Vanhart, David C., xxx-xx-xxxx
Vanhoozer, William, xxx-xx-xxxx
Vankeuren, Charles, xxx-xx-xxxx
Vankirk, Marvin L., xxx-xx-xxxx
Vaught, Thomas M., III, xxx-xx-xxxx
Veach, Colin B., xxx-xx-xxxx
Vidal-Delgado, David, xxx-xx-xxxx
Viner, Myron P., xxx-xx-xxxx
Vorpahl, Donald B., xxx-xx-xxxx
Vroman, Hugh E., xxx-xx-xxxx
Wahlgren, Harold E., xxx-xx-xxxx
Walker, Ceasar A., xxx-xx-xxxx
Walker, Jack W., xxx-xx-xxxx
Walker, Paul D., xxx-xx-xxxx
Wallace, George N., xxx-xx-xxxx
Wallace, Marsh, Jr., xxx-xx-xxxx
Wallace, Robert T., xxx-xx-xxxx
Wallis, Thomas W., xxx-xx-xxxx
Walsh, Paul R., xxx-xx-xxxx
Walters, John F., II, xxx-xx-xxxx
Walton, Kirk D., xxx-xx-xxxx
Ward, Billy J., xxx-xx-xxxx
Ward, Don D., xxx-xx-xxxx
Ward, John J., Jr., xxx-xx-xxxx
Ware, Archie L., Jr., xxx-xx-xxxx
Warfield, Melvin P., xxx-xx-xxxx
Wark, William J., xxx-xx-xxxx
Waterman, Robert M., xxx-xx-xxxx
Watling, Robert C., xxx-xx-xxxx
Weaver, Byron E., xxx-xx-xxxx
Webb, Kenneth R., xxx-xx-xxxx
Weber, Andrew E., xxx-xx-xxxx
Webster, John J., xxx-xx-xxxx
Weckstein, Donald T., xxx-xx-xxxx
Weinberg, William A., xxx-xx-xxxx
Werthan, George B., xxx-xx-xxxx
West, Lowry L., xxx-xx-xxxx
Whitaker, Howard M., xxx-xx-xxxx
White, Raymond E., xxx-xx-xxxx
Whittemore, Olin S., xxx-xx-xxxx
Wickizer, Charles D., xxx-xx-xxxx
Widener, Larry E., xxx-xx-xxxx
Widrig, Frank C., Jr., xxx-xx-xxxx
Wiebke, Eugene F., xxx-xx-xxxx
Wiegand, Francis P., xxx-xx-xxxx
Wilfong, Vernon E., xxx-xx-xxxx
Wilkerson, Lonnie O., xxx-xx-xxxx
Wilkie, Richard L., xxx-xx-xxxx
Willer, Donald E., xxx-xx-xxxx
Willey, William W., xxx-xx-xxxx
Williams, Lynn L., xxx-xx-xxxx
Williams, Quay, xxx-xx-xxxx
Williams, Stanley A., xxx-xx-xxxx
Willis, Alvie J., xxx-xx-xxxx
Willman, William J., xxx-xx-xxxx
Wilson, James E., xxx-xx-xxxx
Wilson, Robert A., xxx-xx-xxxx
Wilson, Robert O., xxx-xx-xxxx
Wire, Donald C., xxx-xx-xxxx
Wise, Russell E., xxx-xx-xxxx
Witcher, Len O., xxx-xx-xxxx
Witten, James M., xxx-xx-xxxx
Wolf, David B., xxx-xx-xxxx
Wong, Robert L., xxx-xx-xxxx
Wood, Richard A., xxx-xx-xxxx
Wood, Richard J., xxx-xx-xxxx
Woodward, Leigh S., xxx-xx-xxxx
Woodward, Richard B., xxx-xx-xxxx
Woollen, James M., xxx-xx-xxxx
Woywod, George M., xxx-xx-xxxx
Wren, Nelson E., Jr., xxx-xx-xxxx
Wrenn, Charles P., xxx-xx-xxxx
Yamashiro, Isao, xxx-xx-xxxx
Yates, Iva C., Jr., xxx-xx-xxxx
Young, James M., xxx-xx-xxxx
Zacharakis, A. C., xxx-xx-xxxx
Zachos, John K., xxx-xx-xxxx
Zachritz, Roger N., xxx-xx-xxxx
Zane, Lawrence, xxx-xx-xxxx

CHAPLAIN

To be lieutenant colonel

Anderson, Harold E., xxx-xx-xxxx
Bohannon, Kenneth L., xxx-xx-xxxx
Byrne, William T., xxx-xx-xxxx
Calato, Joseph J., xxx-xx-xxxx
Campbell, David A., xxx-xx-xxxx
Dunn, Billy D., xxx-xx-xxxx
Eastham, Frederick, xxx-xx-xxxx
Epps, Bryan C., xxx-xx-xxxx
Fagan, Walter G., xxx-xx-xxxx
Fields, George D., Jr., xxx-xx-xxxx
Flathmann, H. K. G., xxx-xx-xxxx
Hallanger, F. T., xxx-xx-xxxx
Hansen, Paul R., xxx-xx-xxxx
Hyatt, James T., xxx-xx-xxxx
Jaeger, James C., xxx-xx-xxxx
Jones, John P., xxx-xx-xxxx
Keefe, Francis L., xxx-xx-xxxx
Lantz, Donald L., xxx-xx-xxxx
Leath, James A., Jr., xxx-xx-xxxx
Lowery, Frederick C., xxx-xx-xxxx
Malone, Robert A., xxx-xx-xxxx
McGuire, Charles L., xxx-xx-xxxx
Nesko, Milan A., xxx-xx-xxxx
Sharp, James C., xxx-xx-xxxx
Smith, Ralph L., Jr., xxx-xx-xxxx
Stadtmauer, Murray, xxx-xx-xxxx
Uhl, Edward G., xxx-xx-xxxx
Verseput, Theodore, xxx-xx-xxxx
White, Edward O., xxx-xx-xxxx

WOMENS ARMY CORPS

To be lieutenant colonel

Freytag, Elizabeth, xxx-xx-xxxx

DENTAL CORPS

To be lieutenant colonel

Lude, John C., XXXX

MEDICAL CORPS

To be lieutenant colonel

Busch, George J., xxx-xx-xxxx
Giulian, Karl A., xxx-xx-xxxx

MEDICAL SERVICE CORPS

To be lieutenant colonel

Clardy, Monroe F., Jr., xxx-xx-xxxx
Dumont, Roland R., xxx-xx-xxxx
Josehart, Harold E., xxx-xx-xxxx
Kicklighter, John D., xxx-xx-xxxx
Rosenthal, Charles, xxx-xx-xxxx

VETERINARY CORPS

To be lieutenant colonel

Keagy, Richard H., xxx-xx-xxxx

The following named officers for appointment in the Reserve of the Army of the United States, under the provisions of title 10, U.S.C., sections 591, 593, and 594:

MEDICAL CORPS

To be lieutenant colonel

Nunn, Stewart L., xxx-xx-xxxx
Strain, James R., xxx-xx-xxxx

The following-named officers for appointment in the Army of the United States, under the provisions of Title 10, U.S.C., Section 3494:

MEDICAL CORPS

To be lieutenant colonel

Bergom, Ronald O., xxx-xx-xxxx

The following-named Army National Guard officers for appointment in the Reserve of the Army of the United States, under the provisions of title 10, U.S.C., section 3385:

ARMY PROMOTION LIST

To be colonel

Barnthouse, William R., xxx-xx-xxxx
Damewood, Thomas C., xxx-xx-xxxx
Holloway, Balfour, Jr., xxx-xx-xxxx
Jackson, Curtis H., xxx-xx-xxxx
Keeling, John O., Jr., xxx-xx-xxxx
Kneip, James F., xxx-xx-xxxx
Leverett, Lewis C., Jr., xxx-xx-xxxx
Pearson, Homer G., xxx-xx-xxxx
Price, Gerald F., xxx-xx-xxxx
Shoob, Stuart J., xxx-xx-xxxx
Verbeck, Karl C., xxx-xx-xxxx

The following-named Army National Guard officers for appointment in the Reserve of the Army of the United States, under the provisions of Title 10, U.S.C., Section 3385:

ARMY PROMOTION LIST

To be lieutenant colonel

Ashley, Alvin K., xxx-xx-xxxx
Bennett, John H., Jr., xxx-xx-xxxx
Bowden, Reuben L., xxx-xx-xxxx
Bryan, Curtis H., Jr., xxx-xx-xxxx
Bryant, William F., xxx-xx-xxxx
Burkett, William E., xxx-xx-xxxx
Carlone, Frank L., xxx-xx-xxxx
Cole, Marion B., xxx-xx-xxxx
Collins, Paul G., xxx-xx-xxxx
Demers, Norman R., xxx-xx-xxxx
Episcopo, Leonard M., xxx-xx-xxxx
Fisher, Glenn A., xxx-xx-xxxx
Ford, Howard F., xxx-xx-xxxx
Fuller, Louis W., Jr., xxx-xx-xxxx
Hallmark, Estle H., xxx-xx-xxxx
Hansen, Harry S., Jr., xxx-xx-xxxx
Hennelly, William P., Jr., xxx-xx-xxxx
Herbert, Curtis B., III, xxx-xx-xxxx
Holmsen, Raymond H., Jr., xxx-xx-xxxx
Hooper, Johnnie P., xxx-xx-xxxx
Hullum, Douglas F., xxx-xx-xxxx
Kale, Donald W., xxx-xx-xxxx
Kinon, Marion H., xxx-xx-xxxx
Layton, Gary E., xxx-xx-xxxx
Lopez, Marcelino, xxx-xx-xxxx
Maskell, William L., xxx-xx-xxxx
McCain, William D., Jr., xxx-xx-xxxx
McKinney, Charles R., xxx-xx-xxxx
Mitchell, James L., xxx-xx-xxxx
Paul, James R., xxx-xx-xxxx
Reid, Benjamin H., xxx-xx-xxxx
Russell, Lee V., III, xxx-xx-xxxx
Schultz, Joseph W., xxx-xx-xxxx
Smith, Jerald G., xxx-xx-xxxx
Tarrant, Joseph W., Jr., xxx-xx-xxxx
Thalhofer, Joseph J., xxx-xx-xxxx
Waters, William H., xxx-xx-xxxx

HOUSE OF REPRESENTATIVES—*Thursday, December 20, 1973*

The House met at 10:30 o'clock a.m.

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

Fear not: for behold, I bring you good tidings of great joy, which shall be to all people.—Luke 2: 10.

O Thou who art the source of light and life and the inspiration of every noble endeavor, draw us into a deeper unity of spirit as we lift our hearts unto Thee and as we seek to serve our country by doing Thy will.

During this time which calls for greatness save us from littleness of mind and poverty of spirit which makes us unwilling to pay the price of better things for the best values.

By the light of a shining star, by the song of the heavenly host, by the lure of a child in a manger make known to us the unworthy pride that inflates our little selves and give to us the genuine spirit which enables us to love mercy, to do justly, and to walk humbly with Thee.

So may we play our full part in lifting the world to the higher ground of faith in Thee, hope for the future and good will among men: to the glory of Thy holy name. 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.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

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

H.J. Res. 865. Joint resolution authorizing the President to proclaim March 29, 1974, as "Vietnam Veterans Day."

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

H. Con. Res. 88. Concurrent resolution authorizing certain printing for the Committee on Veterans' Affairs.

H. Con. Res. 369. Concurrent resolution to print as a House document House committee print on Impeachment, Selected Materials.

H. Con. Res. 375. Concurrent resolution providing for the printing as a House document the booklet entitled "The Supreme Court of the United States."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 5874) entitled "An act 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."

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. 14) entitled "An act to amend the Public Health Service Act to provide assistance and encouragement for the establishment and expansion of health maintenance organizations, health care resources, and the establishment of a Quality Health Care Commission, and for other purposes."

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. 1983) entitled "An act to provide for the conservation, protection, restoration, and propagation of threatened and endangered species of fish, wildlife, and plants, and for other purposes."

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

S. 2482. An act to amend the Small Business Act.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 620) entitled "An act to establish within the Department of the Interior an additional Assistant Secretary of the Interior for Indian Affairs, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. JACKSON, Mr. METCALF, Mr. ABOUREZK, Mr. BARTLETT, and Mr. STEVENS to be the conferees on the part of the Senate.

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

S.J. Res. 176. Joint resolution to authorize and direct the development of and the production of petroleum from Naval Petroleum Reserve Numbered 1, and to direct the exploration of Naval Petroleum Reserves Numbered 1 and 4, and for other purposes;

S. Con. Res. 59. Concurrent resolution authorizing the printing of the compilation entitled "Disclosure of Corporate Ownership" as a Senate document; and

S. Con. Res. 56. Concurrent resolution authorizing the printing of additional copies of Senate hearings on the Child Abuse Prevention Act, 1973.

PROVIDING A POSTAGE STAMP ALLOWANCE FOR THE CHAPLAIN OF THE HOUSE OF REPRESENTATIVES

Mr. HAYS. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 93–743) on the resolution (H. Res. 427), providing a postage stamp allowance for the Chaplain of the House of Representatives, and ask for immediate consideration of the resolution.

The Clerk read the resolution as follows:

H. RES. 427

Resolved, That (a) until otherwise provided by law, the Clerk of the House of Representatives shall procure and furnish to the Chaplain of the House United States postage stamps in an amount not exceeding $200 for the remainder of the first session of the Ninety-third Congress, and for each succeeding regular session of Congress, to expedite the conduct of the official business of the office of the Chaplain of the House of Representatives.

(b) The contingent fund of the House of Representatives is made available to carry out the provisions of this resolution.

Mr. HAYS (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the resolution be dispensed with and that it be printed in the RECORD.

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

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING PAYMENT FOR A LIMITED PERIOD IN 1974 AND ON THE SAME BASIS AS IN 1973 OF CERTAIN HOUSE COMMITTEE EXPENSES BEFORE ADOPTION OF APPLICABLE 1974 COMMITTEE EXPENSE RESOLUTIONS

Mr. HAYS. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 748) authorizing payment for a limited period in 1974 and on the same basis as in 1973 of certain House committee expenses before adoption of applicable 1974 committee expense resolutions.

The Clerk read as follows:

H. RES. 748

Resolved, That there shall be paid out of the contingent fund of the House of Representatives, in the period beginning January 1, 1974, and ending at the close of March 31, 1974, to the extent that funds are not otherwise available, such sums as may be necessary for the continuance of the same necessary projects, activities, operations, and services by contract or otherwise (including payment of staff salaries for services performed), and for the accomplishment of the same necessary purposes, undertaken by each standing or select committee of the House in the calendar year 1973 on the same basis and at not to exceed the same rates applied and used in 1973. Payments of salary under this resolution for services performed in the period beginning January 1, 1974, and ending at the close of March 31, 1974, shall be made to each person at a rate not exceeding the rate he was receiving on December 31, 1973, or, in the case of a person appointed after December 31, 1973, to fill a vacancy existing on or occurring after December 31, 1973, at a rate not exceeding the final rate paid to the last incumbent of the vacant position.

SEC. 2. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration in accordance with law.

Mr. HAYS (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the resolution be dispensed with and that it be printed in the RECORD.

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

There was no objection.

The SPEAKER. Is a second demanded?

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

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

There was no objection.

Mr. HAYS. Mr. Speaker, this is the normal continuing resolution that we put in at the beginning of each session, actually both the first and second sessions, to allow the committees to pay their staffs at the rate and not to exceed the number that they have on the payroll as of now. The only other person they can put on the payroll is if there is a vacancy, they can fill a vacancy, but they cannot add any new staff.

The reason I am introducing this today and calling it up for consideration is because I understand we will not meet until the 21st of January, and it might delay the processing of payrolls for January.

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

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

Mr. GROSS. I thank the gentleman for yielding.

What is the continuing date of the resolution?

Mr. HAYS. Until the 31st of March.

Mr. GROSS. I thank the gentleman.

Mr. HAYS. I have no requests for time, Mr. Speaker.

The SPEAKER. The question is on the motion offered by the gentleman from Ohio (Mr. HAYS) that the House suspend the rules and agree to the resolution (H. Res. 748).

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

A motion to reconsider was laid on the table.

AUTHORIZING ADMINISTRATOR OF VA TO CONTINUE EDUCATIONAL ASSISTANCE AND SUBSISTENCE PAYMENTS

Mr. DORN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2794) 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, and ask for its immediate consideration.

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

There was no objection.

The Clerk read the bill, as follows:

S. 2794

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1780(a) of title 38, United States Code, is amended by adding at the end thereof the following new sentence: "Notwithstanding the foregoing, the Administrator may, subject to such regulations as he shall prescribe, continue to pay allowances to eligible veterans and eligible persons enrolled in courses set forth in clause (1) and (2) of this subsection during periods when the schools are temporarily closed under an established policy based upon an Executive order of the President or due to an emergency situation, and such periods shall not be counted as absences for the purposes of clause (2).".

Mr. DORN. Mr. Speaker, I will be happy to explain the purpose of this bill and the urgency involved which requires its immediate consideration.

In view of the current national energy crisis, a substantial number of educational institutions are arranging to temporarily close their schools for a longer than usual period this winter to conserve fuel. This immediately raised the question as to the authority to continue the payment of educational allowances to students in training who would be affected.

Authority existed in the Veterans' Administration to take care of this problem by regulation with respect to institutions of higher learning, and the Administrator has so regulated effective December 4. However, in view of certain restrictive language now in the statute, the Administrator found legislation would be required to extend the same relief to veterans who are pursuing courses below the college level; that is, technical and vocational-type training institutions. I introduced H.R. 11915 for this purpose, and the Veterans' Administration has reported favorably on the objective but suggested an alternative draft approach to correct certain technical aspects. Yesterday the Senate passed S. 2794, a bill designed to achieve the same purpose, and the bill is now pending before this body for action.

I am pleased to find that the Veterans' Administrator has taken such prompt relief action by modifying his regulations to take care of this problem with respect to veterans who are training in colleges and other institutions of higher learning. Our prompt action on the pending bill will round out the relief which should be provided for all veterans and other eligible persons pursuing courses in schools below the college level. We have received information from the Veterans' Administration that it is of the opinion that enactment of this bill would have no significant cost impact. Under these circumstances I strongly urge approval of S. 2794.

Before closing, I would be remiss if I failed to call attention to the great in erest of our colleague, Mr. CLEVELAND of New Hampshire, who called this problem to my attention a short time ago. As a matter of fact, I feel that it was the result of his personal concern and initiative that brought about, first, prompt VA action toward revising its regulations, and second, this supplementary legislation which has been so necessary to achieve uniform treatment of all veterans attending the various types of training institutions. I commend him for his positive and aggressive action, and assure him that our committee was most responsive to this problem that he brought to our attention in such a timely manner.

Mr. HAMMERSCHMIDT. Mr. Speaker, I rise in support of S. 2794, a Senate-passed bill that will authorize the Administrator of Veterans' Affairs to continue paying educational assistance allowances to veterans pursuing programs of education and training during periods when the educational institutions in which they are enrolled are temporarily closed because of emergency conditions.

The energy crisis, Mr. Speaker, has, in many instances, created unusual situations that existing laws did not anticipate. For example, the extended holiday or between term closings of educational institutions that will occur during the next 4 to 6 weeks will result in a suspension of educational allowances to veterans participating in programs of education or training. The language of existing law permits the Veterans' Administrator to promulgate regulations that will prevent the reduction of monthly assistance payments for extended school closings resulting from the energy crisis in institutions of higher learning. Administrator Johnson acted promptly to issue new regulations on December 4, 1973, that wlil permit the continued payment of educational allowances to veterans enrolled in institutions of higher education, notwithstanding the extended closing.

Unfortunately, the language of existing law does not permit the Administrator to draft similar regulations to cover institutions below the college level. Thus veterans, eligible wives, widows, and children attending vocational, technical, or trade schools face the possibility of the suspension of their monthly allowances should the extended closing of the institution in which they are enrolled cause their absence to exceed 30 days in a 12-month period. In order to provide equitable treatment for those attending schools below the college level and to permit the Administrator of Veterans' Affairs to issue regulations for such institutions similar to those already issued for institutions of higher learning, the immediate approval of the legislation before the House is essential.

This bill, Mr. Speaker, simply stated will permit the Administrator to promulgate such regulations as he shall prescribe, notwithstanding the provisions of existing law, that will permit the continued payment of educational allowances during periods when schools are temporarily closed under an established policy based upon an Executive order of the President or because of an emergency situation. These allowances, Mr. Speaker, represent the only income received by most of the veterans enrolled in educational institutions. If their payments are permitted to lapse, even temporarily, for circumstances beyond their control, it will create hardships that need not be created.

I shall support this legislation, Mr. Speaker, and urge that all Members do the same. I hope that it will be speedily approved so that veterans attending school may receive their monthly educational allowances without interruption.

Mr. CLEVELAND. Mr. Speaker, I rise in support of S. 2794 as a measure to assure fairness in treatment of veterans enrolled in institutions forced to reschedule classes due to the energy crisis, regardless of the type of training they are pursuing.

A particular word of appreciation is due to my good friend and colleague on the Public Works Committee, WILLIAM JENNINGS BRYAN DORN, chairman of the Committee on Veterans' Affairs, and to the staff of his committee.

When a number of Northern colleges decided to extend vacations or otherwise suspend classes as an energy-conservation measure, thousands of veterans stood to lose benefits under VA regulations basing eligibility on attendance. In my own State of New Hampshire alone, 1,200 to 1,300 veterans faced potential loss of at least $180,000 if classes were suspended more than a calendar month.

Chairman DORN and his staff were most helpful in our efforts to persuade the Veterans' Administration to take whatever action was necessary administratively to amend the regulations so that a long break in classes would not jeopardize veterans' benefits. VA Administrator Donald E. Johnson responded with commendable speed, but was limited in his discretion to changing the rules affecting college-level enrollees.

This bill grants the VA similar discretion in the case of vocational and technical institutions below the college level. While institutions in New Hampshire are not greatly affected, this change will benefit countless veterans enrolled in such institutions elsewhere in the country. Here again, the chairman and

the committee are to be commended for bringing this measure before us so that it can be disposed of before the recess.

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

GENERAL LEAVE

Mr. DORN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the Senate bill, S. 2794, just passed.

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

There was no objection.

TAX FUNDS USED TO FINANCE DANCING OSTRICHES

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

Mr. ROBERT W. DANIEL, JR. Mr. Speaker, the wire services carry an account of a theatrical event entitled "The Life and Times of Joseph Stalin," staged in New York City by one Robert Wilson. The so-called opera consumes over 13 hours in its presentation and involves a cast of over 100 adults, 18 children, a 4-month-old baby, a number of gorillas, a goat, a dog, a sheep, and 32 dancing ostriches, whose performance the critic described as "sensational." It is reported that many members of the audience spent much of the night asleep under their seats.

Now I would ordinarily defend the right of Americans to engage in this sort of madness except, in this case, for one thing: part of the tab for staging this production has been picked up by the long suffering U.S. taxpayers, through the National Endowment for the Arts.

I contend, Mr. Speaker, that we have better things to do with our tax funds than to finance dancing ostriches, however sensationally they perform.

CANADA AND THE ENERGY CRISIS IN THE UNITED STATES

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

Mr. O'NEILL. Mr. Speaker, people in the Greater Boston area have been receiving advertisements of the following type:

With the energy crisis foremost on everyone's mind, we would like to reassure you that we, in the province of Quebec, are fortunate to have adequate supplies of fuel and electricity.

In Canada, we do not foresee that our operations will be affected in any way and we will be providing a complete series of ski week programs.

Supplies of gasoline throughout the province are ample as well as the reserves on hand at our service stations. Consequently, guests travelling by car should have no problem.

Should the United States Government prohibit road travel on Sunday, we would suggest that you enter Canada on Saturday. We can make arrangements to accommodate you on the Saturday night prior to your ski week provided you give us sufficient notice.

Guests arriving in Montreal by air or rail will find the usual methods of transportation to and from the hotels fully operational.

We hope your visit to Canada will be relaxing and enjoyable.

Mr. Speaker, it is only a few months ago that Canada was threatening to shut off the flow of any gasoline or petroleum to the United States and then threatening to limit it to those of us who live in the northern section of the United States. So, while our friendly neighbor to the north has frequently indicated she does not want to give us any power or petroleum, she certainly has encouraged Americans to spend their dollars at Canadian ski resorts. As my dear old grandmother used to say:

There is a long road that has not got an ash barrel in it.

CONFERENCE REPORT ON S. 1559, COMPREHENSIVE EMPLOYMENT AND TRAINING ACT OF 1973

Mr. DOMINICK V. DANIELS. Mr. Speaker, I call up the conference report on the bill (S. 1599) to provide financial assistance to enable State and local governments to assume responsibilities for job training and community services, 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.

CALL OF THE HOUSE

Mr. GROVER. 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. 708]

Alexander	Dent	Jones, Ala.
Anderson, Ill.	Diggs	Jones, N.C.
Andrews, N. Dak.	Drinan	Keating
Archer	Dulski	Kyros
Arends	du Pont	Landrum
Armstrong	Esch	Leggett
Aspin	Evins, Tenn.	Lott
Blatnik	Foley	McCloskey
Bolling	Ford, William D.	McCormack
Brooks	Fraser	Macdonald
Burke, Calif.	Frelinghuysen	Madigan
Burton	Fulton	Mailliard
Butler	Gray	Maraziti
Carey, N.Y.	Green, Pa.	Martin, Nebr.
Clancy	Griffiths	Meeds
Clark	Gubser	Metcalfe
Clay	Hanna	Michel
Collins, Ill.	Hansen, Wash.	Mills, Ark.
Conyers	Harrington	Moakley
Danielson	Harvey	Moorhead, Calif.
Delaney	Hébert	Murphy, N.Y.
Dellums	Heckler, Mass.	Nelsen
Dennis	Jarman	Nichols
Parris	Rosenthal	Stuckey
Patten	Ryan	Taylor, Mo.
Podell	St Germain	Van Deerlin
Pritchard	Scherle	Veysey
Randall	Schneebeli	Vigorito
Rarick	Seiberling	Waggonner
Reid	Shipley	Walsh
Reuss	Shriver	Wilson, Charles H., Calif.
Rhodes	Sisk	Wright
Riegle	Steed	Zion
Rodino	Steiger, Ariz.	Zwach
Rooney, N.Y.	Stephens	
Rose	Stubblefield	

The SPEAKER. On this rollcall, 326 Members have recorded their presence by electronic device, a quorum.

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

CONFERENCE REPORT ON S. 1559, COMPREHENSIVE EMPLOYMENT AND TRAINING ACT OF 1973

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

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of December 18, 1973.)

Mr. DOMINICK V. DANIELS [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 New Jersey?

There was no objection.

The SPEAKER. The gentleman from New Jersey (Mr. DOMINICK V. DANIELS) is recognized.

Mr. DE LA GARZA. Mr. Speaker, will the gentleman yield?

Mr. DOMINICK V. DANIELS. I am happy to yield.

Mr. DE LA GARZA. In reading the report I see that the conference comes back with a $100,000 limit or a $100,000 combination in the public works area. Is that not correct?

Mr. DOMINICK V. DANIELS. No, that is not correct. I will cover that in my statement.

Mr. Speaker, I am pleased to bring to the House floor the conference report on S. 1559, the Comprehensive Manpower and Training Act of 1973. When we went to conference there were approximately 90 differences between the House- and Senate-passed bills. I am particularly pleased to report to my colleagues that, in most cases, these differences were resolved consistent with the House version and that the conference report reflects the basic features of the House bill.

The purpose of the Comprehensive Manpower and Training Act of 1973 is to provide a modern charter for manpower programs previously operated under the authority of the Manpower Development and Training Act of 1962, the Economic Opportunity Act of 1964, and the Emergency Employment Act of 1971. The legislation reported from the conference eliminates the numerous categorical programs which were authorized under these separate pieces of legislation and substitutes instead a decentralized

and decategorized program that can be more responsive to the diversity of local needs.

Both the Senate and House bills provided for financial assistance to State and local prime sponsors to plan and implement comprehensive manpower programs. Both bills also vested responsibiilty for certain manpower programs and functions in the Secretary of Labor. In addition, both bills provided an open ended authorization through fiscal year 1977. Although this general framework has been retained, the following major points of difference were resolved in conference:

PRIME SPONSORSHIP

The House bill provided that any unit of general local government with a population of 100,000 or more is eligible to be a prime sponsor. The Senate, on the other hand, provided that cities with a population of 100,000 and counties with a population of 150,000 would be eligible. The Senate receded to the House provisions on prime sponsorship. The House bill also provided that regardless of population, the largest unit of general local government in any State is eligible. The Senate bill provided that any consortium of adjoining units which includes an eligible city or county could qualify as a prime sponsor. The House bill contained a similar provision. The Senate receded to the House language with an amendment requiring such units comprising the consortium to be in reasonable proximity to one another.

The Senate bill contained a provision that any unit or consortium of units regardless of population might become a prime sponsor if the Secretary of Labor determined that such unit or units: First, serve a substantial portion of a labor market or a rural area of high unemployment; and second, have demonstrated competence, a special need for services and the effectiveness comparable or superior to that of the State in which they are located. Such units might qualify under the House bill only if they serve rural areas having substantial outmigration and high unemployment. The House, in order to provide the Secretary some flexibility in a limited number of cases, receded to the Senate with an amendment limiting the application of the provision to exceptional circumstances.

Additionally the House bill provided that a limited number of existing CEP grantees serving rural areas could be eligible prime sponsors if designated by the Secretary. The Senate receded on this provision.

The House bill provided that one unit of local government may not qualify as a prime sponsor for another unit within its geographical jurisdiction unless such other unit has failed to submit a plan to the Secretary. The comparable Senate provision stated that the Secretary may choose from among the competing plans. The Senate receded.

ELIGIBLE ACTIVITIES

Both the Senate and House bills describe eligible activities under the act. The provisions of the House bill described in general terms the kinds of programs and services contemplated under title 1. The Senate bill, in addition to such a general description, also included specific references, by name, to individual manpower programs such as Mainstream, New Careers, OIC, Neighborhood Youth Corps, Jobs for Progress—SER—and Job Opportunities in the Business Sector—JOBS.

The Senate receded with an amendment adding to the description of programs and activities a new section including programs conducted by "community based organizations," which are defined to mean organizations which are representative of communities or some significant portions thereof, for example, opportunities industrialization centers, operation SER, Mainstream, and community action agencies.

GRANTS FOR VOCATIONAL EDUCATION

The House bill provided that 5 percent of title I funds are to be made available for grants to State boards of vocational education to provide, by agreement with local prime sponsors, vocational education within the local sponsors' area. The Senate had no comparable provision and receded with an amendment requiring that the Secretary make the grants to the Governors so that they might provide financial assistance, through State boards of vocational education, for needed vocational education services in areas served by prime sponsors.

COMMUNITY ACTION AGENCIES

The Senate bill provided that 17.5 percent of the funds appropriated shall be available only for grants to prime sponsors for community service programs for the disadvantaged of the kind now carried out by community action agencies under section 221 of The Economic Opportunity Act. The House version had no similar provision. The Senate receded.

CONDITIONS FOR RECEIPT OF FINANCIAL ASSISTANCE

Both the Senate and House bills required as a condition precedent to the receipt of financial assistance for any year that the prime sponsor submit a plan or statement to the Secretary of Labor for approval. The conference compromise adopts the general structure of the House provision, as well as some specific Senate language on establishing goals and a provision requiring, wherever possible, that training lead to employment providing economic self-sufficiency.

The House version requires the prime sponsor to utilize services and facilities available from other State and Federal agencies to the extent deemed appropriate by the prime sponsor. The Senate amendment requires such use to the extent feasible. The Senate receded.

In addition to meeting the requirements for local prime sponsors, the House bill requires the State to provide for the participation of State agencies in the implementation of local plans, promote the coordination of all manpower plans in the State, and establish a State manpower service council to review and comment on plans and to monitor their operation. The Senate receded to the House provision.

The House bill specifies that the Secretary shall not approve a plan until he determines that it meets the statutory requirements and that an opportunity to comment has been given to specified officials. The Senate bill provided that the plan or program statement cannot be disapproved until certain procedures have been complied with and an opportunity for comment has been given to the officials specified in the House bill and to area planning councils. Both bills require notice and opportunity for hearing before final disapproval. The Senate also requires an opportunity for the prime sponsor to submit corrective amendments.

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

LOCAL PLANNING COUNCILS

The Senate bill required the State prime sponsor to designate planning areas encompassing the entire State and to establish area planning councils for each area with designated functions and composition. The House bill did not mandate such a structure. The Senate receded with an amendment requiring all prime sponsors to establish representative planning councils.

SPECIAL FEDERAL RESPONSIBILITIES

Both bills give the Secretary of labor special responsibility to provide manpower programs to serve those segments of the population most in need of them. Included among these persons are those of limited English-speaking ability, Indians, migrants and seasonal farmworkers, youth, offenders and other persons determined by the Secretary to have particular disadvantages in the labor market. The House amendment provided that the Secretary shall take into account the need for funding programs of demonstrated effectiveness. The Senate receded to the House language with certain amendments, one of which would authorize the Secretary under section 307(a)(7) to provide financial assistance to programs conducted by community based organizations.

The House bill also provided for the incorporation of title I–A of the EOA into the Manpower Act to assure the continuation of the Job Corps. It also makes certain powers contained in title VI of the EOA and currently available to the Secretary by delegation from the Director of OEO applicable to his administration of the Job Corps. The Senate receded to the House provision which became title IV of the conference report.

In addition the conferees agreed that the Secretary should be responsible for the conduct of programs of research, training, labor market information collection, and a computerized job bank.

PUBLIC SERVICE EMPLOYMENT—ELIGIBLE APPLICANTS

The House bill included as eligible applicants for public service employment

funds under title II prime sponsors under its title I, units of general local government with a population of 50,000 or more, combinations of units of general local government with an aggregate population of 50,000 or more and Indian tribes on Federal or State reservations. The Senate bill named any unit of Federal, State, or general local government, any public agency which is a subdivision of such government, and Indian tribal organizations. The conference agreement incorporates the House provisions, except that units and combinations of units of general local government with populations of 50,000 or more—but not eligible to be prime sponsors under title I—qualify as program agents who will administer the title II funds in their areas of substantial unemployment.

In addition to the program agent concept the bill provides assurances that jobs will be allocated equitably to such local governments and agencies taking into account the number of unemployed within their jurisdictions and their respective needs. Priority in employment is given to those unemployed persons who are most severely disadvantaged and special consideration is to be given to veterans. The remainder of the conference report in most other respects follows the provisions of the House bill.

AREAS OF SUBSTANTIAL UNEMPLOYMENT

The Senate bill defined an "area of substantial unemployment" as one having an unemployment rate of 6 percent or more. The House version required 7-percent unemployment in the designated area. The conference report adopted a rate of 6½ percent.

ELIGIBILITY

The House bill required that a person be unemployed for at least 30 days in order to qualify for public service employment under title II. The Senate limited eligibility to those persons who have been unemployed 15 weeks or more. The Senate receded to the House position.

FUNDING

Both the House and Senate bills provided for an open-ended authorization for fiscal years 1974 through 1977. The House amendment provided that the Secretary shall reserve and make available for public service employment programs $250,000,000 in fiscal year 1974 and $500,000,000 for fiscal year 1975. The Senate receded with an amendment setting aside not less than $350,000,000 for fiscal year 1975, and providing an open-ended authorization for public employment programs on top of the set asides for fiscal year 1974 and fiscal year 1975.

ALLOCATION FORMULA

The Senate bill provided that the funds for comprehensive manpower programs should be allocated on the basis of a two part formula: First, unemployment and second, the number of adults below the BLS lower living budget. It also provided for a "hold harmless" for the first 3 years of the bill.

The House version provided for the allocation of funds by a formula consisting of two parts: First, prior year's manpower allotment and second, the number of unemployed.

The Congress adopted a compromise three part formula based upon prior year's manpower allotment—given 50 percent weight—unemployment—given 37½ percent weight—and adults in low income families—given 12 percent weight. The conference report also includes a "hold harmless" at 90 percent of the previous year's funding with a limit on gains at 50 percent of the prior year's funding.

Under the House bill the allocation formula was applicable to 80 percent of the funds available for grants to prime sponsors under title I. The remainder was allocated in the Secretary's discretion taking into account the need for continued funding of programs of demonstrated effectiveness. The Senate bill applied the allocation formula to all the funds allotted to prime sponsors. The Senate receded.

The Senate bill provided that 15 percent of the funds allocated to the States—including local prime sponsors—should be available to the State to provide employment and training-related services throughout the State, to provide incentives to form consortia of local prime sponsors, to develop and publish information regarding labor market and other relevant conditions, to provide technical assistance and to operate manpower programs for offenders.

The House bill stated that 1 percent of the allocated funds are available to the States to fund the State manpower council. The Senate receded with an amendment which would make 4 percent of the funds available to the States to provide State manpower services.

The House bills provided that 5 percent of title I funds are available to the Secretary as incentive to form consortia of prime sponosors. This provision is retained in the conference report.

In addition, the House bill stated that 80 percent of the funds available for public service employment programs are allocated among areas of substantial unemployment on the basis of the number of unemployed residing in the area compared to the number residing in all such areas. The remainder is distributed in the Secretary's discretion taking into account the severity of unemployment in the area. The Senate bill contained no allocation formula for public service employment funds. The Senate receded.

NATIONAL COMMISSION FOR MANPOWER POLICY

The Senate bill provided for a Presidentially appointed national employment opportunities council composed of representatives of interested groups. The House bill provided for a national commission for manpower policy in the Executive Office of the President composed of specified Federal department and agency heads, and representatives of interested groups, including the general public. The Senate receded.

This conference report reflects the concept that reasonable men and women working together toward a common goal can compromise their differences. I am pleased that this important legislation is supported by the administration, the National Governor' Conference, the league of Cities, Conference of Mayors, the National Association of Counties, the AFL–CIO and the Leadership Conference on Civil Rights. I urge my colleagues to support the conference report.

Mr. DE LA GARZA. Mr. Speaker, will the gentleman yield?

Mr. DOMINICK V. DANIELS. I yield to the gentleman from Texas.

Mr. DE LA GARZA. Mr. Speaker, as far as the amendment ordered by the House wherein a combination of 50,000 could be a prime sponsor, it is my understanding of the conference report that in it we negated that in effect and the combination of 50,000 cannot be a prime sponsor, although we add some language that they would handle the funds but they cannot be a prime sponsor. Is that correct?

Mr. DOMINICK V. DANIELS. The gentleman is not correct. We retained the House language and in addition thereto any units of local government or a combination of units of 50,000 or more may be designated as a program agent by the eligible prime sponsor. In other words we went a step further and compromised with the Senate on that.

Mr. DE LA GARZA. Mr. Speaker, will the gentleman yield further?

Mr. DOMINICK V. DANIELS. I yield to the gentleman from Texas.

Mr. DE LA GARZA. Mr. Speaker, using the language commonly used here I want to make it perfectly clear the gentleman is telling me on the record that any unit of government of 50,000 or a combination of 50,000 can be a prime sponsor. Is that what the gentleman is telling me?

Mr. DOMINICK V. DANIELS. No, I did not say that.

Mr. DE LA GARZA. Then what did the gentleman say about 50,000?

Mr. DOMINICK V. DANIELS. What I said was this.

The conference agreement incorporates the provision of both bills that prime sponsors are eligible applicants, and provides, that unit and combination of units of general local government with populations of 50,000 or more—but not eligible to be prime sponsors under title I—qualify as program agents who will administer the funds but not as eligible applicants.

Mr. DE LA GARZA. Can they apply as a prime sponsor?

Mr. DOMINICK V. DANIELS. No, they may not.

Mr. DE LA GARZA. Therefore they have to go find somebody with 100,000 people to be the prime sponsor and we are back to where we started from when the House added the 50,000. I do not have a city over 100,000. How in the world can we get a prime sponsor when we do not have a unit of 100,000?

Mr. PERKINS. Mr. Speaker, will the distinguished chairman of the subcommittee yield to me briefily?

Mr. DOMINICK V. DANIELS. I yield to the gentleman from Kentucky.

Mr. PERKINS. Mr. Speaker, let me say that the gentleman from New Jersey is

correct. When the House bill was passed we had 100,000 in it. That language remains in this bill intact for title I; it is exactly what we had for title I, and that is where the bulk of the money is to be dispatched.

Title II, the public service employment section, is where the gentleman refers to the 50,000 figure. We keep that figure. Different units of government may get together to constitute that 50,000 and become a program agent, in this conference report.

Mr. DE LA GARZA. Mr. Speaker, will the gentleman yield?

Mr. DOMINICK V. DANIELS. I yield to the gentleman from Texas.

Mr. DE LA GARZA. The chairman of the committee says, and I am going to hold the agency to that, that a combination of governmental units of 50,000 can be a prime sponsor for the public service jobs?

Mr. PERKINS. They can be a program agent.

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

Mr. DOMINICK V. DANIELS. I yield to the gentleman from Michigan.

Mr. ESCH. The gentleman is incorrect. They cannot be a prime sponsor. What the conference did is this, that in title II only they provided that and the Senate compromised to this point; they provided in title II that jurisdictions and combinations of jurisdiction leading up to 50,000 in member could be program agents.

What would be the authority of the program agents? They would administer the job employment funds within their jurisdictions under the prime sponsorship, in this case it would either be the county or the entire State that would be the prime sponsor; however, it is clearly spelled out in the bill that the combinations of units of 50,000 will be the program agents; so that the gentleman's concern about the local communities, the smaller communities not having specific responsibility in the conduct of title II programs should be relieved.

There is a clear indication that they will be allowed to be program agents and they will be responsible for the determination of how those funds are spent within the local jurisdiction.

If the gentleman will recall the debate on the floor, that was the basic concern. I appreciate the gentleman yielding.

Mr. DE LA GARZA. Mr. Speaker, if the gentleman will yield further, I do not want to prolong this, but I am telling my friend from Michigan, all the conference did was they went and made inoperative the amendment of 50,000 put on by the House.

Nonetheless, Mr. Speaker, the need is such in my area that even though the conference did not uphold the position of the House, I will support the bill because of the necessity; but it still places us in the rural areas, in the small areas, in the position of having to find 100,000 to be the prime sponsor.

I do not care how we color the rest of it, saying he will be the program agent; program agent means nothing if we do not get a prime sponsor on 100,000. We are back to where we started.

But not to prolong the issue and because of the need for this legislation, I will support the chairman and say that I am very dissatisfied that we cannot uphold the position of the House with respect to the public service area.

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

Mr. DOMINICK V. DANIELS. I yield to the gentleman from Michigan.

Mr. ESCH. I will state there will be automatically a prime sponsor in the area. There will be no difficulty working through that; but specifically the determination of how the funds will be spent will be done at the local jurisdiction level.

So the gentleman is incorrect. He will have no trouble getting funds into the small communities in the State, through the State; but the administration will be done locally.

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

Mr. DOMINICK V. DANIELS. I yield to the gentleman from Ohio.

Mr. HAYS. The gentleman makes a bland statement that the local subdivision will have no trouble. How does he know it will have no trouble? Obviously, the prime sponsor is going to take all the dough for itself. They will not hand down anything to anyone. The gentleman is pretty naive. He is not taking a long view on this. I have had a lot of experience with these prime sponsors and with the State getting money and it never dribbles down to the small community.

Mr. ESCH. Mr. Speaker, will the gentleman from New Jersey yield?

Mr. DOMINICK V. DANIELS. I yield to the gentleman from Michigan.

Mr. ESCH. If we read carefully in the legislation and the conference report, it states specifically that funds will be spent within those areas of unemployment in title II.

Secondly, that within title II those prime sponsors will have a responsibility for the administering of the act; so the local units of government are very clearly protected, not just in the conference report, but in the legislation itself.

I would say to the gentleman that if the Labor Department does otherwise, then they clearly are not following the specific language of the bill; so the gentleman from Ohio is incorrect. The language is in the bill.

Mr. HAYS. Mr. Speaker, this gentleman is not incorrect, because the Labor Department never follows the specific language of anything and the gentleman ought to know that as well as I do. The bureaucrats run it to suit themselves.

Mr. Speaker, I do not have a single county, except one, in my nine-county district that has over 100,000 people, so that means that no county in my district except one can become a prime sponsor, and it does not have any unemployment. So in effect, in counties with heavy unemployment, they are going to have to go to the State and ask for a handout.

Mr. Speaker, I might say that I am going to nominate Senator JACKSON for the First Annual George III Award, because he has done more in this so-called energy bill to destroy the liberties of English-speaking people than anybody in a thousand years, and more than George III could do in 30 years. Maybe I had better add some other people to it.

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

Mr. DOMINICK V. DANIELS. Mr. Speaker, I yield to the gentleman from California.

Mr. HAWKINS. Mr. Speaker, may I direct the gentleman's attention to the amount of money available under this provision in this report for youth jobs programs? As I read it, none of the money would be available under title III, and it seems to me that there is not a specific earmarked amount for that, but there is anticipated a supplemental appropriation particularly for jobs programs for the summer.

Mr. Speaker, I wonder if the gentleman can clarify what amounts will be made available for youth programs, including those for the summer months?

Mr. DOMINICK V. DANIELS. Mr. Speaker, I say in response to the gentleman that there is not an earmarked amount. We will have to get that from the appropriations committee.

Mr. HAWKINS. Under title III, approximately $360 million, as I read it, will be made available for various programs. These would include jobs for migrant programs and many other programs, and the balance left over, which is about $91 million, which would, as I read it, be only the approximate amount which would be set aside for summer programs.

I anticipate, therefore, that the committee—and I assume the conferees discussed this—was there any agreement to make a supplemental program, particularly for this summer, which would be made available for youth programs? Without that, there would be no specific amount made available, and we would have a manpower bill being passed without any earmarked amount made available for the summer programs that have always been available to the youth of America.

It would seem to me that this summer would be one of those critical summers where some appropriation would have been made.

Mr. DOMINICK V. DANIELS. Mr. Speaker, I would say that was discussed in conference and that we felt that the program should be continued this summer and that we would apply to the Appropriations Committee for a specific sum of money to be set aside for that purpose.

Mr. HAWKINS. Mr. Speaker, was there any particular amount discussed as to what is in it now?

Mr. DOMINICK V. DANIELS. No, we did not mention any particular amount.

I think we should wait and see what conditions are?

Mr. HAWKINS. Mr. Speaker, I think it is critical deficiency in the report. I think, in view of the fact we have had many problems in our communities throughout America, and certainly I think that the House Committee has pointed out the danger of not providing adequately for our use and essentially contributing to the disorders and to the problems that are related to the failure to plan for the summer months, and particularly to plan for youths the year round. I would hope that this is only a base on which we can build and that there is a commitment on the part of the gentleman from New Jersey, as chairman of the subcommittee, for a review of this and that we will do something to plan for the youth.

Without that planning, it seems to me this report is terribly inadequate and certainly should be described as not a real, honest effort; a real sincere effort to do something.

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

Mr. DOMINICK V. DANIELS. Mr. Speaker, I yield to the gentleman from Wisconsin.

Mr. STEIGER of Wisconsin. Mr. Speaker, perhaps the most essential element in this legislation is the concept of the role of prime sponsors. It is not correct that for the purposes of political accountability, the prime sponsor is presumed to be the chief elected official within an eligible jurisdiction—for instance, the mayor, Governor, or county executive?

Is it not correct that for the purposes of political accountability the prime sponsor is presumed to be a chief elected official with the proper eligible jurisdiction, for instance, the mayor of a city, Governor of a State, or county executive, or administrator of a political subdivision?

Mr. DOMINICK V. DANIELS. Mr. Speaker, that is essentially correct.

Mr. STEIGER of Wisconsin. Mr. Speaker, I rise in enthusiastic support of the adoption of the conference report on S. 1559, the Comprehensive Employment and Training Act of 1973.

This legislation represents the culmination of nearly 5 years of effort in this area by the Committee on Education and Labor, and is a major personal achievement for the gentleman from New Jersey (Mr. DOMINICK V. DANIELS) and the gentleman from Michigan (Mr. ESCH) as well as Chairman PERKINS and ranking minority member, AL QUIE. These members and the committee staffs can take justifiable pride in the fact that the legislation before us today represents a truly bi-partisan effort that is in keeping with the history of manpower legislation.

This legislation also reflects the positive and sophisticated efforts over the past 3 years of the manpower projects of the National Governors' Conference, the National Association of Counties and the National League of Cities—U.S. Conference of Mayors.

As my colleagues may remember, in my remarks urging passage of House bill on November 28, I outlined a number of specific reservations I had about that bill's provisions. I was particularly concerned that the bill failed to provide for an adequate and meaningful role for the Governor in the delivery of manpower services. Specifically, I objected to the fact that, as originally drafted, the bill mandated the Secretary of Labor to encourage the formation of consortia, but failed to include the Governor in any way in this process. To have retained this provision would have been entirely inappropriate and totally inconsistent with the very essence of decentralization.

I am pleased, therefore, that the legislation before us today corrects this deficiency by requiring that the Secretary consult with the Governor prior to the formation of consortia. The addition of this provision paves the way for Governors to assume a proper leadership role in achieving the coordination of manpower efforts in labor market areas throughout the State, while preserving the rights of independent local prime sponsors at the same time.

With respect to the allocation of funds for vocational education, the original bill again failed to adequately account for the ultimate responsibility of the Governor for the success or failure of the State's manpower program. Once again, in my judgment, the conference committee has acted wisely and with foresight in moving to correct a potentially weak link in the overall manpower delivery system by directing that the 5 percent of funds set aside for vocational education be routed through the Governor.

It is certainly my hope and expectation that existing vocational education facilities will continue to play an essential role in a decentralized manpower delivery system.

Finally, with respect to the creation of a meaningful role for the Governor, I am pleased by the decision of the conferees to set aside approximately 5 percent of all funds for use by the Governor for planning and program implementation. Four of this 5 percent comes out of the Secretary's discretionary money and is to be used for statewide programs and administration. An additional 1 percent of the 80 percent allocated to prime sponsors is specifically earmarked for use by the Governor in fostering coordination through the State Manpower Services Council.

The setting aside of funds for the Governor's use is a recognition of the importance of retaining some authority for program administration at the State level. For in talking about comprehensive manpower reform, we are not talking about single programs but rather about a network of programs—programs which must combine outreach, counseling, public service employment, one-the-job training, job development, job placement and followup. The State is in a unique position to provide the necessary linkage of these programs and services.

By increasing the role of the Governor in the delivery of manpower services, we do not suggest that the Governor should be able to exercise veto power over the efforts of local prime sponsors. To do so would be totally inconsistent with the principles of decentralization. It is to suggest, however, that the Governor must be given the tools with which to play a leadership role in the effective coordination of the State's overall manpower program.

My final concern about the original House legislation stemmed from the total absence of any provision for local manpower services councils to insure access at the local level to the planning process for those whose interests are directly affected—labor and industry groups, clients, and citizen-taxpayer groups. I feel the inclusion of a provision for advisory councils at the local as well as State level is an important step toward preserving citizen input.

The legislation before us represents the cutting edge of New Federalism in its emphasis on the development of a strong intergovernmental delivery system. The success of this bill will, in no small part, be determined by the extent of the working relationship which is ultimately developed between governmental units for the purpose of coordination.

It is my belief that we have before us a means of rationalizing the incredible mess of Federal contracts which currently comprises our manpower delivery system. However, given the size, scope, and complexity of this legislation, it can be expected that its implementation will not be without certain problems.

I am therefore pleased indeed by the intent of Chairman DANIELS to hold oversight hearings within a year. The history of this manpower legislation has been one of bipartisan cooperation and I look forward to working with the Committee on Education and Labor in its continued efforts to assure an effective national manpower policy.

Let me, Mr. Speaker, refer to the debate which has taken place regarding the opportunity for smaller communities to participate in title II programs. Under the conference report agreement in section 204(d) (1) and (2) a smaller jurisdiction "shall" be delegated the function of program agent as defined in 204(d) (2). Thus the State is required as prime sponsor for balance of State to work directly with smaller communities who might be eligible as a result of substantial employment.

In addition, section 205(c) (3) requires that persons hired "shall" be residents of the area qualifying for assistance. Thus, Mr. Speaker, it is clear that the interests of those who reside in smaller towns are protected and enhanced as a result of this conference report.

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

Mr. DOMINICK V. DANIELS. I will yield briefly to the gentleman.

Mr. HAWKINS. Mr. Speaker, in elaboration of my other question, may I direct this question: I have some questions that may be more directly answered.

In the bill, as I read it, under title II, there is an amount of not less than $350 million earmarked for public employment programs under title II. This is to be compared with the $500 million which was in the bill when the bill left the House. That was the House version.

Now, may I ask whether or not the provision which says that such sums as may be necessary to carry out public service employment means that in addition to the $350 million, the report in a sense recommends that an amount which is more geared to the needs of the country than the $350 million should be considered by the Committee on Appropriations?

Mr. DOMINICK V. DANIELS. Mr. Speaker, I think I should point out the $250 million for fiscal year 1974 and the $350 million for fiscal year 1975 for public service employment represent nothing but a floor.

Mr. HAWKINS. Mr. Speaker, if the gentleman will yield just for a final statement, I hope that in view of the fact, since we in this House were forced to reject an amendment by which we would have increased that floor to $500 million, and the Bureau of Labor Statistics having indicated that 200,000 persons have lost their jobs since that action took place, this providing of only an amount on a floor of some $40,000 to $50,000 should certainly be considered inadequate and that this House would reverse its earlier position and make this manpower bill meet more realistically the needs of the American people, 200,000 of whom have lost their jobs while this bill was being considered.

Mr. DOMINICK V. DANIELS. Mr. Speaker, if I may make a brief reply to the gentleman, in conference the Senate desired to make it an open-ended authorization for both fiscal years. The House stood its ground and insisted on its language, and asked for a specific set-aside amount for both fiscal years 1974 and 1975.

The SPEAKER. All time of the gentleman from New Jersey (Mr. DOMINICK V. DANIELS) has expired.

The Chair recognizes the gentleman from Michigan (Mr. ESCH).

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

Mr. Speaker, it is frequently said that legislation is landmark legislation. However, I believe the Comprehensive Manpower Act—representing the culmination of 4 years of work—does indeed deserve that description for at least three reasons.

First, it embodies for the first time in any legislation passed by this Congress the manpower revenue sharing concept that is a move toward decategorization and decentralization. And if you believe as I do that government is best which is closest to its people, then you will subscribe to the philosophy behind this legislation.

Second, the Manpower Act is significant in that it proves what can be accomplished when we overcome the adversary relationship that has existed between the White House and the Congress. This legislation was developed with the strong cooperation of the legislative branch, the White House staff, the Office of Management and Budget, the Assistant Secretary of Labor for Manpower, as well as representatives of the Governors' Conference, National Association of Counties, the mayors, and those representing the labor community. It is a specific example of what can occur when all of us work cooperatively for the public good.

Third, the legislation deserves to be called "landmark" in scope since it is prospective. In this act, Congress is developing the programs to meet upcoming problems in our economy. It recognizes that there will be possible major displacements in our economy within certain areas of the country directly attributable to the energy crisis. This bill will rifle funds into such localities, assisting in development of retraining programs or public employment programs to help relieve the hardships found in pockets of high unemployment.

Mr. Speaker, this legislation in coming years will serve as an important tool for allowing localities to use Federal manpower funds to help meet unemployment problems. It also provides the needed flexibility at the local level to allow officials to determine the programs that best fit their needs.

However, there are certain matters the legislation does not take into account. It is my hope that this Congress will move effectively to bring together job training and related efforts found in the social security legislation, the Wagner-Peyser Act, and the vocational education programs into a unified attack on the problems of poverty and unemployment in this country.

This conference report represents the culmination of 4 years of work on a comprehensive manpower bill. It began with a recommendation of President Nixon that we move to a system of administering manpower programs which he called manpower revenue sharing. The heart of that proposal was that we enact a broad, flexibile authority and decentralize the administration of it to States and major cities and counties. This legislation accomplishes that purpose.

But this is not the revenue sharing bill originally sent to us. The Congress has worked its will on the proposal in a cooperative effort with the administration. The legislation before us contains a very significant Federal role, not only in assuring that the purposes of this act are carried out by those who administer programs at the State and local levels but in the assignment of special responsibilities to the Secretary of Labor for such groups as youth and older workers, persons of limited English-speaking ability, Indians, and migrants. Throughout the bill there are assurances that programs of demonstrated effectiveness will be continued both by State and local prime sponsors and by the Secretary in the use of funds at his disposal. The bill mentions some of these by way of example in defining community-based organizations—specifically OIC, SER, and Mainstream. But as one of the sponsors of the bill I want to make clear that these are only some examples used in the particular context of community-based organizations. There are other effective programs—such as that of the National Alliance of Businessmen—operating at the national and at the community level. We are equally committed to the continuation of such programs.

I think this bill represents a dynamic federalism which utilizes fully the competence of various levels of government in assuring that the needs of people are met.

The bill also establishes a National Commission on Manpower Policy which for the first time can begin to consider national manpower needs and the impact of all existing Federal programs in helping to meet those needs. This is an idea that I have been promoting for several years because it is apparent to me that the Federal efforts have been badly fragmented in this vital field and that, in actual fact, we have nothing resembling a national manpower policy.

The need for such a policy—which inherently involves in its formulation the process of looking as far into the future as possible and examining prospects in the light of possible situations which might arise—has been illustrated quite dramatically by the energy crisis. Had we have had a National Commission on Manpower Policy in place and functioning over the past several years it very likely would have examined the probability of diminishing energy reserves and have formulated both short-term and long-term measures to deal with manpower and employment problems which would ensue. In fact, such a process is one of the specific charges of this legislation to the Commission. It certainly does not come altogether late, because the problems of energy and alternative sources of energy are going to be with us well into the next century.

This legislation, as the Members well know, is complicated in its structure and involved the accommodation of many competing interests. I think the Conference did a good job of putting together two versions in such a manner that the legislation is strengthened in the process. Let me use an example involving the formula.

Previously, at least half of the manpower funds have been distributed under the Economic Opportunity Act on a poverty formula which favors southern and rural States over northern and industrialized States such as Michigan. The other half was distributed under the Manpower Development and Training Act on the basis, very largely, of the relative number of unemployed persons—which is favorable to heavily industrialized States. The final formula arrived at would—after about 4 years when all the "hold harmless" features had ceased to be a factor—distribute funds on a formula weighted 75 percent on relative unemployment and 25 percent on a low-income factor adjusted upward annually on the basis of changes in the cost-of-living index. This means that

States such as Michigan will get a fair share of funds primarily designed to provide training and retraining for unemployed workers, but that Southern and rural States will be able to meet their needs both for training and the creation of employment opportunities where they may not otherwise exist. It is a very good compromise.

There were other problems in working out a formula. We have a hold harmless provision at 90 percent of each prior year's manpower allocation. In order for this to work, it was necessary to say that no prime sponsor could get more than 150 percent of its prior year's allocation—a so-called stop-gain provision. However, we recognized, and this was a particular concern of mine, that a number of cities and counties either would be coming into the program for the first time or would have had a very small manpower allotment in fiscal 1973. A 150-percent limitation on these governments would either give them nothing or very little increase over the small amount they had before. So we placed a floor under the amount an eligible prime sponsor would be entitled to receive—one-half of the amount they are entitled to under the formula, even though the sum would exceed 150 percent of the prior year's allocation.

This is an example of the kind of problems the conferees had to struggle with, and the manner in which such problems were resolved. I think we have an excellent piece of legislation.

There still remains in this complex bill a good many things which need clarification. For example: the language which appears in title II and title IV of the bill relative to the rights of public employees already holding jobs with States and cities and other governmental entities. As one of the sponsors of the bill, and a conferee, I am confident that the intent of the conferees was to approve language which does several things. First, we wanted to insure that no employee is replaced by anyone funded under a program authorized by this act. Second, we wanted to make sure that no public employee is deprived of seniority or advancement opportunities by any program funded under this bill. Finally, we wanted to insure that criteria establishing whether persons are unemployed and eligible for assistance shall not be applied differently on account of a person's previous employment. In other words, Mr. Speaker, this language is designed to insure that Federal money under this act cannot be used by State and local officials to discriminate against public employees or to interfere with their job rights.

In the course of the general debate on H.R. 11010 I expressed my appreciation to the other Republican members of the select subcommittee, who also served effectively on the conference committee—the gentleman from Wisconsin (Mr. STEIGER), the gentleman from New Jersey (Mr. FORSYTHE), the gentleman from New York (Mr. PEYSER), and the gentleman from Connecticut (Mr. SARASIN). They have each played an active part in achieving this good result. And of course, I again want to thank the gentleman from Minnesota (Mr. QUIE), our ranking Republican member on the full committee, for his astute and statesmanlike negotiations on many of the most difficult issues in this legislation, and the distinguished chairman of our committee (Mr. PERKINS) who also chaired the difficult conference sessions. Without their help there would have been no bill.

But I want to save a very special expression of appreciation for the leadership, sagacity, and tenacious spirit of the chairman of the Select Subcommittee on Labor, DOMINICK V. DANIELS. He is a man who very literally makes his word his bond and for whom an agreement with a colleague is an irrevocable trust. He is a great legislator and it is a privilege to work with him on matters of high national interest.

This bill represents a high national interest—the formulation of national manpower policy effectively translated into programs working for people who need help in finding and holding a decent job at a decent wage. I urge adoption of the conference report on S. 1559.

Mr. ESCH. Mr. Speaker, I yield such time as he may consume to the ranking member of the committee, the gentleman from Minnesota (Mr. QUIE).

Mr. QUIE. Mr. Speaker, I urge adoption of the conference report on S. 1559. As a House conferee, and as a cosponsor of the companion bill in the House—H.R. 11010, I am very pleased with the outcome of this conference. The conference committee did its work on this long and detailed bill in the best spirit of compromise—that designed to produce the best possible legislation.

In my opinion, the bill which emerged from the conference is a better product than either the House-passed or Senate-passed versions. I could cite many examples of changes to support this view, but a few should suffice. The Senate bill, for example, contained a title that would have established a bob-tailed version of the OEO community action program under the Department of Labor. I think most would agree that this is not the appropriate legislation to deal with that issue, and the Department of Labor is not the proper agency to administer such a program. That title was dropped in conference.

The House bill, on the other hand, contained a very meagre role for State governments as compared with the Senate bill, even though we should be looking increasingly to the services provided by State government, with Federal assistance, to help solve local problems. The conference report language considerably strengthens the State role in the provision of services and in coordinating programs, and it earmarks 4 percent of the funds allocated to each State for administrative costs in carrying out this role. There was no comparable provision in the House bill, and it should significantly strengthen the overall program.

There were, of course, dozens and dozens of compromises. A number of them did not turn out as I had hoped they might. For example, we still mandate the expenditure of $350 million—as opposed to $500 million in the House bill—for programs under title II of the act which largely will be public service employment in areas having substantial unemployment. While we may very well spend more than that amount for title II, I still feel that it is unwise in principle to mandate expenditures for particular programs in future fiscal years. I would have preferred a simple authorization "of such sums as may be necessary" for title II in fiscal 1975, which the conference report contains in addition to the mandated amount. Still the very nature of a conference means that everyone does not get everything they want, and this is a provision which I can live with, and which in my judgment does no lasting damage to a very good piece of legislation.

Mr. Speaker, I want to pay particular tribute to my colleagues, DOMINICK V. DANIELS and MARVIN ESCH, who respectively as chairman and ranking Republican member of the Select Subcommittee on Labor, persevered through some very difficult times for this legislation and never stopped working together to resolve problems. Chairman PERKINS and I did what we could to help, but without the work of the gentleman from New Jersey and the gentleman from Michigan, this bill very likely would not have been possible.

This is landmark legislation in the sense that it points a new direction not only in the administration of manpower programs at all levels of government, but in the evolution of national manpower policies designed to meet the needs of the final quarter of this century. The possible impact of the energy crisis on the economy, with all of its implications for employment trends, is but one example of the need for a coherent national approach to manpower problems which do or might confront us. We needed this legislation which ties together a number of the basic manpower programs and lays the basis for a better coordination of efforts at all levels.

One of the several notable contributions of the gentleman from Michigan (Mr. ESCH) to this legislation was the creation of a National Commission for Manpower Policy which, effectively administered, could begin to provide much needed government-wide program coordination at the Federal level while taking a close look at our long-range needs in manpower training and employment opportunities.

Finally, this bill sets an example for the Congress in other policy areas where consolidation of existing programs and more decentralization of decisionmaking authority to State and local levels is needed. The administration has made proposals along these lines in a number of fields, including education, and I think they deserve the kind of consideration we gave the manpower proposal. Incidentally, I wish also to express my appreciation to the Department of Labor, and particularly to

Assistant Secretary William Kolberg and his colleagues in the Manpower Administration who worked closely and cooperatively with our members and staff in putting together the House bill and smoothing out problems in the conference. This bill is a good example of the executive branch and the Congress working cooperatively in the public interest. I think that the quality of the final effort reflects that cooperation.

Mr. Speaker, I urge adoption of the conference report.

Mr. ESCH. Mr. Speaker, I yield such time as he may consume to the gentleman from Idaho (Mr. HANSEN).

Mr. HANSEN of Idaho. Mr. Speaker, I rise in support of the conference report and urge its adoption.

The Comprehensive Manpower Act of 1973 provides a worthwhile and needed program that will bring important benefits to the Nation. The bill is the result of a spirit of reason and willingness to compromise. It is worthy of prompt passage by the Congress this year. The bill reported by the conferees is superior to that passed by either the House or Senate.

Employment is a critical issue. Because of the energy crisis there are likely to be areas of greater unemployment in the coming year. Provision should be made early, in advance, so we can move quickly with the necessary programs in order to handle any displacement of workers due to energy shortages. I am pleased to note that this bill contains provisions that respond to this need.

In addition to the scaled-down public employment plan contained in the present bill, the general provisions of the manpower plan permit the State and local authorities to use other funds provided by the legislation for public employment plans if they see fit to do so. Thus, the people closest to the problem could decide on the best way to use the funds provided to create jobs where needed and thereby reduce temporary unemployment and contribute to the public services provided by the local government.

But the real significance of the legislation lies in the future direction of our manpower policies and philosophies concerning job training programs. Having authored manpower legislation of my own earlier this year, I would especially emphasize the benefits of a concept which it contained that has been incorporated in the bill under final consideration today. For the first time, Congress and the administration recognize that if we are to have an effective administration of manpower programs, we must give increased responsibility to officials at the State and local levels of government, and have a flexible program to meet the differing needs throughout the country.

There are several other provisions in the Comprehensive Manpower Act that I have long believed would be the means of providing greater service to those who are the intended beneficiaries of our efforts. I will vote for the bill and hope that it will receive an overwhelming vote of approval.

Mr. ESCH. I yield such time as he may consume to the gentleman from New York (Mr. PEYSER).

Mr. PEYSER. I also rise to lend my support to this conference report, and I urge its adoption.

Mr. ESCH. Mr. Speaker, I yield such time as he may consume to the gentleman from Nevada (Mr. TOWELL).

Mr. TOWELL of Nevada. Mr. Speaker, I rise in support of the conference report.

Mr. Speaker, I urge support of the conference report and congratulate the conferees. As the gentleman from Minnesota (Mr. QUIE) stated, this is an instance in which the final product is probably an improvement over the version of the bill that passed in the House and in the Senate.

As one example, the House version of the bill made a specific mention of bilingual programs, whch are extremely important in the Spanish-speaking community which constitutes a significant portion of the citizens of Nevada, and of course is even a larger part of the population of States such as California and Texas. The House bill also clearly authorized continuation of one of the most vital and effective manpower programs—Jobs for Progress—SER—which serves the Spanish-speaking community, but did not specifically mention them in the statute itself. The conference report considerably expands and amplifies the language of the bill relating to programs for persons of limited English-speaking ability, and specifically mentions SER as an example of a community-based organization which should be utilized by State and local prime sponsors in the provision of manpower services. I think this is an improvement on the language of the House-passed bill, in that it gives a much-needed emphasis to programs which serve important segments of our population whose needs too often have been ignored. Of course, persons of limited English-speaking ability are by no means limited to those whose primary language is Spanish—and the bill is not so limited, either. But this is a large—and a fact that is not widely appreciated, growing—number of our fellow citizens.

This bill truly begins to bring responsibility for important programs back to the State and local level where the needs are best known and where individuals can best be served. At the same time, it in no way relinquishes Federal responsibility to assure that the terms of the act are met. Rather, it frees the Federal Government from a large part of the administrative burdens so that—hopefully—it can concentrate its efforts on a broad consideration of national manpower needs and provide guidance, special help, and technical assistance to State and local governments in meeting those needs. The aim is to avoid "big government" in favor of responsive government, with each level—local, State, and Federal—doing those things it is best equipped to do, and doing it in a coordinated manner.

That is the promise of this legislation. I am confident that the promise can be fulfilled, and that after 4 years of effort the Congress and the executive branch, with the help and advice of our Nation's Governors, mayors, county officials, and other interested parties, have achieved legislation in which we can all take considerable pride.

Mr. ESCH. Mr. Speaker, I yield such time as he may consume to the chairman of the committee, the gentleman from Kentucky (Mr. PERKINS).

Mr. PERKINS. Mr. Speaker, I rise in support of the bill and the conference report.

I do wish to state that we have improved the formula, taking it out of the figures of the Senate formula. Under title I, the bulk of the money is stated to be 50 percent of the amount allotted in previous years, and from the allocation 37½ percent is allotted on the basis of unemployment and the remaining 12.5 percent is allotted on the basis of the low-income factor. This improved the situation and in my judgment made the House bill much better.

Mr. Speaker, we are bringing back to the House the conference report on the manpower bill, now known as the Comprehensive Employment and Training Act of 1973. The conference report follows closely the version passed by the House just a few weeks ago. The provisions from the other body's bill that were incorporated were good provisions and strengthened the bill we now have under consideration. This is a bipartisan bill, supported by the minority, the majority and the administration. This widespread support did not come about easily. It was the result of long, hard hours of work and persuasion. Many people have made important contributions, but none have contributed more than the gentleman from New Jersey (Mr. DOMINICK V. DANIELS) and the gentleman from Michigan (Mr. ESCH) the two principal authors of this legislation. In fact, this bill really ought to be called the Daniels-Esch Act. As much as these two men have done, we still would not be here today if it were not for the cooperation and assistance rendered by three other men: the gentleman from Minnesota (Mr. QUIE), the gentleman from Pennsylvania (Mr. GAYDOS), and the gentleman from Wisconsin (Mr. STEIGER).

All of these men were major contributors to the bill before us today, and to the realization of comprehensive manpower reform.

As I said when this legislation first passed the House, the chief accomplishment of this bill is that it continues to authorize public service employment programs providing jobs for the unemployed. It has never made any sense to train people for jobs that did not exist. Yet in many parts of the country that is exactly what manpower programs were doing until we passed the Emergency Employment Act in 1971. That act authorized $1 billion to be spent for public service jobs when the nation unemployment rate was 4.5 percent or greater and an additional $250 million for jobs in areas of substantial unemployment when

the local jobless rate was 6 percent or more.

The conference agreement guarantees at least $250 million for public service employment in this fical year and $350 million for next year. There are additional open-ended authorizations, so if unemployment rises it will be possible to increase the level of funding for jobs.

I would have to say that, in my judgment, we can use far more public service employment than we have seen up to now. This is as much as we were able to persuade the President to sit still for now and so we are in the well-known position of having to take half a loaf or no loaf at all. But I want to give notice to this House that if the energy crisis produces the kind of unemployment that is being projected by various business leaders, we may very well have to come back before this body to get more for public service jobs. I have seen several predictions of 8 percent unemployment and I just want my colleagues to know that this would mean 7,200,000 people out of a job.

It is important for us to act now, though, to prevent the shut-down of the PEP program. The Emergency Employment Act expired on June 30 of this year. The only reason that there is still money being spent for public service jobs is due to the fact that the Labor Department has not yet spent all the money that was appropriated in fiscal year 1973 and obligated before that year expired. But even the money still in the pipeline will be gone by late February. We really do not have any time to lose. This is, in fact, the major reason I am supporting this bill. I am just afraid that shifting over to a completely new system of prime sponsors will only confuse things and create even bigger delays in providing these essential services to needy people. If this result does occur, and I hope that it does not, we may have to go back to existing law to see that everyone gets served.

Let me now describe briefly how funds are allocated and distributed under the Daniels-Esch Act. Twenty percent of the total amounts appropriated are reserved for the Secretary to run the job corps, Indian and migrant programs, summer youth job programs, special programs for older workers, and so forth, and to conduct research and evaluations. As I have stated, at least $250 million will be allocated to public service jobs under title II. The rest will be for State and local sponsors for manpower programs under title I. Under the agreement 80 percent of the funds for title I are distributed in accordance with the following formula: 50 percent of the funds will be allocated in accordance with the prior year's allotment of manpower funds; 37½ percent will be allocated on the basis of the number of unemployed and 12½ percent will be allocated on the basis of the number of adults in low-income families. Low-income families are defined as families with an income of below $7,000 in 1969, adjusted upward in accordance with increases in the consumer price index, rounded to the nearest thousand.

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

Many Members spoke to me about the need for recognition of underemployment in the formula. I am pleased that the conference agreement includes a low-income factor which will benefit those States with a serious underemployment problem.

Overall, the authorization for the bill is open-ended—such sums as may be necessary—for this and the 3 succeeding fiscal years. We estimate that the first-year cost of the bill will be $1.8 billion. If you add up the amount of money spent in fiscal year 1973 under the Manpower Development and Training Act and the manpower portions of the Economic Opportunity Act—$1.55 billion—and the Emergency Employment Act—$1.25 billion—you get a total of $2.8 billion. So this bill represents a cut in manpower programs of $1 billion. On the other hand, at the $1.8 billion level it is significantly higher than the President's budget of $1.34 billion, and it will go up by another $100 million in estimated costs in fiscal year 1975 because we increase the mandatory funding for the title II public service employment program from $250 to $350 million. This means the bill will be at the level of $1.9 billion during the next fiscal year.

Since the overall authorization is open-ended, and the budget figure is only $1.34 billion, it may be asked how we arrive at an estimate of $1.8 billion. The answer is simple. The Appropriations Committee has in its continuing resolution, kept manpower programs—excluding the Emergency Employment Act—funded at a level of $1.55 billion. We think that is the appropriate figure and hope they will stick to it in the regular or supplemental bill. In addition, as part of the compromise, we have received a commitment from the administration to seek an additional $250 million targeted for title II. These two figures, when added, come to $1.8 billion.

I want to say one more thing about the level of appropriations. It is essential that we appropriate at least $1.8 billion for manpower programs and public service employment. If we do not, we will not be able to honor our commitments to hold everyone harmless at 90 percent of his previous year's level. Since we are cutting back by $1 billion no one can be accused of "budget-busting" if he supports funding at $1.8 billion.

There was one point which may create problems and that is the 50,000 population figure for program agents under title II. If this provision is administered as it was intended the money will be passed along to local units of government and they will decide who should be hired and for what job. This pass-through of money is mandatory in the legislation but it is not possible to tell now just how it will be implemented. I will be following this provision most carefully to see that our intent is carried out and effectively monitored by the Labor Department.

Finally, I have heard this bill described as "special revenue sharing" by some people downtown. Let me say flatly that it is not.

This bill is a compromise between those who favored the so-called revenue-sharing approach and those who believe in a strong Federal role and responsibility. The compromise was to decentralize the planning and administration of manpower programs to State and local governments, but to require a careful Federal review and approval of the local plans and to place squarely with the Secretary of Labor the responsibility for seeing that the conditions and special requirements of the law, as well as its general purposes, are in fact being carried out. The ultimate responsibility for success or failure rests with the Secretary and we will hold him strictly accountable.

I would not agree to this bill if there was no Federal involvement and I think that view is stated by everyone on both sides of the aisle who worked closely with this legislation. Mr. Speaker, I urge the adoption of this report.

Mr. FISH. Will the gentleman yield?

Mr. ESCH. I am happy to yield to the gentleman.

Mr. FISH. I thank the gentleman for yielding.

I just want to compliment the chairman of the subcommittee and the ranking Republican member for the many months of hard and painstaking effort they have given to this legislation.

Mr. GROSS. Will the gentleman yield?

Mr. ESCH. I am happy to yield to the gentleman from Iowa.

Mr. GROSS. What is the total funding authorized by this conference report?

Mr. ESCH. I will say to the gentleman that the total funding is open ended. It will be such sums as the Committee on Appropriations may determine are necessary.

Mr. GROSS. What is the gentleman's best guess as to the funding required?

Mr. ESCH. It is my understanding that the funding this fiscal year will be in the neighborhood, depending on how much is in the supplemental, of $1.5 billion to $1.8 billion.

Mr. GROSS. $1.5 billion to $1.8 billion? B-i-l-l-i-o-n?

Mr. ESCH. I say to the gentlemen from Iowa that is slightly less than in previous years.

Mr. MEEDS. Will the gentleman yield?

Mr. ESCH. I am happy to yield to the gentleman.

Mr. MEEDS. Mr. Speaker, I shall vote against the conference report on H.R. 11010, the Comprehensive Manpower Act of 1973. I shall do so because it fraction-

alizes and disperses the Federal responsibility for manpower programs and it sharply reduces our national commitment to public service employment at a time when we should be increasing that commitment.

I have been an early and strong supporter of public service employment. The Emergency Employment Act of 1971 has proven to be one of the most successful programs to alleviate short-term unemployment we have had since the Great Depression of the 1930's. Under EEA, Federal funds have made it possible for local communities to hire persons who need jobs to work on public service jobs that needed doing.

While EEA was grossly inadequate to solve the entire job shortage during the 1971 recession, it played an important role in helping ease unemployment in local communities. Last year we authorized $1.25 billion for the program and President Nixon requested the full amount, which was appropriated. But under H.R. 11010 we are cutting the authorization down to $250 million, one-fourth the original authorization.

This decapitation of the authorization would be justified if the Nation had achieved full employment. In fact, EEA contained a self-destruct mechanism so that money could not be spent after employment had climbed back to respectable levels. But the most respected economists in the Nation now agree that our economy is in trouble right now because of the energy shortage.

National employment stood at 4.7 percent in August but a sharp rise is imminent. Herbert Stein, chairman of the President's economic advisers, predicts unemployment will rise to 6 percent next year and his is among the most conservative estimates. But at the same time, in this bill, Congress is cutting down on the kind of machinery we should be gearing up to handle increased unemployment. We are locking ourself into reduced spending on a program that could alleviate next year's joblessness.

I think it a cruel hoax to cut back public service jobs at a time of increasing unemployment. Even though I was one of the original sponsors of the public service jobs program, I cannot bring myself to lend my vote for this hoax.

There are other important reasons to vote against the conference report. The overriding rationale for this bill is to provide authority for consolidation of uncoordinated and multitudinous existing manpower training programs. I agree that the number must be reduced. There are altogether too many departments, agencies, bureaus, and offices involved in manpower training. They should be consolidated under one department or agency. But this bill actually increases the number of program sponsors by 550.

Some categorical programs will be eliminated. But when you multiply the number of new prime sponsors by the number of remaining programs, you have a new multiplicity or bureaucratic growths. I believe that within 2 or 3 years of implementing this bill, the entire manpower program will be in such confusion that our problems now will seem like a Sunday school picnic.

The final reason I must vote against this bill is because it is manpower revenue sharing in disguise. Revenue sharing sprang from the concept that local people know best how to deal with local problems. And I agree, up to a point. But that does not mean local people are knowledgeable and qualified to deal with all the problems facing our country.

There is a difference between involving local officials in decisionmaking and turning over all our decisions on local, regional, State, or National problems.

Frankly, there are some problems that affect localities but are of such magnitude that they cannot be handled except on a national level. The founders of the United States realized this in their creation of a Congress to deal with national problems.

The danger in revenue sharing is that we are carrying the concept of "local people know best" beyond its logical extreme: A parceling out of our own prerogatives and responsibilities.

Job training and placement may have been a local problem in those peaceful days when a worker was pretty much dependent on one community. But mobility has now widened the job search area of our unemployed into a national problem. An unemployed aerospace worker is as much a problem to Kansas, where he goes, as he is in Seattle where he was laid off.

The decision to lay him off in the first place probably was not made in his locality.

In these days of corporate empires and interdependent economies, very few people and local communities have any control over national decisions on money, government, spending, taxes, and energy allocations that have sweeping local effects all across the country.

Similarly, manpower training decisions must have overall coordination, which I believe is impossible under the bill as it is written.

Manpower training has become a relatively sophisticated and technical undertaking in our complex economy. Existing and potential skills must be matched with existing and potential job openings. It requires a knowledge of the ability of trainees and trends in a fast-changing job market. There has been far too much training of people for jobs that are obsolete and have disappeared before the applicants are ready. The job market is no longer one of a single community but one of an entire State or Nation.

A local community simply cannot be expected to anticipate the decisions and job needs stemming from decisions made thousands of miles away.

A computerized job bank in the Department of Labor would help, but it is not required in this bill, only authorized.

The entire bill constitutes an abdication of responsibility by the Federal Government to try and shift national problems off onto local shoulders. By the same argument, one could propose making local communities responsible for national defense. Congress in this case would be taxing a national constituency in order to attack a national problem—then turning the money over to States and local governments with little or no control over how it is spent.

It is the basic fallacy in the revenue sharing theory: Separating the power to tax from the responsibility to spend wisely. To whom can the Federal taxpayer turn if the local program is a failure and the money squandered? A taxpayer in Tennessee cannot hold a mayor in Texas responsible for wasting his taxpayer's money. He may blame his representative in Congress, but we in Congress are already relinquishing our control over this spending of Federal money.

There are those who will contend this is not a revenue sharing bill. But it reads like a revenue sharing bill, it works like a revenue sharing bill, it comes from the same people who brought you general revenue sharing—the Nixon administration. Some people on the other side of the aisle are already calling it manpower revenue sharing and proclaiming a victory. There is no victory in H.R. 11010—only further abdication by the Congress of its responsibility.

Mrs. MINK. Will the gentleman yield?

Mr. ESCH. I yield to the gentlewoman from Hawaii.

Mrs. MINK. Do I understand correctly that the conferees are now reporting a bill back which negates the vote which this House took with regard to the eligibility of communities of 50,000 and more population to qualify as a prime sponsor?

Mr. ESCH. The gentlewoman is incorrect in substance, because the conference was able to work out, in spite of strong objections from the Senate, a provision that those units of government that had a consortium of up to 50,000 or more would qualify as program agents, and they will fulfill the same responsibilities, in effect, as the prime sponsors will have, but they will not have the administrative costs that the prime sponsors will have. So in this case the benefits to those local jurisdictions under title II will accrue. However, they will be under the general administration of the prime sponsor.

Mrs. MINK. Where in this legislation, if the gentleman will yield further, is there a mandate that a community or a consortium of communities with 50,000 or more will be allotted these funds under title II? As I read it, there is a clause in title II which absolutely prohibits these communities from operating as prime sponsors. The money therefore goes to the State or to a unit that qualified under title I, which has 100,000 or more population. Therefore the smaller communities such as those I represent have absolutely no guarantee under the legislation we are now considering, neither do we have an opportunity to come together to present a program and qualify for these funds. My counties are at the complete mercy of the State or the city of Honolulu which qualifies under the 100,000 population category.

Mr. ESCH. With all due respect for the gentlewoman from Hawaii, I decline to yield further, because if she would

read carefully, in the report on page 15, and I quote, it says:

The eligible applicant shall delegate to such unit or units of general local government the functions of program agent with respect to the funds allocated to such eligible applicant on account of such area of substantial unemployment.

So, if the Members of the House will carefully read the committee report, they will see it is a mandatory delegation to such units.

I think the discussion has been full in the House. I think we have many other matters before the House, and I think we ought to move on to a vote.

It is very clearly and explicitly spelled out in the committee report that no local unit will have any difficulty whatsoever.

Mr. BIAGGI. Will the gentleman yield?

Mr. ESCH. I am happy to yield to the gentleman.

Mr. BIAGGI. I thank the gentleman for yielding.

Mr. Speaker, I rise in strong support of the conference report to accompany the Comprehensive Manpower Act of 1973. This report represents an effective and realistic compromise between the House and Senate versions, with the ultimate beneficiaries rightfully being the American people.

At the time the House version was considered and passed on November 28, I indicated my strong support of that legislation. I am especially pleased to see so many of the excellent provisions of the House bill in this report we are considering today. It is a fitting tribute to the conferees, but especially to the distinguished chairman of the Education and Labor Committee (Mr. PERKINS).

Since the time we considered H.R. 11010, there have been growing indications that the unemployment picture in 1974 will be the worst in modern times. The combination of the energy crisis and continuing inflation may result in a nationwide unemployment rate of 6 percent, which would be a tragic situation for this country.

In light of these bleak probabilities it is imperative that the Congress pass legislation in this session, which would aid the millions of Americans who stand to become further casualties to this present administration's misguided and futile economic policies. This report today represents the culmination of many months of work aimed at producing this type of responsible legislation. What is being proposed today is a broad, comprehensive national commitment, the kind we need to undertake if we are to get people off the unemployment lines and back to work.

One of the more outstanding features of this bill are titles II and III. In those sections we come to grips with the serious problems which certain areas and groups in our Nation face with respect to employment. Title II of this bill would provide a comprehensive program of financial assistance for programs of public service employment in areas with a rate of unemployment of 6½ percent or more for 3 consecutive months.

Title II would deal directly with those disadvantaged groups who have particular difficulty obtaining employment. In my home city of New York one of these groups are youths seeking summer employment. Their numbers and their problems in obtaining temporary employment have grown enormously in magnitude. Thousands of these young Americans desperately want to work during the summer months, but are turned away time and again. For many of them the idleness that results causes them to turn to other less desirable ways of spending their time. Title III of this report will correct this by restoring adequate levels of funding for such important programs as the job corps and the public employment program, as well as other summer youth manpower programs.

Beyond providing for the immediate needs of this Nation with respect to employment, the report also provides for the establishment of a National Commission on Manpower Policies. This agency under the auspices of the Secretary of Labor would constantly reassess the employment needs of the United States, and would have as its ultimate objective, keeping our employment levels the highest possible.

I am also pleased to see that the funding for the Manpower Act will remain an open ended authorization through 1977. The $250 million we are providing for fiscal year 1974, and the $350 million for fiscal year 1975, represent the kind of financial commitment we as a nation must donate if we are to find the immediate and long-range solutions to our unemployment problems.

Mr. Speaker, we stand on the threshold of disaster as we approach 1974. The problem of unemployment in this Nation threatens to reach unprecedented proportions. The key to a stable and healthy economy is full employment. Our economy is far from healthy, it is gradually being infected by the cancer of unemployment. We must keep it from spreading. It is apparent that unless the President is willing to fully reappraise his economic priorities, our economy may yet fall victim to this disease. I am heartened today that we in the Congress have taken the initiative to stem the malignancy. The American Nation has thrived through the years on the sweat and toil of millions of its hard-working citizens. Americans today still adhere to the principle and hard work, yet for many of them the opportunities are not there. Let us today begin to give them these opportunities. We will be a better nation for our efforts.

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

Mr. ESCH. I yield to the gentleman from Georgia.

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

Mr. Speaker, do I understand that the conference report retains the allocation formula based on the same previous year's funding, 37.5 percent unemployment basis and 12.5 percent on the basis of local incomes of families?

Mr. ESCH. The gentleman is correct, there are two other provisions also applicable, but that is the general formula.

Mr. BRINKLEY. Does this represent a movement toward what the position of the Senate was?

Mr. ESCH. It does represent a movement toward what the position of the Senate was.

Mr. BRINKLEY. I thank the gentleman for yielding.

Mr. HAWKINS. Mr. Speaker, while I intend to support this bill because it is the best we can get under the Presidential threat that a better one will be vetoed, I must point out some of its deficiencies.

Unemployment is increasing while this bill makes specific plans for less than 50,000 jobs in the current fiscal year, an even smaller number than currently operated.

It also sets 6.5 percent unemployment rate as a cutoff period before special funds can be released for areas of high unemployment. This is entirely unrealistic and requires a major recession before action can be taken.

Most dangerous of all defects, however, is the failure to deal with youth programs, particularly jobs and including a summer jobs program. In this respect it is essential that the Congress insist on a supplemental program and appropriation and early enactment of a comprehensive youth bill that I am sponsoring.

Mr. Speaker, among some of the positive parts of this bill I am pleased to see the definite inclusion of Dr. Leon Sullivan's remarkable Opportunities Industrialization Centers—OIC—program.

As to this specific authorization, let me make the following statements:

The mayors of the many cities and communities need to know that 10 years' experience in working with low-income citizens and motivating them as well as training them to make their way into the mainstream of the American economy, should be useful to prime sponsors—especially those who have not had time to develop plans or machinery for manpower training and job development.

Prime sponsors who have had a long history and experience in manpower training and job development need to know the unique contribution that the OIC method of providing a one-door operation for poor people and minorities in the ghettos, barrios, and the hollows of America have had. For example, the comprehensive nature of the program which recruits from the bars and grills and lodge halls and street hangouts with indigenous leadership from the community in which the residents live doing the recruiting and with a community-based Board of Directors including residents from the community on the Board, then providing counseling before the training begins, conducting counseling during the motivational attitudinal training and the skill training, and then providing counseling after placement on the job for at least 6 months, has produced a retention rate of 87 percent which is unusually high.

The track record of OIC with reference to reaching the unreached is matched by the track record of enlisting

the cooperation of business and industry and OIC can be helpful to any prime sponsor in this direction because of the Industrial Advisory Council working with Dr. Leon Sullivan, representing more than 30 of America's largest corporations.

The problem of polarization in the American community between white and black, Chicano and Afro, haves and have-nots, has been reduced in communities where OIC has built bridges of cooperation because of the nature of its self-help philosophy and providing a mechanism for coordinated effort to secure green power by combining black power, white power, brown power, and red power.

Let me now point out certain positive values:

First. A special value of this program is its involvement in the planning process to make possible the development of jobs through the cooperation of industry so that specific training on specific equipment for specific jobs is encouraged.

Second. Ways and means of using the OIC experience to retrain persons uprooted by technological change and who have not yet started out with the handicap of being economically disadvantaged, have been tested by OIC and could conceivably prove to be an asset to the Secretary in meeting the new needs created by the energy crisis.

Third. Since more than 100,000 unemployed citizens from low-income communities of all races have been served and more than one-third of those served have come off the welfare rolls, this project has proven its effectiveness as an integral part of the Nation's manpower delivery system and can prove a valuable asset to the Prime Sponsors as they plan ways of reaching those populations that are normally unreached.

Fourth. The Opportunities Industrialization Centers (OIC), founded by Dr. Leon Sullivan in 1964, has become a national system of proven effectiveness providing comprehensive training and employment service which include recruitment, pretraining counseling, motivational and attitudinal training, skills training, job placement, on the job counseling, job development, and other appropriate services.

Fifth. OIC should be seen as supplementary to other training programs such as Mainstream, Vocational Education Boards, National Alliance of Businessmen and community-action agencies. Since OIC has developed a special expertise in motivational and attitudinal training as a preparation for the skills training that is of proven effectiveness. The pride, the self-help concept, and the desire to achieve which IOC has generated, is an excellent undergirding for other training programs, although OIC itself provides comprehensive training for those persons who it reaches directly.

Mr. LANDGREBE. Mr. Speaker, I rise in opposition to the conference report on the Comprehensive Employment and Training Act of 1973 for reasons which I believe to be important and would like to make clear.

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

The first thing to be noted about this statement of purpose is that it conflicts with article I of the Constitution which enumerates the powers delegated by the States to Congress. As every literate person should know, there is no clause delegating the power to Congress to enact a law such as this, and that Congress will be acting beyond its legitimate functions if it passes this bill as reported from conference. In short, the bill is unconstitutional.

Second, the purpose as stated in the bill cannot be achieved by the passing of another law, but only by the cooperation of free men in a free market. By enacting numerous other laws which were putatively designed to ameliorate undesirable conditions in the economy, the Government itself has been the principal cause of the ills which this bill is designed to cure. By its minimum wage laws, the Government has established unemployment as a permanent institution of the American economy. The minimum wage laws have prevented businesses from hiring applicants at decreased wages in order to train them on the job as apprentices. The minimum wage laws, which might more truthfully be called maximum unemployment laws, have led to underemployment, which means—if the term has any intelligible meaning at all—that the abilities of employed persons are not utilized to their fullest, because the employer finds it uneconomical to do so. By forcing an employer to hire an applicant at a higher-than-market wage, the Government simply insures that that person will work for fewer hours, or that fewer persons will work normal hours. If the Congress truly wanted to correct the defects in the economy it could do so very simply and very quickly by simply repealing those laws that have caused those defects and maladjustments. The fact that the Congress does not seek to repeal noxious laws, but only to enact more such laws is remarkable. It makes one wonder whether the stated purpose of the measure is entirely accurate, or whether its actual purpose is simply to enlarge an already bloated central government.

The third reason for my opposition to this bill is that the authorization for funds made in section 4 is without limit. The appropriation of a definite huge sum would be bad enough—as in the House bill—but to authorize unlimited sums of other people's money is intolerable. It is but another abdication of responsibility on the part of Congress at a time when Congress cannot afford to default on any of its responsibility in fiscal matters. By using the conviction phrase "such sums as may be necessary," the bill empowers someone other than Congress to decide what "necessary" means, in addition to relieving Congress of its responsibility to act wisely and prudently with other people's money. This also belies the bill's claim to establish "a flexible and decentralized system," for as further reading of the bill will reveal, power is concentrated, not dissipated; consolidated, not separated; centralized, not decentralized, by the provisions of this bill. The bill is riddled with phrases such as "determined by the Secretary of Labor," "as the Secretary shall prescribe," "distributed in the Secretary's discretion," "the Secretary determines," "as the Secretary deems necessary"; all of which serve to indicate the tremendous powers Congress will be granting to the executive branch. The Executive is not usurping these powers, but is receiving them from an irresponsible and panic-stricken Congress.

My fourth reason for opposing this bill is that is provides for a massive collection of data about private citizens and the establishment of a computerized data bank to handle the information gathered. This sophisticated system is to be used "for the purpose of identifying sources of available persons and job vacancies, providing an expeditious means of matching the qualifications of unemployed, underemployed, and economically disadvantaged persons with employer requirements and job opportunities, and referring and placing such persons in jobs."

The purpose of using computers to match persons and positions is simply to try to replace the operation of the free market in which persons may accept and reject job offers until they believe they are matched with their jobs. The proper matching can only be accomplished by free men freely negotiating with each other in a free market.

I think it significant that at the same time the United States is trying to rectify the maladjustments in the free market induced by Government intervention, by the use of computers, the Soviet Union is seeking to make its centralized economy more efficient by the use of computers. Is not this development ominous and a sign that freedom is in danger in these United States? Three recent articles in the New York Times indicated the eagerness of Communist planners to use computers so that they might manage the centralized economy of the Soviet Union more proficiently.

But even computers cannot direct an unfree market; nothing can. Economic planning can lead only to planned chaos. In the second of the three Times articles mentioned above it was noted that—

> American experience with even less ambitious computer systems [than that proposed for the Soviet Union] has been marked by severe headaches.

And the Academician of the Ukrainian Academy of Sciences was quoted as saying:

> We must create a system that combines both centralization and decentralization.

The statement is, of course, good Marxist logic; but it, like many similar statements made by bureaucrats in this country, makes little sense. The purpose

of such nonsense is, of course, to obscure the fact that Government operated computer banks are one of the greatest and most dangerous tools of modern dictatorships.

The fifth reason I oppose the bill is that it extends a totally useless and an incredibly extravagant program, the Job Corps, previously established by the Economic Opportunity Act of 1964.

In the joint explanatory statement of the committee of conference the statement appears that—

> The conferees are concerned with the critical unemployment problems of the Nation's youth and recognize a special Federal responsibility for alleviating youth unemployment. . . ."

Now such a feeling of responsibility is quite in order, for it is the Federal Government which has succeeed, by means of myriads of regulations, guidelines, restrictions, controls, and other devices, in creating unemployment among the youth. The Federal Government may soon succeed in creating unemployment among currently employed Americans, and that, I suspect, is the reason appropriations for this bill have been left completely open-ended. But Federal spending, no matter how great, cannot succeed in increasing employment. As I said in my minority views on H.R. 11010:

> Government cannot create jobs; it can only destroy certain jobs created by businessmen operating in the free market and establish positions for bureaucrats and/or those whom they are "helping". Government by its nature does not produce; it taxes. Because government bureaucracy is inherently less efficient than private enterprise, what such programs as this bill proposes will result in is a net loss of jobs.

Mr. Speaker, I trust that I have made my reasons for opposition to this bill quite clear. It is unconstitutional, extravagant, incipiently totalitarian, and cannot achieve its stated purposes. I hope that it will not be passed into law by this body.

PUBLIC SERVICE EMPLOYMENT: HALF A STEP

Mr. REUSS. Mr. Speaker, I commend the conferees on S. 1559 for the hard work they have put in to get this complicated Comprehensive Employment and Training Act through Congress before the recess. I am generally in support of the conference report, as I was of the House bill, and shall vote for it.

However, the act is "comprehensive" in name only. It lacks an adequate public service employment component.

The House bill made provision for a very modest public employment program: $250 million in fiscal 1974, and $500 million in fiscal 1975. These sums were defended by the bill managers against those who wanted to see them higher as the maximum amounts acceptable to the administration.

It was therefore surprising to learn that the conferees' version authorizes only $350 million, plus "such sums as may be necessary," for fiscal 1975, again under the by now routine threat of a Presidential veto. I think that this further concession was unwise, and hope that "such sums as may be necessary" to deal with increasing unemployment may indeed be forthcoming.

The conferees did improve the House version in one respect. The House bill allowed set-aside public service funds to be used only in areas where unemployment had reached 7 percent and stayed there for at least 3 months. This was a nonelessly high trigger, in terms of both the personal suffering and the deflationary economic spiral which it would have produced. With my colleague, Mr. HAWKINS, I attempted unsuccessfully to lower this trigger to 6 percent. I am glad to see that the conferees have at least reduced it to 6.5 percent.

But the bill still fundamentally neglects public service employment. To understand how great the shortfall, we must look back to the Emergency Employment Act of 1971, which set up the first major public service employment program. The EEA authorized public service employment funds totaling $1.25 billion for fiscal 1973, of which $250 million went for "special employment assistance" to hard-hit areas—defined as areas with 6 percent unemployment—and $1 billion for national allocation to be triggered by a 4.5 percent overall unemployment rate. The present bill authorizes less than one-third that amount.

It is easy to see why the current bill places so little emphasis on public service jobs. When the Comprehensive Employment and Training Act was in the making, the unemployment outlook differed considerably from what it is today. At the beginning of 1973, seasonally adjusted unemployment had declined from near 6 percent a year earlier to 5 percent. Unemployment continued to decline throughout the summer, until it reached 4.5 percent in October.

But unemployment is on the way up again, thanks primarily to the energy crisis. Herbert Stein, Chairman of the President's Council of Economic Advisors,, told the Joint Economic Committee last week that unemployment could rise to 6 percent in calendar 1974.

Private forecasters using econometric models—Wharton, Chase Manhattan, Data Resources—show more severe unemployment continuing into 1975. Certain industrial research groups, the Petroleum Institute among them, have estimated that unemployment could rise to 8 percent or more.

If we take the brightest picture, that of Mr. Stein, we are still going to have 5.3 million people looking for work next year, in a stagnant, if not actually contracting, labor market. We are going to see workers at all skill levels—pilots, technicians, machine operators, production line workers, construction workers, unskilled laborers—out of work. Employment will shrink not only in industries directly dependent upon petroleum—petrochemicals, plastics and synthetics, textiles—but also in industries secondarily affected by the petroleum shortage—automobiles, tourism, various services.

What are these unemployed to do? In some cases, the problem will be lack of proper skills, and can be remedied through training. But in most cases, the problem will simply be lack of jobs.

Can the Comprehensive Employment and Training Act, with its $250 million for public service employment in fiscal 1974, deal with unemployment on that scale? I fear not. This sum is enough to fund perhaps 35,000 jobs. In fiscal 1975, $350 million could pay for perhaps 50,000 jobs—less than 1 percent of the total number of projected unemployed. Even these small sums will not be available to many areas with considerable unemployment, but less than the statutory 6.5 percent.

With unemployment rising, a stable, nationwide public service jobs program, with money authorized and appropriated well in advance, a steady, fixed supply of funds assured, planning completed before the worst of the crunch is upon us, is required. This is not what the Comprehensive Employment and Training Act gives us. In light of the most recent unemployment forecasts, the act is outdated before it is even signed—poor little thing that it is—by the President.

The arguments for public service employment—the valuable social functions such jobs could fill, the benefits through the multiplier to the entire economy—have been made too often to need repeating here. Congress has expressed its support for the principle of public employment in passing the Employment and Training Act. But we must be a little bolder in our convictions. Severe unemployment will be upon us before we have even the rudiments of an effective program in place.

I hope that early next year a major public employment bill can be considered—one improving on the Employment and Training Act in both size and detail, one which will measurably reduce unemployment. As the need for such a substantial program becomes more clear, I hope to see today's conferees among the advocates of tomorrow's expanded and improved public service employment program.

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

The SPEAKER. Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER. The question is on the conference report.

MOTION TO RECOMMIT OFFERED BY MR. ROBERTS

Mr. ROBERTS. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. ROBERTS. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The clerk read as follows:

> Mr. ROBERTS moves to recommit the conference report to the committee of conference.

The SPEAKER. 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.

Mr. ROBERTS. Mr. Speaker, I demand a recorded vote.

A recorded vote was refused.

The SPEAKER. The question is on the motion to recommit.

The question was taken.

Mrs. MINK. Mr. Speaker, on the motion to recommit, I make the point of order that a quorum is not present, and I object to the vote on the ground that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

PARLIAMENTARY INQUIRY

Mr. DEVINE. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. DEVINE. Mr. Speaker, is my understanding correct that the Chair had announced that the motion to recommit had failed?

The SPEAKER. The Chair will state that the Chair had not made such an announcement. The Chair was putting the question, and the Chair was not going to announce the result of the vote on whether the motion to recommit had been agreed to until the vote had been taken, the Chair had to wait until the vote had been taken.

In response to the parliamentary inquiry of the gentleman from Ohio, the answer to it is that we had reached that stage when the Chair recognized the gentlewoman from Hawaii who stated her objection and made the point of order that a quorum was not present.

PARLIAMENTARY INQUIRY

Mr. STEIGER of Wisconsin. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. STEIGER of Wisconsin. Mr. Speaker, is the vote which we are about to take on the motion to recommit, or is it on the adoption of the conference report?

The SPEAKER. The Chair will state that the vote we are about to take is on the motion to recommit.

Mr. STEIGER of Wisconsin. I thank the Speaker.

The SPEAKER. The gentlewoman from Hawaii (Mrs. MINK) has objected to the vote on the ground that a quorum is not present, and has made the point of order that a quorum is not present, and 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 93, nays 264, not voting 75, as follows:

[Roll No. 709]

YEAS—93

Abdnor	Blatnik	Casey, Tex.
Anderson, Calif.	Boggs	Chappell
Archer	Breaux	Clawson, Del
Armstrong	Breckinridge	Daniel, Dan
Bafalis	Brinkley	Davis, Ga.
Bauman	Burke, Fla.	de la Garza
Bennett	Burleson, Tex.	Denholm
	Camp	Dorn
Downing	Kuykendall	Rose
Fisher	Landgrebe	Ruth
Flood	Litton	St Germain
Flynt	Long, La.	Sebelius
Fountain	McSpadden	Shuster
Fuqua	Mahon	Sikes
Ginn	Mathis, Ga.	Skubitz
Goldwater	Meeds	Slack
Gross	Milford	Spence
Haley	Miller	Steed
Hammer-schmidt	Mink	Stuckey
	Mizell	Symms
Harsha	Montgomery	Taylor, N.C.
Hays	Passman	Teague, Tex.
Henderson	Patman	Tiernan
Hicks	Pettis	Waggonner
Hungate	Pickle	Whitten
Ichord	Poage	Wilson, Charles H., Calif.
Johnson, Colo.	Powell, Ohio	
Jones, Ala.	Preyer	Young, Fla.
Jones, N.C.	Price, Tex.	Young, Tex.
Jones, Okla.	Randall	Zion
Jones, Tenn.	Roberts	
Kazen	Robinson, Va.	
King	Roe	

NAYS—264

Abzug	Donohue	McDade
Adams	Drinan	McEwen
Addabbo	Duncan	McFall
Andrews, N.C.	Eckhardt	McKay
Annunzio	Edwards, Ala.	McKinney
Ashbrook	Edwards, Calif.	Madden
Ashley	Eilberg	Madigan
Badillo	Erlenborn	Mallary
Baker	Esch	Mann
Barrett	Eshleman	Maraziti
Beard	Evans, Colo.	Martin, N.C.
Bell	Fascell	Mathias, Calif.
Bergland	Findley	Matsunaga
Bevill	Fish	Mayne
Biaggi	Flowers	Mazzoli
Biester	Foley	Melcher
Bingham	Forsythe	Mezvinsky
Boland	Fraser	Minish
Bowen	Frenzel	Minshall, Ohio
Brademas	Frey	Mitchell, Md.
Brasco	Froehlich	Mitchell, N.Y.
Bray	Gaydos	Mollohan
Broomfield	Gialmo	Moorhead, Pa.
Brotzman	Gibbons	Morgan
Brown, Calif.	Gilman	Mosher
Brown, Mich.	Gonzalez	Murphy, Ill.
Brown, Ohio	Goodling	Myers
Broyhill, N.C.	Grasso	Natcher
Broyhill, Va.	Green, Oreg.	Nedzi
Buchanan	Grover	Nelsen
Burgener	Gude	Nix
Burke, Mass.	Gunter	Obey
Burlison, Mo.	Guyer	O'Brien
Butler	Hamilton	O'Neill
Byron	Hanley	Owens
Carney, Ohio	Hanrahan	Parris
Carter	Hansen, Idaho	Patten
Cederberg	Hastings	Pepper
Chamberlain	Hawkins	Perkins
Chisholm	Hechler, W. Va.	Peyser
Clark	Heinz	Pike
Clausen, Don H.	Helstoski	Price, Ill.
	Hillis	Pritchard
Clay	Hinshaw	Quie
Cleveland	Hogan	Quillen
Cochran	Holifield	Railsback
Cohen	Holt	Rangel
Collier	Holtzman	Rees
Collins, Ill.	Horton	Regula
Collins, Tex.	Hosmer	Reuss
Conable	Howard	Rinaldo
Conlan	Huber	Robison, N.Y.
Conte	Hudnut	Rodino
Corman	Hunt	Rogers
Cotter	Hutchinson	Roncalio, Wyo.
Coughlin	Johnson, Calif.	Roncallo, N.Y.
Crane	Johnson, Pa.	Rooney, Pa.
Cronin	Jordan	Rostenkowski
Culver	Karth	Roush
Daniel, Robert W., Jr.	Kastenmeier	Rousselot
	Kemp	Roy
Daniels, Dominick V.	Ketchum	Roybal
	Kluczynski	Runnels
Danielson	Koch	Ruppe
Davis, S.C.	Kyros	Sandman
Davis, Wis.	Latta	Sarasin
Dellenback	Lehman	Sarbanes
Dellums	Lent	Satterfield
Dennis	Long, Md.	Schroeder
Derwinski	Lott	Seiberling
Devine	Lujan	Shoup
Dickinson	McClory	Smith, Iowa
Dingell	McCollister	Smith, N.Y.
Snyder	Thompson, N.J.	Wiggins
Staggers	Thomson, Wis.	Williams
Stanton, J. William	Thone	Wilson, Bob
	Thornton	Wilson, Charles, Tex.
Stanton, James V.	Towell, Nev.	
	Treen	Winn
Stark	Udall	Wolff
Steele	Ullman	Wyatt
Steelman	Vander Jagt	Wydler
Steiger, Wis.	Vanik	Wylie
Stokes	Waldie	Wyman
Stratton	Wampler	Yates
Studds	Ware	Yatron
Sullivan	Whalen	Young, Alaska
Symington	White	Young, Ga.
Talcott	Whitehurst	Young, S.C.
Teague, Calif.	Widnall	Zablocki

NOT VOTING—75

Alexander	Green, Pa.	Nichols
Anderson, Ill.	Griffiths	O'Hara
Andrews, N. Dak.	Gubser	Podell
	Hanna	Rarick
Arends	Hansen, Wash.	Reid
Aspin	Harrington	Rhodes
Blackburn	Harvey	Riegle
Bolling	Hébert	Rooney, N.Y.
Brooks	Heckler, Mass.	Rosenthal
Burke, Calif.	Jarman	Ryan
Burton	Keating	Scherle
Carey, N.Y.	Landrum	Schneebeli
Clancy	Leggett	Shipley
Conyers	McCloskey	Shriver
Delaney	McCormack	Sisk
Dent	Macdonald	Steiger, Ariz.
Diggs	Mailliard	Stephens
Dulski	Martin, Nebr.	Stubblefield
du Pont	Metcalfe	Taylor, Mo.
Evins, Tenn.	Michel	Van Deerlin
Ford, William D.	Mills, Ark.	Veysey
	Moakley	Vigorito
Frelinghuysen	Moorhead, Calif.	Walsh
Fulton		Wright
Gettys	Moss	Young, Ill.
Gray	Murphy, N.Y.	Zwach

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Hébert for, with Mr. Rhodes against.

Mr. Conyers for, with Mr. Dent against.

Mr. Rarick for, with Mr. Rooney of New York against.

Mr. Taylor of Missouri for, with Mr. Nichols against.

Mr. Scherle for, with Mrs. Heckler of Massachusetts against.

Mr. Zwach for, with Mr. Frelinghuysen against.

Mr. Andrews of North Dakota for, with Mr. Fulton against.

Mr. Blackburn for, with Mr. Clancy against.

Mr. Martin of Nebraska for, with Mr. Green of Pennsylvania against.

Until further notice:

Mr. Stubblefield with Mr. Arends.

Mr. Macdonald with Mr. Diggs.

Mr. Podell with Mr. Hanna.

Mr. Delaney with Mrs. Hansen of Washington.

Mr. Metcalfe with Mr. Burton.

Mr. Moakley with Mr. du Pont

Mr. Moss with Mr. Reid.

Mr. Murphy of New York with Mr. Moorhead of California.

Mr. O'Hara with Mr. Harrington.

Mrs. Griffiths with Mr. Gubser.

Mr. Alexander with Mr. Steiger of Arizona.

Mr. Brooks with Mr. Michel.

Mr. McCormack with Mr. Dulski.

Mr. Sisk with Mr. Harvey.

Mr. Shipley with Mr. Shriver.

Mr. Ryan with Mr. Anderson of Illinois.

Mr. Rosenthal with Mr. Evins of Tennessee.

Mr. Stephens with Mr. Mailliard.

Mr. Van Deerlin with Mr. Mills of Arkansas.

Mr. Vigorito with Mr. Walsh.

Mr. Wright with Mr. Schneebeli.

Mr. Landrum with Mr. Riegle.

Mr. Jarman with Mr. McCloskey.
Mr. Leggett with Mr. Young of Illinois.
Mr. Carey of New York with Mr. Aspin
Mrs. Burke of California with Mr. Ford.
Mr. Gray with Mr. Gettys.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the conference report.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. ESCH. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 330, nays 33, not voting 69, as follows:

[Roll No. 710]

YEAS—330

Abdnor	Davis, Wis.	Hosmer
Abzug	de la Garza	Howard
Adams	Dellenback	Huber
Addabbo	Dellums	Hudnut
Anderson, Calif.	Denholm	Hungate
	Dennis	Hunt
Andrews, N.C.	Derwinski	Hutchinson
Annunzio	Dickinson	Ichord
Armstrong	Diggs	Johnson, Calif.
Ashley	Dingell	Johnson, Colo.
Badillo	Donohue	Johnson, Pa.
Baker	Dorn	Jones, Ala.
Barrett	Downing	Jones, N.C.
Bauman	Drinan	Jones, Okla.
Beard	Duncan	Jones, Tenn.
Bell	Eckhardt	Jordan
Bennett	Edwards, Ala.	Karth
Bergland	Edwards, Calif.	Kastenmeier
Bevill	Eilberg	Kazen
Biaggi	Erlenborn	Kemp
Biester	Esch	Ketchum
Bingham	Eshleman	King
Blatnik	Evans, Colo.	Kluczynski
Boggs	Fascell	Koch
Boland	Findley	Kuykendall
Bowen	Fish	Kyros
Brademas	Flood	Latta
Brasco	Flowers	Lehman
Bray	Foley	Lent
Breaux	Forsythe	Litton
Breckinridge	Fountain	Long, La.
Brinkley	Fraser	Long, Md.
Broomfield	Frenzel	Lott
Brotzman	Frey	Lujan
Brown, Calif.	Froehlich	McClory
Brown, Mich.	Fuqua	McCloskey
Brown, Ohio	Gaydos	McCollister
Broyhill, N.C.	Gettys	McCormack
Buchanan	Giaimo	McDade
Burgener	Gibbons	McEwen
Burke, Fla.	Gilman	McFall
Burke, Mass.	Ginn	McKay
Burlison, Mo.	Goldwater	McKinney
Butler	Gonzalez	McSpadden
Carney, Ohio	Grasso	Madden
Carter	Green, Oreg.	Madigan
Casey, Tex.	Green, Pa.	Mahon
Cederberg	Grover	Mallary
Chamberlain	Gude	Mann
Chappell	Gunter	Maraziti
Chisholm	Guyer	Martin, N.C.
Clark	Haley	Mathias, Calif.
Clausen, Don H.	Hamilton	Mathis, Ga.
	Hammer-schmidt	Matsunaga
Clay		Mayne
Cleveland	Hanley	Mazzoli
Cochran	Hanrahan	Melcher
Cohen	Hansen, Idaho	Mezvinsky
Collier	Harsha	Milford
Collins, Ill.	Hastings	Miller
Conable	Hawkins	Minish
Conlan	Hays	Mink
Corman	Hechler, W. Va.	Minshall, Ohio
Cotter	Heinz	Mitchell, N.Y.
Coughlin	Helstoski	Mollohan
Cronin	Henderson	Montgomery
Culver	Hicks	Moorhead, Pa.
Daniel, Robert W., Jr.	Hillis	Morgan
	Hinshaw	Mosher
Daniels, Dominick V.	Hogan	Murphy, Ill.
	Holifield	Myers
Danielson	Holt	Natcher
Davis, Ga.	Holtzman	Nedzi
Davis, S.C.	Horton	Nelsen
Nix	Roybal	Treen
Obey	Runnels	Udall
O'Brien	Ruppe	Ullman
O'Hara	St Germain	Vander Jagt
O'Neill	Sandman	Vanik
Owens	Sarasin	Waggonner
Parris	Sarbanes	Waldie
Passman	Schroeder	Wampler
Patten	Sebelius	Ware
Pepper	Seiberling	Whalen
Perkins	Shoup	White
Pettis	Sikes	Whitehurst
Peyser	Skubitz	Whitten
Pickle	Slack	Widnall
Pike	Smith, Iowa	Wiggins
Preyer	Smith, N.Y.	Williams
Price, Ill.	Snyder	Wilson, Bob
Price, Tex.	Stanton, J. William	Wilson, Charles H., Calif.
Pritchard		
Quie	Stanton, James V.	Wilson, Charles, Tex.
Quillen		
Railsback	Stark	Winn
Randall	Steele	Wolff
Rangel	Steelman	Wright
Rees	Steiger, Wis.	Wyatt
Regula	Stokes	Wydler
Reuss	Stratton	Wylie
Rhodes	Stuckey	Wyman
Rinaldo	Studds	Yates
Robison, N.Y.	Sullivan	Yatron
Rodino	Symington	Young, Alaska
Roe	Talcott	Young, Ga.
Rogers	Taylor, N.C.	Young, Ill.
Roncalio, Wyo.	Teague, Calif.	Young, S.C.
Roncallo, N.Y.	Thompson, N.J.	Young, Tex.
Rooney, Pa.	Thomson, Wis.	Zablocki
Rose	Thone	Zion
Rostenkowski	Thornton	
Roush	Tiernan	
Roy	Towell, Nev.	

NAYS—33

Archer	Devine	Roberts
Ashbrook	Fisher	Robinson, Va.
Bafalis	Flynt	Rousselot
Broyhill, Va.	Goodling	Ruth
Burleson, Tex.	Gross	Satterfield
Byron	Landgrebe	Shuster
Camp	Meeds	Spence
Clawson, Del	Mizell	Steed
Collins, Tex.	Patman	Symms
Crane	Poage	Teague, Tex.
Daniel, Dan	Powell, Ohio	Young, Fla.

NOT VOTING—69

Alexander	Gray	Murphy, N.Y.
Anderson, Ill.	Griffiths	Nichols
Andrews, N. Dak.	Gubser	Podell
	Hanna	Rarick
Arends	Hansen, Wash.	Reid
Aspin	Harrington	Riegle
Blackburn	Harvey	Rooney, N.Y.
Bolling	Hébert	Rosenthal
Brooks	Heckler, Mass.	Ryan
Burke, Calif.	Jarman	Scherle
Burton	Keating	Schneebeli
Carey, N.Y.	Landrum	Shipley
Clancy	Leggett	Shriver
Conte	Macdonald	Sisk
Conyers	Mailliard	Staggers
Delaney	Martin, Nebr.	Steiger, Ariz.
Dent	Metcalfe	Stephens
Dulski	Michel	Stubblefield
du Pont	Mills, Ark.	Taylor, Mo.
Evins, Tenn.	Mitchell, Md.	Van Deerlin
Ford, William D.	Moakley	Veysey
	Moorhead, Calif.	Vigorito
Frelinghuysen		Walsh
Fulton	Moss	Zwach

So the conference report was agreed to.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Arends.
Mr. Rooney of New York with Mr. Vigorito.
Mr. Gray with Mr. Zwach.
Mr. Evans of Tennessee with Mr. Taylor of Missouri.
Mr. Fulton with Mr. Walsh.
Mr. Dulski with Mr. Schneebeli.
Mr. Carey of New York with Mr. Shriver.
Mr. Dulski with Mr. Schneebeli.
Mr. Shipley with Mr. Steiger of Arizona.
Mr. Reid with Mr. Mailliard.
Mr. Podell with Mr. Clancy.
Mr. Rarick with Mr. Martin of Nebraska.
Mr. Alexander with Mr. Michel.
Mr. Brooks with Mr. Blackburn.
Mr. Burton with Mr. du Pont.
Mr. Delaney with Mr. Anderson of Illinois.
Mr. Dent with Mr. Andrews of North Dakota.
Mr. Conyers with Mr. Leggett.
Mr. Murphy of New York with Mr. Frelinghuyser.
Mr. Sisk with Mr. Conte.
Mr. Ryan with Mr. Keating.
Mrs. Burke of California with Mr. Ford.
Mr. Harrington with Mr. Gubser.
Mrs. Hansen of Washington with Mrs. Heckler of Massachusetts.
Mr. Hanna with Mr. Scherle.
Mrs. Griffiths with Mr. Moorhead of California.
Mr. Mitchell of Maryland with Mr. Van Deerlin.
Mr. Aspin with Mr. Jarman.
Mr. Landrum with Mr. Macdonald.
Mr. Moakley of Airzona with Mr. Mills, of Arkansas.
Mr. Moss with Mr. Staggers.
Mr. Stephens with Mr. Riegle.
Mr. Nichols with Mr. Stubblefield.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

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 December 18, 1973, the President approved and signed a bill of the House of the following title:

H.R. 8877 An act making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1974, and for other purposes.

GENERAL LEAVE

Mr. DOMINICK V. DANIELS. Mr. Speaker, I ask unanimous consent that I may be permitted to revise and extend my remarks on the conference report just agreed to and, further, Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous matter on the conference report just agreed to.

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

There was no objection.

PROVIDING FOR AGREEMENT TO SENATE AMENDMENT WITH AN AMENDMENT TO H.R. 8449, TO EXPAND NATIONAL FLOOD INSURANCE PROGRAM

Mr. PATMAN. Mr. Speaker, I move to suspend the rules and agree to the House resolution (H. Res. 753) to take from the Speaker's table the bill (H.R. 8449) 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, with Senate amendment thereto, and

agree to the Senate amendments with an amendment to strike out title III of the Senate amendment in the nature of a substitute.

The Clerk read as follows:

H. RES. 753

Resolved, That immediately upon the adoption of this resolution the bill H.R. 8449, together with the Senate amendment thereto be, and the same is hereby, taken from the Speaker's table to the end that the Senate amendment be, and the same is hereby, agreed to with an amendment as follows:

"Strike out title III of the Senate amendment in the nature of a substitute."

The SPEAKER. Is a second demanded?

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

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

There was no objection.

The SPEAKER. The Chair recognizes the gentleman from Texas (Mr. PATMAN).

Mr. PATMAN. Mr. Speaker, H.R. 8449, as amended, is considerably improved over the bill that was passed by the House on September 5, 1973.

The basic provisions of the bill remain the same, significantly increasing limits of subsidized coverage and creating incentives for communities to enter the flood insurance program and for individuals to purchase available coverage.

Aside from minor technical changes, the bill as passed by the Senate differs in the following respects:

First. Section 110 would consolidate the appeals procedures voted on the House floor into a more equitable, comprehensive, and manageable format. The new appeals language is acceptable to the administration, unlike the language adopted on the House floor which would result, so I have been told, in a veto of the bill. The revised appeals provisions would work as follows:

Upon completion of the rate study in consultation with the local community, the Secretary must notify the community of the proposed elevation standard by both publication in the Federal Register and twice in a local newspaper during the 10-day period following Federal Register publication. During the 90-day period following the notification, property owners within the community can appeal the Secretary's proposed determination to the local government on the ground that the elevation being proposed is scientifically or technically incorrect. Upon any such appeal, the community must review the appeal and consolidate it with any other similar appeals, issuing a written opinion on whether the evidence justifies an appeal by the community in its own name. Copies of individual appeals must be sent to the Secretary as they are received by the community.

The Secretary then reviews the individual appeal, together with the community's appeal, if any, and must make modifications of the proposed determinations if they are warranted. The Secretary's evaluation of the appeal must be based upon consultation with local officials, administrative hearing, or the views of an independent scientific body or appropriate agency. His decision on the appeal must be in written form, and copies must be sent both to the chief executive officer of the community and to individual appellants.

Flood insurance continues to be available within the community until the Secretary's determination on the appeal. Any appellant aggrieved by the Secretary's final determination may then appeal the determination to the U.S. district court within 60 days.

Second. The Senate language with respect to the problem treated by the gentleman from Louisiana, Mr. LONG's amendment, is adequate and specific enough to solve the problem he addressed.

Third. Special provisions have been added to make increased limits of coverage available in Alaska, Hawaii, and Guam. This is consistent with other legislative approaches to high construction costs in these areas.

Fourth. The Senate has broadened the provisions of the amendment, offered by the gentleman from Louisiana (Mr. TREEN) to extend until December 31, 1974, or the establishment of flood plain elevations, whichever is later, the date before which new construction need not pay actuarial rates. This provides an additional year for communities to the requirements of the act with respect to new construction.

Fifth. The Senate substituted a June 30, 1977, termination date for program contracting authority, in lieu of the $10 billion ceiling in the House version.

Finally, Mr. Speaker, there were two additional amendments added to the bill on the Senate floor, the first of which would permit national banks to invest in agricultural credit corporations and an amendment giving the Secretary of Housing and Urban Development flexible interest rate authority on title I FHA-insured mobile home loans.

The amendment that I am offering to the bill would strike title III of the Senate-passed bill which would have provided Federal reimbursement to the citizens of South Dakota and Nebraska for losses suffered as the result of the so-called Wounded Knee occupation.

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

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

Mr. PATMAN. I yield to the gentleman from Louisiana.

Mr. WAGGONNER. I thank the gentleman for yielding.

Mr. Speaker, I want to be absolutely sure that we understand the net effect of following the committee recommendation and striking title III. I believe the gentleman covered it in his last sentence of his statement.

But am I correct in assuming that by striking title III we completely remove from the bill, which the gentleman recommends we now pass, that portion of the bill which has to do with the Senate amendment proposed by Senator McGOVERN which proposed compensation for the supposedly innocent victims injured as a result of the disturbances in South Dakota?

Mr. PATMAN. Yes, that is correct. It was not related to this bill and besides we could not get the bill through if we had that amendment in the bill.

Mr. WAGGONNER. Mr. Speaker, if the gentleman will yield further, I think the committee is deserving of our appreciation for recognizing the nongermaneness of this amendment. Not only is it nongermane, it is also without merit and without precedent, for that matter of fact, and I would recommend that the House concur in the recommendation of the commmittee by passing the bill and striking title III.

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

Mr. PATMAN. I yield.

Mr. GROSS. I wish to join in commending the gentleman from Texas and the members of the House Committee on Banking and Currency for taking this action to drop title III of the bill, the nongermane amendment that was placed in the bill by the other body.

It seems to me that it takes an inordinate amount of gall to attach an amendment to which no previous attention had been given, which is completely wide open as to funding, and which sets no guidelines or criteria for the payment of claims. The amendment has no place in this bill. The subject matter properly belongs before the House Committee on Interior and Insular Affairs for hearings to determine whether any payments are justified.

Again, Mr. Speaker, I commend the committee for this action.

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

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

Mr. ROUSSELOT. Mr. Speaker, I thank my chairman for yielding.

I understand, and I want to emphasize this, that an aggrieved community can go to a U.S. district court within 60 days if they feel a determination by the Secretary of Housing and Urban Development has been incorrect. Is that correct?

Mr. PATMAN. That is correct.

Mr. ROUSSELOT. I thank the chairman for insisting that the House position be retained. I think it is an additional protection to a small community that we as legislators tried to achieve in the House position. I compliment the chairman for insisting on that position, and I thank the gentleman for yielding.

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

Mr. Speaker, I am pleased to fully support the measure before us as described by our able chairman, Mr. PATMAN. This body has given careful study and expeditious attention to this legislation.

The bill incorporates the primary features of the House bill. It improves upon certain administrative features and strengthens the program through three substantive changes.

These substantive changes are:

First. The monetary limit on the amount of insurance coverage which can be written has been replaced with a pro-

gram expiration date of June 30, 1977. In order for insurance to be written after June 30, 1977, congressional oversight and extension of underwriting authority will be required. This is a sound provision which will avoid artificial constraints imposed by undeterminable measures of demand for flood insurance.

Second. Deadlines for local acceptance and—the implementation of conditions to be applied in the case of nonparticipation—have been extended. The proposed new dates acknowledge the delays already experienced and make the program implementation schedule more realistic; and

Third. Specific procedures are provided to insure participation by private citizens and local officials and to guarantee full review and appeal in the determinations to be made by the Secretary.

I consider all of these substantive changes to be in the best interest of the program and urge enactment of the bill.

Mr. PATMAN. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. BARRETT).

Mr. BARRETT. Mr. Speaker, I rise in wholehearted support of H.R. 8449, the Flood Disaster Protection Act of 1973, as amended. With enactment of this legislation, we will have, for the first time, the tools necessary to establish a truly effective national flood disaster protection program. A program which, once the provisions of this legislation are fully implemented, will result in net savings of a substantial amount to the Federal Government.

Section 110 of this bill, dealing with appeals from determination of the Federal Insurance Administrator, was the subject of more testimony, discussion, coordination, and committee debate than any other provision in the bill—both in this body and in the Senate. I believe that the appeals provisions that finally resulted represent a major accomplishment which, while doing full justice to the legitimate interests of communities and individuals who may feel aggrieved at a particular determination of the Administrator, permits an effective and efficient administration of the flood insurance program.

I believe that section 110 is responsive to the major objections that have been raised concerning this legislation. It consolidates the appeals procedures earlier voted on the House floor into a more equitable, comprehensive, and manageable format—one which, while carefully protecting the interests of those affected, avoids the pitfall of permitting those unnecessary delays and self-interested procrastinations which would make the flood insurance program unworkable.

I think that one other provision in this legislation also deserves special mention. Section 208 of the amended legislation permit the Secretary of Housing and Urban Development to set interest rates with respect to FHA mobile homes loans at levels needed to meet the current mobile home loan market. As a practical matter, low cost new housing—that is, housing which a lower income family can afford to purchase without subsidy, means a mobile home in today's housing market. Until our housing subsidy programs again become operational, it is essential that credit at affordable rates remain available for the purchase of mobile homes by such families. Section 208 would make this possible.

Mr. Speaker, I most strongly urge the prompt enactment of this legislation.

Mr. WIDNALL. Mr. Speaker, I yield 5 minutes to the gentleman from South Dakota (Mr. ABDNOR).

Mr. ABDNOR. Mr. Speaker, I rise in support of the Senate amendment to the Small Business Act. The bill to which this amendment was added in the Senate deals with disaster protection. This amendment addresses itself to a single disaster. A disaster that is perhaps more familiar to millions of Americans than any similar incident in our history because of the media coverage accorded it due to the romantic nature of its historical setting. To my knowledge, no single destruction of property nor transgression of rights has been so publicized as that which took place in my district, on Pine Ridge Indian Reservation in South Dakota between the dates of February 27, 1973, and May 8 of this year. It is most apt to refer to what happened at Wounded Knee as a disaster. Much has already been said about the damage that has been done to respect for order and the rule of law on Indian Reservations and elsewhere. Less emphasis, however, has been given to the physical destruction which occurred when armed militants occupied the small community of Wounded Knee, forcibly occupying churches, a museum and trading post and private residences there, and during and at the end of the confrontation burning and destroying that property. That which was destroyed was in many cases the sole possession of its owner.

This amendment, through the Small Business Administration's natural disaster program, would provide innocent victims who suffered losses through no fault of theirs some relief. To better appreciate the need for this legislation, allow me to put this "disaster" in its proper context. Just over a year ago there was another disaster and great destruction of property—destruction of the taxpayers property—that took place when militant members of the American Indian Movement occupied and wrecked the Bureau of Indian Affairs Building here in Washington. The damage coming from that disaster has been cited at over $2 million.

That is the damage to the BIA building, the lost records and the artifacts which the militants took or destroyed. They were not punished, however, rather they were paid tax dollars to go on their way. These were not South Dakota Indians for the most part, and not, for the most part, even reservation Indians. But they did take the Federal payment of over $60,000 and many of them ended up at Wounded Knee. Having met with such success in Washington, these militants resumed their ways of destruction. In this case, however, what they destroyed was not Government property, however, but property which in most cases belonged to Indian citizens in and near Wounded Knee. Indian citizens who were property owners and who were earning their own livings. These were people who were successful, people who followed the pattern that billions of dollars have been spent to promote by the Bureau of Indian Affairs and other Government agencies who attempt to upgrade the economic and social standing of our Indian population.

No wealthy people resided at Wounded Knee. Life there was simple, and material goods were scarce; nonetheless, when militant, armed members of the American Indian Movement, and their supporters entered the community and sealed it off from the rest of the world, the owners of these possessions continued to believe that they could expect protection of their property and civil rights. This they did not receive. Because they did not receive police protection which was so desperately needed, and the need for which was so evident, the few possessions many of the people in Wounded Knee had were lost. The destruction was wrought at the hands of lawless men who proclaimed their contempt for our Government, it is, of course, with these lawless parties that the ultimate responsibility for the losses lie. This is of little comfort, however, to those who lost their possessions—their homes and their cattle herds that represented a life's hard work on the rugged plains of the Pine Ridge Reservation. The responsible renegades are now scattered, and in most cases are judgment proof. Their many sympathizers who helped prolong the confrontation have not come forward to make whole those who lost so much.

While the destruction—destruction many of us helplessly witnessed on our television screens—was not the result of action of our Government, it was, to a degree a result of the inaction of our Government.

I have talked with Indian ranchers near Wounded Knee who found that their herds were being raided and that their homes and families were being threatened by the outlaws at Wounded Knee; when they asked U.S. Federal marshalls to protect them and their property, the Marshals replied that they could give no help because those ranchers were in the "demilitarized zone" which surrounds the community of Wounded Knee. With no choice but to flee for their lives, these people watched their homes burn and their cattle herd scattered and destroyed. These people are Indians who worked long and hard to break from the patterns of unemployment and dependency which are so prevalent on our reservations even today. They saw all that they had destroyed, as Federal "law enforcement" officials looked on. All, I might add, in spite of the willingness of local law enforcement officials to enforce the law and protect property rights.

The Federal policy, of course, was justified as being one designed to avoid bloodshed and loss of life and limb. Al-

though some of the insurgents were eventually killed by gunfire, and Federal officers were wounded and crippled in the firefights that eventually took place, we can speculate that the restrained policy of Federal officials prevented some unnecessary suffering and death. This is of little comfort, however, to those who found themselves homeless, and found their life's savings to have gone up in smoke.

Now, we have an opportunity to compensate in part those who lost so much. They can never be compensated in full for the suffering and terror they experienced, but by this amendment we can provide them with payments for the losses of property they experienced. The exact amount required to fund this amendment is unknown. But it cannot be great. The population of Wounded Knee is only less than 100. Ranchers surrounding the area lost cattle and had fences and buildings destroyed, but this is sparcely settled country and the actual numbers are few.

But to those few who are involved, this bill is everything. Imagine what this compensation will do to restore confidence in Government for those who suffered losses and those who observe their pitiful plight. Given this opportunity during this Christmas season, we must take advantage of it and, in part, right a serious wrong.

Mr. WIDNALL. Mr. Speaker, I want to thank the gentleman from South Dakota for his comments. I am sure that the Congress will, in the future, do what should be done to correct the situation out in his area.

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

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

The SPEAKER. The question is on the motion offered by the gentleman from Texas (Mr. PATMAN) that the House suspend the rules and agree to the resolution (H. Res. 753).

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the resolution just agreed to.

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

There was no objection.

SECOND ANNUAL REPORT ON OCCUPATIONAL SAFETY AND HEALTH—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 93-65)

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 Education and Labor and ordered printed with illustrations:

To the Congress of the United States:

It was just three years ago that I signed into law the Occupational Safety and Health Act of 1970. Since that time, we have made significant progress toward our goal of a safe and healthy workplace for every worker in America.

Today, I am submitting the second President's Report on Occupational Safety and Health, outlining the activities which have taken place under that new Act in calendar year 1972. The achievements of that year indicate that the goals of the Act are becoming realities.

For example, many States have developed or are now in the process of developing their own occupational safety and health plans in accordance with the Act. As these plans are approved and carried out, enforcement will begin to shift from the Federal Government to the States with no loss in effectiveness.

Because public cooperation is vital to the success of the program, I am gratified by the support which has been extended to this program by the news media, by the professions, and by the general public. I am particularly pleased to note the cooperation and support which industry and labor organizations have given to these efforts.

The breadth and complexity of the Occupational Safety and Health Act have inevitably made it the focal point for controversy and criticism. I believe, however, that such criticism can be helpful as we work to improve our programs and as we modify and update its standards and regulations.

This year's report includes preliminary data from the first occupational injury and illness survey conducted under the new record-keeping procedures required by the Act. This data will be helpful in providing a basis upon which to judge the effectiveness of our efforts to reduce work-related injuries, illnesses and fatalities.

This report also reflects the added emphasis which has been placed on occupational health during the past year. Research in this area has increased in response to a growing awareness of the tragic toll taken by employee exposure to toxic substances and unhealthful physical environments.

Also included is the first report of the Occupational Safety and Health Review Commission, a wholly independent agency created by the Act to adjudicate citations and proposed penalties issued by the Department of Labor when they are contested by employers and employees.

This detailed account provides a useful overall view of the program and its accomplishments in 1972. It offers, too, a glimpse of what lies ahead as we work to assure safe and healthful working conditions for all of our country's working men and women.

RICHARD NIXON.

THE WHITE HOUSE, *December 20, 1973.*

ANNOUNCEMENT BY THE CHAIR

The SPEAKER. The Chair wishes to announce that the House will proceed with the consideration of conference reports on appropriation bills, and to do so on all of those which are ready, before the House goes to any other legislative business.

CONFERENCE REPORT ON H.R. 11575, DEPARTMENT OF DEFENSE APPROPRIATION FOR FISCAL YEAR 1974

Mr. MAHON. Mr. Speaker, pursuant to the order of the House on yesterday, I call up the conference report on the bill (H.R. 11575) making appropriations for the Department of Defense 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 19, 1973.)

Mr. MAHON (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the statement of the managers be dispensed with, since it is rather extensive.

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

There was no objection.

GENERAL LEAVE

Mr. MAHON. Mr. Speaker, I ask unanimous consent that all Members may be permitted to revise and extend their remarks on the conference report on the defense appropriations bill, and I also ask unanimous consent that all Members be permitted to include extraneous excerpts, and I ask unanimous consent for myself to also include tables relating to this conference report.

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

There was no objection.

Mr. MAHON. Mr. Speaker, in considering a bill of any magnitude, one ought to take into consideration the fiscal picture confronting the United States. In considering a bill of the magnitude of the defense appropriations bill, it is very important to look at the entire fiscal situation confronting the Nation.

Mr. Speaker, we did that in the formulation of the Defense conference report which is before us. I think, therefore, it might be of interest for me to capsule what the fiscal situation is from the standpoint of the Federal Treasury.

There were many predictions at the beginning of this session and at different times during the session as to what the Congress might do in relation to the present January budget, and the supplemental budget estimates of the President of November 15.

CONGRESS REDUCES APPROPRIATIONS BILLS

It is now apparent since we have agreed in conference on all appropriation bills that in this session of Congress on all appropriation bills we have reduced the President's request by $3 billion. It is rather a notable thing that this marks the 21st year that the Congress has not exceeded the President's budget in appropriation bills.

Now, as the Members know, about 40

percent of spending is represented by expenditures mandated through legislation other than appropriation bills. Budget authority becoming available automatically under permanent legislation for the social insurance trust funds, interest on the debt, and general revenue-sharing accounts for the lion's share of this spending.

THE REVISED NOVEMBER 15 BUDGET

The President in his updated budget on November 15 estimated that the spending for this year would be about $270 billion, including $0.6 billion in spending related to the budget amendment providing assistance to Israel.

The Executive had made a number of erroneous projections as to the fiscal situation. In other words, a very bad guess was made with respect to interest on the public debt. The interest on the public debt skyrocketed to a very much higher figure than had been anticipated. And there were certain other increased costs. So, there were some black aspects to the picture.

But revenues as of November 15 were estimated to be about $14 billion greater than had been estimated last January, so this was a plus.

But now in view of the energy crisis and the possible slowdown of the economy, it may be that this estimate may prove to be a bit too high.

SPENDING IMPACT OF CONGRESSIONAL ACTIONS

With respect to all spending in appropriation bills and in nonappropriation measures and in mandated spending otherwise—and I am talking of spending now, not appropriations—with respect to all spending of the Federal Government for fiscal year 1974, it now appears that spending will be approximately at the level of $270 billion, as estimated by the President on November 15 of this year.

Now, there is a caveat to that. If Congress today or tomorrow provides for the increased social security payments, that will add $1 billion above the President's budget. If the energy bill, which provides for certain mandatory benefit payments to unemployed workers, is approved by Congress today or tomorrow or before we adjourn, that will add another one-half billion dollars.

So it would appear, Mr. Speaker, that based upon the President's November estimate, spending may exceed that figure by about $1½ billion, which certainly, in the context of the magnitude of Federal spending, is not too uncomplimentary of the Congress.

Of course, I think we must all agree that the executive and the legislative branches of the Government have in many instances been overspending in recent years, including this year, and there are many of us who have opposed many of these spending programs.

Nevertheless, the total picture as to the actions of the administration and the Congress is about as I have stated.

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

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

Mr. GROSS. Mr. Speaker, that figure representing the estimated spending is considerably above the estimate as of last January, is it not, when the budget was submitted?

Mr. MAHON. Mr. Speaker, the estimate of spending as of last January was, as the gentlemen will remember, $268.7 billion. As a result of the increase in the interest on the debt and as a result of congressional addons, as well as other matters, the President in his revised estimate in November estimated that the spending figure would be increased from $268.7 billion to about $270 billion.

Mr. GROSS. Mr. Speaker, I assume the gentleman is taking into consideration the $1 billion that was impounded and, according to what was stated this morning in the newspaper, has now been released.

Mr. MAHON. That figure should be taken into consideration. Insofar as I know, this does not negate the statements I have just made. However, the gentleman has raised a valid point.

Mr. GROSS. If the gentleman will yield further, has the gentleman heard the reports that I have heard that the Office of Management and Budget is having difficulty with the 1975 budget, to wit, holding it at $300 billion?

Mr. MAHON. I have heard it said with considerable authority that the budget will undoubtedly go up. The President submitted a budget for fiscal year 1974, I believe, $19 billion above fiscal year 1973. If the budget should go up another $19 billion in this coming year, it will be pushing toward the $300 billion figure. However, I would hope that the fiscal year 1975 budget which will be submitted in January or soon thereafter will be under $300 billion.

However, it is a very serious and sobering aspect of our political life that our budgets tend to get larger from year to year. Somehow or other we have to do a better job of dealing with this problem than we have in the past.

Mr. Speaker, I am going to place in my remarks at this point a well prepared statement with regard to the budget situation, and a table setting forth the appropriations business of the session:

CONGRESSIONAL ACTION ON THE FISCAL YEAR 1974 BUDGET

I. HIGHLIGHTS

Appropriation Bills Reduced in Excess of $3.0 Billion

Congress, in its actions on appropriation bills, reduced budget requests for fiscal year 1974 in excess of $3.0 billion.

A Standoff on Total Spending

It seems rather clear at this point that completed congressional action at the conclusion of this session will result in about a standoff with the revised Executive budget estimate for total spending of $270 billion. But if Congress before adjournment approves the proposed Social Security increases and approves the mandatory unemployment benefit provisions of the energy legislation, that would add about $1.5 billion to the $270 billion.

II. CONGRESS REDUCES APPROPRIATION BILLS FOR 1974

The $3.0 billion congressional reduction of the budget in appropriation bills includes the effect of the conference agreements on the Defense, Foreign Assistance, and the 1974 Supplemental Appropriations Bills. It is a remarkable fact that with these actions Congress will have reduced the budget through the appropriations process in each of the last 21 years.

House and Senate Action on Appropriation Bills

House-approved appropriation bills for fiscal year 1974 were under the budget by $3.5 billion. Senate-approved appropriation bills for fiscal year 1974 were under the budget by $2.6 billion.

Priority Setting in Appropriation Bills

The total figures on congressional action on appropriation bills reflect literally thousands of changes in the budget, both increases and decreases. But it is easy to see that Congress did set priorities through the appropriations process. The largest increases were $1.4 billion on the Labor-Health, Education, and Welfare bill and about $440 million on the HUD-Space-Science-Veterans bill. The largest decreases were about $3.5 billion for Defense and $1.2 billion for Foreign Assistance.

III. TOTAL SPENDING FOR FISCAL 1974

The President's January estimate for total Government spending was $268.7 billion. On November 15 that figure was revised upwards to $270 billion.

The revised November 15 outlay estimate included the effect of the following and other developments:

(In billions)

1) Budget amendment for assistance to Israel	+$0.6
2) Congressional increases	+2.9
3) Significant increases in uncontrollables:	
Interest on the debt	+2.9
Medicaid cost increases	+.6
Disaster assistance	+.6
4) Significant decreases in uncontrollables:	
Outer Continental Shelf rents and royalties (offset against outlays	−2.9
Farm price supports	−1.2
Sale of financial assets	−.9
Stockpile sales	−.9

Impact of Congressional Actions on Spending

During the session the President has signed into law legislation including certain congressional additions to the budget. The November 15 estimate of $270 billion included $2.9 billion in congressional increases. Since November 15 the net effect of completed Congressional action on the budget has been a reduction of about $100 million in outlays for fiscal year 1974. So, actions by Congress to date have not exceeded the $270 billion figure.

There are pending, however, certain nonappropriation bills that would mandate spending of more than $2 billion—most significantly the Social Security increases and the unemployment provisions of the energy legislation. Pending legislation will carry over to next session, and it may be that much of it will be enacted. It should be made clear, however, that such increases would be over and above the $270 billion.

IV. SPENDING INCREASES IN NONAPPROPRIATION BILLS

Spending was, of course, reduced through congressional action on appropriation bills. The spending increases that resulted from congressional action have been due to actions on nonappropriation bills. Significant examples of such actions are included in the following list:

(In millions)

Food stamp amendments (P.L. 93–86)	+724
Repeal of "bread tax" (P.L. 93–86)	+400
Federal employee pay raise, Oct. 1, 1973 (S. Res. 171)	+358
Welfare—medicaid amendments (P.L. 93–66)	+122

Unemployment benefits extension (P.L. 93-53)	+116
Veterans national cemeteries (P.L. 93-43)	+110
Social Security—liberalized income exemption (P.L. 93-66)	+100

V. DRAMATIC INCREASE IN REVENUES

The most dramatic shift in the budget has been on the revenue side. The President has revised his $256 billion January estimate by $14 billion up to $270 billion. This turn of events wiped out the original Unified Budget deficit of $12.7 billion projected in January. The November 15 budget revisions indicate a balanced unified budget for fiscal 1974, reflecting a federal funds deficit of $15 billion, offset by a trust fund surplus of $15 billion.

VI. WORD OF CAUTION

It is clear from the figures I have cited that the budget is subject to constant, sometimes sharp, change, even without considering the actions of Congress. As a result of economic conditions interest payments on the debt alone went up as much as the net congressional increase to spending. And the $14 billion swing in revenues dwarfs the $1.3 billion net change in total spending estimates during the year.

What should concern us all is the possible budget impact of the economic slowdown many are predicting. Fiscal year 1974 is by no means over, and a balanced Unified Budget is not yet a fact.

ACTIONS ON BUDGET ESTIMATES OF NEW BUDGET (OBLIGATIONAL) AUTHORITY CONSIDERED IN APPROPRIATION BILLS, 93D CONG., 1ST SESS.—REVISED TO DEC. 20, 1973

Does not include any back-door type budget or spending authority in legislative bills; or any permanent (Federal or trust) authority, under earlier or permanent law,[1] without further or annual action by the Congress]

Bill and fiscal year	House actions				Senate actions			Final action	
	Budget requests considered	Reported by committee	Approved by House	Compared with budget requests	Budget requests considered	Approved by Senate	Compared with budget requests	Reported by conference	Compared with budget requests
A. Bills for fiscal 1974:									
1. Legislative (H.R. 6691)	$566,945,389	$550,044,940	$550,044,940	−$16,900,449	$677,150,959	$640,558,952	−$36,592,007	$605,189,933	−$71,961,026
2. Agriculture-Environmental and Consumer Protection									
3. (H.R. 8619)	9,505,750,600	9,385,750,600	9,385,737,600	−120,013,000	9,519,550,600	10,176,926,500	+657,375,900	9,927,667,000	+408,116,400
District of Columbia (Federal funds) (H.R. 8658)	432,998,000	427,717,000	427,717,000	−5,281,000	432,998,000	417,717,000	−15,281,000	417,717,000	−15,281,000
4. Transportation (H.R. 8760)	[2] 2,892,732,006	[2] 2,752,631,006	[2] 2,753,231,006	−139,501,000	[2] 3,010,732,006	2,968,451,006	−51,381,000	2,898,446,006	−112,286,900
5. HUD - Space - Science - Veterans (H.R. 8825)	18,617,453,000	19,070,954,000	19,070,954,000	+453,501,000	18,617,453,000	19,118,373,063	+500,920,063	19,056,500,000	+439,047,000
6. Labor-HEW (H.R. 8877)	31,544,954,000	32,816,467,000	32,816,467,000	+1,271,513,000	31,549,953,000	33,396,379,000	+1,846,426,000	32,926,796,000	+1,376,843,000
7. Interior (H.R. 8917)	2,274,431,300	2,269,554,200	2,269,554,200	−4,877,100	2,370,367,300	2,488,773,700	+118,406,400	2,443,137,200	+72,769,900
8. State - Justice - Commerce - Judiciary (H.R. 8916)	4,235,080,000	4,150,143,000	4,152,946,000	−82,134,000	4,522,901,000	4,459,478,250	−63,422,750	4,466,012,000	−56,889,000
9. Public Works—AEC (H.R. 8947)	4,757,469,000	4,671,695,000	4,676,395,000	−81,074,000	4,757,469,000	4,772,982,000	+15,513,000	4,749,403,000	−8,066,000
10. Treasury-Postal Service-General Government (H.R. 9590)	5,073,345,000	4,843,698,000	4,844,723,000	−228,622,000	5,373,345,000	5,123,352,000	−249,993,000	5,233,189,000	−140,156,000
11. Defense (H.R. 11575)	77,250,723,000	74,106,309,000	74,101,309,000	−3,149,414,000	77,250,732,000	73,264,627,000	−3,986,096,000	73,714,930,000	−3,535,793,000
12. Foreign Assistance (H.R. 11771)	6,866,567,000	5,833,912,000	5,833,912,000	−1,032,655,000	6,992,917,000	5,593,440,000	−1,399,477,000	5,780,434,000	−1,212,483,000
13. Military Construction (H.R. 11459)	2,944,900,000	2,609,090,000	2,609,090,000	−335,810,000	2,944,900,000	2,670,972,000	−273,928,000	2,658,861,000	−286,039,000
14. Special Resolution, Gold Devaluation (H.J.R. 748)	[4] 2,250,000,000	[4] 2,203,000,000	[4] 2,203,000,000	−47,000,000	[4] 2,250,000,000	[4] 2,203,000,000	−47,000,000	[4] 2,203,000,000	−47,000,000
15. Supplemental (H.R. 11576)	1,428,790,218	1,432,685,718	1,433,035,718	+4,245,500	1,534,183,886	1,888,425,386	+354,241,500	1,703,125,386	+168,941,500
Total, bills for fiscal 1974, to date	170,642,138,513	167,123,651,464	167,128,116,464	−3,407,809,049	171,804,643,751	169,183,455,857	−2,621,187,894	168,784,407,525	−3,020,236,226
B. Bills for fiscal 1973:									
1. Urgent Supplemental (H.J. Res. 496)	1,366,800,000	494,800,000	[3] 1,368,600,000	+1,800,000	1,366,800,000	1,368,600,000	+1,800,000	1,368,600,000	+1,800,000
2. 2d Supplemental (H.R. 7447, vetoed)	[3,162,880,434]	[2,855,542,209]	[2,855,542,209]	[−307,338,225]	[3,607,105,504]	[3,699,239,279]	[+92,133,775]	[3,362,845,279]	[−244,260,225]
3. 2d Supplemental (H.R. 9055)	3,607,105,504	3,362,845,279	3,362,845,279	−244,260,225	3,607,105,504	3,362,845,279	−244,260,225	3,362,845,279	−244,260,225
Total, bills for fiscal 1973	4,973,905,504	3,857,645,279	4,731,445,279	−242,460,225	4,973,905,504	4,731,445,279	−242,460,225	4,731,445,279	−242,460,225
C. Cumulative totals for the session to date:									
1. House	175,616,044,017	170,981,296,743	171,859,561,743	−3,650,269,274					
2. Senate					176,778,549,255	173,914,901,136	−2,863,648,119		
3. Enacted								173,515,852,804	−3,262,696,451

[1] The Budget for 1974, as submitted Jan. 29, 1973, tentatively estimated total new budget authority for 1974 at $288,029,000,000 gross ($256,761,000,000 net of some $31,268,000,000 interfund and intragovernmental transactions and certain so-called proprietary receipts handled as offsets for budget summary purposes only). Of this total, an estimated $146,477,000,000 does not require current action by Congress; it involves so-called permanent appropriations such as interest, and various trust funds, already provided for in other basic laws. The remainder, $172,820,000,000 is for consideration at this session (mostly in the appropriation bills). About $8,600,000,000 of the $172,820,000,000 was shown in the January budget as being for later transmittal for supplemental requirements under present law, new legislation, and allowances for contingencies and civilian pay raises, and $49,534,408 of the remainder requires legislative reauthorization through various annual authorization bills or where the authorization expires periodically.

[2] $873,800,000 was added on the House floor as a committee amendment and was covered by a budget estimate.

[3] Not to exceed.

[4] Includes $90,360,000 in advance 1975 appropriations.

DEFENSE APPROPRIATIONS BILL

As I said, in determining our actions on the Defense bill we did take into consideration the fiscal situation and we also took into consideration the military needs of the Nation and the security of the country.

I could talk to you at very great length about what we did in the Defense bill. There were not hundreds but thousands of issues involved when you get down to each and every item that was before us in the consideration of this measure.

Let me say we have reduced the total funding available by about $3 billion. The new budget obligational authority reduction is $3,535,793,000, but some of this reduction, $503,300,000, is offset by the reappropriation or reapplication of funds heretofore provided. So I will not undertake to go into too great detail at this time. It will all be explained in the table I will insert in the RECORD.

MILITARY PERSONNEL

A total deduction of $331,504,000 was made in the requests for military personnel. The amount appropriated is $22,374,996,000. For the most part, the position of the House with regard to specific personnel reductions made by the House was upheld in the conference. The House receded on proposed reductions in the movement of household goods to Alaska and Hawaii and the consolidation of chaplain schools. The Senate receded in areas, such as reductions in graduate training, in the number of career counselors, in consolidation of race relations schools, and in medical training for active duty officers. While it is difficult to estimate the exact effect of an appropriations reduction on military and strengths, it is estimated that the bill will result in an end strength reduction of about 62,000.

This compares with a mandated authorization reduction of 43,000 personnel and a reduction of about 53,000 in the bill as it passed the House.

MILITARY ASSISTANCE SERVICE FUNDED PROGRAMS

The House provided just over $1,000,000,000 for support of South Vietnam and Laos in the MASF program. The Senate reduced that amount to roughly $650 million. The conference agreement provides some $900 million for this support. The House conferees felt that a reduc-

tion of the magnitude proposed by the Senate when one-half of the fiscal year is over would abruptly curtail our aid to South Vietnam and lead to serious destabilization in Southeast Asia. We believe that the amount agreed to will be reasonably adequate.

OPERATION AND MAINTENANCE

In the operation and maintenance area, reductions totaling $624,516,000 were made. A total of $22,340,807,000 is provided. Most of these reductions were not in conference. In large part, the reduction is related to manpower strength reductions. The Senate receded on House reductions made in space available transportation and air defense units. The House receded on amounts for overseas dependents education, camouflage screens, and in Senate reductions related to energy conservation and the executive development program.

PROCUREMENT

The conference agreement provides $16,225,822,000 for procurement of military hardware. This is $2,144,278,000 less than the budget amount. A number of reductions were mandated by the authorizing legislation.

In the conference the House agreed to a Senate reduction of $10.5 million in the A–4M aircraft of the Navy and $4.9 million for a medium transport aircraft for the Marine Corps. The Senate receded on a $66 million reduction for the S–3A Viking antisubmarine warfare aircraft. Under the total package contract under which this aircraft is being procured, the reduction proposed by the Senate would have had the effect of seriously increasing the unit cost of the aircraft.

One of the major items in conference in the procurement area was the proposed new sea control ship. The sea control ship would be a relatively small ship, capable of carrying helicopters and vertical take off and landing aircraft and would be used primarily for escort service. The House deleted the funds for the ship and the Senate included the funds. Under the conference agreement, the funds for the sea control ship are agreed to, but none of the funds can be obligated until a further study is made by the Appropriations Committee of the need for this ship and until both Appropriations Committees give their specific approval for the obligation of the funds.

The conference agreement includes $70 million for the procurement of A–7D aircraft for the Air Force as proposed by the Senate and not included by the House. The House had included $151.6 million for procurement of F–111F aircraft which was deleted by the Senate. The conference agreed to the inclusion of funds for this aircraft. We feel that it would be a serious mistake to close the production line of our only long-range bomber.

The Senate deleted $50 million of the amount provided by the House for the F–15 aircraft of the Air Force. The conference restored $22 million of this amount. A total procurement of 62 F–15 aircraft is provided.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

The bill as agreed to in conference appropriates $8,088,405,000 for research, development, test, and evaluation. This is $411,895,000 less than the budget request.

A major issue in this area was the site defense antiballistic missile program of the Army. The House had deleted funds for continued development of this antiballistic missile system at this time believing that continued development of the present Safeguard ABM system along with a vigorous technology program provided sufficient effort in this area. The Senate provided $135 million for the site defense program. The Senate took the position that the site defense program is necessary to future success in the strategic arms limitation talks and that a more capable system than Safeguard is needed. The conference agreed on the appropriation of $110 million.

In the Navy, a major issue was Project Sanguine, a proposed new system for use in communicating with submerged submarines. The program has been under fire from residents of areas in which it was tested or proposed to be deployed. Environmental and health hazards were cited. The committee has heard from many residents in Wisconsin who complained of the effect of Project Sanguine's tests conducted in that State. When it was proposed that Sanguine be deployed in central Texas a number of people of that area became fearful of possible harmful effects of such deployment. With this in mind and in view of the fact that there are other means both in being and under development for communicating with submarines the House deleted all funds for Sanguine. The Senate restored the funds. In conference, $8.3 million was provided. This will permit the continuation of test activities in Wisconsin but will not provide for initiating the full scale development of the system. The Navy should carefully study the need for the system and the harmful effects alleged.

The conference agreed to provide $25 million for continued development of the advanced medium STOL transport aircraft. The conference agreement was a compromise between the Senate recommendation of $65 million and the House position that all funds should be deleted. It is probable that at this point most of the money provided has already been obligated.

GENERAL PROVISIONS

The House included a limitation in the bill which would have limited the number of non-high-school graduates and so-called category IV personnel inducted into the military service. The Senate deleted the House provision but agreed in conference to include the restrictive language. We feel that this is important in maintaining a highly qualified military force.

The House included a limitation by grade on the number of officers in the military services. The Senate deleted the provision and the House reluctantly receded in the conference. The managers are in agreement that the limitation as proposed by the House should be maintained by the Department but felt that the language should be deleted at this time in order to give the Committees on Armed Services an opportunity to enact legislation in this area.

The Senate included a provision which would have denied any funds for the furnishing of petroleum products to Southeast Asia. The House conferees were in agreement with the intent of the Senate amendment but felt that it was unnecessarily restrictive. The language was amended to prohibit the procurement of petroleum fuels produced in the United States and to permit the provision of such fuels for U.S. nationals.

A table summarizing the actions of the conference follows:

DEFENSE APPROPRIATION BILL 1974—SUMMARY OF APPROPRIATIONS

[In thousands of dollars]

Functional title	Appropriation, fiscal year 1973 (new obligational authority)	Revised budget estimate, fiscal year 1974 (new obligational authority)	Passed House	Passed Senate	Conference action	Conference action compared with— 1973 appropriation	Budget estimate	House	Senate
Title I—Military personnel	23,718,395	22,706,500	22,432,641	22,363,096	22,374,996	−1,343,399	−331,504	−57,645	+11,900
Transfer from other accounts	(21,550)					(−21,550)			
Title II—Retired military personnel	4,441,684	4,705,900	4,681,900	4,681,900	4,681,900	+240,216	−24,000		
Title III—Operation and maintenance	21,461,726	22,965,323	22,504,223	22,240,426	22,340,807	+879,081	−624,516	−163,416	+100,381
Transfer from other accounts	(200,000)					(−200,000)			
Title IV—Procurement	17,799,870	18,370,100	16,513,422	15,872,502	16,225,822	−1,574,048	−2,144,278	−287,600	+353,320
Transfer from other accounts	(1,055,900)		(387,300)	(499,800)	(499,800)	(−556,100)	(+499,800)	(+112,500)	
Title V—Research, development, test, and evaluation	7,959,498	8,500,300	7,966,523	8,103,353	8,088,405	+128,907	−411,895	+121,882	−14,948
Transfer from other accounts	(60,000)			(3,500)	(3,500)	(−56,500)	(+3,500)	(+3,500)	
Title VI—Special foreign currency program	3,400	2,600	2,600	2,600	2,600	−800			
Title VII—General provisions (additional transfer authority, sec. 735)	(750,000)	(1,000,000)	(500,000)	(750,000)	(625,000)	(−125,000)	(−375,000)	(+125,000)	(−125,000)
Title VIII—Defense Manpower Commission				750	400	+400	+400	+400	−350
Total, Department of Defense (NOA)	75,384,573	77,250,723	74,101,309	73,264,627	73,714,930	−1,669,643	−3,535,793	−386,379	+450,303
Transfer from other accounts	(1,337,450)		(387,300)	(503,300)	(503,300)	(−834,150)	(+503,300)	(+116,000)	
Total funding available	76,722,023	77,250,723	74,488,609	73,767,927	74,218,230	−2,503,793	−3,032,493	−270,379	+50,303
Transfer authority	(750,000)	(1,000,000)	(500,000)	(750,000)	(625,000)	(−125,000)	(−375,000)	(+125,000)	(−125,000)

DEFENSE APPROPRIATION BILL 1974—SUMMARY OF APPROPRIATIONS—Continued

[In thousands of dollars]

Functional title	Appropriation, fiscal year 1973 (new obligational authority)	Revised budget estimate, fiscal year 1974 (new obligational authority)	Passed House	Passed Senate	Conference action	Conference action compared with— 1973 appropriation	Budget estimate	House	Senate
Distribution by organizational component:									
Army	20,712,158	20,238,959	19,230,999	18,978,401	19,157,304	−1,554,854	−1,081,655	−73,695	+178,903
Transfer from other accounts	(441,000)		(116,500)	(232,500)	(232,500)	(−208,500)	(+232,500)	(+116,000)	
Navy	24,662,834	25,849,400	24,800,565	24,668,681	24,707,708	+44,874	−1,141,692	−92,857	+39,027
Transfer from other accounts	(330,550)		(156,800)	(156,800)	(156,800)	(−173,750)	(+156,800)		
Air Force	23,694,194	24,345,800	23,132,873	22,872,353	23,106,656	−587,538	−1,239,144	−26,217	+234,303
Transfer from other accounts	(558,200)		(114,000)	(114,000)	(114,000)	(−444,200)	(+114,000)		
Defense agencies/OSD	1,873,703	2,110,664	2,254,972	2,062,542	2,060,962	+187,259	−49,702	−194,010	−1,580
Transfer from other accounts	(7,700)					(−7,700)			
Retired military personnel	4,441,684	4,705,900	4,681,900	4,681,900	4,681,900	+240,216	−24,000		
Defense Manpower Commission				750	400	+400	+400	+400	−350
Total, Department of Defense (NOA)	75,384,573	77,250,723	74,101,309	73,264,627	73,714,930	−1,669,643	−3,535,793	−386,379	+450,303
Transfer from other accounts	(1,337,450)		(387,300)	(503,300)	(503,300)	(−834,150)	(+503,300)	(+116,000)	
Total funding available	76,722,023	77,250,723	74,488,609	73,767,927	74,218,230	−2,503,793	−3,032,493	−270,379	+450,303
Transfer authority	(750,000)	(1,000,000)	(500,000)	(750,000)	(625,000)	(−125,000)	(−375,000)	(+125,000)	(−125,000)

Mr. WYMAN. Will the gentleman yield?

Mr. MAHON. I yield to the gentleman.

Mr. WYMAN. I would like to ask the chairman whether he feels that the $400,000 in this bill for the Defense Manpower Committee will produce any results in perhaps getting a little different perspective as to how we can save money on the amount for personnel and the amount for hardware in the military to which the gentleman made reference and which we so urgently need.

Mr. MAHON. I am hopeful this commission would prove to be meaningful. I am not too sanguine about it.

But we will hope that some success can come. I am sure that those who serve on the Commission will work diligently toward coming up with some suggestions that will be worthwhile. This is an area where there could be considerable improvement.

Mr. WYMAN. Mr. Speaker, if the genteman will yield still further, there are other places where there is work that is being done at the present time to see whether reductions in personnel can be achieved in order to lower the 57 percent of this budget going toward personnel.

Mr. MAHON. The gentleman, of course, knows that we are dealing with this problem in the committee. We have tried to improve the techniques for recruiting personnel, and we are trying to prevent the practice of recruiting people, keeping them a few weeks or a few months, and then having to discharge them. We are trying to improve the quality of the personnel entering the military service in the first instance. We have made some reductions in personnel in the Department of Defense, as my friend, the gentleman from New Hampshire, knows.

Mr. WYMAN. Is the chairman sanguine about the prospects of being able to perhaps get the defense costs on personnel for the United States down to a figure of about 50 percent.

Mr. MAHON. I would hope we could do something like that. After all, we cannot go on forever at the present balance, as I see it. The gentleman has raised a very valid point, and I thank the gentleman for his contribution.

Mr. WYMAN. I thank the chairman.

Mr. TEAGUE of California. Mr. Speaker, will the gentleman yield?

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

Mr. TEAGUE of California. Mr. Speaker, first I want to express my gratitude to the House conferees, and certainly to the chairman for sticking to the position of the House in connection with the Pacific Missile Range, which is in my district, or close to it. And the language contained at page 25 of the report makes it very clear that the House position will be maintained, and the Navy shall continue to operate the Pacific Missile Range with Government military and civilian personnel.

Does the gentleman consider that to be mandatory upon the Navy?

Mr. MAHON. I do consider that to be mandatory. We are unalterably opposed to contracting out this operation. We want to proceed in accordance with the present procedure that the gentleman from California is aware of.

I wish to say, Mr. Speaker, that the members of the Subcommittee on Appropriations and the members of the full Committee on Appropriations owe a debt of gratitude to the Members of the House generally who are not members of the full committee and the subcommittees for the contributions which they have made. The members of this committee have worked many, many months, all of them on the Democratic side and all of them on the Republican side of the subcommittee headed by the gentleman from Ohio (Mr. MINSHALL). I believe we have really done the very best we could. The bill is not perfect, but I am of the opinion that the bill comes before the House as the best that could be done under the circumstances.

I hope that the Department of Defense can take this money and continue to keep us No. 1 militarily, maybe by a small margin, but No. 1. We must remain No. 1 in military power and national security.

Mr. TEAGUE of California. I thank the gentleman.

Mr. GROSS. Mr. Speaker, if the gentleman will yield, I do not find the usual table in the report showing the total amount of this bill.

Would the gentleman please state the total cost of this bill as it now stands?

Mr. MAHON. The total is $73,714,930,000. The amount agreed to is $3.5 billion less than the budget estimate.

Mr. GROSS. How does it compare with the bill as it left the House?

Mr. MAHON. It is below the bill as it left the House. The House had provided more than $74.1 billion, so at $73.7 billion it is lower than it was when it left the House, $386 million less than it was when it passed the House. It is $450 million more than the appropriation recommended by the U.S. Senate.

Mr. GROSS. How much lower is it than the bill that passed the House?

Mr. MAHON. $386,379,000.

Mr. GROSS. There is no funding in this bill for the replacement of the arms and munitions that were taken out of our inventory and given to Israel in the recent Middle East war; is that correct?

Mr. MAHON. No. That comes in the foreign aid bill which should follow this bill.

Mr. GROSS. No. The replacement will not be made there.

Mr. MAHON. Not directly. We will provide funds in the foreign aid bill to reimburse the Department of Defense for the contributions made to Israel. That is the way it is handled.

Mr. GROSS. The Deputy Secretary of Defense, Mr. Clements, told us in the Committee on Foreign Affairs that there would probably be a bill of between $2 and $3 billion in addition to the money that was requested by authorization through the Committee on Foreign Affairs for the $2.2 billion.

Mr. MAHON. For the most part, that would be for hardware for U.S. forces and not directly related to the replacement of weapons given Israel.

Mr. GROSS. The replacement of the arms and planes that were taken out of the U.S. inventory by President Nixon given to Israel will have to be financed next year through another bill; is that correct?

Mr. MAHON. No. The gentleman is not correct on that. In the foreign aid bill we are providing $2.2 billion for Israel, part of which will be used to reimburse the Department of Defense for the ammunition and airplanes and military support otherwise that was provided for Israel, or that is being provided. There are some additional costs since the value of the material given Israel is less than the replacement cost of some items.

Mr. GROSS. The gentleman from Texas is demonstrating some new-found optimism, I find, because Israel was already in debt to the United States to the extent of $1 billion before the October war ever started.

Mr. MAHON. I do not mean that Israel will pay back the $1 billion which is now owed, and I do not mean that Israel will pay back the $2.2 billion. Some of it is to be loan money, and some of it will be grant money, and whether any of it would be returned, I do not know. But I would say that up to date Israel has reimbursed the United States in its payments to the extent of about $250 million.

Mr. GROSS. If we keep pumping economic aid to them they will be able to go through the motions of paying it, but it is our people who are out of pocket. The taxpayers are out of pocket. I predict that the gentleman will be back with a bill next year for more arms as a result of the Middle East war.

Mr. MAHON. I do not foresee that at this time, but it is true that we need modernization of our forces. We need more in quantity of military equipment by way of newer planes, and so forth. We are producing a minimum of new aircraft and new ships and new weapons.

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

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

Mr. McFALL. I thank the gentleman for yielding.

Mr. Speaker, I ask unanimous consent that the permanent RECORD be corrected to show that the gentleman from Connecticut (Mr. GIAIMO) except as to amendment No. 77 of the Defense appropriation bill and that I did not.

The RECORD of December 19, 1973, on page 42539 in listing the managers on the part of the House indicates that I excepted as to amendment No. 77. I did not. However, the gentleman from Connecticut (Mr. GIAIMO) did and I ask unanimous consent that the permanent RECORD be corrected.

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

There was no objection.

Mr. MINSHALL of Ohio. Now, I should like to tell the gentleman from Iowa that this bill is below last year's budget by $1,60,0000,000. It is less than the House-passed bill, as the gentleman from Texas (Mr. MAHON) has emphasized, by $386,379,000.

The appropriation we passed in the House was $1.3 billion below last year's appropriation. The conference action results in a bill which is about $1.6 billion below last year, and is about $3.5 billion below the budget estimate for this fiscal year.

I would also like to point out to the gentleman from Iowa that there were many items in this bill that all of us are not completely satisfied with, but that is the nature of any conference report, any kind of compromise. But the conferees met for 10 straight hours, with a little time for lunch. I think we have come up with good compromises and fair compromises and a bill that will make for a strong defense for our country. I hope the House will go along with the bill.

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

Mr. MINSHALL of Ohio. I yield to the gentleman from Wisconsin.

Mr. STEIGER of Wisconsin. Mr. Speaker, I appreciate the gentleman yielding.

I want to express my unhappiness over the fact that the conference agreed to stay by the House provision on section 718. The conferees in accepting the House position, and I recognize this matter was not discussed greatly when it was before the House, I am afraid we will have the Army in a shortfall position of an additional 5,000 to 15,000 men, and it is an unwarranted interference in my judgment in the management capacity of the Defense Department, the idea that we somehow want to limit nonhigh school graduates, because about 25 percent of them are not eligible to make it in the first 18 months service or limit category 4 to a percentage lower than was achieved in the draft. I simply do not understand it.

I hope the Appropriations Subcommittee on the Defense Department in the months ahead will be willing to take a close look and make an analysis of this kind of management decision before undertaking it.

I would simply say to the gentleman from Ohio I am grateful to him for his willingness to yield to me so that issue might be raised, and next year you can be sure it will be raised again if the committee intends to continue this kind of operation.

Mr. MINSHALL of Ohio. I appreciate having the gentleman's remarks.

The Army has had a great deal of difficulty with its all-volunteer program. We are trying to keep the armed services combat ready as much as we can and that is why we took the action we did.

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

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

Mr. YATES. Mr. Speaker, will the gentleman state to the House whether there are funds in here for the AMB?

Mr. MINSHALL of Ohio. There is $110 million in here for the site defense ABM.

Mr. YATES. Is that for the first installation or the total amount for the program?

Mr. MINSHALL of Ohio. That is for the first installation.

Mr. YATES. How much will the total program cost?

Mr. MINSHALL of Ohio. That is the site defense?

Mr. YATES. I wonder how much it will cost in total?

Mr. MINSHALL of Ohio. That depends on how far we carry the development.

Mr. YATES. For what site will this be the defense?

Mr. MINSHALL of Ohio. This is a development program. No sites have been selected. The full development cost will be close to a billion six hundred million dollars.

Mr. YATES. That is correct.

I have been opposed to the ABM and I am sorry the conference saw fit to put money into this program for the ABM again and I would hope they would take another look at it.

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

Mr. MINSHALL of Ohio. I yield to the gentleman from Wisconsin.

Mr. KASTENMEIER. Mr. Speaker, I just want to express my own disappointment that the House position failed as opposed to that of the Senate in the determination of the U.S. Armed Services Institute in Madison, Wis., a 30-year institute. I take it that the Senate failed to put forward the arguments of the Defense Department in their desire that this institute be continued and be given an ample opportunity to be literally reconstructed during the next year to follow the needs of the armed services in connection with the education of our military personnel.

In this connection I hope something is salvable, but insofar as the House position prevailed there does not seem to me to be much hope.

Mr. DAVIS of Wisconsin. Mr. Speaker, if the gentleman will yield, I share the concern of my colleague from Wisconsin on this subject, I think it was developed at the hearings that the USAFI did deserve some major surgery. There is a question, however, whether that should extend to decapitation and that was the provision that was in the House bill.

I think the gentleman from Wisconsin put his finger on the situation as it was in the conference, that it was not appropriate for the House conferees to raise the issue in contravention of the House action; that the only way this could have been adequately brought before the conference is if someone of the Senate conferees had spoken up and raised an issue, so that the cards could have been laid on the table. That did not take place, so there was really no practical way in which this matter could adequately be discussed in the conference, so the House position did continue.

Mr. KASTENMEIER. Mr. Speaker, if the gentleman will yield further, I want to comment that I had very grave questions about whether the best interests were being served by the Defense Deparment in terms of education.

It will be a poor Christmas present for those employees in Madison, Wis. There are some 200 people that will be involved.

Mr. DAVIS of Wisconsin. If the gentleman will yield further, I want to comment on the discussion by Mr. STEIGER of Wisconsin, with respect to this subject.

I think there was rather strong feeling in our subcommittee that this figure should have been perhaps higher than the 45 percent that remained in the House bill and is continued in this conference report.

We were concerned that in their efforts to get numbers, in light of their difficulties in recruiting, that people who could not make a satisfactory contribution to the Defense Department or to the Army in particular would be enlisted in the recruiting program. So because we had before us the history of problems created by people of the capacities shown in their particular categories, we did agree on a figure of 45 percent, which was lower than some of the members of the subcommittee wanted to go. It was put in there to protect the particular level of the caliber of the people being taken into the Army. That is the basis of the 45 percent.

Mr. STEIGER of Wisconsin. Mr. Speaker, if the gentleman will yield, I am grateful to my colleague from Wisconsin for his comment.

I would say if we look back to June 1972, the figures, as I recall, supplied by the Defense Department were that 56 percent of the Army career soldiers just a year ago in June were non-high-school graduates when they entered the armed services; so this decision to use, in effect, an artificial criteria, of high school graduation, for the basis of determining whether a man or woman makes a good career soldier, I find very difficult to justify. During the draft era, the proportion of mental IV's who entered each year exceeded the proposed legislative limit of 18 percent in one or more of the services. The proportion of mental IV's who entered the Army, the chief user of the draft, in selected typical years, are shown below:

Mental IV's as percent of Army accessions

Fiscal year:	*Percent*
1954	29.8
1959	20.9
1964	19.0
1966	23.4
1969	27.5
1972	18.8

One of the key factors in this regard is that high school graduation is not used to determine a person's ability to perform a job but is rather a general index as to whether or not an individual will make it through his first 18 months of service. Approximately one-fourth—25 percent—of the non-high-school graduates fail to make it through their first 18 months of service, whereas 9 percent of the high school graduates fail. This difference has encouraged the armed services to seek high school graduates. But any policy restricting non-high-school graduates, is obviously counterproductive for at least 75 percent of them make good soldiers. All entries are qualified by aptitude tests as well, regardless of whether they are high school or non-high-school graduates.

What the Army has now done in this new 179-day provision, so they can get a man or a woman who is not a good soldier out of the Army before they become eligible for benefits means we ought to be able to get anybody in that wants to come in, that wants to volunteer, and then make the judgment as we go along, without making the artificial judgment of high school graduation.

Mr. DAVIS of Wisconsin. Mr. Speaker, if the gentleman will yield further, we are not talking about high school graduation. We are talking about category 4. The record of recruitments in recent months indicates that the Army has been overloading itself and people in these categories, experience shows, have not been able to make the contribution that we ought to expect from the money we are expending; this is the basis of that action in that regard.

Mr. Speaker, if the gentleman from Ohio will yield for a couple minutes more, I want to say it is important that this conference report be approved, in spite of the misgivings on individual items that all of us who are House conferees did have.

But it is costing us money every day that we fail to have the 1974 Defense Appropriations Act on the books. That is true because we have directed a number of savings in this bill, in matters which are now going forward, at the old, higher rate in the continuing resolution under which the Department of Defense is operating, and it does cause grave problems of management when the Defense Department, with this amount of money, is required to operate under a continuing resolution.

So, I urge that the House will now adopt this conference report.

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

Mr. MAHON. Mr. Speaker, I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Speaker, I have a couple of questions concerning the problems of Project Sanguine Submarine Communications program in amendment 79.

The report says that funds provided are to be available for continuation of effort at the Wisconsin test facility. Is the interpretation of the gentleman from Texas that this does not imply in any way that the primary site is moved back to Wisconsin?

Mr. MAHON. The committee felt that the Sanguine program had not progressed to the point where it should be firmed up as an operational unit, and that the tests and evaluations which had begun and had been in progress in Wisconsin for years could be continued; but not the full-scale development of the system.

Mr. OBEY. Mr. Speaker, my point is that there is nothing in this language which implies the primary site for further development of Sanguine has been moved back to Wisconsin?

Mr. MAHON. Mr. Speaker, the gentleman is correct.

Mr. OBEY. Also, it says that none of the funds were to be applied to any full-scale development. Does that language imply any expansion of the Wisconsin facility at Clam Lake would be in order?

Mr. MAHON. Mr. Speaker, I would not interpret the report language in that manner. It provides for study, experimentation, and additional study, but I do not think the gentleman from Wisconsin, whom I know is apprehensive about this project, should be too greatly concerned about it at this stage. There are so many other ways of communication that we do not want to go too far with Sanguine at this point. That is the attitude of the committee.

Mr. OBEY. Mr. Speaker, I thank the gentleman and I agree with the chairman.

Mr. MAHON. Mr. Speaker, I yield to the gentleman from Mississippi (Mr. MONTGOMERY) for a question.

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

Mr. Speaker, I would like to commend the chairman and the conferees on the handling of the reserve part of this bill, which is a large share of the money. Even though the committee has given us a tight budget to work with in the reserves, I believe in my opinion that the reserve can continue to be a vital part of this Nation's defense and continue an outstanding job.

Mr. Speaker, I am a little concerned about the cutback of funds for Virginia Army ROTC units in high schools, and also the Navy Virginia high school ROTC units. In my opinion, these have been very good, workable units. I hope the committee does not act in haste and cut out the units down the line.

Mr. MAHON. Mr. Speaker, I thank the gentleman for his contribution, and I will place in the RECORD at this point a statement in regard to the Reserves and the Junior ROTC.

As my good friend from Mississippi has indicated, the Reserve components and the National Guard were well provided for in this bill. The original Defense Department request for Guard and Reserve forces was over $4.4 billion compared with $4 billion provided in fiscal year 1973. This represents a 10-percent increase in funding despite generally declining manpower strengths.

Actions on the part of the Congress have reduced this $4.4 billion request less than $100 million leaving a net increase of over $300 million. Nearly all of the reduction was related to the difficulties the Reserve components are having in obtaining nonprior—first term—recruits. Most of these individuals were scheduled to undergo from 4 to 8 months of active duty for training. Thus, this category of personnel require proportionately more money than do regular reservists who drill only one weekend a month and are

paid accordingly. Accordingly when shortfalls occur large dollar savings are generated.

I would also point out that this conference report agrees to the restoration of some of the specific units which were deleted in the House version. For example, the Navy will be permitted to continue the operation of 30 system analysis divisions and all of the phased force components companies if the Navy desires to do so. You are aware of the fact that the committee questions the need and expenditure for these units.

The conference report also restored 100 technician positions in both the Air Force Reserve and Air Force National Guard. The original bill deleted 200 positions from each. The committee also restored one half of a $10 million reduction in fuel for the Air National Guard made by the Senate.

I also want to point out that the committee did not reduce or eliminate any junior ROTC units. The committee looked into the matter of the numbers of ROTC units which are not meeting the mandated strength requirement of 100 students. The committee feels that additional units should not be organized until many of the units which are not meeting required strength levels are either disestablished or brought to the mandated strength.

Mr. MONTGOMERY. Mr. Speaker, I thank my colleagues also.

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

Mr. MAHON. Mr. Speaker, I yield to the gentleman from Georgia (Mr. FLYNT).

Mr. FLYNT. Mr. Speaker, all of the conferees have signed this conference report. Two of the House conferees excepted as to amendment No. 77 proposed by the Senate. One of the Senate conferees excepted as to another section of the conference report.

Mr. Speaker, I take this time to explain our exception to the amendment No. 77.

Amendment No. 77 is the research, development, test, and evaluation, Army section of the bill and the conference report. This program, as has been stated earlier during the debate on this conference report, proposes a total program expenditure before any procurement, according to the House report, of $1,650,000,000 for a site defense antiballistic missile system, or a site defense ABM system, as it is commonly called.

In the past I have always supported ongoing research and development into an effective ABM system, and I still support that concept. However, I oppose the provision in the conference report to build an extravagant and expensive ABM system which cannot be deployed and probably would not work if it could be deployed.

In the House language of the defense appropriation bill, the House proposed $111,100,000 for continuation of research and development of the antiballistic missile defense. We proposed and the House passed $20 million for exploratory ballistic missile defense R. & D. and $77.7 million for advanced ballistic missile defense R. & D. which latter figure is $25 million over the budget and above the amount requested by the Department of Defense.

The Defense Appropriations Subcommittee added that $25 million over and above the budget request, because the subcommittee and the full committee and the House denied the budget request of $170 million to continue the prototype building of the site defense ABM system. We thought then and two of us think now that this is the more reasonable approach to this item in the bill.

The Senate restored $135 million and the committee on conference reduced that figure to $110 million.

Bare in mind that $110 million is only 1 year's annual increment of the total cost. We have during fiscal year 1973 appropriated and the Department of Defense has expended approximately $165 million toward this. This $170 million which the Department of Defense asked for this year was to be the second annual increment into the site defense ABM program which would require over $850 million for the prototype development and an additional $815 million for full engineering.

Mr. Speaker, we held extensive hearings on this in the subcommittee. As a result of those hearings, the subcommittee and the full committee deleted the entire amount requested by the Defense Department for site defense ABM.

The Senate saw fit to restore $135 million as a part of a $1.65 billion site defense ABM program. In the event the prototype is developed and full engineering follows, this system, even if it works, will not be deployable, because of the provisions of the SALT I agreements to which we are signatory.

This is a provision in the bill and in the conference report on which reasonable men can disagree. Those who support it think it is a viable program and that it can be deployed and when deployed will work. On the other hand those of us who oppose this program do so, because we cannot deploy it without abrogating the SALT I agreement and because even if we deployed, it will not be effective for its intended purpose.

It is the same old story of hitting a high velocity bullet with another high velocity bullet: You might hit one with one, or even five with five, but when the number of incoming ballistic missiles is increased to 20, 50, 100, or more under the present state of the art the radars and computers cannot differentiate sufficiently to achieve 100-percent effectiveness or anywhere near that. What we need to do is to do further research before proceeding to prototype.

The subcommittee and full committee were unanimous when we marked up this bill and the House passed it. We feel we are going too far, too fast on the unnecessary building of a prototype which, according to the testimony of the project manager of the program, General Leber, this prototype development plus full engineering will cost the $1.6 billion to which we have referred and which some of us feel should be deleted.

I shall seek recognition to offer a motion to recommit with instructions and such motion will read as follows:

Mr. FLYNT moves to recommit the conference report on the bill (H.R. 11575) to the committee on conference with the following instructions to the managers on the part of the House: To disagree to Senate amendment No. 77.

Mr. Speaker, let me emphasize that this motion to recommit would be totally consistent and compatible with the previous unanimous action of the House, the Committee on Appropriations and the Subcommittee on Defense Appropriations.

The action previously taken by the House was not considered in haste. It was not an arbitrary reduction but on a decision based on the realities of the state of the art and the foreseeable new developments within the time frame between now and the completion of the nearly $1 billion prototype.

The committee report on this subject consists of nearly three full pages, and I quote from parts of it:

SITE DEFENSE

The Army requested in the January budget $170,070,000 for advanced development of a new antiballistic missile system referred to as "Site Defense". The Site Defense system is a new ABM system separate and apart from the presently deployed Safeguard system. Prior to the treaty limiting the deployment of ABM systems, the name of the system was "Site Defense Minuteman". The basic difference in the Site Defense system and Safeguard system is that Site Defense system is a point defense system essentially and the Safeguard system is an area defense system. The Site Defense system would use greater numbers of smaller, less powerful radars and only short range missiles. It would be deployed in close proximity to Minuteman missiles and would provide a point defense of the Minuteman silos.

The treaty limiting the deployment of antiballistic missile systems precludes the deployment of a Site Defense system in the role for which it was designed, the protection of Minuteman missiles, as long as the treaty is in effect. The only location at which the Site Defense system could be deployed under the provisions of the ABM treaty is at the National Command Authority or Washington, D.C. If Site Defense were to be installed at our single ABM site which defends ballistic missiles, Grand Forks Air Force Base, Safeguard missiles would have to be removed. Since we are now in the final stages of installing the Safeguard missiles after the expenditure of $5 billion, it is not reasonable to propose such a course at this point in time.

* * * * *

The Committee recommends an additional reduction of $135,000,000 in the Site Defense line item and a partially offsetting $25,000,000 increase in the amount provided for Advanced Ballistic Missile Defense, a net reduction of $110,000,000. The purpose of the recommended reduction is the termination of the prototype demonstration of the Site

Defense System. The $25,000,000 transferred to Advanced Ballistic Missile Defense is for advanced development efforts on such components of the Site Defense system as might be considered useful by the Army. If additional funds are required in this area, the funds in advanced development and exploratory development related to ballistic missile defense can be utilized for this purpose if the Army feels that Site Defense technology is of a higher priority than other efforts proposed in these areas.

The Committee does not believe that we should at this time freeze on the design for our next generation antiballistic missile system. If, in 1977, the arms limitation treaty is not renewed, we could take advantage of the state of the art at that time to fully develop a new system. The technology included in the Site Defense system may be far surpassed at that time. If we decide at some point in time that additional antiballistic missile systems are required rapidly, we can further extend the Safeguard system with additional deployments as was previously planned.

* * * * *

The Site Defense program as now envisioned is a program without a home. Under the Arms Limitation Treaty, the system could not be deployed at a Minuteman site where it was designed to be placed. In an effort to find a home for Site Defense, the Army included $5,000,000 in the budget to study the deployment of such a system at Washington, D.C. Since the Site Defense system involves relatively low level interceptions and nuclear detonations, it is not appropriate for the defense of a city or of an area of population. The funds requested for studies related to Washington, D.C. deployment were specifically deleted in the authorization act.

* * * * *

The estimated cost of the proposed prototype demonstration program for the Site Defense system rose from an estimate of $794 million late last year to a new estimate of $850 million given this year. The Committee believes that if the program were allowed to continue, these costs would continue to rise. In addition, if the prototype demonstration program were successful, it would only lead to a request for a full engineering development effort which would cost at least another $800 million. Thus, a total of $1.65 billion is estimated to be required to complete research and development on the Site Defense system.

This indicates that at the present rate of escalating costs, the total development costs would probably rise from $1.65 to $2.4 billion between now and the estimated date of completion of the prototype. This figure, regardless of whether it is $1.65 or $2.4 billion is solely for prototype development and full engineering development. It does not include any procurement of the end item. The cost of the total procurement cost is estimated to be $8 billion or more with the maximum figure to be determined by how many additional sites are defended. The report continues:

Another factor which mitigates against the proposed Site Defense system is that the Site Defense system with its necessary radars is a softer target than is the Minuteman missile in its silo. Many of the Site Defense interceptor missiles would have to be used to protect the Site Defense system itself if the system were to be deployed.

Estimates of the total cost of deploying a useful Site Defense system are from between $8 and $10 billion. The Committee believes that the time to look at expenditures of this magnitude is relatively early in the development stage. Having done this, the Committee has concluded that an investment of this kind is not warranted.

Mr. Speaker, that is precisely my position today, and all I am asking for. The report concludes:

We have spent some $5 billion in bringing the Safeguard system to the stage of deployment which it has presently reached. For this expenditure, we are protecting one Minuteman installation only, and estimates are that the system would at best save only a small percentage of the missiles deployed at that installation. At the present state of the art, ABM systems just do not appear to be cost effective.

This was the unanimous recommendation of the Subcommittee on Defense Appropriations, the Committee on Appropriations and was sustained without protest or objection by the House of Representatives. Nothing has changed or intervened since November 26, 1973, the date of the report, to change these facts or my views.

I urge the adoption of an appropriate motion to recommit, in an effort to sustain the House position and at the same time to terminate an ill-advised and extravagantly expensive development of a site defense antiballistic missile system which we cannot deploy under present treaty obligations and which would not be effective for the purpose for which it is intended, even if deployment should become possible by reason of treaty expiration or abrogation of the treaty.

Mr. MAHON. Mr. Speaker, I yield the remaining time to the gentleman from Connecticut (Mr. GIAIMO).

Mr. GIAIMO. Mr. Speaker, I cannot say much in 1 minute about the ABM site defense program which contains $110 million in this bill but which will commit us to an expenditure of $1.5 billion. We are talking about building phase II of an antiballistic missile system known as site defense. We are committing ourselves in this bill to an expenditure of $850 million for a prototype program and it will cost another $800 million for engineering and another $8 billion to $10 billion to deploy.

Our position in this committee and in the House was not to fund the prototype program now but, rather, to continue their money for research and development at least for another year or two until we knew better where we were with regard to the SALT agreements.

Instead of that, as a result of the conference, we are going to give the Department of Defense the go-ahead signal to begin the site defense system, which is a prototype system to be built in Kwajalein and which cannot under the agreement be deployed anywhere in the United States.

I think this is a mistake and a waste of over $1.5 billion at this time. I urge that the Defense appropriation bill be recommitted to the conference committee with instructions to delete the fund for the antiballistic system known as site defense.

Mr. SIKES. Mr. Speaker, I, too, had misgivings about the funding of the site defense program. It is another payment and $110 million is a very substantial payment on a program which, if completed, will cost $1.6 billion. Whether we can continue to justify these large annual increments is debatable. Nevertheless, I voted in conference for the restoration of money for the site defense program.

Had we been able to proceed on our planned program of 12 antiballistic missile sites, there would have been no doubt in my mind for the need of the site defense program. It is a program to make the ABM system more effective. The sad fact is that the SALT talks agreement largely killed off the U.S. ABM program. Instead of 12, we are now limited to 2. One of these is in being at Grand Forks. One, which was well along toward construction at Malmstrom, has been dismantled. We can, under the SALT talks agreement, build another around Washington, the Nation's Capital. There is no indication that we plan to do so. So I am not optimistic about the value of our ABM system. The principal justification for the site defense program is to provide an improved capability in case an expanded ABM system is required at some time in the future.

It is my personal belief that the best defense is a strong offense. There may not be a meaningful defense against intercontinental ballistic missiles. A retaliatory capability is what will count most. I think that the $110 million carried in this bill for site defense could be spent better for offensive weapons. But there are no plans to spend this money for additional or improved offensive capability.

It is site defense or nothing, at least for the present. The administration and the Pentagon strongly urge approval of the system. They consider it will be an important asset in future SALT talks and they are optimistic about its value to our ABM capability. Consequently, I support the system. I feel that we should proceed for another year on the program. Then we can take a closer look at its status.

Ms. ABZUG. Mr. Speaker, I am voting against this bill because I bitterly object to ever-increasing funding for the Military Establishment while our citizens are being asked to make sacrifices comparable to those of World War II.

The conference committee has reduced the administration's request by only $3.5 billion, a paltry sum compared to the $73.7 billion they ask us to appropriate. The cut was mere tokenism.

I also find it appalling that, after the House had voted to terminate the development of Safeguard missile sites, the conferees put back $110 million for this purpose. This means a minimum of $1 billion in the very near future for a totally obsolete and counterproductive notion.

Equally disturbing is the fact that $900 million is specifically appropriated for military aid to South Vietnam and Laos. If the American people are under the impression that the United States is out of Southeast Asia, they should take a long hard look at that item. The money is used to perpetuate President Thieu's dictatorship, to jail and terrorize thousands of political opponents, and thus to prolong the conflict and prevent a negotiated settlement of the war. This is a violation of the Paris agreement, and we have no right to encourage it by continuing our military support.

There are many other objectionable features to this bill, but my chief concern is that we are being asked, for no logical reason, to continue handing the Pentagon everything it wants, while denying our citizens heat, light, gasoline, education, even food. This shows very little change in our sense of priorities.

Mr. TALCOTT. Mr. Speaker, I have consulted with the conferees and written Members of the other body. I am discouraged and disappointed with the conference report for several reasons, but principally the $20,190,000 reduction in "graduate training."

This cut is devastating in both the current academic year and in the long-term competence of our defense forces.

Because of the lateness of the passage of this bill, the fiscal year is almost half completed. The academic year began in September. A 20-percent cut in academic load will necessarily require that many students, teachers, and professors be withdrawn from schools immediately and even larger withdrawals made at the semester break.

This imposes bad personnel management upon the academic institutions. This reduction, the necessary withdrawal of students, the turbulence in personnel assignments, the degradation in learning, and the lowering of the academic level of the services will cause a vacuum of talent that will cause sequential acceleration of the education gap that is developing fast in our defense forces.

The committees of Congress should know by now that superior modern weaponry will not be enough to win future wars or to keep the peace or to defend freedom. We are in, and will continue to be in, a battle of concepts, wars to win minds and contests to convince, which will be more important, and difficult, than the conventional wars of brute force and attrition. We will not win or even compete well unless our defense personnel have superior educations and training. We are losing the education battle fast.

A grave debacle for the services is certain to result from the severe cut in appropriations for "graduate training."

One evident reason why the services cannot presently compete with their civilian and governmental counterparts is their educational deficiency. This educational deficiency begins at the recruit level and maintains throughout the officer corps. The deficiency curve rises until the disparity becomes most critical at the junior officer level.

Neglect at the graduate level will most adversely affect the leadership and managerial capability of the services.

In spite of this worrisome comparative deficiency in educational levels, the defense appropriation bill cuts graduate training by more than $20 million. This is less than a drop in the ocean in a $74 billion budget, but it will be a cut that devastates the military services.

This cut in budget and training load will cause more family turbulence, more dissatisfaction among career-oriented personnel, and more disillusionment among our most outstanding upward-bound young officers than any other budget cut.

Families already en route to graduate schools must be reassigned, all graduate courses must be reprogramed by January 1, 1974, and many careers must be abruptly revised. These personal disappointments, inconveniences, and added costs are insignificant, of course, when compared to the comprehensive loss and the prospective degradation of the educational level of the defense forces.

We must pay more attention to education, particularly graduate education, which is the most cost-effective expenditure in the whole defense budget.

Admittedly, the Congress cut the budget and must assume its share of the blame for the consequences of its mistake, but the services failed to justify the urgent need of graduate training for their key officers.

No university, business, industry, or other nation would pay so little attention or apply so little of its resources to graduate education and training without succumbing to its competitors, let alone its enemies.

It may be easy to cut and simple to explain to constituents the mathematical equation of dollars divided by persons and flail away at a large dollar-per-officer expenditures, but we should understand better the value of education, especially a graduate education, in the complicated and sophisticated function of successfully managing the personnel, weapons, and facilities of our defense forces and pursuing the tenuous national policy of peace with freedom in these perilous times.

Although I regret casting a vote that might appear opposed to a strong national security and peace with freedom, I intend to vote against the conference report as a protest against excellence and against the degradation of the educational level of defense forces personnel.

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

The previous question was ordered.

MOTION TO RECOMMIT

Mr. TALCOTT. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the conference report?

Mr. TALCOTT. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. TALCOTT moves to recommit the conference report on the bill H.R. 11575 to the Committee on Conference.

Mr. MAHON. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

The question was taken, and the Speaker announced that the noes appeared to have it.

Mr. GIAIMO. 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 88, nays 280, not voting 64, as follows:

[Roll No. 711]

YEAS—88

Abzug	Giaimo	Pritchard
Adams	Ginn	Quie
Anderson, Calif.	Green, Oreg.	Rangel
Ashley	Green, Pa.	Rees
Badillo	Gude	Reuss
Bergland	Hamilton	Robison, N.Y.
Bingham	Hawkins	Rodino
Blatnik	Hechler, W. Va.	Rooney, Pa.
Brademas	Helstoski	Rosenthal
Breckinridge	Hicks	Roy
Brinkley	Holtzman	Roybal
Brown, Calif.	Hungate	St Germain
Chisholm	Johnson, Colo.	Sarbanes
Clay	Karth	Schroeder
Cohen	Kastenmeier	Seiberling
Culver	Kyros	Stanton, James V.
Davis, Ga.	Lehman	Stark
Dellenback	Long, La.	Steiger, Wis.
Dellums	McCloskey	Stokes
Donohue	McCormack	Stuckey
Drinan	Mathis, Ga.	Studds
Eckhardt	Mazzoli	Talcott
Edwards, Calif.	Meeds	Thompson, N.J.
Evans, Colo.	Mezvinsky	Tiernan
Flynt	Mink	Waldie
Foley	Mitchell, Md.	Whalen
Ford, William D.	Moorhead, Pa.	Yates
Fraser	Mosher	Young, Ga.
Frenzel	Nedzi	
	Obey	
	Owens	

NAYS—280

Abdnor	Breaux	Clawson, Del
Addabbo	Broomfield	Cleveland
Andrews, N.C.	Brotzman	Cochran
Annunzio	Brown, Mich.	Collier
Archer	Brown, Ohio	Collins, Tex.
Armstrong	Broyhill, N.C.	Conable
Ashbrook	Broyhill, Va.	Conlan
Bafalis	Buchanan	Conte
Baker	Burgener	Corman
Barrett	Burke, Fla.	Cotter
Bauman	Burke, Mass.	Coughlin
Beard	Burleson, Tex.	Crane
Bell	Burlison, Mo.	Cronin
Bennett	Butler	Daniel, Dan
Bevill	Byron	Daniel, Robert W., Jr.
Biaggi	Camp	Daniels, Dominick V.
Biester	Carney, Ohio	Danielson
Blackburn	Carter	Davis, S.C.
Boggs	Casey, Tex.	Davis, Wis.
Boland	Cederberg	de la Garza
Bowen	Chamberlain	Denholm
Brasco	Chappell	
Bray	Clark	

Dennis	Koch	Roncallo, N.Y.
Derwinski	Landgrebe	Rose
Devine	Latta	Rostenkowski
Dickinson	Lent	Roush
Diggs	Litton	Rousselot
Dingell	Long, Md.	Runnels
Dorn	Lujan	Ruppe
Downing	McClory	Ruth
Duncan	McCollister	Sandman
du Pont	McDade	Sarasin
Edwards, Ala.	McEwen	Satterfield
Eilberg	McFall	Sebelius
Erlenborn	McKay	Shoup
Esch	McKinney	Shuster
Eshleman	McSpadden	Sikes
Fascell	Macdonald	Skubitz
Findley	Madden	Slack
Fish	Madigan	Smith, Iowa
Fisher	Mahon	Smith, N.Y.
Flood	Mallary	Snyder
Flowers	Mann	Spence
Forsythe	Maraziti	Staggers
Fountain	Martin, N.C.	Stanton,
Frey	Mathias, Calif.	J. William
Froehlich	Matsunaga	Steed
Fuqua	Mayne	Steele
Gaydos	Melcher	Steelman
Gettys	Milford	Stratton
Gibbons	Miller	Sullivan
Gilman	Minish	Symington
Goldwater	Minshall, Ohio	Symms
Gonzalez	Mitchell, N.Y.	Taylor, N.C.
Goodling	Mizell	Teague, Calif.
Grasso	Moakley	Teague, Tex.
Gross	Mollohan	Thomson, Wis.
Grover	Montgomery	Thone
Gunter	Moorhead,	Thornton
Haley	Calif.	Towell, Nev.
Hammer-	Morgan	Treen
schmidt	Murphy, Ill.	Udall
Hanley	Murphy, N.Y.	Ullman
Hanrahan	Myers	Vander Jagt
Hansen, Idaho	Natcher	Vanik
Harsha	Nelsen	Waggonner
Hastings	Nix	Wampler
Hays	O'Brien	Ware
Heckler, Mass.	O'Hara	White
Henderson	O'Neill	Whitehurst
Hillis	Parris	Whitten
Hinshaw	Passman	Widnall
Hogan	Patman	Wiggins
Holifield	Patten	Williams
Holt	Pepper	Wilson, Bob
Horton	Perkins	Wilson,
Hosmer	Pettis	Charles H.,
Howard	Peyser	Calif.
Huber	Pickle	Wilson,
Hudnut	Pike	Charles, Tex.
Hunt	Poage	Winn
Hutchinson	Powell, Ohio	Wolff
Ichord	Preyer	Wright
Johnson, Calif.	Price, Ill.	Wyatt
Johnson, Pa.	Price, Tex.	Wydler
Jones, Ala.	Quillen	Wylie
Jones, N.C.	Railsback	Wyman
Jones, Okla.	Randall	Yatron
Jones, Tenn.	Regula	Young, Alaska
Jordan	Rhodes	Young, Fla.
Kazen	Rinaldo	Young, Ill.
Kemp	Roberts	Young, S.C.
Ketchum	Robinson, Va.	Young, Tex.
King	Roe	Zablocki
Kluczynski	Rogers	Zion

NOT VOTING—64

Alexander	Gray	Nichols
Anderson, Ill.	Griffiths	Podell
Andrews,	Gubser	Rarick
N. Dak.	Guyer	Reid
Arends	Hanna	Riegle
Aspin	Hansen, Wash.	Roncalio, Wyo.
Bolling	Harrington	Rooney, N.Y.
Brooks	Harvey	Ryan
Burke, Calif.	Hébert	Scherle
Burton	Heinz	Schneebeli
Carey, N.Y.	Jarman	Shipley
Clancy	Keating	Shriver
Clausen,	Kuykendall	Sisk
Don H.	Landrum	Steiger, Ariz.
Collins, Ill.	Leggett	Stephens
Conyers	Lott	Stubblefield
Delaney	Mailliard	Taylor, Mo.
Dent	Martin, Nebr.	Van Deerlin
Dulski	Metcalfe	Veysey
Evins, Tenn.	Michel	Vigorito
Frelinghuysen	Mills, Ark.	Walsh
Fulton	Moss	Zwach

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Conyers for, with Mr. Hébert against.

Mrs. Collins of Illinois for, with Mr. Carey of New York against.

Mr. Riegle for, with Mr. Rooney of New York against.

Mr. Harrington for, with Mr. Dent against.

Mr. Metcalfe for, with Mr. Arends against.

Until further notice:

Mr. Rarick with Mr. Aspin.

Mr. Shipley with Mrs. Burke of California.

Mr. Stubblefield with Mr. Mills of Arkansas.

Mr. Nichols with Mr. Andrews of North Dakota.

Mr. Podell with Mr. Heinz.

Mr. Hanna with Mr. Keating.

Mrs. Hansen of Washington with Mr. Harvey.

Mr. Brooks with Mr. Don H. Clausen.

Mr. Burton with Mr. Michel.

Mr. Dulski with Mr. Guyer.

Mr. Fulton with Mr. Roncallo of New York.

Mr. Evins of Tennessee with Mr. Lott.

Mr. Gray with Mr. Clancy.

Mrs. Griffiths with Mr. Kuykendall.

Mr. Landrum with Mr. Zwach.

Mr. Moss with Mr. Frelinghuysen.

Mr. Ryan with Mr. Scherle.

Mr. Sisk with Mr. Anderson of Illinois.

Mr. Stephens with Mr. Taylor of Missouri.

Mr. Vigorito with Mr. Mailliard.

Mr. Van Deerlin with Mr. Schneebeli.

Mr. Alexander with Mr. Gubser.

Mr. Leggett with Mr. Walsh.

Mr. Jarman with Mr. Martin of Nebraska.

Mr. Delaney with Mr. Steiger of Arizona.

Mr. Reid with Mr. Shriver.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the conference report.

RECORDED VOTE

Mr. DELLENBACK. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 336, noes 32, not voting 64, as follows:

[Roll No. 712]

AYES—336

Abdnor	Brown, Calif.	Crane
Adams	Brown, Mich.	Cronin
Addabbo	Brown, Ohio	Culver
Andrews, N.C.	Broyhill, N.C.	Daniel, Dan
Annunzio	Broyhill, Va.	Daniel, Robert
Archer	Buchanan	W., Jr.
Armstrong	Burgener	Daniels,
Ashbrook	Burke, Fla.	Dominick V.
Ashley	Burke, Mass.	Danielson
Bafalis	Burleson, Tex.	Davis, Ga.
Baker	Burlison, Mo.	Davis, S.C.
Barrett	Butler	Davis, Wis.
Bauman	Byron	de la Garza
Beard	Camp	Dellenback
Bell	Carney, Ohio	Denholm
Bennett	Carter	Dennis
Bergland	Casey, Tex.	Derwinski
Bevill	Cederberg	Devine
Biaggi	Chamberlain	Dickinson
Biester	Chappell	Diggs
Blackburn	Clark	Dingell
Blatnik	Clawson, Del	Donohue
Boggs	Cleveland	Dorn
Boland	Cochran	Downing
Bowen	Cohen	Duncan
Brademas	Collier	du Pont
Brasco	Collins, Tex.	Eckhardt
Bray	Conable	Edwards, Ala.
Breaux	Conlan	Eilberg
Breckinridge	Conte	Erlenborn
Brinkley	Corman	Esch
Broomfield	Cotter	Eshleman
Brotzman	Coughlin	Evans, Colo.
Fascell	Lujan	Rosenthal
Findley	McClory	Rostenkowski
Fish	McCloskey	Roush
Fisher	McCollister	Rousselot
Flood	McCormack	Roy
Flowers	McDade	Runnels
Flynt	McEwen	Ruppe
Foley	McFall	Ruth
Ford,	McKay	St Germain
William D.	McKinney	Sandman
Fountain	McSpadden	Sarasin
Frenzel	Macdonald	Sarbanes
Frey	Madden	Satterfield
Froehlich	Madigan	Schroeder
Fuqua	Mahon	Sebelius
Gaydos	Mallary	Shoup
Gettys	Mann	Shuster
Giaimo	Maraziti	Sikes
Gibbons	Martin, N.C.	Slack
Gilman	Mathias, Calif.	Smith, Iowa
Ginn	Mathis, Ga.	Smith, N.Y.
Goldwater	Matsunaga	Snyder
Gonzalez	Mayne	Spence
Goodling	Mazzoli	Stanton,
Grasso	Meeds	J. William
Green, Oreg.	Melcher	Stanton,
Grover	Mezvinsky	James V.
Gude	Milford	Steed
Gunter	Miller	Steele
Guyer	Minish	Steelman
Haley	Mink	Steiger, Wis.
Hamilton	Minshall, Ohio	Stratton
Hammer-	Mitchell, N.Y.	Stuckey
schmidt	Mizell	Studds
Hanley	Moakley	Sullivan
Hanrahan	Mollohan	Symington
Hansen, Idaho	Montgomery	Symms
Harsha	Moorhead,	Taylor, N.C.
Hastings	Calif.	Teague, Calif.
Hays	Moorhead, Pa.	Teague, Tex.
Heckler, Mass.	Morgan	Thomson, Wis.
Heinz	Murphy, Ill.	Thone
Henderson	Murphy, N.Y.	Thornton
Hicks	Myers	Tiernan
Hillis	Natcher	Towell, Nev.
Hinshaw	Nedzi	Treen
Hogan	Nelsen	Udall
Holifield	Nix	Ullman
Holt	O'Brien	Vander Jagt
Horton	O'Hara	Vanik
Hosmer	O'Neill	Waggonner
Howard	Owens	Wampler
Huber	Parris	Ware
Hudnut	Passman	Whalen
Hungate	Patman	White
Hunt	Patten	Whitehurst
Hutchinson	Pepper	Whitten
Ichord	Perkins	Widnall
Johnson, Calif.	Pettis	Wiggins
Johnson, Colo.	Peyser	Williams
Johnson, Pa.	Pickle	Wilson, Bob
Jones, Ala.	Pike	Wilson,
Jones, N.C.	Poage	Charles H.,
Jones, Okla.	Powell, Ohio	Calif.
Jones, Tenn.	Preyer	Wilson,
Jordan	Price, Ill.	Charles, Tex.
Karth	Price, Tex.	Winn
Kazen	Pritchard	Wolff
Kemp	Quie	Wright
Ketchum	Quillen	Wyatt
King	Randall	Wydler
Kluczynski	Regula	Wylie
Koch	Rinaldo	Wyman
Kuykendall	Roberts	Yates
Kyros	Robinson, Va.	Yatron
Landgrebe	Robison, N.Y.	Young, Alaska
Latta	Rodino	Young, Fla.
Lehman	Roe	Young, Ill.
Lent	Rogers	Young, S.C.
Litton	Roncalio, Wyo.	Zablocki
Long, La.	Roncalio, N.Y.	Zion
Long, Md.	Rooney, Pa.	
Lott	Rose	

NOES—32

Abzug	Fraser	Rangel
Anderson,	Green, Pa.	Rees
Calif.	Gross	Reuss
Badillo	Hawkins	Roybal
Bingham	Hechler, W. Va.	Seiberling
Chisholm	Helstoski	Stark
Clay	Holtzman	Stokes
Dellums	Kastenmeier	Talcott
Drinan	Mitchell, Md.	Thompson, N.J.
Edwards, Calif.	Mosher	Waldie
Forsythe	Obey	Young, Ga.

NOT VOTING—64

Alexander	Andrews,	Arends
Anderson, Ill.	N. Dak.	Aspin

Bolling	Hansen, Wash.	Riegle
Brooks	Harrington	Rooney, N.Y.
Burke, Calif.	Harvey	Ryan
Burton	Hébert	Scherle
Carey, N.Y.	Jarman	Schneebeli
Clancy	Keating	Shipley
Clausen, Don H.	Landrum	Shriver
	Leggett	Sisk
Collins, Ill.	Mailliard	Skubitz
Conyers	Martin, Nebr.	Staggers
Delaney	Metcalfe	Steiger, Ariz.
Dent	Michel	Stephens
Dulski	Mills, Ark.	Stubblefield
Evins, Tenn.	Moss	Taylor, Mo.
Frelinghuysen	Nichols	Van Deerlin
Fulton	Podell	Veysey
Gray	Railsback	Vigorito
Griffiths	Rarick	Walsh
Gubser	Reid	Young, Tex.
Hanna	Rhodes	Zwach

So the conference report was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Hébert for, with Mr. Matcalfe against.
Mr. Podell for, with Mr. Conyers against.
Mr. Dent for, with Mrs. Collins of Illinois against.
Mr. Rooney of New York for, with Mr. Riegle against.
Mr. Rhodes for, with Mr. Harrington against.

Until further notice:

Mr. Brooks with Mr. Gray.
Mr. Rarick with Mr. Young of Texas.
Mr. Nichols with Mr. Jarman.
Mr. Moss with Mr. Walsh.
Mr. Carey of New York with Mrs. Burke of California.
Mr. Burton with Mr. Taylor of Missouri.
Mrs. Hansen of Washington with Mr. Arends.
Mr. Stubblefield with Mr. Steiger of Arizona.
Mr. Fulton with Mr. Frelinghuysen.
Mrs. Griffiths with Mr. Andrews of North Dakota.
Mr. Vigorito with Mr. Skubitz.
Mr. Van Deerlin with Mr. Anderson of Illinois.
Mr. Stephens with Mr. Scherle.
Mr. Staggers with Mr. Delaney.
Mr. Sisk with Mr. Railsback.
Mr. Shipley with Mr. Clancy.
Mr. Ryan with Mr. Michel.
Mr. Hanna with Mr. Shriver.
Mr. Alexander with Mr. Don H. Clausen.
Mr. Reid with Mr. Schneebeli.
Mr. Landrum with Mr. Keating.
Mr. Leggett with Mr. Harvey.
Mr. Evins of Tennessee with Mr. Gubser.
Mr. Dulski with Mr. Mailliard.
Mr. Mills of Arkansas with Mr. Martin of Nebraska.
Mr. Aspin with Mr. Zwach.

The result of the vote was announced as above recorded.

AMENDMENTS IN DISAGREEMENT

The SPEAKER. The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 3: Page 2, line 15, insert ", of which not to exceed $9,900,000 shall be transferred to appropriate accounts under this head for the fiscal years 1969, 1971, and 1972 but only in such amounts as are necessary for payments to the Internal Revenue Service for unpaid withholding taxes, and the accounts in such fiscal years shall be adjusted accordingly.".

MOTION OFFERED BY MR. MAHON

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

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 3 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 9: Page 6, line 2, strike out "$1,808,832,000" and insert "$1,807,832,000;".

MOTION OFFERED BY MR. MAHON

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

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 9 and concur therein with an amendment, as follows:

In lieu of the sum proposed, insert "$1,802,832,000".

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 13: Page 6, line 8, strike out "$6,133,747,000" and insert "$6,153,747,000:"

MOTION OFFERED BY MR. MAHON

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

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 13 and concur therein with an amendment, as follows:

In lieu of the sum proposed, insert "$6,214,697,000".

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 15: Page 6, line 18, insert ": *Provided further*, That the Secretary of the Army may transfer up to 5 per centum of the amount of any subdivision of this appropriation to any other subdivision of this appropriation, but no subdivision may thereby be increased by more than 10 per centum and the Secretary of the Army shall notify the Congress promptly of all transfers made pursuant to this authority.

MOTION OFFERED BY MR. MAHON

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

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 15 and concur therein with an amendment, as follows:

In lieu of the matter proposed, insert ": *Provided further*, That the Secretary of the Army may transfer up to 3 per centum of the amount of any subdivision of this appropriation to any other subdivision of this appropriation, but no subdivision may thereby be increased by more than 5 per centum and the Secretary of the Army shall notify the Congress promptly of all transfers made pursuant to this authority.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 23: Page 7, line 14, strike out "$6,023,200,000" and insert "$6,013,683,000:".

MOTION OFFERED BY MR. MAHON

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

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 23 and concur therein with an amendment, as follows:

In lieu of the sum proposed, insert "$6,004,950,000".

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 26: Page 8, line 4, strike out the word "more" and insert "less".

MOTION OFFERED BY MR. MAHON

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

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 26 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 27: Page 8, line 6, insert "and not less than $359,919,000 shall be available for the performance of such work in private shipyards:".

MOTION OFFERED BY MR. MAHON

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

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 27 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 28: Page 8, line 12, insert ": *Provided further*, That the Secretary of the Navy may transfer up to 5 per centum of the amount of any subdivisions of this appropriation to any other subdivision of this appropriation, but no subdivision may thereby be increased by more than 10 per centum and the Secretary of the Navy shall notify the Congress promptly of all transfers made pursuant to this authority.

MOTION OFFERED BY MR. MAHON

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

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 28 and concur therein with an amendment, as follows:

In lieu of the matter proposed, insert ": *Provided further*, That the Secretary of the Navy may transfer up to 3 per centum of the amount of any subdivision of this appropriation to any other subdivision of this appropriation, but no subdivision may thereby be increased by more than 5 per centum and the Secretary of the Navy shall notify the Congress promptly of all transfers made pursuant to this authority."

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 34: On page 9, after line 7, insert ": *Provided further,* That the Secretary of the Navy may transfer up to 5 per centum of the amount of any subdivision of this appropriation to any other subdivision of this appropriation, but no subdivision may thereby be increased by more than 10 per centum and the Secretary of the Navy shall notify the Congress promptly of all transfers made pursuant to this authority.

MOTION OFFERED BY MR. MAHON

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

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 34 and concur therein with an amendment, as follows:

In lieu of the matter proposed, insert ": *Provided further,* That the Secretary of the Navy may transfer up to 3 per centum of the amount of any subdivision of this appropriation to any other subdivision of this appropriation, but no subdivision may thereby be increased by more than 5 per centum and the Secretary of the Navy shall notify the Congress promptly of all transfers made pursuant to this authority."

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 35: On page 9, line 18, strike out "$1,124,154,000" and insert in lieu thereof "$117,192,000".

MOTION OFFERED BY MR. MAHON

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

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 35 and concur therein with an amendment, as follows:

In lieu of the sum proposed, insert "$1,108,442,000".

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 36: On page 9, line 20, strike out "$1,014,091,000" and insert in lieu thereof "$1,014,082,000".

MOTION OFFERED BY MR. MAHON

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

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendments of the Senate numbered 36 and concur therein with an amendment, as follows:

In lieu of the sum proposed, insert "$1,006,332,000."

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 39: On page 9, line 23, strike out "$2,318,938,000" and insert in lieu thereof "$2,311,568,000".

MOTION OFFERED BY MR. MAHON

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

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 39 and concur therein with an amendment as follows:

In lieu of the sum proposed, insert "$2,304,868,000".

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 44: On page 10, line 7, insert ", to be expended on the approval or authority of the Secretary of the Air Force, and payments may be made on his certificate of necessity for confidential military purposes, and his determination shall be final and conclusive upon the accounting officers of the Government:".

MOTION OFFERED BY MR. MAHON

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

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 44 and concur therein with an amendment, as follows:

In lieu of the matter proposed, insert ", to be expended on the approval or authority of the Secretary of the Air Force, and payments may be made on his certificate of necessity for confidential military purposes:".

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 45: Page 10, line 14, insert ": *Provided further,* That the Secretary of the Air Force may transfer up to 5 per centum of the amount of any subdivision of this appropriation to any other subdivision of this appropriation, but no subdivision may thereby be increased by more than 10 per centum and the Secretary of the Air Force shall notify the Congress promptly of all transfers made pursuant to this authority.".

MOTION OFFERED BY MR. MAHON

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

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 45 and concur therein with an amendment, as follows:

In lieu of the matter proposed, insert ": *Provided further,* That the Secretary of the Air Force may transfer up to 3 per centum of the amount of any subdivision of this appropriation to any other subdivision of this appropriation, but no subdivision may thereby be increased by more than 5 per centum and the Secretary of the Air Force shall notify the Congress promptly of all transfers made pursuant to this authority.".

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 49: Page 11, line 12, strike "$450,859,000" and insert in lieu thereof "$448,159,000".

MOTION OFFERED BY MR. MAHON

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

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 49 and concur therein with an amendment, as follows:

In lieu of the sum proposed, insert "$446,859,000".

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 50: Page 11, line 13, strike "$1,650,408,000" and insert in lieu thereof "$1,456,198,000".

MOTION OFFERED BY MR. MAHON

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

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 50 and concur therein with an amendment, as follows:

In lieu of the sum proposed, insert "$1,454,898,000".

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 51: Page 11, line 16, insert ", to be expended on the approval or authority of the Secretary of Defense, and payment may be made on his certificate of necessity for confidential military purposes, and his determination shall be final and conclusive upon the accounting officers of the Government:

MOTION OFFERED BY MR. MAHON

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

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 51 and concur therein with an amendment, as follows:

In lieu of the matter proposed, insert ", to be expended on the approval or authority of the Secretary of Defense, and payment may be made on his certificate of necessity for confidential military purposes".

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 52: Page 11, line 23, insert ": *Provided further,* That the Secretary of Defense may transfer up to a 5 per centum of the amount of any subdivision of this appropriation to any other subdivision of this appropriation, but no subdivision may thereby be increased by more than 10 per centum and the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority.

MOTION OFFERED BY MR. MAHON

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

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 52 and concur therein with an amendment, as follows:

In lieu of the matter proposed, insert ": *Provided further,* That the Secretary of Defense may transfer up to 3 per centum of the amount of any subdivision of this appropriation to any other subdivision of this appropriation, but no subdivision may thereby be increased by more than 5 per centum and the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority.".

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 55: Page 13, line 19, strike "$223,000,000" and insert in lieu thereof "$222,800,000.

MOTION OFFERED BY MR. MAHON

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

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 55 and concur therein with an amendment, as follows:

In lieu of the sum proposed, insert "$221,900,000".

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 56: Page 14, line 12: Strike "$524,000,000" and insert in lieu thereof "$523,839,000".

MOTION OFFERED BY MR. MAHON

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

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 56 and concur therein with an amendment, as follows:

In lieu of the sum proposed, insert "$524,400,000".

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 58: Page 16, line 9, insert:

CONTINGENCIES, DEFENSE

For emergencies and extraordinary expenses arising in the Department of Defense, to be expended on the approval or authority of the Secretary of Defense and such expenses may be accounted for solely on his certificate that the expenditures were necessary for confidential military purposes; $5,000,000: *Provided*, That a report of disbursements under this item of appropriation shall be made quarterly to Congress.

MOTION OFFERED BY MR. MAHON

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

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 58 and concur therein with an amendment, as follows:

In lieu of the matter proposed, insert:

CONTINGENCIES, DEFENSE

For emergencies and extraordinary expenses arising in the Department of Defense, to be expended on the approval or authority of the Secretary of Defense and such expenses may be accounted for solely on his certificate that the expenditures were necessary for confidential military purposes; $5,000,000.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 62: On page 19, line 14, strike out "$46,100,000 which shall be derived by transfer from 'Procurement of Ammunition, Army 1973/1975' " and insert in lieu thereof: "$146,000,000, of which $100,000,000 shall be derived by transfer from the Army Stock Fund, and $46,100,000 which shall be derived by transfer from 'Procurement of Ammunition, Army, 1973/1975',".

MOTION OFFERED BY MR. MAHON

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

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 62 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 71: On page 24, line 30, strike out "$2,693,800,000" and insert in lieu thereof "$2,470,900,000".

MOTION OFFERED BY MR. MAHON

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

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 71 and concur therein with an amendment, as follows:

In lieu of the sum proposed, insert "$2,720,400,000".

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 75: On page 26, line 14, strike out "$1,605,600,000" and insert in lieu thereof "$1,589,300,000".

MOTION OFFERED BY MR. MAHON

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

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 75 and concur therein with an amendment, as follows:

In lieu of the sum proposed, insert "$1,542,700,000".

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 78: On page 27, line 18, insert "and in addition, $3,500,000 to be derived by transfer from 'Research, Development, Test, and Evaluation, Army, 1973/1974',".

MOTION OFFERED BY MR. MAHON

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

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 78 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 79: On page 28, line 2, strike out "$2,616,065,000" and insert in lieu thereof "$2,647,945,000".

MOTION OFFERED BY MR. MAHON

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

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 79 and concur therein with an amendment, as follows:

In lieu of the sum proposed, insert "$2,651,805,000".

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the conference report and the several motions was laid on the table.

GENERAL LEAVE

Mr. MAHON. Mr. Speaker, I would like to amend the unanimous-consent request which I made earlier and ask unanimous consent that all Members be permitted to have 5 legislative days in which to revise and extend their remarks on the conference report.

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

There was no objection.

CONFERENCE REPORT ON H.R. 11771, FOREIGN ASSISTANCE APPROPRIATIONS, FISCAL YEAR 1974

Mr. PASSMAN. Mr. Speaker, pursuant to the unanimous-consent request that was granted yesterday, I call up the conference report on 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, 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 Louisiana?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of December 19, 1973.)

Mr. PASSMAN (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 Louisiana?

There was no objection.

Mr. PASSMAN. Mr. Speaker, in my considered judgment, this is the best balanced foreign aid bill it has been my privilege to bring back to this House since I became chairman 19 years ago.

I am sure that Members would like to know that the conference report is $53,478,000 below the House bill that we passed with a very substantial margin a few days ago.

The conference report is $1,212,483,000 below the budget request. This is a large reduction.

There are one or two things I would like to bring to the attention of the Members and that is, in the conference we had a determined group of conferees on either side trying to streamline this bill—not to wreck it, but to streamline it; and make the administrators just as responsible as could be.

I stated in the committee, and of ne-

cessity I must restate for the record at this time, that we have actually reduced the administrative expense of AID far too low. They just cannot operate the AID program and administer the program with the administrative expenses we have allowed.

Therefore, I contend that any other accounts can be used to supplement the administrative expenses and other operating costs if justified to the Committee on Appropriations of the House and the Senate.

This is in keeping with the intent of the House and the Senate conferees. I mentioned the Appropriation Committees, because the authorizing committees had previously authorized a higher figure for administrative expenses than that agreed upon by the House and the Senate conferees handling the appropriation.

Furthermore, the authorizing legislation permitted transfers, as mentioned above. In the conference of December 19, I stated categorically that we were denying the administration sufficient funds for the administrative expenses for the AID program.

Today I discussed this matter again with Senator INOUYE, and it is my understanding he concurs with my views, that if the AID Agency can establish that the amount appropriated is insufficient and can justify additional funds for the administrative expense by transfer, that he would have no quarrel with this procedure.

Now, there is one other significant change that we made in conference, and that is, with respect to the aid for Israel. Members may recall that the House bill called for $2.2 billion in emergency military assistance for Israel, with $1 billion being on a grant basis. After, I am assured, long deliberations in the other body, the Senate provided that $1.5 billion should be on a grant basis and the other $700 million on credit terms that can be worked out according to the legislation on the books.

I certainly supported this amendment in conference, because when I look at the amount of military assistance we have given world-wide and I look at the very fact that we have never given Israel any grant military assistance as such, I think this is fair compromise. We have made sales to Israel and the record indicates they have never been delinquent on the repayment of any of their obligations covering these credits; so the conference committee went along with this proposal.

I thought we were right, because this nation is, indeed, an ally of the United States.

As I said when I reported the bill, and I repeat here, if Israel should go down the drain, that in my considered judgment it is just a matter of time until all the Arab nations, including 150 million people, would come under the domination of the Russians. With that would go a great portion of the Mediterranean, the Suez Canal, and 70 percent of the known oil reserves of the world.

So in reality, in providing ample military assistance for Israel, I think we are putting an umbrella over the entire Arab world and in due time, I believe it would be accepted on that basis.

At this time I will yield to the distinguished gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. Mr. Speaker, did I understand the gentleman to say a few moments ago that in his view there is an adequate funding for the administration of the AID programs? Because of that aid, the administrator would be able to take moneys from other areas of appropriations to use in the administration of the program?

Mr. PASSMAN. The authorizing legislation had transfer authority, but in conference we locked it up to where they could not draw on other funds if they should become short. Knowing something about what it costs to administer the program, I felt we had cut it too low, that we had locked them out and they would not be able to administer the program on the amount of funds we had provided in conference.

I further stated, and I think that is the way the record reads, at a subsequent date if and when they feel that they must have additional funds, then they must be justified to the Appropriations Committees of the Congress. If they can justify additional funds, the agency may draw those funds from other sources.

Mr. SHUSTER. But, they have already justified those to the Committees of the Congress, and this House would not have an opportunity to vote on the matter, is that correct?

Mr. PASSMAN. Not on that part of it. It is very minor, compared with the overall bill, and I think the members of the conference agree with me that we have cut it to the extent that they just cannot administer the program. I am not a foreign aid enthusiast, but I am a realist, and we cannot expect them to administer the program unless they get sufficient administrative funds.

I think the case is well made, and I am sure that when they come before the Congress, they will have to have very good justifications because Senator INOUYE is just as determined as I am that we should streamline the program.

If I may return briefly to the question of Israel, I would not want to mislead the Members. We also provided $50 million in the bill for Israel under supporting assistance; $36,500,000 for the Soviet Jewish refugees, and $300 million for military credit sales. So, all in all, Mr. Speaker, may I repeat that I think this is a well balanced bill. The conferees worked very hard to balance the bill out, to bring a conference report back which the Members could support.

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

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

Mr. FINDLEY. Mr. Speaker, I would like to draw the attention of the distinguished chairman of the subcommittee to page 11 of the report, amendment 44. It has language that is unusual, not without precedent put nevertheless unusual. It makes the availability of funds for Israel contingent upon the enactment of authorizing legislation.

Mr. PASSMAN. That is correct, and the legislation is on the Senate floor at this time, and it is my understanding, and we were assured yesterday by the conferees from the Senate, that this legislation would be enacted into law.

Mr. FINDLEY. Mr. Speaker, the reason I draw the gentleman's attention to this language is in the hope that a clarification can be made in the event that the authorizing legislation has a figure in it lower than the amount authorized to be appropriated by this conference report.

Mr. PASSMAN. Mr. Speaker, may I respond to the gentleman? If the House and the Senate voted $2,200,000,000, it is locked in at that figure. The only question is as to whether or not we have an authorization bill. If we do not get an authorization bill, of course, none of the funds can be spent.

Mr. FINDLEY. But suppose the authorization bill in its final form as signed by the President has a figure, let us say, of $1 billion as opposed to $2.2 billion. Which will be the limit on appropriations?

I raise that question because in the normal rationale of our legislative processes, the authorization figure is a limitation on the Congress, not on the executive branch.

So, if the limitation placed in the authorization bill is lower than that in this conference report——

Mr. PASSMAN. Mr. Speaker, inasmuch as we waive the provision in the bill and the House bill was handled by a rule on this floor, then of course we would have to abide by whatever is in the authorizing legislation, because we agreed in conference that we would have to abide by the authorization bill. If they cut the authorization bill to $200 to Israel, then $200 is exactly what they will get. They will never do that, though; they will never go that low.

Mr. FINDLEY. Mr. Speaker, my second question—and I am glad to have that clarification—there is also a provision in it which purports to establish a limit on grants considerably higher in the House version.

Mr. PASSMAN. No, it does not say that. It says, "not more than" so much will be available for grants. I think that is the way it reads.

Mr. FINDLEY. There is a limitation on grants of $1.5 billion, as proposed by the Senate, instead of $1 billion, as proposed by the House.

Now, here again, let us speculate and assume that the authorizing language holds to the lower figure.

Mr. PASSMAN. Then we would have to abide by the lower figure.

Mr. FINDLEY. Mr. Speaker, I thank the gentleman for his clarification.

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

Mr. PASSMAN. I yield to the gentleman from Iowa for a question.

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

I believe the gentleman said something about $700 million being subject to terms and conditions. What kind of terms and what kind of conditions are we talking about?

Mr. PASSMAN. Under the regular military credit sales program, as I understand it, 10 years is the maximum length of the credits at the ongoing rate of interest. Let me just refer to the report and see if there has been any modifications in that.

The House committee in reporting this bill out, on a motion made by my good friend, the gentleman from Massachusetts (Mr. CONTE), agreed that we extend the terms to Israel to 25 years, and let me say to the gentleman that I supported it, because around the world we will find that many nations, conducting their business, even for commodities, are going up to 25 years. I think it was a good motion, and I hope it can soon be put into effect.

The report language says that in view of the predicted economic difficulties of the State of Israel, the committee recommends a maximum credit repayment period of 25 years for that nation.

I hope that can be implemented fully so that it may be carried out.

Mr. GROSS. Does that provide a grace period, 10 years with no interest?

Mr. PASSMAN. No. There is no concession marked out as such in this bill.

Mr. GROSS. But it is a 25-year loan; is that right?

Mr. PASSMAN. It can go up to 25 years.

Mr. GROSS. It can go up to 25 years.

Mr. Speaker, I will ask the gentleman, is it not true that Israel owes the United States $1 billion as of now?

Mr. PASSMAN. Mr. Speaker, I do not know just what the total indebtedness is.

I can state to the gentleman that over a period of years we made military loans to Israel for military equipment. The terms have been lower in some instance, but they have never been delinquent on one dollar.

I checked the figures recently, and I found they paid $218 million to the United States on their indebtedness up to last year.

Mr. GROSS. Mr. Speaker, I misspoke myself. I said, "As of now." They owed us $1 billion before the war broke out in the Middle East; is that not correct?

Mr. PASSMAN. My guess is that it is even greater than $1 billion.

Mr. GROSS. It is greater than that amount now, that is for sure.

Mr. PASSMAN. They have been able to pay their indebtedness up-to-date.

Mr. Speaker, the gentleman has a right to be critical of this, but I will tell the gentleman that we have a true ally in Israel, and if we ever let Israel go down the drain, we will find that 150 million Arabs and all of the Arabian nations will come under the domination of the Soviets and Soviet Russia will gain all of those oil reserves, as well as the Suez Canal.

Mr. GROSS. That is, of course, an assumption made by the gentleman. He is entitled to his opinion concerning what will happen, and I am entitled to my opinion concerning what will happen.

Mr. PASSMAN. It is only an assumption on the gentleman's part, and it is based on observation.

Mr. GROSS. The gentleman does not have a scintilla of evidence to back up what he says.

Mr. PASSMAN. The gentleman from Iowa and I do have a lot of fun arguing about these things.

Perhaps I should simply wish the gentleman a Merry Christmas and terminate the discussion.

Mr. GROSS. I did not think the gentleman would want to continue it very long.

Mr. PASSMAN. Mr. Speaker, I thank the gentleman, if that is the way he wishes to leave it.

Mr. LONG of Maryland. Mr. Speaker, will the gentleman yield?

Mr. PASSMAN. I yield to the gentleman from Maryland for a question.

Mr. LONG of Maryland. Mr. Speaker, I thank the gentleman for yielding.

The gentleman from Louisiana feels as I do, am I correct, that it is very important that 70 percent of the world's oil supply should not fall under the control of Russia or even under the influence of Russia; is that not so?

Mr. PASSMAN. Mr. Speaker, let me say that I have led the fight for the funds for Israel. Of course it is important to keep the oil supplies free from Russian domination.

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

Mr. LONG of Maryland. Mr. Speaker, will the gentleman yield?

Mr. PASSMAN. I will yield to the gentleman later, but first I will yield for a question to the gentleman from Maryland (Mr. LONG).

Mr. LONG of Maryland. Mr. Speaker, I had always hoped the interest of the gentleman from Louisiana in Israel and in safeguarding the territory in the Far East was a genuine interest, and not based on political considerations.

Mr. PASSMAN. Of course, that is true. Everything I do is based entirely on principle and sincerity.

Mr. LONG of Maryland. I hope the gentleman's feelings were that way both before and after.

Mr. PASSMAN. Everyone knows we must protect the Middle East.

Mr. LONG of Maryland. Let me compliment the gentleman from Louisiana on this report. I think he has done a very fine job, as he has always done. I have had my differences with him, but I have supported him, especially in restoring the $2.2 billion for Israel. I want to compliment the gentleman.

Mr. PASSMAN. Mr. Speaker, I want to return the compliment. This is a very dedicated committee. Of course, we move entirely on facts and principles. I think all along so many people thought that we picked Israel out as a favored nation, so we had to do an even better job to establish a need for it. We were quite sincere and all worked together on this.

I know of no disagreement on this report along the way. It was pure necessity that we provide these funds.

Mr. GIAIMO. Will the gentleman yield to me?

Mr. PASSMAN. I yield to the distinguished gentleman from Connecticut.

Mr. GIAIMO. Mr. Speaker, on page 12 I notice there is an item regarding the original Rail Reorganization Act of 1973, and that applies, I am sure, to the Northeastern railroad situation. Yet I find it in the foreign aid bill. I hope there is no implication here that the Northeast is no longer a part of the United States. Can someone give me some assurances on that?

Mr. PASSMAN. The distinguished gentleman from Massachusetts can clear that up.

Mr. CONTE. If the gentleman will yield, yes, sir. The way we have been treated lately on energy it almost seems as though the gentleman is right and that they do not consider us to be a part of the country any more.

I can assure the gentleman the reason why it is in the foreign aid bill is when the budget request for this came up on December 14 the supplemental had already gone through the Senate, so the last bill was the foreign aid bill and they tacked it on there.

I will try to explain that when I get the floor.

Mr. GIAIMO. I thank the gentleman for his reassurances.

Mr. PASSMAN. Mr. Speaker, I believe I should state that there are over $200 million in budget requests for our friends in the Arab States. We tried to be fair about this. It is a well-balanced bill. I think close scrutiny of the record will indicate that it is a well-balanced bill and one that even the critics of foreign aid could support if they would look at it objectively.

Mr. GROSS. Will the gentleman yield?

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

Mr. GROSS. The reason why the Northeast rail corridor is on this bill is because it is all a great big fat giveaway. Is it not?

Mr. PASSMAN. I cannot comment on that observation.

Mr. CEDERBERG. Will the gentleman yield?

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

Mr. CEDERBERG. I wish the gentleman from Iowa and the gentleman from Louisiana a very Happy Hanukkah.

Mr. PASSMAN. I thank the gentleman. At this point in my remarks, I would like to insert in the RECORD a table comparing the conference agreement total with the fiscal year 1973 funding level, the fiscal year 1974 budget request, the amount in the House bill and the amount in the Senate bill. The table follows:

FOREIGN ASSISTANCE AND RELATED PROGRAMS APPROPRIATION BILL, FISCAL YEAR 1974

Item	New budget (obligational) authority, fiscal year 1973 under a continuing resolution (includes supp.)	Budget estimates of new (obligational) authority, fiscal year 1974	New budget (obligational) authority recommended in House bill	New budget (obligational) authority recommended in Senate bill	New budget (obligational) authority recommended by conference action	Conference action compared with— New budget (obligational) authority, fiscal year 1973	Budget and estimates of new (obligational) authority, fiscal year 1974	New budget (obligational) authority recommended in House bill	New budget (obligational) authority recommended in Senate bill
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
TITLE I—FOREIGN ASSISTANCE ACT ACTIVITIES									
FUNDS APPROPRIATED TO THE PRESIDENT									
Economic Assistance									
Worldwide, technical assistance	[1] $155,000,000					−$155,000,000			
Alliance for Progress, technical assistance	[2] 77,500,000					−77,000,000			
Programs relating to population growth	[3] 100,000,000					−100,000,000			
Alliance for Progress, development loans	150,000,000					−150,000,000			
Development loans	[4] 250,000,000					−250,000,000			
Subtotal, technical assistance, development loans, population program	732,500,000					−732,500,000			
Loans	(400,000,000)					(−400,000,000)			
Grants	(332,500,000)					(−332,500,000)			
Food and nutrition, development assistance		$211,679,000	$277,000,000	$291,000,000	$284,000,000	+284,000,000	+$72,321,000	+$7,000,000	−$7,000,000
Population planning and health, development assistance		146,517,000	[20] 125,000,000	145,000,000	135,000,000	+135,000,000	−11,517,000	+10,000,000	−10,000,000
Education and human resources development, development assistance		94,778,000	88,000,000	90,000,000	89,000,000	+89,000,000	−5,778,000	+1,000,000	−1,000,000
Selected development problems, development assistance		118,671,000	52,000,000	29,000,000	40,500,000	+40,500,000	−78,171,000	−11,500,000	+11,500,000
Selected countries and organizations, development assistance		147,505,000	38,000,000	35,000,000	36,500,000	+36,500,000	−111,005,000	−1,500,000	+1,500,000
Subtotal, development assistance		719,150,000	580,000,000	590,000,000	585,000,000	+585,000,000	−134,150,000	+5,000,000	−5,000,000
Loans		(351,400,000)	(280,000,000)	(250,000,000)	(285,000,000)	(−115,000,000)	(−66,400,000)	(+5,000,000)	(+35,000,000)
Grants		(367,750,000)	(300,000,000)	(340,000,000)	(300,000,000)	(−32,500,000)	(−67,750,000)		(−40,000,000)
International organizations and programs	105,000,000	124,800,000	[21] 105,000,000	[26] 127,822,000	125,000,000	+20,000,000	+200,000	+20,000,000	−2,822,000
United Nations Environment Fund		10,000,000	5,000,000	10,000,000	7,500,000	+7,500,000	−2,500,000	+2,500,000	−2,500,000
American schools and hospitals abroad	25,500,000	10,000,000	19,000,000	10,000,000	19,000,000	−6,500,000	+9,000,000		+9,000,000
American schools and hospitals abroad (special foreign currency program)		(6,500,000)	(6,500,000)	(6,500,000)	(6,500,000)	(+6,500,000)			
Indus Basin Development Fund, grants	10,000,000	15,000,000	9,000,000	9,000,000	9,000,000	−1,000,000	−6,000,000		
Indus Basin Development Fund, loans	12,000,000	2,200,000	2,000,000	2,000,000	2,000,000	−10,000,000	−200,000		
United Nations Relief and Works Agency (Arab refugees)			2,000,000	2,000,000	2,000,000	+2,000,000	+2,000,000		
National Association of the Partners of the Alliance				934,000	750,000	+750,000	+750,000	+750,000	−184,000
Albert Schweitzer hospital				1,000,000	1,000,000	+1,000,000	+1,000,000	+1,000,000	
Contingency fund	25,000,000	30,000,000	30,000,000		15,000,000	−10,000,000	−15,000,000	−15,000,000	+15,000,000
International narcotics control	[5]	42,500,000	42,500,000	42,500,000	42,500,000	+42,500,000			
Refugee relief assistance (Bangladesh)	100,000,000					−100,000,000			
African Sahel famine relief assistance			25,000,000	25,000,000	25,000,000	+25,000,000	+25,000,000		
Administrative expenses:									
AID	[6] 50,000,000	53,100,000	45,000,000	24,000,000	40,000,000	−10,000,000	−13,100,000	−5,000,000	+16,000,000
State	[7] 4,321,000	[15] 5,432,000	5,432,000	4,800,000	4,800,000	+479,000	−632,000	−632,000	
Subtotal, economic assistance	1,064,321,000	1,012,182,000	869,932,000	849,056,000	878,550,000	−185,771,000	−133,632,000	+8,618,000	+29,494,000
Military Assistance									
Military assistance	[8] 550,900,000	685,000,000	500,000,000	300,000,000	450,000,000	−100,900,000	−235,000,000	−50,000,000	+150,000,000
Regional naval training	2,500,000					−2,500,000			
Indochina Postwar Reconstruction Assistance									
Indochina postwar reconstruction assistance	[9] (445,000,000)	[16] (632,000,000)	500,000,000	400,000,000	450,000,000	+450,000,000	+450,000,000	−50,000,000	+50,000,000
Security Supporting Assistance									
Security supporting assistance	[10] 600,000,000	732,000,000	[22] 125,000,000	[23] 100,000,000	112,500,000	−487,500,000	−619,500,000	−12,500,000	+12,500,000
Subtotal	2,217,721,000	2,429,182,000	1,994,932,000	1,649,056,000	1,891,050,000	−326,671,000	−538,132,000	−103,882,000	+241,994,000
Overseas Private Investment Corporation									
Overseas Private Investment Corporation, reserves	12,500,000	72,500,000	50,000,000		25,000,000	+12,500,000	−47,500,000	−25,000,000	+25,000,000
Inter-American Foundation									
Inter-American Foundation (limitation on obligations)	(5,000,000)	(15,000,000)	(7,500,000)	(12,500,000)	(10,000,000)	(+5,000,000)	(−5,000,000)	(+2,500,000)	(−2,500,000)
Total, title I, new budget (obligational) authority, Foreign Assistance Act Activities	[11] 2,230,221,000	[17] 2,501,682,000	[11] 2,044,932,000	[11] 1,649,056,000	1,916,050,000	−314,171,000	−585,632,000	−128,882,000	+266,994,000

Footnote at end of table.

TITLE II—FOREIGN MILITARY CREDIT SALES									
Foreign military credit sales	400,000,000	525,000,000	[22] 325,000,000	[23] 325,000,000	325,000,000	−75,000,000	−200,000,000		
Total, titles I and II, new budget (obligational) authority	2,630,221,000	3,026,682,000	2,369,932,000	1,974,056,000	2,241,050,000	−389,171,000	−785,632,000	−128,882,000	+266,994,000
TITLE III—FOREIGN ASSISTANCE (OTHER)									
INDEPENDENT AGENCY									
Action—International Programs									
Peace Corps	[12] 81,000,000	77,001,000	76,000,000	76,000,000	76,000,000	−5,000,000	−1,001,000		
DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE									
Assistance to refugees in the United States (Cuban program)	145,000,000	90,000,000	129,000,000	129,000,000	129,000,000	−16,000,000	+39,000,000		
DEPARTMENT OF STATE									
Migration and refugee assistance	[13] 9,100,000	[18] 9,504,000	9,100,000	9,504,000	9,504,000	+404,000		+404,000	
Assistance to migrants from the Soviet Union	50,000,000		36,500,000	36,500,000	36,500,000	−13,500,000	+36,500,000		
FUNDS APPROPRIATED TO THE PRESIDENT									
International Financial Institutions									
Asian Development Bank (special funds)		100,000,000	25,000,000	100,000,000	50,000,000	+50,000,000	−50,000,000	+25,000,000	−50,000,000
Inter-American Development Bank:									
Paid-in capital	25,000,000	25,000,000	25,000,000	25,000,000	25,000,000				
Callable capital	168,380,000	168,380,000	168,380,000	43,380,000	168,380,000				+125,000,000
Fund for special operations	225,000,000	500,000,000	425,000,000	350,000,000	225,000,000		−275,000,000		−125,000,000
Subtotal, IDB	418,380,000	693,380,000	418,380,000	418,380,000	418,380,000		−275,000,000		
International Development Association	320,000,000	320,000,000	320,000,000	320,000,000	[8] 320,000,000				
Total, title III, new budget (obligational) authority, Foreign Assistance (other)	1,023,480,000	1,289,885,000	1,013,980,000	1,089,384,000	1,039,384,000	+15,904,000	−250,501,000	+25,404,000	−50,000,000
Total, titles I, II, and III, new budget (obligational) authority	3,653,701,000	4,316,567,000	3,383,912,000	3,063,440,000	3,280,434,000	−373,267,000	−1,036,133,000	−103,478,000	+216,994,000
TITLE IV—EMERGENCY SECURITY ASSISTANCE AND DISASTER RELIEF ASSISTANCE									
Emergency security assistance for Israel		[19] 2,200,000,000	[24] 2,200,000,000	[24] 2,200,000,000	2,200,000,000	+2,200,000,000			
Emergency military assistance for Cambodia		[19] 200,000,000	150,000,000	100,000,000	150,000,000	+150,000,000	−50,000,000		+50,000,000
Disaster relief assistance		[14] 150,000,000	100,000,000	[26] 150,000,000	150,000,000	+150,000,000		+50,000,000	
Total, title IV, new budget (obligational) authority, Emergency security assistance and disaster relief assistance		2,550,000,000	2,450,000,000	2,450,000,000	2,500,000,000	+2,500,000,000	−50,000,000	+50,000,000	+50,000,000
TITLE V—EXPORT-IMPORT BANK OF THE UNITED STATES									
Limitation on program activity	(7,323,675,000)	(7,650,000,000)	(7,650,000,000)	(7,650,000,000)	(7,650,000,000)	(+326,325,000)			
Limitation on administrative expenses	(8,438,000)	(8,655,000)	(8,655,000)	(8,655,000)	(8,655,000)	(+217,000)			
Total, title V, Export-Import Bank of the United States, limitations on use of corporate funds	(7,332,113,000)	(7,658,655,000)	(7,658,655,000)	(7,658,655,000)	(7,658,655,000)	(+326,542,000)			

Footnotes at end of table.

FOREIGN ASSISTANCE AND RELATED PROGRAMS APPROPRIATION BILL, FISCAL YEAR 1974—Continued

Item	New budget (obligational) authority, fiscal year 1973 under a continuing resolution (includes supp.)	Budget estimates of new (obligational) authority, fiscal year 1974	New budget (obligational) authority recommended in House bill	New budget (obligational) authority recommended in Senate bill	New budget (obligational) authority recommended by conference action	Conference action compared with— New budget (obligational) authority, fiscal year 1973	Budget and estimates of new (obligational) authority, fiscal year 1974	New budget (obligational) authority recommended in House bill	New budget (obligational) authority recommended in Senate bill
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
TITLE VII—RAIL SERVICES ACT OF 1973 [27]									
DEPARTMENT OF TRANSPORTATION									
Office of the Secretary									
Emergency Rail Services Assistance		$85,000,000		$60,000,000	$(35,000,000)	(+$35,000,000)	−$85,000,000	(+$35,000,000)	−$60,000,000
Salaries and expenses		15,350,000		7,000,000	(3,000,000)	(+3,000,000)	−15,350,000	(+3,000,000)	−7,000,000
Government National Railway Association									
Administrative Expenses		26,000,000		13,000,000	(6,000,000)	(+6,000,000)	−26,000,000	(+6,000,000)	−13,000,000
Total, Title VIII, new budget (obligational) authority, Rail Services Act of 1973		126,350,000		80,000,000	(44,000,000)	(+44,000,000)	−126,350,000	(+44,000,000)	−80,000,000
Grand total, new budget (obligational) authority, titles I, II, III, IV, and VII	$3,653,701,000	6,992,917,000	$5,833,912,000	5,593,440,000	5,780,434,000	+2,126,733,000	−1,212,483,000	−53,478,000	+186,994,000
Reappropriation of unobligated balances:									
(a) Economic assistance	(28,820,000)	(26,641,000)	(26,641,000)	(26,641,000)	(26,641,000	(−2,179,000)			
(b) Military assistance	(2,300,000)	(8,716,000)	(8,716,000)	(8,716,000)	(8,716,000)	(+6,416,000)			
(c) Security supporting assistance	(4,614,000)	(2,396,000)	(2,396,000)	(2,396,000)	(2,396,000)	(−2,218,000)			

[1] Excludes transfer in of $2,111,520 as provided in the 2d supplemental, 1973.
[2] Excludes transfer in of $270,300 as provided in the 2d supplemental, 1973.
[3] Excludes transfer in of $193,980 as provided in the 2d supplemental, 1973.
[4] Excludes transfer out of $47,915,000 to various other accounts.
[5] Funded at a level of $17,906,000 during fiscal year 1973 from development loans. Authority was contained in reports of both Houses on the continuing resolution.
[6] Excludes transfer in of $1,233,840 as provided in the 2d supplemental, 1973.
[7] Includes $100,000 but excludes transfer in of $78,000 as provided in the 2d supplemental, 1973.
[8] Includes $300,000 as provided in the 2d supplemental, 1973.
[9] In fiscal 1973, this item was included in the "security supporting assistance" program.
[10] Excludes transfer in of $1,304,860 as provided in the 2d supplemental, 1973. Includes $50,000,000 earmarked for Israel and $50,000,000 earmarked for Philippines disaster relief.
[11] Prior year unobligated balances reappropriated.
[12] Excludes transfer out of $269,260 to domestic programs, Action for pay raise costs.
[13] Includes $600,000 as provided in the 2d supplemental, 1973.
[14] Submitted as a budget amendment in H. Doc. 93-169.
[15] Includes an increase of $332,000 contained in H. Doc. 93-104.
[16] Included under the "security supporting assistance" item.
[17] Prior year unobligated balances requested to be reappropriated.
[18] Includes an increase of $704,000 contained in H. Doc. 93-104.
[19] Submitted as a budget amendment in H. Doc. 93-168.
[20] Not more than $100,000,000 for population programs.
[21] Earmarks $15,000,000 for UNICEF.
[22] Earmarks $50,000,000 for Israel.
[23] Earmarks $300,000,000 for Israel out of total aggregate credit ceiling.
[24] Not more than $1,000,000,000 may be used for grants. Any funds appropriated in excess of $1,700,000,000 requires a Presidential determination and detailed justification submitted to Congress ten days prior to any obligation of such funds.
[25] Earmarks $18,000,000 for UNICEF and $14,300,000 for the United Nations Relief and Works Agency (UNRWA).
[26] Earmarks $85,000,000 for Pakistan, $50,000,000 for the Sahel region of Africa and $15,000,000 or Nicaragua.
[27] Title VI is "General Provisions."

Mr. PASSMAN. I yield to the gentleman from Massachusetts (Mr. CONTE).

Mr. MILLER. Will the gentleman yield to me?

Mr. CONTE. I yield to the gentleman.

Mr. MILLER. Mr. Speaker, to the $158,537,100,000 this country has already spent on foreign aid over the past 26 years, today we add another $5.7 billion; 128 countries and 7 territories in the world have been the beneficiaries of this incredible generosity. I know of no other governmental program in which the cost is so high and the return so low. In fact, just to give all this money away, we have had to borrow $94 billion, leaving a grand total cost for foreign aid of $253 billion. An overhaul of the foreign-aid concept is long overdue. It should be a two-way street. The American people should get something of value in return for their tax money that is shipped overseas. Foreign aid, I firmly believe, can serve as a tool or vehicle to help bolster our future national economy by helping to replenish our depleting natural resources.

The current energy crisis which has been called the most critical economic problem the Nation has ever faced is but a part of a much larger problem that looms ominously before us. Very simply, the United States is running short of basic materials and minerals that form the foundation of our industrial economy. The mineral crisis could well overshadow the fuel shortage in economic dislocation and disruption.

Last Tuesday, I stated during the debate on the trade reform bill that—

> If we do not act soon, the United States will face a mineral crisis as devastating as the current energy crisis in terms of unemployment, product shortages, inflation and public hardship. The American people are vulnerable to mineral embargoes and price gouging unless we secure assured access to foreign mineral resources.

I have been deeply concerned that our rapid depletion of our irreplaceable natural resources, inadequate domestic mineral production to meet industrial requirements, and a growing dependency on foreign imports have not received more attention by the Congress or the Administration. However, I was pleased to hear that at his press conference this week, Secretary of the Interior Rogers Morton pointed out the seriousness of the situation and urged that we become mineral self-sufficient and start stockpiling minerals for future needs. According to a Washington Star-News report, Secretary Morton stated:

> There's no reason why a group of countries that supply most of our bauxite, for example, could get together in the same way the Arab countries got together on the price of oil.

The Secretary further commented:

> We have got to get ourselves in a situation where we can produce enough basic materials and have enough stockpiled so we can resist any efforts by groups to gang up.

The National Commission on Material Policy recently reported that all U.S. requirements for raw materials are expected to exceed what we are able to produce in this country by the year 2000. In addition, the U.S. Geological Survey has concluded that all our known raw mineral resources are seriously depleted.

To help defuse this ticking timebomb, I proposed an amendment to the foreign assistance bill last July that would allow the President to enter into agreements to furnish foreign aid in exchange for strategic raw materials, minerals, and fossil fuels that are in short supply or cannot be produced in this country.

Many nations that receive U.S. aid have great reserves of minerals that they cannot possibly use themselves. In fact, much of the world's mineral wealth is still undeveloped. By providing the U.S. foreign aid money and expertise to these countries, the United States could not only satisfy its growing mineral requirements, but help provide internal development and employment in the recipient nation. To me, this makes better sense than merely giving our money away with no strings attached.

I would again refer the House's attention to the House committee report on this bill. The committee feels that the barter or exchange proposal I have advanced should be considered. Moreover, the leadership of the House Foreign Affairs Committee has stated that the committee will hold hearings on this proposal.

In conclusion, foreign aid exchanges make eminent sense and it is going to make even more sense as we begin to feel the real crunch of the mineral crisis. The time for recognizing that we have a critical mineral problem is here. Action to gain access to supplies so that they may be used to satisfy current needs or stockpiled for the future is going to have to be taken very soon. I hope that the Congress will face up to this issue and reform the foreign aid program so that the United States would receive from the underdeveloped countries the natural resources we so badly need.

Mr. CONTE. Mr. Speaker, I want to say I went on this committee back in 1959, and was on it for about a dozen years and then was off for a couple of years and then came back on it again.

I want to take this opportunity to say that this was a very difficult conference. We met for 9 solid hours, and I want to take this opportunity to commend the gentleman from Louisiana for the wonderful leadership he exhibited. It was a very difficult job, but he handled it excellently, with kid gloves, and was very articulate throughout. Of course, government is the art of compromise, and as a result of his laborious work and his patience, we brought this bill out today.

Mr. PASSMAN. Mr. Speaker, I want to thank the distinguished gentleman from Massachusetts (Mr. CONTE), who has been sitting by my side for about 9 hours, backing me up all the way through the conference. Of course, when the gentleman thought I was wrong he was just as vocal as to that as the gentleman was in pointing to the good things when he thought I was right. We worked together in a fine way. The gentleman made a beautiful contribution in this matter, and again I want to thank him for the help that he has given me.

I would also like to apply that to all of the members of the conference. I will not single them out, but I wish to thank them all for their cooperation. I will just thank the gentleman from Massachusetts (Mr. CONTE) at this time, and then I will try to thank the others in my remarks in the RECORD.

Mr. CONTE. Mr. Speaker, we meet today on the threshold of, what could be, an historical occasion of great magnitude. For tomorrow, in Geneva, the Middle East peace conference between Israel and the Arab States commences. We have the opportunity here today of offering a significant investment toward the success of that meeting with the emergency security assistance contained within this foreign assistance appropriations bill. The figures have already been detailed for you. I would only like to briefly stress the need for immediate passage.

Israel faces the unenviable prospect of entering these meetings more diplomatically isolated than at any time in its short history as an independent state. Nine members of the European Common Market have gone on record supporting the Arab position calling for Israel to withdraw from all Arab territories occupied since the 1967 war. All black African countries, save four, have broken diplomatic relations with Israel. The Soviet Union remains adamant in its refusal to resume diplomatic relations with Israel since first they were severed in 1967. Lastly, Japan, under pressure of the Arab oil boycott has slowly shifted from the middle of the fence to a pro-Arab posture.

Taking all of this and much more into stock, it must be reiterated that this $2.2 billion is essential, not only to insure the survival of the Israeli State, but also to reserve the balance of power in the Middle East. A genuine peace can be obtained if the Arabs and Israelis can sit together, in cooperation rather than competition.

The remainder of this appropriations bill has been carefully studied and debated by both Chambers, pruned or increased where it was felt necessary. What we are now deciding is whether the United States will play its part in meeting international responsibilities toward poor countries. Behind all the rhetoric, no one can dispute the one practical goal that we have had in mind since foreign aid was first instituted—to promote some economic development. We have not failed in this endeavor; we have succeeded tremendously. Developing countries achieved a growth rate of 5 percent per year during the 1960's. This is a phenomenal achievement. It was a greater sustained leap forward than either the United States or Western Europe had ever achieved in any 10-year period of their development. There is still much work to be done, in Latin America, Africa, the Near East, and South Asia.

Wiring flowers to these people will not help their circumstances. Poverty will

not disappear with good wishes. Not all of our foreign aid in the past has been good, there has been waste and mismanagement but by and large we have made great strides throughout the world.

Our contribution is small, and yet the results have been astounding in the numbers of children educated, the clean drinking water provided, roads and bridges built. The United States ranks 12th out of the world's 16 wealthiest countries in the percentage of gross national product devoted to economic aid.

This bill provides the means to achieve that through humanitarian programs, economic assistance grants channeled through multilateral agencies, and bilateral programs which are an integral part of our foreign policy. It is a complex measure. The result of much compromise. It cannot please everyone. All will agree that there are good portions and bad, but such is the case with all comprehensive bills of this type.

Mr. LONG of Maryland. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I will be glad to yield to the gentleman from Maryland.

Mr. LONG of Maryland. Mr. Speaker, I would just like to express my disagreement to the remarks made by the gentleman from Massachusetts concerning the great accomplishments that we have made in foreign aid.

Much of foreign aid has been a failure, in my judgment. However, I think that both the gentleman in the well and I could agree that our aid to Israel has been one of the best investments in our whole foreign aid experience.

For a relatively small investment, in comparison to the hundreds of billions that we have spent elsewhere, we have enabled a small, brave, and gallant people to defend themselves.

Would the gentleman agree with that?

Mr. CONTE. Certainly. If we did not do that, I do not see how they could go to the Geneva Conference tomorrow, with their hands tied behind their backs.

Mr. LONG of Maryland. Would the gentleman also agree with the importance of having the Arab countries and Israel sit down and come to some sort of agreement between themselves? Would the gentleman not agree that it is very important that Arabs and Israelis negotiate without being forced into an agreement, and that the aid to Israel in this bill is a major factor enabling the two parties to come to an agreement without being forced to do so?

Mr. CONTE. That is the point I tried to make in my speech precisely.

I should like to explain amendment No. 54 which provides an emergency appropriation contingent upon enactment of legislation designed to provide for the restructuring of the rail system in the Northeast and Midwest. I feel these funds are urgently needed to initiate the planning and restructuring process for the seven class I bankrupt railroads in the Northeast and Midwest region. The judge overseeing the reorganization of the largest of these—the Penn Central—has had under advisement since October 12 motions to liquidate that railroad. The Department of Transportation believes he has delayed action on those motions, at least in part, in order to allow the Congress time to pass legislation and initial funding to deal with the restructuring of all the bankrupt carriers. However, if Congress adjourns before taking such action, he may conclude that the time has come when he must order liquidation to protect the constitutional rights of the Penn Central creditors. We do not want a special session of Congress before January 21, because the Penn Central has run out of operating funds. This appropriation is urgently needed to cover expenses during the first few months after enactment of the authorizing legislation. Any delay in providing such funds would delay the rapid implementation of the planning process and could prevent the completion of the requirements called for by the legislation.

This amendment provides interim operating assistance of $35 million to be derived by transfer from the urban mass transportation fund, $3 million for salaries and expenses to be derived by transfer from planning and research and development funds available to the DOT Office of the Secretary, and $6 million for the administrative expenses of the U.S. Railway Association to be derived by transfer from railroad research funds and high-speed ground transportation research and development funds available to the Federal Railroad Administration. Each of these amounts is to remain available until expended, but is contingent upon enactment into law by the 93d Congress of H.R. 9142 of similar legislation.

The $35 million is for emergency assistance payments to the bankrupt railroads to cover their cash deficits during the 20-month restructuring process so they can continue to operate during that period. The $3 million is for the Department of Transportation to carry out the study and reporting requirements in the legislation and to cover certain preliminary expenses tied to the startup of the new rail corporation. The new U.S. Railway Association is provided $6 million to cover its personnel and administrative expenses and to pay for the many planning and engineering studies that will have to be completed within 300 days of enactment of the authorizing legislation.

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. In the interim, the conferees believe that funds provided should be adequate until such time as hearings can be conducted by both the House and Senate Appropriations Committees.

Mr. Speaker, I urge the Members' support and immediate passage of this vital measure.

Mr. Speaker, I might note here that the chairman of the Subcommittee on Transportation of the Committee on Appropriations, the gentleman from California (Mr. McFALL), is solidly behind these amendments and concurs with what I have said here.

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

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

Mr. GILMAN. Mr. Speaker, I concur with the gentleman from Massachusetts in urging support for this measure providing emergency security assistance for the State of Israel.

I, too, would like to join with my colleagues in congratulating the distinguished chairman, the gentleman from Louisiana, for guiding this measure through some very tedious negotiations in the committee of conference. I believe it is of the utmost importance at this time as these nations embark upon a peace conference in Geneva that we understand that Israel is prepared to negotiate from a posture of strength rather than weakness, for true peace comes from a position of strength and being able to bargain from a position of strength rather than being forced into negotiations emanating from weakness.

I congratulate the committee. I strongly support this measure. I urge my colleagues to support the passage of this measure in the interest of true peace.

Mr. GILMAN. Mr. Speaker, I join my colleagues in complimenting the distinguished chairman from Louisiana for his competent and diligent guidance in bringing this measure to the floor after arduous negotiations in conference.

If we are truly concerned about a lasting peace in the Middle East, then we must also be concerned about Israel's military strength. Just as we are dependent upon our military strength for bargaining for world peace so too is Israel dependent upon its military strength in order to negotiate a successful peace in the forthcoming Geneva peace talks. Our support of this legislation is not intended to resupply Israel for a renewed outbreak of hostilities, but rather to assure the necessary military balance needed to deter aggression.

In considering this proposal, I call to the attention of my colleagues two thoughts concerning this appropriation.

Israel initially requested assistance totaling $3.2 billion. Our military experts, after scrutinizing their request, recommended a "bare bones" authorization of $2.2 billion. Of that amount $1 billion will pay for military equipment which our Nation has already supplied to Israel during the October 1973 war and another $17 million of this appropriation will pay for our Nations' share of the costs of the U.N. peacekeeping force.

Let us also bear in mind that Israel has never requested military grant assistance from the United States prior to

this recent conflict. In the period from 1946 to 1972, our Nation has provided over $55 billion in military assistance to other nations. In that same period, while we have not given Israel 1 cent, we have sold the Israelis millions of dollars of military equipment, all of which was promptly paid for.

The economic burdens confronting Israel would be overpowering even to a wealthy nation. The cost of the October war was equal to Israel's gross national product for 1 year. While Israel is a young, active state, it cannot bear the impossible costs of maintaining defense against countries who are being continually armed by massive shipments of military equipment from the U.S.S.R.

If we are truly interested in global peace, I urge my colleagues to support this measure so that a semblance of military balance will be maintained, thereby assuring equitable negotiations at Geneva.

Mr. CONTE. Mr. Speaker, I thank the gentleman for his fine contribution.

Mr. Speaker, I yield 3 minutes to the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Speaker, I hope that when the Members of the House and Senate go home for Christmas they will be sure to tell their constituents that one of their last acts before adjournment was to approve a foreign giveaway program of almost $6 billion for this fiscal year. It is one of the fattest in my time in Congress and at a time when fiscal sanity dictated a reduction, not a multi-billion-dollar increase. Moreover, it is some $200 million more than the Senate bill. In other words, the House Members have now upped the Senate. The Senate now is no longer the upping body when it comes to foreign aid. That is a most interesting development.

Mr. PASSMAN. Mr. Speaker, will the gentleman yield for a correction?

Mr. GROSS. For a correction, yes.

Mr. PASSMAN. This bill is $53 million below the bill that passed the House.

Mr. GROSS. I did not say anything about economy by the House committee. I said it was almost a $6 billion giveaway program and that it was nearly $200 million over the Senate figure.

Mr. PASSMAN. Will the distinguished gentleman yield for one further observation?

Mr. GROSS. Of course, but I would rather the gentleman did not correct me on something that appears in his own report.

Mr. PASSMAN. I will be happy to be corrected if I am in error.

Let me state to the gentleman as we think in terms of foreign aid that the title I funding level is one of the lowest that ever passed the House.

Mr. GROSS. Mr. Speaker, will the gentleman from Massachusetts yield me a couple of additional minutes?

Mr. CONTE. I yield to the gentleman from Iowa 2 additional minutes.

Mr. GROSS. I thank the gentleman from Massachusetts and yield to the gentleman from Louisiana.

Mr. PASSMAN. Mr. Speaker, the reason this bill is high is because this committee made it an all-inclusive bill. We consolidated the regular foreign aid authorization items that came from the gentleman's committee, and included the multilateral organizations, and likewise put in our bill the $2.2 billion for Israel, the $150 million for emergencies requested for Pakistan, Nicaragua, and the Sahel region of Africa. Also, of course, we included the Cambodian request. So these special requests have made the bill higher. I repeat, it is higher because we made it an all-inclusive bill and did not let it go out fragmentized this time.

Mr. GROSS. Mr. Speaker, I would ask the gentleman, and he can answer yes or no, does the bill provide $5,883,912,000, nearly $6 billion?

Mr. PASSMAN. In an all-inclusive bill; loans, good and bad, and grants; yes.

Mr. GROSS. Is this bill $186,994,000, almost $200 million more than the Senate figure? The gentleman can answer that yes or no.

Mr. PASSMAN. Yes; we have made revisions from one category to the other. It is still $53 million below what the House passed.

Mr. GROSS. Mr. Speaker, will the gentleman yield me 3 more minutes?

Mr. CONTE. Mr. Speaker, I yield 3 additional minutes to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, it is intriguing that this foreign handout bill carries the Northeast rail corridor money.

Mr. PASSMAN. That is true. Mr. CONTE, I am sure, would be glad to comment on that.

Mr. GROSS. I was not aware that I had yielded.

Mr. PASSMAN. It is true the bill contains that item. I think it necessary that this be included.

Mr. GROSS. So we have a gravy train provided for in this bill that runs from Louisiana to Israel, Timbuktu, and way points.

Mr. PASSMAN. I do not know where the rail line is the gentleman refers to. It is no part of foreign aid.

Mr. GROSS. The gentleman from Louisiana seems to be pleased that he is aboard this gravy train.

Mr. PASSMAN. I do not think the gentleman owes any apologies for being accommodating to another committee in putting an essential item in this bill. If there were other items that were justified, I would insist they also be included.

Mr. LONG of Maryland. Mr. Speaker, will the gentleman yield?

Mr. GROSS. If the gentleman feels he can contribute anything to this discussion.

Mr. LONG of Maryland. The gentleman, I believe, is complaining that the northeast railroad section is part of the foreign aid bill. A prominent member of the gentleman's party who ran for President once said that we ought to cut off the eastern part of the United States and ship it out to sea and apparently the Senate took his word for it and shipped it out there.

Mr. GROSS. Where is Maryland located? It is, of course, in the northeast rail corridor.

Mr. LONG of Maryland. Under the terms of the gentleman from Iowa, it would be regarded as a foregin country.

Mr. PASSMAN. Would the gentleman yield further?

Mr. GROSS. I yield to the gentleman.

Mr. PASSMAN. I want to say that the gentleman from Iowa is one of the greatest Members of this House. I do not know how we could get along without H. R. GROSS.

Mr. GROSS. Just a minute, just a minute.

Mr. PASSMAN. I do not think anyone has made a greater contribution to the American people than H. R. GROSS.

Mr. GROSS. Mr. Speaker, that will get the gentleman nowhere in Louisiana.

Mr. PASSMAN. The gentleman from Iowa has a lot of friends in Louisiana.

Mr. GROSS. I am not here to back-scratch or be back-scratched. The people of this country deserve better treatment than this. I say again that I hope when the Members go home they will tell their people that one of their last acts in this session of Congress was to vote nearly $6 billion to be dished out to foreigners.

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

Mr. GROSS. I yield to the gentleman.

Mr. PASSMAN. The gentleman from Iowa has his style and I have mine. If he would change his style, I would have to change mine.

The gentleman knows that I am not a foreign aid enthusiast. I have consistently voted against the foreign aid authorization bills, but when the Congress in its wisdom authorizes foreign aid I have no veto power so it becomes my responsibility to handle the funding request. I have been consistent during the 19 years that I have chaired the subcommittee in pointing out the pitfalls in the aid program and the record will show that the 19 annual funding bills from the subcommittee have been reduced in total funds appropriated by approximately $15 billion below the budget requests.

As I pointed out earlier, the conference report before the House is $1,212,483,000 below the budget request. The total funds in the bill are higher than recent years because the $2.2 billion emergency military assistance request for Israel is included.

We should all keep in mind, with privileges come responsibilities. May I conclude by saying that there is no Member of the House that has been any more complimentary to the gentleman from Louisiana than the gentleman from Iowa (Mr. GROSS).

I want again to wish the gentleman Merry Christmas and a Happy New Year and my compliments for not back-scratching. These wishes are sincere. Inasmuch as the gentleman cannot help me in my district and I cannot help him in his district, why should my remarks be not accepted at face value?

Mr. GROSS. Let me say that I have appreciated the searching inquiries the gentleman from Louisiana has made into the operation of the so-called foreign aid program.

In the report accompanying this bill

he has brought together the figures to show that an estimated $253 billion have been tossed out over the world since the program began in 1947.

That is a staggering amount of money. It has made a monumental contribution to this country's huge national debt; to the unbearable mortgage we are loading on the backs of our children and grandchildren, and to the inflation that threatens to plunge the Government into bankruptcy.

Our irreconcilable difference is that under no circumstance can I now support or be a party to expending another $6 billion, the largest single year appropriation in many years, when in all conscience the program ought to have been ended years ago.

The SPEAKER. The time of the gentleman has expired.

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

The previous question was ordered.

The SPEAKER. The question is on the conference report.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 216, nays 149, not voting 67, as follows:

[Roll No. 713]

YEAS—216

Abzug	Donohue	Johnson, Pa.
Addabbo	Dorn	Jones, Ala.
Andrews, N.C.	Drinan	Jordan
Annunzio	du Pont	Karth
Ashley	Edwards, Calif.	Kemp
Badillo	Eilberg	King
Barrett	Erlenborn	Kluczynski
Bell	Esch	Koch
Bergland	Evans, Colo.	Kuykendall
Biaggi	Fascell	Kyros
Biester	Findley	Lehman
Bingham	Fish	Lent
Blatnik	Fisher	Long, La.
Boggs	Flood	Long, Md.
Brademas	Foley	McClory
Brasco	Forsythe	McCloskey
Breaux	Fraser	McCollister
Breckinridge	Frenzel	McCormack
Broomfield	Gettys	McDade
Brotzman	Giaimo	McEwen
Brown, Calif.	Gilman	McFall
Brown, Ohio	Gonzalez	McKay
Buchanan	Grasso	McKinney
Burke, Mass.	Gray	Macdonald
Carney, Ohio	Green, Oreg.	Madden
Cederberg	Green, Pa.	Madigan
Chamberlain	Grover	Mahon
Chappell	Gude	Mallary
Chisholm	Gunter	Mann
Clark	Guyer	Mathias, Calif.
Clay	Hamilton	Matsunaga
Cohen	Hanley	Mayne
Conable	Hansen, Idaho	Meeds
Conte	Hawkins	Mezvinsky
Corman	Hays	Minish
Cotter	Heckler, Mass.	Mink
Coughlin	Heinz	Mitchell, Md.
Cronin	Helstoski	Mitchell, N.Y.
Culver	Hogan	Moakley
Daniels, Dominick V.	Holifield	Mollohan
	Holtzman	Moorhead, Pa.
Danielson	Horton	Morgan
Davis, Ga.	Hosmer	Mosher
Davis, S.C.	Howard	Murphy, Ill.
Davis, Wis.	Hunt	Murphy, N.Y.
Dingell	Johnson, Calif.	Natcher
Nix	Rose	Thomson, Wis.
O'Brien	Rosenthal	Tiernan
O'Hara	Rostenkowski	Towell, Nev.
O'Neill	Roybal	Udall
Passman	Ruppe	Ullman
Patman	St Germain	Vander Jagt
Patten	Sandman	Vanik
Pepper	Sarasin	Waldie
Perkins	Sarbanes	Ware
Peyser	Schroeder	Whalen
Pickle	Seiberling	Widnall
Preyer	Sikes	Williams
Price, Ill.	Slack	Wilson, Bob
Pritchard	Stanton, J. William	Wilson, Charles, Tex.
Quie		
Railsback	Stanton, James V.	Winn
Rangel		Wolff
Rees	Steele	Wright
Regula	Steelman	Wydler
Reuss	Steiger, Wis.	Wyman
Rhodes	Stokes	Yates
Rinaldo	Stratton	Yatron
Roberts	Studds	Young, Ga.
Robison, N.Y.	Sullivan	Young, Ill.
Rodino	Symington	Young, Tex.
Roe	Teague, Calif.	Zablocki
Roncallo, N.Y.	Teague, Tex.	
Rooney, Pa.	Thompson, N.J.	

NAYS—149

Abdnor	Ford, William D.	Nedzi
Adams		Obey
Anderson, Calif.	Fountain	Owens
	Frey	Parris
Archer	Froehlich	Pettis
Armstrong	Fuqua	Pike
Ashbrook	Gaydos	Poage
Bafalis	Gibbons	Powell, Ohio
Baker	Ginn	Price, Tex.
Bauman	Goldwater	Randall
Beard	Goodling	Robinson, Va.
Bennett	Gross	Rogers
Bevill	Haley	Roncalio, Wyo.
Blackburn	Hammer-schmidt	Roush
Bowen		Rousselot
Bray	Hanrahan	Roy
Brinkley	Harsha	Runnels
Brown, Mich.	Hastings	Ruth
Broyhill, N.C.	Hechler, W. Va.	Satterfield
Broyhill, Va.	Henderson	Sebelius
Burgener	Hicks	Shoup
Burke, Fla.	Hillis	Shuster
Burleson, Tex.	Hinshaw	Skubitz
Burlison, Mo.	Holt	Snyder
Butler	Huber	Spence
Byron	Hudnut	Staggers
Carter	Hungate	Stark
Casey, Tex.	Hutchinson	Steed
Clausen, Don H.	Ichord	Stuckey
	Johnson, Colo.	Symms
Clawson, Del	Jones, N.C.	Talcott
Cleveland	Jones, Okla.	Taylor, N.C.
Cochran	Jones, Tenn.	Thone
Collins, Tex.	Kastenmeier	Thornton
Conlan	Kazen	Waggonner
Crane	Ketchum	Wampler
Daniel, Dan	Landgrebe	White
Daniel, Robert W., Jr.	Latta	Whitehurst
	Litton	Whitten
de la Garza	Lott	Wiggins
Dellenback	Lujan	Wilson, Charles H., Calif.
Dellums	McSpadden	
Denholm	Maraziti	
Dennis	Martin, N.C.	Wyatt
Derwinski	Mathis, Ga.	Wylie
Devine	Mazzoli	Young, Alaska
Dickinson	Melcher	Young, Fla.
Downing	Milford	Young, S.C.
Duncan	Miller	Zion
Eckhardt	Mizell	
Edwards, Ala.	Montgomery	
Eshleman	Moorhead, Calif.	
Flowers		
Flynt	Myers	

NOT VOTING—67

Alexander	Conyers	Keating
Anderson, Ill.	Delaney	Landrum
Andrews, N. Dak.	Dent	Leggett
	Diggs	Mailliard
Arends	Dulski	Martin, Nebr.
Aspin	Evins, Tenn.	Metcalfe
Boland	Frelinghuysen	Michel
Bolling	Fulton	Mills, Ark.
Brooks	Griffiths	Minshall, Ohio
Burke, Calif.	Gubser	Moss
Burton	Hanna	Nelsen
Camp	Hansen, Wash.	Nichols
Carey, N.Y.	Harrington	Podell
Clancy	Harvey	Quillen
Collier	Hébert	Rarick
Collins, Ill.	Jarman	Reid
Riegle	Sisk	Treen
Rooney, N.Y.	Smith, Iowa	Van Deerlin
Ryan	Smith, N.Y.	Veysey
Scherle	Steiger, Ariz.	Vigorito
Schneebeli	Stephens	Walsh
Shipley	Stubblefield	Zwach
Shriver	Taylor, Mo.	

So the conference report was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Hébert for, with Mr. Fulton against.

Mr. Rooney of New York for, with Mr. Nichols against.

Mr. Frelinghuysen for, with Mr. Rarick against.

Mr. Anderson of Illinois for, with Mr. Alexander against.

Mr. Shriver for, with Mr. Conyers against.

Mr. Mailliard for, with Mr. Jarman against.

Mr. Smith of New York for, with Mr. Stephens against.

Mr. Walsh for, with Mr. Aspin against.

Mr. Dent for, with Mr. Andrews of North Dakota against.

Mr. Burton for, with Mr. Camp against.

Mr. Nelsen for, with Mr. Clancy against.

Mr. Stubblefield for, with Mr. Martin of Nebraska against.

Mr. Brooks for, with Mr. Quillen against.

Mr. Metcalfe for, with Mr. Taylor of Missouri against.

Mr. Arends for, with Mr. Zwach against.

Mr. Diggs for, with Mr. Steiger of Arizona against.

Until further notice:

Mr. Evins of Tennessee with Mr. Ryan.

Mr. Dulski with Mr. Shipley.

Mrs. Hansen of Washington with Mr. Carey of New York.

Mr. Harrington with Mr. Collier.

Mr. Hanna with Mr. Podell.

Mr. Boland with Mr. Gubser.

Mr. Landrum with Mr. Schneebeli.

Mr. Reid with Mr. Harvey.

Mrs. Collins of Illinois with Mr. Leggett.

Mr. Delaney with Mr. Michel.

Mrs. Griffiths with Mr. Minshall of Ohio.

Mrs. Burke of California with Mr. Scherle.

Mr. Moss with Mr. Smith of Iowa.

Mr. Mills of Arkansas with Mr. Treen.

Mr. Riegle with Mr. Van Deerlin.

Mr. Sisk with Mr. Vigorito.

The result of the vote was announced as above recorded.

Mr. STARK. Mr. Speaker, I inadvertently voted "nay" on the conference report to accompany the bill H.R. 11771, foreign assistance appropriations. I most definitely intended to vote "yea," as I have done on both the authorization and appropriation bills that passed this House just weeks ago.

AMENDMENTS IN DISAGREEMENT

The SPEAKER. The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 15: On page 4, line 20, insert "and of which $36,500,000 shall be available only for the United Nations Relief and Works Agency".

MOTION OFFERED BY MR. PASSMAN

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

The Clerk read as follows:

Mr. PASSMAN moves that the House recede from its disagreement to the amendment of the Senate numbered 15 and concur therein with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert the following: "and of which $14,300,000 shall be available only for the United Nations Relief and Works Agency".

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 36: On page 14, lines 7 through 14, strike section 114.

MOTION OFFERED BY MR. PASSMAN

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

The Clerk read as follows:

Mr. PASSMAN moves that the House recede from its disagreement to the amendment of the Senate numbered 36 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 37: Page 14, line 24, insert:

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.

MOTION OFFERED BY MR. PASSMAN

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

The Clerk read as follows:

Mr. PASSMAN moves that the House recede from its disagreement to the amendment of the Senate numbered 37 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 38: Page 15, line 10, insert:

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," "Contingency Fund," "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 not justified or in excess of the amount justified to the Committee on Appropriations of the Senate and House of Representatives for funding under any of these specific headings for fiscal year 1974.

MOTION OFFERED BY MR. PASSMAN

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

The Clerk read as follows:

Mr. PASSMAN moves that the House recede from its disagreement to the amendment of the Senate numbered 38 and concur therein with an amendment, as follows:

In lieu of the matter proposed by said amendment, 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 Problem, 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 motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate Amendment No. 44: Page 19, line 14, insert "That the funds appropriated in this paragraph shall be available only upon enactment into law of authorizing legislation: *Provided further*,".

MOTION OFFERED BY MR. PASSMAN

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

The Clerk read as follows:

Mr. PASSMAN moves that the House recede from its disagreement to the amendment of the Senate numbered 44 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 48: Page 20, line 13, insert ": *Provided further*, That the funds appropriated in this paragraph shall be available only upon enactment into law of authorizing legislation.

MOTION OFFERED BY MR. PASSMAN

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

The Clerk read as follows:

Mr. PASSMAN moves that the House recede from its disagreement to the amendment of the Senate numbered 48 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 51: Page 20, line 22, insert ": *Provided*, That the funds appropriated in this paragraph shall be available only upon enactment into law of authorizing legislation.

MOTION OFFERED BY MR. PASSMAN

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

The Clerk read as follows:

Mr. PASSMAN moves that the House recede from its disagreement to the amendment of the Senate numbered 51 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 53: Page 23, line 21, insert:

SEC. 605. None of the funds appropriated in this bill shall be used to supply petroleum products for Southeast Asia when the result of the use of such funds would be to reduce either directly or indirectly the supply of petroleum products available to the United States civilian sector of the economy.

MOTION OFFERED BY MR. PASSMAN

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

The Clerk read as follows:

Mr. PASSMAN moves that the House recede from its disagreement to the amendment of the Senate numbered 53 and concur therein with an amendment, as follows:

In lieu of the matter proposed by said amendment, 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 motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 54: Page 24, line 1, insert:

TITLE VII—RAIL SERVICES ACT OF 1973

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

Emergency Rail Services Assistance

For necessary expenses of carrying out the provisions of section 213 of the Rail Services Act of 1973, $60,000,000 to remain available until expended: *Provided*, That this appropriation shall become effective only upon enactment into law by the Ninety-third Congress of S. 2767 or similar legislation.

Salaries and Expenses

For an additional amount for "Salaries and expenses", $7,000,000, to remain available until expended: *Provided*, That this appropriation shall become effective only upon enactment into law by the Ninety-third Congress of S. 2767 or similar legislation.

GOVERNMENT NATIONAL RAILWAY ASSOCIATION

ADMINISTRATIVE EXPENSES

For necessary administrative expenses of carrying out the provisions of titles II and III of the Rail Services Act of 1973, $13,000,000, to remain available until expended: *Provided*, That this appropriation shall become effective only upon enactment into law by the Ninety-third Congress of S. 2767 or similar legislation.

MOTION OFFERED BY MR. PASSMAN

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

The Clerk read as follows:

Mr. PASSMAN moves that the House recede from its disagreement to the amendment of the Senate numbered 54 and concur therein with an amendment, as follows:

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

TITLE VII—REGIONAL RAIL REORGANIZATION ACT OF 1973

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

Interim Operating Assistance

For necessary expenses for Interim Operating Assistance under the Regional Rail Reorganization Act of 1973, $35,000,000, to remain available until expended and to be derived by transfer from the Urban Mass Transportation Fund: *Provided*, That this appropriation shall become effective only upon enactment into law by the 93d Congress of H.R. 9142 or similar legislation.

Salaries and Expenses

For an additional amount for "salaries and expenses," $3,000,000, to remain available until expended and to be derived by transfer from the appropriation for transportation, planning, research and development, Office of the Secretary: *Provided*, That this appropriation shall become effective only upon enactment into law by the 93d Congress of H.R. 9142 or similar legislation.

UNITED STATES RAILWAY ASSOCIATION

Administrative Expenses

For necessary administrative expenses to enable the United States Railway Association to carry out its functions under the Re-

gional Rail Reorganization Act of 1973, $6,000,000, to remain available until expended and to be derived by transfer from the appropriations for railroad research and high-speed ground transportation research and development, Federal Railroad Administration: *Provided*, That this appropriation shall become effective only upon enactment into law by the 93d Congress of H.R. 9142 or similar legislation.

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

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

Mr. ROBINSON of Virginia. Will the gentleman from Louisiana describe to those of us who were not present at the time that the general debate occurred on this the circumstances under which this amendment just read occurred?

Mr. PASSMAN. I would like to yield to the distinguished gentleman from California to answer the gentleman's question.

Mr. McFALL. Mr. Speaker, this was added by the Senate in order to take care of the funding for the new Railroad Act which will be coming to the House in a conference report very shortly. We received from the administration a budget request of some $126,300,000 for these items. We cut the budget request in each instance so that we are providing a total of $44 million to be derived by transfer. This includes $35 million for grant assistance for railroads, $3 million for the Department of Transportation, and $1.5 million of that will be for computer work and about $1.5 million for salaries and so forth, and $6 million for the new railway association which will be working on the organization of the new railroad plan.

We did it this way, provided temporary funding, so that we in the Appropriations Committee and the House could have a look at it early in the next session.

We did not use appropriated funds. We did the funding by transfer because we were assured by the Department of Transportation that in each instance there were funds there that were unexpended and unobligated which were available for this purpose.

Mr. ROBINSON of Virginia. If the chairman would yield further, may we infer that the reason this particular item is attached to this bill is because it is the last one to which it could be attached?

Mr. McFALL. That is correct. The Senate used the foreign aid bill as a vehicle for providing the absolutely essential funding for this new railroad agreement.

Mr. ROBINSON of Virginia. I thank the gentleman for yielding.

Mr. CONTE. In answer to that the administration sent this up on December 14 and the supplemental had already gone through the Senate.

The SPEAKER. Without objection, the motion is agreed to.

There was no objection.

A motion to reconsider the votes by which action was taken on the conference report and the several motions was laid on the table.

GENERAL LEAVE

Mr. PASSMAN. Mr. Speaker, I ask unanimous consent that I may include extraneous matter and tables with my remarks and that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report just agreed to, H.R. 11771.

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

There was no objection.

NONCONSERVING CROP FAILURE PAYMENT

Mr. POAGE. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate bill (S. 2491) 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.

The Clerk read the title of the bill.

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

Mr. TEAGUE of California. Mr. Speaker, reserving the right to object, and I shall not object because I support this bill, I do this for the purpose of asking the chairman to explain the bill and give our friend from Iowa (Mr. GROSS) a chance to interrogate, if he desires to do so.

Mr. POAGE. Mr. Speaker, I will be glad to do so if the gentleman will yield.

This bill does nothing more than take from the language of the general farm bill the words "or other nonconserving crop plant instead of wheat."

The reason for that is that in the writing of that bill there was a provision for payment of indemnities where there were failures of a crop by reason of natural catastrophe and nobody recognized at the time that we had made a slight change in regard to wheat that allowed them to plant nonconserving base crops on the land in lieu of wheat.

Now the Department has no records of the normal production from the nonconserving crops. To the extent that cotton or feed grains; that is, corn, barley or grain sorghum are planted, they do have records.

The payments are one-third of the amount that would have been normally produced if there is a loss of more than one-third of the crop.

Obviously, the Department cannot figure these other crops and if they had to take these other crops, they figured it would be an unnecessary cost of between $10 million and $15 million to the Government.

The bill is recommended by the Department of Agriculture. It has the approval of the administration. It was reported favorably by a unanimous vote of the Committee on Agriculture. We think it is nothing in the world except enabling us to operate in a bookkeeping manner.

Mr. TEAGUE of California. Mr. Speaker, I think we all want to save money, instead of spending money, and therefore I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2491

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 107(c) of the Agricultural Act of 1949, as amended, is amended by deleting the parenthetical phrase "(or other nonconserving crop planted instead of wheat)" wherever it appears therein and inserting in lieu thereof "(or of cotton, corn, grain sorghums, or barley planted in lieu of wheat)".

(b) Section 105(b)(1) of the Agricultural Act of 1949, as amended, is amended by deleting the parenthetical phrase "(or other nonconserving crop planted instead of feed grains)" wherever it appears therein and inserting in lieu thereof "(or wheat, or cotton planted in lieu of the allotted crop)".

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

PERSONAL EXPLANATION

Mr. GUYER. Mr. Speaker, on Rollcall No. 711, the motion to recommit the conference report on the Department of Defense appropriations bills, I am recorded as not voting. I have been present in the Chamber since the House convened today and have voted on each rollcall called for to this time. I voted "nay" on Rollcall 711 and apparently the machine failed to record my vote. I wish the RECORD to so note my statement.

CONFERENCE REPORT ON S. 1983, ENDANGERED SPECIES ACT OF 1973

Mrs. SULLIVAN. Mr. Speaker, I call up the conference report on the Senate 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, 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 gentlewoman from Missouri?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of December 19, 1973.)

Mrs. SULLIVAN (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 gentlewoman from Missouri?

There was no objection.

Mrs. SULLIVAN. Mr. Speaker, the report of the conferees which is now before the House for approval deserves the support of every Member. The conferees have managed to produce a compromise bill, within the rules of both Houses, which is in most respects an improvement over both bills. It represents a sensible and sound approach to a very serious problem: The protection of endangered and threatened species which, without that protection, might disap-

pear. I am persuaded that this is an important problem, and that the solution of this problem proposed by the conferees is fair, workable, and desirable.

Time is very much a consideration in this bill. We have adopted language which encourages the States to participate fully in endangered species programs. Within a certain period of time after passage of our bill, the States must have adopted adequate conservation programs in order to preseve their initiative in this area. Unless this bill is signed into law before the 1st of January, State and Federal timetables may be seriously and adversely affected.

Earlier this year, an international treaty was negotiated to establish a worldwide system of protection for these species. The Senate has approved the treaty, and I understand that there is no obstacle to formal ratification by this country. Approval of the conference report will set in motion the remaining steps that can and should be taken by this country to implement the treaty and to create a strong but fair regulatory system upon U.S. citizens.

Mr. Speaker, I urge approval of the conference report.

Mr. GOODLING. Mr. Speaker, I wish to associate myself with the remarks of my distinguished coconferees, the gentlewoman from Missouri and chairman of the Committee on Merchant Marine and Fisheries, Mrs. SULLIVAN, and the chairman of our Fish and Wildlife Subcommittee, Mr. DINGELL, in support of the action of the conference committee in resolving the differing versions of this important legislation.

One of the principal issues confronting the conference committee centered around the responsibilities to be vested in the Secretaries of Interior and Commerce as a result of Reorganization Plan No. 4 of 1970, which transferred to the Secretary of Commerce authority for the protection of endangered species which inhabit the oceans or whose environment is predominantly marine-oriented. The conference committee decided, I believe wisely, that there should be only one list of endangered species and one list of threatened species to be maintained by the Department of Interior. The ministerial duties associated with formal promulgation of these lists will be handled by the Secretary of the Interior, but so far as the listing of species under the authority of the Secretary of Commerce is concerned, the Secretary of the Interior will have no discretion but will merely carry out the mandate of the Secretary of Commerce. Procedurally, the Secretary of Commerce will be responsible for all steps necessary leading to the listing of a specie under his jurisdiction on either the threatened or endangered list. Once he has made that decision or decides to upgrade the listing of a specie from threatened to endangered status, he shall so inform the Secretary of the Interior who will immediately take the necessary steps to see that the listing is effectuated.

The conference committee determined that with respect to the downgrading of a listing from endangered to threatened status, or in the case of removal totally, the Secretary of the Interior should have the final authority with respect to all species, including those otherwise under the jurisdiction of the Secretary of Commerce. In such a case, the Secretary of Commerce will transmit his determination that a specie should be downgraded or removed by way of recommendation to the Secretary of the Interior, and if the Secretary of the Interior concurs in the recommendation he shall implement the action. The determination to downgrade or remove a specie under the authority of the Secretary of Commerce may only, however, be initiated by the Secretary of Commerce.

The vesting of this veto power over the downgrading or delisting of species under the authority of the Secretary of Commerce was a reasonable compromise between those who advocate no role whatsoever for the Commerce Department in the protection of endangered species and those who favored a fully separate role for each department in the management of the species under their respective jurisdictions. In practice, I am confident that this arrangement will work quite satisfactorily. We fully expect the Secretaries of Interior and Commerce to work together harmoniously so that the objectives of this legislation will be realized, and I can assure my colleagues that we will be watching their performance very closely.

The second principal issue which confronted the conference committee involved the role of the States in the protection of the endangered and threatened species of resident wildlife. While the House placed the fundamental responsibility for establishing and overseeing programs for the protection of endangered and threatened species in the Federal Government, the other body has substantially amended the legislation to shift the basic responsibility for endangered species programs to the States. The conference committee retained language giving the States an opportunity to participate in the protection of endangered and threatened species in cooperation with the Federal Government.

The conference committee bill provides a transition period of up to 15 months following enactment during which time the prohibitions of this act will be held in abeyance pending the adoption by States and approval by the Secretary of cooperative management agreements. Where cooperative agreements have been entered into, they will control. We are confident that the States will take advantage of this opportunity to avoid Federal preemption. It should be noted that during the transitional period, the Federal Government may step in to enforce the act when requested to do so by a State, or when the Secretary determines that an emergency exists requiring full application of the act to protect a species.

Finally, Mr. Speaker, I wish to stress that the success of this program will depend not only upon the cooperation between the Secretaries of Interior and Commerce and upon cooperation between the Federal Government and the States, but also upon funding by the Federal Government of its share of the cost of management programs and the willingness of the States to bear their share of these costs. We are all too prone to decry the centralization of authority in Washington to the detriment of States, and yet when it comes down to specific proposals which would preserve State initiative, there seems to be a reluctance to assume the even relatively modest financial burden that is an essential ingredient in the exercise of authority. As in the case of the interrelationship between the Federal departments involved in this program, we will be closely watching the performance of the States, and we will be monitoring the budgetary process to see that this program is fully funded. Mr. Speaker, I urge the adoption of the conference report on the Endangered Species Act of 1973.

Mr. BERGLAND. Mr. Speaker, will the gentlewoman yield?

Mrs. SULLIVAN. Mr. Speaker, I yield to the gentleman from Minnesota.

Mr. BERGLAND. Mr. Speaker, I ask for this time only to ask the gentlewoman some questions on this report, particularly as it affects the species normally known as the eastern timber wolf, which is an animal that has inhabited my State of Minnesota for literally thousands of years. This animal has, in the last 8 years, according to our State management experts, enlarged its range to about 25,000 square miles of land in the northern part of Minnesota.

In some instances, I am told by management experts, the population has reached the saturation level in the main range, with wolves numbering as many as one per 10 square miles.

This timber wolf is a problem for livestock producers in that region of the State and has caused great concern among sportsmen who are concerned about the maintenance of the deer herd. The wolf is known to consume about 20 deer per year, and our State has struggled for years in developing management programs to enlarge the herd of whitetailed deer. The wolf is a problem.

Mr. Speaker, I have some questions of the gentlewoman, if she would be so kind. I read the committee report, and I notice a distinction between endangered species and threatened species. My question, If the Secretary of the Interior were to designate the eastern timber wolf as an endangered species could a State such as Minnesota have that species classified as a threatened species and, therefore, treat it differently?

Mrs. SULLIVAN. Mr. Speaker, may I say that we have had a lot of discussion about the timber wolf. I would like to yield to the distinguished gentleman from Michigan (Mr. DINGELL) to answer that.

Mr. DINGELL. Mr. Speaker, the answer is that the determination of whether a species is threatened or endangered lies in the hands of the Secretary of the Interior in the case of land species, and in certain respects in the case of marine species. In certain other instances with regard to marine species, in the hands

of the Secretary of Commerce. The State would not have any discretion to reclassify species designated by the Secretary of the Interior as endangered. The State would have an opportunity to come forward with an appropriate management program, in the form of a cooperative agreement with the Secretary.

It would have a period of 15 months or 120 days after the legislative session of the State Legislature had ceased in which to develop a program governing the taking of resident species.

Mr. BERGLAND. Mr. Speaker, if the gentlewoman will yield further, could the Secretary, under the terms of this conference report, designate the timber wolf as an endangered species in all States of the Union except Minnesota?

Mr. DINGELL. Mr. Speaker, if the gentlewoman from Missouri will yield, the answer to that question is that it could so do, if the population of wolves in question were to be found in Minnesota. His responsibility and discretion would extend to particular species, subspecies or populations of wolves and other kinds of endangered or threatened animals.

Mr. BERGLAND. Mr. Speaker, this has to do with similarity of appearances cases. On page 6, the report refers to protection of species similar to those that appear on the endangered list or on the threatened list.

In my State we have a species, commonly known as a brush wolf; also known as a coyote. It takes an expert to distinguish between the two species of wolves. The coyote and the brush wolf are a threat to the livestock production and deer management project as in other regions of the United States.

Will the gentlewoman explain this provision for me please?

Mrs. SULLIVAN. Mr. Speaker, again I will refer the question to the gentleman from Michigan (Mr. DINGELL) to answer.

Mr. DINGELL. Mr. Speaker, I would like to disagree with my good friend, the gentleman from Minnesota, in that the coyote or the brush wolf can be distinguished from the gray wolf or the Eastern wolf. The answer is that hunters and experts in this matter can and do make the distinction.

The legislation provides that where there is a strong similarity of appearance between the species and where there is such a close resemblance in appearance that only under the most difficult circumstances or under the most expert study can the difference be ascertained, and if that confusion poses an additional threat to the endangered species, then the Secretary may require the protection of both the endangered species and the species which resembles it.

I do not happen to believe, on the basis of my own information and knowledge—and I am familiar with both the coyote and the wolf—that this provision would come into play with regard to the coyote and the wolf. There are very visible differences in the characteristics of the two species.

Mr. BERGLAND. Mr. Speaker, I, like my friend and colleague, the gentleman from Michigan, have hunted deer for the past 25 years, and there have been many instances when I caught a fleeting glimpse of an animal which I knew was some type of a wolf or coyote, and I was never been able to distinguish the difference.

I am wondering if the Secretary would designate the coyote or the brush wolf to be on the endangered or the protected list.

Mr. DINGELL. Mr. Speaker, the answer for the gentleman's question is that the coyote is not foreseeably going to be put on the endangered species list or on the threatened species list under this legislation. It simply will not happen.

Mr. BERGLAND. How about what we call the brush wolf?

Mr. DINGELL. That is the coyote. It is not likely to be put on the endangered species list, I can assure the gentleman of that. We have plenty of coyotes.

Mr. BERGLAND. Mr. Speaker, I am relieved to hear that. On page 14 of the committee report, under the general heading, "Exceptions," I notice it says in the bottom paragraph, as follows:

> The Secretary may make further requirements for a showing of undue economic hardships as he deems fit.

Mr. Speaker, will the gentlewoman or her designee, the gentleman from Michigan, please explain this to me?

Does this apply only to those exceptions that are provided for in the State of Alaska?

Mr. DINGELL. No. If the gentlewoman will yield further, the provision to which the gentleman refers alludes to the species which are endangered internationally, in other words, in other countries and on the high seas, and also to domestic species.

As a general rule, however, the hardship exemption applies mostly to importation and commercial activities. Usually it relates to commercial activities. However, it is conceivable that under certain circumstances it could also apply to takings of domestic animals.

Mr. BERGLAND. Mr. Speaker, the Department of Conservation in my State of Minnesota has developed a plan, with the advice and counsel of representatives of the U.S. Forest Service and the representatives of the Bureau of Sports Fisheries and Wildlife within the Department of Interior. This is commonly known as the Tri-Agency Plan.

It provides for a sanctuary in the northeast corner of Minnesota, where 2,500 miles of territory are provided in which the wolf will be protected, and in other areas, for instance, areas adjoining the northeastern corner, it would provide for some management and under some circumstances it would authorize some harvesting if the wolf was doing damage to the deer herd or to livestock or to farms in that general region.

I would certainly hope that the Secretary would accept that "Tri-Agency" plan, once authorized by the Minnesota Legislature.

I notice that the conference committee has recognized the need to have State input in the management of these kinds of problems. Does the gentlewoman have any comments on that plan?

Mrs. SULLIVAN. Yes. I understand the Department of the Interior is one of those agencies, so there would have to be that cooperation.

Mr. BERGLAND. I thank the gentlewoman for yielding.

Now, I certainly hope the Secretary of the Interior will accept that plan. It is terribly important, I think, if we are to protect the species that are truly in danger of extinction and, on the other hand, find a way of managing the predators so they do not destroy other of our valuable wildlife resources.

Mrs. SULLIVAN. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. Mr. Speaker, I urge approval of the conference report on this measure. Our committee has held many days of hearings on this matter, and has considered it extensively in open executive session. The bill is strongly supported by the conservation community, by wildlife groups and hunters, and by the administration. It would be no exaggeration to say that scarcely a voice has been heard in dissent. The report of the conference committee represents a substantial effort, and a successful effort, to blend the best features of both bills and deserves the support of the House.

The major issue before the conference was probably the assignment of responsibilities between the Interior Department, which is currently responsible for the endangered species program, and the Commerce Department, which has responsibility for certain species under the Reorganization Plan No. 4 of 1970. The issue was settled by assigning to Interior the overall responsibility for maintaining the lists of endangered and threatened species, and by requiring that each agency have primary jurisdiction for determining the status of species within their areas of responsibility. An exception to this rule was provided in the case of species assigned to the Department of Commerce, which is permitted to propose that species be added to the list, or upgraded from threatened to endangered status in which case Interior must so amend the list. In order for such a species to be removed or downgraded, however, it will be necessary for both agencies to agree.

A case in point, outlining this division of responsibility, might be the status of whales. If Commerce were to propose that another species than those now listed should be included, such as the minke whale, it could make the determination on the basis of the record, after complying with the procedural requirements of the act, and then inform Interior of that determination. Interior would have to comply, as promptly as possible.

If, on the other hand, Commerce were to propose that a whale now on the list, such as the humpback whale, should be taken off, or downgraded in status, it would go through the same procedural steps and then so recommend to Interior; in this case, however, Interior could either agree or disagree. In the latter case, the disagreement would

create an impasse, and no action would be taken with respect to the species unless one agency receded.

The effect of this resolution of differences will be to make it somewhat easier to list species than it will be to take them off. We assume that in clear cases, there will be little or no disagreement; that any disagreement will take place, if at all, only in the close or difficult cases. In this situation, it seems appropriate that we should act cautiously—certainly the conservative thing to do would be to withhold action until the picture becomes clearer.

I am convinced that this will result in better decisions by both agencies.

Also added to the bill as it passed the House is a provision allowing Alaskan Natives a qualified exemption from the requirements of the act, in order to allow them to hunt for subsistence purposes. While I expect that their dependence upon these species will diminish with the passage of time, I also recognize that there may be particular problems at the moment which would make it inequitable to halt all taking at once. We have provided adequate flexibility in the act, however, to allow the Secretary or the State fish and game agency to step in and impose additional restrictions upon native taking, and I am satisfied that these powers are ample to protect the further endangerment of any species which might otherwise be subject to unrestricted native taking in Alaska.

In recent oversight hearings on the Marine Mammal Protection Act, representatives of the State of Alaska testified that they found similar provisions in that act to be offensive and perhaps even violative of the Alaska constitution, which forbids discrimination among classes of Alaska citizens. If they continue to feel so with respect to endangered or threatened species, the bill allows that State to establish further restrictions upon native taking, as a part of or independent from a comprehensive endangered species conservation program. State laws may not be more lenient than the Federal law, but they can be more strict. Also, the bill specifically indicates that if there were to be any conflict between the requirements of this act and those of the Marine Mammal Protection Act, the stricter of the two will prevail.

Another important step which we have taken in this bill—and in this regard the two bills are virtually identical—is that we have substantially amplified the obligation of both agencies, and other agencies of Government as well, to take steps within their power to carry out the purposes of this act. A recent article in the Washington Post, dated December 14, illustrates the problem which might occur absent this new language in the bill. It appears that the whooping cranes of this country, perhaps the best known of our endangered species, are being threatened by Air Force bombing activities along the gulf coast of Texas. Under existing law, the Secretary of Defense has some discretion as to whether or not he will take the necessary action to see that this threat disappears—I hasten to say that I believe that Secretary Schlesinger, who I know to be a decent and honorable man, will take the proper steps whether or not the law is amended, but the point that I wish to make is that once the bill is enacted, he or any subsequent Secretary of Defense would be required to take the proper steps. I ask that the article be included at the conclusion of my remarks as exhibit I.

Another example has recently crossed my desk, having to do with the continental population of grizzly bears which may or may not be endangered, but which is surely threatened. An article by Michael Frome on this subject is printed in the current edition of Field and Stream and is included as exhibit II. It points out certain steps that should be, but are not being, taken to see that these magnificent animals do not go the way of the passenger pigeon. Once this bill is enacted, the appropriate Secretary, whether of Interior, Agriculture or whatever, will have to take action to see that this situation is not permitted to worsen, and that these bears are not driven to extinction. The purposes of the bill include the conservation of the species and of the ecosystems upon which they depend, and every agency of Government is committed to see that those purposes are carried out. It is a pity that we must wait until a species is faced with extermination before we begin to do those things that we should have done much earlier, but at least when and if that unfortunate stage is reached, the agencies of Government can no longer plead that they can do nothing about it. They can, and they must. The law is clear.

Another important step taken in this act is the requirement that the decision-making process be opened up to public review and participation. On the whole, I believe that these programs have been reasonably open in the past, but I also believe that agency performance can be improved. Under the provisions of this legislation, the public will be specifically allowed to propose the listing or delisting of species, or to petition the Secretary to step in and declare an emergency requiring immediate Federal action in order to protect an endangered or threatened species. Hardship exemptions are permitted, under stringent controls, and here again the process will be opened up to public review. These requirements will do much to increase the confidence of the public in the working of their Government—a confidence which today is somewhat shaken with respect to many programs and officials.

The enforcement provisions of this legislation are extensive. It forbids taking and importing or exporting of endangered species as well as a number of other activities. The conference committee was concerned with the position of an innocent common carrier or other bailee who might be in possession of unmarked or mismarked packages containing endangered species or parts or products from such species and we developed language which we believe adequate to cover this situation.

With respect to the civil penalties which may be assessed under section 11(a), the Government must show, in order to validly assess a penalty of over $1,000, that the person charged with violating the act knew the essential facts of the violation. It is not necessary for the Government to show that the person charged knew that he was in violation at the time the offense was committed.

If a common carrier is told by a shipper that the goods contained in the shipment are something other than animal parts or products, and has no reason to believe otherwise, the carrier cannot be assessed a penalty under this section. If it is told that the goods are animal skins, then he has an obligation to make a reasonable inquiry to satisfy himself that the skins are not from endangered species; if he does so, he is once again shielded. If, on the other hand, he knows or in the circumstances can reasonably be expected to know that these are forbidden goods, then penalties may be assessed against him.

Similarly, the term "knowingly violates," as used in this section, is intended to refer to a conscious act or a conscious omission of the offender which amounts to a violation. It does not require that the offender know that the act which he consciously commits or omits constitutes a violation.

This question has been discussed with the Senate and it is my clear understanding that they are in entire agreement with this interpretation of the language of the bill.

Mr. Speaker, this legislation was considered at length by the House earlier this year. At that time it was overwhelmingly approved by a vote of 390 to 12, in substantially the same form. I ask that the House once again declare its support for this important legislation, and approve the conference report.

The articles follow:

EXHIBIT 1

BOMB RUNS THREATEN CRANES—INTERIOR

(By Michael Getler)

Defense Secretary James R. Schlesinger, one of the country's most devoted bird watchers, has been told by the Interior Department that his "birds"—B-52 bombers and smaller attack jets—are endangering the survival of real and increasingly rare birds—whooping cranes.

The damage is being done, Interior says, at an Air Force practice bombing range along a portion of the barrier island of Matagorda off the Gulf Coast of Texas.

The island and a nearby wildlife refuge are also the winter home for virtually all of the remaining 50 or so whooping cranes outside captivity.

Furthermore, an Interior Department investigation of the situation at Matagorda sent to Schlesinger reported that whatever actual value the island has as a bombing range, "it is widely and quasi-officially held in the state that Matagorda is first and foremost an officer's country club."

The Air Force sharply disputes this characterization of its bombing range and also challenges many of the statements made in the Interior study produced by Andrew Sampson, a special assistant to Interior Secretary Rogers C. B. Morton.

Morton sent a copy of the investigation along with a letter to Schlesinger last month asking the Pentagon to at least restrict the

usage of Matagorda if an alternative can't be found. The Air Force says a reply from the Secretary of Defense is now being worked on.

The Interior Department reports claims that "a primary use" of the island is as a well-equipped recreation, hunting and fishing area for the brass.

Among the facilities maintained by some 125 personnel of the 4004th Air Base Squadron on Matagorda, the report states, are:

A distinguished visitors' quarters with deluxe rooms; a motor pool of 50 vehicles for use in hunting and fishing expeditions; 1,255 quail shelters and 38 turkey roosts; a storage facility for hunting and fishing equipment, and another facility for cleaning and freezing waterfowl, fish or deer. Airmen are also reportedly available to serve as guides or aides.

The Interior Department survey claims that the hunting activities are not well regulated, raising the prospect that some of the spectacular 5-foot-tall whooping cranes could also be lost to unsupervised hunting.

The Matagorda issue has become a touchy one in Texas, especially around nearby Corpus Christi, where there is interest in preserving the unusual birds and in gaining public access and use of the beach and wildlife areas contained in the 50,000-acre, 5-mile-long island.

The Air Force says all 211 people assigned to the range (52 reside on the island) are communicators who work for the radar-scoring system used in bombing practice. It says the facilities are far from plush and that the hunting and fishing activities were set up because there is not much else to do there.

Over the past three years, Air Force reports 950 hunters have used the facilities, including 68 generals, 30 visiting civilians, and the rest divided roughly evenly between officers and enlisted men.

The bombs used for practice are ones that don't explode, and the Air Force claims that the actual drop area is only 100 by 100 yards and is five miles from the nearest place that a whooping crane has been spotted.

There are fewer than 80 whooping cranes left in the world, including 21 in captivity. Last year 55 were spotted in the Arkansas national wildlife range on the Gulf Coast and on nearby Matagorda Island. This year, only 46 have been seen and the Interior Department study says it is "reasonable to assume" that the practice bombing and high-speed, low-level flights may be the culprits.

EXHIBIT 2

DO GRIZZLIES FACE A GRISLY FUTURE?

(By Michael Frome)

The North American grizzly bear as a living species is in serious trouble. Once, about 1.5 million of these giants ruled a vast domain extending from the Mississippi River to the Pacific Ocean. Now there are no more than a thousand in the United States south of Alaska. There are said to be several thousand still remaining in western Canada and Alaska, but change is coming on very fast in those regions. Can the grizzly be destined, in our own time, to follow the passenger pigeon into oblivion?

The grizzly bear is really the greatest animal on the North American continent. The intelligent, powerful grizzly walks with dignity, lordliness of carriage. It embodies the spirit of wilderness, the natural grandeur of the West. The loss would be a national calamity that future generations would find difficult to accept.

Reports suggest that during the early stages of contact in the 19th century grizzlies were not hostile, so long as men exercised caution and restraint. The legendary beaver trappers, however, were deadly enemies of the big bear. They led the way into grizzly territory, overcoming its size and strength with repeating rifle and trap. And within seventy-five years of their first encounter with the covered-wagon pioneers, these mighty carnivores of the West, monarchs since the Ice Age, were virtually wiped off the map.

Yes, there are a few remaining, but separate regional populations, sometimes referred to as "subspecies" have already been extirpated. A species must be saved in many places if it is to be saved at all. "There seems to be a tacit assumption that if grizzlies survive in Canada and Alaska, that is good enough," as Aldo Leopold wrote. "It is not good enough for me. The Alaska bears are a distinct species. Relegating grizzlies to Alaska is about like relegating happiness to heaven: one may never get there."

Where are grizzly bears found today? Most are in the national forests and national parks of the northern Rockies. The Forest Service recently furnished me with a roughly educated estimate of 763 grizzlies in sixteen national forests of Idaho, Montana, and Wyoming. The largest numbers are in the north-south corridor extending from Glacier National Park at the Canadian border to Yellowstone and Grand Teton national parks, and embracing the surrounding national forests. By far the greatest concentration is in the "Yellowstone ecosystem"—the largest of our national parks, plus four bordering national forests (Gallatin, Shoshone, Teton, and Targhee). Here lies the grizzly's last major stronghold.

Now heed these words of Dr. John Craighead from his report delivered at Yellowstone on September 19, 1972:

"In two years, 1971 and 1972, we have recorded ninety-one grizzly bear deaths from all causes within the Yellowstone ecosystem. The death rate according to our data has been more than double the birth rate. Our conclusion is that this population is in very serious trouble and a change in management practices is strongly indicated."

John Craighead and his twin brother Dr. Frank Craighead are noted natural scientists and conservationists with accomplishments of merit on many fronts. From 1959 through 1968 they conducted an intensive research project, funded by various public and private agencies, on the lives and habits of Yellowstone bears.

During this period the Craigheads and their student associates handled over 600 grizzlies. They tracked bears, shot them with immobilizing drugs, measured, weighed, and examined them. They gathered thousands of observations of marked and unmarked animals, and animals fitted with radios, covering movements of as much as fifty to sixty airline miles, revealing home ranges as well as social and denning behavior.

Not everyone approves of the idea of bears running around a national park with tagged ears or radio attachments. The National Park Service, in fact, has essentially barred the Craigheads from further independent research in Yellowstone. On the face of it, however, their work appears to represent the most comprehensive grizzly bear study ever undertaken, the first time such vital statistics have been collected for a living population of large mammals. The Park Service in its own research has fallen far short.

The disagreement between the Craigheads and the National Park Service centers on the earth-fill garbage dumps located in the park. Over the past century the bear's habits changed so they depended on food in the dumps. The dumps became part of their lives. Actually, grizzlies have an uncommon predilection for human foods, whether in the form of garbage or groceries in a cabin. Accessible garbage is the chief cause of "bear trouble."

As Adolph Murie, on of the foremost naturalists of our time, explains, garbage first attracts bears, then it continues to hold them in an area so they become unafraid and are soon breaking into tents, trailers, or cabins in search of more food. Human contacts follow, and incidents occur in which people are harmed, sometimes seriously. The bears become pests, no longer interesting wild creatures with natural habits. The usual ending is damage to property, injury to humans, and death to the bear.

In 1967, the Park Service prepared to close the dumps in order to keep the bears away from people and to restore the natural environment of Yellowstone. It was a laudable idea. The Craigheads concurred, recommending a gradual phase-out over eight to ten years, while supplementary rations of elk carcasses were provided. By so doing, they reasoned, grizzles would be kept away from campgrounds, reducing danger to both campers and bears.

The Park Service decided instead to shut the dumps quickly. This may or may not have been the right approach, but apparently the bears moved into the campgrounds and the number of injuries rose. The first time a troublesome bear is captured the standard procedure in such cases is to transplant it to the back country, but for the second offense the miscreant is "dispatched" or "removed from the population"—permanently.

The big question, as I see it, is: How many bears can the park afford to "dispatch" to grizzly heaven?

According to new computer data prepared by the Craigheads, the Yellowstone grizzly is on a collision course with early extinction as a direct result of the park management plan.

However, Glen Cole, the park biologist, has declared the computer analysis to be "completely false." He and other officials claim that if they had closed the dumps gradually, the bear concentration would have continued, with competition for decreasing amounts of food, and that young bears would become addicted to the garbage. Moreover, the officials insist that there really are two separate populations of Yellowstone grizzlies—one that feeds at garbage dumps, the other a healthy, wild, free-roaming population.

"Reproduction of about thirty cubs per year will more than compensate for past removals of incorrigible bears, and the necessity for removals will probably decline toward a near zero rate in future years," confidently declared Superintendent Jack Anderson in December of 1971. As if to support this prediction, the Park Service asserts there were no grizzly mortalities in Yellowstone during this past year.

If you take the official view, all goes well. But if you take the skeptical view, you might wonder whether the traffic in troublesome grizzlies is down because the bears have really scattered in the back country or because there are simply fewer bears. What if the Craigheads are right, or are not all wrong? Considering their experience and competency as research scientists, this possibility can hardly be ruled out. Then, it seems to me, management must be cautious, hewing to the safe side in order to avoid pressing the biological point of no return.

"The responsibility of the National Park Service in this case is to the grizzly first and the people second," Dr. A. Starker Leopold, who has long been familiar with Yellowstone, declared early this year. "And where conflicts occur, then the Park Service should adjust the people to maintain a healthy, permanent grizzly population."

This strikes me as a fundamental and urgent management proviso. Unfortunately, I fear it does not reflect the philosophy prevalent in national parks today. "Parks are for people" has been the watchword, and where the choice must be made as between

people and wildlife—well, bears and bison have no votes.

In 1967, two campers in Glacier National Park were pulled from sleeping bags, dragged off into the woods, and killed by grizzly bears. These tragic events resulted in the summary execution of two bears, alleged to be responsible, but without significant evidence against them. Then followed a flood of demands for total extermination of grizzlies in Yellowstone and Glacier, though the parks constitute the last undefiled habitat of these native animals. There were no declarations from administrators that man is more dangerous to bears than bears to man, or that national parks deserve to be treated as wild places, rather than as zoos.

As conditions now stand in Yellowstone and Glacier, grizzly-human confrontations are inevitable. They are apt to continue as long as visitor numbers rise in bear country. The wilderness traveler who has studied bear habits knows enough to make his way cautiously. But the gravest apprehension among conservationists is that Yellowstone and Glacier may be sterilized of the great bear in order to accommodate the mass of other travelers who are unprepared.

The national parks at their very best do not suffice as a means of perpetuating the larger carnivores, such as the grizzly (as well as the wolf and mountain lion). These areas can be feasibly enlarged, however, through the "ecosystems approach" embracing the surrounding national forests. This accounts no doubt for the highly significant resolution recently adopted by the International Association of Game, Fish and Conservation Commissioners, citing the existence of nine million acres of potential grizzly habitat on national forest land and urging the early appropriation of Federal funds to determine exactly which areas are most suitable.

This resolution and the concern displayed by the International Association represent an exercise of initiative by state agencies in grizzly country, supported by state conservation officials everywhere. It comes at the most opportune time, in view of the degree to which Federal agencies have lagged in their responsibility.

Spurred by the state officials and by public interest, the Forest Service, I believe, is at last ready for serious action. Certainly this is true of the biologists in the ranks. They recognize that permanent grizzly ranges and permanent wilderness areas are two names for one problem. According to their calculations, grizzlies now occupy, at varying population densities, about 6.7 million acres of national forest lands in the northern Rockies, while another 2.17 million acres are unoccupied but contain suitable habitat. These areas have been carefully designated—they are not heavily used by hikers and backpackers, or close to livestock and ranching.

However, only 4.1 million acres are classified as wilderness or primitive, while the remainder of the grizzly country is unclassified, or in "de facto wilderness" status. It would not be too much to ask the Chief of the Forest Service to defer all development in the areas involved pending completion of studies and a coordinated grizzly program. Foresters recognize that costly mistakes have been made through roading and logging, particularly in the untouched upper drainages, destroying the bears' isolation and disrupting their food sources. If the grizzly is to be saved, now is the hour for commitment and serious restraints.

Idaho has placed in effect a closed season on bears. Wyoming operates on a system of limited permits. Montana has steadily tightened its regulations over the years (eliminating spring hunting, closing areas for varying periods, requiring a special license), but there is still no limit on the number of licenses issued. The Montana Wilderness Association feels the state should go further.

"The status of the grizzly could be more critical than anyone realizes," Loren Kreck, of Columbia Falls, a prominent Montana conservationist, told me on the telephone as I began to write this column. "Allowing an unlimited harvest is like drawing on the checkbook without knowing how much money there is in the bank."

As a member of the Montana Wilderness Association's grizzly bear committee, Loren is pressing for a system of permits of modest number, to be issued by draw, with the Fish and Game Department then directing sportsmen into areas that can be hunted. It's the same pattern Montana already employs successfully in hunting mountain goats.

It might even be appropriate, in the Yellowstone ecosystem, for the states of Wyoming and Montana, in cooperation with the Forest Service, to close the season on grizzlies until their survival is unquestionably assured. Let's not allow this great animal to go down the drain while the experts are collecting and debating their data.

Grizzlies and man have coexisted, sharing the same natural environment. There is no reason they should not continue to do so, given maturity and sensitivity on man's part.

Adolph Murie for years conducted wildlife ecological studies in the national parks. His approach (which I discussed with him on visits to Alaska and Wyoming) was based on living with the animals, trying to think as they do, establishing an intimate relationship with the creatures that reveals their motivations in all they do. "When camping in bear country I have always burned all garbage and all cans that have contained food, to destroy the food odors," he said. "With these precautions, I have had very little trouble . . . Wilderness recreation and grizzlies are compatible."

There is need for independently funded research in the national parks. The people should know all the available facts, not simply those a Federal agency chooses to make available. There is need, also, for an open door of communication among all concerned. That's what FIELD & STREAM is about, I suppose. We write in words people can read, and think about the future of bears.

Mrs. SULLIVAN. Mr. Speaker, I yield such time as he may consume to the gentleman from Louisiana (Mr. BREAUX).

Mr. BREAUX. I thank the distinguished chairman of my committee for yielding to me.

I would like to ask a question of the chairman or the distinguished chairman of the Subcommittee on Fish and Wildlife.

It is my impression under the presently existing law provisions that exist only allow the Department of the Interior to list species of one category that is the endangered species. This legislation allows the Department of the Interior, through the Secretary, to set up a second category of species that are a threatened species. Am I correct in that understanding?

Mrs. SULLIVAN. That is correct.

Mr. BREAUX. Is this a provision that will affect the international treaty presently being considered and allowed us to have the species removed from the endangered category if it is shown to be necessary to place it in the second category?

Mrs. SULLIVAN. Our understanding is it implements the international convention.

Mr. BREAUX. I thank the gentlewoman.

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

The previous question was ordered.

The SPEAKER. The question is on the conference report.

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

Mr. BELL. 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 355, nays 4, not voting 73, as follows:

[Roll No. 714]

YEAS—355

Abdnor	Cochran	Goldwater
Abzug	Cohen	Gonzalez
Adams	Conable	Goodling
Addabbo	Conlan	Grasso
Anderson, Calif.	Conte	Green, Oreg.
	Corman	Green, Pa.
Andrews, N.C.	Cotter	Gude
Annunzio	Coughlin	Gunter
Archer	Crane	Guyer
Armstrong	Cronin	Haley
Ashbrook	Culver	Hamilton
Ashley	Daniel, Dan	Hammer-schmidt
Badillo	Daniel, Robert W., Jr.	Hanley
Bafalis	Daniels, Dominick V.	Hanrahan
Baker		Hansen, Idaho
Barrett	Davis, Ga.	Harsha
Bauman	Davis, S.C.	Hastings
Bell	Davis, Wis.	Hawkins
Bennett	de la Garza	Hechler, W. Va.
Bergland	Dellenback	Heckler, Mass.
Bevill	Dellums	Heinz
Biaggi	Denholm	Helstoski
Biester	Dennis	Henderson
Bingham	Derwinski	Hicks
Blackburn	Devine	Hillis
Blatnik	Dickinson	Hinshaw
Boggs	Diggs	Hogan
Boland	Donohue	Holifield
Bowen	Dorn	Holt
Brademas	Downing	Holtzman
Brasco	Drinan	Horton
Bray	Duncan	Hosmer
Breaux	du Pont	Howard
Breckinridge	Eckhardt	Huber
Brinkley	Edwards, Ala.	Hudnut
Broomfield	Edwards, Calif.	Hungate
Brotzman	Eilberg	Hunt
Brown, Calif.	Erlenborn	Hutchinson
Brown, Mich.	Esch	Ichord
Brown, Ohio	Eshleman	Johnson, Calif.
Broyhill, N.C.	Evans, Colo.	Johnson, Colo.
Broyhill, Va.	Fascell	Johnson, Pa.
Buchanan	Findley	Jones, Ala.
Burgener	Fish	Jones, N.C.
Burke, Fla.	Fisher	Jones, Okla.
Burke, Mass.	Flood	Jones, Tenn.
Burleson, Tex.	Flowers	Jordan
Burlison, Mo.	Flynt	Karth
Butler	Foley	Kastenmeier
Byron	Ford, William D.	Kazen
Carey, N.Y.		Kemp
Carney, Ohio	Forsythe	Ketchum
Carter	Fountain	King
Casey, Tex.	Fraser	Kluczynski
Cederberg	Frenzel	Koch
Chamberlain	Frey	Kuykendall
Chappell	Fuqua	Kyros
Chisholm	Gaydos	Latta
Clark	Gettys	Lent
Clausen, Don H.	Giaimo	Litton
Clawson, Del	Gibbons	Long, La.
Clay	Gilman	Long, Md.
Cleveland	Ginn	Lott

Lujan	Pettis	Steele
McClory	Peyser	Steelman
McCloskey	Pickle	Steiger, Wis.
McCollister	Pike	Stokes
McCormack	Poage	Stratton
McDade	Powell, Ohio	Stuckey
McEwen	Preyer	Studds
McFall	Price, Ill.	Sullivan
McKay	Pritchard	Symington
McKinney	Quie	Symms
McSpadden	Railsback	Talcott
Macdonald	Randall	Taylor, N.C.
Madden	Rangel	Teague, Calif.
Madigan	Rees	Teague, Tex.
Mahon	Regula	Thompson, N.J.
Mallary	Reuss	Thomson, Wis.
Mann	Rhodes	Thone
Maraziti	Rinaldo	Thornton
Martin, N.C.	Roberts	Tiernan
Mathias, Calif.	Robinson, Va.	Towell, Nev.
Mathis, Ga.	Robison, N.Y.	Treen
Matsunaga	Rodino	Udall
Mayne	Roe	Vander Jagt
Mazzoli	Rogers	Vanik
Meeds	Roncalio, Wyo.	Waggonner
Melcher	Roncallo, N.Y.	Waldie
Mezvinsky	Rooney, Pa.	Wampler
Milford	Rose	Ware
Miller	Rosenthal	Whalen
Minish	Rostenkowski	White
Mink	Roush	Whitehurst
Mitchell, Md.	Rousselot	Whitten
Mitchell, N.Y.	Roy	Widnall
Mizell	Roybal	Wiggins
Moakley	Runnels	Williams
Mollohan	Ruppe	Wilson, Bob
Montgomery	Ruth	Wilson, Charles H., Calif.
Moorhead, Calif.	St Germain	
	Sandman	
Moorhead, Pa.	Sarasin	Wilson, Charles, Tex.
Morgan	Sarbanes	
Mosher	Schroeder	Winn
Murphy, Ill.	Sebelius	Wolff
Murphy, N.Y.	Seiberling	Wyatt
Myers	Shoup	Wydler
Natcher	Shuster	Wylie
Nedzi	Sikes	Wyman
Nelsen	Skubitz	Yates
Nix	Slack	Yatron
Obey	Smith, N.Y.	Young, Alaska
O'Brien	Snyder	Young, Fla.
O'Hara	Spence	Young, Ga.
O'Neill	Staggers	Young, Ill.
Owens	Stanton, J. William	Young, S.C.
Parris		Young, Tex.
Passman	Stanton, James V.	Zablocki
Patman		Zion
Patten	Stark	
Perkins	Steed	

NAYS—4

Beard	Landgrebe	Price, Tex.
Gross		

NOT VOTING—73

Alexander	Gray	Quillen
Anderson, Ill.	Griffiths	Rarick
Andrews, N. Dak.	Grover	Reid
	Gubser	Riegle
Arends	Hanna	Rooney, N.Y.
Aspin	Hansen, Wash.	Ryan
Bolling	Harrington	Satterfield
Brooks	Harvey	Scherle
Burke, Calif.	Hays	Schneebeli
Burton	Hébert	Shipley
Camp	Jarman	Shriver
Clancy	Keating	Sisk
Collier	Landrum	Smith, Iowa
Collins, Ill.	Leggett	Steiger, Ariz.
Collins, Tex.	Lehman	Stephens
Conyers	Mailliard	Stubblefield
Danielson	Martin, Nebr.	Taylor, Mo.
Delaney	Metcalfe	Ullman
Dent	Michel	Van Deerlin
Dingell	Mills, Ark.	Veysey
Dulski	Minshall, Ohio	Vigorito
Evins, Tenn.	Moss	Walsh
Frelinghuysen	Nichols	Wright
Froehlich	Pepper	Zwach
Fulton	Podell	

So the conference report was agreed to.

The Clerk announced the following pairs:

Mr. Rooney of New York with Mr. Arends.
Mr. Hébert with Mr. Aspin.
Mr. Dent with Mr. Taylor of Missouri.
Mr. Podell with Mr. Landrum.
Mr. Nichols with Mr. Steiger of Arizona.
Mr. Hays with Mr. Shriver.
Mr. Stubblefield with Mr. Martin of Nebraska.
Mr. Harrington with Mr. Mailliard.
Mrs. Hansen of Washington with Mr. Froehlich.
Mr. Hanna with Mr. Conyers.
Mr. Burton with Mr. Minshall of Ohio.
Mr. Metcalfe with Mr. Riegle.
Mrs. Burke of California with Mr. Michel.
Mr. Sisk with Mr. Anderson of Illinois.
Mr. Shipley with Mr. Frelinghuysen.
Mr. Lehman with Mr. Danielson.
Mr. Brooks with Mr. Andrews of North Dakota.
Mr. Fulton with Mr. Gubser.
Mr. Rarick with Mr. Camp.
Mr. Alexander with Mr. Grover
Mr. Stephens with Mr. Collins of Texas.
Mrs. Collins of Illinois with Mr. Jarman.
Mr. Delaney with Mr. Clancy.
Mr. Reid with Mr. Zwach.
Mrs. Griffiths with Mr. Quillen.
Mr. Moss with Mr. Collier.
Mr. Dulski with Mr. Harvey.
Mr. Evins of Tennessee with Mr. Scherle.
Mr. Dingell with Mr. Schneebeli.
Mr. Gray with Mr. Walsh.
Mr. Leggett with Mr. Mills of Arkansas.
Mr. Pepper with Mr. Ryan.
Mr. Satterfield with Mr. Smith of Iowa.
Mr. Van Deerlin with Mr. Ullman.
Mr. Vigorito with Mr. Wright.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mrs. SULLIVAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report (S. 1983) just agreed to.

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

There was no objection.

PERMISSION FOR COMMITTEE ON GOVERNMENT OPERATIONS TO HAVE UNTIL MIDNIGHT, JANUARY 2, 1974, TO FILE REPORT ON H.R. 11793

Mr. HOLIFIELD. Mr. Speaker, I ask unanimous consent that the House Committee on Government Operations have until midnight, January 2, 1974, to file a report on H.R. 11793.

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

There was no objection.

IMPLEMENTING SHRIMP FISHING AGREEMENT WITH BRAZIL

Mrs. SULLIVAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 8529) to implement the shrimp fishing agreement with Brazil, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 17, strike out lines 12 and 13, and insert:

SEC. 13. The provisions of this Act, except section 15, shall expire June 15, 1975.

Page 17, after line 19, insert:

SEC. 15. Subsections (a) and (b) of section 5 of the Act of May 20, 1964 (78 Stat. 196), are amended to read as follows:

"(a) As used in this Act, the term 'Continental Shelf fishery resource' means living organisms belonging to sedentary species; that is to say, organisms, which at the harvestable stage, either are immobile on or under the seabed or are unable to move except in constant physical contact with the seabed or the subsoil of the Continental Shelf, including the following species:

"CRUSTACEA

"Tanner Crab—Chionoecetes tanneri;
"Tanner Crab—Chionoecetes opilio;
"Tanner Crab—Chionoecetes angulatus;
"Tanner Crab—Chionoecetes bairdi;
"King Crab—Paralithodes camtschatica;
"King Crab—Paralithodes platypus;
"King Crab—Paralithodes brevipes;
"Stone Crab—Menippe mercenaria;
"Lobster—Homarus Americanus;
"Dungeness Crab—Cancer magister;
"California King Crab—Paralithodes californiensis;
"Golden King Crab—Lithodes aequispinus;
"Northern Stone Crab—Lithodes maia;
"Stone Crab—Menippe mercenaria; and
"Deep-sea Red Crab—Ceryon quinquedens.

"MOLLUSKS

"Red Abalone—Haliotis rufescens;
"Pink Abalone—Haliotis corrugata;
"Japanese Abalone—Haliotis kamtschatkana;
"Queen Conch—Strombus gigas;
"Surf Clam—Spisula solidissima; and
"Ocean Quahog—Artica islandica.

"SPONGES

"Glove Sponge—Hippiospangia canaliculata;
"Sheepswool Sponge—Hippiospongia lachne;
"Grass Sponge—Spongia graminea;
"Yellow Sponge—Spongia barbera.

"(b) The Secretary of Commerce, in consultation with the Secretary of State, is authorized to publish in the Federal Register additional species of living organisms covered by the provisions of subsection (a) of this section."

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

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

Mrs. SULLIVAN. Mr. Speaker, on December 4, 1973, by voice vote, the House passed H.R. 8529, a bill to implement the agreement between the United States and Brazil concerning shrimp. The agreement establishes a basis for regulating the conduct of shrimp fishing by American fishermen in a defined area off the coast of Brazil.

Mr. Speaker, on that same day, by voice vote, the House passed H.R. 6074, a bill to declare the American lobster a creature of the Continental Shelf. This legislation would have the effect of making it unlawful for foreign fishing vessels to take the American lobster, thereby reserving it for the exclusive taking by U.S. fishermen.

Mr. Speaker, the Senate, in its wisdom, decided to merge these two bills and in accomplishing this purpose, added the language of the lobster bill as a new section 15 to the language of the shrimp bill.

In addition, a conforming technical change was made to section 13 of the bill to exempt section 15—the lobster provision—from the expiration date of the act, June 15, 1975.

Finally, a technical amendment was made to the title of the bill to more accurately reflect the contents of H.R. 8529, as amended.

Mr. Speaker, I might add that the amendments of the Senate would not result in any additional cost to the Federal Government.

Mr. Speaker, since H.R. 8529, as amended, is in essence identical to the language of the shrimp and lobster bills as previously passed by the House, I see no objection to the way in which the Senate handled this legislation, therefore, I urge my colleagues to concur in the Senate amendments.

Mr. GOODLING. Mr. Speaker, I withdraw my reservation of objection. I did so to give the gentlewoman from Missouri an opportunity to explain what we were doing and she has done that.

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

There was no objection.

The Senate amendments were concurred in.

The title was amended so as to read: "An act to implement the shrimp fishing agreement with Brazil, and for other purposes."

A motion to reconsider was laid on the table.

FOR THE RELIEF OF NICOLA LOMUSCIO

Mr. EILBERG. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 7684) for the relief of Nicola Lomuscio.

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

Mr. DEVINE. Mr. Speaker, reserving the right to object, I thought perhaps the gentleman from Pennsylvania wanted to make a statement. I was going to reserve the right to object, for that purpose, Mr. Speaker.

This is H.R. 7684, for the relief of one Nicola Lomuscio in which they seek to waive the immigration and naturalization laws on a man that has been convicted of a couple of felonies in Italy and omitted this information on his application for a visa to this country.

This is one of these cases where he would then qualify for second preference visa which could be converted into a first preference visa for immediate admission.

This is inherently unfair to many fine, respectable, honest Italian families who are begging to get into America, and have no criminal record.

Mr. Speaker, we have enough crime in this country without importing more, and I think it is indefensible for the Congress to pass a law to waive the provisions of our Immigration Act, and admit a twice-convicted felon.

This guy Lomuscio, on three separate occasions, stole 14,000, 16,000 and 14,000 Italian lire. He also was convicted of housebreaking and stole 350,000 Italian lire from a private residence, and he was over 18 years of age at the time of his trial and conviction.

Then, he willfully concealed these convictions on his visa applications, which is a further violation of the law.

Therefore, Mr. Speaker, I object.

The SPEAKER. Objection is heard.

EXTENDING DATES FOR 1974 ECONOMIC REPORT AND JOINT ECONOMIC COMMITTEE REPORT

Mr. PATMAN. Mr. Speaker, I ask unanimous consent for the immediate consideration of Senate joint resolution (Senate Joint Resolution 182) extending the dates for the transmission of the 1974 economic report and the report of the Joint Economic Committee.

The Clerk read the title of the Senate joint resolution.

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

There was no objection.

The Clerk read the Senate joint resolution as follows:

S.J. RES. 182

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) notwithstanding the provisions of section 3(a) of the Employment Act of 1946 (15 U.S.C. 1022 (a)), the President shall transmit the 1974 Economic Report to the Congress not later than February 1, 1974, and (b) notwithstanding the provisions of clause (3) of section 5(b) of such Act (15 U.S.C. 1024(b)), the Joint Economic Committee shall file its report on the President's 1974 Economic Report with the Senate and the House of Representatives not later than March 13, 1974.

Mr. PATMAN. Mr. Speaker, traditionally the Congress has adopted a resolution such as this when the Congress does not begin its session on January 3 of a given year.

This joint resolution merely extends the time for the filing of the economic report to the Congress by the President and the Joint Economic Committee's report on the economic report of the President.

Under law, the economic report of the President must be filed no later than January 20 of each year and the Joint Economic Committee report no later than March 1 of each year. Under this resolution, given the fact that the Congress will not be in session on January 3, the time is extended for the filing of the President's economic report until no later than February 1, 1974, and the Joint Economic Committee's report is extended until no later than March 13, 1974.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

AMENDING SMALL BUSINESS ACT

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 2482) amending the Small Business Act, with a Senate amendment to the House amendment thereto, and concur in the Senate amendment to the House amendment.

The Clerk read the title of the Senate bill, the Senate amendment, as follows:

The Clerk read the Senate amendment to the House amendment as follows:

Page 6, of the House engrossed amendment, strike out all after line 16 over to and including line 10 on page 7.

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

Mr. J. WILLIAM STANTON. Mr. Speaker, I reserve the right to object for the purpose of asking the chairman to explain quickly to the Members what this is.

Mr. PATMAN. Mr. Speaker, the Senate passed S. 2482 on Wednesday, December 19 in the same form as the bill passed the House on Monday except the Senate deleted one House amendment.

This amendment would have made it a criminal offense for any Member of Congress or employee of the U.S. Government to attempt to improperly influence the official conduct of any officer or employee of the SBA with respect to the entering into by the SBA of any loan, loan guarantee, or other agreement.

The bill provided a fine of $10,000 or a jail sentence of up to 1 year or both for each offense. In addition the application before the SBA would be null and void.

The Senate rejected this amendment on the grounds that its intent was unclear and it possibly could not stand a constitutional test.

Other than this one change the Senate amended bill is identical to the bill this body passed on Monday of this week.

Mr. J. WILLIAM STANTON. Mr. Speaker, I thank the Chairman for that information. I withdraw my reservation of objection.

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

There was no objection.

The Senate amendment to the House amendment was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR AGREEMENT TO SENATE AMENDMENTS WITH AN AMENDMENT TO H.R. 6186, AMENDING THE DISTRICT OF COLUMBIA REVENUE ACT OF 1947

Mr. DIGGS. Mr. Speaker, I move to suspend the rules and agree to the House resolution (H. Res. 754) 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, and agree to the Senate amendments numbered 1 and 2 and agree to Senate amendment numbered 3, with an amendment.

The Clerk read as follows:

H. RES. 754

Resolved, That immediately upon the adoption of this resolution the bill H.R. 6186, with the Senate amendments thereto, be, and the same is hereby, taken from the Speaker's table to the end that (1) Senate amendments numbered 1 and 2 be, and the same are hereby, agreed to; and (2) Senate amendment numbered 3 be, and the same is hereby, agreed to with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

AMENDMENT TO THE SENATE AMENDMENT NO. 3 TO H.R. 6186

In lieu of the matter proposed to be inserted by Senate amendment numbered 3, insert the following:

SEC. 3. (a) Part C of title VII of the District of Columbia Self-Government and Governmental Reorganization Act is amended by inserting at the end thereof the following:

"POLITICAL PARTICIPATION IN THE FIRST ELECTION HELP UNDER THIS ACT

"SEC. 724. (a) In order to provide continuity in the government of the District of Columbia during the transition from the appointed government to the elected government provided for under this Act, no person employed by the United States or by the government of the District of Columbia (including the Commissioner of the District of Columbia and the Chairman, Vice Chairman, and members of the District of Columbia Council established under Reorganization Plan Numbered 3 of 1967) shall be prohibited by reason of such employment—

"(1) from being a candidate in the first election held under this Act for, or

"(2) if such a candidate, from taking an active part in political management or political campaigns in such election which relate to, the office of Mayor or Chairman or member of the Council of the District of Columbia provided for under title IV of this Act.

"(b) The provisions of this section shall terminate as of January 2, 1975."

(b) The table of contents for part C of title VII of such Act is amended by inserting at the end of that part the following new item:

"SEC. 724. POLITICAL PARTICIPATION IN THE FIRST ELECTION HELD UNDER THIS ACT."

SEC. 4. (a) Section 741 of the District of Columbia Self-Government and Governmental Reorganization Act is repealed.

(b) The table of contents for part D of title VII of such Act is amended by striking out the item relating to section 741.

Mr. DIGGS (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER. Is a second demanded?

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

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

There was no objection.

The SPEAKER. The Chair recognizes the gentleman from Michigan (Mr. DIGGS).

Mr. DIGGS. Mr. Speaker, this is the Nelsen amendment which we discussed yesterday, which will temporarily provide an opportunity for all Federal and District employees who are residents of the District to be candidates for office, Mayor, chairman, and members of the Council.

The ranking member of the House District Committee, the gentleman from Minnesota (Mr. NELSEN) and I have reached what we think to be a viable and effective agreement on the solution to the Hatch Act problems posed by the District of Columbia home rule bill. Under the home rule legislation, the Civil Service Commission has advised us that both the current appointed Mayor and City Council members would be required to resign from office in order to run for either the mayoralty or membership on the Council. The Hatch Act prohibits employees of the District of Columbia government from participating in political campaigns and political management. The Civil Service Commission's opinion indicates that both the Mayor and the members of the City Council are considered to be employees of the District of Columbia and therefore would fall within the proscriptions of the Hatch Act.

The accommodation which we have reached achieves basically three goals. Initially it will prevent a hiatus in the District of Columbia government. This will be effectuated by granting an exemption from the Hatch Act for the current appointed Mayor and City Council members—10 people—to allow them to be a candidate in the first election held for Mayor, Chairman, and members of the Council. 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 possible candidates, the accommodation exempts any person employed by the United States or the government of the District of Columbia from the proscriptions of the Hatch Act insofar as such persons may become a candidate for office and may be involved in taking an active part in political management and political campaigns. The effect of this provision is to allow any person who works for the Federal Government or any person who works for the District of Columbia government to choose to be a candidate for one of the 14 positions created under the home rule bill. His candidacy will be unhampered in that he may do all of the things which are normally concomitant with the political elective process. It should be noted, however, that the proscriptions of the Hatch Act will still apply to all employees of the United States or the government of the District of Columbia who are not candidates. The third aspect of the compromise is that the exemptions created will terminate as of January 2, 1975. The purpose of this is to deal with the complicated Hatch Act problems posed by the home rule legislation for the first election and then to allow the Congress to work its will to deal with the Hatch Act for future elections. This gives the Congress ample time to analyze and assess the problem and to create effective legislation to remedy it.

The solution that Mr. NELSEN and I have agreed upon therefore prevents any hiatus in Government from occurring, expands the number of persons who may become candidates for the first election and provides the Congress with ample opportunity to deal with this problem in the future. Mr. Speaker, I would like to yield to the distinguished gentleman from Michigan for any further comments he might wish to make.

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

I am not so sure that I am proud of the fact that this amendment is necessary and I must support it. I want to point out that the bill that came over from the Senate had to be amended, for the reason that it specifically exempted the mayor and the council only.

Mr. Speaker, it seems to me, in the interest of orderly legislation, that we should agree to this amendment at this time.

I had a discussion with the gentleman from California (Mr. DELLUMS) who objected previously under unanimous consent, and I think he, perhaps, should have had more information prior to the discussion the other day. We sat down and went over this, and I think we both agree that an amendment such as this one was almost a necessity.

Mr. Speaker, I hope that the gentleman from California may have a comment or two which he will make, relative to this, later on.

Mr. Speaker, I support the amendment, a copy of which is at the desk, which has been made by Chairman DIGGS that would constitute an amendment to the Senate amendment No. 3 to H.R. 6186. This further House amendment would delete a section 741 from the home rule bill, S. 1435, section 741, which would permit Federal employees to run in local elections for the offices of mayor, chairman, and member of the council of the District of Columbia. However, the further House amendment would also permit all Federal and District employees to participate as candidates in the first election provided for under the home rule bill, assuming the charter is approved in the referendum which will be conducted in May, 1974. Assuming that referendum is approved by the voters of the District of Columbia, the further House amendment which I support to H.R. 6186 would provide continuity in the government of the District of Columbia during the transistion period from an appointed government to an elected government.

I must confess that I am placed in a somewhat awkward position on this matter. Basically, I am opposed to any inroad on the Hatch Act and I am opposed to partisan elections in the District of Columbia.

Well unfortunately despite my advice to the conferees and continued argument in the conference, in the conference report No. 93–703 on home rule the conferees provided for partisan elections and an open-ended, indefinite exemption to the Hatch Act so as to permit Federal employees residing in Washington to be candidates for the offices of mayor, chairman and member of the council.

The thrust of the amendment is as follows:

First. Because of the unique and unusual circumstances that the home rule bill imposes on the District of Columbia going from an appointive government to an elected government, we are faced with the situation where if the incumbent Mayor and Council Members, as well as other employees of the District of Columbia, were not to violate the Hatch Act, they would have to resign their positions to run for office.

Second. Because section 741 of the Home Rule or Self-Government Act exempts Federal employees for all time, those individuals would be able to run for the office of Mayor and Council Member without resigning their Federal positions, which I strongly object to because it constitutes a continuing and pervasive amendment to the Hatch Act.

This amendment would permit Federal employees to run for office in the local government—as is true in the home rule bill which we passed in adopting the con-

ference report on home rule on December 17, 1973. However, it is clearly distinguishable in that it limits the exemption for the first election, and the first election only, and does not, therefore, constitute a prospective amendment to the Hatch Act for all time as it relates to Federal employees involving themselves as candidates in local District of Columbia partisan elections.

Thus, perhaps the most important feature of this amendment deleting the Senate language, which in turn amends H.R. 6186—and inserts new language in the Home Rule Act—is that it has a termination date of January 2, 1975. Thus, it clearly applies to the first election and the first election only as it relates to the newly elected government as provided for in the Home Rule Act. This will permit the Congress in the next session to take up the matter of a more permanent solution to this problem, and we will not be taking action with a gun to our head, so as to avoid mass resignations from the local governments so that individuals may participate as candidates in the first election.

Thus, the effect of the amendment is to recognize the unique and unusual circumstances that arise by reason of the fact that the Senate insisted on partisan elections and the fact that all District of Columbia employees and all Federal employees who reside in the District of Columbia are under the Hatch Act and are prohibited from participating in this election, unless some provision similar to this amendment is adopted by the Congress.

In the next session of Congress or in the very near future I am sure that a new and fresh look will be required to determine whether or not we should go back to nonpartisan elections or some other provision is to be adopted. Frankly, I prefer nonpartisan elections. I have always urged them upon the conferees and the House in treating with this home rule legislation, and I deplore the fact that I am placed in the unusual and somewhat embarrassing position of having to support an amendment of this sort. However, to be realistic I think all of us in the House, given the unfavorable circumstances we now find ourselves in, must act responsibly given the fact partisan elections are provided for in the home rule bill, S. 1435, which is now on the President's desk for signature.

I might point out that my principal reason for supporting this amendment as it relates to Federal employees is the reason that we are transferring a substantial number of Federal employees to the local government under the provisions of the home rule bill. The National Capital Housing Authority, the District of Columbia Redevelopment Land Agency, and the District of Columbia Manpower Authority are all Federal or quasi-Federal agencies that are scheduled to be transferred to the District under the home rule bill, and those employees on the rolls of those agencies may be said to be either Federal or quasi-Federal employees. Under the circumstances, if all District of Columbia employees are to be given an opportunity to run in this first election, then certainly those employees working for those Federal or quasi-Federal agencies should not be denied the right to run for office also. Also, the amendment narrows the exemption—section 741—which now appears in the home rule legislation.

One principal reason I favor the amendment offered here, given the unusual circumstances, is that I view calendar year 1974 as a critical one as respects the action by the District government in adopting the recommendations of the Nelsen commission, which I headed. That commission made over 450 recommendations in a 3-volume report to the Congress filed August 17, 1972.

I fear that the implementation of those recommendations may be hampered enough by the involvement of the local citizenry and the local government officials in partisan elections. I think they would be further endangered were the sitting Mayor and the sitting members of the City Council and perhaps other key District employees forced to resign so that they may run for office in the new government. For this additional reason I favor giving these appointed officials as well as other key District employees, an opportunity to remain on the job during the period of this first election so that they may give the Nelsen commission recommendations close attention and an impetus toward their implementation that I believe they deserve and which I submit to the Members of the House is in the interest of economy, efficiency and improved operation of the local government. Accordingly, in the interest of this Congress and all their constituents throughout the country I strongly suggest to the District government that they move forward aggressively in implementing the recommendations of the Nelsen commission.

In conclusion, I wish to insert in the RECORD at this point a pertinent portion of a statement of my colleague from the Senate side, Senator DOMENICI, made on the Senate floor yesterday when the conference report on home rule was debated in that body wherein he deplored the fact that the home rule legislation provided for partisan elections:

Mr. DOMENICI. Mr. President, I thank the distinguished Senator from Maryland.

* * * * *

I have only one concern, which is not sufficient to cause me to vote against the bill, but it is sort of a red flag, in that I predict we will have some problems because we decided to have partisan elections.

As some Senators know, I was a mayor before I came to the Senate. I served a community that did not have partisan elections. It was a community that had many Federal employees in its environs, perhaps as many as 12 to 15 percent. We went through a charter revision. As we looked at all the facts, we determined that if we turned our elections into partisan elections, there were certain advantages, indeed, the advantages inherent in the two-party system, but there would be disadvantages, too, because we would be saying to many leading citizens and activists who wanted to participate, "You cannot participate because of the Hatch Act."

In this instance, the alternative was to have nonpartisan elections and all residents of the community who otherwise qualified could participate because the Hatch Act would not preclude their activity.

By going partisan here in the District of Columbia, we run into very serious problems with the Hatch Act. I voice this concern, because in the District of Columbia, of the approximate 305,000 registered voters, 135,141 or 40 percent would be subject to the Hatch Act and thus unable to actively participate in the election process. Chairman Eagleton has attempted to remedy this situation in a separate amendment by excluding the present Mayor and all bona fide City Council candidates from Hatch Act provisions. It would seem, however, that this will only reach a small percentage of this 40 percent and thus will eliminate by law the active participation of many others in the election process of this new form of government.

I sincerely believe that by adopting a partisan election process you will inherently exclude many from the right of self-government. I voice this objection, because this bill comes very close to offering the needed provisions for self-government, but this one provision will deny such a large percentage of their right to participate in a complete home rule.

I think we should have faced up to the issue and asked whether Congress wanted people participating in partisan elections removed from the Hatch Act; and, if not, we should have decided to make this a nonpartisan city election. Participation would not have been minimized. I can cite numerous cities in this country that have nonpartisan elections, with tremendous participation and no problem with the Hatch Act, among them Houston, Dallas, and Albuquerque, N. Mex. Most California communities have nonpartisan elections.

So we would have had activity and participation, and we would not have had the problem of basically eliminating, in this instance, about 40 percent of the electorate of the District which cannot participate actively because they are "hatched," so to speak.

I do not want to change the Hatch Act to let them participate, unless we are willing to do this for all citizens across this land, in all cities, and I do not favor that.

So I indicate my concern and predict a rather serious problem, when the citizens find out that they are indeed given participation with the left hand and that it is taken away with the right hand of the Hatch Act. I hope it does not prove to be too onerous a burden. I hope that participation is maximum and that all citizens who are interested will work toward making home rule actually function on a day-to-day basis in this community. I hope that what I have predicted will not come true.

I thank the distinguished ranking member of the committee for yielding to me.

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

Mr. Speaker, on yesterday, I objected to this provision coming up under unanimous consent. I have since talked with the distinguishd chairman of the committee, and the distinguished ranking minority member.

My concern yesterday was that perhaps we were about to pass a piece of legislation that I considered elitest, at best and certainly unconstitutional, in that it would have provided for the Mayor and the City Council to be exempt from the Hatch Act.

I understand now that we have worked out a parliamentary situation under which the gentleman from Minnesota (Mr. NELSEN) will offer an amendment which would extend this exemption to all Government employees.

I think that is satisfactory at this moment, although I do not believe it is a long-term solution.

Mr. Speaker, I also received guarantees that we will consider this matter with serious deliberation in order to try to resolve it over a longer period of time.

For those reasons, I will not object today, Mr. Speaker, and I urge my colleagues to agree to the resolution.

The SPEAKER. The question is on the motion offered by the gentleman from Michigan (Mr. DIGGS) that the House suspend the rules and agree to the House resolution, House Resolution 754.

The question was taken.

Mr. BELL. 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 ayes 319, noes 26, answered "present" 1, not voting 86, as follows:

[Roll No. 715]

AYES—319

Abdnor	Coughlin	Hawkins
Abzug	Cronin	Hechler, W. Va.
Adams	Culver	Heckler, Mass.
Addabbo	Daniel, Dan	Heinz
Anderson, Calif.	Daniel, Robert W., Jr.	Helstoski
Andrews, N.C.	Daniels, Dominick V.	Henderson
Annunzio	Davis, Ga.	Hicks
Archer	Davis, Wis.	Hillis
Armstrong	de la Garza	Hinshaw
Ashley	Dellenback	Hogan
Badillo	Denholm	Holifield
Bafalis	Dennis	Holt
Baker	Derwinski	Holtzman
Barrett	Diggs	Horton
Bauman	Donohue	Hosmer
Beard	Dorn	Howard
Bell	Downing	Huber
Bennett	Drinan	Hudnut
Bergland	Duncan	Hungate
Bevill	du Pont	Hutchinson
Biaggi	Eckhardt	Johnson, Calif.
Biester	Edwards, Ala.	Johnson, Colo.
Bingham	Eilberg	Johnson, Pa.
Blatnik	Erlenborn	Jones, N.C.
Boggs	Evans, Colo.	Jones, Okla.
Bowen	Fascell	Jones, Tenn.
Brademas	Findley	Jordan
Brasco	Fish	Karth
Bray	Fisher	Kazen
Breaux	Flood	Kemp
Breckinridge	Flowers	Ketchum
Brinkley	Foley	Kluczynski
Broomfield	Ford, William D.	Koch
Brotzman	Forsythe	Kuykendall
Brown, Calif.	Fountain	Kyros
Brown, Mich.	Frenzel	Latta
Brown, Ohio	Frey	Lent
Broyhill, N.C.	Froehlich	Litton
Broyhill, Va.	Fuqua	Long, La.
Buchanan	Gaydos	Long, Md.
Burgener	Giaimo	Lott
Burke, Fla.	Gibbons	Lujan
Burke, Mass.	Gilman	McClory
Butler	Ginn	McCloskey
Byron	Goldwater	McCollister
Carey, N.Y.	Gonzalez	McDade
Carney, Ohio	Grasso	McFall
Carter	Gray	McKay
Cederberg	Green, Oreg.	McKinney
Chamberlain	Green, Pa.	McSpadden
Chappell	Gude	Macdonald
Chisholm	Gunter	Madden
Clark	Guyer	Mahon
Clausen, Don H.	Haley	Mallary
Clay	Hamilton	Mann
Cleveland	Hammer-schmidt	Maraziti
Cochran	Hanley	Martin, N.C.
Cohen	Hanrahan	Mathias, Calif.
Conable	Hansen, Idaho	Mathis, Ga.
Conlan	Harsha	Matsunaga
Conte	Hastings	Mayne
Corman	Hays	Mazzoli
Cotter	Hébert	Meeds
Coughlin	Heckler, Mass.	Melcher
Cronin	Heinz	Metcalfe
Culver	Helstoski	Mezvinsky
Daniel, Dan	Henderson	Milford
Daniel, Robert W., Jr.	Hicks	Miller
Daniels, Dominick V.	Hillis	Minish
Davis, Ga.	Hinshaw	Mink
Davis, Wis.	Hogan	Mitchell, Md.
de la Garza	Holifield	Mitchell, N.Y.
Dellenback	Holt	Mizell
Denholm	Holtzman	Moakley
Dennis	Horton	Mollohan
Derwinski	Hosmer	Montgomery
Diggs	Howard	Moorhead, Pa.
Donohue	Huber	Morgan
Dorn	Hudnut	Mosher
Downing	Hungate	Murphy, Ill.
Drinan	Hutchinson	Murphy, N.Y.
Duncan	Johnson, Calif.	Myers
du Pont	Johnson, Colo.	Natcher
Eckhardt	Johnson, Pa.	Nedzi
Edwards, Ala.	Jones, N.C.	Nelsen
Eilberg	Jones, Okla.	Nix
Erlenborn	Jones, Tenn.	Obey
Evans, Colo.	Jordan	O'Brien
Fascell	Karth	O'Hara
Findley	Kazen	O'Neill
Fish	Kemp	Owens
Fisher	Ketchum	Passman
Flood	Kluczynski	Patman
Flowers	Koch	Patten
Foley	Kuykendall	Pepper
Ford, William D.	Kyros	Perkins
Forsythe	Latta	Pettis
Fountain	Lent	Peyser
Frenzel	Litton	Pickle
Frey	Long, La.	Pike
Froehlich	Long, Md.	Poage
Fuqua	Lott	Powell, Ohio
Gaydos	Lujan	Preyer
Giaimo	McClory	Price, Ill.
Gibbons	McCloskey	Pritchard
Gilman	McCollister	Quie
Ginn	McDade	Randall
Goldwater	McFall	Rangel
Gonzalez	McKay	Rees
Grasso	McKinney	Regula
Gray	McSpadden	Reuss
Green, Oreg.	Macdonald	Rhodes
Green, Pa.	Madden	Rinaldo
Gude	Mahon	Roberts
Gunter	Mallary	Robinson, Va.
Guyer	Mann	Robison, N.Y.
Haley	Maraziti	Rodino
Hamilton	Martin, N.C.	Roe
Hammer-schmidt	Mathias, Calif.	Rogers
Hanley	Mathis, Ga.	Roncallo, Wyo.
Hanrahan	Matsunaga	Roncallo, N.Y.
Hansen, Idaho	Mayne	Rooney, Pa.
Harsha	Mazzoli	Rose
Hastings	Meeds	Rostenkowski
Hays	Melcher	Roush
Hébert	Metcalfe	Roy
Heckler, Mass.	Mezvinsky	Roybal
Heinz	Milford	Ruth
Helstoski	Miller	St Germain
Henderson	Minish	Sandman
Hicks	Mink	Sarbanes
Hillis	Mitchell, Md.	Schroeder
Hinshaw	Mitchell, N.Y.	Sebelius
Hogan	Mizell	Seiberling
Holifield	Moakley	Shoup
Holt	Mollohan	Shuster
Holtzman	Montgomery	Sikes
Horton	Moorhead, Pa.	Skubitz
Hosmer	Morgan	Slack
Howard	Mosher	Smith, N.Y.
Huber	Murphy, Ill.	Snyder
Hudnut	Murphy, N.Y.	Spence
Hungate	Myers	Staggers
Hutchinson	Natcher	Stanton, J. William
Johnson, Calif.	Nedzi	Stanton, James V.
Johnson, Colo.	Nelsen	Steed
Johnson, Pa.	Nix	Steele
Jones, N.C.	Obey	Steelman
Jones, Okla.	O'Brien	Steiger, Wis.
Jones, Tenn.	O'Hara	Stokes
Jordan	O'Neill	Stratton
Karth	Owens	Stuckey
Kazen	Passman	Studds
Kemp	Patman	Sullivan
Ketchum	Patten	Symington
Kluczynski	Pepper	Talcott
Koch	Perkins	Taylor, N.C.
Kuykendall	Pettis	Teague, Calif.
Kyros	Peyser	Teague, Tex.
Latta	Pickle	Thompson, N.J.
Lent	Pike	Thomson, Wis.
Litton	Poage	Thone
Long, La.	Powell, Ohio	Thornton
Long, Md.	Preyer	Tiernan
Lott	Price, Ill.	Towell, Nev.
Lujan	Pritchard	Treen
McClory	Quie	Udall
McCloskey	Randall	Ullman
McCollister	Rangel	Vander Jagt
McDade	Rees	Vanik
McFall	Regula	Waggonner
McKay	Reuss	Waldie
McKinney	Rhodes	Wampler
McSpadden	Rinaldo	Ware
Macdonald	Roberts	Whalen
Madden	Robinson, Va.	White
Mahon	Robison, N.Y.	Whitehurst
Mallary	Rodino	Whitten
Mann	Roe	Widnall
Maraziti	Rogers	Wiggins
Martin, N.C.	Roncallo, Wyo.	Williams
Mathias, Calif.	Roncallo, N.Y.	Wilson, Charles, Tex.
Mathis, Ga.	Rooney, Pa.	Winn
Matsunaga	Rose	Wolff
Mayne	Rostenkowski	Wright
Mazzoli	Roush	Wyatt
Meeds	Roy	Wylie
Melcher	Roybal	Wyman
Metcalfe	Ruth	Yates
Mezvinsky	St Germain	Yatron
Milford	Sandman	Young, Alaska
Miller	Sarbanes	Young, Ga.
Minish	Schroeder	Young, Ill.
Mink	Sebelius	Young, S.C.
Mitchell, Md.	Seiberling	Zablocki
Mitchell, N.Y.	Shoup	Zion
Mizell	Shuster	
Moakley	Sikes	
Mollohan	Skubitz	
Montgomery	Slack	
Moorhead, Pa.	Smith, N.Y.	
Morgan	Snyder	
Mosher	Spence	
Murphy, Ill.	Staggers	
Murphy, N.Y.	Stanton, J. William	
Myers	Stanton, James V.	
Natcher	Steed	
Nedzi	Steele	
Nelsen	Steelman	
Nix	Steiger, Wis.	
Obey	Stokes	
O'Brien	Stratton	
O'Hara	Stuckey	
O'Neill	Studds	
Owens	Sullivan	
Passman	Symington	
Patman	Talcott	
Patten	Taylor, N.C.	
Pepper	Teague, Calif.	
Perkins	Teague, Tex.	
Pettis	Thompson, N.J.	
Peyser	Thomson, Wis.	
Pickle	Thone	
Pike	Thornton	
Poage	Tiernan	
Powell, Ohio	Towell, Nev.	
Preyer	Treen	
Price, Ill.	Udall	
Pritchard	Ullman	
Quie	Vander Jagt	
Randall	Vanik	
Rangel	Waggonner	
Rees	Waldie	
Regula	Wampler	
Reuss	Ware	
	Whalen	
	White	
	Whitehurst	
	Whitten	
	Widnall	
	Wiggins	
	Williams	
	Wilson, Charles, Tex.	
	Winn	
	Wolff	
	Wright	
	Wyatt	
	Wylie	
	Wyman	
	Yates	
	Yatron	
	Young, Alaska	
	Young, Ga.	
	Young, Ill.	
	Young, S.C.	
	Zablocki	
	Zion	

NOES—26

Ashbrook	Eshleman	Price, Tex.
Blackburn	Flynt	Runnels
Burleson, Tex.	Gettys	Symms
Burlison, Mo.	Goodling	Wilson, Charles H., Calif.
Casey, Tex.	Gross	Wydler
Clawson, Del	Ichord	Young, Fla.
Crane	King	Young, Tex.
Davis, S.C.	Landgrebe	
Devine	Moorhead, Calif.	
Dickinson		

ANSWERED "PRESENT"—1

Dellums

NOT VOTING—86

Alexander	Grover	Quillen
Anderson, Ill.	Gubser	Railsback
Andrews, N. Dak.	Hanna	Rarick
Arends	Hansen, Wash.	Reid
Aspin	Harrington	Riegle
Boland	Harvey	Rooney, N.Y.
Bolling	Hays	Rosenthal
Brooks	Hébert	Rousselot
Burke, Calif.	Hunt	Ruppe
Burton	Jarman	Ryan
Camp	Jones, Ala.	Sarasin
Clancy	Kastenmeier	Satterfield
Collier	Keating	Scherle
Collins, Ill.	Landrum	Schneebeli
Collins, Tex.	Leggett	Shipley
Conyers	Lehman	Shriver
Danielson	McCormack	Sisk
Delaney	McEwen	Smith, Iowa
Dent	Madigan	Stark
Dingell	Mailliard	Steiger, Ariz.
Dulski	Martin, Nebr.	Stephens
Edwards, Calif.	Metcalfe	Stubblefield
Esch	Michel	Taylor, Mo.
Evins, Tenn.	Mills, Ark.	Van Deerlin
Fraser	Minshall, Ohio	Veysey
Frelinghuysen	Moss	Vigorito
Fulton	Nichols	Walsh
Griffiths	Farris	Wilson, Bob
	Podell	Zwach

So the resolution was agreed to.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Anderson of Illinois.
Mr. Rooney of New York with Mr. Aspin.
Mr. Dent with Mr. Esch.
Mr. Podell with Mr. Landrum.
Mr. Nichols with Mr. Andrews of North Dakota.
Mr. Hays with Mr. Arends.
Mr. Stubblefield with Mr. Riegle.
Mr. Harrington with Mr. Frelinghuysen.
Mrs. Hansen of Washington with Mr. Grover.
Mr. Hanna with Mr. Conyers.
Mr. Burton with Mr. Harvey.
Mr. Metcalfe with Mr. Danielson.
Mrs. Burke of California with Mr. Martin of Nebraska.
Mr. Sisk with Mr. Camp.
Mr. Shipley with Mr. Clancy.
Mr. Stark with Mr. Mailliard.
Mr. Lehman with Mr. Gubser.
Mr. Brooks with Mr. McEwen.
Mr. Fulton with Mr. Collier.
Mr. Alexander with Mr. Hunt.
Mr. Stephens with Mr. Keating.
Mrs. Collins of Illinois with Mr. Minshall of Ohio.
Mr. Delaney with Mr. Mills of Arkansas.
Mr. Reid with Mr. Madigan.
Mrs. Griffiths with Mr. Michel.
Mr. Moss with Mr. Collins of Texas.
Mr. Dulski with Mr. Quillen.
Mr. Evins of Tennessee with Mr. Rousselot.
Mr. Leggett with Mr. Parris.
Mr. Van Deerlin with Mr. Ruppe.
Mr. Vigorito with Mr. Railsback.
Mr. Jarman with Mr. Sarasin.
Mr. Dingell with Mr. Shriver.
Mr. Boland with Mr. Scherle.
Mr. Edwards of California with Mr. Walsh.
Mr. Fraser with Mr. Schneebeli.
Mr. Jones of Alabama with Mr. Taylor of Missouri.
Mr. Kastenmeier with Mr. Bob Wilson.
Mr. McCormack with Mr. Rarick.
Mr. Rosenthal with Mr. Ryan.
Mr. Satterfield with Mr. Smith of Iowa.
Mr. Steiger of Arizona with Mr. Zwach.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DIGGS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the resolution just passed (H. Res. 754).

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

There was no objection.

FOR THE RELIEF OF CLAUDE V. ALCORN AND 21 OTHERS

Mr. DONOHUE. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 1316) for the relief of Claude V. Alcorn and 21 others, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 2, lines 18 and 19, strike out "transportation on board the vessels at the recomputation,".

Page 3, lines 1 and 2, strike out "subsection (a) of this section" and insert "this Act".

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

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

AUTHORIZING CERTAIN PRINTING FOR COMMITTEE ON VETERANS' AFFAIRS

Mr. BRADEMAS. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk House Concurrent Resolution 88, authorizing certain printing for the Committee on Veterans' Affairs, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the concurrent resolution.

The Clerk read the Senate amendment, as follows:

On page 1, beginning with line 10, insert:

SEC. 2. After the conclusion of the first session of the Ninety-third Congress there shall be printed for the use of the Committee on Veterans' Affairs of the United States Senate twenty thousand copies of a publication similar to that authorized by the first section of this concurrent resolution, but with emphasis upon matters relating to veterans' affairs considered by the Senate or by the Committee on Veterans' Affairs of the Senate.

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

There was no objection.

The Senate amendment was concurred in.

The title was amended so as to read: "Concurrent resolution authorizing the printing of summaries of veterans legislation reported in the House and Senate during the 93d Congress, first session." session."

A motion to reconsider was laid on the table.

PRINTING AS HOUSE DOCUMENT COMMITTEE PRINT ON "IMPEACHMENT, SELECTED MATERIALS"

Mr. BRADEMAS. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk House Concurrent Resolution 369, to print as a House document committee print on "Impeachment, Selected Materials" with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the concurrent resolution.

The Clerk read the Senate amendment, as follows:

On page 1, beginning with line 9, insert:

SEC. 2. There shall be printed two thousand thirty additional copies of the document authorized by section 1 of this concurrent resolution, of which one thousand copies shall be for the use of the Senate Document Room and one thousand thirty copies shall be for the use of the Senate.

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

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

PRINTING AS HOUSE DOCUMENT BOOKLET ENTITLED "THE SUPREME COURT OF THE UNITED STATES"

Mr. BRADEMAS. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk House Concurrent Resolution 375, providing for the printing as a House document of the booklet entitled "The Supreme Court of the United States," with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the concurrent resolution.

The Clerk read the Senate amendment, as follows:

On page 1, beginning with line 9, insert:

SEC. 2. There shall be printed for the use of the Senate ten thousand three hundred additional copies of the document authorized by section 1 of this concurrent resolution.

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

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

RESIGNATION FROM A COMMITTEE

The SPEAKER laid before the House the following resignation from a committee:

HOUSE OF REPRESENTATIVES,
Washington, D.C., December 20, 1973.

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

DEAR MR. SPEAKER: This morning, at a meeting of the House Republican Conference, it was recommended that I be elected to membership on the House Committee on Appropriations to fill the vacancy created by the election of the Honorable John J. Rhodes to be Minority Leader of the U.S. House of Representatives.

It is with regret that I must therefore tender my resignation as a member of the House Committee on Armed Services. Service on this important Committee has been a rewarding and challenging experience. I extend to the Chairman, ranking Minority Member, the entire membership of the Committee and the staff, my appreciation for their cooperation and friendship through the years.

Respectfully,

C. W. BILL YOUNG,
Member of Congress.

The SPEAKER. Without objection, the resignation is accepted.

There was no objection.

ELECTION OF MEMBER TO COMMITTEE ON APPROPRIATIONS

Mr. DEVINE. Mr. Speaker, I offer a privileged resolution (H. Res. 755) and ask unanimous consent for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 755

Resolved, That the following-named Member be, and is hereby elected a Member of the following standing committee of the House of Representatives:

C. W. Bill Young of Florida: Committee on Appropriations.

The resolution was agreed to.

A motion to reconsider was laid on the table.

APPOINTMENT AS FLOOR ASSISTANT TO MINORITY SERGEANT AT ARMS

Mr. DEVINE. Mr. Speaker, I offer a privileged resolution (H. Res. 756) and ask unanimous consent for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 756

Resolved, That pursuant to the Legislative Pay Act of 1929, as amended, effective immediately, Walter P. Kennedy is hereby designated floor assistant to the minority (Minority Sergeant at Arms) to receive gross compensation of $36,000 per annum until otherwise ordered by the House.

The resolution was agreed to.

A motion to reconsider was laid on the table.

SELECTION OF CONGRESSMAN MOSHER TO BE VICE CHAIRMAN OF THE TECHNOLOGY ASSESSMENT BOARD

Mr. RHODES. Mr. Speaker, pursuant to Public Law 92–484, House Members of the Technology Assessment Board, Congressmen DAVIS of Georgia, TEAGUE of Texas, UDALL, GUBSER, and HARVEY, have unanimously selected the distinguished Congressman from Ohio (Mr. MOSHER) to serve as Vice Chairman of the Technology Assessment Board for the duration of the 93d Congress.

The Senate Members of the Board have unanimously selected the distinguished Senator from Massachusetts (Mr. KENNEDY) as Chairman.

CHANGES NEEDED IN PEANUT PRICE SUPPORT PROGRAM

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

Mr. SYMMS. Mr. Speaker, one of the greatest tragedies being put over on the American consumer and taxpayer is found in the permanent peanut legislation.

Peanuts are an allotment crop. In other words, an allotment or "right" to produce was given by the action of Congress to those farmers who grew peanuts back in 1938.

The Government supports the price of peanuts to farmers by establishing a dollar value per ton. The Government acquires the peanuts as security for loans when the producer offers them to the Government.

For the past decade, the "loan price," which is fixed by law, has replaced the regular, normal market price. In fact, it is true that for nearly a full generation, peanut farmers do not know or care what the market price is for peanuts. Their price is the Government loan price. As a consequence, the taxpayers end up buying a substantial portion of each year's total peanut crop, and then have to watch the Government dump or sell its peanuts at whatever price dealers or manufacturers will pay. Needless to say, the Government over the years has not received many bids above the support or loan level. Consequently, GAO has now provided Congress with two warning reports that changes need to be made in this program. Congress has not acted to alleviate the two provisions—mandatory high support level and a guaranteed acreage to be planted—

which cost taxpayers nearly $100,000,000 annually for fewer than 80,000 farmers.

In addition, Mr. Speaker, there is a more basic flaw in this program that needs a change and its need is far more pressing than the above two items. I am referring to the Government-sponsored monopoly of franchise that was issued at that time for the benefit of the Nation. Mr. Chairman, with farming technology having advanced so far in 35 years, with the needs and desires of the public being better fed from other crops, this program of governmental franchise is now for the benefit of only a few vested interests—at a disservice to the public.

Price supports are provided only to those who have an allotment. Farmers who do not have such an allotment have to go find one by leasing it from a franchise holder who prefers not to grow peanuts, especially if he can find someone who will pay him 5 cents a pound just for the right to grow.

Mr. Speaker, we have nearly 25,000 franchised holders who do this annually and pocket $100 to $110 an acre. These people can truly be said to be "farming the Government program." Why—because they have a piece of the monopoly issued by Government.

I can think of nothing more discouraging to young farmers, or nothing so contemptuous to the taxpayer—to learn that a Government program adds 5 cents or better to the cost of raising this price-supported crop, and that this program has now become a governmentally approved monopoly to the disservice of the vast majority of the taxpayers.

I have been advised of situations where young farmers are forced to pay over $100 an acre in order to have the protection of a "loan" guarantee, while neighboring but older farmers, using their own allotment, do not have the additional $100 cost.

In addition, there is a very severe penalty for growers who raise peanuts without an allotment. This penalty is 75 percent of the loan rate. This means that young farmers must either pay the $100 to $150 an acre for a lease, or if they are unable to purchase a lease, they are then penalized 75 percent of the loan rate or about $240 for every ton of peanuts that they raise without an allotment. Is it any wonder that this whole program is costing the Government money; that the commodity is not actively competing in the market; and that young farmers are very distressed about the outlook of getting into peanut production?

Americans have never condoned blackmail, bribery, falsehoods, stealing, or use of monopolies, except Government monopolies; that is—public schools, post offices, and so forth. Yet, here we are—actually condoning a true monopoly, by Government edict.

I urge my colleagues to help make this program more in tune with our basic philosophy of competition and free enterprise in this Congress.

CONFERENCE REPORT ON H.R. 9142, NORTHEAST REGION RAIL SERVICES ACT, 1973

Mr. STAGGERS submitted the following conference report and statement 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 northeast region; to provide financial assistance to certain rail carriers; and for other purposes:

CONFERENCE REPORT (H. REPT. No. 744)

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

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

In lieu of the matter proposed to be inserted by the Senate amendment insert the following—

That this Act, divided into titles and sections according to the following table of contents, may be cited as the "Regional Rail Reorganization Act of 1973".

TABLE OF CONTENTS

TITLE I—GENERAL PROVISIONS
Sec. 101. Declaration of policy.
Sec. 102. Definitions.
TITLE II—UNITED STATES RAILWAY ASSOCIATION
Sec. 201. Formation and structure.
Sec. 202. General powers and duties of the Association.
Sec. 203. Access to information.
Sec. 204. Report.
Sec. 205. Rail Services Planning Office.
Sec. 206. Final system plan.
Sec. 207. Adoption of final system plan.
Sec. 208. Review by Congress.
Sec. 209. Judicial review.
Sec. 210. Obligations of the Association.
Sec. 211. Loans.
Sec. 212. Records, audit, and examination.
Sec. 213. Emergency assistance pending implementation.
Sec. 214. Authorization for appropriations.
Sec. 215. Maintenance and improvement of plant.
TITLE III—CONSOLIDATED RAIL CORPORATION
Sec. 301. Formation and structure.
Sec. 302. Powers and duties of the Corporation.
Sec. 303. Valuation and conveyance of rail properties.
Sec. 304. Termination of rail service.
TITLE IV—LOCAL RAIL SERVICES
Sec. 401. Findings and purposes.
Sec. 402. Rail service continuation subsidies.
Sec. 403. Acquisition and modernization loans.
TITLE V—EMPLOYEE PROTECTION
Sec. 501. Definitions.
Sec. 502. Employment offers.
Sec. 503. Assignment of work.
Sec. 504. Collective-bargaining agreements.
Sec. 505. Employee protection.
Sec. 506. Contracting out.
Sec. 507. Arbitration.
Sec. 508. Acquiring railroads.
Sec. 509. Payment of benefits.
TITLE VI—MISCELLANEOUS PROVISIONS
Sec. 601. Relationship to other laws.
Sec. 602. Annual evaluation by the Secretary.
Sec. 603. Freight rates for recyclables.
Sec. 604. Separability.

DECLARATION OF POLICY

SEC. 101. (a) FINDINGS.—The Congress finds and declares that—

(1) Essential rail service in the midwest and northeast region of the United States is provided by railroads which are today insolvent and attempting to undergo reorganization under the Bankruptcy Act.

(2) This essential rail service is threatened with cessation or significant curtailment because of the inability of the trustees of such railroads to formulate acceptable plans of reorganization. This rail service is operated over rail properties which were acquired for a public use, but which have been permitted to deteriorate and now require extensive rehabilitation and modernization.

(3) The public convenience and necessity require adequate and efficient rail service in this region and throughout the Nation to meet the needs of commerce, the national defense, the environment, and the service requirements of passengers, United States mail, shippers, States and their political subdivisions, and consumers.

(4) Continuation and improvement of essential rail service in this region is also necessary to preserve and maintain adequate national rail services and an efficient national rail transportation system.

(5) Rail service and rail transportation offer economic and environmental advantages with respect to land use, air pollution, noise levels, energy efficiency and conservation, resource allocation, safety, and cost per ton-mile of movement to such extent that the preservation and maintenance of adequate and efficient rail service is in the national interest.

(6) These needs cannot be met without substantial action by the Federal Government.

(b) PURPOSES.—It is therefore declared to be the purpose of Congress in this Act to provide for—

(1) the identification of a rail service system in the midwest and northeast region which is adequate to meet the needs and service requirements of this region and of the national rail transportation system;

(2) the reorganization of railroads in this region into an economically viable system capable of providing adequate and efficient rail service to the region;

(3) the establishment of the United States Railway Association, with enumerated powers and responsibilities;

(4) the establishment of the Consolidated Rail Corporation, with enumerated powers and responsibilities;

(5) assistance to States and local and regional transportation authorities for continuation of local rail services threatened with cessation; and

(6) necessary Federal financial assistance at the lowest possible cost to the general taxpayer.

DEFINITIONS

SEC. 102. As used in this Act, unless the context otherwise requires—

(1) "Association" means the United States Railway Association, established under section 201 of this Act;

(2) "Commission" means the Interstate Commerce Commission;

(3) "Corporation" means the Consolidated Rail Corporation required to be established under section 301 of this Act;

(4) "effective date of the final system plan" means the date on which the final system plan or any revised final system plan is deemed approved by Congress, in accordance with section 208 of this Act;

(5) "employee stock ownership plan" means a technique of corporate finance that uses a stock bonus trust or a company stock money purchase pension trust which qualifies under section 401(a) of the Internal Revenue Code of 1954 (26 U.S.C. 401(a)) in connection with the financing of corporate improvements, transfers in the ownership of corporate assets, and other capital requirements of a corporation and which is designed to build beneficial equity ownership of shares in the employer corporation into its employees substantially in proportion to their

relative incomes, without requiring any cash outlay, any reduction in pay or other employee benefits, or the surrender of any other rights on the part of such employees.

(6) "final system plan" means the plan of reorganization for the restructure, rehabilitation, and modernization of railroads in reorganization prepared pursuant to section 206 and approved pursuant to section 208 of this Act;

(7) "includes" and variants thereof should be read as if the phrase "but is not limited to" were also set forth;

(8) "Office" means the Rail Services Planning Office established under section 205 of this Act;

(9) "profitable railroad" means a railroad which is not a railroad in reorganization. The term does not include the Corporation, the National Railroad Passenger Corporation, or a railroad leased, operated, or controlled by a railroad in reorganization in the region;

(10) "rail properties" means assets or rights owned, leased, or otherwise controlled by a railroad which are used or useful in rail transportation service; except that the term, when used in conjunction with the phrase "railroads leased, operated, or controlled by a railroad in reorganization", shall not include assets or rights owned, leased, or otherwise controlled by a Class I railroad which is not wholly owned, operated, or leased by a railroad in reorganization but is controlled by a railroad in reorganization;

(11) "railroad" means a common carrier by railroad as defined in section 1(3) of part I of the Interstate Commerce Act (49 U.S.C. 1(3)). The term includes the Corporation and the National Railroad Passenger Corporation;

(12) "railroad in reorganization" means a railroad which is subject to a bankruptcy proceeding and which has not been determined by a court to be reorganizable or not subject to reorganization pursuant to this Act as prescribed in section 207(b) of this Act. A "bankruptcy proceeding" includes a proceeding pursuant to section 77 of the Bankruptcy Act (11 U.S.C. 205) and an equity receivership or equivalent proceeding;

(13) "region" means the States of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, Ohio, Indiana, Michigan, and Illinois; the District of Columbia; and those portions of contiguous States in which are located rail properties owned or operated by railroads doing business primarily in the aforementioned jurisidictions (as determined by the Commission by order);

(14) "Secretary" means the Secretary of Transportation or his delegate, unless the context indicates otherwise; and

(15) "State" means any State or the District of Columbia.

TITLE II—UNITED STATES RAILWAY ASSOCIATION

FORMATION AND STRUCTURE

SEC. 201. (a) ESTABLISHMENT.—There is established, in accordance with the provisions of this section, an incorporated nonprofit association to be known as the United States Railway Association.

(b) ADMINISTRATION.—The Association shall be directed by a Board of Directors. The individuals designated, pursuant to subsection (d)(2) of this section, as the Government members of such Board shall be deemed the incorporators of the Association and shall take whatever steps are necessary to establish the Association, including filing of articles of incorporation, and serving as an acting Board of Directors for a period of not more than 45 days after the date of incorporation of the Association.

(c) STATUS.—The Association shall be a government corporation of the District of Columbia subject, to the extent not inconsistent with this title, to the District of Columbia Nonprofit Corporation Act (D.C. Code, sec. 29–1001 et seq.). Except as otherwise provided, employees of the Association shall not be deemed employees of the Federal Government. The Association shall have succession until dissolved by Act of Congress, shall maintain its principal office in the District of Columbia, and shall be deemed to be a resident of the District of Columbia with respect to venue in any legal proceeding.

(d) BOARD OF DIRECTORS.—The Board of Directors of the Association shall consist of 11 individuals, as follows:

(1) the Chairman, a qualified individual who shall be appointed by the President, by and with the advice and consent of the Senate;

(2) three Government members, who shall be the Secretary, the Chairman of the Commission, and the Secretary of the Treasury, or their duly authorized representatives; and

(3) seven nongovernment members, who shall be appointed by the President, by and with the advice and consent of the Senate, on the following basis—

(A) one to be selected from a list of qualified individuals recommended by the Association of American Railroads or its successsor who are representative of profitable railroads;

(B) one to be selected from a list of qualified individuals recommended by the American Federation of Labor and Congress of Industrial Organizations or its successor who are representative of railroad labor;

(C) one to be selected from a list of qualified individuals recommended by the National Governors Conference;

(D) one to be selected from a list of qualified individuals recommended by the National League of Cities and Conference of Mayors;

(E) two to be selected from lists of qualified individuals recommended by shippers and organizations representative of significant shipping interests including small shippers;

(F) one to be selected from lists of qualified individuals recommended by financial institutions, the financial community, and recognized financial leaders.

As used in this paragraph, a list of qualified individuals shall consist of not less than three individuals.

Except for the members appointed under paragraphs (1) and (3) (A), (B), (E), and (F), no member of the Board may have any employment or other direct financial relationship with any railroad. A member of the Board who is not otherwise an employee of the Federal Government may receive $300 per diem when engaged in the actual performance of his duties plus reimbursement for travel, subsistence, and other necessary expenses incurred in the performance of such duties.

(e) TERMS OF OFFICE.—The terms of office of the nongovernment members of the Board of Directors of the Association first taking office shall expire as designated by the President at the time of nomination—two at the end of the second year; two at the end of the fourth year; and three at the end of the sixth year. The term of office of the Chairman of such Board shall be 6 years. Successors to members of such Board shall be appointed in the same manner as the original members and, except in the case of government members, shall have terms of office expiring 6 years from the date of expiration of the terms for which their predecessors were appointed. Any individual appointed to fill a vacancy occurring prior to the expiration of any term of office shall be appointed for the remainder of that term.

(f) QUORUM.—Beginning 45 days after the date of incorporation of the Association, six members of the Board, including three of the nongovernment members, shall constitute a quorum for the transaction of any function of the Association.

(g) PRESIDENT.—The Board of Directors of the Association, upon the recommendation of the Secretary, shall appoint a qualified individual to serve as the President of the Association at the pleasure of the Board. The President of the Association, subject to the direction of the Board, shall manage and supervise the affairs of the Association.

(h) EXECUTIVE COMMITTEE.—The Board of Directors of the Association shall have an executive committee which shall consist of the Chairman of the Board, the Secretary, the Chairman of the Commission, and two other members who shall be selected by the members of the Board.

(i) MISCELLANEOUS.—(1) The Association shall have a seal which shall be judicially recognized.

(2) The Administrator of General Services shall furnish the Association with such offices, equipment, supplies, and services as he is authorized to furnish to any other agency or instrumentality of the United States.

(3) The Secretary is authorized to transfer to the Association or the Corporation rights in intellectual property which are directly related to the conduct of the functions of the Association or the Corporation, to the extent that the Federal Government has such rights and to the extent that transfer is necessary to carry out the purposes of this Act.

(j) USE OF NAMES.—No person, except the Association, shall hereafter use the words "United States Railway Association" as a name for any business purpose. No person, except the corporation directed to be established under section 301 of this Act, shall hereafter use the words "Consolidated Rail Corporation" as a name for any business purpose. Violations of these provisions may be enjoined by any court of general jurisdiction in an action commenced by the Association or the Corporation. In any such action, the Association or the Corporation may recover any actual damages flowing from such violation, and, in addition, shall be entitled to punitive damages (regardless of the existence or nonexistence of actual damage) in an amount not to exceed $100 for each day during which such violation was committed. The district courts of the United States shall have jurisdiction over actions brought under this subsection, without regard to the amount in controversy or the citizenship of the parties.

GENERAL POWERS AND DUTIES OF THE ASSOCIATION

SEC. 202. (a) GENERAL.—To carry out the purposes of this Act, the Association is authorized to—

(1) engage in the preparation and implementation of the final system plan;

(2) issue obligations under section 210 of this title and make loans under section 211 of this title.

(3) provide assistance to States and local or regional transportation authorities in accordance with section 403 of this Act;

(4) sue and be sued, complain and defend, in the name of the Association and through its own attorneys; adopt, amend, and repeal bylaws governing the operation of the Association and such rules and regulations as are necessary to carry out the authority granted under this Act; conduct its affairs, carry on operations, and maintain offices;

(5) appoint, fix the compensation, and assign the duties of such attorneys, agents, consultants, and other full- and part-time employees as it deems necessary or appropriate; except that (1) no officer of the Association, including the Chairman, may receive compensation at a rate in excess of that prescribed for level I of the Executive Schedule under section 5312 of title 5, United States Code; and (2) no individual may hold a position in violation of regulations which the Secretary shall establish to avoid conflicts of interest and to protect the interests of the public;

(6) acquire and hold such real and personal property as it deems necessary or appropriate in the exercise of its responsibilities under this Act, and to dispose of any such property held by it;

(7) consult with the Secretary of the Army and the Chief of Engineers and request the assistance of the Corps of Engineers, and the Secretary of the Army may direct the Corps of Engineers to cooperate fully with the Association, the Corporation, or any entity designated in accordance with section 206(c)(1)(C) in order to carry out the purposes of this Act;

(8) consult on an ongoing basis with the chairman of the Federal Trade Commission and the Attorney General to assess the possible anticompetitive effects of various proposals and to negotiate provisions which would, to the greatest extent practicable in accordance with the purposes of this Act and the goal set forth in section 206(a)(5) of this title, alleviate any such anticompetitive effects;

(9) consult with representatives of science, industry, agriculture, labor, environmental protection and consumer organizations, and other groups, as it deems advisable; and

(10) enter into, without regard to section 3709 of the Revised Statutes of the United States (41 U.S.C. 5), such contracts, leases, cooperative agreements. or other transactions as may be necessary in the conduct of its functions and duties with person (including a government entity).

(b) DUTIES.—In addition to its duties and responsibilities under other provisions of this Act, the Association shall—

(1) prepare a survey of existing rail services in the region, including patterns of traffic movement; traffic density over identified lines; pertinent costs and revenues of lines; and plant, equipment, and facilities (including yards and terminals);

(2) prepare an economic and operational study and analysis of present and future rail service needs in the region; the nature and volume of the traffic in the region now being moved by rail or likely to be moved by rail in the future; the extent to which available alternative modes of transportation could move such traffic as is now carried by railroads in reorganization; the relative economic, social, and environmental costs that would be involved in the use of such available alternative modes, including energy resource costs; and the competitive or other effects on profitable railroads;

(3) prepare a study of rail passenger services in the region, in terms of scope and quality;

(4) consider the views of the Office and of all government officials and persons who submit views, reports, or testimony under section 205(d)(1) of this title or in the course of proceedings conducted by the Office;

(5) consider methods of achieving economies in the cost of rail system operations in the region including consolidation, pooling, and joint use or operation of lines, facilities, and operating equipment; relocation; rehabilitation and modernization of equipment, track, and other facilities; and abandonment of lines consistent with meeting needs and service requirements; together with the anticipated economic, social, and environmental costs and benefits of each such method;

(6) consider the effect on railroad employees of any restructuring of rail services in the region;

(7) make available to the Secretary, the Director of the Office, and appropriate committees of the Congress all studies, data, and other information acquired or developed by the Association.

(c) INVESTMENT OF FUNDS.—Uncommitted funds of the Association shall be kept in cash on hand or on deposit, or invested in obligations of the United States or guaranteed thereby, or in obligations, participations, or other investments which are lawful investments for fiduciary, trust, or public funds.

(d) EXEMPTION FROM TAXATION.—The Association, including its franchise, capital reserves, surplus, security holdings, and income shall be exempt from all taxation now or hereafter imposed by the United States, any commonwealth, territory, dependency, or possession thereof, or by any State or political subdivision thereof, except that any real property of the Association shall be subject to taxation to the same extent according to its value as other real property is taxed.

(e) ANNUAL REPORT.—The Association shall transmit to the Congress and the President, not later than 90 days after the end of each fiscal year, a comprehensive and detailed report on all activities of the Association during the preceding fiscal year. Each such report shall include (1) the Association's statement of specific and detailed objectives for the activities and programs conducted and assisted under this Act; (2) statements of the Association's conclusions as to the effectiveness of such activities and programs in meeting the stated objectives and the purposes of this Act, measured through the end of the preceding fiscal year; (3) recommendations with respect to any legislation or administrative action which the Association deems necessary or desirable; (4) a statistical compilation of the obligations issued and loans made under this Act; (5) a summary of outstanding problems confronting the Association, in order of priority; (6) all other information required to be submitted to the Congress pursuant to any other provision of this Act; and (7) the Association's projections and plans for its activities and programs during the next fiscal year.

(f) BUDGET.—The receipts and disbursements of the Association (other than administrative expenses referred to in subsection (g) of this section) in the discharge of its functions shall not be included in the totals of the budget of the United States Government, and shall be exempt from any annual expenditure and net lending (budget outlays) limitations imposed on a budget of the United States Government. The Chairman of the Association shall transmit annually to the Congress a budget for program activities and for administrative expenses of the Association. The Chairman shall report annually to the Congress the amount of net lending of the Association, which would be included in the totals of the budgets of the United States Government, if the Association's activities were not excluded from those totals as a result of this section.

(g) ACCOUNTABILITY.—(1) Section 201 of the Government Corporation Control Act (31 U.S.C. 856) is amended by striking out "and" at the end of clause (6) and by inserting immediately before the period at the end thereof the following: ", (8) the United States Railway Association".

(2) The Chairman of the Association shall transmit annually to the Office of Management and Budget a budget for administrative expenses of the Association. Whenever the Association submits any budget estimate or request to the Office of Management and Budget, it shall concurrently transmit a copy of the estimate or request to the Congress. Within budgetary constraints of the Congress the maximum feasible and prudent budgetary flexibility shall be provided to the Association to permit effective operations.

ACCESS TO INFORMATION

SEC. 203. (a) PLANNING.—Each railroad operating in the region shall provide such relevant information as may be requested by the Secretary, the Office, or the Association in connection with the performance of their respective functions under any provision of this Act. No information may be requested under this subsection after the effective date of the final system plan.

(b) OTHER.—Each railroad or other person or government entity seeking financial assistance from the Association shall maintain and make available such records, make and submit such reports, and provide such data, materials, or other relevant information as may be requested by the Association.

(c) ENFORCEMENT.—Where authorized under subsection (a) or (b) of this section and upon presenting appropriate credentials and a written notice of inspection authority, any officer or employee duly designated by the Secretary, the Office, or the Association may, at reasonable times, inspect records, papers, processes, rolling stock, systems, equipment, or facilities and may, in furtherance of their respective functions under this Act, hold such hearings, sit and act at such times and places, administer such oaths, and require by subpoena or other order the attendance and testimony of such witnesses and the production of such information as is deemed advisable. Subpoenas shall be issued under the signature of the Secretary, the Director of the Office, or the Chairman or President of the Association and may be served by any duly designated individual. In case of contumacy or refusal to obey such a subpoena or order by any person who resides, is found, or transacts business within the jurisdiction of any district court of the United States, such district court shall, upon petition, have jurisdiction to issue to such person an order requiring him to comply forthwith. Failure to obey such an order is punishable by such court as a contempt of court.

(d) CONGRESS.—Nothing in this section shall authorize the withholding of information from any duly authorized committee of the Congress.

REPORT

SEC. 204. (a) PREPARATION.—Within 30 days after the date of enactment of this Act, the Secretary shall prepare a comprehensive report containing his conclusions and recommendations with respect to the geographic zones within the region in and between which rail service should be provided and the criteria upon which such conclusions and recommendations are based. The Secretary may use as a basis for the identification of such geographic zones the standard metropolitan statistical areas, groups of such areas, counties, or groups of counties having similar economic characteristics such as mining, manufacturing, or farming.

(b) SUBMISSION.—The Secretary shall submit the report required by subsection (a) of this section to the Office, the Association, the Governor and public utilities commission of each State studied in the report, local governments, consumer organizations, environmental groups, the public, and the Congress. The Secretary shall further cause a copy of the report to be published in the Federal Register.

RAIL SERVICES PLANNING OFFICE

SEC. 205. (a) ESTABLISHMENT.—There is established on the date of enactment of this Act, a new Office in the Commission to be known as the Rail Services Planning Office. The Office shall function continuously pursuant to the provisions of this Act, and shall cease to exist 5 years after the date of enactment of this Act. The Office shall be administered by a director.

(b) DIRECTOR.—The Director of the Office shall be appointed by the Chairman of the Commission with the concurrence of 5 members of the Commission. The Director of the Office shall administer and be responsible for the discharge of the functions and duties of the Office from the date he takes office unless removed for cause by the Commission. He shall be compensated at a rate to be set

by the Chairman of the Commission without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, classification, and General Schedule pay rates, but at a rate not in excess of the maximum rate for GS–18 of the General Schedule under section 5332 of such title.

(c) POWERS.—The Director of the Office is subject to the direction of, and shall report to, such member of the Commission as the Chairman thereof shall designate. The Chairman may designate himself as that member. Such Director is authorized, with the concurrence of such member or (in case of disagreement) the Chairman of the Commission, to—

(1) appoint, fix the compensation, and assign the duties of employees of the Office without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and to procure temporary and intermittent services to the same extent as is authorized under section 3109 of title 5, United States Code, but at rates not to exceed $250 a day for qualified experts. Each department, agency, and instrumentality of the executive branch of the Federal Government and each independent regulatory agency of the United States is authorized and shall give careful consideration to a request to furnish to the Director of the Office, upon written request, on a reimbursable basis or otherwise, such assistance as the Director deems necessary to carry out the functions and duties of the Office. Such assistance includes transfer of personnel with their consent and without prejudice to their position and rating; and

(2) enter into, without regard to section 3709 of the Revised Statutes of the United States (41 U.S.C. 5), such contracts, leases, cooperative agreements, or other transactions as may be necessary in the conduct of the functions and duties of the Office, with any person (including a government entity).

(d) DUTIES.—In addition to its duties and responsibilities under other provisions of this Act, the Office shall—

(1) study and evaluate the Secretary's report on rail services in the region required under section 204(a) of this Act and submit its report thereon to the Association within 120 days after the date of enactment of this Act. The Office shall also solicit, study, and evaluate the views with respect to present and future rail service needs of the region from Governors of States within the region; mayors and chief executives of political subdivisions within such States; shippers; the Secretary of Defense; manufacturers, wholesalers, and retailers within the region; consumers of goods and products shipped by rail; and all other interested persons. The Office shall conduct public hearings to solicit comments on such report and to receive such views;

(2) employ and utilize the services of attorneys and such other personnel as may be required in order properly to protect the interests of those communities and users of rail service which, for whatever reason, such as their size or location, might not otherwise be adequately represented in the course of the hearings and evaluations which the Office is required to conduct and perform under other provisions of this Act;

(3) within 180 days after the date of enactment of this Act, determine and publish standards for determining the "revenue attributable to the rail properties", the "avoidable costs of providing service", and "a reasonable return on the value", as those phrases are used in section 304 of this Act, after a proceeding in accordance with the provisions of section 553 of title 5, United States Code; and

(4) assist States and local and regional transportation agencies in making determinations whether to provide rail service continuation subsidies to maintain in operation particular rail properties by establishing criteria for determining whether particular rail properties are suitable for rail service continuation subsidies. Such criteria should include the following considerations: Rail properties are suitable if the cost of the required subsidy for such properties per year to the taxpayers is less than the cost of termination of rail service over such properties measured by increased fuel consumption and operational costs for alternative modes of transportation; the cost to the gross national product in terms of reduced output of goods and services; the cost of relocating or assisting through unemployment, retaining, and welfare benefits to individuals and firms adversely affected thereby; and the cost to the environment measured by damage caused by increased pollution.

FINAL SYSTEM PLAN

SEC. 206. (a) GOALS.—The final system plan shall be formulated in such a way as to effectuate the following goals:

(1) the creation, through a process of reorganization, of a financially self-sustaining rail service system in the region;

(2) the establishment and maintenance of a rail service system adequate to meet the rail transportation needs and service requirements of the region;

(3) the establishment of improved high-speed rail passenger service, consonant with the recommendations of the Secretary in his report of September 1971, entitled "Recommendations for Northeast Corridor Transportation";

(4) the preservation, to the extent consistent with other goals, of existing patterns of service by railroads (including short-line and terminal railroads), and of existing railroad trackage in areas in which fossil fuel natural resources are located, and the utilization of those modes of transportation in the region which require the smallest amount of scarce energy resources and which can most efficiently transport energy resources;

(5) the retention and promotion of competition in the provision of rail and other transportation services in the region;

(6) the attainment and maintenance of any environmental standards, particularly the applicable national ambient air quality standards and plans established under the Clean Air Act Amendments of 1970, taking into consideration the environmental impact of alternative choices of action;

(7) the movement of passengers and freight in rail transportation in the region in the most efficient manner consistent with safe operation, including the requirements of commuter and intercity rail passenger service; the extent to which there should be coordination with the National Railroad Passenger Corporation and similar entities; and the identification of all short-to-medium distance corridors in densely populated areas in which the major upgrading of rail lines for high-speed passenger operation would return substantial public benefits; and

(8) the minimization of job losses and associated increases in unemployment and community benefit costs in areas in the region presently served by rail service.

(b) FACTORS.—The final system plan shall be based upon due consideration of all factors relevant to the realization of the goals set forth in subsection (a) of this section. Such factors include the need for and the cost of rehabilitation and modernization of track, equipment, and other facilities; methods of achieving economies in the cost of rail operations in the region; means of achieving rationalization of rail services and the rail service system in the region; marketing studies; the impact on railroad employees; consumer needs; traffic analyses; financial studies; and any other factors identified by the Association under section 202(b) of this title or in the report of the Secretary required under section 204(a) of this title.

(c) DESIGNATIONS.—The final system plan shall designate—

(1) which rail properties of railroads in reorganization in the region or of railroads leased, operated, or controlled by any railroad in reorganization in the region—

(A) shall be transferred to the Corporation;

(B) shall be offered for sale to a profitable railroad operating in the region and, if such offer is accepted, operated by such railroad; the plan shall designate what additions shall be made to the designation under subparagraph (A) of this paragraph in the event such profitable railroad fails to accept such offer;

(C) shall be purchased, leased, or otherwise acquired from the Corporation by the National Railroad Passenger Corporation in accordance with the exercise of its option under section 601(d) of this Act for improvement to achieve the goal set forth in subsection (a)(3) of this section;

(D) may be purchased or leased from the Corporation by a State or a local or regional transportation authority to meet the needs of commuter and intercity rail passenger service; and

(E) if not otherwise required to be operated by the Corporation, a government entity, or a responsible person, are suitable for use for other public purposes, including highways, other forms of transportation, conservation, energy transmission, education or health care facilities, or recreation. In carrying out this subparagraph, the Association shall solicit the views and recommendations of the Secretary, the Secretary of the Interior, the Administrator of the Environmental Protection Agency, and other agencies of the Federal Government and of the States and political subdivisions thereof within the region, and the general public; and

(2) which rail properties of profitable railroads operating in the region may be offered for sale to the Corporation or to other profitable railroads operating in the region subject to paragraphs (3) and (4) of subsection (d) of this section.

(d) TRANSFERS.—All transfers or conveyances pursuant to the final system plan shall be made in accordance with, and subject to, the following principles:

(1) All rail properties to be transferred to the Corporation by a profitable railroad, by trustees of a railroad in reorganization, or by any railroad leased, operated, or controlled by a railroad in reorganization in the region, shall be transferred in exchange for stock and other securities of the Corporation (including obligations of the Association) and the other benefits accruing to such railroad by reason of such transfer.

(2) All rail properties to be conveyed to a profitable railroad operating in the region by trustees of a railroad in reorganization, or by any railroad leased, operated, or controlled by a railroad in reorganization in the region, shall be conveyed in exchange for compensation from the profitable railroad.

(3) Notwithstanding any other provision of this Act, no acquisition under this Act shall be made by any profitable railroad operating in the region without a determination with respect to each such transaction and all such transactions cumulatively (A) by the Association, upon adoption and release of the preliminary system plan, that such acquisition or acquisitions will not materially impair the profitability of any other profitable railroad operating in the region or of the Corporation, and (B) by the Commission, which shall be made within 90 days after adoption and release by the Association of the preliminary system plan, that such acquisition or acquisitions will be in full accord and comply with the provisions and standards of section 5 of part I of the Inter-

state Commerce Act (49 U.S.C. 5). The determination by the Association shall not be reviewable in any court. The determination by the Commission shall not be reviewable in any court.

(4) Where the final system plan designates specified rail properties of a railroad in reorganization in the region, or of a railroad leased, operated, or controlled by a railroad in reorganization in the region, to be offered for sale to and operated by a profitable railroad operating in the region, such designation shall terminate 30 days after the effective date of the final system plan unless prior to such date, such profitable railroad has notified the Association in writing of its acceptance of such offer. Where the final system plan designates specified rail properties of a profitable railroad operating in the region as authorized to be offered for sale or lease to the Corporation or to other profitable railroads operating in the region, such designation and authorization shall terminate 60 days after the effective date of the final system plan unless, prior to such date, a binding agreement with respect to such properties has been entered into and concluded.

(5) All properties sold by the Corporation pursuant to sections 206(c)(1)(C) and 601(d) of this Act shall be transferred at a value related to the value received for the transfer to the Corporation of such properties.

(e) CORPORATION FEATURES.—The final system plan shall set forth—

(1) pro forma earnings for the Corporation, as reasonably projected and considering the additions or changes in the designation of rail properties to be operated by the Corporation which may be made under subsection (d)(4) of this section;

(2) the capital structure of the Corporation, based on the pro forma earnings of the Corporation as set forth, including such debt capitalization as shall be reasonably deemed to conform to the requirements of the public interest with respect to railroad debt securities, including the adequacy of coverage of fixed charges; and

(3) the manner in which employee stock ownership plans may, to the extent practicable, be utilized for meeting the capitalization requirements of the Corporation, taking into account (A) the relative cost savings compared to conventional methods of corporate finance; (B) the labor cost savings; (C) the potential for minimizing strikes and producing more harmonious relations between labor organizations and railway management; (D) the projected employee dividend incomes; (E) the impact on quality of service and prices to railway users and (F) the promotion of the objectives of this Act of creating a financially self-sustaining railway system in the region which also meets the service needs of the region and the Nation.

(f) VALUE.—The final system plan shall designate the value of all rail properties to be transferred under the final system plan and the value of the securities and other benefits to be received for transferring those rail properties to the Corporation in accordance with the final system plan.

(g) OTHER PROVISIONS.—The final system plan may recommend arrangements among various railroads for joint use or operation of rail properties on a shared ownership, cooperative, pooled, or condominium-type basis, subject to such terms and conditions as may be specified in the final system plan. The final system plan shall also make such designations as are determined to be necessary in accordance with the provisions of section 402 or 403 of this Act.

(h) OBLIGATIONAL AUTHORITY.—The final system plan shall recommend the amount of obligations of the Association which are necessary to enable it to implement the final system plan.

(i) TERMS AND CONDITIONS FOR SECURITIES.—The final system plan may include terms and conditions for any securities to be issued by the Corporation in exchange for the conveyance of rail properties under the final system plan which in the judgment of the Association will minimize any actual or potential debt burden on the Corporation. Any such terms and conditions for securities of the Corporation which purport to directly obligate the Association shall not become effective without affirmative approval, with or without modification, by a joint resolution of the Congress.

ADOPTION OF FINAL SYSTEM PLAN

SEC. 207. (a) PRELIMINARY SYSTEM PLAN.—(1) Within 300 days after the date of enactment of this Act, the Association shall adopt and release a preliminary system plan prepared by it on the basis of reports and other information submitted to it by the Secretary, the Office, and interested persons in accordance with this Act and on the basis of its own investigations, consultations, research, evaluation, and analysis pursuant to this Act. Copies of the preliminary system plan shall be transmitted by the Association to the Secretary, the Office, the Governor and public utility commission of each State in the region, the Congress, each court having jurisdiction over a railroad in reorganization in the region, the special court, and interested persons, and a copy shall be published in the Federal Register. The Association shall invite and afford interested persons an opportunity to submit comments on the preliminary system plan to the Association within 60 days after the date of its release.

(2) The Office is authorized and directed to hold public hearings on the preliminary system plan and to make available to the Association a summary and analysis of the evidence received in the course of such proceedings, together with its critique and evaluation of the preliminary system plan, not later than 60 days after the date of release of such plan.

(b) APPROVAL.—Within 120 days after the date of enactment of this Act, each United States district court or other court having jurisdiction over a railroad in reorganization shall decide whether the railroad is reorganizable on an income basis within a reasonable time under section 77 of the Bankruptcy Act (11 U.S.C. 205) and that the public interest would be better served by continuing the present reorganization proceedings than by a reorganization under this Act. Within 60 days after the submission of the report by the Office, under section 205(d)(1) of this title, on the Secretary's report on rail services in the region, each United States district court or other court having jurisdiction over a railroad in reorganization shall decide whether or not such railroad shall be reorganized by means of transferring some of its rail properties to the Corporation pursuant to the provisions of this Act. Because of the strong public interest in the continuance of rail transportation in the region pursuant to a system plan devised under the provisions of this Act, each such court shall order that the reorganization be proceeded with pursuant to this Act unless it (1) has found that the railroad is reorganizable on an income basis within a reasonable time under section 77 of the Bankruptcy Act (11 U.S.C. 205) and that the public interest would be better served by such a reorganization than by a reorganization under this Act, or (2) finds that this Act does not provide a process which would be fair and equitable to the estate of the railroad in reorganization in which case it shall dismiss the reorganization proceeding. If a court does not enter an order or make a finding as required by this subsection, the reorganization shall be proceeded with pursuant to this Act. An appeal from an order made under this section may be made only to the special court. Appeal to the special court shall be taken within 10 days following entry of an order pursuant to this subsection, and the special court shall complete its review and render its decision within 80 days after such appeal is taken. There shall be no review of the decision of the special court.

(c) ADOPTION.—Within 420 days after the date of enactment of this Act, the executive committee of the Association shall prepare and submit a final system plan for the approval of the Board of Directors of the Association. A copy of such submission shall be simultaneously presented to the Commission. The submission shall reflect evaluation of all responses and summaries of responses received, testimony at any public hearings, and the results of additional study and review. Within 30 days thereafter, the Board of Directors of the Association shall by a majority vote of all its members approve a final system plan which meets all of the requirements of section 206 of this title.

(d) REVIEW OF COMMISSION.—Within 30 days following the adoption of the final system plan by the Association under subsection (c) of this section and the submission of such plan to Congress under section 208(a) of this title, the Commission shall submit to the Congress an evaluation of the final system plan delivered to both Houses of Congress.

REVIEW BY CONGRESS

SEC. 208. (a) GENERAL.—The Board of Directors of the Association shall deliver the final system plan adopted by the Association to both Houses of Congress and to the Committee on Interstate and Foreign Commerce of the House of Representatives and the Committee on Commerce of the Senate. The final system plan shall be deemed approved at the end of the first period of 60 calendar days of continuous session of Congress after such date of transmittal unless either the House of Representatives or the Senate passes a resolution during such period stating that it does not favor the final system plan.

(b) REVISED PLAN.—If either the House or the Senate passes a resolution of disapproval under subsection (a) of this section, the Association, with the cooperation and assistance of the Secretary and the Office, shall prepare, determine, and adopt a revised final system plan. Each such revised plan shall be submitted to Congress for review pursuant to subsection (a) of this section.

(c) COMPUTATION.—For purposes of this section—

(1) continuity of session of Congress is broken only by an adjournment sine die; and

(2) the days on which either House is not in session because of an adjournment of more than 3 days to a day certain are excluded in the computation of the 60-day period.

JUDICIAL REVIEW

SEC. 209. (a) GENERAL.—Notwithstanding any other provision of law, the final system plan which is adopted by the Association and which becomes effective after review by the Congress is not subject to review by any court except in accordance with this section. After the final system plan becomes effective under section 208 of this title, it may be reviewed with respect to matters concerning the value of the rail properties to be conveyed under the plan and the value of the consideration to be received for such properties.

(b) SPECIAL COURT.—Within 30 days after the date of enactment of this Act, the Association shall make application to the judicial panel on multi-district litigation authorized by section 1407 of title 28, United States Code, for the consolidation in a single, three-judge district court of the United States of all judicial proceedings with respect to the final system plan. Within 30 days after such application is received, the panel shall make the consolidation in a district court

(cited herein as the "special court") which the panel determines to be convenient to the parties and the one most likely to be able to conduct any proceedings under this section with the least delay and the greatest possible fairness and ability. Such proceedings shall be conducted by the special court which shall be composed of three Federal judges who shall be selected by the panel, except that none of the judges selected may be a judge assigned to a proceeding involving any railroad in reorganization in the region under section 77 of the Bankruptcy Act (11 U.S.C. 205). The special court is authorized to exercise the powers of a district judge in any judicial district with respect to such proceedings and such powers shall include those of a reorganization court. The special court shall have the power to order the conveyance of rail properties of railroads leased, operated, or controlled by a railroad in reorganization in the region. The panel may issue rules for the conduct of its functions under this subsection. No determination by the panel under this subsection may be reviewed in any court.

(c) DELIVERY OF PLAN TO SPECIAL COURT.—Within 90 days after its effective date, the Association shall deliver a certified copy of the final system plan to the special court and shall certify to the special court—

(1) which rail properties of the respective railroads in reorganization in the region and of any railroad leased, operated, or controlled by such railroads in reorganization are to be transferred to the Corporation, in accordance with the final system plan;

(2) which rail properties of the respective railroads in reorganization in the region or railroads leased, operated, or controlled by such railroads in reorganization are to be conveyed to profitable railroads, in accordance with the final system plan;

(3) the amount, terms, and value of the securities of the Corporation (including any obligations of the Association) to be exchanged for those rail properties to be transferred to the Corporation pursuant to the final system plan, and as indicated in paragraph (1) of this subsection; and

(4) that the transfer of rail properties in exchange for securities of the Corporation (including any obligations of the Association) and other benefits is fair and equitable and in the public interest.

(d) BANKRUPTCY COURTS.—Within 90 days after its effective date, the Association shall deliver a certified copy of the final system plan to each district court of the United States or any other court having jurisdiction over a railroad in reorganization in the region and shall certify to each such court—

(1) which rail properties of that railroad in reorganization are to be transferred to the Corporation under the final system plan; and

(2) which rail properties of that railroad in reorganization, if any, are to be conveyed to profitable railroads operating in the region, under the final system plan.

OBLIGATIONS OF THE ASSOCIATION

SEC. 210. (a) GENERAL.—To carry out the purposes of this Act, the Association is authorized to issue bonds, debentures, trust certificates, securities, or other obligations (herein cited as "obligations") in accordance with this section. Such obligations shall have such maturities and bear such rate or rates of interest as are determined by the Association with the approval of the Secretary of the Treasury. Such obligations shall be redeemable at the option of the Association prior to maturity in the manner stipulated in each such obligation, and may be purchased by the Association in the open market at a price which is reasonable.

(b) MAXIMUM OBLIGATIONAL AUTHORITY.—Except as otherwise provided in the last sentence of this subsection, the aggregate amount of obligations of the Association issued under this section which may be outstanding at any one time shall not exceed $1,500,000,000 of which the aggregate amount issued to the Corporation shall not exceed $1,000,000,000. Of the aggregate amount of obligations issued to the Corporation by the Association, not less than $500,000,000 shall be available solely for the rehabilitation and modernization of rail properties acquired by the Corporation under this Act and not disposed of by the Corporation pursuant to section 206(c)(1)(C) of this Act. Any modification to the limitations set forth in this subsection shall be made by joint resolution adopted by the Congress.

(c) GUARANTEES.—The Secretary shall guarantee the payment of principal and interest on all obligations issued by the Association in accordance with this Act and which the Association requests be guaranteed.

(d) VALIDITY.—No obligation issued by the Association under this section shall be terminated, canceled, or otherwise revoked, except in accordance with lawful terms and conditions prescribed by the Association. Such an obligation shall be conclusive evidence that it is in compliance with this section, has been approved, and is legal as to principal, interest, and other terms. An obligation of the Association shall be valid and incontestable in the hands of a holder, except as to fraud, duress, mutual mistake of fact, or material misrepresentation by or involving such holder.

(e) THE SECRETARY OF THE TREASURY.—If at any time the moneys available to the Secretary are insufficient to enable him to discharge his responsibilities under subsection (c) of this section, he shall issue notes or other obligations to the Secretary of the Treasury in such forms and denominations, bearing such maturities, and subject to such terms and conditions as may be prescribed by the Secretary of the Treasury. Such obligations shall bear interest at a rate to be determined by the Secretary of the Treasury taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the issuance of such obligations. The Secretary of the Treasury is authorized and directed to purchase any such obligations and for such purpose is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as amended. The purposes for which securities may be issued under such Act are extended to include any purchase of notes or other obligations issued under this subsection. At any time, the Secretary of the Treasury may sell any such obligations, and all sales, purchases, and redemptions of such obligations by the Secretary of the Treasury shall be treated as public debt transactions of the United States.

(f) AUTHORIZATION FOR APPROPRIATIONS.—There are hereby authorized to be appropriated to the Secretary such amounts as are necessary to discharge the obligations of the United States arising under this section.

(g) LAWFUL INVESTMENTS.—All obligations issued by the Association shall be lawful investments and may be accepted as security for all fiduciary, trust, and public funds, the investment or deposit of which shall be under the authority and control of the United States or any officer or officers thereof. All such obligations issued pursuant to this section shall be exempt securities within the meaning of laws administered by the Securities and Exchange Commission.

LOANS

SEC. 211. (a) GENERAL.—The Association is authorized, in accordance with the provisions of this section and such rules and regulations as it shall prescribe, to make loans to the Corporation, the National Railroad Passenger Corporation, and other railroads (including a railroad in reorganization which has been found to be reorganizable under section 77 of the Bankruptcy Act pursuant to section 207(b) of this title) in the region, for purposes of assisting in the implementation of the final system plan; to a State or local or regional transportation authority pursuant to section 403 of this Act; and to provide assistance in the form of loans to any railroad which (A) connects with a railroad in reorganization, and (B) is in need of financial assistance to avoid reorganization proceedings under section 77 of the Bankruptcy Act (11 U.S.C. 205). No such loan shall be made by the Association to a railroad unless such loans shall, where applicable, be treated as an expense of administration. The rights referred to in the last sentence of section 77(j) of the Bankruptcy Act (11 U.S.C. 205(j)) shall in no way be affected by this Act.

(b) APPLICATIONS.—Each application for such a loan shall be made in writing to the Association in such form and with such content and other submissions as the Association shall prescribe to protect reasonably the interests of the United States. The Association shall publish a notice of the receipt of each such application in the Federal Register and shall afford interested persons an opportunity to comment thereon.

(c) TERMS AND CONDITIONS.—Each loan shall be extended in such form, under such terms and conditions, and pursuant to such regulations as the Association deems appropriate. Such loan shall bear interest at a rate not less than the greater of a rate determined by the Secretary of the Treasury taking into consideration (1) the rate prevailing in the private market for similar loans as determined by the Secretary of the Treasury, or (2) the current average yield on outstanding marketable obligations of the Association with remaining periods of maturity comparable to the average maturities of such loans, plus such additional charge, if any, toward covering costs of the Association as the Association may determine to be consistent with the purposes of this Act.

(d) MODIFICATIONS.—The Association is authorized to approve any modification of any provision of a loan under this section, including the rate of interest, time of payment of interest or principal, security, or any other term or condition, upon agreement of the recipient of the loan and upon a finding by the Association that such modification is equitable and necessary or appropriate to achieve the policy declared in subsection (f) of this section.

(e) PREREQUISITES.—The Association shall make a finding in writing, before making a loan to any applicant under this section that—

(1) the loan is necessary to carry out the final system plan or to prevent insolvency;

(2) it is satisfied that the business affairs of the applicant will be conducted in a reasonable and prudent manner; and

(3) the applicant has offered such security as the Association deems necessary to protect reasonably the interests of the United States.

(f) POLICY.—It is the intent of Congress that loans made under this section shall be made on terms and conditions which furnish reasonable assurance that the Corporation or the railroads to which such loans are granted will be able to repay them within the time fixed and that the goals of the final system plan are reasonably likely to be achieved.

RECORDS, AUDIT, AND EXAMINATION

SEC. 212. (a) RECORDS.—Each recipient of financial assistance under this title, whether in the form of loans, obligations, or other arrangements, shall keep such records as the Association or the Secretary shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such assistance and such

other records as will facilitate an effective audit.

(b) AUDIT AND EXAMINATION.—The Association, the Secretary, and the Comptroller General of the United States, or any of their duly authorized representatives shall, until the expiration of 3 years after the implementation of the final system plan, have access for the purpose of audit and examination to any books, documents, papers, and records of such recipients which in the opinion of the Association, the Secretary, or the Comptroller General may be related or pertinent to the loans, obligations or other arrangements referred to in subsection (a) of this section. The Association or any of its duly authorized representatives shall, until any financial assistance received under this title has been repaid to the Association, have access to any such materials which concern any matter that may bear upon—

(1) the ability of the recipient of such financial assistance to make repayment within the time fixed therefor;

(2) the effectiveness with which the proceeds of such assistance is used; and

(3) the implementation of the final system plan and the realization of the declaration of policy of this Act.

EMERGENCY ASSISTANCE PENDING IMPLEMENTATION

SEC. 213. (a) EMERGENCY ASSISTANCE.—The Secretary is authorized, pending the implementation of the final system plan, to pay to the trustees of railroads in reorganization such sums as are necessary for the continued provision of essential transportation services by such railroads. Such payments shall be made by the Secretary upon such reasonable terms and conditions as the Secretary establishes, except that recipients must agree to maintain and provide service at a level no less than that in effect on the date of enactment of this Act.

(b) AUTHORIZATION FOR APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for carrying out this section such sums as are necessary, not to exceed $85,000,000, to remain available until expended.

AUTHORIZATION FOR APPROPRIATIONS

SEC. 214. (a) SECRETARY.—There are authorized to be appropriated to the Secretary for purposes of preparing the reports and exercising other functions to be performed by him under this Act such sums as are necessary, not to exceed $12,500,000, to remain available until expended.

(b) OFFICE.—There are authorized to be appropriated to the Commission for the use of the Office in carrying out its functions under this Act such sums as are necessary, not to exceed $5,000,000, to remain available until expended. The budget for the Office shall be submitted by the Commission directly to the Congress and shall not be subject to review of any kind by any other agency or official of the United States. Moneys appropriated for the Office shall not be withheld by any agency or official of the United States or used by the Commission for any purpose other than the use of the Office. No part of any other moneys appropriated to the Commission shall be withheld by any other agency or official of the United States to offset any moneys appropriated pursuant to this subsection.

(c) ASSOCIATION.—There are authorized to be appropriated to the Association for purposes of carrying out its administrative expenses under this Act such sums as are necessary, not to exceed $26,000,000, to remain available until expended.

MAINTENANCE AND IMPROVEMENT OF PLANT

SEC. 215. Prior to the date upon which rail properties are conveyed to the Corporation under this Act, the Secretary, with the approval of the Association, is authorized to enter into agreements with railroads in reorganization in the region (or railroads leased, operated, or controlled by railroads in reorganization) for the acquisition, maintenance, or improvement of railroad facilities and equipment necessary to improve property that will be in the final system plan. Agreements entered into pursuant to this section shall specifically identify the type and quality of improvements to be made pursuant to such agreements. Notwithstanding section 210(b) of this title, the Association shall issue obligations under section 210(a) of this title in an amount sufficient to finance such agreements and shall require the Corporation to assume any such obligations. However, the Association may not issue obligations under this section in an aggregate amount in excess of $150,000,000. The Secretary may not enter into any agreements under this section until he issues regulations setting forth procedures and guidelines for the administration of this section. The Corporation shall not be required under title III of this Act to compensate any railroad in reorganization for that portion of the value of rail properties transferred to it under this Act, which is attributable to the acquisition, maintenance, or improvement of such properties under this section.

TITLE III—CONSOLIDATED RAIL CORPORATION

FORMATION AND STRUCTURE

SEC. 301. (a) ESTABLISHMENT.—There shall be established within 300 days after the date of enactment of this Act, in accordance with the provisions of this section, a corporation to be known as the Consolidated Rail Corporation.

(b) STATUS.—The Corporation shall be a for-profit corporation established under the laws of a State and shall not be an agency or instrumentality of the Federal Government. The Corporation shall be deemed a common carrier by railroad under section 1(3) of the Interstate Commerce Act (49 U.S.C. 1(3)), shall be subject to the provisions of this Act and, to the extent not inconsistent with such Acts, shall be subject to applicable State law. The principal office of the Corporation shall be located in Philadelphia in the Commonwealth of Pennsylvania.

(c) INCORPORATORS.—The members of the executive committee of the Association shall be the incorporators of the Corporation and shall take whatever steps are necessary to establish the Corporation, including the filing of articles of incorporation. The incorporators shall also serve as the Board of Directors of the Corporation until the stock and other securities of the Corporation are distributed to the estates of the railroads in accordance with section 303(c) of this title and shall adopt the initial bylaws of the Corporation.

(d) BOARD OF DIRECTORS.—The Board of Directors of the Corporation shall consist of 15 individuals selected in accordance with the articles and bylaws of the Corporation: *Provided*, That so long as 50 per centum or more, as determined by the Secretary of the Treasury, of the outstanding indebtedness of the Corporation consists of obligations of the Association or other debts owing to or guaranteed by the United States, three of the members of such board shall be the Secretary, the Chairman and the President of the Association and five of the members of such board shall be individuals appointed as such by the President, by and with the advice and consent of the Senate.

(e) INITIAL CAPITALIZATION.—In order to carry out the final system plan the Corporation is authorized to issue stock and other securities. Common stock shall be issued initially to the estates of railroads in reorganization in the region in exchange for rail properties conveyed to the Corporation pursuant to the final system plan. Nothing in this subsection shall preclude the Corporation from repurchasing the common stock initially issued through payments out of profits in order to establish an employee stock ownership plan; and nothing in this subsection shall preclude the recipients of common stock initially issued from establishing an employee stock ownership plan.

(f) AUDIT AND EXPENDITURES.—So long as 50 per centum or more, as determined by the Secretary of the Treasury, of the outstanding indebtedness of the Corporation consists of obligations of the Association or other debts owing to or guaranteed by the United States, the Corporation shall be subject to the provisions of the Government Corporation Control Act for the purposes of a Federal Government audit. Section 201 of the Government Corporation Control Act (31 U.S.C. 856) is amended by inserting at the end thereof the following: ", and (9) the Consolidated Rail Corporation to the extent provided in the Regional Rail Reorganization Act of 1973.".

(g) ANNUAL REPORT.—The Corporation shall transmit to the Congress and the President, not later than 90 days after the end of each fiscal year, a comprehensive and detailed report on all activities and accomplishments of the Corporation during the preceding fiscal year.

POWERS AND DUTIES OF THE CORPORATION

SEC. 302. The Corporation shall have all of the powers and is subject to all of the duties vested in it under this Act, in addition to the powers conferred upon it under the laws of the State or States in which it is incorporated and the powers of a railroad in any State in which it operates. The Corporation is authorized and directed to—

(a) acquire rail properties designated in the final system plan to be transferred or conveyed to it;

(b) operate rail service over such rail properties except as provided under sections 304(e) and 601(d)(3) of this Act;

(c) rehabilitate, improve, and modernize such rail properties; and

(d) maintain adequate and efficient rail services.

So long as 50 per centum or more, as determined by the Secretary of the Treasury, of the outstanding indebtedness of the Corporation consists of obligations of the Association or other debts owing to or guaranteed by the United States, the Corporation shall not engage in activities which are not related to transportation.

VALUATION AND CONVEYANCE OF RAIL PROPERTIES

SEC. 303. (a) DEPOSIT WITH COURT.—Within 10 days after delivery of a certified copy of a final system plan pursuant to section 209(c) of this Act—

(1) the Corporation, in exchange for the rail properties of the railroads in reorganization in the region and of railroads leased, operated, or controlled by railroads in reorganization in the region to be transferred to the Corporation, shall deposit with the special court all of the stock and other securities of the Corporation and obligations of the Association designated in the final system plan to be exchanged for such rail properties;

(2) each profitable railroad operating in the region purchasing rail properties from a railroad in reorganization in the region, or from a railroad leased, operated, or controlled by a railroad in reorganization in the region, as provided in the final system plan shall deposit with the special court the compensation to be paid for such rail properties.

(b) CONVEYANCE OF RAIL PROPERTIES.—(1) The special court shall, within 10 days after deposit under subsection (a) of this section of the securities of the Corporation, obliga-

tions of the Association, and compensation from the profitable railroads operating in the region, order the trustee or trustees of each railroad in reorganization in the region to convey forthwith to the Corporation and the respective profitable railroads operating in the region, all right, title, and interest in the rail properties of such railroad in reorganization and shall itself order the conveyance of all right, title, and interest in the rail properties of any railroad leased, operated, or controlled by such railroad in reorganization that are to be conveyed to them under the final system plan as certified to such court under section 209(d) of this Act.

(2) All rail properties conveyed to the Corporation and the respective profitable railroads operating in the region under this section shall be conveyed free and clear of any liens or encumbrances, but subject to such leases and agreements as shall have previously burdened such properties or bound the owner or operator thereof in pursuance of an arrangement with any State, or local or regional transportation authority under which financial support from each State, or local or regional transportation authority was being provided at the time of enactment of this Act for the continuance of rail passenger service or any lien or encumbrance of no greater than 5 years' duration which is necessary for the contractual performance by any person of duties related to public health or sanitation. Such conveyance shall not be restrained or enjoined by any court.

(3) Notwithstanding anything to the contrary contained in this Act, if railroad rolling stock is included in the rail properties to be conveyed, such conveyance may only be effected if the profitable railroad operating in the region or the Corporation to whom the conveyance is made assumes all of the obligations under any conditional sale agreement, equipment trust agreement, or lease in respect to such rolling stock and such conveyance is made subject thereto; and the provisions of this Act shall not affect the title and interests of any lessor, equipment trust trustee, or conditional sale vendee or assignee under such conditional sale agreement, equipment trust agreement or lease under section 77(j) of the Bankruptcy Act (11 U.S.C. 205(j)).

(4) Notwithstanding anything to the contrary contained in this Act, if a railroad in reorganization has leased rail properties from a lessor that is neither a railroad nor controlled by or affiliated with a railroad, and such lease has been approved by the lessee railroad's reorganization court prior to the date of enactment of this Act, conveyance of such lease may only be effected if the Corporation or the profitable railroad to whom the conveyance is made assumes all of the terms and conditions specified in the lease, including the obligation to pay the specified rent to the non-railroad lessor.

(c) FINDINGS AND DISTRIBUTION.—(1) After the rail properties have been conveyed to the Corporation and profitable railroads operating in the region under subsection (b) of this section, the special court, giving due consideration to the findings contained in the final system plan, shall decide—

(A) whether the transfers or conveyances—

(i) of rail properties of each railroad in reorganization, or of each railroad leased, operated, or controlled by a railroad in reorganization, to the Corporation in exchange for the securities and the other benefits accruing to such railroad as a result of such exchange, as provided in the final system plan and this Act, and

(ii) of rail properties of each railroad in reorganization, or of each railroad leased, operated, or controlled by a railroad in reorganization, to a profitable railroad operating in the region, in accordance with the final system plan,

are in the public interest and are fair and equitable to the estate of each railroad in reorganization in accordance with the standard of fairness and equity applicable to the approval of a plan of reorganization or a step in such a plan under section 77 of the Bankruptcy Act (11 U.S.C. 205), or fair and equitable to a railroad that is not itself in reorganization but which is leased, operated, or controlled by a railroad in reorganization; and

(B) whether the transfers or conveyances are more fair and equitable than is required as a constitutional minimum.

(2) If the special court finds that the terms of one or more exchanges for securities and other benefits are not fair and equitable to an estate of a railroad in reorganization, or to a railroad leased, operated, or controlled by a railroad in reorganization, which has transferred rail properties pursuant to the final system plan, it shall—

(A) enter a judgment reallocating the securities of the Corporation in a fair and equitable manner if it has not been fairly allocated among the railroads transferring rail properties to the Corporation; and

(B) if the lack of fairness and equity cannot be completely cured by a reallocation of the Corporation's securities, order the Corporation to provide for the transfer to the railroad of other securities of the Corporation or obligations of the Association as designated in the final system plan in such nature and amount as would make the exchange or exchanges fair and equitable; and

(C) if the lack of fairness and equity cannot be completely cured by reallocation of the Corporation's securities or by providing for the transfer of other securities of the Corporation or obligations of the Association as designated in the final system plan, enter a judgment against the Corporation.

(3) If the special court finds that the terms of one or more conveyances of rail properties to a profitable railroad operating in the region in accordance with the final system plan are not fair and equitable, it shall enter a judgment against such profitable railroad. If the special court finds that the terms of one or more conveyances or exchanges for securities or other benefits are fairer and more equitable than is required as a constitutional minimum, then it shall order the return of any excess securities, obligations, or compensation to the Corporation or a profitable railroad so as not to exceed the constitutional minimum standard of fairness and equity.

(4) Upon making the findings referred to in this subsection, the special court shall order distribution of the securities, obligations, and compensation deposited with it under subsection (b) of this section to the trustee or trustees of each railroad in reorganization in the region who conveyed right, title, and interest in rail properties to the Corporation and the respective profitable railroads under such subsection.

(d) APPEAL.—A finding or determination entered pursuant to subsection (c) of this section may be appealed directly to the Supreme Court of the United States in the same manner that an injunction order may be appealed under section 1253 of title 28, United States Code: *Provided*, That such appeal is exclusive and shall be filed in the Supreme Court not more than 5 days after such finding or determination is entered by the special court. The Supreme Court shall dismiss any such appeal within 7 days after the entry of such an appeal if it determines that such an appeal would not be in the interest of an expeditious conclusion of the proceedings and shall grant the highest priority to the determination of any such appeal which it determines not to dismiss.

TERMINATION OF RAIL SERVICE

SEC. 304. (a) DISCONTINUANCE.—Except as provided in subsections (c) and (f) of this section, (1) rail service on rail properties of a railroad in the region which transfers to the Corporation or to profitable railroads operating in the region all or substantially all of its rail properties designated for such conveyance in the final system plan, and (2) rail service on rail properties of a profitable railroad operating in the region which transfers substantially all of its rail properties to the Corporation or to other railroads pursuant to the final system plan may be discontinued to the extent such discontinuance is not precluded by the terms of the leases and agreements referred to in section 303(b)(2) of this title if—

(A) the final system plan does not designate rail service to be operated over such rail properties; and

(B) not sooner than 30 days following the effective date of the final system plan the trustee or trustees of the applicable railroad in reorganization or a profitable railroad give notice in writing of intent to discontinue such rail service on a date certain which is not less than 60 days after the date of such notice; and

(C) the notice required by paragraph (B) of this subsection is sent by certified mail to the Governor and State transportation agencies of each State and to the government of each political subdivision of each State in which such rail properties are located and to each shipper who has used such rail service during the previous 12 months.

(b) ABANDONMENT.—(1) Rail properties over which rail service has been discontinued under subsection (a) of this section may not be abandoned sooner than 120 days after the effective date of such discontinuance except as provided in subsections (c) and (f) of this section. Thereafter, except as provided in subsection (c) of this section, such rail properties may be abandoned upon 30 days' notice in writing to all those required to receive notice under paragraph (2)(C) of subsection (a) of this section.

(2) In any case in which rail properties proposed to be abandoned under this section are designated by the final system plan as rail properties which are suitable for use for other public purposes (including roads or highways, other forms of mass transportation, conservation, and recreation), such rail properties shall not be sold, leased, exchanged, or otherwise disposed of during the 180-day period beginning on the date of notice of proposed abandonment under this section unless such rail properties have first been offered, upon reasonable terms, for acquisition for public purposes.

(c) LIMITATIONS.—Rail service may be discontinued and rail properties may be abandoned under subsections (a) and (b) of this section notwithstanding any provision of the Interstate Commerce Act (49 U.S.C. 1 et seq.) or the constitution or law of any State or the decision of any court or administrative agency of the United States or of any State. No rail service may be discontinued and no rail properties may be abandoned pursuant to this section—

(1) after 2 years from the effective date of the final system plan or more than 2 years after the final payment of any rail service continuation subsidy is received, whichever is later; or

(2) if a shipper, a State, the United States, a local or regional transportation authority, or any responsible person offers—

(A) a rail service continuation subsidy which covers the difference between the revenue attributable to such rail properties and the avoidable costs of providing service on such rail properties plus a reasonable return on the value of such rail properties;

(B) a rail service continuation subsidy which is payable pursuant to a lease or agreement with a State, or a local or regional transportation authority, under which financial support was being provided at the time of the enactment of this Act for the continuance of rail passenger service; or

(C) to purchase, pursuant to subsection (d) of this section, such rail properties in order to operate rail service over such properties.

If a rail service continuation subsidy is offered, the government or person offering the subsidy shall enter into an operating agreement with the Corporation or any responsible person (including a government entity), under which the Corporation or such person (including a government entity) will operate rail service over such rail properties and receive the difference between the revenue attributable to such properties and the avoidable costs of providing service on such rail properties and the trustee of any railroad in reorganization shall receive a reasonable rate of return on the value of any rail properties for which a rail service is operated under such subsidy.

(d) PURCHASE.—If an offer to purchase is made under subsection (c) (2) (C) of this section, such offer shall be accompanied by an offer of a rail service continuation subsidy. Such subsidy shall continue until the purchase transaction is completed, unless a railroad assumes operations over such rail properties on its own account pursuant to an order or authorization of the Commission. Whenever a railroad in reorganization in the region or a profitable railroad gives notice of intent to discontinue service pursuant to subsection (a) of this section, such railroad shall, upon the request of anyone apparently qualified to make a purchase offer promptly make available its most recent reports on the physical condition of such property together with such traffic and revenue data as would be required under subpart B of part 1121 of chapter X of title 49 of the Code of Federal Regulations and such other data necessary to ascertain the avoidable costs of providing service over such rail properties.

(e) ABANDONMENT BY CORPORATION.— After the rail system to be operated by the Corporation under the final system plan has been in operation for 2 years, the Commission may authorize the Corporation to abandon any rail properties as to which it determines that rail service over such properties is not required by the public convenience and necessity. The Commission may, at any time after the effective date of the final system plan, authorize additional rail service in the region or authorize the abandonment of rail properties which are not being operated by the Corporation or by any other person. Determinations by the Commission under this subsection shall be made pursuant to applicable provisions of the Interstate Commerce Act (49 U.S.C. 1).

(f) INTERIM ABANDONMENT.—After the date of enactment of this Act, no railroad in reorganization may discontinue service or abandon any line of railroad other than in accordance with the provisions of this Act, unless it is authorized to do so by the Association and unless no affected State or local or regional transportation authority reasonably opposes such action, notwithstanding any provision of any other Federal law, the constitution or law of any State, or decision or order of, or the pendency of any proceeding before any Federal or State court, agency, or authority.

TITLE IV—LOCAL RAIL SERVICES

FINDINGS AND PURPOSES

SEC. 401. (a) FINDINGS.—The Congress finds and declares that—

(1) The Nation is facing an energy shortage of acute proportions in the next decade.

(2) Railroads are one of the most energy-efficient modes of transportation for the movement of passengers and freight and cause the least amount of pollution.

(3) Abandonment, termination or substantial reduction of rail service in any locality will adversely affect the Nation's long-term and immediate goals with respect to energy conservation and environmental protection.

(4) Under certain circumstances the cost to the taxpayers of rail service continuation subsidies would be less than the cost of abandonment of rail service in terms of lost jobs, energy shortages and degradation of the environment.

(b) PURPOSE.—Therefore, it is declared to be the purpose of the Congress to authorize the Secretary to maintain a program of rail service continuation subsidies.

RAIL SERVICE CONTINUATION SUBSIDIES

SEC. 402. (a) GENERAL.—The Secretary shall provide financial assistance in accordance with this section for the purpose of rail service continuation subsidies. For purposes of subsection (b) (1) of this section the Federal share of a rail service continuation subsidy shall be 70 per centum and the State share shall be 30 per centum. For purposes of subsection (b) (2) of this section a State receiving discretionary assistance shall be required to contribute at least 30 per centum of the cost of the program for which the Federal assistance is provided.

(b) ENTITLEMENT.—(1) Each State in the region is entitled to an amount for rail service continuation subsidies from 50 per centum of the sums appropriated each fiscal year for such purpose in the ratio which the total rail mileage in such State, as determined by the Secretary and measured in point-to-point length (excluding yard tracks and sidings), bears to the total rail mileage in all the States in the region, measured in the same manner, except that the entitlement of each State shall be no less than 3 per centum, and the entitlement of no State shall be more than 10 per centum, of 50 per centum of the funds appropriated. In the event that the total amount allocated under this formula, due to the application of the maximum and minimum limitations which it establishes, is greater or less than 50 per centum of the funds appropriated, the excess or deficiency, as the case may be, shall be added to or deducted from the Secretary's discretionary fund provided for in paragraph (2) of this subsection. The entitlement of any State which is withheld in accordance with this section and any sums not used or committed by a State during the preceding fiscal year shall be paid into the discretionary fund provided for in paragraph (2) of this subsection.

(2) The Secretary is authorized to provide discretionary financial assistance to a State or a local or regional transportation authority in the region for the purpose of continuing local rail services, including assistance for the purposes enumerated in section 403 of this title.

(c) ELIGIBILITY.—A State in the region is eligible to receive rail service continuation subsidies pursuant to subsection (b) of this section in any fiscal year if—

(1) the State has established a State plan for rail transportation and local rail services which is administered or coordinated by a designated State agency and such plan provides for the equitable distribution of such subsidies among State, local, and regional transportation authorities;

(2) the State agency has authority and administrative jurisdiction to develop, promote, supervise, and support safe, adequate, and efficient rail services; employs or will employ, directly or indirectly, sufficient trained and qualified personnel; and maintains or will maintain adequate programs of investigation, research, promotion, and development with provision for public participation;

(3) the State provides satisfactory assurance that such fiscal control and fund accounting procedures will be adopted as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid under this title to the State; and

(4) the State complies with the regulations of the Secretary issued under this section.

(d) REGULATIONS.—Within 90 days after the date of enactment of this Act, the Secretary shall issue, and may from time to time amend, regulations with respect to basic and discretionary rail service continuation subsidies.

(e) PAYMENT.—The Secretary shall pay to each State in the region an amount equal to its entitlement under subsection (b) (1) of this section. Any amounts which are not expended or committed by a State pursuant to subsection (b) during the ensuing fiscal year shall be returned by such State to the Secretary, who may use such amounts in accordance with subsection (b) (2) of this section.

(f) TERM.—A rail service continuation subsidy between a State, or a local or regional authority, and the Corporation or other responsible person (including a government entity) may not exceed a term of 2 years.

(g) RECORD, AUDIT, AND EXAMINATION.—(1) Each recipient of financial assistance under this section, whether in the form of grants, subgrants, contracts, subcontracts, or other arrangements, shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance was given or used, the amount of that portion of the cost of the project supplied by other sources, and such other records as will facilitate an effective audit.

(2) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives shall, until the expiration of 3 years after completion of the project or undertaking referred to in paragraph (1) of this subsection, have access for the purpose of audit and examination to any books, documents, papers, and records of such receipts which in the opinion of the Secretary or the Comptroller General may be related or pertinent to the grants, contracts, or other arrangements referred to in such paragraph.

(h) WITHHOLDING.—If the Secretary, after reasonable notice and opportunity for a hearing to any State agency, finds that a State is not eligible for rail service continuation subsidies under subsections (c) and (d) of this section, payment to such State shall not be made until there is no longer any failure to comply.

(i) AUTHORIZATION FOR APPROPRIATIONS.—(1) There is authorized to be appropriated to carry out the purposes of this section such sums as are necessary, not to exceed $90,000,000 for each of the 2 fiscal years including and following the effective date of the final system plan. Such sums as are appropriated shall remain available until expended.

(2) One-half of the sums appropriated pursuant to the authorization of this subsection shall be reserved for allocation to States in the region under subsection (b) (1) of this section. One-half of the sums appropriated pursuant to the authorization of this subsection shall be reserved for distribution by the Secretary under subsection (b) (2) of this section.

(j) DEFINITION.—As used in this section, "rail service continuation subsidies" means subsidies calculated in accordance with the provisions of section 205(d) (3) of this Act to cover costs of operating adequate and efficient rail service, including where necessary improvement and maintenance of tracks and related facilities.

ACQUISITION AND MODERNIZATION LOANS

SEC. 403. (a) ACQUISITION.—If a State which is eligible for assistance under section 402(c) of this title or a local or regional

transportation authority has made an offer to purchase any rail properties of a railroad pursuant to section 304(c)(2)(C) of this Act or other lawful authority, the Secretary is authorized to direct the Association to provide loans to such State or local or regional transportation authority not to exceed 70 per centum of the purchase price: *Provided, however,* That any recipient of such loan is no longer eligible for a rail service continuation subsidy pursuant to section 402 of this title.

(b) MODERNIZATION.—In addition to such acquisition loans, the Secretary is authorized to direct the Association to provide additional assistance not to exceed 70 per centum of the cost of restoring or repairing such rail properties to such condition as will enable safe and efficient rail transportation operations over such rail properties. Such financial assistance may be in the form of a loan or the guarantee of a loan. The Association shall provide such financial assistance as the Secretary may direct under this section and shall adopt regulations describing its procedures for such assistance. With the approval of the Secretary, a State may expend sums received by it under section 402 of this title for acquisition and modernization pursuant to this section.

TITLE V—EMPLOYEE PROTECTION

DEFINITIONS

SEC. 501. As used in this title unless the context otherwise requires—

(1) "acquiring railroad" means a railroad, except the Corporation, which seeks to acquire or has acquired, pursuant to the provisions of this Act, all or a part of the rail properties of one or more of the railroads in reorganization, the Corporation, or a profitable railroad;

(2) "employee of a railroad in reorganization" means a person who, on the effective date of a conveyance of rail properties of a railroad in reorganization to the Corporation or to an acquiring railroad, has an employment relationship with either said railroad in reorganization or any carrier (as defined in parts I and II of the Interstate Commerce Act) which is leased, controlled, or operated by the railroad in reorganization except a president, vice president, treasurer, secretary, comptroller, and any other person who performs functions corresponding to those performed by the foregoing officers;

(3) "protected employee" means any employee of an acquiring railroad adversely affected by a transaction and any employee of a railroad in reorganization who on the effective date of this Act have not reached age 65;

(4) "class or craft of employees" means a group of employees, recognized and treated as a unit for purposes of collective bargaining, which is represented by a labor organization that has been duly authorized or recognized pursuant to the Railway Labor Act as its representative for purposes of collective bargaining;

(5) "representative of a class or craft of employees" means a labor organization which has been duly authorized or recognized as the collective bargaining representative of a class or craft of employees pursuant to the Railway Labor Act;

(6) "deprived of employment" means the inability of a protected employee to obtain a position by the normal exercise of his seniority rights with the Corporation after properly electing to accept employment therewith or, the subsequent loss of a position and inability, by the normal exercise of his seniority rights under the applicable collective bargaining agreements, to obtain another position with the Corporation: *Provided, however,* That provisions in existing collective bargaining agreements of a railroad in reorganization, which do not require a protected employee, in the normal exercise of seniority rights, to make a change in residence, in order to maintain his protection, will be preserved and will also be extended and be applicable to all other protected employees of that same craft or class. It shall not, however, include any deprivation of employment by reason of death, retirement, resignation, dismissal or disciplinary suspension for cause, failure to work due to illness or disability, nor any severance of employment covered by subsections (d) and (e) of section 505 of this title;

(7) "employee adversely affected with respect to his compensation" means a protected employee who suffers a reduction in compensation.

(8) "transaction" means actions taken pursuant to the provisions of this Act or the results thereof; and

(9) "change in residence" means transfer to a work location which is located either (A) outside a radius of 30 miles of the employee's former work location and farther from his residence than was his former work location or (B) is located more than 30 normal highway route miles from his residence and also farther from his residence than was his former work location.

EMPLOYMENT OFFERS

SEC. 502. (a) APPLICABLE LAW.—The Corporation and, where applicable, the Association shall be subject to the provisions of the Railway Labor Act and shall be considered employers for purposes of the Railroad Retirement Act, Railroad Retirement Tax Act, and the Railroad Unemployment Insurance Act. The Corporation, in addition, shall, except as otherwise specifically provided by this Act, be subject to all Federal and State laws and regulations applicable to carriers by railroad.

(b) MANDATORY OFFER.—The Corporation shall offer employment, to be effective as of the date of a conveyance or discontinuance of service under the provisions of this Act, to each employee of a railroad in reorganization who has not already accepted an offer of employment by the Association, where applicable, or an acquiring railroad. Such offers of employment to employees represented by labor organizations will be confined to their same craft or class. The Corporation shall apply to said employees the protective provisions of this title.

(c) ASSOCIATION.—After the transfer of rail properties pursuant to section 303, the Association, in employing any additional employees, shall give priority consideration to employees of a railroad in reorganization and the provisions of this title shall apply to any such employees employed by the Association as if they were employees of the Corporation.

ASSIGNMENT OF WORK

SEC. 503. The Corporation shall have the right to assign, allocate, reassign, reallocate, and consolidate work formerly performed on the rail properties acquired pursuant to the provisions of this Act from a railroad in reorganization to any location, facility, or position on its system provided it does not remove said work from coverage of a collective-bargaining agreement and does not infringe upon the existing classification of work rights of any craft or class of employees at the location or facility to which said work is assigned, allocated, reassigned, reallocated, or consolidated and shall have the right to transfer to an acquiring railroad the work incident to the rail properties or facilities acquired by said acquiring railroad pursuant to this Act, subject however, to the provisions of section 508 of this title.

COLLECTIVE-BARGAINING AGREEMENTS

SEC. 504. (a) INTERIM APPLICATION.—Until completion of the agreements provided for under subsection (d) of this section, the Corporation shall, as though an original party thereto, assume and apply on the particular lines, properties, or facilities acquired all obligations under existing collective-bargaining agreements covering all crafts and classes employed thereon, except that the Agreement of May 1936, Washington, D.C. and provisions in other existing job stabilization agreements shall not be applicable to transactions effected pursuant to this Act with respect to which the provisions of section 505 of this title shall be superseding and controlling. During this period, employees of a railroad in reorganization who have seniority on the lines, properties, or facilities acquired by the Corporation pursuant to this Act shall have prior seniority roster rights on such acquired lines, properties, or facilities.

(b) SINGLE IMPLEMENTING AGREEMENT.—On or before the date of the adoption of the final system plan by the Board of Directors of the Association as provided in section 207(c) of this Act, the representatives of the various classes or crafts of the employees of a railroad in reorganization involved in a conveyance pursuant to this Act and representatives of the Corporation shall commence negotiation of a single implementing agreement for each class and craft of employees affected providing (1) the identification of the specific employees of the railroad in reorganization to whom the Corporation offers employment; (2) the procedure by which those employees of the railroad in reorganization may elect to accept employment with the Corporation; (3) the procedure for acceptance of such employees into the Corporation's employment and their assignment to positions on the Corporation's system; (4) the procedure for determining the seniority of such employees in their respective crafts or classes on the Corporation's system which shall, to the extent possible, preserve their prior seniority rights; and (5) the procedure for determining equitable adjustment in rates of comparable positions. If no agreement with respect to the matters referred to in this subsection is reached by the end of 30 days after the commencement of negotiations, the parties shall within an additional 10 days select a neutral referee and, in the event they are unable to agree upon the selection of such referee, then the National Mediation Board shall immediately appoint a referee. After a referee has been designated, a hearing on the dispute shall commence as soon as practicable. Not less than 10 days prior to the effective date of any conveyance pursuant to the provisions of this Act, the referee shall resolve and decide all matters in dispute with respect to the negotiation of said implementing agreement or agreements and shall render a decision which shall be final and binding and shall constitute the implementing agreement or agreements between the parties with respect to the transaction involved. The salary and expenses of the referee shall be paid pursuant to the provisions of the Railway Labor Act.

(c) RELATIONSHIP TO OTHER PROVISIONS.—Notwithstanding failure for any reason to complete implementing agreements provided for in subsection (b) of this section, the Corporation may proceed with a conveyance of properties, facilities, and equipment pursuant to the provisions of this Act and effectuate said transaction: *Provided,* That all protected employees shall be entitled to all of the provisions of such agreements, as finally determined, from the time they are adversely affected as a result of any such conveyance.

(d) NEW COLLECTIVE-BARGAINING AGREEMENTS.—Not later than 60 days after the effective date of any conveyance pursuant to the provisions of this Act, the representatives of the various classes or crafts of the employees of a railroad in reorganization involved in a conveyance and representatives of the Corporation shall commence negotiations of new collective-bargaining agreements for each class and craft of employees covering the rates of pay, rules, and working conditions of employees who are em-

ployees of the Corporation, which collective-bargaining agreements shall include appropriate provisions concerning rates of pay, rules, and working conditions but shall not include any provisions for job stabilization resulting from any transaction effected pursuant to this Act which may exceed or conflict with those established or prescribed herein.

EMPLOYEE PROTECTION

SEC. 505. (a) EQUIVALENT POSITION.—A protected employee whose employment is governed by a collective-bargaining agreement will not, except as explicitly provided in this title, during the period in which he is entitled to protection, be placed in a worse position with respect to compensation, fringe benefits, rules, working conditions, and rights and privileges pertaining thereto.

(b) MONTHLY DISPLACEMENT ALLOWANCE.—A protected employee, who has been deprived of employment or adversely affected with respect to his compensation shall be entitled to a monthly displacement allowance computed as follows:

(1) Said allowance shall be determined by computing the total compensation received by the employee, including vacation allowances and monthly compensation guarantees, and his total time paid for during the last 12 months immediately prior to his being adversely affected in which he performed compensated service more than 50 per centum of each of such months, based upon his normal work schedule, and by dividing separately the total compensation and the total time paid for by 12, thereby producing the average monthly compensation and average monthly time paid for; and, if an employee's compensation in his current position is less in any month in which he performs work than the aforesaid average compensation, he shall be paid the difference, less any time lost on account of voluntary absences other than vacations, but said protected employee shall be compensated in addition thereto at the rate of the position filled for any time worked in excess of his average monthly time, *Provided, however,* That—

(A) in determining compensation in his current employment the protected employee shall be treated as occupying the position, producing the highest rate of pay to which his qualifications and seniority entitle him under the applicable collective bargaining agreement and which does not require a change in residence;

(B) the said monthly displacement allowance shall be reduced by the full amount of any unemployment compensation benefits received by the protected employee and shall be reduced by an amount equivalent to any earnings of said protected employee in any employment subject to the Railroad Retirement Act and 50 per centum of any earnings in any employment not subject to the Railroad Retirement Act;

(C) a protected employee's average monthly compensation shall be adjusted from time to time thereafter to reflect subsequent general wage increases;

(D) should a protected employee's service total less than 12 months in which he performs more than 50 per centum compensated service based upon his normal work schedule in each of said months, his average monthly compensation shall be determined by dividing separately, the total compensation received by the employee and the total time for which he was paid by the number of months in which he performed more than 50 per centum compensated service based upon his normal work schedule; and

(E) the monthly displacement allowance provided by this section shall in no event exceed the sum of $2,500 in any month except that such amount shall be adjusted to reflect subsequent general wage increases.

(2) A protected employee's average monthly compensation under this section shall be based upon the rate of pay applicable to his employment and shall include increases in rates of pay not in fact paid but which were provided for in national railroad labor agreements generally applicable during the period involved.

(3) If a protected employee who is entitled to a monthly displacement allowance served as an agent of a representative of a class or craft of employees on either a full- or part-time basis in the 12 months immediately preceding his being adversely affected, his monthly displacement allowance shall be computed by taking the average of the average monthly compensation and average monthly time paid for of the protected employees immediately above and below him on the same seniority roster or his own monthly displacement allowance, whichever is greater.

(4) An employee and his representative shall be furnished with a protected employee's average monthly compensation and average monthly time paid for, computed in accordance with the terms of this subsection, together with the data upon which such computations are based, within 30 days after the protected employee notifies the Corporation in writing that he has been deprived of employment or adversely affected with respect to his compensation.

(c) DURATION OF DISPLACEMENT ALLOWANCE.—The monthly displacement allowance provided for in subsection (b) of this section shall continue until the attainment of age 65 by a protected employee with 5 or more years of service on the effective date of this Act and, in the case of a protected employee who has less than 5 years service on such date, shall continue for a period equal to his total prior years of service: *Provided,* That such monthly displacement allowance shall terminate upon the protected employee's death, retirement, resignation, or dismissal for cause; and shall be suspended for the period of disciplinary suspension for cause, failure to work due to illness or disability, voluntary furlough, or failure to retain or obtain a position available to him by the exercise of his seniority rights in accordance with the provisions of this section.

(d) TRANSFER.—(1) A protected employee who has been deprived of employment may be required by the Corporation, in inverse seniority order and upon reasonable notice, to transfer to any bona fide vacancy for which he is qualified in his same class or craft of employee on any part of the Corporation's system and shall then be governed by the collective-bargaining agreement applicable on the seniority district to which transferred. If such transfer requires a change in residence, any such protected employee may choose (A) to voluntarily furlough himself at his home location and have his monthly displacement allowance suspended during the period of voluntary furlough, or (B) to be severed from employment upon payment to him of a separation allowance computed as provided in subsections (e) and (f) of this section, which separation allowance shall be in lieu of all other benefits provided by this title.

(2) Such protected employee shall not be required to transfer to a location requiring a change in residence unless there is a bona fide need for his services at such location. Such bona fide need for services contemplates that the transfer be to a position which has not and cannot be filled by employees who are not required to make a change in residence in the seniority district involved and which, in the absence of this section, would have required the employment of a new employee.

(3) Such protected employee who, at the request of the Corporation, has once accepted and made a transfer to a location requiring a change in residence shall not be required again to so transfer for a period of 3 years.

(4) Transfers to vacancies requiring a change in residence shall be subject to the following:

(A) The vacancy shall be first offered to the junior qualified protected employee deprived of employment in the seniority district where the vacancy exists, and each such employee shall have 20 days to elect one of the options set forth in paragraph (1) of this subsection. If that employee elects not to accept the transfer, it will then be offered in inverse seniority order to the remaining qualified, protected employees deprived of employment on the seniority district, who will each have 20 days to elect one of the options set forth in paragraph (1) of this subsection.

(B) If the vacancy is not filled by the procedure in paragraph (4) (A) of this subsection, the vacancy will then be offered in the inverse order of seniority to the qualified protected employees deprived of employment on the system and each of such employees will be afforded 30 days to elect one of the options set forth in paragraph (1) of this subsection.

(C) The provisions of this paragraph shall not prevent the adoption of other procedures pursuant to an agreement made by the Corporation and representative of the class or craft of employees involved.

(e) SEPARATION ALLOWANCE.—A protected employee who is tendered and accepts an offer by the Corporation to resign and sever his employment relationship in consideration of payment to him of a separation allowance, and any protected employee whose employment relationship is severed in accordance with subsection (d) of this section, shall be entitled to receive a lump-sum separation allowance not to exceed $20,000 in lieu of all other benefits provided by this title. Said lump-sum separation allowance, in the case of a protected employee who had not less than 3 nor more than 5 years of service as of the date of this Act, shall amount to 270 days' pay at the rate of the position last held and, in the case of a protected employee having had 5 or more years' service, shall amount to the number of days' pay indicated below at the rate of the position last held dependent upon the age of the protected employee at the time of such termination of employment:

60 or under	360 days' pay
61	300 days' pay
62	240 days' pay
63	180 days' pay
64	120 days' pay.

(f) TERMINATION ALLOWANCE.—The Corporation may terminate the employment of an employee of a railroad in reorganization, who has less then 3 years' service as of the effective date of this Act: *Provided, however,* That in such event the terminated employee shall be entitled to receive a lump sum separation allowance in an amount determined as follows:

2 to 3 years' service	180 days' pay at the rate of the position last held.
1 to 2 years' service	90 days' pay at the rate of the position last held.
Less than 1 year's service	5 days' pay at the rate of the position last held for each month of service.

(g) MOVING EXPENSE BENEFITS.—Any protected employee who is required to make a change of residence as the result of a transaction shall be entitled to the following benefits—

(1) Reimbursement for all expenses of moving his household and other personal effects, for the traveling expense of himself and members of his family, including living expenses for himself and his family, and for his own actual wage loss, not to exceed 10 working days: *Provided,* That the Corpora-

tion of acquiring railroad shall, to the same extent provided above, assume said expenses for any employee furloughed within 3 years after changing his point of employment as a result of a transaction, who elects to move his place of residence back to his original point of employment. No claim for reimbursement shall be paid under the provisions of this section unless such claim is presented to the Corporation or acquiring railroad within 90 days after the date on which the expenses were incurred.

(2)(A)(i) If the protected employee owns, or is under a contract to purchase, his own home in the locality from which he is required to move and elects to sell said home, he shall be reimbursed for any loss suffered in the sale of his home for less than its fair market value. In each case the fair market value of the home in question shall be determined as of a date sufficiently prior to the date of the transaction so as to be unaffected thereby. The Corporation or an acquiring railroad shall in each instance be afforded an opportunity to purchase the home at such fair market value before it is sold by the employee to any other person.

(ii) A protected employee may elect to waive the provisions of paragraph (2)(A)(i) of this subsection and to receive, in lieu thereof, an amount equal to his closing costs which are ordinarily paid for and assumed by a seller of real estate in the jurisdiction in which the residence is located. Such costs shall include a real estate commission paid to a licensed realtor (not to exceed $3,000 or 6 per centum of sale price, whichever is less), and any prepayment penalty required by the institution holding the mortgage; such costs shall not include the payment of any "points" by the seller.

(B) If the protected employee holds an unexpired lease on a dwelling occupied by him as his home, he shall be protected from all loss and cost in securing the cancellation of said lease.

(C) No claim for costs or loss shall be paid under the provisions of this paragraph unless the claim is presented to the Corporation or an acquiring railroad within 90 days after such costs or loss are incurred.

(D) Should a controversy arise with respect to the value of the home, the costs or loss sustained in its sale, the costs or loss under a contract for purchase, loss or cost in securing termination of a lease, or any other question in connection with these matters, it shall be decided through joint conference between the employee, or his representative, and the Corporation or an acquiring railroad. In the event they are unable to agree, the dispute or controversy may be referred by either party to a board of competent real estate appraisers, selected in the following manner: One to be selected by the employee or his representative and one by the Corporation or acquiring railroad, and these two, if unable to agree upon a valuation within 30 days, shall endeavor by agreement within 10 days thereafter to select a third appraiser, or to agree to a method by which a third appraiser shall be selected, and, failing such agreement, either party may request the National Mediation Board to designate within 10 days a third qualified real estate appraiser whose designation will be binding upon the parties. A decision of a majority of the appraisers shall be required and said decision shall be final and conclusive. The salary and expenses of the third or neutral appraiser, including the expenses of the appraisal board, shall be borne equally by the parties to the proceedings. All other expenses shall be paid by the party incurring them, including the compensation of the appraiser selected by such party.

(h) APPLICATION OF TITLE.—Should a railroad rearrange or adjust its forces in anticipation of a transaction with the purpose or effect of depriving a protected employee of benefits to which he otherwise would have become entitled under this title, the provisions of this title will apply to such employee.

CONTRACTING OUT

SEC. 506. All work in connection with the operation or services provided by the Corporation on the rail lines, properties, equipment, or facilities acquired pursuant to the provisions of this Act and the maintenance, repair, rehabilitation, or modernization of such lines, properties, equipment, or facilities which has been performed by practice or agreement in accordance with provisions of the existing contracts in effect with the representatives of the employees of the classes or crafts involved shall continue to be performed by said Corporation's employees, including employees on furlough. Should the Corporation lack a sufficient number of employees, including employees on furlough, and be unable to hire additional employees, to perform the work required, it shall be permitted to subcontract that part of such work which cannot be performed by its employees, including those on furlough, except where agreement by the representatives of the employees of the classes or crafts involved is required by applicable collective-bargaining agreements. The term "unable to hire additional employees" as used in this section contemplates establishment and maintenance by the Corporation of an apprenticeship, training, or recruitment program to provide an adequate number of skilled employees to perform the work.

ARBITRATION

SEC. 507. Any dispute or controversy with respect to the interpretation, application, or enforcement of the provisions of this title, except section 504(d) and those disputes or controversies provided for in subsection (g)(2)(D) of section 505 and subsection (b) of section 504 which have not been resolved within 90 days, may be submitted by either party to an Adjustment Board for a final and binding decision thereon as provided in section 3 Second, of the Railway Labor Act, in which event the burden of proof on all issues so presented shall be upon the Corporation or, where applicable, the Association.

ACQUIRING RAILROADS

SEC. 508. An acquiring railroad shall offer such employment and afford such employment protection to employees of a railroad from which it acquires properties or facilities pursuant to this Act, and shall further protect its own employees who are adversely affected by such acquisition, as shall be agreed upon between the said acquiring railroad and the representatives of such employees prior to said acquisition: *Provided, however,* That the protection and benefits provided for protected employees in such agreements shall be the same as those specified in section 505 of this title: *And provided further, however,* That unless and until such agreements are reached, the acquiring railroad shall not enter into purchase agreements pursuant to section 303 of this Act.

PAYMENTS OF BENEFITS

SEC. 509. The Corporation, the Association (where applicable), and acquiring railroads, as the case may be, shall be responsible for the actual payment of all allowances, expenses, and costs provided protected employees pursuant to the provisions of this title. The Corporation, the Association (where applicable), and acquiring railroads shall then be reimbursed for such actual amounts paid protected employees, not to exceed the aggregate sum of $250,000,000, pursuant to the provisions of this title by the Railroad Retirement Board upon certification to said Board by the Corporation, the Association (where applicable), and acquiring railroads of the amounts paid such employees. Such reimbursement shall be made from a separate account maintained in the Treasury of the United States to be known as the Regional Rail Transportation Protective Account. There is hereby authorized to be appropriated to such protective account annually such sums as may be required to meet the obligations payable hereunder, not to exceed in the aggregate, however, the sum of $250,000,000. There is further authorized to be appropriated to the Railroad Retirement Board annually such sums as may be necessary to provide for additional administrative expenses to be incurred by the Board in the performance of its functions under this section.

TITLE VI—MISCELLANEOUS PROVISIONS

RELATIONSHIP TO OTHER LAWS

SEC. 601. (a) ANTITRUST.—(1) Except as specifically provided in paragraph (2) of this subsection, no provision of this Act shall be deemed to convey to any railroad or employee or director thereof any immunity from civil or criminal liability, or to create defenses to actions, under the antitrust laws.

(2) The antitrust laws are inapplicable with respect to any action taken to formulate or implement the final system plan where such action was in compliance with the requirements of such plan.

(3) As used in this subsection, "antitrust laws" includes the Act of July 2, 1890 (ch. 647, 26 Stat. 209), as amended; the Act of October 15, 1914 (ch. 323, 38 Stat. 730), as amended; the Federal Trade Commission Act (38 Stat. 717), as amended; sections 73 and 74 of the Act of August 27, 1894 (28 Stat. 570), as amended; the Act of June 19, 1936 (ch. 592, 49 Stat. 1526), as amended; and the antitrust laws of any State or subdivision thereof.

(b) COMMERCE AND BANKRUPTCY.—The provisions of the Interstate Commerce Act (49 U.S.C. 1 et seq.) and the Bankruptcy Act (11 U.S.C. et seq.) are inapplicable to transactions under this Act to the extent necessary to formulate and implement the final system plan whenever a provision of any such Act is inconsistent with this Act.

(c) ENVIRONMENT.—(1) The provisions of section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) shall not apply with respect to any action taken under authority of this Act before the effective date of the final system plan.

(d) NORTHEAST CORRIDOR.—(1) Rail properties designated in accordance with section 206(c)(1)(C) of this Act shall be leased or may (at its option) be purchased or otherwise acquired by the National Railroad Passenger Corporation. The Corporation shall negotiate an appropriate sale or lease agreement with the National Railroad Passenger Corporation as provided in the final system plan.

(2) Properties acquired by purchase, lease, or otherwise pursuant to this subsection shall be improved in order to meet the goal set forth in section 206(a)(3) of this Act, relating to improved high-speed passenger service, by the earliest practicable date after the date of enactment of this Act.

(3) The Secretary shall begin the necessary engineering studies and improvements upon enactment.

(4) The final system plan shall provide for any necessary coordination with freight or commuter services of use of the facilities designated in section 206(c)(1)(C) of this Act. Such coordination may be effectuated through a single operating entity, designated in the final system plan, or as mutually agreed upon by the interested parties.

(5) Construction or improvements made pursuant to this subsection may be made in consultation with the Corps of Engineers.

(e) EMERGENCY SERVICE.—Section 1(16) of the Interstate Commerce Act (49 U.S.C. 1(16)) is amended by inserting "(a)" before the word "Whenever" in the first sentence and adding the following new paragraph:

"(b) Whenever any carrier by railroad is unable to transport the traffic offered it because—

"(1) its cash position makes its continuing operation impossible;

"(2) it has been ordered to discontinue any service by a court; or

"(3) it has abandoned service without obtaining a certificate from the Commission pursuant to this section;

the Commission may, upon the same procedure as provided in paragraph (15) of this section, make such just and reasonable directions with respect to the handling, routing, and movement of the traffic available to such carrier and its distribution over such carrier's lines, as in the opinion of the Commission will best promote the service in the interest of the public and the commerce of the people subject to the following conditions:

"(A) Such direction shall be effective for no longer than 60 days unless extended by the Commission for cause shown for an additional designated period not to exceed 180 days.

"(B) No such directions shall be issued that would cause a carrier to operate in violation of the Federal Railroad Safety Act of 1970 (45 U.S.C. 421) or that would substantially impair the ability of the carrier so directed to serve adequately its own patrons or to meet its outstanding common carrier obligations.

"(C) The directed carrier shall not, by reason of such Commission direction, be deemed to have assumed or to become responsible for the debts of the other carrier.

"(D) The directed carrier shall hire employees of the other carrier to the extent such employees had previously performed the directed service for the other carrier, and, as to such employees as shall be so hired, the directed carrier shall be deemed to have assumed all existing employment obligations and practices of the other carrier relating thereto, including, but not limited to, agreements governing rate of pay, rules and working conditions, and all employee protective conditions commencing with and for the duration of the direction.

"(E) Any order of the Commission entered pursuant to this paragraph shall provide that if, for the period of its effectiveness, the cost, as hereinafter defined, of handling, routing, and moving the traffic of another carrier over the other carrier's lines of road shall exceed the direct revenues therefor, then upon request, payment shall be made to the directed carrier, in the manner hereinafter provided and within 90 days after expiration of such order, of a sum equal to the amount by which such cost has exceeded said revenues. The term 'cost' shall mean those expenditures made or incurred in or attributable to the operations as directed, including the rental or lease of necessary equipment, plus an appropriate allocation of common expenses, overheads, and a reasonable profit. Such cost shall be then currently recorded by the carrier or carriers in such manner and on such forms as by general order may be prescribed by the Commission and shall be submitted to and subject to audit by the Commission. The Commission shall certify promptly to the Secretary of the Treasury the amount of payment to be made to said carrier or carriers under the provisions of this paragraph. Payments required to be made to a carrier under the provisions of this paragraph shall be made by the Secretary of the Treasury from funds hereby authorized to be appropriated in such amounts as may be necessary for the purpose of carrying out the provisions hereof."

ANNUAL EVALUATION BY THE SECRETARY

SEC. 602. As part of his annual report each year, the Secretary shall transmit to Congress each year a comprehensive report on the effectiveness of the Association and the Corporation in implementing the purposes of this Act, together with any recommendations for additional legislative or other action.

FREIGHT RATES FOR RECYCLABLES

SEC. 603. The Commission shall, by expedited proceedings, adopt appropriate rules under the Interstate Commerce Act (49 U.S.C. 1 et seq.) which will eliminate discrimination against the shipment of recyclable materials in rate structures and in other Commission practices where such discrimination exists.

SEPARABILITY

SEC. 604. If any provision of this Act or the application thereof to any person or circumstances is held invalid, the remainder of this Act and the application of such provision to other persons or circumstances shall not be affected thereby.

And the Senate agree to the same.

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

HARLEY O. STAGGERS,
JOHN JARMAN,
JOHN D. DINGELL,
BROCK ADAMS,
BERTRAM L. PODELL,
RALPH H. METCALFE,
DAN KUYKENDALL,
J. SKUBITZ,
LOUIS FREY, JR.,
DICK SHOUP,
Managers on the Part of the House.

WARREN G. MAGNUSON,
JOHN PASTORE,
VANCE HARTKE,
RUSSELL LONG,
ROBERT P. GRIFFIN,
MARLOW W. COOK,
J. GLENN BEALL, JR.,
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. 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, 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 Senate amendments struck out all of the House bill after the enacting clause and inserted a substitute text and provided a new title for the House bill, and the House disagreed to the Senate amendments.

The committee of conference recommends that the House recede from its disagreement to the amendment of the Senate to the text of the House bill, with an amendment which is a substitute for both the text of the House bill and the Senate amendment to the text of the House bill. The committee of conference also recommends that the House recede from its disagreement to the amendment of the Senate to the title of the House bill.

The differences between the text of the House bill, the Senate amendment thereto, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by reason of agreements reached by the conferees, and minor drafting and clarifying changes.

STRUCTURE OF ASSOCIATION TO PLAN AND FINANCE AND CORPORATION TO OPERATE NEW RAIL SERVICE SYSTEM IN THE REGION

Both the House bill and the Senate amendment established a new nonprofit Association to prepare and implement the final system plan for rail service in the Northeast and Midwest and to provide financial assistance for the acquisition and improvement of rail properties of railroads in reorganization in the region. Both the House bill and the Senate amendment also established a new for-profit Corporation to operate rail service in the region as designated in the final system plan.

House bill

The House bill provided for the establishment of a Federal National Railway Association and a Federal Rail Corporation.

The Association was to have a 9-member Board of Directors, consisting of a chairman appointed by the President by and with the advice and consent of the Senate, the Secretary of Transportation, the Chairman of the Interstate Commerce Commission, the Chairman of the Federal Reserve Board, and five nongovernment members consisting of one member representative, respectively, of shippers by rail, railroads not in reorganization, State Governors, cities and Mayors, and organized labor, to be appointed by the President (from not less than 2 individuals recommended in each case by the Governors, Mayors, and labor) by and with the advice and consent of the Senate, for a 3-year term. The Association was to have an executive committee consisting of the chairman of the Association, the Secretary of DOT, and the Chairman of the ICC. No restriction was placed on the compensation that could be paid to employees of the Association; members of the Board of Directors were to receive $150 for each meeting attended. The Association's financial transactions were authorized to be audited by the Comptroller General of the United States The Association was directed to submit a comprehensive and detailed annual report of its activities and attainments to the President and Congress. It would be a violation for any other person or entity to use the Association's official name as the name under which he or it shall do business.

The House bill authorized and directed the Corporation to be established, with the members of the executive committee of the Association as the incorporators and initial Board of Directors. The Corporation was to be a private entity with its principal office in Philadelphia, Pennsylvania and to be organized under the laws of any State. So long as more than one-half of the Corporation's indebtedness was from the Association or guaranteed by the Secretary of Transportation, no individual could be a director of the Corporation without being approved by the Board of Directors of the Association. No restriction was placed on the compensation that could be paid employees of the Corporation. The Corporation's financial transactions could be audited by the Comptroller General of the United States for any year during which Federal financial assistance was used to finance any portion of its operations. The Corporation was directed to transmit a comprehensive and detailed annual report of its activities and attainments to the President and Congress.

Senate amendment

The Senate amendment provided for the establishment of a Government National Railway Association and a United Rail Corporation.

The Association was to have a 13-member Board of Directors, consisting of a chairman appointed by the President by and with the advice and consent of the Senate, the Secretary of Transportation, the Chairman of the Interstate Commerce Commission, the Secretary of the Treasury, the Administrator of the Environmental Protection Agency, and eight nongovernment members, consisting of two members representative of shippers, and one member representative, respectively, of profitable railroads, orga-

nized labor, State Governors, cities and Mayors, consumer organizations, and the financial community, to be appointed by the President (from lists of no less than 3 qualified individuals recommended by the group to be represented) by and with the advice and consent of the Senate for initial staggered terms of 2, 4, and 6 years as designated by the President at the time of nomination and thereafter for 6 years. The Association was to have an executive committee consisting of the Chairman of the Association, the Secretary of DOT, and 3 other members selected by the members of the Board of Directors. The Board was to appoint a President of the Association upon DOT's recommendation. No officer of the Association could receive compensation in excess of that prescribed for level I of the Executive Schedule (currently $60,000 per annum); members of the Board of Directors were to receive $300 per day when performing official duties plus expenses. The receipts and disbursements of the Association were not to be included in the totals of the Federal Government's budget, and the Association was added to the list of entities regulated pursuant to section 201 of the Government Corporation Control Act. The Association was directed to submit a comprehensive and detailed annual report to the Congress and the President with 8 items specifically listed to be included in each report. It would be a violation for any other person or entity to use the Association's name in doing business.

The Senate amendment directed a for-profit Corporation to be established within 300 days after enactment, with the members of the executive committee of the Association as the incorporators and initial Board of Directors. The Corporation was to be a private entity with its principal office in Philadelphia, Pennsylvania and to be organized under the laws of any State. The Corporation was to have a 15-member Board of Directors. So long as a substantial amount, as determined by the Secretary of the Treasury, of the indebtedness of the Corporation was owed to or guaranteed by the United States, the Board of Directors would include the Secretary of Transportation, the Chairman and President of the Association, and 5 individuals appointed by the President by and with the advice and consent of the Senate; the Corporation would be barred from paying any officer compensation in excess of that prescribed for level I of the Executive Schedule (currently $60,000 per annum); and for purposes of a Federal audit, the Corporation would be subject to section 201 of the Government Corporation Control Act. The Corporation was directed to transmit a comprehensive and detailed annual report of its activities and accomplishments to the Congress and the President. It would be a violation for any person to use its official name for any business purpose.

Conference substitute

The conference substitute essentially follows the Senate version, except as follows:

(1) There shall be established a United States Railway Association and a Consolidated Rail Corporation.

(2) The Association is to have an 11-member board of directors, consisting of a Chairman appointed by the President by and with the advice and consent of the Senate, the Secretary of Transportation, the Chairman of the Interstate Commerce Commission, the Secretary of the Treasury, and seven nongovernment members consisting of two members representative of shippers, and one member representative, respectively, of profitable railroads, organized labor, State Governors, cities and Mayors, and the financial community, to be appointed by the President (from lists of no less than 3 qualified individuals recommended by the group to be represented) by and with the advice and consent of the Senate for staggered terms of 2, 4, and 6 years as designated by the President at the time of nomination. Beginning 45 days after the date of incorporation six members, including 3 nongovernment members, will constitute a quorum of the board for the transaction of any function.

(3) The Association is to have an Executive Committee consisting of the Chairman of the Association, the Secretary of DOT, the Chairman of the ICC, and 2 other members of the Board selected by the Board of Directors.

(4) The receipts and disbursements of the Association, except for administrative expenses, are not to be included in the totals of the budget of the United States Government. An annual submission is to be made to the Office of Management and Budget as to administrative expenses. A detailed annual report, including all of the specifically listed items in the Senate amendment except paragraph (7), is to be submitted to the Congress and the President by the Association.

(5) The Corporation is to have a 15-member board of directors. So long as 50 per centum of the indebtedness of the Corporation is owed to or guaranteed by the United States, the Board of Directors would include the Secretary of Transportation, the Chairman and President of the Association, and 5 individuals appointed by the President by and with the advice and consent of the Senate. The Corporation would not be barred from paying compensation to any officer in excess of the Executive Schedule Level 1.

EMPLOYEE STOCK OWNERSHIP PLAN

House bill

No provision.

Senate amendment

The Senate amendment required that the final system plan adopted by the Association evaluate the practicability and the manner in which, if practicable and recommended, employee stock ownership plans were to be used by the Corporation for meeting its capitalization requirements. Special consideration was to be given to railroads requesting loans from the Association if they have an employee stock ownership plan. Such a plan was defined in the Senate amendment as a corporate finance technique that uses a tax-code-qualified stock bonus trust or company stock money purchase pension trust in connection with any capital requirements of a corporation and which is designed to build a stockholder interest in the employer corporation into each of the employees in relation to their incomes but which does not require the employees to make any cash outlay or to suffer any reduction in pay or other benefits or rights.

Conference substitute

The conference substitute adopted the Senate definition of employee stock ownership plan, but made clear that the Association's study of the practicability of such a plan for the new Corporation does not require that any such plan be established. The conference substitute amended the House-adopted section on initial capitalization of the Corporation to permitting it to repurchase common stock initially issued through payments out of profits in order to establish an employee stock ownership plan. The conference substitute does not require that special consideration be given to railroads requesting loans from the Association which have an employee stock ownership plan.

POWERS AND DUTIES OF ASSOCIATION AND CORPORATION

In addition to functions specifically relating to planning and implementation of the new rail service system in the region and other specific powers and duties which are noted below, both the House bill and the Senate amendment conferred certain general powers and duties on the Association and the Corporation.

House bill

The House bill authorized the Association to adopt and amend bylaws; to issue necessary rules and regulations; and to have such officers as the Board of Directors may appoint except that no such officer may have, during the time of his employment by the association any direct or indirect employment or financial relationship with any railroad. Further, no individual could be an officer of the Association if at any time he had any direct or indirect employment or financial relationship with any railroad in reorganization. The Association was granted all of the usual powers conferred upon a nonprofit corporation by the District of Columbia Nonprofit Corporation Act. Its moneys could be kept as cash on hand, deposited, or invested in investments lawful for fiduciary trust or public funds. The Association was exempted from all taxation, except local real property taxation.

The Corporation was to have the powers to carry out its purpose to acquire the rail properties of railroads in reorganization under this Act; to operate, rehabilitate, and modernize those rail properties included in the Corporation's rail system under the final system plan; and to contract for the operation of rail lines not included in its system under the final system plan. It was further authorized to have the powers conferred under the laws of any States in which it is incorporated and the usual powers of a railroad under the laws of any State where it and any subsidiary created by it are operating.

Senate amendment

The Senate amendment authorizes the Association to adopt, amend, and repeal bylaws; to adopt, amend, and repeal necessary rules and regulations; to sue and be sued in its name; to appoint, fix the compensation, and assign the duties of such employees as it deems necessary or appropriate except that no individual may hold an employment position in violation of regulations to be established by the Secretary of Transportation to avoid conflicts of interest and to protect the interests of the public; to acquire and dispose of property; to consult with and request the assistance of the Army Corps of Engineers with respect to improvements to rail properties financed by any obligations issued or loans made by it; to consult with representatives of science, industry, and other groups as it deems advisable; and to enter into contracts and do all things necessary, appropriate, or incidental to the proper management of its affairs. The Association was further authorized to consult on an ongoing basis with the Attorney General and the Chairman of the Federal Trade Commission to assess the possible anticompetitive effects of various proposals regarding the rail reorganization; the FTC and the Attorney General were required to prepare and transmit various specific reports etc. regarding potential anticompetitive effects. The Association was made subject, to the extent not inconsistent with this proposed Act, to the D.C. Nonprofit Corporation Act; its moneys could be deposited or invested in investments lawful for fiduciary trust, or public funds; and the Associaton was exempted from all taxation except local real property taxation.

The Corporation was to have all the powers vested in it under this proposed Act, including the authority to take all steps necessary to acquire rail properties in accordance with the final system plan; to operate, rehabilitate, and modernize such rail properties; and to maintain adequate and efficient rail service in the region. It was further authorized to have the powers conferred under the laws of any States in which it is incorporated and the powers of a railroad in any State in which it operates. So long as a substantial amount, as determined by the Secretary of

the Treasury, of its indebtedness consisted of obligations of the Association or other debts owing to or guaranteed by the United States, the Corporation would not be permitted to engage in nontransportation related activities.

Conference substitute

The conference substitute follows the provisions of the Senate amendment with the following changes:

(1) The general power to execute contracts and do all things necessary to the management of Association affairs is not included. The substitute inserts in lieu thereof a provision permitting it to enter into contracts and other transactions necessary to the conduct of its functions and duties without regard to section 3709 of the Revised Statutes (in competitive bidding);

(2) The provisions requiring the Attorney General and the Chairman of the FTC to prepare reports and granting them access to information were deleted. The Attorney General and Chairman of the FTC are authorized to consult regarding possible anti-competitive effects;

(3) The Corporation will be prohibited from engaging in nontransportation related activities so long as 50 per centum of its indebtedness consists of obligations of the Association or other debts owing to or guaranteed by the United States.

ACCESS TO INFORMATION

House bill

Each railroad operating in the region prior to the effective date of the final system plan was required to provide the Association and the Secretary of Transportation with such information as may be requested in connection with the performance of any function under this Act. This information could be obtained by subpoena; a refusal to obey such a subpoena could be punished by the Federal district courts as contempt. The provisions were not to be construed to authorize the Association or the Secretary or any railroad in the region to withhold any information from the duly authorized committees of Congress.

Senate amendment

The Senate amendment required each railroad (both in and outside the region) to maintain such records and provide such information as the Secretary of DOT, the Planning Office of the ICC, or the Association shall reasonably require or request which is relevant to any function under this Act without regard to when such request was made. Inspection authority and enforcement by subpoena was provided. Contumacy or refusal to obey such a subpoena or order was to be treated by the appropriate Federal district court as a contempt of court upon the petition of the appropriate official.

Conference substitute

The conference substitute grants the Secretary, the Office, and Association authority to obtain relevant information from each railroad operating in the region in connection with the performance of their respective functions under this Act. No such information, however, may be requested after the effective date of the final system plan.

In addition, each railroad or other person or government entity seeking financial assistance from the Association is required to make available such records and information as the Association may request. Inspection, hearing, and enforcement authority, including subpoena powers, are granted for access to information and violations are to be treated as contempt of court. Nothing shall authorize the withholding of information from any duly authorized committees of the Congress.

THE PROCESS OF PLANNING AND APPROVING THE NEW RAIL SERVICE SYSTEM IN THE REGION

Both the House bill and the Senate amendment contemplated a planning process involving the Department of Transportation, the Interstate Commerce Commission, and the Association. Under both versions, 450 days after the date of enactment of this Act, the Board of Directors of the Association, by majority vote, would be expected to adopt and submit to Congress for its approval a final system plan.

House bill

Within 60 days after enactment, each U.S. district court having jurisdiction over a railroad in reorganization was to decide whether that railroad could be reorganized on an income basis. As to any railroad which was found not to be so reorganizable, the court was to enter an order directing the railroad to be reorganized under this Act or it could entertain a motion to dismiss the reorganization proceedings under section 77 of the Bankruptcy Act. Within 30 days after enactment, the Secretary of Transportation was to prepare and submit a preliminary report containing his recommendations for the identification of geographic zones in the region within which rail freight service should be provided. Within 30 days after this DOT study was completed, the Director of the special Office in the ICC was to solicit comment, data, and argument on the Secretary's core rail service report from all interested parties, and to hold public hearings thereon in at least 12 different locations in the region. Within 90 days after enactment (or 30 days after solicitation of comment has been completed), the Director of the Office was to submit to the ICC and the Association his recommendations for the preparation of a final report on core rail service together with a summary and analysis of the recommendations of those who commented on the DOT report. Within 120 days after enactment, the Commission was to submit a final report on core rail service, which was to be submitted to the Board of Directors of the Association. Within 30 days after receipt of that report (150 days after the date of enactment), the Board of Directors of the Association, by majority vote, was to approve a final report on core rail service which would be consistent with the goals for the final system plan which are mandated in the Act.

Within 300 days after enactment the executive committee of the Association was to prepare and submit to the Office in the ICC a preliminary system plan, with copies to be made available to interested parties, the States and public utility commissions in the region, local governments, and consumer groups. Upon receipt of the preliminary system plan, the Office was to hold public hearings on it in at least 12 different locations in the region, and within 60 days after receipt the Director of the Office was to submit to the association's executive committee a summary of the recommendations of those who commented on the preliminary system plan.

Within 60 days after receipt of this summary of recommendations from the Office (420 days after the date of enactment of this Act), the executive committee of the Association was to prepare and submit to the Board of Directors of the Association a final system plan. Within 30 days thereafter, the Board, by majority vote, was to approve a final system plan that was consistent with the requirements of this Act and which included substantially all the rail service envisioned in the final report on core rail service.

The Directors were to submit the final system plan adopted by them to both Houses of Congress. The final system plan would become effective at the end of the first period of 60 days of continuous session of Congress after the date of transmittal of this plan, unless prior to the end of that period either House of Congress passed a resolution stating in substance that it did not favor the final system plan. If rejected, the Board of Directors of the Association would deliver a revised final system plan to the Congress in the same manner, subject to review in the same manner as the original final system plan. The final system plan which became effective in this manner could not be reviewable by any court or body, except as provided in this bill.

Senate amendment

Under the Senate amendment, the planning process similarly started immediately upon the date of enactment of the Act. The Secretary of Transportation would prepare and within 30 days submit a comprehensive report containing his conclusions and recommendations with respect to rail services in the region. At the same time, the ICC would organize a special Office known as the Rail Emergency Planning Office to be administered by a Director. Within 240 days after enactment, the Office would submit a comprehensive report surveying needs and possibilities for rail services and cost savings in the region. Within 300 days the Office would submit its proposal and recommended plan for the new rail system, a proposal meeting all requirements for a final system plan.

These investigation results and reports would be submitted to the Association which would simultaneously be undertaking similar activities. Within 300 days after enactment, the Association would be required to adopt and release a preliminary system plan, on the basis of its own investigations, consultations, research, evaluation, and analysis and on the basis of reports and other information submitted to it by the Secretary, the Office, the Chairman of the Federal Trade Commission, and Attorney General, and interested persons. For the next 60 days interested persons would be invited to submit comments on this plan, and the Secretary, the Office, and the Association were authorized to hold public hearings on the preliminary system plan. Within 60 days after the end of this comment period, the Secretary and the Director of the Office were required to submit to the Association a summary and analysis of these comments.

Within 90 days after the release of the preliminary system plan (that is, 390 days after enactment), each U.S. district court having jurisdiction over a railroad in reorganization was to decide whether such railroad should be reorganized pursuant to the provisions of this legislation. Each such court was directed to order reorganization under this Act, unless it found that the railroad subject to its jurisdiction was reorganizable on an income basis within a reasonable time under section 77 of the Bankruptcy Act and that the public interest would be better served by such a reorganization than by one under this Act, or, alternatively, that reorganization under this Act is not possible on terms that would be fair and equitable to the estate of such railroad.

Within 420 days after enactment, the President and the executive committee of the Association were to submit to the Board of Directors the final system plan. Within 30 days thereafter, the Board would be required to approve a final system plan meeting all of the requirements for such a plan.

The Directors were to submit the final system plan adopted by them to both Houses of Congress and the Commerce committees of the House of Representatives and the Senate. The final system plan is to be deemed approved (except as to maximum obligational authority) at the end of the first period of 60 calendar days of continuous session of Congress after the date of transmittal, unless either the House of Representatives or the Senate passes a resolution during that period stating that it does not favor the final system plan. If thus disapproved, the Association, with the cooperation and assistance of the Office, would be required to prepare and adopt a revised final system plan, to be submitted for congressional approval in the same man-

ner as the initial final system plan. The obligational authority of the Association would not become effective unless approved as submitted or with modification by joint resolution of Congress. The final system plan which was adopted by the Association and which became effective after such congressional review could not be reviewed by any court except in accordance with this proposed Act.

Conference substitute

The conference substitute is the same as the Senate amendment with the following changes:

(1) the study functions assigned to the ICC special office in the Senate amendment have been assigned to the Association in order to avoid duplication of effort in designing the final system plan;

(2) the Office is specifically assigned the responsibility properly protecting the interests of communities and user of rail services who might not otherwise be adequately represented in the course of the hearings and evaluations which the Office is required to conduct;

(3) the Office is directed to study and evaluate the Secretary's report on rail services in the region and submit a report thereon to the Association within 120 days after the date of enactment; and

(4) the timing for decisions by the reorganization or other courts with regard to whether a railroad is reorganizable on an income basis or whether the "this Act does not provide a process which would be fair and equitable to the estate of the railroad in reorganization" has been modified. The conference substitute provides that, within 120 days after date of enactment, the reorganization or other court must decide whether a railroad in reorganization is reorganizable on an income basis within a reasonable period of time and that the public interest would be better served by continuing the present reorganization proceedings than by a reorganization under this bill. If the court decides that a railroad is not so reorganizable, the court is then required to order the railroad to proceed with reorganization pursuant to the bill. This court determination is to be submitted 60 days after the Office submits its study and evaluation of the Secretary's report on rail services in the region (180 days after the date of enactment), unless the court finds that the legislation does not provide a process which would be fair and equitable to the estate of the railroad in reorganization. If the court makes such a finding it is directed to dismiss the reorganization (or other) proceedings. Under the House bill the decision to proceed with reorganization under this legislation was to be made within 60 days after enactment in order to give the planners as much advance notice as possible as to those railroad properties which could be included in the final system plan. In the Senate amendment the decision was to be made within 390 days after enactment in order to give the court as much information about the reorganization process as possible. The conferees decided that a decision within 180 days after the date of enactment would provide the planners with adequate time to make their planning decisions, while simultaneously providing the court sufficient information concerning the process of reorganization under this legislation. For example, before the court is required to order a railroad to proceed in reorganization pursuant to this legislation, it will have the benefit of the Secretary's report on rail services in the region, the Office's public hearings and its study and evaluation of that report, and study information and preliminary planning endeavors of the Association to consider if any person tries to sustain the burden of showing that the process of reorganization pursuant to this legislation would not be fair and equitable.

THE FINAL SYSTEM PLAN

Under both the House bill and the Senate amendment, the final system plan is the basis for the reorganization of the railroads in the region.

House bill

The House bill declared that the final system plan should be formulated in light of 8 enumerated goals. The final system plan was to designate which rail properties of bankrupt railroads (railroads in reorganization determined not to be income reorganizable) should be conveyed to the Corporation and which should be offered for sale to nonbankrupt (railroads in reorganization determined to be income reorganizable) or profitable railroads; which rail properties of nonbankrupt railroads should be offered for sale to another nonbankrupt, a profitable railroad, or to the Corporation, or abandoned; which rail properties in the Northeast Corridor would be acquired by the Corporation for lease to the National Railroad Passenger Corporation (Amtrak); which rail properties should not be operated by the Corporation or any other railroad but which would be suitable for use for other public purposes; and which rail properties of profitable railroads should be recommended for transfer to the Corporation, nonbankrupt railroads, or other profitable railroads.

A provision of the House bill set forth terms and conditions in accordance with which such authorized conveyances would be carried out. All rail properties of a bankrupt railroad conveyed to the Corporation were to be conveyed in exchange for common stock of the Corporation and, if necessary, other securities of the corporation (which might include obligations of the Association). All other conveyances by a railroad in reorganization were to be conveyed in exchange for obligations having a value equal to the fair and equitable value of those rail properties. A profitable railroad could not acquire any rail properties under this Act without a prior determination that such acquisition would not materially impair the profitability of any other profitable railroad or the Corporation. A profitable railroad was defined, with respect to 11 States and the District of Columbia in the region, as a railroad operating substantially in that area and which is not undergoing reorganization; with respect to the other 6 States in the region the term was defined as a railroad operating in the State and which is not undergoing reorganization. In the case of a nonbankrupt railroad offering to sell rail properties, it was required to make an irrevocable offer to sell within 60 days after the effective date of the final system plan, with the approval of the court having jurisdiction over its reorganization, and this offer had to be accepted within 75 days after such effective date; otherwise the offer lapsed. Nonbankrupt railroads and profitable railroads were required to enter purchase agreements with bankrupt railroads directed to offer rail properties for sale to them within 75 days of the effective date of the final system plan; otherwise the authorization to offer lapsed.

The House bill further required the final system plan to set forth reasonably projected pro forma earnings for the Corporation and the capital structure of the Corporation based on such reasonably projected earnings and including such debt capitalization as shall reasonably conform to the requirements of the public interest respecting railroad debt securities. Further, the final system plan was to designate the fair and equitable value of all rail properties to be conveyed or which might be conveyed under the final system plan and the value of the securities and obligations to be exchanged for these properties. Fair and equitable value was defined as either the fair liquidation value or the going concern value of the rail properties as of September 30, 1973, except that in no event should they be valued at more than the constitutional minimum required for their acquisition. The final system plan could also recommend arrangements for joint use, ownership, or operation of rail properties among various railroads on terms and conditions to be specified in the plan.

Finally, the final system plan was to set forth the maximum amount of obligations issued by the Association which should be outstanding at any one time to enable the Association to carry out the purposes of the Act.

Senate amendment

The Senate amendment declared that the final system plan be formulated in such a way as to effectuate the 8 enumerated goals. The final system plan was to designate the transfers of rail properties to be made to implement the new rail system: which rail properties of a railroad in reorganization (or one leased, operated, or controlled by such a railroad) should (1) be owned and operated by the United Rail Corporation; (2) be offered for sale to a profitable railroad, and if purchased, operated by it, or if purchase is declined, be acquired and operated by the Corporation; (3) be purchased or leased from the Corporation by Amtrak or a regional transportation authority for improvement to achieve one of the goals of the final system plan (improved high-speed rail passenger service in the Boston-Washington, D.C. corridor as outlined in the Secretary's report of 1971 entitled "Recommendations for Northeast Corridor Transportation"; (4) may be purchased or leased from the Corporation by a State or regional transportation authority to meet the needs of commuter and intercity rail passenger service other than the properties referred to in paragraph (3); (5) should not be operated by the Corportion or any other railroad but which are suitable for public purposes other than rail transportation. The plan was also to designate which rail properties of profitable railroads "shall be offered" to the Corporation—i.e., upon which properties negotiations for purchase must proceed—and which properties "may" be offered to other profitable railroads. All rail properties of railroads in reorganization in the region which were not designated to be conveyed to the Corporation for operation by it or for transfer by it to Amtrak or a regional authority or to be offered for sale to a profitable railroad were eligible for discontinuance and abandonment pursuant to the provisions of the Act.

The Senate amendment also set forth a series of rules to govern transfers or conveyances of rail properties designated or authorized to be transferred or conveyed under the Act.

All rail properties to be transferred to the Corporation by a railroad in reorganization were to be transferred in exchange for value in the form of stock and other securities of the Corporation (including obligations of the Association). All rail properties to be conveyed to a profitable railroad operating in the region by a railroad in reorganization were to be conveyed in exchange for compensation.

No acquisition may be made by a profitable railroad other than a profitable railroad "operating in the region". Such an acquisition could not take place unless (1) the Association made a determination "upon adoption and release of the preliminary system plan" that this acquisition "will not materially impair the profitability of any other profitable railroad or of the Corporation" and (2) the ICC made a determination within 90 days after the preliminary system plan is adopted and released that this acquisition "will be in full accord and comply with the provisions and standards" of section 5 of the Interstate Commerce Act. If rail properties are designated in the final system plan for sale or

authorized to be offered for sale by or to a profitable railroad operating in the region, the designation would lapse unless a binding purchase agreement were entered into and concluded by the parties within 60 days after the effective date of the final system plan. With respect to Northeast corridor rail properties, they would be transferred by the Corporation at a value related to the value received for the transfer of such properties to the Corporation.

The Senate amendment further required the final system plan to set forth the pro forma earnings for the Corporation as reasonably projected; to set forth the capital structure of the Corporation, based on the pro forma earnings and reasonable debt capitalization; and to evaluate the practicability and the manner in which, if recommended, an employee stock ownership plan should be used by the Corporation. Further, the final system plan was to designate the value of all rail properties to be transferred under the final system plan and the value of the securities and other benefits to be exchanged for these properties. The final system plan could also recommend arrangements among various railroads for joint use or operation of rail properties on a shared ownership, cooperative, or condominium-types basis, subject to terms and conditions in the plan.

The final system plan was to set forth the amount of obligations of the Association necessary to enable it to implement the final system plan. The plan could also include terms and conditions for any securities of the Corporation which in the judgment of the Association could minimize any actual or potential debt burden of the Corporation; such terms and conditions could not become effective without affirmative approval by Congress.

Conference substitute

The conference substitute adopted a combination of the goals enumerated in the House bill and the Senate amendment. The final system plan is to be formulated in such a way as to effectuate those goals, and is to be based upon the factors listed in the Senate bill. The designations to be made by the Final System Plan were adopted from the Senate bill, except that designation relating to the implementation of improved high speed rail passenger service in the northeast corridor. Here the conferees allowed the planners to additional flexibility in designating the type of transfer of the properties required to implement improved high speed rail service in the corridor to the National Railroad Passenger Corporation. (e.g., it was felt that there might be some instances in which joint trackage rights or other arrangements might be desirable because of multiple usage of northeast corridor facilities.) The conferees also deleted an option contained in the Senate bill; i.e., transferring the corridor properties for improvement to a regional transportation authority.

The requirement in the Senate bill that the final system plan be formulated to effectuate the establishment of improved high speed rail passenger service as recommended by the Secretary of Transportation in his September 1971 report "Recommendations for Northeast Corridor Transportation" was modified to require establishment of improved high speed rail passenger service consonant with the Secretary's recommendations.

The Senate provisions setting forth rules governing transfers or conveyances of rail properties were adopted, with minor technical and conforming changes. The Senate provisions regarding appeals from the determinations of the Association and the Commission that must occur before a profitable railroad may acquire property under the Act were stricken. The Senate provisions setting forth the termination of the designation of properties of a raiload in reorganization in the region of a railroad leased, operated, or controlled by a railroad in reorganization in the region was modified by the conferees to provide that such designation shall terminate 30 days after the effective date of the final system plan unless prior to that time there is written acceptance of such offer given to the Association. The provision allowing the final system plan to include terms and conditions for securities was modified to apply only to those securities of the Corporation issued as consideration for the transfer or conveyance of rail properties to the Corporation, and to require a joint resolution by Congress before any terms or conditions which purport to directly obligate the Association can be undertaken. The conferees agreed that the arrangements recommended by the planners under section 206 (i) shall not include any form of Federal guarantee of the value of the Corporation stock.

IMPLEMENTATION OF THE FINAL SYSTEM PLAN AND JUDICIAL REVIEW

Both the House bill and the Senate amendment provided that within a specified period of time after the effective date of the final system plan, designated rail properties of railroads in reorganization in the region were to be conveyed or transferred and conveyed to the new rail corporation and other railroads in exchange for stock and other securities, obligations, and consideration. Both the House bill and the Senate amendment limited the availability and extent of and the time for judicial review of the determinations made in the implementation of the final system plan.

House bill

The House bill declared that the final system plan which became effective after congressional review would not be reviewable by any court or body, except as to matters concerning the value of the rail properties to be conveyed under the plan and the value of the consideration to be received in exchange for those properties. A special 3-judge consolidated district court would be established to make such determinations by the judicial panel on multidistrict litigation, upon application by the association, 45 days after the public release of the preliminary system plan. The Association was directed to deliver a copy of the final system plan and certify the exchanges that are to take place under it within 90 days after (but not earlier than 75 days after) the effective date of the final system plan. The consolidated district court would make specific findings after the securities and obligations were deposited with it, and after the designated rail properties were conveyed to the Corporation, nonbankrupt railroads, and profitable railroads designated to acquire them. The special court was to make a finding whether the securities and obligations had a value which was equal to the fair and equitable value of the rail properties conveyed in exchange therefor; make a determination as to the fair and equitable value of the rail properties conveyed; make a determination as to the fair and equitable value of the rail properties conveyed by each respective railroad in reorganization to a nonbankrupt railroad, to a profitable railroad, or to the Corporation, and the value of the obligations deposited by each with the special court. Then, the special court was to order distribution of the securities and obligations to the estates of the railroads in reorganization. It was directed to return any excess obligations to the appropriate railroad and to enter a judgment against the appropriate railroad in such a way as the special court found necessary to make the exchanges of the rail properties and the securites and obligations equal.

In the case of the Corporation, the special court was authorized to enter a judgment against the Corporation for the amount of the deficiency; the judgment was to be paid in securities of the Corporation (which may include obligations of the Association) in such amount and with such terms as the special court prescribed as necessary to equal the fair and equitable value of the rail properties conveyed. The Association would make a similar delivery of the final system plan and certifications to each district court having jurisdiction over a railroad in reorganization.

Each order of the consolidated district court with respect to these values could be appealed unless the court determined in writing, within 7 days after the order is entered, that such an appeal would not be in the interest of an expeditious conclusion of the proceedings. The appeals from these orders would go directly to the United States Supreme Court.

The House bill also permitted an appeal from a determination with respect to whether a railroad in reorganization could be reorganized on an income basis under section 77 of the Bankruptcy Act. Such a finding would be appealable in the same manner as a preliminary injunction under the Federal Rules of Civil Procedure and 28 U.S.C. 1292, and the appeals court was directed to conclude such proceeding on an expedited basis.

Senate amendment

The Senate amendment limited judicial review of the final system plan which became effective after review by the Congress to questions with respect to matters concerning the value of the rail properties to be conveyed under the plan and the value of the consideration to be received for such properties. Within 180 days after enactment, the Association was directed to apply to the panel on multi-district litigation which in turn, was directed within 30 days thereafter to set up a consolidation in a 3 judge district court (the special court). The special court was to have all the powers of a reorganization court as well as the authority to exercise the powers of a district judge in any judicial district with respect to these proceedings.

The Association was directed, within 90 days after the effective date of the final system plan, to deliver a certified copy of the plan and to certify which rail properties and the securities and other benefits would be involved in the exchanges. The Association was to make a similar delivery and certifications to the respective district courts having jurisdiction over each over the railroads in the region in reorganization proceedings under section 77 of the Bankruptcy Act. Within 10 days after the delivery of the certified copy, the Corporation and every profitable railroad operating in the region that was to acquire rail properties pursuant to the plan were to deposit with the special court the consideration specified in the final system plan to be paid or exchanged for those properties. Within 10 days after this deposit of consideration, the special court was to order the respective trustees of the railroads in reorganization to convey their rail properties, pursuant to the plan designations, to the Corporation and the profitable railroads.

The special court then would examine and make determinations as to whether all of the conveyances of rail properties of railroads in reorganization made pursuant to the final system plan were fair and equitable to the estates of those railroads. The standard of fair and equitable was specifically defined as encompassing the standard of fairness and equity applicable to the approval of a plan of reorganization, or a step in such a plan under section 77 of the Bankruptcy Act. The court was directed, in passing on the fairness and equity of conveyances and transfers, to consider not merely the value of the securities received by the trustees but also the other benefits accuring as a result of the exchange, by virtue of reorganizing under the

Senate amendment. If the special court found that the terms in the plan for a particular exchange with the Corporation were not fair and equitable to the estate of the applicable railroad in reorganization, it was to reallocate the Corporation's common stock among the various railroads reorganizing under the Act or it was to order the Corporation to transfer additional securities of the Corporation or obligations of the Association as would make the exchange in question fair and equitable to the estate of the railroad in reorganization. If the special court found that the terms for a particular exchange with a profitable railroad were not fair and equitable to the estate of the applicable railroad in reorganization, it was authorized to enter a judgment for the difference against that profitable railroad.

Each order of the special court could be appealed as of right to the United States Supreme Court, but the appeal was required to be filed within 5 days of the special court's decision and the Supreme Court was directed to give the highest priority to its determination.

The Senate amendment also permitted an appeal to the special court, sitting as an appellate court, from any determination of a U.S. district court that a railroad in reorganization under section 77 of the Bankruptcy Act and subject to its jurisdiction was to be reorganized under the Senate amendment. The district court was directed to make such a determination unless it found, within 90 days after the Association's release of the preliminary system plan, that the railroad subject to its jurisdiction was reorganizable on an income basis within a reasonable time and that in such case the public interest would be better served by a section 77 reorganization than one under this bill, or unless it found that reorganization under this bill was not possible on terms that would be fair and equitable to the estate of the debtor railroad. On such an appeal, the special court was directed to make its determination within 30 days after the decision of the district court.

The Senate amendment also permitted an appeal to the special court from a determination by the Interstate Commerce Commission as to whether a profitable railroad operating in the region could, in compliance with section 5 of the Interstate Commerce Act, acquire rail properties pursuant to the final system plan. Such an appeal was required to be taken within 10 days after the ICC's determination, and the court was to render its decision within 20 days after the appeal was taken.

Conference substitute

The conference substitute follows the Senate amendment subject to technical and clarifying changes except as discussed below. The conference substitute now covers railroads leased, operated, or controlled by a railroad in reorganization. It should be noted that the conference substitute uses the term "transfer" with regard to the rail properties of railroads in reorganization and of railroads which are not themselves in reorganization, but are leased, operated, or controlled by railroads in reorganization; and the term "convey" with regard to the rail properties of profitable railroads. All rail properties are to be transferred and conveyed free and clear of any liens or encumbrances. Liens and encumbrances do not include leases; leases are rights which, if owned, leased or otherwise controlled by a railroad in reorganization (as defined in the bill) can be directly transferred.

Under the conference substitute, the special court must find that all transfers and conveyances of rail properties are in the public interest and are fair and equitable to the estates of the railroads in reorganization, and to any railroads not in reorganization that are leased, operated or controlled by a railroad in reorganization. The standards to be applied by the court to railroads in reorganization proceedings are derived from section 77 of the Bankruptcy Act (11 U.S.C. 205). If the court finds that the terms are not fair and equitable, it shall first order a reallocation of the securities of the Corporation. If a reallocation cannot completely cure the lack of fairness and equity, the court shall order the transfer of additional securities of the Corporation or obligations of the Association. If the foregoing measures cannot completely cure the lack of fairness and equity, then the court shall enter a judgment against the Corporation. If the court finds, on the other hand, that the terms of any conveyance or exchange are fairer or more equitable than is required as a constitutional minimum, then it shall order the return of any excess securities, obligations, or compensation. The court is to make separate findings as to profitable railroads. Upon making its findings, the court shall order distribution of the securities, obligations, and compensation to the trustees of the railroads in reorganization.

The conference substitute provides for a direct appeal to the Supreme Court within 5 days after the special court enters its finding or determination. In order to expedite these proceedings, the conference substitute directs the Supreme Court to dismiss such appeal within 7 days if it determines that it "would not be in the interest of an expeditious conclusion of the proceedings". The Court should grant the highest priority to the appeals which it does accept.

The conference substitute also makes special provision for those rail properties which are leased by a railroad in reorganization from a lessor that is neither a railroad nor controlled by or affiliated with a railroad, when the lease has been approved by the reorganization court before enactment of this Act. Conveyance or transfer of such a lease must preserve all the terms and conditions specified in the lease, including the obligation to pay the specified rent to the nonrailroad lessor.

MAXIMUM OBLIGATIONAL AUTHORITY

House bill

The Association was authorized to issue and have outstanding at any one time obligations in an amount not exceed $1 billion. Of the aggregate amount of obligations issued by the Association, not less than $500 million was to be available solely for the rehabilitation and modernization of rail properties acquired by the Corporation and not more than $200 million for acquisition by the Corporation of rail properties of railroads in reorganization. No other obligations were authorized to be issued by the Association. The final system plan was required to set forth the maximum amount of obligations issued by the Association under this provision which should be outstanding at any one time to enable the Association to carry out its purposes.

Senate amendment

Except for an authorization for the Association to issue up to $150 million in obligations for interim acquisition, maintenance, and improvement of rail properties prior to implementation of the final system plan, the Senate amendment did not authorize any specific amount of obligational authority. The final system plan was required to set forth the amount of obligations of the Association which would be necessary to enable the Association to implement the final system plan.

The Association's obligational authority, however, could not exceed that which was affirmatively approved by joint resolution of the Congress setting the amount of such authority.

Conference substitute

The conference substitute follows the provision in the House bill, except that the maximum obligational authority of the Association is $1.5 billion, of which not more than $1 billion is to be for the Corporation. Any modification of the initiatives on the Associations obligational authority shall be made by joint resolution adopted by the Congress. The increase in the total aggregate obligational authority over the amount in the House bill is intended primarily to permit improvement of the Northeast Corridor. The conferees deleted a $200 million limitation on obligational authority which could be used by the Corporation for acquisition of property. The conferees believed that the need for obligations for such purposes would be minimal, and the planners should have as much flexibility as possible.

LOANS BY ASSOCIATION TO RAILROADS OUTSIDE THE REGION

Both the House bill and the Senate amendment authorize the new Association to provide financial assistance under certain conditions and in the form of loans to railroads outside the region.

House bill

The House bill authorized the Association to provide assistance in the form of loans to any railroad which (a) connects with a railroad in reorganization, and (b) is in need of financial assistance to avoid reorganization proceedings under section 77 of the Bankruptcy Act.

Senate amendment

The Senate amendment authorized the Association to make loans to railroads outside the region which are threatened with insolvency in the absence of such loans.

Conference substitute

The conference substitute is the same as the provision in the House bill.

The conferees agreed that under this provision, loans could be extended to such connecting railroads as the Chicago, Rock Island, and Pacific Railroad Company and the Missouri-Kansas-Texas Company (KATY) if they otherwise qualify.

INTERIM FINANCIAL ASSISTANCE AND EMERGENCY OPERATING AUTHORITY

House bill

The House bill authorized an appropriation of 85 million dollars for payment to trustees of bankrupt railroads to insure continued operation of those railroads between the date of enactment and the date for conveyances pursuant to the final system plan. The grants were to be made by the Secretary of Transportation by way of agreements with the respective trustees under which the latter would agree to make every reasonable effort to maintain and operate the railroad at its current level of service.

Senate amendment

The Senate amendment authorized the appropriation of 85 million dollars to keep the railroads in reorganization operating until the final system plan was completed, adopted, became effective after congressional review, and was implemented through the transfers and conveyances of rail properties pursuant to the plan. Recipients of such interim assistance from DOT would be required to agree to maintain and provide service at a level no less than that in effect on September 30, 1973.

The Senate amendment further authorized the Secretary of Transportation, with the approval of the Association, to enter into agreements with railroads in reorganization for the acquisition, maintenance, and improvement of railroad facilities and equipment. The Association was authorized to issue obligations, up to a maximum of $150,000,000 to finance these efforts.

Conference substitute

The conference substitute is the same as the Senate amendment, except that—

(1) As a condition for interim operating grant payments, the trustees must agree to maintain and provide service at a level no less than that in effect on the date of enactment of this Act; (2) the Secretary must limit the use of obligational authority for interim financing agreements to those properties which will be in the final system plan; and (3) the amount of obligations issued for acquisition, maintenance, or improvement shall become a debt of the Corporation.

DISCONTINUANCE AND ABANDONMENT

Both the House bill and the Senate amendment provided, as part of the reorganization of the railroads in reorganization in the region, for expedited procedures with respect to discontinuance of rail service and abandonment of rail properties.

House bill

The House bill provided that all rail service over properties of railroads in reorganization, other than those specifically set forth in the Final System Plan, could be discontinued upon 90 days notice to the governors, state transportation agencies, community governments, and to each shipper who had utilized the facilities during the previous 12-month period. No such abandonment could take place until after six months from the effective date of the final system plan. Thereafter, such property could be abandoned after 30 days notice to the governor, state transportation agency, affected shippers, local communities affected, and the Secretary of Transportation, except that no rail service could be discontinued or abandoned pursuant to authorization under the Final System Plan after two years from the date of the plan (procedures then were to revert back to the Interstate Commerce Act) and/or if a shipper, local authority or state agrees to subsidize the difference between the revenue attributable to such lines and the fully distributed costs of handling traffic on such lines plus a reasonable return on the fair liquidation value on such line or offers to purchase such rail properties for their fair liquidation value. The Interstate Commerce Commission by regulation was to set forth the definition of the terms "revenue attributable" and "fully distributed costs of handling traffic" and a "reasonable return on the fair liquidation of value".

The sale, lease, exchange, or other disposal of any properties designated under the Final System Plan as properties suitable for use for other public purposes during the six-month period beginning on the date of notice of proposed abandonment was prohibited unless the property had first been offered upon reasonable terms for acquisition by the state or local community in which they were located and such offer had been refused. Offers of purchase could be made by State or local authorities, shippers, or other responsible persons for to-be-abandoned rail property, and such offers of purchase were to be accompanied by an offer of an operating subsidy which had to continue until consummation of the purchase, unless the ICC allowed a railroad to assume operations over such properties for its own account.

The Commission could, under regular abandonment procedures, authorize abandonment of any line in the region under the final system plan only after two years following the effective date of that plan.

Senate amendment

The Senate amendment set forth procedures for expedited discontinuance of rail service on rail properties which were not designated in the final system plan to be operated by the Corporation or other railroad. The special discontinuance of service (and abandonment of rail properties) procedures were available only to railroads in reorganization that transferred or conveyed all or substantially all their rail properties to the Corporation or to profitable railroads operating in the region pursuant to the final system plan.

Before rail service could be discontinued, a notice of discontinuance was required to be sent by certified mail to the Governor and transportation agencies of the affected State, each affected political subdivision, and shippers who patronized the line involved during the preceding 12 months. The notice was to be sent not earlier than 30 days after the effective date of the final system plan and service could be discontinued not less than 90 days after the date of the notice.

Rail properties could be abandoned 180 days after rail service was discontinued over such properties, upon the sending of 30 days' notice of proposed abandonment, except where such rail properties were designated in the final system plan as suitable for use for other public purposes. In that situation, the rail properties could only be sold or otherwise disposed of for such a public purpose until 270 days after the end of the 180-day period after discontinuance.

These discontinuance and abandonment procedures were declared to supersede the provisions of the Interstate Commerce Act and other laws restricting discontinuance and abandonment for a period of 2 years from the effective date of the final system plan or 2 years from the final payment of any rail service continuation subsidy applicable thereto, whichever was later. No rail service could be discontinued if a shipper, a State, the United States, a local or regional transportation authority, or any responsible person offered: (1) to pay a rail service continuation subsidy covering the difference between the expected revenue from such rail service and the avoidable costs of providing such service plus a reasonable return of the value of the properties; or (2) to purchase, for their minimum constitutional value, the rail properties in order to operate rail service over them. The government entity or person offering the subsidy was to enter into an operating agreement with the Corporation or any responsible person to operate rail service over such rail properties and was to be paid in accordance with determinations to be made in accordance with standards to be set by the Interstate Commerce Commission. Where an offer to purchase was made, the offer was to be accompanied by an offer of a rail service continuation subsidy.

Whenever a railroad in reorganization in the region or a profitable railroad gave notice of intent to discontinue rail service, it was required, upon the request of anyone apparently qualified to make a purchase offer, to make available promptly relevant reports and data on physical condition of the property, traffic and revenue, and costs. The Corporation was authorized to abandon rail properties in its system after its rail system had been in operation for more than 2 years, upon a determination by the Interstate Commerce Commission that rail service over such properties was not required by the public convenience and necessity.

The Senate amendment did not permit any railroad in reorganization to discontinue or abandon any line of railroad after the date of enactment other than in accordance with its provisions, unless no affected State or local or regional transportation authority opposed such action. Within 90 days after the date of enactment of this Act, the Interstate Commerce Commission was directed to submit to the Congress a comprehensive report on the anticipated effect, including the environmental impact, of abandonments in States outside the region; during a period of 730 days from enactment, no carrier subject to part I of the Interstate Commerce Act would be permitted to abandon any portion of a line of railroad or operation thereof outside the region if such abandonment was opposed by any passenger, consignor, or consignee served by that line during the 18 preceding months or by any State, county, or municipality served by that line.

Conference substitute

The conference substitute is the same as the Senate amendment, except that—

(1) there will be no 2-year moratorium under this Act on abandonments outside the region;

(2) rail properties over which rail service has been discontinued pursuant to this Act may be abandoned, 120 days after the effective date of the discontinuance, upon proper notice, unless such rail properties were designated in the final system plan as suitable for use for other public purposes in which case they are not permitted to be sold, leased, exchanged, or otherwise disposed of until after the 180 day period that begins on the date of notice of proposed abandonment under this Act; and unless offered, upon reasonable terms, for acquisition for public purposes; and

(3) operating agreements for rail service to be maintained under a rail service continuation subsidy may be entered into with a government entity as well as with the Corporation or any responsible person, at the option of the government or person offering the subsidy.

The conference substitute shortened the period of notice of discontinuance from 90 to 60 days.

AMERICAN RAILROAD CONSOLIDATION COMMISSION

House bill

No provision.

Senate amendment

The Senate amendment provided for the establishment of an American Railroad Consolidation Commission. The Commission was to consist of 9 members, two representing, respectively, railroad management, railroad labor organizations, and appropriate Government departments and agencies, and three other qualified individuals, to be appointed by and serve at the pleasure of the President. The Commission was directed to investigate, formulate, and submit to the President and Congress a plan for the consolidation of all Class I railroads in the United States into a single new private corporation. The Commission was further directed to investigate and recommend measures to correct the adverse consequences found to be attributable to diversification by railroads into businesses not traditionally considered part of railroad operations. The plan and recommendations were to be submitted not later than 1 year, unless an extension was granted by Presidential order.

Conference substitute

The provision of the Senate amendment is omitted from the conference substitute.

OTHER RAIL SERVICE AND TRANSPORTATION STUDIES

House bill

No provision.

Senate amendment

The Senate amendment directed the Secretary of Transportation to prepare and submit, within 300 days after enactment, a comprehensive report containing his conclusions with respect to essential rail services outside the region. The Secretary was further directed to formulate and submit to Congress, within 180 days after enactment, a national transportation policy based on consideration of all relevant factors including the need for coordinated development of all modes of transportation.

The Senate amendment required the Secretary of Transportation to prepare within 360 days after enactment a comprehensive report to Congress on the feasibility and desirability of nationalization of rail passenger service in the United States, including an evaluation

of the relative efficiency and transportation effectiveness of such a step.

Within 180 days after the date of enactment of the legislation, the Secretary of Transportation was required to prepare and submit to Congress a comprehensive report on the feasibility and desirability of expanding service by the National Railroad Passenger Corporation (Amtrak), particularly in light of the current and projected shortage of refined petroleum products.

Within 300 days after the effective date of the final system plan (810 days after enactment at the earliest), the special Planning Office in the Interstate Commerce Commission was directed, with the assistance of the DOT and the Association, to make the same kinds of studies, evaluations, surveys, studies, and reports with respect to rail service outside the region as the Office made in the planning process that led to the final system plan for the region.

Conference substitute

The provision of the Senate amendment is omitted from the conference substitute.

The conferees agreed, however, that they felt strongly that the Secretary of Transportation should, at the earliest practicable date, undertake a comprehensive study with respect to essential rail services outside the region, and with respect to the feasibility and desirability of expanding service by Amtrak. The conferees looked upon each of these two studies as necessary, especially in light of the energy crisis confronting the Nation at this time.

SYSTEM OF SUBSIDIES TO MAINTAIN AND CONTINUE RAIL SERVICE

Both the House bill and the Senate amendment established a limited subsidy program, involving matching Federal grants to States, local or regional transportation authorities for continuance of rail service over rail properties that otherwise would be discontinued or abandoned.

House bill

The House bill authorized the Secretary of Transportation to reimburse a State or local or regional authority within the region for 70% of the amount paid by it to continue rail service on rail properties where service would otherwise have been discontinued or abandoned in accordance with this bill and the final system plan.

The Secretary was to prescribe regulations, within 3 months after the date of enactment, governing the procedure for application for such reimbursement of operating subsidies, the criteria to be used in deciding upon such applications, and the terms and conditions to be included in all contracts or other arrangements for operating subsidy.

An operating subsidy contract could not exceed a term of 2 years. A State or local or regional authority could apply to the Secretary of Transportation for continued reimbursement under the terms of a new contract or the line could be abandoned. No operating subsidy reimbursement payment could be made unless requisite legislation had been adopted by a State extending authority to the Governor or other appropriate State, local, or regional official or agency to perform its obligations under the bill and the Secretary's regulations. The House bill provided that the Secretary was not authorized to obligate the United States for such operating subsidies in excess of $50 million in any fiscal year.

Senate amendment

The Senate amendment directed the Secretary of Transportation to provide financial assistance to any State (both within and without the region) for rail service continuation subsidies. Both nondiscretionary grants, computed on the basis of a formula relating the number of miles of actually or constructively abandoned rail properties to the total number of such miles in all States, and discretionary assistance were authorized, with the discretionary aid limited to 25 per centum of the amount appropriated in any fiscal year for rail service continuation subsidies. The Federal matching share would be 75 per centum.

In order to be eligible for rail service continuation subsidies under the Senate amendment, a State would have to establish a State plan for rail transportation and local rail services which is administered or coordinated by a designated State agency; this State agency must develop, supervise, and support safe and adequate rail services and perform other specified functions, including providing or assuring adequate fiscal control and fund accounting. The State also must comply with regulations, to be issued by the Secretary within 90 days after enactment. The Senate amendment authorized not to exceed $200 million to be appropriated for rail service continuation subsidies for each of the first two fiscal years including and following the effective date of the final system plan. A definition was included to indicate that these subsidies were to be computed in such a way as to cover all operating costs of adequate and efficient rail service, including necessary improvement and maintenance of tracks and related facilities.

Conference substitute

The conference substitute limits assistance to the region and adopts the findings and purposes of the Senate amendment. The conference substitute further provides that 50 percent of the funds appropriated for rail service continuation subsidies shall be discretionary funds to be provided by the Secretary to the States in the region. The States in the region are entitled to the remaining 50 percent of appropriated funds.

The conferees agreed upon a formula under which each State receives no less than 3 percent, and no more than 10 percent, of the entitlement funds appropriated in a given year. If the application of this formula results in the allocation of more or less than 50 percent of the appropriated funds, the excess or deficiency is to be added to or deducted from the discretionary funds. Similarly, if a State's entitlement is withheld, or is not used or committed by a State, then the amount is added to the discretionary funds.

The conference substitute provides that the Federal share of all subsidies shall be 70 percent and the State share shall be 30 percent. In order to receive subsidies, the State must establish a plan for rail transportation and local rail services to be administered or coordinated by a designated State agency. The plan also must provide for the equitable distribution of subsidies among State, local, and regional authorities. The State agency must meet other specific requirements, such as providing assurance of fiscal control, and complying with regulations issued by the Secretary of Transportation.

The conferees adopted the provisions of the Senate amendment on records, audits and examinations, and on withholding of funds by the Secretary.

There is authorized to be appropriated for subsidies not more than 90 million dollars for each of the two fiscal years from the effective date of the final system plan, with half of the sums reserved for allocation to the States under their entitlement, and half for discretionary distribution by the Secretary. The statutory definition of rail service continuation subsidies is the same as the Senate amendment.

FEDERAL AID IN ACQUISITION AND MODERNIZATION OF RAIL PROPERTIES

Both the House bill and the Senate amendment authorized limited Federal financial assistance to States or local or regional authorities with respect to the purchase and/or restoration or repair of rail properties.

House bill

The House bill authorized the Secretary of Transportation to make a loan to reimburse a State or local or regional authority, or to guarantee a loan entered into by a State or authority equal to 70% of the amount paid by it as the purchase price for rail properties acquired by such State or authority pursuant to this Act to prevent discontinuance of rail service or abandonment of rail properties. The Secretary was further authorized to loan or guarantee a loan to such an entity equal to 70% of the amount paid by it which the Secretary agreed was necessary to restore or repair rail properties which it purchased to such condition as to enable railroad operations over such properties at a speed of 25 miles per hour. No such loan or loan guarantee could be made by the Secretary or continued in effect with respect to any State or any local or regional authority at the same time that it was receiving an operating subsidy under this Act. The House bill further provided that the initial costs of restoring or upgrading rail properties to serviceable condition could not be included in an operating subsidy contract or other arrangement, but that the prorated portion of such costs over the life of such line or facilities could be included as part of such subsidy contract or arrangement.

Senate amendment

The Senate amendment provided that if any State eligible for rail service continuation subsidies under this Act, or a local or regional transportation authority, has made an offer to purchase rail properties under this Act or other lawful authority, the Secretary of Transportation could direct the Association to provide loans to such State or local or regional authority for not to exceed 75% of the purchase price. The Secretary was also authorized to direct the Association to provide additional assistance, not to exceed 75% of the cost of restoring or repairing such rail properties to such condition as will enable safe and efficient rail transportation operations over such properties; the financial assistance for restoration or repair to permit safe and efficient rail service could be in the form of a loan or a loan guarantee. With the Secretary's approval, a State could expend sums received by it under its allotment under the rail service continuation subsidies program for acquisition and modernization.

Conference substitute

The conferees adopted the Senate amendment's provisions on acquisition loans, with two modifications. Loans may not exceed 70 percent of the purchase price, and a recipient of such a loan is no longer eligible for a rail service continuation subsidy. The conferees also adopted the provisions of the Senate amendment on modernization loans, but reduced the percentage of such loans from 75 to 70 percent.

NORTHEAST CORRIDOR

Both the House bill and the Senate amendment recognized railroad passenger service in the Northeast Corridor as an integral part of rail reorganization in the region.

House bill

The House bill directed that the final system plan designate which rail properties in the area between Boston, Massachusetts and the District of Columbia, the area generally described as the Northeast Corridor, should be acquired by the Corporation for lease to Amtrak in order to provide rail passenger service. It further provided that not less than $500,000,000 in obligations of the Association should be available solely for the rehabilitation and modernization of rail properties acquired by the Corporation. The Association was further authorized to make loans to carry out the final system plan, one of the goals of which was defined as "the major upgrading of rail lines for high-speed passenger opera-

tion which would return substantial public benefits."

Senate amendment

The Senate amendment declared in the third of its eight enumerated goals that the final system plan shall be formulated in such a way as to effectuate the establishment of improved, high-speed rail passenger service, as recommended by the Secretary of Transportation in his report of September 1971, entitled "Recommendations for Northeast Corridor Transportation." The final system plan was required to designate which rail properties should be purchased or leased from the Corporation by Amtrak or a regional transportation authority for improvement to achieve that goal. The Corporation was required to sell or lease the appropriate properties pursuant to the final system plan. The Senate amendment further placed a duty upon the National Railroad Passenger Corporation or the regional transportation authority, whichever was designated under the final system plan, to acquire these rail properties, to effectuate IHSR. The properties were directed to be improved in accordance with the Secretary's report by the earliest practicable date, but in no event later than 6 years after the date of enactment of this Act. The Secretary of Transportation was directed to begin the necessary engineering studies upon enactment. Coordination of necessary freight or commuter services with the improved high-speed rail passenger service was directed, and the U.S. Army Corps of Engineers was identified as the group under the supervision of which the construction or improvements were to be made. Both the National Railroad Passenger Corporation and any regional transportation authority were made eligible to receive guaranteed loans from the Association in order to purchase or lease and improve the properties designated in the final system plan. The transfer, whether by purchase or lease, was to be at a price "related to the value received for the transfer to the Corporation of such properties." The amount of the obligational authority required was to be recommended by the Association in its final system plan and approved by the Congress by joint resolution.

Conference substitute

The conference substitute is the same as the Senate amendment, except that (1) The Secretary of Transportation is directed to begin improvements in the Corridor, as well as engineering studies, immediately upon enactment; (2) The option contained in the Senate bill which allowed purchase and upgrading of northeast corridor facilities by a regional transportation authority was deleted; (3) The six year maximum for finishing the project was deleted from the Senate bill since it was felt that it could be completed in less time. The conferees feel that complete implementation of improved high speed rail passenger service in the corridor should be completed within five years after enactment; (4) additional flexibility was provided in the transfer of corridor properties to Amtrak (e.g. it was felt that there might be some instances in which join trackage rights or other arrangements might be desirable because of multiple usage of northeast corridor facilities); (5) Amtrak's duty to acquire northeast corridor properties for improvement in accordance with the final system plan is not operative where the final system plan designates a purchase (i.e., purchase of the properties, as opposed to leasing, would be optional with Amtrak); and the improvements to the properties may, but need not be under the supervision and direction of the Corps of Engineers. The method of financing improvements remains the same (i.e., guaranteed loans), but because of the adoption of a compromise provision on the obligational authority of the Association which raised the maximum authority specified in the House bill by $500,000,000, the conferees wanted to make clear that the use of this additional obligational authority is intended primarily for effectuation of improved high speed rail passenger service in the corridor, (see discussion of section 210). The conferees adopted the Senate provisions regarding the value to be paid by Amtrak for acquisition of any interest in the corridor with a conforming change, (i.e. the deletion of regional transportation authority).

The conferees also envisage that any such acquisition of Northeast Corridor properties could include joint trackage use and that the mortgage on which a guaranteed loan is provided, should be paid out of profits from operation in the Corridor.

The conferees deleted the regional transportation authority, believing that such service should be operated by *Amtrak*, and if need be, in conjunction with cities or affected regions.

REGULATORY AGENCY FOR RAILROAD SECURITIES

House bill

The House bill removed the exemption for securities of carriers under the Securities Act of 1933, except for securities of a motor carrier subject to section 214 of the Interstate Commerce Act. It repealed the provision under the Securities Act of 1933 that Securities and Exchange Commission rules shall not apply to carriers subject to section 20 of the Interstate Commerce Act so long as those rules on accounts were not inconsistent with the rules of the Interstate Commerce Commission. A provision of the House bill repealed the provision of the Securities Exchange Act of 1934 permitting carriers to file ICC reports with the SEC in place of report otherwise required by the latter agency. It further amended other exemptions for carriers under the Investment Company Act of 1940.

Senate amendment

No provision.

Conference substitute

The House provision was deleted, but the Senate conferees agreed to introduce legislation on this subject early in the second session of the 93rd Congress, and to hold hearings on such legislation.

OBLIGATION GUARANTEES FOR ROLLING STOCK, EQUIPMENT OF FACILITIES AND INCENTIVES TO IMPROVED UTILIZATION

House bill

No provision.

Senate amendment

The Senate amendment set up a program to increase the available supply and to improve the rate of utilization of general service freight cars and other rolling stock and equipment or facilities related to the use of rolling stock. Equipment obligations used to finance the acquisition or lease of rolling stock or equipment or facilities could be guaranteed as to interest and principal (up to 80% except in extreme cases) by a new Obligation Guarantee Board established within the Department of Transportation. The Board could not guarantee or enter a commitment to guarantee such an equipment obligation unless it was secured by the rolling stock or facilities; was required to be paid within 15 years; was needed to meet demonstrable needs for rail services and to provide shippers with improved service; would be economically and efficiently utilized by the applicant for the guarantee; was justified by present and probable future demand for rail services to be rendered by the applicant; would have a value in case of default and repossession sufficient to give the United States reasonable security and protection; and would result in a new increase in the total load-carrying capacity of the rolling stock of the applicant for the guarantee. No such guarantee or commitment could be extended unless the obligor agreed in writing to certain limitations on the payment of dividends and the use of railroad assets or revenues in nonrailroad enterprises. The Board was specifically authorized to guarantee lease obligations for the same purposes, except that no lease obligation could be guaranteed until the Board found, after notice and opportunity for interested persons to comment, that no other reasonable means of equipment financing or refinancing was reasonably available to the applicant and that approval of the guarantee application would serve the public interest. The aggregate unpaid principal amounts of equipment obligations and interest thereon which could be guaranteed by the Board were limited to $2 billion; of which at least 70% were to guarantee equipment obligations financing or refinancing rolling stock.

The Senate amendment, to improve the utilization of existing rolling stock, also authorized an appropriation of $10,000,000 to the Secretary of Transportation and directed him to take steps to establish a national rolling stock information system capable of furnishing such information as he determined to be necessary for the expeditious utilization of freight cars and other rolling stock. In developing this plan or plans for a national rolling stock information system, the Secretary was directed to consult with the Secretary of Defense, the Administrator of N.A.S.A. and others likely to be able to make a useful submission regarding such a system. The Secretary and the ICC were further required to develop and report on, respectively, an index measuring the rate of utilization of rolling stock. The Attorney General was directed to assist in enforcement action.

If, notwithstanding the foregoing program, the current and chronic freight car shortage persisted, there was authorized to be established a government car-pooling corporation to be known as the Railroad Equipment Authority. The Authority could not be established absent detailed findings over a period of years by the Secretary and the Commission and an affirmative concurrent resolution of Congress. The Authority was directed to acquire and manage, using innovative methods, a national fleet of rolling stock. As soon as practicable, and as soon as a market is found to exist for its stock, the Authority was to be converted from government to private ownership.

Conference substitute

The provisions in the Senate amendment were deleted. The House conferees agreed that the first order of business for the Subcommittee on Transportation and Aeronautics of the House Interstate and Foreign Commerce Committee in the second session of the 93rd Congress would be to hold hearings and report legislation dealings with shortages of railroad rolling stock. The House conferees agreed that this bill would be a separate piece of legislation dealing only with the problem of availability and utilization of rolling stock.

PROTECTION OF EMPLOYEES ADVERSELY AFFECTED BY RAIL REORGANIZATION

Both the House bill and the Senate amendment provides benefits and protections for protected employees, who are defined as employees of railroads in reorganization who have not reached age 65 on the effective date of this Act and employees of railroads (other than the Corporation) acquiring rail properties from railroads in reorganization.

House bill

The House bill made the Corporation and the Association subject to various railway labor laws; required the Corporation to offer employment to each employee of a railroad in reorganization who has not already accepted an offer of employment by the Association or an acquiring railroad and to apply the protective provisions to them; and

required the Association to offer employment to such employees.

The Corporation was granted the right to assign, allocate, reassign, reallocate, and consolidate work formerly performed on rail properties conveyed to it from a railroad in reorganization to any location, facility, or position on its system so long as the work is not removed from the coverage of a collective-bargaining agreement and provided existing work rights classifications are not infringed. The Corporation was directed to assume all obligations under existing collective-bargaining agreements; to negotiate with the representatives of the various classes or crafts of the employees of the railroads in reorganization conveying properties under this Act a single implementing agreement establishing the procedures by which employees of such railroads will become employees of the corporation; and 60 days after the effective date of any conveyance under this bill to commence negotiations of new collective-bargaining agreements for each class and craft of employees covering the rates of pay, rules, and working conditions of employees of the Corporation.

The House bill provided the following benefits for protected employees deprived of employment or adversely affected as a result of an action taken pursuant to the provisions of the rail reorganization legislation: (a) a monthly displacement allowance computed on the basis of longevity of service; (b) a separation allowance for a protected employee who voluntarily furloughs himself instead of transferring to a bona fide vacancy, or who is severed from employment in a lump sum computed on the basis of longevity of prior service; and (c) moving expense benefits for employees transferred to a new job location requiring a change of residence. The Corporation was prohibited from contracting work out beyond that which had been so done by practice or agreement; provision was made for arbitration of disputes; and no railroad other than the Corporation could enter into a purchase agreement for rail properties of a railroad in reorganization until it had first completed negotiations for labor protection agreements with the labor organizations representing the involved employees. These benefits were to be paid by the Corporation, Association, and acquiring railroads, as the case may be. Upon certification of the amounts paid, they were to be reimbursed for the actual amounts paid protected employees under this title by the Railroad Retirement Board from a special account to be maintained in the U.S. Treasury. The sum of $250,000,000 was authorized to be appropriated to such special account to meet these obligations for reimbursement.

Senate amendment

The Senate amendment contained comparable provisions.

Conference substitute

The conference substitute follows the provisions of the House bill with the following changes:

(1) The definition of "change in residence" is modified by adding the qualification that the new work location be farther from the employee's residence than was his former work location;

(2) The provision on the Association's obligation to offer employment follows the Senate amendment;

(3) With respect to the obligation to pay moving expense benefits, the phrase "or an acquiring railroad" is added at appropriate points;

(4) The provision of the Senate amendment regarding the maximum compensation to be paid managerial or executive employees was adopted;

(5) The Senate provisions placing a maximum possible cost exposure of the Federal Government was adopted. The conferees did so in order to provide an incentive to the Corporation not to exceed the amount authorized to be appropriated for reimbursement, with the intent that if exceeded, the Corporation, not the Federal Government, would be required to bear such expense.

The conferees wished to make clear that section 505(b)(1)(A) requires any employee receiving a monthly allowance based on former earnings pursuant to the Act to exercise seniority to an available position producing compensation equal to or in excess of his monthly allowance.

LABOR STUDIES

House bill

No provision.

Senate amendment

The Senate amendment directed the Secretary of Labor, in consultation with the Secretary of Transportation, the Chairman of the ICC, and other interested persons, to study and make findings and recommendations on the basis of such study with respect to the effect of existing work rules on the consolidation of the operations of the railroads in reorganization under its provisions. The Secretary of Labor was to submit this report no later than the date of the submission of a final system plan to the full Board of Directors of the Association for approval and adoption.

The Senate amendment further directed the Secretary of Labor, within 1 year after the Corporation was operating, to study and report each year for 4 years on the extent of the displacement of railroad employees. The annual reports to the President and Congress were also to study the extent to which the railroad industry as a whole and each individual carrier contributed to the solution of the displacement problem by employing workers displaced as a result of the rail reorganization. Such sums as are necessary were authorized to be appropriated for the work rules and employee displacement studies.

Conference substitute

This provision of the Senate amendment is omitted from the conference substitute.

REGULATION OF TRANSPORTATION OF EXPLOSIVES BY RAIL

House bill

The House bill directed the Secretary of Transportation, as soon as practicable after the date of enactment of this Act, to issue regulations governing the rail transportation of explosives. The regulations of the Secretary were to require that in the transportation of explosives, railroads must (1) use railroad cars with roller bearings and which have either composition brake shoes or spark shields; (2) place at least one spacer car between each car containing explosives; and (3) inspect the railroad cars selected to carry explosives and the process of loading each car and periodically inspect each such car in the course of its movement from the point of origin to the point of destination.

Senate amendment

No provision.

Conference substitute

This provision of the House amendment is omitted from the conference substitute. The Conferees agreed that the Department of Transportation has been less than diligent in living up to its mandate under the Federal Railroad Safety Act of 1970, particularly regarding the provisions relating to the Transportation of Hazardous Materials, that new regulations need to be promulgated in order to alleviate the serious problems involved in the transportation of explosives and the consequent danger to communities across the Nation, and that the appropriate committees of the House and Senate shall watch closely the developments in this area.

FREIGHT RATES FOR RECYCLABLES

House bill

No provision.

Senate amendment

The Senate amendment directed the Interstate Commerce Commission and the Federal Maritime Commission to effect such changes in the rate structures of carriers, subject to their respective jurisdictions, as would promote the movement in commerce of recyclable materials at the lowest possible rates consistent with adequate service. Procedures, presumptions, and other provisions were set forth to effectuate the intent of this provision of the Senate amendment that common carriers not discriminate in freight rates against recovered and in favor of virgin natural materials. A civil penalty of not more than $5,000 was provided for each violation.

Conference substitute

The conference substitute requires the Interstate Commerce Commission, by expedited procedures, to adopt rules which will eliminate discrimination against the shipment of recyclable materials in rate structures.

AUTHORIZATIONS FOR APPROPRIATIONS

House bill

The House bill authorized the appropriation to the Secretary of Transportation of $85,000,000 for payment to trustees of bankrupt railroads to insure the continued operation of rail service by such railroads pending the reorganization. The Secretary was further authorized to receive an appropriation of $10,000,000 to meet necessary expenses in carrying out his functions, including the expense of organizing the Corporation. The House bill also authorized $26,000,000 to be appropriated to the Association and authorized $500,000 to be appropriated to the special Office in the Interstate Commerce Commission for the performance of their respective functions. $50,000,000 was authorized to be appropriated to the Secretary for each of 2 years for making grants to States or local or regional authorities for operating subsidies.

The House bill authorized $250,000,000 to be appropriated to the Regional Rail Transportation Protective Account in the Treasury of the United States, and such sums as might be necessary to the Railroad Retirement Board for carrying out its additional administrative functions under the employee protection provisions.

Senate amendment

The Senate amendment authorized the following appropriations: $85,000,000 to the Secretary of Transportation for emergency assistance to the trustees of railroads in reorganization to maintain essential services; $15,350,000 to the Secretary for the performance of his functions under this Act; $12,500,000 to the special office in the ICC for the performance of its functions; $26,000,000 to the Association for the performance of its functions; $200,000,000 to the Secretary for each of the first 2 fiscal years for making grants for rail service continuation subsidies; $250,000,000 to the Regional Rail Transportation Protective Account; such sums as necessary to the Railroad Retirement Board for carrying out its additional administrative functions under the employee protection provisions; such sums as necessary to the Secretary of Labor and the Railroad Retirement Board to conduct the work rules and employee displacement studies; and $500,000 for the American Railroad Consolidation Commission.

Conference substitute

The conference substitute authorizes to be appropriated and to remain available until expended, not to exceed, the following;

$85,000,000 to the Secretary of Transportation for emergency assistance pending implementation of the final system plan;

$12,500,000 to the Secretary of Transporta-

tion for preparing required reports and other functions;

$5,000,000 to the Interstate Commerce Commission for functions of the special Office;

$26,000,000 to the Association for its administrative expenses; and

$90,000,000 for each of two fiscal years for rail service continuation subsidies.

The conference substitute also authorizes to be appropriated not to exceed the aggregate sum of $250,000,000 for the Regional Rail Transportation Protective Account, plus such sums as may be necessary for additional administrative expenses of the Railroad Retirement Board. This authorization was contained in both the House bill and the Senate amendment.

HARLEY O. STAGGERS,
JOHN JARMAN,
JOHN D. DINGELL,
BROCK ADAMS,
BERTRAM L. PODELL,
RALPH H. METCALFE,
DAN KUYKENDALL,
J. SKUBITZ,
LOUIS FREY, JR.,
DICK SHOUP,
Managers on the Part of the House.

WARREN MAGNUSON,
JOHN PASTORE,
VANCE HARTKE,
RUSSELL LONG,
ROBERT P. GRIFFIN,
MARLOW W. COOK,
J. GLENN BEALL, JR.,
Managers on the Part of the Senate.

Mr. STAGGERS. Mr. Speaker, I call up the 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 northeast region; to provide financial assistance to certain rail carriers; 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 West Virginia?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see prior proceedings of the House today.)

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

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

There was no objection.

Mr. STAGGERS. Mr. Speaker, I might say that this is a very important bill to the northeastern part of the United States, and not only to the northeastern part of the United States, but to all of America, because, as we know, our railroads have been in difficulty, and I think we have come up with the best solution that is possible.

This is almost identical to the bill that was debated on the floor 2 or 3 weeks ago, and we have practically everything that was contained in the House bill. There are some amendments that we put in from the Senate, but very few, and it is mostly the House bill.

Mr. KUYKENDALL. Mr. Speaker, I concur with the remarks of the Chairman of the full committee in that I believe we are most fortunate in retaining a vast majority of the House language here. Let me say at the beginning that the labor section of this bill, which created quite a bit of controversy in the House, was not a subject of the conference except in a couple of very minor points. The labor section of the bill, the Members will remember, had a rather interesting and lengthy debate, which was not a part of this conference, so it is not mentioned to any extent in any of the colloquy here.

To me the most important single factor to be protected in this piece of legislation was that the new corporation be given every possible guarantee of viability by assuring that there be retained House language which put a severe limitation on the ability of the court to subject this new corporation to a debt that it could not manage. The language of the bill protects this by what I consider a very ingenious legal method. There was an increase in the amount of total authorization of the lending organization, which has a new name, being called the U.S. Railway Association.

There was an increase given in the total ability of this organization to make loans. However, there was no increase given in the ability of this organization to make loans to the Consolidated Rail Corporation. These loans will fall in several different categories.

One of the categories would be a loan that probably would be necessary for the Rock Island and the Katy Railroads to prevent them from bankruptcy. Other loans would be for commuter service in the Northeast corridor, for the improvement of Amtrak, and these different things, but the creation of the new Consolidated Rail Corporation for the Northeast, I think, is, as nearly as is possible in any sort of compromise, protected in this language.

There are a few minor additions such as an amendment that was placed in by the gentleman from Michigan (Mr. DINGELL) concerning recyclable materials. There was a portion of the Senate bill that had to do with a look at the whole problem of the availability of rail cars, and we, as the managers on the part of the House, gave our word that it would be one of our first orders of business to discuss in the new year. It is not included in this bill. It was in the Senate bill. We have given our word that the whole matter of the terrible railroad car shortage situation and the handling of these cars will be handled as one of our first orders of business.

I think the conference was able to maintain really the guts of the future of this new corporation.

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

Mr. STAGGERS. I yield 2 minutes to the gentleman from New York.

Mr. BINGHAM. I thank the gentleman for yielding.

Mr. Speaker, I should just like to express appreciation to the chairman and the members of the conference committee for the fact that this bill now contains language which I originally offered as an amendment to the Emergency Energy Act and which was adopted by the House by a vote of 349 to 9, but for good and sufficient reason, I guess, was dropped out in this conference report on the Emergency Energy Act, but has been included now in this act, which will direct the Interstate Commerce Commission to, by expedited proceedings, end the discrimination in rate structure and other practices that they have engaged in the past against recyclable commodities.

I should just like to say I am delighted, and I express my appreciation to the chairman and to the members of the conference committee for including this language in this bill.

Mr. STAGGERS. I might say to the gentleman I am very happy to do it because it was a good contribution the gentleman made to the other bill and we thought it was a fine contribution to be included in this bill.

Mr. BINGHAM. I thank the gentleman from West Virginia.

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

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

Mr. MORGAN. Mr. Speaker, I would like to direct one or two questions concerning certain provisions of this legislation to the distinguished chairman of the committee. I would first like to compliment the chairman and the members of the conference for their prompt and diligent efforts in bringing this conference report to the floor. This legislation is very important to the whole country as well as to the people in the Northeast.

There are several profitable railroads operating in the Northeast region. The bill treats those rail systems differently than the bankrupt systems, as it should. There are, however, several smaller railroads which operate within the systems operated by the major railroads in reorganization. There are also, some smaller railroads which operate profitably and independently but are associated with a railroad in reorganization due to direct or indirect stock ownership by the bankrupt railroad company. The definition of "profitable railroads" in the Senate bill did not make it clear that these smaller independent railroads, not operated as part of a railroad in reorganization were in fact to be treated as "profitable railroads."

There are two independent class I railroads, for instance, that appear to fall in this latter category. One is the Pittsburgh and Lake Erie Railroad Co. Over 92 percent of its common stock is owned by Penn Central Transportation Co., but it is not part of the Penn Central system, it has independent management and in fact directly competes with the Penn Central for traffic. It is not leased, operated or controlled by the Penn Central, nor is it wholly owned by the Penn Central.

Another such railroad is the Detroit, Toledo and Ironton Railroad. A substantial portion of its stock is held by the Pennsylvania Co., which is an investment company, not a railroad, which is a wholly owned subsidiary of the Penn Central Transportation Co. It is not

part of the Penn Central system. It also operates independently, has independent management and competes directly with Penn Central. Only one member of the Penn Central sits on D.T. & I's board of directors. In addition, the ICC has specifically upheld D.T. & I's independent status in proceedings at the time the Pennsylvania Co. acquired its stock. It is not leased, operated, controlled or wholly owned by a railroad in reorganization.

It was our clear understanding at the time the House passed H.R. 9142 that the legislation did not require the transfer of rail properties of independent, profitable railroads. The language in the Senate bill was somewhat different but I understand that the intent was the same.

Mr. Speaker, it is my understanding that the conference amended the definition of "rail properties" in section 103 of this legislation to make it clear that independent, profitable class I railroads are not required to transfer assets to the new corporation.

Mr. STAGGERS. That is correct.

Mr. MORGAN. Mr. Speaker, is it a correct interpretation of this provision that rail properties owned, leased or otherwise controlled by class I railroads such as P. & L. E. and D. T. & I. cannot be required to be transferred to the new corporation since they are not railroads wholly owned, operated or leased by a railroad in reorganization?

Mr. STAGGERS. The gentleman from Pennsylvania is correct. This is the intent of these provisions of the legislation.

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

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

Mr. PICKLE. Mr. Speaker, I want to address myself to something that is not in this conference report. But it should be.

I refer to title V of the Senate bill guaranteeing $2 billion in guaranteed loans to rejuvenate our Nation's supply of freight cars.

If there was ever needed legislation, Mr. Speaker, it was the section for loan guarantees for freight cars.

I am extremely disappointed that the conferees dropped this provision included in the Senate bill.

I understand that the Senate conferees got an iron-clad, "Sears and Roebuck" guarantee from the House conferees that action would be taken next month on freight car legislation by the House. Apparently, it will be involved in the proposed Surface Transportation Act—but that bill is a long way from being enacted.

Mr. Speaker, the freight car shortages hurt every American where it hurts the most—right in the pocketbooks. It hurts the consumers a great deal.

Transportation snarls translate into one thing—higher prices.

In July and October of 1971, our subcommittee held hearings on this matter in Great Falls, Mont., Fargo, N. Dak., and Houston, Tex. In April of 1972, I presided over 2 days of hearings on the problem here in Washington, D.C. After the massive sale of grain to Russia in the summer of 1972—a bad deal for the American people from start to finish—the freight car problem was severely exacerbated.

Thus, on March 26, 1973, our panel held discussion on the problem with shippers, carriers, labor, government, and port authority officials present.

With more massive exports of grain, I brought this problem to the floor of the House on October 2, 1973.

Mr. Speaker, after all this, many of us are a little leery of talking and promising.

Today, we face an even graver situation with the shortage of freight cars.

The energy situation demands that more coal be shipped by rail.

Coal is shipped in open hopper cars.

This past winter coal cars were pressed into duty to move grain.

Now what? It cannot move one commodity and not the other. Both must be moved. I see nothing but more inflation due to transportation if the status quo is allowed to stand.

Thus legislation must be enacted. Title V gave us a golden opportunity to do so.

In conclusion, if the House keeps its promise to work on freight car legislation next month, I want to urge adoption of two other proposals I have proposed. One is to give the Interstate Commerce Committee authority to act before an emergency shortage exists.

I introduced such legislation on April 19, 1973. So far no action has been taken on my bill, H.R. 7161.

Second, I want to have some kind of transportation planning with regards to the use of rail cars. Let us make sure the available supply of rail cars is divided equally among shippers and that they are not all clogged up in one port.

I introduced the general outline for such planning on October 2, 1973. No action has been taken on my bill H.R. 10694.

I urge that these concepts be included in the freight car bill the House Commerce Committee is to report early next year. And I mainly urge quick action.

Mr. KUYKENDALL. Mr. Speaker, if the gentleman will yield, there will be separate legislation on this subject rather than consideration of it with the Service Transportation Act. This is also a promise.

Mr. Speaker, I will assure the gentleman the promise will be kept. The Chairman has said very strongly on this bill that we will keep this promise. The provision which the Senate had was larger than the whole bill and they had more money than for the Northeastern Railroad bill. We are as concerned as the gentleman and he has our assurance.

Mr. PICKLE. I thank the gentleman.

Mr. ROBISON of New York. Mr. Speaker, will the gentleman yield?

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

Mr. ROBISON of New York. Mr. Speaker, there are several small but profitable railroads in the Northeast that no doubt will become a part of the total system contemplated under this bill, but which will not become a part of the federally funded rail Corporation.

These railroads should not be placed in an unequal competitive position by the federally funded rail Corporation, and I would like to have the distinguished chairman of the committee clarify for me how this bill will attempt to insure equal competitive opportunity for such railroads. How will these railroads be handled as compared to those in the Corporation? My specific question is in connection with the preservation of the existing through routes.

Mr. Speaker, my specific question is in connection with the preservation of existing through routes. My understanding of this bill is that it provides a means by which the bankrupt carriers in the Northeast region will be restructured. But it certainly should not provide a means by which presently profitable railroads in the region would be adversely affected. For, if this giant corporation which we are creating is able to route traffic away from these small railroads to its own financial benefit, then the whole purpose of the bill could be defeated. I inquire if the Chairman concurs with my interpretation of the committee's intent that this Corporation will be required to continue, to the fullest extent practicable, the existing patterns of routing of traffic to and from these existing, profitable railroads?

Mr. STAGGERS. I concur with the interpretation of the gentleman as to the intent of the committee, that to the fullest extent possible it should be concurred in.

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

Mr. STAGGERS. I yield to the gentleman.

Mr. KUYKENDALL. Mr. Speaker, I would like to give this assurance to the gentleman from New York (Mr. ROBISON) that the system plan, meaning the railroad plan for the entire Northeast, includes not only the new corporation, but the existing profitmaking corporations. They are included in the plan. For instance, in Amtrak, the Southern Railroad did not give up their passenger service. That is part of Amtrak.

Even the Southern Railroad, as well as the Chesapeake & Ohio and some of these railroads have been the sources of our greatest concern. They are, incidentally, eligible for loans under this new legislation, just because they are part of this program. Believe me, these people have some terrific representatives and I can assure the gentleman of that.

Mr. ROBISON of New York. Mr. Chairman, I appreciate the comments of the gentleman and of the chairman. I congratulate both the gentleman and the chairman for bringing this legislation to us.

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

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

Mr. FLOOD. Mr. Speaker, this is just a question to the chairman. This was mentioned earlier in the questionnaire.

Mr. Speaker, there is one relatively small matter in this bill, however, to which I would direct your attention. It is the matter relating to the board of directors of the United Rail Corp.—section 301(d).

It being the expressed intent of the Congress that the affairs of the corporation be managed in the public interest

and that no stockholder or group of stockholders with common, identifiable economic interests, such as, but not limited to, stockholders consisting of former creditors of a single railroad in reorganization, be permitted to control the corporation through the nomination of election of directors.

The taxpayers of the country are committing substantial funds to the corporation; the entire northeast region, and indeed the entire country, will have a substantial stake in seeing that directors of the highest possible quality are nominated so that, among other things, key corporation personnel will be of the highest quality.

There is a tendency in many corporations, not least amongst which are railroads, to elect directors, and through directors to hire key personnel, with an overemphasis on "cronyism." Moreover, since the bill creates a 17-plus State regional railroad system, a total lack of supervision over directors could result in financial interests in one subregion of the region obtaining control and directing that the system be operated for the benefit of that particular subregion, perhaps overlooking other subregions.

Additionally, it would be a dreadful mistake if a board of directors were to end up hiring as key corporation officers the same type of individuals whom many believe are at least in part responsible for having placed the present bankrupts in reorganization.

The list of reasons for continuing public scrutiny of the corporation's directors, and thus its chief personnel, could be extended for pages. We recognize that the eventual goal of this corporation is that it become a for-profit corporation like any other for-profit corporation, and be managed by the same principles as would other corporations. Yet the public investment and public interest in this particular railroad giant is so great that the public is entitled to retain some degree of supervision over the corporation. And, as we assume the Secretary will exercise these responsibilities diligently, supervision should have no adverse effect whatsoever upon the stockholders' investment.

Therefore, Mr. Speaker, may I ask the manager of this bill if he would state whether that is his interpretation of section 301(d) as well?

Mr. STAGGERS. In my opinion, this is correct.

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

Mr. FLOOD. Mr. Speaker, I include in my remarks pertinent material:

FELDMANN AND CIOTOLA,
ATTORNEY AT LAW,
Hazleton, Pa., December 14, 1973.

Re S2767 (Calendar 575 and as amended on Floor of Senate).

To Hon. WARREN MAGNUSON, Chairman of the Commerce Committee; Hon. VANCE HARTKE, Chairman of Subcommittee on Transportation; Hon. ROBERT P. GRIFFIN, Ranking Minority Member; Hon. HARLEY O. STAGGERS, Chairman of Interstate and Foreign Commerce; Hon. JAMES HARVEY, Ranking Member of Subcommittee on Transportation; Hon. JOHN JARMAN, Chairman of Subcommittee on Transportation.

DEAR SENATORS AND CONGRESSMEN: I am writing this letter on behalf of the Railroad Task Force of Northeastern Pennsylvania which is chaired by the Honorable William W. Scranton, former Governor of Pennsylvania.

This Task Force is vitally interested in the subject matter, since we have had a real renaissance of industrial development in this area changing it from a badly depressed area to a rather prosperous one. This, together with the fact that we are in the very heart of the Anthracite Coal Region where there are sufficient reserves to meet the needs of this Country for up to one hundred years, adds to our interest in the midst of the energy crisis.

We read with interest the statement by Senator Hartke (as the Floor Manager) in the Senate, and we would heartily agree with the statement that he made. We do want to congratulate both Houses of the Congress on the splendid job that has been done on this Bill in the comparatively short period of time.

There is one matter in this Bill, however, that we feel must be corrected, or Congress may be charged with having made a serious mistake. That is Section 301(d) relating to the Board of Directors of the United Rail Corporation—"so long as a substantial amount—of outstanding indebtedness of the Corporation consists of obligations of the Association . . .".

The clear intent of this Section is to give the Government the control during this period by appointing three specific members of the Government to the Board and having five other members appointed by the President "by and with the advice and consent of the Senate".

We respectfully suggest that this control is only theoretic and not real. The only thing the seven remaining Directors have to do to gain control of the Board is to persuade one of the five members appointed by the President to come over to their side. They then will have an eight-to-seven margin.

This situation could be very embarrassing to the Congress, since there are seven Railroads under Chapter 77, and one of those seven Railroads, the Penn Central, will hold more stock under the formula than all of the other six Railroads combined. If ordinary corporate practice is used, "they" will elect (Penn Central,) and their creditors will elect seven members of the Board. The remaining six Railroads will elect none.

Should a large mass of Penn Central's Management continue to remain in control and if this procedure is a failure, as so many seem to predict, then Congress and the Government will be seriously criticized.

We respectfully suggest, therefore, that the Bill should be amended to clearly state that no more than four members will be elected to the Board, which represents any one Railroad or any one interest.

We respectfully submit that if this is done, it will give the other Railroads, other than the Penn Central a chance to have representation on the Board, making it far more democratic and hopefully more workable and certainly less chance of creating a monolithic monopoly of Penn Central Power even in bankruptcy.

We respectfully request that the Conference Committee consider this matter in the hope of strengthening the Bill so that it may be for the best interest of all the people.

Sincerely,

LOUIS G. FELDMANN,
Counsel for the Railroad Task Force.

P.S. For your convenience we are attaching a proposed Amendment and explanation.

CALENDAR 575

Section 301, Page 54, Line 24, change the period to a semicolon and insert "And Provided Further, that, at such time as no substantial amount, as determined by the Secretary of the Treasury, of the outstanding indebtedness of the Corporation consists of obligations of the Association or other debts owing to or guaranteed by the United States, the Secretary shall be given the opportunity, and shall have the authority, to veto the nomination of any person or persons to serve as a member of the Board of Directors. It being the expressed intent of the Congress that the affairs of the Corporation be managed in the public interest and that no stockholder or group of stockholders with common, identifiable economic interests, such as, but not limited to, stockholders consisting of former creditors of a single railroad in reorganization, be permitted to control the corporation through the nomination or election of Directors.

EXPLANATION. The taxpayers of the country are committing substantial funds to the Corporation; the entire northeast region, and indeed the entire country, will have a substantial stake in seeing that Directors of the highest possible quality are nominated so that, among other things, key Corporation personnel will be of the highest quality.

There is a tendency in many corporations, not least amongst which are railroads, to elect Directors, and through Directors to hire key personnel, with an overemphasis on "cronyism". Moreover, since the bill creates a 17 plus State regional railroad system, a total lack of supervision over directors could result in financial interests in one subregion of the region obtaining control and directing that the system be operated for the benefit of that particular subregion, perhaps overlooking other subregions.

Additionally, it would be a dreadful mistake if a Board of Directors were to end up hiring as key corporation officers the same type of individuals whom many believe are at least in part responsible for having placed the present bankrupts in reorganization.

The list of reasons for continuing public scrutiny of the Corporation's Directors, and thus its chief personnel, could be extended for pages. We recognize that the eventual goal of this Corporation is that it become a for-profit Corportaion like any other for-profit corporation, and be managed by the same principles as would other corporations. Yet the public investment and public interest in this, particular railroad giant is so great that the public is entitled to retain some degree of supervision over the Corporation. And, as we assume the Secretary will exercise these responsibilities diligently, supervision should have no adverse effect whatsoever upon the stockholders' investment.

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

Mr. KUYKENDALL. Mr. Speaker, if I could have the attention of the gentleman from Pennsylvania (Mr. FLOOD) this was the subject of quite a bit of discussion in the committee. Frankly, we did not want the same people messing up the new railroad that messed up the old one. That is what we discussed, so we provided that as long as half the indebtness of the new corporation is guaranteed by the Federal Government, the Corporation shall be subject to Federal audit and no major changes may be made in the operating board of this Corporation without the approval of the President and the Senate.

Mr. FLOOD. Mr. Speaker, the gentleman knows exactly what I am talking about, without naming names. He knows exactly what I am talking about.

Mr. KUYKENDALL. It is definitely in here, I assure the gentleman.

Mr. FLOOD. They ruined the railroad in the first place. That is why we are here.

Mr. KUYKENDALL. Yes, that is correct.

Mr. FLOOD. We should have this entire question in the RECORD.

Mr. Speaker, I ask unanimous consent to submit the entire question for the record.

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

There was no objection.

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

Mr. STAGGERS. Mr. Speaker, I yield to the gentleman from Pennsylvania.

Mr. HEINZ. Mr. Speaker, if the gentleman from West Virginia will remember he and his committee were wise enough and kind enough to accept an amendment to section 503 of the bill when we had the bill on the floor back on November 8, 1973. That amendment provided for hearings by the Commission prior to discontinuance. It was on page 87, line 22 of the original bill.

Since the bill is barely available—I understand there are only three or four copies of it on the floor—I was wondering if the chairman could indicate to us the fate of that amendment which was very important to us in Pennsylvania and which the chairman, I know, supported on the floor and I know was important to him and to the others who would be affected by this language.

Mr. STAGGERS. Mr. Speaker, I did support it, and I assure my colleague from Pennsylvania that it is in the bill as printed in a different section. I am in support of what the gentleman says and agree with him wholeheartedly, and it is in the bill.

Mr. HEINZ. Mr. Speaker, I want to take this opportunity to thank the chairman for those assurances. I assume I will be enlightened from the debate by the other fine qualities of the conference report, but I know the gentleman from West Virginia and the gentlemen from Tennessee and Montana worked long and hard on the conference report. They have my congratulations.

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

Mr. STAGGERS. Mr. Speaker, I yield to the gentleman from Washington, a member of the committee on conference.

Mr. ADAMS. Mr. Speaker, I think the chairman of the conferees and the gentleman from Tennessee have explained the bill very well. I just want to confirm with the chairman that the conferees did reach an agreement on the meaning of section 206(i) of the act, particularly with regard to the fact that the association does not have authority to recommend any form of Federal guarantee of corporation stock.

Mr. STAGGERS. Mr. Speaker, the gentleman is correct. The conferees agreed that the planners of the association do not have the authority to recommend and plan the Federal guarantee on the value of corporation stock under section 206(i) of the bill.

Mr. ADAMS. Mr. Speaker, I thank the chairman. I think the gentleman from Tennessee explained it very well and I wanted to confirm that again.

Mr. Speaker, I would be very happy to answer any questions, but basically the House bill was followed. As the gentleman from Tennessee stated, we removed from the bill the maximum items. I hope the conference report will be adopted.

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

Mr. STAGGERS. Mr. Speaker, I yield to the gentleman from Tennessee.

Mr. KUYKENDALL. Mr. Speaker, I would like to ask the gentleman from Washington to clarify one point, and that is the matter of the deficiency judgment. There was a lot of colloquy in the original debate which expressed fears that the Federal court had the key to the Treasury.

Will the gentleman give us his interpretation of the guarantees we have to keep that from happening in the court proceedings?

Mr. ADAMS. Mr. Speaker, there is a definite limitation on the total amount that can be authorized under this bill. Any amounts that go beyond that, or the shifting of the way in which it is spent, is to be approved by an act of Congress, to be signed by the President. It is defined as a joint resloution in the bill, and the statement of the managers, and it was the clear intent of the managers that any amount other than common stock was to be at the lowest possible limit to meet the constitutional guarantees.

Mr. KUYKENDALL. Mr. Speaker, is it not true, I will ask the gentleman from Washington (Mr. ADAMS) that the creditors, of course, are given protection, and that the Board of Directors, under the control of Government officials, is the owner of the entire block of stock of 100 million shares, whatever it is?

Mr. ADAMS. The gentleman is correct. It is controlled by the United States, so long as the Secretary determines that there is an amount of obligation funds which the United States might, in any way ever, have to have anything to do with.

During that period of time, it is controlled by a board of directors which consists of Government officials.

Mr. KUYKENDALL. There is no way the Federal court may assess the taxpayers or this Congress on the judgments of the creditors; is that correct?

Mr. ADAMS. The gentleman is correct.

Mr. KUYKENDALL. There is no way they can assess the Congress for the money?

Mr. ADAMS. The gentleman is correct.

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

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

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

Mr. SKUBITZ. Mr. Speaker, I would like to ask my colleague this question:

The language of the bill itself is not quite clear as to whether the Missouri-Kansas-Texas and the Rock Island are both connecting lines. As I understood it, the report went into that matter.

Has the report cleared this point up?

Mr. KUYKENDALL. Yes, it has. We have specifically instructed on that point.

Mr. Speaker, in this part of the report there has been specific instruction on that point and we say, as an example, with regard to the Rock Island and the Missouri-Kansas-Texas, that that assurance has been made. This specific language was inserted in the report at the request of the gentleman from Kansas (Mr. SKUBITZ) and the Senator from Kentucky (Mr. COOK).

Mr. SKUBITZ. And they are designated as connecting lines?

Mr. KUYKENDALL. Yes, they are.

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

Mr. KUYKENDALL. I yield to the gentleman from Montana.

Mr. SHOUP. Mr. Speaker, as the gentleman will recall, during the previous discussion of item 42, the specter of a possible Presidential veto reared its ugly head several times.

I have received assurance from the Department of Transportation that with the provisions of the bill that is now before the House, they have no objections and will recommend signature by the President.

Mr. Speaker, I wonder if the gentleman has received similar assurances.

Mr. KUYKENDALL. All I can say, I will reply to the gentleman from Montana, is that I cannot imagine that the President will veto the bill.

Mr. SHOUP. Mr. Speaker, if the gentleman from Tennessee will yield further, may I ask the gentleman from Washington (Mr. ADAMS) has he received any such assurances?

Mr. ADAMS. Yes. Mr. Speaker, I have information that they were satisfied as of last night, and that we can be assured that this legislation will be signed.

Mr. BAUMAN. Mr. Speaker, I have had occasion to examine the conference report on H.R. 9142, the Northeast railroad bill. I have also discussed the contents with the gentleman from Montana (Mr. SHOUP) one of the principal authors of the legislation.

Although this bill is in some respects a departure from my belief in the general principle that Government should not interfer in the private economic sector, it does recognize the dire emergency facing the citizens and businesses dependent on rail service in the First District of Maryland and throughout the Northeastern United States. This is particularly true of users of the Penn-Central.

Hopefully, this legislation will allow the Penn-Central and other railroads to get back on their feet, and I therefore fully support the conference report.

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

The previous question was ordered.

The SPEAKER. The question is on the conference report.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. BELL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 284, nays 59, not voting 89, as follows:

[Roll No. 716]

YEAS—284

Abdnor	Giaimo	O'Hara
Abzug	Gilman	O'Neill
Adams	Ginn	Owens
Addabbo	Goldwater	Parris
Andrews, N.C.	Gonzalez	Passman
Annunzio	Goodling	Patman
Ashbrook	Grasso	Patten
Ashley	Green, Oreg.	Pepper
Badillo	Green, Pa.	Perkins
Barrett	Gude	Pettis
Bauman	Guyer	Pickle
Bell	Haley	Pike
Bergland	Hamilton	Preyer
Biaggi	Hanley	Price, Ill.
Biester	Hanrahan	Quie
Bingham	Hansen, Idaho	Railsback
Blackburn	Harsha	Randall
Blatnik	Hastings	Rangel
Boggs	Hawkins	Rees
Boland	Heckler, Mass.	Regula
Bowen	Heinz	Reuss
Brademas	Helstoski	Rhodes
Brasco	Henderson	Rinaldo
Bray	Hillis	Robison, N.Y.
Breaux	Hinshaw	Rodino
Breckinridge	Hogan	Roe
Brinkley	Holifield	Rogers
Broomfield	Holt	Roncallo, N.Y.
Brotzman	Holtzman	Rooney, Pa.
Brown, Calif.	Horton	Rose
Brown, Ohio	Hosmer	Rosenthal
Broyhill, N.C.	Howard	Rostenkowski
Broyhill, Va.	Hudnut	Roush
Buchanan	Hungate	Roy
Burke, Fla.	Hutchinson	St Germain
Burke, Mass.	Johnson, Calif.	Sandman
Byron	Johnson, Pa.	Sarbanes
Carey, N.Y.	Jones, N.C.	Sebelius
Carney, Ohio	Jones, Okla.	Seiberling
Carter	Jones, Tenn.	Shoup
Casey, Tex.	Jordan	Shuster
Cederberg	Karth	Skubitz
Chamberlain	Kastenmeier	Slack
Chappell	Kazen	Smith, N.Y.
Chisholm	Kemp	Snyder
Clark	Ketchum	Stanton,
Clausen,	King	James V.
Don H.	Kluczynski	Steed
Clay	Koch	Steele
Cleveland	Kuykendall	Steelman
Cochran	Kyros	Stokes
Cohen	Lent	Stratton
Conable	Litton	Stuckey
Conte	Long, La.	Studds
Corman	Lott	Sullivan
Cotter	McClory	Symington
Coughlin	McCloskey	Talcott
Cronin	McCollister	Taylor, N.C.
Culver	McDade	Teague, Calif.
Daniel, Dan	McFall	Thompson, N.J.
Daniel, Robert	McKay	Thomson, Wis.
W., Jr.	McKinney	Thone
Daniels,	McSpadden	Thornton
Dominick V.	Macdonald	Towell, Nev.
Davis, Ga.	Madden	Udall
Davis, S.C.	Madigan	Ullman
Davis, Wis.	Mahon	Vander Jagt
Denholm	Mallary	Vanik
Dennis	Mann	Waggonner
Dingell	Maraziti	Waldie
Donohue	Mathias, Calif.	Ware
Dorn	Mathis, Ga.	Whalen
Downing	Matsunaga	White
Drinan	Mayne	Whitehurst
du Pont	Mazzoli	Widnall
Eckhardt	Meeds	Williams
Edwards, Calif.	Metcalfe	Wilson, Bob
Eilberg	Mezvinsky	Wilson,
Esch	Milford	Charles H.,
Eshleman	Minish	Calif.
Evans, Colo.	Mink	Wilson,
Fascell	Mitchell, Md.	Charles, Tex.
Findley	Mitchell, N.Y.	Winn
Fish	Moakley	Wolff
Fisher	Mollohan	Wright
Flood	Montgomery	Wyatt
Flowers	Moorhead,	Wydler
Foley	Calif.	Wylie
Ford,	Moorhead, Pa.	Wyman
William D.	Morgan	Yates
Forsythe	Mosher	Yatron
Fountain	Murphy, Ill.	Young, Alaska
Fraser	Murphy, N.Y.	Young, Ga.
Frenzel	Myers	Young, Ill.
Frey	Natcher	Young, Tex.
Fuqua	Nedzi	Zablocki
Gaydos	Nix	Zion
Gettys	O'Brien	

NAYS—59

Archer	Froehlich	Price, Tex.
Armstrong	Gibbons	Pritchard
Bafalis	Gross	Roberts
Baker	Gunter	Robinson, Va.
Beard	Hammer-	Runnels
Bennett	schmidt	Ruth
Bevill	Hechler, W. Va.	Satterfield
Brown, Mich.	Hicks	Schroeder
Burleson, Tex.	Huber	Sikes
Burlison, Mo.	Ichord	Spence
Clawson, Del	Johnson, Colo.	Stanton,
Conlan	Landgrebe	J. William
Crane	Latta	Steiger, Wis.
de la Garza	Lujan	Symms
Dellenback	McEwen	Treen
Derwinski	Martin, N.C.	Wampler
Devine	Melcher	Wiggins
Dickinson	Miller	Young, Fla.
Duncan	Mizell	Young, S.C.
Edwards, Ala.	Obey	
Flynt	Powell, Ohio	

NOT VOTING—89

Alexander	Griffiths	Reid
Anderson,	Grover	Riegle
Calif.	Gubser	Roncallo, Wyo.
Anderson, Ill.	Hanna	Rooney, N.Y.
Andrews,	Hansen, Wash.	Rousselot
N. Dak.	Harrington	Roybal
Arends	Harvey	Ruppe
Aspin	Hays	Ryan
Bolling	Hébert	Sarasin
Brooks	Hunt	Scherle
Burgener	Jarman	Schneebeli
Burke, Calif.	Jones, Ala.	Shipley
Burton	Keating	Shriver
Butler	Landrum	Sisk
Camp	Leggett	Smith, Iowa
Clancy	Lehman	Staggers
Collier	Long, Md.	Stark
Collins, Ill.	McCormack	Steiger, Ariz.
Collins, Tex.	Mailliard	Stephens
Conyers	Martin, Nebr.	Stubblefield
Danielson	Michel	Taylor, Mo.
Delaney	Mills, Ark.	Teague, Tex.
Dellums	Minshall, Ohio	Tiernan
Dent	Moss	Van Deerlin
Diggs	Nelsen	Veysey
Dulski	Nichols	Vigorito
Erlenborn	Peyser	Walsh
Evins, Tenn.	Poage	Whitten
Frelinghuysen	Podell	Zwach
Fulton	Quillen	
Gray	Rarick	

So the conference report was agreed to.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Arends.
Mr. Rooney of New York with Mr. Teague.
Mr. Dent with Mr. Tiernan.
Mr. Podell with Mr. Harvey.
Mr. Hays with Mr. Camp.
Mr. Nichols with Mr. Gubser.
Mr. Stubblefield with Mr. Butler.
Mr. Harrington with Mr. Shriver.
Mrs. Hansen of Washington with Mr. Grover.
Mr. Burton with Mr. Schneebeli.
Mr. Conyers with Mr. Danielson.
Mrs. Burke of California with Mr. Peyser.
Mr. Sisk with Mr. Anderson of Illinois.
Mr. Shipley with Mr. Martin of Nebraska.
Mr. Stark with Mr. Erlenborn.
Mr. Lehman with Mr. Anderson of California.
Mr. Brooks with Mr. Mailliard.
Mr. Fulton with Mr. Sarasin.
Mr. Alexander with Mr. Clancy.
Mr. Stephens with Mr. Scherle.
Mrs. Collins of Illinois with Mr. Keating.
Mr. Delaney with Mr. Andrews of North Dakota.
Mr. Reid with Mr. Ruppe.
Mrs. Griffiths with Mr. Frelinghuysen.
Mr. Roybal with Mr. Collier.
Mr. Hanna with Mr. Michel.
Mr. Long of Maryland with Mr. Quillen.
Mr. McCormack with Mr. Burgener.
Mr. Moss with Mr. Minshall.
Mr. Ryan with Mr. Hunt.
Mr. Riegle with Mr. Dellums.
Mr. Jarman with Mr. Nelsen.
Mr. Jones of Alabama with Mr. Collins of Texas.
Mr. Rarick with Mr. Roncallo of Wyoming.
Mr. Sandman with Mr. Rousselot.
Mr. Dulski with Mr. Diggs.
Mr. Evins of Tennessee with Mr. Steiger of Arizona.
Mr. Gray with Mr. Taylor of Missouri.
Mr. Leggett with Mr. Walsh.
Mr. Aspin with Mr. Zwach.
Mr. Mills of Arkansas with Mr. Smith of Iowa.
Mr. Staggers with Mr. Vigorito.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AMENDING INTERSTATE COMMERCE ACT TO REMOVE CERTAIN RESTRICTIONS

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate bill (S. 2267) to amend section 303(b) of the Interstate Commerce Act to remove certain restrictions upon the application and scope of the exemption provided therein, and for other purposes.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2267

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 303(b) of the Interstate Commerce Act, as amended (49 U.S.C. 903(b)), is amended to read as follows:

"(b) Nothing in this part shall apply to the transportation by a water carrier of commodities in bulk. This subsection shall apply only in the case of commodities in bulk which are (in accordance with the existing custom of the trade in the handling and transportation of such commodities as of June 1, 1939) loaded and carried without wrappers or containers and received and delivered by the carrier without transportation mark or count. This subsection shall not apply to transportation subject, at the time this part takes effect, to the provisions of the Intercoastal Shipping Act, 1933, as amended.".

SEC. 2. Sections 2 and 3 of the Act of December 28, 1970 (84 Stat. 1587), are hereby repealed.

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

TRIBUTE TO ERNEST PETINAUD

The SPEAKER. The Chair recognizes the gentleman from Illinois (Mr. FINDLEY) who has a very important statement which we have been trying to get a chance for him to make for some time.

Mr. FINDLEY. Mr. Speaker, this is a notable day in the history of the House of Representatives. It marks the final day in a very long and distinguished career of public service—one perhaps without parallel.

Ernest Petinaud, the able, diligent, and kindly maitre d' of the House Restaurant this week closes a career of service that began about a half century ago.

Ernie, as he has been known affec-

tionately by thousands of Congressmen over the years, began his career with the House of Representatives on March 4, 1925, the day Calvin Coolidge was inaugurated to his elected term as President. He treasures the card given him that day to admit him to the Capitol Building where he began to work as a busboy in the restaurant.

He continued until 1930 working in the restaurant. At that time he was not yet a U.S. citizen. He was born in Jamaica. His father was a native of the British West Indies. His mother was a native of Panama.

During the early 1930's he worked in New York and aboard ships.

In 1938 he returned to the House of Representatives as a U.S. citizen and has worked continuously for the House with great distinction ever since.

Well known is his friendly, affable, kindly, considerate public life. He has been the great warm ambassador of goodwill for the House.

Little known is his equally splendid private life. His devotion to his mother must be an inspiration to everyone. His mother was an invalid for 25 years. And until her death in 1936 he devoted his care and love to her comfort and well-being.

Not until her death did he enter into matrimony.

He is happily married and has been since 1938. He and his wife live at 4923 New Hampshire Avenue NW., in Washington, D.C.

Besides remembering Members of Congress with Christmas greetings each, and many of them with birthday greetings, his interest in other people has been deep and abiding. One of his hobbies has been writing cards and letters for handicapped people.

In retirement he will be engaged heavily in social work, especially helping the needy.

He is a leader in lodge work. He is in Victory Lodge in Free Masonry, and in the Jonathan Davis Consistory in the Scottish Rite.

He is fluent in three languages—French and Spanish as well as English—this talent made him a valuable member of a study mission overseas several years ago.

He has welcomed future Presidents to public service. Among the thousands of freshmen Congressmen he has made to feel at home here in the Capitol were Congressman Lyndon B. Johnson, Congressman John F. Kennedy, and Congressman Richard Nixon.

Under the rules I cannot mention people in the gallery, but on this occasion how splendid it would be if all of us would rise and show our affection to Mr. and Mrs. Petinaud.

GENERAL LEAVE

Mr. FINDLEY. Mr. Speaker, I ask unanimous consent that I may revise and extend my remarks and that all Members may have 5 legislative days in which to revise and extend their remarks on the life, character, and public service of Ernest Petinaud.

The SPEAKER pro tempore (Mr. WILLIAM D. FORD). Is there objection to the request of the gentleman from Illinois?

There was no objection.

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

Mr. FINDLEY. I yield to the distinguished Speaker.

Mr. ALBERT. Mr. Speaker, I want to join the gentleman from Illinois in his remarks.

I want personally to thank Ernest Petinaud for the kindness that he has shown me. I know that what I say could be echoed by every single Member of the House of Representatives.

I wish him and Mrs. Petinaud a long, useful and happy retirement, as we say to him adios, adieu and farewell, all three words of which he can understand in the appropriate language.

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

Mr. FINDLEY. I yield to the distinguished majority leader.

Mr. O'NEILL. Mr. Speaker, history is written in Washington every day and, indeed, it is written in this Chamber every day; but in my 21 years in Congress this is the greatest honor that I have ever seen an individual receive from this body, the honor that was just paid our dear friend, Ernest. Through the years this kind of honor has been reserved for people associated with the President, mostly the President's wife, or on occasion a high monarch who would be visiting this body. So Ernest has received, indeed, a rare privilege which all of us will always remember.

I have been fortunate to be Ernest's friend through the years, and he has been a friend to me.

There is nothing more pleasing than when one goes into the restaurant in the morning, and is met by the effervescent personality of Ernest. He starts your day off right; he has respect for the Congress and everything that it stands for. He is indeed a great man, a great American.

I join all my fellow colleagues in wishing him Godspeed. May he be blessed with every happiness.

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

Mr. FINDLEY. I yield to the gentleman from Arizona.

Mr. RHODES. Mr. Speaker, this is a very proud moment in the history of the House of Representatives. We are here to honor one of the fine men, one of the fine employees of the House, a man who has been with us these many years.

We will miss Ernest Petinaud when he leaves. We will miss him not only for the fine way in which he handles his job, but for the kind of man that he is, the ready smile with which he always greeted people when they came into the dining room and the ability to remember names. He can remember the name of every former Member, and the wife of practically every Member present and past. All in all he has been a great asset to the historic institution which we call the House of Representatives. He is a fine man in every way, and a good friend to all of us.

I wish to Ernie and Mrs. Petinaud the best of everything in their retirement.

He has often told me that my Spanish is not very good, but nevertheless I would like to close by saying, "Vaya con Dios, Ernesto, mi amigo."

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

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

Mr. TEAGUE of California. Mr. Speaker, Ernesto, mi amigo. Vaya con Dios por muchos anos.

Mr. FINDLEY. Mr. Speaker, would the gentleman give an English translation for us?

Mr. TEAGUE of California. "Go with God, Ernesto." Vaya con Dios por muchos anos. "Many years."

Mr. MAHON. Mr. Speaker, I wish to join in paying well deserved tribute to Ernest Petinaud, a great American and a warm personal friend of the Mahons, GEORGE and Helen.

The spontaneous tribute to Ernest and his wife this afternoon has been heartwarming. They deserved the standing ovation and the enthusiastic cheers of the Members of the House of Representatives.

In my early years in Congress it was not the custom for iced tea to be served by the House restaurant in the wintertime. Mrs. Mahon explained to Ernest on one occasion that iced tea, her favorite dinner drink, was served the year round in Texas. Ernest thought well of the suggestion and ever thereafter and until this day, whenever Mrs. Mahon walks into the restaurant and is seated at a table, Ernest brings her a glass of iced tea—even before she has studied the menu and made her order.

This little personal joke is just another bit of evidence reflecting the good will that is so typical of this wonderful man. Mrs. Mahon and I are very happy to join in the warm sentiments and good wishes that are being expressed here today for Ernest Petinaud and his wife, Jeanette.

Mr. ROGERS. Mr. Speaker, will the gentleman yield

Mr. FINDLEY. I yield to the gentleman from Florida.

Mr. ROGERS. Mr. Speaker, I am sure every Member would like to stand up and pay their respects to Ernest. A lot of Members think we have hard jobs, a lot of chairmen of committees think they have hard jobs. The most difficult job in the Congress is the job Ernest Petinaud has had and served so well, by trying to satisfy Members of Congress when they come in at a time when everyone thinks they should be seated first; yet Ernest has made everyone think they are going to be taken care of and did that so well.

Ernest is one of the finest gentlemen I have known.

He has been a genuine friend to me and my family and to my father before me, so it is with sincere regret that I see that Ernest is going to leave us.

I wish him Godspeed with his fine wife, Jeannette.

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

Mr. FINDLEY. Mr. Speaker, I yield to the gentleman from New York.

Mr. RANGEL. Mr. Speaker, I would like to join in paying tribute to Ernest. I have not known him very long because I am a newer Member of this august body, but it is difficult for a new Member, especially when he is following a chairman who had served so long in this House before him, to really have his constituents and family and close friends know he is in fact a Member of Congress. In fact, I have had difficulty with some of the chairmen here.

But, I can tell the Members that the most encouraging thing that has happened to me in reaching this House of Representatives, as well as with other newer Members, is that when we went into the House dining room, Ernest was there to greet us along with our loved ones, our family, friends, and constituents, to reaffirm to them that we are Members of the House of Representatives.

Mr. Speaker, I just hope that God gives him all his fondest dreams and hopes, both for him, his family, his loved ones, as he made our beginning days easier.

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

Mr. FINDLEY. Mr. Speaker, I yield to the gentleman from Hawaii.

Mr. MATSUNAGA. Mr. Speaker, as the holder of the undisputed record for having the greatest number of guests in the House restaurant and having given Ernie Petinaud the biggest problems, I join in paying tribute to our beloved major domo of the House restaurant.

What the gentleman from Illinois (Mr. FINDLEY) failed to say was that Ernie also speaks Hawaiian.

When I first met Ernie in the House restaurant, I looked at him and said, "You look very much like Prince Kuhio, who served in the House as Hawaii's Delegate to Congress many years ago.

Ernie refused to believe me and said, "Oh, you are just kidding me."

I said, "No, I am not kidding. In fact, you have the same mustache and the same physical features as the Prince." This was about 11 years ago when Ernie used to wax his mustache and it stuck out handsomely on both sides. A few days later I brought in a picture of Prince Kuhio and showed it to Ernie and said, "Here is the evidence." He looked at Prince Kuhio's photo and exclaimed, "Good Heavens, he sure looks like me."

I said, "Heavens, what do you mean, 'he looks like me'? It is you who look like him; he is the Prince." [Laughter.]

A few years ago, when Ernie visited Hawaii on his second honeymoon with Jeannette, we named him "Prince Ernie." Judging from the tribute and tremendous applause accorded him today, he should be more fittingly called, "King Ernie," as he departs from the House he loved so dearly. So to "King Ernie" I say, may you enjoy long-postponed pleasureable pursuits in your retirement in the loving company of "Queen Jeannette." Mahalo nui loa, meka aloha pumehana!

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

Mr. FINDLEY. Mr. Speaker, I yield to the gentleman from Pennsylvania.

Mr. FLOOD. Mr. Speaker, as one ham to another, Ernie, we can play it all the way across this hall, but people have wondered down through the years how in the world he has kept that mustache the way it is and kept that vitality, and there is only one reason.

Ernie, bon voyage, mon ami, bon voyage. May flights of angels light your way.

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

Mr. FINDLEY. Mr. Speaker, I yield to the gentleman.

Mr. HALEY. Mr. Speaker, we have heard many Members of Congress talk about the great service of Ernie, and I thoroughly agree with them. There is one thing that has not been mentioned here, because Ernie, I think, knew practically every wife of a Member of Congress. He was always gracious to them and he always saw that they had excellent service.

In his retirement, I say we are losing an outstanding man and an outstanding administrator, a man who has served the Congress well. Especially, I think, if we had a vote here from the wives of the Members of Congress whom he has served so graciously, it would be a unanimous vote.

Mr. Speaker, I wish he and his wife well in their retirement.

Mr. CARNEY of Ohio. Mr. Speaker, will the gentleman yield?

Mr. FINDLEY. Mr. Speaker, I yield to the gentleman from Ohio.

Mr. CARNEY of Ohio. Mr. Speaker, I do not know if any of the Members know, but Ernie gave up a great opportunity and made a great sacrifice to take this job he had in the House of Representatives restaurant for so many years.

Mr. Speaker, I came down here before I was a Congressman with my predecessor, Michael J. Kirwan, who was a great friend of Ernie's. He let me know that Congressman JAMES DELANEY at one time was a wrestling promoter, and Ernie was his top middleweight wrestler.

They called him "Kid Molassess"—sweet but slow and sticky.

I have always greeted him in that way, the same as everybody else.

Mr. Speaker, I wish him good luck and bon voyage.

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

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

Mr. CHAMBERLAIN. Mr. Speaker, I would like to join my colleagues in tribute to Ernie Petinaud.

As was mentioned earlier, Ernie won international fame when he accompanied our NATO delegation a few years ago on a trip to Paris. The gentleman from Ohio (Mr. HAYS) was kind enough to extend an invitation to Ernie. We had plenty of seats aboard the aircraft, and I felt our colleague from Ohio was indeed thoughtful to include Ernie. Before he returned home, he had been the subject of several columns and, in my opinion, treated rather unfairly. I would like to relate an incident that occurred at that NATO meeting to my colleagues.

One morning Ernie and I had arrived at the conference quite early, and we found that we were for the moment the U.S. delegation present. A French delegate had started to make a point rather contrary to the position that had been taken by the chairman of our delegation, the gentleman from Ohio (Mr. HAYS) in his opening remarks, the day before, and I thought it would be well to quote Mr. HAYS in response to him at that particular time.

I called Ernie and I said, "Ernie, I don't know where I am sending you. I don't know whether they have anything like it here or not, but go out and try to find the document room and get Mr. HAYS' remarks of yesterday."

He was back in minutes. He somehow found Mr. HAYS remarks and he brought them back. He was there, and he was on the job helping our U.S. delegation although he was on his annual leave.

Mr. Speaker, the people who attempted to discredit Ernest's presence on that trip simply did not know the facts. Along with my colleagues I say it has been a great privilege to know Ernest Petinaud. The best to you, Ernie.

Mr. VANIK. Mr. Speaker, I would like to join with my colleagues today in paying tribute to Ernest Petinaud, who has served the House of Representatives faithfully and ably for these many years.

Ernie's warm smile was often the best part of a difficult day. His great qualities of kindness to every Member of the House and to everyone who worked in the House was a gift that he distributed equally to the great, near-great, and all the rest of us.

I wish Ernie and his bride-like wife a lifetime of good health and happiness.

Mr. DONOHUE. Mr. Chairman, I want to join with all the Members here in this well-deserved tribute to a good and great gentleman, my long and dear friend, Ernie Petinaud.

Volumes of praise could be written and spoken about Ernie's superior competence, dedication and loyalty in his outstanding career of incomparable service to Members of Congress, their families and their friends. Such volumes, however, could never adequately express our individual and combined gratitude and appreciation of his unparalleled contribution to the well being of the Members of the House of Representatives and the Nation throughout his long tenure here.

In simple summary, let me suggest that, beyond his competence, Ernie is beloved by all of us because his consistent exercise of the basic virtues of understanding, concern, geniality and warmth in welcoming and attending us in what we might very truly describe as "his dining room." His everready smile, his choice comments, his sparkling spirit, his genuine friendship have all provided real inspiration to countless numbers of weary, discouraged and hunger-stricken men and women who, after Ernie's revival treatment, went forth from his dining room with renewed vigor and restored resolve to more effectively deal with the complex problems afflicting a distressed Nation and a confused world.

It is almost impossible to think of entering our Members dining room without the customary greeting from Ernie and he will be, indeed, sorely missed by all of us.

However, we can well understand his desire to at long last pursue some of his hobbies with his charming and gracious wife and I sincerely pray that the Good Lord will bestow His fullest blessings upon these two wonderful persons through many, many more years of good and happy living.

Mr. FLYNT. Mr. Speaker, I too wish to pay my tribute to Ernest Petinaud and to express my high regard for him. He has served the House well for these many years and in so doing he has exemplified the qualities and the characteristics of a true gentleman.

He is one of the most courteous men I have ever met and at the same time is effective and efficient in performing a very difficult function, accompanied by his ever-present smile.

I know that I speak for the other members of my family as well as many visiting friends from home as I take this opportunity to express my appreciation for the many courtesies he has extended to us.

As he enters his voluntary retirement I wish for him and Mrs. Petinaud Godspeed and many more years of continued good health and happiness. I regret his decision to leave the House of Representatives where he has worked so long and so well, but I respect that decision. I only wish that we could wind him up and start him all over again for another 48 years of service to the House of Representatives and its Members.

Mr. GILMAN. Mr. Speaker, as a freshman Member of Congress permit me to add my voice to those Members who have expressed their appreciation and gratitude for their association with our good friend, Ernie Petinaud.

During my first days in Congress, it was a plesant welcome as a freshman to be greeted by name and by the warm hand and cheerful smile of Ernie—something we all will remember. In his 35 years of faithful service as our congenial ambassador of good will, Ernie has become an integral part of the tradition and history of the House and I am pleased to have enjoyed a part of that tradition.

I join with my colleagues in wishing Ernie and Mrs. Petinaud good health, happiness and success in all of their new endeavors.

Mr. BRADEMAS. Mr. Speaker, I want to join the gentleman from Illinois (Mr. FINDLEY) and other Members of the House in paying tribute to our common friend, Ernest Petinaud.

The spontaneous and prolonged applause which greeted Ernest during these tributes represents, in a most vivid way, the warm affection and high regard which, I am sure, every Member of the House of Representatives feels for Ernest Petinaud.

Certainly, Ernest has been unfailingly kind in every instance in which I have sought his assistance, and I am going especially to miss the opportunity to practice my Spanish with him. As has already been pointed out by other Members, Ernest is fluent in the tongue of his birthplace, Panama.

So, Mr. Speaker, to Ernest and his lovely wife, I too want to extend my most sincere good wishes for a long and happy life together. Of one thing, Mr. Speaker, I am certain and that is that whatever Ernest Petinaud chooses to do in his retirement years, he will be serving others.

Mr. BOLAND. Mr. Speaker, I wholeheartedly join in this magnificent tribute to Ernest Petinaud. I know of no one who so richly deserves the praise that is being heaped upon him by the Members of the House of Representatives. He deserves it for the tremendous love he holds for this House. He has earned it by the splendid demeanor he has always maintained in dealing with the Members. It has not always been an easy lot for often Members are so frequently caught up with pressing problems and business, that they do not always find themselves in the best of spirits. But somehow by shear force of his own personality, Ernest has always bridged the gap. Always patient, considerate, courteous and proper in his handling of the sometimes tortuous task that was his in the House dining room, he has won, not alone the esteem, but the love of all with whom he came in contact.

I personally thank him for the many kindnesses he has shown to me during my service in this body. The majority leader, Mr. O'NEILL and I have been almost daily users of the House dining room since coming to the Congress in 1953. Ernest was one of the first House employees that we met. Constantly and consistently he has put himself out to give us the best of treatment. He has, indeed, made our service in this great body much more pleasant and a little easier.

I wish for him and his charming wife many years of continued health and happiness. They deserve it immensely.

Mr. CAREY of New York. Mr. Speaker, throughout my years in the House. Ernest Petinaud has been one of my closest and dearest friends.

During his years as head of the House restaurant, he has been able to change the formal atmosphere of that Capitol restaurant into a place that is warm and friendly. You would think you were at your hometown beanery if you did not know better. Every day was a Broadway show with Ernie's wit and warmth.

Few men are so versatile, so capable. He is an "homme gallant," a "bon vivant," he is black beautiful.

I know for a fact that we in the House are not the only ones who respect and admire him. I have heard of him in Paris and met him in Honolulu and seen people acknowledge the ability and charm of both he and Mrs. Petinaud.

If we ever choose a roving Ambassador, a man who could represent the better qualities of this country and its people, I would choose Ernest. He is that special type of person and I will miss him—but I shall not really because I shall continue our friendship any time we can have lunch at his convenience. After all, he has always done the most to suit my conveniences. From Mrs. Carey and the family to Ernest and Mrs. Petinaud, "au revoir."

Mr. BENNETT. Mr. Speaker, Ernest Petinaud, just now retiring from his long service in the House restaurant, is a remarkable man; and one I cherish as a friend. To know him is to love him. There is a man of whom I can warmly say: There is my brother.

He has the facility of sharing friendship and brotherhood more easily than any man I know.

We will all miss him on Capitol Hill; but as I look back on my 25 years here, there is one period of that time when his help was particularly appreciated. In that period I was confined to a wheelchair for many months; and my beloved mother, now deceased, would push me about to my work and to my meals. In those trying times for my elderly mother, Ernest was particularly helpful to me and to her. I shall never forget it.

As he sits in the gallery tonight with his beloved wife I am honored to have this opportunity to pay tribute to this fine and thoughtful man, whose friendship I shall always treasure. May God bless him and all his loved ones.

Mr. MONTGOMERY. Mr. Speaker, I join others in paying tribute to Ernest Petinaud. He is a dear friend of mine as he is to all Members. Ernest has that gift of remembering names and making all of us feel at home when we would come to the Members' dining room.

He is a thoughtful man and we can all learn much from the way Ernest has handled his life.

The best to you Ernest, and we will all miss you.

Mr. CEDERBERG. Mr. Speaker, I am delighted to join my colleagues in a well deserved tribute to Ernest. He is a gentleman in every sense of the word. I wish him well in his retirement. Ernest, be sure to return and visit with us as often as you can. You will always be welcome. Good luck for a happy future.

Mr. WHITTEN. Mr. Speaker, I join in the tributes which have been paid here today to our friend, Ernie Petinaud. Truly Ernie deserves the many fine things which have been said, always courteous, always in good spirits, he has set a fine example as he went far beyond the call of duty for the Congress of which he has been a real part.

My son, my wife, and daughter would like to have me express their appreciation to Ernie for his friendly manner and friendship, for his courteous attention to all visitors who have come to the restaurant of the House of Representatives.

Ernie is a true friend, and worthy ambassador of good will for our body and our country. We wish for him and his family many more happy and prosperous years.

Mr. HOGAN. Mr. Speaker, I join my colleagues in paying tribute to my friend, Ernest Petinaud.

As a relatively new Member of Congress, I have always been impressed with his phenomenal memory. He calls every Member, past and present by name. He always is pleasant and in frequent chaotic conditions at the House dining room, he never loses his cool.

I wish him and his wife all possible happiness in the years ahead.

Mr. STEIGER of Wisconsin. Mr. deserved tribute to Ernie Petinaud. Few

men have so pleasantly and gracefully aided Members and their families and constituents. I am deeply grateful to Ernie for all he's done. His is a record of service to the House as an institution and to its members which we all shall miss. Mrs. Dempsey, Janie, and Billy join with me in saying thank you Ernie and Godspeed in your retirement. All the best.

Mr. FINDLEY. Mr. Speaker, on that happy note, I am sure that all of my colleagues join me in wishing Ernie and his wife a Merry Christmas and many Happy New Years to come.

A TRIBUTE TO THE HONORABLE SENATOR SAM J. ERVIN, JR.

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

Mr. FOUNTAIN. Mr. Speaker, I want to call to the attention of my colleagues in the House that the senior Senator from the State of North Carolina, the Honorable SAM J. ERVIN, JR., yesterday announced that he does not plan to seek reelection to the Senate of the United States at the conclusion of his present term of office in January, 1975.

Senator ERVIN has had a long and distinguished career in the Senate, preceded by service in this House in the 79th Congress—a career highlighted time and time again by his strict adherence to the basic constitutional principles which made this Nation what it is today.

The Senator's reputation as the Nation's foremost constitutional authority is richly deserved and is the result of his devotion to and lifetime study of the most precious document in the archives of the American people.

A man of strict rectitude, of absolute sincerity, of complete openness and honesty, of honor and of integrity, and of strong Christian faith, Senator ERVIN's departure from the hallowed halls of the U.S. Capitol will be keenly felt.

His quick perception of the core of a problem—and our beloved Nation has many—and his everready willingness to tackle problems and overcome them, will be greatly missed.

Those of us from North Carolina, who have observed his lifelong devotion to advancing the cause of freedom, and his dedicated service to mankind, will miss his counsel in the seat of Government, but we know that his retirement from public office to private life is well earned and richly deserved.

Senator ERVIN has labored long and hard in the vineyard of public service to his community, to his State, to his Nation and, yes, to the people of the world, and he has clearly earned the right to take his ease amongst the beautiful scenery of western North Carolina from whence he came.

Born at Morganton, N.C., North Carolina's senior Senator earned his A.B. degree from the University of North Carolina at Chapel Hill, N.C., which is located in the congressional district I have the honor to represent, and then went on to receive his LL.B. degree at Harvard University.

Many other distinguished institutions of higher education have honored themselves as well as the Senator down through the years with honorary degrees, including: the University of North Carolina; Western Carolina University; Suffolk University; Wake Forest University; George Washington University; St. Andrews Presbyterian College; and Davidson College.

During the First World War, Senator ERVIN served with great distinction in the American Expeditionary Force to France, where he was twice wounded in battle and twice cited for gallantry.

The Government of the Republic of France awarded him the French Fourragere. His American decorations include the Silver Star, the Distinguished Service Cross, and the Purple Heart with Oak Leaf Cluster.

A practicing attorney in Morganton, having been admitted to the bar of the State of North Carolina in 1919, Senator ERVIN served as the representative of Burke County, N.C., in the State's general assembly in 1923, 1925, and 1931.

Senator ERVIN was the able judge of the Burke County Criminal Court from 1935 to 1937, and ascended to the superior court bench in 1937, where he served with distinction until 1943.

As I mentioned earlier, he ably served in the House of Representatives in the 79th Congress, representing the 10th Congressional District of North Carolina.

From 1948 until 1954, Senator ERVIN served his State as associate justice of the North Carolina supreme court, until such time as he assumed his seat in the U.S. Senate—an office of highest public trust to which the people of our State have returned him each time he offered for election.

Senator ERVIN's distinguished career in the Senate needs no amplification from me at this time. As "Senator Sam," he is known to countless millions of Americans all across our great land.

No higher accolade could be paid to any American than by saying that he devoted his life to duty, honor, and country.

Such can truthfully be said of Senator SAM J. ERVIN, JR. It is the mark of the man he is.

GENERAL LEAVE

Mr. FOUNTAIN. Mr. Speaker, I ask unanimous consent that all Members who may care to do so may have 5 legislative days in which to revise and extend their remarks in relation to the proposed retirement of SAM ERVIN.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

ON THE RETIREMENT OF SAM ERVIN

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

Mr. PEPPER. Mr. Speaker, in the warmest way I want to associate myself with the eloquent tribute to Senator SAM ERVIN which was just made by the able gentleman from North Carolina (Mr. FOUNTAIN).

FURTHER CONFERENCE REPORT ON H.R. 11576, SUPPLEMENTAL APPROPRIATIONS, 1974

Mr. MAHON submitted the further conference report and statement on the bill (H.R. 11576) making supplemental appropriations for the fiscal year ending June 30, 1974, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 93-745)

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

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

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

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

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$8,450,000"; and the Senate agree to the same.

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

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

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

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

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

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment, as follows: In lieu of the matter proposed by said amendment insert:

"HEALTH SERVICES DELIVERY

"For an additional amount for 'Health services delivery', for carrying out section 4(c) of Public Law 93–53, $7,000,000".

And the Senate agree to the same.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The committee of conference report in disagreement amendments numbered 5, 7, 14, 15, 18, 21, 22, 24, 29, 31, 35, 36, 38, 43, 47, 48, 50, 51, 52, 53, 54, 55, 56, 57, 58, 64, 70, 71, 74, 75, 80, 86, 90, 91, 94, 95, 100, 104, 108, 109, and 110.

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

JOHN L. MCCLELLAN,
WARREN G. MAGNUSON,
JOHN C. STENNIS,
JOHN O. PASTORE,
ALAN BIBLE,
ROBERT C. BYRD,
GALE W. MCGEE,
WILLIAM PROXMIRE,
JOSEPH M. MONTOYA,
DANIEL K. INOUYE,
THOMAS F. EAGLETON,
MILTON R. YOUNG,
ROMAN L. HRUSKA,
NORRIS COTTON,
CLIFFORD P. CASE,
HIRAM L. FONG,
MARK O. HATFIELD,
TED STEVENS,
CHARLES MCC. MATHIAS, JR.,
RICHARD S. SCHWEIKER,
HENRY BELLMON,
Managers on the part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

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

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

CHAPTER I

Department of Agriculture

Agricultural Research Service

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

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

Foreign Agricultural Service

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

Forestry Incentive Program

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

Environmental Protection Agency

Research and Development

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

CHAPTER II

Department of Defense—Military

Operation and Maintenance, Navy

Amendment No. 5: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate to provide $72,000,000 for the exploration, development, and production of petroleum products at Naval Petroleum Reserves Number 1 and 4.

CHAPTER III

Amendment No. 6: Changes chapter number.

Veterans Administration

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

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

It is the sense of the conferees that all claims against the Veterans Administration should be processed through the agency board of contract appeals unless there is

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

CHAPTER IV

Amendment No. 8: Changes chapter number.

Department of the Interior

Bureau of Land Management

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

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

Bureau of Indian Affairs

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

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

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

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

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

Territorial Affairs

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

Bureau of Mines

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

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

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

Office of Coal Research

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

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

Office of Oil and Gas

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

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

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

Bureau of Sport Fisheries and Wildlife

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

National Park Service

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

Office of Saline Water

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

Office of the Secretary

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

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

Office of the Solicitor

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

Related agencies—Department of Agriculture

Forest Service—Forest Protection and Utilization

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

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

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

American Revolution Bicentennial Administration

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

CHAPTER V

Amendment No. 33: Changes chapter number.

Department of Labor

Manpower Administration

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

Department of Health, Education, and Welfare

Health Services and Mental Health Administration

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

It has come to the conferees' attention that the Department of Health, Education and Welfare is planning to further decentralize and regionalize vital drug, alcohol and mental health programs administered by the recently organized Alcohol, Drug Abuse and Mental Health Administration. Because of the possibility that further decentralization of program decisions to the ten regional offices involves implementation of a plan for de facto revenue sharing of questionable legality which could retard development of consistent policies and frustrate current efforts to develop a more coherent administration of drug, alcohol, mental

health and other health programs, the conferees expect the Secretary to defer any final decision on this matter until the appropriate Committees of Congress have had an opportunity to carefully review the decentralization and regionalization proposals.

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

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

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

National Institutes of Health

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

Office of Education

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

Social and Rehabilitation Service

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

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

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

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

Related agencies

Action

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

Administrative provisions

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

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

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

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

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

CHAPTER VI

Amendment No. 49: Changes chapter number.

Legislative Branch

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

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

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

CHAPTER VII

Amendment No. 59: Changes chapter number.

Atomic Energy Commission

Operating Expenses

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

Department of Defense—Civil—Department of the Army

Corps of Engineers—Civil—General Investigations

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

Construction, General

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

Flood Control, Mississippi River and Tributaries

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

Revolving Fund

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

CHAPTER VIII

Amendment No. 62: Changes chapter number.

Department of State

International Organizations and Conferences

Amendment No. 63: Inserts headings.

Contributions to International Organizations

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

International Conferences and Contingencies

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

Department of Justice

Legal Activities and General Administration

Salaries and expenses, community relations service

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

Department of Commerce—Economic Development Administration

Development Facilities

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

Industrial Development Loans and Guarantees

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

Planning, Technical Assistance, and Research

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

Amendment No. 70: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows: "which shall be available for extension of grants to existing Economic Development Districts and planning organizations, including administrative expenses, and to fund new districts which meet the requirements of 42 U.S.C. 3171, as amended."

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

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

Domestic and International Business Administration

Salaries and Expenses

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

Participation in United States Expositions

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

U.S. Travel Service

Salaries and Expenses

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

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

Related Agencies—Equal Employment Opportunity Commission

Salaries and Expenses

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

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

Foreign Claims Settlement Commission

Salaries and Expenses

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

International Radio Broadcasting

Amendment No. 77: Inserts heading.

Board for International Broadcasting

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

CHAPTER IX

Amendment No. 79: Changes chapter number.

Department of Transportation

National Highway Traffic Safety Administration

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

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

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

CHAPTER X

Amendment No. 82: Changes chapter number.

Department of the Treasury

Bureau of Alcohol, Tobacco, and Firearms

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

United States Customs Service

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

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

Amendment No. 86: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment to change the word "Committee" in the proviso to "Committees". The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Internal Revenue Service

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

Presidential Election Campaign Fund

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

United States Postal Service

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

Executive Office of the President

Council on International Economic Policy

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

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

Economic Stabilization Activities

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

The White House Office

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

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

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

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

Federal Energy Office

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

Independent agencies—Civil Service Commission

Salaries and Expenses

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

General Services Administration

Public Buildings Service

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

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

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

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

National Archives and Records Service

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

Property Management and Disposal Service

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

Administrative Operations Fund

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

General Provisions—General Services Administration

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

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

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

CHAPTER XI

Amendment No. 105: Changes chapter number.

Claims and judgments

Amendment Nos. 106 and 107: Add the citation to include claims and judgments con-

tained in Senate Document Numbered 93–49 as proposed by the Senate; and appropriate $57,352,301 for claims and judgments as proposed by the Senate instead of $47,011,168 as proposed by the House.

CHAPTER XII

General provisions

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

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

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

Conference total—with comparison

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

Budget estimates	[1] [2] $1,534,183,886
House bill	1,433,035,718
Senate bill	[2] 1,888,425,386
Conference agreement	[2] 1,703,125,386
Conference agreement compared with:	
Budget estimate	+168,941,500
House bill	+270,089,668
Senate bill	−185,300,000

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

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

[2] Includes $75,000 for fiscal year 1973.

JOHN L. MCCLELLAN,
WARREN G. MAGNUSON,
JOHN C. STENNIS,
JOHN O. PASTORE,
ALAN BIBLE,
ROBERT C. BYRD,
GALE W. MCGEE,
WILLIAM PROXMIRE,
JOSEPH M. MONTOYA,
DANIEL K. INOUYE,
THOMAS F. EAGLETON,
MILTON R. YOUNG,
ROMAN L. HRUSKA,
NORRIS COTTON,
CLIFFORD P. CASE,
HIRAM L. FONG,
MARK O. HATFIELD,
TED STEVENS,
CHARLES MCC. MATHIAS, JR.,
RICHARD S. SCHWEIKER,
HENRY BELLMON,
Managers on the Part of the Senate.

Mr. MAHON. Mr. Speaker, pursuant to the order of the House of Wednesday, December 19, 1973, I call up the further 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 prior proceedings of the House today.)

Mr. MAHON (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 Texas?

There was no objection.

Mr. MAHON. Mr. Speaker, I desire to make some references to the final supplemental.

Mr. Speaker, this bill is the same bill that we had before us yesterday, and which was recommitted because of a problem involving the Elk Hills naval petroleum reserve. The committee has of course been compelled to bow to the will of the House and concur to the Senate amendment in this matter.

Mr. Speaker, there are 41 amendments in disagreement. The bill is now about $1.7 billion. Copies of the report are available. It is the identical report considered yesterday except for one provision that was before us in the previous effort to pass the conference report.

So I see no need to pursue the matter further at this time.

I wish to say again, because there may be some Members here who were not here earlier today when we took up the defense conference report, that when we consider these money bills I think it is good to look at the whole picture. We talk about budget control and a better picture of the whole fiscal situation. I pointed out earlier today that in appropriation bills for this session we are below the budget in excess of $3 billion. Maybe that is not the best record in the world, but it is certainly a respectable record.

From the standpoint of expenditures, it will be maintained by some that we are not in such bad shape. But if we approve the energy bill before we adjourn, a bill which has certain unemployment features under some circumstances, and if we approve the amendments relating to social security, we will be approximately $1.5 billion above the President's November 15 estimate on Federal spending. I made more complete reference to this subject earlier today.

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 on the second supplemental, and that I may have consent to insert extraneous material and appropriate tables.

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

There was no objection.

Mr. MAHON. Mr. Speaker, I have no requests for time and plan to move the previous question on the conference report after the distinguished gentleman from Michigan (Mr. CEDERBERG) uses some time.

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

Mr. MAHON. I yield to the distinguished gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I appreciate the gentleman yielding to me, and I have asked the gentleman to yield for just one brief observation.

Of course, the budget is the asking price, and with the passage—and the final passage, apparently—of the foreign giveaway program, the highest in many years at $6 billion, that just shoots down, as far as I am concerned, the balloon known as the tight budget.

I thank the gentleman for yielding.

Mr. MAHON. I thank the gentleman for his contribution.

Mr. Speaker, I now yield to the gentleman from Michigan (Mr. CEDERBERG).

Mr. CEDERBERG. Mr. Speaker, the gentleman from Texas, the chairman of the committee (Mr. MAHON) has already indicated that the matter was resolved in the recommittal motion yesterday. That has already been resolved, and I see no reason to take any more time.

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

Mr. HANLEY. Mr. Speaker, a supplemental appropriations request has been sent to Congress in which, once again, the Office of Management and Budget has overridden the recommendations of the Postal Service and broken faith with the users of the mail who supported the Postal Reorganization Act. The Postal Service plans to put an enormous rate increase into effect in January on a temporary basis pending Rate Commission consideration. It properly has asked for supplemental appropriations to compensate for the phasing of this increase—a phasing which was written into the Postal Reorganization Act ex-

pressly to lighten the impact of large rate increases such as that scheduled for January. But OMB wants Congress to deny these appropriations for third-class mail so that there will be no phasing, as it has since 1971. If OMB can do this to one class of mail, it can in the future affect any other class of mail as it sees fit.

If OMB has its way, the total rate increase for third-class mail in less than 2 years will average almost 60 percent. This will be true although, as the Postal Service has repeatedly said, this class of mail more than paid its way even before any of this increase took effect.

There is a basic issue of fairness and a violation of clearly stated congressional intent involved. As chairman of the House Postal Service Subcommittee, I can assure OMB that I will continue to protest its continued abrogation of congressional policy.

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

The previous question was ordered.

The SPEAKER. The question is on the conference report.

The question was taken; and the Speaker announced that the "ayes" appeared to have it.

Mr. DELLENBACK. 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 329, nays 10, not voting 93, as follows:

[Roll No. 717]

YEAS—329

Abdnor	Burleson, Tex.	Donohue
Abzug	Burlison, Mo.	Dorn
Adams	Byron	Downing
Addabbo	Carey, N.Y.	Drinan
Andrews, N.C.	Carney, Ohio	Duncan
Annunzio	Carter	Eckhardt
Archer	Casey, Tex.	Edwards, Ala.
Armstrong	Cederberg	Edwards, Calif.
Ashley	Chamberlain	Eilberg
Badillo	Chappell	Erlenborn
Bafalis	Chisholm	Esch
Baker	Clark	Eshleman
Barrett	Clausen, Don H.	Evans, Colo.
Bauman	Clawson, Del	Fascell
Beard	Clay	Findley
Bell	Cleveland	Fish
Bennett	Cochran	Fisher
Bergland	Cohen	Flood
Bevill	Conable	Flowers
Biaggi	Conte	Flynt
Biester	Corman	Foley
Bingham	Cotter	Ford, William D.
Blackburn	Coughlin	Forsythe
Blatnik	Cronin	Fountain
Boggs	Culver	Fraser
Boland	Daniel, Dan	Frenzel
Bowen	Daniel, Robert W., Jr.	Frey
Brademas	Daniels, Dominick V.	Fuqua
Brasco	Davis, Ga.	Gaydos
Bray	Davis, S.C.	Gettys
Breaux	Davis, Wis.	Giaimo
Breckinridge	de la Garza	Gibbons
Brinkley	Dellenback	Gilman
Broomfield	Dellums	Ginn
Brotzman	Denholm	Goldwater
Brown, Calif.	Dennis	Gonzalez
Brown, Mich.	Derwinski	Goodling
Brown, Ohio	Devine	Grasso
Broyhill, N.C.	Dickinson	Gray
Broyhill, Va.	Dingell	Green, Oreg.
Buchanan	Downing	Green, Pa.
Burke, Fla.	Drinan	Gude
Burke, Mass.	Duncan	Gunter
Burleson, Tex.	Eckhardt	Guyer
Burlison, Mo.	Edwards, Ala.	Haley
Byron	Edwards, Calif.	Hamilton
Carey, N.Y.	Eilberg	Hammer-schmidt
Carney, Ohio	Erlenborn	Hanley
Carter	Esch	Hanrahan
Casey, Tex.	Eshleman	Hansen, Idaho
Cederberg	Evans, Colo.	Harsha
Chamberlain	Fascell	Hastings
Chappell	Findley	Hawkins
Chisholm	Fish	Hechler, W. Va.
Clark	Fisher	Heckler, Mass.
Clausen, Don H.	Flood	Heinz
Clawson, Del	Flowers	Helstoski
Clay	Flynt	Henderson
Cleveland	Foley	Hicks
Cochran	Ford, William D.	Hillis
Cohen	Forsythe	Hinshaw
Conable	Fountain	Hogan
Conte	Fraser	Holifield
Corman	Frenzel	Holtzman
Cotter	Frey	Horton
Coughlin	Fuqua	Hosmer
Cronin	Gaydos	Howard
Culver	Gettys	Huber
Daniel, Dan	Giaimo	Hudnut
Daniel, Robert W., Jr.	Gibbons	Hungate
Daniels, Dominick V.	Gilman	Hutchinson
Davis, Ga.	Ginn	Johnson, Calif.
Davis, S.C.	Goldwater	Johnson, Pa.
Davis, Wis.	Gonzalez	Jones, Ala.
de la Garza	Goodling	Jones, N.C.
Dellenback	Grasso	Jones, Okla.
Dellums	Gray	Jones, Tenn.
Denholm	Green, Oreg.	Jordan
Dennis	Green, Pa.	Karth
Derwinski	Gude	Kastenmeier
Devine	Gunter	Kazen
Dickinson	Guyer	Kemp
Dingell	Haley	Ketchum
Donohue	Hamilton	Kluczynski
Dorn	Hammer-schmidt	Koch
Downing	Hanley	Kuykendall
Drinan	Hanrahan	Kyros
Duncan	Hansen, Idaho	Latta
Eckhardt	Harsha	Lent
Edwards, Ala.	Hastings	Litton
Edwards, Calif.	Hawkins	Long, La.
Eilberg	Hechler, W. Va.	Lott
Erlenborn	Heckler, Mass.	Lujan
Esch	Heinz	McClory
Eshleman	Helstoski	McCloskey
Evans, Colo.	Henderson	McCollister
Fascell	Hicks	McDade
Findley	Hillis	McEwen
Fish	Hinshaw	McFall
Fisher	Hogan	McKay
Flood	Holifield	McKinney
Flowers	Holtzman	McSpadden
Flynt	Horton	Macdonald
Foley	Hosmer	Madden
Ford, William D.	Howard	Madigan
Forsythe	Huber	Mahon
Fountain	Hudnut	Mallary
Fraser	Hungate	Mann
Frenzel	Hutchinson	Maraziti
Frey	Johnson, Calif.	Martin, N.C.
Fuqua	Johnson, Pa.	Mathis, Ga.
Gaydos	Jones, Ala.	Matsunaga
Gettys	Jones, N.C.	Mayne
Giaimo	Jones, Okla.	Mazzoli
Gibbons	Jones, Tenn.	Meeds
Gilman	Jordan	Melcher
Ginn	Karth	Metcalfe
Goldwater	Kastenmeier	Mezvinsky
Gonzalez	Kazen	Miller
Goodling	Kemp	Minish
Grasso	Ketchum	Mink
Gray	Kluczynski	Mitchell, Md.
Green, Oreg.	Koch	Mitchell, N.Y.
Green, Pa.	Kuykendall	Mizell
Gude	Kyros	Moakley
Gunter	Latta	Mollohan
Guyer	Lent	Montgomery
Haley	Litton	Moorhead, Calif.
Hamilton	Long, La.	Moorhead, Pa.
Hammer-schmidt	Lott	Morgan
Hanley	Lujan	Mosher
Hanrahan	McClory	Murphy, Ill.
Hansen, Idaho	McCloskey	Murphy, N.Y.
Harsha	McCollister	Myers
Hastings	McDade	Natcher
Hawkins	McEwen	Nedzi
Hechler, W. Va.	McFall	Nix
Heckler, Mass.	McKay	Obey
Heinz	McKinney	O'Brien
Helstoski	McSpadden	O'Hara
Henderson	Macdonald	O'Neill
Hicks	Madden	Owens
Hillis	Madigan	Parris
Hinshaw	Mahon	Passman
Hogan	Mallary	Patman
Holifield	Mann	Patten
Holtzman	Maraziti	Pepper
Horton	Martin, N.C.	Perkins
Hosmer	Mathis, Ga.	Pettis
Howard	Matsunaga	Pickle
Huber	Mayne	Pike
Hudnut	Mazzoli	Powell, Ohio
Hungate	Meeds	Preyer
Hutchinson	Melcher	Price, Ill.
Johnson, Calif.	Metcalfe	Price, Tex.
Johnson, Pa.	Mezvinsky	Pritchard
Jones, Ala.	Miller	Quie
Jones, N.C.	Minish	Railsback
Jones, Okla.	Mink	Randall
Jones, Tenn.	Mitchell, Md.	Rangel
Jordan	Mitchell, N.Y.	Rees
Karth	Mizell	Regula
Kastenmeier	Moakley	Reuss
Kazen	Mollohan	Rhodes
Kemp	Montgomery	Rinaldo
Ketchum	Moorhead, Calif.	Roberts
Kluczynski	Moorhead, Pa.	Robinson, Va.
Koch	Morgan	Robison, N.Y.
Kuykendall	Mosher	Rodino
Kyros	Murphy, Ill.	Rogers
Latta	Murphy, N.Y.	Roncalio, Wyo.
Lent	Myers	Roncallo, N.Y.
Litton	Natcher	Rooney, Pa.
Long, La.	Nedzi	Rose
Lott	Nix	Rosenthal
Lujan	Obey	Rostenkowski
McClory	O'Brien	Roush
McCloskey	O'Hara	Roy
McCollister	O'Neill	Mathias, Calif.
McDade	Owens	Ruth
McEwen	Parris	St Germain
McFall	Passman	Sandman
McKay	Patman	Sarbanes
McKinney	Patten	Schroeder
McSpadden	Pepper	Sebelius
Macdonald	Perkins	Seiberling
Madden	Pettis	Shoup
Madigan	Pickle	Sikes
Mahon	Pike	Skubitz
Mallary	Powell, Ohio	Slack
Mann	Preyer	Smith, N.Y.
Maraziti	Price, Ill.	Spence
Martin, N.C.	Price, Tex.	Stanton, J. William
Mathis, Ga.	Pritchard	Stanton, James V.
Matsunaga	Quie	Steed
	Railsback	Steele
	Randall	Steelman
	Rangel	Steiger, Wis.
	Rees	Stokes
	Regula	Stratton
	Reuss	Stuckey
	Rhodes	Studds
	Rinaldo	Sullivan
	Roberts	Symington
	Robinson, Va.	Talcott
	Robison, N.Y.	Taylor, N.C.
	Rodino	Teague, Calif.
	Rogers	Teague, Tex.
	Roncalio, Wyo.	Thompson, N.J.
	Roncallo, N.Y.	Thomson, Wis.
	Rooney, Pa.	Thone
	Rose	Thornton
	Rosenthal	Tiernan
	Rostenkowski	Towell, Nev.
	Roush	Treen
	Roy	Udall
	Mathias, Calif.	Ullman
	Ruth	Vanik
	St Germain	Waggonner
	Sandman	Waldie
	Sarbanes	Wampler
	Schroeder	Ware
	Sebelius	Whalen
	Seiberling	White
	Shoup	Whitehurst
	Sikes	Whitten
	Skubitz	Williams
	Slack	Wilson, Charles H., Calif.
	Smith, N.Y.	Wilson, Charles, Tex.
	Spence	Winn
	Stanton, J. William	Wolff
	Stanton, James V.	Wright
	Steed	Wyatt
	Steele	Wydler
	Steelman	Wylie
	Steiger, Wis.	Wyman
	Stokes	Yates
	Stratton	Yatron
	Stuckey	Young, Alaska
	Studds	Young, Fla.
	Sullivan	Young, Ga.
	Symington	Young, Ill.
	Talcott	Young, S.C.
	Taylor, N.C.	Young, Tex.
	Teague, Calif.	Zablocki
	Teague, Tex.	Zion
	Thompson, N.J.	
	Thomson, Wis.	
	Thone	
	Thornton	
	Tiernan	
	Towell, Nev.	
	Treen	
	Udall	
	Ullman	
	Vanik	
	Waggonner	
	Waldie	
	Wampler	
	Ware	
	Whalen	
	White	
	Whitehurst	
	Whitten	
	Williams	
	Wilson, Charles H., Calif.	
	Wilson, Charles, Tex.	
	Winn	
	Wolff	
	Wright	
	Wyatt	
	Wydler	
	Wylie	
	Wyman	
	Yates	
	Yatron	
	Young, Alaska	
	Young, Fla.	
	Young, Ga.	
	Young, Ill.	
	Young, S.C.	
	Young, Tex.	
	Zablocki	
	Zion	

NAYS—10

Ashbrook	Ichord	Shuster
Conlan	Landgrebe	Symms
Crane	Runnels	
Gross	Satterfield	

NOT VOTING—93

Alexander	du Pont	Mailliard
Anderson, Calif.	Evins, Tenn.	Martin, Nebr.
Anderson, Ill.	Frelinghuysen	Michel
Andrews, N. Dak.	Froehlich	Milford
Arends	Fulton	Mills, Ark.
Aspin	Griffiths	Minshall, Ohio
Bolling	Grover	Moss
Brooks	Gubser	Nelsen
Burgener	Hanna	Nichols
Burke, Calif.	Hansen, Wash.	Peyser
Burton	Harrington	Poage
Butler	Harvey	Podell
Camp	Hays	Quillen
Clancy	Hébert	Rarick
Collier	Holt	Reid
Collins, Ill.	Hunt	Riegle
Collins, Tex.	Jarman	Roe
Conyers	Johnson, Colo.	Rooney, N.Y.
Danielson	Keating	Rousselot
Delaney	King	Roybal
Dent	Landrum	Ruppe
Diggs	Leggett	Ryan
Dulski	Lehman	Sarasin
	Long, Md.	Scherle
	McCormack	Schneebeli
	Mayne	Shipley
	Mazzoli	Shriver
	Meeds	Sisk
	Melcher	Smith, Iowa
	Metcalfe	Snyder
	Mezvinsky	Staggers
	Miller	Stark
	Minish	Steiger, Ariz.
	Mink	Stephens
	Mitchell, Md.	Stubblefield
	Mitchell, N.Y.	Taylor, Mo.
	Mizell	Van Deerlin
	Moakley	Vander Jagt
	Mollohan	Veysey
	Montgomery	Vigorito
	Moorhead, Calif.	Walsh
	Moorhead, Pa.	Widnall
	Morgan	Wiggins
	Mosher	Wilson, Bob
	Murphy, Ill.	Zwach
	Murphy, N.Y.	
	Myers	
	Natcher	
	Nedzi	
	Nix	
	Obey	
	O'Brien	
	O'Hara	
	O'Neill	
	Owens	
	Parris	
	Passman	
	Patman	
	Patten	
	Pepper	
	Perkins	
	Pettis	
	Pickle	
	Pike	
	Powell, Ohio	
	Preyer	
	Price, Ill.	
	Price, Tex.	
	Pritchard	
	Quie	
	Railsback	
	Randall	
	Rangel	
	Rees	
	Regula	
	Reuss	
	Rhodes	
	Rinaldo	
	Roberts	
	Robinson, Va.	
	Robison, N.Y.	
	Rodino	
	Rogers	
	Roncalio, Wyo.	
	Roncallo, N.Y.	
	Rooney, Pa.	
	Rose	
	Rosenthal	
	Rostenkowski	
	Roush	
	Roy	
	Mathias, Calif.	
	Ruth	
	St Germain	
	Sandman	
	Sarbanes	
	Schroeder	
	Sebelius	
	Seiberling	
	Shoup	
	Sikes	
	Skubitz	
	Slack	
	Smith, N.Y.	
	Spence	
	Stanton, J. William	
	Stanton, James V.	
	Steed	
	Steele	
	Steelman	
	Steiger, Wis.	
	Stokes	
	Stratton	
	Stuckey	
	Studds	
	Sullivan	
	Symington	
	Talcott	
	Taylor, N.C.	
	Teague, Calif.	
	Teague, Tex.	
	Thompson, N.J.	
	Thomson, Wis.	
	Thone	
	Thornton	
	Tiernan	
	Towell, Nev.	
	Treen	
	Udall	
	Ullman	
	Vanik	
	Waggonner	
	Waldie	
	Wampler	
	Ware	
	Whalen	
	White	
	Whitehurst	
	Whitten	
	Williams	
	Wilson, Charles H., Calif.	
	Wilson, Charles, Tex.	
	Winn	
	Wolff	
	Wright	
	Wyatt	
	Wydler	
	Wylie	
	Wyman	
	Yates	
	Yatron	
	Young, Alaska	
	Young, Fla.	
	Young, Ga.	
	Young, Ill.	
	Young, S.C.	
	Young, Tex.	
	Zablocki	
	Zion	

So the conference report was agreed to.

The Clerk announced the following pairs:

Mr. Rooney of New York with Mr. Aspin.
Mr. Hébert with Mr. Arends.
Mr. Dent with Mr. Diggs.
Mr. Podell with Mr. Harvey.
Mr. Hays with Mr. Camp.
Mr. Nichols with Mr. Gubser.
Mr. Stubblefield with Mr. Butler.
Mr. Harrington with Mr. Shriver.
Mrs. Hansen of Washington with Mr. Grover.
Mr. Burton with Mr. Schneebeli.
Mr. Conyers with Mr. Danielson.
Mrs. Burke of California with Mr. Peyser.
Mr. Sisk with Mr. Anderson of California.
Mr. Shipley with Mr. Martin of Nebraska.
Mr. Stark with Mr. du Pont.
Mr. Lehman with Mr. Anderson of Illinois.
Mr. Brooks with Mr. Mailliard.
Mr. Fulton with Mr. Sarasin.
Mr. Alexander with Mr. Clancy.
Mr. Stephens with Mr. Scherle.
Mrs. Collins of Illinois with Mr. Andrews of North Dakota.
Mr. Delaney with Mr. Ruppe.
Mr. Reid with Mr. Frelinghuysen.
Mrs. Griffiths with Mr. Collier.
Mr. Hanna with Mr. Michel.
Mr. Long of Maryland with Mr. Quillen.
Mr. McCormack with Mr. Burgener.
Mr. Moss with Mr. Minshall of Ohio.
Mr. Ryan with Mr. Hunt.
Mr. Reigle with Mr. Nelsen.
Mr. Jarman with Mr. Collins of Texas.
Mr. Evins of Tennessee with Mr. Rousselot.
Mr. Rarick with Mr. Steiger of Arizona.
Mr. Landrum with Mr. Taylor of Missouri.
Mr. Dulski with Mr. Walsh.
Mr. Vigorito with Mr. Froehlich.
Mr. Leggett with Mrs. Holt.
Mr. Milford with Mr. King.
Mr. Mills of Arkansas with Mr. Roe.
Mr. Roybal with Mr. Smith of Iowa.
Mr. Snyder with Mr. Staggers.
Mr. Van Deerlin with Mr. Vander Jagt.
Mr. Widnall with Mr. Zwach.
Mr. Bob Wilson with Mr. Wiggins.

The result of the vote was announced as above recorded.

AMENDMENTS IN DISAGREEMENT

The SPEAKER. The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 5: On page 2, line 17, insert the following:

CHAPTER II—DEPARTMENT OF DEFENSE

OPERATIONS MAINTENANCE, NAVY

For the exploration, development, and production of the Naval Petroleum Reserves $72,000,000: *Provided*, That, subject to such authorization of production of Naval Petroleum Reserve Numbered 1 as may be granted in accordance with chapter 641, title 10, United States Code, no less than $13,000,000 shall be available for the operating expenses incurred in producing from that reserve: *Provided further*, That no less than $47,500,000 shall be available to permit the development of the productive capacity of that reserve so as to permit production at such a level as may be authorized by Congress and in a manner which is consistent with sound engineering and economic principles: *Provided further*, That no less than $11,500,000 shall be available for the conduct of programs of exploration for oil and gas on Naval Petroleum Reserves Numbered 1 and 4.

LEGISLATIVE PROGRAM

Mr. MAHON. Mr. Speaker, I ask for recognition.

The SPEAKER. The Chair recognizes the gentleman from Texas.

Mr. MAHON. Mr. Speaker, I yield to the gentleman from Arizona, the distinguished minority leader.

Mr. RHODES. Mr. Speaker, I thank the gentleman from Texas for yielding to me.

Mr. SPEAKER. I would like to inquire of the distinguished majority leader if he could inform the House as to the program for the rest of the day and for tomorrow.

Mr. O'NEILL. Mr. Speaker, will the gentleman yield to me so that I may respond?

Mr. MAHON. Mr. Speaker, I yield to the gentleman from Massachusetts.

Mr. O'NEILL. Mr. Speaker, as the Members know, there are 41 amendments with regard to this matter before the House which will have to be read for acceptance or rejection. That is all that is scheduled for this evening. Whether there will be any rollcall votes on any of them, I really do not know. I do not think the Chairman anticipates any, but there could possibly be something in disagreement which I do not know about.

Mr. Speaker, the program for tomorrow will be a motion to agree with the Senate amendments on H.R. 11333, the social security bill. Also, we will have the conference report on the National Emergency Energy Act, S. 2589.

Mr. Speaker, those are the only items I know of at this time which are scheduled for tomorrow.

Mr. Speaker, it is my understanding that the Senate is going to meet at 9 o'clock tomorrow morning, and will take up the Senate amendments on the Social Security Act which they have discussed in part this afternoon. It is our hope that this matter will be before us at 10 o'clock tomorrow morning.

It is anticipated that this will be the first item on the schedule for tomorrow.

Mr. RHODES. Mr. Speaker, if the gentleman from Texas (Mr. MAHON) will yield further, is it also the understanding of the distinguished majority leader that upon the completion of the business that the distinguished majority leader has mentioned, the House may then adjourn sine die?

Mr. O'NEILL. The gentleman is correct.

HOUR OF MEETING ON FRIDAY, DECEMBER 21, 1973

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10 a.m. tomorrow, Friday, December 21, 1973.

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

There was no objection.

MOTION OFFERED BY MR. MAHON

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

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 5 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 7: on page 3, line 17, insert:

VETERANS' ADMINISTRATION

ADMINISTRATIVE PROVISIONS

SEC. 201. No funds appropriated in this or any other Appropriation Act for any fiscal year shall be used to make a settlement of any construction contract by the Veterans' Administration in an amount which has not been audited independently as to the reasonableness and appropriateness of expenditures and which has not been provided for specifically in an Appropriations Act.

MOTION OFFERED BY MR. MAHON

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

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate number 7 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment insert:

VETERANS ADMINISTRATION

ADMINISTRATIVE PROVISION

SEC. 301. No funds appropriated in this or any other Appropriation Act for any fiscal year shall be used to make a settlement of any construction contract by the Veterans Administration in an amount in excess of $1,000,000 which has not been audited independently as to the reasonableness and appropriateness of expenditures and which has not been provided for specifically in an Appropriations Act.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 14: On page 4, line 17, insert:

CONSTRUCTION

For an additional amount for "Construction", $1,020,000, to remain available until expended: *Provided*, That $343,000 shall be available to assist the Pyramid Lake Paiute Tribe of Indians in the construction of a fish hatchery and related facilities for the restoration of the Pyramid Lake fishery pursuant to the Washoe Act (43 U.S.C. 614): *Provided further*, That $320,000 shall be available to assist the Wind River Education Association in the construction of facilities at the Ethete, Wyoming, High School: *Provided further*, That $2,700,000 of the amount appropriated under this heading in the Department of the Interior and Related Agencies Appropriation Act, 1974, shall be available for assistance to the Ramah Navajo School Board, Incorporated, New Mexico, for the construction of school facilities.

MOTION OFFERED BY MR. MAHON

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

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 14 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate Amendment No. 15: On page 5, line 7, insert:

ALASKA NATIVE FUND

In addition to any advances heretofore authorized to be made from the Alaska Native Fund, an additional $1,000,000 shall be available during the current fiscal year and prior to the first regular distribution pursuant to section 6 of the Alaska Native Claims Settlement Act of December 18, 1971 (Public Law 82-203), for distribution by the Secretary of the Interior among the Regional Corporations established pursuant to section 7 of said Act, which the Secretary shall determine to be necessary for the organization of such Regional Corporation and the Village Corporations within such region, and to identify land for such Corporations pursuant to said Act, and to repay loans and other obligations incurred prior to May 27, 1972, for such purposes: *Provided*, That such advances shall not be subject to the provisions of section 7(j) of said Act but shall be charged to and accounted for by such Regional and Village Corporations in computing the distributions pursuant to section 7(j) required after the first regular receipt of moneys from the Alaska Native Fund under section 6 of said Act: *Provided further*, That no part of the money so advanced shall be used for the organization of a Village Corporation that had less than twenty-five Native residents living within such village according to the 1970 census.

MOTION OFFERED BY MR. MAHON

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

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 15 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate Amendment No. 18: On page 6, line 18, insert: "of which $2,000,000 shall remain available until expended.".

MOTION OFFERED BY MR. MAHON

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

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 18 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert: ", of which $1,500,000 shall remain available until expended.".

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate Amendment No. 21: On page 7, line 4, strike out "$21,145,000" and insert "$75,576,000."

MOTION OFFERED BY MR. MAHON

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

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 21 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert "$33,545,000".

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 22: On page 7, line 4, insert ": *Provided*, That $52,000,000 of the funds made available in this paragraph shall be set aside as a contingency reserve and shall be available for obligation only upon the enactment into law of S. 2589, Ninety-third Congress, or similar legislation".

MOTION OFFERED BY MR. MAHON

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

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 22 and concur therein with an amendment,, as follows: In lieu of the matter proposed by said amendment, insert ": *Provided*, That $10,000,000 of the funds made available in this paragraph shall be set aside as a contingency reserve and shall be available for obligation only upon the enactment into law of S. 2589, Ninety-third Congress, or smilar legislation".

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate Amendment No. 24: On page 7, line 13, insert:

NATIONAL PARK SERVICE

PLANNING AND CONSTRUCTION

For an additional amount for "Planning and Construction", $12,000, to remain available until expended: *Provided*, That this amount shall not be available for obligation except upon the enactment into law of legislation authorizing the addition of the names of the States of Alaska and Hawaii to the list of States inscribed upon the walls of the Lincoln National Memorial.

MOTION OFFERED BY MR. MAHON

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

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 24 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 29:

On page 8, line 19, strike "$8,590,000" and insert "$8,550,000."

MOTION OFFERED BY MR. MAHON

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

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 29 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert "$9,890,000".

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 31: Page 9, line 21, insert ": *Provided*, That none of the funds made available in this paragraph shall be obligated or expended to change the boundaries of any region, to abolish any region, to move or close any regional office for research, State and private forestry, and national forest system administration of the Forest Service, Department of Agriculture, without the consent of the Committees on Appropriations of the United States Senate and the House of Representatives and the Committee on Agriculture and Forestry of the United States Senate and the Committee on Agriculture of the House of Representatives.

MOTION OFFERED BY MR. MAHON

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

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 31 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 35: Page 10, line 23, insert "$36,500,000 of which $9,500,000 shall remain available until expended".

MOTION OFFERED BY MR. MAHON

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

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 35 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 36: Page 11, line 1, strike out "$9,500,000 to remain available until expended." and insert "and $27,000,000 for carrying out the provisions of Public Law 93–154, of which $7,000,000 shall be derived by transfer from funds previously appropriated for emergency medical services activities.".

MOTION OFFERED BY MR. MAHON

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

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 36 and concur therein with an amendment, as follows in lieu of the sum of $7,000,000 named in said amendment insert "$10,000,000".

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

NATIONAL INSTITUTES OF HEALTH

HEALTH MANPOWER

For an additional amount for "Health manpower", $5,000,000, to be available for obligation only upon enactment into law of authorizing legislation.

MOTION OFFERED BY MR. MAHON

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

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 38 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 43: Page 12, line 4, insert "$6,000,000 to remain available until expended shall be for facilities construction as authorized by section 301,".

MOTION OFFERED BY MR. MAHON

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

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 43 and concur therein with an amendment, as follows: In lieu of the sum named in said amendment insert "$4,000,000".

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 47: Page 12, line 19, insert:

IMPOUNDMENT OF APPROPRIATED FUNDS

SEC. 401. Any funds necessary to be appropriated for full obligation of a fiscal year 1973 appropriation determined to have been unlawfully impounded by the executive branch of the United States Government in a civil action filed on or before June 30, 1974, are hereby appropriated out of any money in the Treasury not otherwise appropriated. Such appropriations shall remain available for obligation through the later of the day on which a final judicial determination finding the impoundment legal is made or one year following the day on which the impoundment is found illegal.

MOTION OFFERED BY MR. MAHON

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

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 47 and concur therein with an amendment, as follows: In lieu of the section number named in said amendment insert "501".

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 48: Page 13, line 6, insert:

CONTINUING APPROPRIATIONS

SEC. 402. For continuing through June 30, 1974, the activities of the Cabinet Committee on Opportunities for Spanish-speaking people and activities under the Manpower Development and Training Act of 1962, as amended, and title I and title IIIB of the Economic Opportunity Act of 1964, as amended, for which provision was made under the joint resolution of July 1, 1972, Public Law 92–334, as amended, and the Supplemental Appropriations Act, 1973, Public Law 92–607, such amounts as may be necessary but at a rate for operations not in excess of the current rate: *Provided*, That the current rate for operations shall be defined as that permitted by such appropriations for fiscal year 1973: *Provided further*, That expenditures made pursuant to this section shall be charged to the applicable appropriation fund, or authorization whenever a bill in which such applicable appropriation fund, or authorization is contained is enacted into law: *Provided further*, That section 103 of Public Law 93–52 shall apply to this appropriation.

MOTION OFFERED BY MR. MAHON

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

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 48 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment insert the following:

CONTINUING APPROPRIATIONS

SEC. 502. For continuing through June 30, 1974, the activities of the Cabinet Committee on Opportunities for Spanish-speaking people and activities under the Manpower Development and Training Act of 1962, as amended, and title I and title IIIB of the Economic Opportunity Act of 1964, as amended, and for necessary expenses for the activities of the Manpower Administration, for which provision was made under the joint resolution of July 1, 1972, Public Law 92–334, as amended, and the Supplemental Appropriations Act, 1973, Public Law 92–607, such amounts as may be necessary but at a rate for operations not in excess of the current rate: *Provided*, That the current rate for operations shall be defined as that permitted by such appropriations for fiscal year 1973: *Provided further*, That expenditures made pursuant to this section shall be charged to the applicable appropriation fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law: *Provided further*, That section 103 of Public Law 93–52 shall apply to this appropriation.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 50: Page 14, line 3, insert:

SENATE

MOTION OFFERED BY MR. MAHON

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

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 50 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 51: On page 14, line 4, insert: Salaries, officers and employees

MOTION OFFERED BY MR. MAHON

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

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 51 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 52: On page 14, line 4, insert:

OFFICE OF THE SECRETARY

For an additional amount for "Office of the Secretary", $36,480: *Provided*, That effective December 1, 1973, the allowance for clerical assistance and readjustment of salaries in the Disbursing Office is increased by $62,415; *Provided further*, That effective July 1, 1974, the allowance for clerical assistance and readjustment of salaries in the Disbursing Office is decreased by $17,100.

MOTION OFFERED BY MR. MAHON

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

The Clerk read as follows:

Mr. Mahon moves that the House recede from its disagreement to the amendment of the Senate numbered 52 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as fellows:

Senate amendment No. 53: On page 14, line 13, insert:

OFFICE OF SERGEANT AT ARMS AND DOORKEEPER

For an additional amount for "Office of Sergeant at Arms and Doorkeeper", $46,055: *Provided*, That effective December 1, 1973, the Sergeant at Arms may appoint and fix the compensation of one additional senior programer analyst at not to exceed $22,515 per annum, two additional programer analysts at not to exceed $17,385 per annum each, and two additional mail specialists at not to exceed $10,830 per annum each.

MOTION OFFERED BY MR. MAHON

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

The Clerk read as follows:

Mr. Mahon moves that the House recede from its disagreement to the amendment of the Senate numbered 53 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 54: On page 14, line 22, insert:

CONTINGENT EXPENSES OF THE SENATE

MOTION OFFERED BY MR. MAHON

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

The Clerk read as follows:

Mr. Mahon moves that the House recede from its disagreement to the amendment of the Senate numbered 54 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 55: On page 14, line 23, insert:

MISCELLANEOUS ITEMS

For an additional amount for "Miscellaneous Items", $115,000.

For an additional amount for "Miscellaneous Items", fiscal year 1973, $875,000.

MOTION OFFERED BY MR. MAHON

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

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 55 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 56: Page 15, line 3, insert:

ADMINISTRATIVE PROVISIONS

Section 105(e) of the Legislative Branch Appropriation Act, 1968, as amended and as modified by the order of the President pro tempore of the Senate of October 4, 1973, is amended as follows:

(1) In paragraph (1), strike out "ranging from $18,525 to" and insert in lieu thereof "at not to exceed".

(2) In paragraph (2)(A), strike out "$8,265 to" each place it appears therein and insert in lieu thereof "not to exceed".

(3) In paragraph (2)(B), strike out "$18,240 to", "$14,250 to", and "$8,265 to" and insert in lieu thereof in each place "not to exceed".

MOTION OFFERED BY MR. MAHON

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

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 56 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 57: On page 17, line 3, insert:

SENATE OFFICE BUILDINGS

For an additional amount for "Senate Office Buildings", $117,000.

MOTION OFFERED BY MR. MAHON

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

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 57 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 58: On page 17, line 6, insert:

CONSTRUCTION OF AN EXTENSION TO THE NEW SENATE OFFICE BUILDING

For an additional amount for "Construction of an Extension to the New Senate Office Building", including extension of the Senate subway transportation system, construction of additional floor levels on the rear center wing of the Dirksen Office Building, changes to the Dirksen and Russell Office Buildings to provide improved means of circulation to, in, and through those buildings and the extension, and other changes required to properly correlate use of the three buildings, $20,900,000, to remain available until expended.

MOTION OFFERED BY MR. MAHON

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

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 58 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 64: On page 19, line 18, insert:

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For an additional amount for "Contributions to international organizations", to be available without regard to the provision under this heading in the Department of State Appropriation Act, 1973, $17,337,000: *Provided*, That this appropriation shall be available only upon the enactment into law of authorizing legislation.

MOTION OFFERED BY MR. MAHON

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

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 64 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 70: On page 21, line 19, insert "of which $6,500,000, shall be expended 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".

MOTION OFFERED BY MR. MAHON

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

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 70 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following: "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 motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 71: On page 21, line 23, insert ": *Provided*, That no restrictions shall be imposed in the authorization, designation, and funding of such new Economic Development Districts which meet the requirements of 42 U.S.C. 3171, as amended.

MOTION OFFERED BY MR. MAHON

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

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 71 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 74: On page 22, line 14, insert:

UNITED STATES TRAVEL SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $2,344,000.

MOTION OFFERED BY MR. MAHON

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

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 74 and concur therein with an amendment, as follows: In lieu of the sum named in said amendment, insert "$2,000,000".

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 75: On page 23, line 10, insert:

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

The figure of $1,700,000 contained in the paragraph "Equal Employment Opportunity Commission, Salaries and Expenses", in Public Law 93–162, making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 3, 1974, is hereby increased to $3,700,000.

MOTION OFFERED BY MR. MAHON

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

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 75 and concur therein with an amendment, as follows: In lieu of the $3,700,000 named in said amendment, insert "$2,500,000".

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 80: Page 24, line 8: Strike out "$30,570,000" and insert in lieu thereof "$31,585,000".

MOTION OFFERED BY MR. MAHON

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

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 80 and concur therein with an amendment, as follows: In lieu of the sum proposed, insert the following: "$30,335,000".

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 86: Page 24, line 23, insert ": *Provided*, That none of the funds made available under this or any other Act shall be obligated or expended to change the boundaries of the Pembina, North Dakota Customs District (Region IX), without the consent of the Committee on Appropriations of the United States Senate and House of Representatives.

MOTION OFFERED BY MR. MAHON

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

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 86 and concur therein with an amendment, as follows: In lieu of the word "Committee" in said amendment, insert "Committees".

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

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

Mr. BLATNIK. I thank the distinguished and respected chairman of the full committee for yielding.

Mr. Speaker, I am puzzled by the language which the other body put in this bill. The language reads as follows in this amendment, with which the House is in technical disagreement, that it would prohibit the expenditure of funds to change the boundaries of the Pembina, N. Dak., customs district without the consent of the Committees on Appropriation of the Senate and the House of Representatives. I would like the RECORD to show that the Pembina District of North Dakota now has 23 custom ports of entry under its jurisdiction. Five of these are in Minnesota, and the Commissioner of Customs, to carry out an efficient reorganization plan, would place these five with the other four already in Minnesota and put them under the jurisdiction of their existing office in Duluth, so nine would, therefore, be properly under the Duluth jurisdiction, both within the State of Minnesota, and my congressional district and the Seventh District, which is Mr. BERGLAND'S. This reorganization would in no way impair the operation of the Pembina customs district; it would in no way interfere whatsoever. No additional funds whatever are required for this reorganization.

I should like to have an explanation. I do not understand the reason for this language which I feel is meaningless, unnecessary and irrelevant and has caused confusion in the Customs Bureau and which may prevent this reorganization.

Mr. MAHON. Mr. Speaker, this language was put in the bill in the other body. The House conferees steadfastly opposed the language and sought to eliminate it from the bill. We were unsuccessful in doing so. The conferees on the part of the Senate were unmovable on this issue, so we have brought this amendment back under these conditions.

The chairman of the appropriations subcommittee, dealing more precisely with customs, is the gentleman from Oklahoma (Mr. STEED).

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

Mr. MAHON. I will be glad to yield to the gentleman from Minnesota.

Mr. BERGLAND. I thank the distinguished chairman of the Committee on Appropriations for yielding. I want to associate myself with the remarks of my colleague from Minnesota, the chairman of the Committee on Public Works. He is absolutely right.

This amendment frustrates a plan that had been developed in consultation with the Department of the Treasury and the Bureau of Customs on the 12th of September. They published in the Federal Register the plan to put this realinement into effect and bring these customs entry points under the Duluth, Minn., district. This had been sought by the shippers and users and others who felt it would be in the interest of all concerned to have the management of these points brought under the Duluth district. It had been endorsed by the Bureau of Customs and the Treasury Department and lo and behold we find the other body inserts a hooker which subverts the plan which had been agreed to by all those directly affected.

Mr. MAHON. I am glad to have the views of the gentleman from Minnesota. I had not been aware of the points the gentleman has mentioned.

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

Mr. MAHON. I yield to the gentleman from Oklahoma.

Mr. STEED. Mr. Speaker, the matter came up in the other body in a conference and since we had two other amendments affecting Customs it was finally agreed on as a package matter to accept this amendment. In so doing, since we had absolutely no information on this matter at all prior to the conference, we took the attitude that this does not constitute any permanent settlement on this issue but instead only delays it until we come back in January. Then the subcommittee will have time to go into the matter and become thoroughly advised, and we will be expecting the cooperation of the gentleman from Minnesota.

We assure the gentleman that this matter will be thoroughly gone into so that when it comes up again, if it does, then we will be in a position to insist on the proper settlement. The matter here applies only to this part of the Customs appropriation between now and the first of next July. We will have time to get the facts and have full hearings. I assure the gentleman we will be in touch with him when we get back in January and afford him an opportunity to make a presentation before the subcommittee.

Mr. MAHON. Mr. Speaker, I yield to the gentleman from Minnesota (Mr. BLATNIK).

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

I thank the subcommittee chairman for his offer of assistance. It will delay the reorganization by about 6 months but certainly I express my appreciation to the chairman, and to the chairman of the full committee (Mr. MAHON) for your understanding of the issue and for your strong support.

The SPEAKER. The question is on the motion offered by the gentleman from Texas (Mr. MAHON).

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 90: On page 25,

line 25, before the word "services" insert the word "personnel".

MOTION OFFERED BY MR. MAHON

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

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 90 and concur therein

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 91: On page 25, at the bottom, strike out "as authorized by 5 U.S.C. 3109" and insert the following: "without regard to the provisions of law regulating the employment and compensation of persons in the Government service, and not to exceed $1,000 for official entertainment,".

MOTION OFFERED BY MR. MAHON

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

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 91 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 94: In page 26, line 12, insert "*Provided*, That of the amount heretofore and herein appropriated for "Salaries and expenses" for the current fiscal year, the limitation for personal services as authorized by title 5, United States Code, section 3109, at which per diem rates for individuals, as the President may specify, and other personal services without regard to the provisions of law regulating the employment and compensation of persons in the Government service is $3,850,000 and the limitation on travel is $100,000: *Provided further*, That the Committees on Appropriations of the Senate and House of Representatives shall be furnished quarterly with a detailed accounting of all expenditures made from this account.

MOTION OFFERED BY MR. MAHON

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

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 94 and concur therein with an amendment, as follows: In lieu of the matter proposed, insert the following: ": *Provided*, That of the amount heretofore and herein appropriated for "Salaries and expenses" for the current fiscal year, the limitation for personal services as authorized by title 5, United States Code, section 3109, at such per diem rates for individuals, as the President may specify, and other personal services without regard to the provisions of law regulating the employment and compensation of persons in the Government service is $3,850,000 and the limitation on travel is $100,000.".

The motion was agreed to.

The SPEAKER. The clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 95: On page 27, line 1, insert:

FEDERAL ENERGY OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Federal Energy Office established by Executive Order Numbered 11748, dated December 4, 1973, including hire of passenger motor vehicles, reimbursements to the Emergency Fund of the President for allocations to the Office, and services as authorized by title 5, United States Code, section 3109, but at rates for individuals not to exceed the per diem equivalent of the rate for grade GS–18, $9,360,000.

MOTION OFFERED BY MR. MAHON

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

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 95 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 100: On page 28, line 5, insert:

CONSTRUCTION, PUBLIC BUILDINGS PROJECTS

An amount of $1,290,000 heretofore appropriated under this heading shall be available until expended for construction, pursuant to the Public Buildings Act of 1959, as amended (40 U.S.C. 601–615), of the Post Office, Courthouse, and Federal Office Building, Elkins, West Virginia, in addition to the amount appropriated in the Treasury, Postal Service, and General Government Appropriation Act, 1972; for this project: *Provided*, That this amount may be increased by not to exceed 10 per centum to the extent that savings are effected in other projects.

MOTION OFFERED BY MR. MAHON

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

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 100 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 104: Page 29, line 9, insert:

GENERAL PROVISIONS—GENERAL SERVICES ADMINISTRATION

SEC. 901. No appropriated funds shall be available for the purpose of defraying any expenses (including expenses for the payment of the salary of any person) incurred in connection with the transfer of title of all (or any portion) of the Sand Point Naval Facility, Seattle, Washington, to any person or entity for aviation use unless and until (A) the Administrator of General Services has transferred to the National Oceanic and Atmospheric Administration title to that portion of such facility as has been requested by the National Oceanic and Atmospheric Administration; and (B) the City of Seattle, Washington, and the County of King in the State of Washington, and the State of Washington have each approved a plan for aviation use of a portion of such facility.

MOTION OFFERED BY MR. MAHON

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

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 104 and concur therein with an amendment, as follows: In lieu of the matter proposed, insert the following:

GENERAL PROVISIONS—GENERAL SERVICES ADMINISTRATION

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

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 108: On page 30, line 21, insert "XII"

MOTION OFFERED BY MR. MAHON

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

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 108 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment insert "XII"; and in said chapter strike out "SEC. 1101" and insert "SEC. 1201"; and strike out "SEC. 1102" and insert "SEC. 1202".

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 109: On page 31, line 5, insert: "in the contiguous forty-eight States".

MOTION OFFERED BY MR. MAHON

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

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 109 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the last amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 110: Page 31, line 8, insert: "*Provided*, That this limitation shall not apply to specific quantities of grades and species of timber which said Secretaries determine are surplus to domestic lumber and plywood manufacturing needs".

MOTION OFFERED BY MR. MAHON

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

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 110 and concur therein.

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the conference report and the several motions was laid on the table.

CONGRATULATIONS TO THE HONORABLE GEORGE MAHON AND HIS WIFE ON THEIR GOLDEN WEDDING ANNIVERSARY

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

Mr. CONTE. Mr. Speaker, I want to take this opportunity to say that tomorrow is a very, very important day for a Member of the House of Representa-

tives. Our very able chairman, who has done such a great job this year on appropriations bills, and especially this very difficult supplemental appropriations bill here, he and his lovely wife, Helen, will celebrate their 50th wedding anniversary.

I wish him and Helen well. May they have many decades of happiness and good health together; so that in the golden years of life they may harvest the rich dividends and spiritual satisfactions which they have so ably earned in a lifetime of dedicated service to the great State of Texas and to this great country of ours.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Sparrow, one of its clerks, 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 Senate to the bill (H.R. 11575) entitled "An act making appropriations for the Department of Defense for the fiscal year ending June 30, 1974, and for other purposes."

The message also announced that the Senate agrees to the amendments of the House 9, 13, 15, 23, 28, 34, 35, 36, 39, 44, 45, 49, 50, 51, 52, 55, 56, 58, 71, 75, and 79 to the foregoing bill.

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. 1559) entitled "An act to provide financial assistance to enable State and local governments to assume responsibilities for job training and community services, and for other purposes".

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

S. 1191. An act to provide financial assistance for a demonstration program for the prevention, identification, and treatment of child abuse and neglect, to establish a National Center on Child Abuse and Neglect, and for other purposes.

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

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.

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

S. Con. Res. 58. Concurrent resolution authorizing the printing of additional copies of the Report of the Commission on the Bankruptcy Laws of the United States for the use of the Senate Committee on the Judiciary.

PERMISSION TO EXCUSE MANAGER AT CONFERENCE ON BILL S. 2589

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that the gentleman from California (Mr. Moss) be excused as a manager on the part of the House at the conference on the bill S. 2589.

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

There was no objection.

APPOINTMENT OF MANAGER ON THE CONFERENCE ON THE BILL S. 2589

The SPEAKER. The Chair appoints the gentleman from Michigan (Mr. DINGELL) as a manager on the conference on the bill S. 2589.

NADER'S LAWYER AND THE WATERGATE TAPE

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

Mr. DEVINE. Mr. Speaker, I cannot let the opportunity pass to comment on the fact that when one of Nader's lawyers subpenaed a tape from the White House, and then used the very, very poor judgment to "yuk" it up and laugh it up at a cocktail party in Georgetown, the Washington Post in all its fairness put it on page 10–A. I must say that the Washington Star did give it the front page last night.

However, Mr. Speaker, this is another reason why the President did exercise his right of Executive privilege and tried to protect the confidentiality of the White House papers and White House tapes. I think the House of Representatives and the Public should know that Sam Dash, the counsel of the Watergate Committee, has now exercised his prerogative and is subpenaing over 500 tapes from the White House.

This probably ought to take care of all of the holiday parties in Georgetown and around Washington, so that they can play one of each at each party.

SAVING ENERGY IN THE SCHOOLS

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

Mr. SKUBITZ. Mr. Speaker, many Members of Congress, I am sure, have heard from school officials in their home district acknowledging the problems of the existing fuel shortage and reporting how the situation is being met. Recently, in a telephone conversation with the superintendent of the West Elk Unified District in Howard, Kans., Mr. Hulen Howe, I asked him to forward to me proposals that could be taken by the schools without affecting the quality of education and would save energy. Mr. Howe's letter sets these forth concisely and because they may be instructive to other school officials throughout the country, I ask that his letter be reprinted in the CONGRESSIONAL RECORD. I commend Mr. Howe and his colleagues for their resourcefulness and ingenuity in helping meet our national problem.

The letter follows:

WEST ELK UNIFIED
SCHOOL DISTRICT 282,
Howard, Kans., December 13, 1973.

HON. JOE SKUBITZ,
House of Representatives,
Washington, D.C.

DEAR MR. SKUBITZ: In regard to our telephone conversation on December 12th, relating to the energy crisis: I feel that each school could add anywhere from ten to fifteen extra minutes per academic class period each day and thereby reduce the school week from five days to four. We would also operate on daylight saving time.

The next step that could be taken is to set up all kindergarten classes on two full days one week and three days the following week and then repeat. (I understand this has been done in Western Kansas). At the present time, we are picking up the kindergarten children with the regular students in the morning and then at 11:30 a.m. we run six or seven special buses throughout the district to return the children to their homes. We have 585 square miles in our district and the kindergarten children are scattered throughout the district.

In our school district alone, if we make the above changes, we would cut down on energy and expenditures in the approximated amounts:

Kindergarten—use 15 gallons less gas per day per bus—6 buses times 15 gallons equals 90 gallons of gas per day—90 gallons of gas times 5 days equals 450 gallons saved per week—450 gallons times 40 cents per gallon equals $180 saved—1,800 gallons of gas would be saved every 20 days, plus labor hours.

Elementary and Secondary Schools—we use approximately 30 gallons of gas per day for 15 buses equals 450 gallons per day—we could save 450 gallons of gas per week on a 4-day week schedule—$688 (approximately) would be saved on gas and salaries, not including wear and tear on the buses.

If we operate on a four day week, we would also be able to turn down thermostats to a minimum temperature the 3 days school is closed each week (Sat., Sun. and Mon.). There would also be a saving of energy and expenditures in the school cafeterias, of food, heat and labor.

If I can be of further assistance, please feel free to call upon me.

There are other possibilities of shortening school days, such as floating periods. I'm sure these efforts could all meet with State approval in trying to meet the energy crisis,

Respectfully,

HULEN R. HOWE,
Superintendent.

P.S.—We fellow Kansas School Superintendents have read this letter and feel that we can fully endorse these changes to help meet the energy crisis.

Superintendent	USD No.	Town	County	Enrollment
Dr. Leo M. Schreimer.	471	Dexter	Cowley	206.0
William Gossett	283	Longton	Elk	198.0
Cleo Wallace	285	Cedarvale	Chautauqua	225.5
Larry L. Gul	492	Rosalia	Butler	285.0
William R. Cleary	462	Burden	Cowley	391.0
H. R. Howe	282	Howard	Elk	710.0

MARINE RESOURCES AND CONSERVATION AND DEVELOPMENT ACT

The SPEAKER pro tempore (Mr. MAZZOLI). Under a previous order of the

House, the gentleman from Florida (Mr. GUNTER) is recognized for 5 minutes.

Mr. GUNTER. Mr. Speaker, I am introducing today the Marine Resources Conservation and Development Act which was recently introduced by my good friend and colleague, Senator LAWTON CHILES of Florida in the U.S. Senate.

The demands caused by the present energy crisis have placed a particular burden on coastal States along the Atlantic and Pacific Oceans as well as the Gulf of Mexico. These States must now deal with the tremendous pressure to begin rapid oil exploration in our two oceans and in the gulf. Aside from the pressures to extract oil from under our waters to help deal with the present shortage and ease our dependence on foreign sources of energy, other pressures have been brought to bear. The revenues from the leases for these offshore wells will produce a bonanza income for the general treasury. This will help offset projected deficits and make an unbalanced budget look balanced.

I cannot and will not participate in such a program which I sincerely believe has two basic flaws.

First, if we are to solve our budgetary problems, we should do it from within. Hopefully, the recent passage of H.R. 7130 is a step in the right direction. I feel that it is. We should not look to offshore drilling revenues as a windfall, so that we can run home and claim that we have, indeed, balanced the budget. Obviously, those revenues will not last forever.

Second, and just as importantly, the money generated from these leases should be used in a manner directly connected with the generation of the revenue. I feel that we in the Congress have a moral obligation to so act.

I know in the State of Florida there is real concern about the overconsumption and dwindling supply of our current energy resources. However, there is also significant concern over the environmental risks to Florida and other coastal States created by the proposed lease sales for offshore drilling. These concerns have led me and Senator CHILES to introduce the Marine Resources Conservation and Development Act.

The purpose of this legislation is twofold. First, if we are going to take energy resources from a marine environment, the financial gain to the Government should be directed at least in part toward marine resources conservation. These programs should include fresh water and salt water aquaculture; prevention of beach and soil erosion; protection from hurricanes, flood and other natural disaster damages; aid to sea-grant colleges; fresh water and fisheries development; development and maintenance of waterfront recreational facilities; and oceanographic research and development. Under this legislation, a fund would be established and the Secretary of Interior would be mandated to carry out these objectives. I am proposing that 70 percent of the revenues from offshore lease agreement be paid into this fund.

Second, this legislation permits adjoining coastal States who bear disproportionate environmental risks to share in revenues generated by the drilling. Equally important, those States that are affected, are mandated to use the revenues for conservation purposes including prevention and abatement of marine and fresh water pollution in coastal waters.

Considering the possible environmental hazards, as well as the need for these States to deal with the attendant problems, I believe that such an approach to offshore drilling in the face of our current energy crises, is the only sensible solution.

A number of my colleagues from the State of Florida have joined me in cosponsoring this bill, and I am hopeful that in the days ahead other Members of the House of Representatives will look favorably upon this legislation.

STRIP MINING AND THE ENERGY CRISIS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from West Virginia (Mr. HECHLER) is recognized for 60 minutes.

Mr. HECHLER of West Virginia. Mr. Speaker, the energy crisis has called for many demands to increase strip mining as a means of meeting that crisis. It has been contended that the strip mining of coal is cheaper, safer, and more efficient, and that increased coal production can be achieved quickly by this means of mining.

It is about time that these arguments and contentions are analyzed critically. I want to present these facts to the House, Mr. Speaker, not only in terms of economics, but also in terms of the concern of every Member of this House for the future of our Nation.

West Virginia is the largest coal-producing State in the Union.

The Fourth Congressional District, which I represent, is the largest coal-producing district in West Virginia. There are more coal miners working in mines located in my congressional district than in any district in the Nation.

I am a politician.

As such, I try very conscientiously to represent the coal-oriented people in my district. As with all the Members of the House, the nature and quality of that representation is subjected to a pair of biennial tests in the primaries and general elections. No human being could survive these tests if he took public positions on the coal industry and its development which are irresponsible, inaccurate, untruthful, or without factual basis.

I sketch in this background because many of my colleagues raise questions like these:

First. How can you represent a large coal district and be in favor of the abolition of strip mining?

Second. In the light of the energy crisis, why do you advocate wiping out 50 percent of the Nation's coal production by banning strip mining?

Third. How can you favor abolishing the jobs of thousands of miners who work in the strip mines?

Fourth. Since the coal industry is about all that sustains your economy, would you further impoverish your State by wiping out a large industry?

Fifth. You have already driven the price of deep-mined coal way up by pushing for coal mine health and safety; why do you want to ruin the coal industry even more by banning strip mining and making the energy crisis even worse?

Sixth. Strip mining is so much cheaper and more efficient, so why do you want to drive the price of electricity up so it is out of the reach of most Americans?

Seventh. Even though strip mining has caused some damage by irresponsible strip miners in the past, modern strip mining can be and is being done with modern methods of reclamation, so why not allow stripping and simply enforce reclamation?

Eighth. Some damages may have occurred in mountainous areas, but why do you want to have a nationwide ban on strip mining in areas where the coal is in 50-foot-thick seams and there is very little rainfall and, therefore, not much water pollution on the arid and unusable land?

Ninth. The people demand more electricity, we cannot depend on Arabian oil imports, and coal is essential for the near-term energy needs, so why cut the throat of your own State by denying it the chance to use its great resources of strip minable coal?

Tenth. The experts from both the executive branch and the coal industry have rejected a ban on strip mining as impractical and unrealistic, so why do you want to stick your neck out and try and dispute all the recognized energy experts?

DRAMATIC INCREASE IN STRIP MINING

In recent years, the strip mining of coal has been skyrocketing upward. On the eve of World War II, only 10 percent of our total coal production was strip mined. Then by the time of Korea in 1951, the percentage had doubled to 22.7 percent. Ten years later when President Kennedy took office in 1961, the percentage of strip mined coal was up to 32.3 percent. Even more dramatic increases have occurred in recent years. In 1969, the percentage of stripped coal was 38.1, in 1970 it was up to 43.8, and in 1971 the percentage rose to exceed 50 percent.

What are the reasons for the rapid increase in strip mining? The development of the huge stripping machines made strip mining cheaper, and the passage of the Federal Coal Mine Health and Safety Act of 1969 made deep mining more expensive. The big strip mining machinery also caused greater damage to the land and the people, the trees, the soil, the water, and the property values of those living in strip mined communities. Consider for a moment that huge machine known as "Big Muskie" which strips away the overburden above the coal seam at the rate of 325 tons per bite. "Big Muskie" stands 20 stories high, and lifts a boom 310 feet long. It can swallow up several Greyhound buses

and toss them around with ease just as King Kong used to do in the movies.

One of the additional reasons for the widening cost margin between strip mining and deep mining is the failure to internalize the damage done to whole communities and people, and the soil and water resources. In other words, the real costs of strip mining are not computed when you shift these costs to the community or on the backs of future generations who must live in these areas.

I want to be sure that every Member understands that I have not mentioned the aesthetic features of strip mining. Even though this form of mining has the same effect on the landscape as a knife slash through a painting, I am not in any way stating that we should abolish strip mining simply because it is unsightly. I am dealing here in hard and realistic facts and figures which relate to the energy demands of the Nation and how we are to meet these demands, while conserving the essential and limited resources which we possess in a world troubled by war as a result of which the Arab Nations have imposed an embargo on oil shipments.

HOW MUCH COAL WILL WE NEED?

In round figures, we are now mining about 600 million tons of coal per year, of which about 10 percent is exported. Rising demands for energy, along with the development of the technology for coal gasification and liquefaction, project that this Nation's needs for coal will increase to something over 700 million tons in 1980, 800 to 900 million tons in 1985, and will top 1 billion tons as we approach the turn of the century. As a result of the energy crisis, these tonnages may increase even more rapidly.

In charting the course which this Nation should take toward strip mined coal, it is extremely important to assess what are the actual reserves and resouces of coal, the quality and sulfur content of that coal, and how it is to be mined and transported to serve our energy demands.

The most recent objective analysis of coal reserves and resources was published by the Senate Committee on Interior and Insular Affairs in 1973, and entitled "Factors Affecting the Use of Coal in Present and Future Energy Markets." This document comprises an independent study from official sources. Based on estimates of the U.S. Geological Survey—

The total coal resources of the United States amount to more than three trillion tons. Of these total coal resources, some 50 percent, or 1.5 trillion tons of bituminous coal and lignite, are considered to be recoverable reserves (i.e., minable under current economic conditions with present technology, or technology that may be available in the foreseeable future.) At current levels of output and recovery, these reserves can be expected to last more than 500 years.

RATIO OF DEEP TO STRIPPABLE RESERVES

The U.S. Bureau of Mines has estimated that approximately 45 billion tons of this are strippable. The ratio of the deep minable reserves to the strippable reserves, according to these figures, would seem to indicate that there is over 30 times as much deep minable coal as there is strippable coal. I sharply disagree with my environmental friends who have been bandying about this figure of 30-to-1, and I prefer to rely on the far more conservative statistics supplied by the U.S. Bureau of Mines, which indicate that of the 1.5 trillion tons, we should really pare that down to the very bare minimum of what we know we can recover economically with presently available technology.

The U.S. Bureau of Mines sets the figure of deep minable coal at about 356 billion tons, as against 45 billion tons of strippable coal. This is an extremely conservative analysis of the amount of underground coal this Nation possesses, but even using the most conservative figures you can see that the ratio is about 8 to 1 in terms of the larger supply of deep minable coal.

One of the first questions which naturally arises—since these hearings relate to environmental standards, stack gas emissions, and the EPA standards—how much of this coal is low-sulfur coal? You hear a lot of uninformed comment today from those who imagine that we only strip mine because deep mining produces coal with a lot of sulfur and a lot of smoke. You also hear a lot of comment that we had better open up the western coal fields of Wyoming, Montana, Colorado, and New Mexico for some quick and unregulated strip mining, because all that coal out there is low sulfur.

What are the facts?

Again, using the most conservative U.S. Bureau of Mines estimates, here are the actual statistics on availability and geographic location of both deep minable and strippable coal, as well as the sulfur content:

ECONOMICALLY RECOVERABLE COAL RESERVES USING PRESENT TECHNOLOGY

[In billions of tons]

	Deep-minable	Strippable
All reserves:		
Appalachia	67.6	5.1
Midwest	49.8	7.3
West	238.3	32.6
Total, United States	355.7	45.0
Low sulfur reserves:		
Appalachia	18.6	1.8
Midwest	.2	0
West	202.7	29.9
Total, United States	221.5	31.7

Note: Library of Congress had indicated that 11.5 of the 45.0 billion tons of strippable coal can also be deep-mined.)

SEVEN TIMES AS MUCH DEEP AS STRIPPABLE LOW-SULFUR COAL

What conclusions can be drawn from these statistics?

First. Quoting the Senate report—

It is obvious that the sheer physical availability of coal will not be a limiting factor in its use as a fuel in the next few decades.

Second. Most of the midwestern coal in Illinois, West Kentucky, Missouri, and Ohio is high sulfur, with sulfur content of more than 2 percent. This would seem to limit the usefulness of the strippable coal in the Midwest.

Third. the huge bulk of low-sulfur reserves of coal are in the Western States of Montana, Wyoming, and New Mexico, yet there is also a large supply of low-sulfur reserves in West Virginia, Kentucky, and other States of the eastern Appalachian coal fields.

Fourth. In both the huge western coal fields and the Appalachian area, the amount of low-sulfur coal which is deep-minable exceeds the surface minable coal by a total ratio of over 7 to 1.

Therefore, if the decision were made solely on the issue of how much deep minable versus strippable coal we have, it is my conclusion that we ought to shift our concentration away from strip mining toward deep mining. After all, we are concerned with the availability of total resources. If we continue to strip mine at the increasing rate which current trends indicate, the reserves of strip minable coal will be exhausted, perhaps by the end of this century.

The demands on strippable coal will shoot up even more by the decade of the 1980's, when the technology for coal gasification and liquefaction is perfected. At that point, when the reserves of strippable coal run out, the radical shift over to deep mining will impose drastic dislocations on our economy in terms of capital, machinery and equipment, trained manpower, and the other complex factors necessary to make the abrupt transition.

WHY NOT STOCK-PILE STRIPPABLE COAL IN PLACE?

As an alternative, because strip minable coal is so valuable and essential in meeting the energy crisis, it would be preferable to stockpile the strippable coal in place and undisturbed below the surface. Then, if the need arises after the seams of deep minable coal are exhausted, the Nation could quickly turn to strip mining to meet energy needs without the economic dislocations caused by a shift in the other direction from strip mining to deep mining.

PEOPLE

Human beings are a resource.

Although inflation has probably increased the value of all the chemicals in the human body, nobody has effectively quantified the human suffering caused by strip mining. To be sure, there have been very strong contentions that without strip mining, coal and electricity would be priced out of the market and those in poverty-ridden areas would be deprived of the burden-lifting advantages of electricity and appliances. It has also been contended that without strip mining there would ensue brownouts and blackouts, cold homes in the winter, widespread and disastrous effects on jobs and people. These contentions have never been scientifically measured, or the alternatives of deep mining and other forms of energy considered.

All I want to do here today is to raise the issue among my colleagues on this committee. I am not here to contend that the people of West Virginia, Kentucky, Montana, and Wyoming deserve to be treated any differently than the people in the rest of the Nation. I just want to be sure that when you listen to

the stories about blackouts and brownouts and say you have to continue strip mining, just listen also to people like Mrs. Bige Richie of Knott County, Ky., whose baby's grave was ruthlessly violated, the casket thrown over the hill and piled over with boulders and dirt by a strip mining company. It is about time that the Congress listen to Mrs. Harvey Kincaid of Fayette County, W. Va., whose home and property were invaded by the silt, sediment, polluted water and boulders from a strip mine. So she and her family had to move several miles away, only to have the same strip-mining company start the same destructive process all over again above their new home.

Lots of people ask: Why do not those who are damaged go to court and collect if their property is affected? The Kincaids did go to court and were awarded $10,000 after a lengthy and expensive legal process. But a great deal of the damage is rather subtle and difficult to prove, like the hundreds of West Virginians who are gradually finding that their water wells are getting filled with brackish, metallic, and ill-smelling water—frequently some miles downstream from where the strip miners are operating. Furthermore, the community whose jobs and prosperity depend on the coal industry is slow to speak out against the damages caused by strip mining. Soon the lawyers, the judges, the bankers, the businessmen, the ministers, the newspapers, and the politicians go easy on King Coal and the people suffer even more.

HUMAN DAMAGES CAUSED BY STRIP MINING

How do you measure human suffering? Most of the scientific studies of the effects of strip mining deal with highly impersonal, almost heartlessly neutral factors. We know, for example, that the U.S. Geological Survey made a painstakingly thorough 10-year study entitled "Influences of Strip Mining on the Hydrologic Environment of Parts of Beaver Creek Basin, Ky.," published in 1970. The study made the startling conclusion that 30,000 tons of silt per square mile were discharged from a strip mined area in eastern Kentucky, while close by in a timbered valley where there was no strip mining only 27.9 tons per square mile annually were discharged. Scientific studies like that abound, but who speaks for the human beings who live in these valleys? The strip miners tell me that the people ought to move out so they can get on with their business, and when they are talking with the people they blame the people for causing their own problems by throwing trash in the streams.

One such study was completed in June, 1973, at the University of Tennessee. It is entitled "Benefit/Cost Approach to Decision Making: The Dilemma With Coal Production," by F. Schmidt-Bleek and J. R. Moore. This study, made over a 10-year period from 1962–72, surveyed all floods occurring in Ohio, Tennessee, and Virginia. Comparing the flood damages in 122 counties, of which 51 counties had strip mining at the time of flooding, the study found the level of damages in strip mined counties approximately double the level in those counties which did not have strip mining.

An October 1973 study, entitled "Strip Mining Increases Flood Potential of Mountain Watersheds," by Willie Curtis of the Forest Service, offers further evidence of how strip mining increases flooding. In examining numerous small watersheds in eastern Kentucky, Curtis found that the "peak flow rates increased by a factor of 3 to 5 after surface mining" along the streams. He also found that the rate at which flood peaks moved downstream was greatly increased in watersheds where strip mining had occurred. Clearly, people living in strip mined areas can expect more floods, greater damage, and less time to escape.

In Farmington, W. Va., the conscience of the Nation was aroused as a result of the death of 78 coal miners in the explosion which occurred on November 20, 1968. As a result, Congress responded to the disaster and enacted the very tough Federal Coal Mine Health and Safety Act of 1969, which the coal industry insists is driving the price of coal upward. Strip mining is a slow disaster: It is continuous, without the single, searing flash of blinding light to arouse the Congress and the Nation. This is best illustrated by what happened in the 17-mile valley called Buffalo Creek in my congressional district. For years, I have been attempting to call attention to the serious damage to people's homes, property, and water supply from the strip mines high above Buffalo Creek. To be sure, a 76-year-old man from Amherstdale, W. Va., was trapped in some mud which came down from a strip mine, and when they found him the next morning he was dead. But that was only one life. Then the troubles caused by strip mines in Buffalo Creek were forgotten on the morning of February 26, 1972, when water behind a coal waste pile broke through and swept a 30-foot wall of water down the valley, killing 125 people. The people forgot about the strip mines when they were engulfed by a tragedy of that magnitude.

ALL HUMAN BEINGS ARE CREATED EQUAL

I am not suggesting that the problems of the urban electricity user are more important or less important than those of the Appalachian housewife, or the rancher in Montana who finds his land threatened. All I am saying is that this committee should weigh the fact that all human beings are created equal and energy is a problem which is a very human one involving all types of people.

I would also plead, Mr. Speaker, to keep your options open. I do not believe that unchallengable conclusions or rigorously factual information necessarily emanate from those who have a clear economic stake in the results. Why should the Congress accept what the National Coal Association tells us is essential for the prosperity and well-being of this Nation? I trust that due consideration will also be given to those human beings who are affected adversely by strip mining, and whose lives are being ruined by what is happening to their land and water supply.

TIMETABLE ON ABOLITION OF STRIP MINING

The reason we are so dependent on strip-mined coal today is that the Nation failed to plan 10 years ago for today's energy needs. This is to say that the Committee on Science and Astronautics should have created the Subcommittee on Energy in 1963 instead of 1973, and comparable high-level attention should have been focused on energy requirements by the executive branch. If strip mining of coal had been banned 10 or 20 years ago, we would still be producing the same amount of coal from the underground mines of the Nation. It will be contended that the price per ton of coal would then be higher, yet I say it realistically should be higher. The present price of strip-mined coal conceals the actual social costs of this form of mining, and in effect society is subsidizing the profits of the strip-mining industry by enabling the industry to destroy the soil and water.

Prof. William H. Miernyk, Benedum Professor of Economics and director of the Regional Research Institute of West Virginia University, testified on March 15, 1973, before the Senate Committee on Interior and Insular Affairs:

> Clearly, if surface mining were to be abolished tomorrow the Nation would be faced with a severe energy crisis. But even those who advocate complete abolition of surface mining, such as Congressman Ken Hechler from my state, would allow for an adequate period of adjustment.

What is an adequate period of adjustment?

THE SHIFT TO DEEP MINING IS INEVITABLE

In 1971, I first testified before committees of the House and Senate to urge that strip mining of coal be phased out, and very little or no effort has been made in the coal industry to plan and adjust to the inevitable which will result when strippable coal is exhausted. In fact, huge funds have been spent on public relations campaigns in an attempt to prove that stripping is not so bad, that there are many hidden evils in underground mining, and that any shift away from strip mining would be catastrophic for the Nation. The executive and legislative branches have done very little to discourage this concept. But the facts speak loudly and eloquently that we must plan and act decisively.

The changeover from strip mining to deep mining, as stipulated in legislation which I have introduced, would occur within 6 months where the stripping is done on relatively steep slopes—"contour stripping" where the slope exceeds 20 degrees—and within 18 months where "area stripping" occurs where the slope is less than 20 degrees. In addition, in those Western areas like Four Corners and the Black Mesa where the annual stripping production of individual mines exceeds 500,000 tons, an additional, graduated 3-year extension is provided so that the supply of coal to southwest utilities is not precipitously affected.

Here is how the timetable will work under the phasing-out proposal which I am supporting:

ABOLITION AND THE SHIFT TO DEEP MINING

Key facts (1972):	Million short tons
Strip and auger coal production	291
Strip coal supplied to electric utilities (Federal Power Commission)	214
Contour and auger coal production (approximate, CEQ) [1]	74
Contour strip coal supplied to utilities (Bureau of Mines)	35–52

	Total 1972	Plus 6 mo	Plus 18 mo	Plus 30 mo
Strip production (million tons)	(214) 291	(162) 217	(55) [2] 55	(43) 43
Quantity to be replaced by deep mining		(52) 74	(159) 236	(171) 248
Sources for replacement:				
1. Unused underground capacity		137–214	137–214	137–214
2. Reopening recently closed deep mines			30	30
3. Introduction of longwall equipment			30	45
4. Production from new deep mines			[3]	[4]
5. Short run limits on exports		[5] 56	[5] 56	[5] 56

[1] 1972 figure represents adjustment from 1971 figure cited by CEQ (Appalachian strip production fell 7 percent between 1971 and 1972).
[2] This figure represents a projected 25 percent growth in strip production on existing large western strip mines over the 1972 production level.
[3] Some production likely.
[4] Significant number should be in full operation.
[5] Up to 56.

Note: Numbers in parentheses represent strip coal su pply to utilities.

In 1972, the total strip and auger coal production amounted to 291 million tons.

Of this 291 million, 214 million tons of stripped coal was supplied to electric utilities, according to the Federal Power Commission.

How much of this 291 million tons of stripped coal came from contour stripping—on steep slopes over 20 degrees?

About one-fourth or 74 million tons.

How much of the steep slope 74 million tons of stripped coal was supplied to electric utilities?

According to the Bureau of Mines, from one-half to two-thirds, or 35 to 52 million tons.

In the first 6 months, during which steep-slope stripping is being gradually reduced, the shift to deep mining would not be done by opening new mines which of course takes more than 6 months. But this shiftover could be accomplished by short-run limits on our exports of coal, and also by utilizing fuller capacity of existing underground mines, as described in the accompanying chart.

WORKING FULLER CAPACITY

Using U.S. Bureau of Mines figures, if you worked all deep mines on a three-shift, 5-day-a-week basis instead of at the present rate, this would produce 137 million additional tons of underground coal per year. If the deep mines were worked on a 6-day basis, this would produce 214 million additional tons—but, of course, the need would not be that great when a limit on exports is considered. The Bureau of Mines estimates that the addition of a sixth day's production with no change in the existing number of shifts could add 42 million tons of deep mined coal a year.

Steve Liming, safety director for the United Mine Workers of America, has noted that there are already quite a few mines which are presently operating three shifts per day, or on a 6-day week, and that three shifts per day or a 6-day week present no unusual safety problems. Mr. Liming indicated that the chief need in such speeded-up operations is for sufficient mechanics and electricians to make repairs quickly when mining machinery breaks down. In the interim or pending receipt of new machinery, crews can always be shifted to the type of jobs which are necessary but not immediate, that is, preparing new sections for future mining, or shifting to another area to work on an idle section.

Mr. Liming also added that recruiting new miners is becoming less and less of a problem, and cited the large number of returning Vietnam veterans who are making very good miners with many others eager to go into the mines when needed.

In addition, the available labor pool of able-bodied men in the Appalachian region is very large. According to Census Bureau statistics, in 1970 in the coal mining counties of Appalachia, there were 232,145 men between the ages of 16 and 65 who were not employed, not in school, and not in hospitals or other institutions. Given the fact that wages in the deep mining industry are higher than in any other major industry, many of these men could be attracted to an expanding underground industry. Also, with the competition of strip mining eliminated, operators could concentrate on safety, thus attracting workers who might otherwise be reluctant to go into the deep mines.

From 1966 to 1971, the number of deep mines in this Nation declined from 4,741 to 2,268. It has been like pulling teeth to get either the Bureau of Mines or anyone to analyze how many of these closed mines were simply worked out, or how many closed because coal companies found it more profitable to strip mine instead. But we did discover that there are at least 750 deep mines which closed for reasons other than they had exhausted their reserves of coal, and an additional 275 mines just would not report why they had closed. If we could conservatively assume that only 300 of these 1,025 mines could be reopened within 18 months, with an average production of 100,000 tons annually, this would produce an additional 30 million tons of deep mined coal.

AVAILABILITY OF MINING ENGINEERS

I have an article from Engineering and Mining Journal for February, 1973, entitled "What Is Ahead for New Miners in 1973", and subtitled:

The employment picture looks bright for this year's bumper crop of mineral graduates; Engineering and Mining Journal survey reviews the reasons behind the recent surge in enrollments at mining schools.

The first sentence of the article reads as follows:

The largest number of graduates since 1955 will enter the mineral industry in 1973—294 students with majors in mining and mineral engineering from 19 schools in the U.S.

One subhead in the article reads, "Big Opportunities in Coal Mining."

LONGWALL MINING

The longwall form of mining, recently introduced, also will expand underground coal production. Longwall mining means removing the coal by a cutting machine which travels from one end of the coal face to the other, biting several feet into the coal seam with heavy steel cutting picks. This is in contrast to the current method of tunneling in with machines like the continuous miner which attacks the face directly at a 90-degree angle.

The introduction of longwall equipment and techniques could expand deep mining production by 30 million additional tons in 18 months. For example, one of West Virginia's largest producers, Eastern Gas & Fuel Associates, has introduced six new longwall machines in 1973. Company officials have predicted that these new machines will expand their production from 12 million tons in 1972 to 14.5 million tons in 1973.

Longwall mining is not only safer; it is also more efficient in the amount of coal recovered. A row of hydraulically operated steel roof supports—like gigantic jacks—move forward with the cutting machine and the conveyor belt as the coal is sliced from the seam. Longwall mining accounts for 92 percent of the underground coal production in Great Britain, but is only used now in 25 to 30 mines in this country.

The annual report of the Kentucky Division of Reclamation for 1972 pointed out that—

Longwall mining is a much safer method . . . Savings are made in the areas of roof support, ventilation and rock-dusting which can amount to more than 50 cents a ton.

While the longwall equipment is expensive, it offers 85- to 95-percent recovery in contrast to the 57-percent characteristic of the conventional forms of mining.

HALTING COAL EXPORTS

In 1972, 56 million tons of American-produced coal was exported; 86 percent of this tonnage, 48.1 million tons, was produced in deep mines, and this coal could be shifted to replace production eliminated by a ban on strip mining. Almost all of this 48.1 million tons was low sulfur, low ash, high Btu coal—the best quality coal our Nation produces. Keeping this coal here at home would have two advantages: It would ease the shift to deep mining and it would provide a much cleaner coal than the strip coal presently burned by utilities.

The coal industry has argued that this coal is too expensive to use in utilities. This is a truly specious argument. On the one hand, I find it hard to believe that any American industrialist would contend that the quality of an American product is "too good for Americans."

Furthermore, the high cost of this coal results not from higher production costs but rather from the realities of the marketplace. The Germans and Japanese have been willing to pay very high prices for this top grade metallurgical coal while domestic utilities have been content to purchase lower quality, dirtier coals rather than bidding against the foreign steel companies.

As the recent Senate Interior Committee study entitled "Factors Affecting the Use of Coal in Present and Future Energy Markets," states:

> The average cost of unwashed steam coal is under $6 per ton while cleaned metallurgical coal costs more than $12 per ton. The difference in cost attributable to cleaning is about $1 per ton; the rest is due to the fact that the low ash, low sulfur, and higher Btu content of the metallurgical coal makes it a more desirable commodity.

Domestic price controls on such coal, while cutting the huge profits enjoyed by the coal industry in the export market, would insure the availability of this coal to utilities at a reasonable price. Metallurgical grade coal is currently burned in powerplants run by Duke Power in North Carolina and Alabama Power Co.

WESTERN VERSUS EASTERN COAL

Western strippable coal, of which there is an ample supply of 29.9 billion tons of the low-sulfur variety, is a very attractive market. The huge coal seams, the cheapness of the land, and the susceptibilty to extraction by gigantic machines would combine to lower the f.o.b. mine price to the $2- up to $5-per-ton range. What a fantastic bargain.

In another section of my testimony, I shall analyze in depth the issue of reclamation of strip mined lands in the West as contrasted with the Appalachian region.

For the moment, let us examine the quality and attractiveness of western strippable coal. Unfortunately, western strippable coal has a much lower Btu level and high ash and water content. This was discovered when the TVA purchased a large quantity of western coal for its Johnsonville, Tenn. plant. On November 12, 1972, the TVA issued a public statement that the high water content of the western coal "has shown major operating problems in addition to the very high transportation cost involved." In short, the large amount of water in western stripped coal gummed up the TVA boilers, and henceforth they contracted for coal shipped from underground mines in Indiana. Most eastern plants are also equipped to burn low-water content coal, so this problem is likely to recur if massive shipments are contemplated.

TRANSPORTATION COST OF WESTERN COAL PROHIBITIVE

West Virginia utilities have experienced similar problems with western coals. Although attempts have been made to dry the water-laden coal, it has been found that the drying process reduces the mass and consequently increases the percentage of sulfur content above acceptable levels. The drying process is itself costly, and by reducing the mass of coal the price per ton goes up. Boilers could be retrofitted to accommodate the high water content, western stripped coal, but the cost of transportation provides by far the strongest argument against its extensive use in the East.

A recent study for the Appalachian Regional Commission by Charles River Associates estimated the average cost of shipping coal by rail at 8 mills per ton per mile. This means that shipping costs for coal freighted to the East from Montana would be $15 to $20 per ton, which when added to the f.o.b. mine price would make such western coal noncompetitive.

COST OF OPENING NEW UNDERGROUND MINES

The time required and the cost involved for the development of a new deep mine vary widely because of the number of factors involved. The major factors are depth of the coal seam, thickness of the seam, uniformity, and quality of the seam, roof characteristics, and amount of methane gas likely to be liberated during mining. Depth of the seam determines whether the mine will be a drift, slope or shaft mine. Costs vary widely on this issue alone—National Economic Research Associates cited development costs for a drift mine ranging from $50,000 to $150,000, for a slope mine $300,000 to $400,000, and for a shaft operation up to $1 million. Entrance costs ranged from $60,000 for a drift mine to up to $4 million for a shaft mine. Development time from start of planning to full production can vary widely from relatively short spans for small drift mines to longer times for large shaft operations. However, some production can be expected within a matter of months after excavation has begun.

Comprehensive data on mine costs for new mines has recently been developed by the Bureau of Mines and published in two reports entitled, "Cost Analyses of Model Mines for Strip Mining of Coal in the United States" and "Computer Program for Economic Evaluations of Underground Bituminous Coal Mines." The costs for strip and deep mines for smaller seam sizes and output levels follow:

COMPARATIVE COSTS OF DEEP AND STRIP MINES

	Initial capital investment	Operating cost per year	Cost per ton
Annual output—			
3,000,000 tons:			
Seam size—72 in:			
Strip	$28,005,000	$9,167,100	$3.06
Deep (slope)	20,830,000	14,800,000	4.93
1,000,000 tons:			
72 in:			
Strip	12,727,500	4,146,400	4.15
Deep (slope)	7,950,000	5,510,000	5.40
3,000,000 tons:			
Strip (66 in)	24,870,000	7,748,400	2.58
Deep (54 in) (shaft)	23,760,000	16,560,000	5.54

Source: Bureau of Mines Information Circular 8535.

The data reveal a most surprising fact, one which runs counter to all the propaganda of the strip industry: new strip mines require a larger initial capital investment than do new deep mines—the economic advantages of strip mining result not from capital requirements but solely from labor costs—output per man-day in strip mines is three times that of deep mines. This fact has rather important implications for the question of availability of capital for a shift to deep mining after stripping has been abolished. Clearly, the money slated for the development of the huge western strip mines could easily be shifted to cover the capital requirements of new deep mines. This would be true as well for strip mines planned in other areas. Moreover, banning strip mining would shift demand to the extensive deep mine coal reserves. It is a time tested fact that capital will flow wherever a sound rate of return can be expected. The costs cited in the Bureau of Mines study all assumed a 12-percent annual return—more than enough to encourage development of new deep mines. Given the high projected future demand for coal, the expected annual return would become higher and long term utility contracts would become available. Hence investment in deep mines will become very attractive.

The coal industry itself could be expected to come up with major amounts of capital investment. We must remember that 12 of the 15 largest coal producers are subsidiaries of larger conglomerates—primarily oil and steel companies. The 1972 profits picture for the coal companies and their parent corporations was outstanding; 1972 profit levels ranged from a low of $2.6 million registered by North American Coal to a high of $28 million chalked up by Pittston. The parent corporations did even better with Gulf Oil, the parent of Pittsburg and Midway, racking up an amazing $447 million in profits; Continental Oil—Consol—$170 million; United States Steel $156 million and Bethlehem Steel $134 million. In addition, all of the subsidiaries showed increases in profits in the first quarter of 1973. The profits picture leaves no doubt that the capital is readily available for a shift to deep mining.

Nor is there a lack of expertise for this shift either on the management level or the operations level. Of the 15 largest coal producers, 14 operate underground mines—only Utah International is purely a strip mining outfit. A ban would simply mean that these major producers would expand their deep mine operations.

LEADTIMES FOR STRIP AND DEEP MINES

It is often assumed that new strip mines can be opened much faster than new deep mines. However, according to research conducted by the Library of Congress, this is not the case. The Library study cites strip mine leadtimes of 4 to 5 years as compared with 2 to 4 years for new deep mines. Backlogs of orders for the giant shovels and draglines—which are manufactured by only two companies in the United States: Marion Power Shovel and Bucyrus Erie—and the time required to assemble the equipment once the parts are delivered to the mine site were listed as major factors in the long strip mine leadtimes

In contrast, a second Library of Congress survey found that deep mining equipment leadtimes ranged from a few months up to 1 year depending on whether or not the equipment was custom made. Joy Manufacturing Co., the

leading underground mining manufacturer, indicated 5 to 6 months delivery times. The difference in leadtimes for equipment demonstrates that short-run expansion of existing operations could also be achieved more quickly in the deep mining industry than in stripping.

RECLAMATION IN GREAT BRITAIN AND GERMANY

There have been many studies of reclamation in Germany and in Great Britain, where strip mined coal constitutes less than 10 percent of the total coal production, in contrast to over 50 percent in the United States. There are some clearcut differences between the land use ethics of Great Britain and Germany, where long and careful public planning precedes any attempt at strip-mining—the pell-mell rush to strip which occurs in this country is unknown in Europe.

Under our cowboy capitalist approach to mining, we have placed heavy emphasis on how you extract the minerals from the ground in the quickest and cheapest fashion. Coming from a State which specializes in extractive industry, I regret we also have had a few extractive politicians, as in Maryland, who took out more than they put in, with very little reclamation, but that is another story. Throughout the mining industry, "reclamation" has become a recent craze, but it is sharply different in outlook than in Great Britain and Germany where true reclamation means reforestation and a thorough and intelligent restoration of the land. All too often esthetics are the ruling yardstick of reclamation success in this country.

The extensive study, "Surface Mining and Land Reclamation in Germany," by E. A. Nephew of the Oak Ridge National Laboratory indicates that costs of reclamation in Germany amount to between $3,000 and $4,500 per acre, while in Great Britain they may run as high as $7,179 per acre but average out close to $4,000 an acre. The cost per ton ranged from 63 cents to $4.24/ton and averaged $1.35/ton for all British reclamation efforts. The topsoil and subsoil is carefully segregated, and later replaced, and rehabilitation of the land by experts in agriculture and forestry may take as long as 5 years following the mining operation.

DISMAL RECORD OF RECLAMATION IN UNITED STATES

The record for reclamation in this country is a dismal one. This is not due entirely to the lack of effort on the part of those operators and specialists charged with reclamation. There are a number of very serious problems with reclamation in this country which are not encountered in Germany and Great Britain. The critical environmental variables for reclamation are slope, sulfur content of coal and shales, acid-alkali balance in spoils, amount of rainfall, depth and thickness of the coal seam, and thickness of the coal seam, and amount and quality of the topsoil. In Appalachia, the combination of steep slopes, pyritic shales, heavy rainfall and thin topsoil combine to create monumental problems of erosion, sedimentation, landslides and acid drainage. The relatively flat, acid-free lands of Germany and Britain present no such difficulties.

Dr. Robert L. Smith, professor of wildlife biology, Division of Forestry, West Virginia University, recently stated:

In the southern mountains, it is obvious to anyone who views strip mine reclamation that reclamation is not successful, nor is the land being restored. It is impossible to put the excavated material back and to re-establish any semblance of previous ecological conditions.

Dr. Smith points out that hydroseeding and heavy fertilization can produce some vegegation, but this is generally short-lived. He states that "on no slopes can grass stabilize the soil." Reforestation is not even attempted on the steep slopes.

WEST VIRGINIA RECLAMATION

A great deal of the land in West Virginia and Central Appalachia consists of steep slopes, heavy rainfall, thin top-soil, with acid from pyritic shales more serious in northern than southern West Virginia. The Stanford Research Institute was commissioned to study strip-mining by the West Virginia State Legislature, and this study did not recommend abolition but pointed out some significant facts. Analyzing the 248,078 acres of land "disturbed" by strip-mining as of October 1971, the report estimated that only 69,648—slightly over a quarter of the acreage—had achieved 75 percent vegetative cover. Even more significantly, the study indicated that if the acreage which had not achieved 75 percent vegetative cover, 60 percent had at one time been reclaimed to this standard either by the operator, the U.S. Soil Conservation Service of the reclamation fund maintained by the State. This means that nearly two-thirds of all reclamation in West Virginia has failed to maintain itself. This means that of the most barren lands which lack 75 percent vegetative cover, 6 out of every 10 acres had once been "officially reclaimed" but backslid into barren lands.

In its final report to the State legislature, the Stanford Research Institute grimly concluded the following about the cost of reclamation in West Virginia:

Returns for such expenditures have been disappointing in the past, as reclamation work has not eliminated environmental effects of surface mining from most areas.

It was further concluded that so-called reclaimed land still held the danger of landslides, and yielded "from 400 to 600 tons of sediment per acre of spoil bank—annually." It was calculated that each new year of strip mine production in West Virginia adds 6 to 10 million tons of new sedimentation into the State's streams and rivers.

The study concluded:

By 1980, the cumulative effect of leaching could yield roughly 3 million tons of dissolved solids from spoil banks.

ACID DRAINAGE PROBLEMS

In flatter areas, vegetation can be partially successful and could be a step in the process back to forestation. However, the basic problem with flatland reclamation in the East and the Midwest remains that of controlling acid drainage and the leaching of toxic materials. Dr. Moid Ahmad of Ohio University, an eminent hydrologist, has shown conclusively, that so long as acid-causing pyrites are present in the overburden, no reclamation procedures can successfully stop acid drainage. Vegetation in no way insures an end to the acid drainage problem. A 1970 study conducted by Dr. Sutton of the Ohio Department of Natural Resources entitled, "Reclamation of toxic Coal Mine Spoil Banks" has found that even the heavy use of fertilizers was ineffective in neutralizing acidity. Lime applied at a rate of 42 tons per acre was ineffective. Unless the acid can be eliminated, vegetation will decline and reclamation will be reversed thus creating a new orphaned land, complete with all the original environmental problems of unreclaimed land.

A 1971 Case Western Reserve University study entitled, "Ecological Effects of Strip Mining, A Comparative Study of Natural and Reclaimed Watershed" compared two watersheds in Belmont County in southeastern Ohio, one of which had not been stripped, the other which had been stripped and reclaimed in 1968 by the Hanna Coal Co. The report states:

The water draining from the mined and reclaimed watershed is highly acidic, having an average pH of 3.5. In contrast, the water draining from the natural system is neutral or slightly basic, having an average pH of 7.9. . . . In the affected system, Fe (iron) was found in concentrations greater than 400 times that found in the natural system, SO_4 (sulfate) averaged 56 times that of the natural system, K (potassium) 2.8 times, Ca (calcium) nine times, Mg (magnesium) 30 times, Mn (manganese) over 1,320 times, and Al (aluminum) was found to be over 3,000 times that of the natural system. These large amounts of ions produced high concentrations of dissolved solids. Average dissolved solids of the affected systems were 90 times that of the natural system.

CHEMICALS RELEASED BY STRIP MINING

The report drew the following conclusions:

1. Three years after reclamation one finds that the affected area cannot support plant or animal life.
2. Geologic formations high in sandstone must be reclaimed by better methods or should not be strip-mined at all.
3. The acid condition produced by strip-mining releases amounts of minerals and nutrients which are toxic to plant-life.
4. The highly dissolved chemical load entering Piedmont Lake from the affected area is rapidly increasing the eutrophication processes in the lake, and thus it is altering and destroying lake habitats.

HIGH COST OF "RECLAMATION"

In short, good reclamation like that found in Germany can only be accomplished on flat areas free of pyritic and other acid-causing materials. And, this can only be accomplished through careful, comprehensive land use planning, strict performance standards for the reclamation process, full public access to the planning process, a continuing program for revegetation and forestation over a 5- to 10-year period after completion of initial reclamation efforts, and above all a major commitment of money in the neighborhood of $4,000 per acre, such as the Europeans have put forth.

Nephew sums up the German approach philosophically:

Probably the most compelling reason for farmland restoration, however, is the prevail-

ing conviction that to allow valuable soil to be irrevocably destroyed by a strictly temporary land use—mining—would present extreme folly.

RECLAMATION IN PENNSYLVANIA

The Pennsylvania law and the Pennsylvania reclamation methods have been widely touted as the solution to the Nation's strip mining and reclamation problems. The slopes are not as steep in Pennsylvania as in West Virginia. Even though the State law requires backfillings of strip-mined areas to their original contour and enforcement of the strip mining law seems to be more stringent than most States, reclamation has been largely a failure in dealing with the problem of acid pollution from strip mining spoils.

A study completed by the Pennsylvania State University College of Earth and Mineral Sciences shows that a majority of strip mines in seams surrounded by highly acid shales discharge acid water in excess of the State water quality standards, regardless of the method of reclamation employed—50 to 67 percent of such strip mines which were regraded to original contour failed to meet water quality standards; 71 to 94 percent of such strip mines which were partially regraded failed to meet water quality standards.

THE BLOCK-CUT TECHNIQUE OF STRIP MINING

Pennsylvania has introduced a new form of stripping known as the "block cut," which is designed to restore the mined land to its original contour by dumping the first cut on the downslope and then dumping subsequent cuts into the hole created by the first cut. This technique involves the segregation of the topsoil and the burial of the most toxic and acid producing strata in an effort to minimize their adverse effect. Reclamation is attempted concurrent with the mining operation.

The major advantage offered by the block-cut technique is that it can eliminate a majority of the downslope spoil dumping, thus cutting down on landslides. However, the first cut is still placed on the downslope and this cut must be quite large to allow space for the equipment to operate. Dumping of this first cut creates a large spoil bank which is subject to the monumental problems of landslides, erosion, and heavy sedimentation.

It should be recognized that the block cut is basically an earth moving technique. As such, it cannot overcome the very serious problems of slippage, acid drainage and the leaching of toxic materials. While it can reduce general erosion and sedimentation, it does not eliminate these problems nor does it insure revegetation. It has never been proven feasible in the steep slope areas of central Appalachia—only on the shorter, more gentle slopes of Pennsylvania has it been at all successful. Although a modified block cut has been attempted by Hobet Mining Co. in my congressional district—Mingo County—it is done while retaining the high wall. In fact, both coal operators and State officials have indicated that the block-cut method is too expensive in the steep mountains of West Virginia. At best, the block cut is an improvement over other reclamation techniques, but it falls far short of being a solution to the problems of reclamation.

RECLAMATION OF WESTERN STRIPPED LAND

The western lands are characterized by very thin topsoil, low rainfall, alkali and sodic spoils—no acid-producing materials—and the general scarcity of water. This has led many to the false conclusion that without much rainfall or acid-producing material, and fairly level land, strip mining in the West does not face the gigantic problems of reclamation confronted in Appalachia.

Dr. Robert Curry, assistant professor of geology at the University of Montana, testified before the Senate Committee on Interior and Insular Affairs that—

The ground surface, once disturbed in the West, cannot recover to its present state of succession or vegetation without extremely long periods of geologic time—many times longer than we might expect man to inhabit the earth.

He added:

In the West, unless precious water is imported and the sites are watered on the order of 200 to 2,000 years to simulate the naturally wetter conditions during the soil-forming periods, reclamation to the point of self-sustenance is impossible . . . When one considers the rising costs of water and fertilizer, and the rising values of sustained water quality, I estimate that ultimate costs of reclamation in the West are 10 to 100 times as great as those on steep, contour-stripped lands in the southeast.

I will now quote the final statement of Professor Curry in which he took a swipe at me, demonstrating that reclamation of strip mined land in the western States is far more serious than in my Appalachia:

The oft-spoken threat that Colorado, Wyoming and Montana coal areas will become another Appalachia, as Representative HECHLER said the other day, is, I believe, a deceptive statement because the situation in the Western States is, in fact, somewhat worse from the standpoint of reclamation alternatives, economic base, potential losses of water and land value.

NATIONAL ACADEMY OF SCIENCES STUDY

"Rehabilitation Potential of Western Coal Lands" is a landmark study prepared under the auspices of the National Academy of Sciences. This study underlines the danger of launching a big coal rush to strip mine western lands. It also indicates the very real threat which coal gasification plants will pose to the limited water supply in these western areas. Plans have been rushed forward to combine massive strip mining with giant coal gasification plants in the West.

When Dr. Philip Handler, president of the National Academy of Sciences, testified before the Energy Subcommittee of the Committee on Science and Astronautics on October 4, he stated:

This study examines the capabilities for reclaiming strip-mined lands in the arid West, and is somewhat disconcerting.

I might interject here that it is always disconcerting when we discover through sound scientific investigation that what we have come to accept as true, may not be true. We have heard and read so many coal industry officials state that reclamation is possible after strip mining, that it must be an accepted fact. We have also heard many experts state that reclamation may be difficult in the steep slopes of Appalachia, where landslides occur, but surely there are fewer strip mine reclamation problems in the West, where the land is level, there is not much water, and there are no pyritic shales to produce acid mine drainage. I do not find the National Academy of Sciences study "disconcerting"; In fact, it fits in precisely with what I have been contending—that in both Appalachia and farther west, you cannot strip mine and expect to reclaim the land.

Dr. Handler was asked, before this committee, by Congressman BROWN to expand on his characterization of the National Academy of Sciences study, and he gave this reply:

It really has to do with the fact that the rehabilitation of those lands is in considerable measure a function of not only how much effort goes into it, how careful we are, how stringently we demand it be done, but also the water supply, and the water supply in the areas in question is rather meager.

Secondly, if we ever want to switch over and use some of that coal for industrial processes, such as converting it into pipeline quality gas, then there would be a large demand for water which certainly cannot be met.

The National Academy of Sciences study concludes:

1. "Pertinent data for rehabilitating mined land are virtually nonexistent. The necessary research has barely begun."

2. "Because water requirements are a major problem in western areas, water consumption and related on and off site environmental impacts that would result from conversion of coal by gasification, liquefaction or its use for electricity generation could far exceed the impacts from coal mining alone . . . . not enough water exists for large-scale conversion of coal to other energy forms. The potential environmental and social impacts of the use of this water for largescale energy conversion projects would exceed by far the anticipated impact of mining alone. We recommend that alternate locations be considered for energy conversion facilities and that adequate evaluations be made of the options (including rehabilitation) for the various local uses of the available water."

3. "The time required for this process of succession to heal the scars of a severe disturbance in desert and sage brush foothill areas may be decades and even centuries. Even when the best of proven techniques are applied in such desert areas, the potential for approaching the conditions and values of the original ecosystems is low."

4. (In foothill zone of the Rocky Mountains), "Steep slopes, south and west exposures and infertile soils can present insurmountable rehabilitation problems even when the best methods are diligently followed."

5. (With respect to desert areas, broad valley basins and local areas among low hills, ridges and mesas), "The probability for successfully rehabilitating such areas is extremely low . . . Disturbing such areas for surface mining of coal amounts to sacrificing such values permanently for an economic award."

6. "The chances of approaching the original ecosystem are only moderate even on the best of sites and there is no probability of complete restoration anywhere."

7. "For much of the western coal region, the rates of erosion are among the highest in

the nation, and soil is commonly lost through erosion and flash flooding."

8. "Surface mining activities may disrupt ground water flow patterns and interrupt traditional sources of water supply."

DEEP MINING WESTERN SEAMS OF COAL

It has been contended by the strong advocates of strip mining in the West that it would be impossible to deep mine the very thick seams of coal which are plentiful in western States.

At present, underground mining being carried out in Utah in the Kaiparowitz field is in thick seams of up to 30 feet. Conventional techniques are used, and the coal is mined on several levels. Experience in India, Czechoslovakia, and Germany indicates that there is no major problem with deep mining very large seams. In Czechoslovakia, both longwall and room and pillar methods are used to mine these large seams on several levels. The primary method is room and pillar using continuous mine equipment. The mining of a thick seam can be done in either ascending or descending order by mining 6-foot sections at a time. These methods prove out to be safer than small seam mining.

SAFETY RECORD IN UNDERGROUND MINES

To be sure, there are more accidents in deep mines, but a close look at the accident records of the major companies proves that this does not have to be the case. U.S. Steel, which operates only captive mines and produces 99 percent of its coal through deep mining, has by far the best safety records of any coal company. Similarly, Bethlehem Steel, which operates largely deep mines, ranks second in injuries and third in fatalities. This shows clearly that if a commitment is made to safety, deep mines can become safe. Here are the data on the 10 biggest producers from 1968 to 1971:

INJURIES PER MILLION MAN-HOURS

(Numbers in parentheses refer to rank of largest producers)

U.S. Steel mines (4)	2.72
Bethlehem Steel mines (10)	12.27
Consolidation Coal (2)	18.68
General Dynamics mines (6)	38.74
Peabody Coal (1)	46.91
Old Ben Coal (9)	47.40
Amax Coal (8)	48.23
Pittston (5)	56.57
Eastern Associated Coal (7)	62.51
Island Creek Coal (3)	72.13

The differences are less marked but still significant when fatality rates are compiled.

FATALITIES PER MILLION MAN-HOURS

U.S. Steel mines (4)	0.28
Amax Coal (8)	0.35
Bethlehem Steel mines (10)	0.44
Eastern Associated Coal (7)	0.53
General Dynamics mines (6)	0.72
Island Creek Coal (3)	0.85
Peabody Coal (1)	0.94
Old Ben Coal (9)	1.07
Pittston (5)	1.10
Consolidation Coal (2)	1.52

Particular note should be made of the Peabody figures: 80 percent of their coal production comes from surface mining, yet their accident record is poor. The good safety record of the captive mines stems from the fact that they have a strong commitment to safety—which is exhibited in their steel operations as well—and they are free from the competitive pricing pressures of the marketplace which push other deep mine companies to cut corners on safety. Abolition of strip mining would eliminate these pressures particularly in the case of marginal operators. It thus would allow deep mine operators to make the necessary financial commitment to safety.

Data for 1972 follow basically the same pattern as that for the period 1968–71. Again U.S. Steel and Bethlehem Steel underground mines rank one and two in lowest frequency of injuries per million man-hours, 5.30 and 8.97 respectively—note that for 1972 data was available separating deep and strip operations of the major producers. In comparison, Consolidated Coal's strip mines which ranked first among strip mines in lowest frequency of injuries, 18.31 per million man-hours, lagged well behind the steel company deep mines record. Of particular interest is the fact that Bethlehem's strip mines registered a 29.61 injuries per million man-hours rate, nearly four times higher than that compiled by their sister deep mines.

In the fatalities per million man-hours rankings, seven of the top nine underground mining companies showed lower fatality rates than the two leading strip producers, Peabody and Consolidated—Peabody and Consolidated strip mines had identical 0.61 fatalities per million man-hours rates which were exceeded only by Old Ben deep mines—0.62 and by Consolidated's own deep mines—1.14—which were the most dangerous mines in the industry from a fatalities point of view. These statistics certainly cast doubt on the common assumption that strip mining is much safer than deep mining. Moreover, the combination of the good safety record of captive deep mines and the good safety records of European underground mines shows that deep mining can become a much safer operation.

EFFICIENCY IN COAL RECOVERY: DEEP AND STRIP

Strip mines are not necessarily more efficient in recovering all the coal in the area disturbed. Directly beneath the cut, strip mines will characteristically recover 90 percent of the coal. However, side effects, particularly in contour stripping, greatly reduce this efficiency. When auger mining is associated with strip mining, the augering recovers only 30–50 percent of the coal, reducing overall efficiency to around 60 percent. Whether or not augering is used, a solid block of coal must be retained between the strip cut and any future deep mine, further reducing efficiency. Even in area stripping, such solid blocks are commonly left where the overburden becomes too deep. Therefore, strip mines may range in efficiency of coal recovery from about 40 to 90 percent, with contour stripping on steep slopes being the least efficient.

In other ways, strip mining may directly injure the efficiency of subsequent deep mining. Heavy blasting characteristically associated with strip mining in rocky terrain may fissure rock strata above deeper coal seams and create new roof support and water drainage hazards for subsequent underground mining. Extensive strip mining of near-surface seams may so disfigure and destroy an area as to make future access and future human habitation difficult or impossible. This is a distinct threat in areas like Boone County, W. Va., where removal of the 6.5 percent of the coal which can be strip mined would leave the land surface totally destroyed, making subsequent deep mining of the remaining 96 percent of the coal reserves difficult and in some cases impossible.

The U.S. Bureau of Mines estimates that underground mining recovers 57 percent of the coal affected by mining. However, new technologies, particularly "longwall mining" can increase that recovery rate to 85–95 percent. The application of these technologies in the United States has been slowed by the stagnation and price pressures on underground mining for which strip mining is primarily responsible.

STRIP MINING IS INCOMPATIBLE WITH REGIONAL ECONOMIC DEVELOPMENT

The debate on strip mining has concentrated on the energy and environmental areas to the exclusion of one very important area, economic development, Prof. William Miernyk, director of the Regional Research Institute at West Virginia University, in a definitive study entitled: "Environmental Management and Regional Economic Development," has established that "the environmental damage from strip mining may undermine the entire regional economic development effort." Miernyk points out that in the case of Appalachia, the Appalachian Highway Development System is designed to open up possibilities for tourism and light industry as well as facilitating transportation of timber and coal. Miernyk concluded:

The continued expansion of strip mining could easily offset the developmental impact of the Appalachian Highway System.

This analysis clearly has application in other areas threatened by strip mining. Few industries are likely to relocate in areas with contaminated water supplies, continual dangers of flooding, and blighted landscapes.

A recent study entitled: "Opportunity Costs of Land Use: the Case of Coal Surface Mining" by Robert Spore, an economist at the Oak Ridge National Laboratory, underlines Miernyk's conclusions. The study found that the value of strip mining all the coal along the Big South Fork of the Cumberland River in eastern Kentucky and Tennessee would total $13,906,000 while the recreational value of this area totaled $42,620,000. In short, the costs in terms of lost opportunities for recreation and tourism would be more than three times the value of all the coal in the area. All of this economic and recreational benefit to the people would be lost forever if stripping were permitted. This pattern of lost opportunities is already the rule in some parts of Appalachia—only abolition will stem the tide.

Dr. Robert Smith of the West Virginia University School of Forestry in testimony before the Senate Interior Committee last March, pointed out how strip mining is running the hardwood timber industry in Appalachia. Smith stated that strip mining—

So disrupts the environment that it appears impossible for any forest regrowth in the foreseeable future. The rich sites are

either destroyed directly by strip mining or else they receive the brunt of overburden and siltation from the stripping at higher elevations.

In short, strip mining is totally incompatible with timber, tourism, and industrial development. It is crucial to note that deep mining is quite compatible with these alternate land uses, while at the same time offering more plentiful supply of coal.

The situation in the West adds still another lost alternate land use to this equation. As I demonstrated in my analysis of the possibilities for western reclamation, the lands of the West will no longer be useful as grazing land once they have been stripped—this will have a very important and oft overlooked impact on our supply of beef. The loss of these lands will undoubtedly result in a cutback on beef and grain production. At a time of growing worldwide food shortages, we must ask whether we can afford to strip these lands—especially, when the coal could be mined through underground methods without sacrificing the productive value of this land.

ABOLITION OF STRIP-MINING AND THE COST OF ELECTRICITY

The Cost of Living Council announced new retail price ceilings for gasoline prices on October 15, 1973, that permitted many service stations to raise prices by as much as 1.5 cents per gallon immediately.

What is the effect of such a price increase in gasoline to the average American family, as contrasted with the increase in the price of electricity which would result from the abolition of strip mining?

I have asked the Congressional Research Service of the Library of Congress to prepare an analysis of this comparison in rising costs, which follows:

A ban on contour and auger mined coal would require the replacement of 50 million tons of such coal currently supplied to utilities (source: Bureau of Mines). A ban on all strip-mining would require the replacement of 214 million tons of strip mined coal currently supplied to electric utilities. According to the Federal Power Commission, during the third quarter of 1972, the delivered price to utilities of deep mined coal was $9.40 per ton; the delivered price of strip-mined coal was $7.71. Thus, replacing the 214 million tons of strip-coal supplied to utilities in 1972 with deep mined coal would mean an increase of $361.7 million in delivered fuel costs to utilities, assuming that alternate fuel sources are either more expensive or unavailable. If this increase were all passed on to consumers of electricity, what would it mean to the average family's electric bill? Just under one third of all electricity was consumed by residential users in 1972. Assuming that all rate payers are equally affected—which is an over-simplification, approximately $120 million of the increase in fuel cost will be passed on to residential users. There were more than 65 million residential users in 1972. Therefore, a ban on strip-mining would mean—taking the above assumptions in consideration—that the average family's electric bill would rise $1.80 annually or 15 cents per month.

In contrast, a recent decision by the Cost of Living Council to allow a 1.5 cent hike in gasoline prices will cost the average family (one or two cars, 15,000 miles annually), $15 per year or $1.25 per month in additional expenditures for gasoline.

Of course, more recent increases in gasoline prices will far exceed the increases in the family budget caused by the abolition of strip mining.

ENVIRONMENTAL DAMAGE: DEEP AND STRIP

In every respect, strip mining is clearly more devastating to the environment than underground mining. Given the vast areas of land affected and the long term of the effects, this is the most significant comparison.

Strip mining characteristically involves the near-total destruction of the land surface throughout the area mined, and the spread of destruction through siltation, pollution, flooding, and so forth, far beyond the mined area. Underground mining potentially affects less surface since it characteristically removes coal from multiple underground seams in the same location rather than a single surface seam over a broader area. And in fact 95 percent of the surface undermined is not materially affected at all. The two principal exceptions are the undermining of towns which may lead to dangerous subsidence and the deposition of mine refuse on the surface. Undermining of towns can and should be prohibited to prevent future damage in this manner. Under better economic conditions and a stronger regulatory framework, mine refuse could be reintroduced into the mine void or handled on the surface in a manner analogous to sanitary landfills to eliminate 75 percent of the potential surface disturbance.

WATER POLLUTION

The principal environmental characteristic which underground and strip mining clearly have in common is the production of acid and toxic water through the exposure of acid and mineral bearing shales to a combination of air and water. The strata of shale which are characteristically directly above and beneath the seam of coal are generally heavy producers of sulfuric acid when exposed to a combination of air and water.

In underground mines, water seeping through the roof and flowing out cracks and mine openings carries poisonous waters into streams—a major source of water pollution throughout the Appalachian region. This condition can be corrected in part by purposely caving in the mine roof following extraction of coal, by flooding the mine to the roof—which prevents access of air necessary for acid formation—by sealing all mine outlets, or by "back-filling" the mine with spoil material. All of these measures can reduce the problem, although frequently they do not cure it altogether.

In strip mines, the shale directly above the seam of coal is pulverized by the process of removal and cast on the spoil pile where it is exposed to air and rain water. Characteristically, since this strata is the last to be removed before the coal is reached, it reposes on top of the spoil pile. The strata of shale below the seam of coal is also exposed to air and water until it is recovered in the reclamation process.

The strip mine spoil banks have several characteristics which make them far more potent generators of acid than underground mines. First, the spoils are more directly exposed to air and water, both of which percolate to depths of 10 feet or more in the loose spoil material to generate acid water, which then runs out into surface watercourses or down into underground watercourses. Second, acid production is directly proportional to the surface area of the shales exposed to air and water; the pulverized shales in the spoil pile expose many more surfaces than do the solid shales underground. Third, acid production is also proportional to temperature, doubling for every 10° C rise in temperature. In summer months, shale exposed to air and water on spoil piles at 90° F will produce four times as much acid as shale underground at a constant 50° F.

Finally, acid production by strip mines is a greater problem because the acid water flows in all natural directions down off and down through the entire strip mine spoils, rather than through a few discrete openings as in underground mining.

Even though strip mining can be expected to produce more acid water than underground mining, this is not the major water pollution problem associated with strip mining. The major problem, particularly in mountainous areas, is sedimentation. Strip mined areas continuously erode, filling streams and rivers with sediment which impedes the flow of water, fills the stream channels and promotes flooding, coats stream bottoms and prevents the growth of aquatic plant and animal life, fills reservoirs and impoundments, clogs public water systems, and transmits pathogenic viruses. Erosion and sedimentation rates 500 times that of neighboring unstripped land are common, documented by the U.S. Geological Survey and many other studies.

Sedimentation problems are not significantly associated with underground mining.

Erosion from strip mined land also loads water with toxic quantities of other minerals such as manganese, aluminum, ammonium, magnesium, calcium, potassium, sodium. Not only does the erosion of these minerals from stripped spoils prevent revegetation in the soil of these spoils, but the toxic concentrations of these minerals in the run-off water inhibit life in the areas to which these waters flow.

The heavy blasting characteristically associated with strip mining also has adverse effects on underground watercourses in many areas—diverting underground water, opening fissures to pollute underground water with acid and toxic surface waters, etc.

Therefore, although the water pollution consequences of underground mining have been and continue to be serious, the water pollution consequences of strip mining are far more serious relative to acid production, sedimentation, toxicity, and destruction of underground watercourses.

AIR POLLUTION

Air pollution is occasionally a problem with either mining method, though it is not of the magnitude of the other problems. "Noxious gases," testifies Hollis M. Dole, "are emitted from the 292 burn-

ing coal refuse banks and the 289 known coal outcrop and mine fires," resulting from underground mining. These are extremely difficult to control once under way, but adequate environmental regulation can largely prevent this problem with future underground mining. "Backfilling" of mine spoils into the mine or depositing them between layers of earth as in sanitary landfills can prevent future gob pile fires. Coal outcrop fires can also be prevented by back-filing spoils against coal seams left exposed.

Strip mining, like other earth-moving processes, can produce some air pollution problems through creation of dust during the mining process. This can be controlled in part by watering and is rarely serious unless the strip mine is very close to inhabited areas. More serious is the wind-erosion of strip mine spoils in arid regions. This is already contributing to dust storms in the Black Mesa and Four Corners areas of Arizona and New Mexico.

THE MOMENT OF DECISION

I would hope that one lesson would be learned as a result of the current energy shortage. We must plan for the future in our handling of energy; we can no longer muddle through or leave the crucial energy decisions to the big oil conglomerates who are motivated by profits, not by any concern for what is best for the people. We have come up short in this crisis, and if we deal with this crisis by stepping up strip mining we will come up short again in the 1980's when all our eastern strippable reserves will be exhausted. At that point, industry will finally turn to deep mining, but it is likely that the deep mining industry will be virtually extinct and the economic dislocations will be catastrophic. Furthermore, vast acreages of land will be devastated and precious water polluted beyond reclamation.

I can see only one positive result of our present energy problem. It has focused attention on coal and forced a decision on the abolition of strip mining. Many people have asked me: "How can you favor phasing out strip mining now?" The answer is simple: This is the last chance to make that decision. If Congress allows the administration and the energy conglomerates to increase strip mining as the answer to the energy crisis, we will have committed the Nation to a catastrophic and virtually irrevocable course. I discussed earlier several approaches to making the shift to deep mining, utilizing unused deep mine capacity, reopening closed deep mines, halting coal exports, expanding longwall mining. These can and must be implemented immediately. In addition, efforts are being made to lineup long term contracts for coal and to pump major amounts of investment into the coal industry. The prerequisites for a massive commitment to deep mining are in place. All that is needed is the commitment by Congress to phase out all strip mining of coal.

Congressional indecision on this question will be fatal.

We must save the land and the people by stopping the destruction caused by strip mining.

THE NATIONAL HEALTH POLICY AND HEALTH DEVELOPMENT ACT OF 1974, H.R. 12053

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. ROGERS) is recognized for 60 minutes.

Mr. ROGERS. Mr. Speaker, I am introducing today for the consideration of the House of Representatives important new legislation, The National Health Policy and Health Development Act of 1974, H.R. 12053, designed to create effective health planning and development programs throughout this country. I am joined in this effort by Mr. ROY of Kansas, and Mr. HASTINGS of New York members of the Subcommittee on Public Health and Environment of the Committee on Interstate and Foreign Commerce.

As the Members know, the current legislative authority for our existing health planning and development programs—comprehensive health planning, regional medical programs, and Hill-Burton—will expire at the end of this fiscal year. The proposal which I am proposing today will combine the best features of these three programs during the next 2 years into a new and more effective system for the planning and development of health services.

We are all aware of the health care crisis in this country. Many people are unable to obtain care when they need it. When they do obtain care, it is often fragmented and usually extremely expensive. In many areas certain specialized services are simply unavailable. People have pointed out that the goal of solving these problems can only be attained by effective planning for the development of health services and by a careful investment of Federal, State, and local money in the development of services which will implement the plans which are prepared. The legislation which we are introducing today seeks to achieve this great goal. It will do this by creating coordinated programs of action at the Federal, State, and local level. At the Federal level a National Council for Health Policy would be created to give guidance to the program, and the Secretary of HEW would be given a new mandate for providing States and areas with assistance in health planning and development. At the State level State Health Commissions responsible for statewide planning and regulatory activities would be developed and designated. At the local level new health service agencies would be created with broad responsibilities for planning and development of health services.

This legislative proposal is lengthy and complex. It contains many provisions which the public and concerned professional associations will wish to examine and comment on in detail. I do not anticipate that everybody will agree with all of what is proposed but hope, by putting forward a complete proposal, to engender a thorough debate of these issues so that the subcommittee may later rewrite the proposal as much as necessary to achieve the best possible approach to the problems of health service availability and cost which we all wish to solve.

It is my hope that the Subcommittee on Public Health and Environment will be able to hold extensive hearings on this proposal during February and March so that it can be enacted by the end of this fiscal year.

My cosponsors, Mr. HASTINGS and Mr. ROY, are also including remarks in the RECORD on the proposal.

Mr. Speaker, at this point in the RECORD I include a short summary of the act:

BRIEF SUMMARY OF THE NATIONAL HEALTH POLICY AND HEALTH DEVELOPMENT ACT OF 1974, H.R. 12053

The proposed Act has four principal parts. Part A would establish a National Council for Health Policy. Part B would create a system of Health Service Agencies (HSAs) responsible for areawide health planning and development throughout the country. Part C would assist State governments in the creation of State Health Commissions (SHCs) responsible for State-level health planning and regulatory activities. Part D would create a new Federal program of construction assistance for health facilities based on loans, loan guarantees, and interest subsidies. The new programs would commence during the present fiscal year, thus overlapping with the authorities for CHP, RMP, and Hill-Burton. The Secretary would be responsible for assisting the existing agencies under the latter programs in their transition into the new programs, and then at the end of the present fiscal year the legislative authorities for CHP, RMP, and Hill-Burton would be terminated. The provisions of the new programs are based on the extensive experience now available with the existing programs and combine the most effective and successful features of each of them.

The *National Council for Health Policy* would be established in the Executive Office of the President. It would have five members appointed by the President with the advice and consent of the Senate, and suitable staff and support for performing its functions. It would be responsible for assessment of the nation's health; assessment of Federal and other health programs; assessment of the need for health resources, services, and financing; developing recommendations for a national health policy; issuing guidelines on the appropriate supply, distribution, and organization of health resources and services; and conducting studies and analyses concerning its recommendations for a national health policy. The Council would be required to submit an annual report to the public on the work it has done. In developing policy the Council would be required to give priority consideration to national health priorities specified in the legislation.

In creating a system of *Health Service Agencies* (HSAs) the Secretary would first be responsible for dividing the nation into health areas for planning and development purposes. He would then designate in each health area a private nonprofit corporation as the HSA responsible for planning and development in that area. The legislative proposal specifies minimum criteria for the legal structure, staff, governing body, and functioning of the HSAs. They would be broadly responsible for preparing and implementing plans designed to improve the health of the residents of their health areas; increasing the accessibility, acceptability, continuity, and quality of the health care provided the residents; and restraining increases in costs of such care. In performing these functions, HSAs would be required to gather suitable data; prepare long-range goal plans and short-term priority plans; provide assistance of either a technical or financial nature to people seeking to implement provisions of the plans; coordinate

activities with PSROs, SHCs, and other appropriate planning and regulatory entities; review and approve or disapprove proposed uses of Federal health funds within the area; assist States in the performance of capital expenditure reviews under the Social Security Act; and assist the SHCs in certifying as needed health services offered in the area. Procedures and criteria for use by HSAs and SHCs in their performing of reviews required by the legislation are detailed.

Authority is given to the Secretary for providing assistance to organizations seeking to be designated as HSAs during their development, for providing technical assistance of various kinds to HSAs and SHCs, for making planning grants to designated HSAs to fund part of the cost of their planning programs, and for making development grants for HSA use in implementation of their plans. The Secretary is required to perform annual and triannual reviews of the activities and quality of HSAs to assure that they perform their functions in a satisfactory fashion.

The Secretary would also be required to designate in each State a *State Health Commission* (SHC) meeting criteria for its composition, staffing, and functions which are specified in the legislation. In order to receive designation, a SHC would need to submit to the Secretary an approvable administrative program for carrying out its functions. The SHCs would be responsible for annual review and approval or disapproval of the plans of the HSAs, annual review and comment on the budgets of the HSAs, review of applications submitted by HSAs for assistance from the Federal government, commenting on disapproved applications for Federal funds, performance of capital expenditure review functions under the Social Security Act, certification as needed of health services offered within the state, regulation of health care costs within the state, and (if they so desire) licensure and quality activities. Provision is made for the Secretary to provide financial assistance in the development and operating costs of SHCs. In addition the Secretary would be required after the expiration of the fourth fiscal year after enactment of the leigslation to perform the functions of SHCs in any State in which one was not designated.

Mr. ROGERS. Mr. Speaker, when Congress reconvenes, I will include tables and a section-by-section analysis of the bill on a daily basis.

I now yield to the gentleman from Kansas (Mr. ROY).

Mr. ROY. Mr. Speaker, there is today a national consensus that we have problems in our health care system. Based on this consensus, the Congress has taken significant steps within the past year to resolve these problems. The provisions of Public Law 92–603 to reform the medicare and medicaid programs are noteworthy. The passage of the HMO assistance legislation, emergency medical services systems legislation, and the community mental health legislation are important—and there are more.

But there is much yet to be done. There are basically three problems in our health care system. These are interrelated, of course, but for purposes of discussion today, I should like to take note of them separately. The problems are:

First. The escalating costs of health services;

Second. Problems with the availability of health services; and

Third. The variable quality of health services.

ESCALATING COSTS

The escalating costs of health services is the first problem to which attention must be paid. Over the past two decades, the cost of health care has increased dramatically. Health expenses in fiscal year 1972 equalled $83.4 billion—more than 5 times those of 20 years ago. As a percentage of the gross national product, health services costs have increased from 4.6 percent of the GNP in 1950 to 7.6 percent of a much larger GNP in 1970.

The costs of Federal health programs have also increased greatly during this time. The cost, for instance, of hospital insurance for medicare beneficiaries increased from $1.6 billion in 1966 to $6.7 billion in 1973. And medicare benefits now fall far short of covering all expenditures for people over age 65—meeting only 60 percent of their total health care bills.

AVAILIBILITY OF HEALTH CARE SERVICES

The problem of the availability of health services focuses on the inability of American people to receive care when they need it, where they need it, and how they need it.

The problem is basically one of manpower and facilities. In simplest terms, it means that there are men, women, and children for whom doctors, nurses, clinics, and hospitals do not exist. One way to describe the problem is in terms of physician/population ratios. The national average is one physician for about 665 persons. In South Chicago, in the South Bronx, in Harlem, in East Los Angeles, and in Central St. Louis, the ratios are all worse than one physician for every 2,000 people. In one five-county area of my district in Kansas, the ratio is even worse than this—and the average physician age there is over 55 years of age. There are literally hundreds of innercity and rural areas of the Nation where health services are unavailable to large numbers of Americans.

QUALITY OF CARE

The third issue I want to raise is the one of greatest concern to health professionals themselves, that is the quality of health services provided. The quality of health services delivered in the United States varies widely. At its best, the system provides the highest quality of care in the world. In many geographic areas, however, providers are overworked, hurried, have little time for continuing education, and sometimes find themselves providing care of less than optimal quality. Audits of records, pathology reports, patient surveys all indicate that in some areas of the United States, the quality of services provided does not meet optimal professional standards.

GOVERNMENT ACTION

So these are the problems within the health care industry. But there is an additional problem which has developed over the past several years, a problem which may be described as governmental. It centers on the fact that, in an attempt to deal with the three problems in the health services system previously described, Government has acted in a centralized and rigid—even "monolithic"—manner to impose controls in the health care industry.

If we consider the situation, we find that the administration has consistently imposed cost controls within the health care industry, under the auspices of the economic stabilization program through Phases I, II, III, and now as a proposal for Phase IV. The Cost of Living Council regulations have been applied by edict. The regulations have applied impartially to all providers of the country. The controls are uniform. They are imposed with equal force in areas where health care costs are high and low. They apply equally to efficient and inefficient providers, to traditional and innovative systems, to the honest and the corrupt. Such controls are "monolithic," in that they have been issued nationwide from a single central bureaucratic office; and they are insensitive, for without extensive, elaborate, expensive appeals, they cannot be—and are not—varied.

A similar pattern of regulation is emerging to deal with the problems of availability of services. This pattern has at its heart the requirement for approval of construction of health institutions. To date, more than 20 States have adopted "Certificate of Need" legislation. Further, Public Law 92–603 moved the Federal Government into this area by requiring health institutions, in order to qualify for reimbursement by medicare, to have all capital expenditures of greater than $100,000 approved by a local planning agency.

Such approval, however, is basically negative. It may be withheld, but it cannot be transferred. It cannot say build here rather than there, or develop this service rather than that service. And perhaps more significantly, given the lack of resources committed to support real competent planning, such approval power has become the application of simple bed ratio formulas without regard to unique local needs or potentials. So "Certificate of Need" legislation—especially that administered by stunted, incompetent agencies—is essentially a rigid and insensitive program.

Finally, in the quality of care area, Public Law 92–603 mandates that care, in order to be reimbursed by medicare, must be certified by a Professional Standards Review Organization—PSRO. Again, this is basically a negative process. PSRO has as its basis the denial of payment for services which are not certified as "necessary and appropriate":

DEAR DOCTOR: This is to inform you that care provided . . .

We can all envision the letter. While there has been some discussion of the need to provide for positive aspects of the PSRO program, in reality action in this regard has been minimal.

So we see the development, in each of the areas of cost, availability, and quality, of regulatory systems which are essentially negative in concept, especially when administered by underfunded and so minimally competent agencies.

THE NATIONAL HEALTH POLICY AND HEALTH DEVELOPMENT ACT OF 1974

It is for these reasons—the problems within the health care system and the problems in the governmental responses to these problems to date—that I am

pleased to join with my distinguished colleagues, Mr. ROGERS and Mr. HASTINGS, in introducing the "National Health Policy and Health Development Act of 1974." This legislation establishes a program which will deal effectively with the problems in our health service system. And more importantly, it will deal effectively with those problems in a decentralized and sensitive manner.

The program described by the act is based on the establishment of area health services agencies and State health commissions.

AREA HEALTH SERVICE AGENCIES

Area health service agencies—AHSA's—would be not-for-profit private agencies whose primary role would be to plan and develop the health care system. Additionally, AHSA's would have responsibility for reviewing and making preliminary recommendations in the regulatory area. AHSA's would—

Serve health areas with a population of between one-half million and 3 million people. Health areas would generally follow State lines, and could be larger for large urban areas or smaller in the States with low populations. Health areas would, to the extent possible, be congruent with the areas recently designated for the PSRO program.

Have an adequately paid staff of reasonable size—staff member per 100,000 people in the area—to insure the competence of the agency.

Have responsibility for developing both a long-range goal plan—LPG—and a short-term priorities plan—SPP—for the area.

Have responsibility for providing technical assistance to entities within the area to develop programs and projects consistent with the plans of the agency.

Have funds—an "area health services development fund—to provide to entities within the area to assist them in developing projects and programs consistent with the plans of the agency.

Have the responsibility to consider all proposed construction projects within the area and make a recommendation to the State health commission that projects be approved or disapproved.

Consider periodically—at least every 3 years—the need for continued provision of certain services by institutions within the area and make a recommendation to the State health commission that such services be or not be recertified.

Have the responsibility to consider all expenditures of Federal funds for projects within the area and made a recommendation to the Secretary that such projects be approved or disapproved.

STATE HEALTH COMMISSION

State health commission—SHC—would be independent commissions within State government. SHC's would have either three, five, or seven commissioners, three of which may have a background in the health services industry. SHC's would have responsibilities to—

Review and approve LPG's and SPP's developed by AHSA's within the State.

Review and make a final determination with respect to construction projects within the health care industry within the State.

Review and make a final determination for recertification of services by health services institutions within the State.

Develop within 4 years, for the Secretary's approval, a program of rate review for health care institutions.

CONCLUSION

Mr. Speaker, the system described in H.R. 12053, combining a not-for-profit private agency—the area health service agency—with an independent commission within State government—the State health commission—provides a reasonable system for planning, for developing, and for regulating in a sensitive and decentralized manner, our health services system.

We do indeed have problems in our health care system. Over the past several years, the programs developed to deal with those problems have not always been in the best long-range interests of the American people—either health care providers or consumers. For this reason, the proposal which we have introduced today, the National Health Policy and Health Development Act of 1974, is important in that it provides a mechanism for dealing with the problems in our health care system in a reasonable manner.

Mr. ROGERS. I yield to the gentleman from New York (Mr. HASTINGS).

Mr. HASTINGS. Mr. Speaker, I am pleased to introduce H.R. 12052, the "National Health Policy Act of 1974."

I would like to emphasize that this provision is similarly drafted, and effectively the same, as title I of H.R. 12053, the "National Health Policy and Health Development Act of 1974," which I today joined in sponsoring with the distinguished gentleman from Florida (Mr. ROGERS) chairman of the Subcommittee on Public Health and Environment.

The National Health Policy and Health Development Act of 1974 is an essential piece of legislation requiring timely consideration during the next session of Congress. It contains the core programs necessary for a coordinated effort in improving health care delivery.

Based on the Federal experience in both supply and demand oriented programs, clearly, more than money is needed. The massive infusion of Federal tax dollars has so far failed to produce adequate health care resources accessible to the Nation's population. We must strengthen and improve the structure of the health care system and anticipate increased demands.

Ideally this plan will compliment and strengthen, rather than disrupt, our present system of health care. The concepts and their implementation are open issues, but they deserve close study for application to our total health picture.

We have reached a point where hard choices in social programs are essential. We have discovered that even Federal resources have limits and if new programs are to begin, old ones must be reexamined. This is an excellent opportunity to study, overhaul, and redirect—as necessary—the Federal Government's role in the Nation's health care delivery system to meet the rapidly changing needs of the American people.

I will not make any more detailed remarks on the package because it will be amply discussed by my colleagues during its introduction. I have participated fully in its development and strongly support the need to examine the principles presented.

Although the majority of provisions represent necessary steps that should be taken to rationalize our health care delivery system, I feel strongly that the need for a national health policy is even more critical. That is why I have introduced this particular provision separately. H.R. 12052, the "National Health Policy Act of 1974" provides for a Presidential Council on Health Policy, responsible for assessing the Nation's health needs and resources. In doing so, it would make appropriate evaluations and recommendations to coordinate and improve the Nation's health care system.

It seems incredible that our Nation—a Nation deeply rooted in technology and science aimed at human progress—does not have a national health policy. I do not simply mean convenient rhetoric, but a quantifiable set of goals—supported by a quantifiable plan—including a timetable and cost estimates.

We call the Nation's health care system unresponsive, fragmented, inflationary—even a nonsystem. Its critics and criticisms are many. Yet, the Federal Government is at least partially responsible, I am sure, for exacerbating the situation.

We have not gone far enough in our reevaluation of health programs, nor have we been forward enough in our mandates. Fortunately the critical choices stil lie ahead: What will we do about manpower? What will we do to place continuity and responsibility in the delivery system? What will we do about improving financial accessibility for the American people? And what will be the ultimate policy and posture of the Federal Government in assuring that these needs are met in a timely and effective way?

The key to these questions lies in part, I think, in viewing the health care system as a whole. We need a national health policy to assure a coordinated approach to the problems of financial access to health care and sufficient health care resources to meet all the needs of all the people.

This system of goals and priorities, supported by an appropriate financial mechanism and dovetailed to a system of comprehensive health planning and development must be established and adhered to at the national, State, areawide, and community level. Only in this way can we hope to rationalize the health care system and insure that future legislation has some chance of taking us where we want to go.

I sincerely hope that we can develop a national health policy to which we can relate our health mandates. I should expect that in the time ahead, we will make certain that the whole is indeed equal to the sum of its parts—and that our policy and programs are equal to the task ahead.

In closing I would like to include two statements from organizations regarding the need for a national health policy:

ALEXANDRIA, VA.,
December 17, 1973.

HON. JAMES F. HASTINGS,
House of Representatives,
Washington, D.C.

DEAR MR. HASTINGS: Clair Schroeder, President of the Association, has appointed an interdisciplinary committee, representative of a wide range of interests, to seek out consensus for development of a national health policy from all types of national organizations interested in the health of the American people.

The AACHP announced the campaign to work towards a Federal policy that would provide for all people equal rights and access to adequate health care regardless of social or economic circumstance on December 17, 1973.

Concern over rising costs of health care, inequities of the health system to adequately serve many of the nation's poor and the eminent passage of national health insurance within the next few years has prompted AACHP to work toward establishing the first nationwide consortium for health policy. A statement of the objectives is attached.

Sincerely,

LAWRENCE NEWELL,
Executive Director.

TOWARD THE DEVELOPMENT OF A NATIONAL HEALTH POLICY

The state of the nation's health should be determined a major consideration by the Congress and the American people. The capability of all people to achieve their maximum potential for happiness, success and productivity is directly affected by standards of personal, social and mental health within a quality of environment that makes these conditions possible. The vast wealth of resources of this nation are sufficient to make these goals attainable.

AACHP recognized the need for the formation of a national health policy in its December 6, 1972, proposal for Congressional consideration. This proposal recommended the establishment of a Presidential Report on the Nation's Health, a National Council on Health Policy Planning, to be located in the Executive Office of the President with an Advisory Committee broadly representative of the people and a Joint Committee on Health Policy Planning composed of representatives from the Senate and the House of Representatives.

The AACHP Board of Directors, at its meeting on December 8, 1973, re-affirmed its commitment to work towards the development of a national health policy by taking action to expeditiously seek support from leadership organizations and people to this end.

A National Heatlh Policy should include, among others, the following components or principles:

1. Adequate health care is a right of all people.

2. Elimination of ability to pay as a deterent to both receive and to seek out preventive, therapeutic and rehabilitative health services.

3. Equal access and availability to health services should be provided to all Americans with dignity and humanity.

4. The consumers of health services should be involved in health policy development and planning at all levels of government.

5. Public accountability must be assured in any method of governing the health system through adequate representation from consumers, providers, and elected officials.

6. Barriers to quality, effectiveness, acceptability, availability and accessibility of health services, to all people, must be removed.

7. Quality of the human environment must be considered an integral part of the preventive component of the health care system.

8. Society can only guarantee access to a health care system and knowledge of healthy behavior, personal health must remain a matter for individual decision and action.

It is from such principles as these that AACHP would wish to assess the attitudes of organizations across the nation to determine where consensus can be achieved towards the development of a national health policy.

AACHP is representative of a broad range of interest including consumers, providers and elected officials. It is because of this broad representation that the Association is taking the lead in providing a common meeting ground for all national organizations interested in strengthening the health care capabilities of the nation in serving the people.

In order for this to occur, AACHP believes two important steps should be taken.

1. Congress should enact legislation creating a Council on National Health Policy for the development of a meaningful national health policy for purpose of providing a framework for future health legislation.

2. Discussions should be commenced immediately between consumers, providers and elected officials for determining what characteristics should be included in such a national health policy.

LUTHERAN CHURCH IN AMERICA,
New York, N.Y., November 29, 1973.

HON. JAMES F. HASTINGS,
House of Representatives,
Washington, D.C.

DEAR MR. HASTINGS: I have the privilege of reporting to you the action taken by a group of 52 people drawn from the major segments of the health care delivery system who in discussions over one weekend in October came to the conclusion that there is a critical need for the United States to adopt a broad policy on health care. Such a policy could then guide and help to integrate the various health programs that will be adopted in the years ahead. The enclosed Call for a National Health Policy is the product of their unanimous action.

I understand that you serve on the House of Representatives Sub-Committee on Public Health and Environment and that hearings on comprehensive health care bills may be held in the near future. This seems to me to be wise because the health care field is exceedingly complex. In your opinion would the development of a national health care policy statement be a helpful first step in the development of new legislation in this area of concern?

I would be pleased to receive any comments you care to make about the enclosed Call. I do want to make it clear that this is a statement of 52 individuals and not an official statement of the Lutheran Church in America. However, the Lutheran Church in America is deeply concerned about this issue and is calling a consultation to study it and propose a policy for adoption at a later time.

Sincerely yours,

HAROLD C. LETTS,
Secretary for Social Concerns—Faith and Life Institutes, Department of Church and Society.

A CALL FOR A NATIONAL HEALTH POLICY

The Faith and Life Institute on Health Care Delivery, meeting at Pheasant Run, St. Charles, Illinois, on October 19–21, 1973, adopted unanimously the following call for a national health policy. The 52 participants in this institute comprised a cross-section of the health care delivery system. Doctors, nurses, hospital and medical insurance administrators, chaplains and clients were represented. The institute was sponsored by the Lutheran Church in America and the American Protestant Hospital Association. However, the resolution adopted is the sole responsibility of the participants of the institute and should not be attributed to the sponsors.

Inquiries may be addressed to: The Reverend Harold C. Letts, Department for Church and Society, Division for Mission in North America, Lutheran Church in America, 231 Madison Avenue, New York, New York 10016.

Recognizing the Constitutional and historic intention of our society, to establish the equitable right to life, liberty and the pursuit of happiness; and

Recognizing the interdependence of all our people and resources to secure these rights; and

In order steadily to improve the access of all our people to needed health services;

We proclaim that the formulation of a National Health Policy is imperative, and that any such policy shall include the following characteristics:

1. Allocation of a consistent and reliable portion of our national resources to health programs.

2. Establishment of realistic goals for such programs, and schedules for progress toward their achievement.

3. Regular review of the spectrum of health needs and programs to continue the balanced development of such areas as personal health care, public health, health education and research.

4. Acknowledgement that our health care system is itself part of larger social-economic systems, both national and global.

5. Anticipation that dramatic technological and social changes will continue to occur, and must be creatively envisioned and planned for.

6. Informed and responsible participation of all elements of the system, including consumers, in planning and evaluation of national health policy structures and program effectiveness.

This bill is submitted for print in the RECORD:

H.R. 12052

A bill to provide for the development of a national health policy

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 "National Health Policy Act of 1974".

FINDINGS

SEC. 2. (a) The Congress makes the following findings:

(1) The achievement of equal access to quality medical care at a reasonable cost is a priority of the Federal Government.

(2) Massive infusion of funds into the existing health care system has failed to produce an adequate supply or distribution of health care resources and consequently has not made possible equal access to such resources by the total population.

(3) The many and increasing responses to these problems by the public sector (National, State, and local) and the private sector has not resulted in a comprehensive rational approach to the problems of—

(A) the lack of uniformly effective methods of delivering health services;

(B) the maldistribution of health care facilities and manpower; and

(C) the increasing cost of health care Services.

(4) Past and present increases in the cost of medical care, particularly of hospital stays, are excessive and inflationary, and there are presently inadequate incentives for the use

of appropriate alternative levels of medical care, and for the substitution of ambulatory and intermediate care for inpatient hospital care.

(b) In recognition of the magnitude of the problems described in subsection (a) and the urgency placed on their solution, it is the purpose of this Act to develop recommendations for a national health policy, to augment comprehensive planning for health services, manpower, and facilities. The recommendations for a national health policy are to specify national health goals to give direction to and coordinate public and private health planning and health services development programs.

ESTABLISHMENT OF COUNCIL ON HEALTH POLICY

SEC. 3. (a) There is established in the executive Office of the President a council to be known as the Council on Health Policy (hereinafter in this Act referred to as the "Council"). The establishment of the Council in the Executive Office of the President shall not be construed as limiting or otherwise affecting access by the Congress, or the committees of either House, (1) to information or documents in the possession of, or to studies conducted by, the Council, or (2) to personnel of the Council.

(b)(1) The Council shall be composed of five members who shall be appointed by the President by and with the advice and consent of the Senate. The members shall be persons who, as a result of their training, experience, or attainments, are exceptionally well qualified to assist in carrying out the functions of the Council. Not less than two of the members shall be persons who are not professionally engaged in any aspect of the delivery of health care. Not more than three members of the Council shall be of the same political party.

(2) The term of office of a member of the Council shall be six years, except that—

(A) of the members first appointed to the Council, two shall be appointed for terms of two years and two shall be appointed for terms of four years, as designated by the President at the time of appointment; and

(B) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term

A member may serve after the expiration of his term until his successor has taken office.

(3) The Chairman of the Council shall be selected by the members from among their number. The term of office of the Chairman of the Council shall be the lesser of three years or the period remaining in his term of office as a member of a council.

(c) The annual rate of basic pay of the Chairman of the Council shall be the annual rate of basic pay in effect for level II of the Executive Schedule, and the annual rates of basic pay of each of the other members of the Council shall be the annual rate of basic pay in effect for level III of the Executive Schedule.

(a) The Council may employ and prescribe the functions of such officers and employees, including attorneys, as are necessary to carry out its functions. In addition, the Council may procure the services of experts and consultants as authorized by section 3109 and title 5, United States Code, but without regard to the 1st sentence of such section.

FUNCTIONS OF COUNCIL ON HEALTH POLICY

SEC. 4. (a) The Council shall be responsible for the following:

(1) Assessment of the status of the Nation's health.

(2) Assessment of existing and proposed Federal and other health programs.

(3) Assessment of the need for health resources and services.

(4) Development of recommendations for a national health policy which are to include a quantifiable statement of national health goals developed after appropriate consideration of the priorities set forth in section 5.

(5) Issuing guidelines respecting the appropriate supply, distribution, and organization of health resources and services.

(6) Conduct of studies and analyses concerning recommendations developed under paragraph (4) for a national health policy.

(7) Examination of alternate means of achieving the goals developed under paragraph (4) including, but not limited to, other elements than the direct provision of health care services that impact on the health of Americans, such as housing, environment, education, nutrition, accident prevention, and other societal factors.

(8) Evaluation of the implications of developing medical technology on the health care delivery system.

In carrying out its responsibilities under this subsection, the Council shall seek the counsel of such advisory committees as necessary appointed by the Council.

(b) The Council shall submit annually a comprehensive report to the President and the Congress specifying the results of the activities undertaken by the Council to meet its responsibilities.

NATIONAL HEALTH PRIORITIES

SEC. 5. The Congress finds that the following deserve priority consideration in the formulation of a national health policy and in the development and operation of Federal, State and area health planning, development, and regulatory programs:

(1) The provision of primary care services in medically underserved areas, especially those which are rural or economically depressed.

(2) The development of multi-institutional systems for coordination or consolidation of institutional health services (including obstetric, pediatric, emergency medical, intensive and coronary care, and radiation therapy services).

(3) The development of medical group practices, especially those whose services are appropriately coordinated or integrated with institutional health services.

(4) The training and increased utilization of physician assistants and nurse clinicians.

(5) The development of multi-institutional arrangements for the sharing of support services necessary to all health service institutions.

(6) The promotion of activities to assure the quality of health services, including those identified by the review activities of Professional Standards Review Organizations under part B of title XI of the Social Security Act.

(7) The development by health service institutions of the capacity to provide various levels of care (including intensive care, acute general care, and extended care) to discourage wasteful and inappropriate use of services and promote uses that are economically justified in view of the relationships between costs incurred and benefits received;

(8) The adoption of uniform cost accounting systems and improved management procedures for health service institutions, including an evaluation of the productivity of health service institutions.

(9) The development of effective methods for regulating rates of payment and reimbursement for medical care, to assure those responsible for the provision of services with necessary revenue requirements for the provision of quality health services, and to distribute the burden of meeting these revenue requirements fairly among all those who pay for health services.

GENERAL LEAVE

Mr. ROGERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to insert their remarks during the special order which was previously granted.

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

There was no objection.

WATERGATE

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, for the last 8 months, the principal subject of headlines, the newscasts and conversation has been Watergate.

A Special Prosecutor was appointed with an ample budget and with an ample staff of more than 80 lawyers, investigators and secretaries to fully investigate any criminal wrongdoing. To date, this staff has expended over $1,000,000 and is continuing to expend funds at the rate of $150,000 per month.

The select Senate committee on the Watergate investigation has made an extensive investigation with a large staff of more than 80 and has also expended over $1,000,000 in its efforts to publicize and expose any and all wrongdoing or suggestions of wrongdoing. Additional funding of over $500,000 has been provided the select committee.

Literally, thousands of reporters have examined, reviewed, and critiqued almost every aspect of Watergate. Columnists, political scientists, and other students of the political and governmental scene have given great attention to the abuses and the excesses, both real and imagined, of Watergate.

The public is fed up. Those who feel that Nixon is guilty of impeachable offenses want him impeached. Those who do not, want Nixon's critics off his back.

The scene has now shifted to the Judiciary Committee of the House of Representatives. There is enough information available to the Judiciary Committee for it to make an up-or-down decision.

The Judiciary Committee has available to it an abundance of information obtained by the select Senate committee; information developed by the Special Prosecutor's investigation; research financed by Stewart Mott, the General Motors heir, who is reputed to have spent more than $200,000 in the preparation of a legal study supporting Nixon's impeachment; information from the American Civil Liberties Union which has investigated and can make its information available; information from the AFL–CIO in substantiation of its charges. In short, every enemy of Nixon can get his information to the Judiciary Committee.

The Judiciary Committee has a special and heavy responsibility to fully, deliberately, and speedily weigh all of

this mass of information and put it into the record so that the Judiciary Committee can vote out a recommendation of "impeachment" or "no impeachment" by the first of March. This will require a great deal of work. It will require tremendous effort by the members of this committee. They can do the job if they will try. I am sure they will do the job. They owe it to the House of Representatives and the American people to get this job done now.

Let the House of Representatives then stand up and be counted on this urgent issue. The best interests of the country demand expedited action.

As a Congressman, I reserve any judgment, for or against impeachment, until the matter is fully presented and debated in the House of Representatives. I will then vote in accordance with my duty as a Representative of the people of the 10th District of Illinois. I have an obligation to fully weigh the evidence and to fully consider the House's responsibility under the Constitution. I intend to discharge that obligation. I will not shirk, whether my vote is popular or unpopular.

To conclude, I say to the Judiciary Committee and to my colleagues in the House of Representatives: "We must either impeach the President or get off his back." The taxpayers expect this and they should get it.

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maine (Mr. COHEN) is recognized for 5 minutes.

Mr. COHEN. Mr. Speaker, unfortunately, I was not able to be present on the House floor yesterday evening for the vote on final passage of H.R. 11510, the Energy Research and Development Administration Act. Had I been present, I would have voted "yea" on final passage, and I am pleased that the House approved this legislation.

NATIONAL LAND USE POLICY NEEDED? ASK THE PEOPLE BACK HOME

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. RONCALLO) is recognized for 5 minutes.

Mr. RONCALLO of New York. Mr. Speaker, this weekend we will be going home to spend the holidays with our families and friends in familiar surroundings and to enjoy a much-needed rest. One of the purposes of the recess, however, is to reacquaint ourselves with the needs and desires of our constituencies and learn their views on future legislation. One such measure which deserves this treatment is H.R. 10294, the Land Use Planning Act of 1973, which the Committee on Interior and Insular Affairs has unfortunately decided to pursue in the next session. As the passage of this legislation would significantly alter the processes of local home rule government in most States, this is one vote which every Member will have to live with for the rest of his political career.

Two misconceptions have grown up about this bill. First, it is labeled "environmental legislation" by some of those who are working or lobbying for its passage. Its provisions, however, permit it to be used either for or against the environment. It just depends on who is doing the using. I wish that some of the environmentally oriented organizations that are calling Members' offices would read the actual text of the bill, instead of just the statements, speeches, and other propaganda surrounding it. They might be in for a few surprises. This is a centralization bill, pure and simple, nothing else. Power is shifted upward from municipalities to the States and from the States to the Federal Government. If that is what you want, say so, and we can discuss the bill on its merits. But do not hide behind a misleading label.

The second misconception, arising from a "dear colleague" letter from the distinguished chairman of the Subcommittee on Environment, is that the Secretary of the Interior is restricted to a procedural review of State land use plans.

Nothing could be further from the truth, because the so-called procedures include compliance with the substantive sections 105 and 106. Under these sections, for example, the State must "assure that local regulations do not unreasonably restrict or exclude development and land use of regional or national benefit." The State must consider the need for a "full range of housing opportunities." Also, the State must be able to "prohibit the use of land" designated as areas of critical environmental concern, areas which may be impacted by key facilities, areas subject to development and land use of regional benefit and areas of large-scale development. Additionally, the State must not exclude any areas of critical environmental concern determined by the Secretary of the Interior to be of more than statewide significance. What could be more substantive than that? The Secretary, not the State, determines what areas will be protected, or the plan does not qualify under the act.

If the State is ineligible for a grant under this act, it loses up to 21 percent of its Federal highway, airport, and land and water conservation funds. Try that one on your constituents, if you dare. There are rumors that these sanctions will be deleted before the bill is reported, but their inclusion up until now is indicative of the whole mentality of this bill. I heard it said recently that the Land Use Planning Act would give the State Governors the weapon they need to increase their power against locally elected officials. That is none of the Federal Government's business. If the Congress wants to influence land use on federally owned lands or through the siting of military bases, VA hospitals or the like, we can do so. But we have no right to interfere with the balance of power in an individual State.

I cannot urge you strongly enough to take copy of H.R. 10294 home with you over the recess and read it word for word. At least have your legislative aide do so and provide you with a complete and accurate summary. Ignore the statements; look at the text. Then talk to your mayors, aldermen, and county executives. Many of you came up through the ranks of local government as I did. I am proud of it, and I am sure you are too. Would you have liked the State to say that you, as an elected official responsible to the people, no longer had the final say about zoning in your own community? I will grant that the State land use plan need not decide if a tavern can go up on a given corner, but it could reject your zoning map if you allow retirees to build A-frames around a given lake or if you have not included a large enough percentage of high-rise housing.

These locally elected officials are people you have to work with to properly represent your district. They have probably given you a lot of support for years. But don't you believe for a minute, however, that if you strip them of their power to determine how land will be used, they would not be the first to say "Do not blame me for your lower property values, your higher taxes, your regional development high rises. The Congressman voted for the bill that took the power from you, the people, and gave it to a bunch of bureaucrats in the State capital. Go ask him." And so they will.

Go home and talk, my friends, and then let us come back and defeat this bill and leave home rule intact.

TOM PELLY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California, (Mr. DON H. CLAUSEN) is recognized for 5 minutes.

Mr. DON H. CLAUSEN. Mr. Speaker, I share the mournful feeling every Member of the House feels at the recent unexpected passing of Tom Pelly.

Tom was a very special friend to me. I mean that in the sense of our personal relationship as well as our professional relationship when we were working together in the House.

I felt we had that close rapport working together that enabled us to accomplish goals and to advance programs that might not otherwise have been accomplished.

His strong, effective, and intelligent leadership in the field of American fishery and marine resources was so great that I shall always think of the opportunity I had to work with this great man, in this area, as one of the high points of my service in the Congress.

Tom will be missed only because of his outstanding achievements but because he was a true gentleman always. He gave us an example to follow. I believe the House is a better institution for Tom Pelly having served here.

We shared many special moments together. He gave positive leadership and pragmatic direction to those of us who were deeply involved in the conservation and utilization of the vast resources of the oceans.

Tom had a fine grasp of legislation, rooted in a deep grounding in the best

American traditions. He knew his country and he loved it. And America has derived long-lasting benefits from Tom's long public service.

The loss of this competent and compassionate man can never be lessened but we can take solace in the fact that his legacy will go on forever and we must commit ourselves to continuing on in the directions he believed we should take.

EMPLOYER SUPPORT FOR GUARD AND RESERVE REACHES MAJOR MILESTONE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Idaho, (Mr. HANSEN) is recognized for 10 minutes.

Mr. HANSEN of Idaho. Mr. Speaker, over a year ago on August 2, 1972, I had the privilege of informing the Members of this Chamber about the establishment of the National Committee for Employer Support of the Guard and Reserve. I rose then to applaud the action of the President in establishing the program and selecting the distinguished retired chairman of the board of General Motors, Mr. James M. Roche, as national chairman.

Today, I rise again, to advise my colleagues, with great enthusiasm, of the exciting and heartwarming response this committee has received from American employers during the past year. Those who are voluntarily participating in this program, and I am pleased to say I am one of them as a member of the committee's advisory council, have spent the year contacting employers throughout the Nation through various methods including direct mail, the media, personal presentations and appearances at various functions. Employers being contacted are asked to sign a statement of support which is a means of recognizing the National Guard and Reserve as essential to the strength of our Nation and the maintenance of world peace.

The statement also carries employer recognition of the personal sacrifice extended by members of the Guard and Reserve in their voluntary participation in this Nation's citizen-military forces. In signing the document, the employer pledges that employees' job and career opportunities will not be limited or reduced because of service in the Guard and Reserve; that employees will be granted leaves of absence for military training in the Guard or Reserve without sacrifice of vacation time; and that the agreement and resultant company policies will be made known throughout the organization and announced in company publications and through other existing means of communication.

The method of measurement of success for the program has been the number of employees covered through signed statements of support. On December 4, 1973, I had the pleasure of attending ceremonies at the Pentagon at which the Deputy Secretary of Defense, the Honorable William P. Clements, Jr., presided, and which commemorated the achievement of 50 percent employee coverage through this program.

At that ceremony, which was also attended by the Honorable STROM THURMOND of South Carolina, officials from the Department of Defense, and the chiefs of the Guard and Reserve forces, Mr. Harvey Hauser, president of Hauser Industrial Enterprises, Inc., of Brooklyn, N.Y., who signed a statement of support for his company bringing the program to this important halfway mark.

In addition to Mr. Hauser, over 170,000 employers have thus far added their signatures to similar statements to pledge their support to this important effort. And among them, I am pleased to state, are 92 Members of the House of Representatives who elected to sign statements of support as employers and thus helped achieve this significant milestone in the program. The following are the Members of this body who have signed statements up to this date:

The Honorables:
James Abnor (R-South Dakota).
Joseph P. Addabbo (D-New York).
Carl Albert (D-Oklahoma).
John B. Anderson (R-Illinois).
Mark Andrews (R-North Dakota).
Bill Archer (R-Texas).
LaMar Baker (R-Tennessee).
R. L. Beard (R-Indiana).
Charles E. Bennett (D-Florida).
Tom Bevill (D-Alabama).
Mario Biaggi (D-New York).
David R. Bowen (D-Mississippi).
Donald G. Brotzman (R-Colorado).
George E. Brown (D-California).
Clair W. Burgener (R-California).
M. Caldwell Butler (R-Virginia).
Tim Lee Carter (R-Kentucky).
Bill Chappel, Jr. (D-Florida).
D. Clawson (R-California).
Harold R. Collier (R-Illinois).
Silvio O. Conte (R-Massachusetts).
James C. Corman (D-California).
J. C. Culver (D-Iowa).
Robert W. Daniel, Jr. (R-Virginia).
W. C. (Dan) Daniel (D-Virginia).
Dominick V. Daniels (D-Virginia).
Frank E. Denholm (D-South Dakota).
J. H. Dent (D-Pennsylvania).
John J. Duncan (R-Tennessee).
Jack Edwards (R-Alabama).
Frank E. Evans (D-Colorado).
Daniel J. Flood (D-Pennsylvania).
Walter Flowers (D-Alabama).
Gerald R. Ford (R-Michigan).
Edwin B. Forsythe (R-New Jersey).
Donald M. Fraser (D-Minnesota).
Peter H. B. Frelinghuysen (R-New Jersey).
Benjamin A. Gilman (R-New York).
Bo Ginn (D-Georgia).
Charles S. Guber (R-California).
Gilbert Gude (R-Maryland).
James M. Hanley (D-New York).
Robert P. Hanrahan (R-Illinois).
Orral Hansen (R-Idaho).
F. Albert Hébert (D-Louisiana).
Andrew J. Hinshaw (R-California).
Marjorie S. Holt (R-Maryland).
Robert J. Huber (R-Michigan).
Harold T. Johnson (D-California).
Ed Jones (D-Tennessee).
James R. Jones (D-Oklahoma).
William J. Keating (R-Ohio).
Jack F. Kemp (R-New York).
Earl F. Landgrebe (R-Indiana).
Norman F. Lent (R-New York).
Gillis W. Long (D-Louisiana).
Trent Lott (R-Mississippi).
George H. Mahon (D-Texas).
William S. Mailliard (R-California).
Richard W. Mallary (R-Vermont).
James R. Mann (D-South Carolina).
Romano L. Mazzoli (D-Kentucky).
G. V. Montgomery (Sonny) (D-Mississippi)
John M. Murphy (D-New York).
Jerry L. Pettis (R-California).
Walter E. Powell (R-Ohio).
John J. Rhodes (R-Arizona).
Matthew J. Rinaldo (R-New Jersey).
J. Kenneth Robinson (R-Virginia).
Howard W. Robison (R-New York).
Tena Roncalio (D-Wyoming).
Angelo D. Roncallo (R-New York).
Edward R. Roybal (D-California).
Ronald A. Sarasin (R-Connecticut).
William B. Saxbe (R-Ohio).
William J. Scherle (R-Iowa).
Sam Steiger (R-Arizona).
Samuel S. Stratton (D-New York).
Burt L. Talcott (R-California).
Charles M. Teague (R-California).
D. C. Treen (R-Louisiana).
Victor V. Veysey (R-California).
Joe D. Waggonner, Jr. (D-Louisiana).
William F. Walsh (R-New York).
Charles E. Wiggins (R-California).
Lester L. Wolff (D-New York).
Antonio Borja Won Pat (D-Guam).
Jim Wright (D-Texas).
Chalmers P. Wylie (R-Ohio).
Louis C. Wyman (R-New Hampshire).
Gus Yatron (D-Pennsylvania).

I shall not reiterate what I said in August of 1972 concerning the essentiality of this Nation's Guard and Reserve Forces to our national security, except to emphasize the fact that these forces are designed to represent 30 percent of the military personnel of the total force while sharing only about 5 percent of the defense budget. Today's Guard and Reserve are composed of men and women who elect participation in a purely voluntary manner. They give of their time and effort at some personal sacrifice. In order to continue to participate they need the support of everyone including associates, family, friends, and employers. Surely, where such support does not exist the individual cannot feel free to continue to participate.

It is gratifying to me personally to have my faith in America's employers, as I expressed that faith a year ago, confirmed. The evidence exists in the achievement of the National Committee for Employer Support of the Guard and Reserve. I salute those employers who have signed statements of support, and I salute Mr. Roche and his committee for the excellent job they have done.

And now that one-half the job has been accomplished, I again take to this platform to urge employers and everyone else throughout this great land to give support to these fine men and women who help defend America and our sacred principles with unselfish dedication. Those employers who have not yet signed a statement of support should do so without delay so not only will the program reach its projected goal, but so that the members of the Nation's Guard and Reserve will know that their participation is appreciated and that the Nation is aware of their important contribution to the preservation of the security of our country.

PANAMA CANAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alabama (Mr. EDWARDS) is recognized for 5 minutes.

Mr. EDWARDS of Alabama. Mr. Speaker, one issue which continues to be discussed here and elsewhere is the control of the Panama Canal. I believe the United States must be firm on this subject. We must insist on security of passage through the canal. To achieve this security, nothing less than U.S. control and protection of the canal will do.

U.S. sovereignty over this waterway, our control and defense of the canal, must not be negotiated away. We should respect the rights and interests of the Panamanian people. But a continued American presence is vital. Removal of U.S. forces from the Isthmus of Panama would inevitably create a vacuum of instability which would be filled by the eventual takeover and possible closing of the canal.

The Panama Canal is located at the narrowest point between the Atlantic and Pacific Oceans and has been fittingly called the bridge of the world. The smooth flow of international commerce demands that this bridge be freely passable. And free passage requires U.S. control and protection.

I urge every Member of this body to support and safeguard U.S. interests in the Panama Canal.

CRIME CONTROL—ACTION BY THE PEOPLE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. CHAPPELL) is recognized for 5 minutes.

Mr. CHAPPELL. Mr. Speaker, we have been told that crime dropped by 2 percent in 1972, but I find in my own district that people are still very much concerned about the problem of crime. Perhaps this is because although the national figure dropped slightly, violent crime continued to rise. In the category of rape, there was an 11-percent increase over the year before; murders increased 5 percent and assaults 7 percent.

Not only are people concerned about the crime situation, many are willing to help in every way possible to help cut crime. In my own Fourth District of Florida, we have several citizens' committees which are actively studying various problems and making recommendations to me on how those problems might be solved. Two committees—our Crime Control Committee and a youth advisory committee both studied problems of crime for many months. From their recommendations, I have offered bills which deal primarily with strengthening Federal, State, and local correctional institutions; a plan for revamping the parole system—with a view to cutting the number of repeat offenders we now have; and legislation to upgrade the training opportunities for law enforcement officers.

Of the five bills introduced during this session, hearings have been held on two—the law officers' bill of rights and our bill to revise the codes relating to paroles. The Administrative Office of the U.S. Courts has endorsed the latter measure.

The people on these committees are continuing their work. At the same time, we are sending information to our Fourth Congressional District Action in the Community To Involve Our Neighbors Committee—ACTION—so they can explain and distribute information to their neighbors about how each individual can help combat crime and what each can do to help prevent drug usage. This committee, formed so we can have better communication from our citizens, indicated in a recent survey that one of their major concerns was the high rate of crime.

Mr. Speaker, the surest way for this country to solve its problems is to look to the man back home and what he can do to help. Our people are proving their willingness to participate in action to correct our ills. We should all be grateful to citizens like these who so willingly participate in the type of activity that will give us a better country and a better Government. They are the folks who make democracy really work.

RAW MATERIALS AND COMMODITY PRICES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Rhode Island (Mr. TIERNAN), is recognized for 5 minutes.

Mr. TIERNAN. Mr. Speaker, In the past few months I have accumulated a thick file of correspondence with the Cost of Living Council and the Secretary of Commerce.

This correspondence relates to the problem which domestic manufacturers have been having obtaining sufficient supplies of raw materials during the current price control program. While prices for practically all raw materials have been frozen in the United States since March, the prices which these commodities command in foreign markets have risen dramatically. Often a domestic raw material supplier has been faced with the option of selling his product in the United States at a modest profit—or exporting it and reaping tremendous profits at the expense of the American manufacturer, the American worker and the American consumer.

I do not advocate building a trade wall around the United States. But I cannot condone this senseless policy of freezing prices at home and letting precious raw materials flow overseas.

Today the domestic manufacturer is faced with allocations of raw materials on a percentage basis from his supplier. This is true in steel, aluminum, copper and plastics as well as other raw materials. Yet while the American manufacturer has received only a fraction of what he got last year, exports have risen significantly.

For this reason, I am introducing a measure which provides criminal penalties for any person or company which sets up an allocation plan for domestic manufacturers and, at the same time while giving a smaller percent of his output to domestic producers, increases the percentage of raw materials which he exports.

If the Secretary of Commerce were performing his duty to protect the American worker, this legislation would not be necessary. I am offering it today because all evidence indicates that he is not doing that job.

PROPOSED EQUAL PAY LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Ms. HOLTZMAN) is recognized for 5 minutes.

Ms. HOLTZMAN. Mr. Speaker, as result of a court decision, the Equal Pay Act now allows unjustifiable wage discrimination based on sex. I am introducing legislation today to eliminate this injustice.

The Third Circuit Court of Appeals in Hodgson against Robert Hall Clothes has construed the Equal Pay Act to permit an employer to pay different salaries to men and women even though they perform exactly the same services. In that case, the court allowed saleswomen who sold women's clothes to be paid a lower salary than salesmen who sold men's clothes in the same store.

In permitting this discrimination, the court relied on an exception to the Equal Pay Act which allows wage differentials when "based on any other factor other than sex." The "other factor" here was the claim that the sale of men's clothing was more profitable than the sale of women's clothing. The Supreme Court has recently refused to review this case.

I believe the Court's interpretation of the "other factors" clause is an unwarranted departure from the purpose of the Equal Pay Act: to require equal pay for equal work. It would allow wholesale sex discrimination simply on the assertion of vague, hard to ascertain "business reasons."

I, therefore, propose in my bill to eliminate this "other factors" section of the Equal Pay Act and prevent further wholesale abuses in sex discrimination. My bill would, however, retain the other exceptions to the Equal Pay Act which permit wage differentials based on merit or seniority systems or measures of quantity and quality of production. Thus, employers would remain free to establish reasonable, work-related or seniority-based pay scales.

Discrimination in wage practices is one of the fundamental abuses that must be ended in order to secure equal treatment for women in this country. By eliminating the "other factors" loophole in the Equal Pay Act we can prevent an array

of justifications that have been used to disguise wage discrimination against women.

I urge my colleagues to support this important legislation.

PRESIDENTIAL GIFT OF PAPERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. MEZVINSKY) is recognized for 5 minutes.

Mr. MEZVINSKY. Mr. Speaker, several weeks ago I wrote to the General Services Administration asking many questions about the President's gift of prepresidential papers to the United States. I also sent a copy of that letter to President Nixon asking for his comments. I have received responses from both the GSA and the President and will insert them, along with my replies, in the RECORD.

The GSA has refused to answer most of the questions raised on the grounds that the President has turned his tax matters over to the Joint Committee on Internal Revenue Taxation and, therefore, it would somehow be inappropriate for them to respond. I am very dissatisfied with that answer and have resubmitted my questions to GSA.

The GSA is the best qualified to clarify these issues and their answers should not be influenced by the committee's review of President Nixon's tax returns. The questions raised deal with GSA procedure, not the President's handling of his income tax.

I hope that GSA reconsiders my request and answers these important questions promptly.

GSA has informed me that the President's written permission is necessary for me to view the gift to the public. I have written to President Nixon today asking for his authorization and hope I receive a favorable reply soon.

GENERAL SERVICES ADMINISTRATION,
Washington, D.C., December 17, 1973.

Hon. EDWARD MEZVINSKY,
House of Representatives,
Washington, D.C.

DEAR MR. MEZVINSKY: This will acknowledge your letter of November 29, 1973, regarding certain questions you have concerning the gift to the United States by Richard M. Nixon of certain pre-Presidential papers.

As you recognize, the questions you pose are rather inumerous, and will require substantial staff effort in formulating an appropriate reply. Moreover, the actions taken by the President on December 8, 1973, subsequent to the date of your letter, in referring this matter to the Joint Committee on Internal Revenue Taxation, appear to have established that body as the appropriate forum for resolving the facts as they relate to the tax implications of this particular donation. We therefore believe it advisable to refrain from comments on these issues pending action by the Committee.

In the meantime, I can reply to your request to inspect the papers in question, for which our answer is necessarily rather clear. The authority of the General Services Administration (GSA) regarding the acceptance of such papers and the restrictions that may be placed upon their use is contained in chapter 21 of title 44, United States Code, Paragraph 1 of the Chattel Deed dated March 27, 1969 (copy enclosed), provides that "no person or persons shall have the right of access to such Materials except the undersigned and those who may be designated in writing by the undersigned" during President Nixon's term of office.

In view of the above, I regret we can not comply with your request.

Sincerely,

ARTHUR F. SAMPSON,
Administrator.

DECEMBER 20, 1973.

ARTHUR F. SAMPSON,
Administrator, General Services Administration, Washington, D.C.

DEAR MR. SAMPSON: Your letter of December 17, 1973, to me in response to my request for information from the General Services Administration was totally unsatisfactory.

I am aware that the President has turned over all his tax returns and related information to the Joint Committee on Internal Revenue Taxation and that the Committee will attempt to resolve the questions about the gift of Mr. Nixon's pre-presidential papers as well as other matters. I am following the Committee's activities with great interest.

However, I cannot accept your assumption that the President's action precludes the GSA from responding to questions relating to its role in the gift. The GSA's integral role in this gift makes it the best qualified source to answer the questions raised in my letter of November 29. I am enclosing a copy of that letter and would appreciate your answers to the questions contained therein as soon as possible.

In addition, I have written to the President and requested his permission to view the gift.

Sincerely,

EDWARD MEZVINSKY.

THE WHITE HOUSE,
Washington, D.C., December 14, 1973.

Hon. EDWARD MEZVINSKY,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN MEZVINSKY: In your letter to me of November 29, you asked for my views regarding a gift of my papers to the United States Government early in my Administration.

The tax lawyers and accountants who assisted me in the preparation of my Federal income tax returns advised me that this item was correctly reported to the Internal Revenue Service. Furthermore, when it conducted an examination of my tax returns for 1971 and 1972, the Internal Revenue Service reviewed this item and advised me that it was correctly reported.

Since the facts on this subject are complex and reports on it have sometimes been in conflict, I can understand that you and others may have questions. In order to answer those questions to the full satisfaction of all parties, especially the American people, I have asked the members of the Joint Congressional Committee on Internal Revenue Taxation to examine the procedures relating to this matter and to decide whether, in their judgment, my tax returns should have shown different results. I will abide by the Committee's judgment.

I hope you will agree that this is the fairest possible way to resolve this issue through an impartial review by a highly expert group in the tax field.

Sincerely,

RICHARD NIXON.

DECEMBER 20, 1973.

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

DEAR PRESIDENT NIXON: Thank you for your response to my letter concerning your gift of pre-presidential papers to the United States.

Mr. Arthur Sampson, Administrator of the General Services Administration, has informed me that Paragraph 1 of the Chattel Deed for the gift provides that "no person or persons shall have the right of access to such Materials except the undersigned and those who may be designated in writing by the undersigned" during your term of office. It is my understanding that GSA requires your written permission prior to granting access to the papers.

With these terms in mind, I am requesting your permission to view this gift.

Sincerely,

EDWARD MEZVINSKY.

WARN U.S. TRAVELERS ON DRUG ABUSE ABROAD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. WOLFF) is recognized for 5 minutes.

Mr. WOLFF. Mr. Speaker, there are presently 1,000 Americans being held in foreign jails for narcotics violations. Brazen drug peddling on the streets of Europe and Asia entices many Americans to use drugs while traveling. In many cases, penalties for the use of drugs can be much stricter overseas than in the United States, particularly for Americans. Law enforcement authorities overseas tend to punish young Americans caught violating drug laws much more severely than their own citizens, often because they believe this will demonstrate to the United States their strong commitment to wiping out drug traffic and drug abuse. Tragically, the commitment for many does not seem to extend beyond arresting American drug abusers. The real traffickers go free.

I am concerned that many young Americans are unaware of these facts, or begin to doubt them when they arrive overseas. Therefore, today I am introducing legislation which will educate Americans about the problems associated with drug use overseas before their departure. This bill requires the distribution of a warning in the form of a specially designed pamphlet outlining the laws and penalties relating to drug use in other nations. It will emphasize the inability of the United States to free an American tourist once he is arrested. This warning must be issued with all tickets for passage across international borders. Finally, these warnings will be displayed in poster form at all ticket counters and travel agencies. Presently information regarding hijacking and airline liability are required to be displayed at all ticket counters. The United States must inform our young Americans about their legal vulnerability when arrested for narcotics abuse in another country. We must meet our responsibility to these young men and women and warn them of the risks they take by becoming involved with drugs.

Many of the 1,000 Americans under detention for narcotics violations might not have become involved and be safe at home now if only they had been aware of the pitfalls of drug use in foreign countries before they left the United States.

I urge my colleagues' support for this measure, for it will remedy a serious situation which affects us all.

I insert the text of the bill at the conclusion of these remarks along with a newspaper article describing the plight of one young Long Islander currently incarcerated in Turkey on drug charges:

H.R. —

A bill to direct the Attorney General to prepare a pamphlet explaining the drug abuse laws of certain foreign countries and to require the distribution of such pamphlet to passengers traveling on an air or water carrier to foreign countries

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 "Foreign Drug Abuse Law Information Act".

SEC. 2. For the purposes of this Act:

(1) The term "water carrier" means any person which holds itself out to the general public to engage in the transportation of passengers by water for compensation.

(2) The terms "air carrier" and "foreign air carrier" shall have the same meaning as is prescribed for those terms by section 101 of the Federal Aviation Act of 1958.

(3) The term "major foreign country" means a foreign country to which, as determined by the Attorney General, a significant number of United States citizens travel each year.

(4) The term "drug abuse law" means a law regulating the manufacture, sale, or possession of narcotic drugs, marihuana, and other depressant or stimulant substances.

SEC. 3. (a) The Attorney General after consultation with the Secretary of State shall prepare a pamphlet which shall include the following:

(1) A summary of the drug abuse laws of each major foreign country.

(2) An explanation of the assistance or lack of assistance that the United States Government can provide to a United States citizen arrested for a violation of the drug abuse laws of a foreign country. Such pamphlet shall be revised and updated every two years.

(b) The Attorney General shall have printed as many copies of such pamphlet as are necessary for the distribution required by section 4(a) of this Act.

(c) The Attorney General shall provide copies of such pamphlet to water carriers, air carriers, and foreign air carriers who are required to distribute copies of such pamphlet to certain passengers under section 4 (a) of this Act and who have submitted to the Attorney General an application therefor which shall be in such form, and submitted in such manner, as the Attorney General shall by regulation prescribe.

SEC. 4. (a) Every water carrier, air carrier, and foreign air carrier shall distribute a copy of the pamphlet printed under section 3(b) of this Act to each passenger boarding a plane or vessel operated by such carrier for transportation from a point within the United States or its territories or possessions to a point within a foreign country.

(b) Every water carrier, air carrier, and foreign air carrier which is involved in the transportation of passengers from points within the United States or its territories or possessions to points within foreign countries shall post a notice which shall contain an explanation of the assistance or lack of assistance that the United States Government can provide to a United States citizen who is arrested under the drug abuse laws of a foreign country. Such notice shall be posted in such place, and in such form, as the Attorney General shall by regulation prescribe.

(c) Copies provided to water carriers, air carriers, and foreign air carriers under section 3(c) of this Act shall only be used for distribution under subsection (a) of this section.

SEC. 5. Any water carrier, air carrier, or foreign air carrier which knowingly and willfully violates any provision of section 4 of this Act shall be subject to a civil penalty of not to exceed $5,000 for each violation, except that the maximum civil penalty shall not exceed $25,000 for any related series of violations.

SEC. 6. Sections 2 and 3 shall take effect on the date of enactment of this Act. Sections 4 and 5 shall take effect six months after the date of enactment of this Act.

HARD LINE ON DRUGS OVERSEAS

(By Kenneth J. Freed)

WASHINGTON.—July 17 was to have been a banner day for William Hayes of Babylon, LI. It was his release day after serving three years in a Turkish jail for possession of five pounds of hashish.

But instead of walking into freedom Hayes stayed in the Istanbul jail because a local court decided a mistake had been made.

The error was that Hayes had been wrongfully tried for possession. The court said he should have been charged with smuggling. The resulting trial ended in a new sentence of 30 years.

According to Turkish law, the young Long Islander cannot appeal and his lawyer says the only hope is for a commutation that would lower Hayes' time to 5 to 10 years.

The severity of Hayes' situation is not entirely typical of the problems faced by Americans picked up on drug and marijuana charges in foreign countries.

But it does underline a problem State Department officials say too many young Americans don't comprehend—other nations are not lenient in drug cases and being a U.S. citizen generally won't get someone out of a jam.

In fact, it may have the opposite effect. At least there is an indication of that in the Hayes case.

His lawyer in Istanbul said Hayes might be the victim of a backlash against U.S. demands for abolition of Turkey's formerly legal opium poppy crops.

Even if not always as a backlash, many foreign governments have toughened drug laws and stepped up enforcement; and that has sent more and more Americans, particularly young ones, to jails overseas.

The significant increase in Americans in trouble overseas on drug charges is reflected in the arrest figures for the month of July, the height of the tourist season for young U.S. citizens, starting with 1969.

In July 1969, 64 Americans were arrested in foreign countries on various charges relating to drugs and marijuana. The figure more than doubled, to 144, in July 1970.

At that point the State Department began a public relations campaign to warn citizens touring other countries that drug involvement could bring serious legal consequences.

This effort was low key at the beginning and it didn't pay off. The arrest records continued to climb.

In July 1971 there were 172 Americans arrested on drug charges and the figure went up to 189 in July 1972. Last July 261 Americans were picked up in foreign countries on drug-related charges.

The constant rise in arrests brought with it an increased State Department effort to warn Americans. In addition to the pamphlets circulated at the outset, the department began producing radio and television programs in 1971.

Officials appeared on broadcast, interview programs and letters were sent to magazines thought to be read by the so-called youth culture, including "Playboy."

The success of this slick public relations campaign appears to be marginal at best.

The only sign of improvement has been a drop in the number of U.S. citizens actually in jail at the end of July, compared to the same time last year.

As of July 31, 910 Americans were in foreign jails for drug offenses. Last year at the same time 946 Americans were behind bars on similar charges.

Barbara Watson, assistant secretary of state for security and consular affairs, said the "reduction hopefully indicates our message is getting through."

There are some other figures that may back up her hope. For example, in 1972 Americans were arrested on drug charges at a monthly average of 159. Through July this year, the monthly average was 144.

But other officials are far from certain these figures are valid indications of a permanent improvement in the situation.

They point out that the 1973 figures do not include August or September, both months during which large numbers of Americans tour abroad.

There also is a distinct likelihood that fewer Americans traveled overseas this year because of lessened value of the dollar.

Another statistical indication that the State Department's effort to warn Americans may not be paying off is seen in the percentage of drug offenses involved in the total number of foreign arrests involving Americans.

Last year 64 per cent of the U.S. citizens arrested in foreign countries were involved in drug cases. This year the figure is 75 per cent.

PRESIDENT'S "EXCESS PROFITS TAX" A SHAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. VANIK) is recognized for 5 minutes.

Mr. VANIK. Mr. Speaker, the President has just recommended a proposal to reach "excess profits" in the oil industry. But the administration's proposal is a sham approach to the problem. It is hardly likely to reach excess profits.

Under the administrations scheme a base price for crude oil will be established. It is likely to be roughly $4.25 a barrel—the posted rate as of December 1, 1973. The President wants to impose a graduated tax on price increases over that base price. If the price rises $1, a tax of 7.5 cents a barrel is levied. The tax rate goes up so that an increase of $2.50 is taxed at a rate of 85 percent.

The President's proposal is not really an excess profits tax. It is a tax in the nature of a graduated excise tax. As an excise tax, it will be treated as an additional cost of production and passed on, dollar-for-dollar, to the consumer. It in no way will touch oil profiteering.

The revenue hopes of this proposal will remain only if the original base price remains the same. But as the base price is increased, the tax revenues will phase out. Prices to the consumer will spiral and the impact of the tax as a profit-controlling mechanism will be illusory.

The proposal is a flimsy smokescreen

in the name of an excess profits tax. It does not deal with the question of profits in the oil industry. It is an intricate device to sock the consumer and let the profits roll on. The oil industry itself could not have written a better proposal. I hope the Congress will see through this smokescreen.

FINDING A HOUSE IN WASHINGTON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. STARK) is recognized for 5 minutes.

Mr. STARK. Mr. Speaker, recently one of our colleagues has faced some criticism to which I would like to respond.

After nearly 3 years of searching and renting temporary houses, Congressman RONALD V. DELLUMS purchased a home here in Washington. The price of the house was $150,000. He now is being questioned and criticized by some of his constituents concerning this price and his life style.

Those of us who have recently searched for a home in the Washington area know that it is becoming increasingly difficult to find a large home in the District of Columbia for less than $100,000.

Congressman DELLUMS has told me that his primary criteria in searching for a home were two. First that it be in the District of Columbia, and second that it be large enough to share with others. He feels strongly that as a member of the District of Columbia committee he should participate in the life of the District. As chairman of the District Subcommittee on Education he feels it essential that his children attend a public school in the District.

The second criteria of size was important because the Dellums, a family of five, frequently share their home with others either temporarily in need of a home or visiting the Nation's Capital for a few days. Incidentally, Mrs. Dellums spends countless hours helping constituents when they come to the Capital.

Congressman DELLUMS' homebuying criteria are comment enough on his life style. He bought the home so that he and his family could share it and participate in the life of an often neglected city.

Based on my previous experience as a former banker, one other comment seems in order—Congressman DELLUMS has no other investments and only limited savings. He is purchasing the house by making payments on two mortgages. He makes the payment on the first mortgage and Mrs. Dellums has taken a job to make the payments on the second. The Dellums are a team making a personal investment, on which they can expect a 7 to 10 percent return per year. Though I am sure that investment was not uppermost in their thinking, a house in Washington seems to be a relatively secure investment during this time of economic uncertainty.

I am sure that my colleagues will join me in supporting Mr. DELLUMS on this matter.

Mr. Speaker, as I am certain you agree, his decision to invest his personal finances in his job as well as his humanity is a tribute to his dedication and wisdom.

MORATORIUM ON MILITARY CONSTRUCTION A MUST

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. CAREY) is recognized for 10 minutes.

Mr. CAREY of New York. Mr. Speaker, today, on behalf of myself and a number of colleagues, I introduce legislation calling on the Defense Department to suspend, during the duration of the energy crisis, military construction that is not essential to the direct security interests of the United States. I am joined in this effort by the following Members of Congress: BADILLO, BERGLAND, DULSKI, EILBERG, FRENZEL, HARRINGTON, HELSTOSKI, HOLTZMAN KASTENMEIER, LATTA, MITCHELL of Maryland, MOAKLEY, ROSENTHAL, and STARK.

The Defense Department has taken certain steps to conserve fuels and energy. I commend the Secretary for that. However, when one realizes the military, right now, are siphoning over 10,000,000 barrels a month from domestic, civilian purposes; and will continue to take even more in the months ahead, I believe the Department has an obligation to explore every possible fuel- and energy-saving avenue.

One of those avenues which could yield substantial savings, not only in fuel, but in dollars, would be for the Secretary of Defense to suspend construction, transfer and refurbishment of military facilities, and the transfer of personnel connected with this construction. While no specific figures are available at this moment, I have requested the GAO to conduct a pilot study to give us an idea of how much energy, fuel, and dollars could be saved through such a moratorium on military construction and transfer of facilities and personnel.

I feel that the Defense Department, particularly since they are using vast amounts of fuel originally designated for civilian use here at home, should accept this moratorium and make every effort to realize substantial savings in energy and fuels. This legislation asks the military to make no sacrifice that is not being asked of each American citizen. Incidentally, family-style housing and medical facilities are exempted from this moratorium.

Mr. Speaker, I make no blanket judgment concerning the validity or necessity of military construction generally. However, and I shall not list them here, we are all aware the record is replete with near-horror stories concerning the wastefulness of certain defense construction and procurement projects. It is for this reason, coupled with the energy and fiscal arguments mentioned above, that I ask the Defense Department to take a very close look at their construction plans and suspend projects that are not essential to the direct security interests of the Nation.

The language of the bill clearly leaves these discretionary decisions on security-priority to the Department. However, I am sure that the Military Construction Authorization and Appropriations Subcommittees, chaired by the distinguished gentleman from New York (Mr. PIKE) and the distinguished gentleman from Florida (Mr. SIKES) respectively, will be reviewing those projects to which the Secretary will have given the go-ahead, under parameters contained in the committee version of the bill.

Mr. Speaker, I include the text of the bill at this point in the RECORD:

A bill to provide for a temporary suspension of certain military construction projects to conserve energy

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 "Military Construction Moratorium Act".

SEC. 2. The Congress finds and declares that—

(1) the United States is experiencing a serious energy shortage;

(2) the Department of Defense uses about 80 percent of all the energy which is used by the Federal Government; and

(3) a temporary suspension of military construction would help to ease the current energy shortage.

SEC. 3. (a) The Secretary of Defense shall suspend during the period of two years beginning with the date of enactment of this Act any construction, conversion, rehabilitation, or installation of a public work or facility in connection with a military construction project, unless—

(1) such construction, conversion, rehabilitation, or installation is being performed under a contract awarded before the date of enactment of this Act; or

(2) The Secretary of Defense determines that overriding considerations of national security require that such construction, conversion, rehabilitation, or installation not be suspended.

(b) As used in this section, the term "military construction project" shall include any construction, conversion, rehabilitation, or installation of any public work or facility which is currently authorized by a Military Construction Authorization Act or by chapter 133 of title 10 of the United States Code and a Reserve Forces Facilities Authorization Act; but such term does not include any construction, conversion, rehabilitation, or installation of any medical facility or military family housing.

CONGRESSMAN DRINAN ANALYZES THE REASONS FOR THE ENERGY SHORTAGE AND GIVES ANSWERS TO THE MOST FREQUENTLY ASKED QUESTIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. DRINAN) is recognized for 2 minutes.

Mr. DRINAN. Mr. Speaker, even the best informed Americans seem bewildered today at the emergence of a severe energy crisis, the background and causes of which have been withheld from the American people. I think that it is essential that the people of America learn about three fundamental reasons for the present energy shortage: First, the oil depletion allowance; second, foreign tax

credits; and third, the mandatory oil import program that existed from 1958 until its abolition on April 18, 1973. An exploration of these three factors will demonstrate that the consumers of America should not be persuaded that they themselves have been the cause of the energy shortage because they have been so profligate in the use of oil.

I. OIL DEPLETION ALLOWANCE

In 1913 Congress granted to oil and mining industries an exemption of 5 percent of their gross income from taxes. The purpose of this first depletion allowance was to compensate these industries for the reduction in their capital assets as the sources they were extracting became gradually depleted.

In 1926 Congress raised the depletion allowance from 5 to 27.5 percent. This means that the owner of an oil well can deduct annually from taxable income 27.5 percent of the selling price of the oil the well produces.

From 1926 to the present, Congress has reduced the depletion allowance on only one occasion. That was in 1969 when the allowance was established at 22 percent.

Since the depletion allowance is calculated at 22 percent of the selling price of crude oil, a producer who increases his selling price automatically raises his depletion deduction. In other words if a producer raises his selling price for oil from, for example, $2.70 to $3.30 a barrel, he automatically increases his depletion deduction from 59.4 cents to 72.6 cents. This is precisely what the oil companies did when the depletion allowance was reduced from 27.5 to 22 percent. In November 1970, the oil companies boosted the price of crude oil by 25 cents a barrel. In 1971 is is fair to say that the oil industry was able to recoup for itself what Congress had intended to take away.

The testimony against the fairness of the oil depletion allowance is overwhelming. President Harry Truman in 1950 asserted that "no loophole in the tax law is so inequitable." Around the same time Republican Senator Robert Taft protested that the oil depletion allowance was "to a large extent a gift, a special privilege beyond what anyone else can get."

President John Kennedy pledged to close loopholes in the tax laws and added that "among the most conspicuous loopholes are depletion allowances, which are inequitable."

A research study conducted by the U.S. Treasury Department found that there is little relationship between the tax incentive of the oil depletion allowance and an increase in the domestic production of oil. The Treasury Department's report found that in 1968 the preferential tax treatment amounting to $1.6 billion can account for additional mineral resources valued at only $150 million. To put this in another way, the oil depletion allowance means that for every dollar of Federal tax forgiveness, the United States gained only 0.09 cents worth of additional oil resource. The report also observed that the depletion allowance discourages the oil companies from an interest in the development of other sources of fuel.

In 1969 Senator WILLIAM PROXMIRE urged the abolition of the indirect subsidy of the oil depletion allowance and the granting by the Government of a direct drilling subsidy which would reward domestic exploratory drilling. Senator PROXMIRE felt that his proposal could save the taxpayer almost $300 million per year and would, in addition, increase incentives for the oil companies to increase total production of oil.

The depletion allowance or income tax deduction is applicable to both domestic and foreign production. This feature of the law, when added to the availability of tax credits for royalties paid in foreign nations, constitutes the basic reason why American oil corporations have neglected domestic production and have concentrated their exploratory operations abroad.

II. FOREIGN TAX CREDIT

In the United States it has long been the custom for oil producers to give to landowners a royalty or a fixed percentage of the value of the oil produced. A traditional royalty has been one-eighth of the amount for which the oil is sold. All of the payments by way of royalty are, of course, deductible as a cost of doing business.

In 1951 the oil industry was able to persuade the U.S. Internal Revenue Service (IRS) to change royalties paid abroad into taxes. As a result the tax paid, for example, in Saudi Arabia was more than the deduction from the gross income of the corporations; it was a tax which could be deducted dollar for dollar, from the U.S. taxes which this corporation would have to pay each year.

The consequences of this ruling have been catastrophic for the American consumer. The tax credit allowed to American oil corporations for foreign exploration encourages them to go abroad rather than to concentrate on domestic exploration of oil. Foreign tax credits enrich the petroleum companies and the host nations at the same time—while the American taxpayer picks up the bill. The bill is a very steep one: In 1970 foreign tax credits or royalty payments in disguise cost the U.S. Treasury more than $2.5 billion.

The fact that the petroleum companies can negate their taxes to the U.S. Government by whatever some foreign sheik charges them by way of royalty payments clearly diminishes their incentive to hold down the payments which they are required to make to the host nation.

In addition to the foreign tax credit, American oil companies operating abroad receive the depletion allowance. The combination of the depletion allowance and the ability to convert royalties into taxes means that the American consumer is subsidizing the recovery of petroleum products around the world. The consumer does this because the law relieves U.S. firms that produce oil in foreign countries of one of their major costs—income taxes—of doing business in the United States.

The actual cost to produce oil in the Middle East is about 20 cents a barrel or less than half a cent a gallon. Yet the selling price of a barrel of typical Middle East oil was about $3 prior to the recent explosion of prices on the world market of oil.

In 1970, the latest year for which figures are available, the IRS reported that oil companies claimed $1.3 billion in foreign tax credits.

The attractiveness of doing business abroad has made it such that in the years 1964 to 1971 American petroleum companies have invested in foreign operations at a rate that has been almost nine times greater than their domestic investments. The growth of investment of the petroleum companies abroad has also included the exportation of refining capacity. In 1972 only one U.S. refinery was under construction and none were planned for 1973 or beyond.

III. OIL IMPORT PROGRAMS

Until the late 1920's large amounts of foreign crude oil were imported into the United States. In 1921, 24 percent of our total demand came from abroad—without objection from the domestic oil industry.

In the late 1920's, however, the discovery of vast oil reserves in the United States prompted the oil companies to establish the Independent Petroleum Association of America for the specific and avowed purpose of reducing imports. In the years up to World War II imports were stabilized at a level slightly under 5 percent of domestic production. After World War II anti-import sentiment in the oil industry again became powerful. In 1949, an amendment to the Reciprocal Trade Act to limit oil imports to 5 percent of demand was defeated by only one vote in the U.S. Senate.

The oil industry finally secured the ban on imports which they desired when President Eisenhower in 1959 issued an Executive order imposing mandatory restrictions on all oil imports. The theory advanced by the oil industry for this ban on imports was that by keeping out foreign oil, domestic exploration would be stimulated. If this particular contention were disputed the oil industry and governmental officials argued that a ban on imported oil was desirable for reasons of national security lest the United States become dependent on oil from one country or one region of the earth.

The oil import quota survived during the 1960's until President Nixon, on February 20, 1969, announced that he was personally assuming "full responsibility for oil import policies." In February 1970, 10 of the 13 members of President Nixon's cabinet task force on oil import control found that the mandatory ban on foreign oil was costing American consumers $5 billion a year. President Nixon refused to take the advice of his own task force and created another group which turned up with the same conclusion.

The President's task force pointed out that the mandatory oil import program was in direct conflict with other Federal policies which provided enormous tax incentives to American oil companies to

explore and produce in foreign countries. In other words, the American taxpayer had paid American oil companies to explore in foreign countries yet restricted the American consumer from buying much of this less expensive foreign oil.

President Nixon finally abolished the mandatory oil import program on April 18, 1973.

Even today, however, with a newly established license fee system the tax system of America is still working against the interests of American consumers who should be able to purchase the cheapest possible source of energy.

There are other reasons why America does not have a total energy policy with consistent components. Among these elements are the intangible drilling deduction available to oil companies and the massive trend toward mergers and acquisitions in the petroleum industry. On July 17, 1973, the Federal Trade Commission issued a complaint against the Nation's eighth largest petroleum companies. The complaint alleges that the companies "have combined or agreed to monopolize refining, to maintain monopoly powers over refining, and maintained a noncompetitive market structure in refining . . ."

There are many things that the Congress can do to stimulate domestic and worldwide production of oil. I and many Members of Congress are ever more determined to bring about a situation in which the energy needs of the American people are supplied at reasonable and competitive price levels.

Since the administration finally announced to the American people what they should have been told months or years ago many questions have come to me from constituents. The following series of questions and answers is an attempt to respond as accurately and as comprehensively as possible with the information available to the questions that have been asked most frequently:

QUESTION NO. 1

Why do we have an energy crisis?

Answer.—The present energy crisis arises from increasing scarcity of petroleum and natural gas, the two most important primary energy sources. Petroleum is scarce because domestic production has declined since 1970, demand has been increasing every year, and the international market, which is under the tight control of the Organization of Petroleum Exporting Countries (OPEC), has been sharply limited by recent Arab cutoffs. Similarly, natural gas supplies have not grown commensurate with demand, and this lack of growth has placed heavy demands on petroleum as an alternate energy source.

Unfortunately, what cannot be measured with any accuracy is the degree of U.S. dependence on Arab resources of petroleum and the effects that the loss in domestic production will have on the U.S. economy. According to the Bureau of Mines, in 1972, direct dependence on Arab crude oil amounted to only 3.4 percent of petroleum consumption in that year. For the 2nd quarter of 1973, that figure is estimated by the Bureau of Mines to be approximately 5 percent. We have received in the past few months, estimates of oil shortages ranging from 1.2 million barrels per day to 5 million barrels per day. Figures from the Treasury Department, the Office of Oil and Gas, the the Defense Department and federal energy officials have been inconsistent in the extreme.

It would appear that the Administration or the oil companies or both are in fact withholding information about the energy crisis. On October 12 the nation was told that the shortfall became 1.6 million. On October 24 the shortfall was 2 million and on October 30 the shortfall became 2.5 million. By November the figure had risen to 3 million barrels per day—over twice the initial estimate.

QUESTION NO. 2

Why has the energy shortage caught us by surprise?

Answer.—Since my arrival in Congress at the beginning of 1971, I have been aware of the impending energy crisis. I have supported legislation for the past three years directed at meeting the goals, as I see them, of an overall energy policy.

I have been studying the long-range solutions to the energy problem for several years, realizing that the problems which are now before us would eventually come.

For example, in 1971 I sponsored a bill to prohibit the export of domestically-produced crude oil and any petroleum products made from such oil without the express authorization of Congress. I spoke out frequently against the oil import quotas. It was clear then that there would be a shortage of petroleum products for consumers because of permitting exports and prohibiting imports. These two policies benefited only the major oil companies.

Also, in 1971, I sponsored legislation to authorize an investigation and study of coastal hazards from off-shore drilling on the Outer Continental Shelf in the Atlantic Ocean off of the New England coast. Many of the most profitable remaining oil and gas reserves of the United States may be located beneath the Outer Continental Shelf. Most of these lands are under federal control. Some have been drilled, with occasional disastrous environmental effects, such as have occurred off the California and Louisiana coasts. I am convinced that we possess the technology to reduce the dangers of oil spills to the point where environmental concerns can be satisfied.

I co-sponsored legislation in 1971 to reduce the number of automobiles coming into the cities. I have voted consistently for the last three years to upgrade and federally assist mass transit.

On January 24 of this year, I sponsored legislation to remove the ban on imported oil by terminating the oil import program. Seven days later I sponsored a resolution to authorize the emergency importation of oil into the United States.

On May 23 of this year, I sponsored legislation to provide for the continued supply of petroleum products to independent oil marketers. Independent oil and gas retailers, who depend upon the excess production of integrated oil company refineries for their supplies of oil are the hardest hit by shortages of crude oil. Major oil companies will sell to their own outlets prior to selling to independents. The provisions of this bill became the Emergency Petroleum Allocation Act of 1973.

Early in 1971, and again in 1973, I cosponsored legislation to repeal the Connally Hot Oil Act by which states are empowered to control production levels of crude oil in order to maintain price levels for oil companies.

QUESTION NO. 3

What can be done for New England specifically during the coming winter, particularly with respect to heating oil?

Answer.—Unfortunately, figures compiled by the New England Congressional Caucus, of which I am a member, project a shortage of 590,000 barrels per day of heating oil. The reality is that the heating oil shortage is concentrated in New England. Also, a shortage of 790,000 barrels per day of residual oil, which is used for power generation is projected.

The most dangerous shortage is the nearly 800,000 barrels per day shortage of residual oil used by utilities and industry. This country needs to find more residual oil or substitutes. An increase in U.S. refinery production of residual and heating oil, coupled with shifts to coal, conservation of electricity and the use of heating oil to generate electricity could alleviate this shortage substantially.

I have been working with the New England Congressional caucus to develop initiatives to determine how New England can obtain increased heating oil supplies this winter, in contravention of the historical distribution patterns established by the major oil companies. I am hopeful that a mechanism can be developed which would reduce regional supply imbalances, and would create a framework for increasing fuel oil delivery to New England and the northeast.

QUESTION NO. 4

Why is it that the price somebody must charge for home heating oil is so much higher than the price charged by other dealers in the same area? Why is it that the price of my home heating oil has doubled in the last three months?

Answer.—The price of heating oil in New England, as elsewhere, is presently determined by where the dealer has obtained his fuel. The price of domestic fuel is controlled by the Cost of Living Council. Since profits are also regulated by the Cost of Living Council, your dealer, if he is supplying domestic oil to you, is supplying it to you at the lowest available price. Since the Cost of Living Council cannot control the cost of imports, if your dealer has obtained most of his oil from foreign imports, which is the case with virtually all independent dealers over the past many months, that oil will be much more expensive for you to buy. Even though both dealers have their prices controlled by the Cost of Living Council, the higher price for foreign oil is passed along to you, the consumer.

Your oil dealer may only raise his price to you once each calendar month and this raise must be in the precise amount which his costs have risen. If your prices have risen more than one in any month, or if you are not sure you are being charged the correct amount, you may call the Internal Revenue Service, Department of Wage and Price Control (617–223–4750) and register your complaint. That is the agency charged with investigating such complaints.

QUESTION NO. 5

What provisions have been made in Congress for the unemployment which may result from the energy crisis? What are the prospects for unemployment in New England as a result of the energy crisis?

Answer.—The energy shortage portends an economic slow-down which will mean less production and loss of jobs. It is absolutely clear that unemployment is growing as a result of the energy crisis. I have written to the President directly, urging an industry-by-industry study of the potential for job losses to be prepared by January and requesting the submission of plans for efforts to minimize unemployment.

The research of the Arthur D. Little Company projects that unemployment nationally could rise six to seven percent during 1974 from the present 4.5 percent, all as a result of the energy shortage. New England unemployment is already 1 to 1.4 percent higher than the national average, so higher unemployment in New England is not an irresponsible projection.

Already the plastic fabricators in Leomin-

ster Massachusetts have been severely injured by the energy problem. I have devoted considerable efforts, along with my entire staff, in working on solutions to the petrochemical industry's problems.

I have supported the new manpower legislation which has passed the House and Senate, and which will be signed by the President in the immediate future. I had hoped that the manpower program would be funded at much higher levels. We shall definitely need, and I shall support, a greater funding level for a comprehensive employment program, which provides increased funding for retraining and relocation costs, as well as an increase in workmen's compensation benefits.

I voted for an amendment to the Emergency Energy Act which provides that the new Federal Energy Administrator may restrict the exports of coal and petrochemical feed-stocks if such exports would result in unemployment in the U.S. I am pleased to say that an overwhelming majority of the House voted in favor of this amendment to protect jobs.

I have also written to the new Federal Energy Administrator urging that propane and diesel fuel be allocated on a priority basis to the construction industry in New England. The construction industry employs more than 200,000 people in New England, and 40,000 jobs are jeopardized because of the lack of this priority designation. Even with priority designation, the construction industry will have to cut back 10 percent on use of propane when compared with last year. Propane is used in construction principally to permit concrete to be poured in cold weather. Without adequate propane, performance of certain masonry work, plastering and glazing cannot be carried out and work has to be stopped.

I have also joined as an intervenor in a pending petition before the Federal Power Commission for permission to import and sell liquified natural gas from Algeria. This could have a beneficial effect on the economy and hence jobs in New England.

I support every possible remedy for small business enterprises that will be confronting severe strains because of the energy shortage. Small businesses should have their needs considered by all levels of government in the implementation of the energy programs which the Congress is presently working on. The Small Business Administration should provide full information concerning the provisions of all energy bills to any small business concern that might be affected. Small businesses account for an estimated 50 percent of the nation's jobs and almost 40 percent of the gross national product. I continue with my support to continued viability of small businesses.

QUESTION NO. 6

What has been done to protect the environmental advances made in recent years from being completely disregarded in the rush to enact emergency legislation?

Answer.—I have voted consistently to preserve and strengthen existing environmental safeguards and to preserve the effectiveness of the National Environmental Protection Act. I could give many examples of this. Some of the most important include my votes in the legislation authorizing the Alaska pipeline. I voted to force the Alaska Pipeline to comply with all of the provisions of the National Environmental Protection Act. I was in the minority, as the majority voted to exempt the Alaska Pipeline from the provisions of the Environmental Protection Act, the most important environmental statute on the books.

In the Emergency Energy bill recently passed, I voted against extending the date for compliance with the 1975 Auto Emission Standards beyond 1975. Again I was in the minority, as concern for the environment was overridden by a majority of the House. I vote against other amendments which sought to rescind the requirement for auto emission control devices on vehicles throughout the nation. In this case a majority of the House joined in rejecting the amendments. I voted also in favor of an amendment to provide for federally-sponsored incentives for the use of public transportation, again with the majority. My vote to eliminate rate discrimination against the shipment of recycled materials was also with a majority of the Members of the House.

I do not believe that environmental concerns should be sacrificed at the feet of quick energy solutions. It is no solution at all to have sufficient energy tomorrow at the price of a polluted and damaged environment.

Mr. Speaker, the Congress must swiftly enact measures to provide that the American people receive a fair deal from the oil companies. The large monopolies which are the oil companies have been permitted to become willful and selfish profiteers at the expense of the American people. I am hopeful that all Members of Congress are willing to face the hard questions concerning the oil depletion allowance, foreign tax credits, and licensing which confront them. There are difficult days ahead for the American people. There are also difficult days ahead for the Congress.

LEGISLATION INTRODUCED TO PRESERVE KUAPA POND

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Hawaii (Mr. MATSUNAGA) is recognized for 10 minutes.

Mr. MATSUNAGA. Mr. Speaker, I am today introducing legislation which would preserve the nature of Kuapa Pond, located in my congressional district, by declaring it not to be a "navigable water" of the United States.

Since the days of the Hawaii monarchy, Kuapa Pond has been a private body of water, which originated as a fishpond. The State and, prior to that, the territory of Hawaii, have levied property taxes on the property continuously for generations. In fact, the pond was nothing but a large mudflat for years before 1961.

Then the area around the pond was converted to residential use. The developers dredged and improved the pond at a cost of millions of dollars, creating a marina, and waterfront homes were sold to hundreds of families on the understanding that the marina was privately owned, privately maintained, and privately patrolled. Homeowners still pay a monthly maintenance fee for the marina's upkeep.

Through all of this the Corps of Engineers raised no objections to any of the improvements the private developer was making. The corps recognized in various documents the fact that the marina was private. However, some 7 years after development of the pond into a marina began, the corps declared its intention to include the now-improved marina as a navigable water, thus ending its private status. A declaratory judgment of navigability is being sought in U.S. district court in Hawaii.

Mr. Speaker, if the corps should prevail, grave injustice would be foisted on the present owners of interest in the pond. The homeowners would lose something for which they had paid thousands of extra dollars when they purchased their homes. Furthermore, they have been unable to obtain any assurance from the corps that the maintenance, patrolling, and desilting now undertaken at private expense will be continued if Kuapa Pond is declared a public property. It is to prevent this perpetration of injustice that I am introducing this legislation. An identical measure is being introduced today by Hawaii's two Senators, DANIEL INOUYE and HIRAM FONG.

There is a great temptation, Mr. Speaker, to dismiss the concerns of the homeowners around Kuapa Pond with the assertion that opening it for public use will benefit more people. Such action, however, would be tantamount to condemnation of private property without just compensation, without even serving a desirable public policy. For if Kuapa Pond becomes public, and the private developers and homeowners lose the millions of dollars they have invested in it, what other private party will ever build such a marina? None will, I submit, and the result will be fewer private marinas and, ultimately, even more people forced to use existing public facilities.

In the hope for prompt action on this legislation, I include the text of the bill in the RECORD at this point:

H.R.—

A bill to declare Kuapa Pond, Hawaii, as not a navigable water of the United States

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any other provision of law, Kuapa Pond, Honolulu, State of Hawaii (also known as Hawaii Kai Marina and more particularly described in section 2), is declared to be not a navigable water of the United States within the meaning of the Constitution and laws of the United States.

SEC. 2. Kuapa Pond, for purposes of this Act, shall be all that certain body of water lying inland of the road right-of-way known as Kalanianaole Highway, City and County of Honolulu, and being a portion of Royal Patent 4475, Land Commission Award 7713, Apana 30 to V. Kamamalu.

DEFERRAL OF MILITARY CONSTRUCTION WOULD BE A BLOW TO MORALE AND A DETRIMENT TO MILITARY EFFECTIVENESS

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, I have noted plans on the part of some of our colleagues to introduce legislation calling for the Department of Defense to suspend during the energy crisis military construction that is not essential to the direct security interests of the United States. Favorable consideration of such legislation would be unfortunate and ill-advised.

The proposal is based on conservation of fuels and energy. The fact is that no part of the defense program of the

United States requires less fuel and energy than military construction. On the other hand, a moratorium on construction could cause unemployment, hardship for military personnel and adversely affect vital military programs. It is equally important to note that inflation is increasing the cost of construction nearly 10 percent each year. A delay in military construction would mean taking another bite out of the taxpayer who must foot the bill when construction is resumed. A delay in construction would also mean an increase in maintenance cost with additional unnecessary expense to the taxpayer.

A significant portion of the recent military construction programs includes projects to assure compliance with current pollution control standards. These must be accomplished to assure compliance with Federal, State, and local air and water pollution control regulations.

All military construction is carefully screened and only the most essential items are recommended to Congress by the Department of Defense. It is further screened and additional cuts made during the authorization and appropriation process.

The Department of Defense military construction program is vital to the development of a strong and efficient logistical base structure in support of the President's strategy for peace. It is essential to our national security that this Nation increase the efficiency of the logistical base structure toward the provision of adequate military readiness of our defense forces.

While the proposed bill is motivated by the current energy crisis, we have had experience with similar construction freezes in the past. Deferral decisions impact for the most part upon our long-range goals for replacement and modernization of our aging facilities inventory—particularly in the troop housing and community support area. The deferral of such improvements must inevitably lead to reduced efficiency in our operations and weakening in the morale of our military forces. Such deferrals would have a substantial impact on our ability to maintain an all voluntary force.

Of the construction which would not meet the criteria of the proposed bill, many projects result in more energy efficient structures or provide utility distribution systems which result in more efficient distribution and utilization of energy consuming utility services. Deferral of these projects would result in continuing the use of inefficient structures and distribution systems.

Further, the military construction program includes projects which affect military readiness, but might not be considered overriding in the national security sense of the proposed legislation. Projects which fall into this category could include training facilities for which would correct potential hazards to Government installations and personnel, consolidations to increase efficiency of operations, and projects which provide security to stores of sensitive and hazardous materials. Deferral of such construction would not only affect the state of military readiness, but would continue hazardous and inefficient operations.

Finally, the proposed deferral of military construction would impact severely on the existing organizations of the Navy and the Army for construction execution. Once a deferral began, personnel reductions would have to be implemented and the resultant loss of critical expertise would be extremely difficult to replace.

In summary, the entire military construction program is a vital part of our national defense requirements. To cut back construction for so-called energy related reasons would not only impede realization of our defense program objectives, but also would weaken a principal thrust of the attainment of an efficient volunteer force structure. In addition, this proposal could have a devastating effect on the construction industry with corresponding effects on employment throughout the United States.

AT CHRISTMAS 1973

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, at a recent Christmas church service, the Reverend Billy Graham told of the significance of the birth and life of Christ. By way of illustration, he told his congregation the story of the mother who was trying to keep in her children's minds the image of their father who was away in military service. Each day she showed them his picture which hung on the wall and talked to them about him. On the day the husband and father came home one of the boys said: "It's just as though he stepped out of the picture frame."

Reverend Graham said the coming of Christ to the world at Bethlehem 2,000 years ago was just as though He had stepped out of the picture frame. People had been longing for the Messiah for untold centuries. They had expected a King and Savior. Jesus came into the world in God's appointed time. In His short stay on Earth He fulfilled God's appointments. He had stepped out of the picture frame.

The influence of this humble man can never be properly assessed. Some of His disciples later traveled through most of the known world. Jesus did not. Some of His followers were people of wealth and distinction. Jesus had neither wealth nor family influence. He had little training or education. Nothing in His background would indicate He was to be the greatest leader the world would ever know.

His life was one of unparalleled virtue. He healed multitudes without medicine. He never charged for His services. He spoke with compassion not with defiance. He kept the law. He did not organize mass marches to demand social reformation or acceptance of His beliefs. He did not lead demonstrations. He did not demand rights or privileges. He served God quietly and with dignity. He observed the traditions of courtesy, hospitality, and dignity. He spoke with compassion. But He provided a leadership which the world greatly needs.

Nearly 2,000 years have passed since His crucifixion. The records of the time in which He lived tell almost nothing about Him. What we have is from the writings of His disciples and those who kept His faith in later years. Yet each passing day reveals to more people the importance of what He taught and the need for acceptance by everyone of the principles for which he stood. These are the real reasons for the importance of Christmas.

In this season of the birth of our Lord, my family, my staff, and I wish for each of you, associated with this great deliberative body, the full measure of happiness and understanding and good will which should accompany this very important date in world history.

A MEMORIAL TO THE LATE HONORABLE JOHN P. SAYLOR

(Mr. HALEY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HALEY. Mr. Speaker, I take this time to present to the House of Representatives a memorial to the late Honorable John P. Saylor and inform my colleagues of the contents thereof. By a letter dated December 10, 1973, there was transmitted to me a memorial adopted in public session of delegates of the 18 Western States at the annual convention of the National Water Resources Association in Phoenix, Ariz., on November 16, 1973, expressing their regard for the late Honorable John Phillips Saylor. The memorial is as follows:

MEMORIAL

On October 28, Representative John P. Saylor, Republican of Pennsylvania, died of a heart attack.

Congressman Saylor had served in the House of Representatives since 1949. As ranking minority member of the Interior and Insular Affairs Committee, he has been accorded a variety of National awards.

Our memorialization for him is in appreciation of his role as critic of Western water development. His criticisms were designed to aid effective water management, not to impede it. And while criticizing a proposal, Mr. Saylor often reminded his colleagues on the Committee that only one among them had voted for more Reclamation projects than had he.

The members of our Association join others across the Nation in tribute to John Phillips Saylor, of Pennsylvania.

ESTABLISHMENT OF THE KALAUPAPA NATIONAL HISTORIC SITE

(Mrs. MINK asked and was given permission to extend her remarks at this point in the RECORD and to include extraneous matter.)

Mrs. MINK. Mr. Speaker, one of the most striking statues in the halls of the Capitol is the figure of Hawaii's Father Damien. I am sure many Members and visitors are familiar with this handsome depiction of one of my State's most illustrious figures.

To further recognize the achievements of this noble humanitarian, I have in-

troduced legislation to establish the Kalaupapa National Historic Site on the Island of Molokai, Hawaii. The site is where Father Damien, a Belgian priest, worked for 16 long years among leprosy victims until at last he died of this disease.

Father Damien, 1840–89, left a legacy of selfless service which made him a venerated figure worldwide, led to his being named one of the two great persons of Hawaii with a statue in the Nation's Capitol, and led to proceedings for his beatification by the Catholic Church. All of this focused unprecedented attention on the disease of leprosy and stimulated charity and significant scientific research toward its cure.

Under my bill, H.R. 12012, the Secretary of the Interior would be authorized to designate the site of the leprosy settlement at or near Kalaupapa on Molokai comprising approximately 2,500 acres together with such adjacent lands and water areas as he deems necessary, for establishment as the Kalaupapa National Historic Site. Within the area so designated, the Secretary may acquire lands, waters, and interests therein by donation, purchase, or exchange, except that any property owned by the State of Hawaii or any political subdivision thereof may be acquired only by donation. When the Secretary determines that he has acquired sufficient property to constitute an efficiently administrable unit, he would establish the area as the Kalaupapa National Historic Site by publication of notice to that effect in the Federal Register.

The promontory on which the site is located is among the most remote locations in all Hawaii. It has been the scene of much dedication by Father Damien and others at a time when the disease of leprosy was little understood. As modern methods have been developed for its control, the number of leprosy victims still living at the settlement has dwindled to no more than 150, most of whom currently live there by choice. In the foreseeable future, the settlement will have no one there. Current medical treatment is such that no new patients have within recent years been admitted. When the settlement closes, we will have two choices: to permit its development, possibly by commercial interests, or to preserve the area for its unique historic significance, as a treasure for the entire Nation.

In his book, "Holy Man," about Father Damien, Hawaii historian Gavan Daws describes how the Island of Molokai looked in Damien's time:

> At a distance, Molokai was gorgeous. Seen as the English lady traveler Isabella Bird saw it, from the tranquil deck of a passing steamer on a shimmering sunny day, the mountainous land floated "like a great blue morning glory on the yet bluer sea." Closer to, it was still an impressive sight, but of a less uncomplicatedly lyrical kind. Robert Louis Stevenson, coasting the north side on his way to visit the leprosy settlement, found the scenery "grand, gloomy and bleak. Mighty mountain walls descending sheer along the whole face of the island into a sea unusually deep; the front of the mountain ivied and furred with clinging forest; one viridescent cliff"; and midway along the coast, "a low, bare stony promontory edged in between the cliff and the sea." The "promontory" was Kalawao.
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> At Kalawao, the center of activity on the 4-square-mile area separated from the rest of Molokai by a 1,500-foot cliff, Father Damien spent most of his time. His church was there, as is his tomb. After his death the settlement gradually moved to Kalaupapa, by the coast, and today the whole promontory is referred to as Kalaupapa.
>
> The legacy of Father Damien is immortal: it is part of our history and must be cherished in memory. Our dedication of Kalaupapa as a national historic site would help serve this objective.

The text of the bill follows:

H.R. 12012

A bill to provide for the establishment of the Kalaupapa National Historic Site in the State of Hawaii, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of preserving for the inspiration, education, and benefit of the public the site where Father Joseph Damien De Veuster (1840–1889) worked for sixteen years among leprosy victims until at last he died of their disease, leaving a legacy of selfless service which made him a venerated figure worldwide, led to his being named one of the two great persons of Hawaii with a statute in the nation's capitol, and led to proceedings for his beautification by the Catholic Church, all of which focused unprecedented attention on the disease of leprosy and stimulated charity and significant scientific research toward its cure, the Secretary of the Interior is authorized to designate the site of the leprosy settlement at or near Kalaupapa on the Island of Molokai, State of Hawaii, together with such adjacent lands and water areas as he deems necessary, for establishment as the Kalaupapa National Historic Site. Within the area so designated, the Secretary may acquire lands, waters, and interests therein by donation, purchase, or exchange, except that any property owned by the State of Hawaii or any political subdivision thereof may be acquired only by donation. When the Secretary determines that he has acquired property in an amount sufficient to constitute an efficiently administrable unit, he shall establish the area as the Kalaupapa National Historic Site by publication of notice to that effect in the Federal Register. Pending such establishment and thereafter the Secretary shall administer the lands, waters, and interests therein designated and acquired for the site in accordance with the Act of August 25, 1916 (63 Stat. 535), as amended and supplemented, and the Act of August 21, 1935 (49 Stat. 666).

SEC. 2. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

RESTORATION OF OPTIONAL LIFE INSURANCE COVERAGE

(Mrs. MINK asked and was given permission to extend her remarks at this point in the RECORD and to include extraneous matter.)

Mrs. MINK. Mr. Speaker, I have introduced legislation to provide for reinstatement of optional insurance coverage under the Federal employees group life insurance program for certain individuals who canceled life insurance due to an increase in premiums, because of age which was then set at a lower amount later in the year of cancellation.

This bill is designed to correct what amounts to an inequity affecting employees who canceled their optional $10,000 insurance on January 1 following their 55th birthday, when coverage under the old system jumped from $5.5 biweekly to $17, or from $11.92 monthly to $36.83. Later in the same year, these premiums were reduced. Subsequently, however, the employees discovered that to keep the optional insurance after retirement the law requires such insurance to have been in effect for 12 years prior to retirement. Had the employees known beforehand they would be penalized for this break in coverage, or that their premiums would be reduced, they would have retained their coverage until retirement even if it meant an increased financial burden.

The situation arises because under the law, employees—and annuitants under age 65—must pay the full cost of the optional insurance and the Civil Service Commission must "from time to time" determine the cost. A premium reduction was ordered on July 1, 1973, based on a study in which the Commission determined that the mortality experience of the insured group had improved substantially. Optional insurance premiums were reduced in April 1970, as a result of a similar determination.

The law also provides that in order to continue the optional life insurance during retirement, an employee must, first, be eligible to continue the regular life insurance, and second, have had the optional insurance for all service during which it was available or for the last 12 years of service immediately before retirement. In imposing the 12-year requirement, the intent of Congress was to prevent an employee from enrolling in the program in the years just prior to retirement when the mortality rate is higher and he becomes a poorer insurance risk. The requirement does have the effect of maintaining the insurance premiums at a fairly low rate for all enrolled employees and annuitants.

At the same time, Congress did not intend that longtime employees should suffer the loss of their optional insurance, because of financial burdens resulting from increased premiums which are subsequently reduced, especially if such employees were unaware of the ineligibility for continued coverage resulting from the cancellation of their policies.

My bill would provide a reasonable means of helping a person who canceled his optional insurance, because of the increase in premiums resulting from having attained a particular age, only to discover that the increase was set at a lower amount later that year. Such an employee would be able to have his coverage reinstated under my bill upon the payment of an amount equal to the premiums that would have been paid if there had been no cancellation.

This legislation is designed to correct an injustice at no extra cost to the Government. I hope it will be enacted.

ELECTION REFORM

(Mrs. MINK asked and was given permission to extend her remarks at this point in the RECORD and to include extraneous matter.)

Mrs. MINK. Mr. Speaker, one of the tragic effects of the Watergate scandal is to diminish still further public respect for our elected officials in Government.

Congressional hearings, legal proceedings, and news exposes have painted a sordid picture of massive violations of the letter and spirit of laws in the last Presidential campaign. The gross improprieties and irregularities were of such extent they cast doubt on the integrity of the elective system. Had the voters known the nature and extent of the abuses I am certain the outcome of the Presidential election would have been different.

Truly, Congress faces no more important a mandate than to clean up our campaign practices to assure that the American people are never again deprived of the opportunity for a clean and fair election. We must restore integrity to the democratic process. This is imperative for the very survival of our Nation's system of government of, for, and by the people.

To reform our campaign laws I have introduced H.R. 11931, the "Comprehensive Campaign Financing Control Act." The bill would apply not only to the Federal offices of President, Vice President, Senator, and Representative, but to elections for Governor and all statewide offices, and to all municipal and other elections in which 300,000 or more individuals voted in the most previous balloting.

My bill would place absolute limits on the contributions candidates could receive and the expenditures they could make. In an election for the U.S. House, a candidate could spend no more than $50,000 in the primary and an equal amount in the general election. Furthermore, to be sure collections stop, contributions received also cannot exceed a $100,000 total for both.

For the U.S. Senate, and others, the limitations would be the greater of $200,000 or 10 cents per voter in the last election.

No funds could be spent in the Presidential general election by the two major party candidates except those received from the income tax checkoff, which would be doubled to $2 per individual and $4 per couple, or those spent by new parties.

The bill places an absolute limitation of an aggregate of $500 of contributions by any person to any candidate, with rigorous safeguards to prevent violation. No cash contributions in excess of $50 could be offered or received.

Campaign disclosure requirements would be tightened by provisions to prevent "laundering" of funds by routing contributions through dummy committees or foreign countries. A candidate would be required to establish only one campaign committee, and all funds would have to be routed through the committee so as to disclose aggregate contributions by individuals. No person other than such an authorized political committee would be allowed to accept or expend funds on behalf of a candidate.

Campaign funds could be raised only during the 12-month period immediately preceding an election, and any funds received in excess of expenditures would have to be returned to contributors on a pro rata basis within 6 months after the election, or donated to the U.S. Treasury.

Campaign funds could not be used to purchase services from family members of the candidate, and could not be transferred to the campaign of any other candidate.

To prevent violations, the bill sets penalties for campaign law violations up to 5 years in prison and $10, fine, and provides that any such punishment is to be levied on the individuals guilty of violations rather than on their companies, parties, or other organization.

Except for the provisions on Presidential and Vice Presidential campaign funding through the income tax checkoff, my bill does not provide for tax-paid financing of political campaigns. I am convinced that this would be injurious to the two-party system which in the past has been the mainstay of our stable political structure.

With strict limitations on the amount that can be raised and spent in all elections, and rigorous safeguards on the manner in which it can be collected and used, coupled with severe penalties for violations, I believe we can restore honesty financing, no additional taxes need be levied on our people for political purposes.

HIJACKING AND ARAB TERRORISM

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, the most recent criminal action of the Arab terrorists that took 31 innocent lives at the Rome and Athens airports has brought forth condemnations by a number of world leaders. What is distressing is that the condemnations are not followed by action. Arab terrorism, and hijacking in particular, has been going on for years. The first Arab airplane hijacking in recent history occurred when an El Al airliner, ironically flying from Rome to Lydda, was diverted to Algeria. Attempts to have the U.N. deal with these hijackings through multilateral treaties have not succeeded because of the opposition of the Arab States which give the terrorists sanctuary and the cowardice of the European States willing to submit to Arab blackmail.

The Arab response to the latest atrocity involving the deaths of 31 innocent human beings was characterized by the Washington Post to wit.

These responses are shameless. They deplore the particular act as a tactical error but they implicitly endorse the purpose of the act—to undo the state of Israel—as a strategic necessity. What troubles these Palestinian spokesmen is not that the slaughter was conducted but that the victims were not Israelis. They wish to preserve their claim to use violence to serve their cause, hoping that sympathy for their cause will sustain tolerance for terror—terror against Israeli—practiced in its name.

How long will it take before these terrorists are brought to justice? How many more passengers will die and planes be blown up before the terrorists and their host countries are brought to account? That to date few if any of those who have engaged in these criminal actions have been punished is clear from the chronology set forth in today's New York Times which I am appending.

A CHRONOLOGY OF ARABS' TERRORISM AND FATE OF COMMANDOS

(By John Sipley)

Although most Arab terrorists responsible for hijackings, kidnapings and the seizure and execution of hostages over the last few years have been captured or have given themselves up, few have suffered meaningful punishment. Following, in chronological order, is the eventual fate—as best can be determined—of Arab terrorists who preceded those who surrendered Tuesday in Kuwait.

July 23, 1968—Two Palestinians and one Syrian who hijacked an El Al Israeli airliner bound from Rome to Lydda airport in Israel were detained by Algerian authorities but soon released.

Dec. 26, 1968—An Israeli passenger and a stewardess were wounded in a gunfire attack on an El Al plane at the Athens airport. Two Palestinians were sentenced to 17 and 14 years' imprisonment but were freed after the hijacking of a Greek airliner to Beirut, Lebanon, on July 22, 1970.

February, 1969—Five Palestinians attacked an El Al airliner at the Zurich Airport, killing the co-pilot and wounding the pilot. One attacker was killed; the others were sentenced to varying jail terms but were subsequently released.

Aug. 29, 1969—Two Palestinians hijacked a Trans World Airlines plane from Los Angeles to Damascus but were not brought to trial.

Sept. 8, 1969—Two Arab boys hurled hand grenades into the El Al offices in Brussels. One escaped after taking refuge in the Iraqi Embassy; the other was not prosecuted.

Nov. 27, 1969—A hand grenade attack on the El Al office in Athens killed a Greek child and wounded 13 persons. Two Jordanian terrorists were sentenced to 11-year and 8-year jail terms but were freed after the hijacking of an Olympic Airways plane on July 22, 1970.

Dec. 17, 1969—Two Britons were arrested in an aborted conspiracy to blow up an El Al plane at Heathrow Airport, London. One was sentenced to 12 years in jail; the other went free after turning state's evidence.

Dec. 21, 1969—Three Lebanese were detained after an unsuccessful attempt to hijack a T.W.A. plane in Athens. They were freed after the hijacking of an Olympic Airways plane to Beirut on July 22, 1970.

Feb. 10, 1970—An attack on an El Al plane at Munich killed one passenger and wounded eight more. One Egyptian and two Jordanians were arrested but were set free after the Dec. 6 hijacking of three American airliners.

July 22, 1970—Six Palestinians hijacked an Olympic Airways plane to Beirut. None were brought to justice.

Sept. 6, 1970—Pan American, T.W.A. and Swissair planes bound for New York were hijacked by Arabs. The Pan American plane landed at Cairo, the others in Jordan, where all were blown up. None of the terrorists were arrested.

Sept. 6, 1970—A woman terrorist was wounded and her male companion killed in an attempt to hijack an El Al plane bound from London to New York. A steward was

wounded. When the plane returned to England the woman was released because the crime had been committed outside British jurisdiction.

July 28, 1971—An attempt to blow up an El Al plane bound from Rome to Lydda with booby-trapped luggage given to a woman by an Arab boyfriend did not succeed.

Sept. 20, 1971—A similar attempt to blow up an El Al plane from London to Lydda with a booby-trapped suitcase given to a woman by an Arab friend also failed.

Nov. 29, 1971—Wasfi Tal, Premier of Jordan, was assassinated by four Palestinian guerrillas while entering his hotel in Cairo. The alleged killers were taken into custody but no prosecutions have been reported.

Feb. 22, 1972—A Lufthansa plane bound from New Delhi to Beirut was hijacked to Aden, where the hijackers were paid $5-million for its release. The hijackers went free.

May 8, 1972—Terrorists hijacked a Belgian Sabena airliner to Lydda. Two men were killed by Israeli security guards and two girls were subsequently sentenced to life imprisonment.

Aug. 16, 1972—A booby-trapped tape-recorder exploded in the luggage compartment of an El Al plane in flight from Rome to Lydda, causing slight damage. Two Arabs who gave the recorder to two apparently unaware British women were released by Italian authorities after a short detention.

Oct. 29, 1972—A Lufthansa flight from Beirut to Ankara, Turkey, was hijacked to Zagreb, Yugoslavia, where it was released after Arab terrorists responsible for the attack on Israeli athletes at the Munich Olympic games—11 were killed—had been freed by West Germany. The hijackers were never brought to justice.

April 4, 1973—Two Arabs made an unsuccessful attempt to attack passengers of an El Al plane at the Rome airport. They were arrested but later released and sent to Lebanon.

April 9, 1973—Arab terrorists attempted to attack an Israeli plane at Nicosia, Cyprus airport. Eight were arrested and sentenced to seven years' imprisonment. Later, the Cypriote President, Archbishop Makarios, quietly released them, saying he did not want Cyprus to become a battleground for Middle East conflicts.

April 27, 1973—An Italian employe was killed in the Rome office of El Al by a Palestinian Arab who is now under arrest in the psychiatric ward of an Italian institution. A magistrate's decision to place him under psychiatric observation is widely taken to mean he will never face trial.

July 19, 1973—After an aborted attack on the El Al office in Athens a terrorist took two hostages to an adjoining hotel but released them after negotiations with the police.

July 24, 1973—A Japanese jumbo jet, in flight from Amsterdam to Tokyo, was hijacked and blown up in Tripoli, Libya. Of five terrorists involved an Arab woman was killed by a grenade she was carrying. One terrorist was Japanese. None were brought to trial.

Aug. 4, 1973—Two Arab terrorists killed five and wounded 55 in a machine gun attack on passengers in the Athens airport lounge. The two were arrested, and Green authorities have not released them despite a demand by the hijackers in this week's incident.

Sept. 5, 1973—Five Palestinians plotted to shoot down an El Al plane near the Rome airport. The five went on trial—two in absentia—before an Italian court last week. Three defendants are in the dock; the two others have been in hiding, presumably abroad, since they were released in their own recognizance.

GUS HAWKINS GOES HOME

(Mr. WAGGONNER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. WAGGONNER. Mr. Speaker, on December 3, one of our friends and fellow colleagues representing the 21st District of California returned to his boyhood home in Shreveport, La., and delivered a remarkable speech to the Negro chamber of commerce there. The gentleman to whom I refer is a compassionate man and a man of real understanding, who has been accomplishing a great deal through his legislative efforts in this body. I admire him because he has attempted to work within the system and get things done while there have been those who have taken to the streets and have advocated destroying the free enterprise system.

GUS HAWKINS' visit and speech were warmly received in Shreveport; and I would like for the other Members of this body to read his speech, which I am including in the RECORD following my remarks.

The major problem of the Negro today, according to GUS, is "unemployment—not racial." He continues:

The cause of the high rate of unemployment among blacks is not racial, although discrimination does contribute. More whites are unemployed than blacks. Surely none can say their problem is racial.

All society, including the Negro, will benefit with continued economic development within the United States.

According to GUS—

If this is not to happen under modern technology, increased automation, and current economic policies much more than the bland cosmetic programs currently utilized is essential. Nothing short of basic structural transformations in our society are required.

This is not to suggest radical or revolutionary changes alien to our private enterprise system or social order. Rather it is a matter of guiding current but indistinct trends into constructive goals based on the American ideals of "life, liberty, and the pursuit of happiness."

Without denigrating the value of equal employment laws, it cannot be denied that our greatest progress is made in the atmosphere of an expanding economy.

In conclusion, our colleague observes—

I believe that far more than civil rights legislation at this time, our greatest hope lies in such proposals as "full employment" in which both high levels of employment and business expansion are woven together to create new jobs in the primary labor market and to promote private enterprise activities that build a viable community structure.

SPEECH BEFORE THE NEGRO CHAMBER OF COMMERCE, SHREVEPORT, LA.

(By Hon. Augustus F. Hawkins)

I am proud to be in the congressional district of my friend and distinguished colleague, the Honorable Joe Waggonner. I want it fully understood I agree with my life time friend, Dr. Elbert Allen in describing Joe Waggonner as a "fearless, courageous, independent, and effective" leader. His warm introduction is deeply appreciated.

It is an honor to be invited to return to Shreveport, my native home, and I want to thank both the Shreveport Negro Chamber of Commerce and all of you for your cordial reception and numerous courtesies. Your southern hospitality has great meaning especially for me when I recall my boyhood experiences in Shreveport. Humorously, you might even say "the prodigal son returns".

On a more serious note, however, let me share with you some of my concerns about Negro Americans and the challenges of the twentieth century.

Since emancipation we have travelled through several historical developments: (1) the period of Reconstruction politics, (2) next we experienced the traditional civil rights battles of the first half of the 20th century, the decades which began with the NAACP and concluded shortly after the passage of the Civil Rights Acts, (3) Thirdly we have recently been exposed to a period of group identity and consciousness, the articulation of "black power", and an experience with newer as well as younger leaders, (4) and now in the 70's we can identify a turning to economics as the new thrusts.

There is unmistakably a new emphasis, not on rediscovering our past . . . but capturing a sense of direction as to where we are going. Our main objective is not to relieve the troublesome past but to bring ourselves into the new 20th century . . . that becomes the main issue.

Victory over legalized segregation brought many new opportunities, but it was the middle class who profited the most. For the vast majority of blacks, life is tenuous: the future hangs in the balance between technological advances and a shrinking polarized power base. Blacks must now learn how to be . . . and make friends . . . not lose them.

Sidney Willhelm and Edwin Powell in their study a few years ago raised the question "Who Needs the Negro?" They suggested "racial strife . . . is not between black and white, but is instead a search for human rights in a world of machines that make so many humans utterly dispensable."

Unemployment—not racial problem—is the Negro's major problem. The cause of high rate of unemployment among blacks is not racial, although discrimination does contribute. More whites are unemployed than blacks. Surely none can say their problem is racial.

The disproportionate growth of Negro's employment instability despite educational gains is largely due to automation. We have moved from cotton fields to assembly lines, and now we are being automated into menial jobs and high unemployment. By 1980 it is estimated there will be "more need for professional, technical and kindred workers, most of them with college or post-graduate degrees, than assembly-line production workers, common laborers, truck drivers and bus drivers."

Functional illiteracy among blacks is far too high, 23% compared with 7% among whites (1960). Even when blacks remain in school they benefit less, their lifetime earnings often do not justify the extra schooling. A rip off of this black economic insecurity is an abominable high rate of family disorganization. Too many black children grow up in poverty-stricken, broken homes without parental guidance, a father image, or the motivational force to succeed. The Negro's problem—if it can be so identified for discussion—is his short odds in life to earn as much as others, to obtain a decent education and to occupy a professional or skilled position, to live as long, and to enjoy a wholesome environment.

To identify the problem, however, is not to correct it. Too much of the so-called civil rights revolution, or protest movement of recent years in which militancy has often identified leadership—has been expended merely talking about the problems as if to

enumerate our problems constituted their solution.

Obviously inequalities in opportunities based on past discrimination and injustices require some special programs that deal with target groups: compensatory education, equal employment opportunities, minority business assistance, and ghetto economic development.

But in the world today, policies and programs have broad application and implications. Inflation, devaluation, environmental control, rationing, price controls, etc., are just as much "Negro problems" as traditional civil rights and they are the concerns of all Americans.

Without denigrating special assistance programs let me discuss what I believe to be the broader methods of improving the economic status of Negro Americans at this juncture in our political and social life.

The late Whitney Young succinctly stated the Negro's dilemma in economic terms when he described the possibility of "Negroes with a mouthful of rights, living in hovels with empty stomachs."

If this is not to happen under modern technology, increased automation, and current economic policies much more than the bland cosmetic programs currently utilized is essential. Nothing short of basic structural transformations in our society are required.

This is not to suggest radical or revolutionary changes alien to our private enterprise system or social order. Rather it is a matter of guiding current but indistinct trends into constructive goals based on the American ideals of "life, liberty, and the pursuit of happiness."

What are some of these trends and what can we do about them?

One is the development of a new meaning of work. Currently what seems to be the American standard of an 8-hour day or a 5-day week is no more sacred than the 10 or 14 hour day a few years ago. With proper development of labor productivity we can achieve shorter work hours, eliminating monotonous and demanding work details, and assure employment at adequate wages.

Our present concept of "work" is filled with contradictions and inconsistencies. The worth of a job is correlated with pay . . . although the garbage collector may be performing a much more constructive job than some executives. His pay is based on our low esteem . . . not his real worth. Certainly, we might build a better case for paying the garbage collector more money. The housewife—with all of her duties as cook, babysitter, housecleaning, shopping, laundering, maid, hostess . . . is not even considered a worker, unless of course she leaves her own household to do these things for others. Apparently "pay" makes the difference and on this basis the lady at home is considered "worthless".

We must organize work to meet human capacities as we train persons to perform productively to their maximum potential. Everyone is capable of something despite race, age, education, or physical make-up. Work must be fashioned to employ people . . . not to create shortages.

It has been demonstrated that the very young, for example (5 to 13 year olds) can be used in classrooms as aides or that the very elderly make good foster grandparents. Many functions in a hospital can be performed by non-professionals, etc. Entry level jobs can be related to career ladders, etc.

Such a changing concept would begin to bring into the economy the service of many persons—minorities, women and elderly . . . now excluded or underemployed . . . or on the basis of present concept of work, considered "worthless".

Thus far our planning both by the private sector and government has been based on technological considerations. We have ignored the quality of life or ecological factors. consequently, our vast resources of energy, metals, and other raw materials are running out while our human energies are not fully used.

It is significant that three of the ten largest industrial firms are oil companies and three automobile manufacturers, are users of fuel. We are literally driving ourselves from an economy of abundance to one of scarcity. No wonder we have an energy crisis.

Let me refer again to the Willhelm and Powell study made in the sixties, in their paper "Who Needs the Negro?" They concluded: "With the onset of automation the Negro is moving out of his historical state of oppression into uselessness . . . he is not so much economically exploited as he is irrelevant . . . the Negro's anxiety . . . will spread to others . . . as automation proceeds."

Already this anxiety is upon us as the energy crisis deepens and as our society changes from a dominant goods-producing work force to a dominant human service orientation.

This change is signficant for those minorities and others who have become irrelevant in a massive goods-producing economy in which machines can do the work of the least educated and unskilled.

With the change, new opportunites, both employment and business, are opened in such human services as education, health, conservation, recreation, communications and community development.

As opposed to industrial output, the question may be raised as to whether this trend will lead us into activities requiring public investment and public control (some might call it state socialism), or whether the numerous services in question can be provided by private instead of public agencies.

It is unquestionable that even more than now, labor-intensive, human services will favor "private businesses" of the smaller type especially in such personal services as health, child care, food, light construction, home beautification, catering, personal grooming, etc. Just to mention a few of the less sophisticated opportunities.

Also, there is a current trend to combine public and private activities through contract work in which such activities as pollution control, landscaping, cleaning public relations, etc., are done by private firms on behalf of public agencies.

The important thing is as we move away from the main reliance on major enterprise to the development of human services those persons and groups left behind in the American Industrial Revolution will have a second chance.

It is this second time around opportunity to be pioneers that could aid most the disadvantaged persons and communities that now suffer high unemployment due to automation and traditional handicaps of earlier discrimination and injustices.

The prosperity of these areas—and their economic development—depends on increasing the economic status of the residents. The consumer that business helps to get a spendable income becomes its customers.

Because of their late start, negroes were denied opportunities to obtain the experience, education, and skills to compete in the industries and professional fields. They were foreclosed in skills and trades and denied seniority in unions. They were unable to assembly the capital to undertake vast businesses.

Without denigrating the value of equal employment laws, it cannot be denied that our greatest progress is made in the atmosphere of an expanding economy.

Stating it another way: widespread unemployment stiffens the resistance and widens the gap between those "inside" and those—such as minorities outside trying to get in.

Facts speak eloquently on this point. Between 1964 and 1969, the negro family income gained on the white family income, from 54% to 61%. Since 1969—with high unemployment—the black income has dropped to 59% of white income. The loss is sustained, not by both but by blacks.

It is for this reason I believe that far more than civil rights legislation at this time, our greatest hope lies in such proposals as "full employment" in which both high levels of employment and business expansion are woven together to create new jobs in the primary labor market and to promote private enterprise activities that build a viable community structure.

In addition this means that job gains for blacks would not involve white losses, or that preferential treatment would be necessary to provide job opportunities. A legalistic form of equality despite its moral justification has not produced the results we anticipated. Its implementation and endorsement have lagged and its political support has eroded.

A full employment proposal to provide jobs for all willing and able to work was fully contained in the Murray-Wagner bill in 1945. It provided jobs for all with decent pay and opportunities for advancement. It contained a national commitment or a guaranteed right to such employment. As emasculated it finally became the employment act of 1946.

The present crisis demands that again we consider such a far reaching solution and alternative to current economic and manpower policies that are clearly not working in anybody's best interest.

Instead of forcing people into demeaning jobs or onto welfare why can't we provide jobs that are meaningful, socially constructive, and remunerative. And at the same time encourage business expansion, through proper incentives if necessary, to employ the millions whose services can contribute to high production, economic growth, and improving the standard of living of all Americans.

This idea may seem idealistic or even radical to some. In view of contemporary events: controls, devaluation, inflation, and energy crisis . . . nothing should shock our sensibilities or be immune from national discussion.

President Nixon in recent times has been photographed raising cocktail glasses with Brezhnev in the Soviet Union and eating with chopsticks in Red China. Apparently doing business behind the iron curtain and with the communist outweighs ideological differences.

It is surprising how fast we lose our biases . . . when greenbacks change from white to black hands or vice versa—detente (they now have given it a fancy name). The relaxation of tensions is strongly supported by America's most powerful corporations, including General Electric, Xerox, IBM, and Pepsico.

Gene Bradley (formerly with GE, now a Washington public relations executive) is quoted as saying of detente: "it's a terribly exciting thing, moving out on the world and forging ties—raising the standards of living in the less developed world."

Perhaps, who knows, we can expect detente out of both business and humanitarian considerations, to help us raise the standards of the 85 million Americans in this country who live on incomes below a level of decency.

And in the spirit of detente, it is reasonable to presume—black and white—can apply the high principles of doing business together in the field of race relations.

Let me again ask who needs the Negro? And this time to provide an answer. We

might do well to consider the fact . . . that what impoverishes so many blacks also accounts for the low-income and loss in gross national product for a larger number of whites. Consequently what helps the Negro benefits others even greater.

Secondly, if we were to treat blacks as a national group for a basis of comparison with other people of non-Communist nations—their contribution to the gross national product rank among the top 10 nations.

Thirdly, the 22 million-person black consumer market—simply cannot be ignored by businessmen—large or small black or white.

Detente is indeed a viable progressive force for application on the American scene . . . as abroad. It simply makes good business sense—to say nothing of national security—for us to foster good will and cooperation . . .

Dear friends, let me say again how pleased I am to have returned to Shreveport and to receive such a warm welcome. Yours is a great city. You have the leadership and determination to progress. Now, allow me to end on this personal note with words from Carrie Jacob Bond's lyrics,

"For memory has painted this perfect day with color that never fades" . . .

Certainly, this day will always live in my memories and may God bless all of you and speed your progress.

LEGISLATION INTRODUCED TO STRENGTHEN AND IMPROVE OPERATION OF THE FREEDOM OF INFORMATION ACT (5 U.S.C. 552)

(Mr. MOORHEAD of Pennsylvania asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, I am today introducing a bipartisan bill to strengthen and improve the operation of the Freedom of Information Act. It is also cosponsored by other members of the Foreign Operations and Government Information Subcommittee. This measure is what could be considered the final marked-up version of the legislation (H.R. 5425) on which the subcommittee held hearings earlier this year. We will meet after Congress reconvenes in January to formally report this clean bill to the full Government Operations Committee.

H.R. 5425 contained a number of amendments to the existing Freedom of Information Act (5 United States Code 552), enacted in 1966. H.R. 5425 was based on the results of extensive investigative hearings held by the Foreign Operations and Government Information Subcommittee in 1972. Those hearings and the attending Government Operations Committee report (H. Rept. 92–1419) disclosed serious deficiencies in the handling of information by the executive branch of the Government.

The deficiencies were not limited merely to obstruction of the intent and purposes of the Freedom of Information Act, but also included poor policy control of classified information resulting in massive overclassification with no concomitant declassification schedule and failure of the executive branch to provide needed information to Congress.

I have already sponsored legislation to address the security classification problem. That bill, H.R. 12004, would implement the recommendations contained in H. Rept. 93–221, unanimously adopted by the Government Operations Committee in May of this year. It was introduced on December 18, 1973, and my remarks explaining its provisions can be found on page 42297–42298 of the CONGRESSIONAL RECORD of that date.

The ranking minority member of the Foreign Operations and Government Information Subcommittee, the gentleman from Illinois (Mr. ERLENBORN), is also introducing bipartisan legislation today to insure a free flow of information to Congress. I am pleased to be a cosponsor of that measure.

As noted earlier, the bill I am introducing today makes a number of changes in the original measure, H.R. 5425. The original bill contained extensive revisions to the Freedom of Information Act, including a rewriting of a number of the permissive exemptions in subsection (b) of the act. During the five days of hearings held on H.R. 5425 in May of this year, persuasive testimony was given that dealt with the way in which the Federal courts were interpreting these exemptions in freedom of information cases. This subject was also discussed at length during the open markup sessions held by the subcommittee during this summer and fall. A majority of the subcommittee members have finally concluded that the best course to follow is to recommend enactment of a series of procedural amendments to the Freedom of Information Act, without substantive amendments to the exemptions as contained in subsection (b) of the act. We have concluded that the Federal courts have, after 6 years and well over 200 reported and unreported cases, adequately resolved many of the problems caused by the language in a number of the subsection (b) exemptions. We feel that the courts are, by and large, reflecting the intent of Congress in advancing the public's "right to know" and that changes in this subsection at this time might tend to confuse rather than to clarify and might close some avenues of judicial interpretation.

A description of the new FoI amendments follows:

Agencies would be required to "publish and distribute" their opinions made in the adjudication of cases, policy statements and interpretations adopted, and administrative staff manuals and instructions to staff that affect the public rather than merely making them "available for public inspection and copying," as provided in the present law.

Agencies would be required to respond to requests for records which "reasonably describes such records." This language is substituted for the term "identifiable records," which we discovered was used by the bureaucracy in many cases to avoid making information available.

Agencies would be required to respond to requests under the act within 10 days—excepting Saturdays, Sundays, and legal public holidays—after receipt of the request and within 20 days—with the same exceptions—on administrative appeals following denials to the requesting party. These time periods are the result of a 1971 study and recommendations on improving the operation of the act as adopted by the Administrative Conference of the United States and would provide a positive mechanism to correct one of the most glaring deficiencies uncovered during our hearings—that of agency stalling and foot-dragging tactics to avoid public disclosure.

The Government could be required by the courts to pay "reasonable attorney fees and other litigation costs" of citizens who successfully litigate cases under the Act. This amendment is directed toward another major deficiency of the present law revealed during our hearings—the high costs to the average citizen when attempts to obtain records under provisions of the act are frustrated by arbitrary or capricious acts of the bureaucracy or by foot-dragging tactics. Such assessment would be at the option of the court and has been successfully used in numerous civil rights cases in past years.

Agencies would be required to file a responsive motion to citizens' suits under the act within 20 days after receipt. Under normal rules of Federal civil procedure, the Government is given 60 days to file such responses, although the private citizen has only 20 days to respond to Government motions; this amendment would plug a major loophole used by the Government and revealed in our hearings, involving cases where repeated filing of delaying motions by the Government stalled court consideration of Freedom of Information Act cases for as long as 140 days. Such stalling tactics make a mockery of the law and often make the information, if finally made available to the citizen, virtually useless to him.

A new provision proposed to section 552(a) would clarify the original intent of Congress in connection with the interpretation of the "de novo" requirements placed on the courts in their consideration of cases under the act. Such amendment is made necessary by the Supreme Court's decision in the case of Mink versus EPA, decided on January 22, 1973, when the Court held that judges may not examine in camera documents in dispute where the Government claims secrecy by virtue of exemption 552(b)(1), dealing with the national defense or foreign policy, and are not required to exercise such in camera judgment in cases involving exemption 552(b)(5), dealing with interagency or intra-agency memorandums. The amendments make it clear that Congress intended and still intends that "de novo" as used in the law means that since the burden of proof for withholding is on the Government, courts must examine agency records in camera to determine if such records as requested by the plaintiff in a suit under the act, or any part thereof, should be withheld under any of the nine permissive exemptions of 552(b). It also makes it clear in cases where exemption 552(b)(1) is claimed by the agency, the Court must examine such classified records to see if they are a proper exercise of such Executive order classification authority and that disclosure of the information requested would actually be "harmful to

the national defense or foreign policy of the United States."

New Section 552(D) establishes a mechanism for congressional oversight by requiring annual reports from each agency on their record of administration of the act, requiring certain types of statistical data, changes in their regulations, and similar types of information.

Finally, Mr. Speaker, the bill provides that these amendments shall take effect 90 days after enactment so as to provide adequate time for the executive agencies to promulgate necessary changes in their regulations and operational guidelines.

I am hopeful, Mr. Speaker, that the Government Operations Committee will act favorably to report this important measure to the House early in the next session so that we may act promptly to enact these meaningful amendments to the Freedom of Information Law to make it a more workable and effective instrument to help restore confidence in our governmental processes.

DEEP OCEAN FLOOR HARD MINERALS ACT

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

Mr. DOWNING. Mr. Speaker, early in the second session, I intend to introduce the Deep Ocean Floor Hard Minerals Act, which will promote the conservation and orderly development of the hard mineral resources of the deep ocean floor. This bill is similar in intent to H.R. 9, which I introduced at the beginning of the present Congress. However, the details of the bill have been substantially revised in accordance with the extended hearings that have been held on H.R. 9, together with hearings on the same subject in the 92d Congress.

Mr. Speaker, we are living in an energy crisis, which has been highlighted by the fact that certain foreign nations have decided to restrict the availability of their oil resources to the United States. Without getting into any discussion as to the merits of the resource policies of those countries, I would merely like to note that the United States cannot afford to rely entirely on the policies of other nations. We have discovered that when the perceived needs of differing nations come into conflict, even nations which have been considered "friendly" may not be entirely sympathetic to the national needs of the United States.

There is a similar situation which exists for the United States in its need for mineral resources. Despite the vast mineral resources available domestically, there is increasing evidence that the development of the domestic resources is not keeping pace with domestic demand. At the same time, this Nation is encountering steady increasing international competition in the acquisition of foreign raw materials.

In addition, expropriation, confiscation, and forced modifications of agreement have severely restricted the flow or increased the cost of some foreign materials and there is evidence that security of access to foreign minerals may increasingly be hostage to political accommodations unrelated to the best interest of this Nation. At the same time, there is an alternate source of mineral raw materials which are available to the United States in economically workable concentrations. That source lies in the ocean floor manganese nodules which are found in varying percentages up to several pounds per square foot and in varying assays. The prospect of realizing deep ocean mining is no longer illusory, but is now on the brink of reality. The purpose of this legislation is to bring that reality into being.

For the past few years, ocean mining technology has progressed to the point where private U.S. companies and foreign entities have become increasingly active in the ocean area. The foreign entities are often strongly and directly supported in their efforts by their governments.

The Mining and Minerals Policy Act of 1970 affirmed that it was in the national interest to foster and encourage private enterprise in the development of economically sound and stable domestic mining, minerals, metal and mineral reclamation industries. The bill which I am introducing is consistent with that affirmation.

Domestic mining interests in the United States engaged in the evaluation of deep sea mining of manganese nodules, which could provide the United States with a secure source of supply of several minerals including manganese, cobalt, nickel, and copper, are at the stage where large investments must be made in order to achieve the capacity for commercial exploitation. At the same time, there are problem areas of a legal and political character which represent serious impediments to the domestic development of seabed minerals. President Nixon recognized this fact in his statement of May 23, 1970, in which he called for an interim policy to promote the orderly development of seabed resources, pending international negotiations to arrive at international solutions to the problem. This legislation is very similar to the thrust of his proposal.

The major objection to the enactment of legislation of this type, as developed during previous hearings, rests on the fact that the United Nations is also concerning itself with this problem area and it is a matter which is proposed for resolution at the Law of the Sea Conference which is expected to take place during the course of the next 2 years. While I am entirely sympathetic with the solution of this problem on an international basis, I am somewhat less than optimistic as to the date of final international solution. The matter has been under detailed consideration in the United Nations Seabed Committee, in both its ad hoc and permanent status, since 1967. The work of that committee has still not produced sufficient agreement to encourage optimism for the Law of the Sea Conference. In that regard, I sincerely hope that I may be wrong, but in the meantime, I firmly believe that it is now time for this Nation to make a decision on how long we should wait before we begin the utilization of these available minerals which our economy may desperately need in the not too distant future.

With the introduction of this legislation, and with additional hearings on its detailed provisions, I feel certain that we can solve a national problem and at the same time make adequate provision for merging our national efforts into whatever international regime may be agreed upon in the future, whatever the exact date of that accomplishment.

I am hopeful that both this House and the other body can give early and favorable consideration to this proposed legislation early in the second session of the present Congress. We have thus far delayed action for 2 years in order to enable the international community to reach agreement. It seems to me that it is now time to put the international community on notice that the time for debate and rhetoric is drawing to a close, that the United States intends to continue the development of its technology in this area, and that unless an international agreement can be reached by the end of 1975, the United States intends to take independent action to insure that deep seabed minerals are utilized to satisfy pressing needs.

RETIREMENT OF ANDREW E. RUDDOCK FROM GOVERNMENT SERVICE

(Mr. BOLAND asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BOLAND. Mr. Speaker, I would like to take a few moments to recognize the outstanding contribution that Andrew E. Ruddock has given to Government service.

I first met Andy when he appeared to testify before the Appropriations Subcommittee on which I served years ago. The Congress was concerned at the time with the growing insolvency of the Civil Service Retirement and Disability Fund, and we were concerned with the long-range consequences of the escalating liabilities that surely would come in a relatively few years. I was impressed with his depth of understanding of complicated matters, and his ability to clearly explain and communicate this understanding.

In large measure through his efforts, at the urging of our committee and with the cooperation of the Post Office and Civil Service Committee, legislation was enacted to place the Federal retirement program on a reasonably sound financing basis.

Mr. Ruddock is taking the retirement he has so richly earned at the end of this month, after 34 years of Government service, and his good counsel and

administrative ability will be difficult for the U.S. Civil Service Commission to replace. Without question, he is one of the Commission's most dedicated employees. In 1961 he was awarded the Commissioners' Award for Distinguished Service.

Mr. Speaker, it is a great pleasure for me to recognize the dedicated service of people like Andy Ruddock to the Government and the Nation. We wish him our sincere best wishes for many years of full and rich retirement and service in other areas in the years ahead.

ETHICS AND THE WHITE HOUSE TAPES

(Mr. RHODES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RHODES. Mr. Speaker, I am certain that many Members of Congress shared my extreme distress over the recent revelation that a lawyer associated with the well-respected Ralph Nader played one of the subpoened White House tapes at a Washington cocktail party.

The lawyer in question has admitted the folly of his action, and I have no reason to believe that his regret is insincere. However, we do well to reflect on this incident, as it underscores the importance for everyone connected with the Watergate investigation to proceed in a responsible manner.

The President of the United States has articulated effectively the need to preserve the confidential nature of conversations which take place between the President and other individuals. Without this confidentiality, it would be exceedingly difficult for any President to conduct the business of the people.

It was shocking and distressing that this position, which I feel that most Americans consider to be reasonable, was eroded through the actions of a member of the legal profession.

In my judgment, Mr. Speaker, it is absolutely essential that everyone connected with the Watergate investigation conduct his business in a responsible manner, not just the President of the United States.

I am inserting the Associated Press story which appeared in yesterday's Washington Post which details this unfortunate incident.

NADER LAWYER PLAYS NIXON TAPE "FOR FUN"

A White House tape turned over to a Ralph Nader lawyer last week was played "for fun" at a cocktail party Monday night, ABC News has reported.

The tape was one of those the Ralph Nader organization had sought in its legal battles with the Nixon administration charging favoritism to the dairy industry in exchange for campaign contributions.

After fighting subpoenas for the tapes for months, the White House released this copy last week to attorney William Dobrovir, a Nader lawyer.

ABC News said Tuesday that Dobrovir played the recording at a cocktail party, but refused to play it for ABC Tuesday.

Nixon Press Secretary Ronald L. Ziegler said Dobrovir's action sounded unethical or illegal. A spokesman for special prosecutor Leon Jaworski expressed outrage, ABC said.

"That's just what we were worried about. Watch what the White House does with this now," the spokesman said. Dobrovir could not be reached immediately for comment.

COORDINATION OF THE FINANCING AND DELIVERY OF HEALTH CARE

(Mr. ROGERS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ROGERS. Mr. Speaker, my distinguished and influential colleague and fellow member of the Public Health and Environment Subcommittee of the House Interstate and Foreign Commerce Committee, the Honorable Dr. William Roy, delivered a thought-provoking speech on national health policy before a meeting of the National Association of Blue Shield Plans on October 26, 1973, in Chicago. In his speech Dr. Roy, who often provides our subcommittee with alternate approaches and views on health issues, points out that for health reform to become a reality, greater coordination must take place between the financing and delivery of health care.

Mr. Speaker, I would like to insert a copy of Dr. Roy's speech in the CONGRESSIONAL RECORD for the benefit of my colleagues:

Mr. Chairman and Mr. Krizay, my distinguished colleague of the Senate, Senator Hansen, Ladies and Gentlemen: I am pleased to be here with you this morning. I have heard the jingle before about doctor, lawyer, Indian chief. I have also heard the rest of it, which is something about poor man, beggar man, thief—as I recall.

I appreciate Senator Hansen addressing me as Dr. Roy. I would be very comfortable if he addressed me as Bill. We all know it is a little difficult these days to be addressed as a politician. And I am well aware that physicians, thank God, for the most part still have the confidence of the people in the nation. Among the professions and occupations, physicians are well thought of by the people of this country.

I am often asked if I had any advantage going to the House as a physician, and I think I did have some advantage. I believe that because I am a doctor, the members of the House were somewhat curious to meet me when I went there three short years ago. I think, however, the Members of the House—who, as most of you know, are mostly male and mostly elderly—soon became disillusioned when they found out I was an obstetrician and gynecologist . . . and not a urologist. But you can't win them all.

I am pleased that I am not up here to represent, necessarily, the views of the House of Representatives, because I am uncertain what those views are. I am reasonably certain, however, that the views of the majority of members at this time do not concur with my views, and therefore I speak only for myself. I do not even claim to speak for the members of the Health Subcommittee, although I think that in a number of areas I will discuss there is a considerable sympathy in the House Health Subcommittee for the policies that I am going to state.

I have—over three years—begun to formulate some idea of what I think National Health Policy should be. This is a pretty presumptious thing to do from several viewpoints, but primarily because as the junior man on the Health Subcommittee, I certainly do not have any power to implement the things that I think should happen; I have to rely primarily on the power of persuasion. And as one who used to be able to get by simply by saying "it's a boy" or "it's a girl," it is somewhat difficult for me to make long speeches. But, let me take a shot at it, relatively briefly.

I believe that there are about four pieces of legislation that could very well fit together to form a reasonably attractive package of legislation as we try to move toward a National Health Policy.

PSRO Legislation. I think the legislation which created the Professional Standards Review Organizations, a law which is already on the books, is probably a good law. We hope it will be implemented and administered in such a way that we will be able to conclude that it is a good law. I have had little part in it. In the House, we just received the proposal as a part of a Conference Committee report.

But I believe the PSRO law does address itself to quality, and I think we would be sticking our heads in the sand if we did not also realize that it addresses itself—to some degree—to cost. I believe we all believe that when the government is paying the bill, or when other third-party payers are paying the bill, it is reasonable to ask whether or not the contract between the patient and the health professional is a necessary contract. I also believe it is also reasonable to ask whether or not the care was proper care for the diagnosis made. My understanding is that this is what we are to determine with Professional Standards Review Organizations. It is also my understanding that the foundation movement in this nation has found that about 5 to 12 per cent of care was either improperly rendered or was unnecessary. So I would think we can anticipate some decrease in the cost of care with the establishment of effective PSROs.

HMO Legislation. I think the HMO legislation which is now in conference is reasonably good legislation. I believe it is proper for the federal government to assist Health Maintenance Organizations. I think it is good for the federal government to define what we now think a Health Maintenance Organization is, because this is such a protean term . . . it is presently difficult to define an HMO.

I think wherever there have been prepaid practices, the balance of the medical care system—the private fee-for-service physician, the private voluntary hospital, the corner pharmacist, and so on—has done a better job of peer review and a better job of utilization review. I have total confidence that the system as we now know it can, with certain changes, do every bit as good a job as an HMO. Of course, in many instances, it will do a better job with HMOs, since health maintenance organizations introduce an element of competition at the proper point for competition.

May I also observe that among health professionals there is presently a great deal of good will. I also think that there is a great deal of innovation going an among groups of health professionals, among provider insurance groups, and among the other health interest groups. I believe this is a good time to harness the good will and the innovative ideas. The HMO bill moves in this direction without putting anyone in a bridle or a harness in such a way they cannot continue to move with some freedom.

Regional Health Authority Legislation. I now would like to discuss an important proposal about which I have been speaking for several months. It is not law. Some of the elements I have been talking about probably will not become law, but a number of the

points will. The proposal deals with what I term Regional Health Authorities.

I believe that we cannot much longer go on with the horror stories that we all have heard about the duplication of facilities, about the under-utilization of services in many areas, about the fact that we just do not have good planning to bring primary care or often times secondary and tertiary care to the people of this country. It is apparent we need to do something more than we have been doing. Comprehensive health planning has been law for nearly six years. In many places there are good programs. States have taken initiatives in many areas, and many have done a good job. But this has not been enough.

CHPs have not worked well for several reasons. One very simple reason is that they have been underfunded. Another reason is that the salaries in CHP state agencies have been tied to State Civil Service salaries. You people here hire many of the good people, because you can pay the salaries. CHPs too often get what is left over among those technical experts that are necessary for health planning.

The B agencies have to come up with matching money—usually from a health interest group—to share the expenses with the federal government. Special interest groups may, in this way, capture the B agencies.

I would admit very freely that if I am severe in any area, I am severe in the area of planning. But I will remind you that what I am presenting is a legislative proposal, an idea we are submitting for hearing and for your contribution and the contributions of others. We are putting forth an idea for the consideration of the balance of the Congress. This is what I am doing as far as Regional Health Authorities are concerned. I feel strongly that we should plan regionally.

I understand it is probably best to change the word from regional to local. I am told that I have a very bad concept in Regional Health Authorities because region is a bad word, and authority is a bad word, and the only good word I have in the title is health. Probably we will end up calling these entities local health agencies. In the real sense they are local, but not quite as local as maybe the first perception of the word local might be.

I am talking about a Regional Health Authority for a geographic area containing a population of about one-half million to three million people. I would hope a Regional Health Authority would have excellent technical input.

I would like to see the agency be able to formulate a short-term priority plan outlining the things that are most needed within the geographic and population area. I would like to see the Authority also be able to set long-term goal plans for the area. Then I would like to see them have some power to implement those plans.

In other words, I do not think it is enough to just have the negative power of denying a certificate of need. Such legislation has been passed by a number of states, but that is not enough. I think the authority or agency should be able to reach out and help see that its plans are implemented.

In order for the RHA to have enough money to hire the experts, I would like to see an entitlement of 75 cents or one dollar per individual in the area. So if there are one million people in the region, there would be available one million dollars per annum for planning and implementation. This is very close, by the way, to an estimate study done in HEW which indicated that we needed probably at least $150 million for our present CHP program—a program which, as most of you know, got less than $30 million last year, and which is scheduled to get little more than $35 million this year, about a fifth of what is needed.

In addition, I would like to see the RHA do three other things. I would like to see all federal money granted to the region channeled through the RHA so that we do not go through what we have been through again and again; that is, having a federal health care program here and a federal health program there, and so forth. Frequently none of them knows that the others exist, and often does not speak to the others if it knows they exist. We went through this with drug programs; thirteen agencies and departments had drug programs—sometimes 400 yards apart—and often one did not know the other one was there. Consequently, I would like to see federal money channeled through this organization in order to coordinate and rationalize the expenditure of federal dollars.

I would also like to see this organization certify and recertify services within health care institutions. I am thoroughly convinced that in most metropolitan areas one will find 12, 15, or 18 OB services, for example, with under-utilization in a great number of them, delivering less than the 1,600 babies a year that the American College of Obstetrics and Gynecology says you must have to have efficiency for around the clock services. The Regional Health Authority could say: "Three years from now we are going to have only eight OB services, not 15 OB services. You folks get together out there and decide who is going to continue and who is going to discontinue services." In addition the RHA might stipulate that each one of these OB services would have an intensive care newborn service and would measure up to certain other standards. This could be done with emergency rooms, physical therapy departments, cardiac care units, and on down the line. I believe that it is absolutely necessary that this determination—called certification and recertification—be done.

In addition, I would like to see the regulation of institutional expenditures by the 100 or 200 Regional Health Authorities in this nation. Now no regulatory scheme is very good. All have dangers. But I believe my proposal is preferable to what we have faced and are facing at the present time.

We are facing the Cost of Living Council saying you can increase your expenditures in health care institutions only 7½ per cent per institutional stay. However, if you have some special reason, you can increase them by another per cent. States also propose to regulate rates and expenditures. We are seeing third-party carriers, I think very admirably, trying to regulate expenditures, or at least a contract, with health care institutions in order to have more predictable expenditures. And there are, of course, Medicare and Medicaid regulations. Right now, I do not know how a hospital accountant can do anything sensibly simply because he is bombarded with so many different rules and regulations.

We would like to see a prebudgeting process done by the RHA. I know this is putting a lot of eggs in one basket.

I would like to speak briefly about structure. Right now, we believe RHAs should be primarily intrastate, rather than interstate. I believe that if we did not have states at the present time we would have to discover them as governmental units. Therefore, powers should remain with states whenever possible.

I am thoroughly convinced that for RHAs to work we have to have excellent cooperation with state governments. And thirdly, I do not want another unit of quasi-government standing out somewhere by itself with no connections to anyone. I would support, by compact, the creation of interstate RHAs where such agreements are reached. I would like to see the regions be the same as PSRO regions, but I do not know at this time what PSRO regions are going to look like. If the regions were the same, we would be doing planning and quality evaluation within the same geographic unit. I would like to spend at least another 20 minutes talking about my ideas about RHAs, but I won't. I would like to speak briefly about National Health Insurance.

NHI Legislation. My overriding feeling in the national health insurance area is that I believe very firmly that we should not depend on federal dollars for purchasing health care services. If we depend on federal dollars for health care services, I am thoroughly convinced that we won't have enough dollars and we will have low quality health care. This is principle number one as far as I am concerned, and thus I would like to see the financing of health care come from many sources. Therefore, I would like to keep you people, Blue Shield, and I would like to keep the health insurance companies, to play an important role in national health insurance. I do not want to have Washington paying for or administering national health insurance.

I will propose a three-part National Health Insurance Plan covering the population under 65. I would leave Medicare in place. I would like to see mandated third-party coverage for employees. This means that every employee would have to have a certified policy. This policy would have to have minimal coverage and that minimal coverage must be broad enough to permit progressive care including pre-hospital and post-hospital care. We all know what has happened for the last 20 years. People were sent to the hospital because their insurance would not pay the bills elsewhere.

I would like to see a state-wide privately managed pool, for small employers, for the self-employed, for the uninsurable, and for the poor. This would require a lead insurance company, or a consortium of insurance companies.

Finally, I think we all know we have to do something about the poor. I would like to see the federal government pay the premium cost for the poor, and where necessary, the government should pay any coinsurance and the deductibles. I believe we will need coinsurance and deductibles. My bill would provide universal entitlement. It would not provide universal coverage. Our best estimates are that it would probably provide coverage in excess of 95 per cent. This is the basic principle that our National Health Insurance plan will follow.

Now, having discussed my proposal for National Health Insurance, I am going to make comments on, which I probably should not make on, the Long-Ribicoff proposal. The reasons I should not make comments is that Long-Ribicoff is probably the most politically attractive bill to come down the pike in a long time. The majority of the Senate Finance Committee is on the Long-Ribicoff bill.

My objections to this bill are at least twofold. My first objection is that while I recognize fully the need for catastrophic health insurance, in Long-Ribicoff catastrophic health insurance is going to be paid for out of the Social Security Trust Fund. We will be spending many more federal dollars for health care, and for the first time we will be paying bills for a population of all ages—almost regardless of their inability to pay.

The only qualification is that they have over $2,000 in expenses. My feeling is that this catastrophic eligibility figure will be lowered and lowered.

At the very least, it will never be decreased. We know what happens with infla-

tion. $2,000 is not going to buy more than 70 per cent of the health care three or four years from now that it buys today. Without actually lowering the eligibility figures, we would effectively lower that figure under any circumstances and thus effectively increase the amount of health care that the federal government is paying for.

I am also convinced that one of the great reasons that you do not sell much catastrophic insurance—and nobody else does—is that our people are oriented to any payoff that comes frequently, that is, first dollar coverage. No one likes to hold insurance policies that never pay off and appear that they never are going to pay off.

With one family in 50—or one family in 20—receiving the Long-Ribicoff catastrophic benefit, after paying the increased payroll tax, there is going to be a demand from people that the eligibility be lowered to $1,800, $1,500, or $1,200.

I see it as being—indeed as it has been called—incremental. I see Long-Ribicoff being the final increment toward the federal government paying for 70, 80, 90, and someday 100 per cent of all health care services. I do not believe that we can afford to get ourselves in that position in this country or we will be certain to not have enough dollars to have quality health care.

These are my basic objections to the catastrophic proposal. Another objection is that free standing catastrophic places the emphasis on the wrong end of the health care spectrum. I know catastrophic insurance must come. But it should come as a part of a total payment mechanism. When I talk about a certified policy under our national health insurance proposal, this certified policy would include catastrophic coverage in addition to comprehensive coverage.

Let me add about two other things about Long-Ribicoff. Medicaid needs to be a federal program. But I think if we are ever going to have fairness and equity in programs for poor people, poor people are going to have to hold the same health insurance policies as everybody else. I agree with Wilbur Cohen when he said that programs for the poor are poor programs. And I am just as positive that if we have to go to the budgetary OMB-appropriation process—as we would under Long-Ribicoff—to get enough money for programs for the poor, we will never get it. It is the same principle as the earlier statement I made that if we look to the government for enough dollars for health care services, we will never have an adequate number of dollars. Thus, I am opposed to federalizing Medicaid as a separate program for the poor.

I agree with one of the better health care planners whom I saw the other day. He said to me: "If you set out to design the poorest legislative proposal possible, you would come up with Long-Ribicoff." This is true in the context in which he spoke—the content of the program. However, if you wanted to design the most politically attractive program in the world, you might well design Long-Ribicoff.

I am very much aware of the political future in the sense that Long-Ribicoff may become law. It would be liked very much by the people initially. There could be a bunch of my political opponents running around and saying here is Long-Ribicoff, which Dr. Roy did not want. But I just do not think it is a good program. And I think it needs a lot of opposition because of its political attractiveness, coupled with its potential disastrous results for the health care of the American people.

Having said those things, I will be looking forward to your questions. I want to say I respect you very much; I think you have done an excellent job through the years. The people who I work with in your organization—and I see several of them in the audience—have always leveled with me . . . maybe with a little bias—only a little bias.

SO-CALLED WATERGATE INVESTIGATION

(Mr. WAGGONNER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. WAGGONNER. Mr. Speaker, now I know what the Senate Watergate Committee wants with 300 or 400 additional White House tapes, which the Washington Post reported would be subpoenaed by the committee.

After reading in the paper yesterday and today that one of the attorneys for Nader's Raiders played one of the subpoenaed White House tapes at a cocktail party, I can only conclude that there are going to be some 300 or 400 "out to get Nixon" cocktail parties in Washington during the holiday season; and the tapes would be used to furnish entertainment for the gatherings.

Can the American people feel confident that the so-called Watergate investigation is on the up and up? And that a fair and impartial investigation is being conducted? We have already learned that Archibald Cox was leaking confidential information to the press on the sly; the Senate Watergate Committee is like a sieve when it comes to confidential and classified information; and now confidential and personal tapes of the President are providing entertainment on the Washington cocktail circuit.

GENERAL AVIATION VERSUS VOLKSWAGEN

(Mr. MILFORD asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MILFORD. Mr. Speaker, during the past few weeks, there have been numerous discussions, news articles, Presidential statements and speculations about fuel allocations to general aviation.

Many Members and most of the general public simply do not fully understand general aviation, its function, its mission, and its contribution to our economy. Furthermore, most do not know the true picture concerning the amount of fuel it uses.

Instead of wasting fuel, this segment of transportation is one of the most efficient—fuel wise—that we have.

I asked the General Aviation Manufacturers Association to contact all aircraft manufacturers and to render a report that would specifically detail each aircraft model's energy efficiency rating. I further asked them to specify and compare the efficiency, in seat-miles-per-gallon, with commercial airline-type aircraft.

Each Member can compare the efficiency of these airplanes with that of his own automobile.

The special report compiled by the General Aviation Manufacturers Association is included herein for the RECORD:

COMPARISON OF AIRCRAFT FUEL EFFICIENCY

[Definitions: SEP—Single-engine piston; TEP—Twin-engine piston; TP—Turboprop; TJ—Turbojet ("pure" jet); BUS—Business use; PER—Personal; AA—Aerial application; AT—Air taxi; IS—Industrial special; FT—Flight training]

Aircraft	Engine	Typical passenger seat configuration	Mi/gal	Seat mi/gal	Principal type of use
Cessna Turbo 210	SEP	6	13.4	81	BUS/PER.
Beech V35 Bonanza	SEP	6	13.3	80	BUS/PER.
Piper Cherokee "6"	SEP	7	11.4	80	BUS/PER/AT/IS.
Piper Twin Comanche	TEP	6	13.3	80	BUS/PER.
Beech Sierra 24R	SEP	6	13.2	79	BUS/PER.
Cessna Turbo 207	SEP	7	10.7	75	BUS/AT/PER.
Swearingen Metro	TP	22	3.3	72	AT/BUS.
Cessna 180 Skywagon	SEP	6	11.4	68	BUS/IS/AT.
Cessna 172 Skyhawk	SEP	4	17.0	68	FT/AT/PER/BUS.
Cessna 206 Stationair	SEP	6	11.2	67	BUS/AT/PER/IS.
Piper Arrow 200	SEP	4	16.5	66	BUS/PER.
Rockwell 112	SEP	4	16.2	65	BUS/PER.
Bellanca Viking Turbo	SEP	4	16.2	65	BUS/PER.
Cessna Skywagon 185	SEP	6	10.7	64	BUS/AT/IS.
Cessna Cardinal RG	SEP	4	15.8	63	BUS/PER.
Piper Navajo Turbo	TEP	9	6.9	62	BUS/AT.
Piper Seneca	TEP	7	8.9	62	BUS/AT/FT.
Piper Cherokee 235	SEP	4	11.1	62	BUS/PER.
Grumman Traveler	SEP	4	15.3	61	PER/FT.
Douglas DC-8-62		230	.26	60	Air carrier.
Piper Cherokee 140	SEP	4	14.7	59	PER/FT/BUS.
Beech Sport 19	SEP	4	14.6	58	PER/FT/BUS.
Piper Cherokee 180	SEP	4	14.3	57	BUS/PER/FT/AT.
Cessna 177/Cardinal	SEP	4	14.2	57	BUS/PER.

COMPARISON OF AIRCRAFT FUEL EFFICIENCY—Continued

[Definitions: SEP—Single-engine piston; TEP—Twin-engine piston; TP—Turboprop; TJ—Turbojet ("pure" jet); BUS—Business use; PER—Personal; AA—Aerial application; AT—Air taxi; IS—Industrial special; FT—Flight training]

Aircraft	Engine	Typical passenger seat configuration	Mi/gal	Seat mi/gal	Principal type of use
Cessna 402	TEP	8	7.1	57	BUS/AT.
Douglas DC-10		255	.22	56	Air carrier.
Beech Kingair 100	TP	15	3.6	54	BUS.
Beech Sundowner 23	SEP	4	13.2	53	BUS/PER.
Beech 99	TP	15	3.5	53	AT/BUS.
Boeing 737-200	TEP	109	.48	52	Air Carrier.
Cessna 414	TEP	7	7.4	52	BUS/AT.
Cessna Skymaster	TEP	6	8.5	51	BUS/AT.
Cessna 421	TEP	8	6.3	50	BUS/AT.
Beech B55 Baron	TEP	6	8.2	49	BUS/AT/FT.
Boeing 747-200		374	.13	49	Air carrier.
Cessna Turbo 310	TEP	6	8.1	49	BUS/AT/FT.
Piper Aztec Turbo	TEP	6	8.0	48	BUS/AT/FT.
Grumman AA-1B Trainer	SEP	2	22.3	45	FT/PER.
Cessna Skylane	SEP	4	11.2	45	BUS/FT/PER.
Cessna 340	TEP	6	7.4	44	BUS/AT.
Douglas DC-9-30		103	.42	43	Air carrier.
Boeing 727-200		131	.32	42	Do.
Rockwell Shrike 500S	TEP	7	6.0	42	BUS/AT.
Cessna 150	SEP	2	20.5	41	FT.
Boeing 707-300B		157	.26	41	Air carrier.
Beech King Air C90	TP		4.0	40	BUS.
Rockwell 690	TP		4.4	39	BUS/AT.
Swearingen IV	TP		3.3	39	BUS.
Bellanca Citabria	SEP		18.7	37	PER.
Beech Duke 60	TEP		6.3	37	BUS/AT.
Boeing 727-100		103	.35	36	Air carrier.
Boeing 707-120B		137	.22	30	Air carrier.
Swearingen Merlin III	TP	8	3.4	27	BUS.
Piper Supercub	SEP	2	12.8	26	IS.
Rockwell Sabre 75	TJ	12	2.2	26	BUS.
Boeing 720		131	.19	25	Air carrier.
Gates Learjet 25B	TJ	10	2.3	23	BUS.
Rockwell Sabre 40	TJ	9	2.5	22	BUS.
Cessna Citation	TJ	8	2.8	22	BUS.
Grumman GII	TJ	19	1.0	19	BUS.
AG Pickup	SEP	1	9.2	9	AA.
AG Wagon	SEP	1	8.8	9	AA.
AG Truck	SEP	1	8.8	9	AA.

Note: Airline fuel usage based on 1,000-mile trip (CAB block range). General aviation fuel usage based on point-to-point at 75 percent cruise power (or maximum recommended power for turbine aircraft) with no climb/decent allowance.

PRESIDENT'S EXCESS PROFITS TAX A SHAM

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

Mr. VANIK. Mr. Speaker, the President has just recommended a proposal to reach excess profits in the oil industry. But the administration's proposal is a sham approach to the problem. It is hardly likely to reach excess profits.

Under the administration's scheme a base price for crude oil will be established. It is likely to be roughly $4.25 a barrel—the posted rate as of December 1, 1973. The President wants to impose a graduated tax on price increases over that base price. If the price rises $1, a tax of 7.5 cents a barrel is levied. The tax rate goes up so that an increase of $2.50 is taxed at a rate of 85 percent.

The President's proposal is not really an excess profits tax. It is a tax in the nature of a graduated excise tax. As an excise tax, it will be treated as an additional cost of production and passed on, dollar-for-dollar, to the consumer. It will in no way touch oil profiteering.

The revenue hopes of this proposal will remain only if the original base price remains the same. But as the base price is increased, the tax revenues will phase out. Prices to the consumer will spiral and the impact of the tax as a profit-controlling mechanism will be illusory.

The proposal is a flimsy smokescreen in the name of an excess profits tax. It does not deal with the question of profits in the oil industry. It is an intricate device to sock the consumer and let the profits roll on. The oil industry itself could not have written a better proposal. I hope the Congress will see through this smokescreen.

U.S. NUCLEAR TECHNOLOGY ON THE INTERNATIONAL MARKET

(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, recent media reports concerning decisions in the nuclear field bring back sharply a comment the President made when he met with some of the Members of Congress on November 7. He said that he could not understand why this Nation, which had invented nuclear power and has pioneered nuclear powerplants to generate electricity, is slower than other nations in applying nuclear power. He referred to a goal of cutting down the time of construction of nuclear powerplants from the present 10 years to 6 years. This still is greater than some of our foreign friends; for example, Japan has placed nuclear powerplants in commission in less than 5 years.

The media reports I referred to concern decisions by foreign nations in favor of U.S. nuclear power technology. For example, it has been reported that the British, who pioneered in the development of gas cooled reactor technology, are now shifting to the U.S. water cooled technology. In addition, the French, who also developed different technologies—both heavy water and gas cooled reactors—have apparently recently made a decision to build the U.S. type light water reactors. These nations joined a large number of other nations in adopting U.S. reactor technology.

I might add that European nations in general are greatly accelerating the construction of nuclear powerplants since they have faced the issue of growing oil shortages. As I stated last week—CONGRESSIONAL RECORD December 13, 1973, page 41329-41330—this Nation has no alternatives either but to build additional nuclear power and coal plants if we are to meet the energy requirements over the coming decade and beyond.

SALUTE TO CONGRESSMAN JOE MOAKLEY

(Mr. STOKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. STOKES. Mr. Speaker, I have long maintained that our Nation's priorities are terribly displaced. And that this ad-

ministration has not seriously addressed this displacement.

And so we have tried to do better for all Americans, regardless of race, color, or creed, who suffer from this distortion of priorities.

In this effort we have been joined by an ever-increasing number of concerned colleagues. This is especially true with regard to many first-term Congresspersons.

Mr. Speaker, it is rare to see a freshman Congressperson take an assertive role on so many matters of interest to the black community—both by his or her voting record on the floor of the House of Representatives and with the bills he or she has introduced, but we have certainly witnessed such an event with several freshmen Congresspersons in 1973.

One such concerned legislator is JOE MOAKLEY of Boston.

JOE MOAKLEY's Massachusetts Ninth District is probably one of the most ethnically, economically, and racially diverse congressional districts in the country.

When JOE MOAKLEY campaigned for Congress in 1972, his message to the voters was simple: "I want to give everyone a fair shake."

JOE has been true to his words.

In only his first year as a congressman, JOE has worked hand-in-hand with my colleagues on the Congressional Black Caucus introducing major legislation which affects black Americans all over this great country.

On more than 50 major rollcalls of the House this year, JOE has clearly demonstrated that his heart lies in the right place—and his concern for the disadvantaged, the downtrodden and those who have not had the same opportunity as many other Americans.

From his vote to maintain the National School Lunch Act to his vote against the confirmation of Vice President GERALD FORD, JOE MOAKLEY has consistently respected and met the legitimate needs and expectations of his black constituents.

Along with cosponsoring numerous bills with members of the Black Caucus, JOE has worked with national civil rights organizations ranging from the Leadership Conference on Civil Rights to the NAACP, as well as Boston's Action for Community Development—ABCD—program.

Granted JOE has not been with us on the issue of busing and several others, but on almost every issue that counts to black Americans—from voting against GERRY FORD to voting for school lunches—JOE has and will respect and meet the legitimate needs and expectations of his black constituents.

He was the first Congressman in Boston's history to open a district office in Roxbury, in order to more effectively service his black constituents. And he has five blacks on his personal staff.

By working closely with the Massachusetts Black Caucus and other community organizations and groups, JOE has shown his commitment to fair representation for all Americans and a deep inner sensitivity to black Americans.

I commend his record to my colleagues with a profound "thank you" to Congressman JOE MOAKLEY.

During the first session of the 93d Congress, JOE sponsored more than 2 dozen bills and letters with members of the Congressional Black Caucus. That is a record that puts JOE in the top 1 percent of Congress. These actions include:

APPROPRIATIONS

H.R. 5122.—Letter urging President Nixon to release funds needed for summer neighborhood youth corps program with Congressman LOUIS STOKES of Ohio.

H.R. 8897.—Measure to authorize funding of the Office of Economic Opportunity at the same level as last year with Congressman CHARLES RANGEL of New York.

CIVIL RIGHTS

H.R. 9642.—Establishment of voter registration administration with Congressman CHARLES RANGEL of New York.

October 17.—Letter to Secretary of State Kissinger about repression in Chile with Congressman PARREN MITCHELL of Maryland.

H.R. 10602.—Reduction of crime by involving citizens in crime-prevention with Congressman JOHN CONYERS of Michigan.

COMMERCE AND TRADE

H.R. 8574.—Prohibition on exporting herbicides to South Africa and Portugal with Congressman CHARLES RANGEL of New York.

H.R. 10541.—Reduction of air pollution in the airways with Congresswoman YVONNE BURKE of California.

CRIME

H.R. 8498.—Provides penalties for robbery of narcotic drugs from drug stores with Congressman ROBERT NIX of Pennsylvania.

H.R. 10602.—Reduce crime by involving citizens of local community with Congressman JOHN CONYERS of Michigan.

EMPLOYMENT

H.R. 3984.—Continues the public service employment program with Congressman AUGUSTUS HAWKINS of California.

H.R. 5707.—Continues the Office of Economic Opportunity program at the present level of funding with Congressman AUGUSTUS HAWKINS of California.

FOREIGN AFFAIRS

House Joint Resolution 269.—Forbids any government contracts to U.S. firms whose subsidiaries engage in unfair employment practices in South Africa with Congressman CHARLES DIGGS of Michigan.

H.R. 4209.—Forbids discrimination by foreign and domestic air carriers. Penalty: loss of license to operate in the United States—with Congressman CHARLES DIGGS of Michigan.

GOVERNMENT OPERATIONS

H.R. 5398.—Prevent Office of Economic Opportunity dismantlement by suspending authority of OEO director with Congressman JOHN CONYERS of Michigan.

H.R. 6566.—Requires Congress to approve the Office of Economic Opportunity cuts before they are made by the Nixon administration with Congressman AUGUSTUS HAWKINS of California.

House Concurrent Resolution 175.—Approves the continuation of Office of Economic Opportunity program with Congressman AUGUSTUS HAWKINS of California.

HOUSING

June 29.—Letter urging defeat of the Widnall amendment which would increase public housing costs. Sent to the Banking and Currency Committee of the House with Congressmen PARREN MITCHELL of Maryland, ANDREW YOUNG of Georgia and WALTER FAUNTROY of the District of Columbia.

HOLIDAYS

H.R. 2267.—Make Dr. Martin Luther King, Jr.'s birthday a national holiday with Congressman JOHN CONYERS of Michigan.

IMPEACHMENT OF THE PRESIDENT AND OTHER RELATED MATTERS

House Resolution 597.—No action on confirmation of the Vice Presidential nominee until the matter of the White House tapes is finally resolved by the courts and the President has complied with that order with Congresswoman YVONNE BURKE of California and Congressman ANDREW YOUNG of Georgia.

Similar measures introduced with Congresswoman SHIRLEY CHISHOLM of New York, Congressmen PARREN MITCHELL of Maryland, WILLIAM CLAY of Missouri, LOUIS STOKES of Ohio and JOHN CONYERS of Michigan.

House Resolution 629.—Impeachment of the President of the United States with Congresswoman BARBARA JORDAN of Texas, and Congressmen AUGUSTUS HAWKINS of California and RALPH METCALFE of Illinois.

H.R. 11214.—Provides for a special election for President and Vice President should both posts become vacant with Congressmen CHARLES RANGEL of New York, PARREN MITCHELL of Maryland and JOHN CONYERS of Michigan.

House Resolution 734.—Demands the resignation of the President of the United States with Congressman CHARLES RANGEL of New York.

SOCIAL SERVICES

H.R. 3984.—Continues the public service employment program with Congressman AUGUSTUS HAWKINS of California.

H.R. 6222.—Expands and increases money for the Family Planning and Population Research Act with Congressman RONALD DELLUMS of California.

SPORTS

H.R. 11140.—Requires educational institutions engaged in interscholastic athletic competition to employ certified athletic trainers with Congresswoman CARDISS COLLINS of Illinois, and Congressmen RONALD DELLUMS of California, PARREN MITCHELL of Maryland, WILLIAM CLAY of Missouri, ROBERT NIX of Pennsylvania, CHARLES RANGEL of New York, JOHN CONYERS of Michigan, and AUGUSTUS HAWKINS of California.

TRANSPORTATION

H.R. 4209.—Prohibits racial discrimination on transportation between the United States and another country with Congressman CHARLES DIGGS of Michigan.

On the following key votes affecting the black community, Joe voted with the Congressional Black Caucus each time:

Rollcall 32.—Bill amends the National School Lunch Act to assure that Federal assistance to each child is maintained for child nutrition programs for the coming fiscal year. March 5, 1973, yes vote.

Rollcall 45.—H.R. 71 strengthens and improves the Older Americans Act. March 13, 1973, yes vote.

Rollcall 105.—House Resolution 360 provides for consideration of a bill continuing the funding for the Emergency Employment Act for only 2 years. April 18, 1973, no vote.

Rollcall 108.—S. 50 strengthens and improves the Older Americans Act. Concurring in the Senate amendment to the less liberal House amendment. April 18, 1973, yes vote.

Rollcall 169.—H.R. 7806 extends through June 30, 1974, appropriations in the Public Health Service Act, Community Mental Health Centers Act, and the Developmental Disabilities Services and Facilities Construction Act. May 31, 1973, yes vote.

Rollcall 190.—Bill increases the minimum wage rates under the act. Expands the coverage to include thousands of domestic workers as well as youths. June 6, 1973, yes vote.

Rollcall 197.—H.R. 2246 amends the Public Works and Economic Development Act to extend authorizations for a year. Agreement to the conference report. June 8, 1973, yes vote.

Rollcall 254.—Amendment that would have prohibited the Legal Services Corporation from giving contracts or grants for research, training, and technical assistance. This amendment would have gutted a major part of the Legal Services bill. June 21, 1973, no vote.

Rollcall 255.—Amendment that would permit individuals to bring suit against the Legal Services Corporation and recover costs in case of favorable rulings. This was clearly aimed at reducing the number of suits filed by legal services attorneys for fear of costs being levied against them if they lost the suit. June 21, 1973, no vote.

Rollcall 256.—Amendment that prohibits legal services attorneys from appearing before legislative bodies. Attorneys would not have had the right to represent the interests of their clients—the poor. June 21, 1973, no vote.

Rollcall 257.—Amendment to the legal services bill that restricts from partisan or nonpartisan activities all lawyers who earn 1.3 percent of their income from the program. Obviously, this would severely cripple those attorneys who were working part-time from getting in these activities. June 21, 1973, no vote.

Rollcall 260.—Amendment to legal services bill to send it back to committee, effectively killing the bill. June 21, 1973, no vote.

Rollcall 262.—On final passage of the Legal Services Corporation bill. June 21, 1973, yes vote.

Rollcall 271.—H.R. 8825, providing for appropriations for the Department of Housing and Urban Development. June 22, 1973, yes vote.

Rollcall 287.—House Resolution 455, provides appropriations for the Departments of Labor and Health, Education, and Welfare and related agencies including the Office of Economic Opportunity and Headstart programs. June 26, 1973, yes vote.

Rollcall 290.—H.R. 8877. Amendment to the HEW and Labor appropriations bill which seeks to reduce funds for OEO. June 26, 1973, no vote.

Rollcall 291.—H.R. 8877. Amendment to the HEW and Labor appropriations bill seeking to reduce funds in 26 sections of the bill, thus gutting it. June 26, 1973, no vote.

Rollcall 292.—H.R. 8877. Amendment to HEW and Labor appropriations bill seeking to increase funds for bilingual education programs. June 26, 1973, yes vote.

Rollcall 294.—H.R. 8877. Amendment to HEW and Labor appropriations bill which seeks to reduce funds in 26 sections of the bill by $600 million. June 26, 1973, no vote.

Rollcall 295.—H.R. 8877. On final passage of the bill making appropriations for the Departments of Labor and Health, Education, and Welfare and other agencies including the Office of Economic Opportunity and Headstart program. June 26, 1973, yes vote.

Rollcall 365.—H.R. 8538 would extend authorization for the Corporation for Public Broadcasting for television and radio broadcasting facilities and for other purposes. Clay amendment to insure compliance with civil rights regulations and forcing increased participation of minorities on boards and in station personnel. July 20, 1973, yes vote.

Rollcall 398.—H.R. 9360. Amendment by YOUNG of Georgia providing for a quarterly analysis of funds going to Portugal. This is to make sure that the President does not permit the money to be used for military purposes, especially against Portugal's African colonies. July 26, 1973, yes vote.

Rollcall 428.—Conference report on bill to amend the Fair Labor Standards Act of 1938 to increase the minimum wage rates and expand the coverage of the act. August 3, 1973, yes vote.

Rollcall 430.—Bill to amend an amendment to the Agriculture Act of 1970 to assure consumers of plentiful supplies of food and fiber at reasonable prices. August 3, 1973, yes vote.

Rollcall 441.—H.R. 8547, a bill to amend the Export Administration Act of 1969 to protect domestic economy from drain of scarce materials and commodities and to reduce the serious inflationary impact of abnormal foreign demand. September 6, 1973, yes vote.

Rollcall 449.—A vote to override the President's veto of the emergency medical services bill providing assistance in planning, research and training projects for systems for the effective provisions of emergency health care services. September 12, 1973, yes vote.

Rollcall 450.—H.R. 7974, a bill to amend the Public Health Service Act to provide assistance and encouragement for the establishment and expansion of health maintenance organizations. September 12, 1973, yes vote.

Rollcall 455.—An amendment to delete a section of the bill which raises reimbursement by the Federal Government for school lunches from 8 cents per lunch to 10 cents. September 13, 1973, no vote.

Rollcall 456.—H.R. 9639, an amendment to the National School Lunch and Child Nutrition Act for the purpose of providing additional Federal financial assistance to the school lunch and school breakfast programs. September 13, 1973, yes vote.

• Rollcall 459.—A vote on the conference report on H.R. 8070 to authorize grants for vocational rehabilitation services. September 18, 1973, yes vote.

Rollcall 465.—A vote to override the Presidential veto of H.R. 7935 to amend the Fair Labor Standard Act of 1938 thereby increasing the minimum wage and expanding coverage under the Act. October 3, 1973, yes vote.

Rollcall 495.—Amendment to the Urban Mass Transportation Act to delete provisions for Federal funding of operating expenditures of mass transportation systems. October 3, 1973, no vote.

Rollcall 496.—H.R. 6452, provision to amend the Urban Mass Transportation Act of 1964 by increasing the total amount authorized for assistance, increasing the portion of project cost which may be covered by a Federal grant to authorizing assistance for operating expenses. October 3, 1973, yes vote.

Rollcall 544.—H.R. 10586, a bill to authorize use of health maintenance organizations in providing health care. October 23, 1973, yes vote.

Rollcall 552.—H.R. 10956, the Emergency Medical Services Systems Act of 1973. October 25, 1973, yes vote.

Rollcall 554.—H.R. 9456, the extension of the Drug Abuse Education Act of 1970 for 3 years. October 30, 1973, yes vote.

Rollcall 560.—H.R. 8219, authorizes the President to extend special privileges and immunities to the Organization of African Unity. November 6, 1973, yes vote.

Rollcall 561.—H.R. 10937, extends the life of the Watergate Grand Jury. November 6, 1973, yes vote.

Rollcall 563.—House Joint Resolution 542, override of President Nixon's veto of the War Powers resolution limiting the capacity of the administration to introduce, employ or commit U.S. Armed Forces into hostile areas. November 7, 1973, yes vote.

Rollcall 564.—H.R. 11104, adoption of an increased temporary limit on the public debt without consideration of an immediate 7 percent social security increase for the elderly. November 7, 1973, no vote.

Rollcall 577.—H.R. 8916 appropriates

funds for certain Federal agencies including the Commission on Civil Rights, Equal Employment Opportunity Commission and Small Business Administration. November 13, 1973, yes vote.

Rollcall 581.—S. 1570 authorizes the President to allocate crude oil and refined petroleum products to deal with existing or imminent shortages and dislocations in the national distribution system which jeopardizes the public health, safety or welfare. November 13, 1973, yes vote.

Rollcall 585.—H.R. 11459 authorizes military construction appropriations. November 14, 1973, no vote.

Rollcall 592.—H.R. 11333 provides for a 7 percent increase in social security benefits beginning in March 1974, payable in April, and an additional 4 percent raise beginning in June 1974, payable in the July 1974 check. November 15, 1973, yes vote.

Rollcall 596.—House Resolution 718 provides for consideration of daylight savings time bill. November 27, 1973, yes vote.

Rollcall 597.—H.R. 11324 provides for daylight savings time on a year-round basis for a 2-year trial period. November 27, 1973, yes vote.

Rollcall 601.—H.R. 11010 authorizes increase in appropriations for Manpower training programs to $1 billion. These programs include public employment services, opportunities industrialization centers, and Office of Economic Opportunity job training programs. November 28, 1973, yes vote.

Rollcall 602.—H.R. 11010 assures opportunities for employment and training to unemployed and underemployed persons. November 28, 1973, yes vote.

Rollcall 603.—H.R. 11104, the public debt limit bill, with provisions on Campaign Reform provisions. November 29, 1973, yes vote.

Rollcall 609.—H.R. 11575, providing for a reduction of 22,000 Armed Forces military personnel. November 30, 1973, yes vote.

Rollcall 615.—S. 1191, provides financial assistance for the prevention, identification, and treatment of child abuse and neglect and establishes a National Center on Child Abuse and Neglect. December 3, 1973, yes vote.

Rollcall 622.—H.R. 8877, approves funding for Headstart, Office of Economic Opportunity programs and Departments of Labor and Health, Education and Welfare. December 5, 1973, yes vote.

Rollcall 628.—H.R. 7130, amendment would eliminate the anti-impoundment provisions from the Budget Control bill. December 5, 1973, no vote.

Rollcall 629.—H.R. 7130, amendment declares that both Houses of Congress must disapprove an impoundment action by the President. December 5, 1973, no vote.

Rollcall 631.—H.R. 7130 provides for a budgetary control system in the Congress with strong anti-impoundment provisions. December 5, 1973, yes vote.

Rollcall 634.—House Resolution 735 confirms the nomination of GERALD FORD as Vice President of the United States. December 6, 1973, no vote.

Although still a freshman Congressman, JOE MOAKLEY already has a distinguished record in offering and supporting legislation that directly affects lifestyles in black communities. In less than 11 months, JOE introduced over 100 measures of direct concern to blacks. Among them:

APPROPRIATIONS

May 22.—Letter urging the President to release funds needed for summer neighborhood youth corps program.

H.R. 8897.—Funds the Office of Economic Opportunity at the same level as last year.

CHILDREN AND YOUTH

H.R. 4242.—Extends for 5 years grants under the Social Security Act for maternal and child health and crippled children's services. Increases appropriation to $630 million from present $350 million.

H.R. 6818.—Establishes the National Center on Child Development and Abuse Prevention.

House Resolution 396.—Establishes the Select Committee on Children.

H.R. 10167.—Provides funds through the Law Enforcement Assistance Administration to State and local police to establish a communications and data network dealing with runaways. Authorizes $2 million annually for 3 years to assist local, State, and private organizations to establish and maintain halfway houses for runaways.

CIVIL LIBERTIES AND CIVIL RIGHTS

H.R. 8491.—Establishes Military Discharge Review Boards for less than honorable discharges for Vietnam veterans.

H.R. 9935.—Insures against invasion of private income tax returns by Government agencies.

H.R. 10232.—Protects the rights of privacy by forbidding the conditioning of Federal assistance for treatment of drug abusers or control of drug abuse on the recipient's furnishing any list or other means of identifying any person treated by such recipients.

H.R. 10440.—Prevents telephone harassment, threats and intimidation by debt collectors.

H.R. 10611.—Assures constitutional rights of privacy by regulating data banks with files on individuals.

House Resolution 712.—Provides for a comprehensive review of the country's national security and international policies regarding chemical warfare.

COMMERCE AND TRADE

H.R. 8235.—Amends the U.N. Participation Act to stop importation of Rhodesian chrome and restore the United States to its position as a law-abiding member of the international organization.

H.R. 8574.—Prohibits exportation of herbicides from the United States to Portugal and South Africa.

H.R. 7079.—Establishes a program to assist businesses and municipalities in urban industrial development and other matters.

CRIME

H.R. 10602.—Reduces crime by involving citizens as volunteers in all phases of the criminal justice system.

H.R. 10873.—Amends the Elementary and Secondary Education Act of 1965 to assist school districts to carry out locally approved school security plans to reduce crime against children, employees and facilities of their schools.

EDUCATION

H.R. 4055.—Strengthens and increases the Headstart program to provide quality day care and early childhood education for disadvantaged youngsters.

H.R. 4981.—Provides for the utilization of schools on full time operating basis providing social services and educational opportunities and programs for all members of the community.

H.R. 11065.—Amends the Elementary and Secondary Education Act of 1965 to assist school districts to carry out locally approved school security plans to reduce crime against students, employees and facilities of their schools.

ELDERLY

H.R. 2251.—Strengthens the Older Americans Service Act and provides for increased funds to states for a variety of services especially transportation, nutrition, recreation, housing and employment.

H.R. 4862.—Restores food stamps for elderly who wish to take advantage of the program.

H.R. 8546.—Provides an income minimum for the aged. Additional income payments under social security if they do not have $3,750 per individual or $5,000 per couple per year.

H.R. 9665.—Establishes an experimental social security program for subsidizing families of elderly dependents.

H.R. 10238.—Immediately increases social security payments for the elderly by 5.97 percent.

H.R. 10523.—Authorizes reduced fare transportation on space-available basis for persons 65 or older.

H.R. 10982.—Amends the National Housing Act to provide further assistance to public and private nonprofit corporations for the conversion of existing single family housing for occupancy by elderly persons of low or moderate income.

October 15.—Urges acceptance of the Senate's 7 percent social security increase.

H.R. 10983.—Provides for direct financing of low and moderate income housing programs under sections 235 and 236 of the National Housing Act.

H.R. 11006.—Provides for a 7 percent increase in social security benefits beginning with those payable in January, 1974.

H.R. 11124.—Provides for additional funding for the nutrition program for the elderly and authorizes increased appropriations.

ELECTIONS

H.R. 4847.—Establishes the National Voter Registration Administration within the Bureau of the Census. Gives monetary incentives to states to adopt more liberal registration practices, sets minimum residency requirements for federal elections.

H.R. 9642.—Creates the Voter Regis-

tration Administration to administer the voter registration program.

H.R. 9862.—Provides for limitations on contributions and encourages small contributions in bipartisan elections. Expands the Campaign Reform Act of 1971.

EMPLOYMENT

H.R. 1417.—Continues the public service employment program for unemployed persons and assists state and local communities in providing needed public service.

H.R. 3984.—Provides $10 billion annually for millions for public service and private sector jobs. Attempts to meet the enormous employment needs and corrects serious public service deficiencies.

H.R. 5707.—Authorizes the Labor Secretary to fund the Opportunities Industrialization Centers and provide training for 100,000 persons a year.

H.R. 10996.—Establishes a loan program to assist businesses and industry in areas of substantial unemployment to meet pollution control requirements.

H.R. 11070.—Establishes the national Office of Migrant and Seasonal Farm Workers within the Department of Health, Education, and Welfare. Coordinates administration of all programs of the department serving migrant and seasonal farmworkers.

FOREIGN AFFAIRS

House Joint Resolution 269.—Requires that any U.S. business in South Africa demonstrate fair employment practices. Voices concern over exploitation by U.S. business of South African labor and racial practices.

H.R. 4209.—Safeguards against U.S. citizens traveling abroad on air carriers that engage in racial or religious discrimination.

H.R. 8235.—Amends the U.N. Participation Act to stop importation of Rhodesian chrome by the United States.

H.R. 8573.—Prevents the exportation of herbicides from the United States and creates the Herbicide Export Control Act of 1973.

GOVERNMENT OPERATIONS

February 22.—Letter to Secretary of Health, Education, and Welfare protesting social services programs that were supposed to be cut.

House Concurrent Resolution 138.—Disapproves of the dismantling of the Office of Economic Opportunity program.

H.R. 5398.—Suspends the authority of the Office of Economic Opportunity Director to delegate any functions, powers, or programs for a year. Makes the President comply with the law by submitting reorganization plan to Congress.

H.R. 6210.—Removes the Office of Economic Opportunity from the Executive Office of the President and establishes it as an independent agency.

H.R. 6260.—Permits equipment at community action agencies to remain there if the program continues to serve as nonprofit organization and continues to receive public and private funds to pursue the antipoverty goals. Also allows the local agencies to continue receiving local funding despite administration cutbacks.

H.R. 6566.—Requires that any plan to reorganize the Office of Economic Opportunity be submitted to Congress first.

House Concurrent Resolution 175.—Determines that the President must continue the Office of Economic Opportunity program.

April 12.—Requires the Department of Health, Education, and Welfare to indicate the harm that would result from the proposed social service regulations.

HEALTH

H.R. 6622.—Extends the Migrant Health Act and increases the funding for the program.

H.R. 10985.—Provides for the continued operation of the Public Health Service Hospitals.

H.R. 11087.—Provides for a comprehensive program of health care by strengthening the delivery of health care and by making comprehensive health care insurance available to all Americans.

H.R. 11472.—Creates a national system of health security.

House Resolution 712.—Provides for a comprehensive review of international policies regarding chemical warfare.

H.R. 11828.—Establishes the Department of Health at a cabinet-level.

HOLIDAYS

H.R. 2267.—Makes Dr. Martin Luther King's birthday a national holiday.

HOME RULE

H.R. 10114.—Provides for Home Rule for the District of Columbia.

HOUSING

June 29.—Letter urging defeat of the Widnall amendment which would overturn the Brooke amendment, thereby lifting the 25 percent ceiling on public housing rents.

H.R. 10706.—Establishes a national homesteading program under which single family dwellings owned by the Secretary of Housing and Urban Development may be conveyed at a nominal cost to individuals and families who will occupy and rehabilitate them.

H.R. 10982.—Amends the National Housing Act by providing further assistance to public and private non-profit corporations for the conversion of existing single family housing for occupancy by elderly persons of low and moderate income.

H.R. 10983.—Provides for direct financing of low- and moderate-income programs under sections 235 and 236 of the National Housing Act.

H.R. 11183.—Regulates closing costs and settlement procedures in federally related mortgage transactions.

IMPEACHMENT, RESIGNATION OF THE PRESIDENT

House Resolution 648.—Provides for the impeachment of Richard M. Nixon as President.

H.R. 11214.—Provides for a special election in the event of vacancy in both the Presidency and the Vice Presidency.

House Resolution 734.—Requests the resignation of President Nixon.

LEGAL SERVICES

H.R. 4264.—Establishes a National Legal Services Corporation and removes the organization from political pressure which may threaten the program's effectiveness.

H.R. 6211.—Guarantees the continued operation of the Legal Services program.

RECREATION

H.R. 3498.—Expands Federal funds for urban parks and recreational facilities.

H.R. 4856.—Provides for year-round permanent recreational opportunities for inner city youth.

SOCIAL SECURITY

H.R. 4564.—Eliminates the outmoded requirements for social security requirements.

H.R. 10238.—Increases social security payments immediately to the elderly by 5.9 percent.

October 15.—Letter urging acceptance of the Senate's 7-percent social security increase.

H.R. 11006.—Provides 7-percent increase in social security benefits beginning with benefits payable in January 1974.

H.R. 11170.—Amends the Social Security Act to provide States with maximum flexibility in their programs of social services.

SOCIAL SERVICES

H.R. 1417.—Continue the public service employment program for unemployed and assists States and local communities in providing needed public services.

H.R. 2251.—Strengthens and expands the Older Americans Act by providing increased funds to States for transportation, nutrition, recreation, housing, and employment.

H.R. 2652.—Gives increased funding to States for various services to the aged.

H.R. 4055.—Strengthens and expands the Headstart program for day care and early childhood education for disadvantaged.

H.R. 4242.—Extends the provisions of the children and youth and maternal and infant care program to the working poor.

H.R. 4571.—Ensures that the 20-percent social security increase not be figured into other Federal benefits and makes sure that all social security recipients get full benefits of various programs such as food stamps, medicare, veterans pensions, and others.

February 21.—Letter protesting cuts in Health, Education and Welfare Department programs.

H.R. 6222.—Expands and improves the Family Planning Services and Population Research Act of 1970.

H.R. 6260.—Permits equipment to remain with Community Action Agencies if the goals remain the same under private or public funding for programs for the poor.

April 21.—Requests that the Department of Health, Education and Welfare make clear what harm proposed changes in social service regulations will do.

H.R. 10984.—Transfer to the Department of Commerce responsibility for carrying out Office of Economic Opportunity programs.

H.R. 10985.—Provides for the continuation of Public Health Service hospitals.

H.R. 11070.—Provides for the estab-

lishment of a national office for migrant and seasonal farm workers within the Department of Health, Education and Welfare.

H.R. 11087.—Provides for a comprehensive program of health care and strengthens the delivery of health care.

H.R. 11124.—Provides for funding for the nutrition program and authorizes appropriations for the program.

H.R. 11157.—Provides for extension of the community mental health centers.

H.R. 11170.—Allows the States maximum flexibility in social services program regulations.

H.R. 11525.—Makes compensatory payments to veterans, widows and heirs of the Brownsville, Texas, incident of August 13,1906.

TRANSPORTATION

H.R. 3449.—Permits States and communities to use highway trust funds to construct bike paths, traffic lanes and other paths.

H.R. 4209.—Prohibits racial discrimination on airline transportation between the United States and another country.

H.R. 4605.—Improves the Nation's highway system by permitting States and localities more flexibility in using highway trust funds.

H.R. 6452.—Provides for a substantial increase in the amount authorized for assistance for the Urban Mass Transportation Act.

VETERANS

H.R. 4259.—Promotes the employment of unemployed Vietnam veterans.

H.R. 8490.—Provides for the confidential protection of discharge codes.

H.R. 8491.—Establishes Military Discharge Review Boards to review less than honorable discharges for Vietnam veterans.

H.R. 8495.—Provides for additional educational benefits to Vietnam veterans.

H.R. 8496.—Creates a task force on veterans assistance and opportunities for Vietnam veterans.

H.R. 10882.—Initiates a special psychiatric, psychological, and counseling program for Vietnam veterans who are having psychological problems resulting from military service, especially Prisoners of War.

H.R. 10981.—Provides that compensation received by a veteran for a service-connected wartime disability will not be taken into account in determining his eligibility for Federal housing assistance or the amount of that assistance.

H.R. 10987.—Provides assistance in acquiring specially-adapted housing to additional groups of severely disabled veterans.

WOMEN

H.R. 9111.—Prohibits discrimination on the basis of sex or marital status in the granting of credit.

H.R. 9415.—Provides a remedy for sex discrimination by insurance companies with respect to the availability and scope of insurance coverage for women.

H.R. 9517.—Provides equality of treatment with respect to married women Federal employees in connection with compensation for work injuries.

H.R. 9832.—Eliminates discrimination based on sex with respect to appointment and admission of persons to service academies.

H.R. 9833.—Eliminates discrimination on basis of sex with respect to enlistment in armed forces.

H.R. 9914.—Allows a veterans' widow to remarry after 60 and still receive widow's benefits.

LEAVE OF ABSENCE

(By unanimous consent, leave of absence was granted as follows:)

Mr. RIEGLE (at the request of Mr. O'NEILL) for December 20 and 21, on account of medical reasons.

Mr. SMITH of Iowa, from 2 p.m. on December 20 until Saturday, December 22, on account of official business.

Mr. MOSS, for 3 weeks beginning December 20, 1973, on account of illness and doctor's orders.

Mr. BUTLER (at the request of Mr. RHODES), after 4:30 and the balance of the week, on account of illness in family.

SPECIAL ORDERS GRANTED

(By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:)

Mr. HECHLER of West Virginia, for 60 minutes, today; and to revise and extend his remarks and include extraneous matter.

Mr. ROGERS, for 60 minutes, today, and to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. YOUNG of Alaska) to revise and extend their remarks and include extraneous material:

Mr. YOUNG of Illinois, for 5 minutes, today.

Mr. COHEN, for 5 minutes, today.

Mr. STEELE, for 45 minutes, today.

Mr. RONCALLO of New York, for 5 minutes, today.

Mr. DON H. CLAUSEN, for 5 minutes, today.

Mr. SYMMS, for 30 minutes, December 21.

Mr. HANSEN of Idaho, for 10 minutes, today.

Mr. EDWARDS of Alabama, for 5 minutes, today.

Mr. BURKE of Florida, for 5 minutes, today.

Mr. BROWN of Ohio, for 10 minutes, December 21.

Mr. MILLER, for 10 minutes, December 21.

Mr. HOGAN, for 60 minutes, today.

(The following Members (at the request of Mr. JONES of Oklahoma) to revise and extend their remarks and include extraneous material:

Mr. MATSUNAGA, for 10 minutes, today.

Mrs. SULLIVAN, for 15 minutes, today.

Mr. STOKES, for 10 minutes, December 21, 1973.

Mr. CHAPPELL, for 5 minutes, December 21, 1973.

Mr. GUNTER, for 5 minutes, December 21, 1973.

Mr. MANN, for 5 minutes, December 21, 1973.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. STOKES, and to include extraneous matter notwithstanding the fact that it exceeds two pages of the CONGRESSIONAL RECORD and is estimated by the Public Printer to cost $783.75.

Mr. HALEY, and to include extraneous matter.

(The following Members (at the request of Mr. YOUNG of Alaska) and to include extraneous material:)

Mr. HEINZ in three instances.
Mr. MYERS in five instances.
Mr. SHUSTER.
Mr. YOUNG of Illinois in two instances.
Mr. WYMAN in two instances.
Mr. ROUSSELOT in two instances.
Mr. VANDER JAGT in two instances.
Mr. BAUMAN in five instances.
Mr. BOB WILSON in two instances.
Mr. HOSMER in two instances.
Mr. CLEVELAND.
Mr. COHEN.
Mr. BROTZMAN.
Mr. DERWINSKI in two instances.
Mr. DELLENBACK in two instances.
Mr. KEATING.
Mr. HUDNUT.
Mr. HORTON in four instances.
Mr. GILMAN in two instances.
Mr. FRENZEL in six instances.
Mr. TALCOTT in three instances.
Mr. MILLER in six instances.

The following Members (at the request of Mr. JONES of Oklahoma) and to include extraneous matter:

Mr. O'HARA.
Mr. DAN DANIEL in two instances.
Mr. MINISH.
Mr. NICHOLS.
Mr. BADILLO.
Mr. O'NEILL.
Mr. WHITE in 10 instances.
Mr. RARICK in three instances.
Mr. GONZALEZ in three instances.
Mr. REUSS in five instances.
Mr. DE LA GARZA in five instances.
Mr. VANIK in five instances.
Mr. PEPPER.
Mr. ICHORD.
Mrs. BOGGS.
Mr. ROSENTHAL in two instances.
Mr. STOKES in 10 instances.
Mr. PIKE.
Mr. MCKAY.
Mrs. CHISHOLM.
Mr. MAZZOLI in two instances.
Mr. MATSUNAGA in 10 instances.
Mrs. SULLIVAN.
Mr. ROGERS in five instances.

SENATE JOINT AND CONCURRENT RESOLUTIONS REFERRED

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.J. Res. 176. Joint resolution to authorize and direct the development of and the production of petroleum from Naval Petroleum Reserve Numbered 1, and to direct the exploration of Naval Petroleum Reserves Num-

bered 1 and 4, and for other purposes; to the Committee on Armed Services.

S. Con. Res. 59. Concurrent resolution authorizing the printing of the compilation entitled "Disclosure of Corporate Ownership" as a Senate document; to the Committee on House Administration.

S. Con. Res. 56. Concurrent resolution authorizing the printing of additional copies of Senate hearings on the Child Abuse Prevention Act, 1973; to the Committee on House Administration.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills and Joint Resolutions of the House of the following titles, were thereupon signed by the Speaker:

H.R. 5874. An act 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;

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

H.J. Res. 736. Joint resolution to provide for a feasibility study and to accept a gift from the U.S. Capitol Historical Society; and

H.J. Res. 865. Joint resolution authorizing the President to proclaim March 29, 1974, as "Vietnam Veterans Day."

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 14. An act to amend the Public Health Service Act to provide assistance and encouragement for the establishment and expansion of health maintenance organizations, and for other purposes;

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

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

S. 2794. An act to amend chapter 36 of title 38, United States Code, to authorize the Administration of Veteran's 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.

BILLS 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, bills of the House of the following title:

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

H.R. 3334. For the relief of Maria Lourdes Rios;

H.R. 3758. For the relief of Isabel Eugenia Serrane Macias Ferrier;

H.R. 7352. To amend section 4082(c) of title 18, United States Code, to extend the limits of confinement of Federal prisoners; and

H.R. 11441. To postpone the implementation of the Headstart fee schedule.

ADJOURNMENT

Mr. JONES of Oklahoma. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 2 minutes p.m.) under its previous order, the House adjourned until Friday, December 21, 1973, at 10 o'clock a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1648. A letter from the Assistant Secretary of Defense (Installations and Logistics) transmitting a report on Department of Defense procurement from small and other business firms for July–August 1973, pursuant to section 10(d) of the Small Business Act, as amended; to the Committee on Banking and Currency.

1649. A letter from the Commissioner of the District of Columbia, transmitting a draft of proposed legislation to revise the procedural and administrative provisions of District of Columbia taxing laws, and for other purposes; to the Committee on the District of Columbia.

1650. A letter from the Administrator of General Services, transmitting a draft of proposed legislation to amend the Federal Property and Administrative Services Act of 1949, as amended, to extend and clarify the authority of the General Services Administration with respect to the protection of buildings and areas owned or occupied by the United States and under the charge and control of the Administrator of General Services, and for other purposes; to the Committee on Government Operations.

1651. A letter from the Acting Attorney General, transmitting a draft of proposed legislation to clarify the authority of the Attorney General of the United States to exclude and deport aliens for fraudulent entry; to the Committee on the Judiciary.

1652. A letter from the Secretary of Transportation, transmitting a report on the toll bridge at Chester, Ill., pursuant to section 133(a) of the Federal-Aid Highway Act of 1973; to the Committee on Public Works.

1653. A letter from the Administrator of General Services, transmitting a prospectus proposing renewal of the leasehold interest at 5611 Columbia Pike, Falls Church, Va., for the Department of Defense, pursuant to the Public Buildings Act of 1959, as amended; to the Committee on Public Works.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HAYS: Committee on House Administration. House Resolution 427. Resolution providing a postage stamp allowance for the Chaplain of the House of Representatives (Rept. No. 93–743). Ordered to be printed.

Mr. STAGGERS: Committee of conference. A conference report to accompany H.R. 9142 (Rept. No. 93–744). Ordered to be printed.

Mr. MAHON: Committee of conference. A further conference report to accompany H.R. 11576 (Rept. No. 93–745). 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. HASTINGS:

H.R. 12052. A bill to provide for the development of a national health policy; to the Committee on Interstate and Foreign Commerce.

By Mr. ROGERS (for himself, Mr. ROY, and Mr. HASTINGS):

H.R. 12053. A bill to amend the Public Health Service Act to assure the development of a national health policy and of effective State health regulatory programs and area health planning programs, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mrs. BOGGS:

H.R. 12054. A bill to suspend for a 3-year period the duty on certain wire rods of iron or steel; to the Committee on Ways and Means.

By Mr. BREAUX:

H.R. 12055. A bill to amend the Economic Stabilization Act of 1970 to exempt stabilization of the price of oil country goods from its provision; to the Committee on Banking and Currency.

By Mr. CARNEY of Ohio:

H.R. 12056. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to provide for the establishment of safety standards for the living quarters of recreational vehicles, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. CULVER (for himself, Mr. BURKE of Florida, Mr. DAVIS of Georgia, Mr. GILMAN, Mr. VANDER JAGT, Mr. WHALEN, and Mr. YATRON):

H.R. 12057. A bill to amend the Foreign Assistance Act of 1961 with respect to the Overseas Private Investment Corporation; to the Committee on Foreign Affairs.

By Mr. FREY:

H.R. 12058. A bill to amend the Communications Act of 1934 to eliminate the equal broadcast opportunities requirement with respect to candidates for Federal office, to repeal the Campaign Communications Reform Act, to establish a Federal Election Commission, to impose limitations on political contributions and expenditures, to regulate the scheduling of primary elections, and for other purposes; to the Committee on House Administration.

By Mr. GILMAN:

H.R. 12059. A bill to amend the Public Health Service Act to expand the authority of the National Institute of Arthritis, Metabolism, and Digestive Diseases in order to advance the national attack on diabetes; to the Committee on Interstate and Foreign Commerce.

By Mr. GUDE:

H.R. 12060. A bill to amend the District of Columbia Code to revise and modernize procedure relating to the administration and distribution of decedents' estates and for the proof of wills; to the Committee on the District of Columbia.

By Ms. HOLTZMAN:

H.R. 12061. A bill to amend the Fair Labor Standards Act of 1938 to narrow the circumstances under which an employer employing employees subject to that act may have wage differentials based on the sex of the employees; to the Committee on Education and Labor.

By Mr. KING:

H.R. 12062. A bill to suspend motor vehicle emission and fuel standards for the duration of the energy crisis in order to conserve fuel; to the Committee on Interstate and Foreign Commerce.

By Mr. MATSUNAGA:

H.R. 12063. A bill to declare Kuapa Pond, Hawaii, as not a navigable water of the

United States; to the Committee on Interstate and Foreign Commerce.

By Mr. MAYNE:

H.R. 12064. A bill to direct the Secretary of Commerce to research and develop new building designs and construction methods which utilize solar energy, and to increase the maximum amount of certain Federal housing loans for structures utilizing solar energy equipment; to the Committee on Banking and Currency.

By Mr. ROYBAL:

H.R. 12065. A bill to impose an excess profits tax on the income of corporations engaged in the production or distribution of energy during the present energy crisis; to the Committee on Ways and Means.

By Mrs. SULLIVAN:

H.R. 12066. A bill to regulate closing costs and settlement procedures in federally related mortgage transactions, and for other purposes; to the Committee on Banking and Currency.

By Mr. TIERNAN:

H.R. 12067. A bill to limit the exportation of raw materials from the United States whenever any domestic person or the United States establishes and operates a plan for the allocation of such raw materials; to the Committee on Banking and Currency.

By Mr. WOLFF:

H.R. 12068. A bill to direct the Attorney General to prepare a pamphlet explaining the drug abuse laws of certain foreign countries and to require the distribution of such pamphlet to passengers traveling on an air or water carrier to foreign countries; to the Committee on Interstate and Foreign Commerce.

By Mr. WRIGHT (for himself, Mr. COUGHLIN, Mr. PEYSER, Mr. GRAY, Mr. RYAN, Mr. EDWARDS of California, Mr. SISK, Mr. KOCH, Mr. YATRON, Mr. GINN, Mr. THONE, Mr. HELSTOSKI, and Mr. WALDIE):

H.R. 12069. A bill to establish the Energy Conservation and Development Trust Fund, to impose new Federal taxes to provide revenues for such fund, and for other purposes; to the Committee on Ways and Means.

By Mr. CAREY of New York (for himself, Mr. BADILLO, Mr. BERGLAND, Mr. DULSKI, Mr. EILBERG, Mr. FRENZEL, Mr. HARRINGTON, Mr. HELSTOSKI, Ms. HOLTZMAN, Mr. KASTENMEIER, Mr. LATTA, Mr. MITCHELL of Maryland, Mr. MOAKLEY, Mr. ROSENTHAL, Mr. STARK, Mrs. CHISHOLM, and Mrs. GREEN of Oregon):

H.R. 12070. A bill to provide for a temporary suspension of certain military construction projects to conserve energy; to the Committee on Armed Services.

By Mr. FOLEY (for himself, Mr. TEAGUE of California, Mr. ULLMAN, Mr. MATHIAS of California, Mr. Don H. CLAUSEN, Mr. ROUSSELOT, Mr. JOHNSON of California, Mr. HANSEN of Idaho, Mr. DELLENBACK, Mr. GOLDWATER, Mr. MCCORMACK, Mr. SHOUP, Mr. MELCHER, Mr. TALCOTT, Mr. RONCALIO of Wyoming, and Mr. WYATT):

H.R. 12071. A bill to amend the Department of Agriculture Organic Act of 1944 to authorize the Secretary of Agriculture to enter into negotiated contracts for the protection from fires of lands under the jurisdiction of the Department of Agriculture, and for other purposes; to the Committee on Agriculture.

By Mr. GILMAN:

H.R. 12072. A bill to amend the Consolidated Farm and Rural Development Act, to allow the Secretary of Agriculture to make loans to farmers and ranchers to refiance their debts secured by liens on their real property not to exceed the lesser of the market value of the property or $1 million; to the Committee on Agriculture.

By Mr. GUNTER (for himself, Mr. BAFALIS, Mr. BENNETT, Mr. CHAPPELL, Mr. FASCELL, Mr. GIBBONS, Mr. HALEY, Mr. LEHMAN, Mr. PEPPER, and Mr. SIKES):

H.R. 12073. A bill to create a Marine Resources Conservation and Development Fund; to provide for the distribution of revenues from Outer Continental Shelf lands; and for other purposes; to the Committee on the Judiciary.

By Mr. HARRINGTON:

H.R. 12074. 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 Mrs. HECKLER of Massachusetts:

H.R. 12075. A bill to provide a comprehensive child development program in the Department of Health, Education, and Welfare; to the Committee on Education and Labor.

H.R. 12076. A bill to amend the Internal Revenue Code of 1954, to establish a Federal Election Campaign Fund and to establish a Presidential Primary Matching Payment Fund; to the Committee on Ways and Means.

By Mr. HENDERSON:

H.R. 12077. A bill to provide that pay adjustments for Member of Congress take effect in the Congress next following the Congress in which they are approved; to the Committee on Post Office and Civil Service.

By Mr. KEATING:

H.R. 12078. A bill to improve the law in the District of Columbia with respect to the crime of rape, and for other purposes; to the Committee on the District of Columbia.

By Mr. MCCORMACK (for himself, Mr. TEAGUE of Texas, Mr. MOSHER, Mr. GOLDWATER, Mr. HECHLER of West Virginia, Mr. BELL, Mr. DAVIS of Georgia, Mr. DOWNING, Mr. WINN, Mr. FREY, Mr. FLOWERS, Mr. CAMP, Mr. COTTER, Mr. KETCHUM, and Mr. WYLIE):

H.R. 12079. A bill to provide for the early commercial demonstration of the technology of solar heating by the National Aeronautics and Space Administration and the Department of Housing and Urban Development, in cooperation with the National Bureau of Standards, the National Science Foundation, the General Services Administration, and other Federal agencies, and for the early development and commercial demonstration of technology for combined solar heating and cooling; to the Committee on Science and Astronautics.

By Mr. MOORHEAD of Pennsylvania (for himself, Ms. ABZUG, Mr. ALEXANDER, Mr. ERLENBORN, Mr. GUDE, Mr. HORTON, Mr. MCCLOSKEY, Mr. REGULA, and Mr. THONE):

H.R. 12080. A bill to amend section 552 of title 5, United States Code, known as the Freedom of Information Act; to the Committee on Government Operations.

By Mr. NELSEN:

H.R. 12081. A bill to amend the Internal Revenue Code of 1954 to provide that the tax on the amounts paid for communications services shall not apply to the amount of the State and local taxes paid for such services; to the Committee on Ways and Means.

By Mr. PERKINS:

H.R. 12082. A bill to establish a national program for research, commercial development, and demonstration of coal gasification and coal liquefaction; to the Committee on Interior and Insular Affairs.

H.R. 12083. 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. ROSENTHAL (for himself and Mr. CHARLES H. WILSON of California):

H.R. 12084. A bill to provide for the development of a uniform system of quality grades for consumer food products; to the Committee on Agriculture.

H.R. 12085. A bill to amend the Economic Stabilization Act of 1970, to stabilize the retail prices of meat for a period of 45 days at the November 1972 retail levels, and to require the President to submit to the Congress a plan for insuring an adequate meat supply for U.S. consumers, reasonable meat prices, and a fair return on invested capital to farmers, food processors, and food retailers; to the Committee on Banking and Currency.

H.R. 12086. A bill to amend the Intergovernmental Cooperation Act of 1968 to improve intergovernmental relationships between the United States and the States and municipalities, and the economy and efficiency of government, by providing Federal cooperation and assistance in the establishment and strengthening of State and local offices of consumer protection; to the Committee on Government Operations.

H.R. 12087. A bill to require that durable consumer products be labeled as to durability and performance life; to the Committee on Interstate and Foreign Commerce.

H.R. 12088. A bill to repeal the meat quota provisions of Public Law 88-482; to the Committee on Ways and Means.

H.R. 12089. A bill to amend the Fair Packaging and Labeling Act to require the disclosure by retail distributors of unit retail prices of packaged consumer commodities, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 12090. A bill to amend the Federal Food, Drug, and Cosmetic Act to require the labels on certain package goods to contain the name and place of business of the manufacturer, packer, and distributor; to the Committee on Interstate and Foreign Commerce.

By Mr. ROSENTHAL (for himself, Mr. BIESTER and Mr. CHARLE H. WILSON of California):

H.R. 12091. A bill to amend the Fair Packaging and Labeling Act to require certain labeling to assist the consumer in purchases of packaged perishable or semiperishable foods; to the Committee on Interstate and Foreign Commerce.

H.R. 12092. A bill to require that certain durable products be prominently labeled as to date of manufacture, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 12093. A bill to require that certain processed or packaged consumer products be labeled with certain information, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ROSENTHAL (for himself, Mr. BIESTER, Mr. HELSTOSKI, Mr. WHITEHURST, and Mr. CHARLES H. WILSON of California):

H.R. 12094. A bill to amend the Federal Food, Drug, and Cosmetic Act to require the labels on all foods to disclose each of their ingredients; to the Committee on Interstate and Foreign Commerce.

By Mr. SPENCE:

H.R. 12095. A bill to amend title 10 of the United States Code to provide that certain additional amounts received by retired servicemen employed in the Junior Reserve Officers' Training Corps shall be treated as subsistence or uniform allowances or as amounts received as commutation of quarters; to the Committee on Armed Services.

By Mr. STUDDS:

H.R. 12096. A bill to amend the Natural Gas Act to secure adequate and reliable supplies of natural gas and oil at the lowest reasonable cost to the consumer, and for

other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. WALDIE:

H.R. 12097. A bill to amend the Natural Gas Act to secure adequate and reliable supplies of natural gas and oil at the lowest reasonable cost to the consumer, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 12098. A bill to amend the Natural Gas Act to secure adequate and reliable supplies of natural gas and oil at the lowest reasonable cost to the consumer, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. BELL (for himself and Mr. FRASER):

H.J. Res. 866. Joint resolution to protect whales and certain other living marine resources; to the Committee on Foreign Affairs.

By Mr. FISH:

H.J. Res. 867. Joint resolution expressing the concern of the United States about American servicemen missing in action in Vietnam; to the Committee on Foreign Affairs.

H. Con. Res. 407. Concurrent resolution expressing the sense of Congress with respect to the missing in action in Southeast Asia; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mrs. MINK:

H.R. 12099. A bill for the relief of Sylvia Dix; to the Committee on the Judiciary.

By Mr. SARASIN:

H.R. 12100. A bill for the relief of Lisa Blundon; to the Committee on the Judiciary.

H.R. 12101. A bill for the relief of Olegario Miranda DePina; to the Committee on the Judiciary.

SENATE—*Friday, December 21, 1973*

The Senate met at 8:30 a.m. and was called to order by the Acting President pro tempore (Mr. METCALF).

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O Thou who art Emmanuel—"God with us"—make us aware of Thy presence this moment and in our work. As Thou didst come a child to our humanity, may our hearts admit Him in His fulness. Conform our lives more and more to His life.

We pray especially for those who this day in Geneva confer for the peace of the world, that all consultations may be lifted into the higher order of Thy kingdom and that justice, righteousness, and peace may prevail in the land of the Christ-child's birth.

O God of mercy, hear us as we pray for those for whom the joy of Christmas is shadowed—the poor, the cold, the hungry, the lonely, the unloved, the sad. Let those who know Thy love respond in kindness, that having freely received, they may also freely give.

When this day is done, accompany us on our journeys. Be in our homes, in our hearts, and in our churches to renew us. Redeem the Nation and bring the rule of righteousness to all mankind.

Through Jesus Christ our Lord. Amen.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 9142) to restore, support, and maintain modern, efficient rail service in the Northeast region of the United States; to designate a system of essential rail lines in the Northeast region; to provide financial assistance to certain rail carriers; and for other purposes.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 11576) making supplemental appropriations for the fiscal year ending June 30, 1974, and for other purposes; that the House had receded from its disagreement to the amendments of the Senate numbered 5, 14, 15, 24, 31, 35, 38, 50, 51, 52, 53, 54, 55, 56, 57, 58, 64, 71, 90, 91, 95, 100, 109, and 110 to the aforesaid bill and concurred therein; and that the House had receded from its disagreement to the amendments of the Senate numbered 7, 18, 21, 22, 29, 36, 43, 47, 48, 70, 74, 75, 80, 86, 94, 104, and 108 and concurred therein, each with an amendment, in which it requests the concurrence of the Senate.

The message further announced that the House had passed without amendment the bill (S. 2267) to amend section 303(b) of the Interstate Commerce Act to remove certain restrictions upon the application and scope of the exemption provided therein, and for other purposes.

The message further announced that the Speaker had appointed the gentleman from Michigan, Mr. DINGELL, vice Mr. Moss, excused, as a manager on the part of the House in the conference on the bill (S. 2589) to declare by congressional action a nationwide energy emergency; to authorize the President to immediately undertake specific actions to conserve scarce fuels and increase supply; to invite the development of local, State, national, and international contingency plans; to assure the continuation of vital public services; and for other purposes.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (H.R. 11575) making appropriations for the Department of Defense for the fiscal year ending June 30, 1974, and for other purposes.

The enrolled bill was subsequently signed by the Acting President pro tempore (Mr. METCALF).

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, December 20, 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.

THE MEETING IN GENEVA ON ARAB-ISRAELI DISPUTE

Mr. MANSFIELD. Mr. President, today is a historic date in the history of this troubled year. A number of Arab States and Israel, plus the United States and the Soviet Union, are meeting in Geneva to consider the possibility of achieving a just and enduring peace. It is historic because for the first time in a generation, Arabs and Israelis are sitting down together, if not cheek by jowl, at least together and not divided by hotel corridors.

I would hope that out of this momentous gathering will come not rhetoric, but results. I would hope that the question of peace and withdrawal would be considered simultaneously and not separately. I would hope that a reasonable agreement could be reached on the question of the opening of the Suez Canal, the question of Sharm El Shiekh, the situation in the Golan Heights, the problem of the Sinai, and the matter of the holy city of Jerusalem.

It will be a time for testing, and I think that this country is extremely fortunate to have a man of the caliber and the ability of Secretary of State Henry Kissinger. He has worked with might and main to help bring the parties together to work toward a reasonable solution. To him must go great credit for the extraordinary efforts he has attempted and in which, hopefully at least in some part, he has succeeded.

So my prayers are with the conference in Geneva today and in the days and weeks to come. My hopes are for a just and durable peace which will allow Israel to maintain its entity and which will bring about a recognition on the part of the Arabs that Israel is here to stay.

Both peoples—of the same stock, incidentally—can make great contributions in the Midwest toward one another and with one another. Let us hope that this momentous meeting will achieve the desired results, so that the Middle East can take its rightful place in the affairs of the world and that the entity of Israel can be guaranteed and secured; so that peace, once again, will become a probability rather than a long-range possibility, as has been the case for too long over the past 25 or so years.