from Pennsylvania (Mr. FLOOD), the chairman of the Subcommittee on Appropriations for Labor and Health, Education, and Welfare, for a statement in regard to this matter.

Mr. FLOOD. Thank you very much, Mr. Chairman.

There is very little I can add to what the distinguished chairman of the full committee has said. I recall very well the gentleman's discussion with me on the floor when the supplemental appropriation bill was before the House, and what he said is quite so. However, I was not aware of the discussions in the Committee on Education and Labor that you had with the people from downtown. But having been around here for awhile, after the bill passed the House, and before the conference with the Senate I did write to the Secretary, Mr. Weinberger, and, Mr. Speaker, I ask unanimous consent to insert at this point in the RECORD a copy of the letter I sent him raising this point.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The copy of the letter is as follows:

DECEMBER 13, 1973.

Hon. CASPAR W. WEINBERGER,
Secretary, Department of Health, Education, and Welfare, Washington, D.C.

DEAR MR. SECRETARY: During the recent subcommittee hearings on the 1974 supplemental appropriation bill, I asked Mr. Dwight a series of questions about the budget request for basic State grants for vocational rehabilitation. Upon reexamining the printed hearing record, I find that the dialogue is not entirely clear on the question of the relationship of the appropriation request to the amount authorized for allotment.

As you know, the House approved the Committee's recommendation of $615,870,000 for basic State grants. This is the amount requested in the budget. During the hearings, the Committee was informed that State allotments for fiscal year 1974 will be computed on the basis of the authorized level of $650,000,000. Historically, there have always been some States which did not have sufficient funds available to match their full allotment. The Committee was led to believe that the reason the amount requested in the budget is below the authorized allotment level is because State matching funds are not available, and that the $615,870,000 would be sufficient to meet Federal matching requirements under the allotment base of $650,000,000.

When the supplemental appropriation bill was considered by the House, an amendment was offered to increase the appropriation for the basic grant program to $650,000,000. The amendment was narrowly defeated, but the related discussion did raise some question in my mind about the adequacy of the budget.

Since the Senate has included the full $650,000,000 in the supplemental appropriation bill, I would appreciate some clarification from you about the allotment level vis-a-vis the appropriation request. Specifically, I would like to know whether the amount requested is sufficient to match the amounts which the States are prepared to spend in fiscal year 1974 under the allotment of $650,000,000. If not, what additional amount is required, and do you plan to seek a supplemental appropriation to provide the necessary Federal funds?

The Committee may need this information very quickly so I would appreciate a prompt reply.

Sincerely,

DANIEL J. FLOOD,
Chairman, Labor-HEW Subcommittee.

Mr. FLOOD. I will not read the whole letter, but I might read this:

> When the supplemental appropriation bill was considered by the House, an amendment was offered to increase the appropriation for the basic grant program to $650,000,000. The amendment was narrowly defeated, but the related discussion did raise some question in my mind about the adequacy of the budget.
>
> Since the Senate has included the full $650,000,000 in the supplemental appropriation bill, I would appreciate some clarification from you about the allotment level vis-a-vis the appropriation request. Specifically, I would like to know whether the amount requested is sufficient to match the amounts which the States are prepared to spend in fiscal year 1974 under the allotment of $650,000,000. If not, what additional amount is required, and do you plan to seek a supplemental appropriation to provide the necessary Federal funds?

I received a reply, and I suppose quite properly so, to that letter from Mr. Carlucci, the Under Secretary of Health, Education, and Welfare.

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

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The copy of the letter is as follows:

THE SECRETARY OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C., December 14, 1973.

HON. DANIEL J. FLOOD,
Chairman, Subcommittee on Labor and Health, Education, and Welfare, Committee on Appropriations, Washington, D.C.

DEAR MR. FLOOD: This is in response to your letter of December 13 concerning the relationship of the appropriation request for basic State grants for vocational rehabilitation to the amount authorized for allotment for fiscal year 1974. The Department submitted a revised budget request for $615,870,000. The level authorized for allotment in the Rehabilitation Act of 1973 is $650,000,000.

When we discussed our fiscal year 1974 appropriation with you on November 6, 1973 at the hearing on our request for supplemental appropriations for Rehabilitation Services, we assumed that State requests for funds for Section 110 of the Rehabilitation Act would be met by the revised budget request of $615,870,000, which includes an increase of $26 million above the fiscal year 1973 level. It is important to bear in mind that our regular appropriations bill, on which Congress has completed action, also contains other substantial increases for State rehabilitation programs. The Supplemental Security Income Program will provide State Rehabilitation Agencies with an additional $26 million to purchase rehabilitation services for disabled SSI recipients. Another $24 million increase will be available to the State Rehabilitation Agencies from the Disability Insurance Trust Fund. Thus, the total increase in Federal funds for these programs in 1974 will be about $76 million.

However, with respect to our pending request for funds under the basic State grant program, there are indications that the States may have funds available under the $650 million allotment to match up to $637 million in basic State grant funds for vocational rehabilitation. The State estimates are tentative and we have not yet determined that the States can use funds above the level of the current Department request for appropriations. As soon after the first of the calendar year as these estimates can be more precisely evaluated, we will take another look at our budget request. If these State estimates prove not to be overestimated, we will at that time consider the need for a further supplemental.

Given the uncertainty of actual State requirements plus the large increases already requested, we would urge you to support the level contained in the House-passed supplemental bill.

I continue to feel that the total increase in fiscal year 1974 funds for vocational rehabilitation reflects a continuing Department commitment to substantial growth in these effective and deserving programs. I trust this information responds to your request.

Sincerely,

FRANK CARLUCCI,
Under Secretary.

Mr. FLOOD. What he says is:

However, with respect to our pending request for funds under the basic State grant program, there are indications that the States may have funds available under the $650 million allotment to match up to $637 million in basic State grant funds for vocational rehabilitation. The State estimates are tentative and we have not yet determined that the States can use funds above the level of the current Department request for appropriations. As soon after the first of the calendar year as these estimates can be more precisely evaluated, we will take another look at our budget request. If these State estimates prove not to be overestimated, we will at that time consider the need for a further supplemental.

My position is just as it was when I talked to the gentleman before. There is no doubt in my mind from what you have just told the House here as to what the facts are. I apparently did not have as much information as you have, and I would certainly feel—and I cannot imagine, those being the facts, that I would feel any different—that with the 1975 budget itself would come a request for a 1974 supplemental appropriation the very same day assuming the facts that the gentleman set forth.

Mr. BRADEMAS. Mr. Speaker, I thank the distinguished gentleman from Pennsylvania for his response, and I also thank the distinguished chairman of the committee for his response. I am grateful for their assurances that the Committee on Appropriations, to quote its distinguished chairman, "would look very favorably upon providing the necessary funds" to match available State moneys for the basic State vocational rehabilitation program if such additional funds should be required to match.

I ask unanimous consent to revise and extend my remarks and include as a part thereof certain passages from the transcript of the committee hearings to which I already alluded.

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

There was no objection.

Mr. BRADEMAS. I believe it important to note, Mr. Speaker, that the amount of money for the basic State program for fiscal 1974 in the authorizing bill signed by the President in September 1973 was $650 million. Nonetheless, the administration budget request—the revised request—for this program was $615,870,000.

Yet it is clear from the response of December 10, 1973, of the man who was actually running the program, the Acting Commissioner of Rehabilitation Services, Mr. Corbett Reedy, that the amount of money necessary to be appropriated to match available State moneys for fiscal 1974 is $644 million, actually, "slightly higher," to quote him, than $644 million.

Now Mr. Carlucci, in his letter to Mr. FLOOD, uses a figure of $637 million.

Mr. Speaker, it must be clear from these different responses that Members of the House are receiving from officials of the Department of Health, Education, and Welfare that all of us, and especially those on the authorizing and appropriations subcommittees that deal with the vocational rehabilitation program, must look with a very skeptical eye at the information we are receiving.

This is a most important matter because, obviously, members of the appropriations committee must depend on accurate data from HEW in order to make recommendations to the House for appropriations on a program vital to the lives of so many handicapped Americans and their families.

So in order that Members of the House have a clearer picture of the concern which I have been expressing, I here insert part of the transcript of the hearings December 10, 1973, of the Select Education Subcommittee of the Committee on Education and Labor on the future directions of the Rehabilitation Services Administration. The hearings involved testimony by James S. Dwight, Jr., Administrator, Social and Rehabilitation Service, and Corbett Reedy, Acting Commissioner, Rehabilitation Services Administration.

The material to which I have referred follows:

MR. BRADEMAS. This question follows one of our earlier conversations, Mr. Dwight, in respect of the basic State Grant Program authorized by Title I of the Rehabilitation Act of 1973. The Administration's 1974 request for this program was $609 million, approximately a $20 million increase over the 1973 estimate and, then, an additional amount was added to cover the grandfather clause with the result that the revised budget request was a total of $615 million to carry out Title I of the basic State program. Why was such a small increase requested?

MR. DWIGHT. I think there are perhaps two other provisions which at least bear on my consideration and I am not sure I can recall the exact figures but your recollection is correct on the basic grants. The other two are the new program which stemmed from the commencement of the SSI program for adults and then, the continuing program dealing with SSI backing their trust fund activities which added about another $50 million increase into rehabilitation activities at the State level.

As you look at that, even with the significant reduction in training activities coming along, that we discussed a week ago Friday, we, I think find somewhere in the order of magnitude of a little over a 12 percent increase in actual rehabilitation dollars available which seems to me to be a fairly healthy increase if your objective is sustained orderly growth in the program which, as I indicated earlier, I think is a sound objective.

MR. BRADEMAS. Mr. Dwight, let me make this comment on your response, because I think it is important that as we discuss the basic program this morning, we understand how it works. As you know, the rehabilitation legislature has been unique in that the state allotments are based not on appropriations but rather on the funds authorized to be appropriated and, in effect, this feature amounts to an entitlement for rehabilitation purposes, provided that the individual States appropriate the necessary matching funds.

What this means, in effect, is that we have given the States an enormous incentive to appropriate the matching funds, and this is one of the reasons I think most of us are agreed, as I believe you are and I am, that the rehabilitation program has proved to be one of the most successful State-Federal programs.

But, Mr. Dwight, because this Administration has not been requesting enough Federal money necessary to meet the States matching funds, we now find ourselves in the astonishing position whereby the Federal Government has not appropriated enough money to match the funds that have been raised by the States.

I understand that last year fully 43 States had funds for which the necessary matching Federal monies were not available, and that the year before that, fiscal 1972, 25 States appropriated more money than the Federal Government could match. So we are in the curious situation here where the States seem to be doing their job in respect of providing monies for vocational rehabilitation but the Federal Government is not doing its job.

Finally, I would observe that although we have been, as you suggest, expanding these programs in the past years, and although more handicapped persons are being rehabilitated every year, you know as well as I, that the number of handicapped persons in the

United States is increasing rather than decreasing, so the result has been that the percentage of handicapped persons who are being served is going down.

Realizing the budgetary measures to which you made reference, I recall that Mr. Reedy, in his testimony before the Labor-HEW Appropriations Subcommitte in the House body, said that at least 4 million handicapped persons in the United States are not receiving service.

I don't want to misrepresent these several issues, but if I am mistaken in what I have said, Mr. Dwight, I hope you will straighten me out here.

Mr. DWIGHT. I believe that your information is largely accurate. That is what I was alluding to earlier in this hearing. As far as I know myself, and Corbett would like to amplify this himself, I don't think you can reach the conclusion that 4 million persons are not being served for several reasons.

Some disabled persons cannot benefit from rehabilitation. I don't know what that conclusion might be.

Secondly, this program is not the only way in which people can be rehabilitated. By that, I mean there are other, private sources and some people go through a process of rehabilitation without any assistance from anybody else. The outward bounds of disabled persons, i.e., the estimated 5 million, is at best an imprecise measure but perhaps you are trying to make the point that if more funds were available, then, more people could be served.

My view is that Governmental programs do not work well when they take large quantum jumps and it would seem to me a 12 percent increase is about as much as a program can rationally handle if it is on a sustained-growth pattern.

Mr. BRADEMAS. Sometime—not this morning—sometime I would like to get into a colloquy with you on generalizations such as "Government programs don't work very well when they make quantum jumps and 12 percent is about a rational increase." I am just hardheaded enough to want to know what the rationale is for generalizations of that kind. Mr. Reedy?

Mr. REEDY. Mr. Chairman, the estimates to which you referred that we presented at the appropriations hearings of the House subcommittee were derived from our long-range planning last fall in which we used 1970 census figures showing that there were 11,900,000 disabled persons in the age group between 16 and 64 that had significant disabilities.

We reasoned through pure estimating process, that half of those are engaged in suitable work or have made their vocational adjustment, leaving roughly six million disabled persons not in institutions who would be potential candidates for rehabilitation service.

Taking two-thirds of that number which would be four million, we think these could be solid candidates for which a successful rehabilitation outcome could be expected. So, in view of the fact that our program in 1973 fiscal year was able to enroll for the first time, one million people for the entire year and actually provide hard service for around 650,000 of that million, rehabilitating 380,000, then, we have established a broad gap between the most conservative estimate derived from the sources I cited and the level of the program at the present time.

We do point out that the census figures did not include disabled persons in institutions and we have developed a substantial rehabilitation effort in institutions serving the chronically ill and disabled and, therefore, I would add those to the four million previously cited bringing it roughly to the five million gross estimate.

Mr. BRADEMAS. Of those five million, how many would you estimate could be served by non-Governmental or privately supported vocational rehabilitation service?

Mr. REEDY. That is extremely hard to give you a good impression but I would doubt that the private sector in terms of comprehensive rehabilitation service as we attempt them under the public program, would be reaching more than 200,000 to 250,000 a year.

Mr. BRADEMAS. That is a rather small fraction, then, of the overall universe of need.

Mr. REEDY. There is today a close relationship between the private sector and the public program which has been deliberately developed in recent years in which they actually team up very frequently to serve a common client in which part of the service is given by the private facility or under private financing and services are supplemented through the public program and through the other program financing.

Mr. BRADEMAS. Mr. Dwight, to continue my line of questioning with respect to the Title 1 basic program, you will recall that our colleague, Congressman Gonzalez of Texas, moved a few days ago to amend the supplemental appropriations bill to increase the appropriation for carrying out the State program from $615,870,000 to $650 million which is the amount authorized in law—and I am sure you are aware that that move was defeated by only four votes.

It is very difficult to get the House to accept amendments to an appropriations bill so when you come within four votes, that is very significant. One of the reasons, however, Mr. Dwight, that that Amendment did not carry was the fact that the distinguished Chairman of the subcommittee, Mr. Flood, indicated that he was under the impression that the committee was recommending all the appropriations that were necessary to meet and match available State monies and here is what Mr. Flood said, and I quote him from the debate on the Gonzalez Amendment: "Some States are not able to come up with the necessary matching funds. Where this is the case, it would not be necessary to appropriate the full authorization. Do not members know that we know this? In the hearings, we spent a great deal of time on that specific subject for just this purpose. We thought there might be a problem in the amounts for basic grants under the new law."

Mr. Flood continued: "The HEW witnesses saw no problem and they planned to compute and made the allotments on the basis of the authorization and the amount that was requested. We clearly had the impression that the amount requested is all that is required to make allotments on the basis of the authorized amount."

Mr. Flood went on:

"Now let me say, Mr. Chairman, and let me tell the members of the committee and my friends, we know whereof we speak, believe me. If later estimates from the States at any time show that matching funds are available so that the full amount of the authorization can be used, we expect that the Administration will request a supplemental appropriation later in the year."

Mr. Dwight, what is the amount of money necessary to be appropriated to match available State monies for fiscal 1974?

Mr. DWIGHT. I am under the impression that that, if our estimates are correct, would be somewhere in the order of magnitude of $640 million or thereabouts.

Mr. BRADEMAS. Mr. Reedy, what is your answer to that question?

Mr. READY. It is the same. We receive from the States each spring a document called, "Program and Financial Plan", one item of which is an estimate of State funds available for matching and when we added those estimates from State financial program and financial plans projected for fiscal 1974, the amount was $644 million.

Mr. BRADEMAS. $644 million. Was this information made available, Mr. Dwight, to Mr. Flood?

Mr. DWIGHT. I am not sure whether that came up in the course of conversation or not. We have to check the transcript. My best recollection is that it did but I cannot say.

Mr. BRADEMAS. Mr. Reedy.

Mr. REEDY. I do not recall this specific point having been raised in the hearing. We will have to check further to verify this.

Mr. BRADEMAS. I would suggest most respectfully, Mr. Dwight, that in view of the unique feature of the vocational rehabilitation legislation, which unique feature I remarked upon earlier, namely, that States look to the authorizing figures, not the appropriations figures, in order to make judgments on how much money they are going to have to appropriate for matching, you have a responsibility to give accurate information to the committees of Congress on that matter. And I wonder if you feel you misled Mr. Flood in any way on this matter? It is quite clear you are not in agreement here among yourselves on what the figures are.

Mr. DWIGHT. I think the figure Mr. Reedy quoted is the accurate figure. I can only speak from experience in one State and the only thing that we ever paid any attention to was the amount which was appropriated or the amounts under consideration in the appropriations process in governing the programs in the State of which I was a part.

I understand that it is quite commonplace that the authorization levels are extremely in excess of the amounts that are actually appropriated by the Congress. In fact, I am reminded of a story that I have heard Secretary Richardson indicate on several occasions and that is that if the programs in the Department of Health, Education and Welfare were fully funded, that the annual Federal cost of those programs would be somewhere near $250 billion, which is an amount approximately equivalent to the entire budget of the U.S.

Mr. BRADEMAS. Mr. Dwight, how long have you been in your job?

Mr. DWIGHT. Six months, approximately.

Mr. BRADEMAS. I have tried to be very restrained here this morning but I am rather embarrassed to hear you say what you have just said. I am embarrassed for you, because if you listened to what I said earlier, there is a unique feature to this legislation.

I pointed out earlier—I will just quote what I said—"As you know, rehabilitation legislation has been unique and the State allotments are based not on appropriations but on the funds authorized to be appropriated."

If you don't have that straight in your mind yet, you really are going to be in deep trouble in even understanding the program for which you have administrative responsibility. So you see, if you really believe what you said a minute ago about the relationship between authorized and appropriated amount, as a characteristic of the program which we have been discussing in these several hearings, then, it is small wonder to me that you have had such a difficult time in appreciating the thrust of some of my questions.

Do you understand what I am saying or are you not clear yet? I just want to be sure you understand what we are talking about here. Otherwise, I am going to have a hard time making my questions understandable.

Mr. DWIGHT. I understand up until the year we are in, 1974, that it was necessary in the appropriations planning to use a figure which was different than the amount appropriated, was different than the amount appropriated, which was to be used as a basis for alloting funds among the States and the law which was passed and signed in September providing that basis in law rather than requiring it to be placed in the appropriation language is

a new feature in this program. I assume that is what you are talking about.

Mr. BRADEMAS. That is not responsive to the point I am trying to make, Mr. Dwight, but I am not going to take more time on this particular matter now.

Mr. QUIE. Will the gentleman yield?

That leaves me befuddled because I thought we left the law exactly the way it had been before. Now, it is true before the authorizing figure was so much higher than that which was recommended to be appropriated and that the Appropriations Committee actually appropriated as well, that they brought the authorization figure down in the appropriation bill in order that it could operate properly but it is my understanding the law is the same.

It is just that the authorization figure was not so far out of line from what was appropriated that now it was not necessary for the Appropriations Committee to set a lower authorization figure.

Mr. DWIGHT. That is correct.

Mr. BRADEMAS. There is a statement, I understand, that Senator Cranston has put in the Congressional Record within the last month that goes into this admittedly complicated arrangement in respect of this legislation.

Mr. Dwight, I note that on Friday last, the Senate Appropriations Subcommittee approved an increase in the basic program of approximately $35 million bringing the total basic program to the full authorization of $650 million.

Does the Administration intend, in light of our discussions here, to endorse this increase?

Mr. DWIGHT. I would think not, Mr. Chairman. The proposal of the Administration stands as we made it approximately three weeks ago for this $650 million. The question which was put in the Congressional Record by Senator Cranston which in essence was a legal opinion that the funds authorized in the statutes created an entitlement on the part of the States and thus would bypass the appropriations process for this particular program—that is in essence what Senator Cranston is talking about.

Mr. BRADEMAS. Let me go back to what Mr. Flood said because Mr. Flood clearly, in his statement on the Floor last week in opposition to the Gonzalez Amendment, remarked that the HEW witnesses saw no problem on this particular matter.

Mr. DWIGHT. That is correct.

Mr. BRADEMAS. And said, here again, I am quoting Mr. Flood, "We clearly had the impression"—he is alluding to the HEW witnesses—"That the amount requested is all that is required to make allotments on the basis of the authorized amount."

Then, he went ahead to say, and again I am quoting Mr. Flood as I did earlier, "Let me say, Mr. Chairman, and let me tell the members of the committee"—here he is referring to the committee of the whole House—"and my friends, we know whereof we speak, believe me. If later estimates from the State at any time show that matching funds are available so that the full amount of the authorization can be used, we expect that the administration will request a supplemental appropriation later in the year."

Mr. Flood, who is an important man in these matters, is standing out before the House of Representatives obviously relying on what he has been told by the Department of HEW, and he said and I quote again, "We clearly had the impression that the amount requested"—that means the amount requested by you, Mr. Dwight—"the amount allowed in the Bill is all that is required to make allotments on the basis of the $650 million authorized in the authorizing Bill.

Said Mr. Flood, "If later estimates from the States at anytime show that matching funds are available so that the full amount of the authorization can be used," the committee would expect a supplemental budget request.

Mr. Dwight, What I want to know is, are you going to ask for a second supplemental if Congress does not appropriate the full $650 million necessary to meet the Federal obligation to match the funds made available by the States?

Mr. DWIGHT. Mr. Chairman, I cannot make a judgement as to whether we will or won't. In the past we have requested supplementals. Obviously the plans of the various States would be an important consideration in our determination of whether we should initiate a request for a supplemental but that is a judgment that I am going to have to decide, the Commissioner is going to have to decide, the Secretary is going to have to decide and the people who are involved in that kind of consideration before it goes to Congress and how much the Congress would have to consider if we requested a supplemental.

Mr. BRADEMAS. Clearly Mr. Flood is operating on the assumption that you have been giving him the truth and I think he is going to be very upset because he opposed the Gonzalez amendment, as I have reiterated here.

I will stop now and yield to the gentleman from Minnesota for such questions as he may wish to put.

Mr. QUIE. On that subject, was Mr. Flood speaking for HEW or was he just giving his expectation?

Mr. DWIGHT. Congressman Quie, I had no discussions with Congressman Flood so I cannot speak from my own personal knowledge. The statements that he made, I think, are largely consistent with the testimony that we presented to his subcommittee. We did say that the amounts being requested were adequate to meet the program needs, in our judgement.

I am sure we said that because otherwise, we would have had a little trouble supporting what we were recommending. I have no recollection of any discussions with the Appriations Subcommittee of whether or not there would be supplementals. Do you, Corbett?

Mr. REEDY. Not that I recall.

Mr. BRADEMAS. If the gentleman would yield, I would just observe that Mr. Flood is a very busy man, too, and that he has to rely on you to give him the information necessary for his subcommittee to make their judgments, and I should have thought that it would have been the right course of action for you to have supplied to Mr. Flood accurate, up-to-date information on the amount of State matching monies available. That would have been the honorable thing to have done.

Mr. DWIGHT. Mr. Chairman, I do not perceive the role in this program or any other program to be merely appropriating funds necessary to match what the States may or may not appropriate themselves.

Mr. QUIE. The question leaves me in doubt. I notice Mr. Shriver also spoke of discussions in the hearings with HEW and he said, "We clearly had the impression, the amount requested, the amount allowed in the Bill is all that is required to make allotments on the basis of the $650 million authorized in the authorizing Bill."

Mr. FLOOD. The conferees agreed to $630,000,000 for vocational rehabilitation basic grants. The House bill included $615,870,000 and the Senate bill included $650,000,000, so the amount agreed to by the conferees is a fair compromise.

As I said before when this bill was before the House, I know that the authorization for basic grants is $650,000,000 and that allotments to States are computed on the basis of the authorization. You know, and I know, that States must come up with sufficient local funds to match the Federal allotment. Believe me, if all States could match the full amount I would be the first one to recommend it. But the committee has been told by HEW that all States cannot match their full allotment.

At this point, we do not know how much the States can use this fiscal year. HEW tells us that it may be $637,000,000. It may be more, or it may be less. The conferees agreed to $630,000,000 as being within the rule of reason. If it is not sufficient, we would expect a supplemental budget request later in the fiscal year.

Mr. MAHON. Mr. Speaker, I yield to the gentlewoman from Oregon (Mrs. GREEN).

Mrs. GREEN of Oregon. Mr. Speaker, I thank the chairman very much for yielding.

I would like to direct a question to either the distinguished chairman or the gentleman from Wisconsin (Mr. DAVIS).

The people in my area were very much upset about a provision which appeared in the Senate bill but which did not appear in the House bill regarding the lifting of the moratorium on building of dredges by the Corps of Army Engineers. It is my understanding that this is in regard to both pipeline dredges and hopper dredges. Will either the distinguished chairman or the gentleman from Wisconsin tell me what was agreed upon in the conference report, because as I say, it is of vital concern to industries which have maintained dredges and who have had absolutely no idea that the Senate would add a provision so that this moratorium be lifted.

Mr. MAHON. Let me say at the conference the matter of dredges was discussed, and certain action was taken.

The gentleman from Wisconsin (Mr. DAVIS) is quite familiar with the situation, and I would yield to the gentleman from Wisconsin for a response.

Mr. DAVIS of Wisconsin. Mr. Speaker, I thank the gentleman for yielding, and I will be happy to respond to my colleague, the gentlewoman from Oregon (Mrs. GREEN). I am sure that the gentlewoman from Oregon has shared a similar interest in this with many of the members of the subcommittee. This matter goes back a couple of years ago when it was recommended that a study be made with respect to the pipeline dredging capacity, with respect to the Corps of Engineers capacity vis-a-vis the capacity of private dredging industries.

Realizing, as the gentlewoman from Oregon has pinpointed, that the Corps of Engineers does have a policy where they use all of their in-house capacity to a very high percentage before they do put these things out for bid to the private contractors. There was the problem of their using hopper dredges for their so-called outside work for which they only need about 50 percent of the capacity and then bring those dredges in for the so-called inside work in competition with the capability of the private owners of the pipeline dredges. There are no private owners of hopper dredges, so far as I know.

Based upon that, the committee in last

year's appropriation bill declared a moratorium with respect to the updating or the procurement or the renovation of the Corps of Engineers dredges, both hopper and pipeline. That was continued in this year's bill.

That continuation of the moratorium goes on until that study, which is now under way, has been completed, except on one single dredge that was exempted from it.

When we got over to the Senate on this bill there did exist the provision instigated by the Senator from the gentlewoman from Oregon's State which would have provided for going ahead with the renovation of the hopper dredges.

The language which resolved this matter is found on page 15 of the conference report, and it does permit them to go ahead with plans in connection with the modification and rehabilitation of the hopper dredges, but it directs that these plans are to be submitted to the Committees on Appropriation of the House and Senate for approval, otherwise—and this is the important language from the standpoint of the gentlewoman from Oregon and myself—otherwise the moratorium shall continue.

So this does permit them to go ahead with planning, and this is a relatively long lead item on the hopper dredges only, but the moratorium continues in all other respects, and they must bring in their plans for approval of our committee and the corresponding committee over in the other body before they will be permitted to go ahead with any renovation.

Mrs. GREEN of Oregon. Mr. Speaker, if the gentleman will yield further; I thank the distinguished chairman of the full committee, and the gentleman from Wisconsin (Mr. DAVIS). I am delighted with the way they resolved this in the conference. Those in private industry, if given the opportunity, can compete very successfully in terms of economy and efficiency with Government dredges.

They should be given that chance. If private industry had some assurance of contracts over a 10-year period—or more—they might also build hopper dredges and do the work more economically. Perhaps the authorized study, when it is completed, will address itself to this point also.

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

Mr. MAHON. Mr. Speaker, I have used, I believe, 20 minutes of the 30 minutes assigned to this side, and I would prefer that the gentleman from Michigan (Mr. CEDERBERG) would yield.

The SPEAKER. The Chair will state that the gentleman from Texas has 9 minutes remaining, and the gentleman from Michigan (Mr. CEDERBERG) has 30 minutes remaining.

Mr. CEDERBERG. Mr. Speaker, I do not intend to take very much time. I believe the chairman of the committee has already adequately explained the bill. We did the best that we could in reaching these compromises with the Senate. I think it is fair to reemphasize that there are several items in this legislation which were not considered by the House because we did not have budget estimates at the time.

I would like to refer to one thing that does concern me some, and the gentleman from Massachusetts (Mr. CONTE) will probably go into it in more detail, and that is the fact that I do not believe we paid adequate attention to the oil reserves known as Elks Hill. We did, however, put in $7.5 million to go ahead with the exploration of the Alaskan petroleum reserves. I believe that this is a matter of urgent attention, considering that the energy crisis is so important.

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

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

Mr. PARRIS. I thank the gentleman for yielding.

Mr. Speaker, on page 8 of the conference report, particularly referring to amendment No. 4, as I understand it, the House language as previously approved has been restored by the conference, which would have the net effect of prohibiting the Environmental Protection Agency from using funds in this bill to administer any parking tax, or regulation.

Mr. CEDERBERG. That is correct. The Senate had deleted the House language, and the language reads:

> No part of any funds appropriated under this act may be used by the Environmental Protection Agency to administer any program to tax, limit, or otherwise regulate parking facilities.

This is an area wherein I think the Environmental Protection Agency has gone far afield from any jursidiction that they have at all.

I see that some of the gentlemen from California are having a rather dramatic experience with this problem. I understand that the District of Columbia is probably going to be involved, as a matter of fact, probably most of the country. I certainly think that the Environmental Protection Agency has no business setting any taxes or limits, or anything else, on parking facilities. I think we should be sure that they understand this. That is my understanding, that this should limit and prohibit them from doing that.

They may try to get out of that to a degree because it says "under this act," but it certainly is congressional intent, I believe. We have a vote in the House to emphasize that.

Mr. PARRIS. If the gentleman will yield further, I should like to extend my congratulations to him and to his conferees on their understanding of the ludicrous nature of this without alternative means of transportation.

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

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

Mr. WHITTEN. I thank the gentleman for yielding.

The money before us in this bill was limited, but the action of the conferees and of the Congress came because as you know various acts have directed the EPA to do certain things by a certain date, even though money for such purposes was not included in those acts.

The EPA had never justified any money before my appropriations subcommittee to implement whatever authority they may claim in this area. They have, however, been going ahead and using money appropriated for other purposes. So in this instance, and only because the rules of Congress limited what we could do, we said that no money in this act could be used. By making this expression, we also mean to say that no money we have already appropriated for other purposes shall be used for purposes other than for which we approved in the appropriations process as justified, and that should reach the overall problem.

Mr. CEDERBERG. That is important legislative history, especially coming from the chairman of the committee that handles programs for the entire Environmental Protection Agency. I am glad to have that as a part of the record.

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

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

Mr. LEGGETT. I thank the gentleman for yielding.

I want to commend the committee for retaining this amendment in conference. As I understand the gentleman's statement, this would cover permits over and above just taxes and surcharges, so the net effect would be, as I understand it, that the amendment would be a little bit more extensive than was included in the House. I would hope that because of that, the EPA, regardless of what action is taken on the energy bill currently in conference, would summarily nullify some of their existing regulations, in spite of the fact that perhaps the coverage of this bill does not precisely get at the money that we are currently spending to do the job we are objecting to.

Mr. DON H. CLAUSEN. Mr. Speaker, will the gentleman yield?

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

Mr. DON H. CLAUSEN. Mr. Speaker, I too want to join in complimenting the Appropriations Committee on their action with respect to Senate amendment No. 4. I just recently held a meeting in my own district in California and I appreciate having the legislative history which indicates the intent of Congress.

It seems to me we will have to look at this next year through the authorizing committee, or if it is going to be dealing with taxes, that seems to be within the purview of the Ways and Means Committee, rather than having something which would utterly destroy the marketing and supply area. Would the gentleman agree?

Mr. CEDERBERG. I agree with the gentleman.

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

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

Mr. GROSS. In view of the serious if not critical financial situation of this Government it is becoming almost impossible for me to accept even the fact of the supplemental appropriation bill.

Here we have a bill providing $1,638 million above and beyond the regular appropriations, and this bill is $205 million above the supplement appropriation bill as it left the House floor.

Mr. CEDERBERG. No, not that much.

Mr. GROSS. It is not $205 million?

Mr. CEDERBERG. Mr. Speaker, I thought the gentleman said $2 billion.

Mr. GROSS. If I did I am glad to be corrected.

Somehow or other we have got to stop the supplemental appropriations except in terms of funding national disasters and things of that type because we are simply adding on here to the regular appropriation bills and we are getting nowhere fast in the business of balancing the budget and stopping inflation. I hope that in the next year we will have no supplemental appropriations except in the event of a national emergency.

Mr. CEDERBERG. I cannot disagree with my colleague, the gentleman from Iowa. As a matter of fact I think both the chairman and I would like to do away with supplementals if it were at all possible. However, we have got into this over a period of years, to the point where we have the first supplemental, and the second supplemental, and then the final supplemental, but much of this is the result of the legislation that we approve in this body. As a matter of fact, 55 percent of the funds augmented in this bill are for programs which were previously deferred because of lack of legislative authority. The place to stop some of this is in the authorization of these programs and new programs, so there is not much we can do in many of these areas. I certainly share the gentleman's concern.

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

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

Mr. MAHON. Mr. Speaker, I have also been very aware of and concerned about the problem the gentleman has stated, but for instance we provide here for the community services for older Americans, which have been expanded. In the other body $40 million was added to the bill for that purpose. We opposed the $40 million. Finally we reduced it to $10 million, but that was the best we could do and reach an accommodation.

There were other issues. We provided $10 million for pending energy legislation out of $52 million added by the other body. This is contingent upon enactment of the legislation. Congress is going out of session this week and this will give them a cushion to operate on. So those are just some of the problems. I share the views of the gentleman from Iowa that we should undertake to reduce to the lowest possible number and amount these supplemental appropriations.

This year the Office of Management and Budget submitted fewer requests than last year. Last year the supplemental amounted to some $5 billion; this year it is $1.6 billion, so things are at least improving.

Mr. CEDERBERG. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois (Mr. MICHEL).

Mr. MICHEL. Mr. Speaker, may I say just a word with respect to the remarks of the gentleman from Iowa. There were several times during the course of the conference when your House conferees had to admonish Members of the other body that what we wanted to deny them in this supplemental were funds that were denied in the regular bill.

There has been a growing practice in the other body that what gets denied in the regular bill is put back in the supplemental.

Members of the House, with the exception of amendment No. 5 relative to the Elk Hills Naval Reserve, I believe the conferees have reached a reasonable compromise on the items of disagreement in this supplemental.

I think we made a mistake in not giving along with the Senate proposal on Elk Hills. That $60 million item would be worth more than anything else in this bill for it represents an additional 160,000 barrels of oil a day within 60 days.

In chapter V, dealing with the Departments of Labor, HEW, and related agencies, the conferees agreed to include $10 million for a new program of community service employment for older Americans.

We provided $27 million for programs under the newly enacted Emergency Medical Services Act; $10 million of this is to come from transfer of funds previously appropriated for emergency medical services activities.

We agreed to an additional $7 million for maternal and child health grants. for which nearly $218 million is already included in the regular Labor-HEW bill.

Five million dollars was added to financial distress grants for schools of the health professions.

We added nearly $15 million for basic State grants for vocational rehabilitation, and $4 million for facilities construction.

We provided an additional $1.5 million for the developmental programs of the ACTION agency.

I believe this is a satisfactory resolution of the differences between the two bodies with the exception of amendment No. 5, the Elk Hills matter which I mentioned earlier.

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

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

Mr. STEIGER of Wisconsin. In the action of the conference on the ACTION Agency, there is added approximately $1.5 million. By the statement of the gentleman from Illinois, am I clear in my understanding that that additional money is available to the ACTION Agency for developmental programs and represents a total sum of some $4.5 million for that purpose, instead of the $3 million in the House-passed supplemental?

Mr. MICHEL. The gentleman is correct. We cut that item of $6.76 million, in the budget to $3 million and we decided in the conference on a split. That would mean in the demonstration areas there would be roughly $4.5 million.

Mr. STEIGER of Wisconsin. I appreciate the gentleman's clarification on that.

I might say that I am disappointed that the full sum of $6 million was not made available to the Agency, but I am grateful to the conferees for at least agreeing to a split on the item. I think the full $6 million is needed. It is an important part of the Agency's program.

Mr. MICHEL. I will say that Dr. Balzano made a convincing and outstanding case of what could be done in this whole field of volunteerism.

It would be my personal preference to give him every dime requested in the budget; but knowing the conditions as they were, this was the best we could get in the conference.

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

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

Mr. GROSS. I merely want to say that I did not mean to take anything away from the House conferees on this particular supplemental bill for they did succeed in beating the Senate down by $250 million, which is most helpful, but I emphasize that Congress ought to end this practice of three or four supplemental appropriations bills during each fiscal year, and all of which add to the regular appropriation measures.

I thank my friend from Illinois for yielding to me.

Mr. MICHEL. Mr. Speaker, it gets to be ridiculous. The gentleman just heard a few minutes ago a Member inquiring whether or not less than a week from adjournment, if there is to be another supplemental between now and Friday or Saturday?

Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts (Mr. CONTE).

Mr. CONTE. Mr. Speaker, I am obliged to voice my strongest objections to amendment No. 5 of this conference report, which deletes a total of $64.5 million for the development of the productive capacity of the energy which is languishing at the Elk Hills Naval Petroleum Reserve. For that reason, I am making a motion to recommit this supplemental appropriations bill with instructions to provide funds for developing and operating the Elk Hills Naval Petroleum Reserve.

With almost three-quarters of our people in New England depending on fuel oil to heat their homes during the winter; with independent marketers being squeezed by their domestic suppliers due to lack of supply; with oil stock levels in the Nation 8 percent below 1971; with all this shocking and well-documented news, which has been reported over and over again, we cannot have the absence of mind to deny to the American people the fruits of an energy reserve within our very borders.

The Elk Hills Reserve was created to provide our military forces with an emergency source of petroleum. Such an emergency now exists.

Last month, the Defense Department was authorized to siphon off an additional 300,000 barrels of oil a day from our civilian economy to fuel our military installations and ships overseas. That is about 10 percent of our national supply shortage. Because of the Arab oil boycott, we are being forced to ship our fuel overseas to make up for the supplies

that even some of our NATO allies are refusing to sell us.

Releasing the Elk Hills Reserves would provide 180,000 barrels of oil a day within a matter of weeks. This would replace 60 percent of the fuel that domestic refiners were recently ordered to ship to our military forces overseas.

What can be the reasoning behind the exclusion of Elk Hills from our plans? It comes to mind immediately that the Military Establishment seeks to keep enough fuel in both of its hip pockets, to provide for the possibility of a long-range, protracted war. In the meantime, our economy is suffering. The plight of Great Britain—with its 3-day workweeks and energy shutdowns—reminds us of the exacting price this energy crisis can levy upon the Nation's economic health. Must we wait for that to happen?

With the certainty of unemployment, and other sacrifices staring us in the face right now, it seems empty to talk about "possibilities," especially when they are based on, what is at best, a World War II strategy.

It is time for us to mature our thinking on this matter. The time is ripe for us to do so with the inclusion of the Elk Hills reserve in this supplemental.

I urge my colleagues to recommit this bill with the simple instruction to restore the funds needed for the immediate development and operation of the Elk Hills naval petroleum reserve.

Thank you.

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

Mr. CONTE. Mr. Speaker, I yield to my good friend from California.

Mr. KETCHUM. Mr. Speaker, I thank the gentleman for yielding to me. I want him to know that I totally concur with his comments.

Mr. Speaker, I would like to ask him one question: Can he give me the rationale or the reason why the House backed off and took this amendment?

Mr. CONTE. By all means, and I am glad the gentleman asked that question. The opponents will take the floor here today and say the same thing, that the authorizing committee has not had an opportunity to hold hearings on this. The Chairman of that committee has adjourned sine die. Unless we do this, we will not have it until perhaps next April or May when it is too late.

Mr. KETCHUM. Mr. Speaker, if the gentleman will yield further to me, I would appreciate it because I think the House should know that we have on the Elk Hills resolution over 104 cosponsors in this House. The resolution has already passed out of the Senate Armed Services Committee and will be on the floor of the Senate, hopefully, this week.

Mr. CONTE. Mr. Speaker, let me tell the gentleman one other thing. They will also use the argument that this is going to delay adjournment sine die if this recommittal motion is accepted. We can walk over there in 5 minutes and be back here in 10 minutes and have it all over with. All Chairman MAHON has to do is abide by the will of the House.

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

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

Mr. ROUSSELOT. Mr. Speaker, I compliment the gentleman for bringing this to the attention of the House. These potential supplies of petroleum from Elk Hills go primarily to the military, and therefore they would not have to buy from the private markets and deny us all the fuel that is so desperately needed for the domestic market.

I congratulate the gentleman for bringing this important issue to the floor of the House, and I support it.

The SPEAKER. The time of the gentleman from Massachusetts (Mr. CONTE) has expired.

Mr. CEDERBERG. Mr. Speaker, I yield 3 additional minutes to the gentleman from Massachusetts (Mr. CONTE).

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

Mr. CONTE. I yield to my friend, the gentleman from Michigan.

Mr. RUPPE. Mr. Speaker, I notice that the Senate has appropriated the amount of $72 million for the development of this program, whereas the House has $7 million for the same purpose.

Does the gentleman believe that we could begin to do as much with $7 million as can be done with the higher figure?

Mr. CONTE. No, but if we had the entire $11,500,000 which we originally had in there, we could explore the rest of Elk Hills, which is not being explored right now. That is Field No. 1.

Mr. RUPPE. Mr. Speaker, yesterday we provided for the sale of a quarter million tons of copper, and the proponents of the legislation said it was done profitably for the United States.

It seems to me that we could take that profit and spend the money wisely and expeditiously for this purpose and alleviate the greatest energy shortage in the history of the United States.

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

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

Mr. McDADE. Mr. Speaker, I thank the gentleman from Massachusetts for yielding, and I wish to associate myself with his remarks.

The difficult facts are that there is only one place in the United States of America where substantial oil exists that can be brought onstream now, not 5 years from now, not 3 years from now, not 2 years from now.

The Navy indicates that within 6 months they can have as much as 50,000 barrels of oil a day flowing from Elk Hills.

I believe we should use that particular resource, and I believe it can be worked out judiciously.

Mr. Speaker, we need the oil from Elk Hills. It is not disputed that we have an immediate oil shortage—whether you accept the calculations of the administration or the Petroleum Industry Research Foundation—we have a shortage of over a million barrels per day. And that figure assumes a successful savings from the entire gamut of energy saving measures from thermostat reduction, fewer lights used, the automobile slowdown, flights reduced, and daylight saving time.

Elk Hills, Naval Petroleum Reserve No. 1, is presently producing 3,000 barrels per day and could increase that production many fold to 160,000 barrels per day in short order. It has 1,043 producing wells right now, yet half of the area has been explored. We should initiate production and explore the remaining area.

In addition the potential reserve in Alaska from Naval Petroleum Reserve No. 4 is estimated as great as 30 billion barrels by Dr. McKelvey, Director of the U.S. Geological Survey. The area is as large as Indiana, and unfortunately no exploration has been undertaken to date, nor any petroleum recovery begun. We are obviously behind and ought to initiate action now.

An important criteria prior to taping a naval petroleum reserve should be the military's opinion. We have that opinion and it endorses the idea. My colleague from California—and from the Elk Hills area—Mr. KETCHUM, received a letter endorsing production from Elk Hills from the Joint Chiefs of Staff. Because I think the Joint Chiefs' endorsement is important, I want to quote a small part of the letter:

> The JCS continued to review the need for Elk Hills production . . . and agreed that the impact of the continued embargo of petroleum from the Middle East, together with other critical aspects of the national and international petroleum situation, has now reached a level which warrants emergency measures, as contemplated in H.J. Res. 832." (That is the authorizing legislation pending in the Armed Service Committee). "However, the JCS recommended that the proposed legislation should ensure that the funds generated are used expeditiously to explore and develop Naval Petroleum Reserve No. 4 (Alaska). Further the legislation should specify that this limited one-time authorization to produce from Elk Hills does not constitute precedent for using the reserves for other than national defense requirements.

The action contemplated by myself and Mr. CONTE and others on the Appropriations Committee is in line with the Joint Chiefs of Staff's recommendations. We should take this step.

Mr. DON H. CLAUSEN. Mr. Speaker, will the gentleman yield?

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

Mr. DON H. CLAUSEN. Mr. Speaker, I want to associate myself with the remarks of Mr. CONTE, of Massachusetts, as the place, emphasis, and focus of attention of the potential 1 billion barrels of oil in the Elk Hills reserve area in California.

With the energy crisis prevalent in the country, we, in California and the West, are understandably looking for any immediate relief attainable for our people.

As Mr. MCDADE has stated, this is a resource that can be brought into our distribution systems within 60 days. This could prove to be very beneficial to the President's efforts and all of us who have been trying to point out the urgency of the energy crisis and the need to obtain early results.

The Elk Hills oilfields will provide an

oil supply that will permit the military to buy from another source other than the starved and very limited domestic supply. This is crucial as an interim program until such time as we reestablish and reinventory other potential reserve areas.

I will yield to no one when it comes to protecting our strategic reserves for our defense requirements but new reserve areas can and will be located and established. I hope the House will recommit the conference report and instruct the conferees to accept Mr. CONTE's suggestion.

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

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

Mr. BELL. Mr. Speaker, I wish to commend the gentleman for his statement, and I certainly concur with him.

I was wondering if we do not have as a potential long-range source some more fuel resources not yet developed such as oil from Alaska and from coal?

If this is so, I think those could be included in our long-range plans, not Elk Hills. In the meantime we should use Elk Hills for our short-term needs.

Does the gentleman know whether or not the present Elk Hills field is being drained by other operators in the immediate area?

Mr. CONTE. Mr. Speaker, that I do not know.

Mr. CEDERBERG. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. MICHEL).

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

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

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

Mr. Speaker, I would like to clarify a question on the subject of the Rehabilitation Services Administration program for public offenders which was included in the HEW supplemental appropriations request, H.R. 11576.

As noted on the floor November 30, 1973, in a colloquy between Mr. Shriver and myself, the report of the Committee on Education and Labor—Report No. 93–244—on the Rehabilitation Act of 1973, emphasized at page 10 that it:

> Does not expect the Rehabilitation Services in any area where it is now providing services.

Since the House is considering H.R. 11576, a bill making supplemental appropriations for fiscal 1974 for HEW and the Rehabilitation Services Administration, I would like to ask if the gentleman from Illinois' understanding is that RSA's program for rehabilitation of public offenders should not only be continued at the same budgetary level as last year and without any curtailment or reduction of funds.

Mr. MICHEL. Yes, that is my understanding.

Mr. Speaker, I will say in answer to the gentleman that the hearing record is not as clear as it ought to be on that particular subject, but it would be my own personal feeling, and as shared by the subcommittee, that where States have gone ahead with these programs, money in this bill should permit them to continue with those programs.

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

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

Mr. HUBER. Mr. Speaker, I rise today in strong support of the efforts of the gentleman from Massachusetts in his efforts to require the opening up to production of the Elk Hills naval petroluem reserve as a part of the supplemental appropriations bill for fiscal year 1974. This is one very logical and positive step we can take in the energy crisis here and now.

As has been mentioned on previous occasions, the expected rate of pumping oil from these fields—180,000 barrels per day, could replace almost one-half the needs of Navy for fuel oil, which used to be purchased from Middle Eastern countries. This in turn would free some 180,000 barrels per day for the sorely pressed civilian sector of our economy.

The day and the hour bespeak an emergency if I ever saw one and urgent matters such as this one should be acted upon by a responsible Congress. This oil was originally set aside for a wartime emergency, but I feel energy shortage surely qualifies as being almost of equivalent magnitude. Legislation of which I am a cosponsor opens up these fields for a year, and this would certainly go a long way to tide us over the crisis. And, as has been pointed out, the U.S. Government could obtain revenues from selling this oil, which in turn could be used to further develop other Navy reserves in Alaska. Therefore, the motion to open up this domestic source of oil to our citizens should be adopted today on an urgent basis.

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

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

Mr. BELL. Mr. Speaker, I would like to ask the distinguished gentleman from Florida (Mr. BENNETT) from the Committee on Armed Services, a question tion similar to the one I propounded to the gentleman from Massachusetts.

I will ask the gentleman if in the Elk Hills field, if it were not being produced, would not some of the oil and gas be drained by some other operators on adjoining properties in the field of Elk Hills which are producing there? I wondered if this being the case if there is not a natural case of drainage that should be investigated? I wonder if the gentleman really knows the answer to that question. Maybe we do not have as big a field there as we think we do.

Mr. BENNETT. Mr. Speaker, I believe I can answer that question.

We have established controlled drawdowns of reserves so that the reserves will not be affected by competitors in the environs of this field.

When you have an oil reserve and people are producing oil on the outskirts of this reserve you can have the oil reserves depleted in that fashion. The Navy has an ongoing program to withdraw and sell part of the oil in the reserves to protect against just this thing occurring. It is a reasonably successful technique.

Mr. MAHON. Mr. Speaker, I yield such time as he may consume to the gentleman from Mississippi (Mr. WHITTEN).

Mr. WHITTEN. Mr. Speaker, I hope I may have the attention of the Members in view of the subject which has just been brought up on the Elk Hills reserve.

When I first came to the Congress in World War II we also faced a shortage, and we had earlier rushed into a contract without proper investigation and study, as some of my colleagues would have us do here today, prior to studying the subject fully. In a hearing before the naval appropriations subcommittee, of which I was a member the Navy submitted a request for a payment of $1 million to Standard Oil of California to consummate a contract involving Elk Hills. I asked about the contract and received an evasive answer.

I raised some questions as to what was involved. They were hesitant to answer. Our subcommittee then continued the hearings until we considered the regular bill. For the next few months many persons whom I knew who had an association with the Standard Oil Co. and the Department of the Navy came to me and told me I was wrong in raising any questions about this contract which I had not really done. I simply asked what it was all about.

Following that we had a study made, and it developed, under the pressure of circumstances similar to those under which we now are working, that the Government had entered into a contract with Standard Oil Co. of California to develop Elk Hills.

Those of you who know the area know that this is a checkerboarded area. The lands deeded to the railroads in order to expedite their construction had been sold years before and now belonged to the private oil companies and other blocks of the land belonged to the Government as the Elk Hills Oil Preserve Land holdings are interspaced.

The contract that was entered into in a hurry provided that the Standard Oil Co. of California had a contract in perpetuity to handle and produce all of the oil that the Navy or the Government had in its reserve. Not only that, but under the contract Standard Oil of California got all of the oil including Navy oil for a period of 5 years. It is true that under the contract the company was to repay the Government for the Navy's share of the oil, but at a rate less than the interest on the Government's oil which Standard Oil got. Not only that, but Standard Oil got a far greater percentage of the oil than they had of the land.

I raised these questions, and was told by the then Secretary of the Navy, that I did not know what I was talking about. We carried the matter to the Department of Justice, and the contract was held to be illegal on the grounds I raised. As a result of that action, it has been estimated that we saved 650 million barrels of oil, and more than a billion dollars.

Mr. Speaker, all I am saying to you is we are rushing into an area where part of the land is owned by the Standard Oil Co. of California and part is owned by the Government. We need a thorough study

and an authorization. What I have told you here is a matter of history and which you will find thoroughly documented in the CONGRESSIONAL RECORD.

Under the stress of the moment we entered into a contract in perpetuity which the Government just could not and cannot do. A contract held to be illegal later.

Considering that history I do not think my friend from Massachusetts wants to send us into such a situation again without the appropriate committee making a thorough study in order to make sure we are protecting the Government from the contractors who would like to rush in and make such a contract just as they did before. We need such an authorization.

Mr. CONTE. The gentleman is absolutely right, but what he is speaking about is something that happened 35 years ago in World War II.

Mr. WHITTEN. But the principle remains the same and the oil reserve remains the same. We then had entered into a contract in a hurry without thinking it through and without proper authorization.

Mr. CONTE. It does not remain the same, because you are talking about Secretary Knox, who is dead and gone. We are in a crisis today, and we need the oil.

Mr. WHITTEN. And what do you think we had in World War II?

Mr. MAHON. Mr. Speaker, I was under the impression that the Members of the House wanted to clear the legislative calendar and go home for Christmas. That is certainly my hope. Tomorrow we expect to have on the House floor the conference report on the $74 billion defense appropriation bill and the conference report on the highly controversial Foreign Operations appropriations bill. If the Members want to send this bill back to the conference in the midst of the other conferences that are going on right now, it looks very probable that we cannot adjourn as scheduled, certainly not tomorrow. It seems to me to be inappropriate to try to settle this highly complex Elk Hills problem here in a motion to recommit. The conferees have considered the matter and make a compromise agreement which is adequate for the present.

Mr. Speaker, the Senate added in this supplemental appropriation bill the sum of $72 million for the naval petroleum reserves. Of this amount some $60.5 million was for increased production at the Elk Hills Reserve in California and the remaining $11.5 million was for additional exploration work at Elk Hills and at Reserve No. 4 in Alaska.

In conference it was agreed that the $7,500,000 needed for additional exploration work in Alaska would be provided and all the funds included in the Senate amendment relating to either increased production or exploration at Elk Hills would not be provided.

Mr. Speaker, in the regular Defense appropriation bill, on which the conference report, as I stated, will be considered here tomorrow, there is included over $8 million for the naval petroleum reserves. This is an increase of about $3 million over the amount provided last year. The increase is also for additional exploration and development work at the reserve in Alaska. So between the amount in the regular Defense bill and the amount included in this supplemental there will be about $16 million available for the exploration and development at the Naval Petroleum Reserves, of which about $11 million is for work in Alaska.

Mr. Speaker, Congress has not authorized the further production of oil at Elk Hills, and there is no budget estimate for the $72 million which was added in the Senate.

The matter of authorization of the expansion of oil production at Elk Hills is now being considered by the House Committee on Armed Services, and I believe the matter has been before the Armed Services of the Senate. Therefore it was agreed in conference that we would not get into the matter of Elk Hills at this time.

Most of the $72 million provided in the motion to recommit could not be utilized unless or until Congress has enacted authorizing legislation. We have provided in the bill all the Navy can use now. After the authorizing legislation has been considered and if such legislation is enacted, there will be time enough to provide the necessary funds for Elk Hills, and I am sure that Congress would not be opposed to providing whatever funds will be required.

Mr. Speaker, the motion to recommit is premature. It should not be adopted. Congress should use restraint and caution and not approve $72 million, knowing full well that there is no authority for the expenditure of about $60 million included in the motion.

Mr. Speaker, I see that the gentleman from Illinois (Mr. PRICE) a member of the Committee on Armed Services, is on the floor, and I would now yield to the gentleman.

Mr. PRICE of Illinois. Mr. Speaker, I think it would be a very serious mistake if we did not support our House conferees in this position. The House Committee on Armed Services for years has made studies, and has investigated the naval petroleum reserves. It has jurisdiction over these reserves. And in the present instance the investigative subcommittee of the House Committee on Armed Services, headed by the gentleman from Louisiana (Mr. HÉBERT) the chairman of the full Committee on Armed Services, has this very matter under study. I think we should await the results of the study of the investigative committee of the House Committee on Armed Services. For this reason I support fully the position of the House conferees.

Mr. MAHON. Mr. Speaker, I would hope that the House will not recommit this conference report, and throw us into a snarl when we are already so overloaded for tomorrow, and possibly for the next day. Next year, after we reconvene, the matter of authorization and subsequent appropriations can be taken into consideration.

Mr. SMITH of Iowa. Mr. Speaker, since 1970, I have been warning of an energy crisis and urging action and planning to meet such a crisis. That planning has not been done and thus the proposed motion to recommit appears to me to be a dangerous one.

Guidelines have not been established for letting contracts and establishing divisions of products between the Government and neighboring oil companies. As I see it, a yes vote on the motion to recommit would be a vote to hand a blank check to the Administration to enter into any contract they want to with Standard Oil and others. In view of the bad experience we had during World War II, when the Government ended up with very bad agreements, and the tendency for the big oil companies to outdeal Government employees who are acting under no restrictions, this may very well be described as a vote to authorize these employees to enter into sweetheart contracts with Standard Oil and others. Congress should first set up guidelines and limits on the contracts.

I urge a no vote on the motion to recommit.

Mr. WHITTEN. Mr. Speaker, under leave to extend my remarks I wish to list a number of actions taken in our conference of vital interest to all and particularly to my area.

FORESTRY INCENTIVES PROGRAM

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

CORPS OF ENGINEERS—CIVIL: GENERAL INVESTIGATIONS

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

CONSTRUCTION, GENERAL

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

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES

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

PLANNING, TECHNICAL ASSISTANCE, AND RESEARCH

Amendment No. 69: Appropriates $6,500,000 as proposed by the House.

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

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

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

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

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

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

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

The previous question was ordered.

MOTION TO RECOMMIT

Mr. CONTE. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. CONTE. I sure am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. CONTE moves to recommit the conference report on the bill (H.R. 11576) to the committee on conference with the following instructions to the managers on the part of the House: To agree to Senate amendment No. 5.

POINT OF ORDER

Mr. MAHON. Mr. Speaker, I make a point of order against the motion to recommit on the ground that it is legislative, it is not authorized in law. Under the precedents of the House a motion to instruct conferees or to recommit a bill to conference under instructions may not include instructions directing the House conferees to do that which would be inadmissable if offered as an amendment in the House, Cannon's Precedents, volume 8, section 3235.

The SPEAKER. The point of order is not in order at this time.

Under clause 2 of rule XX, a motion to recommit a conference report with instructions to House conferees to agree to a Senate amendment which violates clause 2, rule XXI is in order. The motion to recommit offered by the gentleman from Massachusetts does not instruct the conferees to add additional legislation or an additional unauthorized item, but merely to concur in Senate amendment 5.

Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

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

Mr. CONTE. 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 216, nays 180, not voting 36, as follows:

[Roll No. 704]

YEAS—216

Abdnor	Goodling	O'Hara
Abzug	Grasso	Parris
Anderson, Calif.	Green, Oreg.	Peyser
Andrews, N.C.	Green, Pa.	Preyer
Andrews, N. Dak.	Grover	Pritchard
Archer	Gude	Quie
Armstrong	Guyer	Railsback
Badillo	Hamilton	Rangel
Bafalis	Hammer-schmidt	Rees
Baker	Hanley	Regula
Bauman	Hanrahan	Reid
Bergland	Hansen, Idaho	Reuss
Biester	Harrington	Riegle
Bingham	Harsha	Rinaldo
Boland	Hastings	Robison, N.Y.
Brademas	Hechler, W. Va.	Rodino
Brasco	Heckler, Mass.	Roe
Breaux	Heinz	Rogers
Brinkley	Helstoski	Roncallo, N.Y.
Broomfield	Hinshaw	Rose
Brotzman	Hogan	Rosenthal
Brown, Calif.	Holtzman	Rostenkowski
Brown, Ohio	Horton	Roush
Broyhill, Va.	Huber	Rousselot
Burgener	Hutchinson	Roy
Burke, Fla.	Jarman	Roybal
Burke, Mass.	Johnson, Colo.	Ruppe
Camp	Johnson, Pa.	Ruth
Carey, N.Y.	Karth	St Germain
Cederberg	Kastenmeier	Sandman
Chamberlain	Keating	Sarasin
Chisholm	Kemp	Schneebeli
Clausen, Don H.	Ketchum	Sebelius
Clawson, Del	Koch	Shoup
Clay	Kuykendall	Shuster
Cleveland	Kyros	Skubitz
Cohen	Latta	Snyder
Collier	Leggett	Stanton, J. William
Conable	Lent	Stark
Conlan	Long, La.	Steele
Conte	Lujan	Steelman
Conyers	McClory	Steiger, Ariz.
Corman	McCloskey	Steiger, Wis.
Cotter	McCollister	Stokes
Coughlin	McDade	Studds
Cronin	McEwen	Sullivan
Culver	McKinney	Symms
Davis, S.C.	McSpadden	Talcott
Dellenback	Macdonald	Teague, Calif.
Dellums	Madigan	Thompson, N.J.
Devine	Mallary	Thone
Dickinson	Maraziti	Thornton
Donohue	Martin, N.C.	Tiernan
Drinan	Mathias, Calif.	Towell, Nev.
Dulski	Mayne	Udall
Duncan	Meeds	Ullman
du Pont	Melcher	Waldie
Eckhardt	Metcalfe	Ware
Edwards, Ala.	Michel	Whalen
Edwards, Calif.	Miller	Widnall
Esch	Minish	Wiggins
Eshleman	Mink	Williams
Findley	Minshall, Ohio	Wilson, Bob
Fish	Mitchell, Md.	Winn
Foley	Mitchell, N.Y.	Wolff
Forsythe	Mizell	Wyatt
Frenzel	Moakley	Wydler
Frey	Moorhead, Calif.	Wylie
Froehlich	Moorhead, Pa.	Young, Alaska
Giaimo	Mosher	Young, Fla.
Gilman	Nelsen	Young, S.C.
	Obey	Zablocki
		Zion

NAYS—180

Adams	Burleson, Tex.	Davis, Wis.
Addabbo	Burlison, Mo.	de la Garza
Annunzio	Butler	Denholm
Arends	Byron	Dennis
Ashley	Carney, Ohio	Derwinski
Barrett	Carter	Diggs
Beard	Casey, Tex.	Dingell
Bell	Chappell	Dorn
Bennett	Clark	Downing
Bevill	Cochran	Eilberg
Biaggi	Collins, Ill.	Erlenborn
Blackburn	Collins, Tex.	Evans, Colo.
Blatnik	Crane	Fascell
Boggs	Daniel, Dan	Fisher
Bowen	Daniel, Robert W., Jr.	Flood
Bray	Daniels, Dominick V.	Flynt
Breckinridge	Danielson	Ford, William D.
Brooks	Davis, Ga.	Fountain
Brown, Mich.		Fulton
Broyhill, N.C.		Fuqua
		Gaydos
		Gettys
		Gibbons
		Ginn
		Gonzalez
		Gray
		Gross
		Gunter
		Haley
		Hawkins
		Hays
		Henderson
		Hicks
		Hillis
		Holifield
		Holt
		Hosmer
		Howard
		Hudnut
		Hungate
		Hunt
		Ichord
		Johnson, Calif.
		Jones, Ala.
		Jones, N.C.
		Jones, Okla.
		Jones, Tenn.
		Jordan
		Kazen
		King
		Kluczynski
		Landgrebe
		Lehman
		Litton
		Long, Md.
		Lott
		McCormack
		McFall
		McKay
		Madden
		Mahon
		Mann
		Mathis, Ga.
		Matsunaga
		Mazzoli
		Mezvinsky
		Milford
		Mollohan
		Montgomery
		Morgan
		Moss
		Murphy, Ill.
		Murphy, N.Y.
		Myers
		Natcher
		Nedzi
		Nichols
		Nix
		O'Brien
		O'Neill
		Owens
		Passman
		Patman
		Patten
		Pepper
		Perkins
		Pickle
		Pike
		Poage
		Podell
		Powell, Ohio
		Price, Ill.
		Price, Tex.
		Quillen
		Randall
		Rhodes
		Roberts
		Robinson, Va.
		Roncalio, Wyo.
		Rooney, Pa.
		Runnels
		Sarbanes
		Satterfield
		Schroeder
		Seiberling
		Shipley
		Shriver
		Sikes
		Slack
		Smith, Iowa
		Smith, N.Y.
		Spence
		Staggers
		Stanton, James V.
		Steed
		Stephens
		Stratton
		Stubblefield
		Stuckey
		Symington
		Taylor, N.C.
		Teague, Tex.
		Thomson, Wis.
		Treen
		Vander Jagt
		Vanik
		Vigorito
		Waggonner
		Wampler
		White
		Whitehurst
		Whitten
		Wilson, Charles H., Calif.
		Wilson, Charles, Tex.
		Wright
		Wyman
		Yates
		Yatron
		Young, Ga.
		Young, Ill.
		Young, Tex.
		Zwach

NOT VOTING—36

Alexander	Flowers	Martin, Nebr.
Anderson, Ill.	Fraser	Mills, Ark.
Ashbrook	Frelinghuysen	Pettis
Aspin	Goldwater	Rarick
Bolling	Griffiths	Rooney, N.Y.
Buchanan	Gubser	Ryan
Burke, Calif.	Hanna	Scherle
Burton	Hansen, Wash.	Sisk
Clancy	Harvey	Taylor, Mo.
Delaney	Hébert	Van Deerlin
Dent	Landrum	Veysey
Evins, Tenn.	Mailliard	Walsh

So the motion to recommit was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Frelinghuysen for, with Mr. Hébert against.

Mr. Pettis for, with Mr. Taylor of Missouri against.

Mr. Anderson of Illinois for, with Mr. Rarick against.

Mr. Goldwater for, with Mr. Landrum against.

Mr. Scherle for, with Mr. Dent against.

Mr. Clancy for, with Mr. Rooney of New York against.

Until further notice:

Mrs. Griffiths with Mr. Aspin.

Mr. Alexander with Mr. Burton.

Mrs. Burke of California with Mr. Fraser.

Mr. Evins of Tennessee with Mr. Mills of Arkansas.

Mr. Delaney with Mr. Gubser.

Mr. Ryan with Mr. Buchanan.

Mr. Sisk with Mr. Martin of Nebraska.

Mr. Van Deerlin with Mr. Ashbrook.

Mr. Hanna with Mr. Walsh.

Mrs. Hansen of Washington with Mr. Mailliard.

Mr. Flowers with Mr. Harvey.

The result of the vote was announced as above recorded.

GENERAL LEAVE

Mr. MAHON. Mr. Speaker, I ask unanimous consent that all Members may

have 5 legislative days in which to revise and extend their remarks and to insert appropriate extraneous material in connection with the conference report which has just been recommitted.

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

There was no objection.

NATIONWIDE OUTDOOR RECREATION PLAN—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Interior and Insular Affairs:

To the Congress of the United States:

It is with pleasure that I transmit the Nationwide Outdoor Recreation Plan, *Outdoor Recreation—A Legacy For America.* This Plan has been developed in response to Public Law 88–29.

The Plan is designed to set forth a framework for guiding the programs of the Federal Government, State and local governments, and the private sector in providing outdoor recreation opportunities in America.

RICHARD NIXON.

THE WHITE HOUSE, *December 19, 1973.*

APPOINTMENT OF CONFEREES ON H.R. 3153, AMENDING SOCIAL SECURITY ACT

Mr. ULLMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3153) to amend the Social Security Act to make certain technical and conforming changes, with the 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 Oregon? The Chair hears none, and appoints the following conferees: Messrs. ULLMAN, BURKE of Massachusetts, Mrs. GRIFFITHS, Messrs. ROSTENKOWSKI, SCHNEEBELI, COLLIER and BROYHILL of Virginia.

CONFERENCE REPORT ON H.R. 5874, FEDERAL FINANCING BANK ACT OF 1973

Mr. ULLMAN. Mr. Speaker, I call up the conference report on the bill (H.R. 5874) to establish a Federal Financing Bank, to provide for coordinated and more efficient financing of Federal and federally assisted borrowings from the public, 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 Oregon?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of December 5, 1973.)

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

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

There was no objection.

Mr. ULLMAN. Mr. Speaker, I yield myself 10 minutes.

Mr. Speaker, I call up the conference report on the bill, H.R. 5874. This bill establishes a Federal Financing Bank designed to centralize the marketing of Federal, and federally assisted, borrowing. In addition, the bill requires most Federal agencies to submit the financing plans for securities they issue or sell, for advance approval by the Secretary of the Treasury, who is to be the Chairman of the Federal Financing Bank's Board of Directors.

There were five points of difference in the House and Senate versions of the bill. In the conference, the House conferees prevailed on three of the provisions, but receded to the Senate on the other two.

The first provision in disagreement was the issue of whether advance approval of financing plans by the Secretary of the Treasury would be necessary for debt issues guaranteed by the U.S. Government. The House bill provides for advance approval for obligations issued or sold by any Federal agency, but it does not require prior approval for obligations guaranteed by any Federal agency. The Senate, on the other hand, provided that the Secretary's advance approval would be necessary for guaranteed issues except for certain obligations guaranteed in connection with programs involving large numbers of individual obligations. The House took the position that at this time guaranteed issues should not require advance approval because of the possible effect on the substantive provisions of an agency's program if the financing was held up or changes were required before approval was granted.

In addition, it is believed that another administrative level could cause delays which could be detrimental to the guaranteed programs. Finally, there was concern about the possible adverse effects on established securities markets for guaranteed issues if financing were required to be carried out through the Federal Financing Bank. We believed that it would be better to exclude guaranteed issues at this time, with the understanding that this decision could be reconsidered at a later time when we have more experience with the operation of advance approval procedures and the Federal Financing Bank generally. The Senate conferees agreed and receded from their position on this issue.

The second provision in conference related to the treatment of obligations issued or sold by the Farmers Home Administration; that is, whether they should be exempt from the prior approval requirement. This exemption was added by the Senate because it was concerned that delays in issuing the securities might hold up funding for rural housing. In view of the fact that this agency already coordinates its activities with the Secretary of the Treasury, and since the House conferees understand that the agency intends to continue doing so, even though this exemption does not require it to receive advance approval, we agreed to the Senate provision.

A third issue before the conferees was the question of whether to place a limit on the time allowed the Secretary of Treasury for giving advance approval. Under the House bill, the Secretary may not withhold approval of the financing plans for obligations to be issued or sold by Federal agencies for a period of more than 120 days, unless he submits to Congress a detailed explanation of his reasons for doing so. The Senate did not permit the Secretary to withhold his approval longer than 60 days without submitting his reasons to Congress, and in no case could the Secretary withhold approval of an issue longer than 120 days. In addition, the Senate amendment provides that, to the maximum extent practicable, withholdings of approval are to be made in a manner which is not disproportionately detrimental to the functioning of any particular type of Federal program.

The House conferees concluded that the Senate requirement of a report to Congress by the Secretary in explanation of delaying approval longer than 60 days would not be a heavy burden and that such a delay should be based upon substantial grounds. Moreover, in practice, there probably is little meaningful difference between the House position and the Senate position, which does not permit the Secretary to withhold his approval longer than 120 days. This is because the role of the Secretary of the Treasury under the bill is to smooth the flow of Federal agency securities to the markets by reviewing the timing and basic terms and conditions of each issue. Ordinarily, this involves selecting alternative dates for going to the market and sometimes consolidating issues. These requirements can be met by the Secretary of the Treasury within the time limits in the Senate bill. Furthermore, the bill is not designed to enable the Secretary to refuse completely to allow a program to be financed. As a result, since the House conferees believe that the Senate's version is consistent with the intent of the House bill, we agreed with the Senate provisions.

With respect to the fourth issue, the House, but not the Senate, provided that nothing in the act may be construed as providing additional authority to Federal agencies to borrow or to guarantee debt. This provision gives assurance that additions to present borrowing authority must be obtained from Congress. The Senate agreed with us on this provision.

The fifth, and last, issue before the conferees was a Senate amendment which would state as the sense of Congress that the United States take appropriate measures to enable it to sell gold from its gold stocks to licensed domestic users as soon as is desirable in view of domestic and foreign considerations with respect to gold markets and the balance of payments. Since the provision is not germane to this bill and,

in any event, would have little effect since it only expresses the sense of Congress, the House conferees prevailed and the Senate conferees receded from its position on this provision.

The conferees recommend that the House accept the conference report on H.R. 5874.

I now yield to the ranking minority member, the gentleman from Pennsylvania (Mr. SCHNEEBELI).

Mr. SCHNEEBELI. Mr. Speaker, I rise in support of the conference report on the Federal Financing Bank Act of 1973. This legislation, which was recommended by the administration both in this as well as the last Congress, is necessary to provide for coordinated and more efficient financing of Federal and federally assisted borrowings from the public. The bill agreed to by the conferees will allow the Government to do this and, at the same time, should cut the costs associated with Government borrowing.

The legislation previously approved by both bodies provides for the establishment of a Federal Financing Bank in the Department of the Treasury which would be the focal point for the marketing of Federal borrowing activities. It calls for the advanced submission by Federal agencies of financing plans to the Secretary of the Treasury and for Treasury approval of the method and source of the financing, timing, rates of interest, maturities, and all other financing terms and conditions associated with the financing of Federal obligations.

There were several main points of disagreement between the House and Senate versions of this legislation, which I want to briefly describe.

While both bills required prior approval by the Secretary of the Treasury of the financing plans for most Federal obligations, the House bill limits the prior approval requirement to obligations issued or sold by any Federal agency but exempts obligations guaranteed by the Federal agencies. The Senate bill included these guaranteed obligations, and the conference accepted the House provision.

In addition, the Senate bill exempts from the mandatory requirements of the bill, the Farmers Home Administration. It should be noted that nothing in the Senate version prohibits the FHA from voluntarily submitting to the authority of the Federal Financing Bank, and the conferees were advised that the FHA plans to do so. The conferees agreed on the Senate provision.

Also, the conferees accepted an exemption for obligations issued or sold pursuant to an act of Congress which expressly prohibits any guarantee of such obligations of the United States. This exemption applies to obligations issued or sold by the Tennessee Valley Authority.

Under the House version, the Secretary of the Treasury could not withhold his approval for agency financing of obligations for more than 120 days unless he has submitted a detailed explanation to Congress for so doing. Under the Senate version, that period is reduced to 60 days with the added requirement that in no event could he deny approval for more than 120 days. The House receded on this point.

The Senate version contained a provision stating that to the maximum extent possible withholding of approval may not be made in a way which will be disproportionately detrimental to any particular type of Federal program. The House conferees felt this provision was sound and accordingly agreed to accept it. Similarly, the Senate conferees agreed to accept a provision in the House bill that states that nothing in the bill is to be construed as authorizing an increase in existing borrowing authority of any Federal agency.

Finally, the Senate bill contained a provision declaring it to be the sense of Congress that the United States take necessary steps to provide for the sale of U.S. gold to domestic users. The House conferees insisted on the deletion of this provision primarily on the grounds that legislation relating to the sale of gold is under the jurisdiction of the House Banking and Currency Committee and that that committee had not acted on the subject. The Senate receded on this provision.

Mr. Speaker, this legislation is necessary for more effective and efficient management of Federal financial obligations. The provisions in the version of this legislation agreed to by the conferees are sound and should be supported. I urge approval of this conference report.

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

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ULLMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report just agreed to.

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

There was no objection.

ENERGY REORGANIZATION ACT OF 1973

Mr. YOUNG of Texas. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 745, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 745

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 11510) to reorganize and consolidate certain functions of the Federal Government in a new Energy Research and Development Administration and in a Nuclear Energy Commission in order to promote more efficient management of such functions. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Government Operations, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Government Operations now printed, in the bill as an original bill for the purpose of amendment under the five-minute rule, said substitute shall be read for amendment by titles instead of by sections, and all points of order against sections 104, 105, 106, 108, 302, and 311 of said substitute for failure to comply with the provisions of clause 4, rule XXI, are hereby waived. At the conclusion of such consideration, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER. The gentleman from Texas (Mr. YOUNG) is recognized for 1 hour.

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

Mr. Speaker, House Resolution 745 provides for an open rule with 2 hours of general debate on H.R. 11510, a bill to reorganize and consolidate certain functions of the Federal Government in a new Energy Research and Development Administration and in a Nuclear Energy Commission.

House Resolution 745 provides it shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Government Operations now printed in the bill as an original bill for the purpose of amendment. House Resolution 745 also provides that the substitute shall be read for amendment by titles instead of by sections and points of order against sections 104, 105, 106, 108, 302, and 311 of the substitute for failure to comply with the provisions of clause 4, Rule XXI of the Rules of the House of Representatives (prohibiting appropriations in a legislative bill).

The new Energy Research and Development Administration created by the bill will be headed by an Administrator who will be appointed by the President with the advice and consent of the Senate. Serving under the Administrator will be five Assistant Administrators, who, respectively, will head the following five major areas of ERDA: First, fossil energy development; second, nuclear energy development; third, research and advanced energy systems; fourth, environment, safety and conservation; and fifth, national security.

Mr. Speaker, I urge adoption of House Resolution 745 in order that we may discuss and debate H.R. 11510.

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

Mr. Speaker, House Resolution 745 provides for the consideration of H.R. 11510, the Energy Reorganization Act of 1973, under an open rule with 2 hours of general debate. In addition, the rule makes the committee substitute in order as an original bill for the purpose of amendment, provides that the substitute

be read for amendment by titles instead of by sections, and waives all points of order against sections 104, 105, 106, 108, 302, and 311 of the substitute for failure to comply with clause 4 of rule XXI, which deals with transfer of funds.

The bill provides for the creation of an independent Energy Research and Development Administration—ERDA—which will include nonregulatory functions of the Atomic Energy Commission, plus energy research and development programs from other agencies.

The bill also provides that the Atomic Energy Commission be renamed the Nuclear Energy Commission, and continue as a smaller organization to administer nuclear licensing and related functions.

This bill is relatively narrow in scope. It is directed toward research and development. Other reorganization legislation will be necessary. For example, the President has proposed creation of a Federal Energy Administration, which is the subject of separate legislation. This research and development bill is directed more at long-range problems, while the bill to set up a Federal Energy Administration will be directed more toward short-range problems.

The agency set up in this bill, ERDA, will be headed by a single Administrator who, along with the Deputy Administrator, will be appointed by the President with the approval of the Senate.

Under the Administrator, there will be five Assistant Administrators, who will head the following five major missions of ERDA: One, fossil energy development; two, nuclear energy development; three, research and advanced energy systems; four, environment, safety and conservation; and five, national security.

The cost of this bill is estimated to be $4 million per year.

Mr. Speaker, I have no requests for time, but I reserve the balance of my time.

Mr. YOUNG of Texas. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Ohio (Mr. VANIK).

Mr. VANIK. Mr. Speaker, I am going to follow this debate very carefully on this bill. I have several concerns. First of all, I am concerned why all of the thrust for our energy research should start off under the aegis of the Atomic Energy Administration.

I certainly hope that during the course of the debate on this bill this issue might be cleared up so that when we discuss the problem of energy, we think about it as a broad-based problem and deal with it equally as to petroleum, coal, solar energy, geothermal and other energy forces. I think it would be a mistake if we should start off concentrating all of our energy research with a biased base in nuclear research. I think energy research should cover the whole spectrum of energy, and I shall look forward to some clarification of this issue during the course of the debate.

Mr. YOUNG of Texas. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. HOLIFIELD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 11510) to reorganize and consolidate certain functions of the Federal Government in a new Energy Research and Development Administration and in a Nuclear Energy Commission in order to promote more efficient management of such functions.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 11510, with Mr. ROSTENKOWSKI in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from California (Mr. HOLIFIELD) will be recognized for 1 hour, and the gentleman from New York (Mr. HORTON) will be recognized for 1 hour.

The Chair recognizes the gentleman from California.

Mr. HOLIFIELD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in the 30 years I have been privileged to serve in the House of Representatives, I have brought before this body many legislative measures of importance to our national well-being. It is my sincere belief, however, that none was more urgently needed than the bill now under consideration. It deals with the energy crisis and the Nation's energy needs for years and generations to come.

I have been long concerned and have spoken out many times about the problem of assuring an adequate supply of clean energy for the decades ahead. Now, finally, the crunch of energy shortages has forced the spotlight of full attention on this, our most urgent and national dilemma. The hour is late. The people want action. Large sums of money will be needed, but money alone cannot solve our problems.

We need an organizational framework for energy policies and programs, the policies and programs that will bring this Nation to self-sufficiency in energy supplies. We need a central agency to develop these policies and foster these programs.

H.R. 11510 has been carefully designed to achieve these purposes.

This bill was unanimously adopted by the Legislation and Military Operations Subcommittee of the Committee on Government Operations, which I have the honor to chair. It was reported out by the Committee on Government Operations without a single dissenting vote. All members were present but one.

The legislation it embodies is carefully distilled essence from a number of legislative proposals during the past 3 years and considerable testimony by representatives of the Government, industry, national laboratories, electric energy organizations, and other interested groups. The committee and its staff spent many hours refining the features and provisions of this bill, in consultation with expert staff from the General Accounting Office, the Office of Management and Budget, the Atomic Energy Commission, the Department of the Interior, and the Department of Justice.

I will briefly summarize the salient aspects of H.R. 11510. The proposed statute, titled the "Energy Reorganization Act of 1973," will reorganize major energy-related research and development functions in the Federal Government. Functions pertaining to energy R. & D. would be transferred to a newly created independent Federal agency, called the Energy Research and Development Administration—ERDA. The new agency will exercise central responsibility for planning, managing, supporting, and conducting R. & D. programs and projects involving all energy sources and energy utilization techniques. Its range of program initiatives will be broad. It will encompass, but not be limited to, solar, tidal, wind, hydrogen, fossil fuel, synthetic fuel, nuclear, and geothermal sources and processes. It will seek to exploit all promising energy potentials based on present knowledge and to take new directions pointed to by future research results.

ERDA's responsibilities in connection with energy sources and utilization technologies will include R. & D. efforts in areas such as fuel resource extraction—on land and undersea—conversion technology, energy storage, transmission of electric energy, and energy utilization techniques. To gain long-range solutions to our energy problem, we will need to achieve significant advances in all these areas.

The report accompanying the bill expresses the committee's view that attainment of national self-sufficiency in energy at the earliest practicable date clearly demands a sharp upsurge in coal R. & D. Coal is our most abundant fossil fuel reserve. We appear to have about half the world's supply. When suitably converted to gaseous, liquid, and other environmentally acceptable forms, coal will materially help us reach a level of energy independence at the earliest possible date.

All present indications are that until the end of this century, we will need to use all available, environmentally acceptable forms of energy—fossil, synthetic, nuclear, and others—that we can develop.

ERDA's overall responsibilities also will include the encouragement and conduct of R. & D. for the conservation of energy, for increasing the efficiency and reliability of energy sources and energy-utilizing devices, and for safeguarding the quality of our environment.

The ERDA organization is specially designed to enable the new Agency to carry out its missions most effectively. ERDA will be headed by a single Administrator, who, along with a Deputy Administrator, will be appointed by the President by and with the advice and consent of the Senate. The Administrator and the deputy will be principally concerned with setting R. & D. policy and with the overall direction and management of the Agency.

Under the Administrator, there will be five Assistant Administrators, who will, respectively, head five major mission

areas: First, fossil energy development; second, nuclear energy development; third, research and advanced energy systems; fourth, environment, safety, and conservation, and fifth, national security. These five Assistant Administrators also will be appointed by the President by and with the advice and consent of the Senate. The high rank and equality of station of each of these Assistant Administrators will emphasize the intent of this bill that full attention and appropriate emphasis be given to all promising energy sources, as well as to safety, to conservation, to environmental considerations, and to all of the other responsibilities of ERDA.

At the next level in ERDA will be additional officers, not exceeding seven in number, and a General Counsel, to be appointed by the Administrator.

The report accompanying this bill expresses the committee's expectation that in selecting the Administrator, the Deputy Administrator, and the five Assistant Administrators, the President will give consideration to the views and recommendations of public interest groups and individuals from scientific, consumer, environmental, conservation, and energy communities. Additionally, the report strongly recommends that these top officials be carefully chosen on the basis of outstanding ability, integrity, and dedication generally acknowledged by their peers. The committee further expects that all the other officers and personnel of ERDA will be selected on a best-qualified basis.

ERDA will be able to get underway rapidly because it will start with a considerable array of our Nation's best R. & D. talent and facilities, principally derived from the following transferred assets:

First. From the AEC, a unique network of national laboratories and facilities valued at about $9 billion, a diversified scientific and technical expertise, and vast experience in managing large, complex technological projects.

Second. From the Office of Coal Research and the Bureau of Mines, experts in fossil fuel development, six laboratories and a synthane plant.

Third. From the National Science Foundation, expert knowledge respecting developments in solar heating and cooling and in geothermal power.

Fourth. From the Environmental Protection Agency, expert knowledge concerning the development and demonstration of alternative automotive power systems, and concerning combustion-related technologies to control emissions of pollutants from stationary sources using fossil fuels.

These national assets, in terms of personnel talents, expert knowledge, and billions of dollars worth of facilities, many of them unique, will be a solid foundation for ERDA's swift expansion into all worthy energy source avenues.

ERDA will also acquire all of the Atomic Energy Commission's development, production, and operational functions—actually, all of the Commission's nonregulatory functions. These would be split off and formally separated from the remaining licensing and related regulatory functions of the AEC. Thus, the AEC, under a new name, the Nuclear Energy Commission—NEC—will be converted into an independent regulatory body, and will continue to conduct its licensing and related regulatory activities under pertinent provisions of the Atomic Energy Act of 1954, as amended. The report accompanying this bill spells out the applicability of the provisions of the Atomic Energy Act to NEC and to the AEC functions transferred to ERDA.

The bill provides for annual authorization of appropriations, and for an annual comprehensive report by the Administrator to the President for submission to the Congress. The bill requires that the Administrator keep the appropriate congressional committees fully and currently informed with respect to all of ERDA's activities.

Mr. Chairman, we are all well aware that the growth and progress of our country, our high standard of living, our national security and well-being, have been made possible by abundant low-cost energy. We all know that our consumption of energy, however prudently managed and conserved, will continue to increase more rapidly than our present ability to supply it in environmentally acceptable forms. And we must be mindful not only of the foreseeable needs of our present population but of the Nation's long-range needs, when our children, and our children's children, will be living their lives. Do we want to deprive them of adequate sources of energy or a wholesome environment?

In our great quest for abundant clean energy for the decades ahead, we will have to mount the most comprehensive, coordinated, and intelligent program we are capable of organizing on the national level. This bill is a very good beginning of that total effort. It will provide the necessary organizational framework and a solid basis for getting rapidly underway.

I remind you that the good Lord, who could have created and populated our world by a single miraculous occurrence, deemed it appropriate to carry out His objective by not one but six discrete events—the first one being the creation of light and its separation from darkness. In the context of our own objective, I am satisfied that the bill before us will separate light from darkness and constitute a good beginning—one that must be made without further delay.

In the accompanying report, which I urge everyone to read, the committee recommends that, in the first year of operation, the Administrator develop a 10-year program to chart ERDA's course in energy R. & D. fields. Annual authorizations and appropriations will insure proper congressional participation. Annual reports, updating the program from year to year, will indicate the progress made in relation to the planned program. Thus, the strategy for achieving national independence in sources of energy will be openly avowed and in the forefront of of purpose Paul the Apostle espoused in public attention. It will convey the clarity his remark in the first epistle to the Corinthians:

For if the trumpet give an uncertain sound, who shall prepare himself to the battle?

Two final points: This is a reorganization bill. It does not authorize any particular sums or levels of appropriations for any of ERDA's functions. The functions transferred into ERDA are already funded for fiscal year 1974. Authorizations and appropriations for the next fiscal year would, under this bill, eventuate in due course and in the usual manner.

Also, this bill does not alter or affect committee jurisdictions. It may be that, during the coming year, the House will receive recommendations for a more coordinated and comprehensive congressional approach to energy affairs. In the meantime, this bill proposes to reorganize energy functions in the executive branch, not in the Congress.

I urge the Members on both sides of the aisle to support this nonpartisan measure that—finally—will focus our national will and talents on solving our energy problems without impairing our environment.

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

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

Mr. McDADE. The gentleman mentioned that six laboratories from the Bureau of Mines would be transferred into ERDA. Would the gentleman be kind enough to inform me which six laboratories he is referring to?

Mr. HOLIFIELD. In atomic energy I am talking about Los Alamos, the Livermore Laboratory, the Oak Ridge Laboratory——

Mr. McDADE. Will the gentleman yield further?

Mr. HOLIFIELD. I yield to the gentleman.

Mr. McDADE. I was referring to the Bureau of Mines Laboratories.

Mr. HOLIFIELD. Oh, the Bureau of Mines. Six of the laboratories that have been dealing in energy-related projects and a synthane plant for coal gasification, now under construction.

Mr. McDADE. Mr. Chairman, would the gentleman elaborate specifically on which labs it is intended to transfer?

Mr. RONCALIO of Wyoming. Mr. Chairman, will the gentleman yield?

Mr. HOLIFIELD. I yield to the gentleman from Wyoming.

Mr. RONCALIO of Wyoming. Let me answer my friend from Pennsylvania. The Director of the Bureau of Mines from the Interior Department listed the projects that ultimately will be transferred for further development in ERDA and he is ready to go with him on the processing of coal from the surface.

Mr. HOLIFIELD. I might say further, if the gentleman will yield, that the Assistant Secretary of the Interior came before our committee and testified in favor of this, and so did Mr. Carl Bagge, who is head of the National Coal Association. They both testified this would be a good move in their opinion.

Mr. McDADE. I thank the gentleman for that information. Would he yield further?

Mr. HOLIFIELD. I yeild to the gentleman

Mr. McDADE. I understood the gentleman's response in reference to the Office of Coal Research. What I am seeking to determine is which six laboratories that the distinguished gentleman from California mentioned are contemplated would be transferred out of the Bureau of Mines?

Mr. RONCALIO of Wyoming. Mr. Chairman, I will get the names for the gentleman. I will have them for him.

Mr. HOLIFIELD. Page 31 of the committee report, I will say to my friend, contains the information. The six research centers included in this transfer are located in Bartlesville, Okla.; Grand Forks, N. Dak.; Laramie, Wyo.; Morgantown, W. Va.; Pittsburgh, Pa.; and San Francisco, Calif.

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

Mr. HOLIFIELD. Mr. Chairman, I yield to the gentleman from Arkansas.

Mr. HAMMERSCHMIDT. Mr. Chairman, I want to compliment the gentleman in the well for this contribution he is making. I want to make an inquiry about a project he is very familiar with, and I am sure he will recall, and it is the fast breeder reactor research project in Arkansas called Seafor.

Mr. HOLIFIELD. Mr. Chairman, I happened to be in on authorizing that.

Mr. HAMMERSCHMIDT. Mr. Chairman, I was certainly going to recognize the fact that the gentleman knows more about it than anyone on this committee or in the House because he was very much involved.

Now, that has been deactivated, and it was intended to be deactivated after the research was accomplished. I understand it was a very highly successful project and went to reactor safety. I am wondering, with this new commitment to the self-sufficiency of our Nation in nuclear generation, if the AEC or this new commission might not be well advised to take another look at that $25 million installation to see if it will have further use in this new program.

Mr. HOLIFIELD. Mr. Chairman, I will be happy to take another look at that. However, the decision to close that plant was based on the fact that it had achieved the goals of research—and it was very important research, by the way—the type of research that goes into the fast breeder reactor. That was originally $11 million and finally went to $16 million, and the funds were contributed by a group of German companies, a group of electric utilities, General Electric, the Atomic Energy Commission. I would doubt very much if that would fit in for further work. However, I would be very happy to explore that.

Mr. HAMMERSCHMIDT. Mr. Chairman, I appreciate the gentleman's response.

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

Mr. HOLIFIELD. Mr. Chairman, I yield to the gentleman from Maryland.

Mr. GUDE. Mr. Chairman, I want to commend the chairman of the committee as well as the ranking Member on our side, Mr. HORTON, of New York, for their effort in bringing this bill before the House. In particular, I would like to commend the gentleman for his comments not only to the potential of coal as a midterm source of energy, but the tremendous potential it has.

Our efforts in coal liquefaction and gasification are practically on the line, and the Navy says that now they have been able to operate ships at a cost of less, when finally it is in full production, less than what it would be if they operated them on petroleum.

In particular the gentleman mentioned extraction. Is it not the intent of the chairman that the extraction of coal from the ground will be as much an effort of this research and development agency on helping develop the ready means of safely bringing the coal out of the ground?

Mr. HOLIFIELD. Mr. Chairman, the research and development agency will continue to do research into the improvement of the techniques of extraction. However, the actual operation of these facilities will be left in the Department of the Interior. They will take these devices, some of which, as the gentleman knows, have already been developed, and they will operate them in the mines.

This research and development agency will not do anything in the way of operating these devices, but they will have people looking at them all the time and trying to improve the methods of extraction and recommend improvements to the Department of the Interior. It will be the operational department in the building of the extraction machines.

I think the mining technology and extraction machinery is a very important thing. I want to emphasize the fact that we must use every ounce of coal that we can mine and dig and change into any kind of acceptable combustible form, whether solid, liquid or gas, because this country is going to be short of energy even if it does that, and we must at least double and maybe triple production of coal in the next 15 years if we are going to come anywhere near meeting the challenge we have to meet.

I am talking now about substantial contributions; I am not talking about token contribution.

There is only one way to do that, and that is to utilize coal to the fullest extent possible.

Mr. Chairman, I would like to say that I have the greatest confidence in these great scientific minds in the AEC. We put them to work on many things, such as the hydrogen bomb and the nuclear submarine, and they work in teams. They have accomplished many great things as multidisciplined scientists.

At the present time, when we burn a ton of coal, we throw 300 pounds of polluting contaminants into the air, particularly sulfur dioxide and ash and other tangible physical substances. The same amount of average grade oil throws 75 pounds into the air, and the same amount, in terms of cubic feet, of gas throws about 10 pounds into the air. So the coal, which is our greatest source of potential energy, is also the most polluting material.

This is the No. 1 project, in my opinion, that we should go into for immediate solution of our problems, and for immediate access to this vitally needed energy fuel which we must have to supplant the Middle East oil.

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

Mr. HOLIFIELD. I will be happy to yield to the gentleman from Kentucky.

Mr. STUBBLEFIELD. Mr. Chairman, I would like to add my complimentary comments to the distinguished Chairman of the Committee.

I think that this research program is long overdue, particularly as the Chairman of the Committee has related it to coal.

As the gentleman knows, I sit on a great big pile of high sulfur coal, and this program would certainly be most beneficial. I represent the largest coal producing county in the world, and the Governor of my State is very much interested in this program here.

We certainly want to offer our appreciation to the gentleman for bringing this bill up.

I would like to ask the gentleman this question: As far as the research plants that are now in existence are concerned, this program would not be confined just to those plants, would it?

Mr. HOLIFIELD. Mr. Chairman, I hope that it will not be. The President has allocated a much larger sum of money to coal than has ever been allocated before. There is about $2 billion a year proposed to be spent in this total energy research and development program.

Of that amount about $1 billion is for ongoing research and development projects, including work in the Bureau of Mines and the Office of Coal Research, as well as the Atomic Energy Commission and several other agencies. Of the amount of $10 billion proposed over a 5-year period, about $1 billion a year will be new money, if the Congress authorizes it and appropriates it. I think it will be appropriated, in view of this urgency.

Mr. Chairman, I believe a substantial amount of that money should go into coal research immediately, because of the facts I have already given. Certainly coal is our most plentiful supply of fuel for energy, and it is immediately available. We do not have any "pie in the sky" to offer or anything like that, but we know that we can get energy out of coal. The problem we must solve is getting the coal out of the ground and burning it in such a manner that it is environmentally acceptable.

Mr. Chairman, I want to point out on the chart here that the Assistant Administrator for Fossil Energy Development is put on the same level of organizational authority as the Administrator for Nuclear Energy Development; for Environment, Safety and Conservation; for Research of Advance Systems; and for National Security.

So this Office is organizationally on the same level with the others.

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

Mr. HOLIFIELD. I yield to the gentleman from Kentucky.

Mr. STUBBLEFIELD. Mr. Chairman, our Governor was up there recently. We met with the Governor on this matter.

and he envisioned that the State and private enterprise and the Federal Government could work together on these projects.

Does the chairman of the committee envision such program to be practical?

Mr. HOLIFIELD. Yes, I do. I think that private industry must continue to cooperate and must do even more than it has been doing in the field. It is going to take the combined efforts of private industry and the Government to do this job. It is a big job, and it can be done. It is within the realm of possibility.

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

Mr. HOLIFIELD. Yes, I yield to the gentleman from California.

Mr. BELL. Mr. Chairman, the gentleman mentioned coal, and I wish to compliment the gentleman for the very outstanding job he has done, and with such good results, within the committee itself.

Is it true that with coal, as you say, being one of our largest assets—is it true we have a lower sulfur content type of coal located in the Montana-Wyoming area in the Western States than some of the eastern seaboard coal?

Mr. HOLIFIELD. I understand there are some lower sulfur content coalbeds out there.

Mr. BELL. I wonder, because I understand there has been an attempt to block the development of those beds in the Western areas.

Mr. HOLIFIELD. As the gentleman knows, there are attempts to block coalbed development, and attempts to block powerplant development of all kinds, both coal and oil, all over the United States by these people who, in my opinion, have gone to the extreme end on the environmental binge. We have a real world to live in, and we have to get the energy so that our people can get work in order to feed themselves and their families. We burned coal for 200 years in this country, and we will continue to do so. However, we have to learn to do this in a better way, because we are burning more of it. We have to learn to do it so it does not contaminate the atmosphere. That is what this Agency is all about.

Mr. BELL. I thank the gentleman.

I think it is very important to try to develop coal with a lower sulfur content in the Western States.

Mr. HOLIFIELD. I am sure it will have the attention of the Administrator. It will be his job to try to find out where we can get the energy we need.

Mr. NELSEN. Will the gentleman yield?

Mr. HOLIFIELD. I am happy to yield to the gentleman.

Mr. NELSEN. Recently I have been getting a lot of communications from the REA systems throughout the country. The gentleman in the well is very familiar with this, having been a long friend of the program. For example, in North Dakota we have a coalbed where the REA people are trying to get permission to build a powerplant right in that bed so that they can have good quality coal and not do damage to the air quality. They will then transmit the power to the Twin Cities area and distribute it. It would be a good way to have coal delivered in effect by an electric wire rather than having smokestacks in large cities, but we are having trouble getting it done.

Mr. HOLIFIELD. What kind of trouble have you had?

Mr. NELSEN. To get the clearance to proceed with it.

Mr. HOLIFIELD. By whom?

Mr. NELSEN. By the environmental enthusiasts.

Mr. HOLIFIELD. That is what I want to bring out.

Mr. NELSEN. The point I want to make in defense of those who have been championing the cause of better environment—with which we do not quarrel—the point I want to make is there comes a time when you have to make a decision on this. I was listening to Mr. Simon the other night, and he said that if you do not make use of coal, then we are heading for a disastrous situation in the United States. We had better learn how to get the fuel supplies we need, such as coal and oil, harnessed in the correct way. Then we can survive. Otherwise we are in real trouble.

Mr. HOLIFIELD. The gentleman said that better than I can. I agree with him 100 percent. We have to use all of the coal we can use that would be environmentally acceptable.

Mr. NELSEN. I thank the gentleman.

Mr. HAYS. Will the gentleman yield?

Mr. HOLIFIELD. I yield to the gentleman.

Mr. HAYS. I am a little surprised at the gentleman's statement about not being able to build powerplants. I have a situation in my district which consistently has the dirtiest air in America. It is said that if you just breathe the air there, you are inhaling the equivalent of two packs of cigarettes. It has three powerplants on the outskirts of the city, two on the south and one on the north. They gave permission to build a 1 million kilowatt plant to the REA. Now, I am a friend of the REA, also, but I want to point out they are no REAs any more; they are commercial power producers out to make a buck. The one they are building in my district will wheel power to Cincinnati. Sending coal by wire is the most inefficient way on God's green earth to use coal.

I am all for research. There is a process called magnetohydrodynamics, MHD, which will produce 60 percent more power from every ton of coal. But can you get that power company to experiment with it? You try sometime. They do not want to clean up the air. They want to make a buck and they do not care how they do it.

Would it not be better to have the supply of coal extended by 60 percent? I think it would.

I lived right in the midst of the coal fields. Ohio is the fourth largest producer of coal. We produce in my district 90 percent of that coal. But it is not all on the side of the REA and the power companies, and do not blame the EPA for everything. They are just trying to get these people to spend a little money to make it possible for human beings to breathe. And if I had the choice between breathing and an electric toothbrush, you know I would prefer breathing.

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

Mr. HOLIFIELD. I would be delighted to yield to the gentleman from Ohio (Mr. VANIK), but first let me say to the gentleman that I heard him speak on the rule, and I would like to call to the gentleman's attention the fact that we have placed in this organizational structure one division for fossil fuel, one division for nuclear energy, and divisions for other purposes. But fossil fuel is on the same organizational level as all the rest, and it will have the same attention. It will be up to the Congress to give them the money to do the job. That is where the gentleman from Ohio can be helpful in getting the kind of support financially that we need for the country. And I am sure that with the statement of the President that he wants to put a great deal more money into coal that we can get this bill through and signed.

Mr. VANIK. Mr. Chairman, if the gentleman will yield, let me say that I very much appreciate the response of the gentleman.

I want to say this, that what concerns me is the makeup of this organization, and that in the nature in which it is being used today, under this legislation, whether it might have an overwhelming amount of control by people who are part of the Atomic Energy Commission. It is under that auspices.

Mr. HOLIFIELD. In the first place, the Administrator, the Deputy Administrator, and these five Assistant Administrators are all to be appointed by the President and confirmed by the Senate, and the gentleman from Ohio will find in reading the report, that we are insisting that these be qualified people, not merely theorists but experienced, qualified people, that they will be selected for this purpose, and we are urging that. And I am sure the other body, when it comes time for the confirmation of these men, will keep this in mind in questioning them. And I am hopeful, in fact, I have been told that a very experienced man in fossil fuels will be put at the head of this fossil fuel research and development division.

Mr. VANIK. Mr. Chairman, if the gentleman will yield further, under fossil fuels we are combining both oil and coal, is that correct?

Mr. HOLIFIELD. Yes, oil, coal, and gas.

Mr. VANIK. But today when we measure how much energy we use in this country, a tremendous part of it is from oil and coal.

Mr. HOLIFIELD. That is right.

Mr. VANIK. It would seem to me that that downgrades or has a tendency to downgrade sources for energy today which predominate, and downgrades them to the advantage of other sources.

Mr. HOLIFIELD. No. The situation as it exists at this time is that these oil, coal, and gas resources are our principal ingredients, hydroelectric and nuclear and other forms are not as high in the scale of present production as are the three fossil fuels, and they are not downgraded at all.

Mr. VANIK. I thank the gentleman.

I have another question, if the gentleman will yield further. Under this plan of organization is it contemplated that the permit requests powers that were discussed earlier would be transferred to this new Agency?

Mr. HOLIFIELD. I am sorry, I did not quite catch the statement the gentleman made.

Mr. VANIK. The authority for the transmission and the authority for construction of the facilities that is required.

Mr. HOLIFIELD. The programs that are now in existence in the Bureau of Mines and the Office of Coal Research and the personnel and their records, and their appropriations, will be transferred over. And we are hopeful that this new money that will come in will enlarge their activities.

Mr. VANIK. Mr. Chairman, will the gentleman tell me whether or not it is contemplated that this new money would be coming in through general taxes or through a trust fund concept?

Mr. HOLIFIELD. It is not a trust fund concept.

Mr. VANIK. Mr. Chairman, I am one of those Members of this body who believes very strongly in the trust fund concept. I feel that the problem is of such a tremendous dimension and is going to require such tremendous resources to really make the country energy-free, as the President has suggested.

Mr. HOLIFIELD. Of course, I will not argue with the gentleman on that point. That point will be decided by the committee of jurisdiction who will bring in the authorizations. This does not change the present authorizations of the committees that now have coal, oil, and other fuel potentials in their jurisdictional areas. This does not change the jurisdiction of any committee of Congress, and it will be up to those committees that are responsible for these various programs to come forward with the suggestions and recommendations for authorization—and, of course, gain the administration's acquiescence in it—to get this on the road.

Everyone I have talked to, both the people at Interior and other people in the administration, are very much in favor of getting into coal and fossil fuels as fast as they can.

Mr. VANIK. Mr. Chairman, will the gentleman yield for just one further question?

Mr. HOLIFIELD. I will yield to the gentleman. I have taken more time than I should. I have other speakers to whom I must yield.

Mr. VANIK. If I understand the gentleman correctly, the funding could come from either source, as far as his plan is concerned?

Mr. HOLIFIELD. Absolutely.

Mr. VANIK. Either through direct funding or a trust fund?

Mr. HOLIFIELD. Yes. This is an organization bill; it is not a funding and authorization bill. All of the work that will be done on this in the next year has already been funded and authorized by committees, including the supplemental that the President has sent up.

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

Mr. HOLIFIELD. I yield to the gentleman from Kentucky.

Mr. STUBBLEFIELD. I thank the gentleman.

In answer to the question of the gentleman from Ohio about Atomic Energy running this show, does the Chairman know of any organization that has any more expertise to run such an organization than the Atomic Energy people?

Mr. HOLIFIELD. The Atomic Energy Commission at this time has as in-house and under contract some 25,000 scientists and engineers of every discipline. There are no facilities in the world like these facilities. They have every kind of device imaginable. They have men of every discipline in science, and all they have to do is assign these teams of scientists to attack this on a team basis as they have in the other great accomplishments they have made.

Mr. ANDREWS of North Carolina. Mr. Chairman, will the gentleman yield?

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

Mr. ANDREWS of North Carolina. I thank the gentleman for yielding.

Mr. Chairman, I understand that the Atomic Energy Commission presently has certain authority with respect to military usage of weapons of an unusual destructive capacity, such as nuclear or atomic warheads. I believe I know the answer to this question, but I should like to have the chairman explain, where does this authority now go?

Mr. HOLIFIELD. This authority goes into ERDA, and it is in this division right now, under the Assistant Administrator for National Security. It remains exactly the same as it is now. We do not want to change this function that has been successful. We have created the greatest national security resource of any country in the world.

We have created the nuclear submarine, the *Enterprise* carrier, and other nuclear-powered surface ships. It has been done and done well. It would be folly for us to disturb this arrangement at this time in the world's affairs. We are leaving it right where it is.

There is a great interplay between these scientists that have worked on the national security aspect and the civilian aspect. They have helped to bring about 1,500 civilian applications of atomic energy.

Mr. ANDREWS of North Carolina. Mr. Chairman, I should like to commend the chairman and the committee for this decision rather than placing that authority with the Department of Defense or otherwise. I think that is good.

Mr. HOLIFIELD. I am glad the gentleman brought that up. We fought that bill out in 1946, and I was one of the leaders to give the civilians the control of nuclear energy at that time, and it was only for weapons, and we did not want to trust it in the hands of the military.

I say that those people who want to send it over there to the Department of Defense and let it take its place along with the other projects that are in the Department of Defense are making a grievous mistake against the whole philosophy of civilian control of atomic energy.

Mr. ANDREWS of North Carolina. Mr. Chairman, again I certainly congratulate the gentleman.

May I ask one other question. The State of North Carolina, I understand, along with other States, has gone a long way in recent years with respect to the natural economic resources within their States. In our particular State the agency bears that name. They have done a great job of inventorying the resources, including the potential energy resources within that State, as well as, I am sure, numerous others.

Is there not some way that the services to be performed by this agency or this department can utilize that information and cooperate with the States in this what seems to me to be a really huge development?

Mr. HOLIFIELD. I can assure the gentleman there will be cooperation with the States, and every talent and service that can be applied toward solving this tremendous challenge must be used, and I think it will be used.

Mr. ANDREWS of North Carolina. Was any consideration given to having the States share a part of this total administration specifically to relate the total to the States and vice versa?

Mr. HOLIFIELD. The administrative components all have a part in working cooperatively, and we have in the bill a provision that they can go to any agency of Government or any State to get the information they need, and I am sure it will be coordinated.

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

Mr. HORTON. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, we have heard a great deal about the energy crisis and what needs to be done. The Congress has responded well. By the time this House adjourns, I think we will have a strong record of accomplishment in the energy area.

The bill before us now is a well-thought-out reorganization of our energy R. & D. programs. To be sure, it is timely and urgently needed, but I want to stress this is not a quickly patched together bill.

The need for this legislation can be simply stated. This Nation is about to launch a major effort to expand production of existing energy sources, find new energy sources, and improve the efficiency of energy generation and utilization processes. These tasks were not properly performed in the past, and in large part, this is why we face this current crisis. Certainly we need new programs and more money for energy R. & D.; also necessary is this new organization to administer these programs.

By establishing an independent energy R. & D. agency, we create a high-visibility effort able to attract the necessary funding and scientific talent befitting its single goal of helping this Nation achieve self-sufficiency in clean energy. By consolidating Federal programs, we create an organizational structure able to deal comprehensively with all energy R. & D. yet containing within itself a

focal point of responsibility and accountability for each of main energy R. & D. areas; namely, fossil fuel programs, nuclear programs, advanced systems—such as solar, geothermal—programs, and environmental, safety and conservation programs.

Let me make clear at this point that this is an organization bill—it does not establish new energy priorities or increase funding for energy R. & D. The new policies and money will have to come in legislation from the various committees with authority for energy R. & D. and the Appropriations Committee. And nothing in this bill would change the jurisdiction of any of these committees for energy programs. This bill provides the organization to better administer whatever new programs are approved by the Congress as recommended by the committees now responsible.

The chairman of my committee has very ably explained what this bill contains. I would like to emphasize several points about the proposed organization.

First, as the chairman has so strongly emphasized, this Agency will not be dominated by any interest group, nuclear or otherwise. The Administrator and Deputy Administrator of ERDA will have responsibility for all energy research and development. As the language of this report states:

(T)hese two officials should have broad background and experience in R. & D. programs and not be preoccupied with a single energy technology.

Each of the major energy sources will have an assistant administrator who is also confirmed by the Senate, responsible for their own energy programs. These assistant administrators, for sure, will strongly promote development within their own areas of responsibility. The committee report also requires the Administrator to submit a 10-year program charting his proposed course for energy research and development. By reviewing his proposed program, the Congress will be able to comprehensively consider the needs of individual programs, balancing one against the other. An important measure of our success in creating a balanced organization is that we have the support of the major energy industries for this bill.

Second, this bill includes strong requirements on reports to the Congress so that the policies developed can be carefully reviewed by the appropriate committees. In addition to the annual report requirement, we have included language requiring the Administrator to keep appropriate congressional committees fully and currently informed. The bill also requires that appropriations be authorized annually except as may be provided otherwise by law. Taken together, these provisions will provide the strongest statutory base possible for congressional oversight.

Third, the goal of this agency is to give us self-sufficiency in clean energy; in my opinion, the only way we can achieve this goal of clean energy is through a greatly expanded research and development effort. For that reason, we have not only created an assistant director who will be principally responsible for the environment, we have also suggested that each of the other assistant directors build into their programs their own environmental programs. I concur in the statement of EPA Administrator Russell Train when he said:

(W)e believe there is no reason why energy technological development should compete with environmental protection because, if properly pursued, both goals are complementary.

Fourth, the same general comments can be made about safety concerns. We create an assistant administrator who will have principal responsibility for safety of all energy programs and also exhort each assistant administrator to develop a safety program within his area of responsibility. We also provide that the Advisory Committee on Reactor Safeguards, which is an independent board of outside experts, will be available to the ERDA Administrator to conduct reviews of any ERDA activity he so desires.

Finally, I would like to note that the functions transferred from the AEC include the weapons program. We became aware during our consideration of the bill that some very knowledgeable people felt this program ought to be transferred to the Department of Defense. As the committee report indicates, this is a complicated area which will require considerable review in the executive branch in order to determine the desirability of the transfer. Accordingly, the bill requires a detailed report which will serve as the basis of congressional reconsideration of this issue next year.

Of course, the other aspect of this bill is that we create an independent regulatory agency built upon the AEC to handle nuclear licensing and regulatory functions. In the past, the AEC had the mission not only of developing nuclear energy, but also of regulating it.

The reason for this was that there was not sufficient expertise to handle both development and licensing separately. But now the time has come when we can make the separation. The new Nuclear Energy Commission, with its independent regulatory status, should help dispel many of the concerns that have been expressed about the objectivity of the AEC.

One point relating to the NEC which I think bears special emphasis is that the agency will be able to conduct research on its own. Of course, much of the work that the NEC will need done in order to determine appropriate regulations can be done under contract by ERDA and others. The significant fact, though, is that the NEC can, when it feels necessary, undertake research on its own. While I would hope that we will not have costly duplications of facilities, I would expect the authorizing and appropriating committees to provide whatever funds are required to assure that the independence of the regulatory function is properly preserved.

Mr. Chairman, this bill, as I said before, is a well thought-out piece of legislation. The chairman of the committee and myself have spent countless hours with the agencies involved, as well as the staffs of several committees here in the Congress, developing this bill. We have talked with numerous interest groups and have taken their suggestions into account. The bill before the House today meets with the approval of all of the agencies involved and the major interest groups in the energy area. The administration considers this bill to be of the highest priority because of the need to begin planning and managing a greatly expanded energy research and development effort. This bill was approved by the subcommittee unanimously and by the full committee unanimously. H.R. 11510 deserves the support of all Members of the House. I hope my colleagues will vote for this bill.

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

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

Mr. ROSENTHAL. Mr. Chairman, first let me congratulate the gentleman for the very significant contribution which he has made, together with our distinguished Chairman, in bringing this bill to the floor.

Mr. Chairman, I have a number of questions to put to the gentleman from New York.

Mr. HORTON. Mr. Chairman, I shall be glad to respond.

Mr. ROSENTHAL. The bill we are debating provides for a transfer of the Military Applications or nuclear weapons functions from the Atomic Energy Commission to the Energy Research and Development Administration. There are those who argue that these weapons-related functions belong in a civilian-related research agency because of the technological spinoffs and such. On the other hand there are those who believe that there are overriding reasons for putting the weapons research programs into the Defense Department.

Indeed, H.R. 11510 does require a report to Congress from the administrator and Secretary of Defense which will thoroughly review the desirability and feasibility of transferring to DOD all military applications functions. I would like to inquire of the gentleman from New York whether it is not the purpose of this provision that there be a thorough independent and objective evaluation of the various arguments on both sides of this issue and that it is not the intention of this legislation to prejudge in any way the merits of the arguments on either side of the issue.

Mr. HORTON. The gentleman is correct.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. HORTON. Mr. Chairman, I yield myself 2 additional minutes.

Mr. ROSENTHAL. Some of the environmental groups have expressed concern that the legislation we are discussing overemphasizes nuclear and fossil fuel research and development and downgrades solar and geothermal energy and conservation of resources. I would like to know whether the gentleman from New York shares my understanding that it is the purpose and mission of ERDA to maintain a balance among all the forms of energy research and development. Is that not correct?

Mr. HORTON. The gentleman is correct.

Mr. ROSENTHAL. I would like to ask my distinguished colleague from New York (Mr. HORTON) whether it is not a correct interpretation of this legislation that the proposed Nuclear Energy Commission which will continue to have licensing authority over nuclear energy systems will have authority to engage in or contract for nuclear safety research irrespective of whether the Energy Research and Development Administration or any other Federal agency can make its resources available to NEC.

Mr. HORTON. The gentlemen is correct. We would hope to avoid costly duplication in facilities and it is our intention that ERDA and every other Federal agency will cooperate fully with the NEC with respect to nuclear safety research.

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

Mr. HORTON. I yield to the gentleman from Nebraska, a member of the committee (Mr. THONE).

Mr. THONE. Mr. Chairman, as a member of the Committee on Government Operations, I strongly support H.R. 11510. It reorganizes and consolidates functions of the Federal Government to promote more efficiency in the most critical energy area. Now is the time to provide its organizational base for a well-managed, centrally-directed attack on energy problems in order to make this Nation self-sufficient in clean energy for the decades ahead.

I am proud to be a sponsor of H.R. 11733, which is also this Energy Reorganization Act of 1973. It is in the public interest that this legislation be passed and signed into law as soon as possible. I urge strong support for this bill.

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

Mr. HORTON. I yield to my colleague, the gentleman from Tennessee (Mr. BAKER).

Mr. BAKER. Mr. Chairman, I rise in support of this bill to establish an agency to direct Government research in the area of energy. This bill would combine portions of the Atomic Energy Commission, the National Science Foundation, the Environmental Protection Agency, and the entire Office of Coal Research of the Department of the Interior into one overall body to research ways to provide Americans with the energy we need in the coming years. The personnel of these offices will become the backbone of the new agency.

This country needs one organization to handle energy research and development and to provide a solution to our long-term energy problems. We cannot afford to muddle along from one crisis in the summer to another one in the winter. This bill will draw together the presently uncoordinated Federal energy efforts into one united effort to serve the broad interest of providing our country the needed energy for the decades ahead.

In my own district great scientific minds have been working for years at the Oak Ridge, Tenn., complex on ways to provide our country with adequate supplies of energy. I know that now the research capabilities of these scientists can be a great help to this energy effort.

Mr. Chairman, the Atomic Energy Commission assumed responsibility for the Nation's nuclear energy program in January 1947 after the passage of the Atomic Energy Act of 1946 by the Congress. This launched the United States on a program to develop the full potential of this new source of energy, and its associated materials such as radioactive substances for peaceful use. From the start the AEC recognized that a key element in the achievement of its objectives would be the availability of talented men and women with the requisite level of education and training in the variety of specialties of this new science.

Our investment in the Oak Ridge operation is about $3½ billion. This facility has one of the highest concentrations of scientifically trained minds in the world. It would be unthinkable to fail to use to the fullest extent these resources which have been provided by the taxpayers of this country for just such a time as this.

Mr. Chairman, I support the bill. I support the mission which it purports to accomplish. I support the Atomic Energy Commission as the principal research arm of this new agency to accomplish this mission of providing sources of energy for all Americans. I urge my colleagues to support this bill. This country must move ahead in the area of energy research.

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

Mr. HORTON. Mr. Chairman, before I yield to the gentleman from California (Mr. HOSMER) I would like to say to the gentleman that we should acknowledge the fact that he is a cosponsor of this bill and he worked along with the chairman of the committee (Mr. HOLIFIELD) and another cosponsor, the gentleman from Illinois (Mr. PRICE) to put together this bill. It meant a great deal of work and many long hours and they went over the bill word by word and line by line. I want to acknowledge appreciation to the gentleman from California for his efforts in the construction of this bill and for his support. I yield now to the gentleman from California.

Mr. HOSMER. Mr. Chairman, I thank the gentleman from New York very much for his kind remarks.

Mr. Chairman, the distinguished gentleman from California, the chairman of the Government Operations Committee and former chairman of the Joint Committee on Atomic Energy, has fathered a large number of outstanding legislative progeny in his time.

His latest offspring, ERDA, promises, in its turn, to be exceptionally prolific. It can start producing soon after we christen it in the Congress, because it will be born endowed with mature functions.

Cross-fertilization, symbiosis, and just plain doing what comes naturally to the well-organized, should produce a cornucopia of R. & D. fruits—assuming, of course, funds are liberally sprinkled about.

This bill which I am pleased to cosponsor will realine the components of our national strength in energy R. & D. so that they can be readily applied with maximum leverage and effect. What can be more natural or appealing in the face of our grim long-range energy challenge?

My estimable colleague and neighbor from California, whose perspicacity is not exceeded by his characteristic eloquence, has identified this milestone bill as a good beginning. It is—at least—surely that. But it is bound to be the start of something new—as in the case of the first event in Genesis, to which he alluded.

More must, and can, follow. For example, the regulatory arm of the Atomic Energy Commission—which would be renamed the Nuclear Energy Commission (NEC), or possibly the Nuclear Safety Commission must be an even better name, will be able to concentrate fully and exclusively on its licensing and regulatory responsibilities—with, I hope, a good deal more efficient results. I wonder how many people realize that an American-built nuclear powerplant in Japan can be designed, constructed, and brought on the line for operation within 4 years after the plant is ordered—whereas in our country it takes at least twice as long to do the same thing. Let me cite a few dismal facts drawn from specific cases.

The Long Island Lighting Co. applied to AEC for a "construction permit" in May 1968, to permit the company to start building a commercial central station electric current generation type of nuclear powerplant, the Shoreham Nuclear Power Station. Five long, costly, years later the permit finally was granted and construction could at last begin. In March of 1969, the Wisconsin Electric Power Co. applied for an operating license for its Point Beach Nuclear Power Plant, Unit 2. Two years later the AEC announced its intention to issue the operating license. Another 5 years went by before electricity finally could be generated. These are not untypical occurrences.

As we begin to christen ERDA today so that we can intelligently cope with our long-range energy problem, let us be equally prepared to remedy our shorter-range deficiencies—without, in any way, relaxing our high standards and requirements for assuring health and safety and without impairing our environment.

Mr. Chairman, we are all indebted to my dear friend, the preeminent sage of California, not only for his wisdom and judgment, but for the arduous labor that produced this bill. He personifies an abundance of useful energy skillfully employed for the common good.

We are also and equally indebted to the gentleman from New York (Mr. HORTON) for his perceptive wisdom which has been so ably applied to fashion here an effective vehicle for expediting the creation of an imaginative structure for forwarding the Nation's necessary energy R. & D. functions. The gentleman serves this Nation well as the ranking minority member of the Government Operations Committee and I am grateful.

Mr. Chairman, I yield 3 minutes to the gentleman from Idaho (Mr. HANSEN).

Mr. HANSEN of Idaho. Mr. Chairman, first of all, I urge passage of this excellent and needed legislation, which I am happy to cosponsor. I join with other Members in congratulating the members of the Committee on Government Operations for the long hours and painstaking efforts they have devoted to the legislation that is before us to establish a new Energy Research and Development Administration.

Primarily, however, Mr. Chairman, I would like to take this opportunity to pay special tribute to the gentleman from California (Mr. HOLIFIELD) for his contributions, not only to the development of this legislation, but in the entire energy field during his long and distinguished service in the Congress.

I am sure that most of my colleagues are aware that the gentleman from California (Mr. HOLIFIELD) was one of the original members of the Joint Committee on Atomic Energy which was created by the Atomic Energy Act of 1946. His voice was among the first that was clearly heard, calling the attention of the Congress and the Nation to the inevitability of the energy crisis that we now confront.

CHET HOLIFIELD combines legislative skills, technical and scientific knowledge and an ability to view the long range and overall needs of the Nation that are not matched by any other Member of Congress. These exceptional talents have been put to good use in the shaping of this landmark legislation.

Among all of his contributions in the energy and other fields over more than a quarter of a century there is probably none that will have a more lasting and positive impact on the future of our country than the bill that is before us today.

I would also, Mr. Chairman, acknowledge our indebtedness to the gentleman from New York (Mr. HORTON), the ranking minority Member, for his outstanding leadership and for the long hours that he has devoted to the shaping of this very important bill.

I want to stress one point, Mr. Chairman. The bill before us today does not offer much hope for relief in the short run from the effect of the energy shortage we will face.

It will provide some help in the near term, to be sure, but the major payoff will came in the mid to long term, that is, the post-1985 period.

The foundations we are laying here today can yield important and enormous benefits to our country in the closing decades of this century and the early part of the next century.

Mr. Chairman, it was nearly 6 months ago that the President submitted his energy reorganization proposal to Congress. I supported the proposed reorganization at that time. In the intervening period, the need for one agency to coordinate and direct the various research and development efforts in the energy field has become even more urgent. It has become increasingly clear in the last few weeks that this Nation will require conscientious development of all its energy resources if we are to meet our energy needs. This includes fossil, nuclear, hydro, solar, geothermal, and possibly others.

We should be thankful that this country, compared with some less fortunate nations, has such an abundance of natural resources. Our supplies of natural gas and oil may be showing signs of depletion, but our scientists and engineers are telling us that with a coordinated research effort, significant quantities of petroleum can be obtained from existing fields by enhanced recovery methods. In the past, oil companies have been able to pump out only about 30 percent of the oil in place. New techniques, not yet perfected, may permit recovery of another 30 or 40 percent of oil from old fields.

The same philosophy needs to be applied to ways of drilling oil and gas wells faster, say in 2 months instead of 9. We will need further research and development in bringing maximum amounts of oil from Alaska and offshore fields. Much work also needs to be done to find the best and most environmentally suitable methods of recovering oil from the vast resources of oil shale in Colorado, Utah, and Wyoming.

There are even greater reserves of coal which can be extracted with improved mining and reclamation techniques and used with new pollution abatement methods to make it environmentally acceptable.

In certain areas of the West, including my own State of Idaho, we have several different types of geothermal resources which can be developed if the technology and financial backing are available. And there is no shortage of sunshine in most of our States, but this great source of energy needs to be developed further, not just for heating and cooling of buildings, but for producing electricity. We are lacking the technology to do that on a meaningful scale.

Obviously, we are not lacking in natural resources, but the technology is not yet advanced to the point where there can be efficient and timely exploitation of these resources. The Energy Research and Development Administration would provide the organizational vehicle for the rapid, balanced, and coordinated development of necessary technologies.

There is no doubt that the scientific, technical and management capability is available. ERDA would use the personnel base that presently exists in the Atomic Energy Commission as well as certain technical expertise which would be incorporated from the Office of Coal Research and other agencies.

AEC currently has a huge complex of laboratories and facilities which are operated by contractors. Some 90,000 employees work at AEC and its various installations, including 25,000 scientists and engineers. The capital investment is about $9.7 billion. Included are seven multiprogram laboratories and 25 engineering and specialized physical, biomedical and environmental research facilities.

Work carried out in these facilities over the years has provided the nuclear basis for our national defense, including the nuclear ship propulsion program; that research work provided the basis for the Nation's nuclear electric power program; it provided isotopic power for such wide-ranging uses as space satellites and cardiac pacemakers, as well as radioisotopes for many other medical applications; and it also made possible various scientific discoveries in the physical and life sciences, and significant advances in controlled fusion research.

All the research and development carried out in AEC installations has not been devoted exclusively to atomic energy. AEC laboratories, for example, have served as major research centers for the Nation's high energy physics program. And for some years certain nonnuclear work of other Government agencies has been conducted at the multiprogram national laboratories. This was the case even before the Congress in 1971 authorized the AEC to conduct nonnuclear work related to energy. Most of AEC's nonnuclear effort has dealt with energy storage batteries and superconducting transmission cables, but preliminary work also has been carried out in conection with geothermal and solar energy, and in coal gasification and liquefaction.

The AEC national laboratories are not a misnomer; they are located in all regions of the United States and have carried out research for various national programs. It will be particularly appropriate when ERDA is formed and the national labs can provide some of their vast resources for a coordinated attack on the national energy problem.

Some people have voiced concern that ERDA will be over-balanced in favor of nuclear research and development. I do not expect that to be the case. AEC Chairman Dixy Lee Ray has on numerous occasions stated that there should be balanced development of all applicable energy sources. Her recommendations for the $10 billion energy R. & D. program for the next 5 years were spread over the broad spectrum of energy sources.

It is true that the AEC has under way two major energy development programs which are expected to take considerable funding. These are the liquid metal fast breeder reactor and the various experiments to harness the fusion process. Both of these programs have tremendous potential and the eventual payoff is expected to be worth the necessary expenditures for timely development. The fast breeder is expected to be commercially available in the mid-1980s and the fusion reactor toward the end of this century.

Much of the other research and development in ERDA will be directed to the near-term needs of the next 10–12 years, which are most crucial. To be included are methods to conserve energy, to improve efficiency in production and use of energy, to improve sulfur removal techniques and pollution control devices, to increase the production of gas and oil, and to accelerate the use of coal as a substitute for gas or oil through gasification or liquefaction.

All of these R. & D. matters should be coordinated and directed in one agency. ERDA is needed to integrate the efforts of diverse research groups which are

presently competing for skilled people, funds, and facilities. If those resources are to be used in the best possible way, there must be central planning and coordination of all energy research and development efforts. The creating of ERDA will help to focus responsibility for the Government's diverse activities in this field.

While ERDA would concentrate its attention on energy research and development, the responsibility for regulating nuclear energy would be held by a Nuclear Energy Commission, which is proposed in title II of the Energy Reorganization Act. This final separation of the nuclear development functions and regulatory functions of the Atomic Energy Commission should help alleviate the concern felt in some quarters that there has been an inherent conflict involved in such a dual responsibility. The rapid growth of the nuclear power industry in recent years has placed increased demands on the regulatory program. The time has now come when the scope and magnitude of the regulatory functions require the undivided attention of one agency. The proposal to provide for a separate Nuclear Energy Commission is a logical step in the evolution of the Government's role in controlling nuclear development and use.

Mr. Chairman, through the passage of this bill, we are taking a giant step toward the realization of our goal of providing the Nation with an abundant supply of safe and clean energy.

Mr. HORTON. Mr. Chairman, I yield 3 minutes to the gentleman from Maryland (Mr. GUDE).

Mr. GUDE. Mr. Chairman, I rise in strong support of H.R. 11510 the Energy Reorganization Act of 1973. If we are strong support of H.R. 11510, the Energy an all-out effort on the Federal level aimed at developing alternate sources of energy to petroleum, we must undertake an immediate effort aimed at implementing a major research and development effort. Present Federal R. & D. in this area is fragmented. It is split among numerous of the departments and agencies. Lest we fall into the trap of our right hand not knowing what our left hand is doing, we must have a coordinated approach to our research.

It is just a coordinated approach which this legislation will bring about. This measure starts out by creating two new bodies, the Nuclear Energy Commission and the Energy Research and Development Administration. The NEC will take over all licensing and regulatory functions of the present Atomic Energy Commission. As many of you know such an effort has long been advocated as the way to avoid the longstanding conflict of interest inherent in the present makeup of the AEC.

The Energy Research and Development Administration, ERDA, will take over the task of operating all Federal energy R. & D. It will be made up of the personnel presently employed by the various agencies and departments and working in the energy R. & D. areas and it will bring in new technological talent. The ERDA Administrator is intended to be a person whose broad background in energy R. & D. is such that he or she will be able to objectively assess each potential technology without a heavy bias in favor of a single approach. Indeed, our committee has included specifically in its report the intent of the committee and the Congress in this regard.

Some reservations were raised in our full committee meeting as to the effect of the administrative structure of ERDA on the emphasis and direction of the new R. & D. effort which will be carried out under this bill. I joined in those concerns, and am pleased that they have been spoken to in the committee report.

Under the measure, there would be created five assistant administrators, each responsible for different aspects of ERDA's work.

The concern centers upon the fact that, while both nuclear energy and fossil energy was each given a separate administrator, all other forms of nonfossil energy, including solar, geothermal, tides, winds, and so on, were lumped together.

It was not my intention, nor was it the intention of the committee, that the administrative makeup of the ERDA was to be construed in any way as meaning that little emphasis should be given to the more advanced nonfossil fuel sources. Indeed, quite to the contrary, it is the intention of this legislation that each potential energy form be given full attention.

As a result, it has been spelled out in the committee report that no one form is to be given preferential treatment. It will be incumbent upon us in the Congress during the authorization and appropriations process for ERDA to assure that all forms of energy are explored with support commensurate with their potential.

But I believe we can add emphasis and strength if we provide two additional administrative positions, one whose sole responsibility would be for solar energy and another responsible for geothermal energy.

These two are the most promising of all the possibilities of advanced systems and this would be an extra guarantee that ERDA will perform in the most objective manner possible. Let us remember that the results of its work will be felt, one can safely say for hundreds of years to come. For this reason I also believe that one assistant administrator should be solely responsible for the environmental and safety aspects of each technology under exploration and that we have a separate administrator for the conservation of energy resources.

The critical importance of conservation at this point as America searches for every possible source of energy cannot be overemphasized when we remember that 33 percent of the energy expended in this country is completely wasted—an absurd situation which deserves the full time and attention of one assistant administrator.

Mr. Chairman, I urge my colleagues to support this legislation as well as the two amendments which would strengthen it in its critical work. To take an important step toward energy self-sufficiency, I strongly urge that support.

Mr. HORTON. Mr. Chairman, I yield 1 minute to the gentleman from New Mexico (Mr. LUJAN).

Mr. LUJAN. Mr. Chairman, I want to congratulate the committee on this legislation. All through the legislation I listened to the arguments, and I really believe this is probably the most important piece of legislation we have had before the Congress this year and, as a matter of fact, in a long, long time.

Last week we debated for 3 days a bill which was very, very controversial and, in the final analysis, is not going to add one iota to the needs we have in this country. However, this bill and the administration it creates will certainly be the answer to the problem we have and will lead us to the day when we can tell those who would shut off the valve to take their oil and do whatever they want to do with it.

Certainly, if it were not for this legislation, we would not ever be in a position to do so.

So really and sincerely I want to congratulate the committee, the chairman, the ranking member, and all those who worked so hard on it.

Mr. HOLIFIELD. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. ROSENTHAL).

Mr. ROSENTHAL. Mr. Chairman, I want to commend the chairman of the committee for the very significant effort and accomplishments he made in bringing this bill to the floor.

There is one thing I want to advise the members of the committee, Mr. Chairman. We must never forget when we establish new developments and agencies that these organizations make policies. While it is absolutely true the authorizing committees and the appropriating committees will have a more significant hand in developing programs and appropriating funds, the organizational structure we establish today or at any time we authorize a new agency, has an enormous input into the policy overtones flowing from that agency. The way the charts are established today will make a significant contribution to the policy that follows.

At the appropriate time, Mr. Chairman, I will offer two amendments both of which I think will substantially and significantly improve this legislation.

The first of them is consponsored with the gentleman from Maryland (Mr. GUDE) which he has already referred to and which authorizes a separate administrator for energy conservation. Under the organizational chart what they would do is have an administrator for environment, safety, and conservation, an assistant administrator for environment and safety and additionally a separate assistant administrator for energy conservation.

I do this because, as the gentleman from Maryland (Mr. GUDE) has already suggested, energy conservation is an enormously important field, and it has been significantly neglected, and this is one area that we can make a very meaningful contribution to today.

The second amendment that we will offer is to create two new assistant administrators, one for geothermal re-

search, and one for solar research. We believe the fact that there will be such an assistant administrator for each of these areas is essential, and will have a significant impact not only on appropriations and authorizations, but an impact on the input and policies that flow from this administration. So I would urge that my colleagues support both of these amendments, which will be offered at the appropriate time.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HOLIFIELD. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Wyoming (Mr. RONCALIO).

Mr. RONCALIO of Wyoming. Mr. Chairman and colleagues, I feel somewhat like being in the presence of the mighty men of the past today, as we consider the scope of what we are about to do. I envision Enrico Fermi is standing with us as we look at the gentleman from California, Mr. CHET HOLIFIELD. I believe that he will go down with the mighty men of history—Admiral Rickover, Milt Shaw, James Ramey—as one who has made possible great contributions toward energy gains and nuclear reactor power in the history of our Nation.

Mr. Chairman, it has been my honor to serve on the Joint Committee on Atomic Energy with the gentleman from California (Mr. HOLIFIELD), the distinguished gentleman from New Mexico (Mr. LUJAN), the gentleman from Idaho (Mr. HANSEN), and with that great admiral and gentleman from California, CRAIG HOSMER, and Chairman MEL PRICE, of Illinois.

We have considered the complex problems of uranium enrichment. And the gentleman from California (Mr. HOLIFIELD), the chairman, has led us steadfastly in our endeavor on the Joint Committee on Atomic Energy. We have put in many, many hours on long, difficult, and tremendously complicated matters in our hearings, matters affecting the future of power generation in America today.

We have noted with pride the accomplishments of our Navy, particularly in what nuclear power has done for the Navy in displacing fuel oil, particularly on our carriers, and every one of our submarines all of which are now nuclear powered.

We are hopeful that this legislation will relieve us from our dependence on oil nationwide, just as we have been relieved from our dependence on oil in powering our carriers and submarines in our Navy.

So I honor the gentleman from California (Mr. HOLIFIELD) today. I am proud to be associated with the gentleman.

But I have reservations on the funding on our actions here today in the rush to meet the energy situation our Nation is experiencing. There are those who are lined up solid for this bill and those who would prefer the bill passed by the other body. Each provides in its own way for a governmental reorganization to deal more effectively with midterm and long range energy supply and energy source availability. I have no doubt that whichever of these measures came before the House first would pass. It would not be politically healthy at this time to vote against a measure intended to help ease energy shortages.

Many of us have looked with dismay at the actions "downtown" in dealing with the energy situation and counted the energy czars as they come and go, each time hoping that effective organization and action would move us more toward alleviating the crisis pressure.

Now in Congress, we are seeing similar power plays and moves to rush through legislation which will have an impact on the very organization and committee arrangements, the seats of power, in this body. The particular concern I have with the bill before us comes from the legislative history being compiled behind it. On page 23 of the committee report, 93-707, I call your attention to the following:

> The Administrator will take note, of course, of the report to the President submitted by Dr. Dixy Lee Ray, Chairman of the Atomic Energy Commission, on December 1, 1973. This report, entitled "The Nation's Energy Future," was prepared at the President's request and is pointed "toward the attainment of a capacity for energy self-sufficiency by 1980." The Administrator, of course, will use his own best judgment, illumined by the best intelligence and advice he can obtain, to determine whether, or in what manner, the aforementioned report should be modified to accord with available resources, emerging opportunities, and responsibilities under the charter given by this bill.

I wonder how many Members have had the opportunity to study that report, the report which will to a large extent serve as a basis for action under ERDA? Do we not need time for all of the Members to digest these proposals?

Dr. Ray has my highest respect and I am second to none in my praise of her talents. However, there is one small part to her report to the President which I totally oppose because it would be wasteful and destructive if pursued.

The plan sent to the President calls for an expenditure through the year 1979 of a total of $107.6 million for nuclear stimulation of natural gas and oil shale. Dr. Ed Teller would include deep coal deposits in such experiments.

Nuclear stimulation of gas in tight rock formations has been tried. Three wells have been stimulated to date without the sale of 1 cubic foot of natural gas.

Nuclear stimulation of oil shale is in a much earlier stage, but I do not believe it is an alternative worthy of consideration. The AEC has looked into this possibility, but has done little work on it since 1967 until only recently.

Just this week members of the Interior Committee heard a highly informative presentation by representatives of Occidental Petroleum describing their nonnuclear, conventional techniques of extracting oil from oil shale by the in-situ process. The representatives said that this technology is ready to go with only minor technical improvements.

The people of Wyoming and Colorado who have been closest to nuclear stimulation of natural gas are now confronted with nuclear stimulation of oil shale. We recognize that our abundant natural resources have to be developed in the national interest and we are prepared to do this, but not—with the double threat of nuclear stimulation of gas and shale—to do so at the cost of the quality of life there for wasteful, unproven, scientific erotica.

The Atomic Energy Commission estimated as late as April of this year that 5,680 wells would be stimulated by nuclear devices in order to free 300 trillion cubic feet of gas. Each well would have from four to six 100-kiloton nuclear devices. That puts the firing power up to 142,000 Hiroshima bombs over an 80-year period.

Project Rio Blanco, the last nuclear stimulation test, has shown disappointing results for the AEC.

After 6 days of test flaring, the well pressure dropped dramatically. Some 12,000 barrels of well mud and water were dumped down the well hole and it is now thought that the three 30-kiloton explosions did not create one chimney as planned, but rather three unconnected cavities, another disappointment in the trail of unfilled promises.

Hydrofracturing has now been shown to be able to free the gas located in these tight formations. More wells may have to be drilled, but there would be no major disruption of life, there would not be repeated nuclear underground detonations, there would not be the production and distribution of radioactive gas containing carbon 14 with a half life of 5,730 years, there would not be an underground disposal of an estimated 100,000 barrels of tritiated water per well and there would not be a diversion of precious uranium from our reactor program. On this basis, hydrofracturing is a far more beneficial technology to pursue.

Information on nuclear stimulation of oil shale for in situ recovery is limited. However, there is no doubt in my mind—and I would like to be enlightened if this is not the case—that petroleum produced by this method would contain radioactivity as does the gas produced by nuclear stimulation.

Mr. Chairman, at this time of national energy shortages, pessimistic outlooks on energy in the immediate future and the rush to enact remedial legislation, we cannot act in haste, however politic such speed may be. If we rush this bill through to law, we will be committing to legislative history, and possibly to later authorizations and appropriations, a program which will put nuclear stimulation, with its economic and environmental waste, on a priority basis at the expense of the safer and more long-term technologies of hydrofracturing, solar, and geothermal energy development. We will be jeopardizing the breeder reactor program by misuse of the uranium atom. The nuclear world has enough troubles without creating resistance in wasteful stimulation activity.

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

Mr. RONCALIO of Wyoming. I am happy to yield to the gentleman from North Carolina (Mr. FOUNTAIN).

Mr. FOUNTAIN. Mr. Chairman, I am honored to have been one of the cosponsors of a bill H.R. 11731, identical in subject matter and purpose to H.R. 11510

which was introduced by the distinguished and able chairman of the House Government Operations Committee, Mr. HOLIFIELD, of California and the ranking minority member thereof, Mr. HORTON, of New York.

I would like to commend both Mr. HOLIFIELD and Mr. HORTON for their dedication and cooperation in bringing this historic legislation to the floor of the House for consideration at this time. Every member of the Holifield reorganization subcommittee is entitled to the gratitude of this body.

I would also like to take this opportunity to pay my personal respect and tribute to Mr. HOLIFIELD for his leadership here in the House, not just in connection with this legislation, but also in connection with so many other very important pieces of legislation which have been enacted into law by the Congress during his long tenure of service in this body.

During all of my years of service in the House and on the House Government Operations Committee, I don't believe I have observed any Member of this body more tireless in his labors, and efforts. None of us have always agreed with every position he has taken—that is democracy in action—but I believe all who have been associated with him or who have observed him, will agree that he is truly one of the "work horses" of this body. Few Members put in as many hours of work. My office is just around the corner from his. I know of the many many times he has worked well into the night. Few members much younger can keep up with him.

But what I admire most about CHET HOLIFIELD is his sincerity and dedication in whatever he undertakes.

The bill before the House today, H.R. 11510, identical as I have said to H.R. 11731, which I had the pleasure of cosponsoring, appropriately responds, I believe, to the energy needs of the future by reorganizing energy research and development in a coordinated and logical way. It will bring together the expertise and proven competence of the Atomic Energy Commission's laboratories with the vast potential of fossil fuel within the Office of Coal Research and the Bureau of Mines from the Interior Department. It would also add the ongoing programs of the National Science Foundation in the fields of solar and geothermal research and the technological, automotive R. & D. from the Environmental Protection Agency.

This is a bill which has been considered carefully after extensive hearings last July, when ERDA was a portion of a comprehensive administration reorganization proposal, and again last month, on this bill.

During the hearings the committee heard witnesses from the administration, the industrial sectors involved and interested private groups and individuals. Following those hearings several technical and minor substantive amendments were made to accommodate the problems brought out in the hearings. This bill was then reported unanimously with 40 members concurring. It is important to recognize, that while this bill is a response to the energy crisis we face, it is an effort to find long-term solutions for the problem. As such, it should not be confused with administration proposals for a second administrative agency to handle the emergency legislation passed last week by the Congress. That agency, the Federal Energy Administration, has been set up by the President's Executive order and he has announced it will be headed by William Simon. Early next year if not this week, we will give thoughtful consideration to enacting into law the Federal Energy Administration bill to handle allocation, rationing, and other programs to respond to the present emergency.

Today, however, the business before the House is the passage of H.R. 11510, which will start the Federal Government along the road to energy self-sufficiency by creating the Energy Research and Development Administration. Having waited too long to begin, we can delay no longer our commitment to solving the energy problem. Not just to weather the current storm, but to change the climate for generations to come. At long last this bill will organize and coordinate the research efforts of the greatest technological nation in the world for a scientific attack on the surmountable problems of our age.

If we could put a man on the moon in a decade of accomplishment, we can make the planet on which we live a mobile and productive one.

I shall not repeat what others have already said about this legislation, its background; administrative organization and missions, the functions transferred to ERDA, ERDA's authority, and so forth.

I just want to add a few more comments about the longstanding need for legislation of this kind. It is not a perfect reorganization of the agencies and functions involved, but it is an independent agency. Any imperfections hereafter discovered can in due time be corrected, but the dire need for such legislation has existed for some years.

An organizational base for a well managed, centrally directed attack on energy problems is provided in this bill. This Nation just must become self-sufficient in clean energy for the decades that are ahead of us. And all necessary steps must be taken toward that end.

The present energy crisis demands concerted and coordinated action on many fronts. This legislation is not intended as a substitute or alternative to legislation in specific fields, such as nuclear site selections, use of petroleum reserves, construction of deepwater ports, or emergency conservation. It is basically a reorganization measure directed toward the research and development part of our total national effort to overcome existing and long-term energy shortages.

The House Government Operations Committee on which I am honored to serve pointed out in its extremely informative Report No. 93-707, the scope of possible energy sources and utilization technology which this new organizational structure—ERDA—may explore will be virtually limitless. It will include, though not be limited to, solar, tidal, wind, hydrogen, geothermal—using natural steam, hot dry rock, water injection and other techniques—and nuclear fusion. Many new directions can be taken. The vigorous pursuit of all promising energy sources and technologies will and must be a major mission of ERDA.

Achievement of national self-sufficiency in energy at the earliest practicable date is a must—if we are to be prepared in the future for such frightening actions as the Arab oil embargo, and energy shortages in other parts of the world.

Attainment of an initial plateau of energy independence will not be the full answer to our energy problems. Consequently our committee has made an effort in this bill to make ERDA's essential long-range responsibility the determined pursuit of the virtually inexhaustible supply of energy which can be widely utilized for the common good without a harmful environmental impact.

However, the passage of this legislation and the subsequent adoption of the organizational setup envisioned in it will not per se improve our energy sources. That accomplishment will take a lot of human energy and human dedication and use a lot of money to do the job that needs to be done.

Personally, I feel that we have a great energy potential in our possession of about one-half of the world's supply of coal—our most abundant fossil fuel reserve. We already know it can be converted into gaseous, liquid, and other environmentally acceptable forms.

In our search for the pot of gold in energy resources I hope we will pursue with full speed ahead what we already know about one of God's great creations—the Sun above us. Considerable technology is already available in solar energy utilization for heating purposes.

In fact, self-sufficiency compatible with a clean environment is visible on the horizon, if we have the necessary will and determination to attain it. In any event, let us get on with the job.

Mr. RONCALIO of Wyoming. Mr. Chairman, I thank the gentleman from North Carolina.

Mr. Chairman, I have one question. I have noticed, and perhaps we can touch on this in the debate, that the organizational chart ends, or begins, with the Administrator on the top. Last week in our Interior hearings we were told that there would be at the top of this Mr. Simon, who is making a tremendous contribution to solving our problems, and that there would be above the Administrator the Director, reporting directly to the President.

So, as I say, I hope that before the debate is terminated today we will know precisely where the responsibility rests between the President of the United States and ERDA.

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

Mr. RONCALIO of Wyoming. I yield to the gentleman from New York.

Mr. HORTON. Mr. Chairman, this is an independent agency, and it will not go through the Federal Energy Administrator. It is a new independent agency,

and as such will report directly to the President.

Mr. RONCALIO of Wyoming. I am grateful to the gentleman from New York (Mr. HORTON) for making that point clear here and now.

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

Mr. RONCALIO of Wyoming. I yield to the gentleman from California.

Mr. HOLIFIELD. Mr. Chairman, may I say that I concur in that statement.

Mr. RONCALIO of Wyoming. Mr. Chairman, I am happy to have that concurrence.

Mr. HOLIFIELD. Mr. Chairman, if the gentleman will yield still further, I would like to thank the distinguished gentleman from Wyoming for his kind remarks, and the contributions that the gentleman has made to the work of the committee on behalf of this subject.

Mr. RONCALIO of Wyoming. I appreciate that.

Let me in conclusion quote from various editorials around the country in the last several months:

Expansion of fossil fuel supplies, and more efficient use of them, would get the second highest priority in dollars. A good case can be made for this insofar as it hastens safer, environmentally acceptable access to the nation's enormous coal reserves.

Mr. Chairman, I come from a State that will lead all others in the Nation in the contribution of millions of tons per year of readily minable strip coal of low-sulphur content, with 30 times more such coal in deep veins than we have at the surface—all in one State alone.

I see the gentleman from West Virginia (Mr. HECHLER) scowling at me. Yes, strip mining is irrevocable in Wyoming, and good reclamation laws now become our responsibility.

Another editorial:

The most promising long-range sources, such as fusion, solar and perhaps geothermal energy, have no inherent constituency or basis of support of their own. As the government finally puts together a national energy policy, the lack of which largely has induced the current crisis, these relatively safe and permanent energy sources deserve the government's own primary priority.

Solar and geothermal energy will need crash development. I submit again that a very substantial amount—40 percent or so of all of the electricity in San Francisco is from geothermal energy.

In conclusion, let me again hope that our appropriations colleagues will not waste money when it comes to continued scientific boondogging as in the gas stimulation program as distinguished from what is a vital contribution.

I cite to my colleagues a book called "The Energy Crisis" just out, by Lawrence Rocks and Richard P. Runyon. In a chapter devoted to "Project Gas-Buggy," stimulation of gas fields for the next 10 years, as under the program of Rulison and Rio Blanco, would require 19 atomic energy explosions every day of our lives.

It is a woefully inadequate return for the waste of technical manpower and uranium resources.

To go on with the experiment of nuclear stimulation, we do nothing in making a contribution to solving the energy crisis. Even if every cubic foot of natural gas we are going after were not contaminated and could be recovered and could be used, we still have made virtually no contribution to solving the energy crisis.

I hope that each program is funded on its merits, accelerated when it succeeds and terminated when it fails after a reasonable amount of effort.

Nuclear stimulation, of tight gas fields has failed after a reasonable amount of effort, it should be terminated forthwith.

Mr. HORTON. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. ROBISON).

Mr. ROBISON of New York. Mr. Chairman, I will support H.R. 11510, because it promises to effectively channel that one bountiful national resource, which remains available to us Americans in this time of growing scarcity. Through the Energy Reorganization Act of 1973, this country will have the organizational and the managerial base required for tapping that still expansive reservoir of technological expertise we have in the United States and devoting it to the goal of finding alternative forms of energy supply, thus balancing our too long-held dependence on petroleum fuels.

By concentrating these talents on well-defined needs, we will have come part of the way toward setting out that national energy policy and that complementing national fuels policy that this country, in point of sad fact, has lacked for so long. It has been my self-appointed mission, throughout years of Appropriations subcommittee hearings to ask the Department of Interior, and the Federal Power Commission, and the Atomic Energy Commission, and now defunct Office of Emergency Preparedness—and, sometimes, to demand of them—some preliminary sketch of any developing national energy policy.

The answers were never very satisfactory to my mind, but, then again, I must also number myself among those who will fit Will Rogers description of complainers about the weather. I believe it was he who said:

Everyone talks about it, but nobody does anything about it.

In any number of ways I have recently asked: "How in the world did we get into this mess?" and even, "Who do we blame?" As to the blame, the Lord knows that there is more than enough to go around—all the way around, in fact, if one starts pointing fingers of blame at the oil companies, for instance, or at the electric utilities, who then, in their turn, point at those individuals and groups who, for lack of a better pejorative, are loosely tagged as "environmentalists." And so on until the accusatory fingers eventually find enough scapegoats to come around full circle when, finally, one of those fingers is tapping on the chest of the person who first did the pointing.

Besides the comedy which comes with the hindsight of such an exercise, there is something pertinent to be gleaned; for it is probably true that in our respective fashions each and every one of us is, in some way, "to blame" for the energy crisis. Therein also lies the solution, since all of us can participate in improving the situation.

The consumers of energy have already been asked to help and, in numbers that a cynic would never have predicted, they have responded by reducing their use of heat and speed. The President gave us two early and important energy messages which set the tone and design for the legislative action we will undertake during the coming days; and, now, Congress must contribute its further necessary participation in the solution by enacting mid- and long-range research and development energy goals.

We are doing nothing less with this bill. By combining now-scattered research and development programs into a new Energy Research and Development Administration, we are settling in for the long haul. Some might see the Energy Reorganization Act of 1973 as the easy way out, since there may exist the implication that, simply by creating the organization, we have just about solved the problem. However, the message in this bill is quite to the contrary. What it does say is that we can no longer afford the disintegrated, overlapping and duplicating research and development programs which have sprung up in so many Federal agencies. Instead, we must fit the means to the times and build upon what is unquestionably a superbly managed and organized research agency, the Atomic Energy Commission.

Part of our good fortune, which springs from the vast technical expertise in this country, is that it is not necessary to build a new agency from the ground up. If we are successful in our legislative surgery, we will graft a few new programs to a very vital research organization. With careful oversight, and the judicious appropriation of funds, we stand a very good chance of contributing to the momentum already achieved by the Atomic Energy Commission and, thereby, stimulating the most capable and most productive energy research program in the world.

While there is every chance that the new Energy Research and Development Administration can solve the fuel supply equation for future decades, there is also every probability that there will be disappointments and setbacks. As a case in point, I have considerable confidence in the prospects for a successful demonstration of the scientific feasibility of nuclear fusion, but I will not be surprised to learn that optimistic predictions of such achievement are not met, or that once scientific feasibility is proven, nuclear fusion may have to take another long step before it becomes economically practical.

There are mind-boggling imponderables, as well, over the future of solar power, such that no one ought to venture now that energy from the Sun will provide the answer to all our energy needs. It can help, certainly, and should be used because of its abundance. Yet, even in the fact of what we know will be a lengthy and possibly frustrating search for energy self-sufficiency, we can take on a tone of certitude in stating that the answers will eventually be found and, in

all probability, that the answers will be found by the research organization proposed by H.R. 11510.

Saying that, we have said a lot about the sometimes nettlesome, sometimes maddening diplomatic fallout of the energy crisis. It is true that the new technology waits to be developed, but there has been sufficient progress to know that in one form or another it will be found. When that day comes, I do not expect this country to hoard resources which are vital to the welfare of so many other energy-scarce nations. Nor do I expect that the day will ever come when the United States uses the technology of energy supply as a "birch-rod" for punishing those nations which do not meet the letter of our international policy objectives. The United States will, of course, share the benefits of its technology, just as it has done for so many years; so that no nation must live with the threat that its citizens will be unprotected from winter, or that its industry will be deprived of the fuels which feed that nation's economy.

The energy crisis we are experiencing is a serious one—far ranging in its impact, and worldwide in its proportions. It is a dismaying experience, yet it will not be a defeating one. For it is neither our—nor the world's—first energy crisis. That probably occurred about a century or so ago when we and the world ran out of whales which then provided the oil "for the lamps of China" and all other people. That was a dismaying experience, too, but the human element intruded then, as it always has in the course of history; technology proved to be no more frozen then than it is now, and rather than attempting to develop "breeding farms" for whales, man went on to discover petroleum and the uses he could make of its energy-producing products and, shortly as well, Edison discovered electricity—although of course it was there all along. So, Mr. Chairman, shall it be, again, as we face up to this most recent crisis.

As the noted historian, Barbara Tuchman, has put it:

> The doom factor sooner or later generates a coping mechanism.

To those doomsayers who view our current problem in the gloomiest of moods, this bill says our society will again put an increasing premium on human ingenuity and innovation so as to provide an adequacy of energy supply in such ways as to contribute to the developing concept of a better life for all Americans, and the people of one world, as well.

Mr. Chairman, I strongly urge that my colleagues vote favorably for this bill.

Mr. HORTON. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio (Mr. REGULA), and I take this opportunity to commend the gentleman for his cosponsorship of this bill.

Mr. REGULA. Mr. Chairman, I am a strong supporter as one of the sponsors of the Energy Reorganization Act which we are debating. We need legislative direction for long-term research and development and this bill provides it, with a central organization, with a nucleus of trained scientists and laboratories, and a congressional anchor, the authorization-appropriation process.

While I do not intend to offer an amendment to this bill, it seems to me that the legislation overlooks the availability of a reservoir of talent and energy.

As you know, over the last 2 or 3 years, the NASA budget has been cut causing the loss of equipment and the release of numerous well trained and capable staff. I think that these facilities and this staff can be well used by the National Energy Research and Development Administration.

Accordingly, I have written to the Director of the Office of Management and Budget, Roy Ash, asking whether it would be possible and desirable to transfer some of the NASA personnel and laboratories to the Energy Research and Development Administration. Mr. Ash has responded to my letter and I quote from his letter:

> I wish to thank you for this excellent suggestion, particularly because I have been concerned for some time about the possible loss from Government service of these valuable skills and resources, a loss that seemed unavoidable because of NASA's Post-Apollo scaling down.
>
> Let us assure you that immediately upon the establishment of ERDA, OMB will urge the ERDA Administrator to undertake on a priority basis and in consultation with the NASA Administrator a thorough review of all NASA personnel and facilities that might otherwise be released or closed down. At the same time, I do not wish to raise false hopes for the talented people involved. As you can appreciate, such a review should be made in the context of meeting ERDA's scientific and technical requirements and decisions relating to any transfers must be made by ERDA and worked out with NASA. My personal view, however, is that the review will prove fruitful and worthwhile.

Mr. Chairman, I include the full text of my letter and the reply of the Honorable Roy Ash:

HOUSE OF REPRESENTATIVES,
Washington, D.C., December 10, 1973.

Hon. ROY L. ASH,
Director, Office of Management and Budget, Executive Office Building, Washington, D.C.

DEAR MR. ASH: As you know, over the last two or three years the NASA budget has been cut, forcing the closing of well-equipped laboratories and the release of numerous well-trained and very capable staff. These personnel and facilities constitute a great national resource which should not be lost if at all possible.

As I am sure you are aware, my Committee on Government Operations recently reported a bill to create an Energy Research and Development Administration. This new organization will need personnel and facilities very similar to those phased out of NASA.

I would like to know if it would be possible and desirable to transfer some of these NASA personnel and laboratories to the Energy Research and Development Administration. I would appreciate it very much if you could let me know as soon as possible whether or not you would be willing to review the possibility of such a transfer so that I could discuss this possibility during the floor debate on the ERDA bill, which I expect will come up this Wednesday, December 12.

Thank you for your interest and attention to this matter.

Sincerely yours,

RALPH S. REGULA,
Member of Congress.

EXECUTIVE OFFICE OF THE PRESIDENT,
OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., December 12, 1973

Hon. RALPH S. REGULA,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. REGULA: This is in response to your letter of December 10, 1973, in which you noted that some of NASA's facilities were being closed and that well-trained and very capable staff were being released. You asked whether, in establishing the proposed Energy Research and Development Administration it would be possible or desirable to transfer some of these NASA personnel and facilities to ERDA in order to avoid losing these skills and resources.

I wish to thank you for this excellent suggestion, particularly because I have been concerned for some time about the possible loss from government service of these valuable skills and resources, a loss that seemed unavoidable because of NASA's post-Apollo scaling down.

Let us assure you that immediately upon the establishment of ERDA, OMB will urge the ERDA Administrator to undertake on a priority basis and in consultation with the NASA Administrator a thorough review of all NASA personnel and facilities that might otherwise be released or closed down. At the same time, I do not wish to raise false hopes for the talented people involved. As you can appreciate, such a review should be made in the context of meeting ERDA's scientific and technical requirements and decisions relating to any transfers must be made by ERDA and worked out with NASA. My personal view, however, is that the review will prove fruitful and worthwhile.

Again, thank you for this suggestion and let me express my earnest hope that the House will act favorably and without delay on H.R. 11510 so that we may get on with the urgent business of advancing the state of energy R&D technology to meet the Nation's energy needs.

Sincerely,

ROY L. ASH,
Director.

Mr. HORTON. Mr. Chairman, I yield 5 minutes to the gentleman from Texas (Mr. WRIGHT).

Mr. WRIGHT. Mr. Chairman, I rise in support of this legislation.

I should like at the outset to thank the gentleman from New York, the ranking minority member, Mr. HORTON, for having yielded this time from his allotment, and to congratulate both him and the distinguished chairman of our committee, the gentleman from California (Mr. HOLIFIELD) for having brought before the House at this particular moment an unusually timely piece of legislation.

This legislation can be extremely useful in that it draws together from scattered locations throughout the Federal executive establishment for consolidation into one central administrative vehicle all those activities relating to research and development in a variety of endeavors aimed at replacing our current profound reliance upon our Nation's finite supplies of petroleum.

This bill, of course, does not create or expand any such effort. It merely creates the executive machinery to administer such programs as we have heretofore or-

dained and must in the very near future greatly enlarge.

The merit of this legislation, I believe, is that it proceeds from the recognition that the energy crisis is not a short-term problem, but rather a long-term problem which will grow inexorably worse, more economically binding and more socially restricting, until we do find some alternate sources to replace our reliance upon the petroleum resources which at our present rapidly accelerating rate of consumption will be exhausted within 14 or 15 years.

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

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

Mr. VANIK. Mr. Chairman, I commend the gentleman from Texas for his very fine and thoughtful additional views, which I commend to all our colleagues, which are included in the committee's report.

I would gather from the gentleman's statement in the report that he would disagree with the President's statement that the energy crisis may be over in a year's time, and feels that our problem is indeed very serious and far-reaching and will not be solved until we bring in some new reserves and some new energy sources to compensate for our lack of petroleum.

Mr. WRIGHT. Most emphatically I agree with the gentleman from Ohio. This is a long-run problem that will not be solved by simply curtailing wasteful uses of energy, although that is a necessary part of its immediate alleviation. The long-range solution must be founded upon new discoveries and developments, and these, if they are to be efficacious, must be funded adequately. We can only signal our intention today to make an earnest beginning toward that solution by enactment of this legislation. This will not be the solution itself. We are merely creating a means by which the solutions can be worked out.

Mr. VANIK. If the gentleman will yield further, he referred to the energy trust fund, the energy research and development trust fund. I share the gentleman's interest in this approach. Several of us have introduced legislation which calls for $6 billion a year and for developing a reservoir of funds for this purpose. The President is advocating spending $10 billion over the next 5 years, but most of this seems to be in areas we are already engaged in and does not encompass stretching very far into the real areas of research and development. Does the gentleman really feel we can solve this Nation's energy crisis with $10 billion spent over the next 5 years?

Mr. WRIGHT. In response to the gentleman, I would have to say there is no way in which we could expect to make truly substantial or adequate progress with only $10 billion over the next 5 years. That would be only $2 billion a year. We need at least $2 billion alone to pursue the types of inquiry that are anticipated in this very legislation, such things as coal research, thermal research, solar research, research into the possible use of fusion; at least $2 billion annually for a much longer period than 5 years must be devoted expressly to those things if we are to reach our goal of self-sufficiency before the oil plays out.

It seems to me we would be guilty of the biggest possible mistake if we think too small, if we are too myopic, too timid in our approach to the problem, because it is an enormous problem that has been coming upon us for a long time. For a concerted assault upon the various facets of this multipronged problem, we shall predictably need at least $6 billion a year.

I enthusiastically embrace the idea expressed by the gentleman from Ohio that the only way we can assure ourselves of the long-range solution to the problem, ultimate domestic self-sufficiency, is by a dedicated trust fund with sufficient assured income and the concomitant commitment over a long period of time to solve the problem through not only research, but also a variety of other means, such as converting Americans from our almost singular reliance upon the private automobile to such viable alternatives as mass transportation in cities where this can be done.

Mr. VANIK. Mr. Chairman, if the gentleman will yield further, in my earlier colloquy with the gentleman——

The CHAIRMAN. The time of the gentleman has expired.

The gentleman from New York has 32 minutes remaining.

The gentleman from California has 12 minutes remaining.

Mr. HORTON. Mr. Chairman, I yield the gentleman an additional 3 minutes.

Mr. WRIGHT. I thank the gentleman for this consideration.

Mr. VANIK. Mr. Chairman, I would like to ask the gentleman a further question, if he will yield.

Mr. WRIGHT. I yield to the gentleman.

Mr. VANIK. One of the questions I asked the distinguished gentleman from California a minute ago was whether this program is contemplated to fund this effort through the Treasury, through the general revenue, or whether it is contemplated to fund it through a trust program? He indicated it could be funded either way, but he suggested it ought to come from the general revenue. I trust I am correctly stating what I believe to be the import of his response.

Mr. HOLIFIELD. Mr. Chairman, if the gentleman will yield, my statement was that this bill has nothing to do with authorization of funding of future programs. That has to be taken care of by the committees of jurisdiction.

I have no prejudice against trust funding or against general revenue, but this is a reorganization bill. We have no authority to decree in this bill that we shall do these programs by trust funding or by general funds. That is in the power of other committees.

Mr. VANIK. Mr. Chairman, I would like to ask the gentleman from Texas if we then would be subject to the restrictions of impoundment, which could be exercised with respect to funds out of the General Treasury? Does the gentleman feel that might imperil these energy programs or affect the course of their direction, contrary to the intention of the Congress in support of the argument for the trust fund?

Mr. WRIGHT. I agree with the point of view expressed by the gentleman from Ohio. As he understands and as the chairman has explained, this particular legislation could not be the vehicle for funding these programs. It does not attempt to be, and for us to attempt so to amend it would be contrary to the germaneness rule.

I do agree emphatically with the gentleman from Ohio that we owe to the American Nation a firm assurance from the Congress that we are entirely serious about the long-range implications of this problem and that we fully intend to commit sufficient resources over a protracted period to solve the problem.

In my view, the best way to do this is by means of a trust fund, as the gentleman from Ohio has suggested and, in fact, has embodied in a bill which he introduced. I joined with him in that bill and expect to introduce additional legislation along that same line.

I believe this energy problem is too important for temporizing. It is probably the single most significant domestic problem that is likely to face the Nation in the next decade. For us to rely entirely upon the whims and vagaries of the process of annual Presidential recommendations and annual congressional appropriations is not properly serving the American people. And those are my basic arguments for supporting a trust fund concept.

Mr. VANIK. Mr. Chairman, it is obvious that we are faced with a massive problem—one that will be with us for some time, one that will require a major National commitment to overcome. What is needed today is the type of commitment which enabled this Nation to place astronauts on the Moon in less than a decade. What is needed is the type of concentrated commitment which made the Manhattan project—the development of nuclear energy—possible.

Where is the money going to come from? Nobody at this stage seems to know. A Federal commitment of this magnitude will certainly place a tremendous burden on general revenues. If there is an economic slowdown due to the energy crunch, tax receipts will fall off, and fall off drastically. At the same time, the demand for Federal funds will go up—more money for food supplies, for welfare, for emergency employment would be required—where will the new funds for energy research come from?

The only responsible alternative for the regular flow of necessary funds is the establishment of a trust fund. The trust fund approach has many advantages. It establishes an independent source of funding for a vitally needed national project. It would isolate energy research from the pressures of budgetary politics. It would provide insurance against arbitrary decisions by the Executive to withhold funding.

We have taken this step before. In the past when our national goals have demanded a large commitment of funds over a long period of time, we have turned to the idea of a trust fund. Social security and the highway trust fund

are the most notable examples. Our effort in energy research and development fits closely in this well-established pattern.

A small tax on energy consumption—gasoline, natural gas, electricity, and petroleum products—would raise a tremendous amount of revenue. For example, a 4-cents-per-gallon tax on gasoline could raise $4 billion in additional revenue. In addition to the small tax on gasoline, I would propose three other sources of trust fund revenue. In each case I believe that a tax exemption or refund should be provided to the person who uses relatively little energy—the small homeowner and retailer. The financing of the trust fund should be as progressive as possible and be drawn from the larger and usually more inefficient energy users.

First, a tax on natural gas of 10 cents per thousand cubic feet would raise some $1.4 billion. Second, a tax on electricity of one-tenth-cent per kilowatt could be directed to the trust fund and would raise some $1 billion. Finally, a tax on the various types of fuel oil of half a penny per gallon would raise as much as half a billion dollars.

A total trust fund of about $6 billion would probably be adequate, certainly at this time. The money would be used not only for research but for the development, the actual bringing into production or use of new energy supplies. Among the types of energy that could be developed by such a fund are:

Solar energy for electricity and heating and cooling;

Oil Shale;

Coal gasification and liquefaction;

Geothermal energy;

Fusion research;

Wind power and the utilization of tidal currents;

Improved transmission of electrical energy;

Improved generation of electricity—MHD;

New forms of conservation devices;

Alternatives to petroleum as a fuel, such as hydrogen; and,

Utilization of ocean thermal gradients.

To avoid a regressive impact, I would hope that the tax could be geared to the largest and most inefficient users of energy, as I have done in my own legislation, H.R. 6194.

In conclusion, Mr. Chairman, I just want to say that I do not believe that an ordinary reorganization bill will be enough. The bill before the House today lacks a means of financing—and without regular, substantial financing, our efforts to solve the energy crisis cannot succeed.

I hope that in the very near future, the Congress can provide for a system of trust fund financing of our Nation's needed energy research.

Mr. HORTON. Mr. Chairman, I yield 2 minutes to the gentleman from West Virginia (Mr. HECHLER).

Mr. HECHLER of West Virginia. Mr. Chairman, I thank the gentleman from New York for yielding me this time, and I congratulate him, the chairman, and the committee for bringing forth this legislation. However, there are a number of improvements in the structure, substance and philosophy of this legislation which deserve considerable remedial work.

Coal is at last coming into its own in various measures which the Nation is now taking which should have been taken long ago. As a result of poor planning, coal research was starved with pennies while nuclear research received all the Federal emphasis and vast preponderance of the billions of dollars allocated.

I am pleased that coal is getting at least some attention in the various pieces of legislation which the Congress is considering. We have enough coal to power our society for hundreds of years. It is essential that we concentrate the energies of the Nation on the development of these coal resources and reserves, and hasten the perfection of the technology to utilize these vast coal deposits without damaging the health of our people or the soil and streams.

Representing the largest coal-producing State in the Nation, I would add that it is essential with thousands of additional miners who will be employed to mine this coal, that we place the highest priority on the value of a human life. The preamble to the Federal Coal Mine Health and Safety Act of 1969 clearly states:

> Congress declares that the first priority and concern of all in the coal mining industry must be the health and safety of its most precious resource—the miner.

In our rush to set up energy agencies and administrative superstructures to meet the "energy crisis," we are forgetting and overlooking the human element—how these measures will affect the coal miner, the consumer, and the average working man and woman throughout our Nation.

Mr. Chairman, I noted in the committee report at page 16 that "some of the mining technology research activities" will remain in the Bureau of Mines, while the Office of Coal Research and several related activities are being transferred to ERDA. The theory expressed in the bill and report is that this mining technology research is necessary to support mine health and safety in the same agency.

I would simply state that although the Committee on Education and Labor has primary jurisdiction over coal mine health and safety, I think it is essential through this Congress to face up to the fact that the Bureau of Mines and its successor in the field of mine safety—the Mining Enforcement and Safety Administration in the Department of the Interior—have simply failed in their mission to protect the health and safety of the average coal miner in this Nation.

Mr. Chairman, I have introduced legislation ever since 1969 and Senator HARRISON WILLIAMS has in the Senate, to transfer jurisdiction of mine health and safety out of the Department of the Interior to the Department of Labor. The past and present enforcement of mine safety is in the hands of a production-oriented agency, and it should be administered by an employee-oriented agency; namely, the Department of Labor. Mr. Chairman, I hope some consideration and support can be given to this transfer, in addition to transferring the remaining mining technology research activities from the Bureau of Mines to an agency like ERDA.

Finally, I would like to ask the gentleman from California a question which many of us have been concerned about; whether or not the central core staff of the Atomic Energy Commission is going to comprise ERDA, and whether this would give the proper emphasis to coal?

Mr. HOLIFIELD. Mr. Chairman, I did not get the first part of the gentleman's question.

Mr. HECHLER of West Virginia. Mr. Chairman, many of the Members of the House are deeply concerned by the wholesale transfer of many administrative and executive personnel from the Atomic Energy Commission to ERDA. Will this result in an overemphasis of the nuclear side of ERDA's activity? I would express the hope and ask the question whether it is the thought of the gentleman from California that sufficient emphasis will be placed on the development of fossil fuels, and in particular coal, in the administration of ERDA? We must move forward boldly and aggressively to develop the full potential of coal. We must not submerge coal in an agency which continues to exert a nuclear energy bias.

Mr. HOLIFIELD. Mr. Chairman, the gentleman speaking cannot make a commitment on any kind of authorization or appropriation. That has to go into the committee of statutory jurisdiction. However, we do have in the program that has been submitted to the President December 1, by Dr. Dixy Lee Ray, Chairman of the AEC, the table here which shows practically an equal amount of money would be spent by private and Federal agencies for the use of coal. For instance, in the private sector, it is expected that $3 billion will be furnished by private sources.

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

Mr. HOLIFIELD. Mr. Chairman, I yield 2 additional minutes to the gentleman from West Virginia (Mr. HECHLER).

The Federal recommendation is $2,175,000,000. If we put those together, we have the practical equivalent of the amount that is recommened for nuclear energy. Now, as to whether those amounts will be authorized by the legislative committees and appropriated by the Appropriations Committee, this speaker cannot say.

But I would say this much: that I want to assure the gentleman that I realize very deeply the importance of coal, and anything I can do at any time will be done.

As far back as 1961, I was coming out for coal. In fact, I put $5 million into the Atomic Energy Commission back in 1961, I believe it was, for coal research, and it was knocked out on a point of order.

Mr. HECHLER of West Virginia. Mr. Chairman, does the gentleman from California recall that, in 1961, that I broke with other coal State representa-

tives and supported the Hanford project?

Mr. HOLIFIELD. Yes. I do remember that.

Mr. HECHLER of West Virginia. It was at political risk to myself that I supported a nuclear project strongly advocated by the gentleman from California, and now I hope that the gentleman from California will reciprocate.

Mr. HOLIFIELD. Yes. The gentleman showed great courage at that time. He deserves a page or perhaps a chapter in "Profiles in Courage" for his action, because I know that he did it at some political hazard.

Mr. Chairman, I will say to the gentleman that as far as I am concerned, I believe the near-term supplies of energy must come from coal, in addition to oil and gas, which we have, but particularly coal, because coal will be here long after the oil and gas have been depleted.

If we can just learn to use coal and mine it so that it is environmentally acceptable, and if we can learn to burn it and to transport it so that it is environmentally acceptable, I think it will take us a long way toward solution of our near-term energy problems.

Mr. HECHLER of West Virginia. Mr. Chairman, I thank the gentleman. I certainly hope that we can emphasize the extraction of deep-minable coal, of which we have seven times as much of the low-sulfur variety as we do of strippable reserves which can be mined economically with present technology.

Mr. HORTON. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I would like to point out to the Members that we are getting amendments by the bucketful. Many Members are bringing in amendments to this bill.

This bill has been carefully worked on by the subcommittee and by the full committee, and I want to emphasize that this is an organizational bill. This establishes an organization. We are not changing any authority that any of the agencies which are to be transferred now have; we are not changing any of the jurisdictions of the committees involved in the Congress; we are not changing any of the laws that are involved.

What we are trying to do is to establish an organization for energy research and development, and I hope that the sponsors of these amendments, since many of the amendments have policy questions involved in them, will understand that we will have to oppose them.

We are not trying to establish or set policy in this bill.

Mr. HOLIFIELD. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois (Mr. PRICE).

Mr. PRICE of Illinois. Mr. Chairman, I rise in support of H.R. 11510 and to express my complete association with the explanatory remarks of my distinguished colleague, Congressman HOLIFIELD. This bill will set up a separate agency to be called the Energy Research and Development Administration, or ERDA, to carry out a coordinated effort on all forms of energy research and development. This bill also establishes a separate organization for the licensing and regulation of nuclear powerplants.

I cosponsored the legislation here under consideration. The hearings on this bill which I followed with interest, only served to reinforce my judgment that H.R. 11510 is indispensable to the national posture that must be assumed without delay in the face of our energy dilemma.

Mr. HOLIFIELD and I are the sole remaining charter members of the Joint Committee on Atomic Energy. He served alternately as chairman and vice chairman of the Joint Committee for 10 years, and when he yielded the chairmanship in 1971 to devote more time to the chairmanship of the Committee on Government Operations, I was privileged to assume his high position on the Joint Committee.

From our long association, I know that CHET HOLIFIELD understands the dimensions of our national energy problem and has the rare wisdom to convert that knowledge to realistic legislative perspective and remedial action.

Understanding the true nature of the energy challenge facing this country is not an easy task. This summer, at my request, the staff of the Joint Committee on Atomic Energy prepared a compilation of information and an analysis which I highly recommend for a basic understanding of the energy problem. It is in a print captioned "Understanding the National Energy Dilemma." This report covers all existing and potential energy sources. The committee has always taken into consideration all energy sources in light of the interrelationship of most forms of energy.

More and more people are beginning to realize that energy is the very lifeblood of our material existence on earth. Our affluence, relatively speaking, our jobs, industry, health, security, and general welfare, are directly attributable to the fact that we have had more energy at our command—a major portion of which is in the form of electricity—than any other country in the world. The average American uses as much energy in just a few years as half the population of the entire world consumes, on an individual basis, in a full year.

But we have seriously neglected to face up to the growth rate in our consumption of energy, and to our trusteeship to assure that future generations can enjoy a healthy environment and an abundance of energy.

Under this bill, ERDA will see to it that all potential energy sources are utilized and that we attain energy independence at the earliest possible time. Our posterity will thank us for our long-range concern and R. & D. efforts.

This bill will further facilitate the broader use of one of our greatest national assets—the national laboratories of the AEC. These laboratories are already doing research work in areas other than nuclear energy. The Congress long realized the importance of these national laboratories. For example, in 1970 and in 1971, in recognition of the preeminence of the facilities and the talents of those who work in them, the Congress broadened the charter of the AEC to include responsibilities for nonnuclear energy R. & D. in the charter for these laboratories. These laboratories have already made significant progress in areas such as battery development, electric transmission, improving thermal power cycles and reducing environmental effects of power generators. The legislation before us combines all of the major energy development facilities in the Nation in order that a coordinated attack can be made on the problem of obtaining additional energy sources which are environmentally acceptable.

ERDA will continue to conduct many important programs, most of them energy-related, which the AEC has heretofore been carrying out with much success. One of these, for example, is the Naval Nuclear Propulsion Program, a joint program of the AEC and the Department of the Navy. The bill provides that the Division of Naval Reactors, which is responsible for the AEC portion of this program, will be transferred to ERDA.

As noted in the committee report, the Naval Reactors Division has made, and is making, major contributions to civilian nuclear power as well as to naval nuclear propulsion. The report expresses the committee's conviction that if the functions of the Naval Reactors Division had not been under the jurisdiction of the AEC, most of its accomplishments in both the peaceful uses of nuclear energy and in the area of nuclear propulsion of warships probably would not have materialized.

How well I recall that we found it necessary to buy the nuclear propulsion plants for the first two nuclear submarines, the *Nautilus* and *Seawolf*, with AEC funds because the Navy and the DOD were reluctant to embark on the development of nuclear propulsion. I speak from first-hand experience, gained from a long and close association with the Naval Reactors Program, when I say that it is the best interest of the Nation for the functions of the Naval Reactors Division to remain under the jurisdiction of ERDA.

I commend Mr. HOLIFIELD, his committee and staff, for their outstanding work on this major legislative measure.

Mr. HORTON. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. FISH).

Mr. FISH. Mr. Chairman, I strongly support the primary intent of H.R. 11510—the Energy Reorganization Act of 1973—which is to centralize Federal energy research and development efforts. The creation of the Energy Research and Development Administration is a logical step in this period of pressing energy shortages. It should be applauded and supported by the House.

The scope of ERDA's research and potential utilization techniques is broad and open-ended. Among the potential energy sources that will be explored are: Solar, tidal, wind, hydrogen, geothermal, and to some extent, nuclear. It is most important that ERDA avoid bias in favor of any one energy technique and I expect that Congress will assure that it does. Hopefully, the creation of ERDA means that the serious fragmentation of Federal energy research programs is at an end and that we will be able to maximize our energy potential in the shortest possible time span.

But, I would be less than candid, if I did not also express deep reservations about the contents of title II in this same bill. Title II renames the Atomic Energy Commission the "Nuclear Energy Commission." The renamed NEC would retain all the licensing and regulatory authority now placed in the AEC. But title II is more than mere "housekeeping" legislation. Section 203(a) assures that the NEC would retain the authority to engage in or contract for research which it deems necessary for its licensing and regulatory functions. So, while ERDA will be allowed to conduct research regarding nuclear fusion for example, the NEC would still have direct control over any nuclear safety research.

It is my view that these nuclear safety research functions would be more properly placed elsewhere, perhaps in ERDA itself. Serious questions have been raised about the adequacy of the AEC's safety standards and criteria. No Federal agency should be the sole judge of the validity or appropriateness of its actions. Certainly, the severe unthinkable tragedy that would result from a nuclear accident, makes this even more imperative with respect to the activities of the AEC.

Earlier in this session, I introduced legislation—H.R. 11079—which would authorize an independent study of AEC safety standards and regulations. The comprehensive study would be conducted under the auspices of the National Academy of Sciences. My bill is not an antienergy bill. Right now nuclear energy represents approximately 1 percent of our total energy resource production. Such a review of AEC safety criteria is essential before the very real energy crisis commits this Nation to an irrevocable policy regarding nuclear power.

So, while I am gratified at the creation of the Energy Research and Development Administration, I still feel that certain elements of this measure warrant concern. Hopefully, the Congress will see fit in the future to insure that nuclear power activities and research will be reviewed in the proper manner.

Mr. HOLIFIELD. Mr. Chairman, I yield 3 minutes to the gentlewoman from New York (Ms. ABZUG).

Ms. ABZUG. Mr. Chairman, it is very true, as my colleague on the committee, the gentleman from New York (Mr. HORTON) has said, that this is a bill which provides for a very needed structure for research and development to meet the needs of our crucial energy problem.

I believe that the concerns that have been expressed by our colleagues in the amendments they seek to bring before us are concerns that members of the committee also have, as have been expressed by the gentleman from Maryland (Mr. GUDE), the gentleman from New York (Mr. ROSENTHAL), and others. The committee, in its wisdom, did not seek to favor one form of energy over another.

We, on the committee, must see to it that, in the development of this very much needed organizational structure, the structure itself does not encourage an imbalance in its emphasis. The question of the proper balance between research in the fields of nuclear and fossil energy as opposed to other forms of energy, such as solar and geothermal, is something which we must also consider.

We do have a responsibility this afternoon, in working with this bill, to see to it that we deal with these questions and safeguard against an emphasis in one form of energy as against another. Most particularly, we have to make certain that the structures lend themselves not only to looking for potential energy sources, but also to encouraging more efficient use of our existing energy sources.

We must assure ourselves that the structure permits an opportunity to develop renewable forms of energy which, for the future, can solve our energy needs more effectively than nonrenewable forms, such as fossil or nuclear energy.

If the structure does not lend itself to these factors sufficiently, we should be open to amendments which will improve the structure of the new Energy Research and Development Administration. Only then will we be able to deal with the very weighty problem we are charged with in developing the research so needed for the critical energy problem we confront today.

Mr. UDALL. Mr. Chairman, we are faced today with an issue critical to the Nation's future. There is general agreement, I think, that the United States must achieve a balanced energy budget as quickly as possible. To do so, we must develop a wide variety of new energy sources which have been ignored in the past, improve the efficiency of existing methods of energy supply, and substantially reduce our profligate rate of growth in energy consumption.

The question before the Congress is how best to achieve the first of these goals. The bill before us today is one solution. I rise to express my belief that there is another—and better—solution.

The administration's reorganization plan, the creation of ERDA, a new Energy Research and Development Administration, has several serious flaws, both procedural and substantive. Among these are: The inevitable delays caused by a large bureaucratic reshuffling, the absence of congressionally defined objectives in the bill, the omission of some extremely important areas of research from the Agency's jurisdiction, and the heavy nuclear bias built into this plan.

First, I submit to you that ERDA is only half a job. There is no doubt that we need a complete, fully thought out reorganization, encompassing both energy production and energy conservation. ERDA unfortunately does not accomplish this. It is an incomplete reorganization which will only add to our problems a year or two from now when we attempt to fashion the final, complete reorganization. Then we will have to dissolve or at least redesign this large new agency which will only just be getting off the ground.

ERDA's supporters have touted this as a simple, uncomplicated bill, but it is not. The creation of a new agency employing about 100,000 people who will have to be redirected, retrained, reassigned, or transferred can never be a simple undertaking.

Even a simple reorganization causes bureaucratic tangles and inevitable delays. In this case, whole offices and departments will have to be fitted into a new institution, thousands of scientists will get new bosses, and laboratories new administrators. This means that it is going to be a very long time before any research actually gets done, and this is precisely the situation we are trying to correct with this reorganization. I suspect that the real research progress will just be beginning about the time that Congress adopts its full reorganization plan.

ERDA has been under study for many months now, but the final bill bears the signs of a too-hasty consideration. Many extremely important areas of research—including basic materials research, the critical underpinning on which all future advances are based, areas of oil and gas research, important areas of solar research, fuel cells, areas of advanced automotive research—all these, and others, are left unmentioned.

Far more serious is the absence of congressional guidance in setting the directions in which ERDA is to travel. Congress should not now neglect its authority to provide guidelines, establishing research and development priorities, and set funding levels. The Congress must be unequivocal in stating its conviction that what we need in the long run in order to extricate ourselves from this energy crisis is a determined, vigorous, and generously funded effort to develop nonnuclear and in particular, nonpolluting, sources of energy.

Since the Atomic Energy Act was passed in 1954, the Atomic Energy Commission has spent $3.9 billion on the development of nuclear energy for power. Today, after nearly 20 years of intense and dedicated effort, nuclear energy provides only nine-tenths of 1 percent of our total energy needs, about the same contribution as firewood.

It should be clear, I think, that what we need now is a major shift in emphasis: a new, firm, commitment of administrative effort, money, and scientific expertise to the badly neglected area of nonnuclear energy sources.

And yet, the proposed ERDA will take, by Chairman Ray's own description, about 90,000 AEC employees and combine them with a few thousand transferred from other agencies or newly hired. In other words, nearly 90 percent of this proposed administration's scientists, technicians, and administrators will be men and women whose professional careers have been spent in the development of nuclear energy. I fail to see how such an arrangement can possibly provide the right background for the kind of redirected effort that we so clearly need.

To make matters worse, the development and production of nuclear materials for military uses will be included in ERDA. These efforts now consume nearly $900 million a year. Such a vast sum will weigh heavily in further increasing the imbalance in ERDA's efforts in favor of nuclear energy.

Weaponry has, of course, nothing whatever to do with the research and development of new energy sources. The

reorganization bill itself recognizes this, by providing that ERDA's Administrator shall submit a report within 1 year after he takes office, analyzing the conditions for a possible transfer of these military functions to the Department of Defense. Thus, these divisions may be transferred twice—with hardly a chance to get settled in ERDA before picking up and moving on. I do not think this is a sensible, or even a practical, plan.

To get a more precise idea of the extent of the hidden nuclear bias in the administration's plan, one need only look at the recently released report, "The Nation's Energy Future," prepared at the President's request by AEC Chairman, Dr. Dixy Lee Ray.

The report contains recommendations for spending $10 billion over the next 5 years on energy research and development. The administration has publicized it as a major effort, involving new supplemental funding. In actual fact, only about $3½ billion of the total is new spending, the rest has already been committed. But this is not the full extent of the misleading information arising from this report.

The report, as well as some of ERDA's most prominent supporters, maintains that more than 76 percent of the new money is allocated for nonnuclear research and development. Of this 76 percent, 23 percent is allocated to coal research, 22 percent to increased oil and gas production, 22 percent to energy conservation and the remaining 9 percent to the use of renewable resources—including energy from solar, geothermal, hydroelectric, wind, oceanic, fusion, and waste material sources.

These numbers are not just misleading, they are wrong. Of the proposed $10 billion to be spent by the Federal Government, $4.09 billion, or 40 percent—not 24 percent—will be spent on nuclear, and only $1.44 billion or 14 percent—not 22 percent—will be spent on conservation.

The former set of figures, allocating 24 percent rather than 40 percent to nuclear energy, was arrived at in the following manner. Table 2–1 of the report lists a recommended national program for energy R. & D. which includes $12.5 billion of estimated private spending which might "be forthcoming in response to vigorous and imaginative Federal leadership." When this amount is combined with the smaller Federal figures, one arrives at the publicized figures. Although I have no wish to stir up unneeded controversy in this matter, I can only characterize the presentation of these figures in the report, and the public testimony of ERDA's leading supporters in this matter as seriously misleading.

A close look at the details provided in the statistical supplement to the report reveals more inaccuracies—all aimed at hiding the extent of the nuclear bias in this report. For example, of the $460 million allocated to increasing oil and gas production, $147.7 million, or a staggering 32 percent, is actually proposed for nuclear applications. Even in the conservation area we find the same pattern—of the $28.5 million proposed for improvements in shipping, $12.5 million or 44 percent goes to nuclear.

I am convinced that adoption of the ERDA plan will give us an energy research and development program heavily weighted toward continuation of the status quo—with the emphasis still on nuclear energy—rather than the new, redirected program we so badly need. As I see it, ERDA combines all the problems of a complex reorganization with few of the potential virtues.

Why then should we undertake this elaborate yet incomplete reorganization when there is before us a simpler and more effective alternative? The approach to which I am referring was passed by the Senate last week by a unanimous vote—80 to 20. As presented in a similar House bill, H.R. 11857, the alternative involves the creation of a three-man council headed by a powerful chairman. The council—or management project, as the Senate version is called—would be a single, identifiable body, responsible for planning and administering the Federal Government's research and development program. All departmental jurisdictions—and, I might add, all congressional committee jurisdictions—would be left untouched. The council would simply be superimposed on the existing structure and could immediately begin its job of planning, coordinating, and administering a vigorous new program of nonnuclear energy research and development.

Both the Senate and House versions contain congressionally defined research priorities and funding levels, as well as a variety of arrangements for stimulating joint Federal-industry endeavors. This approach will not affect committee jurisdictions and will therefore avoid preempting the important ongoing work of the House Committee on Committees.

Positive House action on H.R. 11857 would result in prompt final action in Congress, for there would be no difficult drawn-out conference with the other body. There would be immediate implementation of the research program for there would be no delay as we wait for bureaucracy to extricate itself from the tangles of reorganization. And, finally, there would be no unnecessary problems a year or two from now when we reach agreement on the complete energy reorganization plan. I urge the House to give serious consideration to the alternative I have described before reaching its final decision on the future of energy research and development.

Mr. ANNUNZIO. Mr. Chairman, I rise in support of H.R. 11510, a bill to reorganize and consolidate certain functions of the Federal Government in a new Energy Research and Development Administration and in a Nuclear Energy Commission.

In the past month, this Nation has had to face its most severe energy supply crisis since World War II. The Arab oil embargo, combined with other supply problems, has painted a very dim energy picture for most Americans. Last summer, we suffered through a gasoline shortage and we must now work our way through both a fuel oil and gasoline shortage this winter.

The response of the Congress to these problems has been encouraging. The administration was slow to recognize the severity of the present crisis, but the Congress was not. Within hours of the announced Arab oil embargo, this body passed legislation, which I sponsored, to require the allocation of crude oil and petroleum products. In addition, legislation was promptly introduced to deal with the embargo, even before the President made his address to the Nation on the subject.

Since that time, the Congress has moved forward with impressive speed to deal with a wide range of energy emergency issues; including year-round daylight saving time, nationwide speed-limit reduction, research and development legislation, and H.R. 11450, the national energy emergency legislation which passed the House of Representatives last week and which I supported.

H.R. 11450 seeks to provide a short-term answer to the energy crisis, and included among its provisions are authorization for a Federal Energy Administration, extension of the mandatory allocation program from February 28, 1975 to May 15, 1975, authorization for conservation and transportation controls, requirement of an impact statement from the President on unemployment as a result of energy shortages so that the Congress can take any further action indicated, promotion of carpools, and other related short-term energy-saving measures.

The Emergency Energy Act does not give to the Chief Executive any powers greater than the Chief Executive has had in the past during other national emergencies. It does, however, get us started on the road to energy self-sufficiency which is essential to the well-being of the American people, and the continued strength and prosperity of our Nation.

On the other hand, the legislation which we have before us now, H.R. 11510, the Energy Reorganization Act, seeks to achieve a long-term solution to the energy crisis by ultimately making our Nation completely and totally independent of foreign energy sources. Some months ago I introduced legislation, H.R. 9974 and H.R. 9695, which embody the concepts included in H.R. 11510, and therefore, I am especially pleased that the House is moving forward positively today to take action on a bill that I am firmly convinced holds the key to our future independence as far as energy sources are concerned.

The Energy Reorganization Act will reorganize and consolidate major energy research and development—R. & D. functions in the Federal Government. The bill provides for two major changes. First, it creates an independent Energy Research and Development Administration, ERDA, which will encompass all the nonregulatory functions of the Atomic Commission and energy R. & D. functions from other agencies. Second, it renames the AEC the Nuclear Energy Commission—NEC—which will administer powerplant licensing and related regulatory functions.

Mr. Chairman, H.R. 11510 is not a

simple measure. It is a highly complex piece of legislation which irons out many difficulties. Reorganizing the Federal Government to better respond to energy problems is a difficult task. The Committee on Government Operations is to be complimented for their thorough and competent handling of this task. The legislation they have reported was carefully drafted to deal with every aspect of the problem and to provide an improved response to the Federal Government in this area.

It is my strong feeling that H.R. 11510 should be enacted by this body. I have reached this conclusion for the following reasons. First, H.R. 11510 is building on an already existing scientific and technical base. The Atomic Energy Commission and other research units in the Department of the Interior have a long history of success in energy R. & D. and H.R. 11510 wisely utilizes this knowledge.

Second, the establishment of an efficient organizational framework for energy R. & D. is essential if we are to achieve energy independence. The present Arab oil embargo has brought home to every American the need to develop energy self-sufficiency. To achieve this goal in the shortest possible time, we must have an agency coordinating the energy R. & D. needed to promote development of new energy sources.

Third, this legislation makes good sense from an administrative and cost standpoint. H.R. 11510 will consolidate many diverse energy R. & D. functions and bring coordination to a field that is presently closer to chaos. The bill will rid the Federal Government of duplicative research and result in more effective research. It will provide a balanced and sensible approach to energy R. & D.

Fourth, this bill will allow this Nation to move forward in a coordinated manner to achieve its goal of energy self-sufficiency. Most energy experts agree that we will have to rely on imported energy sources over the short run. However, we can break this reliance on foreign sources, if we begin now to find new sources of energy. In particular, we need to demonstrate commercial feasibility for coal gasification, geothermal energy, solar power, shale oil and advanced power cycles. H.R. 11510 takes a bold step in this direction.

Fifth, this legislation sets the proper priorities for emphasizing energy R. & D. Because energy R. & D. plays a crucial role in shaping future energy policy, it is essential that the priorities we shape today will solve the problems of tomorrow. H.R. 11510 does an excellent job of outlining these priorities. Specifically, the legislation gives the new energy Research and Development Administration the missions of R. & D. on: first, on all forms of energy; second, energy conservation; third, energy efficiency and reliability; fourth, environmental research; fifth, nuclear production, enrichment, and distribution activities; and, sixth, fusion research.

Mr. Chairman, H.R. 11510 is an important measure which I strongly urge be enacted. It should be pointed out, however, that the road to energy self-sufficiency does not stop with this bill. I am proud to be the cosponsor of several other measures now being considered which should also receive action. These bills include:

H.R. 9658—Geothermal Energy Development Corporation Act.

H.R. 9691—Coal Gasification Development Corporation Act.

H.R. 9692—Advanced Power Cycle Development Corporation Act.

H.R. 9693—Shale Oil Development Corporation Act.

H.R. 9694—Coal Liquefaction Corporation Act.

H.R. 11179—Solar Heating and Cooling Demonstration Act of 1973.

Mr. Chairman, speedy enactment of H.R. 11510 and careful consideration of these other energy research and development measures will hasten the arrival of energy self-sufficiency in the United States. Achieving this goal will be difficult and costly, but I have every faith we will reach our goal.

I urge my colleagues to join me in meeting this challenge and resolving it with the greatest possible dispatch.

Mr. PICKLE. Mr. Chairman, the bill now before us—ERDA—recognizes that our energy problems are so great as to require the full spectrum of American technical capability in developing alternative power sources.

Under the Energy Research and Development Administration, public and private institutions are given an important role in the massive effort to renew our energy capabilities. Overall, practical reorganization is called for in all of our research and development programs. This can strengthen our R. & D. programs, and clears up many of the jurisdictional conflicts.

Wide ranging participation by private businesses, universities, and other research institutions is appropriate and well advised, for we are all aware of the contributions these bodies have made in previous scientific endeavors.

With respect to developing new energy systems, private business and our universities are vitally important because of the wide range of energy research and developing programs currently being conducted in these legislations.

Research and development projects funded by the National Science Foundation, the National Aeronautics and Space Administration, the Office of Coal Research and other Federal agencies have already brought non-Federal expertise to bear on our energy problems.

As an example, I will point out that the University of Texas in my own congressional district is deeply involved in most aspects of the drive for new energy sources.

The university's Tokamak particle accelerator is one of less than a half dozen such facilities necessary for fusion energy research.

Under the new Federal energy organization, provisions are made for continuing the work of private business and universities in energy research, and I believe these provisions exhibit a great deal of foresight.

Section 108a of the bill now before us provides ample authority for a wide series of grants, loans and contractual agreements to include all parts of the American economy, in the expanding energy research effort.

Experience has clearly shown us that our universities and private businesses are rich breeding grounds for scientific and technological innovation.

I believe we are wise to include these institutions in America's new and revitalized energy organization. By doing so, we bolster our basic economic structures while accelerating the energy research effort which will one day make our country self-sufficient in its energy needs.

Mr. FRENZEL. Mr. Chairman, I believe that H.R. 11510, the bill creating a new Energy Research and Development Administration may be the most important energy bill we will pass during the 93d Congress. Nothing is more needed right now than coordination and consolidation of energy development. We can only be successful in developing new technologies if we coordinate our efforts.

The committee has taken a good administration proposal and improved it greatly. Not only do we get through it a concentration of resources and efforts, we get in addition a separation of nuclear safety regulations and licensing from nuclear development.

We shall surely need to fund this administration on a basis proportionate to its importance. As soon as House and Senate agree on the organization and operations of ERDA, we must raise our sights and provide the heavy funding needed to achieve the capability of energy self-sufficiency.

The cost of funding has been estimated at figures ranging from $10 billion over 5 years to much higher figures. I hope this House, or at least those Members who support this bill, is willing to make a financial commitment of that magnitude. It simply has to be done.

I am pleased also that the bill includes development of most energy sources anyone has ever heard of, and that the bill does not exclude research and development of sources unlisted, or even unknown, at this time.

I think its a great bill. I hope it passes.

Mr. OBEY. Mr. Chairman, the bill now on the floor of the House establishes an Energy Research and Development Administration which will have administrators in five areas: fossil energy development; nuclear energy development; environment, safety and conservation; research and advanced energy systems and national security.

The bill transfers to this new agency energy research from the Department of Interior, primarily on coal research, with a 1974 budget of $106 million; solar and geothermal energy research from the National Science Foundation, with a 1974 budget of just over $24 million; and air pollution and other energy research from the Environmental Protection Agency with a 1974 budget of another $24 million. In addition, the ERDA will contain all nonregulatory functions of the Atomic Energy Commission. Overall, the Agency will allocate about $3 billion in funds.

As those figures indicate, Mr. Chairman, at least initially the overwhelming

majority of funds this new agency will spend will be targeted for nuclear-related research and development now falling within the realm of the Atomic Energy Commission.

That is hardly surprising since our research and development efforts to date have largely been concentrated in the nuclear area. If that is to be faulted, the blame lies with a Congress which has not funded wide-ranging and imaginative energy research programs in the past at anywhere near adequate levels, and with a President who has impounded some of the funds which the Congress has provided. My concern over this bill, which is after all just a reorganization measure, is that it not be viewed as a signal that the Congress intends to put the lion's share of our future energy development resources in the nuclear basket.

Atomic power has had its dedicated advocates since the dawn of the nuclear ago 30 years ago, and in terms of funding, nuclear research is receiving top priority by our Government. Unfortunately, almost all of this money has gone toward research on the liquid metal fast breeder reactor and other fission reactors which produce a great deal of waste—in the form of heat and radioactive products which must be permanently stored. Very little is being spent on fusion research, which promises to produce cleaner and safer energy with far less waste than those produced by nuclear fission.

Now, I am sure that some people would and could go on for sometime giving us reasons for that, and the Atomic Energy Commission is not entirely at fault. But after 30 years of research, our energy output today from nuclear sources about equals that from firewood. Given that record. I do think it would be shortsighted at best to rely heavily on nuclear power, and especially fission, to meet our future energy needs.

The fact is that while we have been told time and again that nuclear power is safe, and that no major accidents affecting the public health and safety have occurred, a number of scientists have raised serious questions about the safety of nuclear powerplants, and I know from experience in my own district that a great many people are tremendously leery of them.

Look at what has happened in the past month. A newly installed evaporator spewed 7,000 gallons of radioactive waste onto the ground at the AEC nuclear facility in Richland, Wash. A supersecret device for making uranium for weapons and power was destroyed in an experimental run at Oak Ridge, Tenn. Scientists have discovered an earthquake fault just 2 miles from a half finished nuclear powerplant in California.

Mr. Chairman, I do not pretend to be expert enough to say that nuclear power is safe or that it is unsafe. But I do know that our first concern must be public safety, that the stakes involved are exceedingly high, and that if we make a mistake the disaster could be almost beyond comprehension.

What it all boils down to is that we would be shortsighted and stupid to neglect to significantly increase our research budgets for nonnuclear forms of energy such as solar, geothermal, tidal, and wind. So, Mr. Chairman, while I am voting for this bill, I do so with the hope that the research and development efforts of the ERDA will be balanced between nuclear and other types of research, and that nuclear technology will not dominate the time, and the energy and the financial resources of this agency.

We have to realize, too, that a reorganization of government to more efficiently and logically deal with our energy research efforts—as badly needed as that is—will not get us through what is a long-run energy crisis if we have an "off-again-on-again" administration downtown.

It is bad enough that the past year we have had four different energy "czars" supposedly leading whatever policymaking there has been in the energy field. What is even worse is that after every assertion by technical experts that the situation is bad and belt tightening is in order, some higher up—like the Chairman of the Council of Economic Advisers or even the President himself—holds a press conferece and cheerily guesses that things are not so bad after all.

That pattern is disconcertingly familiar. For 2 years we have been told that the economy is getting better, when, of course, it has been getting worse. Shades of Herbert Hoover—he felt prosperity was just around the corner too!

What are they running at the other end of Pennsylvania Avenue, a government or an optimist club?

The American people simply do not believe predictions that inflation is being licked and that the economy is improving. We have had too many rosy predictions, such as the President's speech to the longshoremen, that the energy crisis might only last a year or two.

That is pure 100-percent unadulterated baloney. How can the public be expected to do what the Nation's welfare demands, if its leaders do not level with them. The simple truth is that the energy crisis is real, and that it is not going to go away in a year or two. It will be with us for a decade. It is going to be inconvenient for everyone and darned painful for some. People have a right to know that, before it hits—not after.

There is one group around which would like to convince us all that we could solve this crisis by eliminating our environmental protection laws. That may sound easy, and I think most of us agree, for example, that a 1-year extension may be necessary for car makers to comply with auto emission standards. But a wholesale repeal of our recently enacted environmental laws will not significantly help us alleviate the shortages facing us—not when we have been energy gluttons for years.

Some people point to the present crisis and would like to blame the whole thing on the oil companies. I am certainly not going to excuse them. They have consistently refused to give the Government almost every type of information—from their major stockholders to information which would allow us to determine the degree of competition in the industry—which may have helped us predict and deal with this situation.

But it was the President who kept plentiful foreign oil—which was then cheap—out of the country under the assumption that it was somehow better to "drain America first." That policy encouraged the draining of our domestic resources and it discouraged oil companies from investing in oil refineries at home and we are paying dearly for that today. But the Congress did nothing to reverse it. Neither did the Congress nor the President do anything to eliminate our Government's reliance on oil companies for statistics on oil and gas reserves.

Mr. Chairman, finding scapegoats at this point is not going to help us at all. We are going to see higher prices, and quite possible higher taxes, for gas, and shortages are going to get a lot worse before they get any better. But this does not mean that Government has to stand by while gas prices go through the roof or oil company profits triple.

If prices, taxes, profits, or unemployment goes up, our citizens deserve an accounting for it. And to do that we are going to need far more information about all aspects of the energy crunch than Government has available today.

We also owe people some guarantees, that higher prices will not mean price gouging and that higher profits will not mean windfall profits. People should be guaranteed that shortages will not be used by the oil companies to drive their competition out of business; that increased taxes will be used not for allocating fuel to the rich, but to give government additional funds for energy research and development; and that rationing, when we finally do have it, will not assure adequate fuel only to those ingenious enough to cheat "the system."

Above all, our people must be guaranteed that the oil industry, which did a great deal to get us into this mess, will not be entrusted to get us out of it.

Thirty years ago, Mr. Chairman, when speaking about the depression, Will Rogers said that kids did not believe that politicians could get the country out of the mess it was in. Rogers disagreed. He remarked:

> If ignorance got us in, why can't it get us out?

That pretty much seems to be the attitude of those in Government who want to rely on oil company judgments to get us out of the energy crunch.

It seems that the energy crisis has created a situation where industry-dominated advisory committees may be making, quite possibly in secret, Government decisions which guide our actions in dealing with energy shortages. That may make sense if you could expect oil company executives to distribute their oil solely on the basis of what was good for the country. But, alas, what is good for the country is sometimes not what is good for Standard Oil. Because business executives will feel great pressure to make decisions which will maximize profits and maximize returns to stockholders, they cannot be allowed to determine what Government policy will be.

It is for this reason that I intend and urge my colleagues to support an amendment by my colleague, Mr. SEIBERLING, to

limit membership in advisory committees created under this bill so that no more than one-third of the total will be composed of representatives of industries which produce, develop or research energy sources.

Mr. Chairman, in my judgment conservation of fuel is the only assurance we have that we can ride out our shortages in the short run, and research and development of a wide-ranging host of energy resources is really the only answer in the long run. Unfortunately, I am not convinced that this House has the commitment to put our energy research resources where they belong. Only passage of a bill similar to that introduced by Senator JACKSON and passed recently by the Senate—committing us to a $20 billion and 10-year effort in energy research and development—will prove that. This reorganization bill, as needed as it is, will not solve much unless it is accompanied by that kind of commitment.

Mr. EDWARDS of California. Mr. Chairman, I welcome the enactment of the Energy Research and Development Act. The present energy crisis has pointed up all too clearly the need for a well-managed, centrally directed attack on our energy problems. Only through careful, coordinated and appropriate planning can we bring the United States as close to energy self-sufficiency as possible in the years ahead.

I am also pleased to note that this bill includes an office of Research and Advanced Energy Systems, to be headed by an Assistant Administrator, with the responsibility for exploring new areas of energy potential: solar, geothermal, tides and wind. In developing these new energy resources, ingenuity will be of the greatest importance. We can no longer rely on traditional energy plans involving fossil fuels, programs which have led to the inevitable depletion of limited resources. Our attention must turn toward new, clean, abundant and largely untapped forms of energy.

The United States has always prided itself on our technological know-how and expertise, our ability to solve mechanistic problems, and our ingenuity and creativity. The San Francisco Bay area, of which I have the privilege of representing part, is particularly known for its wealth of talent and expertise in sophisticated technological areas. A number of the Nation's leading universities, research institutes, and aerospace industries located around San Francisco Bay have recently experienced job cutbacks, but now have the opportunity to focus their attention and skills on energy problems. Congressional interest is evident in this legislation and we will soon be appropriating moneys to finance research grants in this critical area.

While I am certainly not qualified to judge the feasibility of any particular energy system, one concept has caught my attention and stirred my imagination—harnessing the wind. Wind power is not only clean, but also abundant, and limitless. In some areas like the San Francisco Bay, winds are consistent, constant and prevailing. Statistics from the U.S. Department of Commerce, National Oceanic and Atmospheric Administration, on wind velocity at the San Francisco Bay Airport for 1972 show that the mean speed of the wind there is 10.5 miles per hour, with a mean low of 6.8 miles per hour in December and a mean high of 14 miles per hour in June, indicating remarkable consistency. On the Great Plains of the Western United States, the potential is even greater.

While much of the research and experimentation in this area sounds like Gulliver's Travels or Alice in Wonderland, the January 1973 issue of Environment has a fascinating article on windmills, citing significant developments in the last 50 years, particularly the work of Professor Heronemus of the University of Massachusetts. A number of other sources indicate that the potential for developing wind power is far-reaching. Although there are obvious drawbacks in each unexplored field—harnessing the wind may require the erection of aesthetically displeasing wind-catching structures, for example—I would hope that we can remain as openminded as possible, entertaining a variety of new and innovative concepts for energy research and development. The use of wind power is certainly only one example of what we might do.

Therefore, I urge my colleagues not merely to join me in supporting the passage of this important legislation, but in encouraging their constituents, universities and research institutes, and private businesses to use this legislation and their own creative powers as the starting point for innovative and successful solutions to the challenge of the energy crisis.

Mr. MOORHEAD of Pennsylvania. Mr. Chairman, I rise in support of H.R. 11510, a most important piece of legislation, designed to manage our nationwide technical/scientific capabilities for the achievement of that degree of energy self-sufficiency so obviously needed today.

Our subcommittee and the full committee, led by the gentleman from California (Mr. HOLIFIELD) worked diligently on this crucial bill and I want to congratulate my friend for his guidance.

It is essential that we establish, in this country, an organization to assure the future availability of enough energy at a reasonable cost to our economy and to our environment. It is clear to all who attended the recent hearings on this bill, that there is a consensus throughout this country in favor of the creation of the Energy Research and Development Administration—ERDA. I can see at least three valid and independent reasons for the creation of ERDA now: First, to organize an efficient and directed national effort in energy research; second, to set limits on energy cost and thus reestablish price elasticity; and third, to assure our continued independence as a sovereign nation.

The increasing dependence of the Western World on foreign sources of crude oil has recently become a political weapon of some oil-rich nations. The American people cannot and will not submit to such blackmail. In contrast to the unfortunate situation of other industrialized nations of the West, this attack on our independence finds us ready and able to face the challenge. The energy crisis was not an unexpected event. Its symptoms have been known to us for years, and had nothing to do with our foreign policy. But it took the recent embargo by some Arab nations, to galvanize our determination, and to quickly reach a consensus on what otherwise would have taken years to accomplish.

The public should not be mislead to believe that the establishment of ERDA can solve our energy shortage overnight. There is no doubt that the remainder of this decade will entail a certain degree of hardship for all of us. But ERDA allows us to look forward to the 1980s and beyond with a new hope for an abundant supply of energy, a clean and healthful environment, and a better quality of life.

The sooner we start on this great endeavor the better the chance to minimize the discomfort and economic dislocation; the better chance for early success.

The good Lord has blessed this Nation with resources in oil, gas, coal and uranium whose total energy potential is more than 20 times that of all the Middle Eastern oil fields. More importantly, the United States is blessed with enormous industrial, technological and scientific capabilities. ERDA will marshal these capabilities into a coordinated whole. The United States can point with pride to a history of precedents of such national efforts: the Manhattan Project during the dark days of World War II, and more recently our national effort to place a man on the Moon. There should be no doubt, that this Nation, once motivated as we now are, can reach the technological, managerial and institutional greatness that Congress and the administration expect. The mission is clear, the plans are ready; let us not delay.

It is well to point out that western Pennsylvania, including my home district, occupies a very special position in energy research and development of energy resources. Western Pennsylvania is the cradle of the coal industry, the oil industry and the nuclear power industry. In addition, this region has led the Nation in pollution control since the pioneering days of the now famous Pittsburgh Renaissance. With such a history, and, furthermore, with the second largest concentration of universities and research laboratories in this country, the Pittsburgh region should play a highly significant part in the planning and implementation of ERDA.

Because of our deep interest in both fossil as well as nuclear energy and because of our historical position in resource development of both kinds, fossil as well as nuclear, we can present a fair and impartial position on the question of development priorities.

There is a real concern over the lack of adequate funding and achievement in the search for safe and clean utilization of fossil fuel. Let us no longer place coal, our most abundant domestic fuel in a poor second place.

Unfortunately, current expertise is not sufficient to cope with the need to use much greater quantities of coal than we have been using and to burn that coal in a clean almost-pollution free way.

In this regard, I was heartened by the testimony of Roy Ash, Director of the Office of Management and Budget.

During our hearings, I asked him about the disproportionate funding, in the past, of coal research to nuclear energy research.

I explained to him that my hope in supporting the ERDA bill was that under ERDA, coal research would not be treated as an orphan but with special importance.

Acknowledging the need for greater emphasis on and funds for coal research, Ash said:

> There is plenty to be done and as the Chairman has said, we have been remiss and have not been doing what might have been done. Now is the time to concentrate all of the resources that can be effectively employed to get at the nonnuclear fuel potentials and that this country has.

I am certain that the management of ERDA will recognize the merit of this concern, and promptly initiate an unprecedented expansion of the necessity research and development in coal technology, and follow through with the associated demonstrated plants.

Lastly, I would like to mention the concurrent formation of the Nuclear Energy Commission—NEC—which will henceforth be the regulatory agency for the nuclear industry. I hope that the large effort in standardization, and the streamlining of the licensing process, so well under way, will continue without loss of momentum. The Nation can ill afford to have these expensive and necessary generating capacities sit idle while the call for power is heard throughout the land. Neither can the Nation afford to take chances with the health and safety of the public and the long range quality of the environment. We have confidence that the new NEC will pursue the public interest and the national objective with due consideration to the above concerns.

I urge the immediate passage of H.R. 11510.

Mr. BOLAND. Mr. Chairman, I rise in support of H.R. 11510, a bill to "reorganize and consolidate certain functions of the Federal Government in a new Energy Research and Development Administration and in a Nuclear Energy Commission in order to promote more efficient management of such functions."

I commend the distinguished chairman and members of the Committee on Government Operations for its fine work in bringing this proposal so expeditiously to the floor.

Mr. Chairman, while the energy crisis is upon us now, it is not new. There have been warnings of its coming for the past 25 years.

A report to the President was made in 1952 by the President's Materials Policy Commission, commonly called the Paley Commission after its chairman, William S. Paley.

Volume 3 of this 5-volume study is devoted to the outlook for energy sources. It looks at energy as a single resource requirement for our Nation, and breaks this down into four studies of oil, natural gas, coal, and electric energy.

It said then:

> A supply of energy sufficient to meet the total demand of the United States can be achieved without prohibitive increases in real costs only if the Nation looks at its energy resources as a whole; only if it exploits fully the shifting interrelationships among various sources of energy; only if it takes the fullest economic and technical advantage of the flexibilities in end-use, in distribution, in drawing on each energy source for its best and most efficient contribution.

The study made clear projections of U.S. energy demands for 1975 that are proving to be exceptionally valid. The situation today is essentially that projected by the Paley Commission almost 25 years ago.

Since then, we have continued our research aggressively in only one area—nuclear energy, but we have devoted insufficient research efforts to other kinds of energy.

By 1962, when Joe Swidler became Chairman of the Federal Power Commission, the growing demands for all kinds of energy were reaching critical proportions and alarms were sounded by the FPC that we had to act aggressively on many fronts in order to meet rising energy demands in timely fashion.

Early in 1967 in a message to the Congress, "Protecting Our Natural Heritage," President Johnson asked the Office of Science and Technology and his science advisor, Dr. Hornig, to make recommendations relating to energy policy analysis and coordination. The President's message stated that:

> The number and complexity of Federal decisions on energy issues have been increasing, as demand grows and competitive situations change. Often decisions in one agency and under one set of laws—whether they be regulatory standards, tax rules or other provisions—have implications for other agencies and other laws, and for the total energy industry. We must better understand our future energy needs and resources. We must make certain our policies are directed towards achieving these needs and developing those resources.

Mr. Johnson went on to say that he was "directing the President's Science Adviser and his Office of Science and Technology to sponsor a thorough study of energy resources and to engage the necessary staff to coordinate energy policy on a Government-wide basis."

Then in 1970, only 3 years ago, President Nixon's blue-ribbon Cabinet-level task force, after considerable study, recommended that oil import quotas be abolished to provide more adequate supplies at lesser prices. But this recommendation was not adopted until the spring of 1973 in the face of strong opposition from the domestic oil industry.

Mr. Chairman, there is no further need for study. There is, however, a need for effective action on energy matters—now. Recriminations and excuses—from any sector of our national society—will not aid us now. What we must do is utilize the recommendations of our distinguished commissions and experts and invest heavily in areas of energy research that offer hope for tomorrow's needs. Today's problems will center on allocating pieces of the shrunken energy pie fairly and equitably—until tomorrow's research can bear fruit. I trust this direction can be achieved by the direction, authorities and funding provided by this bill.

Mr. RHODES. Mr. Chairman, I strongly support the bill under consideration. We need it—and it comes in the nick of time—to enable us to respond to our long-range energy problem with full national focus, effectiveness, and will.

I commend the chairman of the Government Operations Committee, CHET HOLIFIELD, and the able ranking minority member of that committee, FRANK HORTON, for their excellent work on this important measure and for the fine explanatory report accompanying this bill.

I note, for example, on page 20 of the report, the committee's comment that ERDA should be able to use to good advantage the types of cooperative arrangements that the AEC has successfully employed. I am familiar with this category of relatively complex but highly effective agreements that the AEC has pioneered so successfully. An excellent example is the study now underway pursuant to a cooperative agreement by the AEC, the Arizona Atomic Energy Commission, the Water Commission of the State of Arizona, the Arizona Public Service Co., Tucson Gas & Electric Co., and Salt River Project Agricultural Improvement and Power District.

Through an effective pooling of the technical expertise of these agencies detailed geological and seismological investigations of mutual interest are being conducted, at modest, shared cost, in the vicinity of Yuma to ascertain basic data that will contribute to sound determinations respecting long-range solutions to water and power needs of Arizona and the Southwest. The AEC has a particular interest in nuclear desalting, to which the results of this study may relate in some respects, and in a possible coordinative relationship between aspects of planning for the power requirements of Arizona and the discussions between the United States and Mexico regarding potential nuclear desalting projects. I take it that ERDA will continue with this study, which it will inherit as part of the functions transferred from the AEC.

I endorse the validity and soundness of the committee's comments in the report accompanying this major piece of legislation.

Mr. ALEXANDER. Mr. Chairman, first I would like to commend the gentleman from California (Mr. HOLIFIELD) whose leadership is directed toward the establishment of an Energy Research and Development Administration. His important work in this field has caused the Congress to consider this important matter. The current energy shortage presents a short-run crisis and a long-run challenge.

Most citizens cheerfully accept a policy of equal sacrifice when confronted with the energy shortage. And, Americans are at their best when challenged to engage in a grand enterprise. We, as a Nation, must accept the challenge.

One abundant source of energy that is available as a substitute for foreign petroleum for power generation and energy extraction is the ocean.

Major power generating concepts to exploit the ocean's potentials fall in two categories: First, those which employ the advantages of the sea environment, and second, those which derive power from the various forms of abundant energy found in the sea. The first category includes powerplants—conventional and nuclear—installed on the ocean floor, on artificial islands, or possibly on large stable surface or subsurface platforms moored off the coast. This category also would include powerplants built on shore with their cooling water intakes and discharges located seaward to minimize thermal or antiesthetic effects.

The second category encompasses generation of electric power from the energy of ocean tides, waves, currents, thermal gradients, winds, geothermal sources, and other sources. The leading oceans' energy source now and for the foreseeable future, however, is offshore oil and gas.

The following topics are briefly discussed:

1. Offshore Oil and Gas.
2. Offshore Nuclear Powerplants.
3. Tidal Power Projects.
4. Offshore Wind Power Concept.
5. Sea-Based Solar Power System (Thermal Gradient).
6. Wave Energy Converters.
7. Nuclear Fusion Using Deuterium From Sea Water.

1. OFFSHORE OIL AND GAS

Geologists regard the Outer Continental Shelf and slope of the United States and offshore Alaska to be generally favorable prospective areas for oil and gas. Recoverable hydrocarbon resources on our Outer Continental Shelf have been estimated by the U.S. Geological Survey to be upwards of 160 billion barrels of crude oil—four times proven reserves at year-end 1972—and upwards of 800 trillion cubic feet of natural gas—3 times proven reserves at year-end 1972. Comparable amounts are also possible on the Continental Slope. How much will eventually be found or produced from either of these areas will depend on technical, economic, and political factors. Offshore production is already established in Louisiana, Alaska, and California.

Offshore oil and gas drilling and producing operations encounter substantially different environmental conditions from those onshore. In addition the offshore, being in the public domain, supports a complex and varied mix of activities—fishing, shipping, recreation, and defense as well as exploitation of the mineral and petroleum resources beneath the sea.

New technology must be developed to place well heads and production systems on the sea bottom, thus allowing a breakaway from the surface to concentrate on totally submerged operations in an environment unaffected by weather. This technology should cause the curves that show costs rapidly rising with depth to be discarded and replaced by ones that increase only moderately with depth. The near term goal is to have wells economical in 1,000 feet of water. Such systems will be beyond the reach of storms, high seas, and ship traffic—hazards to which fixed production platforms that extend above sea level are now exposed. Subsea systems, of course, have potential hazards of their own, but there seems to be no fundamental reason why they could not be handled.

It should be noted that of the more than 17,000 wells drilled in our offshore only a handful caused problems, and there seems to be little hard evidence of long-term environmental damage from those that did. From experience in oil production in the Gulf it is argued that less contamination of the ocean results from offshore drilling, production, and pipelining to shore than by shipping in a like amount of oil by tankers.

Financing offshore exploration, drilling, and production can and should be done by the petroleum industry. However, since such operations will be done in areas largely under Federal jurisdiction, it will be necessary for Government to establish regulations that will provide protection for the ocean environment and compatibility of petroleum operations with other activities within the coastal zone, while allowing proper incentives for capital funds required to develop these offshore petroleum resources. Also, regulation should not be such as to jeopardize other international positions on offshore questions.(1)

The combination of SPM's and accelerated offshore leasing offers the shortest leadtime for increasing crude oil capacity. It has been recommended that as a quick fix the United States have at least one deepwater single-point mooring terminal operational in the gulf by 1976, and have at least one deepwater single-point mooring terminal operational off the east coast by 1978. Some such facility will eventually be needed on the west coast; but its nature, because of the different alternatives and different conditions, is not as easily determined.(1)

2. OFFSHORE NUCLEAR POWERPLANTS

Siting is a problem for energy-related facilities. Terminals associated with imports or offshore development must be in the coastal zone. While other facilities. such as refineries and powerplants, can be located elsewhere, cooling water availability and reasonable access to the consumer make the coastal zone attractive.

Nuclear generating plants are destined to play an increasingly important role in meeting the Nation's electrical energy needs. Today, there are 34 operable nuclear powerplants in the United States; they provide a capacity of about 19 gigawatts—billions of watts—which is approximately 4 percent of the Nation's electric power capacity. Fifty-seven new nuclear plants are under construction, and 80 more have been ordered. Nuclear plants are expected to proliferate for the balance of the century at a rate approaching 20 percent per year. By the year 2000, installed nuclear capacity is expected to be 1,200 gigawatts and to make up roughly half of our total electrical generating capacity.

One of the unavoidable byproducts of electrical generating systems, whether fueled by nucleon, coal, oil, or gas, is waste heat. In general the conversion of Btu into electrical energy requires the release of 2 Btu's to the environment as discarded or waste energy. The rejected heat is normally transferred to a supply of cooling water taken from and returned to a river, lake, or the ocean, or recycled through a cooling tower or pond where some of the water is consumed by evaporation.

The point is, the waste heat must be dissipated somewhere into the environment or used for purposes other than conversion to electricity. Improved powerplant efficiency can help extend our fuel supplies and also lessen cooling requirements. Since the oceans contain over 97 percent of the world's water, their use as a heat sink should have the least noticeable effect on the environment. Many electrical generating plants should thus be sited to take advantage of the excellent heat absorbing capacity provided by the oceans. The heat capacity of the world oceans is estimated to be 54×10^{21} Btu per degree centigrade.(2) Nine nuclear powerplants in the United States are presently in operation at sites on bays or tidal rivers. The influence of their cooling water discharges into the ocean can be minimized with detailed knowledge of the existing physical and biological factors.

If upward of 1,000 nuclear plants are required by the end of the century, as is anticipated by some projections, some fraction should and will be situated in the coastal zone. To accommodate them, new approaches to coastal siting are being explored with an eye to conserving land. One is the construction of so-called nuclear parks in which a number of nuclear generating stations would be clustered at a single location. Another sites nuclear powerplants offshore on floating "islands" inside protective breakwaters. Other energy generation and energy conversion facilities can be envisioned that would benefit by ocean sitings.

Several advantages of offshore siting of nuclear powerplants can be identified. First, most coastal land could be retained for recreation or for wildlife preserves. Second, adequate cooling water could be obtained without the often severe problems associated with thermal discharges in restricted water. Third, by placing the facilities remote from people and in many cases placing them on the bottom, well below the turbulent environment of the surface, it is possible to design in much improved safety features. In short, progress does not have to mean a degraded environment.(1)

3. TIDAL POWER PROJECTS

The concept of harnessing tides as a commercial source of electrical power has been studied by several countries in close proximity to large tidal channels, specifically in France, Australia, Siberia, Canada, and the United States. One example dramatizing feasibility of such a project is the international Passamaquoddy tidal power project between Maine and New Brunswick.(3) Tidal power has not been as economically successful as hydroelectric power. One reason is that capital costs of tidal plants have been considerably higher. Two full-scale modern tidal powerplants have been built. One, at the estuary of the Rance

River on the coast of Brittany in France, was built in 1966 with a capacity of 200 megawatts. Another is at Kislaya Guba in the Soviet Union.(9)

The total tidal power dissipated by the Earth is estimated at 1.4 billion kilowatts, of which 1.1 billion kilowatts is accounted for by oceanic tidal friction in bays and estuaries around the world and can be captured and converted to electric power. In spite of the huge potential, this energy source is scarcely utilized because practical development is very difficult. However, various possibilities have been and are being studied in geographic areas where the tidal behavior, range, and water displacement are most favorable.(4)

PASSAMAQUODDY POWER PROJECT—UNITED STATES/CANADA

An eminent American engineer, Dexter P. Cooper, proposed a plant in 1919 to harness the high tides in the Passamaquoddy area. Electric power was to be generated by building dams and sluiceways in the openings into the Bay of Fundy and a powerhouse between Passamaquoddy Bay and Cobscook Bay. The proposal lay dormant until 1956 when the International Passamaquoddy Engineering Board was appointed jointly by Canada and the United States. The board determined that a tidal power project could be built and operated in the Passamaquoddy area and that a two-pool arrangement was best suited for the site and water conditions of Passamaquoddy and Cobscook Bays.

In April 1961, the International Joint Commission—IJC—declared that the Passamaquoddy Tidal Power Project was not economically feasible under present conditions. However, the IJC said that the combination of the Passamaquoddy Tidal Power Project with incremental capacity at Rauben Rapids on the Upper St. John appeared feasible. In May 1961, the Secretary of the Interior was requested by the President to review and evaluate the report.

In December 1961, the Passamaquoddy Upper St. John Study Committee of the Department of Interior had a load-and-resources study made in the New Brunswick, Canada-New England areas. Its study clearly indicated that the Passamaquoddy Tidal Power Project would be feasible if developed as a peaking power plant sized for 1,000 megawatts instead of 300 megawatts as studied in the IJC report. This is consistent with current practices in the electric utility industry that tends increasingly to use large thermal conventional nuclear electric generating units to meet the base load and to use conventional and pumped-storage hydroelectric power to meet peak demands. The study concluded that the project was economically feasible—benefit-cost or B/C ratio of 1.27/1.0—and should be initiated.

In order to validate the recommendations, a review of power values used in the Department of the Interior report was made by the Federal Power Commission at the request of the Bureau of the Budget. Due to the then-lower power values published, the benefit-cost—B/C—ratio dropped from 1.27/1 to 0.89/1. As a result, further action of the project was stopped.(3)

The Passamaquoddy project has been carefully investigated and analyzed as long ago as 1922 and again in the early 1960's. However, the latest report, published in 1965, indicated an unfavorable benefit/cost ratio of .86 to 1.

Some of the problems include:

Meshing the output generated during periods of high tide with periods of maximum needs; that is, peaking power requirements.

The average high tide is 18 feet but only 12 feet of this head can be used. Designing turbines to operate cheaply enough at low heads is still a problem.

The dikes necessary to form a high pool are expensive in that they must extend 300 feet through unconsolidated material to hit bedrock.

Political problems arise from the fact that Passamaquoddy would be a Federal development in a non-Federal, that is, private utility area—and also its international location.(4)

In October 1969, the Atlantic Tidal Power Programming Board submitted a report to the Government of Canada and the Provincial governments of New Brunswick and Nova Scotia on the feasibility of tidal power development in the Bay of Fundy. Twenty-three sites were examined and the three sites which appeared to offer the best possibilities for economic power development were studied in detail. It was found that the three sites could be developed to produce in excess of 13 million megawatt-hours of electric energy annually, but that development would not be economically feasible under prevailing circumstances. The board recommended that additional detailed studies of tidal power development in the Bay of Fundy be authorized when: First, the interest rate on money drops sufficiently to suggest the possibility of an economic development; second, a major breakthrough in construction costs or in the cost of generating equipment suggests the possibility of designing an economic tidal power development; third, pollution abatement requirements magnify, substantially, the cost of using alternative sources of power; or, fourth, alternative sources of a more economic power supply become exhausted.(5)

RANCE TIDAL PROJECT—FRANCE

The only actual development for tidal electric power under full-scale construction is the Rance tidal project in France, the largest such project in the world. The capital investment is estimated to be over $100 million.(4) It has an initial power installation of 240 megawatts in 24 turbine sets and could have an ultimate installation of 320 megawatts. It represents the continued effort of French engineers over a 20-year period to harness the tides at San Malo where ideal conditions exist—a narrow estuary with a tidal range of 13½ meters—about 44 feet. The Rance tidal project is operated for peaking capacity or energy. Since the units are reversible, the project is designed to take maximum advantage of the flood and ebb tides to supply power to the French electric system.(3)

4. OFFSHORE WIND POWER CONCEPT

Solar energy sustains the winds. It is calculated that the power potential in the winds over the continental United States, the Aleutian arc, and the Eastern seaboard is about 10^{11} kilowatts electric. Winds are remarkably repeatable and predictable. The momentum in moving air can be extracted by momentum-interchange machines located in suitable places such as plains, valleys, and along the continental coastal shelves.

A desirable windpower system incorporates its own storage and its own peaking capability. It is thus able to span between variable wind to patterned electricity consumer demand. This system could be nearly pollution-free. The electrical energy generated by the aeroturbines located offshore is used to electrolyze water. The hydrogen thus produced is transmitted by pipeline to shore or compressed and stored for use during calm periods. In such a manner hydrogen can be supplied on a continuous basis to fuel cell or thermal electric generating stations. It should be emphasized that the offshore-hydrogen storage approach is only one of several worthy of exploration.

There was a mature technology for wind-power 60 years ago. Steady improvement was made through the 1950's directed toward large-scale applications. In 1915, 100 megawatt of electricity were being generated by windpower in Denmark.

Today electricity brought in by cable from Sweden's hydroelectric plant is less expensive. In the 1940's a 1.25-megawatt machine was built and operated at Grandpa's Knob, Vt., but was shut down by a materials failure of the blade. A conceptual design using aeroturbines to produce 160 billion kilowatt hours of electricity per year has recently been completed for the offshore New England region.(15) This preliminary study shows that the electrical power when used to produce hydrogen which is then piped ashore for consumption in powerplants is cost competitive with conventional methods of producing electric power.

The limiting factors in the large scale application of windpower are a combination of available wind energy and weather modification. The effect of large numbers of closely spaced windmills has not been assessed. There are no known technological limitations to the application of windpower.(10).

MAXIMUM ELECTRICAL ENERGY PRODUCTION FROM WIND POWER

[Kilowatt-hours]

Site	Annual power production	Maximum possible by year—
(1) Offshore, New England	159×10^9	1990
(2) Offshore, New England	318×10^9	2000
(3) Offshore, Eastern Seaboard, along the 100m contour, Ambrose shipping channel south to Charleston, S.C.	283×10^9	2000
(4) Along the E-W Axis, Lake Superior (320m)	35×10^9	2000
(5) Along the N-S Axis, Lake Michigan (220m)	29×10^9	2000
(6) Along the N-S Axis, Lake Huron (160m)	23×10^9	2000
(7) Along the W-E Axis, Lake Erie (200m)	23×10^9	2000

MAXIMUM ELECTRICAL ENERGY PRODUCTION FROM WIND POWER

[Kilowatt-hours]

Site	Annual power production	Maximum possible by year—
(8) Along the W-E Axis, Lake Ontario (160m)	23×10^9	2000
(9) Through the Great Plains from Dallas, Tex., north in a path 300 mi wide W-E, and 1,300 mi long S to N. Wind stations to be clustered in groups of 165, at least 60 mi between groups (sparse coverage)	210×10^9	2000
(10) Offshore the Texas Gulf Coast, along a length of 400 mi from the Mexican border, eastward, along the 100 m contour	190×10^9	2000
(11) Along the Aleutian Chain, 1,260 mi, on transects each 35 mi long, spaced at 60-mi intervals, between 100 m contours. Hydrogen is to be liquefied and transported to California by tanker	4021×10^9	2000

Note: Estimated total production possible: $1{,}535\times10^{12}$ kWh by year 2000.

5. SEA-BASED SOLAR POWER SYSTEMS

Between the Tropics of Cancer and Capricorn where the intensity of incoming solar energy reaches its peak, 90 percent of the Earth's surface is water. That surface layer is in thermal equilibrium at a temperature that never drops below 82° Fahrenheit. To the far north and south the intensified summer insulation melts down the previous winter's accumulation of frozen precipitation. That meltdown slides to the depths of the oceans and slowly moves toward the Equator, forming the cold waterways of the oceans. It is thus possible under several hundred million square miles of ocean to find a nearly infinite heat sink at 35° to 38° Fahrenheit, at a level as little as 2,000 feet directly beneath a nearly infinite surface heat reservoir at 82° to 85° Fahrenheit. Both heat reservoir and heat sink are replenished annually by solar energy. A heat engine operating across at 50° Fahrenheit temperature difference in and 85° Fahrenheit heat source would be able, theoretically, to convert to useful work, 9 percent of the heat flowing across it.(10)

A device to extract power from ocean thermal gradients would look like a large submerged pipe, and would take in hot water from the upper end to supply a boiler and cold water from the lower end to cool a condenser. A secondary fluid such as ammonia or freon would circulate between the boiler and condenser to turn a turbine. No plants with a secondary working fluid have been built, but an earlier design called the Claude cycle, in which evaporated seawater is used to turn a turbine, has been successfully tested.(9) In 1929 the Claude cycle was demonstrated in Cuba; 22 kilowatts of useful power were produced in an engine whose actual overall efficiency was less than 1 percent. Two experimental units of 3,500 kilowatts net output, each working in the Claude cycle were installed off the Ivory Coast in 1956 by the French. Due to mechanical failure and other problems the plants were abandoned after a short time. There is a small continuing French R. & D. effort in this field. (10)

Powerplants that utilize the ocean thermal gradients are projected to cost very little more than conventional powerplants, because the sea acts as the medium for both collection of sunlight and storage of energy. Undoubtedly many problems would have to be solved before it would be possible to generate electricity on a massive scale from ocean plants. Just the problem of transmitting energy from a plant at sea to the shore is formidable. However, the potential advantages from the utilization of the sea are great enough that the solar sea power concept, which originated with the French physicist Jacques D'Arsonval in 1881, has recently been rediscovered and at least three groups of U.S. researchers are now actively studying solar sea power.(11)

POWER GENERATION

In 1964 Hilbert and James Anderson suggested the economic viability of a powerplant operated by the ocean thermal gradient. They considered a design with a submerged powerplant that would be neutrally buoyant at a depth of 100 or 200 feet. Because of the small temperature differential provided by the ocean, the maximum possible efficiency would be about 5 percent and the actual efficiency would probably be only 2 or 3 percent. The flow of warm water required would be very great, but comparable to the flow through a hydroelectric plant with the same output. The energy derived from 1 kilogram of water flowing through an ocean gradient powerplant with hot water at 25° centigrade and cold water at 5° centigrade would be the same as the energy produced from a hydroelectric plant with a pressure differential corresponding to 93 feet of elevation.

Anderson and Anderson have estimated that 182×12^{12} kilowatt-hours of electricity, or about 75 times the expected U.S. demand in 1980, could be generated from the thermol gradients of the Gulf Stream, which has a flow of 2,200 kilometers per day and a temperature differential varying from 16° centigrade to 22° centigrade.

At the University of Massachusetts, Amherst, William Heronemus and his associates are preparing preliminary designs for a submerged plant to produce power from the Gulf Stream. In the Straits of Florida, between the coastline and Little Bahama Bank, the Gulf Stream flows very close to the shore, and one proposed site for testing the ocean thermal gradient concept would be at the western edge of the Gulf Stream, about 25 kilometers from Miami. The configuration currently proposed is a modular design with six turbines in each of two hulls, hooked together to look something like a submarine catamaran. Each hull would be 480 feet long and 100 feet in diameter, probably made of reinforced concrete. The axis of the hulls would be at a depth of 250 feet, providing clearance over the top for protection from wave motion and hurricanes.

Towers to the surface would provide ventilation and access to the crews that would man such a power station, but would probably not be visible from the shore. The station would be slightly buoyant and ride up against two or more tethers, which could carry the cold water conduit, and would probably carry the electrical or hydrogen transmission line for connection to the shore. The station would generate approximately 400 megawatts of electricity.(11)

Under a $190,000 grant from the National Science Foundation, Carnegie-Mellon University is now seeking a practical way to harness ocean heat.

Says Clarence Zener, a physicist who is in charge of Carnegie-Mellon's project. (14):

> Our study is designed to determine within 18 months whether solar sea power plants can indeed compete on a strictly economic basis with nuclear power or gasified coal.

POWER DELIVERY

The important technical benefits of sea-basing a solar energy conversion system are these: First, proximity to an excellent thermal sink and source of working mass—viz the ocean, particularly the depths; second, mobility of rotation and translation; third, space availability for large solar collector areas; and fourth, logistical ease in initial construction, servicing, and in the distribution of products from the macro system on a worldwide basis.

Proceeding from the fourth point, the energy form to be produced is required to be both storable and transportable over significant duration and distance by way of delivering the energy to the ultimate consumer. It is proposed that solar energy be used to convert water—purified set water—into cryogenic liquid hydrogen and oxygen. In this form the stored energy of the sun can be readily shipped to points of use on a worldwide basis via "cryotankers." Once unloaded at port, the cryogenic liquids can be stored and eventually transported by rail, over-the-road trailers, or by pipelines. Alternatively, the hydrogen and oxygen can be gasified and piped in the manner of natural gas. The energy form can be finally consumed in the process of heat release or it can be converted into an electrical form by fuel cells or their shaftpower-producing equivalents.

Technology deriving from the aerospace sector over the past several decades, and particularly that from the Apollo effort, has made consideration of the cryogenic form of hydrogen—liquid oxygen development and mass use came much earlier—eminently practicable for large-scale system applications. Liquid hydrogen, despite its extreme physical characteristics—viz 0.07 specific gravity, 21° kilometer boiling point—has been demonstrated to be a tractable, desirable chemical fuel and working fluid.(7)

An economy in which offshore generated electric power is used to electrolyze sea water, and the resulting hydrogen and oxygen gas is then piped inland to fuel the economy, is now known as the "hydrogen economy." In a hydrogen economy the offshore nuclear plants must compete with solar sea powerplants. Such tropically based plants could electrolyze water at depth, thereby producing hydrogen and oxygen at high pressure. These gases would be fed into submerged tankers, which would then be towed underwater to the appropriate coastal areas.(13)

6. WAVE-ENERGY CONVERTERS

Ocean waves, generated mostly by winds, possess tremendous kinetic energy. A 4-foot wave striking the coast every 10 seconds expends more than 35,000 horsepower per mile of coastline, but only an extremely small fraction is usable. In an attempt to harness such energy on the Algerian coast, waves are funneled through a V-shaped concrete structure into a reservoir. Water flowing from the reservoir operated a turbine to generate power.

The best known devices to harness ocean-wave energy on a small scale have been in use for years—bell buoys and whistle buoys, simple mechanisms that convert ocean-wave energy to sound energy. A few other small test projects have been conducted, but no significant technical breakthroughs have been accomplished.(3) Studies indicate little possibility of developing power in commercial quantities from these sources except for ocean buoys to supply signals and light.(4)

7. NUCLEAR FUSION USING DEUTERIUM FROM SEA WATER

The estimated thermal energy content of the deuterium in the world's sea water, which would be released through thermonuclear fusion, is 7.5×10^{27} Btu, an essentially limitless supply.(2) The principle of the fusion process has been demonstrated in thermonuclear weapons. Considerable experimental work has been done in the United States and in the Soviet Union, but controlled fusion has not yet been demonstrated in the laboratory. Fusion is an ultra high temperature process which yields much less radioactive wastes than does nuclear fission.(8)

Despite progress in recent years on both magnetic confinement and on laser fusion research, the probability of commercial fruition of fusion power by the year 2000 is estimated to be very low.(2)

The sources are as follows:

SOURCES

(1) *NACOA Second Annual Report*, 6/29/73.

(2) *U.S. Energy Issues*, R. H. Shatz, Hudson Institute, 10/10/73.

(3) Panel Reports of the Commission on Marine Science, Engineering and Resources, Vol. 2, Part VI, *Industry and Technology*, 2/9/69.

(4) Ibid, Vol. 3, Part VII, *Marine Resources and Legal-Political Arrangements for Development*.

(5) *1970 National Power Survey*, Federal Power Commission.

(6) "The Control of the Water Cycle", J. P. Peixoto and M. Ali Kettani, *Scientific American*, 4/73.

(7) "A Macro System for the Production of Storable, Transportable Energy from the Sun and the Sea", W. J. D. Escher, Escher Technology Associates.

(8) "The Environmental Issues—Constraints on the Production and Use of Energy Resources", Dr. Joseph A. Lieberman, Environmental Protection Agency, Appendix #2, *Energy and Public Policy—1972*, The Conference Board.

(9) *Energy and the Future*, A. L. Hammond, et al., American Association for the Advancement of Science, 1973.

(10) *Solar Energy as a National Energy Resource*, NSF/NASA Solar Energy Panel, University of Maryland, December 1972.

(11) "Ocean Temperature Gradients: Solar Power From the Sea", W. D. Metz, in *Science*, 6/22/73.

(12) "Conceptual Design of a Rankine Cycle Powered by the Ocean Thermal Difference", J. G. McGowan, et. al., University of Massachusetts, 8/13–16/73.

(13) "Solar Sea Power", Clarence Zener, *Physics Today*, 1/73.

(14) "First Was Steam, Then Nuclear, and Now Sea Solar Power", G. J. McManus, *Iron Age*, 7/19/73.

(15) "Power From the Offshore Winds", W. E. Heronemus, Marine Technology Society Conference, 8/72.

Mr. OWENS. Mr. Chairman, I rise in support of the amendment to be offered by Mr. UDALL to create the position of Assistant Administrator of ERDA for Technology Assessment.

I feel that the amendment makes two very significant and valuable contributions to the act.

First, it ensures that there will be a comprehensive assessment of the impact of new technologies and programs on the communities and regions affected. The Assistant Administrator is directed to analyze and evaluate not just environmental impacts, but economic and social impacts as well. Such a broad base of data will enable policymakers to weigh in an informed manner what may be competing considerations in arriving at a decision as to the desirability of a given project. In short, the amendment would greatly aid rational planning.

Second, by requiring such assessments of existing projects, the amendment would help insure that past mistakes be not repeated. Such retrospective analyses would also indicate whether existing projects deserved continued funding. It is well known that Government projects and bureaucracies tend to perpetuate themselves once in existence, regardless of their merits. I see this amendment as offering a counterforce to this kind of waste, and I expect that it will result in substantial savings through the elimination of inefficient or otherwise undesirable programs.

Mr. DONOHUE. Mr. Chairman, as the author of similar legislation and as a member of the House Government Operations Committee which recommended this Energy Reorganization Act of 1973, I most earnestly urge and hope that H.R. 11510, now before us, will be overwhelmingly adopted by the House this afternoon.

As I indicated in expressing my support for the original Emergency Energy Act earlier this month, the logical and absolutely essential compliment to that act is the creation of a special agency with the full power and resources to implement its provisions so that this Government can move forward as speedily as possible toward the effective long-range solution of our energy shortages.

In simple summary, Mr. Chairman, this bill will reorganize and consolidate major energy research and development functions currently performed by the Atomic Energy Commission, the Department of the Interior, the National Science Foundation, and the Environmental Protection Agency through the establishment of a new Energy Research and Development Administration. This Administration would be responsible for conducting and coordinating programs of research and development on all energy resources and utilization processes including fossil fuel, nuclear energy, and advanced energy systems such as solar and geothermal projects. In addition, this new agency will conduct research involving the conversion of coal into other energy forms, oil shale recovery, developing alternative automotive engines, development and production of nuclear weapons, research into physical and biomedical sciences, management of nuclear waste, health and safety research and a variety of related technological programs.

The measure also renames the Atomic Energy Commission the Nuclear Energy Commission and provides that it will continue to perform licensing and related regulator functions to insure the protection of the public and environment against nuclear health and safety risks associated with the use of nuclear materials and facilities. The Commission will be an independent regulatory agency responsible for licensing of civilian use of nuclear power and materials.

Mr. Chairman, our purpose in establishing this new Energy Research and Development Administration is to provide a central agency to get under way with the vitally important task of utilizing all our technologies to produce long-range solutions to the energy shortage crisis now plaguing our Nation and to keep this country forever free and independent of the political pressure whims and threats of our oil supplying sources in the Mideast, or elsewhere. Mr. Chairman, the purposes and objectives I have outlined are unquestionably in the national interest and this bill is designed to accomplish these good objectives. Therefore, I hope the House will register its resounding aproval of H.R. 11510 without extended delay.

Ms. HOLTZMAN. Mr. Chairman, I wholeheartedly support the idea of a national crash program on energy research. This bill, which consolidates the research and development functions of a number of programs of the Federal Government under a new Energy Research and Development Administration, marks an important step in the right direction. Therefore, I will vote for H.R. 11510 on final passage.

I am troubled, however, by a number of aspects of this legislation. This bill places top priority on research into fossil fuels and nuclear fission. It deliberately downgrades research into other sources of energy such as solar energy, geothermal energy. I think this is a mistake. I think it is essential that we make clear our commitment to discovering new ways of meeting the Nation's growing energy requirements.

If we fail to make a real commitment to developing these new and promising technologies we may find ourselves at a real disadvantage very soon. For, there are serious problems with putting all our eggs in the nuclear or fossil fuel basket.

First, as recent studies have shown, nuclear power cannot supply a viable alternative source of energy until late into this century. Also, there are very serious problems of safety hazards that are yet to be solved in nuclear energy genera-

tion. And, we still do not have a real answer to safe disposal of nuclear wastes.

Second, we must seriously reevaluate our reliance on fossil fuels for energy. Petroleum products will be an increasingly scarce commodity in the future; some even predict that the world's oil supply will be nearly exhausted by the end of the century. Petroleum is essential for the production of a number of crucial items such as synthetic fibers and fabrics and plastics. The more we use petroleum for energy production—especially if other sources are available—the less we will have for these other essential commodities.

Finally, I think it is very important that the consumers' voice be heard in the membership of the ERDA. I hope this agency will not become the captive of special interests.

Therefore, while I support the Energy Reorganization Act, I think it should be amended to insure a balanced, open-minded approach to the tremendous challenge that confronts us.

Mr. RANDALL. Mr. Chairman, I rise in enthusiastic support of H.R. 11510. I have reached that conclusion not because I happen to be a member of the Committee on Government Operations, but because I recognize that this bill is an effort to consolidate and reorganize the most important functions of the Federal Government in a new Energy Research and Development Administration to promote more efficient management of those functions to truly get us on the road to a status of independence from any other country in the world for our energy needs.

Someone has said that this divided country of ours is united on at least one issue or one objective and that is to try to arrive at a solution for our long-term energy needs.

During all of the preliminary discussions and during the debate on the floor, the bill today has become best known as ERDA, Energy Research and Development Administration. The objective of that Administration is to coordinate nearly all of the energy research and development functions now scattered about in other Federal agencies and also to assign to ERDA the responsibility for the nonregulatory functions of the present Atomic Energy Commission. The AEC would be renamed the Nuclear Energy Commission under the bill and would continue to perform its licensing and related regulatory functions.

Mr. Chairman, the really important as well as the interesting and hopefully productive provisions of this bill are found in title I which provides for the appointment of an Administrator and five assistant administrators. Each of these five administrators is given jurisdiction over a separate field of research including, first, fossil energy; second, nuclear energy; third, environment safety and conversion; fourth, research and advanced energy systems; and fifth, national security.

The Office of Coal Research is taken from the Department of Interior and quite properly put into this new agency. It will be recalled that the purpose of OCR was to conduct research on conversion of coal to cleaner fuel forms. Another function taken from the Bureau of Mines of the Department of Interior is fossil fuel research and development including the very important pilot coal gasification plant now under construction.

Title I also selects those programs now under the Science Foundation and places them in this new agency that have to do with solar heating and cooling of buildings and geothermal research, and finally, in title I is a provision which permits the Environmental Protection Agency its present functions that are working on the development of alternative automotive power systems.

What will we achieve when this bill becomes law? One answer is to make ERDA into a central energy research policy and planning agency empowered to conduct and coordinate research into all forms of energy development and to encourage such research outside of ERDA by private institutions. My chief regret concerning this legislation is that no funding is authorized and that these authorizations will be left to the regular authorizing committees. Certainly the exciting results from ERDA will not come about without cost and certainly not low cost. ERDA is a beautiful lady but it will take money to make her something more than a paper doll.

Mr. Chairman, I suppose the principal reason that I am so enthusiastic about ERDA is that I am convinced the time has come and even past due for a new crash-type program to solve our long-range energy needs. I foresee in ERDA the vehicle to accomplish such an objective.

Oh, there are so many proposals that may very well have merit. Between the sensible and the ridiculous there are many expedients which should be explored—which means researched. One is the burning of industrial wastes including boxing crates, used wrapping paper, broken wooden pallets, et cetera. That will, of course, require some plant conversion. Then we hear such other interesting and thought-provoking proposals as stretching heating oil 10 percent by adding used crankcase oil. It is not beyond the realm of man's imagination that there may be developed something close to the once ridiculed perpetual motion machine in the form of a permanent magnet to produce needed power. It has been suggested that it may be possible to perfect an installation of conversion units enabling motor cars to burn animal wastes and other organic material to produce methane gas fuel.

The field of research that may redeem us all from fuel shortages in the future is the development of solar energy. While this source of energy has been scoffed at in the past it is today considered a feasible and major source of power. The President of the Society of Automotive Engineers in a recent speech said that we should not give up schemes to harness both the winds and tides such as the Passamaquoddy to produce hydroelectric power. Of course, this is no time to let up on research and development of nuclear "breeder" plants.

While I have no idea whether this new research administration can accomplish it or not, one of the most truly grave problems is the efficient storage of energy in order to use intermittent energy sources. What does this mean? There must be developed some yet undiscovered improvement in metallurgy that would permit the efficient storage of energy. We could thus save sunlight that could not be used or consumed at the moment the energy source becomes available. If this could be accomplished—some way to store energy—we might very well have made a giant step toward the ultimate solution of our long-range energy problem.

All of the beautiful talk of what we are doing today will not amount to much unless ERDA can someway be able to bring forth a national energy plan of action and that means an annual commitment to invest some money on the scale of a NASA program that resulted in the Apollo moon landing or of the magnitude of the Manhattan project which resulted in the creation of the atomic bomb.

Money is needed for mass-transit programs, intercity commuter rail and bus systems, and incentives for the production of more buses. In the field of coal research alone well over a billion dollars could be used productively to convert coal as a usable, efficient, and clean replacement for gasoline fuel and other petroleum products. We need funding for better recovery methods of oil shale and some kind of incentives for homeowners and small business people to improve their insulation to provide heating and reduce fuel consumption. We cannot forget the incentives necessary to expand domestic oil and gas exploration.

A lot of funding will be needed for solar, nuclear and thermal energy research. It is my judgment, Mr. Chairman, that the lion's share of this should be spent on solar research and development. This may well be the ultimate answer to our problems. Energy from the sun is abundant and inexhaustible and nonpolluting. Every day enough energy falls on the United States in the form of sunlight to supply our power needs for an entire year. Every day we delay the funding of solar energy as a top priority will prolong the problems that we face.

All of us who support this bill can go home proud that we have done something productive about our grave energy situation. With a present energy research program operating among several agencies, we can point with pride to our vote to consolidate these efforts and direct them toward the goal of energy self-sufficiency for our great country.

Mr. BROYHILL of North Carolina. Mr. Speaker, I rise to support H.R. 11510, the Energy Reorganization Act of 1973, and to urge my colleagues to join with me in voting for the swift passage of this measure.

This legislation will bring together the research and development activities in the field of energy presently conducted by the Department of the Interior, the Atomic Energy Commission, the National Science Foundation, and the Environmental Protection Agency. The activities of these various agencies would be consolidated into one single agency. This

consolidation would enable us to provide a direct, intensive, and unified approach to developing new and more effective energy sources.

I am quite sure I do not need to remind you of the critical need for the United States to develop a self-sufficient energy supply. Our present petroleum shortage and the curtailment of oil from the Middle East have made us painstakingly aware that we as a nation have grown too dependent on petroleum as a source of energy and that we must develop our own domestic sources. We can no longer afford to depend on other nations to supply a major part of our energy needs.

The creation of an independent Energy Research and Development Administration would provide a more streamlined and concerted national research effort with regard to our energy needs. Testimony during the hearings on this legislation clearly demonstrated the need for reorganization of energy research and development functions. The establishment of a single agency to coordinate these activities will provide more comprehensive and systematic direction to solving the Nation's energy problems. It will provide a more positive approach to developing long-range solutions to this problem.

The present severity of our energy problems requires that the Nation's technicians combine their talents and explore to the fullest extent a variety of sources of energy. American technology has never let us down and I am convinced that united efforts will again solve the present problem. Through stepped-up research programs, I feel sure we can develop other sources of energy by the better utilization of fossil fuels, solar, geothermal, and atomic energy. At the same time, this research must be directed at developing energy sources that are environmentally safe. Only through this concerted effort can we be assured of an economic and plentiful energy future.

I hope that you will join with me in endorsing H.R. 11510 as a constructive step forward in our Nation's attempt to maximize its existing and potential energy resources.

Mr. JOHNSON of California. Mr. Chairman, I have listened attentively to the debate on H.R. 11510, to reorganize and consolidate certain functions of the Federal Government in a new Energy Research and Development Administration and in a Nuclear Energy Commission, in order to promote more efficient management of such functions.

I fully support the objectives of this measure and feel that the creation of a centralized management structure for energy research is a clear step in the right direction. However, it is not the entire answer for results are achieved by dedicated and qualified people operating under imaginative leadership. So, the effectiveness of ERDA will be controlled to a large extent by the quality and competence of those chosen to lead it in the days ahead.

There is one aspect of the ERDA legislation that gives me some cause for concern. Throughout the bill and the House consideration of it I have searched for some recognition, on the part of the administration and on the part of the managers of the legislation, of the absolutely crucial role of water management programs in the attainment of our energy goals. I am sorry to say I do not find this recognition. Perhaps it could be argued that this is merely a reorganization bill and substantive details of research need not be enumerated in it; or that program emphasis should be left to some other bill. I cannot accept this argument in its entirety for the fruits of research, hopefully to flow from the several assistant administrators created by this legislation, will not occur unless there is attention given to related essential programs of which water supply and availability is probably the most significant.

One of my major concerns with the organization proposed to be established by H.R. 11510 is the lack of recognition of a continuing role for hydroelectric power production and management in our overall energy budget of the future.

Now, admittedly, hydroelectric power does not represent a major fraction of our energy-producing capability; and in recent years it has been the practice to downgrade its significance and importance—this, apparently, out of the misguided conception that the water impoundments essential to the functioning of a hydroelectric plant are environmental abominations, not to be tolerated under any circumstances. This is, of course, not completely true as I shall point out later. What is true, however, is that we do not have a large backlog of potential Hoover Dams and Grand Coulee Dams capable of producing power for 2 or 3 mills per kilowatt hour—which seems to be the standard that people use to measure hydro feasibility. In the long-gone days when crude oil was less than $2 per barrel, many of our hydroelectric sites were, indeed, competitively unattractive. In the emerging energy market of today these previously marginal projects become increasingly viable and useful in meeting our energy budget. They should not be totally overlooked in organizing our research management structure—as has apparently been the case.

While I do not seek to amend the language of H.R. 11510 at this stage of its consideration I feel, Mr. Chairman, it is imperative to mandate—insofar as practicable through the floor discussion—some continuing concern for the role of hydroelectric power and other aspects of water management in our energy research structure.

Let us consider, briefly, what we are now doing in the hydroelectric field which represents about 12 to 15 percent of our total installed electric generating capacity. The Bureau of Reclamation and the Corps of Engineers are the two principal agencies of Government involved in the development of hydroelectric power. Between the two of them they are now working at about 10 sites—most of them in the Western United States. The vast majority of the work now underway is in the nature of increasing the installed capacity at existing dams. These types of projects produce no additional kilowatt-hours of electricity but enable the project to produce more power over a shorter period of time. This is the classic and emerging role of hydroelectric power—as short-term peaking power. Since a hydroelectric plant can be turned on or off in a matter of seconds, it is uniquely suited to short-term use. It has no requirement to maintain steam in the boilers such as we find with thermal plants, either fossil or nuclear-fired. As loads grow and patterns of use diversify, peaking power becomes increasingly attractive and man has not yet devised a system as well suited to peaking as is hydroelectric power.

Additionally, hydroelectric power has certain distinct environmental advantages. It is completely pollution-free. It does not heat the water, it does not contaminate the air. It requires no mining and transporting of fuel nor does it require disposal of solid wastes such as ashes or slag. The Federal Power Commission estimated in 1970 that there could be an increase in hydroelectric power by 1990 of 100,000 megawatts—and that our total electrical production at that time could still represent about 12 percent of our national total. This is surely of sufficient consequence to warrant specific research and development attention in the soon-to-be created Energy Research and Development Administration.

I would like to continue, Mr. Chairman, and discuss a related aspect of energy research as it affects the water resources field. Much has been made, lately, of the increased role of coal in our total energy picture. In fact, one of the Assistant Administrators created by this bill will be involved in the coal business in a big way. I assume that the assistant for fossil energy development will be concerned with all of the ways that coal can be used more effectively in balancing our total energy budget. Whether he concentrates on moving coal energy by wire or converting the energy to gaseous or liquid form, he is going to be deeply immersed in water supply considerations. Coal-fired steam plants, oil shale extraction plants, coal liquefaction plants, and coal gasification plants use substantial quantities of either process or cooling water at their present stage of technological development. The preponderance of these fuel resources are found in areas of the United States where water is not only scarce in a physical sense, but is frequently of poor quality and invariably committed by law and tradition to other purposes.

It is no exercise in rhetoric, Mr. Chairman, to state that if the technology we seek 10 years hence through centralized management of energy R. & D. were already available, we would find it of limited applicability simply because our water management systems improvements had not kept pace. In our consideration of H.R. 11510 we cannot hope to do more than to create an awareness on the part of the executive branch persons who will be running ERDA that most of their efforts will come to naught if they ignore the role of water management in their day-to-day activities. When sub-

stantive legislation, to authorize specific research programs, comes before the House we must be vigilant to assure that the concomitant programs of water resource research not be overlooked.

Many emerging energy processes find process water quality to be of equal importance to availability. In assuring the capability to provide high quality process water we are fortunate that the Office of Saline Water, in the Department of the Interior, is on the threshold of producing commercially available technology through which large quantities of very high quality water can be produced at a reasonable cost. This program is apparently being allowed to wither away at this point in our history when its role is more crucial than ever. I see no suggestion that its role is recognized, conceptually, in the ERDA legislation and further, I see no suggested coordinating mechanism for assuring that demineralization and other water resource technology keep pace with the pure energy conversion research undertakings.

Much the same can be said for the role of waste water renovation and re-use in meeting the massive water demands implicit in conversion of oil shale and coal to liquid or gaseous forms. I am particularly apprehensive that in our rush from one crisis to another that we lose sight of the fact that one of the products of our concern for water quality, in the environmental sense, now has the capability to save our skins in the energy crisis. Technology emerging for predischarge treatment of municipal and industrial wastes, if not permitted to get lost in the energy dialog, can, indeed, make it possible to realize the more exciting benefits of energy R. & D. by providing reuseable quantities of process and cooling water. I find no inherent awareness of this fact in the skeleton outline set forth in the ERDA bill.

Last but not the least, by any means, is the utilization of geothermal resources. This resource is totally renewable but little or nothing is known about it. Estimates of geothermal energy potential run into the tens of thousands of megawatts—admittedly a small part of our needs but one which should not be overlooked. The administration's attention to this potential has been marked by delay and lack of financial support. For instance, it has taken more than 3 years to develop the rules for leasing public lands for geothermal exploration and research funds have been grossly inadequate. One can only hope that the Assistant Administrator for Advanced Energy Systems will be more inclined to move forward in this area of study than has been the case in the past. I would also encourage him to pay some attention to the use of the water content of geothermal resources. We know, for example, that it is quite highly mineralized and must be treated extensively to permit beneficial use. This is another area where coordination with ongoing programs of other departments and agencies will be of crucial importance.

In closing, Mr. Chairman, I believe ERDA is a step in the right direction. What I have been saying is that it is not and should not be viewed as the be-all and end-all of our energy research effort. The people selected to run ERDA must understand that there are other things that are as important to our overall success as the things that are being specifically transferred to them. If they fail to so understand and the high levels of the administration do not give meaning to this understanding with fiscal support, then the enactment of H.R. 11510 will not achieve our expectations for it.

Mr. BINGHAM. Mr. Chairman, I rise in support of H.R. 11510, the Energy Reorganization Act of 1973, which is designed to reorganize and consolidate certain functions of the Federal Government into a new Energy Research and Development Administration (ERDA) and a Nuclear Energy Commission (NEC). ERDA will be put in charge of all the energy research and development activities of the Federal Government, including those presently managed by the Department of the Interior, the Atomic Energy Commission, the National Science Foundation, and the Environmental Protection Agency. The new NEC will retain control over the regulatory and licensing functions of the Atomic Energy Commission, and will be charged with insuring the protection of the public and the environment against nuclear health and safety risks associated with the use of nuclear materials.

This legislation is primarily a reorganization bill, although it does give the ERDA Administrator broad authority to conduct research and development of existing and experimental energy sources. It meets a real need, in that the present Federal Government organization to meet the energy crisis is characterized by lack of coordination overlap in responsibilities, and confusion. The United States clearly needs a new organizational base for a well-managed, centrally directed attack on developing new sources of clean energy. Only such an organization will allow us to remain strong, independent, and safe from any foreign threat to destroy our economy or subvert our foreign policy by manipulating energy exports. ERDA can provide the structure for bringing to bear the abilities of American science and technology to create new energy sources in the next decades. The development of oil shale, coal gasification, geothermal steam, solar energy, tidal, wind, and nuclear power sources will be within the jurisdiction of this new agency.

Reorganization of the Government is only the barebones of the crash program we need, however. This structure will have to be fleshed out with the specific authorizations for research and development which various committees of the Congress will be recommending in the coming months. For example, I have recently joined with other members of the Subcommittee on Mines and Mining to introduce H.R. 12014, which would authorize a major development of oil shale through a TVA-type public corporation. Other proposals for solar energy development and coal gasification giving specific direction and funding for energy research will also be forthcoming, and will have to be integrated with ERDA. The development of a Federal oil and gas corporation which would undertake exploration and production of oil and gas, perhaps on federally owned lands, is another idea in which I and many other Members of Congress have a continuing interest and which should not be ruled out by passage of this legislation. Further, proposals for new methods of financing the development of new energy resources, such as the creation of an energy trust fund through user charges on oil and gas, are yet to be given the careful attention they deserve. All these proposals underline the point that the creation of this new Federal agency to coordinate energy research and development is only one part of what must be a much broader response to the energy crisis.

Many questions remain to be answered. I share the concern expressed by many in the Congress that ERDA must undertake a balanced approach to the development of new and more efficient sources and uses of energy. We cannot allow this new agency to overemphasize nuclear or fossil fuel research to the detriment of solar energy or geothermal energy, or to better methods of conserving the energy we already have. I offered an amendment to this bill which would have required such a balanced policy, but the House rejected it with the understanding that this is the intention of the committee which reported the bill and that the Congress will insist on such a balanced research program. This is an extremely important matter, as there is a real danger that the experts and the expertise of the Atomic Energy Commission which is being transplanted to this new agency will completely dominate the orientation of its policies.

I must add two other cautionary notes. First, it is increasingly clear that the energy research and development projects which will be undertaken by this new agency will require massive amounts of Federal spending.

The priorities to be followed in spending these funds have yet to be set by the Congress or the executive branch. The House did not accept an amendment I proposed which would have required ERDA to submit its budget requests directly to Congress as well as the President's Office of Management and Budget, so that Congress would be able to evaluate the direction of our energy policies with all the facts available. Those facts should include the agency's requests for funding before they have been sifted through and rearranged by OMB bureaucrats. Without such a provision, the authorizing and appropriations committees of the Congress will have to probe and oversee the budget of ERDA with great care, so that Federal energy dollars are employed in the most effective possible ways.

I must also caution my colleagues and the Nation not to expect too much too soon from this new agency. The development of new sources of clean energy is a lengthy task. We cannot expect American technological genius to bail us out of the energy crisis in the immediate future, if ever. While it is quite possible that major new sources of energy from the sun, the wind, the waves, coal or oil shale can be developed, it is extremely unlikely that such discoveries will sup-

ply enough energy to allow this Nation to continue its profligate use of power. Conservation and more efficient uses of energy must become the watchwords of this Nation. With less than a sixth of the world's population, we account for one-third of the world's use of energy, and our use of energy has been climbing at the rate of 5 percent a year for the past decade. Such explosive growth could not continue indefinitely. Hopefully the present crisis will instill a new conservation ethic in the American public, so that whatever new sources of energy ERDA may help develop will be used wisely and efficiently.

Finally, I am pleased that this bill incorporates a proposal I first made on October 27, 1969, to separate the authority to promote and develop nuclear power from the authority to regulate that power. I have long pointed to the inconsistency and conflict created by one agency, the Atomic Energy Commission, being charged with both encouraging the use of nuclear power and at the same time trying to regulate, license, and insure the safe operation of that power. I pointed to a considerable weight of evidence that these contradictory roles led in many cases to less stringent safety standards, for example, than many experts thought wise, for fear that more stringent standards would discourage the development of such things as nuclear power plants. I am gratified that the legislation before us today finally recognizes the merit of my proposal, and separates the development of nuclear power from the promotion of its use.

This is important legislation, and I am confident that it can help reverse the growing dependence of this Nation on foreign sources of energy. I urge the House to approve it.

Mr. BROWN of Ohio. Mr. Chairman, this bill, H.R. 11510, is needed now as part of the response to meet the energy crisis. I do not have to belabor the point that there is a crisis and that the Congress must provide the programs and organization required to respond to that crisis. This bill is part of that response, and a very important part.

The reason is this crisis will not disappear once we resume oil imports. We need to develop new energy sources as well as increase the production of existing energy resources, increase the efficiency of our generation systems, and conserve what energy we can produce. In the short run, we will need the emergency allocation and conservation programs which we approved yesterday in the National Emergency Act. In the longer term, we need to vastly expand our energy research and development and provide a capable organization to develop and coordinate energy R. & D. programs and policies.

The bill before us today is an energy R. & D. reorganization bill. There are other bills being worked on which would provide the additional funding and programs for energy R. & D. This bill gives us the organization without prejudice to policies and programs contained in other legislation.

The advantages of this reorganization are as follows. First, it consolidates existing energy research and development programs into a single independent Energy Research and Development Administration; second, it provides a strong management and policymaking capability to lead this effort; third, it will encourage balance, comprehensive and coordinate programing of energy R. & D. No one energy source will be slighted because each will have a Presidential appointee, who is confirmed by the Senate, responsible for its development.

In addition to the changes being made in the energy research and development area, this bill would split the regulatory responsibility from nuclear energy away from the developmental or advocacy role that in the past have been the joint mission of the AEC. This change should end the charges that the regulators of nuclear energy are inappropriately biased.

I would also like to take note of a study on the best way to organize all energy related regulatory activities which was ordered by the President in his June 29 energy statement. Mr. Ash sent me a letter on August 13 describing how the study was to be undertaken, and I would like to include it in the RECORD at this point. I think there are opportunities for further improvements in the organization of energy regulatory programs, and I hope this study will be the basis for such changes.

My opinion is that this bill before us today is landmark legislation. I think every Member must agree that the President's goal of self-sufficiency in clean energy for 1980 is worthy of our support. We will need policies and programs to achieve that goal. We also need this organization. I urge my colleagues to support H.R. 11510.

The letter follows:

EXECUTIVE OFFICE
OF THE PRESIDENT,
OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., August 13, 1973.

Hon. CLARENCE J. BROWN,
House of Representatives,
Washington, D.C.

DEAR MR. BROWN: I was pleased to learn of your interest in the energy regulatory study described in the President's June 29 energy statement. As you know, the statement requested that "a comprehensive study be undertaken, in full consultation with the Congress, to determine the best way to organize all energy-related regulatory activities of the Government." This letter is to outline the essential elements of our regulatory study plan in fulfillment of the commitment I made during testimony before the House Government Operations Committee on July 24.

ORGANIZATION OF THE STUDY

William O. Doub has been named Chairman of the Energy Regulatory Study Committee. He is eminently qualified to lead this effort. Formerly, Mr. Doub was Chairman of the Maryland Public Service Commission, the People's Counsel of the State of Maryland and a member of the Executive Advisory Committee to the Federal Power Commission.

The Committee will include senior personnel from the Energy Policy Office and key Federal organizations performing energy-related regulatory activities. It will be supported by a full-time study team of personnel from OMB, AEC, FPC, Interior, EPA, and CEQ. This team will draw upon the personnel resources from other agencies such as DOT, Justice, and FTC on an ad-hoc basis when their expertise is required on specific issues.

Mr. Doub will be requesting a number of Members of Congress to identify points of contact with whom the Committee can discuss the direction of the study, generally, as well as the specific issues raised during the conduct of the study.

We also plan to solicit opinions and views from the public during the conduct of the study to ensure that public interests are expressed and given adequate consideration.

METHODOLOGY OF CONDUCTING THE STUDY

The objective of the study is to identify alternatives for organizing Federal energy regulatory activities and to identify the advantages and disadvantages of these alternatives. Each alternative will be evaluated against a framework developed by the Committee that recognizes the economic, environmental, health and safety and other interests as well as objectives of adequate and reliable energy supply. In addition, the Committee will be expected to provide its recommendations as to the best organizational alternative. The product of the study will be a report to Governor Love and me.

The study will deal primarily with organizational alternatives for carrying out existing regulatory authority and objectives. Energy regulatory activities, broadly defined, are now carried on by many agencies as a part of their overall missions. Initially, the study team will survey all Federal agency regulatory activities before decisions are made on the regulatory functions and agencies to be focused upon in detail.

In addition to our plans for frequent Congressional consultation during the study, we plan to provide interested Members of Congress with the opportunity to review and comment on the conclusions and recommendations of the study before developing the Administration's position. Similarly, we plan to obtain public review and comment to the study's conclusions and recommendations.

MAJOR PHASES OF THE STUDY

The following is a preliminary description of the study's major phases and the timetable for completing each. One of the first tasks to be addressed after formation of the study team will be to finalize the schedule and develop the necessary details:

Phase I—Develop detailed descriptions of Federal energy-related regulatory activities being performed by Federal agencies, departments and commissions—(September 1973);

Phase II—Develop general conception of organizational alternatives; refine and establish tentative judgments on the merits of each—(October 1973);

Phase III—Meet with appropriate public groups (industry, State, environmentalist and consumer) to obtain public participation—(December 1973);

Phase IV—Analyze alternatives in consideration of Congressional and public participation to arrive at conclusions and recommendations—(January 1974);

Phase V—Prepare the study report—(February 1974);

Phase VI—Obtain Congressional and public review and comment to the report's conclusions and recommendations—(May 1974);

Phase VII—Formulate Executive Branch Position—(June 1974);

Let me reiterate that I welcome this opportunity to exchange ideas with the Congress on the conduct of the energy regulatory study. I hope that the elements of the regulatory study plan which I have described address your questions. If you have any additional questions about the regulatory study plan, I, as well as Mr. Doub, will be happy to answer them.

Sincerely,

ROY L. ASH,
Director.

Mr. DANIELSON. Mr. Chairman, for the past 10 months, I have strongly advocated a study, by the Department of Transportation, of the relationship between car size and fuel consumption, as well as air pollution, highway safety, and other important factors. For this reason, I am very pleased that the Committee on Interstate and Foreign Commerce has included a provision for such a study in section 209 of H.R. 11450. I note that, in many respects, section 209 closely parallels the legislation I introduced on this subject on February 6 of this year, House Joint Resolution 301, which has 13 cosponsors.

In this time of a fuel shortage, when many car buyers are choosing small cars, and many Members of Congress are advocating a mandatory reduction in car size, it is necessary that we study the potential consequences of a switch to small cars, both good and bad, so that we will have all the information we need to take action on this vital subject.

Section 209 imposes upon the Environmental Protection Agency, the duty of conducting a study to determine whether a mandatory increase of 20 percent in fuel economy for all motor vehicles would be feasible or practical. Certainly, this approach should receive study, but it would be unwise to limit the scope of the study to this one, out of several, options. I question, for example, whether a Chevrolet Vega, or a Ford Pinto, already getting over 20 miles to the gallon, needs any improvement, or whether such cars as Cadillacs or Oldsmobiles need an improvement of only 20 percent, which would raise them from perhaps 8 miles per gallon, to 9.6 miles per gallon. The proposed 20-percent approach would require the least improvement from the worst gas-guzzlers, and the greatest improvement from the most economical cars. This problem is demonstrated by the following table, which is based on miles-per-gallon figures determined by the Environmental Protection Agency:

FUEL ECONOMY IN MILES PER GALLON—REPRESENTATIVE EXAMPLES

Manufacturer and model	Present miles per gallon	20-percent improvement	Projected miles per gallon
5,500-lb. class:			
Oldsmobile: Toronado	6.8	1.36	8.16
Chevrolet: C-20 suburban	7.1	1.42	8.52
Buick: Electra	7.6	1.52	9.12
Ford: Lincoln	7.9	1.58	9.48
Cadillac: El Dorado	8.0	1.6	9.6
5,000-lb. class:			
Chrysler: Dodge FS	7.9	1.58	9.48
Ford: Montego	9.1	1.82	10.92
4,500-lb. class, Oldsmobile: Cutlas S	7.3	1.46	8.76
4,000-lb. class, Ferrari: 365 GTB-4	6.3	1.26	7.56
3,500-lb. class:			
Jaguar: E-type series III	9.7	1.94	11.64
American Motors: Hornet	11.0	2.20	13.2
Ford: Maverick	12.1	1.42	14.52
2,750-lb. class:			
Chevrolet: Vega/Hatchback	24.6	4.92	29.52
Ford: Pinto	22.8	4.56	27.36

Many Members of Congress have advocated another approach to fuel economy, such as a miles-per-gallon standard of efficiency, which would require the most improvement from the worst gas-guzzlers, and no improvement from those cars already getting over 18 or 20 miles per gallon. That approach should be studied as well. Moreover, from the standpoint of economy in government, if the EPA is going to take the time and expense to study automobile fuel economy, then it should study the entire subject, not just part of it.

Mr. Chairman, were there not so many amendments waiting at the Speaker's desk for action by the House, with no opportunity under the rule for full discussion and debate, I would offer an amendment to section 209 to expand the scope of the study, which reads as follows:

In section 209, on page 26, line 22, strike the period and insert in lieu thereof: ", and the energy conservation potential and practicality of developing standards pertaining to weight, engine size, and accessory equipment of new gasoline-powered automobiles so as to achieve an average fuel consumption rate for all automobiles operated in the United States of 18 or more miles per gallon by the model year 1979, and 20 or more miles per gallon by the model year 1984."

This amendment would make it clear that the EPA is not to limit the scope of the study to a single area. However, because of the late hour in the consideration of H.R. 11450, and the absence of opportunity for full debate, I will not offer this amendment.

If section 209 survives final passage of this legislation and any subsequent conference committee action, I am hopeful that the EPA, in conducting this study, will not unnecessarily limit the scope of its research and recommendations. If the EPA concludes that a mandatory fuel efficiency improvement of 20 percent for all cars is not practical, I very much hope they will consider alternative methods of bringing about an improvement in fuel economy, and include in their report some recommendations on those alternatives.

Mr. PRICE of Texas. Mr. Speaker, I strongly oppose the intolerable and unworkable emergency energy bill, primarily because it will work to extend, not shorten, our period of shortage. The House, in an eagerness to prevent producers from reaping what some feel would be excess profits, has used as a base period, years in which little oil was being produced due to an already insufficient profit incentive. That measure remained in the bill through conference.

The result will be that this Nation's 10,000 independent producers, who sink some 80 percent of the exploratory wells in this country, will be disinclined to explore for new oil supplies.

We are in a period of energy shortage. We need to conserve energy, stimulate supply and boost research into new potential energy fields. I must stress here the importance of stimulating energy production. Legislation which works against a legitimate profit incentive for energy production, which this bill now does, will simply extend our period of shortage because producers will have no reason to expand their exploration operations.

I am opposed to this bill. If it is passed, I am hopeful the President will veto it; and in the meantime, I hope that the Members of this body will take a rational look at the real situation of energy production and its problems in this country.

I feel that this legislation does not address the problem. It is discriminatory and completely unworkable administratively; it would cause only more confusion.

Mr. HOLIFIELD. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. Pursuant to the rule, the Clerk will now read the amendment in the nature of a substitute recommended by the Committee on Government Operations now printed in the bill as an original bill for the purpose of amendment.

The Clerk read as follows:

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

SHORT TITLE

SECTION 1. This Act may be cited as the "Energy Reorganization Act of 1973".

DECLARATION OF DEFENSE

SEC. 2. (a) The Congress hereby declares that the general welfare and the common defense and security require effective action to develop, and increase the efficiency and reliability of use of, all energy sources to meet the needs of present and future generations, to increase the productivity of the national economy and strengthen its position in regard to international trade, to make the Nation self-sufficient in energy, to advance the goals of restoring, protecting, and enhancing environmental quality, and to assure public health and safety.

(b) The Congress finds that, to best achieve these objectives, improve Government operations, and assure the coordinated and effective development of all energy sources, it is necessary to establish an Energy Research and Development Administration to bring together and direct Federal activities relating to research and development on the various sources of energy, to increase the efficiency and reliability in the use of energy, and to carry out the performance of other functions, including the Atomic Energy Commission's military and production activities.

(c) The Congress further declares and finds that it is in the public interest that the licensing and related regulatory functions of the Atomic Energy Commission be separated from the performance of the other functions of the Commission transferred pursuant to this Act, and that this separation be effected in an orderly manner assuring adequacy of technical and other resources necessary for the performance of each.

TITLE I—ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

ESTABLISHMENT

SEC. 101. There is hereby established an independent executive agency to be known as the Energy Research and Development Administration (hereinafter in this Act referred to as the "Administration").

OFFICERS

SEC. 102. (a) There shall be at the head of the Administration an Administrator of Energy Research and Development (hereinafter in this Act referred to as the "Administrator"), who shall be appointed by the President, by and with the advice and consent of the Senate. The Administrator shall receive compensation at the rate now or hereafter prescribed for offices and positions at level II of the Executive Schedule (5 U.S.C. 5313). The Administration shall be administered under the supervision and direction of the Administrator, who shall be responsible for the efficient and coordinated management of the Administration.

(b) There shall be in the Administration a Deputy Administrator, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall receive compensation at the rate now or hereafter prescribed for offices and positions at level III of the Executive Schedule (5 U.S.C. 5314).

(c) There shall be in the Administration five Assistant Administrators, one of whom shall be responsible for fossil energy, another for nuclear energy, another for environment, safety, and conservation, another for research and advanced energy systems, and another for national security. The Assistant Administrators shall be appointed by the President, by and with the advice and consent of the Senate and shall receive compensation at the rate now or hereafter prescribed for offices and positions at level IV of the Executive Schedule (5 U.S.C. 5315).

(d) There shall be in the Administration a General Counsel who shall be appointed by the Administrator and who shall serve at the pleasure of and be removable by the Administrator. The General Counsel shall receive compensation at the rate now or hereafter prescribed for offices and positions at level V of the Executive Schedule (5 U.S.C. 5316).

(e) There shall be in the Administration not more than seven additional officers appointed by the Administrator, who shall receive compensation at the rate now or hereafter prescribed for offices and positions at level V of the Executive Schedule (5 U.S.C. 5316). The positions of such officers shall be considered career positions and be subject to subsection 161d. of the Atomic Energy Act.

(f) The Division of Military Application transfered to and established in the Administration by section 104(a) of this Act shall be under the direction of a Director of Military Application, who shall be appointed by the Administrator and who shall serve at the pleasure of and be removable by the Administrator and shall be an active commissioned officer of the Armed Forces serving in general or flag officer rank or grade. The functions, qualifications, and compensation of the Director of Military Application shall be the same as those provided under the Atomic Energy Act of 1954, as amended, for the Assistant General Manager for Military Application.

(g) Officers appointed pursuant to this section shall perform such functions as the Administrator shall specify from time to time.

(h) The Deputy Administrator (or in the absence or disability of the Deputy Administrator, or in the event of a vacancy in the office of the Deputy Administrator, an Assistant Administrator, the General Counsel or such other official, determined according to such order as the Administrator shall prescribe) shall act for and perform the functions of the Administrator during any absence or disability of the Administrator or in the event of a vacancy in the office of the Administrator.

RESPONSIBILITIES OF THE ADMINISTRATOR

SEC. 103. The responsibilities of the Administrator shall include, but be limited to—

(1) exercising central responsibility for policy planning, coordination, support, and management of research and development programs respecting all energy sources, including assessing the requirements for research and development in regard to various energy sources in relation to near-term and long-range needs, policy planning in regard to meeting those requirements, undertaking programs for the optimal development of the various forms of energy sources, managing such programs, and disseminating information resulting therefrom;

(2) encouraging and conducting research and development to demonstrate the commercial feasibility and practical applications of energy sources and utilization technologies;

(3) undertaking research and development in the extraction, conversion, storage, transmission, and utilization phases related to the development and use of energy from fossil, nuclear, solar, geothermal, and other energy sources;

(4) engaging in and supporting environmental, biomedical, physical, and safety research related to the development of energy sources and utilization technologies;

(5) taking into account the existence, progress, and results of other public and private research and development activities relevant to the Administration's mission in formulating its own research and development programs;

(6) participating in and supporting cooperative research and development projects which may involve contributions by public or private persons or agencies, of financial or other resources to the performance of the work;

(7) developing, collecting, distributing, and making available for distribution, scientific and technical information concerning the manufacture or development of energy and its efficient extraction, conversion, transmission, and utilization; and

(8) encouraging and conducting research and development for the conservation of energy.

TRANSFER OF FUNCTIONS

SEC. 104. (a) There are hereby transferred to and vested in the Administrator all functions of the Atomic Energy Commission, the Chairman and members of the Commission, and the officers and components of the Commission, except as otherwise provided in this Act.

(b) The General Advisory Committee established pursuant to section 26 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2036), the Patent Compensation Board established pursuant to section 157 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2187), and the Divisions of Military Application and Naval Reactors established pursuant to section 25 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2035), are transferred to the Energy Research and Development Administration and the functions of the Commission with respect thereto, and with respect to relations with the Military Liaison Committee established by sectioin 27 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2037), are transferred to the Administrator.

(c) There are hereby transferred to and vested in the Administrator such functions of the Secretary of the Interior, the Department of the Interior, and officers and components of such department—

(1) as relate to or are utilized by the Office of Coal Research established pursuant to the Act of July 1, 1960 (74 Stat. 336; 30 U.S.C. 661–668);

(2) as relate to or are utilized in connection with fossil fuel energy research and development programs and related activities conducted by the Bureau of Mines "energy centers" and synthane plant to provide greater efficiency in the extraction, processing, and utilization of energy resources for the purpose of conserving those resources, developing alternative energy resources such as oil and gas secondary and tertiary recovery, oil shale and synthetic fuels, improving methods of managing energy-related wastes and pollutants, and providing technical guidance needed to establish and administer national energy policies; and

(3) as relate to or are utilized for underground electric power transmission research.

(d) There are hereby transferred to and vested in the Administrator such functions of the National Science Foundation as relate to or are utilized in connection with—

(1) solar heating and cooling development; and

(2) geothermal power development.

(e) There are hereby transferred to and vested in the Administrator such functions of the Environmental Protection Agency and the officers and components thereof as relate to or are utilized in connection with—

(1) the development and demonstration of alternative automotive power systems; and

(2) the development and demonstration of precombustion, combustion, and postcombustion technologies to control emissions of pollutants from stationary sources using fossil fuels.

(f) To the extent necessary or appropriate to perform functions and carry out programs transferred by this Act, the Administrator may exercise, in relation to the functions so transferred, any authority or part thereof available by law, including appropriation Acts, to the official or agency from which such functions were transferred.

TRANSFER OF PERSONNEL AND OTHER MATTERS

SEC. 105. (a) Except as provided in the next sentence, the personnel employed in connection with, and the personnel positions, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available to or to be made available in connection with the functions and programs transferred by this Act, are, subject to section 202 of the Budget and Accounting Procedures Act of 1950 (31 U.S.C. 581c), correspondingly transferred for appropriate allocation. Personnel positions expressly created by law, personnel occupying those positions on the effective date of this Act, and personnel authorized to receive compensation at the rate prescribed for offices and positions at levels II, III, IV, or V of the Executive Schedule (5 U.S.C. 5313–5316) on the effective date of this Act shall be subject to the provisions of subsection (c) of this section and section 301 of this Act.

(b) Except as provided in subsection (c), transfer of nontemporary personnel pursuant to this Act shall not cause any such employee to be separated or reduced in grade or compensation for one year after such transfer.

(c) Any person who, on the effective date of this Act, held a position compensated in accordance with the Executive Schedule prescribed in chapter 53 of title 5 of the United States Code, and who, without a break in service, is appointed in the Administration to a position having duties comparable to those performed immediately preceding his appointment shall continue to be compensated in his new position at not less than the rate provided for his previous position.

ADMINISTRATIVE PROVISIONS

SEC. 106. (a) The Administrator is authorized to prescribe such policies, standards, criteria, procedures, rules, and regulations as he may deem to be necessary or appropriate to perform functions now or hereafter vested in him.

(b) The Administrator shall engage in such policy planning, and perform such program evaluation analyses and other studies, as may be necessary to promote the efficient and coordinated administration of the Administration and properly assess progress toward the achievement of its missions.

(c) Except as otherwise expressly provided by law, the Administrator may delegate any of his functions to such officers and employes of the Administration as he may designate, and may authorize such successive redelegations of such functions as he may deem to be necessary or appropriate.

(d) Except as provided in section 102 and in section 104(b), the Administrator may organize the Administration as he may deem to be necessary or appropriate.

(e) The Administrator is authorized to es-

tablish, maintain, alter, or discontinue such State, regional, district, local, or other field offices as he may deem to be necessary or appropriate to perform functions now or hereafter vested in him.

(f) The Administrator shall cause a seal of office to be made for the Administration of such device as he shall approve, and judicial notice shall be taken of such seal.

(g) The Administrator is authorized to establish a working capital fund, to be available without fiscal year limitation, for expenses necessary for the maintenance and operation of such common administrative services as he shall find to be desirable in the interests of economy and efficiency. There shall be transferred to the fund the stocks of supplies, equipment, assets other than real property, liabilities, and unpaid obligations relating to the services which he determines will be performed through the fund. Appropriations to the fund, in such amounts as may be necessary to provide additional working capital, are authorized. The working capital fund shall recover, from the appropriations and funds for which services are performed, either in advance or by way of reimbursement, amounts which will approximate the costs incurred, including the accrual of annual leave and the depreciations of equipment. The fund shall also be credited with receipts from the sale or exchange of its property, and receipts in payment for loss or damage to property owned by the fund.

(h) Each department, agency, and instrumentality of the executive branch of the Government is authorized to furnish to the Administrator, upon his request, any information or other data which the Administrator deems necessary to carry out his duties under this title.

PERSONNEL AND SERVICES

SEC. 107. (a) The Administrator is authorized to select, appoint, employ, and fix the compensation of such officers and employees, including attorneys, pursuant to section 161d. of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2201(d)) as are necessary to perform the functions now or hereafter vested in him and to prescribe their functions.

(b) The Administrator is authorized to obtain services as provided by section 3109 of title 5 of the United States Code.

(c) The Administrator is authorized to provide for participation of military personnel in the performance of his functions. Members of the Army, the Navy, the Air Force, or the Marine Corps may be detailed for service in the Administration by the appropriate military Secretary, pursuant to cooperative agreements with the Secretary, for service in the Administration in positions other than a position the occupant of which must be approved by and with the advice and consent of the Senate.

(d) Appointment, detail, or assignment to, acceptance of, and service in, any appointive or other position in the Administration under this section shall in no way affect the status, office, rank, or grade which such officers or enlisted men may occupy or hold, or any emolument, perquisite, right, privilege, or benefit incident to or arising out of any such status, office, rank, or grade. A member so appointed, detailed, or assigned shall not be subject to direction or control by his armed force, or any officer thereof, directly or indirectly, with respect to the responsibilities exercised in the position to which appointed, detailed, or assigned.

(e) The Administrator is authorized to pay transportation expenses, and per diem in lieu of subsistence expenses, in accordance with chapter 57 of title 5 of the United States Code for travel between places of recruitment and duty, and while at places of duty, of persons appointed for emergency, temporary, or seasonal services in the field service of the Administration.

(f) The Administrator is authorized to utilize, on a reimbursable basis, the services of any personnel made available by any department, agency, or instrumentality, including any independent agency, of the Government.

(g) The Administrator is authorized to establish advisory boards, in accordance with the provisions of the Federal Advisory Committee Act (Public Law 92-463), to advise with and make recommendations to the Administrator on legislation, policies, administration, research, and other matters.

(h) The Administrator is authorized to employ persons who are not citizens of the United States in expert, scientific, technical, or professional capacities whenever he deems it in the public interest.

POWERS

SEC. 108. (a) The Administrator is authorized to exercise his powers in such manner as to insure the continued conduct of research and development and related activities in areas or fields deemed by the Administrator to be pertinent to the acquisition of an expanded fund of scientific, technical, and practical knowledge in energy matters. To this end, the Administrator is authorized to make arrangements (including contracts, agreements, and loans) for the conduct of research and development activities with private or public institutions or persons, including participation in joint or cooperative projects of a research, developmental, or experimental nature; to make payments (in lump sum or installments, and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments); and generally to take such steps as he may deem necessary or appropriate to perform functions now or hereafter vested in him. Such functions of the Administrator under this Act as are applicable to the nuclear activities transferred pursuant to this title shall be subject to the provisions of the Atomic Energy Act of 1954, as amended, and to other authority applicable to such nuclear activities. The nonnuclear responsibilities and functions of the Administrator referred to in sections 103 and 104 of this Act shall be carried out pursuant to the provisions of this Act, applicable authority existing immediately before the effective date of this Act, or in accordance with the provisions of chapter 4 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2051-2053).

(b) Except for public buildings as defined in the Public Buildings Act of 1959, as amended, and with respect to leased space subject to the provisions of Reorganization Plan Numbered 18 of 1950, the Administrator is authorized to acquire (by purchase, lease, condemnation, or otherwise), construct, improve, repair, operate, and maintain facilities and real property as the Administrator deems to be necessary in and outside of the District of Columbia. Such authority shall apply only to facilities required for the maintenance and operation of laboratories, research and testing sites and facilities, quarters, and related accommodations for employees and dependents of employees of the Administration, and such other special-purpose real property as the Administrator deems to be necessary in and outside the District of Columbia. Title to any property or interest therein, real, personal, or mixed, acquired pursuant to this section, shall be in the United States.

(c)(1) The Administrator is authorized to provide, construct, or maintain, as necessary and when not otherwise available, the following for employees and their dependents stationed at remote locations:

(A) emergency medical services and supplies;

(B) food and other subsistence supplies;

(C) messing facilities;

(D) audiovisual equipment, accessories, and supplies for recreation and training;

(E) reimbursement for food, clothing, medicine, and other supplies furnished by such employees in emergencies for the temporary relief of distressed persons;

(F) living and working quarters and facilities; and

(G) transportation for school-age dependents of employees to the nearest appropriate educational facilities.

(2) The furnishing of medical treatment under subparagraph (A) of paragraph (1) and the furnishing of services and supplies under paragraphs (B) and (C) of paragraph (1) shall be at prices reflecting reasonable value as determined by the Administrator.

(3) Proceeds from reimbursements under this section shall be deposited in the Treasury and may be withdrawn by the Administrator to pay directly the cost of such work or services, to repay or make advances to appropriations or funds which do or will bear all or a part of such cost, or to refund excess sums when necessary; except that such payments may be credited to a service or working capital fund otherwise established by law, and used under the law governing such funds, if the fund is available for use by the Administrator for performing the work or services for which payment is received.

(d) The Administrator is authorized to acquire any of the following described rights if the property acquired thereby is for use in, or is useful to, the performance of functions vested in him:

(1) copyrights, patents, and applications for patents, designs, processes, specifications, and data;

(2) licenses under copyright, patents, and applications for patents; and

(3) releases, before suit is brought, for past infringement of patents or copyrights.

(e) Subject to the provisions of chapter 12 of the Atomic Energy Act (42 U.S.C. 2161-2166), and other applicable law, the Administrator shall disseminate scientific, technical, and practical information acquired pursuant to this title through information programs and other appropriate means, and shall encourage the dissemination of scientific, technical, and practical information relating to energy so as to enlarge the fund of such information and to provide that free interchange of ideas and criticism which is essential to scientific and industrial progress and public understanding.

(f) The Administrator is authorized to accept, hold, administer, and utilize gifts, and bequests of property, both real and personal, for the purpose of aiding or facilitating the work of the Administration. Gifts and bequests of money and proceeds from sales of other property received as gifts or bequests shall be deposited in the Treasury and shall be disbursed upon the order of the Administrator. For the purposes of Federal income, estate, and gift taxes, property accepted under this section shall be considered as a gift or bequest to the United States.

Mr. HOLIFIELD (during the reading). Mr. Chairman, I ask unanimous consent that the committee amendment in the nature of a substitute be considered as read and open to amendment at any point.

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

Mr. GROSS. Mr. Chairman, reserving the right to object, does that apply to the entire bill?

Mr. HOLIFIELD. It applies to the entire bill because it is a clean bill.

Mr. GROSS. Does not the rule provide that the bill be read by title?

The CHAIRMAN. That is right.

Mr. HOLIFIELD. Then I suggest, Mr. Chairman, that I will ask unanimous consent this title be considered as read and open to amendment at any point.

Mr. HORTON. Mr. Chairman, the rule does say—

It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Government Operations now printed in the bill as an original bill for the purpose of amendment under the five-minute rule. Said substitute shall be read for amendment by titles instead of by sections. . . .

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

There was no objection.

The CHAIRMAN. Are there any amendments to title I?

Mr. ROSENTHAL. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. [After counting.] Fifty-two Members are present, not a quorum.

The call will be taken by electronic device.

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

[Roll No. 705]

Addabbo	Frelinghuysen	Rangel
Alexander	Fulton	Rarick
Anderson, Ill.	Goldwater	Reid
Armstrong	Gray	Roncallo, N.Y.
Aspin	Griffiths	Rooney, N.Y.
Biester	Gubser	Ruppe
Blatnik	Hanna	Ryan
Bolling	Hansen, Wash.	Scherle
Breckinridge	Harsha	Shipley
Brooks	Harvey	Shriver
Buchanan	Hébert	Sisk
Burke, Calif.	Jarman	Stokes
Burton	Jones, Ala.	Stuckey
Carney, Ohio	Kemp	Taylor, Mo.
Clancy	Landrum	Teague, Tex.
Clark	Mailliard	Thompson, N.J.
Clay	Martin, Nebr.	Tiernan
Conyers	Mills, Ark.	Van Deerlin
Delaney	Murphy, N.Y.	Veysey
Dent	Nedzi	Walsh
Diggs	Parris	Wilson,
Esch	Passman	Charles H.,
Evins, Tenn.	Pettis	Calif.
Fisher	Powell, Ohio	Wilson,
Flowers	Quillen	Charles, Tex.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. ROSTENKOWSKI, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 11510, and finding itself without a quorum, he had directed the Members to record their presence by electronic device, whereupon 360 Members recorded their presence, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. When the Committee rose, the Clerk had read through title I ending at page 46, line 14.

Are there any amendments to title I?

AMENDMENT OFFERED BY MR. ROSENTHAL

Mr. ROSENTHAL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ROSENTHAL: On page 30, line 21, delete "five" and insert in its place "six." On lines 23 and 24 delete the words "another for environment, safety, and conservation," and insert in their place: "another for environment and safety, another for conservation,".

The section should now read:

"SEC. 102. (c) There shall be in the Administration six Assistant Administrators, one of whom shall be responsible for fossil energy, another for nuclear energy, another for environment and safety, another for conservation, another for research and advanced energy systems, and another for national security."

Mr. ROSENTHAL. Mr. Chairman, I rise in support of this bill and offer this amendment on behalf of Mr. GUDE, of Maryland, and myself.

This bill has a major flaw, which I believe we must correct. As written, it proposes one assistant administrator for environment, safety, and conservation. Structurally this proposal, in my judgment, does not make sense. There is no reason to lump environment and safety research together with research and energy conservation. They are not directly related, even though they are both important areas of research. By joining these two areas under one assistant administrator, both areas will suffer.

Important research must be done in the area of environment and safety research on waste management systems and transportation of nuclear material would come under this area.

This kind of research is becoming increasingly important as we develop more and more nuclear wastes. We must push this research so that we will have a viable disposal solution of these extremely toxic wastes.

Other areas under environment and safety which deserve study are biomedical and environmental research and operational safety research. But energy conservation also deserves an assistant administrator of its own. Because of the energy crisis we have been forced to conserve by lowering thermostats and driving speeds, but these measures are only temporary and cosmetic. They do not strike to the heart of the problem.

We need to undertake massive research into different means of conserving energy. The Ford energy policy project has estimated that we could save 30 percent over our present energy use by the year 2000. Even more than this could be saved by an aggressive energy conservation research program.

Too long has Federal funding concentrated on increasing supply. We now need a Manhattan type project which would finance research designed to curb energy demand and to increase the efficiency of existing technology.

Alcoa Aluminum has recently developed a pollution-free process of making aluminum which could cut the use of electricity by 30 percent or more. We must foster more research of this kind if we want to conserve our dwindling supplies of natural resources.

It is of paramount importance that we give full attention to the tremendous research potential of energy conservation.

Since environment and safety research and energy conservation research are not directly related, there would be little benefit from placing this under the same Assistant Administrator. In fact, joining them would have a negative effect, because it would necessarily diminish the effort of concentration the Assistant Administrator could bring to each one.

This amendment would establish an assistant administrator for each effort. There would be an Assistant Administrator for Environment and Safety; another for Energy Conservation. There is no question but that we must put a massive effort in production, but at the same time we must raise the level of interest and the level of accomplishment on energy conservation.

What this would do, would be to create an Assistant Administrator for Energy Conservation, split the one that is listed in here as Energy Administrator for Environment, Safety, and Energy Conservation. I think this is a very, very useful amendment. It has been supported by large numbers of private groups around the country. It is an area that has been deeply neglected, the question of conservation, and if instead of having these five we add another one to raise the level of interest, we would improve the bill.

Mr. Chairman, I said earlier in general debate was that while this is not the time to authorize or appropriate funds or mandate programs, but it is the time to state, when we establish the structure, we inferentially make policy; when we give titles to each of these areas, we indicate that Congress wants serious work done in each of these areas. If it wants serious work done in the area of energy conservation, it is highly appropriate that we upgrade the energy conservation.

Mr. Chairman, I urge the adoption of this amendment.

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

Mr. Chairman, we had extensive hearings on this bill, and the chart that is before the Members here in the well shows how we divided the organizational structure and direction of management. We put what we considered were related matters together.

As the gentleman knows, 19 or 20 groups around the country all think their particular interest is paramount. People who have an interest in solar heat think they ought to have a solar agency. People interested in geothermal technology think they ought to have an agency. People interested in environmental safety think they ought to have one; and also the people in conservation.

What we have done, we have placed on the assistant administrator level, with level 4 salary, an assistant administrator for environment, safety and conservation, because we feel that all of those things go together and that they can be handled together. In that box we have, in addition to the others, operational safety and energy conservation. If we move over to nuclear development, we will find environmental safety and conservation. In the fossil fuel component, we have environment safety and conservation.

Why did we do that? In the place of multiplying the divisions in this organization, we put those functions which we

thought important where they belong; in research and development in the fossil fuel area we have coal liquefaction, coal gasification, gas and oil technology, mining technology, combustion. All these matters also have to do with environmental safety and conservation. For research in advanced energy systems, we have to be concerned about environment, safety, and conservation.

In other words, in going forward in these five different fields of research and development, we feel environment, safety, and conservation research should be joined with the several component administrations.

We want each one of them to have responsibility in that area, and at the same time we have one of the five administrators who can coordinate in environmental and related concerns in these different fields.

We did put this function additionally in the different fields because we want each one of these administrators to be particularly aware of the fact that the public is interested in environment, safety, interested in safety, and interested in conservation.

We believe that coordination can be effected without the proliferation all over the map of divisions setting up a big bureaucracy. We have grouped the functions in the divisions which are important and where they can be carried out.

We had testimony from the Office of Management and Budget, from the Department of the Interior, and from many private witnesses, including people like the head of the National Coal Association, and they are approved of this organizational setup.

Therefore, I do think that the gentleman should be informed that, while I know he has great interest in this matter, we think that his amendment is unnecessary. It is adequately taken care of in an orderly, organizational manner, and I would ask that the amendment be voted down.

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

Mr. Chairman, I do not believe that any Member in this House has to be told we have some tough years ahead, and the toughest years are going to be the first ones. These are going to be the years when the type of research that is going to go on in this organization to develop the potential of coal and to develop the potential of solar energy and geothermal energy will not bear fruit for at least 3 to 5 years, and in some cases 20 to 30 or even 50 years.

What we can do immediately in this country, and the only thing we can do in order to have enough energy to go around in the next 1 to 3 years, is to conserve, and I think we need an Assistant Administrator for Conservation on this basis.

Secretary Morton talked to us a few days ago and told us of the tremendous cooperation which he had received from commercial enterprises all across this country who have found that they could effect conservation measures in the running of their businesses of 5 to 20 percent.

With such spontaneous, voluntary support in a very short period of time, it is clear to me we can well justify an Assistant Administrator for Conservation alone in this new organization. As the Chairman of the Committee has well pointed out, approximately one-third of the energy which this country is now consuming is wasted. Under the leadership of one man, with his attention focused only on conservation, we can make great headway in mitigating the shortages which confront us in the immediate future.

I again urge the adoption of this amendment which would establish an Assistant Administrator for Conservation and another for Environment and Safety.

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

Mr. Chairman, I do not want to repeat what the chairman of the committee has already said, but I do think it is important for us to establish at the outset of the debate on these amendments that this organizational bill has been very carefully structured.

What we have done is to provide for five Assistant Administrators with certain responsibilities, and now we are hit with an amendment to create another Assistant Administrator for Conservation. The gentleman from New York (Mr. ROSENTHAL) has informed me that he is also going to offer another amendment a little later to provide an Assistant Administrator for Solar Energy and still another amendment to provide an Assistant Administrator for other types of research.

We are at the point where we can go on and on ad infinitum.

Mr. Chairman, let me say that we have very carefully structured this bill so that we can provide the maximum research on an annual basis in each of these areas.

We have also shown concern for the conservation of energy, because we established an Administrator for Environment, for Safety, and for Conservation.

As the chairman of the committee has pointed out, under each one of these Administrators, for fossil energy development, for nuclear energy development, and for research and advance energy systems, there is a responsibility for environment, safety, and conservation.

Conservation of energy should be developed together with the energy resource being developed. Therefore, I oppose an Assistant Administrator for that purpose.

I think that it is very important for us to maintain the organization that we have here and not to open the gates for all these additional administrators. I think it is very important for us to keep the structure of the organization that we have brought before the committee.

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

Mr. HORTON. Yes, I yield to the gentleman from California.

Mr. HOSMER. Mr. Chairman, I think the gentleman is exactly right in what he says. There is a possibility, as we all know, that we can create an Assistant Administrator for night and day and for summer and winter and for Republicans and Democrats, and we could proliferate these things ad infinitum.

However, there is some logic in putting together from a scientific standpoint certain functional activities. What the committee has done is to lump together environment, safety, and conservation under the same assistant administrator. In the scientific modus operandi those three categorical endeavors are approached on a common basis. They logically belong together. It is totally illogical to separate them. There is waste and inefficiency in separating them. There is a diminution of scientific effort in separating them. There is, as I said, total illogic in separating that which is logically together.

As a consequence, this amendment, as well-meaning as it might be, is in its last and final analysis scientific heresy and ought to be voted down rapidly by this body.

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

Mr. Chairman, whatever the merit or demerit of this bill—and I seriously question the merit of it—this is real plush in terms of employees and pay in the top layer. It starts out with an Administrator who is paid $42,500 a year, a Deputy Administrator at $40,000 a year, and five assistant administrators at $38,000 a year each.

Now the gentleman from New York want to add another assistant administrator, and I might ask him why he did not just ask for one for every day in the week.

Then there is a General Counsel at $36,000 a year and seven additional officers appointed by the Administrator at $36,000 a year each. Yes; this bureaucracy starts out with a real fancy payroll in the top bracket.

Mr. Chairman, I oppose the amendment. I think it is overloaded now.

Mr. HORTON. Will the gentleman yield?

Mr. GROSS. Yes. I yield.

Mr. HORTON. I want to commend the gentleman because I think he is making a very valid point.

One of the things we were considering when we were structuring the bill was the very point that the gentleman made. We certainly do have a large number of supergrades already in this area, which I think are necessary, but we did pare it down as much as we could. I agree with the gentleman that this is an addition which is not needed.

Mr. HOLIFIELD. Will the gentleman yield?

Mr. GROSS. Yes. I yield to the gentleman.

Mr. HOLIFIELD. I want to say to the gentleman in this ERDA administration here——

Mr. GROSS. What is ERDA? Male or female?

Mr. HOLIFIELD. Well, it can be both. It is the Energy Research Development Administration, which in effect takes over an agency which has more officials in it, and therefore these are not added on to the existing ones but these are officers that in most instances are already in the AEC, that is, the salary level of these officers is already in the AEC. So

what the gentleman from Iowa points out is factual; namely, that the Administrator will receive $42,500 and the Deputy Administrator $40,000 and the assistants $38,000 and the five administrative officials will receive high levels, still this follows pretty well the pattern of every large agency, and this will be a large agency. In the large agency now existing they have something like 8,000 employees.

Mr. GROSS. I would like to ask the gentleman how much money he believes this new bureaucracy will save the taxpayers but I am almost afraid to do so.

Mr. HOLIFIELD. I will be very honest with the gentleman, if the gentleman will yield.

Mr. GROSS. I yield.

Mr. HOLIFIELD. We are not going to save the taxpayers $1 by setting this up. We are going to try to solve a problem that will cause the country to have a complete financial collapse unles we solve it, but we have to have the tools to do it with.

Mr. GROSS. That is what I was afraid of. The answer is that it will not save the taxpayers any money.

Let me ask the gentleman from California a question concerning this chart in the report accompanying the bill as compared with the chart here on the House floor.

In the appendix 3–A, it lists an Office of Public Affairs, whereas the chart on the floor lists it as External Affairs. What is the difference between Public Affairs and External Affairs?

Mr. HOLIFIELD. That is a matter of title. There are affairs that are external to the Nation in this administration. For instance, we have quite a number of international agreements in the sharing of nuclear material with the different nations like we do in Europe and other groups such as NATO. We have agreements with NATO that involve some of the material that is being used in this, and it could well come under that, or it could come under, as far as the line organization is concerned, over on the right-hand side there, the Assistant Administrator for National Security, and that has national security affairs.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. GROSS was allowed to proceed for one additional minute.)

Mr. GROSS. Then Public Affairs is more confining or restrictive than External Affairs. I take it that is the reason you changed it from Public Affairs to External Affairs.

Now, let me go to the next bracket on the chart here on the floor which is civil rights. In the report on the bill it is designated as equal opportunity. What is the difference between equal opportunity and civil rights?

As the gentleman knows, I like to read and understand the fine print.

Mr. HOLIFIELD. The subject matter of civil rights does include equality of opportunity.

Mr. GROSS. Which is more embracing, civil rights or equal opportunity?

Mr. HOLIFIELD. This Nation is very conscious of the civil rights of our people, and we feel that one individual appointed at that level in the office to look after and to see that the civil rights of this agency are handled correctly is a very modest contribution toward a very desirable goal.

Mr. GROSS. I could only wonder why it was changed, and I still do.

The CHAIRMAN. The time of the gentleman has again expired.

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

Mr. Chairman, what we are trying to do is set up a structure which will realistically deal with our problems in this difficult moment.

In the discussion of the other day on the Emergency Energy Act, it became quite clear that there are very distinct problems in dealing with the energy field relating to the question of environment and safety, and as they relate to the question of energy conservation.

We, in the bill the other day, were dealing with energy conservation. The issues raised concerning the environment and safety were discussed in a way which illustrates the reason this amendment should be supported. Our primary objective in that emergency legislation was to conserve energy. In the process, regrettably, I believe, many important safeguards for the welfare of the environment and safety were abandoned in the energy emergency legislation we adopted.

The discussion of the amendment on the floor also makes clear that we were dealing with two distinct categories. What this amendment does is the same thing. It says, let us be reflective of the reality, that is, that we have two problems. We are dealing with energy conservation and we are dealing with the problem of environment and safety.

In order for us to be able to make valuable short-term and long-term contributions in both of these arenas it is important that we set up a structure which reflects this reality so that there will be no confusion or conflict between them.

The amendment now before us is an attempt to provide structural safeguards to reflect a sane policy which relates to the conservation of energy. Our energy problems are not likely to end in the near future. Even with the development of newer forms of energy supply, or with the exploration and development of fossil and other energy forms, we can no longer afford to be wasteful of energy. If our approach to solving the fuel shortage problem is to be comprehensive, we must begin in our proverbial "own backyard." By developing more energy efficient systems we will go a long way toward saving fuel supplies.

If we are to have a sane energy policy, it must be based upon an aggressive energy conservation program. Therefore, we must have the structure in the new Energy Research and Development Administration to allow massive research into energy conservation. For this reason I urge my colleagues to support this amendment.

By establishing a separate department for the environment and safety matters as they relate to energy, separate from conservation, the confusion between these two areas will be resolved. The environment and safety division would be able to concentrate upon the effects of present and future energy technologies. Key to environment and safety are matters concerning nuclear waste management and nuclear material transportation. These areas are of such importance that they necessitate a great deal of research, requiring a separate division concerned solely with environment and safety.

I believe that if we are to have a sane energy policy, then we have got to have the kind of structure that will allow that policy to operate. If we, therefore, recognize this, we would structure the Energy Research and Development Administration to allow massive research into energy conservation and massive research into the question of the environment and safety, and not allow each of these areas to negate each other or force an administrator or an assistant administrator to concentrate on one as against the other. We saw the other day that both of these areas require very equal and important concentration. Although they relate, they each must answer separate questions.

We will only be successful in developing our policy if the structure reflects that.

Mr. Chairman, I urge very strongly the support of this amendment.

Mr. ERLENBORN. Mr. Chairman, I rise in opposition to this amendment. I think some good reasons to oppose the amendment have already been expressed. But let us look for a moment at what a rational person does. He learns by his mistakes. I think we have made some mistakes in the field of environment and energy conservation in the past because we have viewed them separately. That has been the problem.

There have been those who fought the Alaskan pipeline because of their concern for the environment, and they fought it very successfully in the courts to the point where we finally had to pass special legislation here to see that our concern for energy resources had at least equal billing with concern for the environment. In the field of environmental protection with automobiles, we have passed laws that have required that devices be built on automobiles to reduce emissions, but without any concern about conservation of our energy resources, without any concern about gasoline conservation. Now I see that the other body is contemplating legislation which would mandate that not only shall we reduce emissions, but we shall also increase the mileage of automobiles. We cannot look at these things separately if we want to have a rational policy.

I think our concern with conservation of energy must be balanced with our concern for the environment and our concern for safety. We should not build into this administration competition. We should not build into the administration one arm devoting all of its efforts to getting the safest energy sources but without any idea of conservation of our resources. So let us defeat this amendment. Let us see that we have a rational policy to balance these several concerns.

and that will be done if we have the one administrator responsible for these several different areas.

I think the very opposite of what the gentleman from New York (Mr. ROSENTHAL) has said is true. He has indicated that there is no connection among these several areas of interest. I think they must be considered a rational whole. I think we must consider them together or else this legislation will be self-defeating.

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

Mr. Chairman, the last speaker I think put his finger on the problem that we face in this bill. There is a problem with safety with respect to how energy is produced and how it is used. There is a problem with conservation. If we put the two under the same assistant administrator, we are saying that the one person will have to make the reconciliation with the public interest with respect to these competing interests. This is exactly the problem we have been trying to get away from in the Atomic Energy Commission. The Atomic Energy Commission was both the designer and the promoter of atomic energy and also had the responsibility for regulation. Increasingly across this country it was recognized that these functions ought to be split if the public interest is going to be preserved.

We have precisely the same problem here. One of the ways to conserve energy, for example, is to use high voltage transmission lines. It turns out that the higher the voltage, the more efficient the transmission of energy.

But what are the safety factors involved with respect to those kinds of transmission lines? Do the Members want one person to be reconciling these considerations or do they want both considerations to have full voice within the Government? If the Members think both points of view deserve a full hearing, then they will vote for this amendment because it will take these functions and give them to different assistant administrators to represent the competing public interests so they are sure the reconciliation is made at the highest level in the public interest.

Let me make one other point. The most effective way we can increase the effective energy supply in the United States is by increasing the effectiveness of the use of it, under the term conservation, whether it is through improved buildings, more efficient gasoline engines, or whatever.

But let me make the point that the technologies involved here range all over the landscape and unless we concentrate on the development of these technologies we are going to say we are not really going to get to these technologies until the price of energy is so high that we literally force the new technologies through the market system. I think that is an unreasonable burden to put on the American people. We ought to encourage the development of the new technologies as early as possible.

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

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

Mr. FISH. Mr. Chairman, I associate myself with the remarks of the gentleman in the well and congratulate the gentleman from New York for offering this amendment. It will improve the bill not only structurally but this amendment also will underscore the policy of this Congress.

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

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

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

I think the gentleman has made an excellent point in differentiating between conservation that conserves the energies we are presently wasting around the country as opposed to conserving of energy in the new sources we are going to develop. I think that is exactly why we need this amendment.

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

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

Mr. HOSMER. Mr. Chairman, although the gentleman may allege the conservation of energy is being neglected and therefore this separate thing should be set up, I think if the gentleman had read this bill carefully and studied the proposed financial set up of the Nation's energy program, he would see we have a $10 billion proposal submitted by Dr. Dixy Lee Ray. It gives 22 percent of the recommended $10 billion to be spent precisely in the energy conservation area.

There is no neglect of it. We do not need an amendment to this structure for the Government's scientific research in order to allay the gentleman's concern. We do not have to change that structure in order to accomplish what the gentleman wants. All the gentleman has to do is come to the floor when it is time to vote the money for the appropriation and see to it that the money he wants is in the appropriation.

Mr. FRASER. The gentleman is making our case, because he is saying one-fifth of the money is to be spent for conservation, and I agree with him on the importance of that objective, but the administrator of that program is lumped in with the safety and so on, and in view of the budget allocated to conservation it deserves, in my judgment, a separate Administrator. We are going to have contentious issues which are going to have to be resolved and they should be resolved at the highest level.

The areas of environment and safety, and conservation techniques are critical to our objective of self-sufficiency in energy. To lump these areas under one Assistant Administrator, as is done in this bill, would not give each the attention it must have.

In the past we have erred in two ways. First, we have in effect equated all energy R. & D. with the supply question. And second, we have given a disproportionate share of Federal funding to the development of nuclear fission power.

This bill, for the first time, gives emphasis to energy supply sources other than nuclear power. But it still gives short shrift to the two enormously important areas of environment and safety, and energy conservation by lumping them under one division.

David Freeman who heads the Ford Foundation's Energy Policy Project has said:

> There's a hell of a lot that can and should be done to curb the amount of energy we use and to increase the efficiency of energy conversion systems.

A few of the areas that could and should be given special encouragement in future R. & D. programs are: more efficient techniques of electricity transmission, more efficient building construction techniques, battery storage of energy, and heat pumps that could increase home-heating efficiency by as much as one-third or one-half.

Also enormously important is the responsibility to make nuclear fission plants safe and environmentally acceptable. And it is essential that we make a massive commitment to develop cleaning technology for existing dirty fuels. Gas stack cleaning technology, for instance, could well have an impact on energy supplies by the early 1980's.

The Washington Post editors remarked with some justice that:

> The House in passing the Energy Emergency Act had included amendments that disingenuously used the energy shortages as pretext for driving holes in present social and environmental legislation.

The past few weeks have resulted in serious inroads in the gains that have been made in protecting and improving the environment. If we agree that these inroads are necessary to get us by the short-term crisis, then we should also agree for the long run to make the necessary commitment to environmental values.

Members have an opportunity today to give a clear directive that as a nation we are committed to research designed to cut energy demands, to increase efficiency of existing techniques, and to improve the quality of air and water and of life in this country. Friends of the Earth, Environmental Action, the Environmental Policy Center, and Ralph Nader's Citizens Action are supporting this amendment.

Energy and economic growth, as we all know, are inextricably linked. What we are doing here today will determine the future course of economic growth as well as the quality of life in this country.

I hope the House will adopt this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. ROSENTHAL).

The question was taken; and on a division (demanded by Mr. ROSENTHAL) there were—ayes 21, noes 58.

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 112, noes 271, not voting 49, as follows:

[Roll No. 706]

AYES—112

Abzug	Anderson, Calif.	Badillo
Adams	Andrews, N.C.	Barrett
Addabbo		Bergland

Bingham	Harrington	Rees
Blatnik	Hastings	Reuss
Boggs	Hawkins	Riegle
Brademas	Hechler, W. Va.	Rinaldo
Brasco	Heckler, Mass.	Roe
Breckinridge	Heinz	Roncalio, Wyo.
Brinkley	Helstoski	Rosenthal
Brown, Calif.	Hicks	Roush
Carey, N.Y.	Holtzman	Roy
Chisholm	Howard	Roybal
Clay	Hungate	Sarbanes
Conyers	Jordan	Schroeder
Coughlin	Karth	Seiberling
Culver	Kastenmeier	Stanton,
Dellenback	Koch	James V.
Dellums	Kyros	Stark
Denholm	Lehman	Steele
Diggs	McDade	Studds
Drinan	Madden	Thompson, N.J.
du Pont	Mazzoli	Thone
Eckhardt	Meeds	Tiernan
Edwards, Calif.	Melcher	Udall
Eilberg	Mezvinsky	Vander Jagt
Fascell	Miller	Vanik
Findley	Mink	Waldie
Fish	Mitchell, Md.	Whalen
Foley	Moss	Wilson,
Ford,	Nedzi	Charles H.,
William D.	Obey	Calif.
Fraser	O'Hara	Wilson,
Gaydos	Owens	Charles, Tex.
Gibbons	Patten	Wolff
Gonzalez	Podell	Yates
Grasso	Preyer	Yatron
Green, Pa.	Railsback	Young, Ga.
Gude	Randall	
Hamilton	Rangel	

NOES—271

Abdnor	Davis, Wis.	Keating
Annunzio	de la Garza	Kemp
Archer	Dennis	Ketchum
Arends	Derwinski	King
Armstrong	Devine	Kluczynski
Ashbrook	Dickinson	Kuykendall
Ashley	Dingell	Landgrebe
Bafalis	Donohue	Latta
Baker	Dorn	Leggett
Bauman	Downing	Lent
Beard	Duncan	Litton
Bell	Edwards, Ala.	Long, La.
Bennett	Erlenborn	Long, Md.
Bevill	Esch	Lott
Biaggi	Eshleman	Lujan
Biester	Evans, Colo.	McClory
Blackburn	Fisher	McCloskey
Boland	Flood	McCollister
Bowen	Flynt	McCormack
Bray	Forsythe	McEwen
Breaux	Fountain	McFall
Broomfield	Frenzel	McKay
Brotzman	Frey	McKinney
Brown, Mich.	Froehlich	McSpadden
Brown, Ohio	Fulton	Macdonald
Broyhill, N.C.	Fuqua	Madigan
Broyhill, Va.	Gettys	Mahon
Burgener	Giaimo	Mallary
Burke, Fla.	Gilman	Mann
Burke, Mass.	Ginn	Maraziti
Burleson, Tex.	Goodling	Martin, N.C.
Burlison, Mo.	Green, Oreg.	Mathias, Calif.
Butler	Gross	Mathis, Ga.
Byron	Grover	Matsunaga
Camp	Gunter	Mayne
Carney, Ohio	Guyer	Metcalfe
Carter	Haley	Michel
Casey, Tex.	Hammer-	Milford
Cederberg	schmidt	Minish
Chamberlain	Hanley	Mitchell, N.Y.
Clark	Hanrahan	Mizell
Clausen,	Hansen, Idaho	Mollohan
Don H.	Harsha	Montgomery
Clawson, Del	Hays	Moorhead,
Cleveland	Henderson	Calif.
Cochran	Hillis	Moorhead, Pa.
Cohen	Hinshaw	Morgan
Collier	Hogan	Mosher
Collins, Ill.	Holifield	Murphy, Ill.
Collins, Tex.	Holt	Murphy, N.Y.
Conable	Horton	Myers
Conlan	Hosmer	Natcher
Conte	Huber	Nelsen
Corman	Hudnut	Nichols
Cotter	Hunt	Nix
Crane	Hutchinson	O'Brien
Cronin	Ichord	O'Neill
Daniel, Dan	Johnson, Calif.	Parris
Daniel, Robert	Johnson, Colo.	Passman
W., Jr.	Johnson, Pa.	Patman
Daniels,	Jones, Ala.	Pepper
Dominick V.	Jones, N.C.	Perkins
Danielson	Jones, Okla.	Peyser
Davis, Ga.	Jones, Tenn.	Pickle
Davis, S.C.	Kazen	Pike
Poage	Shoup	Treen
Powell, Ohio	Shuster	Ullman
Price, Ill.	Sikes	Vigorito
Price, Tex.	Skubitz	Waggonner
Pritchard	Slack	Wampler
Quie	Smith, Iowa	Ware
Quillen	Smith, N.Y.	White
Regula	Snyder	Whitehurst
Rhodes	Spence	Whitten
Roberts	Staggers	Widnall
Robinson, Va.	Stanton,	Wiggins
Robison, N.Y.	J. William	Williams
Rodino	Steed	Wilson, Bob
Rogers	Steiger, Ariz.	Winn
Roncallo, N.Y.	Steiger, Wis.	Wright
Rooney, Pa.	Stephens	Wyatt
Rose	Stratton	Wydler
Rostenkowski	Stubblefield	Wylie
Runnels	Stuckey	Wyman
Ruppe	Sullivan	Young, Alaska
Ruth	Symms	Young, Fla.
St Germain	Talcott	Young, Ill.
Sandman	Taylor, N.C.	Young, S.C.
Sarasin	Teague, Calif.	Young, Tex.
Satterfield	Teague, Tex.	Zablocki
Schneebeli	Thomson, Wis.	Zion
Sebelius	Thornton	
Shipley	Towell, Nev.	

NOT VOTING—49

Alexander	Frelinghuysen	Rarick
Anderson, Ill.	Goldwater	Reid
Andrews,	Gray	Rooney, N.Y.
N. Dak.	Griffiths	Rousselot
Aspin	Gubser	Ryan
Bolling	Hanna	Scherle
Brooks	Hansen, Wash.	Shriver
Buchanan	Harvey	Sisk
Burke, Calif.	Hébert	Steelman
Burton	Jarman	Stokes
Chappell	Landrum	Symington
Clancy	Mailliard	Taylor, Mo.
Delaney	Martin, Nebr.	Van Deerlin
Dent	Mills, Ark.	Veysey
Dulski	Minshall, Ohio	Walsh
Evins, Tenn.	Moakley	Zwach
Flowers	Pettis	

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. ROSENTHAL

Mr. ROSENTHAL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ROSENTHAL: On page 30, line 21, delete "five" and insert in its place "seven." On lines 24 and 25 delete the words "another for research and advanced energy systems," and insert in their place: "another for solar energy research, another for geothermal research, another for research and advanced energy systems."

(Mr. ROSENTHAL asked and was given permission to revise and extend his remarks and to proceed for 5 additional minutes.)

Mr. ROSENTHAL. Mr. Chairman, from the vote that immediately preceded the offering of this amendment one can make some judgments. The judgment is that the Members of the House somewhat feel constrained not to tamper with an organizational chart that has been reported out by a committee and which has been sent up here by the administration.

Also Members such as Mr. GROSS of Iowa have a tendency not to increase the number of individuals or personnel or the areas of responsibility. I can understand that, but we are falling into an enormous trap by doing precisely that. Let me tell you what it is.

This bill is a good bill and I support it, but unless it is substantially improved it makes the terrible mistake of being overly traditional. The bill lumps together all the traditional sources of energy and all the traditional opportunities for research and all the traditional ways of establishing these goals.

We are either in a crisis situation, an urgent situation, or a demanding situation, and the public response demands that we meet the challenge. We cannot meet this challenge by falling into the traditional pattern of putting these categories together.

Let me tell you what I mean by my amendment. This bill as presently written provides inadequate emphasis on the promising technologies of solar and geothermal energy. In this bill the technologies are lumped together with all other advanced research like magnetohydrodynamics, winds and tides, transmission and storage research, alternative automotive power systems, and other research.

What do the experts say about this? The National Science Foundation, Mr. Guyford Stever, stated solar energy is an inexhaustible source capable of meeting a significant proportion of the Nation's future needs with a minimum of adverse environmental consequences. He also said: Indications are solar energy is the most promising of the nonconventional energy sources, and it is not going to be explored or allowed or investigated in a traditional conventional fashion."

Yet for fiscal year 1974—and remember organization makes policy—the total amount estimated to be spent on solar and geothermal energy research is $16 million.

One of the most important uses of solar energy is obviously—and even we can understand this—for the heating and cooling of residences and commercial buildings.

Solar heating is already scientifically feasible and is used by many people in the United States today, but most of these people are not traditionalists, they are inventors. Generally they have built these solar units themselves. There are major deterrents to commercial manufacture and sale of solar heating systems. Some of it is due to insufficient design information, high initial capital cost, and uncertainty of a profitable market system. We need in this Nation a vast amount of research and development into system design studies, economic evaluations, components development and improvement, cost reduction studies, and engineering development and marketing studies.

As for solar cooling, no solar cooling residence has yet been operated in the United States, but it is scientifically feasible. Estimates are that if we spend $20 million on research into all facets of solar heating and cooling, we could have wide use of solar units within less than 10 years.

Now, if we develop an economic means for power generation from central station solar units, we will have an environmentally safe means of cheap and abundant energy. Some of this sounds so absurd that many of the Members are not paying very much attention to it, but it is exciting, it is new, it is nontraditional. Most of us do not understand it, but yet it brings a glimmer of hope—that an opportunity can present itself on this planet in the years 1973, 1974, and 1975 to find

unconventional means of energy to fuel the Nation's needs. We are not going to find this by conventional and traditional means, as is submitted to us by this committee.

The possibilities are enormous, and that is why we must look to them. We must change our policy of meager support and meager organizational support for solar research and development.

A similar situation exists with respect to geothermal energy. The National Science Foundation estimated that 40 percent of our power needs in 1985 could be provided by geothermal energy.

Right now the geysers at Imperial Valley in California provide more than 40 percent of San Francisco's electric energy. But the potential for geothermal power is enormous. We do not have to be confined to areas of natural geysers. We could use the heat of the earth to generate electricity by experimenting with hot rock geothermal power. But we must provide adequate organizational authority and funding. Unfortunately—and this is the point—unfortunately, this bill does not provide an adequate structure to accomplish these kinds of objectives. These alternatives differ from fossil fuels and nuclear energy, which have vested economic interests pushing for their development. The people who support fossil fuels and nuclear energy resources have a constituency. There are no constituencies pushing for these advanced systems because the constituencies have not been formed yet.

Who is going to speak for these promising alternatives without strong agency or industry support? The answer obviously is that there is a grave chance they will be neglected. And they will be neglected if this amendment is defeated. We need, I believe, an assistant administrator in each of these technologies to give them the opportunity to push them from development to the consumer stage where they then can have a constituency, and to develop it to that point where it will foster support by private industry. Why do you think that nuclear power developed so quickly? Because it had a constituency. Part of the reason has been the existence of a Government agency which single-mindedly pushed for its development.

This amendment will split the Assistant Administrator for Resources and Advanced Energy Systems into an Assistant Administrator for geothermal and an Assistant Administrator for solar and an Assistant Administrator for advanced systems. This is a unique opportunity we have today, the most exciting opportunity that I can recall on the House floor. All the traditional arguments will be made against the amendment. Why have more positions? Why split up the pie? We have enough scientists in one administrator to solve it.

If we just reflect for a moment, if we put them all in one administrator, the fossil fuel crowd and the atomic energy crowd will squeeze out all of the exciting and intellectually gifted scientists who want to work in this other field. They will not be given a fair share of the pie either administratively or financially unless they have their own administrator.

I know that this is a nontraditional approach. It is asking the Members to do what we usually do not do. We do not know how to break up organizations; the administration tells us. They say: "Whatever we send up there, that is what you should vote on."

Now is the time to reject that concept, that tired, old theory. If we want to make this Nation great in the seventies, we should reject that theory.

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

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

Mr. HOSMER. I thank the gentleman.

Despite the gentleman's statement that there is not much support for solar research, according to the criterion for spending money wisely that was put out by Dr. Ray in her $10 billion study, it does state that both solar and geothermal energy have high public support but low probability for anything except a long-range payout.

The CHAIRMAN. The time of the gentleman has expired.

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

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

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

Mr. HOSMER. I want to add that despite the fact that solar energy and geothermal energy have high public support in a scientific assessment of how we spend money on research and development wisely, these two particular pets that we are talking about now carry the lowest priorities of any of the endeavors listed for energy research and development. They do so, Mr. Chairman, simply because they are assessed and are the farthest way in terms of leadtime to success. They are, indeed, advanced systems, and they should be categorized as such and treated as such, because the advanced systems are the ones that get the largest proportion of public money in relation to private money.

Mr. HOLIFIELD. The gentleman is right, and what we are dealing with here is an attempt to make two additional divisions in the box to add to the five that we have there, one for solar energy and another for geothermal research.

I know something about geothermal research, and so does the gentleman from California (Mr. HOSMER). He had the bill in on that. We have geothermal production in steam in California. We have been working for years on it out there, both in northern California and in the Yampa Valley, and we have never yet been able to solve the problem of taking the corrosion qualities out of the steam that comes up. We get low-pressure steam from the bottom, and it corrodes the turbines. It is not efficient, and it does not work. It makes a few kilowatts and, therefore, this is relegated to the bottom of the totem pole.

What we are interested in now is the immediate present when we have a real energy crunch on in this country, and we want to put the money where the action is. We had better get action quickly, or this country is going to be in bad shape.

Mr. Chairman, I ask for a "no" vote on the amendment.

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

Mr. Chairman, let me just acknowledge first the very fine work that the committee has done, the hard work of the chairman of the committee. In offering and supporting amendments, I do not want in any way to underrate the enormous usefulness of this measure. What we are trying to do here, I think, is make the measure more responsive to the energy crises we have.

The gentleman from California says that the solar energy concept is an advanced system and that it does not rate much support. The Honeywell Corp. in my area has a research contract with the University of Minnesota.

One of the Honeywell officials made the statement that "our enthusiasm for heating and cooling applications"—and he was referring here to solar energy—"is reflected in the belief that commercialization can be accomplished within the current decade." Those who are involved in this do believe it can be moved along, and the emphasis that this amendment will give to it is fully justified in view of the enormous energy problem we will face for some years to come.

The reason we find ourselves in our present predicament is that we did not make the necessary commitment years ago to provide us with alternate sources of energy for the time when we would begin to run out of oil. Although development of possible substitutes for fossil fuels will take years and cannot ease the current shortage, we must not delay getting this effort underway.

It is important that we do not hobble this effort at the start with a research and development framework that will impede development of two highly promising, clean sources of energy—geothermal and solar. To lump these two technologies together with all advanced energy systems would not accord each the attention it merits. This House should make certain that these two sources of energy are given every encouragement.

SOLAR ENERGY

Solar heating has been known in this country since the 1920's. Yet it is still, for all practical purposes, unavailable to us in the present crisis. Two million new housing units are constructed in this country each year. The impact of solar heating on our energy use could be enormous. With sufficient encouragement, solar cooling could also prove feasible in the very near future.

Central station power generation is further down the road; yet this too could be commercially practicable by 1985.

GEOTHERMAL ENERGY

The immediate potential for wide-range development of geothermal energy is with us. In a report for the University of Alaska in 1972, former Secretary of the Interior Walter Hickel expressed confidence that the United States could produce at least 135,000 megawatts in 1985

from its geothermal resources and almost 400,000 megawatts by the year 2000.

Fossil fuels and nuclear fuels, in this bill, have each been placed under an independent assistant administrator. Both geothermal and solar energy warrant the attention of a separate office under the Energy Research and Development Administration we are creating here. Submerging the administration of these research efforts with all advanced systems research in one office could hinder their development and unnecessarily delay the achievement of our goal of independence in energy resources.

I urge Members to adopt this amendment.

Mr. UDALL. Will the gentleman yield?

Mr. FRASER. I yield to the gentleman from Arizona.

Mr. UDALL. Mr. Chairman, I do not know how many administrators we need in this agency and I have an open mind on the amendment, but one of the things that concerns me is putting all our eggs in the nuclear basket. I am a little afraid these people in ERDA are going to have a nuclear bias and what just happened illustrates this. It reminds me of the remark in the debate earlier today, of a friend of mine who said that we ought to get into the research on the erotic uses of energy, and I think he meant to say "exotic." We talk as though solar and geothermal are exotic things decades away.

This year, 30 miles from Mexican-American border I stood in a plant producing electrical energy from geothermal steam. It was built by the Japanese for the Mexican Government. Some think of Mexico as a backward country. Yet here is a functioning electric plant producing about half the electricity they need in this part of Baja California. Here is the Mexican Government and the Japanese 10 or 15 years ahead of us in geothermal energy. Yet the structure of this new organization is going to be in the hands of people who think the geothermal and solar applications are the exotic things we are not ready for.

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

Mr. FRASER. I yield to the gentleman from Florida.

Mr. FUQUA. In the Science and Astronautics Committee this morning it seemed there was still a great deal going on as far as energy research. They reported out a bill for a demonstration project in solar heating and cooling. The National Science Foundation can still do work in solar and geothermal energy, and I hope it stays that way and that we will not put all our eggs in one basket.

Mr. FRASER. We are leaving some basic research in the National Science Foundation, but the R. & D. will come under this new agency. We are lumping all of this into one catchall category without giving the new energy sources the emphasis I think we ought to give them within the administrative structure established by this bill.

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

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

Mr. VANIK. Mr. Chairman, I join my colleagues in supporting this amendment. I have the same concern as the gentleman from Arizona (Mr. UDALL) expressed a moment ago. The emphasis under this plan as designed will pretty much put this vital area of R. & D. into the hands of an agency that is pretty well oriented only one way.

Someone asked awhile ago about what other agencies could contribute. I think the Space and NASA and other agencies have a great contribution to make. I certainly think we ought to defer this whole issue until we resolve the question whether or not this country is going to establish a trust fund to solve the energy problem. I think this whole issue is premature until we get to the funding issue because that will spell out what we ought to do much more clearly.

Mr. RONCALIO of Wyoming. Mr. Chairman, will the gentleman yield?

Mr. FRASER. I yield to the gentleman from Wyoming.

Mr. RONCALIO of Wyoming. Mr. Chairman, I described the process of nuclear weaponry being used for stimulation of gas fields, as scientific erotica. I should like to suggest if I may, to my friends on the Atomic Energy Joint Committee that we avoid the charge that we are nuclear top-heavy by allowing and accepting this amendment. It would do much to help heal all irritations and bring us together on the question, so I speak in support of the amendment.

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

It has been pointed out that the fruits of this research into the 21st century sources of energy are a long way down the road; but there is no need to short-change the energy crunch, that is going to come when our fossil fuel, coal, runs out in 20 or 30 years. Let us look at what is going to happen when these fossil fuels run out. I think we should get these new advanced forms of energy moving with everything we can muster in this legislation, so I urge adoption of this amendment.

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

I just want to correct the record here. I think it is misleading to say solar energy is a giant beyond reach and only to be achieved in the next century. In Japan today over 1 million homes are being heated by solar energy and even more people are using it to heat their hot water supply.

Pilot projects have been built by people at the University of Arizona for solar powerplants using existing technology, not something up in space circling around, but right here on the ground.

I think the emphasis on solar energy that is stressed in this amendment is an absolute must and I support the amendment.

Ms. ABZUG. Mr. Chairman, we are dealing with a very intelligent amendment and I support it. We must recognize that fossil and nuclear fuels are rapidly being depleted.

The reason I think this amendment is sound is because it recognizes the need for an emphasis upon renewable energy sources, which by the way have the added benefit of being environmentally acceptable.

I think an emphasis on the development of solar and geothermal energy, provide the only real hope for long-range energy solutions. We cannot assure this unless we establish an administrative assistant who will concentrate in these areas.

It has been stated that the popular use of these forms of energy is a long way off. That argues for the amendment to develop solar and geothermal energy uses much more quickly than the projections that we have at present. We can only do this if we have this kind of administrative separation.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. ROSENTHAL).

The amendment was rejected.

AMENDMENT OFFERED BY MR. UDALL

Mr. UDALL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. UDALL: Page 33, lines 11–15, strike subsection (3) and insert in lieu thereof a new subsection (3) as follows:

(3) conducting an aggressive and fully funded program of energy research and development, including demonstration projects, in unconventional energy sources and technologies including but not limited to solar energy, geothermal energy, magnetohydrodynamics, fuel cells, low head hydroelectric power, use of agricultural products for energy, tidal power and thermal gradient power, wind power, automated mining methods, in situ conversion of fuels, cryogenic transmission of electric power, electric energy storage methods, alternatives to the internal combustion engine, solvent refined coal, shale oil, coal gasification and liquefaction, utilization of waste products for fuel, hydrogen gas systems, advanced power cycles including gas turbines, and stack gas cleanup;

POINT OF ORDER

Mr. HOSMER. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. HOSMER. Mr. Chairman, I make a point of order against the amendment on the ground it is not germane, and seeks to invade the province of another committee, to wit, the Committee on Appropriations and an authorizing committee, in that it requires that such programs as are listed be fully funded, and full funding is the province of another committee, or partial funding or no funding.

The CHAIRMAN. Does the gentleman from Arizona desire to comment on the point of order?

Mr. UDALL. Mr. Chairman, I think it is clearly germane.

The CHAIRMAN. The Chair will rule the amendment goes to the sources of energy and to the types of research and development that are in the bill and delineates further sources and programs. In view of the broad scope of the legislation, the amendment is germane.

The Chair, therefore, overrules the point of order.

Mr. UDALL. Mr. Chairman, this divided country, I think, is unanimous on

at least one point; that is, we simply have to get on immediately with the business of a large-range energy development program. We are all for whatever it is called, Project Independence, or whatever title that may be suggested. But the members of the committee should not delude themselves that the legislation before us today is going to make us independent in terms of energy sources.

Not one new program is authorized. Not one new laboratory is authorized for research and development. This bill, as the chairman of the committee has suggested, is simply an attempt at efficiency by reshuffling of existing agencies and existing programs into something new called ERDA. Perhaps we ought to go this route, and I do not know whether I am going to vote against this bill or not, but we should not kid ourselves here tonight that we are solving the energy crisis or producing one new kilowatt of power or one new barrel of oil.

All we are talking about is organization. All this amendment does is to try to meet the argument of nuclear bias. The whole thrust of the bill before us tonight is that we are going to take the Atomic Energy Commission and turn it into an energy research and development agency. It will bring under the umbrella of the Atomic Energy Commission, with its very large staff and budget, some agencies from Interior and other departments now dealing with the subject.

The basic fear we have all had, or many of us have had, at any rate, is that we are going to put solar and geothermal and coal gasification and all these other programs in the hands of an agency, in the hands of administrators who have spent their lives, their careers—and these are fine and dedicated people—working on nuclear energy.

We made a long range mistake when we put most of our eggs for the 1970's and 1980's in the nuclear basket.

The sad fact is that this year, 1973, as we near the end of the third decade of the nuclear age, nuclear electric energy is providing about 1 percent of the Nation's power requirements, the same percentage of energy that firewood provides for the American people this year.

There are some reasons for this. We have had some necessary delays in nuclear power, but it simply demonstrates the fallacy of trying to load down this research and development agency on a nuclear basis. If we are really serious, if ERDA—formerly the Atomic Energy Commission—is really going to look at all the exotic and new energy sources, if it is really going to give a fair shake to solar and geothermal energy, let us say so, because on page 33, in the middle of the page, all it says is—

Undertaking research and development in the extraction, conversion, storage, transmission, and utilization phases related to the development and use of energy from fossil, nuclear, solar, geothermal, and other energy sources.

There are about four lines, and that is all they tell us.

An administrator can say, "Well, under this general mandate, we are not really interested in solar; we do not think it is serious until the next century. We are not really interested in MHD."

This spells out every one of the conventional and unconventional techniques and says to the administrator, "Take a look at each of them, go into them deeply; spend some money and time on them."

If the committee which produced this bill really maintains that we are going to have an unbiased research and development agency and look at all the techniques, then let us say so. Some of us want to vote for this bill. I would like to strengthen it. I would hope the ranking minority member and the chairman of the committee could see fit to accept this amendment.

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

Mr. UDALL. Mr. Chairman, I yield to the gentleman from California.

Mr. HOSMER. Mr. Chairman, I hope the gentleman recognizes that in striking out subsection (3) of section 103 and substituting his language, he absolutely and totally eliminates any responsibility of the administrator for nuclear research. These things that the gentleman has listed may be fine, but if at the same time the administrator is denied the authority to conduct nuclear research, which is another important function, certainly we will have not only an unbalanced national energy program, but we will have a totally self-defeating national energy program and the gentleman will be responsible for it if his amendment carries.

Mr. UDALL. Mr. Chairman, I am for nuclear. I have high hopes for nuclear, but I think we ought to have research in other fields.

Mr. HOSMER. That is the problem, he has left it out entirely.

Mr. UDALL. Nuclear is all through the bill, on every page.

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

Mr. Chairman, I certainly respect the views of the gentleman from Arizona, but here, in a sense, we are quibbling over language.

The bill, I think, is much broader; that is, the provisions in paragraph (3), on page 33, are a much broader mandate to the ERDA Agency than that which the gentleman from Arizona provides in his amendment. For example, this is what we say in the bill:

. . . undertaking research and development in the extraction, conversion, storage, transmission, and utilization phases related to the development and use of energy from fossil, nuclear, solar, geothermal, and other energy sources;

And in the report, on page 10, we try to emphasize that by saying as follows:

The scope of possible energy sources and utilization techniques that ERDA may explore will be virtually unbounded. It will include, but not be limited to, solar, tidal, wind, hydrogen, geothermal (using natural steam, hot dry rock, water injection and other techniques), and nuclear fusion. It will cover new directions as yet unvisualized. The vigorous pursuit of all promising energy sources and technologies will be a major ERDA mission under this bill.

I submit, Mr. Chairman, that the language of the bill is very broad and the language of the gentleman from Arizona, with all due respect to what his position is, is much more limited.

Mr. Chairman, I think we should vote down the amendment.

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

Mr. HORTON. I yield to the gentleman from Arizona.

Mr. UDALL. Mr. Chairman, I am going to vote for the bill, because I believe we need an Energy Research Agency. But if the gentleman is willing to mention these things in the report and if the gentleman is willing to list all of these exotic sources of energy in the report, why does he not say so in the bill?

That is all I am asking. I am asking that we square the language of the bill with the language of the report which the gentleman has read from.

Mr. HORTON. Mr. Chairman, we cannot put the entire report in the bill.

What I am saying is that the bill does not need it. It has been brought out by the colloquy, and we have indicated in the report exactly what we mean, and we are indicating that all the things which the gentleman is talking about will be covered.

The bill itself provides a much broader mandate to ERDA than what the gentleman's language is in his amendment.

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

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

Mr. HOLIFIELD. Mr. Chairman, the gentleman has pointed out the provision in paragraph (3) on page 33 of the bill. I would also like to point out the provisions in paragraph (2) on that same page, on page 33, which reads as follows:

encouraging and conducting research and development to demonstrate the commercial feasibility and practical applications of energy sources and utilization technologies;

Mr. Chairman, the gentleman has pointed out that everything the gentleman from Arizona has covered in his amendment is covered in the language of paragraph (2) and paragraph (3) on page 33 of the bill.

I would like to put to rest just for 1 minute the assertion that this is a nuclear-oriented research and development organization. We have deliberately put on the same level fossil fuel and all these other things, as far as the organizational structure is concerned.

We cannot authorize in this bill and we cannot fully fund, we cannot partially fund, we cannot fund at all any of these exotic sources of energy. Some of them are exotic, such as the wind.

We have had windmills in this country ever since it started.

As far as tidal power is concerned, I have voted for every tidal power legislation that came before us, including the Passamaquoddy operation up in Maine. As far as fuel cells are concerned, we are financing fuel cell research and development in the Atomic Energy Commission.

As far as magnetohydrodynamics is concerned, where have they gotten their

money in the past? They have gotten it out of the Atomic Energy Commission, and it came out of the committee that authorized it.

These are the things that have been supported in the past.

Where has the gentleman's committee been in all these years on all these exotic energy sources? Where has the gentleman been?

Why is it that coal has not had an adequate amount of support as it should have had, the support that we are now going to try to give it? We are giving it an organizational status, the same as nuclear energy, and if the gentleman's Committee on Interior and Insular Affairs will fund it and will authorize it, it will be there.

If the committee does not authorize it, who else can?

That is his statutory responsibility, and he has not fulfilled it, and his committee has not fulfilled it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. UDALL).

The amendment was rejected.

AMENDMENT OFFERED BY MR. UDALL

Mr. UDALL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. UDALL: Page 34, lines 9 through 10, strike subsection (8) and insert in lieu thereof a new subsection (8) as follows:

(8) encouraging and conducting research and development in energy conservation, which shall be directed toward the goals of reducing total energy consumption to the maximum extent practicable, and toward maximum possible improvement in the efficiency of energy use. Development of new and improved conservation measures shall be conducted with the goal of the most expeditious possible application of these measures.

Mr. UDALL. Mr. Chairman, the scenario is pretty well written here on this bill.

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

Mr. UDALL. Yes; of course.

Mr. HOLIFIELD. As I understand it, the gentleman is just trying to use more words to do the same thing we do in section 8. I see nothing wrong in the purpose of this amendment and, as far as I am concerned, I will accept the amendment.

Mr. UDALL. I thank the chairman for that statement.

Mr. HOSMER. Will the gentleman yield?

Mr. UDALL. I yield to the gentleman.

Mr. HOSMER. I should add that if the amendment is going to be accepted, for the purposes of the RECORD I would like to state that all it does is add a lot of redundant adjectives to what the section already says and it should be interpreted as doing absolutely nothing further or different than that.

Mr. UDALL. This is an attempt to meet the fears and concerns—and I congratulate the chairman on his flexibility on this—that were expressed by the gentleman from New York (Mr. ROSENTHAL).

For the next few years conservation is going to save us. We have to have conservation of energy. I voted for the amendment for a special assistant administrator; I think we ought to have one. What this amendment does is strengthen the emphasis on energy conservation.

Mr. HOLIFIELD. Will the gentleman yield?

Mr. UDALL. Yes; I yield to the chairman.

Mr. HOLIFIELD. The amendment offered by the gentleman does nothing but add additional verbiage to the very concise language we have in section 8. But if it makes the gentleman from Arizona feel better, I am willing to accept it. However, I do not know about the other side.

Mr. UDALL. I believe in quitting when I am ahead, but it does a lot more than merely make this Member feel good.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona.

The amendment was agreed to.

AMENDMENT OFFERED BY MR. UDALL

Mr. UDALL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. UDALL: Page 30, line 21, strike the word "five" and substitute in lieu thereof the word "six".

Page 30, line 25, strike the word "and".

Page 30, line 25, insert between "security" and the period, the following provision: "and another for technology assessment".

Page 34, line 11, insert a new subsection (9) to read as follows:

"(9) through the Assistant Administrator for Technology Assessment, analyzing and evaluating the immediate and long-range direct and indirect social, environmental and economic effects of existing and proposed research and development programs."

Mr. UDALL. Mr. Chairman, I have some doubts about whether we really need special assistant administrators for solar and geothermal energy on the same level as the administrators for nuclear and fossil fuels. I do think we need one other additional administrator, and that is an administrator for technology assessment.

With so many of these new developments in our scientific age we have found we did not look down the road far enough and did not assess the impact of a new invention on society and did not look far enough ahead to see what it was going to do with the total situation and how it would interact with other things.

For example, we simply went down the road with the automobile without looking into this new technology and assessing what it would do to our land, our cities and our lives.

So we are starting down a new, uncharted path here and are trying out all kinds of new energy sources. The amendment says that in addition to the other assistant administrators we will have one assistant administrator for technology assessment, who will be charged with the mission of analyzing and evaluating the long-range direct and indirect impacts and the immediate impacts of the road we are following.

This amendment has very strong support in the scientific community. A number of Members have expressed interest in it. I am offering it on behalf of myself and those Members. I hope the committee will see fit to accept it.

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

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

Mr. HOSMER. Mr. Chairman, may I say that I rather disagree with the statement of the gentleman claiming that this has wide support in the scientific community.

What the gentleman wants to do is to set up an assessment of research and development. But, research and development is in and of itself a beginning, it is a time of experimentation, of feeling a way, and it always comes in an ambiguous and amorphous form that cannot be technically assessed and analyzed with any accuracy, it can only be evaluated in a very, very wide and uncertain manner. This kind of an office would simply be a redundancy, and an attempt to do the impossible at a time too early for the forwarding of the purposes that the gentleman from Arizona seeks to accomplish.

Mr. UDALL. The gentleman from California was with me in our committee yesterday when we heard Mr. David Freeman, who had been on the White House sicentific staff, and he has been quite a student of these kinds of program. And the one piece of advice he left with us was to take 1 or 2 percent of our energy research and development budget and have somebody in-house to conduct an ongoing technological assessment.

Mr. HOSMER. If the gentleman will yield further, that might be all right, but not inside this agency that is to be set up here. This is a function that is going to be done anyway or I should say, if at all, by the authorizing and appropriations process.

It has to be done on the outside of the Agency, if it is done or tried to be done at all, to get a feel for whether in general, things are fitting into the Nation's overall need for energy.

Mr. UDALL. I disagree with the gentleman.

Mr. HOLIFIELD. Mr. Chairman, if the gentleman will yield, the gentleman from Arizona is aware that Congress has already set up a congressional agency by the name of Technological Assessment Board, and we gave it $2 million to do exactly what the gentleman from Arizona is talking about. I suggest that we let it do the work in this Technological Assessment Board, and make its recommendations to this Administrator.

Mr. UDALL. I have the honor of serving on the Board of the Office of Technology Assessment, and I hope that that Board will be looking into this. I think we also need this function handled in the Agency itself.

Mr. HOLIFIELD. But when they get around to making some recommendations there is plenty of room in the bill for them to come in and make the recommendation to this Federal Administrator.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. UDALL).

The amendment was rejected.

AMENDMENT OFFERED BY MR. BINGHAM

Mr. BINGHAM. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BINGHAM: 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) through (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;"

Mr. BINGHAM. Mr. Chairman, I am aware that the committee fully intends that the work of ERDA be balanced, and not be disproportionate in any direction. It is so stated in the committee report, and it is entirely clear that that is the intention of the committee. But I think it is valuable to put this idea right into the law.

I think this will reassure people. I think there is going to be some public discussion of the fact that what we are doing here is taking essentially the AEC and giving it larger responsibilities. And people are going to be afraid that this new agency will have a bias towards the development of nuclear energy. I know that is not the intention of the committee. I think that the members of the committee and the chairman have done a fine job on it, and as I say, it is stated in the committee report that they expect these various areas to be fully considered, but I think it is valuable from the point of view of public confidence, if for no other reason, that it be quite clear in the law that this is what the Congress intends.

And if you will look at section 103, in subsections 1 through 6, these are the responsibilities that the Administrator has in the various fields.

Paragraph 3 particularly spells out: extraction, conversion, storage, transmission, and so on, use of energy from fossil, nuclear, solar, geothermal, and energy sources, and so on. These are the various responsibilities that the administrator has in the field of R. & D. What I am suggesting is to add a new paragraph (7) on page 34 which would simply say:

(7) insuring that the responsibilities specified in paragraphs (1) through (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;

I am sure that is the committee's intention. It would seem to me that the only objection to the amendment might be that it is unnecessary, but why not put it in the law? If that is what we mean, let us have it right there in the law.

Mr. HORTON. Mr. Chairman, I rise in opposition to the amendment. We have tried to stress not only during this debate but in the report and in the organizational chart an equal status obtained for each one of these disciplines. The amendment that the gentleman from New York proposes I think would create a problem.

First of all, when he says that they shall be carried out on a balanced basis, I am not sure that I know what that means. Is he talking about equal amounts of appropriations? This is something that will have to come up to the Congress later on. The Congress will have to make that determination at a later date. The question of whether or not certain funds should be authorized or the program should be authorized again would come up in the appropriate committee. That would not be determined here.

I think that this amendment is out of order, and I think it would create confusion. We have tried to demonstrate that we do want a balance insofar as is possible, and the balancing that the gentleman is talking about I think has to come later through the actions of the Congress through its authorizing and appropriating committees.

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

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

Mr. HOSMER. I thank the gentleman for yielding.

I ask this question for the purpose of inserting in the RECORD here, where there is either the existing language or the language offered by the gentleman from New York regarding a balanced basis and disproportionate priority, I want to make certain that that kind of language either in the report or in the bill itself does not prevent adequate emphasis on a particular line of R. & D. at a time when that line appears particularly productive, and the added effort in it would promise to bring forth at an early date an accomplishment that would actually provide energy for which the R. & D. is being carried on.

Mr. HORTON. The gentleman is making the very point I make. The language of the bill provides that this determination can be made later by the Congress. The determination will be made on the floor today if this amendment is adopted.

Therefore, I feel that the amendment ought not to be adopted.

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

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

Mr. BINGHAM. I thank the gentleman.

Obviously the word "balanced" is not intended to be equal. We use the word "balance" in all kinds of references to mean that we want appropriate attention to the various fields, and let it be like the word "motherhood," if we may. I do not understand why the gentleman objects to putting into the bill the same sentiments that are expressed in the committee report.

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

Mr. Chairman, I have studied this language carefully, and it leaves much to be desired from the standpoint of being specific. It uses phrases such as "balanced basis" and "disproportionate priority to the detriment or exclusion of other alternatives." These are all matters of subjective judgment as to what is priority.

In the report we say as follows:

The development of fossil fuels, for example, will get the same degree of leadership, drive, and direction that will be bestowed on continuing efforts to advance nuclear technology.

Let us stop right there and look at that. We are doing all we can do in the report, unless we want to fund the same amount of money for each energy area in this bill and, of course, we cannot do that. This is a reorganization bill. "At the same time solar, geothermal, and other energy sources and advanced energy systems will be investigated with the required intensity and motivation. Your committee does not expect, of course, that all energy programs will be equally funded."

Would there be any Member of this House who would get up and say today that solar energy should have as much research and development as coal? Maybe it should. But would there be anyone who would take that position? We can not equally fund these things. They have to be looked at and investigated and the reports made to the respective committees of the Congress. They have to go through the budget process and all the other processes of legislation.

We cannot use language in the bill which might be all right in a speech, or even in a report, but I think the wording of the report is judicious. We say:

The budget requests should be based on the best available information and judgment as to the relative merits and possibilities for gaining usable energy within given time frames and within economically and environmentally acceptable bounds.

We know that we can make energy, but some way may cost us 50 times as much as it would cost in another way. We can make energy that is not as acceptable environmentally as other energy. So there is a balance of judgment that has to be made, and on the basis of investigation and study we must determine the funding of these different programs. There will come a time when a committee of the Congress, a committee that is interested in solar energy, will come up with a suggestion of so many millions of dollars for solar energy, and then the Congress will work its will on that. But we cannot write general and imprecise language in the legislation, as the gentleman from New York seeks to do.

The gentleman now speaking believes that the paragraph he has just read on page 8 of the report on the administrative organization of ERDA is very precise and very clear and covers in detail what the gentleman seeks to accomplish, and therefore the amendment offered by the gentleman from New York should be voted down.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. BINGHAM).

The amendment was rejected.

AMENDMENT OFFERED BY MR. SEIBERLING

Mr. SEIBERLING. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SEIBERLING: Page 31, after line 5, insert the following and renumber succeeding sections accordingly:

"(d) The Administrator, the Deputy Administrator, and the Assistant Administra-

tors shall be appointed with due regard to their fitness to perform the duties vested in each such office by this Act. Each such person shall be a citizen of the United States. No such person shall hold office in, have any pecuniary interest in, or own any stock in or bonds of any enterprise which engages in the production or development of, or research in any energy source which is subject to the provisions of this Act, nor shall any such person engage in any other business, vocation, or employment."

Mr. SEIBERLING. Mr. Chairman, this is a very simple amendment and I hope a noncontroversial one. The bill does not contain any standard for the selection of the Administrator and the Deputy Administrator and the assistant administrators. This amendment would merely require that certain basic standards be observed.

Most importantly, it requires that the Administrator and his Deputy and assistants divest themselves of financial interest in any enterprise which engages in the production, development, or research in any energy source subject to the act.

We have had a great many revelations in recent months about conflicts of interest and people appointed to various boards having divided interests. It does seem to me that if we are going to reorganize our whole energy research program in this country we ought to start out by making it absolutely clear that the people in charge of this project are devoted entirely to the public interest and do not have any conflicting interest in connection with the research fields over which they have authority.

That is the purpose and I believe the sole effect of this amendment and I hope it can be accepted by the Committee.

Mr. HORTON. Mr. Chairman, I rise in opposition to the amendment. I think much of what the gentleman is offering here is covered in the report and in the conflict of interest statutes involved.

I do want to make a point in opposition to the amendment. Part of the amendment the gentleman offers states that each person shall be a citizen of the United States. Such a restriction would have excluded Wernher von Braun from the space program. I do not think we ought to lay down that type of restriction.

For this and other reasons, I believe we should oppose the amendment.

Mr. SEIBERLING. Mr. Chairman, if the gentleman wishes, he may offer an amendment striking that section of my amendment.

Mr. HORTON. Mr. Chairman, I yield to the gentleman from Illinois.

Mr. ERLENBORN. Mr. Chairman, I understand there are already provisions in the law generally relative to conflicts of interest that have application to these appointments, as well as appointments generally to the executive branch. I am not really all that familiar with it, but in our discussions in the committee today we had some reference to, I think, title XVIII, sections 201 and 298, that set down standards relative to conflicts of interest, allowing judgments to be made and, of course, all of these appointments must be confirmed by the Senate where these matters of conflicts of interest are gone into and a judgment is made by the other body as to whether there is such a conflict of interest that would disqualify the person from holding the office.

It seems to me we are setting up a double second standard for these particular offices. If that is true, I think that that really would not be a very good idea at this point.

Mr. HORTON. Mr. Chairman, I think the gentleman is absolutely correct.

Mr. SEIBERLING. Mr. Chairman, would the gentleman yield? The gentleman is correct that there are existing statutes, section 208 of title 18 for one. But they allow exceptions where the individual concerned certifies as to his interest in particular matters and it is deemed insubstantial, or where he certifies he will not participate in deciding a particular matter on which he has a conflict. Unfortunately, this does not solve the problem. We have a perfect example right now in the controversy that is going on over the Assistant Secretary of Defense, Mr. Clements, who says he is not passing on certain matters in which he has a conflict of interest, and yet the allegation has been made, that he is doing so.

So why not nail it down in this statute, that we will start on a basis that there will be no exceptions.

I might just add a point to the gentleman from New York that Dr. Wernher von Braun is a citizen of the United States. He is simply not a native-born citizen.

Mr. HORTON. Mr. Chairman, I think this language is inarticulate and might override statutes basic to this bill. I hope the amendment is defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. SEIBERLING).

The amendment was rejected.

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

Mr. Chairman, I think it is clear this bill is going to be passed this evening. I want to call attention of the committee to the fact that by tomorrow we will have in the other body the passage of this bill with one kind of research and development act. We have also in the House the bill the Senate passed week before last by a vote of 82 to 0, which is an entirely different energy and research development bill. That bill, S. 2183, is before the House Committee on Interior and Insular Affairs. Sooner or later the Congress will have to work out the conflict. We are all trying to find the best solution for the Nation's most pressing problems.

I had a couple other amendments I was going to offer. I will relieve my colleagues by telling them I will repair. One of them dealt with solar energy, having specific authorization for a solar program. We have in Arizona strong support for electrical power from solar energy. We believe if we put $100 million or so in it and start now, we could have it in a decade or so. The gentleman from Washington (Mr. MCCORMACK) in his fine subcommittee has produced a new bill today and we will have it before us shortly, so I will not press this issue.

One final matter I have discussed with the chairman of the Committee on Government Operations. In the reorganization bill, the committees finally decided to leave in ERDA the weapons production functions of the Atomic Energy Commission. Going back to page 1946, for some reasons that were valid and adequate at the time, we wanted civilian control and we put all atomic energy functions in this one civilian agency.

A number of people—I am one of them—think we ought to take these functions out eventually, and the sooner the better, and transfer them into the Defense Department.

Mr. Chairman, I wanted to ask the chairman of the Committee on Government Operations, is it not correct that the bill has a provision for a 1-year study on this question, with the final policy decision reserved until the results of that study were in?

Mr. HOLIFIELD. The gentleman is right. We do not treat the basic question of the military development functions in this bill. We retain them where they are for what we think are good and sufficient reasons. Those good and sufficient reasons are that we have successfully developed weapons, submarine engines, surface ship engines, nuclear engines in an agency which has also developed 1,500 peacetime applications of atomic energy. But, realizing that this was a matter of interest, we say in the bill on page 54, line 17, subsection (b):

During the first year of operation of the Administration, the Administrator, in collaboration with the Secretary of Defense, shall conduct a thorough review of the desirability and feasibility of transferring to the Department of Defense or other Federal agencies the functions of the Administrator respecting military application and restricted data, and within one year after the Administrator first takes office the Administrator shall make a report to the President, for submission to the Congress, setting forth his comprehensive analysis, the principal alternatives, and the specific recommendations of the Administrator and the Secretary of Defense.

Now, when that comes to the Congress, that will undoubtedly go to the committee of jurisdiction. We cannot in this bill—we cannot nullify existing law which has been long on the statute books and which prescribes, as far as the weapons system is concerned, that the President of the United States decrees how many weapons we should have, what kind of weapons we should have and where they should be located.

Mr. UDALL. Mr. Chairman, I do not want my time to run out, but can the Chairman assure me that when this report comes back, to the extent that he is in charge of the situation, we will have an adequate, fair and open hearing so that the Congress can make a decision on where to permanently place production of nuclear weapons.

Mr. HOLIFIELD. As far as it is within my power, I shall. Of course, asking for the report means that we will seriously consider it and we will look into it.

Mr. UDALL. It raises very basic questions.

Mr. HOLIFIELD. It does, whether we are going to put over in the Department of Defense functions which had hereto-

fore been handled successfully and within budget limits, or whether we should give up the civilian control.

The CHAIRMAN. The time of the gentleman from Arizona has expired.

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

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

Mr. HOLIFIELD. I yield to the gentleman from Arizona.

Mr. UDALL. Mr. Chairman, I said that I had an amendment prepared, and I am not going to offer it, on the strength of the study being made and on the strength of the Chairman's assurance that this is going to have a fair, adequate, and open hearing. I recognize that this is a vital policy matter and there are strong feelings on both sides of it, and it is a matter that Congress ought to eventually decide on the basis of adequate investigation.

Mr. HOLIFIELD. Insofar as I am personally able to assure the gentleman, and I do this frankly and honestly, I will certainly do my part to see that there is a fair hearing on this very important question.

Mr. UDALL. Mr. Chairman, for my own part, I hope the final decision would be made to take this weapons function out of what will be essentially a civilian research and development agency. I am willing to await the study.

Mr. HOLIFIELD. It is a scientific problem and it is fraught with matters of security.

It has heretofore been thought desirable to retain it in a limited hand and not throw it out into the public, because of national security questions, and I am sure that all these matters will have to be considered at the time.

Also I participated in 1946 in a very vigorous fight and mobilized the scientists at the universities and people throughout this country to fight for civilian control of atomic energy. I think that civilian control of atomic energy has been wise. I think it has brought us security and I think it has brought to us 1,500 peacetime applications up to date, and I can say to the gentleman that practically 50 percent of the atomic energy budget is now concerned with peacetime research and development and peacetime application.

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

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

Mr. HOSMER. Mr. Chairman, the report (No. 93–707, p. 15) states that the matter of continuing the nuclear weapons effort in ERDA will be reviewed in a year to determine if any changes should be made. This is the most rational way to handle this matter.

The professional and technological cross-fertilization between the various scientific disciplines of weapons and nonweapons scientists has made both programs a success; our first reactors were conceived by weapons people; our reactor technology is being adopted by every Nation in the world, even the United Kingdom and France. Techniques developed in weapons programs for fabricating nuclear material, production, reprocessing, et cetera, has also placed us in the forefront concerning these processes in the civilian field. The same feedback has occurred in other fields such as environmental controls, quality controls, in manufacturing and the like.

Also of considerable importance is that between weapons and nonweapons nuclear research there occurs common usage of research and development equipment and facilities, such as computers, accelerators—for analytical and test work—mass spectographs, machine tools, basic research labs in chemistry, physics, biology, and the like. This avoids massive duplication of effort and investments in rare and expensive scientific equipment.

Only two AEC labs have nuclear weapons work in significant degree, the Los Alamos and Livermore Scientific Laboratories, whose efforts are supplemented by the Sandia Co.'s hardware development facilities operated by the Western Electric Co.

These labs have the physical facilities to isolate the classified aspects of the work in such a way that access and work in the civilian sector are not interfered with. For example, the LASL lab conducts many research efforts in nonclassified fields with the participation of foreign nations. Of course, U.S. nationals engage in many peaceful areas of research; for example, reactor design, accelerators, biology, medicine, fusion, geothermal, lasers, coal gasification using reactors.

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

Mr. HOLIFIELD. I yield to the gentleman from Washington.

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

I wish to congratulate the chairman of the committee, not only for his remarks but for the leadership he has provided over the years and his work in providing for a continual separation between civilian and military control of nuclear weapons.

I want to say that I agree with him. I could not agree with him more, and I wish to offer him the highest compliment and the highest words of praise on this point.

Mr. Chairman, I do want to make one point for the record, and that is this: There is a third option available, in addition to the two which the gentleman has suggested. Rather than putting nuclear weapons under ERDA, on the one hand, or the Department of Defense and under the military on the other, I suggest, that nuclear weapons R. & D. may be placed in the Nuclear Energy Commission as proposd in this bill. Thus weapons control would still be under civilian authority.

I make this point at this time, Mr. Chairman, so that it is not foreclosed in further debate, because I think that further consideration of this matter must also include that possibility.

Mr. HOLIFIELD. Mr. Chairman, of course this would be a very controversial section to put in a regulatory agency, the nuclear energy section.

This will be a nuclear section, including the safety and organizational aspects, and before we consider putting this into a regulatory agency, we will have to debate the advisability of that. It is a possibility, and there are many other possibilities. We will debate that issue at some appropriate time in the future.

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

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

Mr. VANIK. Mr. Chairman, this new plan which is evolving this afternoon is in many respects like to the prototype of a new airplane; it has to be tried and tested.

I was wondering what opportunity there will be to have further discussion to help clear up some of the problems we have raised this afternoon that concern us. Will there be an opportunity as time goes on, during the first year of this new agency?

The first year of this new agency, as I understand it, will terminate on June 30, 1975. Is there a provision to check somewhere along the line to see how it is working out?

The CHAIRMAN. The time of the gentleman from California (Mr. HOLIFIELD) has expired.

(By unanimous consent, Mr. HOLIFIELD was allowed to proceed for 2 additional minutes.)

Mr. HOLIFIELD. Mr. Chairman, the answer to the gentleman's question is "Yes."

On page 54 of the reporting section, we have a long line there of two paragraphs, (a) and (b), which calls upon the Administrator to make reports "to the President for submission to the Congress on the activities of the administration during the preceding fiscal year. Such report shall include a statement of the short-range and long-range goals, priorities, and plans of the administration together with an assessment of the progress made toward the attainment of those objectives and toward the more effective and efficient management of the administration and the coordination of its functions."

We go on then into the part that I read before.

Mr. VANIK. So there will be an opportunity to fine-tune it after the year is out?

Mr. HOLIFIELD. The gentleman is correct.

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

Mr. Chairman, the gentleman from Arizona in the colloquy with the distinguished chairman of the committee, has raised a very deep and profound and basic issue, the question of the nuclear weapons function of the Atomic Energy Commission as transferred to the ERDA Administration.

I want to remind our colleagues that earlier today the following colloquy took place between the gentleman from New York (Mr. HORTON) and myself:

I said as follows:

I would like to inquire of the gentleman from New York. (Mr. HORTON), whether it is not the purpose of this provision, that is, section 306(b) on page 54, whether it is not the purpose of this provision that there be

a thorough independent and objective evaluation of the various arguments on both sides of this issue, and that it is not the intention of this legislation to prejudge in any way the merits of the argument on either side of the issue.

Mr. HORTON's response was:

The gentleman is correct.

The legislative history of this afternoon and evening, as I understand it, is that the House of Representatives by including section 306(b), which was offered, if I recall correctly, as a compromise between the gentleman from New York (Mr. HORTON), the chairman, and myself, meant—and we all agreed to it in the offering of it—that the administrator would take a fair, unbiased, and objective view of all the concerns that were articulated and expressed by the gentleman from Arizona (Mr. UDALL), and the concerns which many of us share.

By the passage of this legislation and the inclusion of section 306(b) in the bill, no one is to draw any inferences or make any prejudgments on this issue.

When this report comes back to the Congress, the gentleman from California assures the gentleman from Arizona, then we will hold open hearings on this issue.

Mr. HORTON. Will the gentleman yield?

Mr. ROSENTHAL. I yield to the gentleman.

Mr. HORTON. I want to say again that what the gentleman from New York has just said is absolutely correct. That is the understanding.

Mr. HOLIFIELD. As far as I am concerned, I will concur with the statement of the gentleman from New York (Mr. HORTON). We did discuss it and came to an agreement and made what we thought was a reasonable compromise at this time in view of the mission we had to perform legislatively. We did set that up particularly to get the advantage of the administrator's performing his duties and making his studies which would then be brought back to the Congress. I suppose it will then be referred to our committee. If it is not, however, under our broad jurisdiction in our committee, we can have some hearings on it, anyway.

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

Mr. Chairman, I would like to offer some critical comments with respect to H.R. 11510. The basis for my comments lies in my conviction that this Nation must have a systems approach to an integrated national energy policy. This is an absolutely essential minimum requirement if we really intend to do anything to help solve the energy crisis; and any research and development agency must be built on this principle if it is to accomplish anything that cannot be done just as well with existing agencies.

A systems approach to an integrated national energy policy must include, along with the administration of all energy research, development and demonstration, all assessment and management of all fuels, an understanding of the supply and demand for each type of energy and fuel for each region of the country, and managerial determination of the conservation potential and economic and environmental feasibility of any energy-related proposal. This is basic to any other action we may desire to take with respect to the energy crisis, and it is essential that we establish within the executive branch a single administrative agency with the authority to implement such an energy policy.

In this crisis situation we face, it is not acceptable to have any energy research and development administration working in some areas of energy R. & D. if other Federal agencies are independently doing the same thing, unless, of course, these efforts are actively coordinated through some single administrator to whom all report.

It does not serve the best interests of our society to attempt to direct any research and development separately from the assessment and management of our fuels. A systems approach would demand that the two be integrated within a single authority. For instance, a research, development, and demonstration program for coal gasification and liquefaction should be related as much as is possible to accurate information concerning available resources of petroleum and natural gas, including the amount available at various prices, the dates available, and the logistics involved. It must also be coordinated with programs that determine with certainty how much coal can be made available at any given point in time in any region of the country. The sulfur content, the noncombustible content, and the coking characteristics of the coal must be known along with the availability of process water and the environmental impact of developing a specific process which would depend upon coal from a specific area.

It does not serve this Nation's best interest to undertake a nuclear development program, including various types of breeder reactors and burners using different types of fuel, without a thorough understanding of our uranium and thorium reserves, their location, the cost of extracting and refining them, as well as the cost and leadtime required to provide adequate enrichment. This is an area wherein the AEC, with oversight from the Joint Committee on Atomic Energy, has done an outstanding job, coordinating research, development, and demonstration with fuels assessment and management. However, this has been limited to nuclear energy. What this Nation needs now is the same integrated management for all energy policy, including research and development.

The same applies to understanding supply and demand. Until we know how much electrical energy and how much fossil fuel will be required in each region of the country, we cannot possibly set out to manage our fuel programs or ultimately to determine policies for research and development.

Nor is this enough. We must understand the conservation potential, and the environmental and economic feasibility of any proposed program for energy conversion, transmission, or consumption. Let me cite an example. A recent study by my staff shows that if this Nation were to develop an economically viable system for the gasification of coal by the mid-1980's, and if we were to undertake to make up with synthetic gas the deficiency that is presently anticipated in our natural gas supply at that time, the anticipated cost for the coal gasification plants alone would amount to approximately $200 billion. This is, of course, a rough figure, but it is a good approximation. It applies only to the gasification plants, ignoring the cost of opening and developing more mines and of transporting coal to the gasification plants. It also completely ignores the availability of process water and the environmental considerations of such an undertaking.

This example can be multiplied many times as one considers such programs as the increase in the number of nuclear reactors, the breeder program, synthetic liquid fuels from coal, solar and geothermal energy development, transmission of electricity, human transportation, desulfurization technology, and the environmental impact of any of these.

The question logically arises: Would the ERDA, as set forth in H.R. 11510, respond to, or fit into the need for a systems approach to an integrated national energy policy?

I respectfully submit that it would respond only in part to the need; and that to make it respond, one must assume that all the major policy decisions concerning energy research would not be made within ERDA at all, but within the new Federal Energy Agency—which, in spite of protestations to the contrary—would—along with the OMB—have to assume this responsibility. So I think it is important to recognize what we are doing here. Fundamentally, we are just shuffling organizational boxes. It does little harm to do this unless we inhale too much of the rhetoric and act as if we actually believe—or tell the folks at home—that we can, with this bill solve the energy crisis any better than we can without the bill. In short, I think the bill should be criticized for what it is not—more than for what it is—for what it would not do more than for what it would.

Mr. Chairman, the second major weakness of H.R. 11510, as I see it, is that nuclear weapons research, development, and demonstration would be transferred from AEC, along with energy research and development, to the ERDA. I believe this to be highly inadvisable, not only because the very large weapons budget would tend to blur the perspective of our energy effort, and not only because of the distorted attention that such a large block in the budget would cause in the mind of management, but also because I believe very strongly that we must, in every way that we can, help the average citizen distinguish between the safe, peaceful, uses of nuclear energy on the one hand, and nuclear weapons on the other.

H.R. 11510 would transfer solar heating and cooling development, and geothermal power development from the National Science Foundation. It would also

transfer alternative automobile power systems and emission research from EPA.

While this seems to be a start in the direction of integrating energy R. & D., I fail to perceive the logic in this particular delineation. If some energy R. & D. from NSF is to be included, why not all? Should not other solar related R. & D. be included? What about battery R. & D., and wind energy, and fuel cells? Most important of all is materials research. This is the most important area of all energy research, as our Task Force on Energy pointed out this spring. If some automotive research is to be included, why not that outstanding work being done by NASA? If we include some transportation R. & D. why not all, at least insofar as it is energy related? If solar heating and cooling is included, why not housing design and standards for energy efficiency? These are all important areas of energy research, and I believe that any energy research and development agency must consider them all in an integrated manner.

Finally, Mr. Chairman, I want to emphasize that any energy R. & D. agency must be responsible to Congress, as much as to the administration, for developing and implementing energy policies and R. & D. programs. I have asked myself—could H.R. 11510 be amended to make the ERDA meet the criticism I have offered. My judgment is that we should also consider the concept of an Interagency Energy Council such as was included in S. 1283 by Senator JACKSON, which was passed 82 to 0 by the Senate, and which is now before the interior committee. This Agency would, as I understand it, be directed by an administrator appointed by the President, and approved by the Senate. The Agency would coordinate the energy research, development and demonstration activities of NASA, NSF, AEC, Department of the Interior, FPC, NBS, and EPA. However, even with such a council, I would include an automatic destruct provision, with a long-range study for the creation of a Cabinet-level agency to determine energy policy and manage all energy programs.

Mr. Chairman, I make these philosophical points at this time simply to establish them for the record, and to get this bill into perspective.

AMENDMENT OFFERED BY MR. SEIBERLING

Mr. SEIBERLING. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SEIBERLING: Page 32, lines 20 through 21, strike out "The responsibilities of the Administrator shall include, but not be limited to—" and insert in lieu thereof "(a) The Administrator shall consider the public interest whenever he exercises his functions and responsibilities under this Act, including, but not limited to—".

Page 34, between lines 10 and 11, insert the following:

"(b) In the exercise and performance of his powers and duties under this section, the Administrator shall consider the following, among other things, as being in the public interest:

(1) The development of a plan for energy research and development that defines the essential energy needs of present and future generations and the probable alternatives for meeting such needs;

(2) The research and development of energy resources to provide adequate, reliable, economical and environmentally acceptable energy systems that support the essential needs of society with minimum loss of scarce resources;

(3) The development of the technology and information base necessary to encourage a wide range of options for future energy policy decisions;

(4) The development of methods for the conservation of energy resources which maximize the efficiency of energy development, transportation, production, conversion and use;

(5) Prevention of adverse environmental, health and safety effects associated with the discovery, production, conversion, transportation and use of energy sources;

(6) Investigation of the capability for energy self-sufficiency for the United States through the development of socially and environmentally acceptable methods of utilizing domestic energy sources;

(7) Priorities for research and development of conventional and unconventional energy systems in which adverse social, economical and environmental impacts are minimized;

(8) Promotion of competition among corporations engaged in the exploration, development and production of energy resources."

Mr. HOLIFIELD. Mr. Chairman, would the gentleman yield?

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

Mr. HOLIFIELD. Mr. Chairman, I have been unable to find a copy of the amendment offered by the gentleman from Ohio.

Mr. SEIBERLING. There is a copy at the desk in front there, Mr. Chairman.

Mr. HOLIFIELD. Is the amendment in the CONGRESSIONAL RECORD?

Mr. SEIBERLING. Yes, it is in the CONGRESSIONAL RECORD. It is amendment No. 2.

Mr. HOLIFIELD. In the CONGRESSIONAL RECORD of December 12?

Mr. SEIBERLING. On page 41203.

Mr. HOLIFIELD. I have the amendment.

I thank the gentleman.

Mr. SEIBERLING. Mr. Chairman, I think that the committee report does an excellent job of outlining the basic goals of this proposed new administration, but it is perhaps an indication of the functional approach of the bill that Section 103, while it sets forth in functional terms the responsibilities of the administrator, does not really give any guidelines as to the particular areas that the administrator is to give attention to in terms of fulfilling the public interest. In fact, it does not even say that the administrator is supposed to consider the public interest in discharging his functions under this bill.

My amendment does two basic things: One, it says that in discharging his responsibilities and functions, the administrator shall consider the public interest; and, two, it sets forth certain matters which are to be considered in deciding what is in the public interest.

The Members have heard them read, and I am not going to repeat them, but let me just highlight a few. First of all, it says that in the exercise of the performance of his duties, he shall consider as being in the public interest the development of plan that defines the essential energy needs of present and future generations and the probable alternatives, a plan for research and development that is in the context of our overall needs and capabilities.

It says, among other things, that he shall consider the importance of the prevention of adverse environmental health and safety effects associated with various types of energy research, development, and production. It says—and this is a goal stated by the President himself—that investigation of the capability for energy self-sufficiency is one of the matters he is to consider. Also setting priorities for research and development of energy systems that avoid adverse social, economic, and environmental impacts. Finally, he must be concerned with the promotion of competition among private corporations engaged in the exploration, development, and production of energy. These are elementary matters, and yet if we are going to have a bill that has the proper orientation and convinces the public that we are really setting up an unbiased, objective administration, we ought to set forth such guidelines in the bill. That is the purpose of this amendment.

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

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

Mr. Chairman, I will not take but a few minutes. I do want to point out that we could be here all night if we try to add each Members' language to this bill. The committee worked on this bill very carefully and spent a lot of time, not only the subcommittee, but the full committee, as well as the members of the staff. This language is already covered in the responsibilities section of the bill, and it is covered in the report.

Also the gentleman has indicated there ought to be some sort of statement about what the administrator is going to do. We require specifically in the bill on page 54, which has been read before, that the administrator shall furnish a report to the President for submission to the Congress each year, which will include a statement of his short-range and long-range goals, et cetera.

Mr. Chairman, I am opposed to the amendment. I hope it is defeated.

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

Mr. HOLIFIELD. I yield to the gentleman from Kentucky.

Mr. PERKINS. I thank the gentleman for yielding.

Mr. Chairman, I rise in support of H.R. 11510.

It is wise that the proposed legislation provides for an Assistant Administrator for Fossil Energy Development, and that will receive the same recognition as Nuclear Energy Development.

Coal liquefaction and coal gasification on a commercial scale can become an actual reality within the next 3 or 4 years if we are really serious about this energy problem. It would be my hope that the Congress and the executive

branch of the Government are determined to make this country self-sufficient on energy developed within this country, instead of depending upon other countries to meet our energy requirements.

I must say that I am disappointed about the amount of money that has already been appropriated for research in this area, because it is entirely inadequate. We should proceed in the same fashion that we proceeded in the development of such projects as the atomic bomb.

Coal production today is lagging behind the demand, which is at a production rate of 590 million tons annually. We are not even producing the coal necessary to supply the electric utilities that desire to switch from oil to coal. In other words, we are short 10 million tons in fullfilling the demand for coal today, and this is not considering coal for gasification and liquefaction.

Throughout the Appalachian coal fields, we find that in many instances the coal industry is having difficulty in obtaining railway cars to deliver their orders. It has been stated that we only have adequate railway cars to take care of an expanded coal production of 4 percent above our present production.

On the other hand, we know that many of the largest railway car shops in the country have equipment that is idle, and not being utilized at the same time we have unemployment rates as high as 20 percent.

In the district that I am privileged to represent, at Raceland, Greenup County, Ky., we had 2,300 men working in the shop, building railway cars during 1971 and early 1972.

Today, we have very few men working—the number is in the low hundreds if that high—but thankfully the yards will start working on 300 new cars in 1974, and employment will, of course, rise. The figure of 300 more cars, however, is far less than the actual needs of the Nation. We must get the transportation constructed to solve the energy crisis, because without the delivery means we have not solved the problem at all.

I know this legislation is not the appropriate place for an amendment of this type, but somewhere along the line we must create the incentive for the railway companies to get on with this job and conduct several thousand railway cars to alleviate an emergency of the present type. We certainly cannot afford to have idle equipment such as we have at Raceland and Russell, Ky. Several thousand railway cars must be built. Likewise, we have to create the incentive for more deep mining, considering the necessity for coal liquefaction and coal gasification.

It would be my hope that the Government would provide a subsidy—even if we have to stockpile coal—and make loans available on a massive scale to coal miners at a subsidized rate of interest and, if necessary, a subsidized price per ton, to provide the coal necessary for the utilities in the country that have been using oil, and for coal liquefaction and coal gasification.

Mr. Chairman, if we are really serious about having adequate fuel in this country and letting this country become self-sufficient from a fuel standpoint, it is necessary that we make available enough billion dollars in additional money, other than the funds already recommended, for coal liquefaction and coal gasification.

Mr. Chairman, I also hope that some strong attention will be paid to the need for additional technicians, additional mining engineers, additional chemists who know coal, additional training programs for miners, because they will be needed, badly needed, and they are in short supply.

Mr. HOLIFIELD. Mr. Chairman, I oppose the amendment of the gentleman for the ample reasons stated by the gentleman from New York (Mr. HORTON).

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. SEIBERLING).

The amendment was rejected.

AMENDMENT OFFERED BY MR. SEIBERLING

Mr. SEIBERLING. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SEIBERLING: 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 emission 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."

Mr. SEIBERLING. This is an amendment that has been made necessary by a recent action of the Office of Management and Budget interpreting the existing law with respect to the authority to set radiation standards in the air and water surrounding nuclear plants. In 1970 a reorganization act transferred from the Atomic Energy Commission to the Environmental Protection Agency the authority and responsibility of establishing generally applicable environmental standards for the protection of the general environment from radioactive material.

Recently the Director of OMB made an interpretation in which he ruled that law as giving to EPA only the authority to establish what are called ambient standards, which refer to the general quality of air and water surrounding a particular source of pollutant, and that the authority to set emissions standards, which is the amount of radioactive pollutant that can emanate from a particular source, would be left to AEC. The later authority would undoubtedly end up in the hands of the new nuclear energy agency to be established by this bill.

It seems to me that to leave this authority in the agency that is responsible for licensing nuclear powerplants is to allow a conflict of interest to continue, because the NEC will have as its object promoting nuclear energy whereas the EPA has as its object protecting our health.

Hardly a month passes but what those of us in northeastern Ohio, and I am sure other Congressmen, receive visits from delegations of people who are all upset about the possible siting of an atomic plant in their neighborhood. There is no way we can assure them that the AEC is going to be objective about this situation.

It seems to me one way to give that assurance is to have a separate independent body, whose sole responsibility is protecting our environment, to have this responsibility. And so the purpose of this amendment would be to make it clear that we intend that authority to continue in the Environmental Protection Agency where I believe the Congress thought it was lodging it in 1970.

Someone might argue that this will cause a loss of time in establishing standards. Let me simply say that the EPA has already drawn up such standards and they were about to issue them when this little end run was made on them through the OMB.

Mr. Chairman, I think the regulatory and licensing authority of the NEC must be separated from any environmental standard setting authority.

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

Mr. SEIBERLING. I yield to the distinguished gentleman from California.

Mr. HOLIFIELD. Mr. Chairman, is the gentleman aware that this bill divorces the Commission on Regulation and Licensing from the old Atomic Energy Commission and sets it up in a completely separate independent commission, such as the Federal Power Commission and the Federal Trade Commission, and that they will have charge of those standards.

The standards, by the way, as the gentleman does know, permit from 1 to 2 percent of the Federal allowable standards and they have been that way. There has been no problem in this field. It is working well. Let us leave it where it is at the present time because we have title I which gives us the Energy Research and Development Administration, and title II which will give us the Nuclear Energy Commission, which is what the gentleman has advocated for a long time and we have finally arrived at his goal in setting it up in a separate way. I do not think the gentleman has any worry.

(By unanimous consent, Mr. SEIBERLING was allowed to proceed for 1 additional minute.)

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

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

Mr. HOSMER. Mr. Chairman, we have

service stations in the plan No. 3 reorganization. In the plan No. 3, 1970 estimate, there was a division between EPA and AEC giving EPA broad authority for setting standards for the total amount of radiation in the general atmosphere and giving AEC the responsibility for standards relative to a nuclear control site. This is a logical thing. This is what the plan said.

I believe the gentleman from Ohio may be just quibbling over words.

I urge the defeat of the gentleman's amendment.

Mr. SEIBERLING. Mr. Chairman, the gentleman says this is quibbling. If it were just quibbling why did the AEC run to OMB to get this interpretation made?

I would like to say one further word. I commend the committee and the chairman of the committee for separating the licensing functions of the AEC from the R. & D. functions. I think that was needed. But I also believe that the licensing agency should be separate from the environmental standard setting agency.

Mr. HECHLER of West Virginia. Mr. Chairman, I fail to understand why the committee has recommended that research and development on emission control technology for stationary sources and on alternate automotive power systems should be transferred from EPA to the new ERDA agency. I feel that this research should be kept under the Environmental Protection Agency to insure that EPA can effectively implement the clean air standards and can require the use of particular types of emission control technology based on sound research data.

In the past, EPA's attempts to force compliance of the big automakers with auto emission standards have been hamstrung by the fact that the automakers have controlled much of the technical expertise concerning such devices. This transfer of R. & D. work to ERDA will fragment the clean air effort. Moreover, ERDA is designed with an energy development and production orientation.

The development of emission control technology more properly belongs with an agency whose mission is pollution control. Retaining a "significant technology assessment capability" is simply not enough. The authority of EPA has been eroded considerably by recent emergency energy legislation, and the administration threatens to use the energy crisis to fragment it further. The Congress should not rush in pell-mell against the public interest and fragment authority even further by unnecessary transfer of valuable R. & D. capabilities to ERDA.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. SEIBERLING).

The amendment was rejected.

AMENDMENT OFFERED BY MR. SEIBERLING

Mr. SEIBERLING. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SEIBERLING: Page 42, line 2, immediately after "matters," insert "No more than one-third of the total membership of each advisory board shall be composed of representatives of any industries which engage in the production or development of, or research in, energy sources which are subject to the provisions of this Act. For the purposes of this section, any person who has been retained as a consultant or employed by any such industry during the two-year period preceding his appointment to such a board, shall be deemed to be a representative of such industry."

Mr. SEIBERLING. Mr. Chairman, this is a very simple amendment. Again it is an effort to give a thrust to this administration so that it is not captive of any particular industry or any particular segment of our economy. It simply provides that advisory committees shall be composed so that not more than one-third of the total membership will consist of representatives of the industries which engage in the production or development of or research in any energy sources subject to the act.

In other words, the general public and interested groups in the public should also be represented. That is the sole purpose of this amendment.

Mr. HORTON. Mr. Chairman, I rise in opposition to the amendment. I will not take the 5 minutes.

I would like to point out this would tie the hands of the Administrator. There may be instances in which they want the advisory board to consist of say just coal producers. This is unnecessary. It would be tying the hands of the Administrator.

Mr. OBEY. Mr. Chairman, I rise in support of the amendment of the gentleman from Ohio.

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

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

Mr. SEIBERLING. Mr. Chairman, that is just the point, responding to the gentleman from New York, that we do not want advisory committees advising this organization that are just composed of coal producers. That is one of the troubles with the whole advisory set up. If the public is not to think this is just a big grab bag for the private interests, we should have the public represented. This is the very purpose of the amendment. I am astonished that the gentleman from New York opposes it.

Mr. OBEY. Mr. Chairman, if I can use the remainder of my time, I would like to recall what Will Rogers said during the great depression. He looked around the country and looked at the kids and was disturbed because he said the kids did not leave the politicians to get the country out of the mess they were in. He disagreed with that. He said:

If ignorance could get us into the mess we are in, it could get us out.

I think Will Rogers' response is being applied today by those people who want to put the industrial producers of the sources of energy in charge of trying to get this country out of our energy crisis.

I do not know how many Members have followed what has been happening with the advisory committees of this city for the last 2 years, but I have. They are fast becoming another branch of Government, an invisible branch of Government. We are in danger of having a multiplicity of advisory committees springing up all over the place. Most of the advice which is being given on the advisory committees—at least a good deal of it—is being given in secret, behind closed doors. I ran a survey in September and checked in the Federal Register. Every advisory committee meeting which was announced there for that week, 47 percent of those committee meetings were held behind closed doors, in toto or in part, in spite of the Freedom of Information Act and in spite of the Advisory Committee Act.

I think that fact makes it all the more important that we pass an amendment along the lines of the amendment offered by the gentleman from Ohio. People have a right to know what kind of policy is being recommended to the Government. I do not know where the arrogance comes from which assumes that the only people in this country who know anything about energy are the people who produce the energy, produce the products in this country. That is just not the fact. There are plenty of engineers, scientists, academics, all around the country who know just as much about energy as the people who serve on corporate boards or in Government offices.

Mr. Chairman, I would submit that we ought to have their advice in Government in full measure, the same as we have the advice of people who stand a chance to make a buck by whatever recommendation they made to the Government.

Mr. Chairman, I would urge the Members to support the amendment. It is a very reasonable amendment, and I would predict that if we do not do something to limit the access of the producers and industrial people to advisory boards, that we are going to have the day come when people are going to say, "Toss them all out because they are nothing but vested interests."

Mr. Chairman, I think they have a role to play, but we are running the danger that they are going to run out of credibility in this country unless we do something about it.

Mr. HOLIFIELD. Mr. Chairman, I regret that I have to oppose this amendment, but on page 41, at line 21, it says:

(g) The Administrator is authorized to establish advisory boards, in accordance with the provisions of the Federal Advisory Committee Act (Public Law 92-463), to advise with and make recommendations to the Administrator on legislation, policies, administration, research, and other matters.

That act was enacted by the Congress last year to provide specific guidelines, not only as to the operation of advisory committees, but also as to the procedure governing the conduct of committee activities. For example, it requires newspaper publicizing and requires that the public have direct access to committee meetings. The restrictions are carefully spelled out in that act, and if I may say so, in broader and more practical requirements than this amendment would seek to impose.

Therefore, I oppose the amendment.

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

Mr. HOLIFIELD. Mr. Chairman, I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I wonder if the gentleman is aware that some of the advisory committee devices used to get around the Advisory Committee Act are those such as announcing in the Federal Register meetings which are held and open the day after the announcement that they are being held appears; they are being held in the Executive Office Building downtown, where no member of the public can even get in.

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

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

Mr. SEIBERLING. Mr. Chairman, only last week we adopted a bill, the Federal Energy Administration Act, which made very, very widespread changes in the advisory committee law with respect to the antitrust restrictions of the law. So that, when the energy interests want to change the law on advisory committees, they get their way, but when we try to change it so that the public interest is represented, we are met with the argument that we cannot change the law.

Mr. Chairman, I do not think it is true, and I think it is about time we start making these changes.

Mr. HOLIFIELD. Mr. Chairman, I ask the amendment be voted down.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. SEIBERLING).

The question was taken; and on a division (demanded by Mr. SEIBERLING) there were—ayes 19; noes 50.

So the amendment was rejected.

The CHAIRMAN. Are there any further amendments to title I? If not, the clerk will read.

The clerk read as follows:

TITLE II—NUCLEAR ENERGY COMMISSION

CHANGE IN NAME

SEC. 201. The Atomic Energy Commission is hereby renamed the Nuclear Energy Commission and shall continue to perform the licensing and related regulatory functions of the Chairman and members of the Commission, the general counsel, and other officers and components of the Commission, which functions, officers, components, and personnel are excepted from the transfer to the Administrator by section 104(a) of this Act.

LICENSING AND RELATED REGULATORY FUNCTIONS RESPECTING SELECTED ADMINISTRATION FACILITIES

SEC. 202. Notwithstanding the exclusions provided for in section 110a. or any other provisions of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2140(a)), the Nuclear Energy Commission shall, except as otherwise specifically provided by section 110b. of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2140(b)), or other law, have licensing and related regulatory authority pursuant to chapters 6, 7, 8, and 10 of the Atomic Energy Act of 1954, as amended, as to the following facilities of the Administration:

(1) demonstration liquid metal fast breeder reactors when operated as part of the power generation facilities of an electric utility system;

(2) other demonstration nuclear reactors when operated as part of the power generation facilities of an electric utility system, except those in existence, under construction or authorized or appropriated for by the Congress on the date this part becomes effective; or

(3) facilities used primarily for the receipt and storage of high-level radioactive wastes resulting from activities licensed under such Act, except those in existence, under construction, or authorized or appropriated for by the Congress, on the date this Act becomes effective.

RESEARCH

SEC. 203. (a) The Nuclear Energy Commission may engage in or contract for research which the Commission deems necessary for the discharge of its licensing and related regulatory functions.

(b) In order to achieve the objectives and carry out the purposes of subsection (a), the Energy Research and Development Administration and every other Federal agency shall—

(1) cooperate with respect to the establishment of priorities for the furnishing of such research services requested by the Nuclear Energy Commission as the Commission deems necessary for the conduct of its functions; and

(2) furnish to the Nuclear Energy Commission, when requested, on a reimbursable basis, through its own facilities or by contract or other arrangement, such research services as the Commission deems necessary for the conduct of its functions.

Mr. HOLIFIELD (during the reading). Mr. Chairman, I ask unanimous consent that title II of the bill be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

The CHAIRMAN. Are there any amendments to title II of the bill? If not, the Clerk will read title III of the bill.

The Clerk read as follows:

TITLE III—MISCELLANEOUS AND TRANSITIONAL PROVISIONS

TRANSITIONAL PROVISIONS

SEC. 301. (a) Except as otherwise provided in this Act, whenever all of the functions or programs of an agency, or other body, or any component thereof, affected by this Act, have been transferred from that agency, or other body, or any component thereof by title I of this Act, the agency or other body, or component thereof shall lapse. If an agency, or other body, or any component thereof, lapses pursuant to the preceding sentence, each position and office therein which was expressly authorized by law, or the incumbent of which was authorized to receive compensation at the rate prescribed for an office or position at level II, III, IV, or V of the Executive Schedule (5 U.S.C. 5313–5316), shall lapse.

(b) All orders, determinations, rules, regulations, permits, contracts, certificates, licenses, and privileges—

(1) which have been issued, made, granted, or allowed to become effective by the President, any Federal department or agency or official thereof, or by a court of competent jurisdiction, in the performance of functions which are transferred under this Act, and

(2) which are in effect at the time this Act takes effect,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked by the President, the Administrator, or other authorized officials, a court of competent jurisdiction, or by operation of law.

(c) The provisions of this Act shall not affect any proceeding pending, at the time this section takes effect, before any department or agency (or component thereof) functions of which are transferred by this Act; but such proceedings, to the extent that they relate to functions so transferred, shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted; and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued if this Act had not been enacted.

(d) Except as provided in subsection (f)—

(1) the provisions of this Act shall not affect suits commenced prior to the date this Act takes effect, and

(2) in all such suits proceedings shall be had, appeals taken, and judgments rendered, in the same manner and effect as if this Act had not been enacted.

(e) No suit, action, or other proceeding commenced by or against any officer in his official capacity as an officer of any department or agency, functions of which are transferred by this Act, shall abate by reason of the enactment of this Act. No cause of action by or against any department or agency, functions of which are transferred by this Act, or by or against any officer thereof in his official capacity shall abate by reason of the enactment of this Act. Causes of actions, suits, actions, or other proceedings may be asserted by or against the United States or such official as may be appropriate and, in any litigation pending when this section takes effect, the court may at any time, on its own motion or that of any party, enter any order which will give effect to the provisions of this section.

(f) If, before the date on which this Act takes effect, any department or agency, or officer thereof in his official capacity, is a party to a suit, and under this Act any function of such department, agency, or officer is transferred to the Administrator, or any other official, then such suit shall be contined as if this Act had not been enacted, with the Administrator, or other official, as the case may be, substituted.

(g) Final orders and actions of any official or component in the performance of functions transferred by this Act shall be subject to judicial review to the same extent and in the same manner as if such orders or actions had been made or taken by the officer, department, agency, or instrumentality in the performance of such functions immediately preceding the effective date of this Act. Any statutory requirements relating to notices, hearings, action upon the record, or administrative review that apply to any function transferred by this Act shall apply to the performance of those functions by the Administrator, or any officer or component.

(h) With respect to any function transferred by this Act and performed after the effective date of this Act, reference in any other law to any department or agency, or any officer or office, the functions of which are so transferred, shall be deemed to refer to the Administration, the Administrator, or other office or official in which this Act vests such functions.

(i) Nothing contained in this Act shall be construed to limit, curtail, abolish, or terminate any function of the President which he had immediately before the effective date of this Act; or to limit, curtail, abolish, or terminate his authority to perform such function; or to limit, curtail, abolish, or terminate his authority to delegate, redelegate, or terminate any delegation of functions.

(j) Any reference in this Act to any provision of law shall be deemed to include, as appropriate, references thereto as now or hereafter amended or supplemented.

(k) Except as may be otherwise expressly provided in this Act, all functions expressly conferred by this Act shall be in addition to and not in substitution for functions exist-

ing immediately before the effective date of this Act and transferred by this Act.

INCIDENTAL DISPOSITIONS

SEC. 302. The Director of the Office of Management and Budget is authorized to make such additional incidental dispositions of personnel, personnel positions, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to or to be made available in connection with functions transferred by this Act, as he may deem necessary or appropriate to accomplish the intent and purpose of this Act.

DEFINITIONS

SEC. 303. As used in this Act—

(1) any reference to "function" or "functions" shall be deemed to include references to duty, obligation, power, authority, responsibility, right, privilege and activity, or the plural thereof, as the case may be; and

(2) any reference to "perform" or "performance", when used in relation to functions, shall be deemed to include the exercise of power, authority, rights, and privileges.

AUTHORIZATION FOR APPROPRIATIONS

SEC. 304. Except as otherwise provided by law, appropriations made under this Act shall be subject to annual authorization.

COMPTROLLER GENERAL AUDIT

SEC. 305. Section 166. "Comptroller General Audit" of the Atomic Energy Act of 1954, as amended, shall be deemed to be applicable, respectively, to the nuclear and nonnuclear activities under title I and to the activities under title II.

REPORTS

SEC. 306. (a) The Administrator shall, as soon as practicable after the end of each fiscal year, make a report to the President for submission to the Congress on the activities of the Administration during the preceding fiscal year. Such report shall include a statement of the short-range and long-range goals, priorities, and plans of the Administration together with an assessment of the progress made toward the attainment of those objectives and toward the more effective and efficient management of the Administration and the coordination of its functions.

(b) During the first year of operation of the Administration, the Administrator, in collaboration with the Secretary of Defense, shall conduct a thorough review of the desirability and feasibility of transferring to the Department of Defense or other Federal agencies the functions of the Administrator respecting military application and restricted data, and within one year after the Administrator first takes office the Administrator shall make a report to the President, for submission to the Congress, setting forth his comprehensive analysis, the principal alternatives, and the specific recommendations of the Administrator and the Secretary of Defense.

INFORMATION TO COMMITTEES

SEC. 307. The Administrator shall keep the appropriate congressional committees fully and currently informed with respect to all of the Administration's activities.

TRANSFER OF FUNDS

SEC. 308. The Administrator, when authorized in an appropriation Act, may, in any fiscal year, transfer funds from one appropriation to another within the Administration: *Provided*, That no appropriation shall be either increased or decreased pursuant to this section by more than 5 per centum of the appropriation for such fiscal year.

CONFORMING AMENDMENTS TO CERTAIN OTHER LAWS

SEC. 309. Subchapter II (relating to Executive Schedule pay rates) of chapter 53 of title 5, United States Code is amended as follows:

(1) Section 5313 is amended by striking out "(8) Chairman, Atomic Energy Commission." and inserting in lieu thereof "(8) Chairman, Nuclear Energy Commission.", and by adding at the end thereof the following:

"(22) Administrator of Energy Research and Development.".

(2) Section 5314 is amended by striking out "(42) Members, Atomic Energy Commission." and inserting in lieu thereof "(42) Members, Nuclear Energy Commission.", and by adding at the end thereof the following:

"60) Deputy Administrator, Energy Research and Development Administration.".

(3) Section 5315 is amended by striking out paragraph (50), and by adding at the end thereof the following:

"(99) Assistant Administrators, Energy Research and Development Administration (5).".

(4) Section 5316 is amended by striking out paragraphs (29), (69), and (102), by striking out "(62) Director of Regulation, Atomic Energy Commission." and inserting in lieu thereof "(62) Executive Director of Operations, Nuclear Energy Commission.", by striking out "(81) General Counsel of the Atomic Energy Commission." and inserting in lieu thereof "(81) General Counsel of the Nuclear Energy Commission.", and by adding at the end thereof the following:

"(133) General Counsel, Energy Research and Development Administration.

"(134) Additional officers, Energy Research and Development Administration (7).".

SEPARABILITY

SEC. 310. If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the remainder of this Act, and the application of such provision to other persons or circumstances, shall not be affected thereby.

EFFECTIVE DATE AND INTERIM APPOINTMENT

SEC. 311. (a) The provisions of this act shall take effect one hundred and twenty days after the Administrator first takes office, or on such earlier date as the President may prescribe and publish in the Federal Register; except that any of the officers provided for in title II of this Act may be nominated and appointed, as provided in that title, at any time after the date of enactment of this Act. Funds available to any department or agency (or any official or component thereof), any functions of which are transferred to the Administrator by this Act, may, with the approval of the President, be used to pay the compensation and expenses of any officer appointed pursuant to this subsection until such time as funds for that purpose are otherwise available.

(b) In the event that any officer required by this Act to be appointed by and with the advice and consent of the Senate shall not have entered upon office on the effective date of this Act, the President may designate any officer, whose appointment was required to be made by and with the advice and consent of the Senate and who was such an officer immediately prior to the effective date of this Act, to act in such office until the office is filled as provided in this Act. While so acting, such persons shall receive compensation at the rates provided by this Act for the respective offices in which they act.

Mr. HOLIFIELD (during the reading). Mr. Chairman, I ask unanimous consent that title III be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

AMENDMENT OFFERED BY MR. DELLENBACK

Mr. DELLENBACK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DELLENBACK: Page 55, line 8, insert a new section 308 to read as follows:

"SEC. 308. (a) The Council on Environmental Quality is authorized and directed to carry out a continuing analysis of the conduct of research and development of energy technologies to evaluate—

"(1) the adequacy of attention to the probable environmental effects of the application of energy technology, and

"(2) the adequacy of attention to environtinued as if this Act had not been enacted, processes.

"(b) The Council on Environmental Quality, in carrying out the provisions of this section, may employ consultants or contractors and may by fund transfer employ the services of other Federal agencies for the conduct of studies and investigations.

"(c) The Council on Environmental Quality shall hold annual public hearings on the conduct of energy research and development and the probable environmental consequences of trends in the application of energy technology, and the transcript of the hearings shall be published and made available to the public.

"(d) The Council on Environmental Quality shall make such reports to the President, the Administrator, and the Congress as it deems appropriate concerning the conduct of energy research and development, and the President as a part of the annual Environmental Policy Report shall set forth the findings of the Council on Environmental Quality concerning the conduct of energy research and development and the probable environmental consequences of trends in the application of energy technology."

Renumber the subsequent sections.

Mr. DELLENBACK (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

POINT OF ORDER

Mr. HOSMER. Mr. Chairman, I make a point of order against the amendment.

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

Mr. HOSMER. Mr. Chairman, I make a point of order against the amendment on the ground that it goes beyond the authority of this committee and goes to the authority of other committees.

It seeks to authorize money, and it goes beyond the committee's authority.

I do not have the amendment in front of me, but I was listening to it as the gentleman was reading it. There are a number of things in it relative to the duties of the Council on Environmental Quality, pending the authorization for the funding of the Council on Environmental Quality, the hiring of consultants by the Council on Environmental Quality, as well as others.

It ranges all over the jurisdiction of almost every Member's committee in this Congress besides the one that is handling the bill here, and, therefore, the amendment should be stricken down as nongermane.

Mr. HORTON. Mr. Chairman, may I be heard on the point of order?

The CHAIRMAN. The gentleman will be heard on the point of order.

Mr. HORTON. Mr. Chairman, before the Committee on Rules a certain section of the Senate bill S. 1283 was attempted to be offered as an amendment. The Committee on Rules refused to

make in order a substitute on the Senate bill S. 1283 or a similar bill with four amendments.

Therefore, I would assume that it is not proper to insert portions of the Senate bill S. 1283 as amendments to this bill.

The CHAIRMAN. Does the gentleman from Oregon (Mr. DELLENBACK) desire to be heard on the point of order?

Mr. DELLENBACK. I do, Mr. Chairman. I would like to be heard.

As the chairman is aware, the bill which is before us deals expressly with the question of the responsibilities of the Administrator engaging in and supporting environmental and other research related to the development of energy sources and utilization technologies.

I submit to the Chairman that this particular amendment, while it does, of course, on its face deal with the responsibilities of the Council on Environmental Quality, is dealing with this critically important field of environmental research, and it is within the scope of the bill.

This is not submitted as an excerpt from any other bill in the other body or anywhere else. It is submitted to stand on its own feet as an important responsibility.

If we are going to open up the field of environmental research, as this bill does open it up, we should be able to deal with it in this way and insure that that which is done is analyzed, researched, and reported back to the Congress.

The CHAIRMAN (Mr. ROSTENKOWSKI). The Chair is prepared to rule.

The Chair feels that the language on page 33 of the bill beginning at line 16, covers this point. It reads:

(4) engaging in and supporting environmental, biomedical, physical, and safety research related to the development of energy sources and utilization technologies;

The bill thus authorizes the Administrator of ERDA to engage in precisely the type of environmental research which the amendment would confer upon the Council.

The Chair would like to cite from the House Manual, page 445:

To a proposition to accomplish a certain purpose by one method, an amendment to achieve the same fundamental purpose by another closely related method may be germane. Thus, to a bill proposing to regulate certain activities through the use of a governmental agency, an amendment proposing to regulate such activities by another governmental agency is germane (Dec. 15, 1937, p. 1572–89; June 9, 1941, p. 4905).

The Chair overrules the point of order.

Mr. DELLENBACK. I thank the Chairman.

Mr. Chairman, this amendment would direct the Council of Environmental Quality to carry on a continuing analysis of the conduct of research and development of energy technologies to assure that there is an adequacy of attention to the environmental effects of the processes and technologies developed.

H.R. 11510, as reported out of committee, lists among the responsiblities of the Administrator the engaging in and supporting of environmental research as it relates to the development of energy technologies. These are responsibilities which the Administrator should bear. However, in these important fields it would be highly desirable to have the expert input which the CEQ can provide.

In our rush to overcome the energy shortages which are now occurring we must not put aside environmental considerations. This summer the Alaskan pipeline bill was passed with a provision which overrode the National Environmental Policy Act. Many of us feared then that it was just the start of a trend which might lead to an eventual nullification of all the work that has been done in the past to protect the environment. We must not let that happen .

The shortage of fuel should bring home to us even more the importance of protecting our natural resources from unrestricted use. Not only are our oil, gas and coal reserves limited but so too are our clean air and clean water reserves. We must be sure to take into consideration the environmental effects of energy technologies and processes which we develop.

This amendment would provide the Administrator of Energy Research and Development Administration with this kind of useful information by directing the CEQ to study the environmental ramifications of new energy technologies and to report them to the Administrator as well as to the President and the Congress. A proposal like this is included in the energy research and development bill recently passed by the Senate and is also found in H.R. 11857, which I cosponsored, and which would establish a Federal nonnuclear research and development program.

Part of the reason we are experiencing such fuel shortages today is because of the fragmented and uncoordinated planning that has been done previously. As we make a step toward putting order back into this chaos by establishing ERDA we must not neglect environmental concerns and thereby create chaos in another field. A study such is authorized by my amendment would assure that we take these environmental concerns into consideration.

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

I rise in opposition to the amendment.

This amendment in substance has been lifted from Senate bill 1283, a bill on policies and priorities which passed the Senate on December 7, 1973.

H.R. 11510 is a reorganization bill; it is not a policy and priority bill.

The proper forum for amendments of this nature is before the Committee on Interior and Insular Affairs.

I have no doubt the objective of this amendment is worthy, because we all favor environmental studies, but it refers to the Council on Environmental Quality and purports to authorize duties which they have now under a very broad statute.

Therefore, Mr. Chairman, I urge that the amendment be voted down.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon (Mr. DELLENBACK).

The amendment was rejected.

AMENDMENT OFFERED BY MR. BINGHAM

Mr. BINGHAM. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BINGHAM: On page 55 line 4 strike the word "Committees" and in its place add the words "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."

Mr. BINGHAM. Mr. Chairman, this amendment would very simply require that the agency at the time it submits its requests to the Office of Management and Budget also send them along to the Congress.

I think in a matter of this importance where we are deeply concerned that sufficient effort and sufficient energy and sufficient funds be expended in trying to solve the energy crisis in this country and in trying to develop new sources of energy the Congress wants to be sure that the agency is fully funded.

We do not want to be short-circuited by the bureaucrats in the OMB. We know they have a job to do, and they are always interested in cutting, and that is their job, and maybe their cuts will be all right. But let the Congress make that determination after they have found out what it was that the new agency was asking for in the first place.

I realize that this is a rather novel concept. It may be said that this is something that should apply to other agencies. I would not quarrel with that. But I think that it is important in an undertaking of this kind that the committees of the Congress that are concerned with the problem should be advised what the requests made by the agency were at the time that those requests were submitted to the OMB.

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

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

Mr. HOSMER. Mr. Chairman, does the gentleman from New York feel that the various authorizing and appropriating committees of this Congress are so inadequate and so incompetent and so lacking in resources and capabilities that they are incapable of doing the job that the Constitution imposes upon them in connection with the research and development of the energy resources of this country? I can only conclude from the amendment offered by the gentleman from New York that that is exactly what the gentleman believes.

Mr. BINGHAM. No, not at all. All I am saying is that the committees of this Congress should have before them all the facts, and the facts would include what the requests were from the agency as submitted to the OMB. The Members all know very well that the OMB in the past has had various ways of putting the lid on the agencies so that they are not allowed to tell what the facts are with regard to the requests that they make.

So what I am suggesting is that, not that we are interfering with the func-

tions and the recommendations that the OMB will make to the Congress, the Congress will take those into account, but let us at least know here in the Congress what it was that the agency request of the OMB was in the first place.

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

Mr. Chairman, this is contrary to the Budget and Accounting Act. And as the gentleman from New York has indicated, this is a novel approach. I do not think we ought to start breaking new ground in this area at this time. Therefore, I urge that we defeat the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. BINGHAM).

The amendment was rejected.

AMENDMENT OFFERED BY MR. HOLIFIELD

Mr. HOLIFIELD. Mr. Chairman, I offer a technical amendment.

The Clerk read as follows:

Amendment offered by Mr. HOLIFIELD: On page 57, line 12, change "title II" to "title I".

Mr. HOLIFIELD. Mr. Chairman, I am asking consent to correct a technical error on page 57, line 12, by changing "title II" to "title I." This is purely a technical change, to correct an error in printing, and does not affect the substance of the bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. HOLIFIELD).

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to title III? If not, the Clerk will read.

The Clerk read as follows:

TITLE IV—SEX DISCRIMINATION

SEC. 401. No person shall on the ground of sex be excluded from participation in, be denied a license under, be denied the benefits of, or be subjected to discrimination under any program or activity carried on or receiving Federal assistance under any title of this Act. This provision will be enforced through agency provisions and rules similar to those already established, with respect to racial and other discrimination, under title VI or the Civil Rights Act of 1964. However, this remedy is not exclusive and will not prejudice or cut off any other legal remedies available to a discriminatee.

Mr. HOLIFIELD (during the reading). Mr. Chairman, I ask unanimous consent that title IV be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

The CHAIRMAN. Are there any amendments to title IV? If not, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. ROSTENKOWSKI, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 11510) to reorganize and consolidate certain functions of the Federal Government in a new Energy Research and Development Administration and in a Nuclear Energy Commission in order to promote more efficient management of such functions, pursuant to House Resolution 745, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted in the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

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

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

RECORDED VOTE

Mr. HORTON. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 355, noes 25, not voting 52, as follows:

[Roll No. 707]

AYES—355

Abdnor	Casey, Tex.	Fascell
Abzug	Cederberg	Findley
Adams	Chamberlain	Fish
Addabbo	Chappell	Fisher
Andrews, N.C.	Chisholm	Flood
Annunzio	Clark	Ford,
Archer	Clausen,	William D.
Arends	Don H.	Forsythe
Armstrong	Clawson, Del	Fountain
Ashbrook	Clay	Fraser
Ashley	Cleveland	Frenzel
Badillo	Cochran	Frey
Bafalis	Collier	Froehlich
Baker	Collins, Ill.	Fuqua
Barrett	Collins, Tex.	Gaydos
Bauman	Conable	Gettys
Beard	Conlan	Giaimo
Bell	Conte	Gibbons
Bennett	Corman	Gilman
Bergland	Cotter	Ginn
Bevill	Coughlin	Goldwater
Biaggi	Crane	Gonzalez
Biester	Cronin	Goodling
Bingham	Culver	Grasso
Blackburn	Daniel, Dan	Gray
Blatnik	Daniel, Robert	Green, Oreg.
Boggs	W., Jr.	Green, Pa.
Boland	Daniels,	Grover
Bowen	Dominick V.	Gude
Brademas	Danielson	Guyer
Brasco	Davis, Ga.	Haley
Bray	Davis, S.C.	Hamilton
Breaux	Davis, Wis.	Hammer-
Breckinridge	de la Garza	schmidt
Brinkley	Dellenback	Hanley
Broomfield	Dennis	Hanrahan
Brotzman	Derwinski	Hansen, Idaho
Brown, Calif.	Devine	Harrington
Brown, Mich.	Dickinson	Harsha
Brown, Ohio	Diggs	Hastings
Broyhill, N.C.	Donohue	Hawkins
Broyhill, Va.	Dorn	Hays
Buchanan	Downing	Heckler, Mass.
Burgener	Drinan	Heinz
Burke, Fla.	Dulski	Helstoski
Burke, Mass.	Duncan	Henderson
Burleson, Tex.	du Pont	Hicks
Burlison, Mo.	Edwards, Ala.	Hillis
Butler	Edwards, Calif.	Hinshaw
Byron	Eilberg	Hogan
Camp	Erlenborn	Holifield
Carey, N.Y.	Esch	Holt
Carney, Ohio	Eshleman	Holtzman
Carter	Evans, Colo.	Horton
Hosmer	Moorhead,	Sikes
Howard	Calif.	Slack
Huber	Moorhead, Pa.	Smith, Iowa
Hudnut	Morgan	Smith, N.Y.
Hungate	Mosher	Snyder
Hunt	Murphy, Ill.	Spence
Hutchinson	Murphy, N.Y.	Staggers
Ichord	Myers	Stanton,
Johnson, Calif.	Natcher	J. William
Johnson, Colo.	Nedzi	Stanton,
Johnson, Pa.	Nelsen	James V.
Jones, N.C.	Nix	Stark
Jones, Okla.	Obey	Steed
Jones, Tenn.	O'Brien	Steele
Jordan	O'Hara	Steelman
Karth	O'Neill	Steiger, Ariz.
Kastenmeier	Owens	Steiger, Wis.
Kazen	Parris	Stokes
Kemp	Passman	Stratton
Ketchum	Patman	Stubblefield
King	Patten	Stuckey
Kluczynski	Pepper	Studds
Koch	Perkins	Sullivan
Kuykendall	Peyser	Symington
Kyros	Pickle	Talcott
Landgrebe	Pike	Taylor, N.C.
Latta	Powell, Ohio	Teague, Calif.
Leggett	Preyer	Thomson, Wis.
Lent	Price, Ill.	Thone
Litton	Price, Tex.	Thornton
Long, La.	Pritchard	Tiernan
Long, Md.	Quie	Towell, Nev.
Lott	Quillen	Treen
Lujan	Randall	Ullman
McClory	Rangel	Vander Jagt
McCloskey	Rees	Vigorito
McCollister	Regula	Waggonner
McDade	Reuss	Waldie
McEwen	Rhodes	Wampler
McFall	Riegle	Ware
McKay	Rinaldo	Whalen
McKinney	Roberts	White
McSpadden	Robinson, Va.	Whitehurst
Macdonald	Robison, N.Y.	Whitten
Madden	Rodino	Widnall
Madigan	Roe	Wiggins
Mahon	Rogers	Williams
Mallary	Roncalio, Wyo.	Wilson, Bob
Mann	Roncallo, N.Y.	Calif.
Maraziti	Rooney, Pa.	Wilson,
Martin, N.C.	Rose	Charles H.,
Mathias, Calif.	Rosenthal	Winn
Mathis, Ga.	Rostenkowski	Wolff
Matsunaga	Roush	Wright
Mayne	Roy	Wyatt
Mazzoli	Roybal	Wydler
Meeds	Runnels	Wylie
Mezvinsky	Ruppe	Wyman
Michel	Ruth	Yates
Milford	St Germain	Yatron
Miller	Sandman	Young, Alaska
Minish	Sarasin	Young, Fla.
Minshall, Ohio	Sarbanes	Young, Ga.
Mitchell, Md.	Satterfield	Young, Ill.
Mitchell, N.Y.	Schneebeli	Young, S.C.
Mizell	Sebelius	Zablocki
Mollohan	Shipley	Zion
Montgomery	Shoup	

NOES—25

Anderson,	Gunter	Seiberling
Calif.	Hechler, W. Va.	Shuster
Dellums	Lehman	Skubitz
Denholm	McCormack	Symms
Dingell	Melcher	Teague, Tex.
Eckhardt	Mink	Thompson, N.J.
Flynt	Moss	Udall
Foley	Poage	Vanik
Gross	Schroeder	

NOT VOTING—52

Alexander	Griffiths	Railsback
Anderson, Ill.	Gubser	Rarick
Andrews,	Hanna	Reid
N. Dak.	Hansen, Wash.	Rooney, N.Y.
Aspin	Harvey	Rousselot
Bolling	Hébert	Ryan
Brooks	Jarman	Scherle
Burke, Calif.	Jones, Ala.	Shriver
Burton	Keating	Sisk
Clancy	Landrum	Stephens
Cohen	Mailliard	Taylor, Mo.
Conyers	Martin, Nebr.	Van Deerlin
Delaney	Metcalfe	Veysey
Dent	Mills, Ark.	Walsh
Evins, Tenn.	Moakley	Wilson,
Flowers	Nichols	Charles, Tex.
Frelinghuysen	Pettis	Young, Tex.
Fulton	Podell	Zwach

So the bill was passed.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Charles Wilson of Texas.
Mr. Rooney of New York with Mr. Rarick.
Mrs. Burke of California with Mr. Young of Texas.
Mr. Alexander with Mr. Evins of Tennessee.
Mr. Brooks with Mr. Zwach.
Mr. Dent with Mr. Metcalfe.
Mr. Landrum with Mr. Walsh.
Mrs. Griffiths with Mr. Pettis.
Mr. Ryan with Mr. Taylor of Missouri.
Mr. Hanna with Mr. Railsback.
Mr. Van Deerlin with Mr. Shriver.
Mrs. Hansen of Washington with Mr. Anderson of Illinois.
Mr. Aspin with Mr. Conyers.
Mr. Burton with Mr. Scherle.
Mr. Mills of Arkansas with Mr. Andrews of North Dakota.
Mr. Delaney with Mr. Gubser.
Mr. Jones of Alabama with Mr. Harvey.
Mr. Nichols with Mr. Clancy.
Mr. Podell with Mr. Keating.
Mr. Sisk with Mr. Frelinghuysen.
Mr. Stephens with Mr. Mailliard.
Mr. Moakley with Mr. Cohen.
Mr. Reid with Mr. Rousselot.
Mr. Jarman with Mr. Martin of Nebraska.
Mr. Fulton with Mr. Flowers.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

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

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

There was no objection.

CONFERENCE REPORT ON S. 1983, CONSERVATION, PROTECTION, RESTORATION, AND PROPAGATION OF THREATENED AND ENDANGERED SPECIES OF FISH, WILDLIFE, AND PLANTS

Mrs. SULLIVAN submitted the following conference report and statement on the bill (S. 1983) to provide for the conservation, protection, restoration, and propagation of threatened and endangered species of fish, wildlife, and plants, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 93–740)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1983), to provide for the conservation, protection, restoration, and propagation of threatened and endangered species of fish, wildlife, and plants, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement 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 House amendment insert the following:

That this Act may be cited as the "Endangered Species Act of 1973".

TABLE OF CONTENTS

FINDINGS, PURPOSES, AND POLICY

SEC. 2. (a) FINDINGS.—The Congress finds and declares that—

(1) various species of fish, wildlife, and plants in the United States have been rendered extinct as a consequence of economic growth and development untempered by adequate concern and conservation;

(2) other species of fish, wildlife, and plants have been so depleted in numbers that they are in danger of or threatened with extinction;

(3) these species of fish, wildlife, and plants are of esthetic, ecological, educational, historical, recreational, and scientific value to the Nation and its people;

(4) the United States has pledged itself as a sovereign state in the international community to conserve to the extent practicable the various species of fish or wildlife and plants facing extinction, pursuant to—

(A) migratory bird treaties with Canada and Mexico;

(B) the Migratory and Endangered Bird Treaty with Japan;

(C) the Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere;

(D) the International Convention for the Northwest Atlantic Fisheries;

(E) the International Convention for the High Seas Fisheries of the North Pacific Ocean;

(F) the Convention on International Trade in Endangered Species of Wild Fauna and Flora; and

(G) other international agreements.

(5) encouraging the States and other interested parties, through Federal financial assistance and a system of incentives, to develop and maintain conservation programs which meet national and international standards is a key to meeting the Nation's international commitments and to better safeguarding, for the benefit of all citizens, the Nation's heritage in fish and wildlife.

(b) PURPOSES.—The purposes of this Act are to provide a means whereby the ecosystems upon which endangered species and threatened species depend may be conserved, to provide a program for the conservation of such endangered species and threatened species, and to take such steps as may be appropriate to achieve the purposes of the treaties and conventions set forth in subsection (a) of this section.

(c) POLICY.—It is further declared to be the policy of Congress that all Federal departments and agencies shall seek to conserve endangered species and threatened species and shall utilize their authorities in furtherance of the purposes of this Act.

DEFINITIONS

SEC. 3. For the purposes of this Act—

(1) The term "commercial activity" means all activities of industry and trade, including, but not limited to, the buying or selling of commodities and activities conducted for the purpose of facilitating such buying and selling.

(2) The terms "conserve", "conserving", and "conservation" mean to use and the use of all methods and procedures which are necessary to bring any endangered species or threatened species to the point at which the measures provided pursuant to this Act are no longer necessary. Such methods and procedures include, but are not limited to, all activities associated with scientific resources management such as research, census, law enforcement, habitat acquisition and maintenance, propagation, live trapping, and transplantation, and, in the extraordinary case where population pressures within a given ecosystem cannot be otherwise relieved, may include regulated taking.

(3) The term "Convention" means the Convention on International Trade in Endangered Species of Wild Fauna and Flora, signed on March 3, 1973, and the appendices thereto.

(4) The term "endangered species" means any species which is in danger of extinction throughout all or a significant portion of its range other than a species of the Class Insecta determined by the Secretary to constitute a pest whose protection under the provisions of this Act would present an overwhelming and overriding risk to man.

(5) The term "fish or wildlife" means any member of the animal kingdom, including without limitation any mammal, fish, bird (including any migratory, nonmigratory, or endangered bird for which protection is also afforded by treaty or other international agreement), amphibian, reptile, molusk, crustacean, arthropod or other invertebrate, and includes any part, product, egg, or offspring thereof, or the dead body or parts thereof.

(6) The term "foreign commerce" includes, among other things, any transaction—

(A) between persons within one foreign country;

(B) between persons in two or more foreign countries;

(C) between a person within the United States and a person in a foreign country; or

(D) between persons within the United States, where the fish and wildlife in question are moving in any country or countries outside the United States.

(7) The term "import" means to land on, bring into, or introduce into, or attempt to land on, bring into, or introduce into, any place subject to the jurisdiction of the United States, whether or not such landing, bringing, or introduction constitutes an importation within the meaning of the customs laws of the United States.

(8) The term "person" means an individual, corporation, partnership, trust, association, or any other private entity, or any officer, employee, agent, department, or instrumentality of the Federal Government, of any State or political subdivision thereof, or of any foreign government.

(9) The term "plant" means any member of the plant kingdom, including seeds, roots and other parts thereof.

(10) The term "Secretary" means, except as otherwise herein provided, the Secretary of the Interior or the Secretary of Commerce as program responsibilities are vested pursuant to the provisions of Reorganization Plan Numbered 4 of 1970; except that with respect to the enforcement of the provisions of this Act and the Convention which pertain to the importation or exportation of terrestrial plants, the term means the Secretary of Agriculture.

(11) The term "species" includes any subspecies of fish or wildlife or plants and any other group of fish or wildlife of the same species or smaller taxa in common spatial arrangement that interbreed when mature.

(12) The term "State" means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, Guam, and the Trust Territory of the Pacific Islands.

(13) The term "State agency" means the State agency, department, board, commission, or other governmental entity which is

responsible for the management and conservation of fish or wildlife resources within a State.

(14) The term "take" means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct.

(15) The term "threatened species" means any species which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.

(16) The term "United States", when used in a geographical context, includes all States.

DETERMINATION OF ENDANGERED SPECIES AND THREATENED SPECIES

SEC. 4. (a) GENERAL.—(1) The Secretary shall by regulation determine whether any species is an endangered species or a threatened species because of any of the following factors:

(1) the present or threatened destruction, modification, or curtailment of its habitat or range;

(2) overutilization for commercial, sporting, scientific, or educational purposes;

(3) disease or predation;

(4) the inadequacy of existing regulatory mechanisms; or

(5) other natural or manmade factors affecting its continued existence.

(2) With respect to any species over which program responsibilities have been vested in the Secretary of Commerce pursuant to Reorganization Plan Numbered 4 of 1970—

(A) in any case in which the Secretary of Commerce determines that such species should—

(i) be listed as an endangered species or a threatened species, or

(ii) be changed in status from a threatened species to an endangered species,

he shall so inform the Secretary of the Interior, who shall list such species in accordance with this section;

(B) in any case in which the Secretary of Commerce determines that such species should—

(i) be removed from any list published pursuant to subsection (c) of this section, or

(ii) be changed in status from an endangered species to a threatened species,

he shall recommend such action to the Secretary of the Interior, and the Secretary of the Interior, if he concurs in the recommendation, shall implement such action; and

(C) the Secretary of the Interior may not list or remove from any list any such species, and may not change the status of any such species which are listed, without a prior favorable determination made pursuant to this section by the Secretary of Commerce.

(b) BASIS FOR DETERMINATIONS.—(1) The Secretary shall make determinations required by subsection (a) of this section on the basis of the best scientific and commercial data available to him and after consultation, as appropriate, with the affected States, interested persons and organizations, other interested Federal agencies, and, in cooperation with the Secretary of State, with the country or countries in which the species concerned is normally found or whose citizens harvest such species on the high seas: except that in any case in which such determinations involve resident species of fish or wildlife, the Secretary of the Interior may not add such species to, or remove such species from, any list published pursuant to subsection (c) of this section, unless the Secretary has first—

(A) published notice in the Federal Register and notified the Governor of each State within which such species is then known to occur that such action is contemplated;

(B) allowed each such State 90 days after notification to submit its comments and recommendations, except to the extent that such period may be shortened by agreement between the Secretary and the Governor or Governors concerned; and

(C) published in the Federal Register a summary of all comments and recommendations received by him which relate to such proposed action.

(2) In determining whether or not any species is an endangered species or a threatened species, the Secretary shall take into consideration those efforts, if any, being made by any nation or any political subdivision of any nation to protect such species, whether by predator control, protection of habitat and food supply, or other conservation practices, within any area under the jurisdiction of any such nation or political subdivision, or on the high seas.

(3) Species which have been designated as requiring protection from unrestricted commerce by any foreign country, or pursuant to any international agreement, shall receive full consideration by the Secretary to determine whether each is an endangered species or a threatened species.

(c) LISTS.—(1) The Secretary of the Interior shall publish in the Federal Register, and from time to time he may by regulation revise, a list of all species determined by him or the Secretary of Commerce to be endangered species and a list of all species determined by him or the Secretary of Commerce to be threatened species. Each list shall refer to the species contained therein by scientific and common name or names, if any, and shall specify with respect to each such species over what portion of its range it is endangered or threatened.

(2) The Secretary shall, upon the petition of an interested person under subsection 553(e) of title 5, United States Code, conduct a review of any listed or unlisted species proposed to be removed from or added to either of the lists published pursuant to paragraph (1) of this subsection, but only if he makes and publishes a finding that such person has presented substantial evidence which in his judgment warrants such a review.

(3) Any list in effect on the day before the date of the enactment of this Act of species of fish or wildlife determined by the Secretary of the Interior, pursuant to the Endangered Species Conservation Act of 1969, to be threatened with extinction shall be republished to conform to the classification for endangered species or threatened species, as the case may be, provided for in this Act, but until such republication, any such species so listed shall be deemed an endangered species within the meaning of this Act. The republication of any species pursuant to this paragraph shall not require public hearing or comment under section 553 of title 5, United States Code.

(d) PROTECTIVE REGULATIONS.—Whenever any species is listed as a threatened species pursuant to subsection (c) of this section, the Secretary shall issue such regulations as he deems necessary and advisable to provide for the conservation of such species. The Secretary may by regulation prohibit with respect to any threatened species any act prohibited under section 9(a)(1), in the case of fish or wildlife, or section 9(a)(2), in the case of plants, with respect to endangered species; except that with respect to the taking of resident species of fish or wildlife, such regulations shall apply in any State which has entered into a cooperative agreement pursuant to section 6(a) of this Act only to the extent that such regulations have also been adopted by such State.

(e) SIMILARITY OF APPEARANCE CASES.—The Secretary may, by regulation, and to the extent he deems advisable, treat any species as an endangered species or threatened species even though it is not listed pursuant to section 4 of this Act if he finds that—

(A) such species so closely resembles in appearance, at the point in question, a species which has been listed pursuant to such section that enforcement personnel would have substantial difficulty in attempting to differentiate between the listed and unlisted species;

(B) the effect of this substantial difficulty is an additional threat to an endangered or threatened species; and

(C) such treatment of an unlisted species will substantially facilitate the enforcement and further the policy of this Act.

(f) REGULATIONS.—(1) Except as provided in paragraphs (2) and (3) of this subsection and subsection (b) of this section, the provisions of section 553 of title 5, United States Code (relating to rulemaking procedures), shall apply to any regulation promulgated to carry out the purposes of this Act.

(2)(A) In the case of any regulation proposed by the Secretary to carry out the purposes of this Act—

(i) the Secretary shall publish general notice of the proposed regulation (including the complete text of the regulation) in the Federal Register not less than 60 days before the effective date of the regulation; and

(ii) if any person who feels that he may be adversely affected by the proposed regulation files (within 45 days after the date of publication of general notice) objections thereto and requests a public hearing thereon, the Secretary may grant such request, but shall, if he denies such request, publish his reasons therefor in the Federal Register.

(B) Neither subparagraph (A) of this paragraph nor section 553 of title 5, United States Code, shall apply in the case of any of the following regulations and any such regulation shall, at the discretion of the Secretary, take effect immediately upon publication of the regulation in the Federal Register:

(i) Any regulation appropriate to carry out the purposes of this Act which was originally promulgated to carry out the Endangered Species Conservation Act of 1969.

(ii) Any regulation (including any regulation implementing section 6(g)(2)(B)(ii) of this Act) issued by the Secretary in regard to any emergency posing a significant risk to the well-being of any species of fish or wildlife, but only if (I) at the time of publication of the regulation in the Federal Register the Secretary publishes therein detailed reasons why such regulation is necessary, and (II) in the case such regulation applies to resident species of fish and wildlife, the requirements of subsection (b)(A), (B), and (C) of this section have been complied with. Any regulation promulgated under the authority of this clause (ii) shall cease to have force and effect at the close of the 120-day period following the date of publication unless, during such 120-day period, the rulemaking procedures which would apply to such regulation without regard to this subparagraph are complied with.

(3) The publication in the Federal Register of any proposed or final regulation which is necessary or appropriate to carry out the purposes of this Act shall include a statement by the Secretary of the facts on which such regulation is based and the relationship of such facts to such regulation.

LAND ACQUISITION

SEC. 5. (a) PROGRAM.—The Secretary of the Interior shall establish and implement a program to conserve (A) fish or wildlife which are listed as endangered species or threatened species pursuant to section 4 of this Act; or (B) plants which are included in Appendices to the Convention. To carry out such program, he—

(1) shall utilize the land acquisition and other authority under the Fish and Wildlife Act of 1956, as amended, the Fish and Wildlife Coordination Act, as amended, and the Migratory Bird Conservation Act, as appropriate; and

(2) is authorized to acquire by purchase, donation, or otherwise, lands, waters, or interest therein, and such authority shall be

in addition to any other land acquisition authority vested in him.

(b) ACQUISITIONS.—Funds made available pursuant to the Land and Water Conservation Fund Act of 1965, as amended, may be used for the purpose of acquiring lands, waters, or interests therein under subsection (a) of this section.

COOPERATION WITH THE STATES

SEC. 6. (a) GENERAL.—In carrying out the program authorized by this Act, the Secretary shall cooperate to the maximum extent practicable with the States. Such cooperation shall include consultation with the States concerned before acquiring any land or water, or interest therein, for the purpose of conserving any endangered species or threatened species.

(b) MANAGEMENT AGREEMENTS.—The Secretary may enter into agreements with any State for the administration and management of any area established for the conservation of endangered species or threatened species. Any revenues derived from the administration of such areas under these agreements shall be subject to the provisions of section 401 of the Act of June 15, 1935 (49 Stat. 383; 16 U.S.C. 715s).

(c) COOPERATIVE AGREEMENTS.—In furtherance of the purposes of this Act, the Secretary is authorized to enter into a cooperative agreement in accordance with this section with any State which establishes and maintains an adequate and active program for the conservation of endangered species and threatened species. Within one hundred and twenty days after the Secretary receives a certified copy of such a proposed State program, he shall make a determination whether such program is in accordance with this Act. Unless he determines, pursuant to this subsection, that the State program is not in accordance with this Act, he shall enter into a cooperative agreement with the State for the purpose of assisting in implementation of the State program. In order for a State program to be deemed an adequate and active program for the conservation of endangered species and threatened species, the Secretary must find, and annually thereafter reconfirm such finding, that under the State program—

(1) authority resides in the State agency to conserve resident species of fish or wildlife determined by the State agency or the Secretary to be endangered or threatened;

(2) the State agency has established acceptable conservation programs, consistent with the purposes and policies of this Act, for all resident species of fish or wildlife in the State which are deemed by the Secretary to be endangered or threatened, and has furnished a copy of such plan and program together with all pertinent details, information, and data requested to the Secretary;

(3) the State agency is authorized to conduct investigations to determine the status and requirements for survival of resident species of fish and wildlife;

(4) the State agency is authorized to establish programs, including the acquisition of land or aquatic habitat or interests therein, for the conservation of resident endangered species or threatened species; and

(5) provision is made for public participation in designating resident species of fish or wildlife as endangered or threatened.

(d) ALLOCATION OF FUNDS.—(1) The Secretary is authorized to provide financial assistance to any State, through its respective State agency, which has entered into a cooperative agreement pursuant to subsection (c) of this section to assist in development of programs for the conservation of endangered and threatened species. The Secretary shall make an allocation of appropriated funds to such States based on consideration of—

(A) the international commitments of the United States to protect endangered species or threatened species;

(B) the readiness of a State to proceed with a conservation program consistent with the objectives and purposes of this Act;

(C) the number of endangered species and threatened species within a State;

(D) the potential for restoring endangered species and threatened species within a State; and

(E) the relative urgency to initiate a program to restore and protect an endangered species or threatened species in terms of survival of the species.

So much of any appropriated funds allocated for obligation to any State for any fiscal year as remains unobligated at the close thereof is authorized to be made available to that State until the close of the succeeding fiscal year. Any amount allocated to any State which is unobligated at the end of the period during which it is available for expenditure is authorized to be made available for expenditure by the Secretary in conducting programs under this section.

(2) Such cooperative agreements shall provide for (A) the actions to be taken by the Secretary and the States; (B) the benefits that are expected to be derived in connection with the conservation of endangered or threatened species; (C) the estimated cost of these actions; and (D) the share of such costs to be borne by the Federal Government and by the States; except that—

(i) the Federal share of such program costs shall not exceed 66⅔ per centum of the estimated program costs stated in the agreement; and

(ii) the Federal share may be increased to 75 per centum whenever two or more States having a common interest in one or more endangered or threatened species, the conservation of which may be enhanced by cooperation of such States, enter jointly into an agreement with the Secretary.

The Secretary may, in his discretion, and under such rules and regulations as he may prescribe, advance funds to the State for financing the United States pro rata share agreed upon in the cooperative agreement. For the purposes of this section, the non-Federal share may, in the discretion of the Secretary, be in the form of money or real property, the value of which will be determined by the Secretary, whose decision shall be final.

(e) REVIEW OF STATE PROGRAMS.—Any action taken by the Secretary under this section shall be subject to his periodic review at no greater than annual intervals.

(f) CONFLICTS BETWEEN FEDERAL AND STATE LAWS.—Any State law or regulation which applies with respect to the importation or exportation of, or interstate or foreign commerce in, endangered species or threatened species is void to the extent that it may effectively (1) permit what is prohibited by this Act or by any regulation which implements this Act, or (2) prohibit what is authorized pursuant to an exemption or permit provided for in this Act or in any regulation which implements this Act. This Act shall not otherwise be construed to void any State law or regulation which is intended to conserve migratory, resident, or introduced fish or wildlife, or to permit or prohibit sale of such fish or wildlife. Any State law or regulation respecting the taking of an endangered species or threatened species may be more restrictive than the exemptions or permits provided for in this Act or in any regulation which implements this Act but not less restrictive than the prohibitions so defined.

(g) TRANSITION.—(1) For purposes of this subsection, the term "establishment period" means, with respect to any State, the period beginning on the date of enactment of this Act and ending on whichever of the following dates first occurs: (A) the date of the close of the 120-day period following the adjournment of the first regular session of the legislature of such State which commences after such date of enactment, or (B) the date of the close of the 15-month period following such date of enactment.

(2) The prohibitions set forth in or authorized pursuant to sections 4(d) and 9(a)(1)(B) of this Act shall not apply with respect to the taking of any resident endangered species or threatened species (other than species listed in Appendix I to the convention or otherwise specifically covered by any other treaty or Federal law) within any State—

(A) which is then a party to a cooperative agreement with the Secretary pursuant to section 6(c) of this Act (except to the extent that the taking of any such species is contrary to the law of such State); or

(B) except for any time within the establishment period when—

(i) the Secretary applies such prohibition to such species at the request of the State, or

(ii) the Secretary applies such prohibition after he finds, and publishes his finding, that an emergency exists posing a significant risk to the well-being of such species and that the prohibition must be applied to protect such species. The Secretary's finding and publication may be made without regard to the public hearing or comment provisions of section 553 of title 5, United States Code, or any other provision of this Act; but such prohibition shall expire 90 days after the date of its imposition unless the Secretary further extends such prohibition by publishing notice and a statement of justification of such extension.

(h) REGULATIONS.—The Secretary is authorized to promulgate such regulations as may be appropriate to carry out the provisions of this section relating to financial assistance to States.

(i) APPROPRIATIONS.—For the purposes of this section, there is authorized to be appropriated through the fiscal year ending June 30, 1977, not to exceed $10,000,000.

INTERAGENCY COOPERATION

SEC. 7. The Secretary shall review other programs administered by him and utilize such programs in furtherance of the purposes of this Act. All other Federal departments and agencies shall, in consultation with and with the assistance of the Secretary, utilize their authorities in furtherance of the purposes of this Act by carrying out programs for the conservation of endangered species and threatened species listed pursuant to section 4 of this Act and by taking such action necessary to insure that actions authorized, funded, or carried out by them do not jeopardize the continued existence of such endangered species and threatened species or result in the destruction or modification of habitat of such species which is determined by the Secretary, after consultation as appropriate with the affected States, to be critical.

INTERNATIONAL COOPERATION

SEC. 8. (a) FINANCIAL ASSISTANCE.—As a demonstration of the commitment of the United States to the worldwide protection of endangered species and threatened species, the President may, subject to the provisions of section 1415 of the Supplemental Appropriation Act, 1953 (31 U.S.C. 724), use foreign currencies accruing to the United States Government under the Agricultural Trade Development and Assistance Act of 1954 or any other law to provide to any foreign country (with its consent) assistance in the development and management of programs in that country which the Secretary determines to be necessary or useful for the conservation of any endangered species or threatened species listed by the Secretary pursuant to section 4 of this Act. The President shall provide assistance (which includes, but is not limited to, the acquisition, by lease or otherwise, of lands, waters, or interests therein) to foreign countries under this section under such terms and conditions as he deems appropriate. Whenever foreign curren-

cies are available for the provision of assistance under this section, such currencies shall be used in preference to funds appropriated under the authority of section 15 of this Act.

(b) ENCOURAGEMENT OF FOREIGN PROGRAMS.—In order to carry out further the provisions of this Act, the Secretary, through the Secretary of State, shall encourage—

(1) foreign countries to provide for the conservation of fish or wildlife including endangered species and threatened species listed pursuant to section 4 of this Act;

(2) the entering into of bilateral or multilateral agreements with foreign countries to provide for such conservation; and

(3) foreign persons who directly or indirectly take fish or wildlife in foreign countries or on the high seas for importation into the United States for commercial or other purposes to develop and carry out with such assistance as he may provide, conservation practices designed to enhance such fish or wildlife and their habitat.

(c) PERSONNEL.—After consultation with the Secretary of State, the Secretary may—

(1) assign or otherwise make available any officer or employee of his department for the purpose of cooperating with foreign countries and international organizations in developing personnel resources and programs which promote the conservation of fish or wildlife; and

(2) conduct or provide financial assistance for the educational training of foreign personnel, in this country or abroad, in fish, wildlife, or plant management, research and law enforcement and to render professional assistance abroad in such matters.

(d) INVESTIGATIONS.—After consultation with the Secretary of State and the Secretary of the Treasury, as appropriate, the Secretary may conduct or cause to be conducted such law enforcement investigations and research abroad as he deems necessary to carry out the purposes of this Act.

(e) CONVENTION IMPLEMENTATION.—The President is authorized and directed to designate appropriate agencies to act as the Management Authority or Authorities and the Scientific Authority or Authorities pursuant to the Convention. The agencies so designated shall thereafter be authorized to do all things assigned to them under the Convention, including the issuance of permits and certificates. The agency designated by the President to communicate with other parties to the Convention and with the Secretariat shall also be empowered, where appropriate, in consultation with the State Department, to act on behalf of and represent the United States in all regards as required by the Convention. The President shall also designate those agencies which shall act on behalf of and represent the United States in all regards as required by the Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere.

PROHIBITED ACTS

SEC. 9. (a) GENERAL.—(1) Except as provided in section 6(g)(2) and 10 of this Act, with respect to any endangered species of fish or wildlife listed pursuant to section 4 of this Act it is unlawful for any person subject to the jurisdiction of the United States to—

(A) import any such species into, or export any such species from the United States;

(B) take any such species within the United States or the territorial sea of the United States;

(C) take any such species upon the high seas;

(D) possess, sell, deliver, carry, transport, or ship, by any means whatsoever, any such species taken in violation of subparagraphs (B) and (C);

(E) deliver, receive, carry, transport, or ship in interstate or foreign commerce, by any means whatsoever and in the course of a commercial activity, any such species;

(F) sell or offer for sale in interstate or foreign commerce any such speices; or

(G) violate any regulation pertaining to such species or to any threatened species of fish or wildlife listed pursuant to section 4 of this Act and promulgated by the Secretary pursuant to authority provided by this Act.

(2) Except as provided in sections 6(g)(2) and 10 of this Act, with respect to any endangered species of plants listed pursuant to section 4 of this Act, it is unlawful for any person subject to the jurisdiction of the United States to—

(A) import any such species into, or export any such species from, the United States;

(B) deliver, receive, carry, transport, or ship in interstate or foreign commerce, by any means whatsoever and in the course of a commercial activity, any such species;

(C) sell or offer for sale in interstate or foreign commerce any such species; or

(D) violate any regulation pertaining to such species or to any threatened species of plants listed pursuant to section 4 of this Act and promulgated by the Secretary pursuant to authority provided by this Act.

(b) SPECIES HELD IN CAPTIVITY OR CONTROLLED ENVIRONMENT.—The provisions of this section shall not apply to any fish or wildlife held in captivity or in a controlled environment on the effective date of this Act if the purposes of such holding are not contrary to the purposes of this Act; except that this subsection shall not apply in the case of any fish or wildlife held in the course of a commercial activity. With respect to any act prohibited by this section which occurs after a period of 180 days from the effective date of this Act, there shall be a rebuttable presumption that the fish or wildlife involved in such act was not held in captivity or in a controlled environment on such effective date.

(c) VIOLATION OF CONVENTION.—(1) It is unlawful for any person subject to the jurisdiction of the United States to engage in any trade in any specimens contrary to the provisions of the Convention, or to possess any specimens traded contrary to the provisions of the Convention, including the definitions of terms in article I thereof.

(2) Any importation into the United States of fish or wildlife shall, if—

(A) such fish or wildlife is not an endangered species listed pursuant to section 4 of this Act but is listed in Appendix II to the Convention.

(B) the taking and exportation of such fish or wildlife is not contrary to the provisions of the Convention and all other applicable requirements of the Convention have been satisfied.

(C) the applicable requirements of subsections (d), (e), and (f) of this section have been satisfied, and

(D) such importation is not made in the course of a commercial activity,

be presumed to be an importation not in violation of any provision of this Act or any regulation issued pursuant to this Act.

(d) IMPORTS AND EXPORTS.—(1) It is unlawful for any person to engage in business as an importer or exporter of fish or wildlife (other than shellfish and fishery products which (A) are not listed pursuant to section 4 of this Act as endangered species or threatened species, and (B) are imported for purposes of human or animal consumption or taken in waters under the jurisdiction of the United States or on the high seas for recreational purposes) or plants without first having obtained permission from the Secretary.

(2) Any person required to obtain permission under paragraph (1) of this subsection shall—

(A) keep such records as will fully and correctly disclose each importation or exportation of fish, wildlife, or plants made by him and the subsequent disposition made by him with respect to such fish, wildlife, or plants;

(B) at all reasonable times upon notice by a duly authorized representative of the Secretary, afford such representative access to his places of business, an opportunity to examine his inventory of imported fish, wildlife, or plants and the records required to be kept under subparagraph (A) of this paragraph, and to copy such records; and

(C) file such reports as the Secretary may require.

(3) The Secretary shall prescribe such regulations as are necessary and appropriate to carry out the purposes of this subsection.

(e) REPORTS.—It is unlawful for any person importing or exporting fish or wildlife (other than shellfish and fishery products which (1) are not listed pursuant to section 4 of this Act as endangered or threatened species, and (2) are imported for purposes of human or animal consumption or taken in waters under the jurisdiction of the United States or on the high seas for recreational purposes) or plants to fail to file any declaration or report as the Secretary deems necessary to facilitate enforcement of this Act or to meet the obligations of the Convention.

(f) DESIGNATION OF PORTS.—(1) It is unlawful for any person subject to the jurisdiction of the United States to import into or export from the United States any fish or wildlife other than shellfish and fishery products which (A) are not listed pursuant to section 4 of this Act as endangered species or threatened species, and (B) are imported for purposes of human or animal consumption or taken in waters under the jurisdiction of the United States or on the high seas for recreational purposes) or plants, except at a port or ports designated by the Secretary of the Interior. For the purpose of facilitating enforcement of this Act and reducing the costs thereof, the Secretary of the Interior, with approval of the Secretary of the Treasury and after notice and opportunity for public hearing, may, by regulation, designate ports and change such designations. The Secretary of the Interior, under such terms and conditions as he may prescribe, may permit the importation or exportation at nondesignated ports in the interest of the health or safety of the fish or wildlife or plants, or for other reasons if, in his discretion, he deems it appropriate and consistent with the purpose of this subsection.

(2) Any port designated by the Secretary of the Interior under the authority of section 4(d) of the Act of December 5, 1969 (16 U.S.C. 666cc-4(d)), shall, if such designation is in effect on the day before the date of the enactment of this Act, be deemed to be a port designated by the Secretary under paragraph (1) of this subsection until such time as the Secretary otherwise provides.

(g) VIOLATIONS.—It is unlawful for any person subject to the jurisdiction of the United States to attempt to commit, solicit another to commit, or cause to be committed, any offense defined in this section.

EXCEPTIONS

SEC. 10. (a) PERMITS.—The Secretary may permit, under such terms and conditions as he may prescribe, any act otherwise prohibited by section 9 of this Act for scientific purposes or to enhance the propagation or survival of the affected species.

(b) HARDSHIP EXEMPTIONS.—(1) If any person enters into a contract with respect to a species of fish or wildlife or plant before the date of the publication in the Federal Register of notice of consideration of that species as an endangered species and the subsequent listing of that species as an endangered species pursuant to section 4 of this Act will cause undue economic hardship to such person under the contract, the Secretary, in order to minimize such hardship,

may exempt such person from the application of section 9(a) of this Act to the extent the Secretary deems appropriate if such person applies to him for such exemption and includes with such application such information as the Secretary may require to prove such hardship; except that (A) no such exemption shall be for a duration of more than one year from the date of publication in the Federal Register of notice of consideration of the species concerned, or shall apply to a quantity of fish or wildlife or plants in excess of that specified by the Secretary; (B) the one-year period for those species of fish or wildlife listed by the Secretary as endangered prior to the effective date of this Act shall expire in accordance with the terms of section 3 of the Act of December 5, 1969 (83 Stat. 275); and (C) no such exemption may be granted for the importation or exportation of a specimen listed in Appendix I of the Convention which is to be used in a commercial activity.

(2) As used in this subsection, the term "undue economic hardship" shall include, but not be limited to:

(A) substantial economic loss resulting from inability caused by this Act to perform contracts with respect to species of fish and wildlife entered into prior to the date of publication in the Federal Register of a notice of consideration of such species as an endangered species;

(B) substantial economic loss to persons who, for the year prior to the notice of consideration of such species as an endangered species, derived a substantial portion of their income from the lawful taking of any listed species, which taking would be made unlawful under this Act; or

(C) curtailment of subsistence taking made unlawful under this Act by persons (i) not reasonably able to secure other sources of subsistence; and (ii) dependent to a substantial extent upon hunting and fishing for subsistence; and (iii) who must engage in such curtailed taking for subsistence purposes.

(3) The Secretary may make further requirements for a showing of undue economic hardship as he deems fit. Exceptions granted under this section may be limited by the Secretary in his discretion as to time, area, or other factor of applicability.

(e) NOTICE AND REVIEW.—The Secretary shall publish notice in the Federal Register of each application for an exemption or permit which is made under this subsection. Each notice shall invite the submission from interested parties, within thirty days after the date of the notice, written data, views, or arguments with respect to the application. Information received by the Secretary as a part of any application shall be available to the public as a matter of public record at every stage of the proceeding.

(d) PERMIT AND EXEMPTION POLICY.—The Secretary may grant exceptions under subsections (a) and (b) of this section only if he finds and publishes his finding in the Federal Register that (1) such exceptions were applied for in good faith, (2) if granted and exercised will not operate to the disadvantage of such endangered species, and (3) will be consistent with the purposes and policy set forth in section 2 of this Act.

(e) ALASKA NATIVES.—(1) Except as provided in paragraph (4) of this subsection the provisions of this Act shall not apply with respect to the taking of any endangered species or threatened species, or the importation of any such species taken pursuant to this section, by—

(A) any Indian, Aleut, or Eskimo who is an Alaskan Native who resides in Alaska; or

(B) any non-native permanent resident of an Alaskan native village;

if such taking is primarily for subsistence purposes. Non-edible by-products of species taken pursuant to this section may be sold in interstate commerce when made into authentic native articles of handicrafts and clothing; except that the provisions of this subsection shall not apply to any non-native resident of an Alaskan native village found by the Secretary to be not primarily dependent upon the taking of fish and wildlife for consumption or for the creation and sale of authentic native articles of handicrafts and clothing.

(2) Any taking under this subsection may not be accomplished in a wasteful manner.

(3) As used in this subsection—

(i) The term "subsistence" includes selling any edible portion of fish or wildlife in native villages and towns in Alaska for native consumption within native villages or towns; and

(ii) The term "authentic native articles of handicrafts and clothing" means items composed wholly or in some significant respect of natural materials, and which are produced, decorated, or fashioned in the exercise of traditional native handicrafts without the use of pantographs, multiple carvers, or other mass copying devices. Traditional native handicrafts include, but are not limited to, weaving, carving, stitching, sewing, lacking, beading, drawing, and painting.

(4) Notwithstanding the provisions of paragraph (1) of this subsection, whenever the Secretary determines that any species of fish or wildlife which is subject to taking under the provisions of this subsection is an endangered species or threatened species, and that such taking materially and negatively affects the threatened or endangered species, he may prescribe regulations upon the taking of such species by any such Indian, Aleut, Eskimo, or non-Native Alaskan resident of an Alaskan native village. Such regulations may be established with reference to species, geographical description of the area included, the season for taking, or any other factors related to the reason for establishing such regulations and consistent with the policy of this Act. Such regulations shall be prescribed after a notice and hearings in the affected judicial districts of Alaska and as otherwise required by section 103 of the Marine Mammal Protection Act of 1972, and shall be removed as soon as the Secretary determines that the need for their impositions has disappeared.

PENALTIES AND ENFORCEMENT

SEC. 11. (a) CIVIL PENALTIES.—(1) Any person who knowingly violates, or who knowingly commits an act in the course of a commercial activity which violates, any provision of this Act, or any provision of any permit or certificate issued hereunder, or of any regulation issued in order to implement subsection (a)(1)(A), (B), (C), (D), (E), or (F), (a)(2)(A), (B), or (C), (c), (d) (other than a regulation relating to recordkeeping or filing of reports), (f) or (g) of section 9 of this Act, may be assessed a civil penalty by the Secretary of not more than $10,000 for each violation. Any person who knowingly violates, or who knowingly commits an act in the course of a commercial activity which violates, any provision of any other regulation issued under this Act may be assessed a civil penalty by the Secretary of not more than $5,000 for each such violation. Any person who otherwise violates any provision of this Act, or any regulation, permit, or certificate issued hereunder, may be assessed a civil penalty by the Secretary of not more than $1,000 for each such violation. No penalty may be assessed under this subsection unless such person is given notice and opportunity for a hearing with respect to such violation. Each violation shall be a separate offense. Any such civil penalty may be remitted or mitigated by the Secretary. Upon any failure to pay a penalty assessed under this subsection, the Secretary may request the Attorney General to institute a civil action in a district court of the United States for any district in which such person is found, resides, or transacts business to collect the penalty and such court shall have jurisdiction to hear and decide any such action. The court shall hear such action on the record made before the Secretary and shall sustain his action if it is supported by substantial evidence on the record considered as a whole.

(2) Hearings held during proceedings for the assessment of civil penalties authorized by paragraph (1) of this subsection shall be conducted in accordance with section 554 of title 5, United States Code. The Secretary may issue subpenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents, and administer oaths. Witnesses summoned shall be paid the same fees and mileage that are paid to witnesses in the courts of the United States. In case of contumacy or refusal to obey a subpena served upon any person pursuant to this paragraph, the district court of the United States for any district in which such person is found or resides or transacts business, upon application by the United States and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony before the Secretary or to appear and produce documents before the Secretary, or both, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

(b) CRIMINAL VIOLATIONS.—(1) Any person who willfully commits an act which violates any provision of this Act, of any permit or certificate issued hereunder, or of any regulation issued in order to implement subsection (a)(1)(A), (C), (D), (E), or (F); (a)(2)(A), (B), or (C), (c), (d) (other than a regulation relating to recordkeeping or filing of reports, (f), or (g) of section 9 of this Act shall, upon conviction, be fined not more than $20,000 or imprisoned for not more than one year, or both. Any person who willfully commits an act which violates any provision of any other regulation issued under this Act shall, upon conviction, be fined not more than $10,000 or imprisoned for not more than six months, or both.

(2) The head of any Federal agency which has issued a lease, license, permit, or other agreement authorizing the use of Federal lands, including grazing of domestic livestock, to any person who is convicted of a criminal violation of this Act or any regulation, permit, or certificate issued hereunder may immediately modify, suspend, or revoke each lease, license, permit, or other agreement. The Secretary shall also suspend for a period of up to one year, or cancel, any Federal hunting or fishing permits or stamps issued to any person who is convicted of a criminal violation of any provision of this Act or any regulation, permit, or certificate issued hereunder. The United States shall not be liable for the payments of any compensation, reimbursement, or damages in connection with the modification, suspension, or revocation of any leases, licenses, permits, stamps, or other agreements pursuant to this section.

(c) DISTRICT COURT JURISDICTION.—The several district courts of the United States, including the courts enumerated in section 460 of title 28, United States Code, shall have jurisdiction over any actions arising under this Act. For the purpose of this Act, American Samoa shall be included within the judicial district of the District Court of the United States for the District of Hawaii.

(d) REWARDS.—Upon the recommendation of the Secretary, the Secretary of the Treasury is authorized to pay an amount equal to one-half of the civil penalty or fine paid, but not to exceed $2,500, to any person who furnishes information which leads to a finding of civil violation or a conviction of a

criminal violation of any provision of this Act or any regulation or permit issued thereunder. Any officer or employee of the United States or of any State or local government who furnishes information or renders service in the performance of his official duties shall not be eligible for payment under this section.

(e) ENFORCEMENT.—(1) The provisions of this Act and any regulations or permits issued pursuant thereto shall be enforced by the Secretary, the Secretary of the Treasury, or the Secretary of the Department in which the Coast Guard is operating, or all such Secretaries. Each such Secretary may utilize by agreement, with or without reimbursement, the personnel, services, and facilities of any other Federal agency, or any State agency for purposes of enforcing this Act.

(2) The judges of the district courts of the United States and the United States magistrates may, within their respective jurisdictions, upon proper oath or affirmation showing probable cause, issue such warrants or other process as may be required for enforcement of this Act and any regulation issued thereunder.

(3) Any person authorized by the Secretary, the Secretary of the Treasury, or the Secretary of the Department in which the Coast Guard is operating, to enforce this Act may detain for inspection and inspect any package, crate, or other container, including its contents, and all accompanying documents, upon importation or exportation. Such person may execute and serve any arrest warrant, search warrant, or other warrant or civil or criminal process issued by any officer or court of competent jurisdiction for enforcement of this Act. Such person so authorized may search and seize, with or without a warrant, as authorized by law. Any fish, wildlife, property, or item so seized shall be held by any person authorized by the Secretary, the Secretary of the Treasury, or the Secretary of the Department in which the Coast Guard is operating pending disposition of civil or criminal proceedings, or the institution of an action in rem for forfeiture of such fish, wildlife, property, or item pursuant to paragraph (4) of this subsection; except that the Secretary may, in lieu of holding such fish, wildlife, property, or item, permit the owner or consignee to post a bond or other surety satisfactory to the Secretary.

(4) (A) All fish or wildlife or plants taken, possessed, sold, purchased, offered for sale or purchase, transported, delivered, received, carried, shipped, exported, or imported contrary to the provisions of this Act, any regulation made pursuant thereto, or any permit or certificate issued hereunder shall be subject to forfeiture to the United States.

(B) All guns, traps, nets, and other equipment, vessels, vehicles, aircraft, and other means of transportation used to aid the taking, possessing, selling, purchasing, offering for sale or purchase, transporting, delivering, receiving, carrying, shipping, exporting, or importing of any fish or wildlife or plants in violation of this Act, any regulation made pursuant thereto, or any permit or certificate issued thereunder shall be subject to forfeiture to the United States upon conviction of a criminal violation pursuant to section 11(b)(1) of this Act.

(5) All provisions of law relating to the seizure, forfeiture, and condemnation of a vessel for violation of the customs laws, the disposition of such vessel or the proceeds from the sale thereof, and the remission or mitigation of such forfeiture, shall apply to the seizures and forfeitures incurred, or alleged to have been incurred, under the provisions of this Act, insofar as such provisions of law are applicable and not inconsistent with the provisions of this Act; except that all powers, rights, and duties conferred or imposed by the customs laws upon any officer or employee of the Treasury Department shall, for the purpose of this Act, be exercised or performed by the Secretary or by such persons as he may designate.

(f) REGULATIONS.—The Secretary, the Secretary of the Treasury, and the Secretary of the Department in which the Coast Guard is operating, are authorized to promulgate such regulations as may be appropriate to enforce this Act, and charge reasonable fees for expenses to the Government connected with permits or certificates authorized by this Act including processing applications and reasonable inspections, and with the transfer, board, handling, or storage of fish or wildlife or plants and evidentiary items seized and forfeited under this Act. All such fees collected pursuant to this subsection shall be deposited in the Treasury to the credit of the appropriation which is current and chargeable for the cost of furnishing the services. Appropriated funds may be expended pending reimbursement from parties in interest.

(g) CITIZEN SUITS.—(1) Except as provided in paragraph (2) of this subsection any person may commence a civil suit on his own behalf—

(A) to enjoin any person, including the United States and any other governmental instrumentality or agency (to the extent permitted by the eleventh amendment to the Constitution), who is alleged to be in violation of any provision of this Act or regulation issued under the authority thereof; or

(B) to compel the Secretary to apply, pursuant to section 6(g)(2)(B)(ii) of this Act, the prohibitions set forth in or authorized pursuant to section 4(d) or section 9(a)(1)(B) of this Act with respect to the taking of any resident endangered species or threatened species within any State.

The district courts shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to enforce any such provision or regulation, as the case may be. In any civil suit commenced under subparagraph (B) the district court shall compel the Secretary to apply the prohibition sought if the court finds that the allegation that an emergency exists is supported by substantial evidence.

(2) (A) No action may be commenced under subparagraph (1) (A) of this section—

(i) prior to sixty days after written notice of the violation has been given to the Secretary, and to any alleged violator of any such provision or regulation;

(ii) if the Secretary has commenced action to impose a penalty pursuant to subsection (a) of this section; or

(iii) if the United States has commenced and is diligently prosecuting a criminal action in a court of the United States or a State to redress a violation of any such provision or regulation.

(B) No action may be commenced under subparagraph (1) (B) of this section—

(i) prior to sixty days after written notice has been given to the Secretary setting forth the reasons why an emergency is thought to exist with respect to an endangered species or a threatened species in the State concerned; or

(ii) if the Secretary has commenced and is diligently prosecuting action under section 6(g)(2)(B)(ii) of this Act to determine whether any such emergency exists.

(3) (A) Any suit under this subsection may be brought in the judicial district in which the violation occurs.

(B) In any such suit under this subsection in which the United States is not a party, the Attorney General, at the request of the Secretary, may intervene on behalf of the United States as a matter of right.

(4) The court, in issuing any final order in any suit brought pursuant to paragraph (1) of this subsection, may award costs of litigation (including reasonable attorney and expert witness fees) to any party, whenever the court determines such award is appropriate.

(5) The injunctive relief provided by this subsection shall not restrict any right which any person (or class of persons) may have under any statute or common law to seek enforcement of any standard or limitation or to seek any other relief (including relief against the Secretary or a State agency.)

(h) COORDINATION WITH OTHER LAWS.—The Secretary of Agriculture and the Secretary shall provide for appropriate coordination of the administration of this Act with the administration of the animal quarantine laws (21 U.S.C. 101–105, 111–135b, and 612–614) and section 306 of the Tariff Act of 1930 (19 U.S.C. 1306). Nothing in this Act or any amendment made by this Act shall be construed as superseding or limiting in any manner the functions of the Secretary of Agriculture under any other law relating to prohibited or restricted importations or possession of animals and other articles and no proceeding or determination under this Act shall preclude any proceeding or be considered determinative of any issue of fact or law in any proceeding under any Act administered by the Secretary of Agriculture. Nothing in this Act shall be construed as superseding or limiting in any manner the functions and responsibilities of the Secretary of the Treasury under the Tariff Act of 1930, including, without limitation, section 527 of that Act (19 U.S.C. 1527), relating to the importation of wildlife taken, killed, possessed, or exported to the United States in violation of the laws or regulations of a foreign country.

ENDANGERED PLANTS

SEC. 12. The Secretary of the Smithsonian Institution, in conjunction with other affected agencies, is authorized and directed to review (1) species of plants which are now or may become endangered or threatened and (2) methods of adequately conserving such species, and to report to Congress, within one year after the date of the enactment of this Act, the results of such review including recommendations for new legislation or the amendment of existing legislation.

CONFORMING AMENDMENTS

SEC. 13. (a) Subsection 4(c) of the Act of October 15, 1966 (80 Stat. 928, 16 U.S.C. 668dd(c)), is further amended by revising the second sentence thereof to read as follows: "With the exception of endangered species and threatened species listed by the Secretary pursuant to section 4 of the Endangered Species Act of 1973 in States wherein a cooperative agreement does not exist pursuant to section 6(c) of that Act, nothing in this Act shall be construed to authorize the Secretary to control or regulate hunting or fishing of resident fish and wildlife on lands not within the system."

(b) Subsection 10(a) of the Migratory Bird Conservation Act (45 Stat. 1224, 16 U.S.C. 715i(a)) and subsection 401(a) of the Act of June 15, 1935 (49 Stat. 383, 16 U.S.C. 715s(a)), are each amended by striking out "threatened with extinction," and inserting in lieu thereof the following: "listed pursuant to section 4 of the Endangered Species Act of 1973 as endangered species or threatened species,".

(c) Section 7(a)(1) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601—9(a)(1)) is amended by striking out:

"THREATENED SPECIES.—For any national area which may be authorized for the preservation of species of fish or wildlife that are threatened with extinction."

and inserting in lieu thereof the following:

"ENDANGERED SPECIES AND THREATENED SPECIES.—For lands, waters, or interests therein, the acquisition of which is authorized under section 5(a) of the Endangered Species Act of 1973, needed for the purpose of conserving endangered or threatened species of fish or wildlife or plants."

(d) The first sentence of section 2 of the Act of September 28, 1962, as amended (76 Stat. 653, 16 U.S.C. 460k–1), is amended to read as follows:

"The Secretary is authorized to acquire areas of land, or interests therein, which are suitable for—

"(1) incidental fish and wildlife-oriented recreational development,

"(2) the protection of natural resources,

"(3) the conservation of endangered species or threatened species listed by the Secretary pursuant to section 4 of the Endangered Species Act of 1973, or

"(4) carrying out two or more of the purposes set forth in paragraphs (1) through (3) of this section, and are adjacent to, or within, the said conservation areas, except that the acquisition of any land or interest therein pursuant to this section shall be accomplished only with such funds as may be appropriated therefor by the Congress or donated for such purposes, but such property shall not be acquired with funds obtained from the sale of Federal migratory bird hunting stamps."

(e) The Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407) is amended—

(1) by striking out "Endangered Species Conservation Act of 1969" in section 3(1)(B) thereof and inserting in lieu thereof the following: "Endangered Species Act of 1973";

(2) by striking out "pursuant to the Endangered Species Conservation Act of 1969" in section 101(a)(3)(B) thereof and inserting in lieu thereof the following: "or threatened species pursuant to the Endangered Species Act of 1973";

(3) by striking out "endangered under the Endangered Species Conservation Act of 1969" in section 102(b)(3) thereof and inserting in lieu thereof the following: "an endangered species or threatened species pursuant to the Endangered Species Act of 1973"; and

(4) by striking out "of the Interior such revisions of the Endangered Species List, authorized by the Endangered Species Conservation Act of 1969," in section 202(a)(6) thereof and inserting in lieu thereof the following: "such revisions of the endangered species list and threatened species list published pursuant to section 4(c)(1) of the Endangered Species Act of 1973".

(f) Section 2(1) of the Federal Environmental Pesticide Control Act of 1972 (Public Law 92–516) is amended by striking out the words "by the Secretary of the Interior under Public Law 91–135" and inserting in lieu thereof the words "or threatened by the Secretary pursuant to the Endangered Species Act of 1973".

REPEALER

SEC. 14. The Endangered Species Conservation Act of 1969 (sections 1 through 3 of the Act of October 15, 1966, and sections 1 through 6 of the Act of December 5, 1969; 16 U.S.C. 668aa—668cc–6), is repealed.

AUTHORIZATION OF APPROPRIATIONS

SEC. 15. Except as authorized in section 6 of this Act, there are authorized to be appropriated—

(A) not to exceed $4,000,000 for fiscal year 1974, not to exceed $8,000,000 for fiscal year 1975 and not to exceed $10,000,000 for fiscal year 1976, to enable the Department of the Interior to carry out such functions and responsibilities as it may have been given under this Act; and

(B) not to exceed $2,000,000 for fiscal year 1974, $1,500,000 for fiscal year 1975 and not to exceed $2,000,000 for fiscal year 1976, to enable the Department of Commerce to carry out such functions and responsibilities as it may have been given under this Act.

EFFECTIVE DATE

SEC. 16. This Act shall take effect on the date of its enactment.

MARINE MAMMAL PROTECTION ACT OF 1972

SEC. 17. Except as otherwise provided in this Act, no provision of this Act shall take precedence over any more restrictive conflicting provision of the Marine Mammal Protection Act of 1972.

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the title of the bill, and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the amendment of the House to the title of the bill, insert the following: "An Act to provide for the conservation of endangered and threatened species of fish, wildlife, and plants, and for other purposes."

And the House agree to the same.

LEONOR K. SULLIVAN,
JOHN D. DINGELL,
GEORGE A. GOODLING,
Managers on the Part of the House.

PHILIP A. HART,
JOHN V. TUNNEY,
TED STEVENS,
FRANK E. MOSS,
MARLOW W. COOK,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1983) to provide for the conservation, protection, restoration, and propagation of threatened and endangered species of fish, wildlife, and plants, and for other purposes submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The House struck out all of the Senate bill after the enacting clause and inserted a substitute amendment. The committee of conference has agreed to a substitute for both the Senate bill and the House amendment. Except for technical, clarifying and conforming changes, the following statement explains the resolution of differences between the Senate bill and the House amendment thereto.

PROVISIONS OF THE CONFERENCE SUBSTITUTE

Section 3. Definitions

The Senate bill contained language defining the term 'conservation and management" as these concepts relate to endangered species: the House bill did not. In view of the varying responsibilities assigned to the administering agencies in the bill, the term was redefined to include generally the kinds of activities that might be engaged in to improve the status of endangered and threatened species so that they would no longer require special treatment. The concept of conservation covers the full spectrum of such activities: from total "hands-off" policies involving protection from harassment to a careful and intensive program of control. In extreme circumstances, as where a given species exceeds the carrying capacity of its particular ecosystem and where this pressure can be relieved in no other feasible way, this "conservation" might include authority for carefully controlled taking of surplus members of the species. To state that this possibility exists, however, in no way is intended to suggest that this extreme situation is likely to occur—it is just to say that the authority exists in the unlikely event that it ever becomes needed.

The Senate added an exception allowing an exclusion from the protection provided by the Act where an otherwise endangered or threatened species of insect presented an overwhelming and overriding risk to man; the House had no such exception. The conferees accepted the Senate language with a technical change, acknowledged that the likelihood of this exception ever being used was vanishingly small but being unwilling to tie the Secretary's hands if such an unlikely event were ever to come to pass.

Also added to the section was a new definition of "commercial activity", to delineate the types of activities which would qualify for special treatment under the Act. It includes trades and exchanges of animals or products from those animals wherever those trades or exchanges are undertaken in the pursuit of any gain or profit.

There was considerable discussion in the conference as to the proper assignment of responsibilities between the Departments of Commerce and the Interior with respect to marine species, general authority for the management of which had been transferred to the Department of Commerce under Reorganization Plan No. 4 of 1970. The roles of the Departments had not been specifically set out in either bill, whereas the legislative history of the bills included much language that was ambiguous and some that was contradictory. The conferees resolved the issue by placing general management and regulatory responsibility for such species in the Department of Commerce, in most respects parallel to that which has resided in the Interior Department for other species of fish and wildlife.

The physical act of maintaining the list is in the Department of the Interior. That Department continues to be solely responsible for determining of status of species not assigned to Commerce under the 1970 Reorganization Plan. If Commerce concludes that any species under its authority should be put on the list of endangered or threatened species, or that any such species now listed as threatened should be relisted as endangered, it may take the necessary steps under Section 4 and then inform the Secretary, who will promptly and automatically revise the lists under his control. If Commerce concludes, on the other hand, that species should be taken off the present or any later list or changed in status from endangered to threatened, it must so recommend to Interior, after having taken the necessary procedural steps; Interior may concur, in which case the lists will be revised accordingly, or it may disagree, in which case no action will be taken unless and until the deadlock is subsequently broken.

The Secretary of the Interior will continue to have sole authority to designate ports of entry under Section 9(f) of the bill and to handle the processing of imported and exported goods. It is expected that there will be adequate coordination with the Department of Commerce in order to see that no violations of the law will take place with respect to the species over which Commerce has jurisdiction. The Secretary of the Interior will also continue to have sole responsibility for the responsibilities outlined in Section 5 of the Act, dealing with land acquisition with funds from the Land and Water Conservation Act. In all other respects, the responsibilities and authorities for different species will be controlled by the 1970 Reorganization Plan, except insofar as the agencies may themselves later elect to adjust their responsibilities by mutual agreement. When and if a Department of Natural Resources is ever created, then of course these two lines of authority will merge and this problem will cease to exist. In this regard, the conferees expect that every effort will be made by both agencies, and indeed all agencies of government, to eliminate wasteful duplication of effort and unnecessary dual regulatory programs.

Section 4. Determination of endangered species and threatened species

Prior to determining the status of a given species, both bills require the Secretary to engage in extensive consultations with all affected parties. In addition the Senate bill required consultation with a special Advisory Committee created for that purpose; the House had no such body. The conferees agreed upon language which eliminated the need for such a body, by requiring special notification of the Governor of each state within which the species under consideration is then known to occur, simultaneous with public notification that such a review was in process, and requiring a minimum of 90 days for the state to respond unless that period was shortened.

If a given species were found and taken in two or more states, each state should be consulted; in the case of an emergency the Secretary could, upon the agreement of all, or with respect to any individual state with the consent of the Governor of that state, declare the existence of that emergency and publish appropriate regulations, as provided in the regulations subsection. The comments of the state would have to be published in summary form prior to the time the Secretary made his final determination.

The Senate bill followed in part and differed in part from the otherwise controlling Administrative Procedures Act; the House bill did not discuss the issue and thereby adopted the APA. Some apprehensions were expressed by the enforcement agencies that the variations required from normal practice might make day-to-day operations extremely complicated. While little disagreement was expressed in conference as to the ultimate objectives of the Senate provision of notice of proposed actions, coupled with an opportunity for full public participation, the means which had been proposed was criticized as unnecessarily cumbersome.

The conferees rewrote Section 9 of the Senate bill and included it as subsection 4(f). The new subsection extends the period of public notice, provides for discretionary hearings, and establishes procedures whereby emergency action may be taken for a short period, which period may be extended only if the Secretary later goes through the prescribed regulatory procedures. The subsection also requires the Secretary to state in detail the basis for proposed regulations, and the reason for denial of requested hearings.

Section 5. Land acquisition

Any effective program for the conservation of endangered species demands that there be adequate authority vested in the program managers to acquire habitat which is critical to the survival of those species. Both the House and the Senate bills provided such authority, but the Senate bill restricted that authority to habitat for fish and wildlife alone. The conferees accepted the House version, which extended the authority to acquire plant habitat, but expect that this authority will be used sparingly, in cases where the needs of the situation are clear. This authority is restricted to the Secretary of the Interior alone, but it is anticipated that he will consult with the Secretary of Commerce in cases involving the marine species over which Commerce has sole jurisdiction under Reorganization Plan No. 4.

Section 6. Cooperation with the States

The House placed the fundamental responsibility for establishing and overseeing an endangered species program in the federal government, but provided for the development of cooperative programs upon agreement with the agencies concerned. The Senate provided for cooperative state and federal programs but gave the initial responsibility to the states in section 16 of its bill.

As finally approved, the Act will have the effect of giving the states fundamental roles with regard to resident species for a given period of time (15 months, or 120 days after adjournment of the first legislative session of any state which commences after passage of the Act). The conferees hope that this device will impel the states to develop strong programs to avoid the alternative of federal preemption.

Following the establishment period, during which it is expected that the states will adjust to the new federal program, the law will apply as it would have under the House bill. Where cooperative agreements are in force, these will of course direct and control the enforcement of endangered and threatened species programs. Where none are then in effect, it will be the responsibility of the states to develop workable programs and to secure cooperative agreements with the Secretary.

Both bills provided for a grant program to enable the states to develop systems for conserving endangered and threatened species. The House bill provided open-ended appropriations whereas the Senate bill authorized the sum of $10 million over a 3½ year period; the House authorized a larger federal share of assistance; and the Senate bill restricted unobligated grant authority to other grant programs under the section. The conferees accepted the Senate version in all respects save that relating to the federal percentage of cost-sharing agreements.

During the establishment period, the states retain authority to regulate the taking of resident endangered and threatened species of fish and wildlife (which are not otherwise covered by treaty or federal law). The only exceptions to this are found where the state has entered into and is operating under a valid cooperative agreement, which then controls, or the state has requested the federal government to extend federal protection to one or more species under the Act, or the Secretary finds that an emergency exists requiring immediate and unilateral action to respond. In this last case, the Secretary has discretion to suspend the state laws for 90 days, or longer if extended pursuant to Section 4(f), pending an agreement on how matters are to be handled in the future.

It should be noted that the successful development of an endangered species program will ultimately depend upon a good working arrangement between the federal agencies, which have broad policy perspective and authority, and the state agencies, which have the physical facilities and the personnel to see that state and federal endangered species policies are properly executed. The grant program authorized by this legislation is essential to an adequate program. Since the federal government is directing new, innovative and perhaps expensive programs, it seems only fair that it should also bear a significant portion of their costs. The conferees wish to make it clear that the grant authority must be exercised if the high purposes of this legislation are to be met.

Section 8. International cooperation

Both bills authorized international endangered species programs but the Senate restricted those programs to countries in which counterpart funds are available, while the House stipulated that where such funds were available, they should be used in preference to appropriated funds under Section 15 of the Act. The Senate receded on this issue.

The House allowed foreign assistance programs which related to plants as well as to fish and wildlife; the Senate bill did not extend to plants. The House receded on this issue.

Section 9. Prohibited acts

Both bills prohibit certain actions which relate to endangered or threatened species, or to products or parts from such species. These prohibitions are carried into the conference bill.

While the House bill extended the prohibitions of the Act to actions of persons subject to U.S. jurisdiction wherever they might occur, the Senate bill did not reach quite so far, since it did not make illegal such actions if performed entirely within one or more foreign countries. The House accepted the Senate bill in the absence of a demonstrated need for such extensive coverage.

The Senate bill restricted the prohibitions of the Act so as not to apply them to species held in captivity or in a controlled environment as of the date of enactment; the House bill was silent on the subject and hence included such animals. As drafted, the Senate language may have made it very difficult, and perhaps even impossible, to enforce the action. The real problems envisioned by the Senate had to do with live animals in captivity, such as zoos and privately-owned animal parks, and the conferees agreed that these animals are rarely transferred for commercial purposes.

The conferees rewrote the provision to create an affirmative defense with respect to noncommercial activities, permitting a qualified person to plead in defense to a charge of violation of the Act that the goods or animals themselves were in their hands or under control on the effective date of the Act. Only persons holding such goods and animals for other than commercial purposes would be enabled to plead this subsection as a defense, such as noncommercial zoos, private collectors of animals and the owners of fur coats and rugs. The section would not apply in the case of later born progeny of animals alive at the time of enactment.

The section was also rewritten in part to clarify the situation with respect to endangered or threatened species of plants. Under the terms of the Convention, this country is obligated to control importations and exportations of plants as well as fish or wildlife. Accordingly the prohibitions of the Act relate, with respect to plants, to import and export situations alone, as well as to associated actions. The determination of what further must be done in connection with internal activities relating to endangered or threatened species of plants must await the outcome of the study to be conducted under Section 12 in the coming year.

Section 10. Exceptions

The Senate bill contained extensive language providing exceptions for certain Alaskan native and nonnative residents, to take endangered or threatened species for purposes of subsistence or for native handicrafts. The House bill provided no similar exception.

The conferees rewrote the section and provided an Alaska native and nonnative exception; the House receded on the basis of the language in Section 6 which would allow the State of Alaska to restrict native and nonnative taking as a part of or independent from a state endangered species program. This appears to meet the principal state objection to special language for groups of citizens, since the state may impose additional restrictions upon those or other groups, if it chooses to do so. The definition of natives is considered to be that contained in the recent Alaska Native Land Claims Settlement Act.

Section 11. Penalties and enforcement

The House bill carried a two-tiered civil penalty provision, with a limit of $10,000 for violations of certain specified requirements, and a lesser penalty for violation of other requirements of a regulatory nature. The Senate followed the same general pattern, but varied the requirements somewhat. The conferees developed new language, subjecting knowing or commercial violators to the full $10,000 penalty, where specified offenses were proven, and to a $5,000 penalty to cases where regulatory violations were proven. A third penalty of $1,000 may be assessed against an ignorant violator, such as a casual hunter or tourist, although the conferees ex-

pect that this penalty will seldom be invoked, coupled as it would be with automatic forfeiture of the goods concerned, unless special circumstances were shown warranting such action by the Secretary. For a casual tourist who bought an item with no hint of its illegality or impropriety, simple forfeiture should prove to be an ample deterrent.

The House bill provided authority to agents of the Secretary to inspect packages and crates upon importation or exportation; the Senate bill did not. This authority is parallel to that which already is exercised by customs agents and which has even been assessed by Interior agents under existing law. The Department of the Interior claims such authority is a practical requirement if the law is to be enforced and that it will be no more abused in the future than it has in the past.

The conferees accepted the House language but stressed that they were prepared to reexamine that decision in the future if it should appear that the authority was being abused.

Section 12. Endangered plants

While the Act, as finally approved, is broad enough to comply fully with this country's obligations under the recently approved Convention, it was felt that further efforts should be undertaken to ensure adequate controls upon interstate commerce in endangered species of plants, as well. Both bills provided for a study of the problems, with recommendations as to how best to proceed to come from the agency charged with responsibility for the study. The conferees accepted the House version, which assigned this function to the Smithsonian, as an institution with no bias in the eventual outcome of the study.

Section 15. Authorization of Appropriations

Both bills carried authorization authority for a three-year period, ending with fiscal year 1976. The House ceiling was somewhat higher than the Senate ceiling, and divided the authorizations between the two departments principally concerned. The conferees accepted the House ceilings, but assigned $2 million of the authorizations which had originally been earmarked for the Interior Department for fiscal year 1974 to the Commerce Department for the same year.

Section 17. Marine Mammal Protection Act of 1972

The Senate bill contained a section which stated that, wherever a conflict between the Endangered Species Act and the recent Marine Mammal Protection Act might occur, the stricter of the two will prevail. This would allow, for example, state regulation of the taking of marine mammals, once these were declared endangered or threatened, without the state having a fully approved marine mammal program, as it would otherwise be required to do under the Marine Mammal Protection Act. The House accepted the Senate provision.

Kentucky National Forest Road

The Senate bill contained a section added on the Floor by Senator Cook which would have had the effect of prohibiting the construction of a public road through the Pioneer Weapons Hunting Area in the Daniel Boone National Forest. Opponents of the road fear that its construction will do irreparable damage to the area and urge the construction of a more expensive road to go around the Hunting Area. Proponents of the road respond that it will not destroy the character of the area and will be desirable. The House recently adopted an amendment to the Water Resources Development Act which, if enacted, would allow construction of the road after public review of the final NEPA environmental impact statement.

In light of the considerable controversy on the subject, the conferees felt that this issue ought not to be resolved by inclusion of this section in the bill, but that it would be more appropriate for full hearings to be held on the question by the proper Committees of Congress. Accordingly the section was stricken from the bill with the understanding and hope that such hearings might be expeditiously completed.

LEONOR K. SULLIVAN,
JOHN D. DINGELL,
GEORGE A. GOODLING,
Managers on the Part of the House.

PHILIP A. HART,
JOHN V. TUNNEY,
TED STEVENS,
FRANK E. MOSS,
MARLOW W. COOK,
Managers on the Part of the Senate.

PERMISSION FOR COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE TO FILE A CONFERENCE REPORT ON S. 2589, EMERGENCY PETROLEUM ACT

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tonight to file a conference report on the Senate bill S. 2589, to provide for the development of contingency plans for reducing petroleum consumption.

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

There was no objection.

LEGISLATIVE PROGRAM FOR THE REMAINDER OF THE WEEK OF DECEMBER 17, 1973

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

Mr. RHODES. Mr. Speaker, I ask for this time in order to inquire of the distinguished majority leader as to the program for tomorrow and also as to the remainder of this week.

Mr. O'NEILL. Mr. Speaker, will the distinguished minority leader yield?

Mr. RHODES. I yield to the distinguished majority leader.

Mr. O'NEILL. Mr. Speaker, if the gentleman has no objection, I would like first to make some unanimous-consent requests.

HOUR OF MEETING ON THURSDAY, DECEMBER 20, 1973

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it stands adjourned to meet at 10:30 a.m. tomorrow morning, Thursday, December 20, 1973.

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

There was no objection.

AUTHORIZING THE SPEAKER TO DECLARE RECESSES DURING THE BALANCE OF THE WEEK OF DECEMBER 17, 1973

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that for the balance of this week, it be in order for the Speaker to declare recesses at any time, subject to the call of the Chair.

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

There was no objection.

MAKING IN ORDER CONSIDERATION OF CONFERENCE REPORTS ON SAME DAY REPORTED DURING THE BALANCE OF THE WEEK OF DECEMBER 17, 1973

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that during the remainder of this week it shall be in order to consider conference reports on the same day reported, notwithstanding the provisions of clause 2 of rule XXVIII.

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

There was no objection.

Mr. O'NEILL. Mr. Speaker, I take this opportunity to announce that it is our intention to consider tomorrow under suspension of the rules, H.R. 8449, the flood insurance bill, and concur with the Senate amendment with an amendment.

I am sure that, with the amendment, this will take care of the problems that some of the Members of the Congress have spoken to us about.

I am directing my remarks to the gentleman from Iowa. I think that he is satisfied with it.

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

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

Mr. GROSS. Mr. Speaker, I appreciate very much the announcement that the distinguished majority leader has just made.

However, I would like to ask the gentleman if it is his intention to work to the end that we adjourn sine die tomorrow evening?

Mr. O'NEILL. Mr. Speaker, I am on the time of the minority side, and if I may follow along with the inquiry of the gentleman, I will be delighted with that.

Mr. Speaker, I thank the gentleman.

Mr. Speaker, we have left for the remainder of the session the following items:

I would anticipate that the flood insurance bill will be called tomorrow.

The following legislation is left to be completed, either tomorrow or on early Friday, and I would hope we could complete them tomorrow.

These are all conference reports:

Department of Defense appropriations for fiscal year 1974;

Foreign assistance appropriations for fiscal year 1974;

The National Emergency Energy Act; and the conference, I understand, has just asked for permission to file;

The Northeast Railroad Assistance Act, on which I understand the conference has reported.

Then we will consider House Resolution 11088, emergency security assistance for Israel, which possibly could be back tomorrow.

However, it is my understanding that the Senate is going to accept the House bill, and so there is a great probability this may not have to be acted on.

Then we will consider the Comprehensive Manpower Act, which is also a conference report.

Then we will consider the social security increase bill. They have been meeting in conference, and I really cannot respond as to what is taking place concerning the social security increase.

Mr. Speaker, I would then presume, with these matters out of the way, the final item that would be left for the House to dispose of would be the supplemental appropriations conference report, which was recommitted today.

That is the entire legislative program for the week. We will have a sine die adjournment until the date of our return on January 21.

I would anticipate, if we want to stay with this until late tomorrow evening, we could finish it. That would be subject to a discussion amongst the leadership. Or else we may go into Friday and adjourn then.

However, that is the entire program as I understand it.

Mr. HALEY. Will the gentleman yield?

Mr. RHODES. If I have any time left, I will be glad to yield to the gentleman from Florida.

Mr. HALEY. May I inquire as to what you think of the situation? Can we get away here tomorrow or Friday night or when? A lot of us have commitments.

Mr. O'NEILL. May I say to the distinguished gentleman from Florida I have a 6:55 p.m. plane to Boston tomorrow night which I will probably cancel in the morning and hope that I can make a reservation for Friday. I have every expectation we can be through at a reasonable hour on Friday.

Mr. HALEY. If the gentleman will yield further, as far as I am concerned, I would be glad to stay here tomorrow and I will be glad to stay here until Friday afternoon, but I think we should get away from here and get back to our congressional districts at least sometime after Friday. If the gentleman can assure me we will get out of here at whatever time we can——

Mr. O'NEILL. All I can say to the gentleman from Florida is there is nothing along that line I will do to prevent it. As a matter of fact, I will be in there pushing as hard as I possibly can.

Mr. HALEY. I thank the gentleman very much, and I hope he can get his plane tomorrow afternoon.

Mr. GROSS. Will the gentleman yield?

Mr. RHODES. I will yield if I have any time left.

Mr. GROSS. I only wish to say that I am glad the distinguished majority leader of the other body set October 15 as the adjournment date, because if he had not done that, I am sure we would have been finished in this session about next Easter.

Mr. O'NEILL. In response to the gentleman, I have always said there were two parties in this House—the good fellows and the other fellows—and I want the gentleman to know he and I are still on the same side.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 9142

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that the managers on the part of the House have permission to file a conference report on the bill (H.R. 9142) to restore, support, and maintain modern, efficient rail service in the northeast region of the United States; to designate a system of essential rail lines in the northern region; to provide financial assistance to certain rail carriers; and for other purposes, by midnight tonight.

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

There was no objection.

WITH BLEAK OUTLOOK AHEAD CONGRESS MUST CONSIDER LEGISLATION TO PREVENT RECURRENCE OF THE 1930'S

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

Mr. HANLEY. Mr. Speaker, I am very heavy-hearted this afternoon as I rise to share some thoughts with my colleagues on the future of the American economy. I have never considered myself a prophet of doom and gloom, but the situation looks so bleak for the months ahead, that I would be remiss if I did not express my pessimism about where we are headed.

The energy crunch, which we are just beginning to experience with some severity, is the icing on the cake. The ingredients of our economic faltering are far broader and far less apparent. Not the least of these ingredients is a growing malaise in our society, a growing distrust of the instruments and the instrumentalities of our Government. This, in turn, has seriously battered the confidence of the American people; and, of course, shaken confidence, whether justified or not, has its first impact on the economy. Investors will not invest; producers will not produce; distributors will not distribute, and buyers will not buy unless they have confidence in the future of the economy. We have already heard the rumblings of recession. Automobile dealers by the thousands across the Nation are up against the wall. Hundreds of thousands of small businesses cannot get supplies; construction is down; tourism is way off; and the ceiling on prices is so shot through with loopholes that it looks like a giant piece of swiss cheese.

As bleak as this picture looks, however, there is one ray of hope, and that is the indomitable American spirit, that mystical capacity to meet adversity face on and master it. But that spirit has to be mustered and nurtured by America's leaders, most importantly, the President of the United States and the Congress. We have a solemn obligation to the people who sent us to Washington, and to our own consciences, to provide the framework for economic stability. Bearing this burden squarely in mind, I want at this time to offer a few pointed suggestions for this body to consider in the early weeks and months ahead.

Most of the Members of the House can remember with painful clarity the ravages of the great depression. None of us ever wants to witness again the demoralizing and paralytic impact that economic collapse brought in its wake. I propose that the Congress, immediately upon reconvening in January, take up the question of legislation aimed at preventing a recurrence of the 1930s. I propose that we enact legislation patterned after the old Reconstruction Finance Corporation, which will help to carry hundreds of thousands of businesses over the hump in the next year or two. We know how beneficial the original RFC was in putting business back on its feet; but the hard plain fact was the RFC was after the fact. It was curative rather than preventive. The impact of such legislation would, I believe, be twofold. First, it would provide a buffer against what almost surely promises to be a rough year for most businesses, thereby saving millions upon millions of American jobs; and second, it would reassure the American people that their Government had not been, as Franklin Roosevelt said, "frozen in the ice of its own indifference."

The second feature of this package, Mr. Speaker, is an extension and broadening of the Emergency Public Employment Act. Just as surely as we are here today, many business enterprises are going under in the next few months no matter what the Government does. The telegraphic impact this will have into the labor market could prove disastrous unless we act to prevent it. We have used this vehicle satisfactorily in the past and we can do it again. Congress must take the initiative.

Mr. Speaker, I am hopeful that my predictions are more dire than the future really will be. I remain hopeful that we can get over the economic crunch with a minimum of instability. But I feel we have to be ready for the worst. The significant value of this preparatory legislation is that it might never have to be used, but it will be there. Let us face it, America got caught in the great depression; let us not make the same mistake again.

Let us begin now to provide the American people with preventive tools. Let us provide the vehicles whereby the Government can move swiftly and smoothly to avert an economic collapse. And most of all, let us provide a rallying point for the American dream. It is not too late today, but it might be in 6 months.

EQUAL JUSTICE FOR THE RICH AND THE POOR, THE BLACK AND THE WHITE: WHEN?

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

Mr. KOCH. Mr. Speaker, yesterday in the city of New York 646 individuals were charged as welfare cheats—100 of these individuals were actually arrested and appeared in the criminal court of the city of New York where they were fingerprinted, booked, and later arraigned on felony and misdeameanor charges. They were charged with having fraudulently received welfare payments in the total amount of $250,000. If the charges are proved they should indeed suffer the consequences of having defrauded the government.

There is not a Member of Congress who would not agree with my statement. And there are many Members of Congress who will undoubtedly point to the alleged welfare cheats and talk about government giveaway programs and how we have to crack down on those receiving welfare.

At the same time there are few Members of Congress who are willing to point the same kind of denouncing finger at the wheat farmers who this year have received one-half billion dollars in oversubsidization payments by the Department of Agriculture. Our distinguished colleague, SIDNEY YATES of Chicago, brought this matter to the attention of the House and pointed out that:

Subsidies were paid last summer on the basis of the then current rate of $2.40 per bushel. Subsequently, at least in part because of massive grain exports, prices soared to $3.99 per bushel, but by then massive preliminary payments had already been made. The Agriculture Department passes it all off as a simple "misjudgment" and has cited a part of the agricultural act which stipulates that farmers do not have to return overpayments to the Government.

How many Members in this House have received letters from elderly constituents who received, without any fraud on their part, a social security overpayment, spent it without knowing that they were not entitled to it, and then were hounded month after month by the Social Security Administration for a return of the moneys? In many cases the money is deducted from the recipient's meager current monthly social security allowance.

Why should wheat farmers not be required to return the overpayments made to them which total one half billion dollars? Are wheat farmers to be treated more advantageously than the elderly citizens of our country who are not able to maintain even minimum living standards on the existing social security payments?

Regrettably we must face the fact that there are different standards of justice in our country and too often the rich and powerful are protected by our laws while the poor and defenseless are harrassed. Until we have one standard of justice affecting the rich and the poor, the white and the black, we have no justice.

END OF SESSION REPORT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. SMITH) is recognized for 5 minutes.

Mr. SMITH of Iowa. Mr. Speaker, on December 4 of this year I placed in the RECORD a summary of legislation passed by Congress, as of that time. In order to provide a complete summary, I wish to describe additional measures passed by Congress, or pending for further action.

ENERGY CRISIS

In 1970 a House subcommittee, of which I am chairman, held the first congressional hearings on the energy crisis and warned in a report that immediate action we needed to prevent what would, within a few years, become an energy crisis. Among the recommendations in that report were the following:

First, that a single Federal agency be designated the responsibility, authority, and jurisdiction to establish a national energy policy directed at the production and efficient use of our country's total energy resources;

Second, that action be taken to increase the production of all energy sources;

Third, that the mandatory oil import quota program be changed to provide a continuing adequate supply of fuel;

Fourth, that the President suspend the operation of the Connally Hot Oil Act under authority contained in 15 U.S.C. 715(d);

Fifth, that the Canadian crude oil and finished petroleum products import quotas be eliminated;

Sixth, the import quota on No. 2 fuel oil be suspended;

Seventh, that import quotas on residual oil be suspended;

Eighth, that the Office of Emergency Preparedness institute procedures to expedite the distribution of oil export quota tickets;

Ninth, that the Interstate Commerce Commission take whatever action is necessary to insure that transportation will be available to move coal from mines to final destination; and

Tenth, that the Department of the Interior and other agencies establish long-term projections on future coal usage and assure that adequate production facilities will be available to handle future needs.

Thereafter my subcommittee held hearings and made investigations and issued several more reports reiterating these warnings and refining the recommendations of action needed but neither the administration nor most of the American people would believe that such a severe situation was developing. As late as 1 year ago, a chief administration spokesman, OEP Deputy Elmer Bennett, stated:

We have enough of a refinery capacity today, but . . . problems . . . could arise 2, 3, 4, years from now.

Finally both the administration and the Congress are convinced that we must become more self-sufficient and catchup actions of various kinds are now being taken. Many of them are temporary and are very disruptive of our normal distribution system and the freedoms of individuals generally.

Public Law 93–28 and Public 93–159 authorized the President to establish priorities and allocations of certain petroleum products.

Public Law 93–97 provided $10.6 million to fund research in nuclear, solar and geothermal energy but so far the administration has not used those funds. An Emergency Energy Act provides broad authority for energy conservation and to encourage or direct some utilities and big industries to use coal instead of gas and oil. Had this been done 2 years ago, many of them would not have converted from coal to oil.

Public Law 93–153 permits construction of the trans-Alaskan oil pipeline.

Public Law 93–182 provides daylight savings time on a year-round basis for a 2-year period.

Public Law 93– sets a 55 mile per hour maximum speed limit for all vehicles. The President had proposed 50 miles per hour for autos and 55 miles per hour for trucks and buses.

Various other bills dealt with research and development programs and the establishment of new agencies or transfers of authority deemed necessary to administer these laws.

SOCIAL SECURITY

Public Law 93–66 increases social security benefits by 5.9 percent effective June 1, 1974. Other bills provide a total of an additional 11 percent have passed both the House and Senate and I feel sure will become law and effective about that same time.

VETERANS

Public Law 93–177 provides for an increase of at least 10 percent in non-service-connected disability veterans pensions.

FOREIGN AID

Congress continued the foreign aid program, but at a funding level considerably below the administration's request.

Public Law 93– provides an emergency authorization of $2.2 million for Israel to help replace equipment destroyed in the Mideast war.

GENERAL GOVERNMENT

Public Law 93–113 establishes ACTION as a consolidated agency to administer such volunteer programs as VISTA and extends the authority for the programs through 1976.

Public Law 93–190 authorizes the Senate Watergate Committee to sue in Federal court to secure information from the White House. President Nixon was against the bill but let it become law without his signature.

VICE-PRESIDENCY

Acting for the first time under the 25th amendment to the Constitution, the House and Senate confirmed the nomination of GERALD R. FORD to be Vice President. He was nominated by President Nixon after former Vice President Agnew resigned.

ELECTION REFORM

High on the agenda next session will be proposals for Presidential campaign financing reform. The Watergate disclosures have increased support for financing with public funds to prevent the dangers which accompany vast contributions by a few individuals. Such legislation may pass next year.

COMMODITY EXCHANGES

There has been a vast increase in the volume of business done by commodity futures markets. It now stands at nearly $400 billion per year or nearly twice the volume conducted by the stock exchanges. These commodity exchanges are supposed to provide a place where producers, country elevators and others can hedge or reduce their risk as they plan and invest in the production, marketing, or utilization of commodities. Excessive speculation, squeezes, or manipulations can result in increased risk instead of reduced risk. A commodity exchange agency is supposed to monitor and police these markets, but a House subcommittee, of which I am chairman, held extensive hearings into their operation and found that they had not been doing an adequate job both because they needed additional authority and also because they had not fully used the authority they now have. We prodded them into being more active and I am sponsoring a bill, H.R. 11195, to provide the additional regulatory authority needed and set up an independent Commodity Exchange Commission. I believe this legislation will pass early next session.

TRANSPORTATION

Production has been increasing faster than the ability to transport these prod-

ucts around the country. In my opinion, a transportation crisis has been building up and is a serious problem which we must face more realistically in the future.

H.R. 9142 passed the House and Senate and I am sure will be signed into law. It started out as a Northeastern Railroad Federal assistance bill. Many people seem to believe that all the transportation problems in the country are centered in the Northeast. The bill as passed includes an amendment which I promoted to extend benefits of the legislation to the Midwest and specifically for the purpose of permitting a loan to the Rock Island and a few other railroads which have a serious capital flow problem but should become a profitable operation in the future.

PASSED CONGRESS

Listed below are bills which passed Congress at the very end of the session. These may or may not be signed into law by the President.

S. 1435 would provide a home rule charter to the District of Columbia.

S. 2482 would increase the Small Business Administration's lending authority, would expand the disaster loan program and would make it a crime to improperly influence the awarding of a SBA loan.

S. 14 would improve medical care by providing Federal assistance for health maintenance organizations, or HMO's.

S. 1559 would authorize assistance to State and local agencies for comprehensive manpower training programs and would authorize a program of public service jobs to combat unemployment.

PENDING LEGISLATION

Below are bills which have not cleared Congress in final form. After passing both Houses, bills go to a conference committee to resolve differences in the two versions.

H.R. 10710—passed House, pending in Senate—would provide the President with 5-year authority, under certain limitations, to negotiate new trade agreements.

H.R. 7824—passed House, pending in Senate—would establish an independent legal services corporation to replace the program now under the Office of Economic Opportunity.

H.R. 7130—passed House, pending in Senate—would set up a Legislative Budget Office and make other provisions to improve congressional control over budgeting outlays and receipts.

S. 373—pending in conference committee—would place restrictions on the authority President Nixon claims he has to impound congressional authority.

VETOED BILLS

Under the Constitution, a bill vetoed by the President can become law only if two-thirds of the Members in the House and Senate vote to override the veto. As a practical matter, it is very difficult to achieve such a majority. The following bills failed to become law this session after being vetoed by the President.

H.R. 7447, the second supplemental appropriations bill, which included a provision for an immediate end to U.S. military action in Indochina.

S. 7, which would have extended and improved programs for the handicapped.

H.R. 3298, which would have restored the program for grants to build water and sewer systems in rural communities. The program had been terminated by the administration.

S. 518, which would have required Senate confirmation of present and future Directors of the Office of Management and Budget.

S. 504, which would have set up emergency health care service programs and kept open Public Health Service hospitals.

H.R. 7935, which would have increased the minimum wage, by stages, from $1.60 to $2.20 an hour.

S. 1672, which would have increased small business assistance, provided for more disaster loan aid and banned sex discrimination in certain areas.

S. 1317, which authorized funds for the U.S. Information Agency and which contained a provision conflicting with President Nixon's concept of executive privilege.

Also, President Nixon vetoed the so-called war powers bill, but Congress passed it into law over his veto.

APPROPRIATIONS

It is estimated that the final amount appropriated by Congress this session will be about $2.8 billion below what was requested by the administration. The exact figure will not be available until all appropriations bills become law.

The reduction was achieved by trimming down the military and foreign aid programs more than the amount required to restore funds for domestic purposes, mainly health, education, and welfare.

CHARITIES IN A PLURALISTIC SOCIETY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. CONABLE) is recognized for 5 minutes.

Mr. CONABLE. Mr. Speaker, under present law, a charity loses its tax exemption and its qualification to receive deductible contributions if it engages in substantial legislative activity. This rule largely forecloses communication by charitable groups with city and county councils, State legislatures, and Congress. In contrast, the tax laws grant a great many classes of noncharitable organizations broad latitude to apply tax deductible or tax exempt funds to the influencing of legislation. Businesses, labor unions, trade associations, veteran groups, fraternal societies, and others may use such funds to support legislative activity.

The past several years have seen broad bipartisan efforts to reduce this discrepancy by relaxing somewhat the tax restrictions on public charities' participation in discussions of legislative matters. A number of different bills have been introduced with that goal. The Ways and Means Committee held hearings on the subject last year and again this spring. These hearings revealed difficulties with the measures previously introduced.

Today along with five other members of the Ways and Means Committee I am introducing a modification of the previous measure. By doing so I hope to indicate to the charities that we are interested in their problem and want to try to work something out. The bill will protect the right of public charities to communicate with their own membership in matters of legislative interest and to elect an expenditures test for some types of lobbying activities. None of the sponsors considers himself "cast in brass" with this particular bill. Rather, our purpose in sponsoring it is to try to bring about some movement in a necessary area of legislation.

The role of the charities in a pluralistic society—something we are all dedicated to—is constructive and the charities should not be muzzled. While some restraint on their lobbying activities may be necessary, the restraint imposed by the uncertainty resulting from the present situation is almost complete. We should do something about this and the bill we are introducing today provides a reasonable course for action.

SCHOOLBUS SAFETY: SOME TIMELY ARTICLES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. YOUNG) is recognized for 5 minutes.

Mr. YOUNG. of Illinois. Mr. Speaker, the Subcommittee on Commerce and Finance of the Committee on Interstate and Foreign Commerce, on which I serve, has been conducting hearings on the need for improved safety laws pertaining to schoolbuses. We hope to have legislation ready shortly for presentation to the House.

In the meantime, Charles Nicodemus, a reporter for the Chicago Daily News, has prepared two well-documented and timely articles on the subject of school bus safety for his newspaper's "Insight" column. They appeared on December 10 and 11. I insert these articles in the RECORD for the benefit of my colleagues and in support of the need for improved schoolbus safety.

SCHOOLBUS SAFETY: DEADLY MYTH—FAULTY STATISTICS HIDE ALARMING RISE IN ACCIDENTS DUE TO POOR INSPECTION, IGNORING OF BASIC RULES

(By Charles Nicodemus)

When peppery, handsome Jeffery Kaiserman, 9, stepped out into the street from behind the school bus that had just dropped him across from his Skokie home, he was struck by a taxicab and thrown more than 100 feet.

He died minutes later in the arms of his anguished, outraged father—killed just as surely by the inaction of the state of Illinois and the federal government as by the taxicab that was driven by an 18-year-old Evanston youth with three speeding convictions.

The story of Jeffery Kaiserman's death six weeks ago is the story of an accident that never should have been.

It happened largely because riding in a schoolbus had been widely touted as the safest form of motorized transportation.

In reality, school bus accidents in Illinois are soaring. Accidents have more than doubled, and deaths tripled since 1968—although the statistics are mostly hidden from the public. The same situation almost certainly prevails nationwide.

Under Illinois regulations governing school bus operations, Jeffery Kaiserman ordinarily would have been let out of the bus on the same side of the street as his home at 3645 Davis, if possible. There was nothing to prevent it. But he was not.

Alternatively, when crossing to his house under the driver's watchful eye, he should have walked up the curb 10 feet in front of the bus, then stayed there until the driver checked traffic and gave him the signal to cross.

But Jeffery had never been taught this. Neither had the youthful school bus driver, a second-year Northwestern University graduate student from North Carolina, driving here with an out-of-state license.

Another factor ordinarily might have saved Jeff. Those big red lights on the school bus, flashing on and off during unloading, might have alerted the onrushing cab.

But the bus signal lights weren't working. The owner later said he had been directed to disconnect them by—of all people—an inspector at a state-supervised safety lane.

The bus, a remodeled 14-passenger van, did not measure up to inspection standards as a fully equipped school bus. There were only three lights instead of four, plus other deficiencies.

So the lights were ordered disconnected, and the vehicle was passed through the lane as a truck.

However, chances are that this particular sequence of events never would have happened—and Jeffery Kaiserman, one of the best-liked boys in his 4th grade class at Skokie's Walker School might be alive today—if it had been a public school bus from which he alighted.

But Jeff had been coming home from Tuesday afternoon Hebrew school, and the bus was a private vehicle, owned by a school bus contractor, Howard Becker of Skokie.

Federal safety standards require the state of Illinois to supervise Becker's three buses and their part-time drivers, just as it is supposed to supervise public school buses and drivers.

But because school bus transportation is supposed to be super safe, there has been no apparent sense of urgency, and Illinois has not yet passed the federally required law that would have brought Howard Becker's bus fully under state control.

Furthermore, because school bus transportation is presumed to be so safe, the federal government has not pressured Illinois or any other state into speedy full compliance with its school bus operating safety standard No. 17. This despite the fact that:

The content of most of the proposed standard was first publicized in June, 1970.

It was formally made effective in May, 1972, 18 months ago.

Illinois' failure to enact the required law is not entirely characteristic. Ironically, Illinois is one of the more progressive states in school bus safety.

Just last week, State Supt. of Public Instruction Michael Bakalis published an updated manual, effective April 1, 1974, that sets toughened-up requirements for the manufacture, equipping and operation of all types of school buses, sold in Illinois.

Only a handful of other states have gone as far or farther.

"We're proud of our record in Illinois," said Ralph Sarto, Bakalis' state director of public transportation.

Sarto is a hardworking public servant who says he took considerable heat from certain sections of the school bus industry in pushing through several of the new and updated regulations.

"We carry more than a million students a year, in more than 10,000 buses," he points out.

"In 1972, there were just 3 school bus-connected deaths in Illinois, and only 223 reported school bus accidents," he wrote in a recent state publication.

Unfortunately, through no fault of Sarto, his key statistics are substantially in error.

The state's Department of Transportation, which compiles its statistics directly from police accident reports, says there were 10 school bus related deaths in 1972, not 3, and 1,676 school bus accidents, not 223.

Why the staggering discrepancy?

Sarto is dependent for his statistics on reports submitted by school principals through school districts and county superintendents. That system apparently has two serious shortcomings:

In most states, including Illinois, only accidents, injuries and deaths involving public school buses or bus contractors serving public schools, get reported as the "official" published statistics, compiled and publicized by the National Safety Council.

Accidents involving parochial and private school buses of all sizes are left out.

Since the number of nonpublic school buses is by no means that sizable, a significant part of the disparity must come from the failure of local schools and school districts to report all accidents and injuries. The police, however, learn the true picture—because they either are called to the scene or are notified for insurance purposes.

But Bakalis' office is not told.

ACCIDENT NEVER HAPPENED

This means for instance, that Jeffery Kaiserman will never be dead—in the eyes of the superintendent's "official" tabulators.

This means that even though two standard-sized parochial school buses got banner headlines when they slammed into each other Sept. 26 in southwest suburban Worth, injuring 19 people, the accident never happened—as far as Illinois' "official" statistics are concerned.

This means that when an erring motorcyclist crashed headon into the small yellow school bus serving west suburban Glen Ellyn's Junior Village private nursery school, the bus driver, Mrs. Doris Mercer, 41, of Wheaton—who was killed by the impact—wasn't an "Illinois school bus fatality."

The importance of those omissions—and the hundreds of others like them in Illinois, and the thousands in other states—cannot be over-stated.

For the purportedly low rate of accidents, injuries and deaths claimed for school bus transportation is widely hailed by the school bus "establishment."

Most (but not all) of the major manufacturers; virtually all of the private school bus contractors (who operate more than one-third of the nation's some 310,000 school buses); public pupil transportation officials and, most important, key federal officials trumpet the "outstanding" safety record of the buses, which carry more than 20 million youngsters a year, as justification for the unconscionably slow pace at which school bus safety measures have been pushed.

The School Bus Manufacturers Institute, in testimony submitted last May to a House subcommittee weighing new school bus safety legislation, warned several times against "panic" measures, saying school buses were the "safest form of transportation" known to man and should not be criticized by the news media, members of Congress and others who lack "understanding."

A task force of experts with the National Highway Traffic Safety Administration, (NHTSA)—a branch of the Department of Transportation—reported six months ago that school buses are eight times safer than cars.

Top officials of the agency, testifying before a House Commerce subcommittee, said accident statistics establish that school buses "are 40 times safer" than automobiles.

Based on such "facts" NHTSA traditionally has given low priority to setting and enforcing school bus safety standards.

Not only are those statistics perhaps drastically understated, but a new type of analysis indicates that even according to the accepted, under-reported statistics, school buses actually may be as dangerous as autos.

WHAT'S WRONG WITH FIGURES

Thomas J. Grenchik of Greenbelt, Md., a tracking data analyst with the federal space agency, has taken a hard look at long-accepted methods of computing school bus safety statistics.

He decided that computing accidents "per passenger mile" really told little about school buses themselves, in comparison with automobiles, since the large number of students carried by each bus ballooned the percentages to favor the school bus.

Instead, he compared nationally accepted figures on school bus accidents per vehicle mile against the totals of auto accidents per vehicle mile, and concluded that "school buses are, by that more meaningful standard, in reality no safer than cars—and perhaps slightly less safe."

Grenchik has submitted his study to the NHTSA, which is analyzing it.

Meanwhile, the National Safety Council, which accumulates the "official" nationwide school bus statistics from the states, acknowledges the obvious margin for error in its data.

And the NHTSA task force has conceded the inadequacy of current school bus accident reporting procedures.

More accurate, complete figures are "essential," the task force said. Standard 17 calls on the states to produce them, but it doesn't say how or when.

School bus defenders and critics alike agree on one key fact:

Nearly two-thirds of the children who die in school bus-related accidents are killed—as was Jeffery Kaiserman—just outside the bus, either by cars or trucks, or by the school buses themselves.

That phenomenon, which has been apparent for more than five years, would seem to have called for a "crash" program of pupil and bus driver education to reduce avoidable fatalities.

Yet, while Standard 17 calls for pupil and driver education programs, NHTSA gave the states five years, until mid-1977, in comply.

In Illinois, a broad smattering of students and drivers receive quality, state-sponsored guidance, through "workshops" and newly required in-service training programs. Many of the larger contract operators, like Willet in Chicago and Scholastic Transit in Northbrook, have excellent programs for drivers. So do some parochial schools. But many don't. And pupil-rider education is badly lacking.

Before he died, Jeffery Kaiserman and his father had been planning the family's first camping trip, and Jeffery was permitted to buy a small sheath knife that set his eyes shining. The knife was buried with the boy.

"I just hope my son's death will at least serve as a warning, so that lives of other children can be spared," said Kaiserman, tears welling in his eyes.

But if experience is any indicator, it's more likely that Kaiserman's hopes for swifter action in the field of school bus safety will be buried, too.

A school bus careened down a mountain highway from Colorado's Monarch Pass and finally rolled over at a filling station, spewing victims from the bus like rag dolls.

Of 39 children thrown from the bus, 9 died. Of nine passengers who remained inside, only one even required hospitalization. "Seat belts would have saved lives," federal investigators said.

Six weeks ago, five children died near Madison, Ind., when a tractor-trailer carrying 40 tons of railroad ties plowed into the side of

a school bus trying to cross rainswept U.S. 421.

Investigators said seat belts doubtless would have saved two boys who were killed after being buffeted in the bus "like they were inside a washing machine."

The chronicles are long on school bus accidents in which children have died when flung from buses, or battered inside by impact with seats or sides, or were slashed by ripped metal panels or glass.

Seat belts would have saved lives, the federal government's accident investigator, the National Transportation Safety Board, keeps saying.

But no school buses are equipped with seat belts.

In fact, the well-known yellow bus—touted as the safest vehicle in the motor transport world—is so relatively weak in places that the seat anchorages and flooring of most models are not guaranteed strong enough to take the emergency stress of seat belts.

And the seat backs in most of the nation's 310,000 school buses are such blatant safety hazards that even if seat belts could be installed, their use might jack-knife the children's upper torsos forward during sudden stops, smashing teeth, noses, necks or foreheads into the tubular handgrip or metal edging found along the tops of most seat backs.

The seats and anchorages all should have been redesigned and replaced years ago, and the metal handrails and edging banned.

The fact that they were not has been nobody's fault, it seems.

Every year, more than 4,500 children are severely bruised or cut; have teeth knocked out, are crushed, maimed or mangled; incur mashed cheeks or noses, or suffer other injuries on school buses—and that, too, apparently is nobody's fault, or somebody else's fault.

That's because, if there is one thing the nation's school bus establishment can do better than transport 20 million children a day, it is passed the buck on safety.

That is one of the main conclusions of a two-month long Daily News survey that involved more than 100 interviewers with school bus chassis and body makers; contractors; local, state and federal officials; congressmen and legislators; school board members; administrators, bus drivers and parents.

For years, the National Transportation Safety Board has been running detailed postmortems of major school bus accidents, and has been reporting that:

School bus bodies are poorly put together. In severe accidents, they come apart at the seams because they are not sufficiently riveted, bolted or screwed.

The safety board said that because of this "long standing failure to employ (even) normal engineering practices in school bus construction," the vehicles' metal panels are ripped apart, permitting children to be thrown from the bus or sliced up on jagged or knife-life metal edges.

Gas tanks should be moved away from their present side just to the left and beneath the front door of the bus, where their location is an invitation to disaster. And the tanks should be strengthened, or crash shields should be added.

High-backed, well padded seats would have prevented countless injuries.

The reaction of the "school bus establishment"—with the exception of two body manufacturers—usually has been to point at somebody else when confronted by these reports.

Most school bus body manufacturers emphasize that they'd be happy to put all kinds of safety options in their products.

But they complain that the nation's chronically underfinanced school boards buy most buses through state-required competitive bids, which means they buy vehicles at the lowest cost available and settle for bare minimum construction and equipment standards.

"If the federal government would promulgate reasonable, comprehensive performance standards that applied to the entire industry, we would welcome it," said Berkely Sweet, School Bus Manufacturers Institute executive director.

Private contractors, who run about one-third of America's school buses also insist they would welcome uniform federal standards.

Meanwhile, if one firm buys better-built buses or too many safety options, another firm operating with minimum standard buses can cut costs and take all the business, they complain.

Cost-conscious school board members often contend they are unaware of safety options available, or are convinced by dealers that minimum standard buses are adequate.

As for those unsafe seat backs, most school officials queried said they had never heard that there are relatively inexpensive retrofit kits available for padding seat back tops. Maryland made such retrofitting mandatory two years ago.

State legislators, such as Illinois' Rep. Peter Pappas (R-Rock Island), chairman of the House Motor Vehicles Committee, often say they are marking time on new school bus safety laws "because we don't want to do something and then have the feds come along and require something different."

Pappas, a longtime friend of most vehicle industry lobbyists, has all school bus safety legislation bottled up "under study" in his committee. It's been there since last spring, even though only one new federal safety standard is pending that would relate to any of those proposals.

One bottled measure, sponsored by Rep. Susan Catania (R-Chicago), calls for safety belts in new school buses. Another, introduced by Rep. Sam McGrew (D-Geneseo), would require use of laminated safety glass throughout the bus; the use of safety gas tanks (now mandatory in New Jersey), plus padded seats and side-rails.

The school bus industry denies that it ever fights such measures.

The School Bus Manufacturer's Institute (SBMI) describes the industry as self regulating with a proven concern for safe buses. But the industry's performance seems somewhat at a variance with its assertions.

By the almost-universal estimate of the safety board, reform-minded legislators, and Ralph Nader's Center for Auto Safety, only two bus body makers—Wayne, of Richmond, Ind., and Ward, headquartered in Conway, Ark.—have initiated significant structural changes to enhance vehicle strength and safety.

Both Wayne and Ward also have campaigned vigorously for tougher federal safety standards.

In contrast, the manufacturer's institute warns Congress and the National Highway Traffic Safety Administration (NHTSA) not to push for "piecemeal" adoption of new safety requirements, saying that standards must be considered for the whole bus. And then, only after lengthy research and testing.

Meanwhile, the school bus manufacturing group this year belatedly set up a task force of its own, to study such overall standards. But the industry has failed to provide sufficient financing and government funds are being sought.

At the center of the school bus controversy is the National Highway Traffic Safety Administration.

The National Highway Safety Act of 1966 required the safety administration and its predecessor agency to set safety standards for all motor vehicles—including school buses. But for years, the agency concentrated mostly on passenger cars, almost ignoring school buses, because accident statistics indicated school buses were "40 time safer than cars."

Now those often-trumpeted statistics appear open to serious question. School bus accidents are soaring. In Illinois, The Daily News found the totals were 6 times higher than those formally reported by the state to the National Safety Council, the only agency that compiles and publicizes them. Similar problems have been found in other states.

The safety administration's reaction to mounting pressure from Capitol Hill and the public has been to give more lip service to progress, while increasing the actual speed of its efforts from the pace of a snail to that of a turtle.

Initially, NHTSA "met" its obligations to school buses by promulgating some 40 safety standards—most of them for autos—and then announcing, much later, that 21 applied to school buses. However, only five dealt primarily with school buses' unique problems. And most of the buses' crucial problems were ignored.

Here is a breakdown on the agency's action and inaction on school bus safety, as of early December:

Joint and seam structural strength: The issuance of a proposed standard, belatedly adopting the tougher joint strength requirements recommended two years ago by the federal Vehicle Equipment Safety Commission, has been promised by NHTSA for "this calendar year." But it is not out yet; its final effective date remains a mystery . . . and probably is far off.

Seating: A long-delayed standard—calling for padded, high-backed, safely anchored seats—finally was proposed in February, 1973, and scheduled for "issuance" this year, to be effective in September, 1974. But it hasn't been issued yet, and NHTSA aides privately concede the padded seats probably won't be required until January, 1975.

Operational safety—best known as Standard 17. First promised by the agency for July, 1967, it was eventually proposed in July, 1970, and finally made effective in June, 1972—then the states were given an incredible five years to implement it.

Eighteen months later, NHTSA still has not even sent the states a model training curriculum—of the sort that repeatedly stresses defensive driving, where it is drummed into the bus drivers that they must never take chances—such as venturing rashly into speeding cross-traffic on a rainy, murky afternoon. That's what caused the Madison, Ind. crash.

Brakes, whose malfunction the safety board found to be the most frequent cause of "catastrophic" school bus accidents. The effective dates for implementing 2-year-old standards requiring improved air and hydraulic brakes are September of 1974 and 1975, respectively, for all heavy vehicles including school buses. Yet Detroit is pushing to delay the air brake standard until September, 1975.

Now, having finally lost patience with NHTSA's documented history of procrastination and obfuscation, Congress is preparing to move under the leadership of the House members such as John Moss (D-Calif.), Les Aspin (D-Wis.) and Fred Rooney (D-Pa.), and Senators Warren Magnuson (D-Washington), Gaylord Nelson (D-Wis.), Jacob Javits (R-N.Y.), and Charles Percy (R-Ill.).

Moss' House Commerce subcommittee already has approved a new auto recall bill that includes flat requirements that NHTSA promptly issue certain school bus safety standards. And Magnuson's Senate Commerce Committee opens hearings on a similar measure next month.

In preparation for the Senate hearings, NHTSA submitted data on the progress it is achieving in making the yellow school bus safer.

The agency once more said it is moving ahead "rapidly"—which, Percy notes, is just

what the agency has been saying since 1967 . . . many, many deaths ago.

I wish to commend Mr. Nicodemus and the Chicago Daily News for their public service in preparing and publishing these articles on school bus safety.

THE FINITENESS OF OUR NATURAL RESOURCES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alabama (Mr. EDWARDS) is recognized for 10 minutes.

Mr. EDWARDS of Alabama. Mr. Speaker, 1973 has been a year of increased awareness of the finiteness of our natural resources. It has been a year in which we have learned, perhaps just in the nick of time, that we continue to accelerate consumption at our peril unless we apply proper thought and action to conservation and development of new sources.

The assumption of unlimited goods and materials has come to a screeching halt as item after item is included on a growing list of scarce commodities. Shelley's "pleasure of believing that what we see is boundless" can no longer be indulged in with respect to many of our resources.

One area which holds great promise in coping with diminishing natural resources is recycling. I am today introducing a bill which will allow a tax credit of $10 for every ton of postconsumer wastepaper processed in the United States by the taxpayer during the taxable year into new commercially marketable pulp, paper, paperboard, or other similar products.

Paper is just one target for recycling but it is an important one. We generate about 4 billion tons of solid waste every year in America. Paper is the largest single component of this waste, comprising 40 percent by weight and 70 percent by volume. Recycling would remove a significant portion of this waste from the disposal system and in effect plow it back into our supply of natural resources. It is imperative that the volume of our solid waste be curtailed, because not only are we running short of timber but we are also literally running out of places to dump our trash.

Recycling paper would relieve some of the demands on our valuable forest resources. It would reduce the amount of paper we are importing and thereby improve our balance of trade.

Mr. Speaker, some technological snags remain in the paper recycling industry, but the chief hurdles are economic ones. We should begin at once to build a bridge across the gap between what we know should be done in the area of resource recycling and what we are actually doing. I believe my bill, a tax incentive for paper recycling, will help remove some of the economic hurdles and get us moving in the right direction.

Paper consumption will about double by 1985. We are skating on very thin ice if we continue to deplete our forests, adhering to a once-only use of paper products. But if we begin a strong recycling program, if we curb waste, if we construct original paper products in the way most conducive to later recycling, we can avoid the problems with paper products that we are now facing with the energy shortage.

Certainly recycling should be pursued diligently with all our natural resources. Tax incentives, such as the one in this bill, need not be permanent, but they are needed to kick off the initial effort until recycling becomes economically feasible.

Mr. Speaker, it is our responsibility to pass wise legislation to give recycling a shot in the arm. Also, the Federal Government should take the lead in using recycled materials to the greatest extent possible. The General Services Administration has made a good start in this regard. I have previously introduced legislation calling for maximum use of recycled paper by the Federal Government in the mountains of paper products it consumes.

I am confident that if America dedicates itself to conservation of natural resources, we can call a halt to the mounting number of shortages facing our country.

REPORT OF A SPECIAL STUDY MISSION TO THE MIDEAST

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. STEELE) is recognized for 45 minutes.

Mr. STEELE. Mr. Speaker, the Committee on Foreign Affairs, in its continuing concern for the foreign policy implications of the energy crisis, recently authorized a study mission to seek firsthand information on the dimensions of U.S. dependence on oil from the Middle East and the impact of the October Israeli-Arab war on U.S. energy supplies.

I had the opportunity to participate in that mission along with Representative LEO J. RYAN of California, Mr. Robert K. Boyer, staff consultant, Committee on Foreign Affairs, and Mr. E. H. Steven Berg, of my own congressional staff. In Saudi Arabia, the study mission was joined by Dr. William A. Johnson, chief energy adviser to William Simon, the Deputy Secretary of the Treasury and newly appointed Administrator of the Federal Energy Administration. The mission was conducted between October 22 and November 3, 1973.

The study mission visited six Middle Eastern countries, including Lebanon, Israel, Jordan, Kuwait, Saudi Arabia, and Egypt, as well as Italy and the Netherlands, which are two of the largest oil-refining countries in Europe. Dr. Johnson also visited Spain. In addition to consultations with our own Ambassadors and key Embassy officers, the mission's schedule included meetings with King Hussein of Jordan, Israeli Foreign Minister Abba Eban, King Faisal and Minister of Petroleum Sheikh Zaki Yamani of Saudi Arabia, First Secretary Hafes Ghanem of Egypt's Arab Socialist Union, and numerous other government officials and petroleum experts.

I want to take this opportunity to express my personal appreciation for the assistance, cooperation, and hospitality extended to the study mission by officials of the U.S. Departments of State and Treasury, and the U.S. missions in the countries visited.

THE DEVELOPING ENERGY CRISIS

Representative SILVIO CONTE, of Massachusetts, and I held congressional hearings on New England's emerging energy problem in Middletown, Conn., last May. Our focus then was on the looming gasoline shortages which threatened to hit parts of New England during the summer, but most of our witnesses agreed that the outlook was even more serious for fuel oil supplies during the coming winter.

The fuel oil picture became clearer and bleaker in July of this year when the petroleum industry research foundation issued a report which described the outlook for winter fuel oil supplies as "quite precarious" and stated flatly that fuel oil shortages could be expected to develop.

By September, it was clear that unless the Northeast had an unusually mild winter, the country would face a fuel oil shortfall of between 2 and 5 percent during the winter months.

Then in October, war erupted in the Middle East and the Arab oil producing states adopted a policy of using oil as a weapon to force the United States, and to a lesser extent America's allies, to reduce their support for Israel and press the Israeli Government to accept a settlement favorable to the Arab States. Specifically, the Arabs reduced their oil exports to Europe and Japan and cut off all oil shipments to the Netherlands and to the United States.

The Arab oil boycott against the United States was first met by expressions of confidence by administration officials that the country could survive the boycott with relatively little difficulty. For example, in order to minimize the seriousness of the boycott, administration officials repeatedly cited figures indicating that the United States was dependent on the Arabs for only 6 to 8 percent of its oil. On October 16, Oil Daily, the bible of the U.S. oil industry, ran a banner headline quoting no less a personage than Charles Di Bona, the Deputy Director of the White House Energy Policy Council, as stating that the Mideast oil loss was "manageable." According to the article, Di Bona repeated that the United States was dependent on the Arabs for only 6 to 8 percent of its oil and expressed the view that there would not be any need for rationing.

THE DIMENSIONS OF U.S. DEPENDENCE ON ARAB OIL

The study mission quickly found these statistics to be inaccurate. Moreover, it concluded that the general acceptance of these statistics by the administration, Congress, and the public not only slowed our Government's response to the oil cutoffs, but did a disservice to the American people by leading them to believe that the cutoffs would not significantly affect them.

Even during the preliminary study for our trip, we concluded that the United States was more than 10 percent dependent on Arab oil. Further inquiry

revealed that the true proportion of dependence is not measured by the shipments of crude oil to the United States alone. The extent of that dependence is established by combining four factors: First, direct crude shipments to the United States; second, indirect shipments of crude which are transshipped through other countries; third, imports of refined petroleum products from both Arab refineries and refineries of third countries which process Arab crude for U.S. Markets; and finally, fourth, by adding barter shipments which represent trades of oil with countries such as Canada, which is enabled to pursue such transactions due to its imports of Arab oil. The addition of these factors shows that the United States depends on Arab sources for between 14 and 18 percent of its total petroleum use. The percentage could be larger if one takes into account that several of the Arab countries were scheduled to greatly increase their shipments to the United States beginning in late 1973 in order to meet a sharp increase in U.S. demand and to offset declining U.S. domestic crude oil production. In direct shipments alone, the United States was taking as much as 300 percent more oil per day in the months preceding the cutoff than it had in 1972.

In all, the United States imports more than 30 percent of the petroleum it needs for domestic consumption. During the shortages last winter, it became apparent that our domestic oil industry was no longer capable of increasing production to meet our peak domestic demand. In fact, some analysts were not even sure that the United States could import enough crude oil and finished product to satisfy demand for this winter. Domestic production of petroleum for 1973 had been estimated by the U.S. Bureau of Mines to be 10,961,000 barrels per day, compared with a demand of 17,455,000 barrels per day. Of the 6,494,000 barrels per day shortfall between domestic demand and supply, 6,251,000 barrels per day were to be made up by imports, leaving a shortage of 223,000 barrels per day. Domestic production was expected to drop to 10,788,000 barrels per day, though, before the end of the year. This drop would have left a 7,737,000 barrels-per-day deficit forecast between domestic supply and demand. Before the Arab cutoff, oil industry officials projected that they could import 7,435,000 barrels per day of the shortfall, but even this level of imports would have left a net shortage of 302,000 barrels per day.

The full effects of the cutoff have not and will not be felt until late January. The world trade in oil is based upon a myriad of factors including: tanker availability, refining capacity, types of crude oil available, the actions of major oil companies and actions of individual governments—to name only a few. Small additional amounts of oil can probably be purchased from other countries such as Iran and Indonesia, both of which have stepped up production. But one fact remains painfully clear: there is absolutely no other source of oil which can replace, in the immediate future, the tremendous amounts of petroleum the United States and other industrial nations have lost because of the Arab actions. To clearly understand the dimensions of the cutback, we analyzed both the past and present direct and indirect shipments in detail.

DIRECT DEPENDENCE ON ARAB OIL

Today the countries of the non-Communist world have proved reserves of crude oil which will last a little more than 30 years at current rates of consumption. By a quirk of geography, 65 percent of these known reserves are to be found in the Middle East; by including North Africa, the figure expands to 71 percent. The Western Hemisphere accounts for only 12 percent of the total proved world reserves.

These figures make it evident that in terms of oil, most of the western industrialized nations and Japan must look to the Middle East and North Africa for their increased requirements as fields in non-Arab regions begin to peak out. In fact, Europe now gets 87.8 percent of its oil from Arab States.

The importance of the Middle East and North Africa is established not only by the fact that they account for almost one-half of the average daily production of petroleum by non-Communist nations, but also that consuming nations are actually dependent on a very few of them.

For instance, Saudi Arabia, with estimated reserves of over 138 billion barrels, has roughly 21 percent of the total reserves of the world. Algeria, Iran, Iraq, Kuwait, and Libya together have an additional 236 billion barrels. By comparison, Soviet Russia has 75 billion barrels; China has 19 billion barrels; Indonesia, 10 billion barrels; the United States, 37 billion barrels; and Canada 10 billion barrels.

Until 1967, the United States was largely self-sufficient in energy sources, especially in oil. For instance, in 1950, America imported only 8 percent of the crude oil required for domestic consumption. By 1973, imports accounted for about one-third of our oil requirements. Until recently, the overwhelming amount of U.S. oil imports came from Western Hemisphere suppliers. But increasingly, the source of incremental crude oil imports has been the Middle Eastern and North African oil producing countries.

Since the mid-1960's, sources such as the Caribbean, South America, and Canada have been peaking out in rates of production, or have been requiring more of their output for domestic consumption because of increasing internal demand. At the same time, the United States has been increasing its annual consumption of oil by more than 5 percent each year, and its volume of imports by more than 13 percent each year. During the period of 1967–72, U.S. domestic production of crude oil was increasing by a slight 1.8 percent per year.

For Americans, the conflicting trends of downward domestic production and skyrocketing domestic consumption were not fully appreciated until major oil companies announced in 1969 that some of the richest oil fields in America had been overestimated in terms of reserve capacity. The oil fields of Southern Louisiana and East Texas had been some of the richest in the North American continent. However, they were very old fields which began declining when they were opened to full production capacity. This discovery pushed Americans to import large supplies of oil, in order to satisfy their increasing consumption.

The logical source of this oil was the Middle East and North Africa. Major American oil companies were the principal producers in countries with the richest fields and the largest reserves, and these countries were willing to ship increasing amounts of oil to the United States. In addition, some Middle East crude oil was selling for as little as $1.25 per barrel in 1970, at a time when some U.S. crude oil was triple that price. The trend was augmented because oil had become the most desirable fuel for environmental purposes, cost and convenience in the United States.

The following table illustrates the importance to the United States of Arab crude oil imports in relation to other suppliers:

U.S. CRUDE OIL IMPORTS, 1973
[In thousands of barrels per day]

	1st half of 1973	July	August
Arab suppliers:			
Saudi Arabia	322.8	349.7	638.5
Libya	164.8	81.6	197.6
Algeria	143.9	65.7	162.5
United Arab Emirates	87.2	46.4	100.1
Kuwait	48.1	.1	86.7
Tunisia	21.6	30.2	32.0
Egypt	16.3	----------	36.8
Oman	12.2	52.2	14.5
Iraq	5.7	----------	11.1
Syria	3.4	----------	----------
Qatar	3.1	----------	5.3
Subtotal	819.1	625.9	1,285.1
Non-Arab suppliers:			
Iran	160.3	135.3	230.5
Nigeria	370.1	303.3	605.8
Other Eastern Hemisphere	252.4	250.4	348.5
Canada	1,176.1	1,194.3	908.6
Venezuela	503.1	465.7	704.4
Other Western Hemisphere	110.2	66.8	181.5
	110.2	66.8	181.5
Subtotal	2,572.2	2,416.0	2,979.3
Total	3,391.3	3,041.9	4,264.4

INDIRECT IMPORTS OF ARAB OIL

Underestimates of the impact of the Arab embargo on the United States are largely due to a failure to recognize the extent to which the United States is dependent on foreign refineries for essential refined petroleum products. The study mission found that many refined petroleum products which are essential to the United States have been produced primarily abroad and, to a great extent, from Arab crude oil, because the United States has not built domestic refineries in the last 6 years.

With the onset of the winter heating season in the United States the loss of foreign sources leaves the United States particularly vulnerable to shortages of two basic fuels, residual, and distillate oil. Residual oil is used mainly as a boiler fuel in industrial processes and for generating electricity. Distillate oil is used for space—home—heating and as a fuel for diesel engines.

In addition to causing general economic dislocations, the shortage of residual oil will have an immediate ef-

fect on two areas of the country. These regions will be New England and to a lesser degree, the upper Midwest.

Roughly, one-fourth of the residual fuel oil imported by the east coast is refined from Arab oil. Residual oil is used as a primary fuel to produce 72.8 percent of the electricity produced in New England and 37 percent of the electricity generated in the Mid-Atlantic States of New York, Pennsylvania, and New Jersey. U.S. stocks of residual fuel oil on November 30, 1973 were 54,403,000 barrels as compared with 55,775,000 barrels a year ago. This reflected a situation which was not yet significantly affected by the embargo. With greatly increased demand pressures and lower stocks threatened as a result of the cutoff of Arab oil, a serious shortage appears inevitable. To compound the problem, most of the residual oil used on the east coast of the United States is imported, and the production of residual oil in U.S. refineries is limited because of our nearly complete dependence in that region in recent years on imported supplies. The demand for residual oil in 1972, for example, was 925,647,000 barrels; of this, over two-thirds, or 637,401,000 barrels, was imported.

Even before the Arab embargo, the United States was facing a serious shortfall in its supply of distillate fuel. Stocks of distillate fuel in the first week of November—203,656,000 barrels—for instance, were only slightly higher than stocks a year before—197,750,000 barrels. The 3-percent gain in supply was more than offset by an estimated increase of demand, which was put at more than 10 percent during 1972.

Furthermore, even before the Arab embargo, the U.S. Department of the Interior was predicting that a cold winter in the United States would force us to import an additional 800,000 barrels per day of distillate oil to meet the demand for heating. During the shortages last winter, distillates were imported at an average rate of 400,000 barrels per day and most of the distillates, 80–85 percent, came from refineries in the Caribbean, with the remainder coming from Europe. Nearly all of the European distillate and more than one half of the Caribbean distillate were based on crude oil from the Middle East or North Africa.

For this heating season, oil marketers in the United States were planning to increase their imports of distillates from several countries in Europe that were thought to have excess refining capacity. These plans were spurred by the President's announcement in April that companies in the United States would be free to import unlimited amounts of crude, residual, and distillate oil with only minimal license fees on that oil.

Several factors figure into the increased U.S. dependency on imported residual oil and distillate oil in recent years. Among these factors are:

The increasing demand for diesel fuel by trucking, farming, shipping, and public transportation users;

The use of distillate oil as a backup fuel during periods of natural gas interruptions which have been occurring with greater frequency during colder months;

The growing use of both residual oil and distillate oil by electric utilities;

The almost total emphasis by U.S. refiners on more profitable products such as gasoline;

The switch by several heavy industries, such as the steel industry, from coal to oil for environmental considerations;

The overall convenience and relatively low cost of oil as a feedstock for many chemical processes;

The April 18, 1973, exemption of residual oil from import quotas; and

Lack of sufficient new refining capacity in the United States for the last 5 or 6 years.

From a practical standpoint, I was particularly concerned about the dependence on imports of refined oils, because any disruption in a tight market could leave certain areas of the country drastically short of basic energy sources. For instance, New England, with 6 percent of the Nation's population, uses almost 21 percent of the Nation's requirement of No. 2 home heating oil, and is almost totally dependent on foreign sources for this fuel. A disruption of this supply could leave New England without heat in the coldest months of the year unless a distribution system was established to meet its demand with domestic oil.

Although it was difficult to gage the exact effects of the Arab threats during our mission, subsequent events have shown that the threats have been very effective and have broken the unity and cooperation both between the United States and Europe and between members of the European Common Market itself. It appears that many of the nations of Europe live in fear of each new Arab request and will accept almost any demand the Arabs make of them in terms of restricting movement of either crude oil or refined products.

Even Canada, one of the previously supposed secure sources of crude oil and refined products has been affected. The Canadians are already limiting oil exports to the United States. Until recently Canada found it expedient to sell the surplus oil and gas produced in Western Canada to the United States, rather than transport it to Eastern Canada. In turn, the Canadians bought large quantities of Middle East oil, part of which has been shipped through a pipeline which starts at Portland, Maine, and carries the imported oil to Montreal. The United States could lose up to 500,000 barrels per day of oil if the Arabs are successful in their demands that the Canadians halt all exports to the United States in return for continued Arab oil shipment to Canada.

Finally, all of the cutoffs of indirect shipments will increase the competition for limited supplies from other producing areas such as Venezuela, Nigeria, Iran, and Indonesia. To determine some of the effects of the embargo and cuts in production, we spoke with governmental leaders and oil industry officials in three European countries, which would have been principal sources of imported refined products for the Eastern United States this winter.

THE SITUATION IN ITALY

Faced with cutbacks of oil which provide Italians with 74 percent of their energy, the Italian Government responded to warnings from the National Independent Petroleum Distributors Association—Assopetroli—and put all heating oils under export licensing restrictions in mid-October. The restrictions, as they now stand, will allow oil to be exported to other Common Market countries—excluding Holland—but not to the United States. Assopetroli is also calling for the Government to compel oil companies to market a set percentage of their refined products in Italy to meet domestic demands. It has urged further that Government "discipline" distribution and consumption of liquid heating oils in relation to their confirmed availability.

Italy's Minister of Foreign Trade acknowledged in a recent press conference that export licensing measures are mainly "psychological" with little practical likelihood of resolving domestic supply problems. Reports indicate that an overwhelming share of Italy's heating oil exports—about 75 percent—go to Common Market countries, leaving only about one-quarter of heating oil exports subject to Government management.

The Italian petroleum market traditionally has been open and relatively free of Government controls with respect to the importation and exportation of petroleum products. The Government does control the pricing of products as well as the authorization of additional refining capacity and service station outlets.

While Government sources point to the relative openness of the Italian market, there were in recent months signs of growing support for a larger Government role in securing supplies in a tight seller's market. Italian concern is based on the belief that the international companies can no longer be relied upon to supply the needs of the country. This concern has led to suggestions of direct Government relationships with producer countries.

All of these observations lead us to believe that even though Italy has the largest refining capacity in Europe, American fuel dealers would not have been able to buy all the heating oil they needed on the Italian market because the Italian Government wanted to stabilize both supply and prices by restricting exports. Thus, even without the embargo, U.S. purchases from Italy would probably have been limited.

Up until the time of the Arab embargo, Italy was exporting about 134,000 barrels per day of oil to the U.S. market, but could have increased exports greatly. As of December 1972, Italy's 36 refineries had a total authorized annual capacity of 150 million tons but had only processed 123.5 million tons of oil, of which 27.4 million tons were exported.

Because Arab countries have cut off all oil shipments to individual Italian refineries which shipped oil products to the United States, we can expect no products from Italy until the Arab States agree to lift the embargo. Even then, the specter of future Italian Government control over the oil industry will probably re-

strict the free movement of products to the United States.

THE SITUATION IN THE NETHERLANDS

Holland, like the United States, has been totally cut off from its supplies of crude oil from the Arab States. The Arab embargo will deprive Holland of 1,470,000 barrels per day, or about 71 percent of its total daily imports. But the importance of the embargo goes far beyond the borders of the Netherlands.

Because port cities of the Netherlands serve both as transshipment points for other areas of Europe and as major refining centers for northern Europe, the embargo will have an impact on many countries. Nearly 60 percent of the production of Dutch refineries is exported by ship or through pipelines. Few ports in Europe can handle the sizable tankers, not to mention storing or refining the crude oil in the volume that Rotterdam handles. So the embargo on Holland affects the whole delivery system of oil in Europe and will aggravate shortages in countries which have been cut back to a lesser degree.

Although there was considerable confusion as to why the Arab States embargoed Holland, an October 22 dispatch from the Iraqi News Agency said that certain facts relating to Dutch aid to Israel had been made known in Baghdad. Those ostensible Arab grievances are as follows:

The Netherlands was transformed into a bridgehead for assistance sent to the enemy, and at the same time it was carrying out a vicious campaign against the Arabs. It was also proved beyond any doubt that the Royal Dutch Airlines (KLM) made continuous flights to transport mercenaries and assistance to the enemy or to supply centers designated in various places by the enemy;

The Netherlands opposed the issue of a rational and unbiased communique by the member countries of the European Economic Community calling for the end of the hostilities;

The declaration by the Dutch Foreign Minister to Arab diplomatic missions at a meeting in the Hague clearly supports Israel against the Arab states;

The personal participation of the Dutch Minister of Defense in a demonstration staged in the Dutch capital to express support for Israel; and

The participation of various Dutch establishments and companies upon the outbreak of the present war in collecting funds and contributions for the Israeli war effort, and the supply by Holland to Israel of crude oil from its imported stocks.

The Iraqis also used the reasons listed above for the passage of a nationalization law which allowed the Iraqi Government to nationalize the Dutch share of the Basrah Petroleum Co. as it had earlier with the U.S. share.

The singling out of Holland by the Arab States also added another dimension to the energy policies of the European nations. The embargo, according to Mr. L. G. Wansink, the Dutch Director General for Energy Supply, was causing a crisis of sorts among the member nations of the European Economic Community who had agreed last spring that a common energy policy for the 10 countries should be worked out. A resolution to this effect was passed by the EEC ministers, but was something which they preferred to ignore during the crisis.

Fortunately, the Dutch will probably be able to restrict domestic demand through conservation measures and meet their necessary energy needs through increased imports from Iran, Venezuela, Nigeria, and Gabon. The Netherlands also had emergency stores of petroleum which amounted to more than 70 days of demand, slightly more than the amount required by all Common Market countries for emergencies. However, the oil marketers in the United States cannot hope to buy the 200,000 barrels per day of distillate oil which they had planned on buying for this winter's needs from Holland. Instead, they should brace themselves to bid against the Dutch dealers in a spiraling price market for other limited supplies of oil elsewhere.

THE SITUATION IN SPAIN

Two days after the Middle East war began, Spain restricted the unlicensed exportation of petroleum products in an effort to increase stocks and meet growing domestic demand. A Commission of Fuels was established to review applications and has granted no licenses to date on the grounds that it is not yet clear that Spanish needs are being satisfied. No preference is being shown by country, and the only exceptions to the export restrictions are the provision of jet fuel for international carriers landing in Madrid and other relatively specialized export uses.

According to Dr. Jose Luis Diaz Fernandez, the Director General of Energy in the Spanish Ministry of Industries, the export controls are a general measure directed at all exports and were developed before the fighting in the Middle East began. The reason for their adoption has been the extraordinarily rapid growth in Spanish demand for oil which, according to Fernandez, has been 20 percent per year during the last 2 years. This has resulted from an unprecedented 16 percent per year growth in industrial production. The result has been conversion of a number of export refineries to production for domestic needs. Because shortages of fuel oil are particularly severe at present, exports of heating oil and other distillates are most likely to be prohibited for the foreseeable future.

If a company needs to export to maintain its refinery runs or to meet a contractual obligation, it must first confer with the Ministry of Industries. The Ministry will examine existing stock levels, the needs of the Spanish market, and other factors before it can decide to license the exports. The Government of Spain has assured the United States that these controls are nondiscriminatory as to destination and that no supplies have been denied because they are bound for the United States or U.S. forces in Europe.

Spain is also requiring "restitution"; that is, oil exports by a company must be offset by oil imports of a type needed by the Spanish economy. Spain insists on trading products that are relatively abundant for products that are not. Fuel oil is especially tight in this regard because 2 years of drought have forced a partial switch from hydroelectric power production to oil-fired generation of electricity.

This appears to be an academic point, however, because the Spanish Government has simultaneously made it clear that Spain will not ship to the United States as long as the Arabs continue to cut off crude oil shipments in retaliation.

THE EXPORTING COUNTRIES—A NEW SOLIDARITY

Even before the October Mideast war, the Arab oil producers were coming into increasing conflict with the major oil companies and the consuming countries. Although political motivation led to the 1973 boycott, it was economic considerations that originally brought oil producing countries together, and it is the economics of oil that has changed the whole pattern of oil pricing and marketing for the future.

Two organizations, the Organization of Petroleum Exporting Countries—OPEC—founded in 1960, and the Organization of Arab Petroleum Exporting Countries—OAPEC—founded in 1968, were formed so that the oil producing countries could present a united front against the international oil companies. Until the 1970's, neither organization attempted to restrict oil supplies, but they did seek a voice in setting the price of their oil. In 1971, the increasing worldwide demand for oil, the OPEC threat of nationalization in some of the countries, and the declining or no-longer-increasing production of oil in certain non-Arab areas of the world, especially the United States, led to the conclusion of an important new agreement in Teheran between the major oil companies and several OPEC members.

Although most news media accounts of the Teheran agreement concentrated on the new price increases and higher income for the producing countries, the oil producing states gained other more important long-term advantages. First, the major oil companies agreed to "collective bargaining rather than unilateral price actions." Previously, the companies alone determined the price of oil without prior negotiation with the producing countries.

Second, the price of oil was tied to an escalator clause, which reflected the rising value of oil, and to a parity adjustment which allowed payments to the producing countries to increase with inflation. And, third, the major oil companies several months later accepted the principle of participation by the oil producing countries in oil company assets and profits.

In the last 2 years, however, the oil producing countries have become disenchanted with the Teheran agreement. The devaluation of the U.S. dollar reduced the countries' income relative to other major world currencies. Another loophole in the Teheran and other agreements revolved around the unrealistically low percentage compensation—2.5 percent—that was meant to compensate for inflation. Lastly, the producing countries believed that an oil scarce industrialized world was paying too little for "precious" crude oil. These and other questions were raised at a series of meetings between OPEC members and major oil companies in Vienna, Austria, during the first week in October 1973.

At the October 9 Vienna meeting the major oil companies submitted an offer

to the OPEC members providing for a 15-percent increase in posted prices—the price upon which government revenues in the form of taxes are computed—and an adjustment of the inflation factor in line with an appropriate index.

The OPEC countries refused the offer and came forward with a counterproposal for a 100-percent increase in posted prices, coupled with a mechanism for keeping the posted prices 40 percent above the actual selling price at all times. The OPEC members also asked for an inflation escalator, in line with an index of wholesale prices, and requested that the agreement apply retroactively to October 1, 1973.

The companies asked for time for consultation which the OPEC members granted, and then on October 12, insisted on a 2-week adjournment. Negotiations were then broken off by the OPEC ministers without a date being set for continuation. When the oil ministers of the six Gulf State members of OPEC met in Kuwait on October 16, they all had clearance from their governments for a unilateral announcement of new posted prices. The six ministers, representing Saudi Arabia, Iraq, Kuwait, Abu Dhabi, Qatar, and Iran, were to decide whether to resume negotiations with the oil companies or post their own price unilaterally.

There has been widespread confusion as to exactly what the Gulf States' OPEC ministers decided upon in Kuwait. The facts are as follows:

In a single move, the Ministers announced new posted prices for Gulf crudes effective October 16, representing an increase of 70 percent over the previous price levels. The posted price of Arabian Light—the main market crude in the Gulf—thus rose from $3.011/barrel to $5.119/barrel, while the government's share rose from $1.770/barrel to $3.048/barrel.

The new posted prices and future adjustments are to be based on a new formula. Under this formula, the posted price for each crude is to be maintained at a level 40 percent above the applicable market price as determined by direct sales of crude oil to independent third parties by the governments concerned. Thus, the initial market price—known as the realized price base—RPB—for Arabian Light crude was set at $3.65/barrel. This price represents an increase of 17 percent over prices realized in recent sales of the same crude, but it is expected that future prices are likely to be substantially higher. It was reported in early December that open market bidding for Iranian oil reached $16 per barrel.

The RPB will be reviewed from time to time in the light of government sales to third parties and will be adjusted whenever it rises above or drops below the previous RPB by 1 percent or more. The posted price will then automatically be adjusted to maintain the ratio RPB plus 40 percent.

The sulfur premiums for the various low-sulfur crudes are to be determined individually by each member state on the basis of actual market trends. The oil producers added the sulfur premium in 1971 to take advantage of the demand for low sulfur, and hence less polluting, oil.

In the event the companies refuse to take crude oil on the basis of the past financial arrangements, the governments of the Gulf producing countries "will make available to any buyer the various crudes at prices computed on the basis of Arabian Light at $3.65/barrel f.o.b. Ras Tanura."

Very simply stated, the new price mechanism established at the Kuwait meeting means that the posted price of of the Gulf-producing countries "will the upward or downward trend of the market. The Iranian Finance Minister, Dr. Jamshid Amouzegar, explained it by saying:

I would like to tell the consumers: we will wait and see what the market prices are and then calculate posted prices on this basis keeping the same ratio between the two sets of prices that exited in 1971.

In terms of bargaining power, the Arab States were able to greatly increase the amount of money they made on each barrel of oil and prepare the way for a different type of decision that was reached the next day in Kuwait.

THE KUWAIT AGREEMENT TO EMBARGO OIL

On October 17, in Kuwait, oil ministers of the 10 member Organization of Arab Petroleum Exporting Countries—OAPEC—agreed on a plan to limit oil production and thereby reduce exports to certain countries until Israel was forced to withdraw from the territories occupied since the 1967 Mideast War. The decision hinged on the cooperation of Saudi Arabia, the most influential and largest producer of the Arab oil States.

Saudi Arabia agreed to the plan for an immediate reduction of oil shipments to the industrial states, but opposed more radical plans for a complete embargo on the United States or nationalization of the assets of the major oil companies.

The main points outlined in the October 17 plan were:

The 10 countries agreed to cut oil production by a minimum of 5 percent using the September 1973 level as a base. Additional 5-percent cuts were to be made each month, but each country was allowed to raise the percentage higher.

Any countries which remained friendly with the Arab States or which extended or may in the future extend effective concrete assistance to the Arabs were to continue receiving the same quantity of oil as before the cutback. Moreover, the same exceptional treatment was to be extended to any state which would take a significant measure against Israel with a view to obliging it to end its occupation of usurped Arab territories.

The oil producers decided on a formula that would allow them to choose individually whether or not to cut off oil to the United States.

Each country was to notify its operating companies of its desired pattern of exports for any given month. The companies were then to be held responsible for carrying out the government's instructions or were to face a penalty.

ESCALATION OF THE CUTOFFS AND THE EMBARGO

Beginning on October 18, several Arab oil States redefined their use of the "oil weapon." First, they increased the production cutbacks from 5 percent to 10 percent for the first month. Second, they announced total cutbacks of all shipments to the United States and several Arab States stopped shipments to Holland as well. Third, they warned that nations caught transhipping oil to the United States would also be embargoed.

In combination, these three additional levers made the Arab embargo much more severe than first expected. By November, several Arab States had cut their September production by 20 percent. The Arab boycott took 4 million barrels per day of oil out of world commerce, or nearly 12 percent of the total volume of oil moving in world trade. Other disruptions, also contributed to the reduction in oil supplies. For example, during the war several oil port facilities were damaged, a Syrian refinery was closed and major oil pipelines, such as the Trans-Arabian pipeline—loading terminal in Sidon, Lebanon—were operating well below capacity because tankers were not available in the area for loading of crude.

During our discussion with Arab spokesmen a week after the Arab price hikes and production curtailments, we were told repeatedly that one of the main reasons for the additional actions against the United States was President Nixon's request for $2.2 billion in military assistance for Israel. It is interesting to read some of the official communiques that were released by Arab governments during that week.

Saudi Arabia, for instance, had been a moderating influence in the Kuwait meetings and had opposed immediate cutbacks to the United States. But the Saudi attitude changed after the President's arms request, as reflected in the following statement released by the Royal Cabinet:

In accordance with the statement issued by the Royal Cabinet on 22 Ramaden 1393 (corresponds to October 18, 1973), whereby His Majesty's Government announced an immediate reduction in its oil production by 10 percent and that it would continue to review developments in the situation, and in view of the increase in American military aid to Israel, the Kingdom of Saudi Arabia has decided to halt oil exports to the United States of America for taking this position.

On October 25, Kuwait's Finance and Oil Minister, Mr. 'Abd al-Rahman 'Atiqui, was quoted as saying:

Kuwait took the initiative in calling for a meeting of Arab Oil Ministers to consider the role of oil in the battle. Oil has both a negative and positive role to play. The negative role of the oil weapon is to make the world feel the bitterness and pain we are experiencing . . . we can accept a reduction in production at the same time denying supplies totally to any country which supports Israel materially and practically. This has certainly proved possible as far as the U.S. is concerned.

On October 21, the Iraq News Agency carried a much more radical message which stated the position of the Iraq delegation:

The attitude of the Iraqui delegation . . . can be summarized in the following three-point proposal:

(1) The complete liquidation of U.S. economic interests, particularly oil interest, by nationalizing all U.S. companies operating in the Arab homeland.

(2) The withdrawal of all funds invested by the Arab states in the United States.

(3) Breaking off diplomatic and economic relations between all the Arab oil producing countries and the United States of America.

On October 7, Iraq nationalized American interest in the Basrah Petroleum Co.—Dutch interests were nationalized later.

GETTING ON THE "RIGHT LIST"

During the first week of the Arab embargo, many critics were quick to point out that "past embargoes did not work" and that the Arabs "cannot stop the major oil companies from getting the oil to the United States." Unfortunately, they were not prepared, nor were the industrial countries, for the sophisticated planning behind the embargo.

Saudi Arabia, for instance, has as a matter of course kept detailed information on every gallon of oil which it exports. Even before the October 17 meeting in Kuwait, Saudi Arabia required tankers loading oil in its ports to provide certificates of destination which were followed up by certificates of unloading at a certain destination, which gave Saudi Arabia the mechanism to enforce a very tight embargo. During our trip, many oil officials commented that the "Saudis know more about oil imports into the United States than the U.S. Government does."

Saudi Arabia also took steps not only to enforce a ban on direct shipments to the United States, but on indirect shipments of crude or refined products as well. Thus, the Arabs have cut off or reduced shipments to a long list of destinations which previously transshipped oil to U.S. markets. The destinations include Trinidad, the Bahamas, Dutch Antilles—Curacao—Canada, Puerto Rico, Bahrain—50,000 barrels per day normally supplied to U.S. Navy—Guam, and Singapore—also supplies U.S. Navy. Shipments have also been cut back to certain specific refineries which supply U.S. markets, including ones in Italy, Greece—which supplies the U.S. 6th Fleet—and one plant in southern France.

In dealing with other countries of the world, the Saudis and other Arab States have divided oil customers into three categories; those countries allied with Israel in any direct way were totally embargoed; those countries which were relatively neutral received percentage cutbacks; those countries favorable to the Arab cause received oil shipments at pre-war levels.

To get on the most favored list, a particular country must fulfill one or more of the following conditions: First, break off diplomatic relations with Israel; second, apply one or more economic sanctions against Israel; or third, give some military assistance to the Arab States. During November, Saudi Arabia's most favored list included Arab countries such as Lebanon, Jordan, Egypt, and Tunisia; Islamic countries which import Saudi crude, such as Pakistan, Turkey, and Malaysia; all African countries which have broken off diplomatic relations with Israel; and France, Spain and Britain.

By November 4, Saudi production was 31.7 percent below the September 1973 level. This drop represented:

A drop of 31.7 percent, or roughly 2.63 million barrels per day below the actual American Arabian Oil Co.—Aramco—production average for September—8,290,589 barrels per day.

A drop of 35.4 percent, or 3.1 million barrels per day, below planned Aramco output for October—8,760,000 barrels per day;

A drop of 37.8 percent, or 3.44 million barrels per day, below planned Aramco output for November.

Saudi Arabian cuts of this magnitude set the stage for the second Kuwait meeting on November 4.

THE SECOND KUWAIT MEETING—NOVEMBER 4

At the urging of the Saudia Arabian Government, a second meeting was held in Kuwait on November 4 to discuss ways of strengthening the "oil weapon." The Arab oil States agreed to a standard production cutback of 25 percent—based on September production level—and embargoed shipments of crude to refineries which supplied U.S. markets. The 25 percent cutback included the volumes deducted as a result of embargoes against the United States and Holland, rather than being added to such volumes.

At least three other important decisions were reached at the meeting.

First, the Arab States decided to take explanations of their actions directly to the affected countries. To this end Mr. Belaid Abdesselam, the oil minister of Algeria, and Mr. Ahmad Zaki Yamani, oil minister of Saudi Arabia, went to several European capitals and Washington to explain the Arab actions.

Second, they set up a special committee, composed of the oil ministers of Saudi Arabia, Algeria, Kuwait, and Libya to insure the implementation and enforcement of the decisions reached at the Kuwait meetings.

Third, they decided to convene a meeting in the future to decide on specific and uniform qualifications for the countries that are classified as "friendly" or "most favored" so that no disparity will exist between the definitions of various Arab nations.

As of November 5, the cutbacks were estimated by the Middle East Economic Survey to be as follows:

[Thousand barrels daily]

Country	September output	Cutback	Percent cut	New output level
Saudi Arabia	8,290	2,630	31.7	5,660
Kuwait[1]	3,200	950	30.0	2,250
Iraq	2,000	500	25.0	1,500
Abu Dhabi	1,400	350	25.0	1,050
Qatar	600	150	25.0	450
Neutral Zone	580	145	25.0	435
Libya	2,300	575	25.0	1,725
Algeria	1,050	263	25.0	787
Others[2]	1,050	263	25.0	787

[1] Kuwait has actually based its production cutback on their recent average level of 3,000,000 bbl/d rather than the September level of 3,200,000 bbl/d. The reduction from the former is thus 25 percent and from the latter is 30 percent.

[2] Comprises Egypt, Syria, Bahrain, Dubai and Oman. Dubai and Oman were not parties to the Kuwait decision but announced embargoes on the United States and the United States and Holland respectively. The overall cutback for these countries taking into account (a) Kuwait decision, (b) war damage, and (c) reduction in Dubai owing the recent oil well fire, is estimated at approximately 25 percent.

SAUDI ARABIA—THE OIL LEADER

According to Americas' Ambassador to Saudi Arabia, the Honorable James E. Akins, Arab oil earnings will top $10 billion this year and could go as high as $50 billion by 1980. Considering the recent price hikes and the effects of the embargo on prices in other parts of the world, his figures are probably conservative. But in any case, the huge sums of money flowing toward the Arab States in return for their flow of crude oil will be a factor affecting the politics of the whole region.

Saudi Arabia is assured of a prominant role in future Middle Eastern politics because of its rich oil deposits and its accumulation of capital. The huge sums of money going to the Arab oil-producing States continue to spill over to the other Arab countries and add a new dimension to the political decisions of Arab leaders in the area. The Saudis, for instance, have reportedly promised Syria substantial sums for reconstruction and development to rebuild and resupply after the current conflict. Saudi Arabia's King Faisal also promised an outright grant last summer of $500 million to Egypt's President Anwar Al-Sadt. American diplomats see the grants fulfilling dual purposes for the Saudis. The first centers around the sense of Arab solidarity and unity which Faisal hopes to inspire by spreading the oil wealth to the have-not Arab States. The second, which is more speculative, is believed to be an attempt to head-off political or military threats from the have-not Arab States. Whatever the case, the present, and potential impact of Saudi policy is extremely important to the prospects for a lasting peace in the Mideast. To understand this policy, though, Americans must look beyond the role of oil and consider other factors such as the way the Saudis view themselves.

A Saudi view of its foreign relations might be likened to standing in the center of four concentric circles. The first is the Arabian Peninsula and encompasses Saudi relations with its immediate neighbors, including its relations with Iran, with which it shares an interest in a trouble-free Persian Gulf. The second circle is the Arab world, in which the Saudi position is one of a moderate, wealthy, elder statesman, able to finance Arab development and identified with the Arabs cultural heritage. Whatever the contest for leadership among other Arabs in Damascus, Cairo, or Baghdad, Saudi Arabia is accorded a revered place at Arab councils. The third circle is Islam, for which Saudi Arabia feels a particular responsibility as the guardian of Mecca and Medina. The pan-Islamic ties extend to the Philippines, Indonesia, Senegal, Nigeria, Kenya, Turkey, Central Asia, and China—literally to every Muslim in the world. The fourth circle is the rest of the world, with which Saudi Arabia appears to seek favorable if somewhat distant relations.

Saudi foreign policy is directed toward the protection of these circles, with highest priority to the protection of Saudi Arabia's independence and security. Thus, the Saudis supported the "royalists" in the Yemen civil war against the "republicans" supported by Egypt, an Arab nation but one alien to the Arabian Peninsula. Saudi Arabia gave financial support to the Palestine resistance movement both to assist Arabs in the conflict

with Israel and also to contribute to the goal of Arab unity. Saudi Arabia has hosted several pan-Islamic conferences, and is in the process of establishing an Islamic development bank.

The policy of restricting Arab oil production adopted by the Arab oil producing nations on October 17, 1973, coincides with Saudi foreign policy and the reason overlaps into three of the circles of policy. In the first, Saudi Arabia felt they had to join with Peninsula Arab states in supporting the Arab nations participating directly in the war. Secondly, while the Saudis did not participate in the fighting, they saw the oil reductions as a means of participating and maintaining a solid Arab front. Third, King Faisal sees his role in the world of Islam as one of protecting the holy cities of the region, two of which are in his country and third of which he considers to be old Jerusalem.

In considering Saudi Arabia's various roles and relating them to its relations with the United States, Saudi leaders reject the idea that the boycott primarily is designed to hurt the United States, but contend that it is aimed at Israel. The fact that the boycott may adversely affect the United States, Saudi Arabia's foremost friend outside of the pan-Arab and pan-Islamic circles, is in Saudi eyes, unfortunate. But, however unfortunate, the Saudis emphasized that Saudi interests are more important to Saudi Arabia than American interests.

UNITED STATES RELATIONS WITH SAUDI ARABIA

As British influence in the Middle East declined after World War II, Saudi Arabia, recalling its favorable relations with the United States, its profitable experience with American oil men, and particularly the amicable meeting between King Abdul Aziz Ibn Saud and President Roosevelt in 1945, turned to the United States for assistance and friendship. Saudi Arabia had two primary concerns in the World War II period, both of which remain current today.

First, the Saudis need a defensive capability to protect their independence. Toward this end, the United States has and continues to furnish military equipment and training for the Saudi armed forces. The importance of this factor cannot be overemphasized, since the Saudis clearly fear foreign hegemony in their area, particularly the expansion of Soviet and Chinese communism, which they consider to be the antithesis of their Islamic faith.

Second, the Saudis need revenues from their oil operations for the development of their country. American oil companies produce the oil and the profits for the Saudis and the Saudis seek American advice and technology for their development projects and investment programs.

In the last 2 months, however, the Saudis have clearly developed a third major interest in their relations with the United States. This is their interest in using both their geopolitical position and their oil to influence the United States to pressure Israel to accept a Middle East peace agreement acceptable to the Arab States. The question for U.S. relations with Saudi Arabia is whether we can accommodate this newly articulated Saudi interest without changing our historical and firm support for the security of Israel.

THE SIGNIFICANCE OF SAUDI-AMERICAN RELATIONS

While the continuation of good relations between Saudi Arabia and the United States may seem difficult because of the current boycott, it is of great importance that we attempt to carry on the close relationship developed over the last 30 years while simultaneously pursuing our policy of support for the integrity of Israel. Saudi Arabia maintains a prestigious position in the Arab world and among the Islamic nations, and this influence will grow as Saudi Arabia develops its own industry and that of sister Arab States.

The importance of Saudi Arabia also lies in a combination of other factors which include:

In an era when the number of countries friendly to the United States appears to be declining in the Middle East, it is important that the United States maintain close ties with Saudi Arabia in order to maintain U.S. communications with the Arab world. This contact may be especially important in the upcoming negotiations.

Saudi Arabia tends to be much more conservative than other Arab States. When this factor is considered, in combination with the prestige Saudi Arabia has with other Arab States, it is certain that the Saudis are a moderating influence in Arab countries as evidence in its opposition to Iraq's nationalization efforts.

Because of its huge oil resources, Saudi Arabia is the recognized leader of the block of Arab oil-producing States and is also a leader of the Organization of Petroleum Exporting Countries. The future policies and actions of these two blocs are likely to be strongly influenced by the decisions of the Saudis.

Disposing of oil revenues may not be a problem for most of the oil-producing states with large populations and development needs, but Saudi Arabia will have large amounts of capital to invest which will create problems if suitable investment mechanisms are not found. The United States can help Saudi Arabia make those investments and in the process, create good economic relations with all the nations of the Middle East.

Expanded markets for American goods and services will partially offset the unfortunate balance of payments created by our energy resources purchases. In this regard, it is significant to note that American firms and contractors operating in Saudi Arabia repatriated over $1 billion in profits to the United States last year. This gigantic sum offers a healthy contribution to the United States balance of payments. With $2.2 billion in oil profits last year and even larger sums this year, Saudi Arabia will also be the investment broker for many other non-oil-producing Arab States:

At present, the Persian Gulf is under the mutual protection of Saudi Arabia and Iran, both of which are pro-Western and anti-Communist. It is in the interest of the United States to insure that no great power seize control of the Persian Gulf and its oil.

Until such time as the United States is able to increase its refining capacity and develop its offshore oil deposits, Saudi oil could fill much of the current gap between U.S. supplies and demand.

From the conversations the study mission had with King Faisal and other Saudi leaders, I have no reservations in saying that the Saudis would prefer to continue to deal with the United States not only in oil production and sales, but in the industrialization and modernization of Saudi Arabia. The leaders we spoke with all expressed the hope that the United States will make great efforts to understand the complex environment in which the Saudis now find themselves. We would also point out once again that the role of Saudi Arabia in the Arab world is one of several differing and conflicting responsibilities. These responsibilities should be understood and weighed carefully in formulating a flexible foreign policy for the United States-Saudi relations of the future.

Shaikh Yamani told us privately what he has since confirmed in public, that Saudi Arabia would work to relax the oil embargo prior to a complete settlement of the Arab-Israeli dispute. Relaxing the embargo and increasing Saudi oil production may depend upon the willingness of the United States to assist in the industrialization of Saudi Arabia, particularly in providing the technology for a petrochemical industry. Shaikh Yamani furthermore led us to believe that Saudi Arabia would be willing to accept whatever agreement is reached during the peace negotiations by the main combatants.

It should be noted that the rationale behind the Arab oil production cutbacks involves a much larger issue than just Israel. The Saudis recognize that oil is a perishable commodity and they cannot expect their oil reserves to last forever. Moreover, the economics of the situation today demonstrate that their oil is as valuable in the ground as it is being produced. For instance, even with a 37-percent cutback in production, the Saudis will maintain their revenues as a result of the subsequent increase in oil prices. Thus, even with a resolution of the oil embargo and the political situation in the Mideast, it is most doubtful whether the Saudis would be willing to produce more than 12–15 million barrels per day in the foreseeable future despite U.S. desires for production increases to 20 million barrels per day.

A FRIENDLY CANADIAN EDITORIAL

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Massachusetts (Mrs. HECKLER) is recognized for 5 minutes.

Mrs. HECKLER of Massachusetts. Mr. Speaker, I would like to submit to the RECORD an editorial written by a Canadian journalist and reprinted in the Fall River Herald News in my district. I find it very refreshing that this neighbor to the north has befriended us in this time of multiple crises.

[From the Fall River, Mass., Herald News, Dec. 5, 1973]

COME ON, LET'S HEAR IT FOR THE UNITED STATES

This Canadian thinks it is time to speak up for the Americans as the most generous and probably the least appreciated people on all the earth.

Germany, Japan, and to a lesser extent, Britain and Italy were lifted out of the debris of war by the Americans who poured in billions of dollars and forgave other billions in debts. None of these countries is today paying even the interest on its remaining debts to the United States.

When the franc was in danger of collapsing in 1956, it was the Americans who propped it up, and their reward was to be insulted and swindled on the streets of Paris.

I was there. I saw it.

When distant cities are hit by earthquakes, it is the United States that hurries in to help. This spring 59 American communities were flattened by tornadoes. Nobody helped.

The Marshall Plan and the Truman policy pumped billions upon billions of dollars into discouraged countries. Now newspapers in these countries are writing about the decadent, warmongering Americans.

I'd like to see just one of those countries that is gloating over the erosion of the United States dollar build its own airplanes.

Come on, let's hear it.

Does any other country in the world have a plane to equal the Boeing Jumbo Jet, the Lockheed Tristar or the Douglas 10?

If so, why don't they fly them? Why do all the international lines except Russia fly American planes?

Why does no other land on earth even consider putting a man or woman on the moon?

You talk about Japanese technocracy, and you get radios. You talk about German technocracy, and you get automobiles.

You talk about American technocracy, and you find men on the moon—not once but several times—and safely home again.

You talk about scandals, and the Americans put theirs right in the store window for everyone to look at.

Even their draft-dodgers are not pursued and hounded. They are here on our streets, and most of them—unless they are breaking Canadian laws—are getting American dollars from Ma and Pa at home to spend here.

When the railways of France, Germany and India were breaking down through age, it was the Americans who rebuilt them. When the Pennsylvania Railroad and the New York Central went broke, nobody loaned them an old caboose. Both are still broke.

I can name you 5,000 times when the Americans raced to help other people in trouble. Can you name me even one time when someone else raced to the Americans in trouble?

I don't think there was outside help even during the San Francisco earthquake.

Our neighbors have faced it alone, and I'm one Canadian who is damned tired of hearing them kicked around.

They will come out of this thing with their flag high. And when they do, they are entitled to thumb their nose at the lands that are gloating over their present troubles.

I hope Canada is not one of them.

This editorial was written by Gordon Sinclair, a radio and television commentator in Toronto, and has been widely reprinted in newspapers of both this country and Canada as well as the Congressional Record.

TRAGEDY IN THE MIDDLE EAST

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. FINDLEY) is recognized for 5 minutes.

Mr. FINDLEY. Mr. Speaker, the senseless violence at airports in Rome and Greece has strained the fragile peace in the Middle East for which all peoples of the world—including Arabs and Israelis—have worked so hard.

Only time will tell whether the brutal killings will permanently rent the thin fabric of peace. The Geneva peace conference appears as if it will begin on an uncertain note, to say the least.

Most difficult of all now is the decision faced by Kuwait. Rather than deal with Palestinian guerrillas, Kuwaiti officials attempted to block their landing and to force them to seek refuge elsewhere. At least in part their reason was that approximately half the people who occupy that tiny Arab country are Palestinians.

But the terrorists landed nevertheless, and Kuwait now must deal with them.

Such are the responsibilities of nationhood. If the Kuwaitis wish for the rest of the world to accord to the Arabs justice in their efforts to regain occupied Arab lands, then the Kuwaitis must be ready to accord justice to these terrorists.

The world will wait for that judgment, and doubtlessly many will judge the Arab pleas for justice in the Middle East on the basis of the standard of justice applied to these guerrillas.

That is indeed a strict standard to apply to Kuwait, but no one can say that it is an unfair standard.

Guerrilla tactics carried out against innocent civilians in a country which has not become involved in the Israeli-Arab conflict hurt the Arab cause most of all. Arabs then should be the first to do something about it.

ISRAELI POW'S NEW DEVELOPMENTS; FAMILIES BRIEF MEMBERS OF CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Ms. ABZUG) is recognized for 10 minutes.

Ms. ABZUG. Mr. Speaker, today's news reports indicating the possibility that Israeli soldiers captured by Syria have been murdered are extremely disturbing.

The reports from CBS News—December 18 and 19—cited unidentified U.S. intelligence sources who reported that Syria may be refusing to participate in the Geneva peace conference and refusing to release a list of Israeli nationals it is holding because these prisoners have been killed while in custody. The report indicated that Moroccan and Iraqui soldiers may have been responsible for these new murders.

This morning I asked the State Department for confirmation of these reports. Roger Davies, Acting Assistant Secretary for Middle and Near East Affairs said the reports were of "unknown reliability." He said,

> These are third and fourth hand reports and intelligence sources pick up these stories and pass them on without evaluation. We have no basis for evaluating them yet.

It is my firm hope that these reports prove groundless. But the fact remains that torture and murder of some Israeli prisoners has already taken place and that Syria has yet to turn over to the International Red Cross a list of the POW's it is holding.

Last Thursday Congresswoman PAT SCHROEDER and I convened a briefing for Members of Congress and their staffs on the serious and pressing problem of Israeli soldiers who are being held by Syria.

The Members of Congress heard directly from a young wife, a father and a mother of three Israeli soldiers who are in Syria. It should be made clear that these three courageous people know that their relatives are prisoners only because they identified them from photographs taken by international news agencies.

At the congressional briefing the three Israeli citizens gave those attending a glimpse of what the last 3½ months has been like for them. Because they are worried about retaliation against their relatives the families have requested that their names not be used. But the story they had to tell needs no names.

In the group was the 21-year-old wife of an Israeli pilot who himself is only 24. Her husband's plane was shot down and he was shot at and wounded while parachuting to the ground. He is now apparently in a Damascus hospital but as she herself said "there is every reason to be worried."

Also describing her experience was the mother of a young Israeli soldier who was captured on the first day of the war. This mother said:

> I recognized my son through a picture released by the Syrians. Perhaps they wanted to show how superior they were by showing they could capture Israelis. At first I didn't want to believe that it was my son but my husband convinced me that I must.

The last member of the group to tell his story was the father of a detained Israeli soldier. He summarize the situation most eloquently when he appealed to all the Members of Congress. He said:

> This is our last hope. For us it is a humanitarian situation. They (the Syrians) are taking themselves out of the family of nations.

For us in America, each morning's newspaper and each night's news broadcast gives us more information about the tragic situation in the Middle East and the negotiations leading to the upcoming Geneva talks. Each story makes references to the refusal of Syria to release a list of the soldiers it is detaining and their refusal to allow the International Red Cross to examine the detention facilities or to begin any discussions leading to an immediate exchange of wounded prisoners.

Today's news accounts give little encouragement that Syria will release a list of the prisoners. When Secretary of State Henry Kissinger made his first trip to the Middle East capitals one of the elements involved in getting all sides to the conference table was an agreement that the POW issue would be resolved. No resolution of this problem has yet occurred.

The issue must be resolved and we in Congress must do all that we can to help. In this regard, Representative MARJORIE HOLT, Representative PAT SCHROEDER, and I, who had all been to Israel during the Thanksgiving congressional recess and received firsthand information on this issue, circulated a letter to Secretary of State Kissinger asking the United

States to introduce a United Nations Security Council resolution calling on Syria to release a list of the prisoners, live up to the Geneva Conventions requirements allowing the International Red Cross to examine the facilities, and calling for an immediate exchange of wounded prisoners.

I am pleased to say that 132 House members signed the letter to Dr. Kissinger. At this point I would like to include the text of the letter and a list of cosigners.

HOUSE OF REPRESENTATIVES,
Washington, D.C.

DEAR MR. SECRETARY: As members of the U.S. House of Representatives, we want to raise with you an issue of great humanitarian concern that has developed as a result of the war in the Middle East.

The governments of Israel and Egypt have recently completed an exchange of prisoners, and it is widely recognized that this expeditious action has made a significant contribution to the prospect for peace talks between Israel and Arab nations.

A similar exchange of prisoners with Syria has been proposed by the government of Israel. To date, the government of Syria has not only refused to agree to such a procedure, but it has also neglected to fulfill its obligations under the Geneva Convention and international law with regard to the treatment of prisoners. The government of Syria has failed to provide the International Red Cross access to the Israeli prisoners and has also denied a request for an immediate exchange of wounded prisoners.

The Syrians are believed to be holding approximately 125 Israeli prisoners. It is our understanding that Israel has given the Red Cross a list of approximately 350 Syrian captives it is holding and has given this organization an opportunity to inspect prisoner and hospital facilities and to talk with prisoners of Syrian nationality.

Unfortunately, there is cause for great concern as to the treatment of Israeli soldiers detained in Syria. A group of House members which recently visited Israel was shown documentation and photographs indicating that Israeli soldiers captured by Syrian forces have been bound, blindfolded, mutilated, and shot or stabbed to death. The bodies of approximately 30 Israeli soldiers, apparently killed after their capture, were located at various sites in the Golan Heights.

War is in itself tragic and inhumane. However, there are well-established law and international agreements with respect to the handling of prisoners of war, and it is assumed that responsible governments will honor these obligations.

We, therefore, are calling on you to instruct the U.S. Representative to the United Nations to introduce a Security Council resolution asking Syria to fulfill Geneva Convention requirements by providing the International Red Cross with a list of prisoners of Israeli nationality and permitting the Red Cross to contact the captives and to visit POW facilities. The resolution should also call for an immediate exchange of wounded prisoners.

The United States should appeal to all members of the U.N. Security Council, regardless of their position on the political issues involved in the Israeli-Arab dispute, to support such a resolution on the grounds of simple humanitarianism and respect for international law. Certainly, there can be no doubt that action by the U.N. on this issue would be an important step toward relieving world tensions and achieving peace.

Sincerely,

Patricia Schroeder, Bella Abzug, Marjorie Holt, Barbara Jordan, Robert O. Tiernan, Donald W. Riegel, Jr., Phillip Burton, Joseph J. Maraziti, Dan Daniel, and Robert A. Roe.

Donald E. Young, Benjamin A. Gilman, Clarence D. Long, E. G. Shuster, C. V. Montgomery, John F. Seiberling, Bill Lehman, Benjamin S. Rosenthal, W. L. Armstrong, and Ken Gray.

Ella Grasso, Robert W. Kastenmeier, Frank J. Brasco, Joseph M. Gaydos, J. J. Pickle, Robert P. Hanrahan, Donald J. Mitchell, William A. Steiger, Henry P. Smith, III, and Claude Pepper.

Thomas P. O'Neill, Jr., Peter Peyser, Wayne Owens, Mendel J. Davis, Norman F. Lent, John J. Duncan, Hamilton Fish, Jr., Richard W. Mallary, John Hunt, and Ronald A. Sarasin.

Jack Kemp, Dick Shoup, Bertram Podell, William S. Moorhead, Dante Fascell, Wayne L. Hays, Herman Badillo, Lindy Boggs, and Ogden Reid.

Peter Rodino, Jonathan B. Bingham, Romano L. Mazzoli, Edward I. Koch, Matthew J. Rinaldo, Frank Horton, Harold Collier, Frank Thompson, Jr., Alphonzo Bell, and Charles Rose.

Edward Mezvinsky, Leo J. Ryan, Robert F. Drinan, Wm. J. Bryan Dorn, Edward J. Patten, Lester L. Wolff, Charles Vanik, Robert N. C. Nix, Thomas S. Foley, and Margaret M. Heckler.

Vernon W. Thomson, John H. Heinz, III, Don H. Clausen, Paul Findley, Michael Harrington, Samuel Stratton, Joseph P. Vigorito, Shirley Chisholm, Angelo D. Roncallo, and Peter H. R. Frelinghuysen.

James Abdnor, Paul W. Cronin, Robert McEwen, Barber B. Conable, Louis Frey, Albert H. Quie, James W. Symington, Larry Winn, Antonio B. Won Pat.

Frank E. Evans, George E. Brown, Jr., Mike McCormack, James J. Howard, Ronald V. Delums, Jack Brooks, Charles Wilson (Texas), John M. Murphy, Elizabeth Holtzman, Robert Price, and Joseph G. Minish.

Jerome R. Waldie, Dominick Daniels, John Breckinridge, Gerry E. Studds, Sidney R. Yates, Pete Stark, Sam Gibbons, Joseph P. Addabbo, Paul S. Sarbanes, Patsy T. Mink, and Spark M. Matsunaga.

Daniel J. Flood, Lloyd Meeds, Marvin L. Esch, Gene Synder, Samuel H. Young, John N. Erlenborn, William R. Cotter, Don Fraser, William S. Cohen, Alan Steelman, and Edward R. Roybal.

Joshua Eilberg, Clair W. Burgener, Pete Du Pont, Joel Pritchard, Robert J. Huber, William J. Keating, George M. O'Brien, John B. Anderson, Walter Fauntroy, Thomas Rees, and Charles B. Rangel.

It is quite evident that this is a serious problem. The safety and well-being of individuals is at stake. The Syrians by not releasing the names of those captured are causing unnecessary hardship for those families concerned. It is my sincerest wish, Mr. Speaker, that before Congress adjourns and before we enter a New Year, that we do all we can to resolve this situation.

SELECT LABOR CHAIRMAN INTRODUCES BILL TO OUTLAW AIRLINES MUTUAL AID PACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. DANIELS) is recognized for 5 minutes.

Mr. DOMINICK V. DANIELS. Mr. Speaker, it is axiomatic that a strike rarely helps either labor or management. If it lasts any time it is rare that gains equal the loss in wages and profit that are part and parcel of any protracted strike.

Certainly nothing is gained by encouraging one side to assume a hard nosed posture and avoid reaching agreement. Such a device is the so-called mutual aid agreement under which airlines not being struck can provide financial aid to an airline whose employees are engaged in a strike. Obviously this discourages the spirit of collective bargaining. For this reason I have introduced legislation today to terminate the mutual aid agreement.

"CHEAP SHOT" AT AF BOOMERANGS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of South Carolina. Mr. Speaker, in these days of money bills in the millions and billions of dollars, a figure like $100,000 does not stand out very far. While this figure is small, I am sure the newspaper, TV, radio media would quickly seize such a figure if they could prove it had been taxpayers' money which has been wantonly squandered. Furthermore, the crime would be compounded if it were a member of the Armed Forces unfortunate enough to be responsible.

Well, Mr. Speaker, $100,000 has been wasted—wantonly squandered—and there is not one cry from the media, not one outraged editorial, not one bold headline decrying this affront to justice. Perhaps the fact that a member of the press fraternity is the cause of the waste could be the reason the story has been muzzled.

I certainly believe in "freedom of the press," but this does not include the belief that journalists can be irresponsible in their methods. I also do not believe a newspaper, even a major daily like the Washington Post, has the right to publish a sensational charge and then ignore the fact that it does not check out to truth. The following article by Col. R. D. Heinl, Jr., a writer with the Detroit News, more than bears out this belief. I offer it now for you and my colleagues.

"CHEAP SHOT" AT AF BOOMERANGS

(By Col. R. D. Heinl, Jr., USMC (Ret.))

WASHINGTON.—The kind of a bum rap the armed forces are accustomed to getting from the media could hardly be more forcefully exemplified than in a recent case of journalistic malpractice involving the Washington Post and the U.S. Air Force.

Last Aug. 15, in a Page One story, the Post alleged that authorities at Charleston Air Force Base in South Carolina had secretly buried "thousands of dollars worth" of costly gear in the base dump and a nearby pond to fool a team of visiting inspectors.

Crediting an official of the base employes' union, Post reporter William Claiborne listed "electronic equipment, aircraft parts and other new usable equipment . . . 27 rolls of stainless steel cable, new and used engine parts, printed electrical circuits, scores of cans of paint, desks, chairs and file cabinets, new shower stalls, transistors and new GI cans."

All these and more the Post reported, had for reasons never altogether clear been buried or dumped in the pond.

Claiborne's 41 column-inches long story was headed: "Cleanup or Cover-up? Supplies Buried in Dump Prior to Inspection." The piece was syndicated by the Los Angeles Times-Washington Post News Service and, as might be expected, generated instant fallout from indignant readers.

Picking up the cry, the LA Times editorialized: "Punishment Is in Order . . . The best way to stop this needless waste would be to start punishing the officers who gave the orders."

That reaction of the LA Times to what—from Claiborne's story—seemed to be incredible brass-hat stupidity spoke typically for news and electronic media across the country.

At Charleston, however, the reaction that mattered most was a storm-front of investigators and inspectors that swept down on the base and its commander, Brig. Gen. R. L. Moeller.

The day the Post's story ran, the deputy inspector-general of the Air Force, a major general, jetted down from Washington to direct a probe already launched by the inspector-general, Military Airlift Command (who had flown in from Illinois). Backing the inspectors was a task force from the Air Force Office of Special Investigation.

For four days sleuths and inspectors took sworn testimony from every known source for Claiborne's article. Marshaling an array of earth-moving equipment, they dug and sifted the entire dump and even drained the pond.

Examined on oath in the presence of union representatives, employes named by the Post denied words put in their mouths by reporter Claiborne, or, in one particular regarding electrical equipment, said he had misunderstood.

Dump and pond proved barren. Although, in the words of CBS-News reporter David Henderson, who filmed the dig, "they dug up the entire dump," the recovery amounted to one scraper-blade, a few runway sweeper brushes, nine old GI cans, several moldy mattresses and 30 sacks of damaged fertilizer.

The four days' probing, trenching and pumping that produced this meager return was carried out under the eyes of CBS (which gave up on the story), local reporters and wire-service men who stayed to the end.

The only reporter who didn't stay for the dig was from the Washington Post. On Aug. 14, soon after Gen. Moeller had already started excavation, Claiborne as he admitted, announced he "had a plane reservation to make," and departed for Washington where his article started so much trouble next morning. (Asked why he had not stayed to watch the diggings which would prove or disprove his story, Claiborne replied, "They didn't decide to dig until they knew I had plane reservations and had to leave.")

Moeller tells it differently. "I told Claiborne," he stated, "we're digging this whole thing up and I can get you a comfortable chair to sit in the shade of a tree and you can watch this entire dump being dug up."

One who did stay was Henderson from CBS-News. "We simply couldn't back up the Post story." Henderson said afterward, a fact, he added, that gave him problems with New York, which insisted to the end that if it was Page One Washington Post it had to be so.

When nothing more was left to dig, drain or investigate, the wire services duly reported negative results, as well as official exoneration of Gen. Moeller and the fact that Air Force headquarters allowed the base to retain its original rating as best such command.

Neither the Post nor LA Times could find that they ran any wire-service stories that would have balanced the Post's original unfair report. Having launched a sensational story with highly adverse national reverberation for the Air Force, the Post undertook no follow-up and dropped the story as did the LA Times.

(On Nov. 30, over three months late, the Post, belatedly aware of inadequacies in Claiborne's story, ran a grudging, deeply buried report that Air Force inspector-generals had cleared the base but gave no hint of this nonstory's original insubstantiality.

Of all radio-TV stations that ran the dump story nationwide, only KMOX-TV (St. Louis) is known to have given the Air Force time to refute the original charges had been demolished.

Claiborne nevertheless stands by his story. "I think the Air Force got a fair shake," he insists.

One party who did not get a fair shake on the Post's "expose" was the taxpayer. Costing out the thousands of gallons of now-scarce jet fuel wasted in flying investigators from Washington and Illinois, travel-expenses and per diem for them and air crews, aircraft operating costs, thousands of man-hours' labor and investigation, heavy equipment tied up and all other charges associated with the probe, Gen. Moeller glumly put the total at "close to $100,000."

What the irresponsible reportorial caper may have cost the Armed Forces other than in dollars is intangible and, therefore, incalculable.

On the part of the U.S. Air Force, a proud and competent service victimized by the Post's cheap shot, it is worse than incalculable: it is unforgivable.

HEARING SPONSORED BY THE COALITION FOR HUMAN NEEDS AND BUDGET PRIORITIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. ADAMS) is recognized for 5 minutes.

Mr. ADAMS. Mr. Speaker, during a recent trip to my district, I attended a special hearing sponsored by the Coalition for Human Needs and Budget Priorities. The purpose of this hearing was to hear testimony from many individuals, who represent a variety of community programs, concerning the functioning of their program within the community and the impact of Federal funding, priorities, and policies on the program's effectiveness.

I was very impressed by the dedication and involvement of the many individuals who participated in the hearing. The conclusions which can be drawn from the testimony presented should be of great interest to all of us who are concerned about unmet social needs at the grassroots level and the necessary steps that must be taken to meet these needs at the Federal level.

The hearing was divided into a number of subject areas each represented by a variety of organizations and groups. I have prepared as summary of the views presented at the hearing I attended, and I would like to share this with my colleagues. Director of the hearing was Alice Paine of the American Friends Service Committee. Chairing the meeting was Roberta Byrd Barr, principal of Lincoln High School in Seattle.

1. SOCIAL JUSTICE FOR ETHNIC MINORITIES, YOUTH AND WOMEN

Patricia Kernighan: Feminist Coordinating Council. Ms. Kernighan singled out federal funding cutbacks in child care, health care, and legal services for particular criticism as to their negative impact on women. She cited recent legislation that requires welfare mothers to work, while at the same time funds for day care are cutback. Health care for infants and mothers in this area is inadequate as evidenced by the fact that the diptheria rate in Seattle is the highest in the nation. While 60% of Legal Services clients are women, funds are being cutback and Legal Services is currently threatened with a proposed prohibition against advocating changes in legislation or government policies. This, coupled with cutbacks which virtually eliminated the Women's Rights Office, will result in a great reduction of effective advocacy of women's rights.

Eddie Rye: Executive Director, Central Area Motivation Program. Mr. Rye stressed the lack of funds and the overabundance of red tape and paperwork. He is particularly concerned about the lack of funds for ongoing youth programs and Head Start programs, which have been taken over by King County since the demise of the Seattle-King County Economic Opportunity Board. He does not feel that we should or can look to the public schools to solve all juvenile problems. He had expected that revenue sharing, with its implied increase in local control over how public funds are used, would mean that more funds would be available for these programs, but this has not happened. He called for greater citizen participation in decisions regarding the use of revenue sharing funds.

2. EDUCATION

Carol Richman: Central Seattle Community Council Federation. Ms. Richman is concerned about reduced levels of federal funding, and stressed the changing and expanding role of education in today's society. There is a need for greater equality of education for minorities and the disadvantaged, and more attempts to meet the changing needs of youth, particularly problems relating to alcohol, drugs, and criminal offenses. Increased financial aid and student loans for higher education are also needed. She feels it is necessary now for federal programs and administration to be reviewed and re-evaluated in order to make them more efficient, responsive and accountable. In conclusion, she urged the setting of policy and guidelines at the national level, but implementation at the lowest possible level.

Milton Karr: Council on Planning Affiliates. Mr. Karr focused on the problems of "wandering youth"—which in its current magnitude is a relatively modern problem—and the alienation and aimlessness of a high proportion of them. He urged Congressional action in three areas:

1) Hostels and similar accommodations for youth should be provided across the country, as has been done in many other countries.

2) Legislation sponsored by Senator Birch Bayh to provide housing and services for runaway youth should be passed. Mr. Karr stressed the increasing magnitude of this problem in the Seattle area, and the increasing number of young women in this group. In 1967 the Seattle Police Department had runaway reports on 869 youngsters; in 1972 the number had risen to 3348.

3) Legislative action is needed to increase employment opportunities for youth. He cited the high unemployment rate among youth. According to the 1970 census, 29.4% of high school graduates are out of school and out of work. Among black female graduates, the percentage is 57.9%. More opportunities for significant work must be found, and he suggests a federal program that would

enable youth to participate in the designing of their own work projects.

June Shimakawa: Special Counseling in Continuation School. Ms. Shimakawa is concerned about the problems of teenage parents. Contraceptives and abortion liberalization have reduced the number of unwanted pregnancies, but the percentage of young people in this position is increasing. Nationwide, there are 600,000 teenage mothers and 80% keep their children. The Department of Health, Education, and Welfare has in the past supported programs in this area, but these have now been cutback. She feels that an ideal way of reaching these people is through the education system, but to do so effectively funding is needing on a stable, continuing basis.

3. EMPLOYMENT

Ed Good: former Executive Director, Seattle Joint Manpower Board. Mr. Good is very critical of the lack of a national manpower policy and focus, the bureaucratic duplication and proliferation of administrative agencies and lines of authority. He cited statistics to emphasize the urgent need for concerted federal action: there are 85,000 poor or near-poor in the Seattle-Everett area, and only 12,000 of these are being reached by existing manpower services. Between October 1972 and October 1973, unemployment in this area was reduced .1%, while at the same time, the manpower budget was reduced 21%. In this area, outside of the aerospace sector, only 1000 new jobs are created yearly.

Wilma Goss: Kinatechitapi Indian Program. Ms. Goss points out that Indians are the "minority of all minorities" and that existing employment plans for this area exclude them. There is currently a 65% unemployment rate among Indians. Programs to reduce this percentage must include education and on-the-job training programs to bring up skills, and efforts to deal with alcoholism problems, a major barrier to employment among Indians.

Arron Bair: Client, Renton Vocational Technical Institute. Mr. Bair gave his personal testimony as to the effectiveness of the adult vocational training he has experienced and the need to expand the program to reach more people. He quit school in the 9th grade and was a well-paid truck driver until he had an accident and was laid up for two years. He is highly motivated and anxious to take advantage of the schooling now available to him, and he believes other adults in his program feel the same.

4. HOUSING

Josephine Osby: Seattle Housing Development. Ms. Osby stressed the shortage of housing in this area for low income families. The 235 home ownership program has had its funds frozen by the Administration since January 1973, and leased housing is currently available only for families of five or more. While there are currently 3000–4000 vacant houses in this area that have been taken over by the Federal Housing Administration, most are too expensive for low income families. In addition, there is no funding for a minor home repair program, and this is essential.

Donna Linstead: Board Member, Kinatechitapi Indians. According to Ms. Linstead, Indians have the worst economic plight of any U.S. group, and there is an immediate need for an emergency housing program for Indians in urban areas. The Indian life style makes them mobile, and when they find themselves in an urban area cut off from their tribe, they often do not know where to go for assistance. Her group is currently running a volunteer housing program, but there is a real need for a more permanent program for both general and short term housing. A permanent Indian housing advisory board should be organized and staffed in Seattle with a listing and referral system.

Dick McIver: National Association of Housing and Redevelopment Officials. Mr. McIver stressed the urgent need for passage of the Community Development Special Revenue Sharing legislation, which must include a hold harmless provision for Model Cities funds, by fiscal year 1975, or some interim funding. There must be more funding for a redevelopment program in the housing area, especially for the Central Area where impact funding is needed for the rejuvenation of existing housing.

Don Krum: Puget Sound Governmental Conference and Low Income Housing Coalition. Mr. Krum is very critical of what he termed a drastic cutback in the low income housing programs by the Nixon Administration. The Seattle Housing Authority could currently fill 6000 additional units for the elderly alone. To participate in the private housing market in this area, a family must have at least a salary of $13,000. In the face of a record defense budget, and higher corporate profits, national budget priorities must be reorganized to better meet human needs.

5. COMMUNITY DEVELOPMENT/SOCIAL SERVICES

Don Norwood: King County Youth Action Council. Mr. Norwood's program currently depends on O.E.O. funding for their 11 youth service agencies and 20 job training positions. As O.E.O. is phased out, he is afraid that they will not be able to find continuing funding, in spite of revenue sharing.

Carl Fisher: Center for Addiction Services. Mr. Fisher's agency is the umbrella agency for addiction help groups. They are still seeing 70–100 clients per month and heroin is the major problem. He is afraid that because the immediate drug scare is gone the concern is gone and funds are being cut back. He is particularly concerned about the Supplemental Security Income Program, under which addicts will be excluded from disability. He is afraid that under the new regulations, an addict must be made physically sick before he can be served.

6. MENTAL HEALTH

James Becker: Chairman, Kings County Mental Health Board. Mr. Becker indicated that funding for mental health programs in this area is running out. Mental health is not being funded under special revenue sharing, and demands for their services is increasing.

Bernadine Mathison: Highline-West Seattle Mental Health Center. Ms. Mathison's center has served 5000 clients in four years, but now are facing loss of funding through Administration impoundment and what was termed a reversal of federal policies. She sees an increased demand for their services, and the need, for example, of a 24-hour emergency treatment center. However, funding is not currently available.

Loretta Flesch: Client, Highline-West Seattle Mental Health Center. Ms. Flesch gave her personal testimony as to the help she received when she was going through a period of emotional problems. She is extremely grateful for what the center was able to do for her.

7. BUDGET PRIORITIES

Robert Doupe: National Association of Social Workers. Mr. Doupe is extremely critical of the Nixon Administration's priorities and cutbacks, and characterized the Administration as misguided, deceptive, stingy and heartless. The upshot of revenue sharing, he feels, is that social programs suffer. He is critical of federal cutbacks in funding for a variety of social programs in this area, and outlined five proposals for which he urged Congressional support:

(1) Restoration of budget cuts in health, welfare, education, housing and urban development.

(2) Passage of new legislation such as the social services amendments sponsored by Senator Mondale, the National Health Act, the Health Maintenance Organization Act, and the Child Development Act.

(3) Creation of the necessary Congressional coalition to override the President's vetoes of important legislation.

(4) Tax reform to close loopholes and correct the present unfair schedule of taxation.

(5) Redirection of excessive military spending to social needs.

Jerry Sharp: Washington Federation of State Employees Local 843. Mr. Sharp pointed to the gap between the Administration's rhetoric and the actual impact on social needs at the grassroots level. He does not feel that revenue sharing is meeting the needs which exist and social programs must receive a higher national priority. He urges passage of social services legislation sponsored by Senator Mondale, S. 2526.

Thorun Robel: Seattle Women Act for Peace and Coalition for Peace and Justice. Ms. Robel attended the recent World Congress for Peace, held in Moscow. She feels that peaceful coexistence is both possible and essential, and universal disarmament is a major goal.

8. LEGAL SERVICES

Rita Gaier: Director, Seattle Legal Services. Ms. Gaier stressed the necessity of maintaining a viable legal services program if there is to be equal justice under the law without regard to wealth, power or privilege. It is essential that the National Legal Services Corporation Bill be passed without the crippling floor amendments added in the House. She supports the version of this legislation as reported by the Senate committee. There must be no restrictions as to the legal actions that can be taken in the cases of the poor by the Legal Services attorneys.

John Darrah: Director, Seattle Public Defender Office. The Seattle Public Defender program has been a model one, but now their funding is being reduced and they are being forced to cutback. Mr. Darrah stressed that it is essential to have a program for defense that balances the prosecution if there is to be justice under our system.

9. ENERGY ALLOCATION

Chip Marshall. There is an energy crisis, and Mr. Marshall is concerned that fuel costs will be so high that the poor will be priced out of the market. He also feels that the crisis is producing fear among the public which the Administration is trying to manipulate. Watergate illustrates the abuse of power when it is concentrated in the hands of a few. He opposes strongly giving sweeping, unilateral powers to the President regarding energy allocation. What we need are positive solutions to the energy crisis.

10. SUMMATION

Walter Hundley: Director, Seattle Model City Program. There are numerous federal programs that have been designed to meet the needs of the people, and these have mostly come from the Congress. However, there is a need for funding to continue the basic services as the needs have not yet been met. If improvements can occur in these programs, Mr. Hundley calls for modifications and innovations, but not the "meat ax." Congress needs to work to bring about a reorganization of federal budget priorities, and this has not been done. He sees the country approaching another crisis as social programs wind down and end. For example, 60 people have been laid off from Model Cities to date, and 20 projects have been closed down. The EEA program ends in December 1973. If something does not happen to meet the needs which exist and reverse the current process,

Mr. Hundley fears a return to the earlier crisis period of the 1960's when there were riots, burnings and bombings in the fact of frustration.

HEARINGS BEGIN ON BAYH-DRINAN CONSTITUTIONAL AMENDMENT TO LOWER THE AGE AT WHICH INDIVIDUALS MAY COME TO CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Masschusetts (Mr. DRINAN) is recognized for 15 minutes.

Mr. DRINAN. Mr. Speaker, this morning, the Senate Judiciary Committee, Subcommittee on Constitutional Amendments, held hearings on a constitutional amendment proposed by Senator BAYH, the distinguished chairman of that subcommittee, and myself, designed to reduce the age for eligibility in the Senate and the House from 30 to 27, and 25 to 22 years, respectively.

I testified at those hearings, and am pleased at this time to insert, for the consideration of my colleagues, my testimony in the RECORD. I am also pleased to insert the excellent testimony of Senator BIRCH BAYH on this proposed constitutional amendment. In his testimony, Senator BAYH states:

In the 10 years I have served as chairman of the Senate Subcommittee on Constitutional Amendments, I have seen few proposals supported by such compelling logic and reason as this one.

Mr. Speaker, the Subcommittee on Constitutional Rights of the House Judiciary Committee will be holding hearings on this matter shortly after the recess. This morning, Russell D. Hemenway, national director of the National Committee for an Effective Congress, testified, on behalf of his organization, in support of this constitutional amendment. I am pleased that Mr. Hemenway will also appear before the House Subcommittee.

Mr. Karl Rove, national chairman of the college Republicans, as well as Mr. Larry Friedman, president of the U.S. National Student Association, and Mr. Charles Schollenberger, a well-informed student from Wooster, Ohio also testified.

The text of Senator BAYH's and my own testimony follows:

TESTIMONY OF ROBERT F. DRINAN

I wish to thank the distinguished Chairman of the Subcommittee on Constitutional Amendments of the Senate Judiciary Committee for this opportunity to begin formally what I hope will be an historic succession of events leading to the ratification of an Amendment to the Constitution of the United States. The distinguished Chairman of this Subcommittee, Senator Birch Bayh, and I have jointly introduced a proposal to amend the Constitution to provide that American citizens may be eligible to become Members of the House of Representatives if they have attained the age of 22, rather than 25 as the Constitution now requires, and may be eligible to become a Member of the United States Senate upon attaining the age of 27, rather than the present required age of 30 years.

My enthusiasm for the success of this Amendment is enhanced by the determination of the Subcommittee on Constitutional Amendments of the House Judiciary Committee to hold hearings on this very same Amendment when the 93rd Congress reconvenes for its 2nd Session. I shall have the honor to preside at those hearings before the House Subcommittee on Constitutional Amendments, of which I am a member.

There are many reasons why I propose this Amendment, but the principal reason is to permit the young people of the United States to participate as Representatives and Senators in the formation of the policies by which all Americans will be governed. I look upon the exclusion of young people as both arbitrary and unwise.

The people of America took only a few months to ratify the lowering of the voting age from 21 to 18 years. Although Congress delayed this particular measure for several years, the people demonstrated their readiness to act. They know that the young people in this country deserved the right to vote at the age of 18, because young people were adequately prepared and sufficiently mature to exercise the franchise responsibility.

It is my hope and expectation that the Congress and the people of the United States, having lowered the voting age which had been set by the founding fathers, will follow this course, and provide that the ages of 25 and 30 set forth in the Constitution as requirements for membership in the House and the Senate respectively, should be comparably lowered by three years.

Some might argue that any American citizen should be eligible to run for the House or the Senate if he or she has attained the age of 21 or even 18. The Amendment which the distinguished Chairman, Senator Bayh, and I propose, however, does not seek any alteration of the logical symmetry of the Constitutional pattern, but only seeks to bring the age at which a person can become a Member of Congress into line with the new age at which young people may become voters.

I believe that the Amendment which we propose today will have a great impact on the perception of and participation in government of millions of young people who now constitute that half of the nation whose average age is under 27 years. This Amendment will say to those 25 million young people who received the franchise under the Twenty-Sixth Amendment that we not only want them to participate as voters in our democracy, but we also want them to aspire while they are still young adults to be Members of the Congress of the United States.

The proposed Amendment does nothing to alter the minimum age requirement of 35 years required by Article II, Section 1 of the Constitution for any person to be eligible for the office of President. The distinguished Chairman, Senator Bayh, and I both feel that the minimum age for the Presidency presents separate considerations. It is our judgment that the citizens of America should be able to vote on the minimum ages required for Members of Congress without having this question joined with the alteration of a Constitutional prerequisite for the Presidency.

I would like to turn to the legislative history of the ages of 25 and 30 as these are found in the Constitution, and then discuss the age limits in the 50 states as well as in foreign nations.

LEGISLATIVE HISTORY WHICH FORMS THE BASIS OF THE DETERMINATION TO USE AGES 25 AND 30 AS PREREQUISITES FOR ELIGIBILITY TO THE CONGRESS

The seven principal contemporary and historical descriptions of the Constitutional Convention—those of Elliot, Farand, Hunt, Prescott, Story, Tucker, and the Federalist Papers—reveal little of the underlying reasons for the age limits prescribed by the Constitution. On May 29, 1787, it was decided that Senators should be of a definite minimum age. On June 12, 1787, a Motion to Strike that Resolution failed by a vote of 6 to 3. Massachusetts, New York, Deleware, Maryland, Virginia and South Carolina favored an age limitation, while Connecticut, New Jersey and Pennsylvania did not. North Carolina and Georgia were divided.

On June 22 a motion to set the age of 25 as a qualification for membership in the House of Representatives carried by a divided vote of 7 to 3. Connecticut, New Jersey, Delaware, Maryland, Virginia, North Carolina and South Carolina favored the 25-year limitation while Massachusetts, Pennsylvania and Georgia were against it, with New York divided.

From the foregoing legislative history, it is very clear that the writers of the Constitution had no overwhelming consensus among themselves about the age limitations of 25 and 30 which finally were inserted into the Constitution. At no time during the Constitutional Convention was the idea extensively considered that either house ought to have no age limit. Nor is there any indication that the delegates to the Constitutional Convention ever debated the question whether the House and the Senate should have the same or different age limits. Similarly, the States, in their ratification proceedings, gave the matter scant if any attention.

A good deal of speculation has occurred in the course of American history with regard to the rationale and motivation for the establishment of the minimum ages in the Constitution. Since all of the pre-1789 State constitutions followed the British practice of lower house eligibility at age 21, it would appear that the delegates to the Constitutional Convention felt that a Member of the House of Representatives needed more maturity than the members of a State legislature.

The entire question is, however, filled with ambiguities and is not susceptible to any generalizations.

What is very clear and almost amazing, however, is that no one in the entire history of the Congress has previously proposed an amendment to follow the British practice of lower house eligibility for membership in the Congress.

The amendment proposed today does not question the good judgment of those who wrote the Constitution but simply states that, in view of the fact that the voting age has been lowered by 3 years, an identical alteration in the ages of eligibility for membership in the Congress would be a logical step. I believe that a very strong case can be made that the Founding Fathers, who measured legislative eligibility in light of voting eligibility, would have supported this amendment if the voting age in 1787 had been 18.

AGE REQUIREMENTS IN STATE LEGISLATURES AND IN OTHER NATIONS

Although the ages at which citizens may become members of State legislatures are steadily decreasing in the wake of the enactment of the 18-year old vote, only seven States require members of the State senate to be 30 years old. Only five States require members of their lower house to have attained the age of 25. The minimum ages, therefore which now exist in the Federal Constitution are among the very highest of all of the 50 States.

If the age limit for membership in the U.S. House of Representatives were decreased from 25 to 22 it would still be higher than the current age limit for membership in the lower house of 42 State legislatures.

What is proposed, therefore, today in this constitutional amendment would, if enacted, still leave the Congress of the United States having among the highest, if not the highest, age qualifications of any legislature in the United States.

The Constitution not only requires congressional age limits which are substantially higher than those of the States, but also imposes a minimum age which excludes young people from Congress for a longer period than most major nations throughout the world. Individuals younger than 22 may serve in

any legislative capacity in Australia, Canada, mainland China, France, Great Britain, Indonesia, New Zealand, Switzerland, Finland, Sweden, and Denmark—to name only a very small fraction of similar nations.

There has been in the 20th century a worldwide trend toward reduction of the ages of eligibility for election to the national assemblies of many nations. Research has indicated that this reduction has resulted in large part from the worldwide trend of reducing constitutional age limits for voting.

SUPPORT FOR THE PROPOSED CONSTITUTIONAL AMENDMENT

I have spoken with many Members of Congress concerning this proposed Amendment. More than 50 have co-sponsored the Resolution in the House. I have spoken with the Speaker of the House of Representatives who has indicated no difficulty whatsoever and indeed appears to approve the Resolution.

I have solicited the views and testimony of many groups who have been active in the reform of the Congress and in articulating policy. Many of them will have an opportunity to submit their statements and testimony before this Committee and its counterpart in the House Judiciary Committee.

This Amendment is proposed to young people, for young people, and hopefully, with young people. However, the beneficiaries will be all of the people.

I understand well the dissatisfaction which so many young people have with the world that their elders have made. I understand the voicelessness and hopelessness which so many young people feel when they realize their powerlessness to change the decisions of a Congress in whose deliberations they are not eligible to participate.

I do not want young people to withdraw from the world which they behold. I want to invite them into the process of stopping man's inhumanity to man and man's destruction of his own environment. I want to give to young people the opportunity to exemplify in their own lives and in their political careers man's humanity to man and man's reverence for the place in which he lives.

I want to say to young people of this country that they can be Members of the House at the age of 22 and of the U.S. Senate at the age of 27.

I want to remove from young people the temptation to resist a political career on the allegation that the world they experience has been corrupted and that if they enter into it they too will be corrupted. I want to give to these young individuals the opportunity to take upon their shoulders at an early age the responsibility for man and for his destiny. They have a right not to be locked out of the decisionmaking of the Congress of the United States because of a now archaic requirement that they must have attained the age of 25 or 30 before they can be seated in this distinguished body.

I hope that this Amendment, wherein Senator Birch Bayh and I are proposing a fundamental alteration in the Constitution of the United States, will be helpful in restoring to the young people of this country their faith in our institutions and their desire to utilize their talents and their aspirations at an early age as Members of the Congress of the United States.

STATEMENT OF SENATOR BIRCH BAYH, ON SENATE JOINT RESOLUTION 5

Today we are beginning hearings on a proposed constitutional amendment, Senate Joint Resolution 5, which I first introduced in 1971 and reintroduced in January of this year. This proposal would lower the age of eligibility for service in the Senate and House by 3 years, the same reduction as the lowering of the voting age ratified during the last Congress in the 26th Amendment. In the 10 years I have served as chairman of the Senate Subcommittee on Constitutional Amendments, I have seen few proposals supported by such compelling logic and reason as this one.

Young people today are mature and well-educated. They have earned the right to serve in our legislative bodies by their participation in all aspects of today's society—from paying taxes and the draft to responsible political and community activity. And perhaps most important, they have something constructive to offer by serving in the Congress—courage and energy, creativeness and idealism—attributes always in short supply anywhere in our society.

Despite the fundamental recognition in our Declaration of Independence that all men are created equal, we know that our original Constitution was not quite so egalitarian. Many people were not deemed to be citizens. Many others were barred from voting—or from holding office—for reasons totally unrelated to their talents and abilities. Over the years we have, of course, done much to remedy this problem. Indeed, the most common subject of constitutional amendments ratified since the Bill of Rights has been to expand the democratic process. The 14th Amendment made all native-born persons citizens. The 15th Amendment outlawed racial discrimination in voting. The 19th Amendment granted the franchise to women. The 24th Amendment struck down the poll tax. And just two years ago, the 26th Amendment reduced the voting age in all elections to 18.

Now is the appropriate time to turn to the question of eligibility for service in the Congress. By enfranchising 11 million younger voters, we have shown them that we have confidence in them. We have said that they deserve to participate fully in the political process. But one vitally important part of that process remains constitutionally out of their grasp; none of them can become a Congressman until age 25 nor a Senator until age 30. We tapped a vast reservoir of talent and initiative, industry and imagination, by lowering the voting age. But unless Federal elective offices themselves are opened up to younger people, I feel we will not gain the full benefit we can realize from their talents.

Of course, relatively few people actually have the honor of serving in the Congress. And I suspect that relatively few younger people would be elected because of this amendment. But that is beside the point. Younger citizens ought to have the constitutional right to try for Federal office.

This proposal lowers but does not totally eliminate the constitutional age barrier. A cogent argument can be made for the proposition that we should eliminate all such barriers; if the voters feel that a 15-year-old is the candidate best qualified to represent them, they should be allowed to select him to serve. But I am not now prepared to say that the Founding Fathers were wrong when they established a minimum age for Members of Congress higher than the minimum age of those entitled to vote for those same Members. All age limits—be they for voting or for holding office—are arbitrary. But there is logic and reason in requiring some additional maturity of those we elect to the Congress.

For these reasons my proposal lowers the existing age limitations—30 for the Senate and 25 for the House of Representatives—by 3 years, just as we lowered the generally prevailing voting age by 3 years in ratifying the 26th Amendment.

This proposal—like the 26th Amendment—is fully justified by physical and intellectual changes since the Constitution was first written. For example, physical maturity now comes much earlier. Less than a century ago, men tended to reach their full height at age 26; now most American males are fully grown at 18 or 19. The distinguished anthropologist, Margaret Mead, testified before my subcommittee that the age of maturity has declined by 3 years over the past century. Young people are much better educated today: in 1920 less than 20 percent graduated from high school; now almost 80 percent graduate—and more than half of these go on to at least a year of college. The simple fact is that our younger citizens are mentally and emotionally capable of full participation in all aspects of our democratic form of government.

We cannot afford the luxury of barring highly qualified people from serving in Congress. The interesting fact is that despite the bar, at least five men have been elected to the Senate before their 30th birthday. Just a year ago one of our distinguished colleagues Senator Biden, was elected even though he had yet to attain the minimum age of 30. Henry Clay was actually 5 months short of age 30 when he took his seat in the Senate—apparently in violation of the constitutional limitation. It is likely that even more Members of the House were elected at age 25 or below. The youngest ever to serve in the House was elected at the age of 22. Surely these figures indicate that the existing age limits are too high.

Moreover, the great majority of our States and a number of the major countries of the world have taken steps to lower the age of eligibility for legislative service, and this trend has greatly accelerated in the 20th century. If the membership age for the House were decreased by 3 years, as we are today proposing, there would still be 18 States in which even younger citizens could serve in either House of the legislature, and 42 States in which younger citizens would be eligible to serve in the lower House. Individuals below the age of 22 may serve in the legislatures of many of the leading nations of the world, including, for example, Australia, Canada, the People's Republic of China, Great Britain, Indonesia, New Zealand, Switzerland, Costa Rica, Finland, Sweden, and Denmark.

The 26th Amendment was ratified in just 100 days after it was sent to the States by the Congress. I believe that the incredible speed of this ratification and the enthusiasm with which the proposed amendment was met in Congress and in the States demonstrates the trust and confidence Americans across the land have in our younger citizens.

Congressman Drinan has introduced an identical proposal in the House to lower the eligibility age for service in Congress and I am hopeful that this legislation will be able to receive consideration in both Houses of Congress during the 2nd Session of the 93d Congress.

CONTINUED SOVIET REPRESSION OF VALERY AND GALINA PANOV

(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, several months ago I reported to this Chamber a particularly tragic instance of the cruelty suffered by Soviet Jews. I spoke of the case of Valery and Galina Panov, brilliant Russian ballet dancers who were denied permission to emigrate to Israel. The Panovs were members of the prestigious Kirov Ballet. After applying for emigration privileges, they were dismissed from the ballet as "traitors." Mr. Panov has since been refused permission to dance anywhere and denied a place to practice. Last month he began a hunger strike that lasted for 20 days.

Since I spoke about the Panovs, their case has taken an even more brutal turn. Valery Panov has been granted permission to leave for Israel, but only if Galina remains in Russia. He has refused and is planning another fast unless he and his wife are allowed to leave together. Mr. Speaker, I have difficulty expressing the disgust I feel toward the cynicism reflected in this tactic of the Soviet Government. Valery Panov has been put in the position of having to choose between his wife and his life's work as a dancer. How reprehensible of Soviet officials to force a man into such a dilemma. The Soviet Union appears to regard no means as too severe to be used against its Jewish citizens.

The Kirov Ballet is scheduled to make a nationwide tour of the United States in 1974. Given the repression incurred by the Panovs, it would be appalling for the Kirov to receive the acclaim of American audiences. If the Panovs are not allowed to emigrate, American sponsors of the tour should cancel the Kirov's appearances. If they refuse, the American public should resolve to boycott the ballet's performances. The first responsibility of the artist is to insure the creative freedom of other artists. No degree of artistic excellence shown by the Kirov can compensate for its subversion of this principle. We must not allow international cultural cooperation to represent complicity with artistic oppression.

MAYOR-ELECT BEAME OF NEW YORK CITY REAPPOINTS JOHN E. ZUCCOTTI

(Mr. BARRETT asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BARRETT. Mr. Speaker, yesterday mayor-elect of New York City, Abraham D. Beame, reappointed one of the most experienced and knowledgeable public officials in the area of housing and urban planning as chairman of the New York City Planning Commission.

When Mayor Lindsay appointed John Zuccotti to be chairman of the city planning commission, I rose on this House floor to commend Mayor Lindsay for the excellent appointment and today I commend Mayor-elect Beame for keeping John Zuccotti in one of the most influential and important city positions in the New York City government.

John Zuccotti served as special counsel to my Housing Subcommittee in 1970–71, and I know from firsthand experience of John's immense abilities and his expertise in the field of housing and urban planning. So I am pleased, Mr. Speaker, that John Zuccotti can continue his excellent work for the citizens of New York City, and for that matter, for the citizens of our country, since I hope to continue to avail myself of his counsel and advice.

An article from the New York Times of December 19, 1973, follows:

CITY'S PLANNER A BEAME-TYPE OF MAN—JOHN EUGENE ZUCCOTTI

(By Joseph P. Fried)

To most New Yorkers, city planning and zoning are intricate, abstruse subjects shrouded in such seemingly bloodless exotica as "floor-area ratios" and "joint interest districts."

But to John Eugene Zuccotti, a son of Greenwich Village and a disciple of the urban planning critic Jane Jacobs, planning and zoning are people—and the people of New York have every right to expect their public officials to translate the planning and zoning processes into concepts the layman can readily grasp.

As chairman of the City Planning Commission for the last 10 months, Mr. Zuccotti has endeavored to do just this—to open to public understanding and view the complex procedures under which the "tone" and "feel" of the city's neighborhoods are shaped.

And now, in the coming Beame administration, Mr. Zuccotti will have the opportunity to continue his approach. For the man who was John Lindsay's choice to preside over the Planning Commission is also Mayor-elect Abraham D. Beame's choice, a fact Mr. Beame made known when he announced that he was retaining Mr. Zuccotti as the city's top planning official.

BEAME-TYPE MAN

Actually, Mr. Beame's decision was not a complete surprise. Aside from the fact that Mr. Zuccotti has made little secret of his desire to remain in the post, the planning official is in many ways Mr. Beame's type of man—a New Yorker with strong ethnic ties and a detailed sense of what makes the city and its people tick.

Despite a background of college days at Princeton and a law degree from Yale, the 36-year-old Mr. Zuccotti leaves no doubt that he is the son of a close-knit, New York Italian family.

Weekends, he notes, are often spent in an "extended family kind of situation"—meaning that he and his wife and two small children head from their Brooklyn brownstone to Manhattan to spend an afternoon in the Greenwich Village building where Mr. Zuccotti's parents, an aunt and several cousins are scattered in various apartments.

The building, on Waverly Place, is not far from Perry and Fourth Streets, where Mr. Zuccotti grew up. One of his early jobs was as a hat-checker at El Morocco, where his father, Angelo, is today the maitre d'.

The younger Zuccotti attended St. Joseph's Academy in the Village and then the LaSalle Military Academy in Oakdale, L.I., before graduating from Princeton as a history major in 1959 and receiving his Yale law degree in 1963.

ONCE AIDE TO JAVITS

Even before finishing his law studies at Yale, Mr. Zuccotti had a taste of government service as an intern in Senator Jacob K. Javits' office in 1962, where he worked under Richard R. Aurelio, then the Senator's top aide and later Deputy Mayor in the Lindsay administration.

Also on the Federal level, Mr. Zuccotti served as a special assistant in the Department of Housing and Urban Development, helping in 1966 to draft legislation for the Model Cities program.

In New York, Mr. Zuccotti engaged in private law practice and one of his partners was Peter Tufo, who had been the Lindsay administration's legislative aide in Washington.

When Mr. Zuccotti was first appointed as a part-time member of the Planning Commission in 1971, City Councilman Eldon R. Clingan charged that there would be a conflict of interest between Mr. Zuccotti's part-time planning post and his continuation of his law practice. Mr. Zuccotti denied this.

In an interview yesterday, the bespectacled planner, who often exudes an air of soft-spoken thoughtfulness, made clear that he would continue efforts to bring the planning process closer to the people through such methods as workshops on zoning and development and by holding Planning Commission meetings in the various boroughs rather than solely at City Hall.

Mr. Zuccotti and his wife—the former Susan Sessions, who is writing her doctoral dissertation on the Italian entry into World War I—live with their daughter, Gianna, 6, and their son, Andrew, 4, on Second Place in Carroll Gardens—the kind of neighborhood that Ms. Zuccotti believes planners should preserve.

THE BLACKMAIL OF AN OIL EMBARGO

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, Arthur H. Courshon, chairman of the board of Washington Federal Savings & Loan Association of Miami Beach, Fla., and an outstanding citizen of Florida put in the New York Times of Sunday, December 2, 1973, and the Washington Post of December 3, 1973, a call to cooperation against the oil embargo blackmail of the eight Arab nations who initiated such arrogant embargo at the Kuwait Conference October 17, 1973. Mr. Courshon's editorial entitled "Has the Free World Lost Control of Its Destiny to the Blackmail of an Oil Embargo? We Can Regain Control Through Collective Counter-Embargo," appearing in the two papers and at the times mentioned, calls upon Canada, Western Europe, Japan, and the United States to act in concert in retaliation against this Arab blackmail embargo by denying to such Arab nations the industrial products, food, and medicines of such free nations suffering by such embargo, rather than bow in humiliation and dishonor to these Arab nations' demands.

Mr. Courshon is right. We should teach these nations who have violated all the principles of decency in international trade that they cannot attempt to blackmail the nations of the free world who purchase their products into becoming tools of the will of such nations. I think Congress should pass a sense of Congress resolution calling upon our Government and such free nations to enter into such a concert against such Arab nations and effectively deny to them the industrial products and the food supplies and medicines such Arab nations must have. I am introducing such a sense of Congress resolution. I commend Mr. Courshon's challenging proposal to my colleagues and to my fellow countrymen as the most effective way by which we and other such free nations can preserve our honor and at the same time protect our interest.

Mr. Speaker, I include the article by Mr. Courshon to which I have referred following my remarks in the RECORD:

HAS THE FREE WORLD LOST CONTROL OF ITS DESTINY TO THE BLACKMAIL OF AN OIL EMBARGO?

WE CAN REGAIN CONTROL THROUGH COLLECTIVE COUNTER-EMBARGO

A group of small Arab nations, who through accidents of history and geology control a major part of the world's oil reserves, are denying access to this resource, vital to the economic and military security of nations of the free world.

The Arabs accomplished through collective action what they could not have accomplished singly. Without firing a shot, they now threaten the economies and the freedoms of England, countries of Western Europe, Japan, and to an extent, the United States.

Profiting from their lesson in collective action, they could realize further mutual objectives were they so inclined. Tyranny always begins with a first step. What's next? Disruption of free world productive and economic stability; repeated denials for whatever purpose of access to basic world energy sources?

Their lesson should be our lesson. I strongly urge that we, as Americans, assume the lead in creating an effective, collective counter-embargo and thus show the Arabs they are swinging a two-edged sword.

The Arab nations cannot survive without food, industrial products, transportation equipment, medicine, industrial services and other commodities available to them only from the free world.

The United States historically has taken the lead in protecting the integrity of sovereign nations against blackmail by military force. We should now take the lead against oil blackmail.

No one nation can succeed with such a course through unilateral action. The United States is not the only source, in many commodities not even the major source, of Arab supply. But the free world—England, Canada, Australia, Western Europe, Japan, Latin America and others—could succeed quickly through mutual solidarity in a collective counter-embargo.

Would a collective counter-embargo work? Examine the Arabs' alternatives as they push for their own objectives contrary to the peace and order of the rest of us. Without free world goods, they could look only to the Communist world for food and industrial products. Those nations, principally the Soviet Union and the People's Republic of China, produce only marginally for their own people. Moreover, the Arab countries have shown clearly that while they may accept Communist arms they fear and reject both dependency on and domination by the Communist powers.

The possible costs of inaction are high and are becoming more visible daily. The costs to the oil embargo victims could include economic disruption, weakened currencies, unemployment, severely lowered standards of living, reduced productivity, limited sources of fuel for defense purposes and further alienation of friendly nations as each moves for its own, rather than for mutual interests.

Collective action now can prevent these problems. Through collective counter-embargo the nations of the free world can regain control over their own destinies.

Of all the free nations, the U.S. may be the most independent of outside energy sources and, in time, probably could survive alone if we had to. But as a world leader and as a bulwark of international moral force, we should take the initiative toward collective action against coercion and blackmail.

What's required? Only the will, the capacity to act in unison with other free nations whose products keep the Arab people alive. The Arabs can't eat or drink oil . . . or money! If suddenly no ships, no planes, no wheat, no spare parts, no industrial products reached the 8 nations that created the oil embargo, we would see an immediate change in attitude on their part.

We do not have to wait for political leaders to take the initiative. We can write our congressmen, our senators, our President. We can encourage our friends, business associates, suppliers and customers throughout the free world to insist that their leaders set aside fruitless rivalries and unite in this common, critical purpose.

We can urge that the U.N., though we recognize the difficulties of resolution in that body, certify oil and other major resources as world treasures open to the world marketplace in fair trade; resources not to be used to wage a war that, while absent of bullets, may be as catastrophic as arms to peace and tranquility.

Rather than supinely retreat and divided suffer losses we previously fought wars and spent fortunes to prevent, let us join together and fight fire with fire, collective embargo with collective embargo.

On October 17, 1973 at Kuwait eight nations created a joint policy aimed at bending the free world to their will. They were Saudi Arabia, Libya, Algeria, Kuwait, Abou Duran, Iraq, Sudan, Yemen.

Against that line up, the free world through collective counter-embargo could quickly regain control of its destiny, deal fairly with everyone and protect our mutual national interests. With courage and a strong will, it can be done.

MILDRED PEPPER PALM PLANTING DAY

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, all who have visited Miami will remember that our palms are one of our most outstanding symbols of beauty. Very much to the concern of our people who love our palms and appreciate the beauty they contribute to the Greater Miami area, as to many other parts of Florida, a disease which is merely called lethal yellowing, the nature of or the remedy for which we have not yet determined, has caused us to lose thousands of our lovely palms. In order to replace these beautiful palms, my wife, Mildred, one of the vice chairmen of the Miami Ecology and Beautification Committee headed by the Honorable Al Pallot who has done so much for the beautification of the area, at a dinner meeting of the committee suggested that the city of Miami and the citizens start replanting new palms to replace those being lost by this yellowing disease. Mrs. Rose Gordon, a distinguished member of the Miami City Commission, recommended to the Honorable Maurice Ferre, the distinguished mayor of Miami and members of the commission, that the City Commission adopt Mrs. Pepper's recommendation to have a palm planting day. The Honorable Mayor Maurice Ferre thereupon issued a proclamation designating December 17 as Mildred Pepper Palm Planting Day. Mr. Speaker, the proclamation of Mayor Ferre appears in the RECORD following my remarks:

PROCLAMATION, CITY OF MIAMI, FLA.

Whereas, Mildred Pepper, wife of our distinguished Congressman, Claude Pepper, selflessly has lent her time and talent to improving the community through innumerable civic interests and charitable acts; and

Whereas, Mildred Pepper has been a devoted patron of Miami's natural beauty, seeking to improve and preserve this city's many aesthetic attributes; and

Whereas, Mildred Pepper has once more demonstrated her devotion to the City of Miami and the pursuit of beauty by suggesting a massive planting in order to preserve this area's famous coconut palms; and

Whereas, it is all together fitting and proper that this renown civic leader be honored for proposing such a community-wide program;

Now, therefore, I, Maurice A. Ferre, Mayor of the City of Miami, Florida, do hereby declare Monday, December 17, 1973 as Mildred Pepper Palm Planting Day.

In observance therefore of, I urge all the residents of Miami to join with me in honoring Mildred Pepper for her many contributions to this area and I call upon the people of this city to contribute to the beauty of Miami by planting the coconut sprouts which are being distributed today, thus reaffirming the growth of one of Miami's most famous and beautiful symbols and serving as a tribute to one of Miami's most outstanding and most gracious women.

The honorable Miami-Metro Department of Publicity and Tourism issued a release describing the significance of this palm planting day and announced that the city of Miami was to make 300 coconut palm seedlings available to residents who would like to plant new palms at the ceremony. It was announced that representatives of the Miami Park Service would also exhibit to those present how to plant a palm so that it would grow and flourish. These notices appear following my remarks:

COCONUT PALM TREES

While many other cities simply remove their disease-ridden trees, the City of Miami is doing something to replenish its diminishing coconut palm trees.

The city will distribute more than 300 coconut palm seedlings Dec. 17 to interested residents desiring to replace those palm trees that were victims of lethal yellowing.

Anyone who wants to get in on this city give-away, which is being sponsored by the City of Miami Parks and Recreation Department and the City of Miami Committee on Ecology and Beautification, can go to bayfront Park, north of the library, at 10 a.m. on Dec. 17.

The event is officially known as "Mildred Pepper Palm Planting Day," in honor of the wife of Congressman Claude Pepper.

City officials, Mrs. Pepper and representatives from the city Committee on Ecology and Beautification will take gold shovels in hand and plant 20 to 25 coconut palms just north of the library near the sidewalk.

"We'll be planting coconut palm trees around the walk where we have lost them," said Al Howard, director of the Miami Parks and Recreation Department.

Taking part in the ceremony will be Mayor Maurice A. Ferre, Vice Mayor Manolo Reboso, Commissioner Theodore Gibson, Commissioner Rose Gordon, Commissioner J. L. Plummer Jr., Al Howard, Mrs. Pepper, and E. Albert Pallot, chairman of the Committee on Ecology and Beautification.

In addition, Robert Schuyt, a City of Miami parks co-ordinator, will give a demonstration on the planting and caring of coconut palms.

In announcing plans for "Mildred Pepper Palm Planting Day," Miami Mayor Ferre said, "We must replenish the beautiful palm trees that are so symbolic of Miami."

According to a spokesman for the Florida Department of Agriculture, approximately 22,000 coconut palms have been lost in the past two years because of lethal yellowing disease.

The disease is first characterized by a massive falling of coconuts within a short period. Next, flower spikes in the heart of the bud wilt and turn brown. Within three months the lower layers of fronds start yellowing. Gradually the yellow pallor encompasses the whole tree and causes shedding. Finally, only a trunk is left and the tree must be removed.

PLANTING AND CARING OF COCONUT PALM SPROUTS

Moisture and light are the necessary ingredients for growing coconut palms in South Florida's temperate climate, according to Robert Schuyte, the City of Miami parks coordinator who will demonstrate the planting and caring of coconut palm sprouts at 10 a.m. Monday (Dec. 17) in Bayfront Park, just north of the library.

Schuyte will appear during the tree-planting ceremony for "Mildred Pepper Palm Planting Day," which will include planting of 20 to 25 coconut palms in Bayfront Park and distribution of 300 free coconut palm sprouts to those persons present.

Schuyte said the planting procedure for coconut palm sprouts is relatively simple.

"It doesn't matter if it is planted at an angle," Schuyte said. "But make sure it gets light. The coconut sprout should be half buried under the soil so that it can stay moist and still have light."

The massive palm tree planting is being sponsored by the City of Miami Parks and Recreation Department and the Committee on Ecology and Beautification. Mildred (Mrs. Claude) Pepper is being honored because she originally suggested the idea of a massive coconut palm planting at an installation dinner of the Committee on Ecology and Beautification.

Mayor Maurice A. Ferre, Vice Mayor Manolo Reboso and Commissioners Theodore R. Gibson, Rose Gordon and J. L. Plummer Jr. will participate in the ceremony. Also participating will be Mrs. Pepper, Albert H. Howard, director of the Department of Parks and Recreation; and E. Albert Pallot, chairman of the Committee on Ecology and Beautification.

Lew Price, director the Miami-Metro Department of Publicity and Tourism, will be master of ceremonies.

At 10 a.m. on December 17 in beautiful Bayfront Park a crowd gathered and the following program, with background of the occasion explained in the program, took place. Mr. Speaker, the program is as follows:

MILDRED PEPPER PALM PLANTING DAY, 10 A.M., DECEMBER 1, 1973, BAYFRONT PARK

BACKGROUND

The coconut palm, with its graceful limbs swaying in the breeze, long has served as a symbol of our subtropical environment. At a recent installation dinner of the City of Miami Committee on Ecology and Beautification, Mildred (Mrs. Claude) Pepper, a champion of nature's beauty, suggested a massive palm tree planting to preserve this South Floridian trademark which has come under attack by disease.

Lethal yellowing, the disease which destroys coconut palms, has spread its blight across South Florida—leaving only sickly trunks where once lush, green palms abounded in coconuts.

Because the coconut palm is such an integral part of this area's scenic beauty, the City of Miami is seeking to preserve it today. The City of Miami Parks and Recreation Department is replacing several coconut palms in Bayfront Park and adding some additional ones. The Parks Department also is distributing 300 coconut palm seedlings to be planted throughout the Miami area.

Thus, the palm trees planted today will serve as living tributes to Mrs. Pepper, not only today, but also in years to come. And Miami's famous coconut palms will continue to flourish under the sun.

PROGRAM

Welcome: Lew Price, Director, Department of Publicity and Tourism.

Invocation: The Reverend Canon Theodore R. Gibson, Commissioner.

Introductions: Lew Price, Master of Ceremonies.

Remarks: Maurice A. Ferre, Mayor; Mildred Pepper, Claude Pepper, Representative; Manolo Reboso, Vice Mayor; Theodore R. Gibson, Commissioner; Rose Gordon, Commissioner; J. L. Plummer, Jr., Commissioner; P. W. Andrews, City Manager; E. Albert Pallot, Chairman of the Committee on Ecology and Beautification; Albert H. Howard, Director of the Department of Parks and Recreation.

Tree-Planting Ceremony.

Demonstration of coconut palm sprout planting.

Distribution of seedlings.

Maurice A. Ferre, Mayor.

Manolo Reboso, Vice Mayor.

The Reverend Theodore Gibson, Commissioner.

Rose Gordon, Commissioner.

J. L. Plummer, Jr., Commissioner.

P. W. Andrews, City Manager.

Mrs. Rose Gordon who initiated this program has expressed the hope that Governor Askew and members of the Florida Legislature will encourage the planting of new palms in other parts of Florida where the beautiful palms grow and where disease is taking a terrible toll of that lovely tree. We are hopeful that the concerted efforts of local, State, and national authorities will establish the cause of the lethal yellowing of the palms and will be able to stop this sad impairment of our cherished Florida beauty.

I commend Mrs. Pepper's suggestion to all who love and admire our Florida palms.

EXPLANATION OF VOTES

(Mr. BRADEMAS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BRADEMAS. Mr. Speaker, because I was unavoidably detained in returning to the floor of the House on Tuesday, November 13, 1973, for two rollcalls, I insert at this point in the RECORD a list of these votes, with an indication of my position on them:

Rollcall No. 581 was on final passage of the conference report on the Emergency Fuel Allocation Act. I was paired for the conference report, and had I been present, would have voted in favor of it. The conference report was passed 348 to 46, with three voting present.

Rollcall No. 594 was on final passage of H.R. 11238, a bill to provide for an improved system of adoption of children in the District of Columbia. I was paired for this bill, and had I been present, would have voted in favor of it. The bill was passed 350 to 0.

EXPLANATION OF VOTES

(Mr. BRADEMAS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BRADEMAS. Mr. Speaker, I was unavoidably detained in returning to the floor of the House on Friday, December 14, to vote on the following amendments to H.R. 11882, an amendment in the nature of a substitute to H.R. 11450, the National Emergency Energy Act.

I insert at this point in the RECORD a list indicating my position on the amendments on which I was unable to vote:

Rollcall No. 667—the Adams amendment to strike section 114 of the bill, relating to antitrust exemptions—the purpose of this amendment was to strike provisions in the bill which exempted oil companies and retail business establishments from Federal, State, and local antitrust laws. The amendment was rejected 170 to 223. Had I been present, I would have voted in favor of this amendment.

Rollcall No. 668—the Wyman amendment to rescind the requirement for emission control devices on vehicles throughout the Nation until January 1, 1977, except for certain areas which have significantly high pollution levels—large metropolitan, urban areas. The amendment was rejected 180 to 210. Had I been present, I would have voted against this amendment.

Rollcall No. 669—the Eckhardt amendment that sought to allow for the allocation of fuel for school busing where a busing plan has been ordered by the appropriate school board. The amendment was rejected 185 to 202. Had I been present, I would have voted in favor of this amendment.

Rollcall No. 670—a motion to limit debate on the substitute amendment (H.R. 11882) and all amendments thereto. The motion was carried 197 to 196, and, had I been present, I would have voted in favor of it.

Rollcall No. 671—a motion that the Committee rise and report the bill back to the House with the enacting clause stricken. The motion was rejected 56 to 335. Had I been present, I would have voted against the motion.

OIL SUPPLIES SQUEEZED—MOTORIST FORCED TO PAY EXORBITANT PRICES

(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 American people are being asked to make sacrifices to see our Nation through the energy crisis. There is no question of their willingness to do their part. There must, however, be equity and fairness in these efforts.

I am concerned that such is not the case. Today, in O'Fallon, Ill., one of the smaller communities in the 23d District, regular gas is selling for 48.9 cents per gallon and premium gas is between 51.9 cents and 55 cents per gallon. The average motorist is expected to pay these inflated prices because supplies are being squeezed.

The reports of soaring oil company profits and increased exports of oil products at a time of reported shortages does not augur well. It is time for the Federal Government to see that the American people are protected, not exploited by the energy crisis.

To place this economic imbalance in better perspective I include the following table:

OIL COMPANY PROFITS AND SALES, 31 LARGEST COMPANIES, 1973

[Dollar amounts in billions]

	9 mo	Increase over 1972 (percent)	3d quarter	Increase over 1972 (percent)
Sales	$81.5	22	$29.2	36
Profits	6.4	47	2.4	63

OIL COMPANY PROFITS AND SALES, 8 LARGEST COMPANIES

[Dollar amounts in billions]

	Sales 9 mo	Profits 9 mo	3d quarter profit increase (percent)
Exxon	$18.10	$1.65	81
Mobil	8.96	.57	64
Texaco	8.25	.84	48
Gulf	7.00	.57	91
Standard (California)	5.45	.56	51
Shell	4.15	.25	21
Standard (Indiana)	3.90	.39	37
ARCO	3.15	.18	16
Total	58.96	5.01	

Source: Business Week, Nov. 10, 1973.

The 31 largest oil companies had sales of just under $82 billion in the first 9 months of 1973, up 22 percent from the same period last year. Nearly three-quarters of those sales, or $59 billion, were made by the eight largest companies.

According to a recent FTC study, those same eight companies have a virtual monopoly on the oil industry at every stage. They control: 64 percent of domestic crude reserves, 51 percent of net crude production, 58 percent of refining capacity, and 55 percent of the gasoline market.

As the table shows, the energy shortages this year have been very profitable for the oil industry.

For the industry as a whole, profits reached $6.4 billion during the first 9 months of the year, up 47 percent over the comparable period last year. And third-quarter profits were $2.4 billion, up 63 percent.

Clearly, it is time to stop squeezing the American people who are to bear the burden of the energy debacle.

HON. CARL VINSON

(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, it was my privilege to attend the 90th birthday celebration of former House Armed Services Chairman Carl Vinson in Macon, Ga., on November 18.

At the conclusion of his remarks on the occasion, President Nixon announced that the yet-to-be-built nuclear carrier CVN–70, will be named the *Carl Vinson*. This is the first aircraft carrier named for a Congressman.

I can think of no one more fitting or deserving than Carl Vinson to receive this singular honor. No man who has served in the Congress has done more to see that our country has a strong national defense structure.

I include the article from the December 5 issue of the Navy Times about the honor bestowed upon Carl Vinson:

CVN–70 NAMED FOR VINSON

MACON, GA.—Breaking one longstanding Navy tradition—if not more—President Nixon has announced that the yet-to-be-built nuclear carrier CVN–70 will be named the Carl Vinson.

Nixon, speaking here at a celebration of the 90th birthday of the former Georgia congressman and the 100th anniversary of the Walter F. George School of Law at Mercer University, ended his remarks with the surprise announcement.

Vinson, who retired in 1964 after serving 50 years and 62 days in Congress (the longest House service in history), was first chairman of the Naval Affairs Committee and later was chairman of the Armed Services Committee.

During the Revolutionary War, Continental Navy ships were named for living persons—among them, Washington, Franklin, Hancock and Gage. However, since 1797, the tradition has been otherwise.

A second tradition has been that aircraft carriers are named mostly for historical Naval vessels or battles. Exceptions have been the Forrestal named for the first Defense Secretary; the Franklin D. Roosevelt, the John F. Kennedy and the Dwight D. Eisenhower, all named for presidents, and the Nimitz, honoring Fleet Adm. Chester A. Nimitz.

CVN–70 will be the first named for a congressman. Traditionally, congressmen have been grouped with those for whom destroyers are named.

"Next to his country, and next to his state of Georgia, Carl Vinson loved the Navy most," Nixon said.

"I have discussed with Chairman John Stennis of the Armed Services Committee of the Senate and Congressman Ed Hebert from Louisiana . . . a proposal, and they have given me permission, because we must do this thing jointly, to make this announcement today.

"As you know, we have just begun to develop nuclear carriers. The first one was named the Eisenhower, the second one was named the Nimitz, the great Naval commander of World War II. The third is just beginning, and it will be named the Carl Vinson.

Usually names for new Navy ships are selected by the Navy History Division and approved by the Navy Secretary.

A Navy spokesman said that there are now no definite guidelines—such as battleships for states—and that each is named on an industrial basis.

Advance procurement funds were approved for CVN–70 in fiscal year 1974 and the money to begin construction is in this year's budget.

The ship is planned to have a length of 1092 feet and a 134-foot beam.

She'll be propelled by two nuclear reactors with virtually unlimited endurance and will have a complement, including air wing, of 5335.

ENCOURAGEMENT OF MASS TRANSIT USE THROUGH TAX LEGISLATION

(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, yesterday I introduced H.R. 11992, to amend the Internal Revenue Code to encourage the use of public mass transportation by allowing a deduction or tax credit for expenses incurred by the taxpayer commuting to and from work on public transportation. The other major feature of this bill, which is entitled the "Commuters' Tax Act," is the recognition that the handicapped, many of whom are unable to use mass transit, should be allowed to deduct their reasonable expenses incurred commuting to and from work without regard to the mode of transportation employed.

The exploding automobile population has clogged our city streets, contributed to dangerous air pollution levels, and drained our energy resources. Transportation problems affect each of us, whether directly or indirectly. The truck that does not get to the food market on time, thereby causing the empty spaces on the grocer's shelves, affects us as much as the rush hour traffic jam on the main road into the city.

Our cities and their surrounding bedroom communities have grown in leaps and bounds over the past two decades, far outdistancing the ability of roads to accommodate the volume of traffic. The cycle is complete when we add one additional factor—the automobile itself tends to stimulate the traveling propensity of the average American. We have, therefore, in our desire to play the American mobility game, jammed the entire circulatory system of our major communities to a point where it has become highly inconvenient, costly, and even dangerous to move about.

Our profligate waste of energy can, at least in substantial part, be traced to the use of the commuter's automobile. It is astonishing, but true, that 90 percent of all passenger miles accumulated each year is attributable to private automobile use, while, for example, airplanes only account for 5 percent of the total. Of all the miles traveled by Americans commuting to work each year, 82 percent is by automobile, while only 14 percent use public transportation.

Automobiles consume 100 billion gallons of gasoline each year, or 6 million barrels a day. This represents the country's total anticipated daily shortfall in 1974. Of the 83 million registered cars in the United States, the Department of Transportation estimates that 42 percent are used to carry commuters to work. But this need not be the case.

Though it has been said that we are wedded to the door-to-door convenience of the automobile, studies have shown that many commuters would abandon their automobiles when the available public transportation alternative is made attractive. A recent study conducted by Montgomery County, Md., showed that if only 9,000 cars were taken off the commuter corridors 12,000 barrels of oil would be saved a year. Imagine the enormous savings in gasoline that would be realized if we could divert 10 percent of the people commuting by car to mass transit.

Proponents of free- or low-cost subsidized mass transportation contend that as fares are lowered there is an observable increase in ridership.

Supporters of increased utilization of mass transit also point out that there would be clear advantages for the low-income and handicapped worker if fares

were either subsidized or eliminated. The greater mobility afforded the poor and disabled because of the minimum impact low transit fares would have on their disposable income would act as an incentive to seek available work outside the immediate neighborhood and contribute to reduced dependence on public assistance. It would also widen their social horizons and enable them to obtain vital services where they choose.

For many years, the worker who depends upon his automobile for legitimate business purposes has been able to deduct his transportation expenses. The allowable deduction served a deserved need. So, too, would the tax advantages provided under the Commuters' Tax Act. In an age when energy resources have become scarce and must be conserved, the most efficient transportation method should be used wherever possible. I believe that if the mass transportation commuter were allowed to deduct from his taxes the amount spent on fares to travel from and to work, many people living within the Nation's cities endowed with viable mass transit facilities would opt for its use over the car.

Critics of the tax credit plan say that no matter how low the fares, the more affluent American will not abandon his car for the bus or train. I have considered this possibility and concluded that the best way to make mass transit attractive to all Americans is to provide a choice. The mass transit commuter, under my proposal, would be allowed to elect either a tax credit up to $200 each year, or deduct the actual expenses incurred by using public transportation to and from work, up to a maximum of $800. This, I believe, will entice the person who normally itemizes his deductions to use mass transit also.

Moreover, if funds are not forthcoming to stave off a fare increase in New York City, the realizable tax savings for the New York commuter under this bill could act as insulation from its economic impact.

No matter how attractive mass transit is made there are, unfortunately, citizens unable because of physical handicaps to use public transportation. These people would be severely discriminated against if the Commuters' Tax Act were to make no provision for them.

The disabled commuter not able to use public transportation spends, on the average, between $50 and $75 each week to get to and from work. For the average worker this represents an intolerably large slice of the weekly paycheck. The Commuters' Tax Act includes provisions which will not only provide for equitable treatment of the handicapped but will encourage them to seek and hold employment instead of relying on public assistance. My bill would allow a disabled individual to take a credit against the normal income tax imposed equal to the reasonable expenses incurred by that individual up to $750 each taxable year for transportation expenses. The bill also provides for a deduction for the handicapped commuter up to a maximum of $3,000, should he elect to take it instead of the tax credit.

I consider passage of the Commuters' Tax Act a priority matter. This is not to say that there are not other important steps that must be taken to combat the energy shortage. We will have to provide operating subsidies for mass transit, for example, and seek new energy supplies. However, each progressive measure that is proposed to contribute to the overall effort to conserve fuel deserves serious consideration. The Commuters' Tax Act is such an effort.

The text of the bill follows:

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, a credit (not to exceed $750) or a deduction (not to exceed $3,000) for reasonable transportation expenses incurred in traveling to and from work

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 "Commuters' Tax Act".

SEC. 2. ALLOWANCE OF CREDITS FOR PUBLIC TRANSIT EXPENDITURES AND FOR TRANSPORTATION AND EXPENDITURES OF DISABLED INDIVIDUALS

(a) Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 (relating to credits allowable) is amended by redesignating section 42 as section 44 and inserting in lieu thereof the following new sections:

"SEC. 42. PUBLIC TRANSIT EXPENDITURES

"(a) General Rule.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter an amount equal to the amounts paid by such individual during the taxable year for reasonable public transit transportation between his or her place of residence and place of employment.

"(b) Maximum Credit.—The credit allowed by subsection (a) for a taxable year shall be limited to $200.

"(c) Public Transit Defined.—For purposes of this section and section 43 the term 'public transit' means all public transportation systems including motorbuses, subway trains, elevated trains, streetcars, trains, ferry boat, and other similar public conveyances in general use for mass transit.

"SEC. 43. TRANSPORTATION EXPENDITURES OF DISABLED INDIVIDUALS.

"(a) General Rule.—In the case of a disabled individual, there shall be allowed as a credit against the tax imposed by this chapter an amount equal to the reasonable amounts paid by such individual during the taxable year for reasonable transportation between his or her place of residence and place of employment.

"(b) Maximum Credit.—The credit allowed by subsection (a) for a taxable year shall be limited to $750.

"(c) Disabled Individual Defined.—For purposes of this section the term 'disabled individual' means an individual who is blind (as defined in section 151(d)(3)) or who has lost the use of one or more of his extremities, or is otherwise disabled, to such an extent that in order to avoid undue hardship or danger he must during the entire taxable year use other than public transit (as defined in section 42(c)), in whole or in part, for transportation between his or her place of residence and place of employment. A taxpayer claiming a deduction under this section shall submit such proof that he is a disabled individual as the Secretary of the Treasury or his delegate may by regulations prescribe. The regulations so prescribed shall provide that if the individual is a veteran with a service-connected disability, a certification from the Veterans' Administration that his disability (to the extent based upon or attributable to loss or loss of use of one or more of his extremities) has a rating of 40 percent or more under the Schedule for Rating Disabilities of the Veterans' Administration (Federal Register, vol. 29, No. 101, part II) shall be deemed conclusive proof that he is a disabled individual for purposes of this section."

(b) The table of sections for such subpart is amended by striking out the item relating to section 42 and inserting in lieu thereof the following new items:

"Sec. 42. Public transit expenditures.
"Sec. 43. Transportation expenditures of disabled individuals.
"Sec. 44. Overpayments of tax.".

SEC. 3. DEDUCTION IN LIEU OF CREDIT.

(a) Part VII of subchapter B of chapter 1 (relating to additional itemized deductions for individuals) is amended by redesignating section 219 as section 221, and by inserting after section 218 the following new sections:

"SEC. 219. DEDUCTION FOR PUBLIC TRANSIT EXPENDITURES.

"(a) Allowance of Deduction.—In the case of an individual, there shall be allowed as a deduction any expenditure made by such individual during the taxable year for reasonable public transit transportation between his or her place of residence and place of employment.

"(b) Maximum Deduction.—The deduction under subsection (a) for a taxable year shall be limited to $800.

"(c) Election to Take Credit in lieu of Deduction.—This section shall not apply in the case of any taxpayer who, for the taxable year, elects to take the credit against tax provided by section 42 (relating to credit against tax for public transit expenditures). Such election shall be made in such manner and at such time as the Secretary or his delegate shall prescribe by regulations.

"SEC. 220. DEDUCTION FOR TRANSPORTATION EXPENDITURES OF DISABLED INDIVIDUALS.

"(a) Allowance of Deduction.—In the case of a disabled individual, there shall be allowed as a deduction any expenditure made by such individual, during the taxable year for reasonable transportation between his or her place of residence and place of employment.

"(b) Maximum Deduction.—The deduction under subsection (a) for a taxable year shall be limited to $3,000.

"(c) Disabled Individual Defined.—For the purposes of this section the term 'disabled individual' has the same meaning as contained in section 43(c).

"(d) Election to Take Credit in lieu of Deduction.—

"This section shall not apply in the case of any taxpayer who, for the taxable year, elects to take the credit against tax provided by section 43 (relating to credit against tax for transportation expenditures of disabled individuals). Such election shall be made in such manner as the Secretary or his delegate shall prescribe by regulations."

(b) The table of sections of such part is amended by striking out the item relating to section 219 and inserting in lieu thereof the following new items:

"Sec. 219. Deduction for public transit expenditures.
"Sec. 220. Deduction for transportation expenditures of disabled individuals.
"Sec. 221. Cross references."

SEC. 4. EFFECTIVE DATE.

The amendments made by sections 2 and 3 shall apply to taxable years ending after the date of the enactment of his Act with respect to amounts expended after such date.

PHIL L. ROOF, DISTINGUISHED PUBLIC SERVANT

(Mr. MAHON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MAHON. Mr. Speaker, on October 27, Mr. Philip L. Roof, executive assistant to the Architect of the Capitol, concluded a distinguished career in the Federal Government.

Phil began his career with the Department of Agriculture in 1935. He became associated with the Architect's Office in 1940 when he was appointed to the position of chief clerk of the Botanic Garden. He transferred to the Capitol in 1941, and in 1955 he was appointed by the late J. George Stewart, eighth architect of the Capitol, to the position of executive assistant.

During his tenure, Phil demonstrated an exceptionally high degree of ability as an administrator. His specialized knowledge and judgment regarding the activities of the Architect of the Capitol and their relationship to the Congress brought him into frequent contact with Members of the House and Senate, officers of the Congress, and staffs. He worked very closely with Speaker Rayburn's office and with members of the Commission for the Extension of the U.S. Capitol during the period of consideration and construction of the extension of the east front of the Capitol. He was intimately associated with Speaker McCormack and with the members of the House Office Building Commission during construction of the Rayburn Building. He worked closely with and provided staff services to the Senate Office Building Commission during the construction of the Dirksen Building. He continued to serve the Commission in connection with other projects until his retirement.

In 1970, at Speaker McCormack's request, Phil served as personal representative of the Speaker in developing details that would insure an acceptable process for selection of an engineering firm to determine the feasibility of restoring the west front of the Capitol.

Phil Roof cherishes a deep sentiment for the Capitol and its environs. His devotion to duty brought him recognition as an authority in the appropriation and legislative processes as these affected the programs and activities of the Architect.

No doubt the high point in his career came in 1970. As a result of his administrative and leadership capabilities, Mr. Stewart, with whom he worked closely, recommended legislation which was subsequently approved that authorized Phil Roof, as executive assistant, to serve as Architect of the Capitol during the absence of the Architect and Assistant Architect of the Capitol.

The Honorable George White, who became Architect of the Capitol in 1971, has spoken in terms of highest commendation of the work of Phil Roof. Phil will be missed by the Architect and he will be missed by many of us who have worked with him through the years. Phil will be missed in the Capitol, but I know he will continue to be busy serving his community and his fellow man.

My congratulations for a job well done, and my very best wishes to Phil and his wife Bertha for continued health and happiness.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ANDREWS of North Dakota (at the request of Mr. RHODES), from 4:30 p.m. today and the balance of the week, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. THONE) to revise and extend their remarks and include extraneous material:)

Mr. CONABLE, for 5 minutes, today.

Mr. YOUNG of Illinois, for 5 minutes, today.

Mr. EDWARDS of Alabama, for 10 minutes, today.

Mr. KEMP, for 15 minutes, today.

Mr. STEELE, for 45 minutes, today.

Mrs. HECKLER of Massachusetts, for 5 minutes, today.

Mrs. HECKLER of Massachusetts, for 5 minutes, December 20.

Mr. FINDLEY, for 5 minutes, today.

Mr. DU PONT, for 60 minutes Thursday, December 20.

(The following Members (at the request of Mrs. SCHROEDER) to revise and extend their remarks and include extraneous material:)

Ms. ABZUG, for 10 minutes, today.

Mr. DANIELS of New Jersey, for 5 minutes, today.

Mr. CAREY of New York, for 10 minutes, today.

Mr. DAVIS of South Carolina, for 5 minutes, today.

Mr. GONZALEZ, for 5 minutes, today.

Mr. ADAMS, for 5 minutes, today.

Mr. DRINAN, for 15 minutes, today.

Mr. GUNTER, for 5 minutes, December 20.

Mr. MANN, for 5 minutes, December 20.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. MAHON, and to include extraneous matter.

Mr. GRAY, and to include extraneous matter.

(The following Members (at the request of Mr. THONE), and to include extraneous matter:)

Mr. HASTINGS.

Mr. HILLIS.

Mr. STEIGER of Wisconsin in three instances.

Mr. YOUNG of Illinois in two instances.

Mr. YOUNG of South Carolina.

Mr. MYERS in two instances.

Mr. BAKER.

Mr. WYMAN in two instances.

Mr. RONCALLO of New York.

Mr. MINSHALL of Ohio.

Mr. CONLAN in two instances.

Mr. POWELL of Ohio.

Mr. ERLENBORN.

Mr. HOSMER in two instances.

Mr. WIDNALL.

Mr. FRENZEL.

Mr. KEMP.

Mr. DERWINSKI in three instances.

Mr. SHOUP.

Mr. MIZELL in five instances.

Mr. WHITEHURST.

Mrs. HECKLER of Massachusetts in six instances.

Mr. NELSEN.

Mr. BROTZMAN.

(The following Members (at the request of Mrs. SCHROEDER) and to include extraneous matter:)

Mr. DONOHUE.

Mr. GAYDOS in five instances.

Mr. ANDERSON of California in four instances.

Mr. HÉBERT.

Mr. GUNTER.

Ms. ABZUG in 10 instances.

Mr. GONZALEZ in three instances.

Mr. RARICK in three instances.

Mr. DOWNING.

Mr. EDWARDS of California.

Mr. NICHOLS.

Mr. HARRINGTON in three instances.

Mr. ROONEY of New York in 10 instances.

Mr. DRINAN in three instances.

Mr. PATTEN.

Mr. FASCELL in five instances.

Mrs. GRIFFITHS.

Mr. DANIELSON in five instances.

Mrs. SULLIVAN.

Mr. HAMILTON.

Mr. WOLFF in two instances.

Mrs. CHISHOLM.

SENATE BILLS AND CONCURRENT RESOLUTIONS REFERRED

A bill joint and concurrent resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1868. An act to amend the United Nations Participation Act of 1945 to halt the importation of Rhodesian chrome; to the Committee on Foreign Affairs.

S. 2432. An act to establish a procedure assuring Congress the full and prompt production of information requested from Federal officers and employees; to the Committee on Rules.

S. Con. Res. 30. Concurrent resolution to establish a procedure assuring Congress the full and prompt production of information requested from Federal officers and employees; to the Committee on Rules.

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. 655. An act to provide for the naming of the lake to be created by the Buchanan Dam, Chowchilla River, California;

H.R. 3334. An act for the relief of Maria Lourdes Rios;

H.R. 3758. An act for the relief of Isabel Eugenia Serrane Macias Ferrier;

H.R. 7352. An act to amend section 4082(c) of title 18, United States Code, to extend the limits of confinement of Federal prisoners; and

H.R. 11441. An act to postpone the implementation of the Headstart fee schedule.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 1435. An act to reorganize the governmental structure of the District of Columbia, to provide a charter for local government in the District of Columbia subject to acceptance by a majority of the registered qualified electors in the District of Columbia, to delegate certain legislative powers to the local government, to implement certain recommendations of the Commission on the Organization of the Government of the District of Columbia, and for other purposes;

S. 1529. An act to authorize the Secretary of the Interior to enter into agreements with non-Federal agencies for the replacement of the existing American Falls Dam, Minidoka project, Idaho, and for other purposes;

S. 1945. An act 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;

S. 2413. An act to authorize the disposal of aluminum from the national stockpile and the supplemental stockpile, and for other purposes;

S. 2493. An act to authorize the disposal of silicon carbide from the national stockpile and the supplemental stockpile;

S. 2498. An act to authorize the disposal of zinc from the national stockpile and the supplemental stockpile; and

S. 2551. An act to authorize the disposal of molybdenum from the national stockpile and from the supplemental stockpile, and for other purposes.

BILL PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on this day present to the President for his approval a bill of the House of the following title:

H.R. 10717. 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.

ADJOURNMENT

Mrs. SCHROEDER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 42 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, December 20, 1973, at 10:30 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1646. A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to provide for the addition of certain lands in the State of Alaska to the National Park, National Wildlife Refuge, National Forest, and the Wild and Scenic Rivers Systems, and for other purposes; to the Committee on Interior and Insular Affairs.

1647. A letter from the Comptroller General of the United States, transmitting two drafts of proposed legislation to revise and restate certain functions and duties of the Comptroller General of the United States and for other purposes; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. POAGE: Committee on Agriculture. S. 2491. An act to repeal the provisions of the Agriculture and Consumer Protection Act of 1973 which provide for payments to farmers in the event of crop failures with respect to crops planted in lieu of wheat or feed grains (Rept. No. 93–739). Referred to the Committee of the Whole House on the State of the Union.

Mrs. SULLIVAN: Committee of conference. Conference report on S. 1983 (Rept. No. 93–740). Ordered to be printed.

Mr. MAHON: Committee of conference. A conference report to accompany H.R. 11575 (Rept. No. 93–741). Ordered to be printed.

Mr. PASSMAN: Committee of conference. A conference report to accompany H.R. 11771 (Rept. No. 93–742). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DOMINICK V. DANIELS:

H.R. 12020. A bill to terminate the airlines mutual aid agreement; to the Committee on Interstate and Foreign Commerce.

By Mr. EDWARDS of Alabama:

H.R. 12021. A bill to amend the Internal Revenue Code of 1954 to provide income tax incentives to improve the economics of recycling wastepaper; to the Committee on Ways and Means.

By Mr. FAUNTROY:

H.R. 12022. A bill to establish an urban homesteading program to refurbish abanboned real estate in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. FREY:

H.R. 12023. A bill to establish the Controlled Substances Administration to administer all Federal programs relating to the regulation of narcotic and other dangerous drugs, the treatment and rehabilitation of abusers of such drugs, and education and training respecting such drugs; to the Committee on Interstate and Foreign Commerce.

H.R. 12024. A bill to amend title 38 of the United States Code to make certain that recipients of veterans' pension and compensation will not have the amount of such pension or compensation reduced, or entitlement thereto discontinued, because of increases in monthly social security benefits; to the Committee on Veterans' Affairs.

By Mr. FROEHLICH (for himself, Mr. CONTE, Mr. CRONIN, and Mr. LEHMAN):

H.R. 12025. A bill to amend the Export Administration Act of 1969 to prohibit exports of groundwood and chemical papermaking pulps and wastepaper above a certain level; to the Committee on Banking and Currency.

By Mr. GOLDWATER:

H.R. 12026. A bill to amend the Federal Aviation Act of 1958, as amended, to delay by 6 months the installation of emergency locator transmitters on fixed-wing powered civil aircraft; to the Committee on Interstate and Foreign Commerce.

By Mrs. GRASSO (for herself, Mr. PATMAN, and Mr. MCKINNEY):

H.R. 12027. A bill to establish a National Energy Development Bank to provide loans and grants to finance urgently needed research, exploration, development, production, and delivery of energy resources within the United States; to the Committee on Banking and Currency.

By Mr. LEHMAN (for himself, Mr. CRONIN, Ms. BURKE of California, Mr. THONE, Mr. ROSENTHAL, Mr. HELSTOSKI, Mr. WOLFF, Mr. STRATTON, Mr. WILLIAM D. FORD, Mr. SIKES, Mr. HARRINGTON, Mr. GUDE, Mr. WALDIE, Mr. CONYERS, and Mr. BURGENER):

H.R. 12028. A bill to direct the Secretary of Commerce to research and develop new building designs and construction methods which utilize solar energy and to authorize the Secretary of Housing and Urban Development to increase the maximum amount of mortgages insured under title II of the National Housing Act for certain facilities utilizing solar energy; to the Committee on Banking and Currency.

By Mr. McCORMACK (for himself, Mr. TEAGUE of Texas, Mr. MOSHER, Mr. GOLDWATER, Mr. BIESTER, Mr. DANIELSON, Mr. ROY, Mr. HARVEY, Mr. RINALDO, and Mrs. BOGGS):

H.R. 12029. A bill to further the conduct of research, development, and commercial demonstrations in geothermal energy technologies, to direct the National Science Foundation to fund basic and applied research relating to geothermal energy, and to direct the National Aeronautics and Space Administration to carry out a program of demonstrations in technologies for commercial utilization of geothermal resources including hot dry rock and geopressured fields; to the Committee on Science and Astronautics.

By Mr. MYERS:

H.R. 12030. A bill to amend title XI of the Social Security Act to repeal the provision for the establishment of Professional Standards Review Organization to review services covered under the medicare and medicaid programs; to the Committee on Ways and Means.

By Mr. STEELE:

H.R. 12031. A bill to provide a special procedure for the establishment of safety and health standards for fire fighters; to the Committee on Education and Labor.

By Mr. THONE:

H.R. 12032. A bill to amend the Occupational Safety and Health Act of 1970 to extend its protection to firefighters; to the Committee on Education and Labor.

H.R. 12033. A bill to amend the Internal Revenue Code of 1954 to provide that in the case of certain corporations net losses from farming shall not be deductible; to the Committee on Ways and Means.

By Mr. YOUNG of South Carolina:

H.R. 12034. A bill to prevent further increases in 1974 flue-cured tobacco marketing quotas; to the Committee on Agriculture.

By Mr. YOUNG of Georgia:

H.R. 12035. A bill to suspend for a 1-year period the duty on certain carboxymethyl cellulose salts; to the Committee on Ways and Means.

By Mr. ASPIN (for himself and Mr. HARRINGTON):

H.R. 12036. A bill to impose certain taxes on energy industries and create certain incentives for energy investment, and for other purposes; to the Committee on Ways and Means.

By Mr. CONABLE (for himself, Mr. ULLMAN, Mr. SCHNEEBELI, Mr. CORMAN, Mr. GIBBONS, and Mr. PETTIS):

H.R. 12037. A bill to amend the Internal Revenue Code of 1954 with respect to lobbying by certain types of exempt organizations; to the Committee on Ways and Means.

By Mr. EDWARDS of California:

H.R. 12038. A bill to terminate the airlines mutual aid agreement; to the Committee on Interstate and Foreign Commerce.

By Mr. FROEHLICH (for himself, Mr. CONTE, Mr. CRONIN, Mr. BAUMAN, Mr. BLACKBURN, Mr. BURKE of Massachusetts, Mr. CRANE, Mr. DERWINSKI, Mr. HUBER, Mr. KEMP, Mr. KETCHUM, Mr. LOTT, Mr. MINSHALL of Ohio, Mr. OBEY, Mr. PARRIS, Mr. ROUSSELOT, Mr. STEIGER of Arizona, Mr. STEIGER of Wisconsin, Mr. SYMMS, Mr. TREEN, Mr. WYMAN, and Mr. YOUNG of South Carolina):

H.R. 12039. A bill to amend the Economic Stabilization Act of 1970 to exempt groundwood and chemical papermaking pulps from coverage under the act; to the Committee on Banking and Currency.

By Mr. MOSS:

H.R. 12040. A bill to amend the Securities Exchange Act of 1934 to prevent control by foreign persons of American companies engaged in vital industries; to the Committee on Interstate and Foreign Commerce.

By Mr. O'BRIEN:

H.R. 12041. A bill to amend the Economic Stabilization Act of 1970 to exempt stabilization of the price of petrochemicals from coverage under the act; to the Committee on Banking and Currency.

By Mr. REID of New York:

H.R. 12042. 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. ROSE:

H.R. 12043. A bill to prevent further increases in 1974 flue-cured tobacco marketing quotas; to the Committee on Agriculture.

By Mr. MATHIAS of California:

H.R. 12044. A bill to modify section 201 of the Flood Control Act of 1962 (76 Stat. 1192) to change the name of the lake to be created by such project from Hidden Lake to Hensley Lake; to the Committee on Public Works.

By Mr. PEPPER:

H.R. 12045. A bill to increase the production, transportation, and conversion of coal as a source of energy; to the Committee on Interstate and Foreign Commerce.

By Mr. RIEGLE:

H.R. 12046. A bill to amend the Social Security Act to establish a program of food allowances for older Americans; to the Committee on Ways and Means.

By Mr. WHITEHURST:

H.R. 12047. A bill to provide assistance to zoos and aquariums, to establish standards of accreditation for such facilities, and to establish a Federal Zoological and Aquarium Board, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. GAYDOS:

H. Con. Res. 404. Concurrent resolution pertaining to the methods used on animals in research; to the Committee on Science and Astronautics.

By Mr. PEPPER:

H. Con. Res. 405. Concurrent resolution expressing the sense of the Congress that the United States, Canada, Great Britain, Western Europe and Japan should act in concert in refusing to sell essential industrial and food products, and medicines to Arab nations boycotting such nations in the sale of petroleum; to the Committee on Foreign Affairs.

By Mr. VEYSEY:

H. Con. Res. 406. Concurrent resolution expressing the sense of the Congress with respect to the urgent need for research, development and demonstration of alternate sources of energy; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BROYHILL of Virginia:

H.R. 12048. A bill for the relief of David Levi; to the Committee on the Judiciary.

By Mr. EDWARDS of Alabama:

H.R. 12049. A bill for the relief of Jack K. McHenry; to the Committee on the Judiciary.

By Mr. ROY:

H.R. 12050. A bill for the relief of Wilma Selle, Gary Selle, and Deborah Selle; to the Committee on the Judiciary.

By Mr. SISK:

H.R. 12051. A bill to provide for the reinstatement and validation of U.S. oil and gas lease No. U-0140571, and for other purposes; to the Committee on Interior and Insular Affairs.

SENATE—*Thursday, December 20, 1973*

The Senate met at 10 a.m. and was called to order by Hon. JAMES B. ALLEN, a Senator from the State of Alabama.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty God, the source of all wisdom and strength, grant that we who shoulder the burdens of this Government may accept the Christmas promise that "the government shall be upon His shoulder: and His name shall be called Wonderful Counselor, the Mighty God, the Everlasting Father, the Prince of Peace. Of the increase of His government and peace there shall be no end * * *" (Isaiah 9; 6, 7a). May we so yield ourselves to His spirit that the promised kingdom of truth and righteousness may become the kingdom of all mankind, and that He shall reign forever and ever. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. EASTLAND).

The second assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., December 20, 1973.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. JAMES B. ALLEN, a Senator from the State of Alabama, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
President pro tempore.

Mr. ALLEN thereupon took the chair as Acting President pro tempore.

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills:

S. 1435. An act to reorganize the governmental structure of the District of Columbia, to provide a charter for local government in the District of Columbia subject to acceptance by a majority of the registered qualified electors in the District of Columbia, to delegate certain legislative powers to the local government, to implement certain recommendations of the Commission on the Organization of the Government of the District of Columbia, and for other purposes;

S. 1529. An act to authorize the Secretary of the Interior to enter into agreements with non-Federal agencies for the replacement of the existing American Falls Dam, Minidoka project, Idaho, and for other purposes;

S. 2493. An act to authorize the disposal of silicon carbide from the national stockpile and the supplemental stockpile;

H.R. 3334. An act for the relief of Maria Lourdes Rios;

H.R. 3758. An act for the relief of Isabel Eugenia Serrane Macias Ferrier;

H.R. 7352. An act to amend section 4082(c) of title 18, United States Code, to extend the limits of confinement of Federal prisoners; and

H.R. 11441. An act to postpone the implementation of the Headstart fee schedule.

The enrolled bills were subsequently signed by the Vice President.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, December 19, 1973, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

REPORT OF THE DAUGHTERS OF THE AMERICAN REVOLUTION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 613, Senate Resolution 221.

The ACTING PRESIDENT pro tempore. The resolution will be stated by title.

The second assistant legislative clerk read as follows:

S. Res. 221, authorizing the printing of the Seventy-fifth annual report of the National