understands, has signed today and which is now law.

Mr. MANSFIELD. It is my understanding that it was signed today.

ADJOURNMENT TO 1 P.M. TODAY

Mr. MANSFIELD. So, Mr. President, if there is no further business to come before the Senate, I move that the Senate stand in adjournment until the hour of 1 p.m. this afternoon.

The motion was agreed to; and at 1:39 a.m. the Senate adjourned until 1 p.m Saturday, December 22, 1973.

CONFIRMATIONS

Executive nominations confirmed by the Senate December 21, 1973:

DEPARTMENT OF JUSTICE

Charles D. Loos, of Indiana, to be U.S. marshal for the southern district of Indiana for the term of 4 years.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

John H. Powell, Jr., of Maryland, to be a Member of the Equal Employment Opportunity Commission for the term expiring July 1, 1978.

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

HOUSE OF REPRESENTATIVES—*Friday, December 21, 1973*

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

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

Unto you is born this day in the city of David a Saviour, who is Christ the Lord.—Luke 2: 11.

O God, our Father, who hast brought us once again to the glad season when we commemorate the birth of Jesus Christ, grant that Thy spirit in Him may be the spirit that lives in all our lives. May Thy sustaining presence support us all the day long through these troubled times, keeping our hearts free from the harmful spirit of bitterness and resentment and filled with the happy spirit of faith and good will.

Guide Thou our Nation and the nations of the world into the ways of justice and truth and establish among us all the peace which is the fruit of righteousness and love which is the faith of the believing heart.

Now may the Lord bless us and keep us through all our days and in all our ways.

In the spirit of Him whose birth we celebrate we pray. Amen.

THE JOURNAL

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

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

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

H.R. 2303. An act to continue mandatory price support for tungnuts only through the 1976 crop;

H.R. 4738. An act to provide for the striking of medals in commemoration of the 100th anniversary of the statehood of Colorado;

H.R. 5760. An act to provide for the striking of medals commemorating the International Exposition on Environment at Spokane, Wash., in 1974;

H.R. 6758. An act to amend chapter 33 of title 28 of the District of Columbia Code, relating to usury, and for other purposes;

H.R. 10806. An act to amend the District of Columbia Minimum Wage Act so as to enable airline employees to exchange days at regular rates of compensation, and for other purposes;

H.R. 11088. An act to provide emergency security assistance authorizations for Israel and Cambodia;

H.R. 11238. An act to amend the act of March 16, 1926 (relating to the Board of Public Welfare in the District of Columbia), to provide for an improved system of adoption of children in the District of Columbia, and for other purposes;

H.J. Res. 858. Joint resolution to provide for the establishment of the Lyndon Baines Johnson Memorial Grove on the Potomac.

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 Senate to the bill (H.R. 11771) entitled "An act making appropriations for foreign assistance and related programs for the fiscal year ending June 30, 1974, and for other purposes."

The message also announced that the Senate agrees to House amendments to the Senate amendments numbered 38, 53, and 54 to the foregoing bill.

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

S. 2776. An act to provide for the effective and efficient management of the Nation's energy policies and programs for the duration of the existing energy emergency, and for other purposes.

NATIONAL CENTER ON CHILD ABUSE PREVENTION, IDENTIFICATION, AND TREATMENT

Mr. BRADEMAS. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (S. 1191) 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, and concur in the Senate amendments to the House amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 2, line 15, of the House engrossed amendment, strike out "and".

Page 2, line 18, of the House engrossed amendment, strike out "thereof" and insert "thereof; and".

Page 2, after line 18, of the House engrossed amendment, insert:

(6) make a complete and full study and investigation of the national incidence of child abuse and neglect, including a determination of the extent to which incidents of child abuse and neglect are increasing in number or severity.

Page 3, line 9, of the House engrossed amendment, strike out "section" and insert "subsection".

Page 4, after line 13, of the House engrossed amendment, and insert "Not less than 50 per centum of the funds appropriated under this Act for any fiscal year shall be used only for carrying out the provisions of this subsection.".

Page 4, line 14, of the House engrossed amendment, after "Act" insert "for any fiscal year".

Page 4, line 15, of the House engrossed amendment, strike out [1976].) and insert: not more than 20 per centum".

Page 7, line 6, of the House engrossed amendment, after "in" insert "clauses (B), (C), (E), and (F) of".

Page 7, line 24, of the House engrossed amendment, strike out [1976.] and insert; "1976, and for the succeeding fiscal year".

Page 9, line 9, of the House engrossed amendment, strike out all after "SEC. 7." down to and including "IV" in line 21 and insert "The Secretary shall promulgate regulations and make such arrangements as may be necessary or appropriate to ensure that there is effective coordination between programs related to child abuse and neglect under this Act and other such programs which are assisted by Federal funds.".

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

There was no objection.

Mr. BRADEMAS. Mr. Speaker, this bill is one passed earlier by the House 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 bill under consideration was approved on December 3 in the House by a vote of 354 to 36, an indication of the broad support for action on a problem that has troubled many people throughout the Nation—the abuse and neglect of children.

Mr. Speaker, let me here take a few minutes to explain the amendments which the Senate passed to the bill approved on December 3 by the House. I should point out that the bill before us today is basically the version of the bill as passed by the House.

The bill before us provides for a 4-year program rather than 3 years as in the House bill.

Second, the bill before us today provides authorizations for fiscal years 1974 through 1977 of, respectively, $15, $20, $25, and $25 million.

In addition, the bill we are today considering provides, as a result of the Sen-

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ate amendments, that the criteria for the approval—with respect to the qualifications of a State for assistance—of programs and projects related to child abuse and neglect, will, with respect to such programs assisted under part A or B of title IV of the Social Security Act, comply with the requirements set forth in subsections B, C, E, and F only, of subsection 2 of section 4. This Senate amendment was adopted in response to expressions of concern on the part of the Senate as well as on the part of the gentleman from Oregon (Mr. ULLMAN), during the House debate of December 3 on this bill.

I would point out, however, Mr. Speaker, that the Senate also adopted an amendment with respect to the coordination of the child abuse and neglect programs assisted under this act and other such programs which are assisted by Federal funds, an amendment which is in accord with similar language in the House-passed bill.

The Senate amendment to which I have just made reference follows:

> The Secretary shall promulgate regulations and make such arrangements as may be necessary or appropriate to insure that there is effective coordination between programs related to child abuse and neglect under this Act and other programs which are assisted by Federal funds.

Of course, Mr. Speaker, this language means that among the other programs which are assisted by Federal funds and are related to child abuse and neglect and which are to be coordinated with programs assisted under S. 1191 are the available programs of aid and services for children under part A or B of title IV of the Social Security Act.

I should also point out, Mr. Speaker, that the Senate amendments provide that not less than 50 percent of the funds appropriated under the act must be reserved for demonstration programs and projects authorized under the act.

In addition, the Senate amendments provide that, of the sums appropriated under the act, not less than 5 percent and not more than 20 percent may be used for grants to the States for programs authorized by the act.

There is only one other matter, Mr. Speaker, to which I should draw the attention of the House, and that is a letter which I have received from the Under Secretary of the Department of Health, Education, and Welfare, the Honorable Frank Carlucci, with respect to the intention of the administration on the location, within the Department, of responsibility for administering the programs authorized by S. 1191.

Mr. Carlucci states:

> Should S. 1191 be enacted, with no organizational requirements specified, it is my intention consistent with existing policy, to give responsibility for the implementation of S. 1191 to the Office of Child Development which is in the Office of Human Development.

The same letter, Mr. Speaker, makes clear that the administration intends, if the bill becomes law, in respect of the Interagency Advisory Board on Child Abuse and Neglect proposed in the bill, to "look to experts in the field of child abuse for advice and counsel."

Mr. Speaker, I ask unanimous consent to insert at this point in the RECORD the text of the letter to me from Mr. Carlucci of December 20, 1973, to which I have just referred:

THE SECRETARY OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C., December 20, 1973.

Hon. JOHN BRADEMAS,
Chairman, Select Subcommittee on Education, Education and Labor Committee, House of Representatives, Washington, D.C.

DEAR MR. BRADEMAS: As noted in the testimony of Assistant Secretary Stanley B. Thomas, Jr. before the House Select Subcommittee on Education on Friday, October 5, the Office of Human Development and within it the Office of Child Development has played the lead role in implementing the Department's child abuse initiatives.

Should S. 1191 be enacted, with no organizational requirements specified, it is my intention consistent with existing policy, to give responsibility for the implementation of S. 1191 to the Office of Child Development which is in the Office of Human Development. This will ensure that the Department maintains the continuity of its current activity in this important area.

In addition, I want to take this opportunity to assure you that the Interagency Advisory Board on Child Abuse and Neglect, proposed in the bill, will look to exports in the field of child abuse for advice and counsel. We believe that there are many people outside the Federal Government who have important contributions to make in the resolution of this very complicated issue. Consequently, we see no need for the specific inclusion of such a mandate in the statute. Also, it is our intention to list all of the names of those individuals who are consulted by the Interagency Advisory Board in the report to the Congress required by the legislation.

Sincerely,

FRANK CARLUCCI,
Secretary.

Mr. Speaker, I believe that these amendments should prove acceptable to the House and accordingly I hope the House will approve S. 1191 with the Senate amendments.

I must take this further time, Mr. Speaker, to pay particular tribute to those in the House who have made especially significant contributions to the development of this bill: The gentlemen from New York (Mr. BIAGGI and Mr. PEYSER), the gentlewoman from Colorado (Mrs. SCHROEDER), and the gentleman from Minnesota (Mr. QUIE).

Finally, Mr. Speaker, I want to express my particular appreciation to the distinguished senior Senator from Minnesota, Senator WALTER MONDALE, to whose vigorous leadership we are much indebted for the action of the Senate in approving this measure.

Mr. Speaker, passage by Congress of the Child Abuse Prevention and Treatment Act can mean much to the thousands of innocent children in this country who are, it is most painful to have to report, beaten, burned, poisoned, or otherwise abused by adults.

Mr. MURPHY of Illinois. Mr. Speaker, I rise in support of the conference report on the National Child Abuse and Neglect Treatment and Prevention Act. With our vote of approval today, which I strongly urge, we will send this measure to the President for his signature.

This bill is the culmination of the efforts of many of our distinguished colleagues in this body as well as the other body. One in particular, the gentleman from New York (Mr. BIAGGI) deserves the special recognition of his colleagues for his work in getting this bill through the Congress.

For 5 long years he has sponsored legislation to deal with the child abuse problem. Until recently, he was a lonely voice speaking out in defense of the battered and neglected child. The countless thousands of children that suffer abuse and neglect each year—some 60,000 cases are reported annually and that is but a small percentage of the actual cases—these children can look to MARIO BIAGGI as the father of child abuse legislation in the House. His untiring efforts will start the Federal Government on the road to curing this terrible condition that is afflicted upon so many defenseless babes.

The bill will provide a National Center on Child Abuse and Neglect to bring together all Federal efforts to solve the problem. It also contains an important provision, that my distinguished colleague (Mr. BIAGGI) fought for, to provide grants to the States to establish child abuse and neglect prevention programs. And finally it provides for demonstration grants to public and private agencies to develop better means of detecting and treating the problem.

This important legislation, Mr. Speaker, deserves the unanimous approval of this House. Once passed, I urge the President to sign it and to seek funding for the remainder of this fiscal year.

Mr. WOLFF. Mr. Speaker, as a cosponsor of the Child Abuse and Neglect Prevention and Treatment Act of 1973, I rise in strong support of the conference report to the bill S. 1191. Its passage is crucial if we are ever to rid this Nation of the evil scourge of child abuse and neglect.

I wish to pay tribute to Representative JOHN BRADEMAS who spearheaded the effort to bring about its passage, and particular tribute to one of the most articulate spokesmen on behalf of child abuse prevention, my distinguished colleague and friend from New York, Mr. BIAGGI. The passage of this conference report today will represent the culmination of 5 long years of work by Mr. BIAGGI who pioneered this effort to develop a strong piece of Federal legislation which would seek to eliminate child abuse and neglect in this country.

What this legislation will do is take substantial first steps in an all-out Federal attack against child abuse and neglect. The bill will establish a National Center on Abuse and Neglect in the Department of Health, Education, and Welfare. The purpose of this center will be to coordinate and centralize all Federal efforts in this area and act as a clearinghouse for information among those working in the field with the problem.

In addition the measure authorizes $55 million over the next 3 years to establish demonstration grants operated by both public and private agencies and to assist the States in bringing initial planning for their own systems to deal with child abuse.

This legislation has many other important provisions whose net effect will be to initiate a strong Federal and State effort aimed at child abuse and neglect prevention.

I have specially singled out Mr. BIAGGI because his voice cried out long before it became fashionable or politically expedient to do so. And it is a result of his persistence and commitment toward solving this problem working behind the scenes that we have this piece of legislation to vote on today.

Mr. RANGEL. Mr. Speaker, I rise to speak in support of the bill on the Child Abuse and Neglect Prevention and Treatment Act of 1973. It is high time we begin to move on erasing the scandal of child abuse from our Nation. This bill, which will establish a National Child Abuse Center in the Department of Health, Education, and Welfare and provide needed moneys to protect the child and treat battering parents, is an important effort which should be made.

I also want to commend my friend and colleague from the New York delegation, Representative MARIO BIAGGI. No man in this House has worked longer, or harder, or earlier than MARIO BIAGGI. In 1969, when no one in the House or Senate was paying any attention to this grave national ill, MARIO BIAGGI was introducing the first legislation to deal with it. He continued to introduce it, he continued to fight for it, and now, finally, in large measure because of his effort, we are about to put a child abuse bill on the books.

I wish, also, to point out that in Harlem, which is the district I represent, the problem of child abuse is particularly acute. We need this bill. So I urge not only that the House speedily pass this bill, but also that the President sign it as soon as it reaches his desk.

Mr. QUIE. Mr. Speaker, I am pleased an agreement could be worked out between the Senate and the House so it is not necessary to go to conference and the legislation passed in time so that its funding can be included in the 1975 budget. The House bill provided for 3 years, plus a 1-year automatic extender, if the Congress did not take action. This, to the administration, gave the impressioni that this was to be an ongoing program. I am happy that this bill is limited to 4 years and no automatic extender; the reason being that the Congress is not certain what kind of program should be developed in the area of child abuse. I feel strongly that the research and demonstration program layed out in this legislation should be completed at the end of that time.

Also, that the information collected as to causes and prevention of child abuse be disseminated to the State and local public and private agencies who actually deal with these problems and, of course, this is where the demonstrations will be conducted which are called for by this bill. At the end of this 4-year period, it is expected that the State and local service programs will not require this Federal stimulation and assistance to deal with these complex problems. It is also my expectation and hope that the Congress not only provide oversight during this period but study the results of the research and demonstration when it is completed and determine what further action, if any, ought to be taken by the Federal Government. I believe the Members realize that we did not pass a services program or a program which would be automatically extended.

Mr. BIAGGI. Mr. Speaker, I rise in support of this bill and urge its passage. Child abuse and neglect is a serious problem in this country with tens of thousands of children being affected every year. This bill before us today, the result of a compromise between differing versions passed earlier by this body and the other body will start the Federal Government on a sound program attacking this terrible condition.

The problem has been closeted away for too long. During my 23 years as a member of the New York City Police Department, I saw too many instances of child abuse. Over 200 children died as a result of child abuse in New York City alone last year. These sad statistics led me to introduce my first child abuse prevention bill in the 91st Congress—as a freshman Representative. Since then I have introduced the proposal in succeeding Congresses and it has continued to gain support. I am pleased that we are now on the threshold of enacting a bill into law.

This bill will provide $80 billion over the next 4 years to establish the National Center for Child Abuse and Neglect, which will coordinate Federal efforts in the area. The money will also help the States set up child abuse and neglect treatment and prevention programs of their own. Also direct grants to public and private agencies are authorized under the law to help find improved means of dealing with the problem and treating the child abuser.

It has been a long road over the last several years to bring this matter to the fore, but it has been a worthwhile one. For the many years before coming to Congress, working with experts in the field such as Dr. Vincent Fontana, director of the New York Foundling Home, and others, I have sought reform of our child abuse laws. Congress now has acted and the result will be a new hope for the abused and neglected child.

I urge the President to sign this bill and to request supplemental appropriations so the program can begin in the current fiscal year. Every day we let pass, more children are falling victims to child abuse and neglect.

The Senate amendments to the House amendment were concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE

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

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

There was no objection.

The SPEAKER. Under a previous order of the House, the gentleman from Delaware (Mr. DU PONT) is recognized for 60 minutes.

Mr. DU PONT. Mr. Speaker, as we work here today, on the evening of adjourning this first session of the 93d Congress, I look back over the year to note some of our accomplishments, and take stock of our failures. And, while our accomplishments as a Congress are important, I think most of us will agree that in spite of what we have done, we have not stemmed the tide of declining public confidence. We face a crisis in confidence in our whole system which threatens not only to pale the accomplishments of this Congress, but also to weaken the very fibre of our democratic institutions.

Confidence in public officials is the cornerstone upon which all else rests. Without it, we will plunge into an even deeper morass of disbelief, suspicion, dishonesty, and government instability. The public must have the knowledge that its elected representatives are serving the interests of those who elect them and are not dancing to the tune of another piper.

Integrity in Government has become a major issue in the minds of most of our people. A Harris poll taken in 1966 showed that 29 percent of our citizens felt alienated and powerless. That percentage has grown steadily: 36 percent in 1968, 42 percent in 1971, 49 percent in 1973, and 53 percent today.

Certainly these are alarming statistics. It would be a dangerous mistake to just dismiss them as a swing of the pendulum. Representative democracy is in trouble from the court house to the White House in this country, and it is in trouble because it has not been responsive to the concerns of our people. This Congress must heed the call to reform campaign spending practices, to reform financial disclosure rules for officials, to reform archaic congressional procedures. We must heed the call for basic reforms, or the people of this country are going to send us a message the likes of which we have never heard before.

We have heard cries of reform from every corner of our country, from every community, county, and State of our Nation. How has the Congress answered these pleas? With silence. Did we strike while the iron was hot? Not at all. We fiddle while America burns. I have sponsored campaign spending reform legislation. Scores of my colleagues have done the same. Hundreds of congressional offices have received thousands of constituent letters demanding reform. The message has come through loud and clear.

Where is the campaign spending reform legislation which is so important and so overdue? It languishes in committee. We have been procrastinating promises of possible reform, but campaign spending reform we still do not have.

Mr. Speaker, I for one am not going back to Delaware tomorrow at the end of this session with some lame explanation for my people on why the Congress has not acted.

Nor will I wait for more of my constituents to send me a message. I have thousands of letters in my office already from people in Delaware who are losing faith in their Government, people who are fed up and disgusted with what is going on in Washington.

Perhaps a majority of this House wants to wait until 1984 to reform our campaign spending laws. If so, let them wait. I will not.

I believe that the average man on the street will give $5, $10, $25 to a political candidate if he believes that it will help clean up this mess we call "politics" today. And further, I believe that enough people will contribute small amounts that a congressional campaign can be adequately financed solely by small contributions.

Of course I have the capacity to raise funds in the usual way. But these are not usual times and they demand a new and better way to finance campaigns.

Because I believe that the people of Delaware, the First State, want to clean up campaign financing, we are going to prove to the Nation that it can be done. When my campaign begins in the spring, I will seek only small individual contributions from several thousand people. I will accept no contributions from interest groups—only from individuals. I will not accept contributions in excess of $100, not from my family, myself, nor anyone.

I am willing to bet any Member in this House that it can be done, that we in Delaware can raise at least $50,000 in small contributions to finance a congressional campaign.

I hope that my colleagues and all others seeking public office will join me in this return to true public campaign financing. It is time to begin a new era in campaign financing.

Now is the time for those who have talked to act. I offer you this alternative and ask that you, too, rule out contributions above $100. We must show our country that as individuals, if not as a legislative body, we can provide the leadership to reform an obviously bad system.

Campaign money from big business and big labor is easy for a candidate to come by. But the system cannot stand the strain. I believe the man in the street would rather finance campaigns directly, and somehow I think he will find that the cost is considerably less.

So I ask my colleagues and others seeking office to try this system of reform. We have nothing to lose and a country's self-respect to gain.

When my effort is successfully completed—the day I raise my campaign funds from the little guy—I am going to be back here on this floor, and I am going to be a substantial embarrassment to the other Members of this Chamber who insist on getting money from big labor, from big business, and from special interest groups.

To my knowledge, this is the first commitment of its kind for congressional office. But we in Delaware are used to being first, and we will continue to be first. We will take up the challenge of reform and show the rest of the country that campaign financing can be cleaned up, and that it can be cleaned up by everyday people giving $5, $10, and $25 to the candidate of their choice.

When we are successful, when we have done it, we will have accomplished a very important thing. For when we bring the small contributor, the everyday working man, back into the political system, we will be bringing his representative democracy back to him.

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

Mr. DU PONT. I am happy to yield to the gentleman from Massachusetts.

Mr. MACDONALD. Mr. Speaker, we all sympathize, I am sure, with what the gentleman has been saying.

However, I am not quite sure whether the gentleman was here or not during the last period of time in which the campaign spending bill passed this body. Every word the gentleman has said went into law at that time.

There is certainly absolutely nothing wrong with the people giving $5, $10, $15, $20, and $25. This House put a limit on how much could be spent per voter during any given campaign, including a congressional campaign.

So when the gentleman starts talking about nothing having been done, I, for one, feel lost, inasmuch as I wonder about this: What does the gentleman think about the people who are now languishing in jail, those who are under indictment on charges of the misusing of funds?

Even the old Corrupt Practices Act made it a felony to give corporate funds.

So when the gentleman says that he is going to bring something new to this House, I just wish he would do it and not just talk about some vacuum in which none of this will happen, because it has all happened.

And if the gentleman was not here at the time I spoke about, I am sure he was getting prepared to run to come here and must have followed the course of events which ended up in the passing of the last campaign spending legislation.

Mr. DU PONT. Well, Mr. Speaker, I will say to the gentleman that I was here. I did vote for the 1972 act, and, of course, it did make some substantial changes and take some substantial steps forward in reforming our campaign practice.

However, I will also say to the gentleman that it surely did not include the remarks which I just made. There is no limit in that bill on how much an individual can give. I supported the amendment offered by the gentleman from New York (Mr. BINGHAM) to set that limit at $1,000. That is not in it.

Mr. Speaker, I will ask the gentleman this: How many people are languishing in jail today that he knows of for violating the 1972 Campaign Spending Act? I do not know of a single one.

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

Mr. DU PONT. I yield to the gentleman from Massachusetts.

Mr. MACDONALD. Mr. Speaker, I do not know of any either, but perhaps that is because I come from the wrong party. In the party that I belong to, no funds were granted illegally by corporations to the party to which this gentleman belongs.

Mr. DU PONT. Well, I will say to the gentleman from Massachusetts, that it is his party that is running the House of Representatives. I will say that we have not had effective campaign spending legislation, and the gentleman knows it as well as I do.

There are still special interest contributions, there are still large contributions of that type, and I will say that unless we clean this up, we will all be in trouble.

So let us get off our duffs and do it.

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

Mr. DU PONT. I yield to the gentleman from California.

Mr. McCLOSKEY. Mr. Speaker, I just wanted to respond to the question asked by the gentleman from Massachusetts and say that the only man that has thus far been charged and has been sentenced to jail for illegal contributions is the Democrat up in New York who gave nine of his employees $3,000 each to give to the Democratic candidate for President, and he, like the corporations which have pled guilty to charges of illegal corporate contributions, has not yet gone to jail. I think the gentleman from Delaware has made a good point. We have not had in the past a single Attorney General from either party that I have seen bring charges against anybody for making illegal campaign contributions.

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

Mr. DU PONT. I yield to the gentleman from Massachusetts.

Mr. MACDONALD. Mr. Speaker, I know that the gentleman from California knows me will enough to understand the point I am making, and that he takes with good grace what I say.

It is not the exact experience of just one party.

What I am saying is that I, for one, having labored long and hard in this field against many Members here in the House who did not want even the kind of limitations that we did put on the spending for each vote, resent the fact that it is being talked about in this fashion. We are like those who flail about during a wake or after some death, and we throw ashes on our head and beat our breasts and say that we have done nothing.

I say to both of the gentlemen—and I say this kindly and I say it to the gentleman in the well as well—that many things have been done and, of course, they can be done better because everything can be done better, but I, for one, am getting tired of hearing ourselves berate ourselves to the point where we are brainwashing the people of this country to think that we are the ones who have committed all of these things that have happened. I, for one, reject out of hand that idea, because it is not the Members of this House or the Members of this body especially and/or the other body who have been that flagrant in this field. I think it ill behooves us to talk about it in such a way.

They have a saying in the church to which I belong—mea culpa, mea culpa,

mea culpa. I am getting tired of hearing mea culpa, mea culpa, mea culpa.

Mr. DU PONT. Let me say to the gentleman from Massachusetts that he began his response to my remarks by saying everything I had suggested had been done. I think it is very clear it has not been done. But if the gentleman is truly tired of talking about it and wants to do something about it, then let me put a simple question to him: Will you follow what I have outlined and in your next campaign not accept contributions of more than $100?

Mr. MACDONALD. I find very little difficulty in turning down contributions of more than $100. I do not get that many. But I would tell the gentleman, in my judgment—and the gentleman can make up his own mind about this—I can stand here in front of you and tell you without beating my breast about it that I have actually tried to do something about it. And I suggest that you use the same opportunity not to beat your breast but, rather, to do something about it.

Mr. DU PONT. That is exactly right. I agree with the gentleman 1,000 percent. And I want to do something about it, and I hope in the gentleman's next campaign he will do it, also.

Mr. HILLIS. Will the gentleman yield?

Mr. DU PONT. I yield to the gentleman.

Mr. HILLIS. I would like to commend the gentleman on his statement. I think what the gentleman has said is certainly excellent, and I wish to associate myself with his remarks.

I think the point you are making here is you are ready to do something about it and it is a step up from the platform which is the first step the 92d Congress took in election reform. I think we did not go far enough. It is certainly time a second step was taken and we moved ahead in this important area. It is vital if we are going to reestablish the feeling of credibilty on the part of the people of this country in our Government and in the House of Representatives as well.

Mr. VANIK. Will the gentleman yield?

Mr. DU PONT. I yield to the gentleman.

Mr. VANIK. I want to commend the gentleman for his statement. I think it has a great deal of merit.

I suggest, though, to him there are some Members of this body who have been elected and run for office without any contributions. I am thinking very seriously of that kind of an approach. If my name were as well known as the gentleman's in his community—and I hope it is—I am giving serious consideration to offering myself as a candidate for office, soliciting and using no contributions and making no expenditures other than my own energy. I invite the gentleman to join me in that kind of an approach.

Mr. DU PONT. I think every Member here is as well known in his district as the gentleman from Ohio is in his and I am in mine, because we are all incumbents. So there is no reason why any of us could not run on the ideas I have suggested or perhaps, with a little bit of luck, on the concept that the gentleman suggested.

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

Mr. DU PONT. I will be happy to yield to the gentleman from Nebraska.

Mr. THONE. Mr. Speaker, I would like to commend the gentleman from Delaware on the remarks he has made. I wish to also advise the Members of the House that in my current campaign for reelection we have also established an annual $100 maximum for our campaign finance committee, and the committee is accepting no contributions from special-interest organizations.

I think that the reform the gentleman from Delaware is talking about is practical. It can be done from our experience. Our campaign finance committee has already raised almost $25,000 in my congressional district of Nebraska from over 800 contributors.

I can assure the Members that this requires a little harder work to be done in the fund raising aspects, but I think it is in the public interest.

Mr. DU PONT. I thank the gentleman from Nebraska for his remarks.

Mr. RONCALIO of Wyoming. Mr. Speaker, will the gentleman yield?

Mr. DU PONT. I yield to the gentleman from Wyoming.

Mr. RONCALIO of Wyoming. Mr. Speaker, may I say to the gentleman from Delaware that when the gentleman began his discussion I was deeply interested, and I thought that perhaps the gentleman was going to come up with an evaluation of the first session of the 93d Congress toward solving some of the problems existing in this country today. What action now would tend toward alleviating the fears and the distrust of the people in this Nation as to the ability of our parliamentary process to make vital contributions in these areas?

I think there are a lot of things that can be measured and improved upon besides how to come up with campaign financing when we have high crimes in high places without prosecution with people's loss of confidence in our institution.

Also I think we should consider what we can do about the runaway inflation. This House has done precious little about this, or about basic reforms in our system of Government. Why do we go along with seemingly endless discussions such as this, and yet fail to face the crux of our problems?

What about proper prosecution of certain individuals? Why is there such a high concentration of economic power in so few hands, so much so that it has destroyed our free enterprise system? Why is there not more competition? What about the oil companies who own virtually all the coal and natural gas companies?

I believe that if the gentleman would like to consider some of these things, then I would like to hear the gentleman address himself to some of these things, and I would be delighted to join with the gentleman in another special order concerning such matters.

Mr. DU PONT. I concur with the observations of the gentleman from Wyoming that there are many things that ought to be done. But I hope that the gentleman from Wyoming will agree that before we can restore the confidence of the people in this country that there are an awful lot of things to be done, such as the gentleman from Wyoming suggests, toward achieving our goal, and I would be happy also to join with the gentleman from Wyoming in another special order on that subject.

CONFERENCE EXPERIENCING DIFFICULTY ON WINDFALL PROFITS PROVISION

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

Mr. ECKHARDT. Mr. Speaker, I take this time to inform the House that the conference committee is presently meeting, and that the difference, as I understand it, has to do with the question of the windfall profits section, the Senate taking the position that the agreement delayed the effectiveness of the windfall profit section to January 1975 which would in effect abolish it.

It is my understanding the chairman of our conferees has taken the strong position that the delay is only with respect to the remedy, but if the Senate provision prevails contrary to what most Members here have understood, from statements of our conferees, and I think our conferees are correct, is that the windfall profit section will be virtually stricken out, because if it is wiped out until 1975 of course that is the end of the emergency. But the situation is an extremely serious one, and one the Members should note when the conferees come back with the results.

A CALLOUS DISREGARD FOR THE GENIUS OF AMERICAN BROADCASTERS?

The SPEAKER. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 10 minutes.

Mr. BROWN of Ohio. Mr. Speaker, chaos and confusion continue to mark the broadcast license renewal process due to precedent-shattering court decisions, bureaucratic "meanderings" of the FCC, increased interest-group activism, and little help from Congress. In fact, broadcasters today do not know by what criteria they will be judged at renewal time. In urging Congress to enact "necessary clarifying legislation," FCC Chairman Dean Burch called the present license renewal process a "morass."

In response to his call and the calls of many others for legislation to clarify renewal standards, encourage performance incentives for licensees and lend predictability to the renewal process and stability to the radio and television industry, our Subcommittee on Communications and Power held hearings on scores of bills on this topic.

Unfortunately, our concluding mark-up session on October 9, 1973, reported out a license renewal bill which, in large measure, merely codified the present state of affairs at its worst. Under this proposed bill, there would be no opportunity for a licensee, if challenged by a

competing applicant, to be judged on his past performance. He would automatically become a participant on an equal footing with all competing applicants in a full comparative hearing. Essentially, the issue of this hearing would not be how well the licensee had performed in the past, but how well each participant in that competition promised to perform in the future.

As if that subcommittee action were not bad enough for broadcasters all by itself, something else had happened in hearings shortly before the markup which gives the present situation an even worse backdrop. The specter of national standards for every radio and television station in the country was raised by the Chairman of the Federal Communications Commission when he testified before the Subcommittee on Communications and Power late in September. By not speaking one way or the other to the question of national standards or quotas, the bill reported out of our subcommittee, in effect, gives a green light to the FCC to adopt program percentage categories by which to judge renewal applications of licensees or the promise of their competitors in the equal-footing comparative hearing made automatic by the subcommittee bill as a result of the amendment of Congressman LIONEL VAN DEERLIN.

FCC Chairman Dean Burch on September 18, 1973, had told our subcommittee:

> I can perceive no real alternative to an approach similar to that of adoption of gross percentages of broadcast time in certain program categories that, when met or exceeded, will measure a level of performance giving reasonable assurance of license renewal.

Substantively, I strongly oppose establishment of such national percentage guidelines as criteria for broadcast licenses, whether on renewal or original application. Procedurely, I strongly oppose a renewal process that fails to judge past licensee performance before pitting a licensee against all challengers in the area of promising. Clearly, such standards become a roadmap to be followed or exceeded and the licensee has a record which may put him at a disadvantage on either basis. If he has not followed the roadmap to the last sharp turn of the FCC's wishes, his failures are evident, but the promising opposition can pledge to make no such errors. Or if the licensee merely meets the exact expectations of the FCC, the promising competitor can affirm a clear intention of exceeding—perhaps far exceeding—the minimum standards set by the giver of the license.

It is obvious, then, I oppose any bill which, by its refusal to reaffirm the local service emphasis of station licenses or its failure to oppose national standards at a time when that is the direction the FCC is headed, facilitates or seems to mandate Government-imposed criteria applicable nationally. I think broadcasters in every State of the Union oppose that approach and I know that scores of my colleagues in Congress oppose it.

Although my association with the National Association of Broadcasters has been very limited during the consideration of the license-renewal bill problem during the past year, I was not surprised when I heard that estimable organizations had undertaken the search for a compromise. Unfortunately, the proposals for compromise advanced by the NAB since the Van Deerlin-amended subcommittee bill emerged have resulted in more of a "cop out" than a compromise. I have told them that I cannot accept the proposals for compromise which have thus far been made and that is why I am taking this time on the floor to advise my colleagues of my position. It would be my hope that, over the next few weeks, some real compromise can be reached which would resolve the questions of license renewal without selling out the essentially local nature of radio and television.

It is this diversity of special service to the unique needs of local service areas which is the premise and the promise of American broadcasting as enunciated in the Communications Act of 1934 and as practiced by the hundreds of stations throughout our Nation. For the courts or the Federal bureaucracy to show callous disregard for that fundamental principle is one thing, but for the representatives of the people and their radio and television stations to do so is a far greater tragedy. Whether such disregard is the result of some distorted political pragmatism or by an error of principle, it is wrong. It should not be allowed if it can be avoided. I will certainly not support it.

The broadcasters and those who are served by the broadcasting stations of our land have a right to expect Congress to speak to the problem which has been created by the courts overturning years of traditional judgment about the renewal of the licenses granted in the public interest. They also have a right to expect that neither Congress nor spokesmen for the industry will take the easy way out and try to achieve stability at the cost of "nationalizing" the time-honored concept of local service and diversity.

It has been suggested in some of the trade press that I am opposed to certain proposals relating to license renewal because I do not want a renewal bill or because I am expressing the views of someone else. Neither of those ascribed motives is correct, although there is enough truth in them that I must qualify a flat denial of them.

First, my reading of the current situation is that broadcasters and the public they serve would be positively harmed by either the subcommittee bill with the Van Deerlin amendment in it or by any compromise others have thus far advanced. The reasons are that both the bill and the compromises allow licensees and challengers equal footing which, if national standards are set, gives an advantage to the promise over the performance. So, in that regard, current licensees might, in fact, be better off without a bill and rest their proof of local ascertainment and adequate service on the local diversity and service principles of the Communications Act of 1934 in challenging both imposed national quotas and mere promises.

Second, my motives are not entirely my own, nor are they totally unselfish. I think I am representing the views of the kind of responsible broadcasters I have in my area: Mostly independents, but some groups and some rather large market stations. And I think my views will force them to give better service to their local communities—and that this will be to their benefit and the benefit of their publics—than either interest would be served by the clamping on of some stultifying standard devised by a majority of seven members of a commission in Washington.

My selfish motive is to be right in the long run for the benefit of my constituents and the broadcasters who serve them, even though my position may find me temporarily at odds with some others who speak for the interest of broadcasters. I do not demean their good faith effort. I just feel the compromise which they tout has almost the same impact as the reported subcommittee bill with the Van Deerlin amendment still in it. They could have done better in the subcommittee; they can do better in the full committee; and they will do better in the Congress generally if they will alert the broadcasters and the public which is served by broadcasters to the need and the preferable possibilities.

In contrast to the proposed "compromises" and the subcommittee bill, the recently introduced Brown bill is based upon the very premises of the Communications Act of 1934: The public interest as it is defined by those whom broadcasters are licensed to serve—the local residents of each station's service area.

I heartily agree with the March 14, 1973, FCC statement, enunciated by Chairman Burch:

> Areas differ markedly in their needs, problems, their ethnic composition, and in a score of other relevant ways. The scheme of the Communications Act presupposes local outlets serving local needs; the genius of the American system of broadcasting is its pluralism—thousands of licensees making individual judgments geared to the needs of particular service areas.

But the Burch of March was not the Burch of September on this issue. The September Burch wanted national percentage categories to judge each local station's programing. The subcommittee bill and the NAB compromise allow such national standards. The Brown bill prohibits them. Here is why.

As the Burch of last March was different from the Burch of September, the FCC of today could be a different FCC in the future. The majorities in the FCC are transitory. As the members change, so could the standards they promulgate. Today's limited standard can become tomorrow's extensive standards.

Setting national standards makes each licensee subject to a set of national percentages, instead of to the unique diversity of his local service area. Program content can be thus homogenized. Creativity, variety and independence are stifled.

A few FCC Commissioners can never begin to understand what each of many localities needs or seeks. Furthermore, how can homogenizing national stand-

ards stimulate the freedom and independence necessary for viable, vibrant, vital local broadcasting? The result of homogenizing in the magazine field, to mention just one competing medium, has been stultification and the economic collapse of many of the one-time giants in that field. The best thing that could happen to competing local media is to have local electronic media required to meet homogenizing standards which would blunt their very localness. Radio, after the impact of television, found its new life through its unique service to local audiences.

Looking at all these factors, I reasoned that locally defined standards were for judging station performance at renewal time. Consequently, the Brown bill requires the FCC to judge whether a licensee served the public interest by determining whether that station continually sought to ascertain the needs, interests, and views of its local service area; and whether or not the station programed substantially in response to such identified needs, interests, and views. Thus, those served in each locale, not the "feds," define the renewal criteria for each station.

Finally, the Brown bill sets up a two-stage procedure in the competing, challenging applicant situation. The license is first judged on the above criteria, and if he has ascertained and responded to local needs, interests and views, he is renewed. If he has not, he goes to the second step, the full comparative hearing with all challengers. Programing is the essence of broadcast service. To ignore a licensee's demonstrated programing in any situation seems unfair, and wholly without merit.

In fact, this two step hearing is what the FCC, with considerable support proposed in 1970, only to be overruled in the Citizens case. But, as the FCC has said:

> If . . . the Citizens Case is left the law of the land, then the field (of broadcasting) is up for grabs. It is in this area of the comparative renewals process that we have the most serious problems and where clarifying legislation is most urgent.

The so-called compromise bills I have seen offer no such clarification. And I don't think such clarification should be left up to the FCC by setting its own standards or to the courts to set some varying standards through different litigation in scattered courts. I think the Congress is the only body qualified to act on this problem and it should act emphatically and without equivocation guided by the principles of the Communications Act of 1934.

These basic arguments about fundamental distinctions between the subcommittee bill, the proposed compromises and my bill motivate my appeal to you to scrutinize the needs of broadcasting, the impact of the various bills and then decide which best enables and stimulates licensees to serve the public interest in the local areas they serve. The Brown bill may not be a finished piece of work. I am open to criticisms, comments and suggestions. But it may be a far better start toward compromise than has been thus far made. I urge that you examine it with that view in mind.

H.R. 11580

To amend the Communications Act of 1934 to provide that licenses for the operation of broadcasting stations may be issued and renewed for terms of four years and to establish orderly procedures for the consideration of applications for the renewal of such licenses

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 "Broadcast License Renewal Act".

LICENSE RENEWAL PERIOD AND PROCEDURES

SEC. 2. (a) Section 307(d) of the Communications Act of 1934 is amended to read as follows:

"(d)(1) The term of any license granted under subsection (a) for the operation of a broadcasting station may not exceed four years, and the term of any license so granted for the operation of any other class of station may not exceed five years.

"(2)(A) Except as provided in subparagraph (B), any license granted under subsection (a) may upon its expiration be renewed, upon application (in accordance with section 308), if the Commission finds that the public interest, convenience, and necessity would be served by the renewal of a broadcast license, the Commission shall consider (i) whether the licensee, during the preceding term of its license, followed applicable procedures prescribed by the Commission for the ascertainment of the needs, views, and interests of the residents of its service area, and (ii) whether the licensee developed and presented programing during the term of the license which was substantially responsive to those needs, views and interests. In determining whether a licensee's programing is substantially responsive to the needs, views, and interests of the residents of its service area, the Commission shall not consider national criteria respecting the extent, nature, and content of broadcast programing.

"(B) If a licensee applies, in accordance with section 308, to the Commission for renewal of his license to operate a broadcasting station and if any other person files, in accordance with such section, a competing application with the Commission for the issuance to such other person of an instrument of authorization for the same broadcast facility, the Commission shall, upon the expiration of the license for which the renewal application is filed, grant such renewal application if it finds, after a hearing as prescribed by paragraphs (2)(A) and (3) of section 309(e), that—

"(i) the licensee is legally, financially, and technically qualified to hold the license, under the provisions of this Act and the rules and regulations of the Commission, to operate such broadcasting station,

"(ii) the licensee (I) has followed during the preceding term of its license applicable procedures prescribed by the Commission for the ascertainment of the needs, views, and interests of the residents of its service area, and (II) has developed and presented programing during the term of the license which (as determined by the Commission without regard to national criteria respecting the extent, nature, and content of broadcast programing) was substantially responsive to those needs, views, and interests, and

"(ii) the operation of such broadcasting station has not otherwise been characterized by such violations of law or Commission rules or policies as would warrant the denial of renewal.

"(C) In considering any application for the renewal of a broadcast license granted under subsection (a), the Commission shall not consider—

"(i) the financial interests of the applicant in other stations or in other communications media unless the Commission has adopted rules respecting such interests,

"(ii) the structure of the management of the station for which such application has been filed unless the Commission has adopted rules respecting such structure, or

"(iii) the nonbroadcast interest or activities of the applicant unless the Commission has adopted rules thereon.

"(D) No license for the operation of a broadcasting station may be renewed for a term exceeding four years, and no license for the operation of any other class of station may be renewed for a term exceeding five years.

"(3) Consistently with the foregoing provisions of this subsection, the Commission may by rule prescribe the period or periods for which licenses shall be granted and renewed for particular classes of stations, but the Commission may not adopt or follow any rule which would preclude it, in any case involving a station of a particular class, from granting or renewing a license for a shorter period than that prescribed for stations of such class if, in its judgment, the public interest convenience, or necessity would be served by such action.

"(4) In order to expedite action on applications for renewal of broadcasting station licenses and in order to avoid needless expense to applicants for such renewals, the Commission shall not require any such applicant to file any information which previously has been furnished to the Commission or which is not directly material to the considerations that affect the granting or denial of such application, but the Commission may require any new or additional facts it deems necessary to make its findings. Pending any hearing and final decision on such an application and the disposition of any petition for rehearing pursuant to section 405, the Commission shall continue such license in effect.

"(5) Any license granted or renewed for the operation of any class of station may be revoked as provided in section 312."

(b)(1) Section 309(a) of such Act is amended by inserting after "each application" the following: "(other than a renewal application to which section 307(d)(2)(B) applies)".

(2) Section 309(e) of such Act is amended—

(A) by inserting "(1)" immediately after "(e)"; and

(B) by striking out the last two sentences and inserting in lieu thereof the following:

"(2)(A) In the case of any renewal application to which section 307(d)(2)(B) applies, the Commission shall formally designate the application for a hearing on the matters to be considered by the Commission to determine if it can make the findings specified in such section and shall forthwith notify the applicant and all other known parties in interest of such action, specifying with particularity the matters and things in issue but not including issues or requirements phrased generally. When the Commission has so designated an application for hearing, the parties in interest, if any, who are not notified by the Commission of such action may acquire the status of a party to the proceeding thereon by filing a petition for intervention showing the basis for their interest not more than thirty days after publication of the hearing issues or any substantial amendment thereto in the Federal Register.

"(B) If the Commission is for any reason unable to make the finding specified in section 307(d)(2)(B) after a hearing held on a renewal application in accordance with subparagraph (A) and paragraph (3), the Commission shall designate such renewal application and each competing application (as described in section 307(d)(2)(B)) filed with respect to such renewal application for a

comparative hearing. The provisions of subparagraph (A) respecting notice and opportunity to acquire the status of a party shall apply to such a hearing. If the Commission finds after such hearing that the public interest, convenience, and necessity would be served by the granting of a particular application, it shall grant such application.

"(3) Any hearing held, under paragraph (1) or (2) of this subsection, upon an application shall be a full hearing in which the applicant and all other parties in interest shall be permitted to participate. The burden of proof shall be upon the applicant, except that with respect to any issue presented by a petition to deny or a petition to enlarge the issues, such burdens shall be as determined by the Commission."

TIME LIMITATION APPLICABLE TO PETITIONS TO DENY

SEC. 3. (a) the first sentence of section 309 (d) (1) is amended to read as follows: "Any party in interest may file, with the Commission, within such time periods as may be specified by the rules of the Commission, a petition to deny any applications (whether as originally filed or as amended) to which subsection (b) applies."

(b) The first sentence of section 309(d) (2) of such Act is amended by inserting after "pleadings filed" the following: "by the parties within the time periods specified by the rules of the Commission".

NEGOTIATION

SEC. 4. Section 309 of such Act is amended by adding at the end the following subsection:

"(i) The Commission shall by rule prescribe procedures to encourage licensees of broadcasting stations and persons who are critical of the operations of such stations to conduct, during the term of the licenses for such stations, good faith negotiations to resolve the issues presented by such criticism.

ASCERTAINMENT PROCEDURES

SEC. 5. Section 309 of such Act is amended by adding after the subsection added by section 4 of this Act the following new subsection:

"(j) The Commission shall by rule establish procedures to be followed by licensees of broadcasting stations to ascertain throughout the terms of their licenses the needs, views, and interests of the residents of their service areas. Such rule may prescribe different procedures for different classes of broadcasting stations."

STUDY OF EFFECT OF CONCENTRATION OF OWNERSHIP

SEC. 6. The Federal Communications Commission shall (1) conduct a study of the social, economic, political, or other consequences of the ownership of more than one broadcasting station by one person and the ownership by one person of one or more broadcasting stations and one or more newspapers or other communications media, and (2) report to the Congress the results of such study (including recommendations for legislation). In conducting such study, the Commission shall consider relevant data and other materials of the Departments of Justice and Health, Education, and Welfare, of the Office of Telecommunications Policy, and of other public and private agencies. Such study shall be completed and such report shall be filed not later than two years after the date of the enactment of this Act.

STUDY OF REGULATION OF BROADCASTERS

SEC. 7. The Federal Communications Commission shall conduct a study to determine what regulation of broadcasters required by the Communications Act of 1934 does not serve the public interest and shall report the results of such study (including any recommendations for legislation) to the Committee on Commerce of the Senate and the Committee on Interstate and Foreign Commerce of the House of Representatives. Such study shall be completed and such report shall be filed not later than one hundred and eighty days after the date of the enactment of this Act.

EFFECTIVE DATE

SEC. 8. (a) The amendments made by section 2 of this Act shall apply only with respect to the issuance or renewal of a broadcast license made on the basis of an application filed after the date of the enactment of this Act.

(b) The Federal Communications Commission shall issue, within the ninety-day period beginning on the date of the enactment of this Act, rules establishing time limits for the filing of petitions to deny under section 309 of the Communications Act of 1934. The amendments made by section 3 shall apply with respect to petitions to deny filed under such section 309 after such rules have become effective.

(c) Sections 6 and 7 and the amendments made by sections 4 and 5 shall take effect on the date of the enactment of this Act.

CHLORINE SHORTAGES FOR CITIES' WATER SUPPLIES

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, a critical situation is developing with regard to the distribution of chlorine to municipal water systems. Since our cities depend on chlorine to disinfect their public water supplies, it is urgent that the Congress take action to see that an adequate supply of chlorine is made available to our cities.

The Governor of Florida, the Honorable Reubin Askew, is most concerned about the supply of chlorine. He has written to me as follows:

Producers of chlorine are choosing to sell to commercial and industrial firms, rather than to municipal water systems since greater profits are apparently available from sale to the private firms.

As a consequence, some of our cities are now facing a problem due to the shortage of the chemical for disinfection of public water supplies. While the Miami-Dade Water and Sewer Authority has been able to purchase chlorine, the increase in price compared to a year ago is reported to be more than 31 percent.

Since the inflated prices demanded by some producers could create service difficulties for municipalities, and in view of the critical relationship of chlorine to public health, I strongly recommend that Congress take necessary action now to avoid a shortage of chlorine for our nation's water supply.

Mr. Speaker, this week I have joined with Congressman PAUL ROGERS and others to introduce legislation, H.R. 12005, designed to avert a crisis created by lack of distribution of chlorine to our cities. I urge all my colleagues to work for passage of this legislation so we can avoid disruption of our Nation's water supply.

THIRTY-SEVEN CONGRESSMEN ASK PROBE OF GAS AND OIL INDUSTRY

The SPEAKER. Under a previous order of the House, the gentleman from Florida (Mr. GUNTER) is recognized for 5 minutes.

Mr. GUNTER. Mr. Speaker, "How could it happen in America?" asks an energy writer in the January 1974 issue of the Progressive magazine.

Homes without heat . . . Factories and schools closing for lack of fuel . . . Cadillacs glutting the market as the rich dump limousines for compact cars . . . A looming food crisis of major proportions . .

How did it happen in America? I am not sure that very many of us in Congress really know despite our day long hearings and our late night sessions on energy legislation.

I fear that there are many of us, myself included, who are reacting to what those with a vested interest in energy legislation tell us are the facts behind the current shortages rather than rolling up our sleeves and finding out what the facts are for ourselves.

It will not be easy. There are some very powerful people playing for high stakes in the current emergency and they are not beyond using their clout with the administration and in the Congress.

That is why I am impressed by the list of cosponsors Congressman BILL LEHMAN and I are submitting today in urging this House to create a select committee to conduct a complete and full investigation of the role of the oil and gas industry in contributing to the current energy crisis.

There is a clear message when one reads the list of names of Members of Congress who have sponsored this House resolution.

There are Members with totally contrary philosophical viewpoints. There are sponsors from New York to California to Florida. There are Republicans as well as Democrats.

And there are two committee chairmen, the Honorable WAYNE HAYS of House Administration and my friend and colleague from Florida, the Honorable JIM HALEY, chairman of the Interior and Insular Affairs Committee.

We share one common goal—for this House, for itself, to investigate and ascertain the validity or degree of error or misinformation that has been presented to us by the oil and gas industry as fact.

We welcome all the support and assistance we can get to create this select committee and I urge Members to call my office if they wish to join as additional sponsors.

Why do I think it so important that we have such a select committee?

As many of you know, the Senate has been conducting investigations into the integrated oil and gas operations in the United States.

As a member of the Energy Subcommittee of the House Science and Astronautics Committee, I requested the opportunity to testify at those hearings.

In my testimony before Senator FLOYD HASKELL'S subcommittee, I questioned the competitiveness of the gas and oil industry when I saw the names of some of the same people sitting on the boards of what should be competing companies. This is not illustrative of the kind of competition that believers in the

free enterprise system like myself were taught to respect.

I also wonder why, in a nation with half the world's coal reserves, we fail to exploit these plentiful resources and rely, instead, on dwindling domestic supplies of gas and oil and imports from such unstable areas of the globe as the Middle East.

Why do corporate profits continue to rise—39 percent in the first half of 1973—while the consumer is being asked to pay higher and higher prices for home heating fuel and gasoline? If the consumer is going to be asked to bite the bullet, I want the oil and gas industry feasting from the same table.

There are countless scandals and hints of scandals we have all heard or read about—capped wells withheld from production; the refusal to build more domestic refineries; illegal depleting of our Naval Petroleum Reserves, and, in light of all this, industry assertions that greater incentives—to it—may be needed to solve the energy shortage.

A few months ago, when the petroleum shortages were less critical than they are now, I was saying that the major multinational oil companies were perhaps at fault in that they could possibly have prevented what was happening; but that they were not at fault in the sense of some diabolical plot to deliberately run the Nation short of fuel just so they could drive prices up and raise their profits.

Well, now, I am not so sure.

Perhaps the following members are not either, in light of their cosponsorship of this resolution:

Honorable JONATHAN B. BINGHAM, Democrat of New York; Honorable EDWARD BOLAND, Democrat of Massachusetts; Honorable FRANK BRASCO, Democrat of New York; Honorable GEORGE BROWN, Democrat of California; Honorable DAN DANIEL, Democrat of Virginia; Honorable JOHN W. DAVIS, Democrat of Georgia; Honorable JOHN J. DUNCAN, Republican of Tennessee; Honorable EDWIN D. ESHLEMAN, Republican of Pennsylvania; Honorable DANTE FASCELL, Democrat of Florida; Honorable HAROLD V. FROEHLICH, Republican of Wisconsin; Honorable ELLA T. GRASSO, Democrat of Connecticut; Honorable JAMES A. HALEY, Democrat of Florida; Honorable ROBERT P. HANRAHAN, Republican of Illinois.

Also Honorable MICHAEL HARRINGTON, Democrat of Massachusetts; Honorable WAYNE L. HAYS, Democrat of Ohio; Honorable MARGARET HECKLER, Republican of Massachusetts; Honorable HENRY HELSTOSKI, Democrat of New Jersey; Honorable EDWARD I. KOCH, Democrat of New York; Honorable ROBERT L. LEGGETT, Democrat of California; Honorable CLAUDE PEPPER, Democrat of Florida; Hon. THOMAS M. REES, Democrat of California; Honorable BENJAMIN S. ROSENTHAL, Democrat of New York; Honorable RONALD A. SARASIN, Republican of Connecticut; Honorable PATRICIA SCHROEDER, Democrat of Colorado; Honorable ROBERT L. F. SIKES, Democrat of Florida; Honorable FORTNEY H. STARK, Democrat of California; and Honorable GERRY E. STUDDS, Democrat of Massachusetts.

Just before I went to the floor today I was advised to add the names of the following Members to the growing list of cosponsors:

The Honorable GILBERT GUDE, Republican of Maryland; Honorable JOE MOAKLEY, Democrat of Massachusetts; Honorable WAYNE OWENS, Democrat of Utah; Honorable FERNAND J. ST GERMAIN, Democrat of Rhode Island; Honorable JOHN SEIBERLING, Democrat of Ohio; Honorable LESTER L. WOLFF, Democrat of New York; Honorable SIDNEY R. YATES, Democrat of Illinois; Honorable CHARLES A. VANIK, Democrat of Ohio.

We welcome additional cosponsors.

At this point, Mr. Speaker, I request permission to insert into the RECORD an article entitled "Energy: The Crisis Behind the Crisis," an article appearing in the forthcoming January 1974, issue of the Progressive magazine.

Writes the author, Sam Love, an energy lobbyist for environmental action:

If the current crisis produces no other benefit, it will compel economic planners to learn some hard lessons about energy. It is not a field that lends itself to easy and accurate predictions . . .

For a limited time, politicians and economic prognosticators can play games with the public, but ultimately they must confront the need for basic structural transformation of economic institutions.

For a limited time, corporations can maximize profits by extracting higher prices for a lower volume of production, but ultimately they must confront the reality of limited growth—or even shrinkage.

I recommend Mr. Love's article be read and inserted it at this point:

ENERGY: THE CRISIS BEHIND THE CRISIS

(By Sam Love)

POWER AND FUEL SHORTAGES DEMONSTRATE THE URGENT NEED TO RESTRUCTURE THE NATION'S ECONOMY

How could it happen in America? Homes without heat . . . Factories and schools closing for lack of fuel . . . Cadillacs glutting the market as the rich dump limousines for compact cars . . . A looming food crisis of major proportions . . . Recession, perhaps depression, destroying the experts' neat projections of perpetual prosperity and endless growth.

How could the world's leading industrial nation have stumbled into such a morass? To try to comprehend the origins of the energy crisis, to unravel the complex web of decisions made or deferred, to scrutinize the interests that made or deferred these decisions—to do all this is to approach an understanding of how our economic and political system works—or fails to work—when the people's welfare is most vitally at stake. Such understanding is not easily attained—and there are bound to be disagreements among people of good will—but the consequences of not seeking out and understanding the truth can only portend even greater chaos in the future.

The United States slipped into the energy crisis in almost the same way that it slipped, gradually but steadily, into an ever-deeper quagmire in Southeast Asia. Governmental and corporate energy decisions which went virtually unnoticed at the time have now resulted in a genuine emergency. The Arab oil boycott, like the Tonkin Gulf incident, represented only the final straw that broke the camel's back; history has already loaded the beast.

The corporations engaged in the extraction, production, and distribution of energy have pursued their traditional, relentless, and single-minded quest for profits. The Government, to the extent that its bureaucratic inertia will permit, has been eager to serve their purposes. Together, they set the scene for an energy shortage, which the Arabs, by a twist of fate in the Middle East, managed to escalate into a crisis.

In normal times, Americans consume about seventeen million barrels of crude oil a day. Imports from the Arab States account for only a fraction of that total—the exact figures are in dispute. But it is—it has been—an important fraction: the fraction that spells the difference between an economy of abundance and waste, and an economy of austerity and scarcity. We are in trouble because we have operated an economy of growth and waste—a planless economy that could make some jungles look like well manicured lawns.

The major oil corporations, it should be noted, are not in trouble—not, at least, in the sense in which they are accustomed to gauge their performance. Gulf Oil recently reported a quarterly profit gain of ninety-one per cent, and the industry as a whole—led by such giants as Gulf and Exxon—is recording profits that have increased a record forty-seven per cent since 1972. But the industry is now facing a formidable squeeze which, depending on how it is managed, could dictate substantive changes in the industry—and in the country. Simply put, demand is accelerating off the top of the corporate planning charts, but the supply curve is plunging downward.

Demand is up because our society has become increasingly more energy-intense since World War II. Driven by lavish, corporate promotion designed to stimulate consumption, and by favorably low rates for industrial users, utilities have doubled demand every eight years. High-energy consuming synthetics and metals have replaced such low-energy materials as cotton, wood, and glass. The highways are clogged with gas-guzzling behemoths—built by Detroit for quick absolescence. In factories and on farms, energy-burning machines have replaced human labor. The throw-away society is here, and people are among the objects thrown away.

But as demand has increased, supply has tightened. It is more difficult and more expensive to find oil as drillers are forced offshore and into the frozen Arctic. And, simultaneously, foreign countries are asserting more control over the resources within their own boundaries.

Faced with such strenuous pressures, the oil corporations have fought hard to preserve the special privileges long accorded to them in the American political process. They were distressed when the Tax Reform Act of 1970 reduced the industry's treasured oil depletion allowance from 27.5 per cent to 22 per cent, and they warned that implementation of the Act would cost the industry $600 million a year and would produce a shortage by reducing the incentive to expand crude oil production. In fact, oil profits surged—but the shortage materialized nevertheless.

An analysis prepared by the Senate Committee on Government Operations revealed that by September 1970, the shortage had begun to take effect. The National Petroleum Council warned, in a self-fulfilling prophecy, that the country faced a deficit of 250,000 barrels per day of fuel oil during the winters of 1970 and 1971. With fuel oil rationing under consideration in the Northeast, a House Subcommittee investigated the fuel crisis and heard, from government and industry witnesses, a number of suggested reasons for short supply: tougher environmental regulations were requiring utilities to burn larger quantities of cleaner fuels; atomic energy was far behind schedule; demand for energy was shooting up; international disruptions were decreasing crude oil imports.

To deal with these problems, President Nixon began creating and reorganizing a labyrinth of bureaucratic structures. In August 1970, he created a Special Energy Subcommittee of the White House Domestic Council and charged it with finding a solution to the existing fuel crisis. He also put General George Lincoln, the director of the Office of Emergency Preparedness, in charge of a Fuel Supply and Fuel Transport Committee to handle short-term supply problems. These actions were, of course, overlaid on an already complex system of government agencies involved in fuel matters.

The first winter of the decade passed without a major crisis. Encouraged by price increases of as much as twenty-five cents per barrel of crude in November 1970, the industry moved swiftly to increase supply.

During 1971 the oil companies faced new problems as the Oil Producing and Exporting Countries (OPEC) in the Middle East demanded and won ownership rights in the operations of American oil companies occurring within their boundaries. OPEC then celebrated its victory by increasing its prices.

At home, meanwhile, inflationary pressures finally moved President Nixon to impose wage and price controls on the economy. The timing was inopportune: Fuel oil prices were frozen at off-season lows and gasoline prices at seasonal highs. The result was to discourage the refining of fuel oil.

When rumblings of financial discontent in the Middle East failed to quench the American economy's thirst for oil, President Nixon increased the level of oil imports to offset an expected gap in domestic supply. As early as January 1970, his Cabinet Task Force on Oil Import Controls had recommended abandoning the import quotas—in defiance of the major oil corporations—but the President refused to accept his own Task Force's advice. As a result of his inaction, demand levels continued to use and refiners used up their yearly quotas early in 1972, forcing some to start drawing oil from stocks at a rate that plunged storage to the lowest point in postwar years. In September, Nixon allowed the oil companies to import up to ten per cent of their 1973 quota during the remainder of 1972, but some of the larger companies refused. At this point, a full-blown crisis was all but inevitable.

The shortage could still have been averted if refiners had simply increased capacity. The Department of the Interior sent telegrams to all major refineries in November 1972, stressing the seriousness of the shortage and asking refiners to increase output from eighty-nine per cent of capacity to ninety-two per cent. The capability for such an increase was there, as a staff study of the Senate Committee on Government Operations confirms, but the refiners refused to accede to the Government request.

Why they refused to increase production is a matter of controversy. The industry contends that crude stocks were not available, while the Government maintains that the industry could have used the increased import quotas to step up fuel oil output. But the Government offered neither a relaxation of price controls nor other concessions that the industry sought. Many oil executives opposed the President's plan to borrow on the following year's quota and insisted on substantive changes.

Except for a few speeches on consumer energy conservation by the head of the Office of Emergency Preparedness, the Government did nothing to step up the refining of fuel oil, and by the beginning of 1973 major manufacturers began making plans to allocate curtailed fuel rations to their customers.

In January 1973, General Lincoln acted to increase imports by suspending all import quotas for the first four months of the year. But since the oil companies wanted a long-term plan and higher prices, they refused to step up production by making full use of already existing refining capacity. In February, several major oil companies decided to test the Cost of Living Council by imposing an eight per cent increase on fuel oil prices. The Government allowed the increase to stand, but the subsequent rush to increase fuel oil production under the higher prices delayed the seasonal switch to increasing gasoline production, so the gasoline supply at the beginning of the summer of 1973 was at a very low point.

The crude oil shortage was further exacerbated when the Canadians, concerned that developing shortages in the United States might create a short supply situation north of the border, cut oil exports to the United States by four per cent in the spring of 1973. The time had finally come when the Government could no longer evade decisive action on the import question. Independent oil companies, which had relied on the majors for supplies of refined products, were raising the alarm about being cut off. Service stations were closing. A massive fuel oil shortage seemed inevitable.

In April, William Simon, the Deputy Secretary of the Treasury who became the nation's top oil official when Nixon phased out the Office of Emergency Preparedness, modified the fourteen-year-old import program by substituting license fees for the quota system. Current quotas would be gradually phased out. To encourage refinery construction, he threw the oil industry a juicy bone: refiners would be allowed to import seventy-five per cent of their new capactiy *duty free* for the next five years. In addition, the Nixon Administration decided to triple the leasing of offshore drilling sites.

In response to such governmental magnanimity, the oil companies announced a number of new refinery projects designed to increase capacity. Superport plans were also advanced for the Gulf and East Coasts. In combination, these steps could temporarily alleviate the energy crisis—if the companies could get the oil.

But getting the oil is proving more difficult and more expensive as the easily recoverable domestic reserves dry up. According to the Bureau of Mines, domestic crude oil production peaked at about 8.8 million barrels per day in 1970 and has since been gradually declining because domestic reserves are being depleted. Domestic production is not expected to increase substantially until the Alaskan and new offshore fields become productive in the latter part of this decade. Although no independent reserve figures are available because the Bureau relies upon oil industry statistics, oil is being consumed so rapidly that—regardless of whose figures one chooses to believe—the reality must be confronted that at some point oil will dry up.

And as oil becomes scarcer, costs of finding it go up. Between 1960 and 1970, the cost of drilling an average well in the United States rose from $55,000 to almost $95,000. Today, drilling the average off-shore well costs more than $500,000, and the average well in Alaska will run to more than $2 million. Even though the return in richer offshore fields may offset the increased costs, oil men claim that the chances of hitting a productive well are only one in eight.

Despite the expanding costs and overseas uncertainties, the industry is concerned about oversupply once the new offshore and Alaska wells are in production. Therefore, the oil companies are focusing now on reinforcing their market positions and increasing prices while oil is still in short supply. This strategy accounts for the peculiar maneuvers by which the oil companies helped engineer the domestic shortage with their refusal to increase refining capacity or even to run existing refineries at full output. With petroleum already in short supply as a result of Administration blunders and oil company tactics, the Arab cutoff has come as a crippling blow. It has also signaled the beginning of a new age in oil—an age in which major oil companies themselves may be subject to supply constraint tactics similar to those they have long used successfully against the public.

Regardless of the dynamics of the boycott, it will have a major impact on the American economy. Because most economists understand so little about the relationship between energy and economic growth, they have been constantly revising their assessment of the effects of the oil shortage. In an incisive front-page economic appraisal on November 20, The Journal of Commerce told its business subscribers that if the Arab boycott were to continue "sufficiently long," the end result could be "serious worldwide business recession bordering on depression, acute shrinkage in business earnings, large-scale business failures, massive unemployment, and a considerable amount of price deflation." Increasingly, other analysts are coming to similar conclusions.

The boycott's impact will be further amplified because Washington has been unable or unwilling to deal effectively with the crisis. The Administration, preoccupied even before Watergate with Nixonian reorganization schemes, kept shuffling responsibility for energy decisions within the Executive branch. As soon as some agency (or individual) came to understand the problem, it (or he) was reorganized.

Only recently the President's energy adviser, former Colorado Governor John A. Love—who was beginning to understand the dimensions of the problem—was "reorganized out," and President Nixon created a new Federal Energy Administration under Deputy Secretary of the Treasury William E. Simon.

The President himself was so busy with resignations, firings, defections, reorganizations, and the threat of impeachment proceedings that he could not devote time or energy to the energy crisis. If he or his advisers had be paying attention to Congressional staff experts, energy trade publications, and others in a position to comprehend the facts, the Administration could have acted decisively in time to ameliorate the impact of the crisis. But the White House, isolated as it is, refused to consider adequate controls, and continued to rely on half-heated appeals to consumers to exercise voluntary self-restraint. To a substantial extent, at this writing, it is still relying on such appeals. The Congressional Joint Economic Committee noted that if new supplies were reduced by 200,000 barrels per day through import disruptions or refinery breakdowns, accompanied by a cold winter, the result would be "an economic crisis for the United States unparalleled since the Great Depression."

Once the Arabs announced their cutoff, the warnings of the Joint Economic Committee report became a chilling reality. But even with such credible and documented information available to the White House, the Administration confined its action to a Presidential message that sought solutions at the expense of the consumer's thermostat and accelerator pedal. The President's first message, on November 7, downplayed the importance of the Arab cutoff. He suggested a shorter workday, year-round daylight savings time, reductions in highway speed, accelerated licensing of nuclear plants, a ban on utilities switching from coal to oil, lower thermostat settings for the Government, and several other minor steps to alleviate the pinch in the short term.

He also launched a propaganda drive "Project Independence," to make the United States self-sufficient in energy by 1980. But except for stressing that Congress should approve his new Energy Research and Development Administration program, he offered no insight as to how the United States, with

an energy appetite doubling every fifteen years might become self-sufficient.

Predictably, the President saw in the energy crisis an opportunity to force relaxation of some of the environmental standards and controls that have been painfully achieved in recent years. The crisis has clearly put environmentalists on the defensive. In a joint response to Nixon, seven environmental groups—including Friends of the Earth, Environmental Action, and The America the Beautiful Fund—and a number of other public interest groups contended that any retreat from environmental standards before efforts to conserve fuel have been exhausted would be 'precipitous and irresponsible." The statement also accused the President of calling for consumer sacrifices "as a pretext to avoid making hard decisions regarding corporate practices and structure."

The President's second message, on November 25, conveyed a somewhat more realistic assessment of the economic implications of the Arab oil embargo. Nixon admitted that the shortages could run as high as seventeen per cent, and announced a series of steps to deal with it: a fifteen per cent reduction in the amount of retailers; the closing of service stations on Sundays; the reduction of highway speed limits, and curbs on outdoor lighting and the use of aviation fuel. Still absent from the President's program, however, was any resort to rationing, to curtailing the use of fuel by the military, or to reducing long-term energy demand.

The actions and statements of Nixon, his advisers, and most of Congress reveal how little they understand about energy. Consider the President's personal lifestyle. In addition to fancying gas-guzzling limousines and frequent jet trips, he loves to sit in front of a wood fire all year round, even if he must turn up the air conditioning in the sweltering heat of the Capital's summers to compensate for the heat generated by the fire.

If the decision-makers knew more about energy and its role in the society, the record of the past—and the outlook for the future—might not be so bleak. The significance of energy to culture is only now beginning to be understood. Some essential points which energy decision-makers must begin to take into account are these:

1. ENERGY IS THE INSTRUMENT WHICH MAKES ALL WORK POSSIBLE AND TRANSPORTS ALL GOODS

Without it, work stops. It is the common thread that weaves through the processes of the society and the biosphere. Howard Odum, an ecologist who has made extensive studies of energy, calls it "the universal currency." It is vital to the production and distribution of food. Our agriculture is already so energy-intensive that we expend seven to ten calories of energy input for fertilizers, pesticides, fuels, processing, and transportation in order to get one calorie of food on the table. Without sufficient energy, disruptions occur that could conceivably result in famine.

2. ALL SCHEMES TO OBTAIN AND USE ENERGY REQUIRE ENERGY

Our technological devices for tapping new energy sources require energy input for their construction and operation. Most of this energy input, or subsidy, comes from fossil fuels. Grandiose promises of energy from nuclear power or oil shale are fine stuff for Presidential speeches, but application of the laws of physics may well reveal that most of these new schemes cannot yield as much energy as they require for their operation. The only exceptions might be solar water and space heaters, nuclear breeder reactors, and fusion—but even these schemes will require so much energy to make them productive that any net gain is uncertain at this point.

3. THE FOSSIL FUELS ARE BEING EXHAUSTED

Domestically, the United States is passing its oil production peak. Alaskan and offshore deposits will have to provide additional oil, and though these new reserves appear substantial, a continuation of accelerating energy demand will also rapidly deplete them. The largest remaining oil reserves are in the Third World and politically unstable areas. Yet current demand is accelerating so rapidly that meeting just the non-Communist world's oil demand will, according to Gulf Oil's research, soon require finding new reserves each year equal to the total proven reserves of the United States. At some point such continued growth becomes impossible. Of the fossil fuels, only coal, which exists in quantities sufficient to provide energy for hundreds of years, can sustain demand, but strip mining, which provides more than fifty per cent of the supply at present, takes such a toll on the environment that it, too, must be challenged as an abundant resource.

Another potential source of oil lies under the soil of such Western states as Colorado, Utah, and Wyoming. It is oil shale, which the Interior Department estimates could fill about four per cent of the nation's 1985 liquid fuel demands; the Department estimates that about 600 billion barrels of oil are locked in shale under Federal land. However, it will require a substantial input of energy to retrieve this oil, and there are two other warning flags ahead:

First, many ecologists are deeply concerned over the impact on the environment. Professor Charles Prien of the University of Denver, one of the nation's leading oil shale experts, testified before a Congressional Committee in November that he did not believe the environmental problems were insurmountable. "I don't see that one is left with any wasteland at the end of all this," he insisted. But an Interior Department report earlier this year warned that extraction of the oil from shale would be at the expense of vegetation, wildlife, and water. The project would reduce air quality and would increase the salt concentration in the Colorado River about 1.5 per cent at Hoover Dam.

Second, most of the oil shale deposits are imbedded in Federal land. Given the philosophy of the Nixon Administration, it is more than likely that the Government would lease vast tracts to the oil industry at prices so low as to allow the petroleum interests to harvest vast new profits. This is public land—land owned by the people of the United States of America—and only the most vigilant public concern and demand for full facts at all times would prevent something resembling the Teapot Dome giveaway.

An important potential source of energy that is generally neglected is magnetohydrodynamics. It sounds formidable, but it is simply a process of producing an electric current by passing an ionized gas through a magnetic field. It should be intensively researched for several reasons. It can utilize coal, which we have in abundance; it is theoretically an efficient process; it is virtually non-polluting. The Russians have spent impressive sums on research and development of hydromagnetics, and now reportedly have two such plants feeding into the Moscow power grid, demonstrating its practicality. A greatly expanded program of research into safe and efficient deep coal mining would eliminate the surface stripping problem—and only a small fraction of our coal reserves is available for stripping.

4. THE RELATIONSHIP BETWEEN ENERGY AND ECONOMICS IS ONLY BEGINNING TO BE UNDERSTOOD

Because energy has been cheap and plentiful, economists have not given it sufficient thought; but now that it is becoming scarce, its impact on economic growth is attracting more attention. Since physical growth is possible only through the utilization of energy, a reduction in available energy supplies forces a change in the growth system so that it maintains and sustains a steady state. At some point, decision-makers must realize that the planet is not expanding in direct relation to the Gross National Product.

If the current crisis produces no other benefit, it will compel economic planners to learn some hard lessons about energy. It is not a field that lends itself to easy and accurate predictions. Energy flows through the society like a network of uncharted streams. For example: Oil producers petrochemicals, which are moved (by energy) to plants for conversion (by energy) into plastic stock which is transported (by energy) to fabricators that make products (by energy) which are, in turn, moved (by energy) to wholesalers, distributors, retailers, and consumers. A cutback of oil at the refinery will thus diminish employment at every point on this stream.

For a limited time, politicians and economic prognosticators can play games with the public, but ultimately they must confront the need for basic structural transformation of economic institutions. For a limited time, corporations can maximize profits by extracting higher prices for a lower volume of production, but ultimately they must confront the reality of limited growth—or even shrinkage.

The Conference Board, an independent, non-profit organization that specializes in forecasts by prominent economists and business analysts, predicts that the Gross National Product will continue to grow in 1974, but that the rate of increase in industrial production will decline from 1972's 8.9 per cent to 2.8 per cent. Acute scarcities triggered by energy shortages could render even such forecasts invalid. As energy price increases drive up other prices, rampant inflation can literally rip apart the social economy. In such circumstances, there will be no alternative to a structural transformation of growth-addicted capitalism.

The Nixon Administration's "Project Independence" is, in fact, nothing more than a "Project Dependence"—dependence on continued, accelerated use of fossil fuels. Even the President's pet panacea, nuclear power, will require a large fossil fuel subsidy to enrich, burn, and reprocess the uranium fuel required by the plants.

The President's program also assumes the continued subjugation of people to the energy corporations. However, for the first time in a century, certain decentralized energy technologies could make people virtually independent of the Standard Oils which have built vast fortunes by owning the sources of the energy flow-stream. Experts assure us that rooftop solar collectors or wind generators could provide significant amounts of power. Their input could be supplemented by fossil fuels on cloudless or windless days. Small-scale community systems using tidal energy or methane gas generated from organic waste could also help break the dependence on fossil fuels.

That such systems are still dismissed as impractical—though working models now exist—reflects the misplaced priorities of Government and industry. The bulk of Federal energy research dollars expended since World War II have gone into centralized nuclear power plants; in 1971, more money was spent preparing environmental impact statements for nuclear plants than on researching solar energy.

Stability is the principal attribute of a rational energy system. The current crisis has less to do with the Arab cutoff than with the failure to recognize a basic tenet of ecology: decentralized, diverse systems provide stability. The United States concen-

trated its dependence directly and indirectly on Arab oil, in violation of a 1953 amendment to the Defense Production Act in which Congress declared that continued dependence on overseas sources of supply of critical materials "gravely endangers the present and future economy and security of the United States." In that amendment, Congress enjoined every department and agency of the Federal Government to decrease our dependency on overseas sources of supply.

Oil is not the only energy source that is being jeopardized by growing dependence on centralized supply, and more disruptions can be anticipated in the future. Utilities are relying increasingly on nuclear power, though many very serious questions remain about the safety of nuclear plants. It is conceivable that an accident of staggering proportions will one day force a moratorium on nuclear power production. The coal supply is also vulnerable: United Mine Workers contracts with all coal corporations expire at the same time, so a prolonged coal strike could put the lights out.

What are we to do? If energy is the social lifeblood, we must obviously insist on its equitable distribution. The alternative is to let the Administration allocate fuel on the basis of its arbitrary judgment—perhaps on the basis of campaign contributions. It is also imperative to establish a national energy-use inventory, which will provide the public with information on the significant users of energy. Such information should serve as the basis for rational rationing, and for decisions regarding future energy conservation programs. If energy prices must go up, they should be carefully monitored and managed, since increases will harm the poor the most.

Long-term strategies must be designed to cut back on non-essential uses of energy so that the remaining oil can be used to create the decentralized technological base for the new society. Such changes cannot be brought about without greater social control over the oil companies. Specifically, the energy pricing system must be reviewed to create rate structures and energy taxes which can be devised to charge users progressively higher prices as their consumption increases, thereby discouraging energy waste. Revenue from energy use taxes can provide the funds for such social purposes as conversion from automobile transportation to mass transit. It can also finance the research required to develop other energy-conserving technologies.

As the full economic impact of energy reduction is felt in the society, politicians will grope for ways to stimulate the sagging economy. Some commentators are already calling for new military expenditures, alleging that the Arab-Israeli war has demonstrated the "superiority" of certain Soviet weapons systems. If there ever was a rationale for bolstering the economy by defense expenditures, this too is a victim of the energy crisis. Tanks and missiles cannot be built from balsa wood; they require such energy-intensive materials as aluminum and titanium, and they must be propelled by fuel.

The military establishment consumes vast quantities of precious fuel every day, and it squandered billions of gallons in Indochina. (The bombing of Cambodia alone required three million gallons of fuel a day, and the United States is still shipping 32,000 barrels a day to keep the Cambodia air force flying.)

Conversely, such socially useful programs as day care centers, health facilities, and mass transit can put people to work while conserving energy—if the political pressure can be generated to put such programs into effect. There is no point in looking to the Nixon Administration for leadership. The President's priorities were made clear when he put retired Vice Admiral Eli T. Reich in charge of the Interior Department's new Office of Petroleum Allocation. Reich, aided by a host of other retired or active duty military officers, can be expected to give top attention to the demands of the Department of Defense and its major contractors.

The times demand change, but those who have a vested interest in the technologies of the centralized past will fiercely resist the transformation to a decentralized future. And they may very well use our remaining resources to feed their fantasies of growth, instead of tapping the energy for construction of a sane, just, and viable society. The political instrument for such obstruction exists in the Defense Production Act of 1950, which provides the President with sweeping powers of social control—to allocate materials, accelerate mineral development, and assure corporations of immunity from the antitrust laws. The military has already used this authority to claim first priority on fuel stocks.

The energy crisis, then, confronts us with a threat as well as with an opportunity: the opportunity to build, from our present emergency, a more equitable distribution of power and wealth; the threat that we will succumb, in the panic of shortages and disruption, to a militarized and repressive system of social and economic control. This is the real crisis, and in time it may eclipse the shortage of energy that inconveniences us today.

RECESS

The SPEAKER. The Chair would like to announce that we are awaiting the action of the other body on various matters which we hope to dispose of today.

When we recess the Chair will give 15 minutes' warning by the bells prior to reconvening the House.

Under the previous order of the House, the Chair declares the House in recess, subject to the call of the Chair.

Accordingly (at 10 o'clock and 10 minutes a.m.), the House stood in recess subject to the call of the Chair.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 2 o'clock p.m.

A FURTHER MESSAGE FROM SENATE

A further message from the Senate by Mr. Arrington, 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. 11576) entitled "An act making supplemental appropriations 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 to amendments of the Senate numbered 7, 18, 21, 22, 36, 43, 47, 48, 70, 74, 75, 80, 86, 94, 104, and 108.

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

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

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

The message also announced that the Senate disagrees to the amendment of the House to the amendment of the Senate numbered 3 to the bill (H.R. 6186) entitled "An act to amend the District of Columbia Revenue Act of 1947 regarding taxability of dividends received by a corporation from insurance companies, banks, and other savings institutions," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. EAGLETON, Mr. INOUYE, and Mr. MATHIAS to be the conferees on the part of the Senate.

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

H.R. 11333. An act to provide a 7-percent increase in social security benefits beginning with March 1974 and an additional 4-percent increase beginning with June 1974, to provide increases in supplemental security income benefits, and for other purposes; and

H.R. 11565. An act to insure that certain buildings financed with Federal funds utilize the best practicable technology for the conservation and use of energy.

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

S. 2770. An act to amend chapter 5 of title 37, United States Code, to revise the special pay structure relating to medical officers of the uniformed services;

S. 2771. An act to amend chapter 5 of title 37, United States Code, to revise the special pay bonus structure relating to members of the armed forces, and for other purposes;

S. 2830. An act to amend the Public Health Service Act to provide for greater and more effective efforts in research and public education with regard to diabetes mellitus; and

S.J. Res. 183. Joint resolution to proclaim April 30, 1974, as a National Day for Humiliation, Fasting, and Prayer.

AMENDING THE FEDERAL-AID HIGHWAY ACT OF 1973

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent to take from the

Speaker's desk the bill (H.R. 10511) to amend section 164 of the Federal-Aid Highway Act of 1973 relating to financial assistance agreements, with Senate amendments thereto and consider the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments as follows:

Strike out all after the enacting clause and insert: That (a) section 3 of the Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following new subsection:

"(f) No Federal financial assistance under this Act may be provided for the purchase of buses unless as a condition of such assistance the applicant or any public body receiving assistance for the purchase of buses under this Act or any publicly owned operator receiving such assistance shall as a condition of such assistance enter into an agreement with the Secretary that such public body, or any operator of mass transportation for the public body, shall not engage in charter bus operations outside of the urban area within which it provides regularly scheduled mass transportation service, except as provided in the agreement authorized by this subsection. Such agreement shall provide for fair and equitable arrangements appropriate in the judgment of the Secretary, to assure that the financial assistance granted under this Act will not enable public bodies and publicly and privately owned operators for public bodies to foreclose private operators from the intercity charter bus industry where such operators are willing and able to provide such service. In addition to any other remedies specified in the agreements, the Secretary shall have the authority to bar a grantee or operator from the receipt of further financial assistance for mass transportation facilities and equipment where he determines that there has been a continuing pattern of violations of the terms of the agreement. Upon receiving a complaint regarding an alleged violation, the Secretary shall investigate and shall determine whether a violation has occurred. Upon determination that a violation has occurred, he shall take appropriate action to correct the violation under the terms and conditions of the agreement.".

(b)(1) The first sentence of section 164 (a) of Public Law 93-87, approved August 13, 1973, is amended—

(1) by inserting "or" before "(2)"; and

(2) by striking out "or (3) the Urban Mass Transportation Act of 1964,".

(2) The second sentence of such section 164(a) is amended by striking out ", (2), and (3)" and inserting in lieu thereof "and (2)".

SEC. 2. Section 164(a) of the Federal-Aid Highway Act is amended by striking out all after the word "operations" in the first sentence and all of the second sentence, and inserting in lieu thereof "outside of the urban area(s) within which it provides regularly scheduled mass transportation service except as provided in an agreement authorized and required by section 3(f) of the Urban Mass Transportation Act of 1964, which subsection shall apply to Federal financial assistance for the purchase of buses under this Act."

SEC. 3. The Secretary shall amend any agreements entered into pursuant to section 164a of the Federal-Aid Highway Act of 1973, Public Law 93-87, to conform to the requirements of section 1 of this Act. The effective date of such conformed agreements shall be the effective date of the original agreements entered into pursuant to section 164a.

Amend the title so as to read: "An Act to amend the Urban Mass Transportation Act of 1964 to permit financial assistance to be furnished under that Act for the acquisition of certain equipment which may be used for charter service in a manner which does not foreclose private operators from furnishing such service, and for other purposes."

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

There was no objection.

MOTION OFFERED BY MR. WRIGHT

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

The Clerk read as follows:

Mr. WRIGHT moves that the House concur in the Senate amendments to the text of the bill with the following amendments: Page 3 of the Senate engrossed amendments strike out Sec. 2 on lines 7 through 15, inclusive.

Page 3 of the Senate engrossed amendments line 16 strike out "Sec. 3." and insert in lieu thereof "Sec. 2.".

The motion was agreed to.

Mr. DON H. CLAUSEN. Mr. Speaker, there is general agreement that the executive branch's interpretation of section 164(a) of the Federal-Aid Highway Act of 1973 places unreasonable constraints on the charter bus activities of public transportation agencies funded under the UMTA program. While it was our intention to impose reasonable limits on competition by public authorities receiving Federal money under the Urban Mass Transportation Act, we did not wish to totally ban charter services by them under any and all circumstances.

For example, where private bus operators are unable or unwilling to provide charter bus service, the Congress did not intend to prohibit public transit authorities from filing the need. And, in those cases where private bus companies are operating public mass transit services for a state or local transportation agency, it would be absurd to inhibit their private operations in the charter fields. Hopefully, this bill will put an end to such interpretations of the existing law.

But even assuming a proper interpretation of congressional intent in this regard, I think that, with respect to UMTA, this measure, as amended, will serve a useful purpose. The mass transit program has been on the books for the better part of a decade. It is an ongoing program, not one that is starting up. As enacted, section 164(a) would impose restraints that may hinder its operations more than is necessary. Indeed, I can conceive of instances where the competition betwen public and private charter bus operators it would prevent might be desirable and, hence, should be permitted by agreement between the parties. It is to permit such operational understandings that this provision is addressed.

The same considerations which prompt my support of it, however, do not apply with respect to section 164(a)'s applicability to the highway program. Authorizing the expenditure of highway moneys for the purchase of buses is new. It has never been done before. Consequently, the imposition of inhibitions is reasonable. Indeed, I believe if section 164(a), as originally approved, is interpreted properly by UMTA, there will be no adverse impact and a healthy and constructive relationship between public and private charter bus operators will result. In the process, the highway moneys which we provide can serve the specific purpose for which they are allocated—as a supplement, not a substitute for, UMTA program moneys, with the latter first being expended before highway moneys are spent.

There is yet another reason justifying this approach. The moneys used to purchase buses would be drawn from the highway trust fund. Principal contributors to that fund are private bus operators. To my way of thinking, it would be unfair to, on the one hand, require private bus operators to contribute to the highway trust fund and, on the other, to sanction the use of such moneys to buy buses to be used in competition against them. To do so would create an unconscionable inequity. That is the reason I believe that section 2 of the Senate amendment should be stricken. The House should agree to the Senate amendment with section 2 stricken.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

MOTION OFFERED BY MR. WRIGHT

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

The Clerk read as follows:

Mr. WRIGHT moves that the House concur in the Senate amendment to the title of the bill.

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the several motions was laid on the table.

CONSERVING ENERGY ON THE NATION'S HIGHWAYS

Mr. HOWARD. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 11372) to conserve energy on the Nation's highways, with Senate amendments thereto, and consider the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments as follows:

Page 1, line 3, strike out "National Maximum".

Page 1, line 4, strike out "Speed Limit" and insert "Energy Conservation".

Page 1, line 5, after "2." insert "(a)".

Page 1, line 5, strike out "Act" and insert "section".

Page 1, line 9, strike out "SEC. 3." and insert "(b)".

Page 2, line 3, strike out all after "hour" down to and including 'highway" in line 15.

Page 2, line 16, strike out "SEC. 4. (a)" and insert "(c)(1)".

Page 2, line 16, strike out "the Act" and insert "this section".

Page 2, line 19, strike out "(b)" and insert "(2)".

Page 2, after line 22, insert:

(d) Nothwithstanding the provisions of section 120 of title 23, United States Code, sums apportioned to any State under paragraph (1) of subsection (b) of section 104 of title 23, United States Code, shall be available to pay the entire cost of any modification of the signing of any Federal-aid highway within such State due to a reduction in speed limits to conserve fuel if such change in signing occurs or has occurred after November 7, 1973.

Page 2, line 23, strike out "SEC. 5." and insert "(e)".

Page 2, line 23, strike out "Act" and insert "section".

Page 3, after line 3, insert:

(f) Administrative action by the Governor or other appropriate State official or agency taken to comply with this section shall be deemed compliance with the requirements of this section.

Page 3, after line 3, insert:

SEC. 3. Chapter 1 of title 23 of the United States Code is amended by adding the following new section 154:

"CARPOOL INCENTIVE PROJECTS

"SEC. 154. (a)(1) To conserve fuel, decrease traffic congestion during rush hours, improve air quality, and enhance the use of existing highways and parking facilities, the Secretary shall approve projects designed to encourage the use of carpools in urban areas throughout the country while not adversely affecting bus and other mass transportation ridership in such areas.

"(2) Proposals shall be originated by local officials and submitted by the State in accordance with the provisions of subsection (d) of section 105 of this title. The Secretary shall approve for funding those projects which offer reasonable prospects of achieving the objectives stated in subsection (a)(1).

"(3) The Secretary shall take appropriate measures to assure adequate personnel and resources assigned to carry out this section within the Department of Transportation and shall provide technical assistance to States and local governments in the development of carpool incentive projects.

"(4) A project may include, but not be limited to, such measures as systems for locating potential riders and informing them of convenient carpool opportunities; preferential carpool highway lanes or shared bus and carpool lanes; and preferential parking for carpools.

"(5) A project under this section shall be carried out in accordance with procedures of law and regulations applicable to urban area traffic operations improvement projects pursuant to section 135 of this title, except that the Federal share of the cost of such work shall be 90 per centum, and that the Federal share shall not exceed $1,000,000 for any single project.

"(b) The Secretary shall conduct a full investigation of the effectiveness of measures employed in the demonstration projects authorized by subsection (a) of this section. In addition, he shall, in cooperation with the Internal Revenue Service, the Environmental Protection Agency, and other appropriate Federal and State agencies, study other measures, including but not limited to tax and other economic incentives, which might lead to significant increases in carpool ridership in urban areas throughout the country, and shall identify any institutional or legal barriers to such measures and the costs and benefits of such measures. He shall report to the Congress not later than December 31, 1974, his findings, conclusions, and recommendations resulting from such investigation and study. Funds authorized to carry out section 307 of this title are authorized to be used to carry out the investigation and study authorized by this subsection."

Page 3, after line 3, insert:

SEC. 4. (a) Notwithstanding any other provision of any law, rule, or regulation, any common carrier by motor vehicle, as defined in part II of the Interstate Commerce Act, authorized pursuant to such part to provide property transportation service between particular points may use a shorter route between any such points if such use does not reduce any required service to intermediate points.

(b) The provisions of this section shall remain effective until such date as the President declares the current energy emergency to be terminated.

Page 3, after line 3, insert:

SEC. 5. Section 601(d) of the Federal Aviation Act of 1958, as amended, (49 U.S.C. 1421) is amended to read as follows:

"EMERGENCY LOCATOR TRANSMITTERS

"(d)(1) Except with respect to aircraft described in paragraph (2) of this subsection, minimum standards pursuant to this section shall include a requirement that emergency locator transmitters shall be installed —

"(A) on any fixed-wing, powered civil aircraft for use in air commerce the manufacture of which is completed, or which is imported into the United States, after one year following the date of enactment of this subsection; and

"(B) on any fixed-wing, powered civil aircraft used in air commerce after three years and six months following such date.

"(2) The provisions of this subsection shall not apply to:

"(A) Turbojet-powered aircraft;

"(B) Aircraft while engaged in scheduled flights by scheduled air carriers certificated by the Board;

"(C) Aircraft while engaged in training operations conducted entirely within a fifty-mile radius of the airport from which local flight operations began;

"(D) Aircraft while engaged in flight operations incident to design and testing;

"(E) New aircraft while engaged in flight operations incident to their manufacture, preparation, and delivery;

"(F) Aircraft while engaged in flight operations incident to the aerial application of chemicals and other substances for agricultural purposes;

"(G) Aircraft certificated by the Administrator for research and development purposes;

"(H) Aircraft while used for showing compliance with regulations, crew training, exhibition, air racing or market surveys; and

"(I) Aircraft equipped to carry not more than one person.".

MOTION OFFERED BY MR. HOWARD

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

The Clerk read as follows:

Mr. HOWARD moves that the House concur in Senate amendments numbered 1, 2, 3, 4, 5, 7, 8, 9, 11, and 12.

The motion was agreed to.

MOTION OFFERED BY MR. HOWARD

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

The Clerk read as follows:

Mr. HOWARD moves that the House concur in the Senate amendment numbered 6 with the following amendment: Strike out the period at the end of the Senate amendment and insert in lieu thereof a comma and the following: ", and (2) a speed limit for all types of motor vehicles other than 55 miles per hour on any portion of any public highway within its jurisdiction of four or more traffic lanes, the opposing lanes of which are physically separated by means other than striping, which portion of highway had a speed limit for all types of motor vehicles of 55 miles, or more, per hour on November 1, 1973, and (3) a speed limit on any other portion of a public highway within its jurisdiction which is not uniformly applicable to all types of motor vehicles using such portion of highway, if on November 1, 1973, such portion of highway had a speed limit which was uniformly applicable to all types of motor vehicles using it. A lower speed limit may be established for any vehicle operating under a special permit because of any weight or dimension of such vehicle, including any load thereon. Clauses (2) and (3) of this section shall not apply to any portion of a highway during such time that the condition of the highway, weather, an accident, or other condition creates a temporary hazard to the safety of traffic on such portion of a highway.

The motion was agreed to.

MOTION OFFERED BY MR. HOWARD

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

The Clerk read as follows:

Mr. HOWARD moves to concur in Senate amendment numbered 10 with the following amendment: In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

(d) Notwithstanding the provisions of section 120 of title 23, United States Code, sums apportioned to any State under section 104 of title 23, United States Code, shall be available to pay the entire cost of any modification of the signing of the Federal-aid highways for which such sums are apportioned within such State due to a reduction in speed limits to conserve fuel if such change in signing occurs or has occurred after November 1, 1973.

The motion was agreed to.

MOTION OFFERED BY MR. HOWARD

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

The Clerk read as follows:

Mr. HOWARD moves to concur in Senate amendment numbered 13 with the following amendment: In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

(f) The requirements of this section shall be deemed complied with by administrative action lawfully taken by the Governor or other appropriate State official that complies with this section.

The motion was agreed to.

MOTION OFFERED BY MR. HOWARD

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

The Clerk read as follows:

Mr. HOWARD moves to concur in Senate amendment numbered 14 with the following amendment:

Mr. Speaker, I move that the House concur in Senate amendment numbered 14 with the following amendment:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

SEC. 3. (a) To conserve fuel, decrease traffic congestion during rush hours, improve air quality, and enhance the use of existing highways and parking facilities, the Secretary of Transportation is authorized to approve demonstration projects designed to encourage the use of carpools in urban areas.

(b) Proposals shall be originated by local officials and submitted by the State in accordance with the provisions of section 105 (d) of title 23, United States Code. The Secretary of Transportation shall approve for funding those projects which offer reasonable prospects of achieving the objectives set forth in subsection (a) of this section.

(c) A project may include, but not be limited to, such measures as systems for locating potential riders and informing them of convenient carpool opportunities, designating existing highway lanes as preferential carpool highway lanes or shared bus and carpool lanes, providing related traffic control devices, and designating existing publicly owned facilities for use as preferential parking for carpools.

(d) A project authorized by this section shall be subject to, and carried out in accordance with all of the provisions of chapter 1 of title 23. United States Code, applicable to highway projects, except that the Federal share of such project shall be 90 per centum, the Federal share shall not exceed $1,000,000 for any single project, and only funds apportioned under section 104 (b) (3) and (6) of such title shall be available to carry out projects authorized by this section. The Secretary shall not approve any project under this section after December 31, 1974.

(e) The Secretary of Transportation shall conduct a full investigation of the effectiveness of measures employed in the demonstration projects authorized by subsection (a) of this section. In addition, he shall, in cooperation with the Internal Pevenue Service, the Environmental Protection Agency, and other appropriate Federal and State agencies, study other measures, including but not limited to tax and other economic incentives, which might lead to significant increases in carpool ridership in urban areas throughout the country, and shall identify any institutional or legal barriers to such measures and the costs and benefits of such measures. He shall report to the Congress not later than December 31, 1974, his findings, conclusions, and recommendations resulting from such investigation and study. Funds authorized to carry out section 307 of title 23, United States Code, are authorized to be used to carry out the investigation and study authorized by this subsection.

The motion was agreed to.

MOTION OFFERED BY MR. HOWARD

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

The Clerk read as follows:

Mr. HOWARD moves to disagree to the Senate amendment numbered 15.

The motion was agreed to.

MOTION OFFERED BY MR. HOWARD

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

The Clerk read as follows:

Mr. HOWARD moves to concur in Senate amendment numbered 16 with the following amendment: In the first line of the matter proposed to be inserted by the Senate amendment strike out "SEC. 5." and insert in lieu thereof "SEC. 4.".

The motion was agreed to.

The Senate amendments Nos. 1, 2, 3, 4, 5, 7, 8, 9, 11, and 12 were concurred in.

The amendments to Senate amendments Nos. 6, 10, 13, 14, and 16 were agreed to.

Senate amendment No. 15 was rejected.

Mr. HOWARD. Mr. Speaker, I have a detailed list of amendments which I will propose in conformance with the House Rules in the handling of this bill, but first I would like to summarize quickly what will be accomplished by the amendments.

First and foremost is the subject of speed. The House-passed bill called for a uniform national maximum speed limit of 55 miles per hour on all highways which had permitted speeds greater than 55 miles per hour on November 1, 1973, and this limit should apply to all types of vehicles. Furthermore, you could not have a maximum speed limit less than 55 miles per hour on these highways. The Senate agreed with the 55-mile-per-hour maximum, but allowed a State to set a lower speed limit if it desired, or to set a two-tiered system with a greater speed for trucks than autos.

The compromise reached holds the House position of a uniform speed of 55 miles per hour on those highways posted 55 miles per hour or greater for all vehicles, but restricts this mandatory element to those highways four lanes or wider which contain a physical median other than paint striping. The 55-mile maxmium is retained on all roads, but the State may place a lower limit on those roads which do not have a mandatory 55-mile limit.

Speeds refer to posted speeds so that a State which may have had a special speed for towed vehicles, for example, may retain such a limitation if it so chooses. Further, emergency vehicles may exceed the posted speeds in the same manner as they are now permitted under State law.

Because of the confusion which has resulted by various pronouncements of Federal policy, a provision has been included to pay for those sign changes required under this act from Federal highway funds apportioned to the States under whichever Federal-aid system the highway happens to be on.

Language has been added reiterating the position of the House that a Governor or State Highway Department may act to conform with this legislation if it is empowered by the State legislature to do so.

A Senate amendment setting up a carpool incentive demonstration program for 1 year is added to the bill with a study and report of its effectiveness due also within 1 year. If the program proves effective, it can be extended at a future date.

An amendment added in the Senate to head off a December 29, 1973 deadline for installation of emergency location transmitters for private aircraft has been added to the bill. While not a part of the energy package, it does accomplish a purpose which could only be done in this manner. It is understood that the Committee on Interstate and Foreign Commerce has no objection to the consideration of this amendment at this time.

Mr. DON H. CLAUSEN. Mr. Speaker, in the interest of developing a workable energy oriented speed limit bill, the House passed H.R. 11372. The Senate has since amended that bill and returned it to us. Amendments now are brought before this House to reflect what appears to be a reasonable approach to the question, resolving the positions of both the House and Senate in language that accommodates the requirements of both.

One area that was of very great importance to the House was that of uniformity of speed limits on a highway. This uniformity is desirable to maintain safety on the highways and to avoid the irritation that the American driver would inevitably experience if he were made to drive in the wake of higher speed trucks.

In order to preserve this uniformity without sacrifice of energy and safety, these amendments require first that any State that has uniform posted speed limits on any portion of a highway must maintain that uniformity even though it lowers its speed limit in accordance with this act. Any four, or more, lane highway on which opposing lanes are divided by more than mere striping must have a 55-mile-per-hour speed limit wherever the posted speed limit for all motor vehicles was 55, or more, miles per hour on November 1, 1973. This 55-mile-per-hour speed limit must be applied uniformly to all vehicles. If upon any other highway posted speed limits on November 1, 1973 were not uniform, the State may set any speed limits 55-miles-per-hour or under that it deems fit. However, if posted speed limits were uniform on November 1, 1973, the States must impose uniform speed limits to be in compliance with this act.

In another amendment, we have made it abundantly clear that wherever administrative action by the Governor of the State or any other official empowered to act for the State in the matter of determining and setting speed limits upon highways within that State take such actions in accordance with the authority vested in him by law and that action is valid under State law, it is not necessary for the legislature to meet and accomplish the purpose by legislative fiat. This was always the intent of the House and in accordance with the desires of the Senate an amendment to that purpose clarifying the intent is placed in the law. However, we wish to caution those interpreting this language that whenever such action is taken by an official of the State, including but not limited to the Governor of the State, and that action is ultra vires so that it is without effect under State law, compliance with this act shall not be deemed to have taken place until either the legislature has ratified these acts or has acted separately to accomplish the purposes of this act or there is de facto compliance.

Mr. BLATNIK. Mr. Speaker, the Committee on Public Works reported and the House passed H.R. 11372, a bill to establish maximum speed limits on our high-

ways during the current fuel emergency, and the House has received from the Senate its proposed amendments to our bill. Members of the committee and the staff have discussed the differences with our counterparts in the Senate and believe that we have reached agreement on this important subject.

Mr. HOWARD of New Jersey, the able chairman of the Subcommittee on Energy, spoke diligently on this subject in these waning days of the Congress, as have Mr. HARSHA, of Ohio, and Mr. SNYDER, of Kentucky on the minority side.

I strongly support the amendments and I hope the House will see fit to put its final stamp of approval on this vitally needed bill.

The States want guidance in respect to the energy conservation measures which are the most practical to undertake immediately. The emergency energy legislation which has been worked on so diligently by the Commerce Committee in the House and the Interior Committee in the Senate covers a multitude of areas, whereas this bill takes two particular areas—the highway speed limits and carpooling—and gives the States immediate direction in this regard.

A reasonable compromise has been reached between the two bodies and we understand there are no problems with this bill in the other body.

A motion to reconsider the votes by which action was taken on the several motions was laid on the table.

GENERAL LEAVE

Mr. HOWARD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Senate amendments just considered.

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

There was no objection.

AUTHORIZING A FORMULA FOR THE ALLOCATION OF FUNDS AUTHORIZED FOR 1975 FOR SEWAGE TREATMENT CONSTRUCTION GRANTS

Mr. ROBERTS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2812) to authorize a formula for the allocation of funds authorized for fiscal year 1975 for sewage treatment construction grants, and for other purposes, with the House amendments to the bill and the Senate amendments to the House amendments, and consider the Senate amendments to the House amendments.

The Clerk read the title of the Senate bill.

The Clerk read the Senate amendments, as follows:

Page 1, line 5, of the House engrossed amendments, strike out "years" and insert "year".

Page 1, lines 5 and 6, of the House engrossed amendments, strike out "and June 30, 1976,".

Page 2, line 2, of the House engrossed amendments, strike out "1976,"." and insert "1975,".".

Page 2, after line 23, of the House engrossed amendments, insert:

SEC. 4. Subsection (b) of section 516 of the Federal Water Pollution Control Act, as amended (86 Stat. 895), is amended by inserting "(1)" after "(b)"; by striking "(1)", "(2)", "(3)", and "(4)" and inserting in lieu thereof "(A)", "(B)", "(C)", and "(D)", respectively; and by adding the following new paragraph:

"(2) Notwithstanding the second sentence of paragraph (1) of this subsection, the Administrator shall make a preliminary detailed estimate called for by subparagraph (B) of such paragraph and shall submit such preliminary detailed estimate to the Congress no later than September 3, 1974. The Administrator shall require each State to prepare an estimate of cost for such State, and shall utilize the survey form EPA–1, O.M.B. No. 158–R0017, prepared for the 1973 detailed estimate, except that such estimate shall include all costs of compliance with section 201(g)(2)(A) of this Act and water quality standards established pursuant to section 303 of this Act, and all costs of treatment works as defined in section 212(2), including all eligible costs of constructing sewage collection systems and correcting excessive infiltration or inflow and all eligible costs of correcting combined storm and sanitary sewer problems and treating storm water flows. The survey form shall be distributed by the Administrator to each State no later than January 31, 1974.".

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

There was no objection.

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

Mr. ROBERTS. Mr. Speaker, S. 2812, as amended by the Senate, is different from the House version which passed this body on December 18, in several rather minor respects.

The Senate would limit the application of the allocation formula in the bill for grants for waste treatment works for 1 year, fiscal year 1975, whereas the House version would have the formula used for 2 fiscal years. This is not a major change since there are no authorizations in the basic water pollution control act at this time for fiscal year 1976. This is a matter we will deal with next year. This amendment requires changing the date in two places.

The Senate also added a provision which would require the Environmental Protection Agency to prepare with the States and submit to the Congress by September 3, 1974, an interim needs study. The Federal Water Pollution Control Act requires the next needs survey report to be submitted in February 1975. An interim submittal in September 1974 would be very helpful in our legislative consideration next year. This does not change the requirement for EPA to submit a report in February 1975.

My friend, Mr. CLAUSEN, of California, will also discuss S. 2812, as amended. His remarks reflect the intent of this legislation.

I urge the approval of S. 2812, as amended.

Mr. DON H. CLAUSEN. Mr. Speaker, I rise in support of S. 2812 as amended today by the other body. As you remember, the Committee on Public Works brought to the floor on December 18 H.R. 11928 which was passed. We then passed a motion to strike all after the enacting clause of S. 2812 and inserted in lieu thereof the provisions of our bill H.R. 11928.

Today the other body further amended S. 2812 and we now bring this bill to you with the recommendation that you support. This bill, as originally passed by this House, provided a formula for allocation which would be utilized for the fiscal years ending June 30, 1975, and June 30, 1976. The amendment by the other body revised this to provide that the allotment formula as passed by the House will be utilized only for the fiscal year ending June 30, 1975.

The amendment further provides that the Environmental Protection Agency shall provide to the Congress on September 3, 1974, a preliminary report on the report which is due to be submitted pursuant to the requirements of section 511 on February 10, 1975. This preliminary report could be utilized as the basis for allotments for the fiscal year ending June 30, 1976.

It is absolutely necessary that the Environmental Protection Agency meet the September 3 report date. It will be incumbent upon the Congress to approve by law the allotment formula for the fiscal year ending June 30, 1976, before the 93d Congress adjourns. It is anticipated that the Congress could adjourn by October 1. Any delays by the Environmental Protection Agency would be unacceptable.

We expect the Environmental Protection Agency to initiate immediately those planning steps and other actions necessary to meet the dates in this act. Further, we expect the Environmental Protection Agency to submit monthly reports defining the schedule for completion of the preliminary and final reports, milestones, and the progress in meeting the milestones.

Because the forms and procedures utilized by the Environmental Protection Agency to develop the assessment of needs are very important to the success of the effort and because we expect this re-

port to reflect the intent of the Congress, I want to say now that we expect the representatives of the Environmental Protection Agency to meet early and regularly with our committee. The assessment of needs is too important for us to find possibly at a late date, that the study does not reflect our intent.

We expect the Environmental Protection Agency to take all steps necessary to include in the September 3 preliminary report the needs required to meet best practicable technoloy. We also expect the Environmental Protection Agency to coordinate very closely with the States to incorporate the needs required to meet new water quality standards. We recognize that the regulations for these new water quality standards might not be promulgated until next summer. However, the proposed regulations will be available and they should be utilized for the determination of needs whenever possible. We heard during our recent hearings that such a preliminary report would impact upon the quality of the report due February 10, 1975. We recognize this possibility but hope it will not be the case. We, therefore, urge the Environmental Protection Agency to evaluate the time requirements for submitting the February 10, 1975, report. I want to say now that we would be willing to consider a reasonable extension of this date if the Environmental Protection Agency believes it is necessary. If such an extension would assure a report of the highest quality, thoroughness, and accuracy, I am sure there will be no difficulty in extending the dates next fall at the same time the allotment formula for the fiscal year ending June 30, 1976, is established.

I want to caution the States that they must immediately initiate their efforts to provide the information and data necessary to thoroughly and accurately report their needs. We will not look favorably upon excuses by the States that they were not ready or did not submit all of their needs. Remember, the basis for allotment for fiscal year ending June 30, 1976, could be the preliminary report which must be submitted on September 3.

Allotments for the fiscal year ending June 30, 1977, and June 30, 1978, will be based upon the February 10, 1975, final report. The States now have the task of developing the information and data upon which allotments will be based for the next 3 fiscal years. The joint task by the States and the Environmental Protection Agency must be complete and thorough.

I am sure my remarks reflect the view of our full committee and I urge you to support S. 2812 as amended.

MOTION OFFERED BY MR. ROBERTS

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

The Clerk read as follows:

Mr. ROBERTS moves that the House concur in the Senate amendments to the House amendments.

The Senate amendments to the House amendments were concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ROBERTS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Senate bill just under consideration.

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

There was no objection.

SOCIAL SECURITY INCREASES IN BENEFITS

Mr. ULLMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 11333), to provide a 7-percent increase in social security benefits beginning with March 1974, and an additional 4-percent increase beginning with June 1974, to provide increases in supplemental security income benefits, and for other purposes, with the Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Strike out all after the enacting clause and insert the following:

INTERIM COST-OF-LIVING INCREASES IN SOCIAL SECURITY BENEFITS

SECTION 1. (a) Section 201(a)(1) of Public Law 93–66 is amended by striking out "the percentage by which" and all that follows and inserting in lieu thereof the following: "7 per centum.".

(b) Section 201(a)(2) of Public Law 93–66 is amended—

(1) by striking out "May 1974" each place it appears and inserting in lieu thereof "February 1974"; and

(2) by striking out "January 1975" each place it appears and inserting in lieu thereof "June 1974".

(c) Section 201(b) of Public Law 93–66 is amended to read as follows:

"(b) The increase in social security benefits authorized under this section shall be provided, and any determinations by the Secretary in connection with the provision of such increase in benefits shall be made, in the manner prescribed in section 215(i) of the Social Security Act for the implementation of cost-of-living increases authorized under title II of such Act, except that—

"(1) the amount of such increase shall be 7 per centum,

"(2) in the case of any individual entitled to monthly insurance benefits payable pursuant to section 202(e) of such Act for February 1974 (without the application of section 202(j)(1) or 223(b) of such Act), including such benefits based on a primary insurance amount determined under section 215(a)(3) of such Act as amended by this section, such increase shall be determined without regard to paragraph (2)(B) of such section 202(e), and

"(3) in the case of any individual entitled to monthly insurance benefits payable pursuant to section 202(f) of such Act for February 1974 (without the application of section 202(j)(f) or 223(b) of such Act), including such benefits based on a primary insurance amount determined under section 215(a)(3) of such Act as amended by this section, such increase shall be determined without regard to paragraph (3)(B) of such section 202(f).".

(d) Section 201(c)(2) of Public Law 93–66 is amended by striking out "May 1974" and inserting ir lieu thereof "February 1974".

(e) Section 201(d) of Public Law 93–66 is amended by striking out "December 1974" each place it appears and inserting in lieu thereof "May 1974".

(f) Section 202(e) of the Social Security Act is amended by adding at the end thereof the following new paragraph:

"(7) In the case of an individual entitled to monthly insurance benefits payable under this section for any month prior to January 1973 whose benefits were not redetermined under section 102(g) of the Social Security Amendments of 1972, such benefits shall not be redetermined pursuant to such section, but shall be increased pursuant to any general benefit increase (as defined in section 215(i)(3)) or any increase in benefits made under or pursuant to section 215(i), including for this purpose the increase provided effective for March 1974, as though such redetermination had been made."

(g) Section 202(f) of the Social Security Act is amended by adding at the end thereof the following new paragraph:

"(8) In the case of an individual entitled to monthly insurance benefits payable under this section for any month prior to January 1973 whose benefits were not redetermined under section 102(g) of the Social Security Amendments of 1972, such benefits shall not be redetermined pursuant to such section, but shall be increased pursuant to any general benefit increase (as defined in section 215(i)(3) or any increase in benefits made under or pursuant to section 215(i), including for this purpose the increased provided effective for March 1974, as though such redetermination had been made."

(h)(1) Section 215(a)(3) of the Social Security Act is amended by striking out "$8.50" and inserting in lieu thereof "$9.00".

(2) The amendment made by paragraph (1) shall be effective with respect to benefits payable for months after February 1974.

(i) In the case of an individual to whom monthly benefits are payable under title II of the Social Security Act for February 1974 (without the application of section 202(j)(1) or 223(b) of such Act), and to whom section 202(m) of such Act is applicable for such month, such section shall continue to be applicable to such benefits for the months of March through May 1974 for which such individual remains the only individual entitled to a monthly benefit on the basis of the wages and self-employment income of the decreased insured individual.

ELEVEN-PERCENT INCREASE IN SOCIAL SECURITY BENEFITS

SEC. 2. (a) Section 21(a) of the Social Security Act is amended by striking out the table and inserting in lieu thereof the following:

"TABLE FOR DETERMINING PRIMARY INSURANCE AMOUNT AND MAXIMUM FAMILY BENEFITS

"I		II	III		IV	V
Primary insurance benefit under 1939 Act, as modified)		(Primary insurance amount effective for September 1972)	(Average monthly wage)		(Primary insurance amount)	(Maximum family benefits)
"If an individual's primary insurance benefit (as determined under subsec. (d)) is—		Or his primary insurance amount (as determined under subsec. (c)) is—	Or his average monthly wage (as determined under subsec. (b)) is—		The amount referred to in the preceding paragraphs of this subsection shall be—	And the maximum amount of benefits payable (as provided in sec. 203(a)) on the basis of his wages and self-employment income shall be—
"At least—	But not more than—		At least—	But not more than—		
"	$16.20	$84.50	----------	$76	$93.80	$140.80
$16.21	16.84	85.80	$77	78	95.30	143.00
16.85	17.60	87.80	79	80	97.50	146.30
17.61	18.40	89.40	81	81	99.30	149.00
18.41	19.24	91.00	82	83	101.10	151.70
19.25	20.00	92.90	84	85	103.20	154.80
20.01	20.64	94.60	86	87	105.10	157.70
20.65	21.28	96.20	88	89	106.80	160.20
21.29	21.88	98.10	90	90	108.90	163.40
21.89	22.28	99.80	91	92	110.80	166.20
22.29	22.68	101.40	93	94	112.60	169.00
22.69	23.08	103.00	95	96	114.40	171.60
23.00	23.44	104.90	97	97	116.50	174.80
23.45	23.76	106.70	98	99	118.50	177.80
23.77	24.20	108.80	100	101	120.80	181.20
24.21	24.60	110.30	102	102	122.50	183.80
24.61	25.00	112.10	103	104	124.50	186.80
25.01	25.48	114.20	105	106	126.80	190.20
25.49	25.92	116.00	107	107	128.80	193.20
25.93	26.40	117.90	108	109	130.90	196.40
26.41	26.94	119.70	110	113	132.90	199.40
26.95	27.46	121.40	114	118	134.80	202.20
27.47	28.00	123.30	119	122	136.90	205.40
28.01	28.68	125.10	123	127	138.90	208.40
28.69	29.25	127.10	128	132	141.10	211.70
29.26	29.68	128.80	133	136	143.00	214.50
29.69	30.36	130.50	137	141	144.90	217.40
30.37	30.92	132.50	142	146	147.10	220.70
30.93	31.36	134.30	147	150	149.10	223.70
31.37	32.00	136.00	151	155	151.00	226.50
32.01	32.60	138.00	156	160	153.20	229.80
32.61	33.20	139.70	161	164	155.10	232.70
33.21	33.88	141.60	165	169	157.20	235.80
33.89	34.50	143.40	170	174	159.20	238.90
34.51	35.00	145.20	175	178	161.20	241.80
35.01	35.80	147.20	179	183	163.40	245.10
35.81	36.40	148.80	181	188	165.20	247.80
36.41	37.08	150.90	189	193	167.50	251.40
37.09	37.60	152.70	191	197	169.50	254.40
37.61	38.20	154.40	198	202	171.40	257.10
38.21	39.12	156.40	203	207	173.70	260.60
39.13	39.68	158.20	208	211	175.70	263.60
39.69	40.33	159.80	212	216	177.40	266.10
40.34	41.12	161.80	217	221	179.60	269.40
41.13	41.76	163.60	222	225	181.60	272.40
41.77	42.44	165.50	226	230	183.80	275.70
42.45	43.20	167.30	231	235	185.80	278.70
43.21	43.76	169.40	236	239	188.10	282.20
43.77	44.44	171.00	240	244	189.90	286.20
44.45	44.88	172.70	245	249	191.70	292.10
44.89	45.60	174.80	250	253	194.10	296.80
		176.60	254	258	196.10	302.60
		178.10	259	263	197.70	308.40
		180.20	264	267	200.10	313.10
		182.00	268	272	202.10	319.00
		183.90	273	277	204.20	324.80
		185.70	278	281	206.20	329.50
		187.50	282	286	208.20	335.40
		189.50	287	291	210.40	341.30
		191.10	292	295	212.20	345.90
		193.10	296	300	214.40	351.70
		194.90	301	305	216.40	357.60
		196.60	306	309	218.30	362.40
		198.60	310	314	220.50	368.20
		200.30	315	319	222.40	374.10
		202.00	320	323	224.30	378.80
		204.00	324	328	226.50	384.70
		205.80	329	333	228.50	390.50
		207.90	334	337	230.80	395.20
		209.40	338	342	232.50	401.00
		211.20	343	347	234.50	406.90
		213.30	348	351	236.80	411.50
		215.00	352	356	238.70	417.40
		217.00	357	361	240.90	423.30
		218.70	362	365	242.80	428.00
		220.40	366	370	244.70	433.80
		222.40	371	375	246.90	439.60
		224.20	376	379	248.90	444.50
		226.20	380	384	251.10	450.30
		227.80	385	389	252.90	456.10
		229.60	390	393	254.90	460.80
		231.60	394	398	257.10	466.70
		233.30	399	403	259.00	472.60
		235.40	404	407	261.30	477.20
		236.90	408	412	263.00	483.10
		238.60	413	417	264.90	488.90

"I		II	III		IV	V
(Primary insurance benefit under 1939 Act, as modified)		(Primary insurance amount effective for September 1972)	(Average monthly wage)		(Primary insurance amount)	(Maximum family benefits)
"If an individual's primary insurance benefit (as determined under subsec. (d)) is—		Or his primary insurance amount (as determined under subsec. (c)) is—	Or his average monthly wage (as determined under subsec. (b)) is—		The amount referred to in the preceding paragraphs of this subsection shall be—	And the maximum amount of benefits payable (as provided in sec. 203(a)) on the basis of his wages and self-employment income shall be—
"At least—	But not more than—		At least—	But not more than—		
		$240.30	$418	$421	$266.80	$493.00
		242.20	422	426	268.90	499.40
		243.80	427	431	270.70	505.30
		245.40	432	436	272.40	511.20
		247.40	437	440	274.70	513.50
		248.90	441	445	276.90	516.50
		250.60	446	450	278.20	519.40
		252.50	451	454	280.30	521.70
		254.10	455	459	282.10	524.60
		255.80	460	464	284.00	527.50
		257.40	465	468	285.80	530.00
		259.40	469	473	288.00	532.80
		260.90	474	478	289.60	535.80
		262.60	479	482	291.50	538.20
		264.50	483	487	293.60	541.20
		266.10	488	492	295.40	544.10
		267.80	493	496	297.30	546.40
		269.70	497	501	299.40	549.30
		271.20	502	506	301.10	552.20
		272.90	507	510	303.00	554.60
		274.60	511	515	304.90	557.50
		276.40	516	520	306.90	560.50
		278.10	521	524	308.70	562.70
		279.80	525	529	310.60	565.70
		281.70	530	534	312.70	568.60
		283.20	535	538	314.40	571.00
		284.90	539	543	316.30	573.90
		286.80	544	518	318.40	576.80
		288.40	549	553	320.20	579.80
		290.10	554	556	322.10	581.50
		291.50	557	560	323.60	583.90
		293.10	561	563	325.40	585.70
		294.60	564	567	327.10	588.00
		296.20	568	570	328.80	589.80
		297.60	571	574	330.40	592.00
		299.20	575	577	332.20	593.90
		300.60	578	581	333.70	596.10
		302.20	582	584	335.50	597.90
		303.60	585	588	337.00	600.30
		305.30	589	591	338.90	602.00
		306.80	592	595	340.60	604.40
		308.30	596	598	342.30	606.10
		309.80	599	602	343.90	608.60
		311.30	603	605	345.60	610.30
		312.80	606	609	347.30	612.50
		314.40	610	612	349.00	614.40
		315.90	613	616	350.70	616.70
		317.40	617	620	352.40	619.10
		318.90	621	623	354.00	620.80
		320.40	624	627	355.70	623.20
		321.90	628	630	357.40	625.30
		323.40	631	634	359.00	628.40
		325.00	635	637	360.80	631.30
		326.60	638	641	362.60	634.40
		328.00	642	644	364.10	637.20
		329.60	645	648	365.90	640.30
		331.00	649	652	367.50	643.10
		332.00	653	656	368.60	645.00
		332.90	657	660	369.60	646.70
		334.10	661	665	370.90	649.10
		335.30	666	670	372.20	651.40
		336.50	671	675	373.60	653.70
		337.70	676	680	374.90	658.10
		338.90	681	685	376.20	658.40
		340.10	686	690	377.60	660.70
		341.30	691	695	378.90	663.10
		342.50	696	700	380.20	665.40
		343.70	701	705	381.60	667.70
		344.90	706	710	382.90	670.00
		346.10	711	715	384.20	672.40
		347.30	716	720	385.60	674.70
		348.50	721	725	386.90	677.00
		349.70	726	730	388.20	679.40
		350.90	731	735	389.60	681.70
		352.10	736	740	390.90	684.00
		353.30	741	745	392.20	686.40
		354.50	746	750	303.50	688.70
		355.50	751	755	394.70	690.70
		356.50	756	760	305.80	692.60
		357.50	761	765	396.90	694.60
		358.50	766	770	398.00	696.50
		359.50	771	775	399.10	698.50
		360.50	776	780	400.20	700.30
		361.50	781	785	401.30	702.30
		362.50	786	790	402.40	704.20
		363.50	791	795	403.50	706.20

I		II	III		IV	V
(Primary insurance benefit under 1939 Act, as modified)		(Primary insurance amount effective for September 1972)	(Average monthly wage)		(Primary insurance amount)	(Maximum family benefits)
"If an individual's primary insurance benefit (as determined under subsec. (d)) is—		Or his primary insurance amount (as determined under subsec. (c)) is—	Or his average monthly wage (as determined under subsec. (b)) is—		The amount referred to in the preceding paragraphs of this subsection shall be—	And the maximum amount of benefits payable (as provided in sec. 203(a)) on the basis of his wages and self-employment income shall be—
"At least—	But not more than—		At least—	But not more than—		
		$365.50	$796	$800	$404.60	$708.10
		365.50	801	805	405.80	710.10
		366.50	806	810	406.90	712.00
		367.50	811	815	408.00	714.00
		368.50	816	820	409.10	715.90
		369.50	821	825	410.20	717.90
		370.50	826	830	411.30	719.80
		371.50	831	835	412.40	721.80
		372.50	836	840	413.50	723.70
		373.50	841	845	414.60	725.70
		374.50	846	850	415.70	727.50
		375.50	851	855	416.90	729.50
		376.50	856	860	418.00	731.40
		377.50	861	865	419.10	733.40
		378.50	866	870	420.20	735.30
		379.50	871	875	421.30	737.30
		380.50	876	880	422.40	739.20
		381.50	881	885	423.50	741.20
		382.50	886	890	442.60	743.10
		383.50	891	895	425.70	745.10
		384.50	896	900	426.80	747.00
		385.50	901	905	428.00	749.00
		386.50	906	910	429.10	750.90
		387.50	911	915	430.20	752.90
		388.50	916	920	431.30	754.70
		389.50	921	925	432.40	756.70
		390.50	926	930	433.50	758.60
		391.50	931	935	434.60	760.60
		392.50	936	940	435.70	762.50
		393.50	941	945	436.80	764.50
		394.50	946	950	437.90	766.40
		$395.50	$951	$955	$439.10	$768.40
		396.50	956	960	440.20	770.30
		397.50	961	965	441.30	772.30
		398.50	966	970	442.40	774.20
		399.50	971	975	443.50	776.20
		400.50	976	980	444.60	778.00
		401.50	981	985	445.70	780.00
		402.50	986	990	446.80	781.90
		403.50	991	995	447.90	783.90
		404.50	996	1,000	449.00	785.80
			1,001	1,005	450.00	787.50
			1,006	1,010	451.00	789.30
			1,011	1,015	452.00	791.00
			1,016	1,020	453.00	792.80
			1,021	1,025	454.00	794.50
			1,026	1,030	455.00	796.30
			1,031	1,035	456.00	798.00
			1,036	1,040	457.00	799.80
			1,041	1,045	458.00	801.50
			1,046	1,050	459.00	803.30
			1,051	1,055	460.00	805.00
			1,056	1,060	461.00	806.80
			1,061	1,065	462.00	808.50
			1,066	1,070	463.00	810.30
			1,071	1,075	464.00	812.00
			1,076	1,080	465.00	813.80
			1,081	1,085	466.00	815.50
			1,086	1,090	467.00	817.30
			1,091	1,095	468.00	819.00
			1,096	1,100	469.00	820.80."

(b)(1) Effective June 1, 1974, sections 227 and 228 of the Social Security Act are amended by striking out "$58.00" wherever it appears and inserting in lieu thereof "the larger of $64.40 or the amount most recently established in lieu thereof under section 215(i)", and by striking out "$29.00" wherever it appears and inserting in lieu thereof "the larger of $32.20 or the amount most recently established in lieu thereof under section 215(i)".

(2) Section 202(a)(4) of Public Law 92-336 is hereby repealed.

(c) The amendment made by subsections (a) and (b) shall apply with respect to monthly benefits under title II of the Social Security Act for months after May 1974, and with respect to lump-sum death payments under section 201(i) of such Act in the case of deaths occurring after such month.

(d) Section 202(a)(3) of Public Law 92-336 is amended by striking out "January 1, 1975" in subparagraphs (A), (B), and (C) and inserting in lieu thereof in each instance "June 1, 1974".

MODIFICATION OF COST-OF-LIVING BENEFIT INCREASE PROVISIONS

SEC. 3. (a) Clause (i) of section 215(i)(1)(A) of the Social Security Act is amended to read as follows: "(i) the calendar quarter ending on March 31 of each year after 1974, or".

(b) Clause (ii) of section 215(i)(1)(B) of such Act is amended by striking out "in which a law" and all that follows and inserting in lieu thereof "if in the year prior to such year a law has been enacted providing a general benefit increase under this title or if in such prior year such a general benefit increase becomes effective; and".

(c) Section 215(i)(2)(A)(i) of such Act is amended by striking out "1974" and inserting in lieu thereof "1975", and by striking out "and to subparagraph (E) of this paragraph".

(d) Section 215(i)(2)(A)(ii) of such Act is amended—

(1) by striking out "such base quarter" and inserting in lieu thereof "the base quarter in any year";

(2) by striking out "January of the next calendar year" and inserting in lieu thereof "June of such year"; and

(3) by striking out "(subject to subparagraph (E))".

(e) Section 215(i)(2)(B) of such Act is amended by striking out "December" each place it appears and inserting in lieu thereof "May", and by striking out "(subject to subparagraph (E))".

(f) Section 215(i)(2)(C)(ii) of such Act is amended by striking out "on or before August 15 of such calendar year" and inserting in lieu thereof "within 30 days after the close of such quarter".

(g) Section 215(i)(2)(D) of such Act is amended by striking out "on or before November 1 of such calendar year" and inserting in lieu thereof "within 45 days after the close of such quarter".

(h) Section 215(i)(2) of such Act is amended by striking out subparagraph (E).

(i) For purposes of sections 203(f)(8), 215(i)(1)(B), and 230(a) of the Social Security Act, the increase in benefits provided by section 2 of this Act shall be considered an increase under section 215(i) of the Social Security Act.

(j)(1) Section 230(a) of such Act is amend—

(A) by striking out "with the first month of the calendar year" and inserting in lieu thereof "with the June"; and

(B) by striking out "(along with the publication of such benefit increase as required by section 215(i)(2)(D))" and by striking out "(unless such increase in benefits is prevented from becoming effective by section 215(i)(2)(E))".

(2) Section 230(c) of such Act is amended by striking out "the first month" and inserting in lieu thereof "the June".

(k)(1) Section 203(f)(8)(A) of such Act is amended to read as follows:

"(A) Whenever the Secretary pursuant to section 215(i) increases benefits effective with the month of June following a cost-of-living computation quarter he shall also determine and publish in the Federal Register on or before November 1 of the calendar year in which such quarter occurs a new exempt amount which shall be effective (unless such new exempt amount is prevented from becoming effective by subparagraph (C) of this paragraph) with respect to any individual's taxable year which ends after the calendar year in which such benefit increase is effective (or, in the case of an individual who dies during the calendar year after the calendar year in which the benefit increase is effective, with respect to such individual's taxable year which ends, upon his death, during such year),".

(2) Section 203(f)(8)(B) of such Act is amended by striking out "no later than August 15 of such year" and inserting in lieu thereof "within 30 days after the close of the base quarter (as defined in section 215(i)(1)(A)) in such year".

(3) Section 203(f)(8)(C) is amended by striking out "or providing a general benefit increase under this title (as defined in section 215(i)(3))".

SUPPLEMENTAL SECURITY INCOME BENEFITS

SEC. 4. (a)(1) Section 210(c) of Public Law 93-66 is amended by striking out "June 1974" and inserting in lieu thereof "December 1973".

(2) Section 211(a)(1)(A) of Public Law 93-66 is amended by striking out "($780 in the case of any period prior to July 1974)".

(b) Effective with respect to payments for months after June 1974—

(1) section 1611(a)(1)(A) and section 1611(b)(1) of the Social Security Act (as enacted by section 301 of the Social Security Amendments of 1972 and amended by section 210 of Public Law 93-66) are each amended by striking out "$1,680" and inserting in lieu thereof "$1,752";

(2) section 1611(a)(2)(A) and section 1611(b)(2) of such Act (as so enacted and amended) are each amended by striking out "$2,520" and inserting in lieu thereof "$2,628"; and

(3) section 211(a)(1)(A) of Public Law 93-66 (as amended by subsection (a)(2) of this section) is amended by striking out "$840" and inserting in lieu thereof "$876".

INCREASE IN EARNINGS BASE

SEC. 5. (a)(1) Section 209(a)(8) of the Social Security Act is amended by striking out "$12,600" and inserting in lieu thereof "$13,200".

(2) Section 211(b)(1)(H) of such Act is amended by striking out "$12,600" and inserting in lieu thereof "$13,200".

(3) Sections 213(a)(2)(ii) and 213(a)(2)(iii) of such Act are each amended by striking out "$12,600" and inserting in lieu thereof "$13,200".

(4) Section 215(e)(1) of such Act is amended by striking out "$12,600" and inserting in lieu thereof "$13,200".

(b)(1) Section 1402(b)(1)(H) of the Internal Revenue Code of 1954 (relating to definition of self-employment income is amended by striking out "$12,600" and inserting in lieu thereof "$13,200".

(2) Effective with respect to remuneration paid after 1973, section 3121(a)(1) of such Code is amended by striking out the dollar amount each place it appears therein and inserting in lieu thereof "$13,200".

(3) Effective with respect to remuneration paid after 1973, the second sentence of section 3122 of such Code is amended by striking out the dollar amount and inserting in lieu thereof "$13,200".

(4) Effective with respect to remuneration paid after 1973, section 3125 of such Code is amended by striking out the dollar amount each place it appears in subsections (a), (b), and (c) and inserting in lieu thereof "$13,200".

(5) Section 6413(c)(1) of such Code (relating to special refunds of employment taxes) is amended by striking out "$12,600" each place it appears and inserting in lieu thereof "$13,200".

(6) Section 6413(c)(2)(A) of such Code (relating to refunds of employment taxes in the case of Federal employees) is amended by striking out "$12,600" and inserting in lieu thereof "$13,200".

(7) Effective with respect to taxable years beginning after 1973, section 6654(d)(2)(B)(ii) of such Code (relating to failure by individual to pay estimated income tax) is amended by striking out the dollar amount and inserting in lieu thereof "$13,200".

(c) Section 230(c) of the Social Security Act is amended by striking out "$12,600" and inserting in lieu thereof "$13,200".

(d) Paragraphs (2)(C), (3)(C), (4)(C), and (7)(C) of section 203(b) of Public Law 92-336 are each amended by striking out "$12,600" and inserting in lieu thereof "$13,200".

(e) The amendments made by this section, except subsection (a)(4), shall apply only with respect to remuneration paid after, and taxable years beginning after, 1973. The amendments made by subsection (a)(4) shall apply with respect to calendar years after 1973.

(f) The amendments made by this section to provisions of the Social Security Act, the Internal Revenue Code of 1954, and Public Law 92-336 shall be deemed to be made to such provisions as amended by section 203 of Public Law 93-66.

CHANGES IN TAX SCHEDULES

SEC. 6. (a)(1) Section 3101(a) of the Internal Revenue Code of 1954 (relating to rate of tax on employees for purposes of old-age, survivors, and disability insurance) is amended by striking out paragraphs (4) through (6) and inserting in lieu thereof the following:

"(4) with respect to wages received during the calendar year 1973, the rate shall be 4.85 percent;

"(5) with respect to wages received during the calendar years 1974 through 2010, the rate shall be 4.95 percent; and

"(6) with respect to wages received after December 31, 2010, the rate shall be 5.95 percent."

(2) Section 3111(a) of such Code (relating to rate of tax on employers for purposes of old-age, survivors, and disability insurance) is amended by striking out paragraphs (4) through (6) and inserting in lieu thereof the following:

"(4) with respect to wages paid during the calendar year 1973, the rate shall be 4.85 percent;

"(5) with respect to wages paid during the calendar years 1974 through 2010, the rate shall be 4.95 percent; and

"(6) with respect to wages paid after December 31, 2010, the rate shall be 5.95 percent.".

(b)(1) Section 1401(b) of such Code (relating to rate of tax on self-employment income for purposes of hospital insurance) is amended by striking out paragraphs (2) through (5) and inserting in lieu thereof the following:

"(2) in the case of any taxable year beginning after December 31, 1972, and before January 1, 1974, the tax shall be equal to 1.0 percent of the amount of the self-employment income for such taxable year;

"(3) in the case of any taxable year beginning after December 31, 1973, and before January 1, 1978, the tax shall be equal to 0.90 percent of the amount of the self-employment income for such taxable year;

"(4) in the case of any taxable year beginning after December 31, 1977, and before January 1, 1981, the tax shall be equal to 1.10 percent of the amount of the self-employment income for such taxable year;

"(5) in the case of any taxable year beginning after December 31, 1980, and before January 1, 1986, the tax shall be equal to 1.35 percent of the amount of the self-employment income for such taxable year; and

"(6) in the case of any taxable year beginning after December 31, 1985, the tax shall be equal to 1.50 percent of the self-employment income for such taxable year."

(2) Section 3101(b) of such Code (relating to rate of tax on employees for purposes of hospital insurance) is amended by striking out paragraphs (2) through (5) and inserting in lieu thereof the following:

"(2) with respect to wages received during the calendar year 1973, the rate shall be 1.0 percent;

"(3) with respect to wages received during the calendar years 1974 through 1977, the rate shall be 0.90 percent;

"(4) with respect to wages received during the calendar years 1978 through 1980, the rate shall be 1.10 percent;

"(5) with respect to wages received during the calendar years 1981 through 1985, the rate shall be 1.35 percent; and

"(6) with respect to wages received after December 31, 1985, the rate shall be 1.50 percent.".

(3) Section 3111(b) of such Code (relating to rate of tax on employers for purposes of hospital insurance) is amended by striking out paragraphs (2) through (5) and inserting in lieu thereof the following:

"(2) with respect to wages paid during the calendar year 1973, the rate shall be 1.0 percent;

"(3) with respect to wages paid during the calendar years 1974 through 1977, the rate shall be 0.90 percent);

"(4) with respect to wages paid during the calendar years 1978 through 1980, the rate shall be 1.10 percent.

"(5) with respect to wages paid during the calendar year 1981 through 1985, the rate shall be 1.35 percent; and

"(6) with respect to wages paid after December 31, 1985, the rate shall be 1.50 percent.".

(c) The amendment made by subsection (b)(1) shall apply only with respect to taxable years beginning after December 31, 1973. The remaining amendments made by this section shall apply only with respect to remuneration paid after December 31, 1973.

ALLOCATION TO DISABILITY INSURANCE TRUST FUND

SEC. 7. (a) Section 201(b)(1) of the Social Security Act is amended by striking out "(E)" and all that follows down through "which wages" and inserting in lieu thereof the following: "(E) 1.1 per centum of the wages (as so defined) paid after December 31, 1972, and before January 1, 1974, and so reported, (F) 1.15 per centum of the wages (as so defined) paid after December 31, 1973, and before January 1, 1978, and so reported, (G) 1.2 per centum of the wags (as so defined) paid after December 31, 1977, and before January 1, 1981, and so reported, (H) 1.3 per centum of the wages (as so defined) paid after December 31, 1980, and before January 1, 1986, and so reported, (I) 1.4 per centum of the wages (as so defined) paid after December 31, 1985, and before January 1, 2011, and so reported, and (J) 1.7 per centum of the wages (as so defined) paid after December 31, 2010, and so reported, which wages".

(b) Section 201(b)(2) of such Act is amended by striking out "(E)" and all that follows down through "which self-employment income" and inserting in lieu thereof the following: "(E) 0.795 of 1 per centum of the amount of self-employment income (as so defined) so reported for any taxable year beginning after December 31, 1972, and before January 1, 1974, (F) 0.815 of 1 per centum of the amount of self-employment income (as so defined) as reported for any taxable year beginning after December 31, 1973, and before January 1, 1978, (G) 0.850 of 1 per centum of the amount of self-employment income (as so defined) so reported for any taxable year beginning after December 31, 1977, and before January 1, 1981, (H) 0.920 of 1 per centum of the amount of self-employment income (as so desired) so reported for any taxable year beginning after December 31, 1980, and before January 1, 1986, (1) 0.990 of 1 per centum of the amount of self-employment income (as so defined) so reported for any taxable year beginning after December 31, 1985, and before January 1, 2011, and (J) 1 per centum of the amount of self-employment income (as so defined) so reported for any taxable year beginning after December 31, 2010, which self-employment income".

ELIGIBILITY OF SUPPLEMENTAL SECURITY INCOME RECIPIENTS FOR FOOD STAMPS

SEC. 8. (a)(1) Section 3(e) of the Food Stamp Act of 1964 is amended effective only for the 6-month period beginning January 1, 1974 to read as it did before amendment by Public Law 92-603 and Public Law 93-86, but with the addition of the following new sentence at the end thereof: "For the 6-month period beginning January 1, 1974 no individual who receives supplemental security income benefits under title XVI of the Social Security Act, State supplementary payments described in section 1616 of such Act, or payments of the type referred to in section 212(a) of Public Law 93-66, shall be considered to be a member of a household or an elderly

person for purposes of this Act for any month during such period, if, for such month, such individual resides in a State which provides State supplementary payments (A) of the type described in section 1616(a) of the Social Security Act, and (B) the level of which has been found by the Secretary of Health, Education, and Welfare to have been specifically increased so as to include the bonus value of food stamps.".

(2) Section 3(b) of Public Law 93–86 shall not be effective for the 6-month period beginning January 1, 1974.

(b)(1) Section 4(c) of Public Law 93–86 shall not be effective for the 6-month period beginning January 1, 1974.

(2) The last sentence of section 416 of the Act of October 31, 1949 (as added by section 411(g) of Public Law 92–603) shall not be effective for the 6-month period beginning January 1, 1974.

(3) For the 6-month period beginning January 1, 1974, no individual, who receives supplemental security income benefits under title XVI of the Social Security Act, State supplementary payments described in section 1616 of such Act, or payments of the type referred to in section 212(a) of Public Law 93–66, shall be considered to be a member of a household for any purpose of the food distribution program for families under section 32 of Public Law 74–320, section 416 of the Agricultural Act of 1949, or any other law, for any month during such period, if, for such month, such individual resides in a State which provides State supplementary payments (A) of the type described in section 1616(a) of the Social Security Act, and (B) the level of which has been found by the Secretary of Health, Education, and Welfare to have been specifically increased so as to include the bonus value of food stamps.

(c) For purposes of the last sentence of section 3(e) of the Food Stamp Act of 1964 (as amended by subsection (a) of this section) and subsections (b)(3) and (f) of this section, the level of State supplementary payment under section 1616(a) shall be found by the Secretary to have been specifically increased so as to include the bonus value of food stamps (1) only if, prior to October 1, 1973, the State has entered into an agreement with the Secretary or taken other positive steps which demonstrate its intention to provide supplementary payments under section 1616(a) at a level which is at least equal to the maximum level which can be determined under section 401(b)(1) of the Social Security Amendments of 1972 and which is such that the limitation on State fiscal liability under section 401 does result in a reduction in the amount which would otherwise be payable to the Secretary by the State, and (2) only with respect to such months as the State may, at its option, elect.

(d) Section 401(b)(1) of the Social Security Amendments of 1972 is amended by striking out everything after the word "exceed" and inserting in lieu thereof: "a payment level modification (as defined in paragraph (2) of this subsection) with respect to such plans."

(e) The amendment made by subsection (d) shall be effective only for the 6-month period beginning January 1, 1974, except that such amendment shall not during such period, be effective in any State which provides supplementary payments of the type described in section 1616(a) of the Social Security Act the level of which has been found by the Secretary to have been specifically increased so as to include the bonus value of food stamps.

INDIVIDUALS DEEMED TO BE DISABLED UNDER THE SUPPLEMENTAL SECURITY INCOME PROGRAM

SEC. 9. Section 1614(a)(3) of the Social Security Act is amended—

(1) by striking out the last sentence of subparagraph (A); and

(2) by inserting at the end thereof the following new subparagraph:

"(E) Notwithstanding the provisions of subparagraphs (A) through (D), an individual shall also be considered to be disabled for purposes of this title if he is permanently and totally disabled as defined under a State plan approved under title XIV or XVI as in effect for October 1972 and received aid under such plan (on the basis of disability) for December 1973 (and for at least one month prior to July 1973), so long as he is continuously disabled as so defined.".

SUPPLEMENTAL SECURITY INCOME RECIPIENT LIVING IN AID TO FAMILIES WITH DEPENDENT CHILDREN HOUSEHOLD

SEC. 10. (a) Section 212(a)(3)(A) of Public Law 93–66 is amended by striking out "subparagraph (D)" and inserting in lieu thereof "subparagraphs (D) and (E)".

(b) Section 212(a)(3) of Public Law 93–66 is amended by adding at the end thereof the following new subparagraph:

"(E)(i) In the case of an individual who, for December 1973 lived as a member of a family unit other members of which received aid (in the form of money payments) under a State plan of a State approved under part A of title IV of the Social Security Act, such State at its option, may (subject to clause (ii)) reduce such individual's December 1973 income (as determined under subparagraph (B)) to such extent as may be necessary to cause the supplementary payment (referred to in paragraph (2)) payable to such individual for January 1974 or any month thereafter to be reduced to a level designed to assure that the total income of such individual (and of the members of such family unit) for any month after December 1973 does not exceed the total income of such individual (and of the members of such family unit) for December 1973.

"(ii) The amount of the reducton (under clause (i)) of any individual's December 1973 income shall not be in an amount which would cause the supplementary payment (referred to in paragraph (2)) payable to such individual to be reduced below the amount of such supplementary payment which would be payable to such individual if he had, for the month of December 1973 not lived in a family members of which were receiving aid under part A of title IV of the Social Security Act, and had had no income for such month other than that received as aid or assistance under a State plan approved under title I, X, XIV, or XVI of the Social Security Act."

CONTINUATION OF CERTAIN DEMONSTRATION PROJECTS

SEC. 11. (a) If any State (other than the Commonwealth of Puerto Rico, the Virgin Islands, or Guam) has any experimental, pilot, or demonstration project (referred to in section 1115 of the Social Security Act)—

(1) which (prior to October 1, 1973) has been approved by the Secretary of Health, Education, and Welfare (hereinafter in this section referred to as the "Secretary"), for a period which ends on or after December 31, 1973, as being a project with respect to which the authority conferred upon him by subsection (a) or (b) of such section 1115 will be exercised, and

(2) with respect to the costs of which Federal financial participation would (except for the provisions of this section) be denied or reduced on account of the enactment of section 301 of the Social Security Amendments of 1972,

then, for any period (after December 31, 1973) with respect to which such project is approved by the Secretary, Federal financial participation in the costs of such project shall be continued in like manner as if—

(3) such section 301 had not been enacted, and

(4) such State (for the month of January 1974 and any month thereafter) continued to have in effect the State plan (approved under title XVI) which was in effect for the month of October 1973, or the State plans (approved under titles I, X, and XIV of the Social Security Act) which were in effect for such month, as the case may be.

(b) With respect to individuals—

(1) who are participants in any project to which the provisions of subsection (a) are applicable, and

(2) with respect to whom supplemental security income benefits are (or would, except for their participation in such project, be) payable under title XVI of the Social Security Act, or who meet the requirements for aid or assistance under a State plan approved under title I, X, XIV, or XVI of the Social Security Act of the State in which such project is conducted (as such State plan was in effect for July 1973).

the Secretary may waive such requirements of title XVI of such Act (as enacted by section 301 of the Social Security Amendments of 1972) to such extent as he determines to be necessary to the successful operation of such project.

(c) In the case of any State which has entered into an agreement with the Secretary under section 1616 of the Social Security Act (or which is deemed, under section 212(d) of Public Law 93–66, to have entered into such an agreement), then, of the costs of any project of such State will respect to which there is (solely by reason of the provisions of subsection (a)) Federal financial participation, the non-Federal share thereof shall—

(1) be paid, from time to time, to such State by the Secretary, and

(2) shall, for purposes of section 1616(d) of the Social Security Act and section 401 of the Social Security Amendments of 1972, be treated in like manner as if such non-Federal share were supplementary payments made by the Secretary on behalf of such State pursuant to such agreement.

SOCIAL SERVICES REGULATIONS POSTPONED

SEC. 12. (a) Subject to subsection (b), no regulation and no modification of any regulation, promulgated by the Secretary of Health, Education, and Welfare (hereinafter referred to as the "Secretary") after January 1, 1973, shall be effective for any period which begins prior to January 1, 1975, if (and insofar as) such regulation or modification of a regulation pertains (directly or indirectly) to the provisions of law contained in sections 3 (a)(4)(A), 402 (a)(19)(G), 403 (a)(3)(A), 603 (a)(1)(A), 1003 (a)(3)(A), 1403 (a)(3)(A), or 1603 (a)(4)(A), of the Social Security Act.

(b)(1) The provisions of subsection (a) shall not be applicable to any regulation relating to "scope of programs", if such regulation is identical (except as provided in the succeeding sentence) to the provisions of section 221.0 of the regulations (relating to social services) proposed by the Secretary and published in the Federal Register on May 1, 1973. There shall be deleted from the first sentence of subsection (b) of such section 221.0 the phrase "meets all the applicable requirements of this part and".

(2) The provisions of subsection (a) shall not be applicable to any regulation relating to "limitations on total amount of Federal funds payable to States for services", if such regulation is identical (except as provided in the succeeding sentence) to the provisions of section 221.55 of the regulations so proposed and published on May 1, 1973. There shall be deleted from subsection (d)(1) of such section 221.55 the phrase "(as defined under day care services for children)"; and, in lieu of the sentence contained in subsection (d)(5) of such section 221.55, there shall be inserted the following: "Services provided to a child who is under foster care in a foster family home (as defined in section 408 of the Social Security Act) or in a childcare institution (as defined in such section), or while awaiting placement in such a home or institution, but only if such services are needed by such child because he is under foster care.".

(3) The provisions of subsection (a) shall not be applicable to any regulation relating to "rates and amounts of Federal financial participation for Puerto Rico, the Virgin Islands, and Guam", if such regulation is identical to the provisions of section 221.56 of the regulations so proposed and published on May 1, 1973.

(4) The provisions of subsection (a) shall not be construed to preclude the Secretary from making any modification in any regulation (described in subsection (a)) if such modification is technically necessary to take account of the enactment of section 301 or 302 of the Social Security Amendments of 1972.

(c) Notwithstanding the provisions of section 553 (d) of title 5, United States Code, any regulation described in subsection (b) may become effective upon the date of its publication in the Federal Register.

MEDICAL ELIGIBILITY FOR SUPPLEMENTAL SECURITY INCOME RECIPIENTS

Beneficiaries

SEC. 13. (a)(1) Section 1901 of the Social Security Act (as amended by Public Law 92-603) is amended by striking out "permanently and totally disabled" and inserting "disabled" in lieu thereof.

(2) Section 1902(a)(5) of such Act is amended by—

(A) striking out "to administer the plan," and inserting in lieu thereof, "to administer or to supervise the administration of the plan;" and by striking out "to supervise the administration of the plan" and inserting in lieu thereof "to administer or to supervise the administration of the plan" in lieu thereof; and

(B) striking out "XVI (insofar as it relates to the aged)" and inserting "XVI (insofar as it relates to the aged) if the State is eligible to participate in the State plan program established under title XVI, or by the agency of agencies administering the supplemental security income program established under title XVI or the State plan approved under part A of title IV if the State is not eligible to participate in the State plan program established under title XVI" in lieu thereof.

(3) Section 1902(a)(10) of such Act is amended to read as follows:

"(10) provide—

"(A) for making medical assistance available to all individuals receiving aid or assistance under any plan of the State approved under title I, X, XIV, or XVI, or part A of title IV, or with respect to whom supplemental security income benefits are being paid under title XVI;

"(B) that the medical assistance made available to any individual described in clause (A)—

"(i) shall not be less in amount, duration, or scope than the medical assistance made available to any other such individual, and

"(ii) shall not be less in amount, duration, or scope than the medical assistance made available to individuals not described in clause (A); and

"(C) if medical assistance is included for any group of individuals who are not described in clause (A) and who do not meet the income and resources requirements of the appropriate State plan, or the supplemental security income program under title XVI, as the case may be, as determined in accordance with standards prescribed by the Secretary—

"(i) for making medical assistance available to all individuals who would, except for income and resources be eligible for aid or assistance under any such State plan or to have paid with respect to them supplemental security income benefits under title XVI, and who have insufficient (as determined in accordance with comparable standards) income and resources to meet the costs of necessary medical and remedial care and services, and

"(ii) that the medical assistance made available to all individuals not described in clause (A) shall be equal in amount, duration, and scope;

except that (I) the making available of the services described in paragraph (4), (14), or (16) of section 1905(a) to individuals meeting the age requirements prescribed therein shall not, by reason of this paragraph (10), require the making available of any such services, or the making available of such services of the same amount, duration, and scope, to individuals of any other ages, (II) the making available of supplementary medical insurance benefits under part B of title XVIII to individuals eligible therefor (either pursuant to an agreement entered into under section 1843 or by reason of the payment of premiums under such title by the State agency on behalf of such individuals), or provision for meeting part or all of the cost of deductibles, cost sharing, or similar charges under part B of title XVIII for individuals eligible for benefits under such part, shall not, by reason of this paragraph (10), require the making available of any such benefits, or the making available of services of the same amount, duration, and scope, to any other individuals, and (III) the making available of medical assistance equal in amount, duration, and scope to the medical assistance made available to individuals described in clause (A) to any classification of individuals approved by the Secretary with respect to whom there is being paid, or who are eligible, or would be eligible if they were not in a medical institution, to have paid with respect to them, a State supplementary payment shall not, by reason of this paragraph (10), require the making available of any such assistance, or the making available of such assistance of the same amount, duration, and scope, to any other individuals not described in clause (A);".

(4) Section 1902(a)(13)(B) of such Act is amended by striking out "the State's plan approved under title I, X, XIV, or XVI, or part A of title IV" and inserting "any plan of the State approved under title I, X, XIV, or XVI, or part A of title IV, or with respect to whom supplemental security income benefits are being paid under title XVI" in lieu thereof.

(5) Section 1902(a)(14)(A) of such Act is amended by striking out "a State plan approved under title I, X, XIV, or XVI, or part A of title IV, or who meet the income and resources requirements of the one of such State plans which is appropriate" and inserting "any plan of the State approved under title I, X, XIV, or XVI, or part A of title IV, or with respect to whom supplemental security income benefits are being paid under title XVI, or who meet the income and resources requirements of the appropriate State plan, or the supplemental security income program under title XVI, as the case may be, and individuals with respect to whom there is being paid, or who are eligible, or would be eligible if they were not in a medical institution, to have paid with respect to them, a State supplementary payment and are eligible for medical assistance equal in amount, duration, and scope to the medical assistance made available to individuals described in paragraph (10)(A)" in lieu thereof.

(6) Section 1902(a)(14)(B) of such Act is amended by—

(A) inserting "(other than individuals with respect to whom there is being paid, or who are eligible or would be eligible if they were not in a medical institution, to have paid with respect to them, a State supplementary payment and are eligible for medical assistance equal in amount, duration, and scope to the medical assistance made available to individuals described in paragraph (10)(A))" immediately after "with respect to individuals";

(B) inserting "and with respect to whom supplemental security income benefits are not being paid under title XVI" immediately after "any such State plan";

(C) striking out "the one of such State plans which is appropriate" and inserting "the appropriate State plan, or the supplemental security income program under title XVI, as the case may be," in lieu thereof; and

(D) striking out "or who, after December 31, 1973, are included under the State plan for medical assistance pursuant to section 1902(a)(10)(B) approved under title XIX".

(7) Section 1902(a)(17) of such act is amended by—

(A) striking out "the State's plan approved under title I, X, XIV, or XVI, or part A of title IV" and inserting "any plan of the State approved under title I, X, XIV, or XVI, or part A of title IV, and with respect to whom supplemental security income benefits are not being paid under title XVI" in lieu thereof;

(B) striking out "if he met the requirements as to need" and inserting "except for income and resources" in lieu thereof;

(C) striking out "a State plan approved under title I, X, XIV, or XVI, or part A of title IV" and inserting "any plan of the State approved under title I, X, XIV, or XVI, or part A of title IV, or to have paid with respect to him supplemental security income benefits under title XVI" in lieu thereof; and

(D) striking out "and amount of such aid or assistance under such plan" and inserting "such aid, assistance, or benefits" in lieu thereof.

(8) Sections 1902(a)(17) and 1902(a)(18) are each amended by striking out "is blind or permanently and totally disabled" and inserting "(with respect to States eligible to participate in the State program established under title XVI), is blind or permanently and totally disabled, or is blind or disabled as defined in section 1614 (with respect to States which are not eligible to participate in such program)" in lieu thereof.

(9) Section 1902(a)(20)(C) of such Act is amended by inserting ", section 603(a)(1)(A)(i) and (ii)," immediately after "section 3(a)(4)(A)(i) and (ii)".

10 Section 1902(f) of such act is amended by—

(A) inserting "not eligible to participate in the State plan program established under title XVI" immediately after "State" the first time it appears therein.

(B) striking out "such individual's payment under title XVI" and inserting "any supplemental security income payment and State supplementary payment made with respect to such individual" in lieu thereof;

(C) striking out "as defined in section 213 of the Internal Revenue Code of 1954" and inserting "as recognized under State law" in lieu thereof; and

(D) inserting at the end thereof the following new sentences: "In States which provide medical assistance to individuals pursuant to clause (10)(C) of subsection (a) of this section, an individual who is eligible for medical assistance by reason of the requirements of this section concerning the deduction of incurred medical expenses from income shall be considered an individual eligible for medical assistance under clause (10)(A) of that subsection if that individual is, or is eligible to be (1) an individual with respect to whom there is payable a State supplementary payment on the basis of which similarly situated individuals are eligible to receive medical assistance equal in amount, duration, and scope to that provided to individuals eligible under clause (10)(A), or (2) an eligible individual or eligible spouse, as defined in title XVI, with respect to whom supplemental security income benefits are payable; otherwise that individual shall be considered to be an individual eligible for medical assistance under clause (10)(C) of that subsection. In States which do not provide medical assistance to individuals pursuant to clause (10)(C) of that subsection, an individual who is eligible for medical assistance by reason of the requirements of this section concerning the deduction of in-

curred medical expenses from income shall be considered an individual eligible for medical assistance under clause (10)(A) of that subsection.".

(11) Section 1903(a)(1) of such Act is amended by striking out "individuals who are recipients of money payments under a State plan approved under title I, X, XIV, or XVI, or part A of title IV" and inserting "individuals who are eligible for medical assistance under the plan and (A) are receiving aid or assistance under any plan of the State approved under title I, X, XIV, or XVI, or part A of title IV, or with respect to whom supplemental security income benefits are being paid under title XVI, or (B) with respect to whom there is being paid a State supplementary payment and are eligible for medical assistance equal in amount, duration, and scope to the medical assistance made available to individuals described in section 1902(a)(10)(A)" in lieu thereof.

(12) Section 1903(f)(4) of such Act is amended to read as follows:

"(4) The limitations on payment imposed by the preceding provisions of this subsection shall not apply with respect to any amount expended by a State as medical assistance for any individual—

"(A) who is receiving aid or assistance under any plan of the State approved under title I, X, XIV, or XVI, or part A of title IV, or with respect to whom supplemental security income benefits are being paid under title XVI, or

"(B) who is not receiving such aid or assistance, and with respect to whom such benefits are not being paid, but (i) is eligible to receive such aid or assistance, or to have such benefits paid with respect to him, or (ii) would be eligible to receive such aid or assistance, or to have such benefits paid with respect to him if he were not in a medical institution, or

"(C) with respect to whom there is being paid, or who is eligible, or would be eligible if he were not in a medical institution, to have paid with respect to him, a State supplementary payment and is eligible for medical assistance equal in amount, duration, and scope to the medical assistance made available to individuals described in section 1902(a)(10)(A), but only if the income of such individual (as determined under section 1612, but without regard to subsection (b) thereof) does not exceed 300 percent of the supplemental security income benefit rate established by section 1611(b)(1),

at the time of the provision of the medical assistance giving rise to such expenditure."

(13) The matter before clause (i) in section 1905(a) of such Act is amended by striking out "individuals not receiving aid or assistance under the State's plan approved under title I, X, XIV, or XVI, or part A of title IV" and inserting "individuals (other than individuals with respect to whom there is being paid, or who are eligible, or would be eligible if they were not in a medical institution, to have paid with respect to them a State supplementary payment and are eligible for medical assistance equal in amount, duration, and scope to the medical assistance made available to individuals described in section 1902(a)(10)(A)) not receiving aid or assistance under any plan of the State approved under title I, X, XIV, or XVI, or part A of title IV, and with respect to whom supplemental security income benefits are not being paid under title XVI" in lieu thereof.

(14) Section 1905(a)(iv) of such Act is amended by inserting "with respect to States eligible to participate in the State plan program established under title XVI," at the end thereof.

(15) Section 1905(a)(v) of such Act is amended by striking out "or" inserting "with respect to States eligible to participate in the State plan program established under title XVI," in lieu thereof.

(16) Section 1905(a)(vi) of such Act is amended by inserting "or" at the end thereof.

(17) Section 1905(a) of such Act is further amended by inserting immediately after clause (vi) the following new clause:

"(vii) blind or disabled as defined in section 1614, with respect to States not eligible under the title XVI,".

(18) Section 1905 of such Act is amended by inserting at the end thereof the following new subsections:

"(j) The term 'State supplementary payment' means any cash payment made by a State on a regular basis to an individual who is receiving supplemental security income benefits under title XVI or who would but for his income be eligible to receive such benefits, as assistance based on need in supplementation of such benefits (as determined by the Secretary), but only to the extent that such payments are made with respect to an individual with respect to whom supplemental security income benefits are payable under title XVI, or would but for his income be payable under that title.

"(k) Increased supplemental security income benefits payable pursuant to section 211 of Public Law 93–66 shall not be considered supplemental security income benefits payable under title XVI.".

Technical Clarification and Modification of Medicaid Eligibility and Federal Title XIX Matching Under Public Law 93–66.

(b)(1)(A) Clause (2)(A) of section 231 of Public Law 93–66 is amended by—

(i) inserting "received or" immediately before "would", and

(ii) striking out "or" at the end thereof and inserting "and" in lieu thereof.

(B) Clause (2)(B) of that section is amended by—

(i) striking out "was", and

(ii) striking out "need for care in such institution, considered to be eligible for aid or assistance under a State plan (referred to in subparagraph (A)) for purposes of determining his eligibility" and inserting "status as described in subparagraph (A), was included as an individual eligible" in lieu thereof.

(2) The first sentence of section 232 of Public Law 93–66 is amended by—

(A) striking out "(under the provisions of subparagraph (B) of such section)",

(B) striking out "to be a person described as being a person who 'would, if needy, be eligible for aid or assistance under any such State plan' in subparagraph (B)(i) of such section" and inserting "for purposes of title XIX to be an individual who is blind or disabled within the meaning of section 1614(a) of the Social Security Act" in lieu thereof, and

(C) inserting ", and the other conditions of eligibility contained in the plan of the State approved under title XIX (as it was in effect in December 1973)" before the period at the end thereof.

Medicaid Eligibility for Individuals Receiving Mandatory State Supplementary Payments

(c) In addition to other requirements imposed by law as conditions for the approval of any State plan under title XIX of the Social Security Act, there is hereby imposed (effective January 1, 1974) the requirement (and each such State plan shall be deemed to require) that medical assistance under such plan shall be provided to any individual—

(1) for any month for which there (A) is payable with respect to such individual a supplementary payment pursuant to an agreement entered into between the State and the Secretary of Health, Education, and Welfare under section 212(a) of Public Law 93–66, and (B) would be payable with respect to such individual such a supplementary payment, if the amount of the supplementary payments payable pursuant to such agreement were established without regard to paragraph (3)(A)(ii) of such section 212(a), and

(2) in like manner, and subject to the same terms and conditions, as medical assistance is provided under such plan to individuals with respect to whom benefits are payable for such month under the supplementary security income program established by title XVI of the Social Security Act.

Federal matching under title XIX of the Social Security Act shall be available for the medical assistance furnished to individuals who are eligible for such assistance under this subsection.

EFFECTIVE DATES

(d) The amendments made by subsection (a) shall be effective with respect to payments under section 1903 of the Social Security Act for calendar quarters commencing after December 31, 1973.

PAYMENTS TO SUBSTANDARD FACILITIES UNDER MEDICAID

SEC. 14. Section 1616 of the Social Security Act is amended by adding at the end thereof the following new subsection:

"(e) Payments made under this title with respect to an individual shall be reduced by an amount equal to the amount of any supplementary payment (as described in subsection (a)) or other payment made by a State (or political subdivision thereof) which is made for or on account of any medical or any other type of remedial care provided by an institution to such individual as an inpatient of such institution in the case of any State which has a plan approved under title XIX of this Act if such care is (or could be) provided under a State plan approved under title XIX of this Act by an institution certified under such title XIX.".

PAYMENT FOR SERVICES OF PHYSICIANS RENDERED IN A TEACHING HOSPITAL

SEC. 15. (a)(1) Notwithstanding any other provision of law, the provisions of section 1861(b) of the Social Security Act, shall subject to subsection (b) of this section, for the period with respect to which this paragraph is applicable, be administered as if paragraph (7) of such section read as follows:

"(7) a physician where the hospital has a teaching program approved as specified in paragraph (6), if (A) the hospital elects to receive any payment due under this title for reasonable costs of such services, and (B) all physicians in such hospital agree not to bill charges for professional services rendered in such hospital to individuals covered under the insurance program established by this title.".

(2) Notwithstanding any other provision of law, the provisions of section 1832(a)(2)(B)(i) of the Social Security Act, shall, subject to subsection (b) of this section, for the period with respect to which this paragraph is applicable, be administered as if subclause II of such section read as follows:

"(II) a physician to a patient in a hospital which has a teaching program approved as specified in paragraph (6) of section 1861(b) (including services in conjunction with the teaching programs of such hospital whether or not such patient is an inpatient of such hospital), where the conditions specified in paragraph (7) of such section are met, and".

(b) The provisions of subsection (a) shall not be deemed to render improper any determination of payment under title XVIII of the Social Security Act for any service provided prior to the enactment of this Act.

(c)(1) The Secretary of Health, Education, and Welfare shall arrange for the conduct of a study or studies concerning (A) appropriate and equitable methods of reimbursement for physicians' services under Titles XVIII and XIX of the Social Security Act in hospitals which have a teaching program

approved as specified in Section 1861(b)(6) of such Act, (B) the extent to which funds expended under such titles are supporting the training of medical specialties which are in excess supply, (C) how such funds could be expended in ways which support more rational distribution of physician manpower both geographically and by specialty, (D) the extent to which such funds support or encourage teaching programs which tend to disproportionately attract foreign medical graduates, and (E) the existing and appropriate role of that part of such funds which are expended to meet in whole or in part the cost of salaries of interns and residents in teaching programs approved as specified in section 1861(b)(6) of such Act.

(2) The studies required by paragraph (1) shall be the subject of an interim report thereon submitted not later than December 1, 1974, and a final report not later than July 1, 1975. Such reports shall be submitted to the Secretary, the Committee on Finance of the Senate, and the Committee on Ways and Means of the House of Representatives, simultaneously.

(3) The Secretary shall request the National Academy of Sciences to conduct such studies under an arrangement under which the actual expenses incurred by such Academy in conducting such studies will be paid by the Secretary. If the National Academy of Sciences is willing to do so, the Secretary shall enter into such an arrangement with such Academy for the conduct of such studies.

(4) If the National Academy of Sciences is unwilling to conduct the studies required under this section, under such an arrangement with the Secretary, then the Secretary shall enter into a similar arrangement with other appropriate non-profit private groups or associations under which such groups or associations shall conduct such studies and prepare and submit the reports thereon as provided in paragraph (2).

(5) The Social Security Administration shall study the interim report called for in paragraph (2) and shall submit its analysis of such interim report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives not later than March 1, 1975. The Social Security Administration shall study and submit its analysis of the final report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives by October 1, 1975.

(d) The provisions of subsection (a) shall apply with respect to cost accounting periods beginning after June 30, 1973, and prior to January 1, 1975 except that if the Secretary of Health, Education, and Welfare determines that additional time is required to prepare the report required by subsection (c), he may by regulation, extend the applicability of the provisions of subsection (a) to cost accounting periods beginning after June 30, 1975.

BASIS OF MEDICARE PAYMENT FOR SERVICES PROVIDED BY AGENCIES AND PROVIDERS

SEC. 16. In the administration of titles V, XVIII, and XIX of the Social Security Act, the amount payable under such title to any provider of services on account of services provided by such hospital, skilled nursing facility, or home health agency shall be determined (for any period with respect to which the amendments made by section 233 of Public Law 92-603 would, except for the provisions of this section, be applicable) in like manner as if the date contained in the first and second sentences of subsection (f) of such section 233 were December 31, 1973, rather than December 31, 1972.

POSTPONEMENT ON EFFECTIVE DATE OF CERTAIN REQUIREMENTS IMPOSED WITH RESPECT TO PAYMENT FOR PHYSICAL THERAPY SERVICES

SEC. 17. (a) In the administration of title XVIII of the Social Security Act, the amount payable thereunder with respect to physical therapy and other services referred to in section 1861(v)(5)(A) of such Act (as added by section 151(c) of the Social Security Amendments of 1972) shall be determined (for the period with respect to which the amendment made by such section 151(c) would, except for the provisions of this section, be applicable) in like manner as if the "December 31, 1972", which appears in such subsection (d)(3) of such section 151, read "the month in which there are promulgated, by the Secretaryy of Health, Education, and Welfare, final regulations implementing the provisions of section 1861(v)(5) of the Social Security Act".

CLERICAL AND CONFORMING AMENDMENTS TO SOCIAL SECURITY ACT

In General

Inclusion of all Wage Level Increases in Automatic Adjustment of Earning Test

SEC. 18. (a) Section 203(f)(8)(B)(ii) of the Social Security Act is amended by—

(1) striking out "contribution and benefit base" and inserting "exempt amount" in lieu thereof; and

(2) striking out "section 230(a)" and inserting "subparagraph (A)" in lieu thereof.

Inclusion in Old-Age Insurance Benefit in Certain Cases of Related Retirement

(b) Section 202(w) of such Act is amended be inserting at the end thereof the following new paragraph:

"(5) If an individual's primary insurance amount is determined under paragraph (3) of section 215(a) and, as a result of this subsection, he would be entitled to a higher old-age insurance benefit if his primary insurance amount were determined under section 215(a) without regard to such paragraph, such individual's old-age insurance benefit based upon his primary insurance amount determined under such paragraph shall be increased by an amount equal to the difference between such benefit and the benefit to which he would be entitled if his primary insurance amount were determined under such section without regard to such paragraph."

Elimination of Benefit at Age 72 for Uninsured Individual Receiving Supplemental Security Income Benefits

(c) Section 228(d) of such Act is amended by inserting "and such individual is not an individual with respect to whom supplemental security income benefits are payable pursuant to title XVI or section 211 of Public Law 93-66 for the following month, nor shall such benefit be paid for such month if such individual is an individual with respect to whom supplemental security income benefits are payable pursuant to title XVI or section 211 of Public Law 93-66 for such month, unless the Secretary determines that such benefits are not payable with respect to such individual for the month following such month" immediately before the period at the end thereof.

Limitations on Eligibility Determinations Under Resources Tests of State Plans

(d) Section 1611 of such Act (as amended by Public Law 92-603) is amended by striking out subsection (g) and inserting in lieu thereof the following new subsection:

"(g) In the case of any individual or any individual and his spouse (as the case may be) who—

"(1) received aid or assistance for December 1973 under a plan of a State approved under title I, X, XIV, or XVI,

"(2) has, since December 31, 1973, continuously resided in the State under the plan of which he or they received such aid or assistance for December 1973, and

"(3) has, since December 31, 1973, continuously been (except for periods not in excess of six consecutive months) an eligible individual or eligible spouse with respect to whom supplemental security income benefits are payable,

the resources of such individual or such individual and his spouse (as the case may be) shall be deemed not to exceed the amount specified in sections 1611(a)(1)(B) and 1611(a)(2)(B) during any period that the resources of such individual or individuals and his spouse (as the case may be) does not exceed the maximum amount of resources specified in the State plan, as in effect for October 1972, under which he or they received such aid or assistance for December 1973."

Limitations on Eligibility and Benefit Determinations Under Income Tests of State Plans for Aid to the Blind

(e) Section 1611 of such Act is amended by striking out subsection (h) and inserting in lieu thereof the following new subsection:

"(h) In determining eligibility for, and the amount of, benefits payable under this section in the case of any individual or any individual and his spouse (as the case may be) who—

"(1) received aid or assistance for December 1973 under a plan of a State approved under title X or XVI,

"(2) is blind under the definition of that term in the plan, as in effect for October 1972, under which he or they received such aid or assistance for December 1973,

"(3) has, since December 31, 1973, continuously resided in the State under the plan of which he or they received such aid or assistance for December 1973, and

"(4) has, since December 31, 1973, continuously been (except for periods not in excess of six consecutive months) an eligible individual or an eligible spouse with respect to whom supplemental security income benefits are payable,

there shall be disregarded an amount equal to the greater of (A) the maximum amount of any earned or unearned income which could have been disregarded under the State plan, as in effect for October 1972, under which he or they received such aid or assistance for December 1973, and (B) the amount which would be required to be disregarded under section 1612 without application of this subsection."

Correction of Erroneous Designations and Cross-References

(f)(1) Section 226 of such Act is amended by—

(A) redesignating subsection (a)(1) as subsection (a);

(B) redesignating clauses (A) and (B) of subsection (a), as redesignated by this subsection, as clauses (1) and (2), respectively; and

(C) redesignating subsection (f) (as added by section 201(b)(5) of the Social Security Amendments of 1972 and redesignated by section 299I of that Act) and the subsection (f) (as enacted by section 101 of the Social Security Amendments of 1965 and redesignated by section 201(b)(5) of the Social Security Amendments of 1972) as subsections (h) and (i), respectively; and by inserting such subsections (h) and (i) (as so redesignated) immediately after subsection (g) of such section.

(2) Section 226(h)(1)(A) of such Act, as redesignated by this subsection, is amended by striking out "and 202(e)(5), and the term 'age 62' in sections" and inserting ", 202(e)(5)," in lieu thereof.

(3) Section 226(h)(1)(B) of such Act, as redesignated by this subsection, is amended by striking out "shall" and inserting "and the phrase 'before he attained age 60' in the matter following subparagraph (G) of section 202(f)(1) shall each" in lieu thereof.

(4) Paragraphs (2) and (3) of section 226(h) of such Act, as redesignated by this subsection, are each amended by striking

out "(a)(2)" and inserting "(b)" in lieu thereof.

Initial Payments to Presumptively Disabled Individuals Unrecoverable Only if Individual Is Ineligible Because Not Disabled

(g) Section 1631(a)(4)(B) of such Act is amended by inserting "solely because such individual is determined not to be disabled" immediately before the period at the end thereof.

Technical Correction of Limitation on Fiscal Liability of States for Optional Supplementation

(h)(1) Section 401(a)(1) of the Social Security Amendments of 1972 is amended by—

(A) inserting ", other than fiscal year 1974," immediately after "any fiscal year"; and

(B) inserting ", and the amount payable for fiscal year 1974 pursuant to such agreement or agreements shall not exceed one-half of the non-Federal share of such expenditures" immediately before the period at the end thereof.

(2) Section 401(c)(1) of such Act is amended by inserting "excluding" immediately before "expenditures authorized under section 1119".

Modification of Transitional Administrative Provisions

(i) Section 402 of the Social Security Amendments of 1972 is amended by—

(1) striking out "XVI" the first time that it appears therein and inserting "VI" in lieu thereof;

(2) inserting "the third and fourth quarters in the fiscal year ending June 30, 1974, and" immediately after "with respect to expenditures for"; and

(3) inserting "the third and fourth quarters of the fiscal year ending June 30, 1974, and any quarter of" immediately after "during such portion of".

Inclusion of Title VI in Limitation on Grants to States for Social Services

(j) Section 1130(a) of such Act is amended by inserting "603(a)(1)," immediately after "403(a)(3),".

Clarification of Coverage of Hospitalization for Dental Services

(k)(1) Section 1814(a)(2)(E) of such Act (as amended by Public Law 92-603) is amended to read as follows:

"(E) in the case of inpatient hospital services in connection with the care, treatment, filling, removal, or replacement of teeth or structures directly supporting teeth, the individual, because of his underlying medical condition and clinical status, requires hospitalization in connection with the provision of such dental services;".

(2) The last sentence of section 1814(a) is amended by striking out "or (D)" and inserting "(D), or (E)" in lieu thereof.

(3) Section 1862(a)(12) of such Act is amended by striking out "a dental procedure" and all that follows thereafter, and inserting "the provision of such dental services if the individual, because of his underlying medical condition and clinical status, requires hospitalization in connection with the provision of such services; or" in lieu thereof.

Continuation of State Agreements for Coverage of Certain Individuals

(l) Section 1843(b) of such Act is amended by adding at the end thereof the following: "Effective January 1, 1974, and subject to section 1902(f), the Secretary shall, at the request of any State not eligible to participate in the State plan program established under title XVI, continue in effect the agreement entered into under this section with such State subject to such modifications as the Secretary may by regulations provide to take account of the termination of any plans of such State approved under titles I, X, XIV, and XVI and the establishment of the supplemental security income program under title XVI.".

Technical Improvement of Provisions Governing Disposition of HMO Savings

(m) Section 1876(a)(3)(A)(ii) of such Act is amended by striking out ", with the apportionment of savings being proportional to the losses absorbed and not yet offset".

Technical Improvement of Provisions Governing Allowable HMO Premium Charges

(n) The last sentence of section 1876(g)(2) of such Act is amended by—

(1) inserting "of its premium rate or other charges" immediately after "portion";

(2) striking out "may" and inserting "shall";

(3) striking out "(i)"; and

(4) striking out "less (ii) the actuarial value of other charges made in lieu of such deductible and coinsurance".

Applications for Assistance on Behalf of Deceased Individuals

(o) Section 1902(a)(34) of the Social Security Act (as amended by Public Law 92-603) is amended by inserting "(or application was made on his behalf in the case of a deceased individual)" immediately after "he made application".

Expansion of Intermediate Care Facility Ownership Disclosure Requirements

(p) Section 1902(a)(35(A) of such Act is amended by inserting "or who is the owner (in whole or in part) of any mortgage, deed of trust, note, or other obligation secured (in whole or in part) by such intermediate care facility or any of the property or assets of such intermediate care facility" immediately after "intermediate care facility".

Technical Modification of Extended Medicaid Eligibility for AFDC Recipients

(q) Section 1902(e) of such Act is amended to read as follows:

"(e) Notwithstanding any other provision of this title, effective January 1, 1974, each State plan approved under this title must provide that each family which was receiving aid pursuant to a plan of the State approved under part A of title IV in at least 3 of the 6 months immediately preceding the month in which such family became ineligible for such aid because of increased hours of, or increased income from, employment, shall, while a member of such family is employed, remain eligible for assistance under the plan approved under this title (as though the family was receiving aid under the plan approved under part A of title IV) for 4 calendar months beginning with the month in which such family became ineligible for aid under the plan approved under part A of title IV because of income and resources or hours of work limitations contained in such plan.".

Limitation on Payments to States for Expenditures in Relation to Disabled Individuals Eligible for Medicare

(r)(1) Section 1903(a)(1) of such Act is amended by inserting "and disabled individuals entitled to hospital insurance benefits under title XVIII" immediately after "individuals sixty-five years of age or older".

(2) Section 1903(b)(2) of such Act is amended by inserting "and disabled individuals entitled to hospital insurance benefits under title XVIII" immediately after "individuals aged 65 or over".

Federal Payment for Cost of Inspecting Institutions Limited to Expenses Incurred During Covered Period

(s) Section 1903(a)(4) of such Act is amended by striking out "sums expended" and inserting "sums expended with respect to costs incurred" in lieu thereof.

Federal Payment for Family Planning Expenditures Not Limited to Administrative Costs

(t) Section 1903(a)(5) of such Act is amended by striking out "(as found necessary by the Secretary for the proper and efficient administration of the plan)".

Exception to Limitation on Payments to States for Expenditures in Relation to Individuals Eligible for Medicare

(u) Section 1903(b)(2) of such Act is amended by inserting ", other than amounts expended under provisions of the plan of such State required by section 1902(a)(34)" immediately before the period at the end thereof.

Utilization Review by Medical Personnel Associated With an Institution

(v) Section 1903(g)(1)(C) of such Act is amended by striking out "and who are not employed by" and by inserting ", or, except in the case of hospitals, employed by the institution" immediately after "any such institution".

Authority To Prescribe Standards Under Title XIX for Active Treatment of Mental Illness

(w) Section 1905(h)(1)(B) of such Act is amended by—

(1) striking out ", involves active treatment (i)" and inserting "(i) involve active treatment" in lieu thereof,

(2) striking out "pursuant to title XVIII", and

(3) striking out "(ii) which" and inserting "(ii)" in lieu thereof.

Correction of Erroneous Designations and Cross References

(x)(1) Section 1902(a)(13)(C) of such Act is amended by striking out "(14)" and inserting "(16)" in lieu thereof.

(2) Section 1902(a)(33)(A) of such Act is amended by striking out "last sentence" and inserting "penultimate sentence" in lieu thereof.

(3) Section 1902(a) of such Act is amended by—

(A) striking out the period at the end of paragraph (35) and inserting "; and" in lieu thereof; and

(B) redesignating paragraph (37) as paragraph (36).

(4) Sections 1902(a)(21), (24), and (26)(B), and the last sentence of section 1902(d), of such Act are each amended by striking out "nursing home" and "nursing homes" each time that they appear therein and inserting "nursing facility" and "nursing facilities", respectively, in lieu thereof.

(5) Section 1903(a) of such Act is amended by striking out "and section 1117" in the first parenthetical phrase.

(6) Section 1903(b) of such Act is amended by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively.

(7) Section 1905(a)(16) of such Act is amended by striking out "under 21, as defined in subsection (e);" and inserting "under age 21, as defined in subsection (h); and" in lieu thereof.

(8) Section 1905(c) of such Act is amended by striking out "skilled nursing home" each time that it appears therein and inserting "skilled nursing facility" in lieu thereof.

(9) Section 1905 of such Act is amended by redesignating subsection (h) (which was enacted by section 299L(b) of the Social Security Amendments of 1972) as subsection (i).

(10) Section 1905(h)(2) is amended by striking out "(e)(1)" and inserting "(1)" in lieu thereof.

Deletion of Obsolete Provisions

(y)(1) Section 1903 of such Act is amended by—

(A) striking out subsection (c);

(B) striking out "(a), (b), and (c)" in subsection (d) and inserting "(a) and (b)" in lieu thereof.

(2) Section 1905(b) of such Act is amended by striking out everything after "section

1110(a)(8)" and inserting a period in lieu thereof.

(3) Section 1908 of such Act is amended by striking out the last sentence of subsection (d) and subsections (e) and (f), and redesignating subsection (g) as subsection (e).

Determination of Amount of Exclusion for Disapproved Capital Expenditures by Institutions Reimbursed on Fixed Fee or Negotiated Rate Basis

(z) The last sentence of section 1122(d)(1) of such Act is amended by inserting "or a fixed fee or negotiated rate" immediately after "per capita" each time that it appears therein.

Technical Improvement of Authority To Include Expenses Related to Capital Expenditures in Certain Cases

(z-1) Section 1122(d)(2) of such Act is amended by striking out "include" the last time that it appears therein and inserting "exclude" in lieu thereof.

Conforming Amendments to Title XI of the Social Security Act

(z-2)(1) Title XI of the Social Security Act is amended—

(A) in section 1101(a)(1), by—

(i) striking out "I,", "X,", "XIV,", and "XVI,", and

(ii) by adding at the end of such section 1101 (a) the following new sentence: "In the case of Puerto Rico, the Virgin Islands, and Guam, titles I, X, and XIV, and title XVI (as in effect without regard to the amendment made by section 301 of the Social Security Amendments of 1972) shall continue to apply, and the term 'State' when used in such titles (but not in title XVI as in effect pursuant to such amendment after December 31, 1973) includes Puerto Rico, the Virgin Islands, and Guam.",

(B) in section 1115, by—

(i) inserting (in the matter preceding subsection (a)) "VI," immediately after "title I,",

(ii) inserting (in subsection (a)) "602," immediately after "402,", and

(iii) inserting (in subsection (b)) "603," immediately after "403,", and

(C) in section 1116, by—

(i) inserting (in subsection (a)(1)) "VI," immediately after "title I,",

(ii) inserting (in subsection (a)(2)) "604," immediately after "404,",

(iii) inserting (in subsection (b)) "VI," immediately after "title I,", and

(iv) inserting (in subsection (d)) "VI," immediately after "title I,".

(2) The amendments made by this subsection shall be effective on and after January 1, 1974.

Effective Dates

(z-3)(1) The amendments made by subsctions (g), (h), (j), and (l) shall be effective January 1, 1974.

(2) The amendments made by subsection (k) shall be effective with respect to admissions subject to the provisions of section 1814 (a)(2) of the Social Security Act which occur after December 31, 1972.

(3) The amendments made by subsections (m) and (n) shall be effective with respect to services provided after June 30, 1973.

(4) The amendments made by subsections (o) and (u) shall be effective July 1, 1973.

MODIFICATION OF PROVISIONS ESTABLISHING SUPPLEMENTAL SECURITY INCOME PROGRAM

SEC. 19. (a) Section 303(c) of the Social Security Amendments of 1972 is amended to read as follows:

"(c) Section 9 of the Act of April 19, 1950 (64 Stat. 47) is amended to read as follows:

"'SEC. 9. Beginning with the quarter commencing July 1, 1950, the Secretary of the Treasury shall pay quarterly to each State (from sums made available for making payments to the States under section 403(a) of the Social Security Act) an amount, in addition to the amount prescribed to be paid to such State under such section, equal to 80 per centum of the total amount of contributions by the State toward expenditures during the preceding quarter by the State, under the State plan approved under the Social Security Act for aid to dependent children to Navajo and Hopi Indians residing within the boundaries of the State on reservations or on allotted or trust lands, with respect to whom payments are made to the State by the United States under section 403(a) of the Social Security Act, not counting so much of such expenditure to any individual for any month as exceeds the limitations prescribed in such sections.'."

(b) Notwithstanding the provisions of section 301 of the Social Security Amendments of 1972 the Secretary of Health, Education, and Welfare shall make payments to the 50 States and the District of Columbia after December 31, 1973, in accordance with the provisions of the Social Security Act as in effect prior to January 1, 1974, for (1) activities carried out through the close of December 31, 1973, under State plans approved under title I, X, XIV, or XVI, of such Act, and (2) administrative activities carried out after December 31, 1973, which such Secretary determines are necessary to bring to a close activities carried out under such State plans.

PROVISIONS RELATING TO UNEMPLOYMENT COMPENSATION

SEC. 20. Section 203(2) of the Federal-State Extended Unemployment Compensation Act of 1970 is amended by adding at the end thereof the following new sentence: "Effective with respect to compensation for weeks of unemployment beginning before April 1, 1974, and beginning after December 31, 1973 (or, if later, the date established pursuant to State law), the State may by law provide that the determination of whether there has been a State 'on' or 'off' indicator beginning or ending any extended benefit period shall be made under this subsection as if paragraph (1) did not contain subparagraph (A) thereof.".

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

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

There was no objection.

The SPEAKER. Is there objection to the request of the gentleman from Oregon that the House concur in the Senate amendment?

Mr. BROYHILL of Virginia. Mr. Speaker, reserving the right to object, and it is not my intention to object, but I do so for the purpose of yielding to the gentleman from Oregon (Mr. ULLMAN) for a brief explanation of the Senate amendment.

Mr. ULLMAN. Mr. Speaker, last month this body passed H.R. 11333 providing increases in social security benefits and in the supplementary security income benefits. In order for these increases to become effective as quickly as possible, we urgently need to pass this bill before we adjourn. The time schedule set in the House bill providing a 7-percent increase in social security benefits in March and the remainder of an 11-percent benefit increase in June of next year cannot be maintained unless the bill becomes law this month.

The Senate amendment does not affect either the amount or time limit of these increases. They are changed in only one respect. You may recall that we provided for a "flat" 7-percent increase for March payable in April. This would not yield precisely the same amount of increase as the "refined" type of increase which has been made in the past and which the 11-percent increase in July would be. Since H.R. 11333 passed the House, the Social Security Administration has determined that a more refined benefit increase can be implemented in the April checks containing payments for March. This is provided for by a Senate amendment and it constitutes the only change in the benefit increase provision.

The provisions to increase benefits under the new supplemental security income program are the same as in the bill when it passed the House. The basic benefit is increased from $130 to $140 as of January 1 for an individual and from $195 to $210 for a couple. Further increases will occur in July to $146 for an individual and $219 for a couple. However, since it is now not possible for the supplemental security income benefits to be increased in the January 1 checks, a retroactive payment will be necessary.

Last April the House passed a technical amendments bill, H.R. 3153, making the technical amendments in Public Law 92-603, the Social Security Amendments of 1972. This covered omissions and incorrect cross references and similar changes. The Senate has recently passed H.R. 3153 and is now in conference but that conference will certainly have to carry over into the next session as many important substantive amendments were added by the Senate. The Senate has looked at the bill from the standpoint of those things which are related to different deadlines, most particularly, the establishment of the SSI program in January 1974. Many of the provisions, while technical in character are important to sound administration of that program. Provisions of this type which were included in H.R. 3153 have been added as Senate amendments to H.R. 11333. Insofar as the SSI program is concerned, they are primarily clarifications, corrections and items of the type included in the House version of that bill. Many of them are administration suggestions for more effective administration of the SSI program.

Under present law, individual determinations would have to be made in each State as to which of the new SSI recipients would be eligible for purchasing food stamps. The State welfare directors advise us that the provisions of the Agriculture bill are difficult, if not impossible to administer. The Senate accordingly added an amendment which provides that in those States which have specifically provided additional benefits to recipients to replace food stamps that the recipients will be ineligible as a group. In other States they will be eligible for a period of 6 months. This will give time to get the new program under way and for Congress to determine what it wishes to adopt with respect to food stamp eligibility among SSI recipients.

As you are aware, there is much controversy about the social service regula-

tions which were issued by the Department of Health, Education, and Welfare and became effective on November 1, 1973. Since these are already causing a restriction of services and will do so increasingly in the months just ahead, the Senate amendment postpones the new regulations through the calendar year 1974.

In the medicare-medicaid area, also, only those amendments which had a time deadline and which are essentially noncontroversial are included in the Senate amendments. Some of them were in the original House-passed H.R. 3153 and were technical amendments to correct errors and facilitate the administration of the new supplemental security income program.

Let me summarize these amendments as follows:

First. The first amendment would coordinate the medicaid program with the new SSI program by permitting States to make eligible for medicaid those individuals eligible for SSI, requiring States to continue medicaid coverage of those individuals whose SSI benefits the States are now required to supplement to maintain December 1973 income levels, and permitting States to classify institutionalized individuals as eligible for medicaid even though the individual's income is above cash assistance levels, and the State does not have a medically needy program, provided that the individual's total income does not exceed 300 percent of the SSI benefit level.

Second. Present law provides that no Federal matching for adult assistance will be available where assistance is paid to a nursing home resident, where the nursing home care could be covered under medicaid. The amendment would extend this provision to the SSI program, which supersedes adult assistance beginning in January.

Third. Another amendment directs the Secretary of Health, Education, and Welfare to undertake a study covering all aspects related to payment for professional services in medical schools and teaching hospital settings. While the study is being undertaken by the Institute of Medicine in the National Academy of Sciences, certain provisions of section 227 of Public Law 92–603, limiting medicare reimbursements to medical centers for the services of teaching physicians on a fee-for-service basis, would be suspended until January 1975—with the Secretary permitted a further 6-month suspension. However, the suspension would not apply to those hospitals which are reimbursed on the more favorable cost basis under present law.

Fourth. Present law limits medicare reimbursement to the lesser of an institution's cost or charges to the general public effective January 1973. The amendment would postpone the effective date to January 1, 1974.

Fifth. Section 251 of Public Law 92–603, which details the approved means of reimbursing for the services of physical therapists under medicare, has an effective date of January 1, 1973. The amendment would postpone this effective date until the regulations have been issued.

Finally, the Senate added a temporary modification of the Federal-State Extended Unemployment Compensation Act which makes payments up to an additional 13 weeks to workers who have exhausted their entitlement to regular unemployment compensation. This amendment provides that States that have an insured unemployment rate of at least 4 percent may make payments under the extended unemployment compensation program without regard to a requirement in the permanent law that the insured unemployment rate in the State must be at least 20 percent higher than it was in a comparable period in the 2 prior years. This amendment would be effective for the first 3 months of 1974. It is expected that increasing unemployment will be a serious problem during this time and the Senate amendment will provide some relief in those States most seriously affected by increased unemployment.

Mr. BROYHILL of Virginia. Mr. Speaker, further reserving the right to object, it is my understanding that the bill as amended by the Senate, insofar as it relates to old age, survivors and disability insurance benefits, includes the House provisions relating to social security increases and increases in the new supplemental security income program that were the original provisions of H.R. 3153, as has been insisted, retains all of those provisions.

Second, the amendments that have been added by the Senate are—with a couple of unfortunate exceptions—technical amendments that will improve administration and have a favorable impact on costs. Most were requested or agreed to by the administration, and would be adopted by the House if they were offered as amendments.

Finally, the bill we have before us is the best compromise we could come up with if we expected to pass the social security increase bill before the end of this Congress, because the other body added many far-reaching controversial amendments, many of them hastily added on the floor, provisions that have not had any House consideration. In fact, we felt that the Senate was holding the social security increase bill as a hostage. This is repugnant to the Members of the House and is not good legislative procedure.

The members of the House Committee on Ways and Means requested the House conferees that we were not to agree to any significant amendment that had not been considered originally by the House Committee on Ways and Means, and to give the House Committee on Ways and Means an opportunity to consider those amendments.

We arrived at a compromise. I think it is the best compromise we could come up with. I believe that most of these amendments are good and reasonable amendments. My main concern relates to the supervision of the new regulations on social services.

Mr. Speaker, the provision requiring the former social service regulations to be made applicable for the period from November 1 of this year through December 31 of 1974—a 14-month period—is a mistake. The Department of Health, Education, and Welfare promulgated on November 1 of this year new regulations which were carefully worked out over a long period of time and with consultation with the Congress. These new regulations will now be inoperative for a period of at least 14 months.

The purpose of social services is to prevent people from going on welfare and to enable people who are currently on welfare to become self-sufficient. With our growing welfare costs, we should use the limited amount available for social services to achieve the goal of reducing welfare dependency—a goal which all Americans agree should have a high priority.

Under the old regulations, social services are loosely defined, and may be made available to individuals who may be likely to come on the welfare rolls within a 5-year period, without regard to an income test. Under these regulations, the States have utilized social services money for expenses that bear only the remotest relationship to keeping people off welfare or reducing the present rolls. The regulations now in effect, which will be suspended by this act, circumscribe this latitude by requiring that the individuals be likely to come on the welfare rolls within 6 months, and that their income not be more than 150 percent of the State standard for public assistance.

Additionally, the old regulations permit social services to continue 2 years after an individual leaves the public assistance rolls while the new regulations confine this period to 3 months. There are other features of the new regulations that marshal our limited resources for social services to meet the objective of the program of reducing welfare and dependency. The old regulations are much less appropriate to achieve this end.

The new regulations went through a long period of gestation during which significant changes were made by HEW to accommodate criticisms and the viewpoint of Congress on at least four different occasions. The regulations have now been in effect since November 1, or nearly a 2-month period. The action we are taking here represents a major change that will cause confusion in this program, and yet, no hearings have been held on this proposal, the Ways and Means Committee has not even considered it, nor has the House had an opportunity to evaluate it. This is not only poor policy, but poor procedure.

I do feel, however, that even under the old regulations, the Department of Health, Education, and Welfare has discretion to administer the program much more tightly than they have in the past, both in determining what constitutes a social service and in determining who is likely to be a welfare beneficiary. They have the authority to exercise their discretion to achieve the objectives of the social services program—to reduce welfare dependency. I believe it is perfectly consistent with the social services program and the legislative history in regard to this program in recent years to tighten up their administration under

the old regulations as expeditiously as possible, and I urge them to do so.

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

Mr. BRINKLEY. Mr. Speaker, reserving the right to object, and I shall not object, I should like to ask the chairman a couple of questions under our reservation pertaining to H.R. 1, adopted in the 92d Congress and which contained the supplemental security income provisions. There is a school of thought in my State of Georgia that there is a deficiency concerning future admittees into nursing homes. It is my further understanding that there is a Senate amendment which attempts to take care of certain of those problems relating to the nursing home industry.

While there is a grandfather clause which takes care of the nursing home patients presently in nursing homes, unless there are certain State supplements, future people who need to go into these homes might be penalized. I just wonder if the gentleman can tell me if that question is still in conference.

Mr. ULLMAN. If the gentleman will yield, let me explain that the conference is still very much alive on the other bill.

There are a number of matters that Members are interested in attached to that bill by the other body that we will be taking up in the next session. The matter the gentleman specifically refers to, however, was one of the amendments that we did accept and it is incorporated in this bill. It would coordinate the medicaid program with the new SSI program by permitting States to make eligible for medicaid those individuals eligible for SSI, requiring States to continue medicaid coverage of those individuals whose SSI benefits the States are now required to supplement to maintain December 1973 income levels, and permitting States to classify institutionalized individuals as eligible for medicaid even though the individual's income is above cash assistance levels, where the State does not have a medically needy program, provided that the individual's total income does not exceed 300 percent of the SSI benefit level.

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

Mr. KAZEN. Mr. Speaker, reserving the right to object, I wonder if I heard the acting chairman correctly awhile ago on the SSI program being deferred for 6 months. The gentleman did not mean to say that the program itself was being deferred but that the procedure that was required of the States would be deferred for 6 months; am I correct?

Mr. ULLMAN. If the gentleman will yield, this is only with reference to the food stamps, and I know that is what the gentleman is interested in, we merely delay for 6 months the implementation of the new requirements, and as I indicated this would have the effect of allowing SSI recipients to receive food stamps in those States that have not specifically provided for cashing out their food stamps.

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

Mr. DRINAN. Mr. Speaker, reserving the right to object, I wonder if the acting chairman could answer this question. Many of us have been deeply concerned over a long period of time with extension of the medicare benefits to prescription drugs. Will the gentleman tell us when that might be forthcoming for a vote in the House?

Mr. ULLMAN. Mr. Speaker, if the gentleman will yield, as I said H.R. 3153 is still actively in conference. That is one of the amendments the Senate put on H.R. 3153 and one of the amendments that obviously we did not have time to deal with under the format and under the time considerations of the conference yesterday. But it is one of the matters we are very seriously going to look at early next year. In our meeting with the Members of the other body we assured them that this would certainly be a matter of early consideration in the forthcoming year by the committee.

Mr. DRINAN. Mr. Speaker, with all due respect to the committee, we had a colloquy almost precisely like this last Christmas time when a number of Members pressed this point and a commitment was made that in 1973 the question of prescription drugs under medicare would be reached. At least 160 Members of this House have cosponsored a bill. The gentleman from Wisconsin (Mr. OBEY) has sponsored that originally. I just want to make legislative history here that a number of us are very concerned. I wonder if the gentleman would speak further to the question when in 1974 this very valuable and needed extension might become law.

Mr. ULLMAN. Mr. Speaker, if the gentleman will yield, let me say that during this past year I think the gentleman understands we have been beset by a great many difficult problems, and the illness of the chairman has also created additional problems, but it is the purpose certainly of this Member as acting chairman that the committee will go forward hopefully with a task group consideration of this matter early in the year. As the gentleman knows we have adopted some new procedures and I am sure that we can expect to look at this at the very earliest possible time.

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

Mr. BAUMAN. Mr. Speaker, reserving the right to object, I would just like to point out to the House that as I understand the explanation by the acting chairman of the Committee on Ways and Means, the conferees in concurring in the amendment of the other body which extends for 14 months the period during which the new and stricter HEW regulations on welfare cannot take effect, we are once again relaxing the welfare eligibility restrictions.

In a State such as mine, the State of Maryland, which now has the fourth highest welfare fraud and ineligibility rate in the United States, we badly need welfare reform. Now here in the House we are again caving in under pressure. I think the Members should understand that we are giving in to those who will not address themselves to welfare reform in this country.

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

Mr. BAUMAN. Mr. Speaker, I yield to the gentleman from Virginia.

Mr. BROYHILL of Virginia. Mr. Speaker, I think the gentleman from Maryland has made a very good point. However, this was the only proposal included that is clearly objectionable. If the gentleman had seen the other Senate provisions pending which were going to jeopardize the social security bill, he would agree with me that the House came up with a pretty good compromise in this bill. Certainly, the implementation of the current regulations would make the act more efficient.

Mr. BAUMAN. Mr. Speaker, I will just say that this may be the lesser of two evils but it is still evil.

I withdraw my reservation of objection.

Mr. PICKLE. Mr. Speaker, reserving the right to object, I would like to ask the acting chairman of the committee a question about the benefits extension.

As I read it, we are extending the benefits for 3 additional months. Is that correct?

Mr. ULLMAN. Mr. Speaker, if the gentleman will yield to me, 3 months is correct.

Mr. PICKLE. And this would apply, from the charts, to approximately 29 to 30 States?

Mr. ULLMAN. That is about right. Yes.

Mr. PICKLE. Is this money coming from the General Treasury or the unemployment trust fund which has been built up by contributions of employers throughout the United States?

Mr. ULLMAN. Federal and State unemployment tax. That is right.

Mr. PICKLE. The regular FUTA tax?

Mr. ULLMAN That is right.

Mr. PICKLE. That means that all the States will be paying for the unemployment of these 30 States?

Mr. ULLMAN. That of course, is the principle of the whole Extended Unemployment Compensation Act. There are always some States in and some States not in under the operation of the State trigger mechanism.

Mr. PICKLE. Mr. Speaker, it would seem to me that at this hour every year many of the States come in and get these extensions. I do not want to question the need for some of these benefits, but this type of practice hurts the unemployment fund. If we are not careful and if we make this a general practice, we are going to get that fund in considerable difficulty.

Mr. Speaker, how much will this amendment cost that fund?

Mr. ULLMAN. Our best estimate is around $100 million.

Mr. PICKLE. This is $100 million extra in benefits?

Mr. ULLMAN. It could be considerably less depending, obviously, on the unemployment picture and the number of States that choose to participate. If we should go into more serious unem-

ployment and all States that are eligible do participate, then we anticipate it

Mr. BROYHILL of Virginia. Mr. Speaker, the gentleman from Oregon said that the best guess is that the cost of this amendment would be approximately $100 million. That depends upon how many of the States would legislate and adopt an amendment with respect to the Unemployment Benefits Act.

So there may not be that much cost, as far as the amendment is concerned.

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

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

There was no objection.

Mr. PRICE of Texas. Mr. Speaker, I support the compromise package which would increase benefits for both social security recipients and beneficiaries of Federal assistance to the elderly, blind and disabled persons. The bill as proposed would increase social security benefits by 7 percent effective next March and an additional 4 percent in June.

Mr. Speaker, I support this compromise since it will mean added buying power in the hands of those who will put the money to good use and those who are deserving of a decent standard of living, namely our senior citizens who have given of a lifetime of work for their children and for our Nation. Since those on fixed retirement incomes generally live on a month to month basis, these benefit increases will be plowed back into our economy thereby stimulating additional jobs and income for the working sector of the population.

Of all the many schemes and programs which have been devised by the Congress to alleviate poverty and to solve problems in our Nation, many of them very costly, wasteful, and cumbersome to administer, I believe the social security system is the best equipped to do the job—it places the money in the hands of those who need it at the least cost and confusion, and it insures that each citizen shall be responsible to provide for his or her own retirement through the social security tax system.

I feel that these increases are deserving because through no fault of their own wasteful Government spending has caused runaway inflation which has eroded the elderly persons savings and purchasing power. This is only right and just for those citizens who have contributed so much to our heritage.

I had hope that my bill would have been included in the social security package which would have eliminated entirely the amount of money a person over 65 could earn without the penalty.

Mr. DORN. Mr. Speaker, the social security benefits increase has my full support. The increase is needed now by our citizens in the golden years. During the holiday season it is especially fitting and proper, Mr. Speaker, that the Nation remember those who have given to the Nation a life of productive hard work and who now live in retirement. We must not forget them, and by voting this increase in social security benefits we demonstrate our commitment. Our citizens have paid into social security and the system is financially secure to guarantee this increase. Mr. Speaker, I fully support this bill and urge the House to approve it by overwhelming vote.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ULLMAN. Mr. Speaker, I ask unanimous consent that I may be permitted to revise and extend my remarks and that all Members may have 5 legislative days in which to revise and extend their remarks on the Senate amendment just considered.

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

There was no objection.

POINT OF ORDER

Mr. ANNUNZIO. Mr. Speaker, a point of order.

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

Mr. ANNUNZIO. Mr. Speaker, was there not a vote taken on the last action?

The SPEAKER. No. The Chair will state to the gentleman that the action which was taken was to agree to the Senate amendment.

POINT OF ORDER

Mr. BAUMAN. Mr. Speaker, a point of order.

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

Mr. BAUMAN. Mr. Speaker, it was my undertsanding the gentleman from Maryland made an objection to the reading of the statement in lieu of the conference report.

The SPEAKER. The Chair will state to the gentleman that there was a reservation of objection made to the unanimous consent request of the gentleman from Oregon (Mr. ULLMAN) to take from the Speaker's desk the House bill with a Senate amendment thereto, and concur in the Senate amendment.

The Chair will further state that the Senate amendment has now been concurred in.

POINT OF ORDER

Mr. CHARLES H. WILSON of California. Mr. Speaker, a point of order.

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

Mr. CHARLES H. WILSON of California. Mr. Speaker, I wish to make a demand for a rollcall vote. If we are not going to get a rollcall vote, I will make the point of order that a quorum is not present.

The SPEAKER. The Chair will state to the gentleman that his demand for a recorded vote comes too late.

PARLIAMENTARY INQUIRY

Mr. ANNUNZIO. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. ANNUNZIO. Mr. Speaker, may I make a point of order, objecting to the last vote, on the ground that a quorum is not present?

The SPEAKER. The Chair will inform the gentleman that there has been much intervening business, as the gentleman knows, because the gentleman is an instructed and informed Member concerning the parliamentary rules of the House. The gentleman knows that there has been much business which has taken place.

CALL OF THE HOUSE

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

The SPEAKER. Evidently a quorum is not present.

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

A call of the House was ordered.

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

[Roll No. 718]

Addabbo	Frey	Podell
Alexander	Froehlich	Price, Tex.
Anderson, Calif.	Fulton	Quillen
Anderson, Ill.	Fuqua	Rarick
Andrews, N. Dak.	Gettys	Reid
Arends	Gibbons	Riegle
Aspin	Gray	Roncallo, N.Y.
Bafalis	Griffiths	Rooney, N.Y.
Bell	Gross	Rostenkowski
Biaggi	Grover	Rousselot
Boggs	Gubser	Roybal
Bolling	Hansen, Wash.	Ruppe
Brooks	Harrington	Ryan
Brown, Ohio	Harvey	Sarasin
Broyhill, N.C.	Hays	Scherle
Burgener	Hébert	Schneebeli
Burke, Calif.	Heinz	Sebelius
Burton	Hillis	Shipley
Butler	Holifield	Shoup
Byron	Holt	Shriver
Camp	Jarman	Sikes
Chisholm	Jones, Ala.	Sisk
Clancy	Keating	Smith, Iowa
Clark	Kluczynski	Snyder
Clay	Landrum	Stark
Cleveland	Leggett	Steed
Collier	Lehman	Steiger, Ariz.
Collins, Ill.	Lott	Stephens
Collins, Tex.	Lujan	Stubblefield
Conyers	Madden	Stuckey
Corman	Madigan	Taylor, Mo.
Danielson	Mailliard	Van Deerlin
Delaney	Martin, Nebr.	Veysey
Dellenback	Michel, Ill.	Vigorito
Dent	Mills, Ark.	Walsh
Devine	Minshall, Ohio	White
Diggs	Moorhead, Pa.	Whitehurst
Dulski	Moss	Wilson, Bob
Evins, Tenn.	Murphy, N.Y.	Wilson, Charles, Tex.
Fraser	Nelsen	Wydler
Frelinghuysen	Nichols	Yates
	Peyser	Zwach
	Poage	

The SPEAKER. On this rollcall 306 Members have recorded their presence by electronic device, a quorum.

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

VACATING PROCEEDINGS WHEREBY SENATE AMENDMENTS WERE CONCURRED IN ON H.R. 11333

Mr. ANNUNZIO. Mr. Speaker, I ask unanimous consent to vacate the proceedings of the House whereby the Senate amendment to H.R. 11333 was concurred in and a motion to reconsider laid on the table and that there be a record vote on the motion to concur.

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

There was no objection.

RECORDED VOTE

The SPEAKER. The question is on the Senate amendment.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 301, noes 13, not voting 118, as follows:

[Roll No. 719]

AYES—301

Abdnor	Ford, William D.	Minish
Abzug	Forsythe	Mink
Adams	Fountain	Mitchell, Md.
Alexander	Fraser	Mitchell, N.Y.
Andrews, N.C.	Frenzel	Mizell
Annunzio	Gaydos	Moakley
Ashbrook	Giaimo	Mollohan
Ashley	Gilman	Montgomery
Badillo	Ginn	Moorhead, Calif.
Baker	Gonzalez	Morgan
Barrett	Grasso	Mosher
Bauman	Gray	Murphy, Ill.
Beard	Green, Oreg.	Myers
Bennett	Green, Pa.	Natcher
Bergland	Gude	Nedzi
Bevill	Gunter	Nix
Biester	Guyer	Obey
Bingham	Haley	O'Brien
Blatnik	Hamilton	O'Hara
Boland	Hammer-schmidt	O'Neill
Bowen	Hanley	Owens
Brademas	Hanna	Parris
Brasco	Hanrahan	Passman
Bray	Hansen, Idaho	Patman
Breaux	Harsha	Patten
Breckinridge	Hastings	Pepper
Brinkley	Hawkins	Perkins
Broomfield	Hechler, W. Va.	Pettis
Brotzman	Heckler, Mass.	Pickle
Brown, Calif.	Helstoski	Pike
Brown, Mich.	Henderson	Powell, Ohio
Brown, Ohio	Hicks	Preyer
Broyhill, N.C.	Hinshaw	Price, Ill.
Broyhill, Va.	Hogan	Pritchard
Buchanan	Holifield	Quie
Burke, Fla.	Holtzman	Railsback
Burke, Mass.	Horton	Randall
Burleson, Tex.	Hosmer	Rangel
Burlison, Mo.	Howard	Rees
Carey, N.Y.	Huber	Regula
Carter	Hudnut	Reuss
Casey, Tex.	Hungate	Rhodes
Cederberg	Hunt	Rinaldo
Chamberlain	Hutchinson	Roberts
Chappell	Ichord	Robinson, Va.
Chisholm	Johnson, Calif.	Robison, N.Y.
Clark	Johnson, Colo.	Rodino
Clausen, Don H.	Johnson, Pa.	Roe
Clawson, Del	Jones, N.C.	Rogers
Clay	Jones, Okla.	Roncalio, Wyo.
Cochran	Jones, Tenn.	Rooney, Pa.
Cohen	Jordan	Rose
Conable	Karth	Rosenthal
Conlan	Kastenmeier	Roush
Conte	Kazen	Roy
Cotter	Kemp	Runnels
Coughlin	Ketchum	Ruth
Cronin	King	St Germain
Culver	Koch	Sandman
Daniel, Dan	Kuykendall	Sarbanes
Daniel, Robert W., Jr.	Kyros	Schroeder
Daniels, Dominick V.	Latta	Seiberling
Davis, Ga.	Lent	Shipley
Davis, S.C.	Litton	Shuster
Davis, Wis.	Long, La.	Skubitz
de la Garza	Long, Md.	Slack
Dellums	McClory	Smith, N.Y.
Denholm	McCloskey	Spence
Derwinski	McCollister	Staggers
Dickinson	McCormack	Stanton, J. William
Diggs	McDade	Stanton, James V.
Dingell	McEwen	Steele
Donohue	McFall	Steelman
Dorn	McKay	Steiger, Wis.
Downing	McKinney	Stokes
Drinan	McSpadden	Stratton
Duncan	Macdonald	Stuckey
du Pont	Mahon	Studds
Eckhardt	Mallary	Sullivan
Edwards, Ala.	Mann	Symington
Edwards, Calif.	Maraziti	Talcott
Eilberg	Martin, N.C.	Taylor, N.C.
Erlenborn	Mathias, Calif.	Teague, Calif.
Eshleman	Mathis, Ga.	Thompson, N.J.
Evans, Colo.	Matsunaga	Thomson, Wis.
Fascell	Mayne	Thone
Findley	Mazzoli	Thornton
Fish	Meeds	Tiernan
Flood	Melcher	Towell, Nev.
Flowers	Metcalfe	Treen
Flynt	Mezvinsky	Udall
Foley	Milford	Ullman
Vander Jagt	Miller	Vanik
Waggonner	Williams	Waldie
Wampler	Wilson, Charles H., Calif.	Ware
Whalen	Winn	Whitten
Widnall	Wolff	Wright
Wyatt	Wylie	Yatron
Young, Alaska	Young, Fla.	Young, Ga.
Young, Ill.	Young, Tex.	Zablocki
Zion		

NOES—13

Archer	Goldwater	Teague, Tex.
Blackburn	Goodling	Wiggins
Crane	Landgrebe	Young, S.C.
Dennis	Satterfield	
Fisher	Symms	

NOT VOTING—118

Addabbo	Fuqua	Rarick
Anderson, Calif.	Gettys	Reid
Anderson, Ill.	Gibbons	Riegle
Andrews, N. Dak.	Griffiths	Roncallo, N.Y.
Arends	Gross	Rooney, N.Y.
Armstrong	Grover	Rostenkowski
Aspin	Gubser	Rousselot
Bafalis	Hansen, Wash.	Roybal
Bell	Harrington	Ruppe
Biaggi	Harvey	Ryan
Boggs	Hays	Sarasin
Bolling	Hébert	Scherle
Brooks	Heinz	Schneebeli
Burgener	Hillis	Sebelius
Burke, Calif.	Holt	Shoup
Burton	Jarman	Shriver
Butler	Jones, Ala.	Sikes
Byron	Keating	Sisk
Camp	Kluczynski	Smith, Iowa
Carney, Ohio	Landrum	Snyder
Clancy	Leggett	Stark
Cleveland	Lehman	Steed
Collier	Lott	Steiger, Ariz.
Collins, Ill.	Lujan	Stephens
Collins, Tex.	Madden	Stubblefield
Conyers	Madigan	Taylor, Mo.
Corman	Mailliard	Van Deerlin
Danielson	Michel	Veysey
Delaney	Mills, Ark.	Vigorito
Dellenback	Minshall, Ohio	Walsh
Dent	Moorhead, Pa.	White
Devine	Moss	Whitehurst
Dulski	Murphy, N.Y.	Wilson, Bob
Esch	Nelsen	Wilson, Charles, Tex.
Evins, Tenn.	Nichols	Wydler
Frelinghuysen	Peyser	Wyman
Frey	Poage	Yates
Froehlich	Podell	Zwach
Fulton	Price, Tex.	
	Quillen	

So the Senate amendment was concurred in.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Arends.
Mr. Hays with Mr. Peyser.
Mr. Rooney of New York with Mr. Nelsen.
Mr. Rostenkowski with Mr. Frelinghuysen.
Mrs. Boggs with Mr. Roncallo of New York.
Mr. Kluczynski with Mr. Esch.
Mr. Moorhead of Pennsylvania with Mr. Minshall of Ohio.
Mr. Murphy of New York with Mr. Anderson of Illinois.
Mr. Dulski with Mr. Martin of Nebraska.
Mr. Fulton with Mrs. Holt.
Mr. Nichols with Mr. Bafalis.
Mr. Stark with Mr. Price of Texas.
Mr. Reid with Mr. Frey.
Mr. Stubblefield with Mr. Clancy.
Mr. Vigorito with Mr. Michel.
Mr. Yates with Mr. Andrews of North Dakota.
Mr. Madden with Mr. Froehlich.
Mr. Burton with Mr. Madigan
Mr. Biaggi with Mr. Bell.
Mr. Addabbo with Mr. Lujan.
Mrs. Griffiths with Mr. Grover.
Mrs. Hansen of Washington with Mr. Mailliard.
Mr. Harrington with Mr. Cleveland.
Mr. Lehman with Mr. Quillen.
Mr. Moss with Mr. Hillis.
Mr. Podell with Mr. Collier
Mr. Fuqua with Mr. Butler.
Mr. Dent with Mr. Gubser.
Mr. Delaney with Mr. Camp.
Mr. Corman with Mr. Collins of Texas.
Mr. Conyers with Mr. Van Deerlin.
Mr. Sikes with Mr. Dellenback.
Mr. Sisk with Mr. Heinz.
Mrs. Collins of Illinois with Mr. Leggett.
Mr. Anderson of California with Mr. Lott.
Mr. Brooks with Mr. Devine.
Mr. Stephens with Mr. Rousselot.
Mr. Ryan with Mr. Ruppe.
Mr. Gettys with Mr. Taylor of Missouri.
Mr. Byron with Mr. Shoup.
Mr. Steed with Mr. Walsh.
Mr. Danielson with Mr. Sarasin.
Mr. Roybal with Mr. Whitehurst.
Mr. Smith of Iowa with Mr. Bob Wilson.
Mr. Evins of Tennessee with Mr. Scherle.
Mr. Jones of Alabama with Mr. Wydler.
Mr. Riegle with Mr. Steiger of Arizona.
Mr. Mills of Arkansas with Mr. Schneebeli
Mr. Rarick with Mr. Wyman.
Mr. Jarman with Mr. Sebelius.
Mr. Charles Wilson of Texas with Mr. Zwach.
Mr. White with Mr. Shriver.
Mr. Gibbons with Mr. Aspin.
Mr. Landrum with Mr. Snyder.
Mrs. Burke of California with Mr. Carney of Ohio.
Mr. Burgener with Mr. Keating.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM FOR BALANCE OF TODAY, FRIDAY, DECEMBER 21

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

Mr. RHODES. Mr. Speaker, I take this time to inquire of the distinguished majority leader as to the program for the rest of today and, hopefully, the adjournment sine die.

Mr. O'NEILL. Mr. Speaker, if the distinguished gentleman from Arizona will yield, I will be happy to respond. May I first wish all the Members of the House a "Merry Christmas" and a "Happy New Year." I hope we will adjourn sine die today.

I also congratulate the Speaker, because I believe this has been a historic session, one in which we have changed the rules and the regulations of the House in many instances and have improved the legislative process.

I am sure, as the Members analyze this session, that they will find that a tremendous amount of important legislation has been passed by the House and the Senate, and signed by the President.

Getting back to the question that the gentleman from Arizona asked me as to the balance of the program for today, may I say that we have only two items left. These are the energy bill, that has been reported by the conference committee and is currently pending in the other body. When the other body has completed its consideration of this matter then it will be returned to the House for action here.

The only other matter that is pending is the adjournment resolution. That is a Senate concurrent resolution. It has already been passed by the other body, and they are holding it over there until they have completed action on the energy bill. When they have done so they will send that item over to the House at that time.

So, I will repeat, we just have these two items, the energy bill and the adjournment resolution.

It is my understanding that the Chair is going to recess subject to the call of the Chair. As I analyze the rest of the afternoon, I would have to anticipate that there probably will be one or two rollcalls on matters of national import. In view of that, I would ask the membership to stay available until the bell rings announcing the end of the recess so that they may be available on the floor of the House and we will have a quorum.

Mr. RHODES. Mr. Speaker, if I have any time left I would like to echo the words of the distinguished majority leader in wishing all of the Members of the House of Representatives, the greatest deliberative body in the world, a very Merry, Merry Christmas, and a Happy New Year, and to congratulate the Speaker of the House in what I think is a very successful session.

PERSONAL EXPLANATION

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

Mr. RANGEL. Mr. Speaker, I have taken this time in order to read a statement from the gentleman from New York (Mr. BIAGGI) which is as follows:

Mr. Speaker, on rollcall No. 686, I was recorded as voting for the amendment offered by the gentlewoman from New York (Ms. HOLTZMAN) which prohibited petroleum exports from the United States to South Vietnam, Laos, and Cambodia. I was in error in voting for this amendment and ask unanimous consent that this explanation be printed.

As we all well know, Mr. Speaker, the hour was very late and the confusion in the House great. There were nearly 60 amendments introduced that day alone and this amendment came near the end of the day. We were in session until 1:30 a.m. Saturday morning. These are hardly the conditions under which to consider very important legislation.

On this amendment in particular, right before the recorded teller vote, there was a substitute amendment offered and a point of order raised.

Needless to say, it was very difficult to determine exactly what we were voting for. I was under the impression that by voting for the amendment that we would be restricting all but essential exports of oil—certainly a goal I am in agreement with. However, I find that the amendment actually calls for cutting off all oil exports to our allies in Southeast Asia.

This country fought a very long and tedious war with many Americans dying to help preserve the integrity and security of the free states of Southeast Asia. Now, in this time of great trouble, with mounting attacks by the North Vietnamese and the Viet Cong against South Vietnam, with increased acts of terrorism, including the killing of unarmed Americans we are cutting off their oil supplies with no assurance that they will be able to obtain supplies elsewhere.

In fact eliminating these supplies will also stop our efforts to identify the remaining missing in action and to determine whether any other prisoners of war are still being held.

I very much regret that I was recorded in favor of this amendment and wish the RECORD to show that I am opposed to it. I hope the conference committee in calmer wisdom will strike the amendment from the final report.

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 Clerk read the title of the bill.

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

Mr. SYMMS. Mr. Speaker, reserving the right to object, I would ask the gentleman from Pennsylvania whether this matter has been cleared on both sides of the aisle, and especially with the gentleman from Ohio (Mr. DEVINE)?

Mr. EILBERG. Mr. Speaker, if the gentleman would yield, I would say to the gentleman from Idaho that this measure has been cleared by the committee on both sides of the aisle, and the gentleman from Ohio who objected to this yesterday no longer has any objection to this matter.

I would be glad to explain the bill, but I do not want to take up too much of the time of the House.

Mr. SYMMS. I thank the gentleman from Pennsylvania for yielding. If he would assure me that the gentleman from Ohio has withdrawn his objections, I have no reservation.

Mr. EILBERG. I do so.

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

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

Mr. GOODLING. Mr. Speaker, reserving the right to object, I should like to ask the gentleman from Pennsylvania if he is absolutely certain that the gentleman from Ohio (Mr. DEVINE) withdrew his objection.

Mr. EILBERG. I say to the gentleman from Pennsylvania that the chairman, Mr. RODINO, spoke to Mr. DEVINE, and the chairman of the committee told me that that was the case. I have no reason to doubt his veracity.

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

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

There was no objection.

The Clerk read the bill as follows:

H.R. 7684

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding the provisions of section 212(a)(9) and (19) of the Immigration and Nationality Act, Nicola Lomusico may be issued a visa and admitted to the United States for permanent resident if he is found to be otherwise admissible under the provisions of that Act: *Provided,* That these exemptions shall apply only to grounds for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this Act.

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

C–5A PASSED WITH FLYING COLORS

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

Mr. DAVIS of Georgia. Mr. Speaker, as I and a number of other Members of Congress have stated in the weeks since the end of the latest Middle East conflict, the C–5A has finally proven itself in a combat situation. The C–5's critics stand corrected. America has shown the ability to respond in a crisis, quickly, with massive shipments of arms and equipment. It is not often that members of the Fourth Estate admit former errors in print, but the Miami Herald had the courage to do so. I ask unanimous consent that the Miami Herald editorial of December 9, 1973, be placed in the RECORD at this point:

C–5A PASSED WITH FLYING COLORS

Within nine hours after President Nixon decided on Oct. 13 to airlift military supplies to Israel the first U.S. Air Force cargo carrier arrived in Tel Aviv with a record 193,000 pounds of military supplies.

This was the beginning of a little noticed by truly historic operation dwarfing even the Berlin Airlift. "By Nov. 2," according to retired USAF Gen. Ira C. Eaker, "the United States had equalled the Soviet airlift to the Arabs, and by Nov. 22 it had doubled the Russian tonnage despite the fact that the U.S. supply line was 6,450 miles compared to 1,700 miles for the Soviets."

The airlift, which required only 566 missions to the Russians' 900 missions, doubtless saved an ally from extinction. "It restored Israel's weapons," Gen. Eaker goes on, averaging 1,000 tons per day for more than 30 days, "enabling her to regain the offensive, make decisive advances toward Damascus and Cairo, ultimately to achieve the cease-fire."

And how was this accomplished? Not only by superb pilots and crews but more to the point by a matchless airplane. We blush to report it was the much-maligned C–5A giant transport.

Along with many other newspapers, the Secretary of the Air Force itself, and countless congressmen, The Herald deplores the cost overruns and performance failures which appeared to make the C–5A the flying fraud of all time. In 1971 costs of the C–5A rose from $28.4 million per copy to $59 million, numerous wing and landing structure failures were reported, and the Air Force cut its order from 120 planes to 81.

But it worked. We wuz wrong.

INTERNATIONAL TEXTILE AGREEMENT

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

Mr. DORN. Mr. Speaker, early this morning in Geneva our textile negotiators reached agreement on a 50-nation, 4-year agreement covering cotton, man-made fibers, and blends.

This is an historic achievement which should go a long way toward developing orderly trade in textiles. With some stability in textile trade assured, the textile industry can proceed with capital investment programs to keep abreast of consumer demand. Mr. Speaker, the textile industry is the very backbone of industrial employment in South Carolina. We welcome this agreement.

For the first time we now have an international textile agreement which takes into consideration not only the needs of underdeveloped countries but also the necessity of protecting the jobs of millions of Americans who depend on a healthy textile industry for their livelihood. If this agreement is administered diligently it can be a key factor in assuring a bright future for the textile industry.

Secretary of Commerce Fred Dent, officials of the State Department and Department of Labor are to be commended for their untiring efforts in concluding the agreement.

Mr. Speaker, this landmark agreement is a result of many months of diligent work on the part of many people, including the more than 140 members of the House Informal Textile Committee who have given bipartisan support to the efforts in Geneva. The textile industry itself has been extremely helpful to the administration and to the Congress in offering counsel for our negotiators.

PREOCCUPATION WITH WATERGATE

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

Mr. LANDGREBE. Mr. Speaker, this is the first time, the first Christmas, in many, many years that we do not have men in military combat on some foreign battlefield. I think it is just too bad that we have evaded coming to grips with the energy crisis that has been with us for well over a year; being instead preoccupied with Watergate and other matters of lesser importance, and simply playing politics a good bit of the time. Now here it is, Friday evening, just 3 days from our holiest of holidays, a snowstorm outside, and we cannot yet determine how this Congress shall accept its responsibility for changing the laws that have, in effect, created our energy crisis.

Everyone is anxious to go home; the airplanes are loaded and booked; there is no flexibility in getting passage out of Washington. My flight leaves at 6:30, and I am taking this opportunity to explain to my constituents exactly why I am leaving on that 6:30 flight.

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

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

Mr. KAZEN. I thank the gentleman for yielding. The gentleman made some kind of statement that I missed about being preoccupied with the Watergate affair in this House? Did he say that?

Mr. LANDGREBE. No. I said that this Congress, including the House and Senate, has long been preoccupied with the Watergate affair and its ramifications.

Mr. KAZEN. We are talking about Watergate. Has this House spent 1 single hour on the Watergate affair?

Mr. LANDGREBE. I am sure we have spent many hours of talking and discussing and waiting. The gentleman surely is aware that most of the business of this Congress is done in committees, and that committees, particularly the Committee on the Judiciary, have been absorbed by the Watergate affair.

Mr. KAZEN. Has there been any official committee or any body of this House actually working on the Watergate affair?

Mr. LANDGREBE. Yes. Certainly we would have to say that the impeachment program is directly related to Watergate.

Mr. KAZEN. How much time has this House taken up on that?

Mr. LANDGREBE. I have not kept a record of the hours spent debating the Watergate affair and closely related matters, but surely the gentleman is not unaware of the time used by committees on matters relating to Watergate and the impeachment of the President, or the time spent on the House floor appropriating money, and setting up the committees.

Mr. KAZEN. How much time on this floor have we spent on Watergate?

Mr. LANDGREBE. In reply, I suggest that if the gentleman is truly interested in the exact amount of time and effort spent on Watergate, he should research the CONGRESSIONAL RECORD for the past year. I suspect, however, that the gentleman is quibbling over the question of exact time in order to evade the issue that I raise—namely, that it is ridiculous and irresponsible to, at this late hour, be trying to somehow put together a package containing a hodgepodge of hastily drafted amendments on such a crucial and far-reaching issue as the energy crisis. Congress is largely responsible for the energy crisis and is now trying to pass more laws, the consequences of which are unknown, merely to be able to say to the public that it is "doing something."

The SPEAKER. The time of the gentleman has expired.

WATERGATE

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

Mr. HOGAN. Mr. Speaker, while I do not agree with everything the gentleman in the well Mr. LANDGREBE, has said, certainly our friend, the gentleman from Texas, remembers that we have had matters in the House relating to Watergate. We had legislation extending the Watergate grand jury; we had legislation calling for a Special Watergate Prosecutor; we have had legislation calling for a subpena for Gordon Liddy. We had a bill giving the Senate Watergate Committee authority to get the U.S. District Court to enforce its subpenas for Presidential tapes and papers, not to mention the $1 million we appropriated for the Committee on the Judiciary to finance its impeachment probe. So I think the gentleman from Texas should concede, in fairness to the gentleman from Indiana, that we have consumed some time in the House talking about Watergate matters.

WATERGATE

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

Mr. KAZEN. Mr. Speaker, I, as many other Members, have been receiving correspondence from constituents and people all over the country telling this House to go ahead with the business of this country and quit spending its time on Watergate. I have answered them that this House has not been devoting its time to Watergate; we have not paid any attention to those matters by way of investigation. The investigations have been conducted by one small committee of the Senate and by the courts and grand juries of this country.

Mr. Speaker, I challenge any Member to disagree with this statement: outside of appropriation of $1 million for the Judiciary Committee, the extension of the grand jury term and discussion of a Special Prosecutor proposal that never reached the floor of this House, we have used no time on Watergate-related matters.

I submit, Mr. Speaker, to the Members and to the people of this country that the House of Representatives has instead devoted its energies, any and night, in committees and on the floor, to solving some of the most critical problems our country has faced in many years.

What the House may do on the impeachment matter, as we face our sworn duty to defend the Constitution, is another matter, but as far as time being diverted from the business of this Nation during this session, I say such a charge is absolutely not true.

PEOPLE DEMAND THAT THE CORRUPTION OF WATERGATE BE DEALT WITH

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

Mr. WALDIE. Mr. Speaker, my correspondence is just the opposite from that described by the gentleman from Indiana. I am getting a great many more complaints from people who think that the House has not been devoting enough time to impeachment of the President who gave us the corruption of Watergate.

It is not the House that has been devoting too much time to Watergate and it is not the Senate that has been wasting its time on Watergate—it is the President who has brought the stain and blemish of Watergate to the country. Unless we deal with that problem we will not deserve to be here next year.

PRESIDENT SHOULD NOT OVERRIDE WILL OF PEOPLE

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

Mr. CAREY of New York. Mr. Speaker, we all ought to think in terms of compassion and benevolence and good human relations for next year in the spirit of this season. The President has given us an example in terms of offering a supreme sacrifice. He is willing to stay in the White House and freeze over there and endure the discomforts of the Office just to give us a good example.

I wish the President in the rest of 1974 a warm and happy enjoyment of the official residence of the President as long as he is there and I think that is the spirit in which we should express ourselves.

But if we are going to talk about what our House has achieved in this body in the year 1973, how much more time we could have spent on the people's business, expressing the will of the majority of the country through the House of Representatives if we had not had to spend so much time trying to override the vetoes that the President placed on good sound legislation that the people wanted through their Representatives.

I ask this: While the President is reviewing the year over in the frozen White House and enduring its discomforts, perhaps a little warmth, a little generosity will be stirred in the embers of the fireplace if he will join us in 1974 in putting forward the sound progressive programs to save this country and restore public confidence.

A very Happy New Year to you, Mr. President, as we gather around the fireplace. Please do not veto the will of the people in 1974. In return we will vote the will of the people.

IT FRIGHTENS ME

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

Mr. DENNIS. Mr. Speaker, I want to observe that in contrast to my friend who just left the well, the type of legislation that we too often pass here reminds me of the story of the Duke of Wellington who had a council of war with his staff and he came out and shook his head afterward and said: "They may not frighten the enemy but by God, sir, they frighten me."

LAWYER PLAYS NIXON TAPE

The SPEAKER. Under a previous order of the House, the gentleman from Idaho (Mr. SYMMS) is recognized for 30 minutes.

Mr. SYMMS. Mr. Speaker, I think that the Watergate situation has hit a new low. The fact that one of the White House tapes was played by one of Ralph Nader's lawyers at a cocktail party is an outrage. It is interesting to note that such a flagrant disregard for the judicial system and for the law as a whole should come from someone who is representative of a group who is screaming the loudest about improprieties in government. Why does not Ralph Nader, Common Cause, and ACLU, and others direct some of their ire toward this kind of activity? The following articles in the Washington Post, and in the Washington Star-News should be read by everyone:

PLAY IT AGAIN, SAM

Who said social life in Washington is dull since the Nixon administration came to town? We now have the ultimate in entertainment on the cocktail circuit: Tape recordings, straight from the Oval Office.

They may be scratchy and hard to hear but, gads, what great fun! If you listen closely—and who's going to engage in the usual cocktail party chit-chat when a Watergate tape is on?—you can hear President Nixon telling jokes, and heaven knows what else. And all courtesy of Nader's raiders, that super-duper group of reformers who engage in rooting out injustice, malfeasance, misfeasance, wrongdoing, and bad judgment of all description, from the corporate board rooms of America to the highest councils of government.

It is hard to imagine an instance of poorer judgment than that of William Dobrovir when he played a copy of a White House tape the other night at a cocktail party. It is particularly irresponsible conduct for a lawyer, who is considered an officer of the court.

The White House turned the tape over to Dobrovir as a result of a court order in a suit filed by Nader and a number of consumer groups, who have charged that milk subsidies were raised by the Nixon administration in return for campaign contributions. The playing of the tape at a cocktail party lends weight to Mr. Nixon's argument that executive confidentiality is being breached by requiring him to turn over Watergate tapes to courts and investigators.

It seems to us that Dobrovir also used bad judgment in getting the help of a network television correspondent to make two copies of the tape. That plays squarely into the hands of those at the White House who accuse Watergate investigators and the press of being in cahoots to get the President.

Dobrovir has acknowledged his error and has told the court he is sorry. But that hardly seems sufficient amends for such serious misconduct. We would think that the local Bar Association would at least want to look into the matter.

If this is an example of how the tapes are being handled once they get out of the White House, we wouldn't be surprised if copies of Watergate tapes show up next week in Christmas stockings around town. Ho, ho, ho . . . play it again, Sam . . . er, Bill.

ATTORNEY APOLOGIZES FOR PLAYING NIXON TAPE

(By George Lardner, Jr.)

One of President Nixon's tapes was played at a Georgetown party this week and caused reverberations yesterday in federal court.

U.S. District Court Judge William B. Jones heard about the extra-judicial playback via press and radio reports yesterday morning and quickly summoned the attorney responsible for it to his courtroom for an explanation.

The abashed lawyer, William A. Dobrovir, acknowledged playing the subpoenaed tape for what he described as an impulsive five minutes at a Georgetown home Monday evening.

He said it all started when he told his friends that he had "the hottest item in town" in his pocket.

"I made a very foolish mistake," Dobrovir admitted.

The tape recording, involving a March 23, 1971 meeting between President Nixon and dairy industry leaders, had been subpoenaed by Dobrovir for a civil suit challenging the administration's controversial increase in milk price supports.

Dobrovir, who filed the lawsuit on behalf of Ralph Nader and several consumer groups, promised not to treat potential evidence that comes into his hands so lightly again. The White House, waiving any claim of executive privilege for the recording, let Dobrovir have the tape last week.

Judge Jones accepted the 40-year-old lawyer's explanation and said he was satisfied the episode would not be repeated. At the request of Justice Department lawyers, he said he would sign a protective order covering milk suit documents and recordings produced under subpoena, but he ruled out a companion request for a broader order prohibiting Dobrovir from making public statements about the case.

At the White House and on Capitol Hill, there were sterner reactions. Presidential counselor Melvin R. Laird told a White House press conference, when his resignation was announced, that he thought the episode "disgusting."

"I just can't believe that kind of use would be made of confidential information," Laird said.

Laird said if he were the President, "I would be very careful" about surrendering any more tapes.

Senate Republican Leader Hugh Scott said he thought the District of Columbia Bar Association should "look into this matter of highly questionable ethics." Senate Democratic Leader Mike Mansfield said the incident was "most unfortunate."

Dobrovir said the tape was given him without any restrictions, but admitted that he should never have used it as a party favor. He said he told The Washington Post last Saturday that he had the recording and this resulted in a flurry of press inquiries on Monday about when it would be released.

The attorney said he borrowed a couple of tape recorders from Fred Graham, a CBS newsman, found the quality of the tape "quite poor," and made two casette copies at varying speeds in hopes one of these might be easier to hear at home on his own hi-fi equipment. Graham said he heard portions of the tapes on an "off the record" basis in Dobrovir's office Monday.

On the way home that evening with one of the cassettes in his pocket, Dobrovir said he stopped off at the home of a woman friend in Georgetown who had invited him over for a drink.

Dobrovir said there were seven guests including himself "sitting around the fireplace, eating salami and chopped liver, having a drink" when he foolishly announced, "Well, I've got in my pocket the hottest news item in town . . . It was suggested—it may have even been I who suggested it . . . 'Can we hear a little bit of it?'"

One of the guests was Kevin Delaney, assistant bureau chief in Washington for ABC News. Dobrovir said he told Delaney that the playing was off the record, but Delaney apparently understood that the restriction applied only to the contents, which Dobrovir said were still "very difficult to understand."

On Tuesday afternoon, Dobrovir said he got a telephone call from David Schoumacher of ABC News who asked to hear the tape. When Dobrovir refused, Schoumacher asked him: "Well, didn't you play it at this cocktail party?"

Schoumacher said Dobrovir told him, "Well, that was just for fun." ABC reported the episode on its Tuesday night broadcasts. Dobrovir said he couldn't remember saying "just for fun," but he said that he does have "a flip way of talking sometimes, which I certainly regret at this time."

Judge Jones said he thought it "only right and proper" that he conduct an inquiry. He satisfied himself at the outset that the tape Dobrovir played was not the one for which the White House has claimed executive privilege and turned over to Judge Jones for secret inspection.

Dobrovir assured him that it was not. The second recording is of a meeting that Mr. Nixon had with high administration officials in his Oval Office on March 23, 1971—following the meeting with dairy industry leaders—to discuss higher price supports.

After hearing out Dobrovir and Justice Department lawyers assigned to the case, the judge said he had no intention of prejudging "the Department of Justice or postjudging Dobrovir's conduct. Jones told Justice Department lawyers they should take any complaint to the court's committee on grievances if they felt strongly about it.

In asking for an order prohibiting public statements by Dobrovir, Justice Department attorney Irwin Goldbloom cited the American Bar Association's Code of Professional Responsibility for civil suits.

Judge Jones replied that "the Department of Justice has issued some statements that fly in the face of the canon at times."

The judge ended the hearing with the hope that the incident would not impede the progress of the suit itself, which has charged that the administration's increase of milk price supports in 1971 was a payoff for contributions to the Nixon campaign. Jones emphasized that he considers the allegations in the lawsuit "to be very serious."

ON THE OCCASION OF THE RETIREMENT OF ROBERT HOLLINGSWORTH FROM THE AEC

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

Mr. PRICE of Illinois. Mr. Speaker, in these days of turmoil in our Nation, and crisis in our Government, it is indeed unfortunate that we are losing one of the most distinguished men to have ever served in the Atomic Energy Commission. Mr. Robert Hollingsworth is retiring on December 31, 1973, from his position as general manager of the AEC after a Government career spanning more than three decades.

Bob Hollingsworth has served with distinction in the vitally important position of general manager of the AEC for almost a decade. He has seen the Commission through dynamic and difficult days as our civilian nuclear power program moves to fill its proper role as ultimately one of the major sources of power and energy for our country. In recognition of his outstanding performances through the years, he was awarded the Arthur S. Flemming Award for Outstanding Young Men in Government in 1958; the President's Award for Distinguished Federal Civilian Service in 1966; the AEC's Distinguished Service Award in 1969; and to cap his career, the National Civil Service League, a private organization, named him in 1973, one of the year's 10 outstanding Federal employees.

To comprehend the scope and magnitude of Mr. Hollingsworth's responsibilities, it should be realized that his management activities involved the efforts of almost 100,000 persons in Government and private industry doing business with the AEC. In 9 years as general manager, he has been responsible for programs which have totaled more than $20 billion. The physical plant supervised by him is now valued at nearly $10 billion.

Our Government is losing a fine, dedicated American and I want to take this opportunity to wish him well in his next endeavor.

MR. CHARLES H. WILSON OF CALIFORNIA ANNOUNCES INTENTION TO VOTE ON ENERGY BILL

(Mr. CHARLES H. WILSON of California asked and was given permission to address the House for 1 minute.)

Mr. CHARLES H. WILSON of California. Mr. Speaker, the gentleman from Indiana has indicated that he is going to leave at 6:30 this evening. I just want to serve notice that I will be here until we have completed deliberations on the energy bill.

Mr. Speaker, it is my intention to call for a rollcall at such time as that bill comes up, because I think that the people throughout the country want to know where the Members of this body stand on this energy bill which will be before us.

SAVE US FROM NADER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. CRANE) is recognized for 5 minutes.

Mr. CRANE. Mr. Speaker, a very prominent citizen of West Virginia, Mr. Elmer Fike, regularly writes a column entitled "Elmer's Tune."

I have read many of these columns with a great deal of interest because Mr. Fike has a way of setting the record straight on many issues.

The following column, entitled "Save Us From Nader" is a classic which deserves the considered attention of all my colleagues and of the American public in general:

SAVE US FROM NADER

(By Elmer Fike)

If one person were to be considered responsible for the energy crisis, it would probably be Ralph Nader. Yet in a recent editorial he tries to put the blame on nearly everyone else but himself.

For instance, he blames the auto industry for failing to develop small cars. When General Motors did come out with a United States answer to the Volkswagen, it was Nader who was responsible for killing it with his book, "Unsafe at Any Speed." Now a decade later a congressional committee has repudiated Nader and declared the Corvair was reasonably safe and comparable to other cars of its time, but the damage was done. No manufacturer was willing to try so daring an experiment again, and the American small car was set back many years.

In his editorial Nader talks about the "gas guzzling behemoths" that are inefficient, yet it is the ecologists acclaimed and encouraged by Ralph Nader that have insisted on unreasonable pollution abatement devices that increase the fuel consumption 15 to 20 percent to achieve very slight benefit.

He complains that utility companies promote electrically heated homes stating that this is an inefficient heating method. This is true to some extent. At least, however, electrically heated homes are in effect using "coal by wire" to heat with, and coal is still readily available while gas and fuel oil are getting scarce.

Nearly everyone has come to recognize that the fixing of the price of gas and reducing the depletion reserve has discouraged drilling and exploration for new deposits of oil and gas. Yet Nader talks of the "profit-glutted oil and gas industry". If there is so much profit, why doesn't he drill a few wells? He could help the energy crisis and with all these profits finance his own movement instead of depending on contributions.

Nader refers to "Interstate Commerce Commission's crazy quilt regulations" that result in rail cars and trucks returning empty. Yet who, if not Nader himself, is demanding even more regulations to protect the consumer?

He attributes the Office of Management and Budget with holding up development of new hydroelectric capacity in the west, yet affiliates of his movement have held up development of hydroelectric power here in the east by their objections to the Blue Ridge power project.

Nader finds fault in the President for recommending increased nuclear power pointing out the "horrendous risks" involved. Undoubtedly it has been Nader and his movement that has held up this source of energy. There is little doubt that if another committee were to investigate they would find Nader as wrong about this as he was about the Corvair. Meanwhile he is contributing to the energy crisis.

He claims that the consumers use only 30 percent of the energy and that curtailment should be in industry that uses the most. Up to now the chemical industry has been the one that has been curtailed the most in order to keep cars running on the highway. If these same priorities continue, it may not be long until the motorists have a lot more gas than they can afford to buy if they are out of work due to material shortages.

One of the biggest causes of the energy crisis has been the failure to recognize that a problem was developing. This was largely the result of massive publicity which continually labeled the crisis merely a contrivance by the oil companies to get higher prices. It seems that just a few weeks ago Nader was still making this claim.

Savior Nader, when are you going to save us from yourself?

THE LATE J. HAROLD BRISLIN

The SPEAKER. Under a previous order of the House, the gentleman from Pennsylvania (Mr. MCDADE) is recognized for 10 minutes.

Mr. MCDADE. Mr. Speaker, I have been deeply saddened by the loss of an extraordinary American and one of the most outstanding newspapermen of this Nation, J. Harold Brislin, of the Scranton Tribune and the Scrantonian in northeast Pennsylvania.

He was a man of incisive talent. He became a definitive authority on every subject at which he looked, and he seemed to look everywhere. When he wrote on the environment, he was acclaimed immediately, and was honored by the American Oil Co. for environmental writing about pollution of air, land and water. When he wrote of the serious illness of arthritis and the medical efforts to combat this disease, he was awarded a first prize in newspaper writing by the Arthritis Foundation. When he wrote on the work of the March of Dimes Foundation, he was cited by the National Foundation for interpreting their work through a study of the Lackawanna County chapter.

On four occasions he received the "Award of the Middle Atlantic District

Council, the Newspaper Guild." In 1952, the award was for a series of articles on an attempted drastic revision of its system of local government. In 1953, the award was for a series on the health, welfare, and recreation agencies supported by the community chest. In 1958, the award was for a series of articles on a bizarre Yuletide escape plot at Lackawanna County jail. And the final prize was for a series of articles that helped raise more than $12,000 for a fingerless Olyphant tot.

But of all the awards he received, he will certainly be remembered for the award of the Pulitzer Prize in journalism, the highest award in journalism in America. He was cited by the trustees of Columbia University on that occasion for "courage, initiative, and resourcefulness," and these were eminently the qualities that you saw through all his life.

Were I to cite all the distinctions that filled his life—having one of his stories selected for "The Big Story" on radio and television, for example—the list would be almost endless. But his life was more than awards, more than just a man with a typewriter doing a tough reporting job well.

He was a man who had a deep and enduring concern over children. When he did a series of articles on child abuse, it was not for the award which came to him when the series was completed, but because he had a deep love for children, especially for handicapped children. You could not be with him long without knowing that whatever else occupied his mind, there was always one small part that worried about these children, and you knew he was always ready to come to their help, their defense with the words he used so well.

I shall miss Harold personally. Our whole community will miss him, and indeed the Nation has lost such a man as Jefferson must have been thinking of when he wrote:

> Were it left to me to decide whether we should have a government without newspapers, or newspapers without a government, I should not hesitate a moment to prefer the latter.

I extend to his family my deepest sympathy, to his beloved wife, Gene; to his son, Robert Bruce Brislin; to his brother, Tom Brislin; and to his sister, Mrs. Florence Howell. I know no words of mine can ease their sorrow at the loss of this splendid man, but I hope they will be consoled by the thought that in his life, in troubled times which called for all of us to give our best, he did indeed give his best, and his best was magnificent.

THE IMPACT OF THE EMBARGO ON NEW ENGLAND: REPORT OF A SPECIAL STUDY MISSION TO THE MIDEAST—PART III

The SPEAKER. Under a previous order of the House, the gentleman from Connecticut (Mr. STEELE) is recognized for 45 minutes.

Mr. STEELE. Mr. Speaker, New England is more dependent on petroleum production for its energy than any other section of the United States. Its environmental requirements and geographical location mitigate against the use of coal and natural gas, respectively; its energy sources include only a 2-percent reliance on coal and a 9.4-percent reliance on natural gas, as compared with 18.2 percent and 31.8 percent, respectively, for the United States. The reason has thus developed a petroleum-based economy, which in 1971 relied on petroleum products for 83.5 percent of its energy requirements, compared with 41.8 percent for the Nation as a whole. The region's reliance on petroleum is aggravated by the fact that it has no proven reserves of petroleum, coal, or natural gas.

ENERGY SOURCES COMPRISING GROSS CONSUMPTION, BY REGIONS, IN PERCENTAGES, 1971

Region	Anthracite	Bituminous and lignite	Petroleum	Natural gas	Hydro and nuclear	Total
New England	0.1	2.0	83.5	9.4	5.0	100
Middle Atlantic	1.4	19.6	55.5	19.6	3.9	100
East North Central	.1	34.3	32.8	31.8	1.0	100
West North Central	(1)	16.2	39.3	40.4	4.1	100
South Atlantic	(1)	26.4	51.6	19.6	2.4	100
East South Central	.1	38.4	28.8	27.4	5.3	100
West South Central	(1)	.2	39.3	70.8	.4	100
Mountain	(1)	15.9	35.5	39.2	9.4	100
Pacific	(1)	1.4	43.6	34.2	20.8	100
United States	.2	18.3	41.8	31.8	4.9	100

1 Insignificant.

Another factor which points up the uniqueness of New England's energy situation is the use pattern of petroleum products. The region, which has longer and colder winters than most others in the United States, relies far more heavily on petroleum products for household heating and the production of electric power than the rest of the country. More than a third of New England's consumption of petroleum goes for home heating, compared with only 9 percent for the whole country, and 19 percent of the region's petroleum is used for the production of electric power, which is nearly five times the percentage used for that purpose for the United States as a whole. Industrial and transportation uses account for 7 percent and 24 percent, respectively, of New England's petroleum consumption, which is identical with the national averages for these uses.

In all, approximately 70 percent of the homes and buildings in New England are heated by oil, and slightly more than 70 percent of its electric power is generated from oil. These represent far greater percentages of reliance on petroleum products than is the case in any other region of the United States.

The question of the precise impact on New England's economy of the cutoff of Middle East oil rests on statistical information which to date has not been developed. A breakdown of the use by New England of oil from foreign sources is not possible, inasmuch as the importation, refining, and transshipment of the product within PAD I—Petroleum Administration for Defense District I, which includes all of the eastern seaboard States—clouds that statistical picture. Nevertheless, an examination of the data available suggests the basic dimension of New England's reliance on oil imported from the Middle East.

In 1971, oil consumed in the States comprising PAD I totaled 2.1 billion barrels; New England's share of this consumption was 403 million barrels—about 20 percent of the total. Of the total PAD I consumption, imported oil was reported at 967 million barrels, accounting for 46 percent of the oil used in the district. Applying the PAD I 1971 import rate of 46 percent to New England's total annual consumption of 403 million barrels results in a 189-million barrel consumption of imported oil for the region. This is admittedly a conservative estimate; in all probability, New England's consumption of imported oil is higher than the 46 percent that applies to the whole of PAD I. Furthermore, imports of Middle East oil probably accounted for a very large proportion of the oil imported into and consumed in New England.

It follows that a higher proportion of Middle East imports would end up in the New England region, since use of the most direct shipping routes would result in larger proportions of imports from Western Hemisphere Suppliers going into the southern part of PAD I than into the northern sector. Also traditional trade patterns result in a high rate of transshipment of Arab oil from European and Carribean refineries to New England. Thus, it can be assumed that New England's use of Middle East oil was at least 25 to 30 percent of the total consumption of Middle East oil in the eastern seaboard States of PAD I. This would put New England's dependence at more than 241 million barrels yearly as of 1971, or more than 60 percent of its yearly consumption of petroleum products.

Although incomplete data exists for 1973 import destinations and fuel use, there are several factors which would point to even higher dependence on Middle East oil in New England this year than in 1971 or 1972. First, in early 1973, extremely cold weather forced both major oil companies

and independent terminal operators to import huge amounts of additional No. 2 home heating oil and residual oil. Second, import restrictions on imported crude oil and refined products were relaxed by President Nixon. Third, electric utilities bought additional amounts of imported oil for their generators. Fourth, scarcity of gasoline in the summer months forced jobbers and independent chain operators to import additional supplies. Fifth, the fear of shortages stimulated both major oil companies and independents to start stockpiling home heating oil during the late summer months. These increased purchases were mainly based on Arab crude.

In combination, the extra imports throughout the year greatly increased U.S. dependence on both Arab crude oil and on products refined abroad from Arab crude oil. In the months before the embargo, some Arab countries increased their exports to the United States by 300 percent. Since many of the refined products were shipped into New England, they contributed greatly to an even further dependence on Middle East oil by the region.

CUTOFF EFFECTS ON THE ECONOMY

The United States has had an encouraging year in 1973 for balance of payments, employment, and increasing gross national product, but all three of these factors will be seriously affected if the American economy is forced into a continuing oil shortage resulting from the Arab oil boycott.

Estimates of the effects of the oil shortages on the Nation's economy range from projections of no serious impact to forecasts of a mild recession, but most predict the latter. With a shortfall of 2.5 million barrels per day throughout 1974, it appears that the decline in the gross national product will be between 0.5 percent and 1 percent during 1974 and that unemployment will rise from the current 4.5 percent to between 4.8 and 6 percent on a national average.

It is reasonable to assume that the rise in unemployment will be felt first and hardest in areas of energy-intensive manufacturing and the areas most heavily affected by the boycott. I am particularly concerned about the New England States, which will be greatly affected by the boycott and are already experiencing unemployment of 6.5 percent, which is 2 percentage points over the national average. Unemployment in the region is now at 350,000 and could increase to 9 percent of our work force which means that another 150,000 individuals could lose their jobs in the next 6 months.

1974: THE ARAB OIL EMBARGO LOWERS MOST REAL GROWTH FORECASTS AND RAISES IN INFLATION

	Percent change 1974 from 1973				1974 current dollars, GNP (billions)	1974 unemployment rate (percent)
	Constant dollars, GNP	GNP deflator	Current dollars, consumer durables	Pretax corporate profits		
The Fair Model	[1] 3.5	[2] 4.7	[1] 6	[3] NA	$1,394	[2] 4.8
United States Trust	2.5	6.0	2	−5	1,400	5.3
Argus Research	2.3	5.9	1	[1] 3	1,395	5.3
Harris Trust	2.0	5.6	0	−4	1,387	5.3
RCA	1.9	6.3	3	0	1,394	5.6
Dean Witter	1.8	5.7	1	−2	1,381	5.7
Data Resources	1.6	6.2	1	−4	1,390	5.5
Drexel Burnham	1.6	5.6	−2	−4	1,381	5.5
A. G. Becker	1.5	6.3	−2	−4	1,389	4.5
Equitable Life	1.5	6.3	2	−6	1,385	5.6
Mellon Bank	1.5	5.5	[2] −3	[2][4] −10	1,374	5.5
Bankers Trust	1.3	6.0	2	−6	1,381	5.3
First National City Bank	1.3	5.3	NA	NA	$1,372	5.6
Manufacturers Hanover Trust	1.2	5.7	2	−6	1,375	5.6
E. I. duPont de Nemours	1.0	5.5	−2	−6	1,375	5.5
Council of Economic Advisers	1.0	NA	NA	NA	NA	[5]
Chase Econometrics	.8	5.6	0	−1	[2] 1,371	5.7
The Wharton Model	[2] .6	[1] 7.6	1	1	1,393	[1] 5.8
Scudder, Stevens and Clark	[2] .6	7.0	0	−6	1,386	5.6
Lionel D. Edie	[2] .6	6.2	[2] −3	[2] −10	1,374	5.6
November mean	1.5	5.9	1	−4	1,384	5.4
October table mean	2.5	5.0	1	−2	1,385	5.2

[1] Highest forecast in column.
[2] Lowest forecast in column.
[3] Not available.
[4] Mellon Bank sample not used in calculating table mean.
[5] Not more than 6 percent.

Note: Of the 18 forecasts tabulated last time, 15 revised real growth down, none up; 15 revised price inflation up, none down; 15 revised the unemployment rate up, none down.
Source: Published forecasts and personal communication. RCA Forecast: RCA Economic Forecasting Model.

These projections are particularly significant to New England which is experiencing as a region one of the slowest growth rates in the United States. Between January 1967 and January 1973, the decline of factory jobs was 2.6 percent, or 36,000 jobs. The overall factory job growth picture placed New England seventh out of the eight regions of the country. Only the mid-Atlantic States, held back by New York, were lower.

The stunted growth picture for New England is also reflected in the State growth rankings for the same 1967-73 period. By individual States, Vermont ranked 14th and New Hampshire 22d among the 50 States in terms of rate of growth. This is significant in that these States are more resort, recreation, and service oriented. The States with a high proportion of manufacturing—Connecticut and Rhode Island—were tied at 41st, and Massachusetts 47th. Maine was 44th among all States, its service jobs not yet having expanded as fast as its other northern neighboring States.

Because of New England's location and industrial structure, the oil embargo poses a grave threat to the region's economy. New England is on the tail end of the oil distribution system, depending on hundreds of small, independent fuel dealers who deliver 80 percent of its oil. The independent dealers, in turn, are largely dependent on the major oil companies for their supplies, and as we have seen during the past year, the major companies are inclined to fill their own retail needs before meeting the needs of the independents. While the mandatory oil allocation program now planned is designed to assure the independents a fair share of the available oil, there may be a number of technical as well as competitive reasons why it will not work perfectly to assure a fair distribution of the fuel.

Thus, in addition to New England being more dependent on oil—particularly Middle East oil—than other sections of the country, its location and distribution system require that its needs be given special consideration during the embargo.

There are also other factors which will serve to make the energy shortage more critical for New England. One is that New England lacks adequate forms of mass transit. A second is that the railroads are in poor condition in New England, meaning that there will be difficulty in moving adequate amounts of coal into the area to offset some of the loss of heating oil, even if additional coal becomes available. A third factor is that New England is colder than most of the United States and therefore requires great quantities of fuel just to survive the winter. For instance, while factories in certain parts of the country can remain open with no or little heat, New England uses fuel to heat factories as well as run certain industrial processes during the winter months.

Job losses are likely to be most heavily concentrated in such industrial areas as chemicals, plastics, glass, textiles, and screw machine products. But increased unemployment will certainly not be limited to these industries. One large Connecticut printing firm, for example, is facing the prospect of having to lay off most of its employees because it cannot get sufficient propane gas for its equipment.

Prospects for shorter working hours face still other, nonindustrial enterprises, such as gasoline service stations, automobile dealers, delivery services and retail stores. Additional layoffs are imminent in recreation-related industries and in basic service industries which depend on sports, such as boating and skiing, to bring in customers.

Estimates of the impact of the energy shortages on employment in New England has been provided by David Pinsky, a professor at the University of Connecticut. He estimates that by next June, unemployment in Connecticut will rise by 50,000, from 70,000 to 120,000; in Massachusetts by 70,000, from 205,000 to

275,000; in Rhode Island by 12,000, from 28,000 to 40,000; in Maine by 6,000, from 24,000 to 30,000; in Vermont by 5,000, from 12,000 to 17,000; and in New Hampshire by 5,000, from 13,000 to 18,000.

This totals 150,000 workers who are likely to be put out of work in New England because of energy shortages. About one-third of the increase will come from industrial cutbacks, one-third from the increasing number of youth who are entering the labor force and for whom jobs will be scarce, and the remaining third from direct and indirect layoffs in the service sector of the economy.

The result is clear. Not only will New England face greater heating problems this winter than other regions of the country, but it will also face more serious economic disruptions than most other areas unless major and unprecedented steps are taken by the Federal Government to distribute the Nation's fuel shortages as fairly as possible.

FINDINGS AND CONCLUSIONS

First. The administration slowed its response to the Arab embargoes because it underestimated the extent to which the United States was dependent on Arab oil. The United States' real dependence on Arab oil is between 14 and 18 percent.

Second. The Arab threats against nations like Canada may cause further reductions in the amounts of oil we are able to import from non-Arab countries.

Third. Existing domestic oil wells no longer have sufficient production capacity to meet peak domestic demand.

Fourth. Existing domestic refining capacity is no longer sufficient to meet the demand for many petroleum products.

Fifth. Even without the Arab embargo, the United States would not have been able to import enough refined distillate petroleum products to meet the demand during a cold winter.

Sixth. The United States will not be able to replace Arab oil losses with increased imports from other countries.

Seventh. The price of imported oil will remain at a relatively high level even with the lifting of the embargo.

Eighth. The dependence on imported petroleum products such as No. 2 home heating oil and residual oil have made the east coast of the United States particularly vulnerable to an oil embargo.

Ninth. New England is more vulnerable to the Arab oil embargo than any other section of the country. The region is 83 percent dependent on oil as a source of energy, while the average for the country is 41.8 percent.

Tenth. Even with a continuation of normal Arab oil shipments to all countries, the United States may not be able to import all of the distillate oil and residual oil it needs to meet domestic demand.

Eleventh. Increased foreign governmental control over major international oil companies operating in Europe will limit the companies ability to shift increased supplies to the United States even if American petroleum prices rise significantly.

Twelfth. It is clear that the oil producing countries will insist on determining the future price of their oil, rather than allowing the international oil companies to set the price, as in the past.

Thirteenth. There is significant additional doubt as to whether or not the oil producing countries will produce at maximum rates even with skyrocketing world prices.

Fourteenth. The Arab oil producing countries have the capability of effectively maintaining the boycott because of the very precise recordkeeping they have on oil shipments and destinations.

Fifteenth. Saudi Arabia, apart from historic and religious reasons, will play a prominent role in the future of Middle Eastern politics because of its rich oil deposits and its accumulation of extensive capital.

Sixteenth. Until such time as the United States is able to increase its own production of oil and coal, Saudi oil alone can fill much of the current gap between U.S. supplies and demand.

Any substantial increase in Saudi production, however, would probably have to be linked with an intensive reciprocal U.S. effort aimed at helping Saudi Arabia industrialize.

Seventeenth. Saudi Arabia may work to relax the oil embargo prior to a complete settlement of the Arab-Israeli dispute.

Eighteenth. Saudi Arabia will most likely accept whatever agreement is reached during the peace negotiations by the main combatants.

Nineteenth. It is of extreme importance for the United States to develop a long term energy strategy which both coordinates Federal programs and plots future energy development in relation to future energy needs. This long range policy, if properly planned and developed, would allow Congress to assess its legislative actions in relation to the overall goals of U.S. energy policies.

Twentieth. The organization of U.S. energy programs must be further centralized along the lines of the new Federal Energy Administration to include all the energy programs in one agency.

Twenty-first. The energy crisis and increasing dependence on Middle East oil are long term problems for Western nations and Japan. Stopgap solutions will not alleviate dependence on oil and the subsequent dependence on the Middle East.

Twenty-second. The United States must put equal emphasis on decreasing demand for oil products as it moves to expand supplies. In the last 3 decades the world has used up more energy than in all previous history. Furthermore, in the next 15 years man is expected to consume more energy than he has up to now.

Twenty-third. The U.S. response to the Arab oil boycott involves a much bigger question than simply U.S. support for Israel. The bigger question is whether the United States is to retain control of its own foreign policy, or if U.S. foreign policy is to become increasingly dependent on Middle East oil, and through oil, on not only the more moderate Arab oil-producing States, but on the more radical Arab States and the Soviet Union.

Twenty-fourth. If we give in to Arab demands this time, we may well face further demands in the future. One can envision, for example, demands relating to the U.S. Sixth Fleet in the Mediterranean, to the U.S. military presence in Turkey, to U.S. relations with such pro U.S. Mideastern countries as Iran and Jordan, or to demands affecting the stability of NATO. Giving in to current Arab demand also could be expected to encourage other raw-material producing nations to attempt to use their export products to gain political concessions from the United States.

RECOMMENDATIONS

First. The United States cannot permit its economic security to become dependent on foreign sources of energy to the point that we cannot replace that energy if it is withheld. Therefore, it is essential that every reasonable effort be made to insure that the United States has the ability to maintain energy self-sufficiency at the earliest possible time. To this end, a major commitment to long range Federal energy research must be made. The range of projects should include programs designed to expand use of fossil fuels through development of oil shales, tar sands, coal gasification and other projects. It should also concentrate on renewable forms of energy such as massive funding to the development of newer forms of energy such as fusion power.

Second. An informational program designed to give State governments up-to-date data on supply, demand and consumption of fuels must be established. This information is absolutely vital if State governments are to keep the public fully informed as to the status of energy supplies and recommend programs for conservation and public cooperation.

Third. As one immediate action, the United States could increase domestic production of oil slightly by raising the maximum efficient rates at which oil is pumped from the wells. U.S. oil wells have been producing at close to maximum capacity for the last 3 years and too great a jump in production could permanently damage the wells. But through carefully controlled increases, we could achieve added production of at least 200,000 barrels per day and possibly as much as 300,000 barrels per day.

Fourth. The Elk Hills—California—Naval Petroleum Reserve and Naval Petroleum Reserve No. 4 in Alaska should be opened to production. The Elk Hills Reserve is capable of producing, almost immediately, 160,000 barrels per day and, after some investment in pipelines and other facilities, as much as 300,000 barrels per day in 3 years.

Fifth. Natural gas should be deregulated at the wellhead, not only to assure the production of more gas, but to enable the industry to operate free of uncertainties about changes in future and perhaps retroactive Federal Power Commission policies. Without deregulation, natural gas will be consumed within the producing States and not transported in interstate shipments to such areas as New England because of higher intrastate prices.

Sixth. The price structure for consumption of natural gas and electricity

should be reversed. Instead of lowering the price as more energy is consumed, the producers and distributors of energy should be forced to raise it. This action would stimulate conservation, end the present subsidy of larger users—like industry—by small users—like homeowners—and end the incentive for wasteful energy use.

Seventh. We must revise pricing regulations to discourage the switch from coal to oil by electric utilities and from natural gas to synthetic natural gas by the gas utilities.

For example, the electric utilities are presently able to pass on the added costs of using more expensive fuel and this has enabled them to buy higher priced oil for the production of electricity to meet environmental standards rather than developing environmentally clean ways to burn coal or higher sulfur oil. This factor has contributed significantly to the shortage of No. 2 home heating oil in New England.

Eighth. Air quality standards should be reviewed to determine whether some of the standards can be temporarily relaxed without serious consequences to health, safety, and the environment in an effort to conserve oil. This is particularly important if we are to substitute coal for unavailable oil over the short term.

Ninth. Environmentally safe offshore drilling should be accelerated. Our offshore reserves represent the only substantial sources of new oil that will be available to us for the rest of this decade.

Tenth. New England's oil allocation should be increased so that the region receives more oil on a percentage basis than warmer areas of the country and areas which can offset the loss with other forms of energy.

Eleventh. Arrangements should be made to funnel electricity from Southern generating plants to New England this winter.

Twelfth. Some of the electricity used in uranium enrichment should be temporarily transferred to the Northeast.

Thirteenth. An emergency hopper car plan should be instituted to increase coal shipments to New England.

Fourteenth. A nationally coordinated plan should be instituted for utilities to stockpile heavier fuel oils.

Fifteenth. New England must expand its facilities to supply its own oil needs. This expansion should include new refineries and additional pipelines and storage facilities.

Sixteenth. New England State governments must develop long-range energy conservation plans with a view toward greatly decreasing consumption of oil in the region.

Seventeenth. The Federal Government should require a temporary diversion of production from asphalt to residual oil in U.S. refineries. This diversion would provide incremental relief to the east coast of the United States.

Eighteenth. The United States should seek ways with Canada to assure that both countries can achieve their economic needs to the fullest extent possible. A move by Canada away from the United States-Canadian oil relationship could have further severe consequences for the New England States which depend on distillate imports from Canada's eastern provinces.

Nineteenth. In the event of an extreme shortage of oil this winter, the New England States should be prepared to process and burn peat, which is readily available throughout the region and is used widely as a fuel in Russia and Ireland.

Twentieth. Every effort should be made to give the New England electric utilities additional supplies of residual oil. New England generates more than 70 percent of its electricity from oil, whereas the Nation as a whole generates only 14 percent of its electricty from oil. Thus, a 25 percent oil cutback would reduce New England's electricity by 18 to 19 percent, whereas it would reduce the national power supply by only 3½ percent.

Twenty-first. The U.S. Department of Health, Education, and Welfare should begin an evaluation of the health-related aspects of energy shortages so that public health will not be endangered by such shortages.

Twenty-second. In planning building codes, greater emphasis should be placed on building design and insulation to conserve fuel.

Twenty-third. Manufacturers should be required to place labels on all home appliances and industrial machinery to indicate fuel consumption, so that items can be purchased according to energy use.

Twenty-fourth. Industry should be encouraged through incentives, tax or pricing policies to use energy more efficiently.

Twenty-fifth. The Federal Government should immediately initiate a study of the tax loss to municipalities and States caused by decreasing sales of fuels. This study should recommend actions by the Federal Government to help relieve the burdens of State and local revenue loss.

Twenty-sixth. Greater amounts of Federal money should be spent on developing and operating mass transit systems.

Twenty-seventh. Municipalities should adopt ordinances for municipal inspection of home heating plants, insulation, and cold weather construction. This program would help present homeowners save fuel and protect prospective owners from buying improperly insulated structures.

Twenty-eighth. A program should be developed which insures that the customers of independent fuel dealers do not bear an unfair share of the cost of the Nation's oil imports.

We cannot have a situation where some consumers are paying 45 cents per gallon for imported home heating oil while others are paying only 22 cents for domestic oil. Furthermore, the extremely high prices for imported oil should not be borne exclusively by one region of the country as is now the case with the Northeast.

Twenty-ninth. Despite the fine voluntary public response to current conservation programs, further emergency reductions in use should be sought through massive appeals via the media and paid advertising.

Thirtieth. The guidelines for reporting supplies and restricting supplies to consumers should be rewritten to enable proper monitoring without requiring small fuel dealers to expend inordinate and counter-productive amounts of time and resources on bureaucratic paperwork.

Thirty-first. Consideration should be given, on a monthly basis, to further altering refinery runs to maximize the production of fuel needed by industry and private homeowners in colder regions of the country.

Thirty-second. Immediate controls on the export of petrochemicals and scarce fuels should be instituted.

Thirty-third. An excess profits tax to prevent energy producers and distributors from reaping windfall profits directly as a result of the shortages should be instituted immediately.

Thirty-fourth. Consideration should be given to an emergency suspension of the Jones Act so that foreign ships can be used to import various fuels. Special consideration, in this regard, should be given to New England's gas utilities, so they can charter foreign liquified natural gas tankers.

Thirty-fifth. Immediate consultations with the Canadian Government should begin relating to the possibility of building a trans-Canada pipeline.

Thirty-sixth. Both tax and mandatory compliance programs should be instituted to encourage automobile manufacturers to build internal combustion engine vehicles which use fuel more efficiently.

Thirty-seventh. A new program of unemployment benefits and retraining for individuals that lose their jobs as a direct result of energy shortages should be formulated.

Thirty-eighth. One of the reasons which forces the United States to rely on so much imported refined oil is the shortage of domestic refineries. A major cause of the reluctance to build new refineries is the feared environmental danger inherent in such projects. Therefore, we must seek to develop technology which will minimize the environmental effect of new oil refineries.

Thirty-ninth. The United States should take the initiative in attempting to form an organization of petroleum-consuming nations to counterbalance the Organization of Arab Petroleum Exporting Countries which has been the chief mechanism for coordinating the Arab oil boycotts and cutbacks and for increasing petroleum prices. The purpose of such an international oil consumers group would be: To negotiate as a single body to try to keep prices as low as possible, and to cooperate in pooling its resources to develop new sources of fossil energy and cleaner, more exotic forms of energy, such as fusion power. This cooperation could help to reduce the extreme price and political competition for scarce energy sources.

The following is the Study Mission's schedule of meetings, interviews, and discussions in the Middle East and Europe:

STUDY MISSION SCHEDULE

BEIRUT, LEBANON—OCTOBER 24–26, 1973

Suheil Sadaawi, former Secretary General OAPEC.

Nadim Pachachi, former Secretary General, OPEC.

Fuad Itaym and Ian Seymour, Middle Eastern Economic Survey.

Sir John Rennie, Commissioner-General United Nations Relief and Works Agency for Palestine Refugees in the Near East.

Harvey T. Clew, Petroleum Officer, U.S. Embassy.

The study mission also attended a luncheon hosted by U.S. Ambassador William B. Buffum. Present at the luncheon were:

Pierre Helou, Deputy, Lebanese Parliament.

Muhieddine M. Ahdab, Mobil Oil Lebanon, Inc.

Bryan Jones, Esso Standard (Near East), Inc.

A. N. Pagnotta, Caltex (Middle East), Limited.

David S. Dodge, Trans-Arabian Pipe Line Co. (Tapline).

Raymond Hitti, Ministry of National Economy.

Dr. Zuhayr Mikashi, Professor at the American University in Beirut.

Ian Steele, Refinery Manager, Medreco.

James M. Templar, Vice President, Tapline.

Albert Lahm, Lawyer.

ROME, ITALY—OCTOBER 26, 1973

Matthew Quilter, Vice President of Esso/Italy.

David S. Wilson, Petroleum Officer, U.S. Embassy.

ISRAEL—OCTOBER 27–29, 1973

Israeli Officials

Abba Eban, Israeli Foreign Minister

Michael Elizur, Chief North American Division, Ministry of Foreign Affairs.

Dr. Zvi Dinstein, Deputy Minister of Finance in Charge of Petroleum Matters, and Chairman of the Board of the Israeli Institute of Petroleum.

U.S. Officials

Hon. Kenneth B. Keating, U.S. Ambassador.

Nicolas A. Veliotes, Deputy Chief of Mission.

Jack B. Button, Economic/Commercial Officer.

William A. Kirby, Jr., Economic/Commercial Officer.

Col. Billy B. Foresman, Defense Attaché.

Arthur R. Day, U.S. Consul General, Jerusalem.

The study mission visited Golan Heights with guide Major Dan Bawly, Israeli Army.

AMMAN, JORDAN—OCTOBER 30, 1973

Jordanian Officials

Audience with His Majesty, King Hussein.

H. E. Zaid Rifai, Prime Minister, Defense Minister, and Foreign Minister of Jordan.

H. E. Zaid Rifai, Prime Minister, Defense Court.

Lt. General Amer Kammash, Political Counselor to King Hussein.

H. E. Baha Ad-Din Toukan, Court Minister.

H. E. Dr. Khalil Salim, President National Planning Council.

H. E. Dr. Sa'id Nabulsi, Governor, Central Bank.

Maj. Gen. Sharif Zaid bin Shaker, Chief of Staff, Jordanian Armed Forces.

U.S. Officials

Hon. Lewis D. Brown, U.S. Ambassador.

Pierre R. Gram, Deputy Chief of Mission.

Charles E. Waterman, Political Officer.

Colonel Clarence C. Mann, Defense Attache.

KUWAIT—OCTOBER 30, 1973

Hon. William A. Stolzfus, U.S. Ambassador.

Walter M. McClelland, Deputy Chief of Mission.

Richard W. Bogosian, Economic/Commercial Officer.

Leslie M. Lisle, Public Affairs Officer.

SAUDI ARABIA—OCTOBER 31–NOVEMBER 1, 1973

In Dhahran

James M. Bahti, U.S. Consul General.

In Riyadh

Saudi Arabian Officials

Audience with His Majesty King Faisal.

H. E. Sheikh Hisham Nazir, President, Central Planning Organization.

H. E. Sheikh Ahmad Zaki Yamani, Minister of Petroleum and Mineral Wealth.

U.S. Officials

Charles O. Cecil, Political/Military Officer.

T. McAdams Deford, Political Officer.

James E. Smith, Information Center Director, USIA.

Col. William L. Durham, U.S. Army Engineer District, Saudi Arabia.

Lt. Col. F. Whiting III, U.S. Army Section, U.S. Military Training Mission.

In Jeddah

H. E. Sayyad Omar Saqqaf, Minister of State for Foreign Affairs.

Anwar Ali, Governor, Saudi Arabian Monetary Agency.

U.S. Officials

Hon. James E. Akins, U.S. Ambassador.

Hume A. Horan, Deputy Chief of Mission.

Eugene H. Bird, Political/Economic Officer.

Raymond H. Close, Political/Economic Officer.

Robert R. Ruggiero, Public Affairs Officer.

CAIRO, EGYPT—NOVEMBER 2, 1973

Edward T. Penney, Cultural Affairs Officer, U.S. Interests Section, Spanish Embassy.

Hafes Ghanem, First Secretary, Arab Socialist Union.

THE NETHERLANDS—NOVEMBER 2-3, 1973

Dutch Officials

L. G. Wansink, Director General for Energy Supply, Ministry of Economic Affairs.

A. T. van Rhyn, Deputy Director for Energy Supply.

U.S. Officials

Hon. Kingdom Gould, Jr., U.S. Ambassador.

Charles R. Tanguy, Deputy Chief of Mission.

John Q. Blodgett, Economic/Commercial Officer.

Carroll E. Cobb, Economic/Commercial Officer.

Private Industry

F. G. van Duivenbooden, President/Esso/Nederland.

D. J. Piliero, Managing Director, Chevron Petroleum/Nederland.

VOTING RECORD

The SPEAKER. Under a previous order of the House, the gentleman from Maryland (Mr. HOGAN) is recognized for 60 minutes.

Mr. HOGAN. Mr. Speaker, as has been my custom I am inserting herewith in the CONGRESSIONAL RECORD my voting record for the 1st session of the 93d Congress. Since the session began in January we cast 523 recorded votes. Of these I was unavoidably absent for 14 votes.

It has been my practice to insert my voting record into the CONGRESSIONAL RECORD so that my constituents have ready access to it and know whether I am voting as they would prefer to have me vote on the various issues coming before Congress.

I will reprint this insertion and make it available to any constituent who requests it.

In the compilation (D) means "Defeated" and (P) means "Passed".

VOTING RECORD FOR THE 93D CONGRESS, 1ST SESSION

For Gerald Ford to be Speaker of the House of Representatives (D).

Against a previous question to prevent presentation of amendments to H. Res. 6, a resolution to adopt the Rules of the House for the 93rd Congress (P).

Against a previous question on H. Res. 176, the rule for consideration of a House Committee study (H. Res. 132) (P).

Against a rule to consider H. Res. 132, a House committee study (P).

Against resolution to create a select committee to study jurisdiction of standing committees of the House (H. Res. 132) (P).

For extension for life of Highway Beautification Commission, and increased authorization to $450,000 (H.J. Res. 123) (P).

Against previous question which was to force the President to spend $210,000 million on rural environment assistance programs (REAP) (H. Res. 188) (P).

For amendment to provide $140 million for REAP programs (H.R. 2107) (D).

For restricting REAP payments to provide only those farmers with annual net incomes over $10,000 witth benefits (H.R. 2107) (D).

Against bill to require President Nixon to spend $210 million previously appropriated for REAP (H.R. 2107) (P).

For providing funds for the balance of fiscal 1973 for the labor and HEW departments and for foreign aid (H.J. Res. 345) (P).

Against amendment to provide a short period which farmers could apply for emergency disaster loans at 1% interest (H.R. 1975) (P).

For amendment legislation authorizing emergency farm loan programs (H.R. 1975) (P).

For extension until June 30, 1974, the interest equalization tax (H.R. 3577) (P).

Against temporary reconstitution until June 30, 1973 of the Select Committee on Crime with a future transfer of functions to the House Judiciary Committee (H. Res. 256) (P).

Against authorizing funds for the House D.C. Committee to conduct studies and investigations abroad (H. Res. 257) (D).

For requiring the Agriculture Secretary to spend all of the money appropriated by Congress for the rural water and sewer grant program under the Consolidated Farm & Rural Development Act. (H.R. 3298) (P).

Against previous question on rule considering H. Res. 159 for further opening of House Committee meetings. (H. Res. 272) (P).

For authorization of presence of departmental representatives at closed House committee meetings (H. Res. 259) (amendment) (P).

For opening of committee meetings to public, unless otherwise voted when national security or personal privacy is involved. (H. Res. 259) (P).

Against amendment substitute bill providing for a three-year extension of existing vocational rehabilitation programs with authorization of $600 million (H.R. 17) (D).

Against amendment to substitute $501 million for programs for older Americans for fiscal year 1973–1974, instead of $1.4 billion (H.R. 71) (D).

For expanded programs for senior citizens and carried price tag of $1.4 billion over three-year period (H.R. 71) (P).

For provision for additional time for Congressional consideration of proposed new rules of evidence for the federal courts (S. 583) (P).

Against one-year extension of the Public Works and Economic Development Act with authorization of $1.2 billion for fiscal 1974. (H.R. 2246) (P).

For one-year extension of Solid Waste Disposal Act with $238.5 million authorization for fiscal 1974 (H.R. 5446) (P).

For authorizing $475,000 for House Internal Security Committee expenses. (H. Res. 308) (P).

For Clean Air Act extension of one year with fiscal 1974 authorization of $475 million (H.R. 5445) (P).

For recommittal motion that proposed authorizations be limited to one-year and reduced by $17 million (H.R. 5293) (D).

For authorizations of $157 million for Peace Corps for fiscal 1974 and 1975 (H.R. 5293) (P).

For amending Social Security Act to make certain technical and conforming changes (H.R. 3153) (P).

For endorsing the President's ocean policy which would guide the U.S. delegation to an international Law of the Sea Conference. (H. Res. 330) (P).

For conference report on H.R. 3577 which extended the interest equalization tax until June 30, 1974 (H.R. 3577) (P).

For previous question for consideration of H.R. 5683 (H. Res. 337) (P).

For amendment in substitute bill form to tighten eligibility for two percent loans for rural electric and telephone systems (H.R. 5683) (D).

Against revising the rural electric and telephone systems loan program by substituting a revolving fund for such loans for the present program of direct appropriations (H.R. 5683) (P).

For incorporating the National Inconvenienced Sportsmen's Association. (H.R. 4586) (P).

For authorizing the District of Columbia to enter into the Interstate Agreement on Qualification of Educational Personnel. (H.R. 342) (P).

For sustaining veto requiring Agriculture Secretary to spend all of the money appropriated by Congress for the rural water and sewer grant program under the Consolidated Farm and Rural Development Act (H.R. 3298 (Sustained).

For vote on rule to adopt consideration of H.J. Res. 205 which proposed creation of Atlantic Union delegation for a convention of delegates from NATO treaty nations (H. Res. 348) (D).

For vote on rule for consideration of H.R. 3180 to clarify the proper use of the franking privilege by Members of Congress ((H. Res. 349) (P).

For clarifying the proper use of the franking privilege by Members of Congress (H. 3180) (P).

For appropriating $1,369 million for college student aid programs, the Veterans Administration, the CAB and GSA (H.J. Res. 496) (P).

Against previous question to consider H.R. 6168 to extend the Economic Stabilization Act (H. Res. 357) (D).

Against amendment to impose a ceiling on prices at levels no higher than those on April 16, 1973, except for agriculture prices (H.R. 6168) (D).

Against amendment providing opportunity for hearings in cases of proposed wage reduction orders, plus written explanations to involved parties (H.R. 6168) (P).

Against amendment to extend the Economic Stabilization Act for 60 days and directing the President to develop stabilizing program of interest rates, rents, prices and wage (H.R. 6168) (D).

Against amendment authorizing the President to stabilize rents at levels prevailing on January 10, 1973 (H.R. 6168) (D).

Against amendment authorizing President to stabilize rents, but allowing for a 2½% annual increase (H.R. 6168) (D).

Against amendment proposing a ceiling on food prices at levels no higher than those prevailing on march 16, 1973, plus a stabilization of rents at January 10, 1973 level (H. R. 6168) (D).

Against recommittal motion to recommit H.R. 6168 to the House Banking and Currency Committee (H.R. 6168) (D).

For providing one-year extension of Presidential authority to control wages and prices (H.R. 6168) (P).

Against amendment to strike out $58 million proposed for extension of the west front of the Capitol (H.R. 6169) (D).

Against recommittal motion on question of striking out the $58 million for extending the west front of the Capitol (H.R. 6169) (D).

Against previous question on rule to consider H.R. 4204 to extend funding for the Emergency Employment Act of 1971 (H. Res. 360) (D).

For previous question on amendment to the rule providing for the substitution of a substitute bill (H. Res. 360) (D).

For motion to table reconsideration motion on H. Res. 360, the rule for consideration of the Emergency Employment Act extension bill (H. Res. 360) (P).

For agreement to Senate amendment extending and expanding the Older Americans Act of 1965, clearing legislation for White House (S. 50) (P).

Against amendment to propose allowing urban areas to use federal aid highway program trust funds for mass transit projects (S. 502) (D).

For amendment deleting a provision in the bill earmarking federal aid highway funds to urban areas with population of 400,000 or more rather than have state allocation of funds (S. 502) (P).

Against conference report on S. 398 which provided for one-year extension of Presidential power to impose wage and price controls provided authority to the President to ration gasoline, etc. (S. 398) (P).

Against vote on rule to consider H.R. 3932, which proposed abolition and reestablishment of the Office of Management and Budget (OMB) (H. Res. 351) (P).

Against amendment proposing Senate confirmation of OMB directors and deputy directors appointed after enactment of this bill, but previous incumbents being excluded (H.R. 3932) (D).

Against abolition and reestablishment of the Office of Management and Budget with its director and deputy director subject to Senate confirmation (H.R. 3932) (P).

For vote on rule to consider H.R. 6388, to amend the Airport and Airway Development Act (H. Res. 370) (P).

For amending Airport and Airway Development Act of 1970 to continue authorizations for airport development grants for fiscal years 1974 and 1975 at the present $280 million per year level. (H.R. 6388) (P).

Against amendment attempting to cut a proposed three-step civil and criminal penalty procedure imposing sanctions against employers who knowingly employ illegal aliens in U. S. (H.R. 982) (D).

For amending the Immigration and Nationality Act to make it unlawful for American employers to employ illegal aliens and to make such employers subject to criminal and civil penalties (H.R. 982) (P).

For authorization of $1.2 million for Indian Claims Commission for fiscal year 1974 and authorized a $900,000 increase (H.R. 4967) (P).

For encouraging persons to join and remain in the Reserves and National Guard by providing full time coverage under Servicemen's Group Life Insurance (H.R. 6574) (P).

For bill to establish a National Cemetery System within the Veterans' Administration (H.R. 2828) (P).

For providing payments by the Postal Service to the Civil Service Retirement Fund for increases in the unfunded liability of this fund (H.R. 29) (P).

For providing a three-year authorization of $120 million for and extension of the National Sea Grant College and Program Act (H.R. 5452) (P).

For amending the Oil Pollution Control Act to implement amendments to an international convention on oil pollution control (H.R. 5451) (P).

For providing a two-year extension of the Renegotiation Act which enables the government to recapture excessive profits on certain government controls (H.R. 7445) (P).

Present on amendment in favor of allowing negotiable orders of withdrawal to be written against certain interest-bearing savings accounts (H.R. 6370) (D).

Present on provision to extend certain laws relating to the payment of interest on time and savings deposits (H.R. 6370) (P).

For revising the Rural Electrification System lending program so that the bulk of them will be financed at 5% interest, and a smaller part of them financed at 2% interest (S. 394) (P).

Against previous question on rule to order the consideration of H.R. 7447, a supplemental appropriations bill (H. Res. 389) (D).

Against amendment to strike language authorizing the transfer of $430 million to the Defense Department's general operational fund from specific fund accounts (H.R. 7447) (P).

For amendment postponing the effective date of a proposed amendment prohibiting funds appropriated in this bill from being expended to support U.S. combat activities in Cambodia (H.R. 7447) (D).

Against amendment prohibiting funds to be expended to support combat activities in, over or off the shores of Cambodia by U.S. forces (H.R. 7447) (P).

For amendment increasing funds for category B federally impacted area school assistance aid from 54% to 68% (H.R. 7447) (F).

Against amendment to strike language authorizing the transfer of $430 million to the Defense Department's operation fund (H.R. 7447) (P).

For $2.86 billion supplemental appropriation provided funds for such items as: increased federal pay costs, grants for public assistance (H.R. 7447) (P).

Against amendment to reduce a proposed multi-year authorization of $40 million for U.S. contributions to the U.N. Environmental Program to a one-year 2.5 million dollar authorization (H.R. 6768) (D).

Against amendment to reduce the proposed $40 million authorization to a one-year $5 million authorization (H.R. 6768) (P).

Against amendment demanding reversal of $40 million authorization to $5 million (H.R. 6768) (D).

For authorizing $40 million in U.S. contributions to U.N. Environmental Program (H.R. 6768) (P).

For requiring the word "copy" to be marked on any imitation numismatic material manufactured in, or imported into the U.S. (H.R. 5777) (P).

For extending various housing and urban development programs, including FHA insurance, urban renewal, model cities (H.R. Res. 512) (P).

For permitting the D.C. Armory Board to borrow up to $1.5 million to enlarge the seating capacity of the R. F. Kennedy Stadium in D.C. (H.R. 6330) (P).

Against prohibiting charging user fees at certain public recreation areas under U.S. Engineers' jurisdiction (H.R. 6717) (P).

Against recommittal motion to recommit (H.R. 7200) (D) and for the bill on final passage extending previously granted temporary increases in retirement benefits and provided for liberalization of the requirements for the railroad retirement benefits (H.R. 7200) (P).

Against vote on overriding veto on bill which provided for Senate confirmation of director and deputy director of the Office of Management and Budget (S. 518) (Sustained).

Against amendment prohibiting funds authorized by the bill from being used for a

space tracking station in South Africa (H.R. 7528) (D).

For authorizing $3.1 billion for NASA space programs, etc. for fiscal year 1974 (H.R. 7528) (P).

For vote on rule to consider H.R. 6912, to provide for devaluation of the dollar (H. Res. 408) (P).

For amendment to permit private purchase, sale and ownership of gold after December 31, 1973 (H.R. 6912) (D).

Against amendment to end restrictions on private ownership of gold, immediately upon enactment of this bill (H.R. 6912) (D).

For devaluing the dollar by 10%, by reducing its par value, by raising the official price of gold in terms of dollars from $38 to $42.22 per ounce. (H.R. 6912) (P).

For providing an additional authorization of $8.68 million for converting Washington, D.C.'s Union Station into a National Visitor Center (H.R. 5857) (P).

For authorizing an additional $7.5 million for the John F. Kennedy Center for the Performing Arts in Washington, D.C. (H.R. 5858) (P).

For extending numerous health programs and a fiscal year 1974 authorization of $1.27 billion. (H.R. 7806) (P).

For amendment prohibiting federal sponsorship of live human fetus research (H.R. 7724) (P).

For authorizing $416 million over a two-year period for biological research fellowships and training grants (H.R. 7724) (P).

Against authorizing $145 million over a three-year period for emergency medical service grants, etc. (H.R. 6458) (P).

For providing promotions on the U.S. Capitol Police Force (H. Res. 398) (P).

For Rehabilitation Act of 1973 which contained revisions in vocational rehabilitation programs and provided authorizations of $1.350 million over a two-year period (H.R. 8070) (P).

Against amendment to bring minimum wages for farm workers up to the base level of industrial worker minimum wage (H.R. 7935) (D).

For amendment that proposed stretching increases in the minimum wage over a longer period of time than proposed in H.R. 7935 (H.R. 7935) (D).

For amendment to set the minimum wage for employees covered before 1966 at $1.90 per hour the first year, $2.10 for the second and $2.20 thereafter. (H.R. 7935) (D).

For amendment to raise the minimum wage for employees covered before 1966 in two steps to $2.10 and then $2.20 per hour. (H.R. 7935) (D).

For amendment to set the minimum wage for agricultural workers at $1.60 per hour for 1974 fiscal year, $1.70 for 1975, and $1.85 thereafter (H.R. 7935) (D).

For amendment to strike out extended coverage for federal employees (H.R. 7935) (D).

For amndment to strike out extended coverage for local and state government employees (H.R. 7935) (D).

For amendment to delete the section on seasonal industry employees (H.R. 7935) (P).

For amendment proposing a minimum wage for workers under 18 or full-time students at 80% of the applicable minimum wage or $1.60 per hour (H.R. 7935) (P).

For amendment proposing freezing the Canal Zone minimum wage rate at its present level (H.R. 7935) (P).

Against disapproval of the President's Retually to $2.20 per hour, extended coverage of the minimum wage laws, etc. (H.R. 7935) (P).

Against disapproval of the President's Reorganization Plan No. 2 which proposed combining the drug control activities into a single Drug Enforcement Administration (H. Res. 382) (D).

For authorization of $687.4 million for the State Department, etc. and prohibited authorized funds to be used for reconstruction aid to North Vietnam (H.R. 7645) (P).

For establishing an American Revolution Bicentennial Administration to replace the controversial American Revolution Bicentennial Commission (H.R. 7446) (P).

For agreement to conference report on H.R. 2246, the Public Works Economic Development bill (H.R. 2246) (P).

For vote on rule to consider H.R. 7670, the Maritime Authorization bill (H. Res. 426) (P).

For authorizing $531.3 million for maritime programs for fiscal year 1974 (H.R. 7670) (P).

For authorization for a wide variety of D.C. programs (H.R. 8250) (P).

Against giving the D.C. City Council the power to impose rent controls (H.R. 4771) (P).

For conference report on H.R. 5293 authorizing $77 million for the Peace Corps for fiscal year 1974 (H.R. 5293) (P).

Against vote on rule to consider H.R. 77 to permit employee contributions to jointly administered trust funds established by labor organizations to defray costs of legal services (H. Res. 423) (P).

For amendment to allow employees benefiting from the legal services funds to select any attorney of their choice rather than an attorney selected by the union (H.R. 77) (P).

For amendment striking out language specifying as an unfair labor practice the unilateral modification or termination of a legal services fund agreement (H.R. 77) (D).

Against amendment proposing that the establishment of legal services trust funds be a "permissive" subject for collective bargaining (H.R. 77) (D).

Against permitting employees contributions to jointly administered trust funds established by labor organizations to defray costs of legal services for employees and their families (H.R. 77) (P).

Against previous question on rule to order consideration of H.R. 8410, to extend the temporary $465 billion ceiling on the national debt (H. Res. 437) (D).

For previous question on amendment to rule on the substitute amendment on H. Res. 437 (P).

For amendment to rule to strike out language to make it an order to consider an amendment to the bill which sought to make the director and deputy director of the Office of Management and Budget subject to Senate Confirmation (H. Res. 437) (P).

For vote on rule for consideration of the debt limit extension bill (H. Res. 437) (P).

For continuing the existing temporary increase in the national debt limit to $465 billion, through November 30, 1973 (H.R. 84100) (P).

For amendment to delete the authorization for funding in fiscal years 1975 and 1976 to provide a one-year authorization instead of a three-year. (H.R. 3926) (D).

For amendment providing a 3-year authorization for arts and humanities (H.R. 3926) (P).

For amendment prohibiting payment of salaries for personnel of "Cotton, Inc." which receives government funds for cotton promotion and research (H.R. 8619) (P).

For amendment forbidding payment of salaries to personnel who formulate or carry out programs on which the total price support payments on wheat, feed grains and cotton exceed $20,000 per person (H.R. 8619) (P).

For appropriations of $9.4 billion for agricultural, environmental and consumer programs for fiscal year 1974 (H.R. 8619) (P).

For providing $964.2 million for D.C. for fiscal year 1974 with a $187.5 million federal payment to D.C. (H.R. 8658) (P).

For amendment making it optional rather than mandatory that state planning agencies and regional planning units include representatives of citizen, professional and community organizations (H.R. 8152) (P).

For amendment adding language stating that nothing in the bill shall be construed to require the adoption by a grantee of a quota or other type of system to achieve racial balance or to deny or end a grant because of refusal to adopt such a quota system, etc. (H.R. 8152) (P).

For authorizing $1 billion for each fiscal years of 1974 and 1975 for the Law Enforcement Administration (H.R. 8152) (P).

For prohibiting private persons attempting to collect their own debts from misusing names to convey the false impression that any agency of the federal government is involved in such collections (H.R. 7127) (P).

For authorizing $60 million per year for fiscal years 1974, 1975 and 1976 for the Trust Territories (H.R. 6129) (P).

For authorizing $60.3 million over a three-year period for national Historical Preservation Act programs. (H.R. 7127) (P).

For vote on rule to consider H.R. 5664, the saline water conversion authorization bill (H. Res. 434) (P).

Against amendment providing a $6.6 million increase in the proposed authorization (H.R. 5464) (P).

For provision of $15.8 million authorization for the saline water conversion program for fiscal year 1974 (H.R. 5464) (P).

For providing pay raises for deputy U.S. Marshals (H.R. 5094) (P).

Against an amendment proposed cutting out $1.6 million for new moorings for the Coast Guard Cutter Mackinaw at Sheboygen, Michigan (D) (H.R. 8760).

Against an amendment seeking to add $3 million for research and development for alleviating the transportation problems of handicapped persons (D) (H.R. 8760).

Against an amendment seeking to add $9.7 million for research and demonstration for a personal rapid transit system. (H.R. 9760) (D).

Against an amendment seeking to cut out $29.6 million for research, development and portation program (H.R. 8760) (D).
demonstration for the urban mass trans-

For a bill appropriating $2,753 million for the Transportation Department and related agencies (P).

For a rule for consideration of H.R. 7824 to establish a Legal Services Corporation (P).

For an amendment to prohibit the Legal Services Corporation from financing backup legal research centers by grants or contracts. (P) (H.R. 7824).

For an amendment which proposed allowing persons to bring suit against the corporation and reimbursing costs and fees to plaintiffs who win such court actions. (H.R. 7824) (D).

For an amendment prohibiting most lobbying by Legal Services Corporation lawyers (H.R. 7824) (P).

For an amendment prohibiting full time attorneys of the Legal Services Corporation from engaging in partisan and nonpartisan political activities (H.R. 7824) (P).

For an amendment prohibiting the Legal Services Corporation from providing legal assistance with respect to any proceeding or litigation relating to the desegregation of any school or school system. (H.R. 7824) (P).

For an amendment to (H.R. 7824) to prohibit the corporation from making contracts with, or granting funds to legal backup centers. (H.R. 7824) (P).

Against a motion to strike the enacting clause of H.R. 7824 (D).

For a substitute amendment to an amendment prohibiting the Legal Services Corporation from providing legal assistance with respect to any proceeding or litigation which seeks to procure a non-therapeutic abortion or to compel any individual or institution to perform an abortion contrary to their religious beliefs. (H.R. 7824) (P).

For an amendment containing the substitute amendment adopted on the previous vote. (H.R. 7824) (P).

For a bill proposing the establishment of a Legal Services Corporation to replace the legal services programs of the Office of Economic Opportunity. (H.R. 7824) (P).

For an amendment proposed to reestablish the budget transfer authority under which the National Science Foundation had operated in previous years (F) (H.R. 8510).

For an amendment prohibiting the use of funds authorized to the National Science Foundation from being used for research on human living fetuses. (H.R. 8510) (P).

Against an amendment seeking a $75 million increase in the appropriation for community comprehensive planning. (H.R. 8825) (D).

Against an amendment seeking a $400 million increase in the appropriation for urban renewal programs (H.R. 8825) (D).

For a bill appropriating $19.1 billion for the HUD Department, for space, science, veterans and various independent agencies (P) (H.R. 8825).

Against a Senate amendment blocking funds from any source for combat action in the Cambodia-Laos area (H.R. 7447) (P).

For postponing until September 1 the proposed ban against using funds for combat activity in the Cambodia-Laos area (H.R. 7447) (D).

Against a resolution authorizing the Speaker to entertain motions to suspend the rules during the week of June 25, 1973 (H. Res. 454) (P).

Against an amendment seeking to permit states to set standards for radiation emissions stricter than those set by AEC (H.R. 8662) (D).

For a bill authorizing $2.4 billion for fiscal 1974 for the Atomic Energy Commission (H.R. 8662) (P).

Against a motion limiting debate on a pending amendment to this bill and additional amendments to the amendment to 20 minutes (H.J. Res. 636) (P).

Against an amendment to substitute an amendment eliminated a 60-day period and prohibited all funds appropriated by the resolution or previously appropriated from being used for combat activities in or over Cambodia and Laos. (H.J. Res. 636) (P).

Against another anti-bombing amendment to (H.J. Res. 636) (P).

Against an amended amendment to the anti-bombing amendment (H.J. Res. 636) (P).

For a resolution providing for continuing appropriations through September 30, 1973. (H.J. Res. 636) (P).

For the rule for consideration of H.R. 8877, the Labor-HEW Appropriations bill. (H. Res. 455) (P).

For an amendment to an amendment seeking to reduce funds for OEO by $100 million less than proposed (H.R. 8877) (D).

For an amendment seeking to cut $632 million from the appropriations for HEW and OEO (H.R. 8877) (D).

Against an amendment proposing an increase in the appropriations for bilingual education by $15 million, in addition to the $10 million increase over the budget request already in the bill (H.R. 8877) (D).

For an amendment to (H.R. 8877) proposing that grants for the use in each state for aid to educationally disadvantaged students be not less than 90% of the amounts made available in fiscal year 1972. (D).

For a recommittal motion to instruct that the bill be reported back with an amendment cutting the appropriation by $632 million (H.R. 8877) (D).

For a bill appropriating $32.8 billion for the Labor and HEW Departments, OEO, and related agencies for fiscal year 1974 (H.R. 8877) (P).

For a bill providing for the suspension of import duties on certain shoe copying lathes until June 30, 1976 (H.R. 8215) (P).

For a bill providing for an exclusion from taxable income of money paid into a survivors benefit plan by a serviceman (H.R. 4200) (P).

For a rule for consideration of H.R. 8917, the Interior Appropriations bill. (P) (H. Res. 470).

Against an override of the veto on (H.R. 7447), the supplemental appropriations bill.

For a bill providing appropriations of $2.3 billion for the Interior Department and related agencies for fiscal year 1974, plus contract liquidation authority (H.R. 8917) (P).

For a motion to instruct the conferees to insist on House disagreement to Title III of the Senate amendment which extended the time period during which high-ranking officers in non-combat assignments could be entitled to flight pay (H.R. 8537) (P).

Against an amendment proposing a cutting out of $3.8 million for Project Plowshare, a proposal for underground nuclear explosions to generate natural gas (D) (H.R. 8947).

Against an amendment proposing an additional $4.7 million for geothermal research by the AEC (H.R. 8947) (P).

For a bill appropriating $4,767 million for fiscal year 1974 for public works, the Atomic Energy Commission, flood control power projects, etc. (H.R. 8947) (P).

For a bill changing the membership of the Council on International Economic Policy (H.R. 8548) (P).

Against an amendment to an amendment seeking to extend the proposed ban on U.S. combat activities in or over Cambodia and Laos to cover hostilities in any sovereign state. (H.R. 9055) (D).

Against an amendment seeking to provide for an immediate and complete cut off of funds for combat activities in or over Cambodia and Laos (H.R. 9055) (D).

For a bill appropriating $3,363 million for fiscal year 1974, contained an immediate ban against use of funds provided in the bill for combat activities in or over Cambodia, Laos, or Vietnam (P) (H.R. 9055).

For an amendment adding $2.1 million for additional probation officers and an increase of $709,000 for funds for Judiciary travel. (H.R. 8916) (P).

For a bill appropriating nearly $4.4 billion for fiscal 1974 for the State, Justice and Commerce Department, the Judiciary and related agencies (H.R. 8916) (P).

Against a motion to concur with a Senate amendment providing for a 5.6% Social Security increase in April, 1974, etc. (H.R. 8410) (D).

For a Senate amendment to put the presidential campaign contribution income tax checkoff on a nonpartisan basis and to liberalize the continuation of extended unemployment benefits (H.R. 8410) (P).

For the conference report on the continuing appropriations bill to provide funding through September 30 for agencies for which regular appropriations bills had not been passed (H.J. Res. 636) (P).

For the Senate amendment to provide for a 5.6 percent Social Security increase in June 1974 (H.R. 7445) (P).

For an amendment reducing the subsidy to farmers from a proposed $37,500 to $20,000 per crop on wheat, feed grains and cotton H.R. 8860 (P).

For an amendment to reduce the subsidy limitation on wheat, feed grains and cotton to $20,000 per farmer and prohibited planters from selling or leasing part of their cotton allotments (H.R. 8860) (P).

Against an amendment which proposed prohibiting the use of Commodity Credit Corporation funds to finance any future wheat sales to Russia or China (D) (H.R. 8860).

For an amendment proposing the ending of $10 million annual authorization for cotton promotion and research by Cotton, Inc. (H.R. 8860) (P).

For an amendment seeking to remove the controversial escalator clause providing for annual adjustment of target prices for wheat, cotton, and feed grains on the basis of production cost changes (H.R. 8860) (D).

Against an amendment seeking to add language to extend price support loan provisions under the wheat, cotton and feed grains programs to farmers not participating in the programs (H.R. 8860) (D).

For an amendment seeking to restore the farm program to a market-oriented system by proposing a 3-year phaseout of income supplemental payments to farmers (H.R. 8860) (D).

For a motion for the committee of the Whole House to rise, which had the effect of postponing further action on the farm bill (H.R. 8860) (P).

For an amendment the object of which was to delete provisions for disaster loans at one percent interest or disaster loans at three percent interest with $2,500 of the loan forgiven (H.R. 8606) (D).

For a bill which provided for annual authorizations of appropriations for the U.S. Postal Service (H.R. 2990) (P).

Against an amendment striking the cotton program provisions from the farm bill. (H.R. 8860) (P).

Against an amendment striking from the bill the section transferring from the Labor Department to the Agriculture Department the authority to establish regulations to protect field workers from exposure to dangerous pesticides (H.R. 8860) (P).

Against the conference report on the emergency medical services bill (S. 504) (P).

For a bill providing more favorable retirement privileges for inspectors of the Immigration and Naturalization Service or the Bureau of Customs (H.R. 6078) (P).

For a bill revising provisions of the loan guarantee program for veterans to provide for setting interest rates for new loans to veterans for homes at realistic interest rates, so that lenders will put up the money for them (H.R. 8949) (P).

For a bill providing for expanded VA medical programs with a first year cost of $64.9 million and authorized the contracting out of medical care for certain survivors and dependents of veterans (P) (H.R. 9048).

For carrying out provisions of the Railroad Safety and Hazardous Materials Transportation Acts. This bill authorized $20.6 million. (S. 2120) (P).

For a bill proposing a $5 million authorization for the Commission on Productivity and Work Quality (S. 1752) (D).

For a substitute amendment including provisions requiring Congress to specifically approve or disapprove the commitment of forces by the President in absence of a declaration of war within 90 days of such executive action (H.J. Res. 542) (D).

Against a substitute amendment seeking to prohibit the President from committing U.S. troops to hostilities or increasing the number of U.S. combat troops abroad (H.J. Res. 542) (D).

For an amendment seeking to require Congress to specifically approve or disapprove the commitment or enlargement in number of U.S. combat troops abroad within 120 days following a Presidential report of such action (H.J. Res. 542) (D).

Against a war powers resolution requiring a Presidential report to Congress within 72 hours following commitment or increase in the number of U.S. combat troops abroad (H.J. Res. 542) (P).

For an amendment to an amendment deleting language making recipients of supplemental security income payments eligible for food stamps (H.R. 8860) (P).

For an amendment to an amendment prohibiting strikers and their families from receiving food stamps (unless they were previously eligible) (H.R. 8860) (P).

For an amendment liberalizing eligibility for food stamps (H.R. 8860) (P).

Against an amendment which proposed prohibiting payment of farm subsidies to a farmer on any crop planted or harvested during a labor dispute involving the producer or his employees (H.R. 8860) (D).

For an amendment prohibiting strikers and their families from receiving food stamps (the second vote) (H.R. 8860) (P).

Against an amendment which proposed reinserting the cotton program into the bill but with the elimination of funds for Cotton, Inc. (H.R. 8860) (P).

Against a motion to strike the enacting clause from the bill (H.R. 8860) (D).

For an amendment to recommit with instructions to the committee to strike out the target-price escalator provisions for cotton (H.R. 8860) (P).

For a recommittal motion on the previous amendment (D).

For the Farm Bill continuing for four more years price support programs for wheat, cotton and feed grains, with price escalator provisions; and continuing food stamps and the food for peace programs (H.R. 8860) (P).

Against an amendment seeking to withhold grants for construction of public broadcasting facilities unless the recipient was found to be incompliance with all laws prohibiting discrimination in employment practices (H.R. 8538) (D).

For a bill containing authorizations of $80 million for fiscal 1974 and $95 million for fiscal 1975 for the Public Broadcasting Corporation (H.R. 8538) (P).

For the rule for consideration of H.R. 5356, the toxic substances bill (P).

Against an amendment directing the EPA administrator to use provisions of the Water Pollution Control Act, the Clean Air Act, etc. where appropriate to regulate chemical substances (H.R. 5356) (P).

For an amendment which proposed that no rule deriving from the bill should be put into effect until after a hearing with full opportunity for cross examination (H.R. 5356) (D).

Against the amendment which directed the EPA administrator (same as above) (H.R. 5356). (D).

For a bill to protect health and the environment against toxic chemical substances (H.R. 5356) (P).

Against a rule for consideration of H.R. 8929 which proposed relief from certain postal rate increases on publications, books, sound recordings, nonprofit rate mailings, etc. (H. Res. 495) (D).

Against the previous question to instruct House conferees on the farm bill to insist on a House amendment prohibiting bargain sales or gifts of farm products to North Vietnam under the food for peace program (S. 1888) (P).

For a motion to instruct the conferees to insist on an amendment to the farm bill prohibiting bargain sales. . . . (same as above) (S. 1888) (P).

For an amendment seeking to empower the Comptroller General to allow Presidential impoundments of funds which he determines to be in accordance with the Anti-Deficiency Act. (H.R. 8480) (D).

For an amendment that would take concurrent action by both the House and the Senate to overrule a Presidential impoundment of funds instead of an adverse resolution by one branch of Congress. (H.R. 8480) (D).

Against the conference report on the bill to allow employer contributions to jointly administered trust funds established by labor organizations to defray legal costs for employees (S. 1423) (P).

Against an amendment proposed that impoundment funds be released after 60 days. (D).

For an amendment proposing a $1 billion reduction to $260 billion in the proposed spending ceiling for fiscal year 1974 (H.R. 8480) (D).

For amendment proposing a $3.8 billion reduction to $263.3 billion in the proposed spending ceiling for fiscal year 1974 (H.R. 8480) (D).

For recommittal motion with instructions that the bill be reported back with an amendment that it would take concurrent action by both Houses of Congress to overrule a Presidential impoundment of funds (H.R. 8480) (D).

Against providing a veto of a Presidential impoundment of funds by either House of Congress (H.R. 8480) (P).

For amendment proposing reducing funds in the bill for population planning and health to $75 million for fiscal 1974 (H.R. 9360) (D).

For amendment to strike out the section of the bill authorizing $93 million for certain economic and social development programs (H.R. 9360) (D).

For amendment prohibiting foreign aid to any nation which seizes U.S. citizen property, etc. (H.R. 9360) (P).

For amendment to strike out the section which sought to establish a U.S. Development Credit Fund to lend money to undeveloped nations to buy U.S. exports (H.R. 9360) (P).

For recommittal motion with instructions that the proposed authorization be reduced by $68 million (H.R. 9360) (P).

Against authorizing $2.8 billion foreign aid (H.R. 9360) (P).

For appropriating $4,749 million for the Atomic Energy Commission, public works, power and flood control projects, etc. (H.R. 8947) (P).

For vote on rule for consideration of S. 1989 (H. Res. 512) (D).

For conditional adjournment from August 3 until September 5, 1973 (S. Con. Res. 42) (P).

For increasing the rates of disability and death pensions and dependency and indemnity compensation for benefiting veterans and their dependents (H.R. 9474) (P).

Against amendment proposing to cut the authorization for the CVN-70 nuclear aircraft carrier by $657 million (H.R. 9286) (D).

Against amendment to delete $473.5 million for research and development for the B-1 bomber (H.R. 9286) (D).

Against amendment to pull back U.S. troops from any nation paying a smaller portion of its gross national product for defense than does the U.S. with June 30, 1974 as deadline for pull-back (H.R. 9286) (D).

Against amendment to reduce the total of U.S. troops overseas by 322,000 and to place a ceiling for 300,000 on the number of troops to be assigned overseas after fiscal 1974 (H.R. 9286) (D).

For amendment substitute calling for an Armed Services Committee report concerning U.S. troops levels in Europe (H.R. 9286) (P).

Against amendment reducing the funds authorized in the bill by $950 million, by setting a ceiling equal to that for fiscal year 1973 plus a 4½% inflation factor increase (H.R. 9286) (P).

For authorization of $20.45 billion for defense procurement, research and development and for military aid to South Vietnam and Laos for fiscal year 1974 (H.R. 9286) (P).

For conference report on the $19.06 billion appropriations bill for the Housing and Urban Development Department, NASA, Veterans Administration and various independent agencies for the fiscal year 1974 (H.R. 8825) (P).

For disagreement to Senate amendment which severely restricts government auto service for top officials of the agencies covered by the bill (H.R. 8825) (P).

Against amendment that sought an $888,000, 5%, cut in funds proposed for the Office of Management and Budget (H.R. 9590) (D).

Against amendment proposing a $518,000, 25%, reduction in funds proposed for the Office of Telecommunications Policy. (H.R. 9590) (D).

For vote on rule to consideration of H.R. 9130, the Alaska Oil Pipeline bill (H. Res. 515) (P).

Against amendment prohibiting the granting of a right-of-way for the pipeline across National Park, Wildlife Refuge or Wilderness land unless the right-of-way meets environmental protections (H.R. 9130) (D).

Against amendment to delete language removing from judicial review under the National Environmental Policy Act the grant authorizations necessary for the construction of the Alaska Pipeline and to remove language expediting Federal Court proceedings with respect to pipeline right-of-way and permits, etc. (H.R. 9130) (D).

Against amendment to require the President to develop a plan to assure equitable allocations of crude oil and gasoline to all regions of the U.S. (H.R. 9130) (D).

For amendment requiring that all articles, materials, and supplies used for Alaska Pipeline be mined, produced or manufactured in U.S.A. (H.R. 9130) (P).

Against amendment authorizing the Interior Secretary to grant right-of-way and permits for the construction of the Alaska Pipeline, instead of for its construction, operation and maintenance (H.R. 9130) (D).

For authorizing the Interior Secretary to grant a right-of-way for the Alaska Pipeline, and steps to bar further judicial review of its environmental reasons (H.R. 9130) (P).

For adopting the conference report on S. 1636 which extended White House Council on International Economic Policy until 1977, with a $1.4 million one-year authorization (S. 1636) (P).

Against vote on rule for consideration of S. 1264 directing Eisenhower College and Samuel Rayburn Library to cut $1 from each sale of Eisenhower silver dollar proofs (H. Res. 518) (D).

For conference report authorizing $19.9 billion for federal aid highway programs, etc. for fiscal years 1974–1976, with authorizations for bus and rail transportation (S. 502) (P).

Against conference report providing a step-by-step increase in the minimum wage to $2.20 per hour and extension of minimum wage laws coverage (H.R. 7935) (P).

For previous question motion on acceptance of Senate amendments to Farm Bill (S. 1888) (P).

Against Motion to agree to Senate amendments to Farm Bill including an amendment eliminating a House proposed ban on food stamps for most strikers (S. 1888) (P).

For conference report on the $1,142 million D.C. appropriations bill for fiscal 1974, which included a $187,450,000 federal payment (H.R. 8658) (P).

For conference report on the $2.9 billion fiscal 1974 appropriations bill for the Transportation Department and related agencies (H.R. 8760) (P).

For conference report recommittal motion to recommit resolution to extend FHA's loan and mortgage insurance authority, and end administration's moratorium on new federal housing (H.J. Res. 512) (P).

For authorizing $105 million over two years for the anti-lead based paint poisoning program, including detection and treatment of lead paint poisoning of children (H.R. 8920) (P).

For increasing coverage on federal flood insurance (H.R. 8449) (P).

For conference report on H.R. 6912 to revalue the dollar (P).

For authorizing $107.3 million for Amtrak, the National Railroad Passenger Corporation for fiscal year 1974 (H.R. 8351) (P).

For vote on rule to consider H.R. 8547, concerning export controls (H. Res. 484) (P).

Against amendment requiring Commerce Secretary to report to Congress any decision he makes on prohibition of commodities exported and to permit either House of Congress to disapprove such decisions (H.R. 8547) (D).

For amending the Export Administration Act to require the Commerce Secretary to select items to be subject to export controls because they are in short supply or because of inflationary impact (H.R. 8547) (P).

For citing G. Gordon Liddy for contempt and turning the case over to the U.S. Attorney for the District of Columbia (H. Res. 536) (P).

For amending the Federal Cigarette Labeling and Advertising Act to extend its advertising restriction provisions to include little cigars (H.R. 7482) (P).

For deleting language halting funds for foreign affairs agencies who do not comply within 35 days with any request for information by the House Foreign Affairs Committee or the Senate Foreign Relations Committee (H.R. 7645) (P).

Against prohibiting the imposition by the states of discriminatory burdens upon interstate commerce in wine (H.R. 2096) (P).

Against vote on rule to consider S. 1697 requiring predisaster assistance to attempt to avert a fire disaster in California eucalyptus forests killed by frost (H. Res. 511) (D).

For overriding President's veto of the emergency medical services bill (veto sustained).

For providing a $240 million five-year authorization for the establishment and expansion of health maintenance organizations (H.R. 7974) (P).

For new coin designs for quarters, halves and dollars, such designs to be emblematic of the American Revolution bicentennial (H.R. 8789) (P).

For motion to instruct conferees to insist on House language in the Agriculture Appropriations bill limiting the federal farm subsidy to $20,000 per farm in most cases (H.R. 8619) (P).

For authorizing the Interior Secretary to engage in feasibility investigations of certain potential water resource developments (H.R. 6576) (P).

For amendment to cut out a section which raised the reimbursement by the Federal Government for school lunches from 8 cents to 10 cents per lunch (H.R. 9639) (D).

For amending the National School Lunch and Child Nutrition Act to provide additional federal assistance to the school lunch and breakfast programs (H.R. 9639) (P).

For banning T.V. blackouts of sports events in cases where the tickets are sold out 72 hours before the event (H.R. 9553) (P).

For authorizing $88 million for ACTION domestic volunteer program (H.R. 7265) (P).

For conference report on vocational rehabilitation bill authorizing $1.55 billion and creating new programs (H.R. 8070) (P).

Against authorizing the Interior Secretary to buy property located within the San Carlos mineral strip (H.R. 7730) (failed to pass ⅔ vote due to rule suspension).

For the conservation, protection and propagation of species of fish and wildlife which are or may be threatened with extinction (H.R. 37) (P).

For establishing a special intern program in honor of Lyndon B. Johnson as part of the Congressional intern program (H. Res. 420) (P).

For overriding the President's veto of the minimum wage increase bill which the President attacked as inflationary (H.R. 7935) (sustained).

Against amendment providing for a withholding of funds from USIA if it failed to furnish information requested by certain Congressional Committees (H.R. 9715) (P).

For authorizing $224 million for fiscal year 1974 for the U.S. Information Agency (H.R. 9715) (P).

For vote on rule to consider H.R. 9256 to increase government contributions to federal employees' health benefits (H. Res. 546) (P).

For conference report on the Interior Appropriations bill which appropriated more than $2.4 billion for Interior and related agencies (H.R. 8917) (P).

For receding from disagreement with a Senate amendment and agreeing to an amendment appropriating $46,025,000 for the National Endowment for the Arts. (H.R. 8917) (P).

Against recommittal motion with instructions to substitute a guaranteed annuity for the retirement formula proposed in the bill and proposed Presidential authority to set retirement age (H.R. 9281) (D).

For increasing retirement benefits for federal police and firemen and establishing mandatory retirement at age 60 (H.R. 9281) (P).

For increasing federal contribution to federal workers' health insurance cost from 40% to 75% by 1977 (H.R. 9256) (P).

For conference report on bill appropriating more than $9.9 billion for agricultural, environmental, and consumer protection activities for fiscal year 1974 (H.R. 8619) (P).

Against amendment proposing that local school agencies receive fiscal 1974 educational aid for disadvantaged children at a per pupil basis rate no lower than in fiscal 1973 (H.J. Res. 727) (D).

For amendment providing that each local school agency receive in fiscal 1974 at least 8% of the funds it received in fiscal 1973 for aid for disadvantaged children (H.J. Res. 727) (P).

For amendment prohibiting funds for Cost of Living Council for any program discriminating among petroleum product marketers in the method of establishing their prices (H.J. Res. 727) (P).

For continuing appropriations for agencies where final action had not yet taken place on their regular appropriations bills (H.J. Res. 727) (P).

Against amendment raising from 20,000 to 35,000 each the maximum number of immigration visas per year from Canada and Mexico (H.R. 981) (D).

Against amendment proposing a five-year aggregate limit on the number of one-year visas for certain migrant workers (H.R. 981 D).

For setting immigration limits at not more than 20,000 visas per year for any one country (H.R. 891) (P).

For providing for the distribution of funds appropriated to satisfy certain judgments awarded to Indians by the Court of Claims and the Indian Claims Commission (H.R. 8029) (P).

For correcting typographical and clerical errors in the farm bill, Public Law 93-86 (S. 2419) (P).

For extending the authorization for appropriations for the Cabinet Committee on Opportunities for Spanish-speaking people. (H.R. 10397) (failed to pass, 2/3 vote required by rules).

For conference report on the arts and humanities authorization bill with a three-year authorization of $597 million (S. 795) (P).

For establishing a Board for International Broadcasting and authorized $50.2 million for Radio Free Europe and Radio Liberty for fiscal 1974 (S. 1914) (P).

For vote on rule to consider H.R. 6452, the mass transit authorization bill (H. Res. 372) (P).

For amendment cutting out $800 million opposed in the bill for urban mass transit operating subsidies (H.R. 6542) (P).

Against motion to strike the enacting clause in order to kill the urban transit bill (H.R. 6452) (D).

For amendment against federal operating subsidies for mass transit, (H.R. 6452) (D).

For increasing the federal share on aid to mass transit capital grant programs, and contained the controversial $800 million authorization for federal subsidies (H.R. 6452) (P).

For establishing the Big Cypress National Preserve in Southern Florida (H.R. 10088) (P).

Against reducing from $2.2 billion to $477 million the appropriation for special payments to international financial institutions to maintain the value of U.S. financial commitments (H.J. Res. 748) (D).

For appropriated $2.2 billion for special payments to international financial institutions to maintain the value of U.S. financial commitments (H.J. Res. 748) (P).

Against vote on rule to consider H.R. 9682, the D.C. Home Rule Bill (H. Res. 581) (P).

For amendment providing for retention of Presidential appointments to the D.C. Court of Appeals and the D.C. Superior Court, rather than having these judges appointed by the D.C. Mayor (H.R. 9682) (P).

For amendment proposing that the President or the House, or Senate, could veto any legislation passed by the D.C. City Council (H.R. 9682) (D).

For amendment providing a federal enclave within D.C., including principal federal building etc. to be supervised by a Presidentially appointed national service director (H.R. 9682) (P).

For amendment proposing that the D.C. Chief of Police be appointed by the President, rather than by the Mayor (H.R. 9682) (D).

For amendment excluding nearby parts of Virginia and Maryland from the National Capital Planning Commission's planning area (H.R. 9682) (D).

For amendment providing that the D.C. Mayor continue to be appointed by the President rather than be elected (H.R. 9682) (D).

Against providing for an elected D.C. mayor and Council and a reorganization of the D.C. government (H.R. 9682) (P).

For motion to recommit the conference report on the continuing appropriations resolution (H.J. Res. 727) (D).

For conference report on resolution to provide continuing appropriations for agencies where final action had not yet taken place on their regular appropriations bill (H.J. Res. 727) (P).

For authorizing $2,651 million for construction at military installations (H.R. 10614) (P).

For conference report on resolution limiting the war powers of the President, outlining circumstances under which the President could commit U.S. troops into hostile situations overseas (H.J. Res. 542) (P).

For authorizing $1,258 million for construction, repair and preservation of public works on rivers and harbors for navigation, flood control, etc. (H.R. 10203) (P).

Against authorizing a $150,000 federal contribution to the Arctic Winter Games to be held in Alaska in 1974 (S. 907) (P).

For setting up a National Institute of Building Standards (H.R. 8346) (failed to pass ⅔ rule).

For conference report on the Treasury-Postal appropriations bills for fiscal 1974 which carried a price tag of $5.2 billion (H.R. 9590) (P).

For agreement to Senate amendment allowing the President to determine salaries of White House employes, regardless of Civil Service requirements (H.R. 9590) (P).

For agreement to Senate amendment to permit President to make payments for official entertaining without a regular government accounting (H.R. 9590) (P).

For conference report on the $605 million fiscal 1974 legislative appropriations bill (H.R. 6691) (P).

For repealing the act which had terminated federal supervision over the property and members of the Menominee Indian Tribe of Wisconsin (H.R. 10717) (P).

For amendment provicing that allocation of crude oil should not apply to producers unless the President found such allocation necessary to carry out the purposes of the bill (H.R. 9681) (D).

Against motion which proposed limiting debate on pending amendments to 15 minutes (H.R. 9681) (D).

For rule for consideration of conference report on H.R. 9286, the military procurement authorization bill (H. Res. 601) (D).

For amendment to transfer the monitoring of allocation programs from the Federal Trade Commission to the General Accounting Office (H.R. 9681) (D).

For requiring the President to allocate crude oil and refined petroleum products to deal with existing or imminent shortages (H.R. 9681) (P).

For authorizing $1.5 million for the Cabinet Committee on Opportunities for Spanish Speaking People (H.R. 10397) (P).

For motion to agree with a Senate amendment to the school lunch bill (H.R. 9639) (D).

For authorizing the use of health maintenance organizations in providing health care for military service dependents (H.R. 10586) (P).

For vote on rule to consider H.R. 3927, the Environmental Education Act (H. Res. 600) (P).

Against amendment to provide a one-year rather than a three-year authorization for environmental education (H.R. 3927) (D).

For extending the Environmental Education Act for three years with accelerating authorizations totalling $45 million for three years (H.R. 3927) (P).

For vote on rule to consider H.R. 10956, the Emergency Medical Services bill (H. Res. 655) (P).

For providing a three-year authorization totalling $185 million for Federal aid to areawide emergency medical care systems (H.R. 10956) (P).

For adopting a rule for consideration of H.R. 9456, the Drug Abuse Education bill (H. Res. 656) (P).

For extending the Drug Abuse Education Act for three years with a three-year authorization of $90 million for educational programs on drug and alcohol abuse. (H.R. 9456) (P).

Against motion to delete a section from the conference report (H.R. 9286) (D).

For authorization to place at the U.S. Naval Academy two citizens of Iran (Persia) (H.J. Res. 735) (P).

For establishing a Federal Financing Bank for the purpose of coordinating federal borrowing (H.R. 5874) (P).

For authorizing the President to extend certain privileges and immunities to the Organization of African Unity (H.R. 8219) (P).

For extending the life of the Watergate Grand Jury (H.R. 10937) (P).

Against overriding President's veto of the War Powers Act (H.J. Res. 542) (Overridden).

For previous question on the rule for the consideration of H.R. 11104, a national debt ceiling bill, thus cutting off the possibility of amending the rule to permit non-germane amendments to the bill (H. Res. 687) (P).

For amendment reducing by $2.3 billion the proposed increase in the temporary national debt limit (H.R. 11104) (P).

For increasing the temporary national debt limit to $475.7 billion from $465 billion and extending the temporary limit to June 30, 1974 (H.R. 11104) (P).

For vote on rule to consider H.R. 9142, to finance reorganization of bankrupt Northeast railroads (H. Res. 688) (P).

For amendment proposing a six-year limit on continued salary payments to employees who lose jobs because of the railroad merger (H.R. 9142) (D).

For amendment that proposed six-year limit on displacement allowances to employees transferred to another northeastern railroad (H.R. 9142) (D).

For authorization of $421.5 million and $1 billion in federal loan guarantees to finance the reorganization of bankrupt Northeastern railroads into one corporation (H.R. 9142) (P).

Against motion to recommit the Alaska Pipeline conference report with instructions for House to insist on disagreement to title III and section 601 and 602 (S. 1081) (D).

For conference report on S. 1081 to authorize the trans-Alaska Pipeline (P).

For conference report on H.R. 8916 making appropriations for the Department of State, Justice, Commerce, the Judiciary, and related agencies for fiscal year 1974 (P).

Against resolution to adjourn from Thursday, November 15 to Monday, November 26—Thanksgiving Vacation (H. Con. Res. 378) (P).

For motion to recommit the conference report on H.R. 8877, making appropriations for the Department of Labor, Health, Education and Welfare and related agencies (P).

For conference report on S. 1570, the Emergency Petroleum Allocation Act of 1973 (P).

For House agreement to H. Res. 128, expressing the sense of the House of Representatives with respect to actions which should be taken by Members of the House upon being convicted of certain crimes (P).

For making appropriations for military construction for the Department of Defense for fiscal 1974 (H.R. 11459) (P).

Against previous question on the committee amendment (H. Res. 702) (P).

Against previous question on the resolution to provide funds for the Committee on the Judiciary (H. Res. 702) (P).

For motion to recommit resolution to the Committee on House Administration with instructions to report the resolution back with an amendment that sought to earmark one-third of the funds for the impeachment inquiry to the minority (H. Res. 702) (D).

Against providing funds for the Committee on the Judiciary for the impeachment investigation purposes because of previous vote. (H. Res. 702) (P).

For amendment that sought to allow States to raise supplemental security income benefits by amounts provided in the bill to qualify for their (hold harmless) protection (H.R. 11333) (P).

For 7% increase in social security benefits beginning with March 1974, and an additional 4% increase beginning in June 1974 (H.R. 11333) (P).

For providing an improved system of adoption of children in the District of Columbia (H.R. 11238) (P).

For conference report on H.R. 7446, to establish the American Revolution Bicentennial Administration (P).

For motion to consider the rule to the Daylight Saving Time bill (H.R. 11324) (P).

For bill providing daylight saving time on a year-round basis for a two-year trial period (H.R. 11324) (P).

For adopting rule under which the Comprehensive Manpower Act was considered (H.R. 11010) (P).

For amendment that reduced the population requirement for receiving assistance from manpower programs from 100,000 to 50,000 (H.R. 11010) (P).

For amendment that adds language that permits areas where the units of local government have an aggregate population of 100,000 or more to qualify for financial assistance (H.R. 11010) (P).

Against amendment that sought to raise from $500 million to $1 billion the funds appropriated for 1975 to be reserved for public employment programs under title II (H.R. 11010) (D).

For assuring opportunities and training to unemployed and underemployed persons (H.R. 11010) (P).

For public debt limit increase bill, H. Res. 721, disagreeing to the Senate amendments to the bill, H.R. 11104, to provide for a temporary increase of $10,700 million in the public debt limit (P).

Against amendment that sought to restore $1.25 million for race relations training in the Army, Navy, and Air Force (H.R. 11575) (D).

For amendment that sought to strike language providing that not more than $851.6 million be available for repair, alterations, and overhaul of vessels in Navy shipyards (H.R. 11575) (D).

Against amendment that sought to require funding of the $3.5 billion of the total appropriation from backlog "pipeline" funds left over from prior years (H.R. 11575) (D).

Against amendment that sought to reduce the end strength troop level by 22,000 (H.R. 11575). (D).

For making appropriations for the Department of Defense for fiscal year 1974 (H.R. 11575) (P).

For amendment that sought to raise by $35 million the funds appropriated for grant programs for state rehabilitation services, thereby restoring the appropriation to the level of $650 million provided in the authorization (H.R. 11576) (D).

For making supplemental appropriations for the fiscal year ending June 30, 1974 (H.R. 11576) (P).

For providing financial assistance for a demonstration program for the prevention, identification, and treatment of child abuse and neglect, and to establish a National Center on Child Abuse (S. 1191) (P).

Against measure to insure that the compensation and other emoluments attached to the Office of the Attorney General are those which were in effect on January 1, 1969 to amend title 39, USC, and to clarify proper use of the franking privilege of Members of Congress (H.R. 11710) (P).

For amending the International Travel Act of 1961 to authorize appropriations for the fiscal years 1974–1976 (H.R. 9437) (P).

For a rule waiving all points of order against the conference report on Foreign Aid Authorization (S. 1443) (P).

For the conference report on S. 1443, authorizing the furnishing of defense articles and services to foreign countries and international organizations (P).

For suspending the rules and for H. Con. Res. 173, relating to the United States fishing industry (P).

For the Labor-HEW appropriations conference report on H.R. 8877 (P).

Against receding and concurring with amendment in Senate amendments No.'s 1, 11, 16, 32, 51, 57, 62, and 79 in regards to H.R. 8877 (P).

For an amendment that sought to prohibit consideration of authorizing legislation after July 1 in lieu of March 31 of each year (H.R. 7130) (D).

For an amendment that sought to require the pilot-testing of all Federal programs prior to the implementation unless the committee report on such legislation indicates why this is unnecessary (H.R. 7130) (D).

For an amendment that sought to provide for a maximum limitation on authorizations for appropriations to 3 years except those funded through user taxes (H.R. 7130) (D).

Against an amendment that sought to require all appropriations bills to be sent to the President at the same time with no exceptions (H.R. 7130) (D).

For an amendment that sought to delete the title on impoundment control (H.R. 7130) (D).

For an amendment that sought to require both Houses of Congress to take action before a Presidential impoundment is disapproved, and to allow selective disapproval of impoundments by Congress (H.R. 7130) (D).

For an amendment that sought to make title II (impoundment control) effective on October 1, 1975 (H.R. 7130) (D).

For the impoundment and budget control bill (H.R. 7130) (P).

For the rule under which the Vice-Presidential nomination could be considered (H. Res. 735) (P).

For confirming the nomination of Gerald R. Ford, of the State of Michigan, to be Vice President of the United States (H. Res. 735) (P).

For the conference report on H.R. 11459, making appropriations for military construction for the Department of Defense for fiscal year 1974 (P).

For the rule under which H.R. 9107 could be considered dealing with federal retirement annuities (P).

For H.R. 9107, to provide increases in certain annuities payable under chapter 83 of title 5, United States Code (P).

For an amendment to H.R. 10710 (Trade Reform) that adds a continued extension of Export-Import bank credits to the trade benefits which would not be granted to those Communist countries which restrict emigration (P).

Against an amendment that sought to strike title IV from the bill (H.R. 10710) (D).

For the Trade Reform Act (H.R. 10710) to promote the development of an open, nondiscriminatory, and fair world economic system, to stimulate the economic growth of the United States (P).

Against an amendment that sought to permit use of funds under the Israel Emergency Assistance bill to support implementation of U.N. Security Council resolutions calling for Israeli withdrawal from occupied territories and Arab recognition of Israeli sovereignty and territorial integrity (H.R. 11088) (D).

For H.R. 11088, Israel Emergency Assistance, to provide emergency security assistance authorizations for Israel (P).

Against an amendment that sought to strike $1 million for Chile from the Foreign Assistance Bill, H.R. 11771 (D).

Against an amendment that sought to reduce funds for emergency military assistance for Cambodia by $100 million (D) (H.R. 11771).

For an amendment that sought to prohibit the use of any Export-Import funds for any nonmarket economy country (H.R. 11771) (D).

For the Foreign Assistance Bill, H.R. 11771, making appropriations for Foreign Assistance and related programs for fiscal 1974 (P).

For the rule under which the National Energy Emergency Act could be considered (H.R. 11450) (P).

For an amendment that sought to restore language in the original bill giving Congress 15 days to disapprove any Presidential energy plan (H.R. 11450) (D).

For an amendment to the antitrust section that sought to prevent anticompetitive practices by providing for participation by the Justice Department and the Federal Trade Commission in the initial phases of any allocation plans that are made (H.R. 11450) (P).

For an amendment that eliminates coal as one of the items on which windfall profits will be restricted (H.R. 11450) (P).

For an amendment that bans the allocation of petroleum for busing of students to a school farther than the school nearest to their homes (H.R. 11450) (P).

Against a motion that all debate on the committee amendment in the nature of a substitute and all amendments thereto end at 10 p.m. (H.R. 11450) (D).

For an amendment that sought to insert a new section on the restriction of windfall profits requiring the President to exercise his authority under the Economic Stabilization Act to restrict unreasonable profits and to submit to Congress within 60 days legislation designed to provide additional incentives for the use of such profits for exploration and research to increase the Nation's domestic energy supplies (H.R. 11450) (D).

For an amendment that retains the vehicle emissions standards for 1975 but extends the date for those standards through 1977 (H.R. 11450) (P).

Against an amendment that sought to strike the section on voluntary energy conservation agreements among retail and service establishments (H.R. 11450) (D).

For an amendment that sought to rescind the requirement for emission control devices on vehicles throughout the Nation until January 1, 1977, except for certain areas which have significantly high pollution levels (H.R. 11450) (D).

Against an amendment that sought to allow for the allocation of petroleum for school busing where a busing plan has been ordered by the appropriate school board (H.R. 11450) (D).

Against a motion that sought to limit debate on the substitute amendment (H.R. 11882) and all amendments thereto (H.R. 11450) (P).

Against a motion that the committee rise and report the bill back to the House with the enacting clause stricken (H.R. 11450) (D.)

For an amendment that provides that the aggregate number of fuel-inefficient vehicles purchased by executive agencies shall not exceed 30 percent of the total in fiscal 1975 and 10 percent in 1976 (H.R. 11450) (P).

For an amendment that sought to exclude producers of less than 25,000 barrels of oil per day from the restriction on windfall profits (H.R. 11450) (D).

Against an amendment that provides for federally sponsored incentives for the use of public transportation (H.R. 11450) (P).

For an amendment that provides for Federal grants to States for those who are unemployed as a result of the administration bill (H.R. 11450) (P).

For an amendment that provides that energy conservation plans shall give consideration to the needs of late-night food stores (H.R. 11450) (D).

For an amendment that adds language to a section amending the National Petroleum Allocation Act of 1973 that strikes the word "Agricultural operation" as it is defined in paragraph 1(C) of subsection (B) of section 4 of the act (H.R. 11450) (P).

For an amendment that provides that the Administrator may restrict exports of coal and petrochemical feedstocks if such exports will result in unemployment in the United States (H.R. 11450) (P).

Against an amendment that sought to exempt the Navy's petroleum reserves from the provisions of the bill (H.R. 11450) (D).

Against an amendment that sought to exclude producers of less than 15,000 barrels of oil per day from the restrictions on windfall profits (H.R. 11450) (D).

For an amendment that eliminates discrimination against shipment of recycled materials (H.R. 11450) (P).

For a preferential motion that the Committee rise (H.R. 11450) (D).

For an amendment that sought to prohibit the exportation of crude oil, residual oil, and refined petroleum products unless the President orders the approval of the export (H.R. 11450) (D).

For an amendment that sought to rescind the requirement for emission control devices on vehicles throughout the nation until January 1, 1976 except for certain areas which have significantly high pollution levels (H.R. 11450) (D).

Against an amendment prohibiting the export of petroleum products for military use in Indochina (H.R. 11450) (P).

Against an amendment that sought to ban the export of petroleum products for military use in Israel (H.R. 11450) (D).

Against a motion to recommit the bill to the Committee on Interstate and Foreign Commerce (H.R. 11450) (D).

For the National Emergency Energy Act, H.R. 11450, to direct the President to take action to assure, through energy conservation, rationing, and other means, that the essential energy needs of the United States are met (P).

Against the conference report on S. 1435, the D.C. Home Rule Bill, providing for an elected Mayor and City Council for the District of Columbia (P).

For S.J. Res. 180, relative to the convening of the second session of the 93rd Congress (P).

For an amendment to the Small Business Ceiling Authority, S. 2482, to amend the Small Business Act (P).

For a motion to recommit the conference report to the committee of conference on the D.C. Home Rule Bill (S. 2482) (D).

For the Conference Report on H.R. 9256, Government Employees Health Benefits Act, increasing the contribution of the Government to the cost of health benefits for Federal employes (P).

Against a motion to suspend the rules on Wednesday, December 19th, for the balance of the week (H. Res. 746) (P).

For authorizing the disposal of opium from the national stockpile (S. 2166) (P).

For authorizing release of copper from the national stockpile and the supplemental stockpile (S. 2316) (P).

For H.R. 11714, to provide for the development of improved design, lighting, insulation, and architectural standards to promote efficient energy use in residential, commercial, and industrial buildings (P).

For H.R. 11763 to facilitate the construction of an intercity bus terminal (P).

For the Conference Report on H.R. 11576, making supplemental appropriations for the fiscal year ending June 30, 1974 (P).

Against an amendment to the Energy Research and Development Administration Act that would provide for the addition of another assistant administrator to work in the area of energy conservation (D).

For the Energy Reorganization Act of 1973, which calls for an administrator, six assistant administrators who shall be responsible for fossil energy, nuclear energy, environment, safety, and conservation, national security, and advanced energy systems (P).

Against the motion to recommit the Conference Report on S. 1559, the Comprehensive Employment and Training Act of 1973 (D).

For the Conference Report on S. 1559, the Comprehensive Employment and Training Act of 1973 (P).

Against the motion to recommit the Conference Report on H.R. 11575, the Department of Defense Appropriation for Fiscal Year 1974 (D).

For the Conference Report on H.R. 11575, the Department of Defense Appropriation for Fiscal Year 1974 (P).

For the Conference Report on H.R. 11771, the Foreign Assistance Appropriations, Fiscal Year 1974 (P).

For the Conference Report on S. 1983, Endangered Species Act of 1973 (P).

For a motion that the House suspend the rules and agree to the House Resolution 754, amending the District of Columbia Revenue Act of 1947 regarding taxability of dividends (P).

For the Conference Report on the Social Security Bill, H.R. 3153 (P).

For the Conference Report on the Emergency Act of 1973, S. 2589 (P).

RECESS NOT JUSTIFIED

The SPEAKER. Under a previous order of the House, the gentleman from Ohio (Mr. JAMES V. STANTON) is recognized for 5 minutes.

Mr. JAMES V. STANTON. Mr. Speaker, I rise to express my strong disagreement with the plan of this House to recess for a full month.

Every day now, as the energy crisis grows worse, important decisions are being made, decisions which affect the lives of our constituents in a very personal way. Administration officials have indicated that some of the most crucial ones will be made in this coming month, and our absence will substantially reduce our influence in these matters.

I might also point out that even if there were not an energy crisis, the amount of legislative work yet to be done is so great that such a recess would still not be justified.

ENERGY CRISIS: AMERICAN STYLE

Mr. SPEAKER. Under a previous order of the House, the gentleman from Arkansas (Mr. ALEXANDER) is recognized for 60 minutes.

Mr. ALEXANDER. Mr. Speaker, for several years, experts in the field have been warning Americans about the inevitability of an energy shortage. There were brownouts on the east coast in the midsixties which should have served as a warning of things to come. But, throughout history, this country has been blessed with an abundance of cheap energy. We are used to living in a land of plenty and because of our advanced technology have taken for granted many modern conveniences that annually consume great quantities of our limited energy resources.

Then, suddenly last summer, we began hearing stories and reading news articles about filling stations that were closing up or shortening their hours because their pumps were empty. But, the summer ended and few of us were stranded on an interstate because we could not get gas.

And, this fall, in the middle of harvesting the crops, farmers found that their combines came to a halt in the fields without fuel available to run them. The price of gas has risen and most service stations are closed on Sundays. Families are finding it harder to get together during the holiday season because of the cancellation of airline flights. Schools and businesses are altering their schedules. Homes dependent on fuel oil for heating are being warned that they can expect a colder winter than the last. Rationing has become a common word in our vocabulary.

The country now finds itself in the middle of a serious shortage of the energy resources which except during wartime have always been abundant. How did we get in this position?

MORE LUXURIES, MORE WASTE

A major factor has been the increasing total and per capita consumption of energy by all Americans. Between 1950 and 1960, for example, energy consumption grew by 32 percent, while between 1960 and 1970, it rose by 51 percent. Since 1920 per capita consumption of all energy has doubled, and our use of electricity has increased by an amazing 1,300 percent. Much of this increase, of course, is justified by the expansion of our production facilities.

However, we have failed to use our existing energy resources wisely and efficiently. In the home, office, and factory, we have never had to consider the more efficient use of energy. For example, improved insulation in homes could significantly decrease winter fuel and summer air-conditioning bills.

D. AMERICAN ENERGY DEMAND PATTERN

Energy demand almost doubled from 1950 to 1970.

Energy demand will double again in the next 15 years and more than triple in the next 30 years.

LESS OIL PRODUCTION

Second, there has been a failure, for a number of reasons for discovery of new domestic reserves of oil and gas to keep pace with demand. Domestic drilling for oil has dropped off precipitously since 1969 and our reserves of both oil and gas have dropped accordingly. Perhaps too much emphasis has been placed on merely stopping the exploitation of the environment and too little on developing the technology needed for using our resources without despoiling either Alaskan tundra or coastal waters.

MORE PUBLIC DEMAND FOR CLEAN ENERGY

The interrelationship of environmental goals and energy objectives seems to be a trade-off of sorts in the short-run. To meet environmental goals such as those imposed by the Clean Air Act, for example, many utilities and industries have had to switch from "dirty" fuels such as high sulfur coal to "clean" fuels such as fuel oil and natural gas. Unfortunately, we have greater quantities of the latter than the former.

NO ENERGY POLICY

Conflicting Government programs with respect to energy have also been a problem. For example, natural gas sold in interstate commerce is regulated from the well-head to the consumer by the Federal Government. However, petroleum production is regulated by the States, while coal, our most abundant energy resource, is now almost unregulated.

In short, this country has failed to develop any type of comprehensive energy policy which takes into consideration resources, demands, capabilities and the encouragement of development by the industries.

DEPENDENCE ON FOREIGN FUEL

Fifth, the changing international oil market will be an increasing problem. As domestic sources have dwindled, our need for imported fuels has increased. We have 6 percent of the world's population and use 33 percent of the world's total energy. Out of 12 million barrels of oil consumed in this country each day, approximately 3.5 million barrels are imported. The United States accounts for 6 percent of the total world petroleum reserves, 20 percent of the world production and 30 percent of the world oil consumption whereas the Middle East which consumes only 2 percent of the total amount of oil, accounts for 34 percent of the world oil production and holds 53 percent of the world's reserves.

Unfortunately imports are more expensive and less reliable. The cutoff of Arab oil supplies is not the cause of this shortage although it did bring the matter to a head. We have always known of the instability of the political climate of the Mideast and should have been much better prepared for a cutoff of this source than we are.

Sixth, our oil import quota program which discouraged entry of foreign oil amounted to a "drain America first" policy, which allows huge profits for oil companies, but squeezed American consumers' pocketbooks. While limiting these exports, we used up our own valuable supplies.

C. Normal (Pre-embargo) U.S. Sources of Crude Oil

(In percent)

United States	63
Canada	6
Middle East	9
Caribbean	12
Rest of World	10

E. Approximate Dimensions of Energy Shortages for Winter, 1973–74

[In percent]

	Before Arab embargo	After Arab embargo
Natural gas	7.4	7.4
Crude petroleum	0	10.0
Distillates	10.4	25.0
Residual oil	14.0	35.0

WHAT IS THE CURRENT SITUATION?

The Department of the Interior estimates the country will consume 19.7 million barrels a day—MBD—of petroleum products in the first quarter of 1974. Eleven MBD will come from domestic sources; 7.8 MBD would have to be imported to avert a shortage. Because of the Arab oil embargo, 3.5 MBD of that amount simply will not be available. That figure represents 17 percent of the total demand. Some of this shortrun deficit can and will be met by reducing stockpiles and industry inventories, but clearly not enough.

If demand for gasoline and private heating oil remains at projected levels, it will begin to outstrip supply by the first week in February. The Department notes that if there had not been a sudden shift back to coal as a fuel in electric generating plants, the crunch in that sector could have come as early as December 3, 1973. (See chart I.)

The National Petroleum Council estimates that the shortage in gasoline distillates and heavy fuel oil will average 20 percent during this first quarter in 1974. Heavy fuel oil shortages would average 38 percent on a U.S. basis and could reach 50 percent on the east coast according to NPC. It is estimated that the consequences of a 2 to 3 million barrel per day shortage could be an annual loss of $48 billion to the U.S. economy as measured by the gross national product and an increase in unemployment from the current 4.5 to 5 percent to over 6 percent with a 2 million barrel cutback and up to 7.5 to 8 percent with a 3 million barrel per day cutoff.

U.S. SUPPLY AND DEMAND FOR PETROLEUM PRODUCTS—FOURTH QUARTER 1974

[Thousands of barrels per day]

	Base level	Impact of restrictions	Current forecast
Demand	19,671	295	19,966
Supply:			
From domestic sources	11,216	.....	11,216
From imports:			
Raw material	(3,840)	(1,370)	(2,470)
Refined products	(3,891)	(1,796)	(2,095)
Subtotal from imports	7,731	3,166	4,565
Change in product inventories	724	.....	724
Total supply	19,671	3,166	16,505
Demand/supply deficit			3,461
As percent of total demand (percent)			17.3

Note. Restrictions-curtailment of imports.

TABLE 11.—BROAD STRATEGIES FOR 1ST QUARTER 1974 SHORTFALL

Product	Shortage: Percent of demand	Shortage: (MB/D)	Refinery shift (MB/D)	Net shortage (MB/D)	Other actions to reduce shortfall	MB/D
Jet fuel	32.2	398	−225	173	Reduce airline schedules 19 percent	170
Gasoline	10.9	712	700	1,412	24 percent reduction in passenger car use	1,100
					15 percent reduction in business and Government use	300
Total						1,400
Distillate	17.5	898	−400	498	6° reduction in residential and 10° in commercial heating	490
					10 percent industrial cutback	40
					50 percent electric utility	150
Total						680
Residual	29.4	1,052	−200	852	Oil to coal switch	250
					15 percent heating reduction	90
					3 percent electricity use cut[1]	300
					10 percent industrial cut	60
Total						700
Total	19.1	3,060	−125	2,935	.....	.....
Other	10.3	401	125	526	.....	.....
Total	17.3	3,461	.....	3,461	.....	.....

[1] Net coal and oil switch.

WHY ARE WE IN THIS POSITION?

The President blames the Congress, some Members of Congress blame the President and everyone suspects the oil companies. In any case, it is imperative that we cut out the backbiting and bickering about who is to blame and get on with the work of adopting a strong energy policy to insure against a worse situation in the future.

LOOKING TO THE FUTURE: WHAT CAN AND IS BEING DONE ABOUT THE ENERGY SHORTAGE; ALLEVIATING THE SHORT-TERM PROBLEM

The Congress must and is asserting its leadership to adopt means of dealing with the short-term as well as the long-term effects of an energy shortage. Through such legislation as the Emergency Energy Act—which authorizes a variety of emergency measures to conserve and allocate energy resources—the Energy Research and Development Administration, the Federal Energy Administration to plan, direct, and conduct programs related to the production, conservation, use and control, distribution and allocation of all forms of energy, the High Seas Oil Port Act which will accommodate huge oil "supertankers" and various other measures designed to develop and conserve our existing resources, the Congress has proved itself concerned with the short-term problem and began looking ahead to the future.

The Congress has enacted year-round daylight savings time legislation which is estimated to conserve 2 to 3 percent of our energy. To put this figure in perspective, it might be noted that it is estimated that energy usage for agriculture amounts to only 3 percent of the energy consumed each year.

Cities must develop more efficient mass transit systems to serve the needs of their suburban commuters as well as those who reside in the cities. This may require additional funding from the Congress, but would be a valid investment saving thousands of gallons of fuel daily.

We are presently approving legislation which would relax or suspend clean air standards so that powerplants can burn coal even if they do not have special emission cleanup systems. This same bill would also temporarily suspend the requirement for emission control devices on new automobiles which have been shown to decrease the efficiency or the gas mileage. We are also giving the President the authority to establish 55-mile-per-hour speed limits on Federal highways.

In considering the new tax reform bill it is almost certain that the Ways and Means Committee will give some time to considering proposals to again raise the oil and gas depletion allowance which was reduced in the 1969 act and to allow other tax incentives for oil explorations. The President has proposed legislation to extend investment tax credit provisions to the oil and gas industries through a 7-percent credit on unsuccessful wells and a 12-percent credit on successful wells.

At this time, it should be noted that Congress has not taken any action to raise gasoline taxes, or ration gasoline, although the Emergency Energy Act does give the President the authority to set up a rationing program.

In April of this year, the Congress added a section to the Economic Stabilization Act which gave the President the discretionary authority to distribute petroleum products. Under these provisions, the President announced a voluntary allocation program which was in effect until November 1. He later judged this program ineffective and a mandatory system of allocations went into effect in November. Unfortunately, at this time there was insufficient staff to administer and carry out the allocations and it was predicted that it would take 60 to 90 days to establish such an operation.

Under this first mandatory program, no priorities were established—hospitals and merry-go-rounds were rated at the same level of importance.

Then, when farmers ran out of fuel trying to get their crops out of their field in the midst of the fall harvest, and buses necessary for mass transit could no longer get oil from their suppliers, revisions were made placing these industries into a top priority category. Farmers were allowed to borrow immediately against their next year's fuel allocation while waiting for requests for additional fuel to be processed.

The allocation program was received on November 27 and again on December 13. Under the new proposed regulations which are to go into effect on December 27, emergency services, fuel production, public passenger transportation and agriculture are in a first priority category for allocation of gasoline and are to receive 100 percent of their current requirements. Business uses, including nonprofit Government users, are allocated 100 percent of their 1972 use. All other users are allocated not more than 90 percent of their 1972 use.

For the purpose of allocating middle distillate fuels, including diesel fuels, fuel production and public passenger transportation are to receive 100 percent of their current requirements. Vital community services and medical, dental and nursing services are allocated 110 percent of their 1972 use.

In the second priority category, those involved in industrial and manufacturing, food production and processing and cargo, freight and mail hauling are to receive 110 percent of their 1972 use.

All other users, excluding aviation, are to receive 100 percent of their 1972 use.

THE ENERGY OUTLOOK

With a policy of equal sacrifice being practiced by all Americans, no one should go cold this winter or next. By giving up a little, we can save a lot. However, we must look beyond the present crisis to develop the energy resources of this country in order to insure energy self-sufficiency in the long term. With our resources and highly advanced technological know-how, I am sure that we can substantially increase our energy output in the years ahead as well as developing better methods of conserving and using the energy we already have.

What are some of these forms of energy that we need to develop?

COAL: OUR MOST ABUNDANT RESOURCE

Coal is our most abundant energy resource and supplies are adequate to last hundreds, even thousands of years. Coal is our most abundant fossil fuel accounting for 73 percent of the total recoverable fossil fuels in the Nation. It was coal we turned to over a century ago, when we began to fear we were exhausting our wood supply. However, coal cannot be used to burn in automobiles and airplanes, it is heavy and inconvenient and it is a "dirty fuel," some types of which are prohibited by environmental restrictions in some States.

We are now close to developing methods of gasifying and liquefying coal. The Russians have offered to share their method of obtaining natural gas from coal and the British have found a way of manufacturing a substitute natural gas to help fight the current fuel shortage.

As we have mentioned above, environmental restrictions are being temporarily suspended in order to allow powerplants to burn high sulfur coal without emission control devices. We must work to develop efficient, moderately priced pollution control mechanisms so that we can use this fuel without threatening our atmosphere.

OIL: LOOKING FOR NEW SOURCES

This country uses 18 million barrels of oil per day. Increasing at its present rate, we could require as much as 50 percent more by 1980. It is this increase that we are going to have trouble finding.

However, this country has a great untapped wealth of oil and natural gas lying under its costal waters. It is estimated that under the Atlantic Continental Shelf from Cape Hatteras to Canada within 100 miles of the shoreline and 600 feet of the surface, there are 46 billion barrels of oil and 228 trillion cubic feet of natural gas. And, this is just one small portion of our coastline. Of America's total Continental Shelf of 1.9 million square miles, only about 1 percent has been tested for gas and oil to date.

Admittedly, it costs more to drill offshore for gas and oil than onshore, but experts tell us that the U.S. continental shelf is the most viable area for meeting U.S. energy needs in the next 5 to 10 years.

Another big boost to our oil supply which is obtainable within the next 5 years, is the 2 million barrels of oil a day which we expect to flow through the Alaskan pipeline from Alaska's North Slope to the port of Valdez on the Gulf of Alaska. From this port it will be shipped by tanker to other States. Authorization of this pipeline was held up for several years because of environmental arguments, but these were resolved this summer and the pipeline should be operational by 1977.

SHALE OIL: CONVERTING ROCKS TO FUEL

In 1971, the Congress began to look seriously at the possibilities of obtaining oil from the shale deposits in Colorado, Utah, and Wyoming. It is estimated that with existing technology and appropriate investment funds available, we could be producing an output of 2 million barrels a day from this source within the next 4 or 5 years. Strict environmental regulations should be put on this process which requires the stripping of rock layers to extract the oil which can be converted into a form of synthetic oil low in sulphur content called kerogen. In late 1973, the Department of Interior began a program offering leases of these lands for sale and development.

NATURAL GAS: UNDERTAPPED AND OVERREGULATED

In 1920, natural gas consumption was less than a trillion cubic feet. In 1970, it was 22 trillion and is expected to rise to 32 trillion in 1980. Gas is the cleanest of all our fossil fuels and its use has skyrocketed with the passage of the Environmental Protection Act.

As is mentioned above, trillions of cubic feet of natural gas lies untapped below our Continental Shelfs. However, regulation of the price of natural gas at the wellhead has discouraged production of it in this country. The Federal Power Commission regulates the price of interstate gas, but not intrastate gas. This has resulted in a large price difference in interstate and intrastate gas and consequently, a drying up of gas supplies in the interstate market. If this price differential is abolished, more gas would flow into interstate sales. And, although prices in some places might rise, it would still be cheaper than importing gas.

ELECTRICAL POWER: A SECONDARY SOURCE OF ENERGY

Electricity is not a primary source of energy, but is produced from other energy sources. About one-third of the electricity used in the United States is for residential purposes and the other two-thirds for industrial use.

The discovery and harnessing of electricity has been responsible for the creation of many of our modern conveniences and appliances. However, since it is not a primary source of energy, it is not as efficient as direct use of gas, for example, to heat a home.

Electricity is produced from all of the primary sources of energy—coal, oil, natural gas, hydro, geothermal, and nuclear. By increasing production of any one of these elements, increase in the output of electricity can result. Hydroelectric power provides 5 percent of our current energy needs and about 15 percent of our electricity. It is our cleanest and cheapest source of energy and research for development and further use of hydroelectric power should be intensified.

GEOTHERMAL: ENERGY FROM THE EARTH'S CORE

In 1970, Congress passed the Geothermal Steam Act of 1970 which allows the U.S. Department of the Interior to grant leases for the drilling of geothermal energy. This energy is essential heat from the Earth's core which may be recovered either as steam or hot water and which may prove to be one of the cheapest, cleanest, and most lasting supplies of energy in the future. Although we have not paid much attention to this source in the United States, in Italy it has been used for 70 years.

NUCLEAR: ANOTHER PEACEFUL USE OF THE ATOM

Although we have known almost from its birth that nuclear energy could be used for production of electricity, nuclear energy production still accounts for only about 1 percent of our energy demands.

We think of nuclear energy in connection with the making of bombs, but its power has been harnessed and applied in medicine, agriculture, desalting sea water, oceanographic exploration, nuclear ship propulsion, and development of nuclear explosives for massive earth moving projects.

The main force holding us back in all-out development of this abundant source is a timidity of this country to accept this type of power. Some questions still do exist in the minds of many as to the safety of this source and of its effects on our environment.

The Atomic Energy Commission must concentrate its study on the safety of the production of this energy. We must know for certain whether or not production of this source of electricity can result in harmful side effects of leaks. If it is safe, we should move headlong into this field.

Currently there are two nuclear powerplants under construction in the State of Arkansas, with the first one scheduled for completion in 1974. As of June 30, 1973, there were only 34 operable plants in this country and 57 under construction, only 17 of which are west of the Mississippi.

SOLAR ENERGY: POWER FROM 93 MILLION MILES AWAY

In the use of energy from the sun lies one of our most exciting new sources of power. Some societies have known for ages that by using its reflections, the sun can be an effective hot water heater or by careful architectural techniques, the sun's energy can be drawn into the walls of buildings and concentrated to preserve the heat. Our technological society should have the knowledge to develop this source efficiently. Legislation and funding to encourage development in this field has been little up to this point. However, there is a move on to speed up our research and development of this virtually limitless source.

CONCLUSION

The prospect for the near future, then, is one of very tight supply. And for a Nation which has become accustomed to cheap, plentiful fuel of all types, the change will not be easy. We must stop wasting our limited energy resources; the light in the empty room will have to be turned off. But for the crisis merely trimming the fat will not be enough. The effects on the individual citizen and consumer will range from inconvenience for all, to loss of income jobs for some.

There is a strong relationship between these two effects because in a very concrete sense when we take some of the burden ourselves, we are lessening it for everybody else. The energy saved by dialing down the heat can help assure adequate heat for all. The automobile trip taken in a carpool, or by bus, or not taken at all, will leave that much more gasoline for the necessary transportation of people and goods.

The voluntary reduction of energy consumption by the American people has resulted in a 50-percent drop in the use of petroleum. But because the market operates inefficiently in a shortage situation, some sort of Government intervention will be necessary. The extent of that intervention depends upon the extent of the crisis and this in turn is determined by how much gasoline and fuel oil is saved voluntarily. Government control of the energy market by allocation, or regulated price, or rationing, is not an initial tool for solving the problem; it is simply a last resort. For when it becomes necessary the Federal Government cannot shirk its responsibility to keep the economy productive and to equalize the burden on every citizen.

What will be required throughout the country is cooperation with the voluntary cutbacks and cooperation and patience with the regulatory apparatus that is eventually set up. I believe it will be forthcoming. In the thirties and forties the American people faced the problem of severe economic dislocations with a singlemindedness of purpose, and the Nation recovered. I do not think we need a war or already formed breadlines in order to find the necessary national will. The crisis is real, but the solution at this point is only one of sharing. The crisis will be met.

A PERFECT ATTENDANCE AND VOTING RECORD

The SPEAKER. Under a previous order of the House, the gentleman from Mississippi (Mr. WHITTEN) is recognized for 10 minutes.

Mr. WHITTEN. Mr. Speaker, the records of the Clerk of the House of Representatives disclose that our colleague, the gentleman from Kentucky, Representative WILLIAM H. NATCHER, still holds a perfect attendance and voting record. During the first session of this Congress so far we have had 717 rollcalls in the House of Representatives.

We all recognize that BILL NATCHER is without peer as a presiding officer. One of the ablest Members of Congress, he not only renders outstanding service to the people of his district, State, and Nation, but his consistent attendance to his job is perhaps not equaled in the history of our Nation.

Representative NATCHER has never missed a day since he has been a Member of Congress, and he has never missed a rollcall vote since he has been a Member. He was sworn in as a Member of Congress on January 6, 1954, and during the first 19-year period of his service which was concluded on December 31, 1972, 3,033 rollcall votes on legislation were held and, Mr. Speaker, when you add 534 rollcall votes on legislation up to this date you have a total of 3,567. During this period of time if the quorum calls were added, you would find that he was present and answered to his name well over 4,900 times.

As a Member of Congress, BILL NATCHER knows full well that the fact that he has not missed a day in Congress or a rollcall vote is not the sole test of a good Representative, but, Mr. Speaker, I know that he definitely is of the opinion that each Member should stand up and be counted on each issue. I have always believed this myself and I know that this is the main reason why BILL NATCHER is proud of the record that he has established.

Mr. Speaker, according to information submitted to me, if the Clerk of the House were to check the records back to March 4, 1789, which was the opening day of the first session of the First Congress, which met in the city of New York, he would find that no Member has served in either the House of Representatives or in the Senate of the United States who has had a comparable record. We have a great many Members of the House of Representatives who have excellent records and the same applies to a number of Members in the U.S. Senate but Mr. Speaker, BILL NATCHER's record is a perfect record since he has never missed a vote or a day since he was sworn in as a Member of Congress.

Since I have been a Member of Congress I have maintained an excellent attendance and voting record all down through the years.

As a member of the Committee on Appropriations serving on three subcommittees—chairman of the Subcommittee on Agriculture, Environmental and Consumer Protection, Defense Appropriations Subcommittee and Public Works Appropriations Subcommittee, I know that it makes it exceedingly difficult for a Member to have the kind of a voting record that BILL NATCHER has established. He and I have served together on the Subcommittee on Agriculture, Environmental and Consumer Protection now for a period of 19 years. Mr. NATCHER was elected a member of the subcommittee that I am chairman of 19 years ago. He also serves on three subcommittees on the Committee on Appropriations, chairman of the District of Columbia Budget Subcommittee, Agriculture-Environmental and Consumer Protection Subcommittee, and Labor-Health, Education and Welfare Subcommittee.

Mr. Speaker, BILL NATCHER and I have been close friends all down through the years and we have worked on a great many matters together. He has worked with me at all times on all agricultural programs and programs that produce benefits to the American farmer. Mr. NATCHER and I agree that the American farmer knows how to produce and in every emergency when called upon has produced the food and fiber to take care of our people, and in many instances has produced adequate supplies for assistance programs to free countries around the world who were in need. Mr. Speaker, I know that BILL NATCHER agrees with me when I say that each year it becomes more difficult to maintain a sound agricultural economy due to increased costs in labor, equipment, and the high cost per acre of good farmland. We have always agreed that the American farmer is entitled to a fair share of our national income.

Mr. Speaker, the record established by my friend, BILL NATCHER, is one that he and his people can be proud of and it is a privilege for me to call this record to the attention of the Members of Congress.

CONSERVATION OF ENERGY

The SPEAKER. Under a previous order of the House, the gentleman from Massachusetts (Mr. CRONIN) is recognized for 5 minutes.

Mr. CRONIN. Mr. Speaker, Mr. Leon Bablouzian of Newtonville, Mass., recently wrote to me about the urgent need to conserve energy by reducing the oil waste. His letter began:

I thank you for devoting your valuable time to a valuable cause. I hope we will achieve our goal by working together.

One oil expert said one-third of all fuel oil we use is wasted, but he did not elaborate how to reduce the one-third to one-quarter waste or less.

Mr. Bablouzian does offer suggestions to cut the inefficiency, which I feel are

worthy of consideration and implementation by all of us. They are:

1. Seal all secondary leaks into the furnace and stack pipe;

2. Clean furnace surface from soot and smoke to increase the heat absorption efficiency;

3. Change the nozzle and oil filter every year;

4 Oil pump must have its specified PSI for a fine atomization of the fuel oil;

5. Stack temperature should not be over 550–700° F net (If less better);

6. Smoke rating must be 0–1 or 0–2 on the filter indicator;

7. Negative draft or updraft at the breeching must be 0.05" to 0.07" and over the fire 0.01" of H_2O column; and

8. Carbon dioxide (CO_2) analyzer must read or indicate 8–12% CO_2.

Example: A burner with a 2GPH capacity nozzle and 6% CO_2 at 700° F net stack temperature will have 60% combustion efficiency and 40% heat loss.

If we increase CO_2 to 10% and reduce the stack temperature to 550° F net by adjusting the above mentioned conditions the combustion efficiency will increase to 77% and heat loss will decrease to 23%: a saving of 17% in fuel consumption. It is possible to increase the combustion efficiency to 80–85%.

Mr. Bablouzian's suggestions are extremely appropriate as New Englanders—and the rest of the Nation—face the current fuel shortage this winter. It is estimated that oil burners burn at 40 to 50 percent efficiency; if we can increase that efficiency to just 80 percent, we can save as much as 40 percent of the energy burned.

I hope we can all work together to conserve as much energy as we possibly can to lessen the severity of this winter.

RECESS

The SPEAKER. The Chair declares the House in recess subject to the call of the Chair. The bells will be rung 15 minutes prior to the reconvening of the House.

Accordingly (at 3 o'clock and 33 minutes p.m.) the House stood in recess subject to the call of the Chair.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 9 o'clock and 13 minutes p.m.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate agrees to the amendments of the House to the amendments of the Senate numbered 6, 10, 13, 14, and 16 and that the Senate recedes from its amendment numbered 15 to a bill of the House of the following title:

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

The message also announced that the Senate agrees to the amendments of the House to the amendment of the Senate to the text of the bill of the following title:

H.R. 10511. An act to amend section 164 of the Federal-Aid Highway Act of 1973 relating to financial assistance agreements.

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

S. 921. An act to amend the Wild and Scenic Rivers Act.

PROVIDING FOR AGREEING TO SENATE AMENDMENT TO HOUSE AMENDMENT WITH AN AMENDMENT TO AMEND S. 921, WILD AND SCENIC RIVERS ACT

Mr. STAGGERS. Mr. Speaker, I move to suspend the rules and agree to the House resolution (H. Res. 759) to take from the Speaker's table the Senate bill S. 921, to amend the Wild and Scenic Rivers Act, with a Senate amendment to the House amendment thereto, and agree to the Senate amendment to the House amendment with an amendment.

The Clerk read as follows:

H. RES. 759

Resolved, That immediately upon the adoption of this resolution the bill S. 921, with the Senate amendment to the House amendment thereto, be, and the same is hereby, taken from the Speaker's table to the end that the Senate amendment to the House amendment 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 text of the bill H.R. 12128.

(The text of H.R. 12128 follows:)

TITLE I—ENERGY EMERGENCY AUTHORITIES

SEC. 100. SHORT TITLE.

Titles I, II, and III of this Act may be cited as the "Energy Emergency Act".

SEC. 101. FINDINGS AND PURPOSES.

(a)(1) The Congress hereby determines that—

(A) shortages of crude oil, residual fuel oil, and refined petroleum products caused by insufficient domestic refining capacity, inadequate domestic production, environmental constraints, and the unavailability of imports sufficient to satisfy domestic demand, now exist;

(B) such shortages have created or will create severe economic dislocations and hardships;

(C) such shortages and dislocations jeopardize the normal flow of interstate and foreign commerce and constitute an energy emergency which can be averted or minimized most efficiently and effectively through prompt action by the executive branch of Government;

(D) disruptions in the availability of imported energy supplies, particularly crude oil and petroleum products, pose a serious risk to national security, economic well-being, and health and welfare of the American people;

(E) because of the diversity of conditions, climate, and available fuel mix in different areas of the Nation, a primary governmental responsibility for developing and enforcing energy emergency measures lies with the States and with the local governments of major metropolitan areas acting in accord with the provisions of this Act; and

(F) the protection and fostering of competition and the prevention of anticompetitive practices and effects are vital during the energy emergency.

(2) On the basis of the determinations specified in subparagraphs (A) through (F) of paragraph (1) of this subsection, the Congress hereby finds that current and imminent fuel shortages have created a nationwide energy emergency.

(b) The purposes of this Act are to call for proposals for energy emergency rationing and conservation measures and to authorize specific temporary emergency actions to be exercised, subject to congressional review and right of approval or disapproval, to assure that the essential needs of the United States for fuels will be met in a manner which, to the fullest extent practicable: (1) is consistent with existing national commitments to protect and improve the environment; (2) minimizes any adverse impact on employment; (3) provides for equitable treatment of all sectors of the economy; (4) maintains vital services necessary to health, safety, and public welfare; and (5) insures against anticompetitive practices and effects and preserves, enhances, and facilitates competition in the development, production, transportation, distribution, and marketing of energy resources.

SEC. 102. DEFINITIONS.

For purposes of this Act:

(1) The term "State" means a State, the District of Columbia, Puerto Rico, or any territory or possession of the United States.

(2) The term "petroleum product" means crude oil, residual fuel oil, or any refined petroleum product (as defined in the Emergency Petroleum Allocation Act of 1973).

(3) The term "United States" when used in the geographical sense means the States, the District of Columbia, Puerto Rico, and the territories and possessions of the United States.

(4) The term "Administrator" means the Administrator of the Federal Energy Emergency Administration.

SEC. 103. FEDERAL ENERGY EMERGENCY ADMINISTRATION.

(a) There is hereby established until May 15, 1975, unless superseded prior to that date by law, a Federal Energy Emergency Administration which shall be temporary and shall be headed by a Federal Energy Emergency Administrator, who shall be appointed by the President, by and with the advice and consent of the Senate. Vacancies in the office of Administrator shall be filled in the same manner as the original appointment.

(b) The Administrator shall be compensated at the rate provided for level II of the Executive Schedule. Subject to the Civil Service and Classification provisions of title 5, United States Code, the Administrator may employ such personnel as he deems necessary to carry out his functions.

(c) Effective on the date on which the Administrator first takes office (or, if later, on January 1, 1974), all functions, powers, and duties of the President under sections 4, 5, 6, and 9 of the Emergency Petroleum Allocation Act of 1973 (as amended by this Act), and of any officer, department, agency, or State (or officer thereof) under such sections (other than functions vested by section 6 of such Act in the Federal Trade Commission, the Attorney General, or the Antitrust Division of the Department of Justice), are transferred to the Administrator. All personnel, property, records, obligations, and commitments used primarily with respect to functions transferred under the preceding sentence shall be transferred to the Administrator.

SEC. 104. END-USE RATIONING.

Section 4 of the Emergency Petroleum Allocation Act of 1973 is amended by adding at the end thereof the following new subsection:

"(h)(1) The President may promulgate a rule which shall be deemed a part of the regulation under subsection (a) and which shall provide consistent with the objectives of subsection (b), for the establishment of a program for the rationing and ordering of priorities among classes of end-users of crude oil, residual fuel oil, or any refined petroleum product, and for the as-

signment to end-users of such products of rights, and evidence of such rights, entitling them to obtain such products in precedence to other classes of end-users not similarly entitled.

"(2) The rule under this subsection shall take effect only if the President finds that, without such rule, all other practicable and authorized methods to limit energy demand will not achieve the objectives of section 4(b) of this Act and of the Energy Emergency Act.

"(3) The President shall, by order, in furtherance of the rule authorized pursuant to paragraph (1) of this subsection and consistent with the attainment of the objectives in subsection (b) of this section, cause such adjustments in the allocations made pursuant to the regulation under subsection (a) as may be necessary to carry out the purposes of this subsection.

"(4) The President shall provide for procedures by which any end-user of crude oil, residual fuel oil or refined petroleum products for which priorities and entitlements are established under paragraph (1) of this subsection may petition for review and reclassification or modification of any determination made under such paragraph with respect to his rationing priority or entitlement. Such procedures may include procedures with respect to such local boards as may be authorized to carry out functions under this subsection pursuant to section 122 of the Energy Emergency Act.

"(5) No rule or order under this section may impose any tax or user fee, or provide for a credit or deduction in computing any tax."

SEC. 105. ENERGY CONSERVATION PLANS.

(a)(1)(A) Pursuant to the provisions of this section, the Administrator is authorized to promulgate by regulation one or more energy conservation plans in accord with this section which shall be designed (together with actions taken and proposed to be taken under other authority of this or other Acts) to result in a reduction of energy consumption to a level which can be supplied by available energy resources. For purposes of this section, the term "energy conservation plan" means a plan for transportation controls (including but not limited to highway speed limits) or such other reasonable restrictions on the public or private use of energy (including limitations on energy consumption of businesses) which are necessary to reduce energy consumption and which are authorized by this Act.

(B) No energy conservation plan promulgated by regulation under this section may impose rationing or any tax or user fee, or provide for a credit or deduction in computing any tax.

(2) An energy conservation plan shall become effective as provided for in subsection (b). Such a plan shall apply in each State, except as otherwise provided in an exemption granted pursuant to the plan in cases where a comparable State or local program is in effect, or where the Administrator finds special circumstances exist.

(3) An energy conservation plan may not deal with more than one logically consistent subject matter.

(4) An amendment to an energy conservation plan, if it has significant substantive effect, shall be transmitted to Congress and shall be effective only in accordance with subsection (b). Any amendment which does not have significant substantive effect and any rescission of a plan may be made effective in accordance with section 553 of title 5, United States Code.

(5) Subject to subsection (b)(3), provision of an energy conservation plan shall remain in effect for a period specified in the plan unless earlier rescinded by the Administrator, but shall terminate in any event no later than April 1, 1974.

(b)(1) For purposes of this subsection, the term "energy conservation plan" means a plan promulgated by regulation proposed under subsection (a) of this section or an amendment thereto which has significant substantive effect.

(2) The Administrator shall transmit any energy conservation plan (bearing an identification number) to each House of Congress on the date on which it is promulgated.

(3)(A) If an energy conservation plan is transmitted to Congress before March 1, 1974, and provides for an effective date earlier than March 1, 1974, such plan shall take effect on the date provided in the plan; but if either House of the Congress, before the end of the first period of 15 calendar days of continuous session of Congress after the date on which such plan is transmitted to it, passes a resolution stating in substance that such House does not favor such plan, such plan shall cease to be effective on the date of passage of such resolution.

(B) If an energy conservation plan is transmitted to the Congress and provides for an effective date on or after March 1, 1974 and before April 1, 1974, such plan shall take effect at the end of the first period of 15 calendar days of continuous session of Congress after the date on which such plan is transmitted and the end of the 15-day period, either House passes a resolution stating in substance that such House does not favor such plan.

(C) An energy conservation plan proposed to be made effective on or after April 1, 1974, shall take effect only if approved by Act of Congress.

(4) For the purpose of paragraph (3) of this subsection—

(A) continuity of session is broken only by an adjournment of Congress sine die; and

(B) the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the 15-day period.

(5) Under provisions contained in an energy conservation plan, a provision of the plan may take effect at a time later than the date on which such plan otherwise is effective.

(c)(1) This subsection is enacted by Congress—

(A) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of resolutions described by paragraph (2) of this subsection; and it supersedes other rules only to the extent that it is inconsistent therewith; and

(B) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

(2) For the purpose of this subsection "resolution" means only a resolution of either House of Congress, the matter after the resolving clause of which is as follows: That the ——— does not favor the energy conservation plan numbered ——— transmitted to Congress by the Administrator of the Federal Energy Emergency Administration on ———, 19—. The first blank space therein being filled with the name of the resolving House and the other blank spaces therein being appropriately filled; but does not include a resolution which specifies more than one energy conservation plan.

(3) A resolution with respect to an energy conservation plan shall be referred to a committee (and all resolutions with respect to the same plan shall be referred to the same committee) by the President of the Senate or the Speaker of the House of Representatives, as the case may be.

(4)(A) If the committee to which a resolution with respect to an energy conservation plan has been referred has not reported it at the end of 5 calendar days after its introduction, it is in order to move either to discharge the committee from further consideration of the resolution or to discharge the committee from further consideration of any other resolution with respect to such energy conservation plan which has been referred to the committee.

(B) A motion to discharge may be made only by an individual favoring the resolution, is highly privileged (except that it may not be made after the committee has reported a resolution with respect to the same energy conservation plan), and debate thereon shall be limited to not more than 1 hour, to be divided equally between those favoring and those opposing the resolution. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(C) If the motion to discharge is agreed to or disagreed to, the motion may not be renewed, nor may another motion to discharge the committee be made with respect to any other resolution with respect to the same plan.

(5)(A) When the committee has reported, or has been discharged from further consideration of, a resolution with respect to an energy conservation plan, it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. The motion is highly privileged and is not debatable. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(B) Debate on the resolution shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the resolution. A motion further to limit debate is not debatable. An amendment to, or motion to recommit, the resolution is not in order, and it is not in order to move to reconsider the vote by which the resolution is agreed to or disagreed to.

(6)(A) Motions to postpone, made with respect to the discharge from committee, or the consideration of a resolution with respect to an energy conservation plan, and motions to proceed to the consideration of other business, shall be decided without debate.

(B) Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution with respect to an energy conservation plan shall be decided without debate.

(d)(1) In carrying out the provisions of this Act, the Administrator shall, to the greatest extent practicable, evaluate the potential economic impacts of proposed regulatory and other actions including but not limited to the preparation of an analysis of the effect of such actions on—

(A) the fiscal integrity of State and local government;

(B) vital industrial sectors of the economy;

(C) employment, by industrial and trade sector, as well as on a national, regional, State, and local basis;

(D) the economic vitality of regional, State, and local areas;

(E) the availability and price of consumer goods and services;

(F) the gross national product;

(G) competition in all sectors of industry; and

(H) small business.

(2) The Administrator shall develop analyses of the economic impact of any energy conservation plan on States or significant sectors thereof, considering the impact on energy resources as fuel and as feedstock for industry.

(3) Such analysis shall, wherever possible, be made explicit and, to the extent practicable, other Federal agencies and agencies of State and local governments which have special knowledge and expertise relevant to the impact of proposed regulatory or other actions shall be consulted in making the analysis, and all Federal agencies shall cooperate with the Administrator in preparing such analyses except that the Administrator's actions pursuant to this subsection shall not create any right of review or cause of action except as otherwise exist under other provisions of law.

(4) The Administrator, together with the Secretaries of Labor and Commerce, shall monitor the economic impact of any energy actions taken by the Administrator, and shall provide the Congress with separate reports every thirty days on the impact of the energy shortage and such emergency actions on employment and the economy.

(e) Any energy conservation plan which the Administrator submits to the Congress pursuant to subsection (b) of this section shall include findings of fact and a specific statement explaining the rationale for each provision contained in such plan.

SEC. 106. COAL CONVERSION AND ALLOCATION.

(a) The Administrator shall, to the extent practicable and consistent with the objectives of this Act, by order, after balancing on a plant-by-plant basis the environmental effects of use of coal against the need to fulfill the purposes of this Act, prohibit, as its primary energy source, the burning of natural gas or petroleum products by any major fuel-burning installation (including any existing electric powerplant) which, on the date of enactment of this Act, has the capability and necessary plant equipment to burn coal. Any installation to which such an order applies shall be permitted to continue to use coal as provided in section 119(b) of the Clean Air Act. To the extent coal supplies are limited to less than the aggregate amount of coal supplies which may be necessary to satisfy the requirements of those installations which can be expected to use coal (including installations to which orders may apply under this subsection), the Administrator shall prohibit the use of natural gas and petroleum products for those installations where the use of coal will have the least adverse environmental impact. A prohibition on use of natural gas and petroleum products under this subsection shall be contingent upon the availability of coal, coal transportation facilities, and the maintenance of reliability of service in a given service area. The Administrator shall require that fossil-fuel-fired electric powerplants in the early planning process, other than combustion gas turbine and combined cycle units, be designed and constructed so as to be capable of using coal as a primary energy source instead of or in addition to other fossil fuels. No fossil-fuel-fired electric powerplant may be required under this section to be so designed and constructed, if (1) to do so would result in an impairment of reliability or adequacy of service, or (2) if an adequate and reliable supply of coal is not available and is not expected to be available. In considering whether to impose a design and construction requirement under this subsection, the Administrator shall consider the existence and effects of any contractual commitment for the construction of such facilities and the capability of the owner or operator to recover any capital investment made as a result of the conversion requirements of this section.

(b) The Administrator may by rule prescribe a system for allocation of coal to users thereof in order to attain the objectives specified in this section.

SEC. 107. MATERIALS ALLOCATION.

(a) The Administrator shall, within 30 days after the date of enactment of this Act, propose (in the nature of a proposed rule affording an opportunity for the presentation of views) and publish (and may from time to time amend) a contingency plan for allocation of supplies of materials and equipment necessary for exploration, production, refining, and required transportation of energy supplies and for the construction and maintenance of energy facilities. At such time as he finds that it is necessary to put all or part of such plan into effect, he shall transmit such plan or portion thereof to each House of Congress and such plan or portion thereof shall take effect in the same manner as an energy conservation plan prescribed under section 105 and to which section 105(b)(3)(B) applies (except that such plan may be submitted at any time after the date of enactment of this Act and before May 15, 1975).

(b) Section 4(b)(1)(G) of the Emergency Petroleum Allocation Act of 1973 is amended to read as follows:

"(G) allocation of residual fuel oil and refined petroleum products in such amounts and in such manner as may be necessary for the maintenance of exploration for, and production or extraction of—

"(i) fuels, and

"(ii) minerals essential to the requirements of the Unitd States,

and for required transportation related thereto,"

SEC. 108. FEDERAL ACTIONS TO INCREASE AVAILABLE DOMESTIC PETROLEUM SUPPLIES.

(a) The Administrator may initiate the following measures to supplement domestic energy supplies for the duration of the emergency:

(1) require, by order or rule, the production of desiganted existing domestic oilfields, at their maximum efficient rate of production, which is the maximum rate at which production may be sustained without detriment to the ultimate recovery of oil and gas under sound engineering and economic principles. Such fields are to be designated by the Secretary of the Interior, after consultation with the appropriate State regulatory agency. Data to determine the maximum efficient rate of production shall be supplied to the Secretary of the Interior by the State regulatory agency which determines the maximum efficient rate of production and by the operators who have drilled wells in, or are producing oil and gas from such fields;

(2) require, if necessary to meet essential energy needs, production of certain designated existing domestic oilfields at rates in excess of their currently assigned maximum efficient rates. Fields to be so designated, by the Secretary of the Interior or the Secretary of the Navy as to the Federal lands or as to Federal interests in lands under their respective jurisdiction, shall be those fields where the types and quality of reservoirs are such as to permit production at rates in excess of the currently assigned sustainable maximum efficient rate for period of ninety days or more without excessive risk of losses in recovery;

(3) require the adjustment of processing operations of domestic refineries to produce refined products in proportions commensurate with national needs and consistent with the objectives of section 4(b) of the Emergency Petroleum Allocation Act of 1973.

(b) Nothing in this section shall be construed to authorize the production of any Naval Petroleum Reserve now subject to the provisions of chapter 641 of title 10 of the United States Code.

SEC. 109. OTHER AMENDMENTS TO THE EMERGENCY PETROLEUM ALLOCATION ACT OF 1973.

(a) Section 4 of the Emergency Petroleum Allocation Act of 1973 as amended by section 104 of this Act is amended by adding at the end of such section the following new subsection:

"(i) If any provision of the regulation under subsection (a) provides that any allocation of residual fuel oil or refined petroleum products is to be based on use of such a product or amounts of such product supplied during a historical period, the regulation shall contain provisions designed to assure that the historical period can be adjusted (or other adjustments in allocations can be made) in order to reflect regional disparities in use, population growth or unusual factors influencing use (including unusual changes in climatic conditions), of such oil or product in the historical period. This subsection shall take effect 30 days after the date of enactment of the Energy Emergency Act. Adjustments for such purposes shall take effect no later than 6 months after the date of enactment of this subsection. Adjustments to reflect population growth shall be based upon the most current figures available from the United States Bureau of the Census."

(b) Section 4(g)(1) of the Emergency Petroleum Allocation Act of 1973 is amended by striking out "February 28, 1975" in each case the term appears and inserting in each case "May 15, 1975".

SEC. 110. PROHIBITION ON WINDFALL PROFITS—PRICE GOUGING.

(a)(1) The President shall exercise his authority under the Emergency Petroleum Allocation Act of 1973 and under the Economic Stabilization Act of 1970 so as to specify prices for sales of petroleum products produced in or imported into the United States, which avoid windfall profits by sellers.

(2) Any interested person, who has reason to believe that any price (specified under any of the authorities referred to in paragraph (1) of this subsection) of petroleum products permits a seller thereof any windfall profits, may petition the Attorney General for a determination under subparagraph (A) or (B) of paragraph (3).

(3)(A) Upon petition of any interested person, the Attorney General may by rule determine, after opportunity for oral presentation of views, data, and arguments, whether the price (specified under any of the authorities referred to in paragraph (1)) of petroleum product permits sellers thereof to receive windfall profits. Upon a final determination of the Attorney General that such price permits windfall profits to be so received, it shall specify a price for such sales which will not permit such profits to be received by such sellers. After such a final determination, no higher price may be specified (under any of the authorities specified in paragraph (1)) except with the approval of the Attorney General.

(B) Upon petition of any interested person and notwithstanding any proceeding or determination under subparagraph (A), the Attorney General may determine whether the price charged by a particular seller of any petroleum product permitted such seller to receive windfall profits. If, on the basis of such petition, the Attorney General has reason to believe that such price has permitted such seller to receive windfall profits, it may order such seller to take such actions (including the escrowing of funds) as it may deem appropriate to assure that sufficient funds will be available for the refund of windfall profits in the event there is a final determination by the Attorney General under this subparagraph that such seller has received windfall profits. Prior to a final determination under this subparagraph, such seller shall be afforded a hearing in accordance with the procedures required by section 554 of title 5, United States Code. Upon a final determination of the Attorney General that such price permitted such seller to receive windfall profits, the Attorney General shall order such seller to refund an

amount equal to such windfall profits to the persons who have purchased from such seller at prices which resulted in such windfall profits. If such persons are not reaonably ascertainable, the Attorney General shall order the sellers for the purpose of refunding such profits, to reduce the price for future sales, to create a fund against which previous purchasers of such item may file a claim under rules which shall be prescribed by the Attorney General, or to take such other action as the Attorney General may deem appropriate.

(C) Any final determination under subparagraph (A) or (B) shall be subject to judicial review in accordance with sections 701 through 706 of title 5, United States Code.

(4)(A) The Attorney General may provide, in its discretion under regulations prescribed by the Attorney General, for such consolidation as may be necessary or appropriate to carry out the purposes of this subsection.

(B) The Attorney General may make such rules, regulations, and orders as it deems necessary or appropriate to carry out its functions under this subsection.

(6) For the purposes of this section, the term "windfall profits" means profits which are unreasonable or excessive, taking into consideration normal profits.

(7) For the purposes of this subsection, the term "interested person" includes the United States, any State, and the District of Columbia.

(8) This subsection shall not apply to the first sale of crude oil described in section 4(e)(2) of Emergency Petroleum Allocation Act of 1973 (relating to stripper wells).

(9) This section shall take effect on January 1, 1975, and shall apply to profits attributable to any price (specified under any of the authorities referred to in paragraph (1) of this subsection) of crude oil, residual fuel oil, and refined petroleum products in effect after December 31, 1973.

(b) Notwithstanding any other provision of law, administrative proceedings before the Attorney General under this section shall be governed by subchapter II of chapter 5 of title 5, United States Code, and such proceedings shall be reviewed in accordance with chapter 7 of such title.

SEC. 111. PROTECTION OF FRANCHISED DEALERS.

(a) As used in this section:

(1) The term "distributor" means a person engaged in the sale, consignment, or distribution of petroleum products to wholesale or retail outlets whether or not it owns, leases, or in any way controls such outlets.

(2) The term "franchise" means any agreement or contract between a refiner or a distributor and a retailer or between a refiner and a distributor, under which such retailer or distributor is granted authority to use a trademark, trade name, service mark, or other identifying symbol or name owned by such refiner or distributor, or any agreement or contract between such parties under which such retailer or distributor is granted authority to occupy premises owned, leased, or in any way controlled by a party to such agreement or contract, for the purpose of engaging in the distribution or sale of petroleum products for purposes other than resale.

(3) The term "notice of intent" means a written statement of the alleged facts which, if true, constitute a violation of subsection (b) of this section.

(4) The term "refiner" means a person engaged in the refining or importing of petroleum products.

(5) The term "retailer" means a person engaged in the sale of any refined petroleum product for purposes other than resale within any State, either under a franchise or independent of any franchise, or who was so engaged at any time after the start of the base period.

(b)(1) A refiner or distributor shall not cancel, fail to renew, or otherwise terminate a franchise unless he furnishes prior notification pursuant to this paragraph to each distributor or retailer affected thereby. Such notification shall be in writing and sent to such distributor or retailer by certified mail not less than ninety days prior to the date on which such franchise will be canceled, not renewed, or otherwise terminated. Such notification shall contain a statement of intention to cancel, not renew, or to terminate together with the reasons therefor, the date on which such action shall take effect, and a statement of the remedy or remedies available to such distributor or retailer under this section together with a summary of the applicable provisions of this section.

(2) A refiner or distributor shall not cancel, fail to renew, or otherwise terminate a franchise unless the retailer or distributor whose franchise is terminated failed to comply substantially with any essential and reasonable requirement of such franchise or failed to act in good faith in carrying out the terms of such franchise, or unless such refiner or distributor withdraws entirely from the sale of refined petroleum products in commerce for sale other than resale in the United States.

(c)(1) If a refiner or distributor engages in conduct prohibited under subsection (b) of this section, a retailer or a distributor may maintain a suit against such refiner or distributor. A retailer may maintain such suit against a distributor or a refiner whose actions affect commerce and whose products with respect to conduct prohibited under paragraph (1) or (2) of subsection (b) of this section, he sells or has sold, directly or indirectly, under a franchise. A distributor may maintain such suit against a refiner whose actions affect commerce and whose products he purchases or has purchased or whose products he distributes or has distributed to retailers.

(2) The court shall grant such equitable relief as is necessary to remedy the effects of conduct prohibited under subsection (b) of this section which it finds to exist including declaratory judgment and mandatory or prohibitive injunctive relief. The court may grant interim equitable relief, and actual and punitive damages (except for actions for a failure to renew) where indicated, in suits under this section, and may, unless such suit is frivolous, direct that costs, including reasonable attorney and expert witness fees, be paid by the defendant. In the case of actions for a failure to renew damages shall be limited to actual damages including the value of the dealer's equity.

(3) A suit under this section may be brought in the district court of the United States for any judicial district in which the distributor or the refiner against whom such suit is maintained resides, is found, or is doing business, without regard to the amount in controversy. No such suit shall be maintained unless commenced within three years after the cancellation, failure to renew, or termination of such franchise or the modification thereof.

SEC. 112. PROHIBITIONS ON UNREASONABLE ACTIONS.

(a) Action taken under authority of this Act, the Emergency Petroleum Allocation Act of 1973, or other Federal law resulting in the allocation of petroleum products and electrical energy among classes of users or resulting in restrictions on use of petroleum products and electrical energy, shall be equitable, shall not be arbitrary or capricious, and shall not unreasonably discriminate among classes of users: *Provided*, That with respect to allocations of petroleum products applicable to the foreign trade and commerce of the United States, no foreign corporation or entity shall receive more favorable treatment in the allocation of petroleum products than that which is accorded by its home country to United States citizens engaged in the same line of commerce, and allocations shall contain provisions designed to foster reciprocal and non-discriminatory treatment by foreign countries of United States citizens engaged in foreign commerce.

(b) To the maximum extent practicable, any restriction on the use of energy shall be designed to be carried out in such manner so as to be fair and to create a reasonable distribution of the burden of such restriction on all sectors of the economy, without imposing an unreasonably disproportionate share of such burden on any specific industry, business or commercial enterprise, or on any individual segment thereof and shall give due consideration to the needs of commercial, retail, and service establishments whose normal function is to supply goods and services of an essential convenience nature during times of day other than conventional daytime working hours.

SEC. 113. REGULATED CARRIERS.

(a) The Interstate Commerce Commission (with respect to common or contract carriers subject to economic regulation under the Interstate Commerce Act), the Civil Aeronautics Board, and the Federal Maritime Commission shall, for the duration of the period beginning on the date of enactment of this Act and ending on May 15, 1975, have authority to take any action for the purpose of conserving energy consumption in a manner found by such Commission or Board to be consistent with the objectives and purposes of the Acts administered by such Commission or Board on its own motion or on the petition of the Administrator which existing law permits such Commission or Board to take upon the motion or petition of any regulated common or contract carrier or other person.

(b) The Interstate Commerce Commission shall, by expedited proceedings, adopt appropriate rules under the Interstate Commerce Act which eliminate restrictions on the operating authority of any motor common carrier of property which require excessive travel between points with respect to which such motor common carrier has regularly performed service under authority issued by the Commission. Such rules shall assure continuation of essential service to communities served by any such motor common carrier.

(c) Within 45 days after the date of enactment of this Act, the Civil Aeronautics Board, the Federal Maritime Commission, and the Interstate Commerce Commission shall report separately to the appropriate committees of the Congress on the need for additional regulatory authority in order to conserve fuel during the period beginning on the date of enactment of this Act and ending on May 15, 1975 while continuing to provide for the public convenience and necessity. Each such report shall identify with specificity—

(1) the type of regulatory authority needed;

(2) the reasons why such authority is needed;

(3) the probable impact on fuel conservation of such authority;

(4) the probable effect on the public convenience and necessity of such authority; and

(5) the competitive impact, if any, of such authority.

Each such report shall further make recommendations with respect to changes in any existing fuel allocation programs which are deemed necessary to provide for the public convenience and necessity during such period.

SEC. 114. ANTITRUST PROVISIONS.

(a) Except as specifically provided in subsection (1), no provision of this Act shall be deemed to convey to any person subject to this Act any immunity from civil and crimi-

nal liability or to create defenses to actions, under the antitrust laws.

(b) As used in this section, the term "antitrust laws" means—

(1) the Act entitled "An Act to protect trade and commerce against unlawful restraints and monopolies", approved July 2, 1890 (15 U.S.C. 1 et seq.), as amended;

(2) the Act entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes", approved October 15, 1914 (15 U.S.C. 12 et seq.), as amended;

(3) the Federal Trade Commission Act (15 U.S.C. 41 et seq.), as amended;

(4) sections 73 and 74 of the Act enttiled "An Act to reduce taxation, to provide revenue for the Government, and for other purposes", approved August 27, 1894 (15 U.S.C. 8 and 9), as amended; and

(5) the Act of June 19, 1936, chapter 592 (15 U.S.C. 13, 13a, 13b, and 21a).

(c)(1) To achieve the purposes of this Act, the Administrator may provide for the establishment of such advisory committees as he determines are necessary. Any such advisory committees shall be subject to the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C. App. 1), whether or not such Act or any of its provisions expires or terminates during the term of this Act or of such committees, and in all cases shall be chaired by a regular full-time Federal employee and shall include representatives of the public. The meetings of such committees shall be open to the public.

(2) A representative of the Federal Government shall be in attendance at all meetings of any advisory committee established pursuant to this section. The Attorney General and the Federal Trade Commission shall have adequate advance notice of any meeting and may have an official representative attend and participate in any such meeting.

(3) A full and complete verbatim transcript shall be kept of all advisory committee meetings, and shall be taken and deposited, together with any agreement resulting therefrom, with the Attorney General and the Federal Trade Commission. Such transcript and agreement shall be made available for public inspection and copying, subject to the provisions of sections 552(b)(1) and (b)(3) of title 5, United States Code.

(d) The Administrator, subject to the approval of the Attorney General and the Federal Trade Commission, shall promulgate, by rule, standards and procedures by which persons engaged in the business of producing, refining, marketing, or distributing crude oil, residual fuel oil or any refined petroleum product may develop and implement voluntary agreements and plans of action to carry out such agreements which the Administrator determines are necessary to accomplish the objectives stated in section 4(b) of the Emergency Petroleum Allocation Act of 1973.

(e) The standards and procedures under subsection (d) shall be promulgated pursuant to section 553 of title 5, United States Code. They shall provide, among other things, that—

(1) Such agreements and plans of action shall be developed by meetings of committees, councils, or other groups which include representatives of the public, of interested segments of the petroleum industry and of industrial, municipal and private consumers, and shall in all cases be chaired by a regular full-time Federal employee.

(2) Meetings held to develop a voluntary agreement or a plan of action under this subsection shall permit attendance by interested persons and shall be preceded by timely and adequate notice with identification of the agenda of such meeting to the Attorney General, the Federal Trade Commission and to the public in the affected community;

(3) Interested persons shall be afforded an opportunity to present, in writing and orally, data, views and arguments at such meetings;

(4) A full and complete verbatim transcript shall be kept of any meeting, conference or communication held to develop, implement or carry out a voluntary agreement or a plan of action under this subsection and shall be taken and deposited, together with any agreement resulting therefrom, with the Attorney General and the Federal Trade Commission. Such transcript and agreement shall be available for public inspection and copying subject to provisions of section 552(b)(1) and (b)(3) of title 5, United States Code.

(f) The Federal Trade Commission may exempt types or classes of meetings, conferences or communications from the requirements of subsection (c)(3) and (e)(4) provided such meetings, conferences, or communications are ministerial in nature and are for the sole purpose of implementing or carrying out a voluntary agreement or plan of action authorized pursuant to this section. Such ministerial meetings, conference or communication may take place in accordance with such requirements as the Federal Trade Commission may prescribe by rule. Such persons participating in such meeting, conference or communication shall cause a record to be made specifying the date such meeting, conference, or communication took place and the persons involved, and summarizing the subject matter discussed. Such record shall be filed with the Federal Trade Commission and the Attorney General, where it shall be made available for public inspection and copying.

(g)(1) The Attorney General and the Federal Trade Commission shall participate from the beginning in the development, implementation and carrying out of voluntary agreements and plans of action authorized under this section. Each may propose any alternative which would avoid or overcome, to the greatest extent practicable, possible anticompetitive effects while achieving substantially the purposes of this Act. Each shall have the right to review, amend, modify, disapprove, or prospectively revoke, on its own motion or upon the request of any interested person, any plan of action or voluntary agreement at any time, and, if revoked, thereby withdraw prospectively the immunity conferred by subsection (i) of this section.

(2) Any voluntary agreement or plan of action entered into pursuant to this section shall be submitted in writing to the Attorney General and the Federal Trade Commission 20 days before being implemented, where it shall be made available for public inspection and copying.

(h)(1) The Attorney General and the Federal Trade Commission shall monitor the development, implementation and carrying out of plans of action and voluntary agreements authorized under this section to assure the protection and fostering of competition and the prevention of anticompetitive practices and effects.

(2) The Attorney General and the Federal Trade Commission shall promulgate joint regulations concerning the maintenance of necessary and appropriate documents, minutes, transcripts and other records related to the development, implementation or carrying out of plans of action or voluntary agreements authorized pursuant to this Act.

(3) Persons developing, implementing or carrying out plans of action or voluntary agreements authorized pursuant to this Act shall maintain those records required by such joint regulations. The Attorney General and the Federal Trade Commission shall have access to and the right to copy such records at reasonable times and upon reasonable notice.

(4) The Federal Trade Commission and the Attorney General may each prescribe such rules and regulations as may be necessary or appropriate to carry out their responsibilities under this Act. They may both utilize for such purposes and for purposes of enforcement, any and all powers conferred upon the Federal Trade Commission or the Department of Justice, or both, by any other provision of law, including the antitrust laws; and wherever such provision of law refers to "the purposes of this Act" or like terms, the reference shall be understood to be this Act.

(i) There shall be available as a defense to any civil or criminal action brought under the antitrust laws in respect of actions taken in good faith to develop and implement a voluntary agreement or plan of action to carry out a voluntary agreement by persons engaged in the business of producing, refining, marketing or distributing crude oil, residual fuel oil, or any refined petroleum product that—

(1) such action was—

(A) authorized and approved pursuant to this section, and

(B) undertaken and carried out solely to achieve the purposes of this section and in compliance with the terms and conditions of this section, and the rules promulgated hereunder; and

(2) such persons fully complied with the requirements of this section and the rules and regulations promulgated hereunder.

(j) No provision of this Act shall be construed as granting immunity for, nor as limiting or in any way affecting any remedy or penalty which may result from any legal or proceeding arising from, any acts or practices which occurred: (1) prior to the enactment of this Act, (2) outside the scope and purpose or not in compliance with the terms and conditions of this Act and this section, or (3) subsequent to its expiration or repeal.

(k) Effective on the date of enactment of this Act, this section shall apply in lieu of section 6(c) of the Emergency Petroleum Allocation Act of 1973. All actions taken and any authority or immunity granted under such section 6(c) shall be hereafter taken or granted, as the case may be, pursuant to this section.

(l) The provisions of section 708 of the Defense Production Act of 1950, as amended, shall not apply to any action authorized to be taken under this Act or the Emergency Petroleum Allocation Act of 1973.

(m) The Attorney General and the Federal Trade Commission shall each submit to the Congress and to the President, at least once every six months, a report on the impact on competition and on small business of actions authorized by this section.

(n) The authority granted by this section (including any immunity under subsection (i)) shall terminate on May 15, 1975.

(o) The exercise of the authority provided in section 113 shall not have as a principal purpose or effect the substantial lessening of competition among carriers affected. Acharge of the Antitrust Division, who shall be taken only after providing from the beginning an adequate opportunity for participation by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division, who shall propose any alternative which would avoid or overcome, to the greatest extent practicable, any anticompetitive effects while achieving the purposes of this Act.

SEC. 115. EXPORTS.

To the extent necessary to carry out the purpose of this Act, the Administrator may under authority of this Act, by rule, restrict exports of coal, petroleum products, and petrochemical feedstocks, under such terms as he deems appropriate: *Provided*, That, the Administrator shall restrict exports of coal, petroleum products, or petrochemical feedstocks if either the Secretary of Commerce or the Secretary of Labor certifies that such exports would contribute to unemployment in the United States. The Secretary of Com-

merce, pursuant to the Export Administration Act of 1969 (but without regard to the phrase "and to reduce the serious inflationary impact of abnormal foreign demand" in section 3(2)(A) of such Act), may restrict the exports of coal, petroleum products, and petrochemical feedstocks, and of materials and equipment essential to the production, transport, or processing of fuels to the extent necessary to carry out the purpose of this Act and section 4(b) and 4(d) of the Emergency Petroleum Allocation Act of 1973: *Provided*, That in the event that the Administrator certifies to the Secretary of Commerce that export restrictions of products enumerated in this section are necessary to carry out the purpose of this Act, the Secretary of Commerce shall impose such export restrictions. Rules under this section by the Administrator and actions by the Secretary of Commerce under the Export Administration Act of 1969 shall take into account the historical trading relations of the United States with Canada and Mexico and shall not be inconsistent with subsections (b) and (d) of section 4 of the Emergency Petroleum Allocation Act of 1973.

SEC. 116. EMPLOYMENT IMPACT AND UNEMPLOYMENT ASSISTANCE.

(a) The President shall take into consideration and shall minimize, to the fullest extent practicable, any adverse impact of actions taken pursuant to this Act upon employment. All agencies of government shall cooperate fully under their existing statutory authority to minimize any such adverse impact.

(b) The President shall make grants to States to provide to any individual unemployed, if such unemployment resulted from the administration and enforcement of this Act and was in no way due to the fault of such individual, such assistance as the President deems appropriate while such individual is unemployed. Such assistance as a State shall provide under such a grant shall be available to individuals not otherwise eligible for unemployment compensation and individuals who have otherwise exhausted their eligibility for such unemployment compensation, and shall continue as long as unemployment in the area caused by such administration and enforcement continues (but not less than six months) or until the individual is reemployed in a suitable position, but not longer than two years after the individual becomes eligible for such assistance. Such assistance shall not exceed the maximum weekly amount under the unemployment compensation program of the State in which the employment loss occurred.

(c) On or before the sixtieth day following the date of enactment of this Act, the President shall report to the Congress concerning the present and prospective impact of energy shortages upon employment. Such report shall contain an assessment of the adequacy of existing programs in meeting the needs of adversely affected workers and shall include legislative recommendations which the President deems appropriate to meet such needs, including revisions in the unemployment insurance laws.

SEC. 117. USE OF CARPOOLS.

(a) The Secretary of Transportation shall encourage the creation and expansion of the use of carpools as a viable component of our nationwide transportation system. It is the intent of this section to maximize the level of carpool participation in the United States.

(b) The Secretary of Transportation is directed to establish within the Department of Transportation an "Office of Carpool Promotion" whose purpose and responsibilities shall include—

(1) responding to any and all requests for information and technical assistance on carpooling and carpooling systems from units of State and local governments and private groups and employees;

(2) promoting greater participation in carpooling through public information and the preparation of such materials for use by State and local governments;

(3) encouraging and promoting private organizations to organize and operate carpool systems for employees;

(4) promoting the cooperation and sharing of responsibilities between separate, yet proximately close, units of government in coordinating the operations of carpool systems; and

(5) promoting other such measures that the Secretary determines appropriate to achieve the goal of this subsection.

(c) The Secretary of Transportation shall encourage and promote the use of incentives such as special parking privileges, special roadway lanes, toll adjustments, and other incentives as may be found beneficial and administratively feasible to the furtherance of carpool ridership, and consistent with the obligations of the State and local agencies which provide transportation services.

(d) The Secretary of Transportation shall allocate the funds appropriated pursuant to the authorization of subsection (f) according to the following distribution between the Federal and State or local units of government:

(1) The initial planning process—up to 100 percent Federal.

(2) The systems design process—up 100 percent Federal.

(3) The initial startup and operation of a given system—60 percent Federal and 40 percent State or local with the Federal portion not to exceed 1 year.

(e) Within 12 months of the date of enactment of this Act, the Secretary of Transportation shall make a report to Congress of all his activities and expenditures pursuant to this section. Such report shall include any recommendations as to future legislation concerning carpooling.

(f) The sum of $5,000,000 is authorized to be appropriated for the conduct of programs designed to achieve the goals of this section, such authorization to remain available for 2 years.

(g) For purposes of this section, the terms "local governments" and "local units of government" include any metropolitan transportation organization designated as being responsible for carrying out section 134 of title 23, United States Code.

(h) As an example to the rest of our Nation's automobile users, the President of the United States shall take such action as is necessary to require all agencies of Government, where practical, to use economy model motor vehicles.

(i)(1) The President shall take action to require that no Federal official or employee in the executive branch below the level of Cabinet officer be furnished a limousine for individual use. The provisions of this subsection shall not apply to limousines furnished for use by officers or employees of the Federal Bureau of Investigation, or to those persons whose assignments necessitate transportation by limousines because of diplomatic assignment by the Secretary of State.

(2) For purposes of this subsection, the term "limousine" means a type 6 vehicle as defined in the Interim Federal Specifications issued by the General Services Administration, December 1, 1973.

SEC. 118. ADMINISTRATIVE PROCEDURE AND JUDICIAL REVIEW.

(a)(1) Subject to paragraphs (2), (3), and (4) of this subsection, the provisions of subchapter II of chapter 5 of title 5, United States Code, shall apply to any rule or order (including a rule or order issued by a State or officer thereof) under this title (except with respect to any rule or order pursuant to sections 108 and 113 of this Act, section 205 (a), (b), and (c), of this Act, or section 4(h) of the Emergency Petroleum Allocation Act of 1973) or under the authority of any energy conservation plan.

(2) Notice of any proposed rule or order described in paragraph (1) shall be given by publication of such proposed rule or order in the Federal Register. In each case, a minimum of ten days following such publication shall be provided for opportunity to commit; except that the requirements of this paragraph as to time of notice and opportunity to comment may be waived where strict compliance is found to cause serious impairment of the operation of the program to which such rule or order relates and such findings are set out in detail in such rule or order. In addition, publication of all rules or orders promulgated by officers of a State or political subdivision thereof or to State or local boards pursuant to this Act shall to the maximum extent practicable be achieved by publication of such rules or orders in a sufficient number of newspapers of statewide circulation calculated to receive widest possible notice.

(3) In addition to the requirements of paragraph (2), if any rule or order described in paragraph (1) is likely to have a substantial impact on the Nation's economy or large numbers of individuals or businesses, an opportunity for oral presentation of views, data, and arguments shall be afforded. To the maximum extent practicable, such opportunity shall be afforded prior to the implementation of such rule or order, but in all cases such opportunity shall be afforded no later than 45 days after the implementation of any such rule or order. A transcript shall be kept of any oral presentation.

(4) Any officer or agency authorized to issue rules or orders described in paragraph (1) shall provide for the making of such adjustments, consistent with the other purposes of this Act or the Emergency Petroleum Allocation Act of 1973 (as the case may be), as may be necessary to prevent special hardships, inequity, or an unfair distribution of burdens and shall in rules prescribed by it establish procedures which are available to any person for the purpose of seeking an interpretation, modification, or rescission of, or an exception to or exemption from, such rules and orders. If such person is aggrieved or adversely affected by the denial of a request for such action under the preceding sentence, he may request a review of such denial by the officer or agency and may obtain judicial review in accordance with subsection (b) when such denial becomes final. The officer or agency shall, in rules prescribed by it, establish appropriate procedures, including a hearing where deemed advisable, for considering such requests for action under this paragraph.

(5) In addition to the requirements of section 552 of title 5, United States Code, any agency authorized by this Act or the Emergency Petroleum Allocation Act of 1973 to issue rules or orders shall make available to the public all internal rules and guidelines which may form the basis, in whole or in part, for any rule or order with such modifications as are necessary to insure confidentiality protected under such section 552. Such agency shall, upon written request of a petitioner filed after any grant or denial of a request for exception or exemption from rules or orders furnish the petitioner with a written opinion setting forth applicable facts and the legal basis in support of such grant or denial. Such opinions shall be made available to the petitioner and the public within thirty days of such request and with such modifications as are necessary to insure confidentiality of information protected under such section 552.

(b)(1) Judicial review of administrative rulemaking of general and national applicability done under this Act may be obtained only by filing a petition for review in the

United States Court of Appeals for the District of Columbia within thirty days from the date of promulgation of any such rule or regulation, and judicial review of administrative rulemaking of general, but less than national, applicability done under this Act may be obtained only by filing a petition for review in the United States Court of Appeals for the appropriate circuit within thirty days from the date of promulgation of any such rule or regulation, the appropriate circuit being defined as the circuit which contains the area or the greater part of the area within which the rule or regulation is to have effect.

(2) Notwithstanding the amount in controversy, the district courts of the United States shall have exclusive original jurisdiction of all other cases or controversies arising under this Act, or under regulations or orders issued thereunder, except any actions taken by the Civil Aeronautics Board, the Interstate Commerce Commission, Federal Power Commission, or the Federal Maritime Commission, or any actions taken to implement or enforce any rule or order by any officer of a State or political subdivision thereof or State or local board which has been delegated authority under section 122 of this Act except that nothing in this section affects the power of any court of competent jurisdiction to consider, hear, and determine in any proceeding before it any issue raised by way of defense (other than a defense based on the constitutionality of this title or the validity of action taken by any agency under this Act. If in any such proceeding an issue by way of defense is raised based on the constitutionality of this Act or the validity of agency action under this Act, the case shall be subject to removal by either party to a district court of the United States in accordance with the applicable provisions of chapter 889 of title 28, United States Code. Cases or controversies arising under any rule or order of any officer of a State or political subdivision thereof or a State or local board may be heard in either (1) any appropriate State court, and (2) without regard to the amount in controversy, the district courts of the United States.

(c) The Administrator may by rule prescribe procedures for State or local boards which carry out functions under this Act or the Emergency Petroleum Allocation Act of 1973. Such procedures shall apply to such boards in lieu of subsection (a), and shall require that prior to taking any action, such boards shall take steps reasonably calculated to provide notice to persons who may be affected by the action, and shall afford an opportunity for presentation of views (including oral presentation of views where practicable) at least 10 days before taking the action. Such boards shall be of balanced composition reflecting the makeup of the community as a whole.

SEC. 119. PROHIBITED ACTS.

It shall be unlawful for any person to violate any provision of title I of this Act (other than provisions of this Act which make amendments to the Emergency Petroleum Allocation Act of 1973 and section 113) or to violate any rule, regulation (including an energy conservation plan) or order issued pursuant to any such provision.

SEC. 120. ENFORCEMENT.

(a) Whoever violates any provision of section 119 shall be subject to a civil penalty of not more than $2,500 for each violation.

(b) Whoever willfully violates any provision of section 119 shall be fined not more than $5,000 for each violation.

(c) It shall be unlawful for any person to offer for sale or distribute in commerce any product or commodity in violation of an applicable order or regulation issued pursuant to this Act. Any person who knowingly and willfully violates this subsection after having been subjected to a civil penalty for a prior violation of the same provision of any order or regulation issued pursuant to this Act shall be fined not more than $50,000 or imprisoned not more than six months, or both.

(d) Whenever it appears to any person authorized by the Administrator to exercise authority under this Act that any individual or organization has engaged, is engaged, or is about to engage in acts or practices constituting a violation of section 119, such person may request the Attorney General to bring an action in the appropriate district court of the United States to enjoin such acts or practices, and upon a proper showing a temporary restraining order or a preliminary or permanent injunction shall be granted without bond. Any such court may also issue mandatory injunctions commanding any person to comply with any provision, the violation of which is prohibited by section 119.

(e) Any person suffering legal wrong because of any actor or practice arising out of any violation of section 119 may bring an action in a district court of the United States, without regard to the amount in controversy, for appropriate relief, including an action for a declaratory judgment or writ of injunction. Nothing in this subsection shall authorize any person to recover damages.

SEC. 121. USE OF FEDERAL FACILITIES.

Whenever practicable, and for the purpose of facilitating the transportation and storage of fuel, agencies or departments of the United States are authorized, during the period beginning on the date of enactment of this Act and ending May 15, 1975, to enter into arrangements for the acquisition or use by domestic public entities and private industries of equipment or facilities which are surplus to the needs of such agency or department and appropriate to the transportation and storage of fuel, except that such arrangements may be made (1) only after the Administrator finds that such equipment or facilities are not available from private sources and (2) only on the basis of compensation for the acquisition or use of such equipment or facilities at fair market value prices or rentals.

SEC. 122. DELEGATION OF AUTHORITY AND EFFECT ON STATE LAW

(a) The Administrator may delegate any of his functions under the Emergency Petroleum Allocation Act of 1973 or this Act to any officer or employee of the Federal Energy Emergency Administration as he deems appropriate. The Administrator may delegate any of his functions relative to implementation and enforcement of the Emergency Petroleum Allocation Act of 1973 or this Act to officers of a State or political subdivision thereof or to State or local boards of balanced composition reflecting the make-up of the community as a whole. Such officers or boards shall be designated and established in accordance with regulations as the Administration shall promulgate under this Act. Section 5(b) of the Emergency Petroleum Allocation Act of 1973 is repealed effective on the effective date of the transfer of functions under such Act to the Administrator pursuant to section 103 of this Act.

(b) No State law or State program in effect on the date of enactment of this Act, or which may become effective thereafter, shall be superseded by any provision of this Act or any regulation, order, or energy conservation plan issued pursuant to this Act except insofar as such State law or State program is inconsistent with the provisions of this Act, or such a regulation, order, or plan.

SEC. 123. GRANTS TO STATES.

Any funds authorized to be appropriated under section 127(b) shall be available for the purpose of making grants to States to which the Administrator has delegated authority under section 122 of this Act, or for the administration of appropriate State or local energy conservation programs which are the basis of an exemption made pursuant to section 105(a)(2) of this Act from a Federal energy conservation plan which has taken effect under section 105 of this Act. The Administrator shall make such grants upon such terms and conditions as he may prescribe by rule.

SEC. 124. REPORTS ON NATIONAL ENERGY RESOURCES.

(a) For the purpose of providing to the Congress, and the Departments of Interior and Justice, the States, and the public, to the maximum extent possible, reliable data on reserves, production, distribution, and use of petroleum products, natural gas, and coal, the Attorney General or the Secretary of the Interior, or both, shall promptly publish for public comment a regulation requiring that persons doing business in the United States, who, on the effective date of this Act, are engaged in exploring, developing, processing, refining, or transporting by pipeline, any petroleum product, natural gas, or coal, shall * * * days. Such reports shall show for the preceding sixty calendar days such person's (1) reserves of crude oil, natural gas, and coal; (2) production and destination of any petroleum product, natural gas, and coal; (3) refinery runs byproduct; and (4) other data required by the Attorney General or the Secretary of the Interior for such purpose. Such regulation shall also require that such persons provide to the Attorney General or the Secretary of the Interior such reports for the period from January 1, 1970, to the date of such person's first sixty day report. Such regulation shall be promulgated 30 days after such publication. The Attorney General or the Secretary of the Interior shall publish quarterly in the Federal Register a meaningful summary analysis of the data provided by such reports.

(b) The reporting requirements of this section shall not apply to the retail operations of persons required to file such reports. Where a person shows that all or part of the data required by this section is being reported by such person to another Federal agency, the Attorney General or the Secretary of the Interior may exempt such person from reporting all or part of such data directly to him, and upon such exemption, such agency shall, notwithstanding any other provision of law, provide such data to the Attorney General or the Secretary of the Interior. The districts courts of the United States are authorized, upon application of the Attorney General or the Secretary of the Interior, to require enforcement of such reporting requirements.

(c) Upon a showing satisfactory to the Attorney General or the Secretary of the Interior, by any person that any report or part thereof obtained under this section from such person or from a Federal agency would, if made public, divulge methods or processes entitled to protection as trade secrets or other proprietry information of such person, such report, or portion thereof, shall be confidential in accordance with the provisions of section 1905 of title 18 of the United States Code, except that such report or part thereof shall not be deemed confidential for purposes of disclosure to (1) any delegate of the Federal Energy Emergency Administration for the purpose of carrying out this Act, (2) the Attorney General or the Secretary of the Interior or both when necessary to carry out those agencies' duties and responsibilities under this and other statutes, and (3) the Congress or any Committee of Congress upon request of the Chairman. The provisions of this section shall expire on May 15, 1975.

SEC. 125. INTRASTATE GAS.

Nothing in this Act shall expand the authority of the Federal Power Commission with respect to sales of non-jurisdictional natural gas.

SEC. 126. EXPIRATION.

The authority under this title to presribe any rule or order or take other action under this title, or to enforce any such rule or order, shall expire at midnight, May 15, 1975, (April 1, 1974, in the case of section 105), but such expiration shall not affect any action or pending proceedings, civil or criminal, not finally determined on such date, nor any action or proceeding based upon any act committed prior to midnight, May 15, 1975 (April 1, 1974, in the case of section 105).

SEC. 127. AUTHORIZATION OF APPROPRIATIONS.

(a) There are authorized to be appropriated to the Federal Energy Emergency Agency to carry out its functions under this Act and under other laws, and to make grants to States under section 123, $75,000,000 for the fiscal year ending June 30, 1974, and $75,000,000 for the fiscal year ending June 30, 1975.

(b) For the purpose of making payments under grants to States under section 123, there are authorized to be appropriated $50,000,000 for the fiscal year ending June 30, 1974, and $75,000,000 for the fiscal year ending June 30, 1975.

(c) For the purpose of making payments under grants to States under section 116, there is authorized to be appropriated $500,000,000 for the fiscal year ending June 30, 1974.

SEC. 128. SEVERABILITY.

If any provision of this Act, or the application of any such provision to any person or circumstance, shall be held invalid, the remainder of this Act, or the application of such provision to persons or circumstances, shall be held invalid, the remainder of this Act, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

SEC. 129. PRICE AUTHORITY.

The President shall exercise his authority under the Economic Stabilization Act of 1970, as amended, and the Emergency Petroleum Allocation Act of 1973 to specify prices for sales of crude oil, residual fuel oil or refined petroleum products in or imported into the United States which avoid windfall profits by sellers. For purposes of this section, windfall profits shall be defined as those profits which are excessive or unreasonable, taking into consideration normal profit levels. This section shall be effective only until December 31, 1974.

SEC. 130. IMPORTATION OF LIQUEFIED NATURAL GAS.

The Emergency Petroleum Allocation Act of 1973 is amended by adding at the end thereof the following new section:

"SEC. 8. Notwithstanding the provisions of section 3 of the Natural Gas Act (or any other provisions of law) the President may by order, on a finding that such action would be consistent to the public interest, authorize on a shipment-by-shipment basis the importation of liquefied natural gas from a foreign country: *Provided, however,* That the authority to act under this section shall not permit the importation of liquefied natural gas which had not been authorized prior to the date of expiration of this Act and which is in transit on such date."

TITLE II—COORDINATION WITH ENVIRONMENTAL PROTECTION REQUIREMENTS

SEC. 201. SUSPENSION AUTHORITY.

Title I of the Clean Air Act (42 U.S.C. 1857 et seq.) is amended by adding at the end thereof the following new section:

"ENERGY EMERGENCY AUTHORITY

"SEC. 119. (a)(1)(A) The Administrator may, for any period beginning on or after the date of enactment of this section and ending on or before November 1, 1974, temporarily suspend any stationary source fuel or emission limitation as it applies to any person, if the Administrator finds that such person will be unable to comply with such limitation during such period solely because of unavailability of types or amounts of fuels. Any suspension under this paragraph and any interim requirement on which such suspension is conditioned under paragraph (3) shall be exempted from any procedural requirements set forth in this Act or in any other provision of local, State, or Federal law; except as provided in subparagraph (B).

"(B) The Administrator shall give notice to the public of a suspension and afford the public an opportunity for written and oral presentation of views prior to granting such suspension unless otherwise provided by the Administrator for good cause found and published in the Federal Register. In any case, before granting such a suspension he shall give actual notice to the Governor of the State, and to the chief executive officer of the local government entity in which the affected source or sources are located. The granting or denial of such suspension and the imposition of an interim requirement shall be subject to judicial review only on the grounds specified in paragraphs (2)(B) and (2)(C) of section 706 of title 5, United States Code, and shall not be subject to any proceeding under section 304(a)(2) or 307 (b) and (c) of this Act.

"(2) In issuing any suspension under paragraph (1) the Administrator is authorized to act on his own motion without application of any source or State.

"(3) Any suspension under paragraph (1) shall be conditioned upon compliance with such interim requirements as the Administrator determines are reasonable and practicable. Such interim requirements shall include, but need not be limited to, (A) a requirement that the source receiving the suspension comply with such reporting requirements as the Administrator determines may be necessary, (B) such measures as the Administrator determines are necessary to avoid an imminent and substantial endangerment to health of persons, and (C) requirements that the suspension shall be inapplicable during any period during which fuels which would enable compliance with the suspended stationary source fuel or emission limitations are in fact reasonably available to that person (as determined by the Administrator). For purposes of clause (C) of this paragraph availability of natural gas or petroleum products which enable compliance shall not make a suspension inapplicable to a source described in subsection (b)(1) of this section.

"(4) For purposes of this section:

"(A) The term 'stationary source fuel or emission limitation' means any emission limitation, schedule, or timetable for compliance, or other requirement, which is prescribed under this Act (other than section 303, 111 (b), or 112) or contained in an applicable implementation plan and which is designed to limit stationary source emissions resulting from combustion of fuels, including a prohibition on, or specification of, the use of any fuel of any type or grade or pollution characteristic thereof.

"(B) The term 'stationary source' has the same meaning as such term has under section 111(a)(3).

"(b)(1) Except as provided in paragraph (2) of this subsection, any fuel-burning stationary source (A) which is prohibited from using petroleum products or natural gas as fuel by reason of an order issued under section 106(a) of the Energy Emergency Act or which the Administrator determines began conversion to the use of coal as fuel during the 90-day period ending on December 15, 1973, and (B) which converts to the use of coal as fuel, shall not, until January 1, 1979, be prohibited, by reason of the application of any air pollution requirement, from burning coal which is available to such source.

"(2)(A) Paragraph (1) of this subsection shall apply to a source, only if the Administrator finds that omissions from the source will not materially contribute to a significant risk to public health and if the source has submitted to the Administrator a plan for compliance for such source which the Administrator has approved, after notice to interested persons and opportunity for presentation of views (including oral presentations of views). A plan submitted under the preceding sentence shall be approved only if it provides (i) for compliance by the means, and in accordance with a schedule which meets the requirements of subparagraph (B); and (ii) that such source will comply with requirements which the Administartor shall prescribe to assure that emissions from such source will not materially contribute to a significant risk to public health. The Administrator shall approve or disapprove any such plan within 60 days after such plan is submitted.

"(B) The Administrator shall prescribe regulations requiring that any source to which this subsection applies submit and obtain approval of its means for and schedule of compliance. Such regulations shall include requirements that such schedules shall include dates by which such source must (i) enter into contracts or other enforceable obligations for obtaining a long-term supply of coal or coal by-products (which contracts or obligations must have received prior approval of the Administrator), and (ii) take steps to obtain continuous emission reduction systems necessary to permit such source to burn such coal or coal by-products and to achieve the degree of emission reduction required by the following sentence (which steps and systems must have received prior approval of the Administrator). Such regulations shall also require that the source achieve as expeditiously as practicable considering the type of coal to be used (but not later than January 1, 1979) the same degree of emission reduction as it was required to achieve by the applicable implementation plan in effect on the date of enactment of this section. Such regulations shall also include such interim requirements as the Administrator determines are reasonable and practicable including requirements described in clauses (A) and (B) of subsection (a)(3).

"(C) The Administrator (after notice to interested persons and opportunity for presentation of views, including oral presentations of views, to the extent practicable) (i) may, prior to November 1, 1974, and shall thereafter, prohibit the use of coal by a source to which paragraph (1) applies if he determines that the use of coal by such source is likely to materially contribute to a significant risk to public health; and (ii) may require such source to use coal of any particular type, grade, or pollution characteristic if such coal is available to such source. Nothing in this subsection (b) shall prohibit a State or local agency from taking action which the Administrator is authorized to take under this paragraph.

"(3) For purposes of this subsection, the term "air pollution requirement" means any emission limitation, schedule, or timetable for compliance, or other requirement, which is prescribed under any Federal, State, or local law or regulation, including this Act (except for any requirement prescribed under this subsection, or section 303), and which is designed to limit stationary source emissions resulting from combustion of fuels (including a restriction on the use or content of fuels). A conversion to coal to which this subsection applies, shall not be deemed to be a modification for purposes of section 111(a)(2) and (4) of this Act.

"(4) A source to which this subsection applies may, upon the expiration of the exemption under paragraph (1), obtain a one year postponement of the application of any

requirement of an applicable implementation plan under the conditions and in the manner provided in section 110(f).

"(c) The Administrator may by rule establish priorities under which manufacturers of continuous emission reduction systems shall provide such sytsems to users thereof, if he finds that priorities must be imposed in order to assure that such systems are first provided to users in air quality control regions with the most severe air pollution. No rule under this subsection may impair the obligation of any contract entered into before enactment of this section. No State or political subdivision may require any person to use a continuous emission reduction system for which priorities have been established under this subsection except in accordance with such priorities.

"(d) The Administrator shall study, and report to Congress not later than May 31, 1974, with respect to—

"(1) the present and projected impact on the program under this Act of fuel shortages and of allocation and end-use allocation programs;

"(2) availability of continuous emission reduction technology (including projections respecting the time, cost, and number of units available) and the effects that continuous emission reduction systems would have on the total environment and on supplies of fuel and electricity;

"(3) the number of sources and locations which must use such technology based on projected fuel availability data;

"(4) priority schedule for implementation of continuous emission reduction technology, based on public health or air quality;

"(5) evaluation of availability of technology to burn municipal solid waste in these sources; including time schedules, priorities analysis of unregulated pollutants which will be emitted and balancing of health benefits and detriments from burning solid waste and of economic costs;

"(6) projections of air quality impact of fuel shortages and allocations;

"(7) evaluation of alternative control strategies for the attainment and maintenance of national ambient air quality standards for sulfur oxides within the time frames prescribed in the Act, including associated considerations of cost, time frames, feasibility, and effectiveness of such alternative control strategies as compared to stationary source fuel and emission regulations;

"(8) proposed allocations of continuous emission reduction technology for nonsolid waste producing systems to sources which are least able to handle solid waste byproduct, technologically, economically, and without hazard to public health, safety, and welfare; and

"(9) plans for monitoring or requiring sources to which this section applies to monitor the impact of actions under this section on concentration of sulfur dioxide in the ambient air.

"(e) No State or political subdivision may require any person to whom a suspension has been granted under subsection (a) to use any fuel the unavailability of which is the basis of such person's suspension (except that this preemption shall not apply to requirements identical to Federal interim requirements under subsection (a)(1).

"(f)(1) It shall be unlawful for any person to whom a suspension has been granted under subsection (a)(1) to violate any requirement on which the suspension is conditioned pursuant to subsection (a)(3).

"(2) It shall be unlawful for any person to violate any rule under subsection (c).

"(3) It shall be unlawful for the owner or operator of any source to fail to comply with any requirement under subsection (b) or any regulation, plan, or schedule thereunder.

"(4) It shall be unlawful for any person to fail to comply with an interim requirement under subsection (1)(3).

"Beginning January 1, 1975, the Administrator shall publish at no less than 180-day intervals, in the Federal Register the following:

"(1) A concise summary of progress reports which are required to be filed by any person or source owner or operator to which subsection (b) applies. Such progress reports shall report on the status of compliance with all requirements which have been imposed by the Administrator under such subsections.

"(2) Up-to-date findings on the impact of this section upon—

"(A) applicable implementation plans, and

"(B) ambient air quality.

"(h) Nothing in this section shall affect the power of the Administrator to deal with air pollution presenting an imminent and substantial endangerment to the health of persons under section 303 of this Act.

"(i)(1) In order to reduce the likelihood of early phaseout of existing electric generating facilities during the energy emergency, any electric generating power plant (A) which, because of the age and condition of the plant, is to be taken out of service permanently no later than January 1, 1980, according to the power supply plan (in existence on the date of enactment of the Energy Emergency Act) of the operator of such plant, (B) for which a certification to that effect has been filed by the operator of the plant with the Environmental Protection Agency and the Federal Power Commission, and (C) for which the Commission has determined that the certification has been made in good faith and that the plan to cease operations no later than January 1, 1980, will be carried out as planned in light of existing and prospective power supply requirements, shall be eligible for a single one-year postponement as provided in paragraph (2).

"(2) Prior to the date on which any plant eligible under paragraph (1) is required to comply with any requirement of an applicable implementation plan, such source may apply (with the concurrence of the Governor of the State in which the plant is located) to the Administrator to postpone the applicability of such requirement to such source for not more than one year. If the Administrator determines, after balancing the risk to public health and welfare which may be associated with a postponement, that compliance with any such requirement is not reasonable in light of the projected useful life of the plant, the availability of rate base increases to pay for such costs, and other appropriate factors, then the Administrator shall grant a postponement of any such requirements.

"(3) The Administrator shall, as a condition of any postponement under paragraph (2), prescribe such interim requirements as are practicable and reasonable in light of the criteria in paragraph (2).

"(j)(1) The Administator may, after public notice and opportunity for presentation of views in accordance with section 553 of title 5, United States Code, and after consultation with the Federal Energy Emergency Administration designate persons to whom fuel exchange orders should be issued. The purpose of such designation shall be to avoid or minimize the adverse impact on public health and welfare of any suspension under subsection (a) of this section or conversion to coal to which subsection (b) applies or of any allocation under the Energy Emergency Act or the Emergency Petroleum Allocation Act.

"(2) The Administrator of the Federal Energy Administration shall issue exchange orders to such persons as are designated by the Administrator under paragraph (1) requiring the exchange of any fuel subject to allocation under the preceding Acts effective no later than 45 days after the date of the designation under paragraph (1), unless the Administrator of the Federal Energy Administration determines, after consultation with the Administrator, that the costs or consumption of fuel, resulting from such exchange order will be excessive.

"(3) Violation of any exchange order issued under paragraph (2) shall be a prohibited act and shall be subject to enforcement action and sanctions in the same manner and to the same extent as a violation of any requirement of the regulation under section 4 of the Emergency Petroleum Allocation Act of 1973."

SEC. 202. IMPLEMENTATION PLAN REVISIONS

(a) Section 110(a) of the Clean Air Act is amended in paragraph (3) by inserting "(A)" after "(3)" and by adding at the end thereof the following new subparagraph:

"(B)(1) For any air quality control region in which there has been a conversion to coal under section 119(b), the Administrator shall review the applicable implementation plan and no later than one year after the date of such conversion determine whether such plan must be revised in order to achieve the national primary standard which the plan implements. If the Administrator determines that any such plan is inadequate, he shall require that a plan revision be submitted by the State within three months after the date of notice to the State of such determination. Any plan revision which is submitted by the State after notice and public hearing shall be approved or disapproved by the Administrator, after public notice and opportunity for public hearing, but no later than three months after the date required for submission of the revised plan. If a plan provision (or portion thereof) is disapproved (or if a State fails to submit a plan revision), the Administrator shall, after public notice and opportunity for a public hearing, promulgate a revised plan (or portion thereof) not later than three months after the date required for approval or disapproval.

"(2) Any requirement for a plan revision under paragraph (1) and any plan requirement promulgated by the Administrator under such paragraph shall include reasonable and practicable measures to minimize the effect on the public health of any conversion to which section 119(b) applies."

(b) Subsection (c) of section 110 of the Clean Air Act (42 U.S.C. 1857 C–5) is amended by inserting "(1)" after "(c)"; by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively; and by adding the following new paragraph:

"(2)(A) The Administrator shall conduct a study and shall submit a report to the Committee on Interstate and Foreign Commerce of the United States House of Representatives and the Committee on Public Works of the United States Senate not later than May 1, 1974, on the necessity of parking surcharge, management of parking supply, and preferential bus/carpool lane regulations as part of the applicable implementation plans required under this section to achieve and maintain national primary ambient air quality standards. The study shall include an assessment of the economic impact of such regulations, consideration of alternative means of reducing total vehicle miles traveled, and an assessment of the impact of such regulations on other Federal and State programs dealing with energy or transportation. In the course of such study, the Administrator shall consult with other Federal officials including, but not limited to, the Secretary of Transportation, the Administrator of the Federal Energy Administration, and the Chairman of the Council on Environmental Quality.

"(B) No parking surcharge regulation may be required by the Administrator under paragraph (1) of this subsection as a part of an applicable implementation plan. All parking surcharge regulations previously required by the Administrator shall be void upon the date of enactment of this subsec-

tion. This subparagraph shall not prevent the Administrator from approving parking surcharges if they are adopted and submitted by a State as part of an applicable implementation plan. The Administrator may not condition approval of any applicable implementation plan submitted by a State on such plan's including a parking surcharge regulation.

"(C) The Administrator is authorized to suspend until January 1, 1975, the effective date of applicability of any regulations for the management of parking supply or any requirement that such regulations be a part of an applicable implementation plan approved or promulgated under this section. The exercise of the authority under this subparagraph shall not prevent the Administrator from approving such regulations if they are adopted and submitted by a State as part of an applicable implementation plan. If the Administrator exercises the authority under this subparagraph, regulations requiring a review or analysis of the impact of proposed parking facilities before construction which take effect on or after January 1, 1975, shall not apply to parking facilities on which construction has been initiated before January 1, 1975.

"(D) For purposes of this paragraph, the term 'parking surcharge regulation' means a regulation imposing or requiring the imposition of any tax, surcharge, fee, or other charge on parking spaces, or any other area used for the temporary storage of motor vehicles. The term 'management of parking supply' shall include any requirement providing that any new facility containing a given number of parking spaces shall receive a permit or other prior approval, issuance of which is to be conditioned on air quality considerations. The term 'preferential bus/carpool lane' shall include any requirement for the setting aside of one or more lanes of a street or highway on a permanent or temporary basis for the exclusive use of buses and/or carpools."

SEC. 203. MOTOR VEHICLE EMISSIONS.

(a) Section 202(b)(1)(A) of the Clean Air Act is amended by striking out "1975" and inserting in lieu thereof "1977"; and by inserting after "(A)" the following: "The regulations under subsection (a) applicable to emissions of carbon monoxide and hydrocarbons from light-duty vehicles and engines manufactured during model years 1975 and 1976 shall contain standards which are identical to the interim standards which were prescribed (as of December 1, 1973) under paragraph (5)(A) of this subsection for light-duty vehicles and engines manufactured during model years 1975."

(b) Section 202(b)(1)(B) of such Act is amended by striking out "1976" and inserting in lieu thereof "1978"; and by inserting after "(B)" the following: "The regulations under subsection (a) applicable to emissions of oxides of nitrogen from light-duty vehicles and engines manufactured during model years 1975 and 1976 shall contain standards which are identical to the standards which were prescribed (as of December 1, 1973) under subsection (a) for light-duty vehicles and engines manufactured during model year 1975. The regulations under subsection (a) applicable to emissions of oxides of nitrogen from light-duty vehicles and engines manufactured during model year 1977 shall contain standards which provide that emissions of such vehicles and engines may not exceed 2.0 grams per vehicle mile."

(c) Section 202(b)(5)(A) of such Act is amended to read as follows:

"(5)(A) At any time after January 1, 1975, any manufacturer may file with the Administrator an application requesting the suspension for one year only of the effective date of any emission standard required by paragraph (1)(A) with respect to such manufacturer for light-duty vehicles and engines manufactured in model year 1977. The Administrator shall make his determination with respect to any such application within 60 days. If he determines, in accordance with the provisions of this subsection, that such suspension should be granted, he shall simultaneously with such determination prescribe by regulation interim emission standards which shall apply (in lieu of the standards required to be prescribed by paragraph (1)(A) of this subsection) to emissions of carbon monoxide or hydrocarbons (or both) from such vehicles and engines manufactured during model year 1977."

(d) Section 202(b)(5)(B) of the Clean Air Act is repealed and the following subparagraphs redesignated accordingly.

SEC. 204. CONFORMING AMENDMENTS.

(a)(1) Section 113(a)(3) of the Clean Air Act is amended by striking out "or" before "112(c)", by inserting a comma in lieu thereof, and by inserting after "hazardous emissions)" the following: ", or 119(f) (relating to priorities and certain other requirements)".

(2) Section 113(b)(3) of such Act is amended by striking out "or 112(c)" and inserting in lieu thereof ", 112(c), or 119(f)".

(3) Section 113(c)(1)(C) of such Act is amended by striking out "or section 112(c)" and inserting in lieu thereof ", section 112(c), or section 119(f)".

(4) Section 114(a) of such Act is amended by inserting "119 or" before "303".

(b) Section 116 of the Clean Air Act is amended by inserting "119(b), (c) and (e)," before "209".

SEC. 205. PROTECTION OF PUBLIC HEALTH AND ENVIRONMENT.

(a) Any allocation program provided for in title I of this Act or in the Emergency Petroleum Allocation Act of 1973, to the maximum extent practicable, include measures to assure that available low sulfur fuel will be distributed on a priority basis to those areas of the country designated by the Administrator of the Environmental Protection Agency as requiring low sulfur fuel to avoid or minimize adverse impact on public health.

(b) In order to determine the health effects of emissions of sulfur oxides to the air resulting from conversions to burning coal pursuant to section 106, the Department of Health, Education, and Welfare shall, through the National Institute of Environmental Health Sciences and in cooperation with the Environmental Protection Agency, conduct a study of chronic effects among exposed populations. The sum of $3,500,000 is authorized to be appropriated for such a study. In order to assure that long-term studies can be conducted without interruption, such sums as are appropriated shall be available until expended.

(c) No action taken under this Act shall, for a period of 1 year after initiation of such action, be deemed a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (83 Stat. 856). However, before any action under this Act that has a significant impact on the environment is taken, if practicable, or in any event within 60 days after such action is taken, an environmental evaluation with analysis equivalent to that required under section 102(2)(C) of the National Environmental Policy Act, to the greatest extent practicable within this time constraint, shall be prepared and circulated to appropriate Federal, State, and local government agencies and to the public for a 30-day comment period after which a public hearing shall be held upon request to review outstanding environmental issues. Such an evaluation shall not be required where the action in question has been preceded by compliance with the National Environmental Policy Act by the appropriate Federal agency. Any action taken under this Act which will be in effect for more than a one year period (other than action taken pursuant to subsection (d) of this section) or any action to extend an action taken under this Act to a total period of more than 1 year shall be subject to the full provisions of the National Environmental Policy Act notwithstanding any other provision of this Act.

(d) Notwithstanding subsection (c) of this section, in order to expedite the prompt construction of facilities for the importation of hydroelectric energy thereby helping to reduce the shortage of petroleum products in the United States, the Federal Power Commission is hereby authorized and directed to issue a Presidential permit pursuant to Executive Order 10485 of September 3, 1953, for the construction, operation, maintenance, and connection of facilities for the transmission of electric energy at the borders of the United States without preparing an environmental impact statement pursuant to section 102 of the National Environmental Policy Act of 1969 (83 Stat. 856) for facilities for the transmission of electric energy between Canada and the United States in the vicinity of Fort Covington, New York.

SEC. 206. ENERGY CONSERVATION STUDY.

(a) The Administrator of the Federal Energy Administration shall conduct a study on potential methods of energy conservation and, not later than 6 months after the date of enactment of this Act, shall submit to Congress a report on the results of such study. The study shall include, but not be limited to, the following:

(1) the energy conservation potential of restricting exports of fuels or energy-intensive products or goods, including an analysis of balance of payments and foreign relations implications of any such restrictions;

(2) federally sponsored incentives for the use of public transit, including the need for authority to require additional production of buses or other means of public transit and Federal subsidies for the duration of the energy emergency for reduced fares and additional expenses incurred because of increased service;

(3) alternative requirements, incentives, or disincentives for increasing industrial recycling and resource recovery in order to reduce energy demand, including the economic costs and fuel consumption trade-off which may be associated with such recycling and resource recovery in lieu of transportation and use of virgin materials;

(4) the costs and benefits of electrifying rail lines in the United States with a high density of traffic; including (A) the capital costs of such electrification, the oil fuel economies derived from such electrification, the ability of existing power facilities to supply the additional power load, and the amount of coal or other fossil fuels required to generate the power required for railroad electrification, and (B) the advantages to the environment of electrification of railroads in terms of reduced fuel consumption and air pollution and disadvantages to the environment from increased use of fossil fuel such as coal; and

(5) means for incentives or disincentives to increase efficiency of industrial use of energy.

(b) Within 90 days of the date of enactment of this Act, the Secretary of Transportation, after consultation with the Federal Energy Administrator, shall submit to the Congress for appropriate action an "Emergency Mass Transportation Assistance Plan" for the purpose of conserving energy by expanding and improving public mass transportation systems and encouraging increased ridership as alternatives to automobile travel.

(c) Such plan shall include, but shall not be limited to—

(1) recommendations for emergency temporary grants to assist States and local public bodies and agencies thereof in the payment of operating expenses incurred in con-

nection with the provision of expanded mass transportation service in urban areas;

(2) recommendations for additional emergency assistance for the purchase of buses and rolling stock for fixed rail, including the feasibility of accelerating the timetable for such assistance under section 142(a)(2) of title 23, United States Code (the "Federal Aid Highway Act of 1973"), for the purpose of providing additional capacity for and encouraging increased use of public mass transportation systems;

(3) recommendations for a program of demonstration projects to determine the feasibility of fare-free and low-fare urban mass transportation systems, including reduced rates for elderly and handicapped persons during nonpeak hours of transportation;

(4) recommendations for additional emergency assistance for the construction of fringe and transportation corridor parking facilities to serve bus and other mass transportation passengers;

(5) recommendations on the feasibility of providing tax incentives for persons who use public mass transportation systems.

(d) In consultation with the Federal Energy Administrator, the Secretary of Transportation shall make an investigation and study for the purpose of conserving energy and assuring that the essential fuel needs of the United States will be met by developing a high-speed ground transportation system between the cities of Tijuana in the State of Baja California, Mexico, and Vancouver in the Province of British Columbia, Canada, by way of the cities of Seattle in the State of Washington, Portland in the State of Oregon, and Sacramento, San Francisco, Fresno, Los Angeles and San Diego in the State of California. In carrying out such investigation and study the Secretary shall consider, but shall not be limited to—

(1) the efficiency of energy utilization and impact on energy resources of such a system, including the future impact of existing transportation systems on energy resources if such a system is not established;

(2) coordination with other studies undertaken on the State and local level; and

(3) such other matters as he deems appropriate.

The Secretary of Transportation shall report the results of the study and investigation pursuant to this Act, together with his recommendations, to the Congress and the President no later than December 31, 1974.

SEC. 207. REPORTS.

The Administrator of the Environmental Protection Agency shall report to Congress not later than January 31, 1975, on the implementation of sections 201 through 205 of this title.

SEC. 203. FUEL ECONOMY STUDY.

Title II of the Clean Air Act is amended by redesignating section 213 as section 214 and by adding the following new section:

"FUEL ECONOMY IMPROVEMENT FROM NEW MOTOR VEHICLES

"SEC. 213. (a)(1) The Administrator and the Secretary of Transportation shall conduct a joint study, and shall report to the Committee on Interstate and Foreign Commerce of the United States House of Representatives and the Committees on Public Works and Commerce of the United States Senate within 120 days following the date of enactment of this section, concerning the practicability of establishing a fuel economy improvement standard of 20 percent for new motor vehicles manufactured during and after model year 1980. Such study and report shall include, but not be limited to, the technological problems of meeting any such standard, including the leadtime involved; the test procedures required to determine compliance; the economic costs associated with such standard, including any beneficial economic impact; the various means of enforcing such standard; the effect on consumption of natural resources, including energy consumed; and the impact of applicable safety and emission standards. In the course of performing such study, the Administrator and the Secretary of Transportation shall utilize the research previously performed in the Department of Transportation, and the Administrator and the Secretary shall consult with the Administrator of the Federal Energy Administration, the Chairman of the Council on Environmental Quality, and the Secretary of the Treasury. The Office of Management and Budget may review such report before its submission to Congress but the Office may not revise the report or delay its submission beyond the date prescribed for its submission, and may submit to Congress its comments respecting such report. In connection with such study, the Administrator may utilize the authority provided in section 307(a) of this Act to obtain necessary information.

"(2) For the purpose of this section, the term 'fuel economy improvement standard' means a requirement of a percentage increase in the number of miles of transportation provided by a manufacturer's entire annual production of new motor vehicles per unit of fuel consumed, as determined for each manufacturer in accordance with test procedures established by the Administrator pursuant to this Act. Such term shall not include any requirement for any design standard or any other requirement specifying or otherwise limiting the manufacturer's discretion in deciding how to comply with the fuel economy improvement standard by any lawful means."

TITLE III—STUDIES AND REPORTS

SEC. 301. AGENCY STUDIES

The following studies shall be conducted, with reports on their results submitted to the Congress:

(1) Within 30 days after the date of enactment of this Act:

(A) The Administrator of the Federal Energy Emergency Administration shall conduct a review of all rulings and regulations issued pursuant to the Economic Stabilization Act to determine if such rulings and regulations are contributing to the shortage of fuels and of materials associated with the production of energy supplies.

(B) All Federal departments and agencies, including the Federal regulatory agencies, are directed to undertake a survey of all activities over which they have special expertise or jurisdiction and identify and recommend to the Congress and to the President specific proposals to significantly increase energy supply or to reduce energy demand through conservation programs.

(C) The Secretary of the Treasury and the Director of the Cost of Living Council shall recommend to the Congress specific incentives to increase energy supply, reduce demand, to encourage private industry and individual persons to subscribe to the goals of this Act. This study shall also include an analysis of the price-elasticity of demand for gasoline.

(D) The Administrator shall report to the Congress concerning the present and prospective impact of energy shortages upon employment. Such report shall contain an assessment of the adequacy of existing programs in meeting the needs of adversely affected workers, together with legislative recommendations appropriate to meet such needs, including revisions in the unemployment insurance laws.

The SPEAKER. Is a second demanded?

TELLER VOTE

Mr. HOSMER. Mr. Speaker, under rule XXVIII, clause 2, I demand a second by a majority by tellers.

The SPEAKER. The gentleman from California, (Mr. HOSMER) demands a second, and the Chair appoints as tellers the gentleman from West Virginia (Mr. STAGGERS) and the gentleman from California (Mr. HOSMER).

PARLIAMENTARY INQUIRY

Mr. BAUMAN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. BAUMAN. Mr. Speaker, my parliamentary inquiry is this: If this second fails, then this resolution cannot be considered; is that correct?

The SPEAKER. The Chair will state that the gentleman is correct.

Will the gentleman from West Virginia and the gentleman from California please take their places as tellers.

PARLIAMENTARY INQUIRY

Mr. LONG of Maryland. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. LONG of Maryland. Mr. Speaker, could we have an explanation of just what we are voting on?

The SPEAKER. The Chair will state that this is a second that has been demanded, and tellers have been demanded on the second.

The Chair will further state that it takes a majority vote to consider the motion.

Mr. LONG of Maryland. Mr. Speaker, a further parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. LONG of Maryland. Mr. Speaker, my parliamentary inquiry is this: Do we know what the motion is?

The SPEAKER. The Chair will state that the gentleman from West Virginia has moved to suspend the rules, the motion is to suspend the rules.

PARLIAMENTARY INQUIRY

Mr. WHITTEN. Mr. Speaker, a further parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. WHITTEN. Mr. Speaker, is it in order to ask that the resolution be re-reported so that it can be understood?

The SPEAKER. The Chair will state that that can only be done by unanimous consent.

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that the motion be re-reported.

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

Mr. STEIGER of Wisconsin. Mr. Speaker, I reserve the right to object.

The SPEAKER. The gentleman from Mississippi has asked that the resolution be reread.

Mr. BAUMAN. Mr. Speaker, reserving the right to object, if any intervening motion or unanimous-consent agreement occurs such as the gentleman from Mississippi has suggested, do we then lose the right to vote on the second that has been demanded by the gentleman from California?

The SPEAKER. The vote by tellers will come on the second as soon as the request is granted.

Is there objection to the request of the gentleman from Mississippi?

Mr. STEIGER of Wisconsin. Mr.

Speaker, reserving the right to object, under my reservation would it be possible to inquire whether or not a record vote could be demanded on the demand for a second?

The SPEAKER. The rule provides for tellers, under the provisions of clause 5, rule I.

Mr. STEIGER of Wisconsin. Mr. Speaker, further reserving the right to object, is a recorded teller vote in order under that procedure?

The SPEAKER. The answer to the gentleman is that under the rules this would not be in order.

Is there objection to the request of the gentleman from Mississippi?

PARLIAMENTARY INQUIRY

Mr. RHODES. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RHODES. What would be the effect, Mr. Speaker, if the motion of the gentleman from West Virginia were not agreed to?

The SPEAKER. Then the motion could not be considered.

Is there objection to the request of the gentleman from Mississippi?

Mr. BAUMAN. Mr. Speaker, reserving the right to object further, the Chair has just ruled that no electronic vote can be taken on a demand for a second, but if a quorum fails to vote by tellers, cannot then a yea and nay vote be demanded?

The SPEAKER. If a quorum fails to vote by tellers, an objection can be made to the result of the vote, and when the objection is made or a point of order is made, an automatic rollcall can be had based upon the absence of a quorum.

Is there objection to the request of the gentleman from Mississippi?

Mr. ST GERMAIN. Further reserving the right to object, Mr. Speaker, we have been given the number of a bill, and we do not know what this is all about. Before we start to vote, I think it is certainly in order to get some slight explanation of what we are being asked to vote on.

The SPEAKER. The gentleman knows that if a second is ordered, there will be 40 minutes of debate on the motion of the gentleman from West Virginia.

Mr. ST GERMAIN. Mr. Speaker, the question is, Should we not know or have a slight inkling of what we are being asked to suspend the rules for and consider? I realize we have 40 minutes, but we do not have the slightest idea of what is going on here. There are rumors, and that is all.

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

A second has been demanded.

PARLIAMENTARY INQUIRY

Mr. WHITTEN. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WHITTEN. May I respectfully ask that the Speaker advise us as to what we are voting on, if that is in order?

The SPEAKER. We are voting on the second on the motion to suspend the rules.

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that the motion be reread. There was no objection that I heard.

The SPEAKER. There was objection. Regular order has been demanded, and the regular order does require the Chair to proceed with the business.

Mr. WHITTEN. Mr. Speaker, I renew my request by unanimous consent that the motion be reread.

Mr. GIAIMO. Mr. Speaker, I make a point of order that the House is not in order and we cannot hear anything.

The SPEAKER. The regular order is that those in favor of the second will pass between the tellers.

Mr. WHITTEN. Mr. Speaker, I object on the ground that the motion was not read so the Members could hear it.

Mr. WAGGONNER. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state it.

Mr. WAGGONNER. Mr. Speaker, there is not a Member of this Chamber who knows what is being voted on. None of the Speaker's last statements were heard by the Members of the House, and the House is entitled to know what the vote is being cast upon and what the issue is.

Mr. WHITTEN. Mr. Speaker, I further state that the motion was not read.

The SPEAKER. The motion was read.

The Chair will state again to the gentleman that a second was demanded, and tellers were demanded.

Those in favor of a second on the motion will pass between the tellers.

Mr. WAGGONNER. Mr. Speaker, what is the motion?

The SPEAKER. The motion is to suspend the rules and agree to House Resolution 759.

Mr. WAGGONNER. Then, Mr. Speaker, what is that resolution?

The SPEAKER. The resolution has been reported.

Mr. WAGGONNER. Mr. Speaker, the House does not understand the resolution as reported and I ask unanimous consent that it be reported again.

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

Mr. BAUMAN. Mr. Speaker, I object. A vote is in process.

The SPEAKER. Objection is heard.

Mr. WAGGONNER. Mr. Speaker, I ask unanimous consent that the resolution be re-reported.

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

Mr. ROBINSON of Virginia. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

On this vote all those in favor of ordering the second will continue to pass through the tellers.

The committee divided, and the tellers reported that there were—ayes 109, noes 20.

Mr. HOSMER. Mr. Speaker, under the provisions of rule XXVII, clause 2, I demand the regular order that the Chamber be closed and that the roll be called.

The SPEAKER. Does the gentleman object to the vote on the ground that a quorum is not present?

Mr. HOSMER. Mr. Speaker, I object to the vote on the ground that a quorum is not present.

The SPEAKER. The Chair will count. The Chair will count all Members. (After counting) 182 Members are present, not a quorum. A rollcall is automatic. So many as are in favor of ordering the second will vote "aye"; those opposed, "no."

Members will record their vote by electronic device.

POINT OF ORDER

Mr. WAGGONNER. Mr. Speaker, a point of order.

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

Mr. WAGGONNER. Mr. Speaker, what are we voting on?

The SPEAKER. On seconding the motion of the gentleman from West Virginia to suspend the rules.

Mr. WAGGONNER. To suspend what rules?

The SPEAKER. To suspend under rule XXVII, all the rules inconsistent with immediate agreement to House Resolution 759.

Mr. WAGGONNER. Mr. Speaker, for the edification of the House, what does rule XXVII say?

Mr. PASSMAN. Regular order.

The SPEAKER. "When a motion to suspend the rules has been seconded, it shall be in order, before the final vote is taken thereon, to debate the proposition to be voted upon for 40 minutes, one-half of such time to be given to debate in favor of, and one-half to debate in opposition to, such proposition; and the same right of debate shall be allowed whenever the previous question has been ordered on any proposition on which there has been no debate."

PARLIAMENTARY INQUIRY

Mr. WAGGONNER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The Chair is being as tolerant as he can be. The Chair is not obligated to recognize Members except for a point of order.

The Chair will recognize the gentleman for a parliamentary inquiry.

Mr. WAGGONNER. Mr. Speaker, if the rules are suspended, will then amendments be in order to the bill on which it is proposed to suspend the rules and consider?

The SPEAKER. The suspension of the rules, as the gentleman knows, means that all rules are suspended. The resolution itself orders the action which the House will take.

PARLIAMENTARY INQUIRY

Mr. RHODES. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. RHODES. Mr. Speaker, my inquiry is this: If the proposal which has come before the House is voted down, does this mean that the request of the gentleman from West Virginia to suspend the rules will have failed?

The SPEAKER. The gentleman is correct.

PARLIAMENTARY INQUIRY

Mr. HOSMER. Mr. Speaker, a further parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HOSMER. Mr. Speaker, in that event, would it be in order for the gentleman who has requested a suspension of the rules at this point to re-request a suspension of the rules in another form?

The SPEAKER. The gentleman is correct, in the discretion of the Chair.

PARLIAMENTARY INQUIRY

Mr. RANGEL. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. RANGEL. Mr. Speaker, on the legislation that comes before the House, will a two-thirds vote be necessary before it is passed?

The SPEAKER. If a second is ordered by a majority of the Members voting, a two-thirds vote will be required to suspend the rules and agree to the resolution.

The vote was taken by electronic device, and there were—yeas 148, nays 113, answered "present" 1, not voting 170, as follows:

[Roll No. 720]

YEAS—148

Adams	Gunter	Patman
Alexander	Hamilton	Patten
Andrews, N.C.	Hanley	Pepper
Annunzio	Hawkins	Perkins
Ashley	Hechler, W. Va.	Pickle
Badillo	Heckler, Mass.	Pike
Barrett	Helstoski	Preyer
Bergland	Henderson	Price, Ill.
Biester	Hicks	Randall
Boland	Holifield	Rangel
Bowen	Howard	Reuss
Brademas	Hungate	Rinaldo
Breaux	Ichord	Rodino
Breckinridge	Johnson, Calif.	Roe
Brown, Calif.	Jones, Tenn.	Rogers
Burke, Mass.	Jordan	Rooney, Pa.
Burlison, Mo.	Karth	Rose
Carey, N.Y.	Kastenmeier	Rosenthal
Clark	Kazen	Roush
Clay	Koch	Roy
Conte	Kyros	St Germain
Cronin	Litton	Sarbanes
Culver	Long, Md.	Schroeder
Daniel, Dan	McCormack	Seiberling
Davis, Ga.	McFall	Skubitz
Dellums	McKay	Slack
Denholm	Macdonald	Staggers
Dingell	Mahon	Stanton, James V.
Donohue	Mann	Steele
Downing	Maraziti	Stokes
Drinan	Mathis, Ga.	Stratton
Eckhardt	Matsunaga	Stuckey
Edwards, Calif.	Mazzoli	Studds
Eilberg	Meeds	Symington
Evans, Colo.	Melcher	Taylor, N.C.
Fascell	Metcalfe	Tiernan
Fisher	Mezvinsky	Udall
Flood	Minish	Ullman
Flowers	Mink	Vanik
Foley	Mitchell, Md.	Waldie
Ford, William D.	Moakley	Whitten
Fountain	Mollohan	Wilson, Charles, Tex.
Fraser	Montgomery	Wylie
Gaydos	Morgan	Yatron
Giaimo	Natcher	Young, Ga.
Gilman	Nedzi	Young, Tex.
Gonzalez	Obey	Zablocki
Gray	O'Hara	
Green, Pa.	O'Neill	
Gude	Owens	
	Passman	

NAYS—113

Abdnor	Cederberg	Derwinski
Archer	Chappell	Dorn
Armstrong	Clausen, Don H.	Duncan
Bauman	Clawson, Del	Erlenborn
Bennett	Cochran	Esch
Bray	Cohen	Findley
Brinkley	Conable	Forsythe
Broomfield	Conlan	Frenzel
Brown, Mich.	Coughlin	Ginn
Brown, Ohio	Crane	Goodling
Broyhill, N.C.	Daniel, Robert W., Jr.	Guyer
Broyhill, Va.	Davis, S.C.	Hammer-schmidt
Buchanan	Davis, Wis.	Hanrahan
Burke, Fla.	de la Garza	Hansen, Idaho
Burleson, Tex.	Dennis	Harsha
Carter	Dickinson	Hastings
Casey, Tex.	Downing, Va.	Hebert
Chamberlain	Duncan, Tenn.	Heinz
Clancy	Edwards, Ala.	Henderson
Collins, Tex.	Esch	Hillis
Conable	Eshleman	Hinshaw
Conlan	Evins, Tenn.	Holt
Conyers	Findley	Huber
Corman	Fish	Hunt
Coughlin	Flynt	Hutchinson
Crane	Forsythe	Ichord
Daniel, Dan	Frelinghuysen	Jarman
Daniel, Robert W., Jr.	Frenzel	Jones, Ala.
Daniels, Dominick V.	Ginn	Jones, N.C.
Davis, Ga.	Goodling	Jones, Okla.
Davis, S.C.	Grasso	Kemp
Davis, Wis.	Gray	Ketchum
de la Garza	Green, Oreg.	King
Delaney	Griffiths	Latta
Dellenback	Gross	Long, La.
Dennis	Grover	McCloskey
Dent	Gubser	McCollister
Devine	Gude	McDade
Dickinson	Haley	McKinney
Diggs	Hamilton	Mallary
Dulski	Hanna	Martin, N.C.
du Pont	Hansen, Wash.	Mathias, Calif.
Edwards, Ala.	Harrington	Mayne
Eshleman	Harvey	Milford
Evins, Tenn.	Hays	Miller
Fish	Hébert	Mitchell, N.Y.
Flynt	Heinz	Mizell
Foley	Hillis	Moorhead, Calif.
Ford, William D.	Hinshaw	Mosher
Forsythe	Holt	Myers
Fountain	Huber	Parris
Frelinghuysen	Hunt	Pettis
Frenzel	Hutchinson	Powell, Ohio
Frey	Ichord	Pritchard
Fulton	Jarman	Regula
Fuqua	Jones, Ala.	Rhodes
Gettys	Jones, N.C.	Roberts
Gibbons	Jones, Okla.	Robinson, Va.
Goldwater	Kemp	Robison, N.Y.
Grasso	Ketchum	Ruth
Green, Oreg.	King	Sandman
Griffiths	Latta	Satterfield
Gross	Long, La.	Shuster
Grover	McCloskey	Spence
Gubser	McCollister	Stanton, J. William
Gude	McDade	Steelman
Haley	McKinney	Steiger, Wis.
Hamilton	Mallary	Symms
Hanna	Martin, N.C.	Talcott
Hansen, Wash.	Mathias, Calif.	Thomson, Wis.
Harrington	Mayne	Thone
Harvey	Milford	Thornton
Hays	Miller	Towell, Nev.
Hébert	Mitchell, N.Y.	Treen
Heinz	Mizell	Vander Jagt
Henderson	Moorhead, Calif.	Waggonner
Hillis	Mosher	Wampler
Hinshaw	Myers	Whalen
Holt	Parris	Widnall
Huber	Pettis	Wilson, Charles H., Calif.
Hunt	Powell, Ohio	Winn
Hutchinson	Pritchard	Wyatt
Ichord	Regula	Young, Alaska
Jarman	Rhodes	Young, Fla.
Jones, Ala.	Roberts	Young, Ill.
Jones, N.C.	Robinson, Va.	Young, S.C.
Jones, Okla.	Robison, N.Y.	
Kemp	Ruth	
Ketchum	Sandman	
King	Satterfield	
Latta	Shuster	
Long, La.	Spence	
McCloskey	Stanton, J. William	
McCollister	Steelman	
McDade	Steiger, Wis.	
McKinney	Symms	
Mallary	Talcott	
Martin, N.C.	Thomson, Wis.	
Mathias, Calif.	Thone	
Mayne	Thornton	
Milford	Towell, Nev.	
	Treen	
	Vander Jagt	
	Waggonner	
	Wampler	
	Whalen	
	Widnall	
	Wilson, Charles H., Calif.	
	Winn	
	Wyatt	
	Young, Alaska	
	Young, Fla.	
	Young, Ill.	
	Young, S.C.	

ANSWERED "PRESENT"—1

Beard

NOT VOTING—170

Abzug	Froehlich	Podell
Addabbo	Fulton	Price, Tex.
Anderson, Calif.	Fuqua	Quie
Anderson, Ill.	Gettys	Quillen
Andrews, N. Dak.	Gibbons	Railsback
Arends	Goldwater	Rarick
Ashbrook	Grasso	Rees
Aspin	Green, Oreg.	Reid
Bafalis	Griffiths	Riegle
Baker	Gross	Roncalio, Wyo.
Bell	Grover	Roncallo, N.Y.
Bevill	Gubser	Rooney, N.Y.
Biaggi	Haley	Rostenkowski
Bingham	Hanna	Rousselot
Blackburn	Harrington	Runnels
Blatnik	Harvey	Ruppe
Boggs	Hays	Ryan
Bolling	Hébert	Sarasin
Brasco	Heinz	Scherle
Brooks	Hillis	Schneebeli
Brotzman	Hinshaw	Sebelius
Burgener	Holt	Shipley
Burke, Calif.	Huber	Shoup
Burton	Hunt	Shriver
Butler	Hutchinson	Sikes
Byron	Jarman	Sisk
Camp	Jones, Ala.	Smith, Iowa
Carney, Ohio	Keating	Smith, N.Y.
Chamberlain	Kluczynski	Snyder
Chisholm	Kuykendall	Stark
Clancy	Landgrebe	Steed
Cleveland	Landrum	Steiger, Ariz.
Collier	Leggett	Stephens
Collins, Ill.	Lehman	Stubblefield
Collins, Tex.	Lent	Sullivan
Conyers	Lott	Taylor, Mo.
Corman	Lujan	Teague, Calif.
Cotter	McClory	Teague, Tex.
Daniels, Dominick V.	McEwen	Thompson, N.J.
Danielson	McSpadden	Van Deerlin
Delaney	Madden	Veysey
Dellenback	Madigan	Vigorito
Dent	Mailliard	Walsh
Devine	Martin, Nebr.	Ware
Dickinson	Michel	White
Diggs	Mills, Ark.	Whitehurst
Dulski	Minshall, Ohio	Wiggins
du Pont	Moorhead, Pa.	Williams
Edwards, Ala.	Moss	Wilson, Bob
Eshleman	Murphy, Ill.	Wolff
Evins, Tenn.	Murphy, N.Y.	Wright
Fish	Nelsen	Wydler
Flynt	Nichols	Wyman
Frelinghuysen	Nix	Yates
Frey	O'Brien	Zion
	Peyser	Zwach
	Poage	

So a second was ordered.

The result of the vote was announced as above recorded.

The SPEAKER. The gentleman from West Virginia (Mr. STAGGERS) is recognized for 20 minutes, and the gentleman from California (Mr. HOSMER) is recognized for 20 minutes.

PARLIAMENTARY INQUIRY

Mr. BROWN of Ohio. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BROWN of Ohio. Mr. Speaker, if the subject now before us passes the House will it then require a conference with the Senate or a return of the subject matter to the Senate for a vote in the Senate?

The SPEAKER. The bill would be messaged, of course, to the Senate, but it would be up to the Senate to decide what they want to do.

Mr. BROWN of Ohio. Would it require a conference, Mr. Speaker?

The SPEAKER. The Chair cannot anticipate what the Senate might do.

Mr. BROWN of Ohio. It would require in any event, Mr. Speaker, further Senate action?

The SPEAKER. It would, before it was finally enacted, yes.

Mr. WHITTEN. Mr. Speaker, I renew my unanimous consent request that the resolution be reread.

The SPEAKER. The Chair really wants to accommodate the distinguished gentleman from Mississippi, and he hopes the House will be in order.

The Clerk will reread the resolution, if there is no objection.

There was no objection.

The Clerk re-reported the resolution.

PARLIAMENTARY INQUIRY

Mr. DERWINSKI. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DERWINSKI. Mr. Speaker, my parliamentary inquiry is, Do I understand that the bill before us must be approved by a two-thirds vote?

The SPEAKER. The resolution must be approved by a two-thirds vote.

Mr. DERWINSKI. And it is not subject after the 40 minutes of debate to any amendment.

The SPEAKER. The gentleman is correct.

Mr. YOUNG of Illinois. Mr. Speaker, is there a copy of the bill available for us to read?

The SPEAKER. The gentleman from West Virginia I am sure has copies available.

Mr. YOUNG of Illinois. I thank the Chair.

The SPEAKER. The Chair recognizes the gentleman from West Virginia for 20 minutes.

Mr. STAGGERS. Mr. Speaker, I am in a rather difficult position tonight and I realize this, the mood of the House being what it is. But I would like for the Members to listen, if they will, for a few minutes to what the conferees and the committee has been through in the last month.

We have tried as diligently as any committee I know of in this House to try to respond to the wishes of this administration and the people of America. We have worked hard into the night many nights in our committee and the Members know we have worked hard on this, trying to get something worked out. We went into a conference with the Senate and spent 3 days, and on two of those we worked into the night late, one of the nights until about 11 o'clock.

Counsel on both sides started marking up the bill. The Senators said there was some mistake in what had been said and they did not like it and they thought

we ought to go back into session again. I agreed to call all the conferees back into session, and the gentleman who offered the amendment was the gentleman from Maine, and he said what we had was identical to the amendment he proposed, and we did work out a little compromise with this on the Senate and I thought it was completely satisfactory.

The Senate took a different bill today, a wild rivers bill, I believe it is called, and sent it back over here with the conference substitute substantially amended.

A number of changes were made that I thought were very unacceptable that we had agreed to in the conference, and this after all the time we had spent on it.

The bill I have brought before the House is essentially the conference report that was adopted by the House and Senate conferees, and there are copies of it on the minority table and here on the desk, and there are plenty of copies of the conference report available in the rear of the Chamber.

We have made a number of changes in the hope of getting a bill acceptable to the Senate. There was an exception in the Senate to the words "Renegotiation Board" on referring these windfall profits to a Renegotiation Board, and all we did is to change that so it goes to the Attorney General of the United States.

We knocked out all of the complex formula in determining windfall profits, and said instead of that we would define windfall profits to be profits which are excessive or unreasonable taking into consideration normal profits. That is the change. And these profits only pertain to profits that will be attained next year.

I would like to go a little further into this.

First, we have section 103 which has been amended to eliminate provisions which freed the Administrator of the Federal Energy Emergency Administration from various OMB controls. We thought we were freeing him from those controls, but it seems others wanted to put him back, and we have said all right, we will put him back.

Then another change is in section 105 relating to energy conservation regulations, which has been changed to limit the duration of any regulation under this to April 1, 1974. This is not a long time, I point out to the Members. I will say that certainly we will know by April 1974, what is being done. The Senate agreed.

On section 124, which proposed to give administration authority for energy reserves, it has been amended to give this authority instead to the Department of Justice and Department of the Interior.

I think these are the main changes that have been made in what was proposed by the conferees and was brought out and agreed to by the conferees of the House and Senate. I believe this is a reasonable compromise. I think it is something necessary to this Nation now if we are to act as responsible Representatives of the people to give the administration authority to do the things they need to do in this emergency.

Mr. Speaker, I notice a lot of emotions running here tonight. I think there are questions we can try to answer and will answer them in any and every way we can, because we have nothing to hide.

Someone said, "What have you got back of this? There is nothing back of this except the truth so far as I know it.

Mr. Speaker, I would like to call upon the gentleman from New York (Mr. HASTINGS) a member of the conference, for any statement he may have.

Mr. HASTINGS. Mr. Speaker, I would like to address a word to the chairman as to whether there were any changes in the conference report as it related to title III, which is the amendment to the Clean Air Act for stationary emissions and automobile emissions.

Mr. STAGGERS. None whatsoever.

Mr. HASTINGS. As it relates to automobile emissions, the 1975 standards will be held in place for 1976, with the exception of postponement of the additional 1 year by the administrator, which are then permanent and not subject to the 4 months provisions under title I?

Mr. STAGGERS. This is true.

Mr. Speaker, I would like to say to the House that the gentleman was a conferee not only on the committee but on the Clean Air Act. I have enough confidence in those who served on that committee to say that I accept them and the report. We explained all of it, and they were good issues.

I want to congratulate him and all the rest of the members of the committee who took part in the separate conference, because they came back with a good report.

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

Mr. STAGGERS. Mr. Speaker, I yield to the gentleman from Florida.

Mr. ROGERS. Mr. Speaker, I am not going to take long, because there is not much time.

As the gentleman from New York has stated, what was done for the Clean Air Act, as amended here in the conference, is as set forth in title II. The conference report is here and is available for the Members.

The chairman has just explained the few differences that this bill has brought up out of this conference report, so it is very clearly set forth for the Members.

Also, a point I think everyone should know is that in the conservation plans for energy which the President wants, asks authority for, this bill that we are bringing to the Members, that the chairman is bringing to the Members, permits authority only until April 1, 1974; only until April, and all of those are subject to review and veto by this House.

So the prerogatives of the House are protected. I think all of us should face up to the responsibility we have. The President has asked for this authority; the people of this Nation expect this Congress to do something before it goes home. This is a hard worked-on bill. I think it is reasonable, and the few differences have just been outlined for the Members by the chairman of the committee.

Mr. Speaker, I thank the gentleman for yielding.

Mr. HOSMER. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, in this proceeding this evening I am somewhat in the category of an innocent bystander. The Senate sent us a bill, S. 921, on the subject of scenic rivers. When it was referred to the Committee on Interior and Insular Affairs, we tacked on a House amendment which improved it considerably, and it was agreed to in the House.

We then passed the amended bill back over to the Senate, still as the scenic rivers bill. Late tonight, when this emergency energy bill appeared to be in gross trouble, some compromise was made, or at least in the other body they decided that they could take a stripped-down version of the emergency energy bill, instead of that thing we voted on night after night here and did not know what was in it by the time we got through.

They put a few essential things in the Senate rider that are needed during the period while we are away on recess. They put them in S. 921 as a nongermane amendment and sent it back over here tonight to us.

Now, as I understand it, the request has been made by the gentleman from West Virginia to take up that bill and pass it with a further amendment, which would add the text of something called H.R. 12128 onto everything else in the bill.

As I understand, H.R. 12128—and I will yield to the gentleman from West Virginia if I am wrong—is creation that was introduced within the last hour or two, and nobody knows really what it is. We do not have any copies of it around. As a consequence, we are kind of in a bind as to what it is.

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

Mr. HOSMER. Mr. Speaker, I yield to the distinguished minority leader.

Mr. RHODES. Mr. Speaker, as I understand the bill introduced by the gentleman from West Virginia, it is a substitute for the Senate bill. If the act of the gentleman from West Virginia which the gentleman has given were actually agreed to by the House, it would have the effect of nullifying the Senate bill and substituting therefor.

Mr. HOSMER. Mr. Speaker, I am grateful for the correction.

Mr. Speaker, in any event, this H.R. 12128, which would be substituted, is according to information I have received from the White House, highly objectionable to the President on the grounds it will introduce language on the energy issue and, particularly, relative to the windfall profits, which is loose, ambiguous, ineffective, and would impede the Nation's energy effort by curtailing energy and discouraging investment in energy areas; further, that proper legislation will be sought in this windfall area immediately on the return of Congress, and that the windfall subject will then be dealt with carefully with language drawn not to retain these various disadvantages, but actually to accomplish the purposes and objectives desired.

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

Mr. HOSMER. I yield to the gentleman from West Virginia.

Mr. STAGGERS. Mr. Speaker, I would like to just briefly say to the House that

the Senate considers the House of Representatives its doormat, and I for one am tired of their saying, "You take this or else." I believe that as Members of the House of Representatives we are a responsible body.

Mr. HOSMER. Mr. Speaker, I feel I should decline to yield to the gentleman further. He is dealing with his views of the other body which are comparable to my own, but I think we are up against a specific situation here where we find ourselves somewhat in disagreement.

I had to use dilatory tactics in order to get time for some understanding of what is going on. We finally have received some understanding of what is going on. We also have an understanding, based on the last vote, that the gentleman does not have two-thirds support.

Mr. Speaker, there is an answer. If this is voted down, the gentleman can simply in the next moment request that the Senate bill be brought up with everything but the amendment that he wants in it and passed by two-thirds vote under suspension of the rules. Then we can get out of here.

Mr. STAGGERS. Mr. Speaker, will the gentleman yield on that point?

Mr. HOSMER. I will yield to the gentleman.

Mr. STAGGERS. Mr. Speaker, I would just like to say this to the gentleman: That I think every Member in this conference tried to do what they thought the House of Representatives wanted and what the Members of the House of Representatives would have us do.

The Senate put this onto another bill which is not germane to this issue, they sent it over here to us, and they expected us to take it.

Mr. HOSMER. Mr. Speaker, I yield 5 minutes to the gentleman from North Carolina (Mr. BROYHILL).

Mr. BROYHILL of North Carolina. Mr. Speaker, I know that the parliamentary situation is quite confused here tonight. I know that there were doubts about the amendments that passed in the House last week. I know there were considerable doubts as to what was in the bill that actually passed in this House last week.

The conference committee, as the chairman of the committee has said, has worked hard, and all day long Members have been asking me, "What is in the conference report?"

The Members do not even know what is in that conference report. They do not know what is in this bill that the chairman of the committee brings to us tonight. But we do know that the other body had one of its extended discussions, and there were such strong objections to the conference report that finally a compromise was worked out. A compromise was worked out and was passed by the other body by a vote of 52 to 8. It was sent over here.

Mr. Speaker, the chairman of the committee said that he is in a difficult position. Well, so am I.

Petroleum and fuel shortages are real, and we need to take some action here. I know the Members are hearing from people back home, and they are asking us to take some leadership here.

However, I am confused. I do not know exactly what is in this bill that is brought to us here by the chairman of the committee. He asks us to pass it.

I do know, from what I understand, that the so-called windfall profits section is back in here, and that section was deleted by the other body. Of course, I think all of us remember that I did make an effort to delete that in the House bill. I felt then, and I still feel, that these sections are unworkable. They are ill-defined and impossible to administer.

I also recognize that legislation in this area is badly needed. On Wednesday, of course, President Nixon announced that he will be recommending to the Congress new legislation to control excessive profits. I applaud this initiative. It is going to be up to the Congress of the United States to begin to work as soon as possible, and expeditiously, to pass new legislation like this.

Now, what position are we in? We can pass this bill that the chairman of the committee offers to us. We have not had a chance to see it.

However, we do know this: That the other body, for whatever reason, refused to accept the conference report. We do need some legislation now.

This puts me in a very difficult position. But I think that legislation is the art of compromise. I do not like to be held up. I do not like the procedure, but I do not want to be cold this winter either.

If we do pass the bill that was sent to us by the other body tonight, it could be signed by the President and we could begin immediately to implement the programs that are in that bill, the bill sent to us by the other body. We do not know what might happen, we do not know how long it could be held up, and possibly we might even be debating this issue again in January in freezing weather if we just send the chairman's bill back to the Senate. Let us have a vote on the Senate passed bill so we can get some fast action and no further delay.

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

Mr. BROYHILL of North Carolina. I will be glad to yield to the gentleman from West Virginia.

Mr. STAGGERS. Mr. Speaker, the gentleman from North Carolina has made a statement that I think is fairly reasonable. There is only one thing I would not agree with. The gentleman took part in all of the debate and all of the conference, and the gentleman signed the conference when it came out. I though the gentleman was fairly well in agreement with what was in the bill when he signed the statement of managers.

Mr. BROYHILL of North Carolina. I also recognize, Mr. Speaker, that we are at an impasse; unless we take some action tonight we are not going to have any legislation.

Mr. STAGGERS. I am not sure that the gentleman from North Carolina does know what is in the Senate bill. We are trying to tell the Members what is in our bill.

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

Mr. BROYHILL of North Carolina. I yield to the gentleman from Alabama.

Mr. FLOWERS. Mr. Speaker, I thank the gentleman for yielding, and I wonder if the gentleman from North Carolina could explain to the general membership of the House, some of us who are just poor clods, and who are especially those of us not on the Committee on Interstate and Foreign Commerce, could you tell us what would happen if we do not have an energy bill?

Mr. BROYHILL of North Carolina. What does the gentleman mean, if we do not have an energy bill?

Mr. FLOWERS. If we do not pass the bill tonight?

Mr. BROYHILL of North Carolina. There are certain authorities——

The SPEAKER. The time of the gentleman has expired.

Mr. HOSMER. Mr. Speaker, I yield 2 additional minutes to the gentleman from North Carolina.

Mr. BROYHILL of North Carolina. Mr. Speaker, the energy crisis is real. I know there are some who would think that it is contrived. The President has certain authorities. He has authority to ration. Rationing is in this bill.

Mr. FLOWERS. He already has that authority.

Mr. BROYHILL of North Carolina. Yes, under mandatory fuel allocations; but there are certain things that he does need in the area of energy conservation.

Mr. FLOWERS. Mr. Speaker, if the gentleman will excuse me, then the answer is he does have authority to ration now?

Mr. BROYHILL of North Carolina. That is correct. But no one wants rationing. There are certain authorities in this bill to reduce our demand, not to have to control the supplies. Why do we have to put the burden of rationing on the American people when through energy conservation we can avoid rationing?

Mr. FLOWERS. Mr. Speaker, I think, if the gentleman will give me one second to respond, everybody is for believing the shortages, reducing demand and increasing supplies, but I am not convinced that a bill that none of us seem to know anything about is the answer to it.

The SPEAKER. The time of the gentleman from North Carolina has again expired.

Mr. STAGGERS. Mr. Speaker, I wonder if the other side would care to use some more of their time?

Mr. HOSMER. Mr. Speaker, how much time do I have remaining?

The SPEAKER. The Chair will state that the gentleman has 9 minutes remaining.

Mr. HOSMER. How much time does the gentleman from West Virginia have remaining?

The SPEAKER. The Chair will state that the gentleman from West Virginia has 11 minutes remaining.

Mr. STAGGERS. Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts (Mr. MACDONALD) who is chairman of the Subcommittee on Communications and Power.

Mr. MACDONALD. Mr. Speaker, I shall not take very long. I simply do not blame the gentleman from North Carolina for not understanding exactly what is in the bill to which he refers because every time

we had a conference and came to a decision, and it seemed to be final, the gavel would bang, but it would not be 30 seconds before we would be back discussing the very same subject as we'd just put behind us.

I would like to point out how far backwards we bent to be fair to the administration, and to others whom were sent to testify. We took time out of our conference, and in a very unusual step, in my mind, in order to listen to Mr. Simon, who came in with a laundry list, as he described it, of about 20 things, all of which he already either had or which we gave him.

The net result of our giving in to him was that the Senate accepted that in lieu of going back to their description of what a windfall profit is. And I am going to leave that to the gentleman from Kansas (Mr. ROY) to discuss that, because the gentleman is an expert on that subject.

But I want everyone in the House to be very clear indeed that when this is voted upon and we send it back to the Senate, we are not sending back a bill to them for passage; we are showing them that we have worked longer and harder, and in my judgment—for what it is worth—have worked more intelligently and with more cohesion than the other body. And I urge us not to back down at this point and once again become the whipping boy for everything that goes wrong here in the U.S. Government.

Mr. HOSMER. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Speaker, let me observe first for the gentleman from Alabama who inquired about the need for this legislation that I understand the bill that would be considered under the amendment the gentleman from West Virginia proposes or the one that came back from the Senate whichever bill we might be considering, would terminate the first of April, 1974. They both have the same termination date. To the question of whether or not there is authority for the President to go ahead and act, I think there is authority for the President to go ahead and act under the mandatory fuel allocation legislation in the case of rationing. There is authority for him to act under the Defense Production Act in terms of certain conservation procedures; and there is authority for him to act under the War Powers Act, although that is debated as to whether or not it is appropriate to this domestic crisis during peacetime.

I assume our failure to act would open the whole question up to endless lawsuits, but I would also submit that this legislation is going to open up the Government to endless lawsuits because, among other things, rationing under this legislation could be imposed only as a last resort if everything else has been tried.

The other things that could be tried are the energy conservation plans, but the energy conservation plans under the legislation we have before us can be imposed only if they are not arbitrary, capricious, inequitable, disproportionate or unreasonable and that legislative language should raise many questions, as should the prospect of congressional veto up until sometime in March. If that veto is going to come, how many industries are going to implement those energy consercation plans now? After the first of March we have the opportunity for 15 days to veto energy conservation plans before they can take effect. If we veto them, then we ought to come up with some kind of an alternative. If we do not veto them, we do not have much right to criticize.

Then after the first of July, 4 months before the election next year, we will have the opportunity to start imposing our own plans on the country. Is not that going to be lovely?

I would suggest, Mr. Speaker, that the administration can now go ahead and do some of those things. We have considered this 37 page bill under these circumstances for 40 minutes. I look at that bill, and there is a correction on every page but three of that bill. I am not sure I know at this point what we would be voting on.

I know that there were many of my colleagues who voted reluctantly for the Emergency Energy Act when it passed the House last week. They voted in the hope that the conference committee would clean up the bill and make it into a workable mechanism. Unfortunately the conference did what conferences sometimes do the last few days before adjournment—it was more anxious to complete its task by compromising than it was to fully consider the impact of all of its compromises. As a result, this bill purports to do things which it does not do.

Are you for or against rationing?

If you are for it, then this bill gives the authority to the President or his Administrator to impose rationing, but it provides that he must have exhausted all other remedies first. Thus, whenever imposed, any rationing would be open to endless lawsuits. But does it give the Congress the right to veto rationing? No, it does not.

Would the House rather have the administration impose energy conservation plans than rationing?

This bill purports to do that by conveying to the Administrator the authority to impose energy conservation plans immediately. But it reserves to Congress the right to veto those plans after the fact—as much as 2 months after the conservation plan is imposed. Is it likely that any plan which imposes any substantial hardship, then, will get the support or the substantial investment of anyone until he knows whether Congress is going to go along.

If the crisis is real and swift emergency action is needed, then Congress should be able to identify the areas where such action must be taken and assign that authority to some part of the executive branch for administration—or devise plans of action itself and promptly. But giving the authority with one hand while taking it away with the other does not seem to be the best way to administer a pressing problem. Unfortunately this legislation is replete with such dichotomies.

Would you rather have the Congress responsible for the plans for dealing with the energy crisis?

Well, Members of Congress are going to get that opportunity. As I noted, as soon as Congress returns for the second session, this legislation provides Members with the chance to vote approval or disapproval of all the actions the administration takes up until the 1st of March. Actually, that is a veto or a concurrence after the fact. Then, on March 1, the rules change and the administration can only announce plans that will go into effect within 15 days if Congress does not disapprove the proposals—a veto before the fact. And after July 1—4 months before the 1974 election—the administration can only propose plans, but the plans cannot take effect until Congress positively enacts them. Such a shifting responsibility is a plan for inaction.

If the administration wants to act promptly to ration or to impose energy conservation plans, it would be better advised to use its authority under the Mandatory Fuel Allocation Act of 1973 or the Defense Production Act of 1950. There would probably be some risk of lawsuits questioning executive branch authority under those laws as written for wartime situations, but perhaps no more risk than exists under this legislation.

If this bill equivocates on who has the authority for imposing energy conserving plans, then perhaps it makes it easier for citizens to get together to deal with the energy crisis voluntarily?

Combined voluntary action in the face of crisis has long tradition in our Nation going back to the first barn raisings and joint efforts to clear the land. But the energy business—both the production of energy and the distribution and consumption of it—is big business in America today. This bill says that industries which produce petroleum can combine to solve the energy crisis only at their own legal peril and those who consume energy should not be allowed to combine to save energy at all. The retail antitrust exemption, supported in the House, was removed on a straight party line vote in the conference. The language of the Rodino amendment on the petroleum industry was left in, of course, because it purports to give an exemption without really doing so. The result is that voluntary action to help resolve the energy crisis can be taken only at the risk of later antitrust prosecution or other lawsuits—in addition to a good case of the sniffles.

If the bill doesn't really make the reduction of energy consumption easier, perhaps it attempts to stimulate the supply of energy in some way.

No, this bill is brought to you by those same wonderful people who brought you the natural gas shortage even before other sources of energy were in short supply. So the conference gave the authority to the administration to set price ceilings on oil. Never mind the economic fact that prices held artificially low tend to stimulate consumption and reduce supply which is the prime cause of the shortage in the first place. This bill is designed to assure that, the consumer will not have to pay much for petroleum

products—if he can find any of them. Such proposals seem like good politics, but they make very poor energy economics. Here again is an example of the bill purporting to do something to help with the energy crisis, but really hurting. It is another example of how the bill is designed for no action, rather than positive action.

The section of the bill which is designed to deal with windfall profits actually does not take effect until next year in the admitted hope that Congress will take the time to look at the complex question of oil economies. It says to producers of petroleum, "If you make more money than usual during the energy crisis, the Government is going to come back later and do something about it." The bill purports to encourage the oil industry to reinvest any unusual profits in exploration for new supplies but the language also admonishes any company with higher than usual profits that it must maintain cash in hand so that it can pay any claims lodged against it under this law. Such a section is hardly going to encourage a company to reinvest its profits in greater production.

So, if the bill doesn't really provide for swift and sure methods of reducing energy consumption; and if it doesn't really encourage the increase of energy supply, does it do anything about taking care of those people who will be out of jobs because there isn't enough fuel to go around?

Here is one bright spot in the bill. The conferees authorized $500 million for attention to the unemployment caused by people thrown out of work as a result of this legislation. But I would predict that there will not be a lawyer on those unemployment roles because even the unemployment section leaves vague the method of determining what "unemployment resulted from administration and enforcement of this act."

Similarly irresistable for attorneys will be the language in the legislation which deals with the priorities to be considered in establishing rationing or energy conservation plans. While the bill provides the same priorities as now exist in the mandatory fuel allocation act, the Congress then says such priorities cannot be "arbitrary and capricious or inequitable, unreasonable or disproportionate." A law which mandates the administration to observe priorities and then prohibits inequities will be easier to challenge in the courts than it will be to administer.

The bill does many things that will help meet the challenges of the energy crisis. Included in that list are such things as the authority to suspend until November 1, 1974, clean air standards for the use of coal in stationary energy sources and leave them relaxed until January 1, 1979, if compliance can be obtained by then even with the use of coal.

Similarly, temporary freezing of 1975 standards of vehicle emissions through 1976 is also helpful in conserving energy in light of the present technology. Carpooling is to be encouraged through use of fast lanes and other methods and Federal actions are mandated to be sure the Government is buying or using fuel-efficient automobiles.

The legislation also makes a limited provision for establishing a temporary Federal Emergency Energy Administration, which can be more carefully done in legislation already underway in other congressional committees.

Many other matters are also covered or attempted in this legislation, including treatment of regulated carriers and an attempt to provide for allocation of materials now in shortage which are vital to production and distribution of energy. The importation of liquid natural gas is made easier, as is the restriction of export of fuels. Most of these provisions are, or were meant to be, innocuous.

But, something which is usually innocuous in legislation, is anything but that in this bill: the study section. The Congress in this bill urges a study of so many facets of the energy problem that the administration may be able to do very little else. The bill calls for approximately 25 studies and reports due within every possible time frame from 30 days to 1 year—an average of a report or study of the energy problem every 2 weeks. With every major committee in Congress now having an energy subcommittee, one wonders if some energy might not be saved by reducing the number of studies and followup testimony which will be triggered by this bill.

The legislative response in this bill is ambivalent and tentative. If contemplation and reconsideration will solve the energy crisis, this bill should do it. But it is my conclusion that the time for such delay is past. The time for action is here. If Congress is not confident in the President's ability to take effective action, then Congress should legislate its own methods of dealing with the issues involved. But this bill does not do that.

It gives the administration only tentative authority and reaffirms congressional mistrust of the private sector. Such reservations could have merit if some other alternative in the present crisis is offered, but this legislation offers none. This bill is a plan for inaction, political second guessing and lawsuits. The administration would be better advised to ignore this legislative effort and start over with Congress next year after the holiday recess. In the meantime, it can use existing authority just as effectively as that presented here and will probably do better even asking voluntary cooperation from the public at large. The people already appear to have responded with more enthusiasm to the call for voluntary action on the energy crisis than this particular legislation indicates Congress is ready to do.

The SPEAKER. The time of the gentleman has expired.

Mr. STAGGERS. Mr. Speaker, I yield 2 minutes to the gentleman from Kansas (Mr. ROY).

Mr. ROY. Mr. Speaker, the conferees did not disagree. It is my understanding that 6 out of 7 House conferees signed the conference report, and I believe 13 out of 15 Members of the Senate signed the conference report. It so happened that when the conference report got to the Senate, it was suddenly discovered by a number of Senators that there was a windfall profit section in the bill, and they objected absolutely to the windfall profit section. This occurred even after the conferees had modified the windfall profit section to take care of many of the objections of the House Members, some 180 or so, who voted for a substitute section. They modified, old section 117 of the House bill, section 110 of the conference bill, to say that would not become effective until January 1, 1975. That section had three subsections. One specified that the President should specify profits to avoid windfall profits. The second provided a remedy, and the third defined windfall profits.

In addition, the conferees adopted a pricing section which simply stated the President shall specify profits to avoid windfall profits, and such profits are defined as excessive or unreasonable profits based on normal profits. This is a very reasonable section, but provides no remedy and is unenforcable.

The choice we have here tonight is to vote for the substitute bill, H.R. 12128, which is a vote which says simply that we shall not permit windfall profits. But, in addition, it permits the tax-writing committees of the House 1 year to substitute for the remedy of the original House bill. It thus makes it possible for both bodies to express their will whether to require reinvestment of such profits or levy an excess profits tax, or any other remedy they may provide in their wisdom.

But the Members of the other body who today denied, by parliamentary maneuver, their colleagues a vote on excess profits, will not even permit this.

I urge you to vote "yes" on the resolution before you.

The SPEAKER. The time of the gentleman has expired.

Mr. STAGGERS. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. Mr. Speaker, I was appointed late a conferee on this matter after all questions other than the windfall profits section were disposed of. Let me begin by saying, first of all, that every House conferee except the gentleman from Ohio (Mr. BROWN) signed the conference report twice. The Senate agreed to the conference report twice. Once they found that ambiguities and the conferees were compelled to reconvene, then the conference report was rejected by the device of a filibuster. The House is expected to finally lie down and take the Senate's action inflicted upon the House by a filibuster, and that filibuster is in the interest of big oil.

The rules of the House forbid me to speak in a derogatory fashion of the Senate, but all of the Members know me well enough to know what my thoughts are on the conduct of the other body, even though I do not choose to utter them at this time.

The fact of the matter is we are proceeding under about the same amount of time we would have if we had presented a conference report, 40 minutes in each instance. The question before my colleagues is whether or not they will be stomped on by the other body or

whether or not they will support their conferees in their actions on this body.

The bill before us substantially implements the intent of the House as was previously indicated. The reason we are before the Members with the procedure we are now engaged in, is this is the only way the House could present the Members with a chance to vote on whether or not they want unjust enrichment or a limitation on windfall profits to the bloated oil companies who will have the highest level of profits in their history. That is the queston before the Members.

If the Members want to lie down before the Senate, if the Members want to lie down before the oil companies, if the Members want to have excess profits by the oil companies, if they do not want to vote to support their conferees, they will vote "no." If they want to have a good program, the best program that could be worked out, given that we were working with the U.S. Senate, then vote "aye" tonight.

The question tonight is, and there are no games being played, are the Members willing to take substantially the House version or the Senate version? I urge my colleagues to vote "aye."

Mr. HOSMER. Mr. Speaker, I yield 5 minutes to the gentleman from Arizona, the distinguished minority leader (Mr. RHODES).

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

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

Mr. HASTINGS. Mr. Speaker, there was a question asked by the gentleman from Alabama (Mr. FLOWERS) as to what difference it makes whether we had this legislation or did not.

I want to speak just to one title of the bill, which is title II. That deals with, as most Members know, the changes made in the Clean Air Act. I will tell the House what this does. There cannot be any coal conversion of any electrical powerplant or any other stationary emission plant in this country unless we change title II. Unless we amend the Clean Air Act as we agreed to in the House version there can be absolutely no conversion from liquid petroleum fuel to coal. That is one of the reasons why this bill under one form or another must be approved.

I thank the gentleman for yielding.

Mr. RHODES. Mr. Speaker, I thank the gentleman from New York for his contribution.

Mr. Speaker, I have great admiration for my good friend, the gentleman from West Virginia, and I know his committee has worked hard and long on this bill. I also know he wants an energy bill as I want an energy bill. I think the only thing we differ on is the best way to get the bill.

The energy crisis is upon us. The country expects us to enact a bill and to do it tonight.

Mr. Speaker, the gentleman from West Virginia has asked us to suspend the rules and pass a bill which he has just recently introduced. Frankly I do not know exactly what is in the bill. I do know there are provisions in the bill which have been not acceptable to the U.S. Senate. I also know they have been not acceptable to the administration. I say to the Speaker that if the gentleman from West Virginia is successful in his attempt tonight, we will be passing a bill which will go absolutely nowhere. There would then be no bill passed by the Congress and signed into law by the President of the United States on energy in this session of the Congress. The people expect that to be done.

I would also like to make it very clear, Mr. Speaker, that after the bill offered by the gentleman from West Virginia is voted down, if it is, it will then be in order for him to move to take the Senate bill from the Speaker's table and pass it under suspension. And if this is done the bill may then go directly to the White House and be signed by the President and the actions which are necessary—some of them pointed out very eloquently by the gentleman from New York—to deal with this energy crisis will then be taken.

It has been said by the gentleman from Michigan as by others that one of the matters which we are concerned with, and we are, is windfall profits. I am worried about that and I am sure the rest of the Members are also. However, the windfall provision which is in the bill offered by the gentleman from West Virginia I am told is about the same windfall provision which was in the bill that originally passed the House. That provision is not acceptable and the reason it is not is because it will absolutely negate the purpose of the bill.

The purpose of the bill is to produce more energy. We want to get people to build more refineries, we want to get more production of gas and oil. If the windfall profits section as now written is part of the law, there will not be capital available to make the investments which are necessary to do this. So, the bill offered by the gentleman from West Virginia will be self-defeating, and it must not be in the energy bill as it is passed.

If indeed excess profits are made, I think everybody knows that the President has already stated that he intends to send a message to the Congress asking for excess profits tax legislation in January. Also, the original bill which this House passed and which the Senate passed will still be available.

It is still in conference, and if indeed it becomes necessary for us to enact some part of that bill, the conference can reassemble after January 21 and they can take applicable provisions of that bill, which is still alive, bring them back to this House and pass them if they desire to do so.

Mr. STAGGERS. Mr. Speaker, will the gentleman yield briefly?

Mr. RHODES. I yield to the gentleman from West Virginia.

Mr. STAGGERS. Mr. Speaker, does the gentleman know that the Senate bill prohibits this Congress from obtaining necessary information about oil reserves or any reserves in America?

Mr. RHODES. Mr. Speaker, I realize that the Senate bill is not perfect any more than the bill which he has just introduced is perfect.

Mr. STAGGERS. Mr. Speaker, I wanted to know if the gentleman knew this.

Mr. RHODES. Certainly. And I agree with the gentleman that both bills are far from perfect, but we have had to enact this legislation under pressure, and I think the gentleman has done a fine job. I think the bill which I hope the gentleman will bring up, which the Senate has passed and which will be signed, is also as good a bill as could possibly be produced under the circumstances.

Mr. Speaker, I ask for a "no" vote on the proposal of the gentleman from West Virginia, then a vote to pass the Senate bill.

Mr. STAGGERS. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. ECKHARDT).

Mr. ECKHARDT. Mr. Speaker, the choice is between three views. The one would be the Senate bill, which is really a copout. It is a bill that ends on April 1, 1974; really an April Fool's joke.

The other thing that it does is that it eliminates substantially everything that has been put in our bill on the House side with respect to windfall profits.

A second choice would be the committee's report, if we ever get that. It appears that the Senate will not permit us to vote on that, but I submit to the Members that the bill we have before us as a substitute, the one in this resolution, H.R. 12128, is closer to the action of the House on Friday night than either of these two bills.

I shall support the chairman's motion.

Mr. Speaker, the main reason I support it is, because it narrows Executive authority with respect to energy plans more than either of the other two approaches. I should amend that with this qualification: I suppose one could say that the Senate bill is as narrow, but the Senate bill completely ends on April 1.

If we pass this bill, we have narrowly constricted the power of the Executive to put into effect energy conservation plans until April 1, at which time they altogether cease, and any plans which are to have any effect after that date must be enacted as law, as we provided in our bill on last Friday. I think that is good.

In addition to that, between the time the plan goes into effect and April 1 we can disallow or veto any Executive plan within 15 days.

Mr. STAGGERS. Mr. Speaker, I yield 1½ minutes to the distinguished majority leader, the gentleman from Massachusetts (Mr. O'NEILL).

Mr. O'NEILL. Mr. Speaker, may I say to the gentlemen and particularly to the gentlemen on the other side of the aisle, the vote the other night on this bill, practically the same bill, was 265 ayes to 112 nays.

There has been very little change in this bill. So that the Members will not think they are voting on a final passage, this is a matter that has been substituted in the Senate, with an amendment which will go back to the Senate. There is no guarantee, that it will be voted in the Senate, but it will go back there.

Mr. Speaker, the minority has said that the President will veto this matter,

just as he has vetoed some 20-odd bills in the last couple of years. Let us see if he wants to veto this one or not. I doubt very, very much, if this reaches his desk, that he would ever veto it.

Mr. Speaker, I believe we have done our part. As the gentleman from Texas has so ably spoken, there have been two parts of this bill that have been stricken. We bound and we are bound by a vote of this House, and bound by a vote of this House so many times the other day on the amendments offered in the conservation matter and on the windfall profits matter that I think the sensible, decent, fair thing is to follow the vote we had the other day and return this bill to the Senate. Then it is up to the Senate to ask whether or not it wants a conference on the matter.

Mr. STAGGERS. Mr. Speaker, in closing debate, I would like the House to just remember this: During the conference the other night the President called me from the conference and talked to me about different provisions of the bill. He asked if I would see Mr. Simon with some of the others. I said that we could afford that courtesy.

We adjourned the committee meeting and went out and listened to Mr. Simon. We reviewed several issues with him. Two of them he was especially concerned with we have taken care of. The others I told him we were in the process of taking care of right then.

Therefore, I have every reason to believe that the President of the United States will sign this bill, and I am sure Mr. Simon will recommend that he sign it.

Now, Mr. Speaker, the people are looking to this Congress for leadership, and I do not believe that we can go home and say that we have not accepted our responsibility. I hope that every Member here will vote "aye" when each of us thinks about what is in the bill.

Mr. Speaker, I have reason to believe this, too: after consultation with the Senate, I feel certain they will accept what we pass right here, because we have worked to accommodate their concerns. So I have reason to believe they will accept it tonight, and we can go home tonight.

Mr. Speaker, I am not trying to pull any shenanigans on the Members of this House. I am only trying to tell the Members the truth.

The SPEAKER. The question is on the motion offered by the gentleman from West Virginia (Mr. STAGGERS) that the House suspend the rules and agree to the House resolution (H. Res. 759).

The question was taken.

Mr. HOSMER. 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 169, nays 95, not voting 168, as follows:

[Roll No. 721]

YEAS—169

Abdnor	Barrett	Breaux
Adams	Bennett	Breckinridge
Alexander	Bergland	Brinkley
Andrews, N.C.	Biester	Broomfield
Annunzio	Blatnik	Brown, Calif.
Ashley	Boland	Brown, Mich.
Badillo	Brademas	Broyhill, N.C.
Burke, Mass.	Helstoski	Pike
Burlison, Mo.	Henderson	Preyer
Carey, N.Y.	Hicks	Price, Ill.
Chappell	Holifield	Pritchard
Clark	Holtzman	Quie
Clausen, Don H.	Howard	Randall
Clay	Hungate	Rangel
Cohen	Johnson, Calif.	Reuss
Conte	Jones, N.C.	Rinaldo
Coughlin	Jordan	Robison, N.Y.
Cronin	Karth	Rodino
Culver	Kastenmeier	Roe
Davis, Ga.	Kazen	Rogers
Davis, S.C.	Koch	Rooney, Pa.
Dellums	Kyros	Rose
Denholm	Litton	Rosenthal
Dingell	Long, La.	Roush
Donohue	Long, Md.	Roy
Downing	McCormack	St Germain
Drinan	McDade	Sarbanes
Eckhardt	McFall	Schroeder
Edwards, Calif.	McKay	Seiberling
Eilberg	McKinney	Slack
Erlenborn	Macdonald	Staggers
Esch	Maraziti	Stanton, J. William
Evans, Colo.	Mathis, Ga.	Stanton, James V.
Fascell	Matsunaga	Steele
Findley	Mazzoli	Steiger, Wis.
Flood	Meeds	Stokes
Flowers	Metcalfe	Stratton
Foley	Mezvinsky	Stuckey
Ford, William D.	Minish	Studds
Fountain	Mink	Symington
Fraser	Mitchell, Md.	Taylor, N.C.
Gaydos	Mitchell, N.Y.	Thone
Giaimo	Moakley	Tiernan
Gilman	Mollohan	Udall
Ginn	Morgan	Ullman
Gonzalez	Mosher	Vanik
Gray	Natcher	Waldie
Green, Pa.	Nedzi	Whalen
Gude	Obey	Widnall
Gunter	O'Hara	Wilson, Charles, Tex.
Hamilton	O'Neill	Wylie
Hanley	Owens	Yatron
Hastings	Passman	Young, Ga.
Hawkins	Patman	Young, Ill.
Hechler, W. Va.	Patten	Zablocki
Heckler, Mass.	Pepper	
	Perkins	
	Pickle	

NAYS—95

Archer	Hanrahan	Powell, Ohio
Armstrong	Hansen, Idaho	Regula
Bauman	Harsha	Rhodes
Beard	Hogan	Roberts
Bowen	Horton	Robinson, Va.
Bray	Hosmer	Ruth
Brown, Ohio	Huber	Sandman
Broyhill, Va.	Hudnut	Satterfield
Buchanan	Ichord	Shuster
Burke, Fla.	Johnson, Colo.	Skubitz
Burleson, Tex.	Johnson, Pa.	Spence
Carter	Jones, Okla.	Steelman
Casey, Tex.	Jones, Tenn.	Symms
Cederberg	Kemp	Talcott
Clawson, Del	Ketchum	Thomson, Wis.
Cochran	King	Thornton
Conable	Latta	Towell, Nev.
Conlan	McCloskey	Treen
Crane	McCollister	Vander Jagt
Daniel, Dan	Mahon	Waggonner
Daniel, Robert W., Jr.	Mallary	Wampler
Davis, Wis.	Mann	Whitten
de la Garza	Martin, N.C.	Wilson, Charles H., Calif.
Dennis	Mathias, Calif.	Winn
Derwinski	Mayne	Wyatt
Dorn	Melcher	Young, Alaska
Duncan	Milford	Young, Fla.
Fisher	Miller	Young, S.C.
Forsythe	Mizell	
Frenzel	Montgomery	
Goodling	Moorhead, Calif.	
Guyer	Myers	
Hammer-schmidt	Parris	
	Pettis	

NOT VOTING—168

Abzug	Bingham	Chisholm
Addabbo	Blackburn	Clancy
Anderson, Calif.	Boggs	Cleveland
Anderson, Ill.	Bolling	Collier
Andrews, N. Dak.	Brasco	Collins, Ill.
Arends	Brooks	Collins, Tex.
Ashbrook	Brotzman	Conyers
Aspin	Burgener	Corman
Bafalis	Burke, Calif.	Cotter
Baker	Burton	Daniels, Dominick V.
Bell	Butler	Danielson
Bevill	Byron	Delaney
Biaggi	Camp	Dellenback
	Carney, Ohio	Dent
	Chamberlain	Devine
		Dickinson
		Diggs
		Dulski
		du Pont
		Edwards, Ala.
		Eshleman
		Evins, Tenn.
		Fish
		Flynt
		Frelinghuysen
		Frey
		Froehlich
		Fulton
		Fuqua
		Gettys
		Gibbons
		Goldwater
		Grasso
		Green, Oreg.
		Griffiths
		Gross
		Grover
		Gubser
		Haley
		Hanna
		Hansen, Wash.
		Harrington
		Harvey
		Hays
		Hébert
		Heinz
		Hillis
		Hinshaw
		Holt
		Hunt
		Hutchinson
		Jarman
		Jones, Ala.
		Keating
		Kluczynski
		Kuykendall
		Landgrebe
		Landrum
		Leggett
		Lehman
		Lent
		Lott
		Lujan
		McClory
		McEwen
		McSpadden
		Madden
		Madigan
		Mailliard
		Martin, Nebr.
		Michel
		Mills
		Minshall, Ohio
		Moorhead, Pa.
		Moss
		Murphy, Ill.
		Murphy, N.Y.
		Nelsen
		Nichols
		Nix
		O'Brien
		Peyser
		Poage
		Podell
		Price, Tex.
		Quillen
		Railsback
		Rarick
		Rees
		Reid
		Riegle
		Roncallo, Wyo.
		Roncallo, N.Y.
		Rooney, N.Y.
		Rostenkowski
		Rousselot
		Roybal
		Runnels
		Ruppe
		Ryan
		Sarasin
		Scherle
		Schneebeli
		Sebelius
		Shipley
		Shoup
		Shriver
		Sikes
		Sisk
		Smith, Iowa
		Smith, N.Y.
		Snyder
		Stark
		Steed
		Steiger, Ariz.
		Stephens
		Stubblefield
		Sullivan
		Taylor, Mo.
		Teague, Calif.
		Teague, Tex.
		Thompson, N.J.
		Van Deerlin
		Veysey
		Vigorito
		Walsh
		Ware
		White
		Whitehurst
		Wiggins
		Williams
		Wilson, Bob
		Wolff
		Wright
		Wydler
		Wyman
		Yates
		Young, Tex.
		Zion
		Zwach

The Clerk announced the following pairs:

On this vote:

Mr. Dent and Mr. Rostenkowski for, with Mr. Hays against.

Mr. Rooney of New York and Mr. Carney of Ohio for, with Mr. Hébert against.

Mr. Moorhead of Pennsylvania and Mr. Kluczynski for, with Mr. Rarick against.

Mr. Biaggi and Mr. Bingham for, with Mr. Butler against.

Mr. Brasco and Mr. Burton for, with Mr. Snyder against.

Mrs. Chisholm and Mr. Corman for, with Mrs. Holt against.

Mr. Cotter and Mr. Dominick V. Daniels for, with Mr. Price of Texas against.

Mr. Evins of Tennessee and Mrs. Grasso for, with Mr. Collins of Texas against.

Mr. Hanna and Mr. Harrington for, with Mr. Heinz against.

Mr. Lehman and Mr. Madden for, with Mr. Madigan against.

Mr. Moss and Mr. Murphy of New York for, with Mr. Zion against.

Mr. Nix and Mr. Podell for, with Mr. Camp against.

Ms. Abzug and Mr. Stark for, with Mr. Martin of Nebraska against.

Mr. Yates and Mr. Conyers for, with Mr. Taylor of Missouri against.

Mr. Steed and Mr. Wolff for, with Mr. Sarasin against.

Mr. Diggs and Mr. Dulski for, with Mr. Landgrebe against.

Mr. Anderson of California and Mr. Murphy of Illinois for, with Mr. Devine against.

Mr. Sisk and Mr. Ryan for, with Mr. Scherle against.

Mr. Delaney and Mr. Danielson for, with Mr. Steiger of Arizona against.

Mr. Addabbo and Mr. Van Deerlin for, with Mr. Rousselot against.

Until further notice:

Mr. Bevill with Mr. Arends.

Mrs. Boggs with Mr. Harvey.

Mr. Brooks with Mr. Keating.

Mrs. Burke of California with Mr. Roncallo of New York.

Mr. Byron with Mr. Anderson of Illinois.

Mr. Aspin with Mr. Gubser.

Mrs. Collins of Illinois with Mr. McClory.

Mr. Flynt with Mr. Andrews of North Dakota.
Mr. Fulton with Mr. Frey.
Mr. Haley with Mr. Cleveland.
Mrs. Hanson of Washington with Mr. Frelinghuysen.
Mr. Landrum with Mr. Grover.
Mr. Gettys with Mr. Ashbrook.
Mr. McSpadden with Mr. Froehlich.
Mr. Fuqua with Mr. Clancy.
Mr. Jarman with Mr. Collier.
Mr. Leggett with Mr. Bafalis.
Mr. Gibbons with Mr. Goldwater.
Mr. Nichols with Mr. Hutchinson.
Mr. Rees with Mr. Dellenback.
Mrs. Green of Oregon with Mr. Baker.
Mr. Jones of Alabama with Mr. Hillis.
Mr. Reid with Mr. Bell.
Mr. Riegle with Mr. Lent.
Mr. Roncalio of Wyoming with Mr. Hinshaw.
Mr. Roybal with Mr. Blackburn.
Mr. Sikes with Mr. Dickinson.
Mr. Stubblefield with Mr. Hunt.
Mr. Runnels with Mr. Brotzman.
Mr. Smith of Iowa with Mr. du Pont.
Mr. Teague of Texas with Mr. Chamberlain.
Mr. Shipley with Mr. Edwards of Alabama.
Mrs. Griffiths with Mr. Eshleman.
Mr. Vigorito with Mr. Fish.
Mr. Wright with Mr. Kuykendall.
Mr. Mailliard with Mr. Lott.
Mr. Mills of Arkansas with Mr. McEwen.
Mr. Minshall of Ohio with Mr. Nelsen.
Mr. Peyser with Mr. O'Brien.
Mr. Railsback with Mr. Quillen.
Mr. Ruppe with Mr. Schneebeli.
Mr. Sebelius with Mr. Shoup.
Mr. Shriver with Mr. Smith of New York.

So (two-thirds not having voted in favor there), the motion was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

(By unanimous consent, Mr. STAGGERS was allowed to proceed for 5 minutes.)

Mr. STAGGERS. Mr. Speaker, I am very sorry that the House has taken the action that they have tonight. We have in this bill the fact that the EPA cannot effect parking surcharges all over America.

And when the Members vote this down EPA will have the right to levy parking surcharges in their little towns.

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

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

Mr. WHITTEN. Did the gentleman see the conference report that was adopted yesterday or the day before? When the gentleman says the Environmental Protection Agency has authority, he overlooks the restriction in the supplemental report of yesterday, where Congress made clear that funds have not been appropriated for that purpose. Of course, there is a real question of constitutionality involved, too.

I may say if the gentleman will yield further, that we a few moments ago had to vote without knowing what was in the gentleman's bill, without having it explained. Perhaps now that he lost on that vote and his resolution is dead, he will explain it.

Mr. STAGGERS. I will say by killing this bill as we did, we did vote to go backward, instead of trying to conserve energy and do many things to move this Nation forward in the energy field.

I would like to introduce a resolution, and the number of the resolution is House Resolution 760. I have taken this time to tell the House what is in that resolution. It is the same thing that was in the previous resolution with one item taken out, windfall profits.

I would say to the Members that if they vote for this resolution and it will take a two-thirds vote, I believe the Senate will take it and I have every reason to believe the President will take it gladly.

I have no reason to believe otherwise. The windfall profits provision is the only item I know of that the President opposes. When Mr. Simon came, he had three items.

We took care of two of those, and I think this is the last one.

The bill does many things that I do not have the time to go into now, but we talked about them when it was on the floor. We debated it for 3 days, starting at 10 o'clock in the morning and going far into the night. For me to try to repeat all those things would take several hours. I am merely going to ask for this resolution to be brought up with the windfall profits provision removed.

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

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

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

The gentleman from West Virginia just stated he has just introduced a resolution, a House resolution numbered 760. The gentleman has described House Resolution 760 as having everything in it but windfall profits. The question is: Compared to what?

Mr. STAGGERS. Compared to the one we just voted down.

Mr. WAGGONNER. Then, Mr. Speaker, if the gentleman will yield further, I would be happy for the gentleman to tell me and the rest of the Members of the House what we just voted down, because that is the reason it was voted down, because nobody knew what was in it.

Mr. STAGGERS. The gentleman was here for the 3 days we debated it.

Mr. WAGGONNER. Yes, sir, for every minute.

Mr. STAGGERS. And I am sure he did pay attention and knew what was in it.

Mr. WAGGONNER. Is the gentleman saying that the resolution he has introduced is the bill which passed the House except for windfall profits?

Mr. STAGGERS. No. This is the same as the conference substitute which was brought out by both the House and the Senate with several exceptions that I mentioned awhile ago. In addition, the windfall profits amendment is now out of the bill.

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

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

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

If the resolution which the gentleman now offers is accepted, would it not still be necessary to take some action upon this measure before it could go to the White House? Would we not again be in the position of depending upon a quorum of the Senate and the desire of the Senate to take up this bill?

Mr. STAGGERS. Of course, and I am sure the Senate will accept it.

Mr. RHODES. But if a quorum is not present, we will end up with no energy bill at all.

Why does not the gentleman from West Virginia take the Senate bill and bring it to the floor of the House?

Mr. STAGGERS. I have told the gentleman and I have told the House why: because they cut out all the things—I believe the EPA amendments were cut out; I am not sure.

It has in there a termination date so that virtualy everything in the bill will have to be reconsidered within 2 months. We will have to do this whole thing all over again. I think that is wrong. I will not do it.

Mr. Speaker, I have said this: I think one of the most objectionable things which many people have said is that I have taken windfall profits out and introduced the bill.

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

Mr. STAGGERS. Mr. Speaker, I yield to the gentleman from Mississippi.

Mr. WHITTEN. Mr. Speaker, for several days we considered his original bill and adopted quite a number of amendments. I ask are those amendments eliminated from the resolution presented by the gentleman from West Virginia at this time?

I ask the same question another way, Has the gentleman introduced this bill as it originally came from his committee without the amendments adopted by the House? He either did or he did not.

Mr. STAGGERS. It is the conference substitute. I tried to explain that.

Mr. WHITTEN. So the House amendments are out. We understand that much.

Mr. STAGGERS. No. Nearly all of the House amendments are in.

Mr. WHITTEN. Will the gentleman give us some examples of what amendments remain in and what ones he has eliminated.

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

(By unanimous consent, Mr. STAGGERS was allowed to proceed for 1 additional minute.)

Mr. STAGGERS. Mr. Speaker, I could not in 1 hour, as I told the gentleman and this House awhile ago, explain what we had taken out.

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

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

Mr. BROWN of Ohio. Mr. Speaker, I do not want the House to be under a misapprehension. I think the gentleman from West Virginia misspoke himself.

Mr. STAGGERS. Mr. Speaker, I corrected that.

Mr. BROWN of Ohio. Mr. Speaker, I assume that the environmental measures in this legislation which the gentleman now proposes are the same in the bill that the Senate agreed to, which, if we passed, we could go home.

Mr. STAGGERS. Does the gentleman know what is in the Senate bill?

Mr. BROWN of Ohio. They are the same as what the gentleman is proposing, are they not?

Mr. STAGGERS. Does the gentleman know?

Mr. BROWN of Ohio. I am asking the gentleman.

Mr. STAGGERS. The gentleman is trying to tell me what is in the Senate bill. I do not know everything that is in the Senate bill. I have not had time to study it carefully.

The SPEAKER. The time of the gentleman from West Virginia has again expired.

Mr. WAGGONNER. Mr. Speaker, I simply ask unanimous consent that the gentleman from West Virginia (Mr. STAGGERS) the chairman of the committee, be given 5 uninterrupted minutes without questions to explain to the House what is in his House Resolution 760.

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

Mr. DINGELL. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

PROVIDING FOR AGREEING TO SENATE AMENDMENT TO HOUSE AMENDMENT WITH AN AMENDMENT TO AMEND S. 921, WILD AND SCENIC RIVERS ACT

Mr. STAGGERS. Mr. Speaker, I move to suspend the rules and agree to the House Resolution (H. Res. 760) to take from the Speaker's table the Senate bill S. 921, to amend the Wild and Scenic Rivers Act, with a Senate amendment to the House amendment thereto, and agree to the Senate amendment to the House amendment with an amendment.

The Clerk read as follows:

H. Res. 760

Resolved, That immediately upon the adoption of this resolution the bill S. 921, with the Senate amendment to the House amendment thereto, be, and the same is hereby, taken from the Speaker's table to the end that the Senate amendment to the House amendment 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 text of the bill H.R. 12129.

(The text of H.R. 12129 follows:)

A bill to assure, through energy conservation, end-use rationing of fuels, and other means, that the essential energy needs of the United States are met, and for other purposes

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

SHORT TITLE

Titles I, II, and III of this Act may be cited as the "Energy Emergency Act".

SEC. 101. FINDINGS AND PURPOSES.

(a)(1) The Congress hereby determines that—

(A) shortages of crude oil, residual fuel oil, and refined petroleum products caused by insufficient domestic refining capacity, inadequate domestic production, environmental constraints, and the unavailability of imports sufficient to satisfy domestic demand, now exist;

(B) such shortages have created or will create severe economic dislocations and hardships;

(C) such shortages and dislocations jeopardize the normal flow of interstate and foreign commerce and constitute an energy emergency which can be averted or minimized most efficiently and effectively through prompt action by the executive branch of Government;

(D) disruptions in the availability of imported energy supplies, particularly crude oil and petroleum products, pose a serious risk to national security, economic well-being, and health and welfare of the American people;

(E) because of the diversity of conditions, climate, and available fuel mix in different areas of the Nation, a primary governmental responsibility for developing and enforcing energy emergency measures lies with the States and with the local governments of major metropolitan areas acting in accord with the provisions of this Act; and

(F) the protection and fostering of competition and the prevention of anticompetitive practices and effects are vital during the energy emergency.

(2) On the basis of the determinations specified in subparagraphs (A) through (F) of paragraph (1) of this subsection, the Congress hereby finds that current and imminent fuel shortages have created a nationwide energy emergency.

(b) The purposes of this Act are to call for proposals for energy emergency rationing and conservation measures and to authorize specific temporary emergency actions to be exercised, subject to congressional review and right of approval or disapproval, to assure that the essential needs of the United States for fuels will be met in a manner which, to the fullest extent practicable: (1) is consistent with existing national commitments to protect and improve the environment; (2) minimizes any adverse impact on employment; (3) provides for equitable treatment of all sectors of the economy; (4) maintains vital services necessary to health, safety, and public welfare; and (5) insures against anticompetitive practices and effects and preserves, enhances, and facilitates competition in the development, production, transportation, distribution, and marketing of energy resources.

SEC. 102. DEFINITIONS.

For purposes of this Act:

(1) The term "State" means a State, the District of Columbia, Puerto Rico, or any territory or possession of the United States.

(2) The term "petroleum product" means crude oil, residual fuel oil, or any refined petroleum product (as defined in the Emergency Petroleum Allocation Act of 1973).

(3) The term "United States" when used in the geographical sense means the States, the District of Columbia, Puerto Rico, and the territories and possessions of the United States.

(4) The term "Administrator" means the Administrator of the Federal Energy Emergency Administration.

SEC. 103. FEDERAL ENERGY EMERGENCY ADMINISTRATION

(a) There is hereby established until May 15, 1975, unless superseded prior to that date by law, a Federal Energy Emergency Administration which shall be temporary and shall be headed by a Federal Energy Emergency Administrator, who shall be appointed by the President, by and with the advice and consent of the Senate. Vacancies in the office of Administrator shall be filled in the same manner as the original appointment.

(b) The Administrator shall be compensated at the rate provided for level II of the Executive Schedule. Subject to the Civil Service and Classification provisions of title 5, United States Code, the Administrator may employ such personnel as he deems necessary to carry out his functions.

(c) Effective on the date on which the Administrator first takes office (or, if later, on January 1, 1974), all functions, powers, and duties of the President under sections 4, 5, 6, and 9 of the Emergency Petroleum Allocation Act of 1973 (as amended by this Act), and of any officer, department, agency, or State (or officer thereof) under such sections (other than functions vested by section 6 of such Act in the Federal Trade Commission, the Attorney General, or the Antitrust Division of the Department of Justice), are transferred to the Administrator. All personnel, property, records, obligations, and commitments used primarily with respect to functions transferred under the preceding sentence shall be transferred to the Administrator.

SEC. 104. END-USE RATIONING.

Section 4 of the Emergency Petroleum Allocation Act of 1973 is amended by adding at the end thereof the following new subsection:

"(h)(1) The President may promulgate a rule which shall be deemed a part of the regulation under subsection (a) and which shall provide, consistent with the objectives of subsection (b), for the establishment of a program for the rationing and ordering of priorities among classes of end users of crude oil, residual fuel oil, or any refined petroleum product, and for the assignment to end-users of such products of rights, and evidence of such rights, entitling them to obtain such products in precedence to other classes of end-users not similarly entitled.

"(2) The rule under this subsection shall take effect only if the President finds that without such rule, all other practicable and authorized methods to limit energy demand will not achieve the objectives of section 4(b) of this Act and of the Energy Emergency Act.

"(3) The President shall, by order, in furtherance of the rule authorized pursuant to paragraph (1) of this subsection and consistent with the attainment of the objectives in subsection (b) of this section, cause such adjustments in the allocations made pursuant to the regulation under subsection (a) as may be necessary to carry out the purposes of this subsection.

"(4) The President shall provide for procedures by which any end-user of crude oil, residual fuel oil or refined petroleum products for which priorities and entitlements are established under paragraph (1) of this subsection may petition for review and reclassification or modification of any determination made under such paragraph with respect to his rationing priority or entitlement. Such procedures may include procedures with respect to such local boards as may be authorized to carry out functions under this subsection pursuant to section 122 of the Energy Emergency Act.

"(5) No rule or order under this section may impose any tax or user fee, or provide for a credit or deduction in computing any tax."

SEC. 105. ENERGY CONSERVATION PLANS.

(a)(1)(A) Pursuant to the provisions of this section, the Administrator is authorized to promulgate by regulation one or more energy conservation plans in accord with this section which shall be designed (together with actions taken and proposed to be taken under other authority of this or other Acts) to result in a reduction of energy consumption to a level which can be supplied by available energy resources. For purposes of this section, the term "energy conservation plan" means a plan for transportation controls (including but not limited to highway speed limits) or such other reasonable restrictions on the public or private use of energy (including limitations on energy consumption of businesses) which are necessary to reduce energy consumption and which are authorized by this Act.

(B) No energy conservation plan promulgated by regulation under this section may impose rationing or any tax or user fee, or provide for credit or deduction in computing any tax.

(2) An energy conservation plan shall become effective as provided for in subsection (b). Such a plan shall apply in each State, except as otherwise provided in an exemption granted pursuant to the plan in cases where a comparable State or local program is in effect, or where the Administrator finds special circumstances exist.

(3) An energy conservation plan may not deal with more than one logically consistent subject matter.

(4) An amendment to an energy conservation plan, if it has significant substantive effect, shall be transmitted to Congress and shall be effective only in accordance with subsecion (b). Any amendment which does not have significant substantive effect and any rescission of a plan may be made effective in accordance with section 553 of title 5, United States Code.

(5) Subject to subsection (b)(3), provision of an energy conservation plan shall remain in effect for a period specified in the plan unless earlier rescinded by the Administrator, but shall terminate in any event no later than April 1, 1974.

(b)(1) For purposes of this subsection, the term "energy conservation plan" means a plan promulgated by regulation proposed under subsection (a) of this section or an amendment thereto which has significant substantive effect.

(2) The Administrator shall transmit any energy conservation plan (bearing an identification number) to each House of Congress on the date on which it is promulgated.

(3)(A) If an energy conservation plan is transmitted to Congress before March 1, 1974, and provides for an effective date earlier than March 1, 1974, such plan shall take effect on the date provided in the plan; but if either House of the Congress, before the end of the first period of 15 calendar days of continuous session of Congress after the date on which such plan is transmitted to it, passes a resolution stating in substance that such House does not favor such plan, such plan shall cease to be effective on the date of passage of such resolution.

(B) If an energy conservation plan is transmitted to the Congress and provides for an effective date on or after March 1, 1974, and before April 1, 1974, such plan shall take effect at the end of the first period of 15 calendar days of continuous session of Congress after the date on which such plan is transmitted to it unless, between the date of transmittal and the end of the 15-day period, either House passes a resolution stating in substance that such House does not favor such plan.

(C) An energy conservation plan proposed to be made effective on or after April 1, 1974, shall take effect only if approved by Act of Congress.

(4) For the purpose of paragraph (3) of this subsection—

(A) continuity of session is broken only by an adjournment of Congress sine die; and

(B) the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the 15-day period.

(5) Under provisions contained in an energy conservation plan, a provision of the plan may take effect at a time later than the date on which such plan otherwise is effective.

(c)(1) This subsection is enacted by Congress—

(A) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of resolutions described by paragraph (2) of this subsection; and it supersedes other rules only to the extent that it is inconsistent therewith; and

(B) with full recognition of the contitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

(2) For the purpose of this subsection, "resolution" means only a resolution of either House of Congress, the matter after the resolving clause of which is as follows: "That the ——— does not favor the energy conservation plan numbered ——— transmitted to Congress by the Administrator of the Federal Energy Emergency Administration on ———, 19—.", the first blank space therein being filled with the name of the resolving House and the other blank spaces therein being appropriately filled; but does not include a resolution which specifies more than one energy conservation plan.

(3) A resolution with respect to an energy conservation plan shall be referred to a committee (and all resolutions with respect to the same plan shall be referred to the same committee) by the President of the Senate or the Speaker of the House of Representatives, as the case may be.

(4)(A) If the committee to which a resolution with respect to an energy conservation plan has been referred has not reported it at the end of 5 calendar days after its introduction, it is in order to move either to discharge the committee from further consideration of the resolution or to discharge the committee from further consideration of any other resolution with respect to such energy conservation plan which has been referred to the committee.

(B) A motion to discharge may be made only by an individual favoring the resolution, is highly privileged (except that it may not be made after the committee has reported a resolution with respect to the same energy conservation plan), and debate thereon shall be limited to not more than 1 hour, to be divided equally between those favoring and those opposing the resolution. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(C) If the motion, to discharge is agreed to or disagreed to, the motion may not be renewed, nor may another motion to discharge the committee be made with respect to any other resolution with respect to the same plan.

(5)(A) When the committee has reported, or has been discharged from further consideration of, a resolution with respect to an energy conservation plan, it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. The motion is highly privileged and is not debatable. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(B) Debate on the resolution shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the resolution. A motion further to limit debate is not debatable. An amendment to, or motion to recommit, the resolution is not in order, and it is not in order to move to reconsider the vote by which the resolution is agreed to or disagreed to.

(6)(A) Motions to postpone, made with respect to the discharge from committee, or the consideration of a resolution with respect to an energy conservation plan, and motions to proceed to the consideration of other business, shall be decided without debate.

(B) Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution with respect to an energy conservation plan shall be decided without debate.

(d)(1) In carrying out the provisions of this Act, the Administrator shall, to the greatest extent practicable, evaluate the potential economic impacts of proposed regulatory and other actions including but not limited to the preparation of an analysis of the effect of such actions on—

(A) the fiscal integrity of State and local government;

(B) vital industrial sectors of the economy;

(C) employment, by industrial and trade sector, as well as on a national, regional, State, and local basis;

(D) the economic vitality of regional, State, and local areas;

(E) the availability and price of consumer goods and services;

(F) the gross national product;

(G) competition in all sectors of industry; and

(H) small business.

(2) The Administrator shall develop analyses of the economic impact of any energy conservation plan on States or significant sectors thereof, considering the impact on energy as fuel and resources as feedstock for industry.

(3) Such analysis shall, wherever possible, be made explicit and, to the extent practicable, other Federal agencies and agencies of State and local governments which have special knowledge and expertise relevant to the impact of proposed regulatory or other actions shall be consulted in making the analysis, and all Federal agencies shall cooperate with the Administrator in preparing such analyses except that the Administrator's actions pursuant to this subsection shall not create any right of reviews or cause of action except as otherwise exist under other provisions of law.

(4) The Administrator, together with the Secretaries of Labor and Commerce, shall monitor the economic impact of any energy actions taken by the Administrator, and shall provide the Congress with separate reports every thirty days on the impact of the energy shortage and such emergency actions on employment and the economy.

(e) Any energy conservation plan which the Administrator submits to the Congress pursuant to subsection (b) of this section shall include findings of fact and a specific statement explaining the rationale for each provision contained in such plan.

SEC. 106. COAL CONVERSION AND ALLOCATION.

(a) The Administrator shall, to the extent practicable and consistent with the objectives of this Act, by order, after balancing on a plant-by-plant basis the environmental effects of use of coal against the need to fulfill the purposes of this Act, prohibit, as its primary energy source, the burning of natural gas or petroleum products by any major fuel-burning installation (including any existing electric powerplant) which, on the date of enactment of this Act, has the capability and necessary plant equipment to burn coal. Any installation to which such an order applies shall be permitted to continue to use coal as provided in section 119 (b) of the Clean Air Act. To the extent coal supplies are limited to less than the aggregate amount of coal supplies which may be necessary to satisfy the requirements of those installations which can be expected to use coal (including installations to which orders may apply under this subsection), the Administrator shall prohibit the use of natural gas and petroleum products for those installations where the use of coal will have the least adverse environmental impact. A prohibition on use of natural gas and petro-

leum products under this subsection shall be contingent upon the availability of coal, coal transportation facilities, and the maintenance of reliability of service in a given service area. The Administrator shall require that fossil-fuel-fired electric powerplants in the early planning process, other than combustion gas turbine and combined cycle units, be designed and constructed so as to be capable of using coal as a primary energy source instead of or in addition to other fossil fuels. No fossil-fuel-fired electric powerplant may be required under this section to be so designed and constructed, if (1) to do so would result in an impairment of reliability or adequacy of service, or (2) if an adequate and reliable supply of coal is not available and is not expected to be available. In considering whether to impose a design and construction requirement under this subsection, the Administrator shall consider the existence and effects of any contractual commitment for the construction of such facilities and the capability of the owner or operator to recover any capital investment made as a result of the conversion requirements of this section.

(b) The Administrator may by rule prescribe a system for allocation of coal to users thereof in order to attain the objectives specified in this section.

SEC. 107. MATERIALS ALLOCATION.

(a) The Administrator shall, within 30 days after the date of enactment of this Act, propose (in the nature of a proposed rule affording an opportunity for the presentation of views) and publish (and may from time to time amend) a contingency plan for allocation of supplies of materials and equipment necessary for exploration, production, refining, and required transportation of energy supplies and for the construction and maintenance of energy facilities. At such time as he finds that it is necessary to put all or part of such plan into effect, he shall transmit such plan or portion thereof to each House of Congress and such plan or portion thereof shall take effect in the same manner as an energy conservation plan prescribed under section 105 and to which section 105 (b)(3)(B) applies (except that such plan may be submitted at any time after the date of enactment of this Act and before May 15, 1975).

(b) Section 4(b)(1)(G) of the Emergency Petroleum Allocation Act of 1973 is amended to read as follows:

"(G) allocation of residual fuel oil and refined petroleum products in such amounts and in such manner as may be necessary for the maintenance of exploration for, and production or extraction of—

"(i) fuels, and

"(ii) minerals essential to the requirements of the United States,

and for required transportation related thereto,"

SEC. 108. FEDERAL ACTIONS TO INCREASE AVAILABLE DOMESTIC PETROLEUM SUPPLIES.

(a) The Administrator may initiate the following measures to supplement domestic energy supplies for the duration of the emergency:

(1) require, by order or rule, the production of designated existing domestic oilfields, at their maximum efficient rate of production, which is the maximum rate at which production may be sustained without detriment to the ultimate recovery of oil and gas under sound engineering and economic principles. Such fields are to be designated by the Secretary of the Interior, after consultation with the appropriate State regulatory agency. Data to determine the maximum efficient rate of production shall be supplied to the Secretary of the Interior by the State regulatory agency which determines the maximum efficient rate of production and by the operators who have drilled wells in, or are producing oil and gas from such fields;

(2) require, if necessary to meet essential energy needs, production of certain designated existing domestic oilfields at rates in excess of their currently assigned maximum efficient rates. Fields to be so designated, by the Secretary of the Interior or the Secretary of the Navy as to the Federal lands or as to Federal interests in lands under their respective jurisdiction, shall be those fields where the types and quality of reservoirs are such as to permit production at rates in excess of the currently assigned sustainable maximum efficient rate for periods of ninety days or more without excessive risk of losses in recovery;

(3) require the adjustment of processing operations of domestic refineries to produce refined products in proportions commensurate with national needs and consistent with the objectives of section 4(b) of the Emergency Petroleum Allocation Act of 1973.

(b) Nothing in this section shall be construed to authorize the production of any Naval Petroleum Reserve now subject to the provisions of chapter 641 of title 10 of the United States Code.

SEC. 109. OTHER AMENDMENTS TO THE EMERGENCY PETROLEUM ACT OF 1973.

(a) Section 4 of the Emergency Petroleum Allocation Act of 1973 as amended by section 104 of this Act is amended by adding at the end of such section the following new subsection:

"(i) If any provision of the regulation under subsection (a) provides that any allocation of residual fuel oil or refined petroleum products is to be based on use of such a product or amounts of such product supplied during a historical period, the regulation shall contain provisions designed to assure that the historical period can be adjusted (or other adjustments in allocations can be made) in order to reflect regional disparities in use, population growth or unusual factors influencing use (including unusual changes in climatic conditions), of such oil or product in the historical period. This subsection shall take effect thirty days after the date of enactment of the Energy Emergency Act. Adjustments for such purposes shall take effect no later than six months after the date of enactment of this subsection. Adjustments to reflect population growth shall be based upon the most current figures available from the United States Bureau of the Census."

(b) Section 4(g)(1) of the Emergency Petroleum Allocation Act of 1973 is amended by striking out "February 28, 1975" in each case the term appears and inserting in each case "May 15, 1975".

SEC. 111. PROTECTION OF FRANCHISED DEALERS.

(a) As used in this section:

(1) The term "distributor" means a person engaged in the sale, consignment, or distribution of petroleum products to wholesale or retail outlets whether or not it owns, leases, or in any way controls such outlets.

(2) The term "franchise" means any agreement or contract between a refiner or a distributor and a retailer or between a refiner and a distributor, under which such retailer or distributor is granted authority to use a trademark, trade name, service mark, or other identifying symbol or name owned by such refiner or distributor, or any agreement or contract between such parties under which such retailer or distributor is granted authority to occupy premises owned, leased, or in any way controlled by a party to such agreement or contract, for the purpose of engaging in the distribution or sale of petroleum products for purposes other than resale.

(3) The term "notice of intent" means a written statement of the alleged facts which, if true, constitute a violation of subsection (b) of this section.

(4) The term "refiner" means a person engaged in the refinering or importing of petroleum products.

(5) The term "retailer" means a person engaged in the sale of any refined petroleum product for purposes other than resale within any State, either under a franchise or independent of any franchise, or who was so engaged at any time after the start of the base period.

(b)(1) A refiner or distributor shall not cancel, fail to renew, or otherwise terminate a franchise unless he furnishes prior notification pursuant to this paragraph to each distributor or retailer affected thereby. Such notification shall be in writing and sent to such distributor or retailer by certified mail not less than ninety days prior to the date or which such franchise will be canceled, not renewed, or otherwise terminated. Such notification shall contain a statement of intention to cancel, not renew, or to terminate together with the reasons therefor, the date on which such action shall take effect, and a statement of the remedy or remedies available to such distributor or retailer under this section together with a summary of the applicable provisions of this section.

(2) A refiner or distributor shall not cancel, fail to renew, or otherwise terminate a franchise unless the retailer or distributor whose franchise is terminated failed to comply substantially with any essential and reasonable requirement of such franchise or failed to act in good faith in carrying out the terms of such franchise, or unless such refiner or distributor withdraws entirely from the sale of refined petroleum products in commerce for sale other than resale in the United States.

(c)(1) If a refiner or distributor engages in conduct prohibited under subsection (b) of this section, a retailer or a distributor may maintain a suit against such refiner or distributor. A retailer may maintain such suit against a distributor or a refiner whose actions affect commerce and whose products with respect to conduct prohibited under paragraphs (1) or (2) of subsection (b) of this section, he sells or has sold, directly or indirectly, under a franchise. A distributor may maintain such suit against a refiner whose actions affect commerce and whose products he purchases or has purchased or whose products he distributes or has distributed to retailers.

(2) The court shall grant such equitable relief as is necessary to remedy the effects of conduct prohibited under subsection (b) of this section which it finds to exist including declaratory judgment and mandatory or prohibitive injunctive relief. The court may grant interim equitable relief, and actual and punitive damages (except for actions for a failure to renew) where indicated, in suits under this section, and may, unless such suit is frivilous, direct that costs, including reasonable attorney and expert witness fees, be paid by the defendant. In the case of actions for a failure to renew damages shall be limited to actual damages including the value of the dealer's equity.

(3) A suit under this section may be brought in the district court of the United States for any judicial district in which the distributor or the refiner against whom such suit is maintained resides, is found, or is doing business, without regard to the amount in controversy. No such suit shall be maintained unless commenced within three years after the cancellation, failure to renew, or termination of such franchise or the modification thereof.

SEC. 112. PROHIBITIONS ON UNREASONABLE ACTIONS.

(a) Action taken under authority of this Act, the Emergency Petroleum Allocation Act of 1973, or other Federal law resulting in the allocation of petroleum products and electrical energy among classes of users is resulting in restrictions on use of petroleum products and electrical energy, shall be equitable, shall not be arbitrary or capricious, and shall not unreasonably discriminate among classes of users: *Provided*, That with respect

to allocations of petroleum products applicable to the foreign trade and commerce of the United States, no foreign corporation or entity shall receive more favorable treatment in the allocation of petroleum products than that which is accorded by its home country to United States citizens engaged in the same line of commerce, and allocations shall contain provisions designed to foster reciprocal and non-discriminatory treatment by foreign countries of United States citizens engaged in foreign commerce.

(b) To the maximum extent practicable, any restriction on the use of energy shall be designed to be carried out in such manner so as to be fair and to create a reasonable distribution of the burden of such restriction on all sectors of the economy, without imposing an unreasonably disproportionate share of such burden on any specific industry, business or commercial enterprise, or on any individual segment thereof and shall give due consideration to the needs of commercial, retail, and service establishments whose normal function is to supply goods and services of an essential convenience nature during times of day other than conventional daytime working hours.

SEC. 113. REGULATED CARRIERS.

(a) The Interstate Commerce Commission (with respect to common or contract carriers subject to economic regulation under the Interstate Commerce Act), the Civil Aeronautics Board, and the Federal Maritime Commission shall, for the duration of the period beginning on the date of enactment of this Act and ending on May 15, 1975, have authority to take any action for the purpose of conserving energy consumption in a manner found by such Commission or Board to be consistent with the objectives and purposes of the Acts administered by such Commission or Board on its own motion or on the petition of the Administrator which existing law permits such Commission or Board to take upon the motion or petition of any regulated common or contract carrier or other person.

(b) The Interstate Commerce Commission shall, by expedited proceedings, adopt appropriate rules under the Interstate Commerce Act which eliminate restrictions on the operating authority of any motor common carrier of property which require excessive travel between points with respect to which such motor common carrier has regularly performed service under authority issued by the Commission. Such rules shall assure continuation of essential service to communities served by any such motor common carrier.

(c) Within 45 days after the date of enactment of this Act, the Civil Aeronautics Board, the Federal Maritime Commission, and the Interstate Commerce Commission shall report separately to the appropriate committees of the Congress on the need for additional regulatory authority in order to conserve fuel during the period beginning on the date of enactment of this Act and ending on May 15, 1975 while continuing to provide for the public convenience and necessity. Each such report shall identify with specificity—

(1) the type of regulatory authority needed;

(2) the reasons why such authority is needed;

(3) the probable impact on fuel conservation of such authority;

(4) the probable effect on the public convenience and necessity of such authority; and

(5) the competitive impact, if any, of such authority.

Each such report shall further make recommendations with respect to changes in any existing fuel allocation programs which are deemed necessary to provide for the public convenience and necessity during such period.

SEC. 114. ANTITRUST PROVISIONS.

(a) Except as specifically provided in subsection (1), no provision of this Act shall be deemed to convey to any person subject to this Act any immunity from civil and criminal liability or to create defenses to actions, under the antitrust laws.

(b) As used in this section, the term "antitrust laws" means—

(1) the Act entitled "An Act to protect trade and commerce against unlawful restraints and monopolies", approved July 2, 1890 (15 U.S.C. 1 et seq.), as amended;

(2) the Act entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes", approved October 15, 1914 (15 U.S.C. 12 et seq.), as amended;

(3) the Federal Trade Commission Act (15 U.S.C. 41 et seq.), as amended;

(4) sections 73 and 74 of the Act entitled "An Act to reduce taxation, to provide revenue for the Government, and for other purposes", approved August 27, 1894 (15 U.S.C. 8 and 9), as amended; and

(5) the Act of June 19, 1936, chapter 592 (15 U.S.C. 13, 13a, 13b, and 21a).

(c)(1) To achieve the purposes of this Act, the Administrator may provide for the establishment of such advisory committees as he determines are necessary. Any such advisory committees shall be subject to the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C. App. I), whether or not such Act or any of its provisions expires or terminates during the term of this Act of such committees and in all cases shall be chaired by a regular full-time Federal employee and shall include representatives of the public. The meetings of such committees shall be open to the public.

(2) A representative of the Federal Government shall be in attendance at all meetings of any advisory committee established pursuant to this section. The Attorney General and the Federal Trade Commission shall have adequate advance notice of any meeting and may have an official representative attend and participate in any such meeting.

(3) A full and complete verbatim transcript shall be kept of all advisory committee meetings, and shall be taken and deposited, together with any agreement resulting therefrom, with the Attorney General and the Federal Trade Commission. Such transcript and agreement shall be made available for public inspection and copying, subject to the provisions of sections 552 (b)(1) and (b)(3) of title 5, United States Code.

(d) The Administrator, subject to the approval of the Attorney General and the Federal Trade Commission, shall promulgate, by rule, standards and procedures by which persons engaged in the business of producing, refining, marketing, or distributing crude oil, residual fuel oil or any refined petroleum product may develop and implement voluntary agreements and plans of action to carry out such agreements which the Administrator determines are necessary to accomplish the objectives stated in section 4(b) of the Emergency Petroleum Allocation Act of 1973.

(c) The standards and procedures under subsection (d) shall be promulgated pursuant to section 553 of title 5, United States Code. They shall provide, among other things, that—

(1) Such agreements and plans of action shall be developed by meetings of committees, councils, or other groups which include representatives of the public, of interested segments of the petroleum industry and of industrial, municipal and private consumers, and shall in all cases be chaired by a regular full-time Federal employee.

(2) Meetings held to develop a voluntary agreement or a plan of action under this subsection shall permit attendance by interested persons and shall be preceded by timely and adequate notice with identification of the agenda of such meeting to the Attorney General, the Federal Trade Commission and to the public in the affected community;

(3) Interested persons shall be afforded an opportunity to present, in writing and orally, data, views and arguments at such meetings;

(4) A full and complete verbatim transcript shall be kept of any meeting, conference or communication held to develop, implement or carry out a voluntary agreement or a plan of action under this subsection and shall be taken and deposited, together with any agreement resulting therefrom, with the Attorney General and the Federal Trade Commission. Such transcript and agreement shall be available for public inspection and copying, subject to provisions of section 552(b)(1) and (b)(3) of title 5, United States Code.

(f) The Federal Trade Commission may exempt types or classes of meetings, conferences, or communications from the requirements of subsection (c)(3) and (e)(4) provided such meetings, conferences, or communications are ministerial in nature and are for the sole purpose of implementing or carrying out a voluntary agreement or plan of action authorized pursuant to this section. Such ministerial meeting, conference or communication may take place in accordance with such requirements as the Federal Trade Commission may prescribe by rule. Such persons participating in such meeting, conference or communication shall cause a record to be made specifying the date such meeting, conference, or communication took place and the persons involved, and summarizing the subject matter discussed. Such record shall be filed with the Federal Trade Commission and the Attorney General, where it shall be made available for public inspection and copying.

(g)(1) The Attorney General and the Federal Trade Commission shall participate from the beginning in the development, implementation and carrying out of voluntary agreements and plans of action authorized under this section. Each may propose any alternative which would avoid or overcome, to the greatest extent practicable, possible anticompetitive effects while achieving substantially the purposes of this Act. Each shall have the right to review, amend, modify, disapprove, or prospectively revoke, on its own motion or upon the request of any interested person, any plan of action or voluntary agreement at any time, and, if revoked, thereby withdraw prospectively the immunity conferred by subsection (i) of this section.

(2) Any voluntary agreement or plan of action entered into pursuant to this section shall be submitted in writing to the Attorney General and the Federal Trade Commission 20 days before being implemented, where it shall be made available for public inspection and copying.

(h)(1) The Attorney General and the Federal Trade Commission shall monitor the development, implementation and carrying out of plans of action and voluntary agreements authorized under this section to assure the protection and fostering of competition and the prevention of anticompetitive practices and effects.

(2) The Attorney General and the Federal Trade Commission shall promulgate joint regulations concerning the maintenance of necessary and appropriate documents, minutes, transcripts and other records related to the development, implementation or carrying out of plans of action or voluntary agreements authorized pursuant to this Act.

(3) Persons developing, implementing or carrying out plans of action or voluntary agreements authorized pursuant to this Act shall maintain those records required by such joint regulations. The Attorney General and the Federal Trade Commission shall have access to and the right to copy such records at reasonable times and upon reasonable notice.

(4) The Federal Trade Commission and the Attorney General may each prescribe such rules and regulations as may be necessary or appropriate to carry out their responsibilities under this Act. They may both utilize for such purposes and for purposes of enforcement, any and all powers conferred upon the Federal Trade Commission or the Department of Justice, or both, by any other provision of law, including the antitrust laws; and wherever such provision of law refers to "the purposes of this Act" or like terms, the reference shall be understood to be this Act.

(i) There shall be available as a defense to any civil or criminal action brought under the antitrust laws in respect of actions taken in good faith to develop and implement a voluntary agreement or plan of action to carry out a voluntary agreement by persons engaged in the business of producing, refining, marketing or distributing crude oil, residual fuel oil, or any refined petroleum product that—

(1) such action was—

(A) authorized and approved pursuant to this section, and

(B) undertaken and carried out solely to achieve the purposes of this section and in compliance with the terms and conditions of this section, and the rules promulgated hereunder; and

(2) such persons fully complied with the requirements of this section and the rules and regulations promulgated hereunder.

(j) No provision of this Act shall be construed as granting immunity for, nor as limiting or in any way affecting any remedy or penalty which may result from any legal action or proceeding arising from, any acts or practices which occurred: (1) prior to the enactment of this Act, (2) outside the scope and purpose or not in compliance with the terms and conditions of this Act and this section, or (3) subsequent to its expiration or repeal.

(k) Effective on the date of enactment of this Act, this section shall apply in lieu of section 6(c) of the Emergency Petroleum Allocation Act of 1973. All actions taken and any authority or immunity granted under such section 6(c) shall be hereafter taken or granted, as the case may be, pursuant to this section.

(l) The provisions of section 708 of the Defense Production Act of 1950, as amended, shall not apply to any action authorized to be taken under this Act or the Emergency Petroleum Allocation Act of 1973.

(m) The Attorney General and the Federal Trade Commission shall each submit to the Congress and to the President, at least once every six months, a report on the impact on competition and on small business of actions authorized by this section.

(n) The authority granted by this section (including any immunity under subsection (i)) shall terminate on May 15, 1975.

(o) The exercise of the authority provided in section 113 shall not have as a principal purpose or effect the substantial lessening of competition among carriers affected. Actions taken pursuant to that subsection shall be taken only after providing from the beginning an adequate opportunity for participation by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division, who shall propose any alternative which would avoid or overcome, to the greatest extent practicable, any anticompetitive effects while achieving the purposes of this Act.

SEC. 115. EXPORTS.

To the extent necessary to carry out the purpose of this Act, the Administrator may under authority of this Act, by rule, restrict exports of coal, petroleum products, and petrochemical feedstocks, under such terms as he deems appropriate: Provided, That, the Administrator shall restrict exports of coal, petroleum products, or petrochemical feedstocks if either the Secretary of Commerce or the Secretary of Labor certifies that such exports would contribute to unemployment in the United States. The Secretary of Commerce, pursuant to the Export Administration Act of 1969 (but without regard to the phrase "and to reduce the serious inflationary impact of abnormal foreign demand" in section 3(2)(A) of such Act, may restrict the exports of coal, petroleum products, and petrochemical feedstocks, and of materials and equipment essential to the production, transport, or processing of fuels to the extent necessary to carry out the purpose of this Act and sections 4(b) and 4(d) of the Emergency Petroleum Allocation Act of 1973: Provided, That in the event that the Administrator certifies to the Secretary of Commerce that export restrictions of products enumerated in this section are necessary to carry out the purpose of this Act, the Secretary of Commerce shall impose such export restrictions. Rules under this section by the Administrator and actions by the Secretary of Commerce under the Export Administration Act of 1969 shall take into account the historical trading relations of the United States with Canada and Mexico and shall not be inconsistent with subsections (b) and (d) of section 4 of the Emergency Petroleum Allocation Act of 1973.

SEC. 116. EMPLOYMENT IMPACT AND UNEMPLOYMENT ASSISTANCE.

(a) The President shall take into consideration and shall minimize, to the fullest extent practicable, any adverse impact of actions taken pursuant to this Act upon employment. All agencies of government shall cooperate fully under their existing statutory authority to minimize any such adverse impact.

(b) The President shall make grants to States to provide to any individual unemployed, if such unemployment resulted from the administration and enforcement of this Act and was in no way due to the fault of such individual, such assistance as the President deems appropriate while such individual is unemployed. Such assistance as a State shall provide under such a grant shall be available to individuals not otherwise eligible for unemployment compensation and individuals who have otherwise exhausted their eligibility for such unemployment compensation, and shall continue as long as unemployment in the area caused by such administration and enforcement continues (but not less than six months) or until the individual is reemployed in a suitable position, but not longer than two years after the individual becomes eligible for such assistance. Such assistance shall not exceed the maximum weekly amount under the unemployment compensation program of the State in which the employment loss occurred.

(c) On or before the sixtieth day following the date of enactment of this Act, the President shall report to the Congress concerning the present and prospective impact of energy shortages upon employment. Such report shall contain an assessment of the adequacy of existing programs in meeting the needs of adversely affected workers and shall include legislative recommendations which the President deems appropriate to meet such needs, including revisions in the unemployment insurance laws.

SEC. 117. USE OF CARPOOLS.

(a) The Secretary of Transportation shall encourage the creation and expansion of the use of carpools as a viable component of our nationwide transportation system. It is the intent of this section to maximize the level of carpool participation in the United States.

(b) The Secretary of Transportation is directed to establish within the Department of Transportation an "Office of Carpool Promotion" whose purpose and responsibilities shall include—

(1) responding to any and all requests for information and technical assistance on carpooling and carpooling systems from units of State and local governments and private groups and employees;

(2) promoting greater participation in carpooling through public information and the preparation of such materials for use by State and local governments;

(3) encouraging and promoting private organizations to organize and operate carpool systems for employees;

(4) promoting the cooperation and sharing of responsibilities between separate, yet proximately close, units of government in coordinating the operations of carpool systems; and

(5) promoting other such measures that the Secretary determines appropriate to achieve the goal of this subsection.

(c) The Secretary of Transportation shall encourage and promote the use of incentives such as special parking privileges, special roadway lanes, toll adjustments, and other incentives as may be found beneficial and administratively feasible to the furtherance of carpool ridership, and consistent with the obligations of the State and local agencies which provide transportation services.

(d) The Secretary of Transportation shall allocate the funds appropriated pursuant to the authorization of subsection (f) according to the following distribution between the Federal and State or local units of government:

(1) The initial planning process—up to 100 percent Federal.

(2) The systems design process—up 100 percent Federal.

(3) The initial startup and operation of a given system—60 percent Federal and 40 percent State or local with the Federal portion not to exceed 1 year.

(e) Within 12 months of the date of enactment of this Act, the Secretary of the Transportation shall make a report to Congress of all his activities and expenditures pursuant to this section. Such report shall include any recommendations as to future legislation concerning carpooling.

(f) The sum of $5,000,000 is authorized to be appropriated for the conduct of programs designed to achieve the goals of this section, such authorization to remain available for 2 years.

(g) For purposes of this section, the terms "local governments" and "local units of government" include any metropolitan transportation organization designated as being responsible for carrying out section 134 of title 23, United States Code.

(h) As an example to the rest of our Nation's automobile users, the President of the United States shall take such action as is necessary to require all agencies of Government, where practical, to use economy model motor vehicles.

(i)(1) The President shall take action to require that no Federal official or employee in the executive branch below the level of Cabinet officer be furnished a limousine for individual Use. The provisions of this subsection shall not apply to limousines furnished for use by officers or employees of the Federal Bureau of Investigation, or to those persons whose assignments necessitate transportation by limousines because of diplomatic assignment by the Secretary of State.

(2) For purposes of this subsection, the term "limousine" means a type 6 vehicle as defined in the Interim Federal Specifications issued by the General Services Administration, December 1, 1973.

SEC. 118. ADMINISTRATIVE PROCEDURE AND JUDICIAL REVIEW.

(a)(1) Subject to paragraphs (2), (3), and (4) of this subsection, the provisions of subchapter II of chapter 5 of title 5, United States Code, shall apply to any rule or order (including a rule or order issued by a State

or officer thereof) under this title (except with respect to any rule or order pursuant to sections 108 and 113 of this Act, section 205 (a), (b), and (c), of this Act, or section 4(h) of the Emergency Petroleum Allocation Act of 1973) or under the authority of any energy conservation plan.

(2) Notice of any proposed rule or order described in paragraph (1) shall be given by publication of such proposed rule or order in the Federal Register. In each case, a minimum of ten days following such publication shall be provided for opportunity to comment; except that the requirements of this paragraph as to time of notice and opportunity to comment may be waived where strict compliance is found to cause serious impairment to the operation of the program to which such rule or order relates and such findings are set out in detail in such rule or order. In addition, public notice of all rules or orders promulgated by officers of a State or political subdivision thereof or to State or local boards pursuant to this Act shall to the maximum extent practicable be achieved by publication of such rules or orders in a sufficient number of newspapers of statewide circulation calculated to receive widest possible notice.

(3) In addition to the requirements of paragraph (2), if any rule or order described in paragraph (1) is likely to have a substantial impact on the Nation's economy or large numbers of individuals or businesses, on opportunity for oral presentation of views, data, and arguments shall be afforded. To the maximum extent practicable, such opportunity shall be afforded prior to the implementation of such rule or order, but in all cases such opportunity shall be afforded no later than 45 days after the implementation of any such rule or order. A transcript shall be kept of any oral presentation.

(4) Any officer or agency authorized to issue rules or orders described in paragraph (1) shall provide for the making of such adjustments, consistent with the other purposes of this Act or the Emergency Petroleum Allocation Act of 1973 (as the case may be) as may be necessary to prevent special hardships, inequity, or an unfair distribution of burdens and shall in rules prescribed by it establish procedures which are available to any person for the purpose of seeking an interpretation, modification, or rescission of, or an exception to or exemption from, such rules and orders. If such person is aggrieved or adversely affected by the denial of a request for such action under the preceding sentence, he may request a review of such denial by the officer or agency and may obtain judicial review in accordance with subsection (b) when such denial becomes final. The officer or agency shall, in rules prescribed by it, establish appropriate procedures, including a hearing where deemed advisable, for considering such requests for action under this paragraph.

(5) In addition to the requirements of section 552 of title 5, United States Code, any agency authorized by this Act or the Emergency Petroleum Allocation Act of 1973 to issue rules or orders shall make available to the public all internal rules and guidelines which may form the basis, in whole or in part, for any rule or order with such modifications as are necessary to insure confidentiality protected under such section 552. Such agency shall, upon written request of a petitioner filed after any grant or denial of a request for exception or exemption from rules or orders furnish the petitioner with a written opinion setting forth applicable facts and the legal basis in support of such grant or denial. Such opinions shall be made available to the petitioner and the public within thirty days of such request and with such modifications as are necessary to insure confidentiality of information protected under such section 552.

(b)(1) Judicial review of administrative rulemaking of general and national applicability done under this Act may be obtained only by filing a petition for review in the United States Court of Appeals for the District of Columbia within thirty days from the date of promulgation of any such rule or regulation, and judicial review of administrative rulemaking of general, but less than national, applicability done under this Act may be obtained only by filing a petition for review in the United States Court of Appeals for the appropriate circuit within thirty days from the date of promulgation of any such rule or regulation, the appropriate circuit being defined as the circuit which contains the area or the greater part of the area within which the rule or regulation is to have effect.

(2) Nothwithstanding the amount in controversy, the district courts of the United States shall have exclusive original jurisdiction of all other cases or controversies arising under this Act, or under regulations or orders issued thereunder, except any actions taken by the Civil Aeronautics Board, the Interstate Commerce Commission, Federal Power Commission, or the Federal Maritime Commission, or any actions taken to implement or enforce any rule or order by any officer of a State or political subdivision thereof or State or local board which has been delegated authority under section 122 of this Act except that nothing in this section affects the power of any court of competent jurisdiction to consider, hear, and determine in any proceeding before it any issue raised by way of defense (other than a defense based on the constitutionality of this title or the validity of action taken by any agency under this Act. If in any such proceeding an issue by way of defense is raised based on the constitutionality of this Act or the validity of agency action under this Act, the case shall be subject to removal by either party to a district court of the United States in accordance with the applicable provisions of Chapter 89 of title 28, United States Code. Cases or controversies arising under any rule or order of any officer of a State or political subdivision thereof or a State or local board may be heard in either (1) any appropriate State court, and (2) without regard to the amount in controversy, the district courts of the United States.

(c) The Administrator may by rule prescribe procedures for State or local boards which carry out functions under this Act or the Emergency Petroleum Allocation Act of 1973. Such procedures shall apply to such boards in lieu of subsection (a), and shall require that prior to taking any action, such boards shall take steps reasonably calculated to provide notice to persons who may be affected by the action, and shall afford an opportunity for presentation of views (including oral presentation of views where practicable) at least 10 days before taking the action. Such boards shall be of balanced composition reflecting the makeup of the community as a whole.

SEC. 119. PROHIBITED ACTS.

It shall be unlawful for any person to violate any provision of title I of this Act (other than provisions of this Act which make amendments to the Emergency Petroleum Allocation Act of 1973 and section 113) or to violate any rule, regulation (including an energy conservation plan) or order issued pursuant to any such provision.

SEC. 120. ENFORCEMENT.

(a) Whoever violates any provision of section 119 shall be subject to a civil penalty of not more than $2,500 for each violation.

(b) Whoever willfully violates any provision of section 119 shall be fined not more than $5,000 for each violation.

(c) It shall be unlawful for any person to offer for sale or distribute in commerce any product or commodity in violation of an applicable order or regulation issued pursuant to this Act. Any person who knowingly and willfully violates this subsection after having been subjected to a civil penalty for a prior violation of the same provision of any order or regulation issued pursuant to this Act shall be fined not more than $50,000 or imprisoned not more than six months, or both.

(d) Whenever it appears to any person authorized by the Administrator to exercise authority under this Act that any individual or organization has engaged, is engaged, or is about to engage in acts or practices constituting a violation of section 119, such person may request the Attorney General to bring an action in the appropriate district court of the United States to enjoin such acts or practices, and upon a proper showing a temporary restraining order or a preliminary or permanent injunction shall be granted without bond. Any such court may also issue mandatory injunctions commanding any person to comply with any provision, the violation of which is prohibited by section 119.

(e) Any person suffering legal wrong because of any act or practice arising out of any violation of section 119 may bring an action in a district court of the United States, without regard to the amount in controversy, for appropriate relief, including an action for a declaratory judgment or writ of injunction. Nothing in this subsection shall authorize any person to recover damages.

SEC. 121. USE OF FEDERAL FACILITIES.

Whenever practicable, and for the purpose of facilitating the transportation and storage of fuel, agencies or departments of the United States are authorized, during the period beginning on the date of enactment of this Act and ending May 15, 1975, to enter into arrangements for the acquisition or use by domestic public entities and private industries of equipment or facilities which are surplus to the needs of such agency or department and appropriate to the transportation and storage of fuel, except that such arrangements may be made (1) only after the Administrator finds that such equipment or facilities are not available from private sources and (2) only on the basis of compensation for the acquisition or use of such equipment or facilities at fair market value prices or rentals.

SEC. 122. DELEGATION OF AUTHORITY AND EFFECT ON STATE LAW.

(a) The Administrator may delegate any of his functions under the Emergency Petroleum Allocation Act of 1973 or this Act to any officer or employee of the Federal Energy Emergency Administration as he deems appropriate. The Administrator may delegate any of his functions relative to implementation and enforcement of the Emergency Petroleum Allocation Act of 1973 or this Act to officers of a State or political subdivision thereof or to State or local boards of balanced composition reflecting the make-up of the community as a whole. Such officers or boards shall be designated and established in accordance with regulations as the Administration shall promulgate under this Act. Section 5(b) of the Emergency Petroleum Allocation Act of 1973 is repealed effective on the effective date of the transfer of functions under such Act to the Administrator pursuant to section 103 of this Act.

(b) No State law or State program in effect on the date of enactment of this Act, or which may become effective thereafter, shall be superseded by any provision of this Act or any regulation, order, or energy conservation plan issued pursuant to this Act except insofar as such State law or State program is inconsistent with the provisions of this Act, or such a regulation, order, or plan.

SEC. 123. GRANTS TO STATES.

Any funds authorized to be appropriated under section 127(b) shall be available for the purpose of making grants to States to which the Administrator has delegated authority under section 122 of this Act, or for

the administration of appropriate State or local energy conservation programs which are the basis of an exemption made pursuant to section 105(a)(2) of this Act from a Federal energy conservation plan which has taken effect under section 105 of this Act. The Administrator shall make such grants upon such terms and conditions as he may prescribe by rule.

SEC. 124. REPORTS ON NATIONAL ENERGY RESOURCES.

(a) For the purpose of providing to the Congress and the Departments of Interior and Justice, the States, and the public, to the maximum extent possible, reliable data on reserves, production, distribution, and use of petroleum products, natural gas, and coal, the Attorney General or the Secretary of the Interior, or both, shall promptly publish for public comment a regulation requiring that persons doing business in the United States, who, on the effective date of this Act, are engaged in exploring, developing, processing, refining, or transporting by pipeline, any petroleum product, natural gas, or coal, shall provide detailed reports to the Administrator every sixty calendar days. Such reports shall show for the preceding sixty calendar days such person's (1) reserves of crude oil, natural gas, and coal; (2) production and destination of any petroleum product, natural gas, and coal; (3) refinery runs byproduct; and (4) other data required by the Attorney General or the Secretary of the Interior for such purpose. Such regulation shall also require that such persons provide to the Attorney General or the Secretary of the Interior such reports for the period from January 1, 1970, to the date of such person's first sixty day report. Such regulation shall be promulgated 30 days after such publication. The Attorney General or the Secretary of the Interior shall publish guarterly in the Federal Register a meaningful summary analysis of the data provided by such reports.

(b) The reporting requirements of this section shall not apply to the retail operations of persons required to file such reports. Where a person shows that all or part of the data required by this section is being reported by such person to another Federal agency, the Attorney General or the Secretary of the Interior may exempt such person from reporting all or part of such data directly to him, and upon such exemption, such agency shall, notwithstanding any other provision of law, provide such data to the Attorney General or the Secretary of the Interior. The district courts of the United States are authorized, upon application of the Attorney General or the Secretary of Interior, to require enforcement of such reporting requirements.

(c) Upon a showing satisfactory to the Attorney General or the Secretary of the Interior by any person that any report or part thereof obtained under this section from such person or from a Federal agency would, if made public, divulge methods or processes entitled to protection as trade secrets or other proprietary information of such person, such report, or portion thereof, shall be confidential in accordance with the provisions of section 1905 of title 18 of the United States Code, except that such report or part thereof shall not be deemed confidential for purposes of disclosure to (1) any delegate of the Federal Energy Emergency Administration for the purpose of carrying out this Act, (2) the Attorney General or the Secretary of the Interior (or both) when necessary to carry out those agencies' duties and responsibilities under this and other statutes, and (3) the Congress or any Committee of Congress upon request of the Chairman. The provisions of this section shall expire on May 15, 1975.

SEC. 125. INTRASTATE GAS.

Nothing in this Act shall expand the authority of the Federal Power Commission with respect to sales of non-jurisdictional natural gas.

SEC. 126. EXPIRATION.

The authority under this title to prescribe any rule or order or take other action under this title, or to enforce any such rule or order, shall expire at midnight May 15, 1975 (April 1, 1974, in the case of section 105), but such expiration shall not affect any action or pending proceedings, civil or criminal, not finally determined on such date, nor any action or proceeding based upon any act committed prior to midnight, May 15, 1975 (April 1, 1974, in the case of section 105).

SEC. 127. AUTHORIZATION OF APPROPRIATIONS.

(a) There are authorized to be appropriated to the Federal Energy Emergency Agency to carry out its functions under this Act and under other laws, and to make grants to States under section 123, $75,000,000 for the fiscal year ending June 30, 1974, and $75,000,000 for the fiscal year ending June 30, 1975.

(b) For the purpose of making payments under grants to States under section 123, there are authorized to be appropriated $50,000,000 for the fiscal year ending June 30, 1974 and $75,000,000 for the fiscal year ending June 30, 1975.

(c) For the purpose of making payments under grants to States under section 116, there is authorized to be appropriated $500,000,000 for the fiscal year ending June 30, 1974.

SEC. 128. SEVERABILITY.

If any provision of this Act, or the application of any such provision to any person or circumstance, shall be held invalid, the remainder of this Act, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

SEC. 129. PRICE AUTHORITY.

The President shall exercise his authority under the Economic Stabilization Act of 1970, as amended, and the Emergency Petroleum Allocation Act of 1973 to specify prices for sales of crude oil, residual fuel oil or refined petroleum products in or imported into the United States which avoid windfall profits by sellers. For purposes of this section, windfall profits shall be defined as those profits which are excessive or unreasonable, taking into consideration normal profit levels. This section shall be effective only until December 31, 1974.

SEC. 130. IMPORTATION OF LIQUEFIED NATURAL GAS.

The Emergency Petroleum Allocation Act of 1973 is amended by adding at the end thereof the following new section:

"SEC. 8. Notwithstanding the provisions of section 3 of the Natural Gas Act (or any other provisions of law) the President may by order, on a finding that such action would be consistent to the public interest, authorize on a shipment-by-shipment basis the importation of liquefied natural gas from a foreign country: *Provided, however*, That the authority to act under this section shall not permit the importation of liquefied natural gas which had not been authorized prior to the date of expiration of this Act and which is in transit on such date."

TITLE II—COORDINATION WITH ENVIRONMENTAL PROTECTION REQUIREMENTS

SEC. 201. SUSPENSION AUTHORITY

Title I of the Clean Air Act (42 U.S.C. 1857 et seq.) is amended by adding at the end thereof the following new section:

"ENERGY EMERGENCY AUTHORITY

"SEC. 119. (a)(1)(A) The Administrator may, for any period beginning on or after the date of enactment of this section and ending on or before November 1, 1974, temporarily suspend any stationary source fuel or emission limitation as it applies to any person, if the Administrator finds that such person will be unable to comply with such limitation during such period solely because of unavailability of types or amounts of fuels. Any suspension under this paragraph and any interim requirement on which such suspension is conditioned under paragraph (3) shall be exempted from any procedural requirements set forth in this Act or in any other provision of local, State, or Federal law; except as provided in subparagraph (B).

"(B) The Administrator shall give notice to the public of a suspension and afford the public an opportunity for written and oral presentation of views prior to granting such suspension unless otherwise provided by the Administrator for good cause found and published in the Federal Register. In any case, before granting such a suspension he shall give actual notice to the Governor of the State, and to the chief executive officer of the local government entity in which the affected source or sources are located. The granting or denial of such suspension and the imposition of an interim requirement shall be subject to judicial review only on the grounds specified in paragraphs (2)(B) and (2)(C) of section 706 of title 5, United States Code, and shall not be subject to any proceeding under section 304(a)(2) or 307 (b) and (c) of this Act.

"(2) In issuing any suspension under paragraph (1) the Administrator is authorized to act on his own motion without application by any source or State.

"(3) Any suspension under paragraph (1) shall be conditioned upon compliance with such interim requirements as the Administrator determines are reasonable and practicable. Such interim requirements shall include, but need not be limited to, (A) a requirement that the source receiving the suspension comply with such reporting requirements as the Administrator determines may be necessary, (B) such measures as the Administrator determines are necessary to avoid an imminent and substantial endangerment to health of persons, and (C) requirements that the suspension shall be inapplicable during any period during which fuels which would enable compliance with the suspended stationary source fuel or emission limitations are in fact reasonably available to that person (as determined by the Administrator). For purposes of clause (C) of this paragraph, availability of natural gas or petroleum products which enable compliance shall not make a suspension inapplicable to a source described in subsection (b)(1) of this section.

"(4) For purposes of this section:

"(A) The term 'stationary source' fuel or emission limitation' means any emission limitation, schedule, or timetable for compliance, or other requirement, which is prescribed under this Act (other than section 303, 111(b), or 112) or contained in an applicable implementation plan and which is designed to limit stationary source emissions resulting from combustion of fuels, including a prohibition on, or specification of, the use of any fuel of any type or grade or pollution characteristic thereof.

"(B) The term 'stationary source' has the same meaning as such term has under section 111(a)(3).

"(b)(1) Except as provided in paragraph (2) of this subsection, any fuel-burning stationary source (A) which is prohibited from using petroleum products or natural gas as fuel by reason of an order issued under section 106(a) of the Energy Emergency Act, or which the Administrator determines began conversion to the use of coal as fuel during the 90-day period ending on December 15, 1973, and (B) which converts to the use of coal as fuel, shall not, until January 1, 1979, be prohibited, by reason of the application of any air pollution requirement, from burning coal which is available to such source.

"(2)(A) Paragraph (1) of this subsection shall apply to a source, only if the Administrator finds that omissions from the source

will not materially contribute to a significant risk to public health and if the source has submitted to the Administrator a plan for compliance for such source which the Administrator has approved, after notice to interested persons and opportunity for presentation of views (including oral presentations of views). A plan submitted under the preceding sentence shall be approved only if it provides (i) for compliance by the means, and in accordance with a schedule, which meets the requirements of subparagraph (B) and (ii) that such source will comply with requirements which the Administrator shall prescribe to assure that emissions from such source will not materially contribute to a significant risk to public health. The Administrator shall approve or disapprove any such plan within 60 days after such plan is submitted.

"(B) The Administrator shall prescribe regulations requiring that any source to which this subsection applies submit and obtain approval of its means for and schedule of compliance. Such regulations shall include requirements that such schedules shall include dates by which such source must (i) enter into contracts or other enforceable obligations for obtaining a long-term supply of coal or coal by-products (which contracts or obligations must have received prior approval of the Administrator), and (ii) take steps to obtain continuous emission reduction systems necessary to permit such source to burn such coal or coal by-products and to achieve the degree of emission reduction required by the following sentence (which steps and systems must have received prior approval of the Administrator). Such regulations shall also require that the source achieve as expeditiously as practicable considering the type of coal to be used (but not later than January 1, 1979) the same degree of emission reduction as if it was required to achieve by the applicable implementation plan in effect on the date of enactment of this section. Such regulations shall also include such interim requirements as the Administrator determines are reasonable and practicable including requirements described in clauses (A) and (B) of subsection (a)(3).

"(C) The Administrator (after notice to interested persons and opportunity for presentation of views, including oral presentations of views, to the extent practicable) (i) may, prior to November 1, 1974, and shall thereafter, prohibit the use of coal by a source to which paragraph (1) applies if he determines that the use of coal by such source is likely to materially contribute to a significant risk to public health; and (ii) may require such source to use coal of any particular type, grade, or pollution characteristic if such coal is available to such source. Nothing in this subsection (b) shall prohibit a State or local agency from taking action which the Administrator is authorized to take under this paragraph.

"(3) For purposes of this subsection, the "air pollution requirement" means any emission limitation, schedule, or timetable for compliance, or other requirement, which is prescribed under any Federal, State, or local law or regulation, including this Act (except for any requirement prescribed under this subsection or section 303), and which is designed to limit stationary source emissions resulting from combustion of fuels (including a restriction on the use or content of fuels). A conversion to coal to which this subsection applies shall not be deemed to be a modification for purposes of section 111(a)(2) and (4) of this Act.

"(4) A source to which this subsection applies may, upon the expiration of the exemption under paragraph (1), obtain a one year postponement of the application of any requirement of an applicable implementation plan under the conditions and in the manner provided in section 110(f).

"(c) The Administrator may by rule establish priorities under which manufacturers of continuous emission reduction systems shall provide such systems to users thereof, if he finds that priorities must be imposed in order to assure that such systems are first provided to users in air quality control regions with the most severe air pollution. No rule under this subsection may impair the obligation of any contract entered into before enactment of this section. No State or political subdivision may require any person to use a continuous emission reduction system for which priorities have been established under this subsection except in accordance with such priorities.

"(d) The Administrator shall study, and report to Congress not later than May 31, 1974, with respect to—

"(1) the present and projected impact on the program under this Act of fuel shortages and end-use allocation programs;

"(2) availability of continuous emission reduction technology (including projections respecting the time, cost, and number of units available) and the effects that continuous emission reduction systems would have on the total environment and on supplies of fuel and electricity;

"(3) the number of sources and locations which must use such technology based on projected fuel availability data;

"(4) priority schedule for implementation of continuous emission reduction technology, based on public health or air quality;

"(5) evaluation of availability of technology to burn municipal solid waste in these sources; including time schedules, priorities analysis of unregulated pollutants which will be emitted and balancing of health benefits and detriments from burning solid waste and of economic costs;

"(6) projections of air quality impact of fuel shortages and allocations;

"(7) evaluation of alternative control strategies for the attainment and maintenance of national ambient air quality standards for sulfur oxides within the time frames prescribed in the Act, including associated considerations of costs, time frames, feasibility, and effectiveness of such alternative control strategies as compared to stationary source fuel and emission regulations;

"(8) proposed allocations of continuous emission reduction technology for nonsolid waste producing systems to sources which are least able to handle solid waste byproduct, technologically, economicaly, and without hazard to public health, safety, and welfare; and

"(9) plans for monitoring or requiring sources to which this section applies to monitor the impact of actions under this section on concentration of sulfur dioxide in the ambient air.

"(e) No State or political subdivision may require any person to whom a suspension has been granted under subsection (a) to use any fuel the unavailability of which is the basis of such person's suspension (except that this preemption shall not apply to requirements identical to Federal interim requirements under subsection (a)(1)).

"(f)(1) It shall be unlawful for any person to whom a suspension has been granted under subsection (a)(1) to violate any requirement on which the suspension is conditioned pursuant to subsection (a)(3).

"(2) It shall be unlawful for any person to violate any rule under subsection (c).

"(3) It shall be unlawful for the owner or operator of any sources to fail to comply with any requirement under subsection (b) or any regulation, plan, or schedule thereunder.

"(4) It shall be unlawful for any person to fail to comply with an interim requirement under subsection (i)(3).

"(g) Beginning January 1, 1975, the Administrator shall publish at no less than 180-day intervals, in the Federal Register the following:

"(1) A concise summary of progress reports which are required to be filed by any person or source owner or operator to which subsection (b) applies. Such progress reports shall report on the status of compliance with all requirements which have been imposed by the Administrator under such subsections.

"(2) Up-to-date findings on the impact of this section upon—

"(A) applicable implementation plans, and

"(B) ambient air quality.

"(h) Nothing in this section shall affect the power of the Administrator to deal with air pollution presenting an imminent and substantial endangerment to the health of persons under section 303 of this Act.

"(i)(1) In order to reduce the likelihood of early phaseout of existing electric generating facilities during the energy emergency, any electric generating power plant (A) which, because of the age and condition of the plant, is to be taken out of service permanently no later than January 1, 1980, according to the power supply plan (in existence on the date of enactment of the Energy Emergency Act) of the operator of such plant, (B) for which a certification to that effect has been filed by the operator of the plant with the Environmental Protection Agency and the Federal Power Commission, and (C) for which the Commission has determined that the certification has been made in good faith and that the plan to cease operations no later than January 1, 1980, will be carried out as planned in light of existing and prospective power supply requirements, shall be eligible for a single one-year postponement as provided in paragraph (2).

"(2) Prior to the date on which any plant eligible under paragraph (1) is required to comply with any requirement of an applicable implementation plan, such source may apply (with the concurrence of the Governor of the State in which the plant is located) to the Administrator to postpone the applicability of such requirement to such source for not more than one year. If the Administrator determines, after balancing the risk to public health and welfare which may be associated with a postponement, that compliance with any such requirement is not reasonable in light of the projected useful life of the plant, the availability of rate base increases to pay for such costs, and other appropriate factors, then the Administrator shall grant a postponement of any such requirements.

"(3) The Administrator shall, as a condition of any postponement under paragraph (2), prescribe such interim requirements as are practicable and reasonable in light of the criteria in paragraph (2).

"(j)(1) The Administrator may, after public notice and opportunity for presentation of views in accordance with section 553 of title 5, United States Code, and after consultation with the Federal Energy Emergency Administration designate persons to whom fuel exchange orders should be issued. The purpose of such designation shall be to avoid or minimize the adverse impact on public health and welfare of any suspension under subsection (a) of this section or conversion to coal to which subsection (b) applies or of any allocation under the Energy Emergency Act or the Emergency Petroleum Allocation Act.

"(2) The Administrator of the Federal Energy Administration shall issue exchange orders to such persons as are designated by the Administrator under paragraph (1) requiring the exchange of any fuel subject to allocation under the preceding Acts effective no later than 45 days after the date of the designation under paragraph (1), unless the Administrator of the Federal Energy Administration determines, after consultation with the Administrator, that the costs or con-

sumption of fuel, resulting from such exchange order will be excessive.

"(3) Violation of any exchange order issued under paragraph (2) shall be a prohibited act and shall be subject to enforcement action and sanctions in the same manner and to the same extent as a violation of any requirement of the regulation under section 4 of the Emergency Petroleum Allocation Act of 1973."

SEC. 202. IMPLEMENTATION PLAN REVISIONS.

(a) Section 110(a) of the Clean Air Act is amended in paragraph (3) by inserting "(A)" after "(3)" and by adding at the end thereof the following new subparagraph:

"(B)(1) For any air quality control region in which there has been a conversion to coal under section 119(b), the Administrator shall review the applicable implementation plan and no later than one year after the date of such conversion determine whether such plan must be revised in order to achieve the national primary standard which the plan implements. If the Administrator determines that any such plan is inadequate, he shall require that a plan revision be submitted by the State within three months after the date of notice to the State of such determination. Any plan revision which is submitted by the State after notice and public hearing shall be approved or disapproved by the Administrator, after public notice and opportunity for public hearing, but no later than three months after the date required for submission of the revised plan. If a plan provision (or portion thereof) is disapproved (or if a State fails to submit a plan revision), the Administrator shall, after public notice and opportunity for a public hearing, promulgate a revised plan (or portion thereof) not later than three months after the date required for approval or disapproval.

"(2) Any requirement for a plan revision under paragraph (1) and any plan requirement promulgated by the Administrator under such paragraph shall include reasonable and practicable measures to minimize the effect on the public health of any conversion to which section 119(b) applies."

(b) Subsection (c) of section 110 of the Clean Air Act (42 U.S.C. 1857 C–5) is amended by inserting "(1)" after "(c)"; by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively; and by adding the following new paragraph:

"(2)(A) The Administrator shall conduct a study and shall submit a report to the Committee on Interstate and Foreign Commerce of the United States House of Representatives and the Committee on Public Works of the United States Senate not later than May 1, 1974, on the necessity of parking surcharge, management of parking supply, and preferential bus/carpool lane regulations as part of the applicable implementation plans required under this section to achieve and maintain national primary ambient air quality standards. The study shall include an assessment of the economic impact of such regulations, consideration of alternative means of reducing total vehicle miles traveled, and an assessment of the impact of such regulations on other Federal and State programs dealing with energy or transportation. In the course of such study, the Administrator shall consult with other Federal officials including, but not limited to, the Secretary of Transportation, the Administrator of the Federal Energy Administration, and the Chairman of the Council on Environmental Quality.

"(B) No parking surcharge regulation may be required by the Administrator under paragraph (1) of this subsection as a part of an applicable implementation plan. All parking surcharge regulations previously required by the Administrator shall be void upon the date of enactment of this subsection. This subparagraph shall not prevent the Administrator from approving parking surcharges if they are adopted and submitted by a State as part of an applicable implementation plan. The Administrator may not condition approval of any applicable implementation plan submitted by a State on such plan's including a parking surcharge regulation.

"(C) The Administrator is authorized to suspend until January 1, 1975, the effective date or applicability of any regulations for the management of parking supply or any requirement that such regulations be a part of an applicable implementation plan approved or promulgated under this section. The exercise of the authority under this subparagraph shall not prevent the Administrator from approving such regulations if they are adopted and submitted by a State as part of an applicable implementation plan. If the Administrator exercises the authority under this subparagraph, regulations requiring a review or analysis of the impact of proposed parking facilities before construction which take effect on or after January 1, 1975, shall not apply to parking facilities on which construction has been initiated before January 1, 1975.

"(D) For purposes of this paragraph, the term 'parking surcharge regulation' means a regulation imposing or requiring the imposition of any tax, surcharge, fee, or other charge on parking spaces, or any other area used for the temporary storage of motor vehicles. The term 'management of parking supply' shall include any requirement providing that any new facility containing a given number of parking spaces shall receive a permit or other prior approval, issuance of which is to be conditioned on air quality considerations. The term 'preferential bus/carpool lane' shall include any requirement for the setting aside of one or more lanes of a street or highway on a permanent or temporary basis for the exclusive use of buses and/or carpools."

SEC. 203. MOTOR VEHICLE EMISSIONS.

(a) Section 202(b)(1)(A) of the Clean Air Act is amended by striking out "1975" and inserting in lieu thereof "1977"; and by inserting after "(A)" the following: "The regulations under subsection (a) applicable to emissions of carbon monoxide and hydrocarbons from light-duty vehicles and engines manufactured during model years 1975 and 1976 shall contain standards which are identical to the interim standards which were prescribed (as of December 1, 1973) under paragraph (5)(A) of this subsection for light-duty vehicles and engines manufactured during model year 1975."

(b) Section 202(b)(1)(B) of such Act is amended by striking out "1976" and inserting in lieu thereof "1978"; and by inserting after "(B)" the following: "The regulations under subsection (a) applicable to emissions of oxides of nitrogen from light-duty vehicles and engines manufactured during model years 1975 and 1976 shall contain standards which are identical to the standards which were prescribed (as of December 1, 1973) under subsection (a) for light-duty vehicles and engines manufactured during model year 1975. The regulations under subsection (a) applicable to emissions of oxides of nitrogen from light-duty vehicles and engines manufactured during model year 1977 shall contain standards which provide that emissions of such vehicles and engines may not exceed 2.0 grams per vehicle mile."

(c) Section 202(b)(5)(A) of such Act is amended to read as follows:

"(5)(A) At any time after January 1, 1975, any manufacturer may file with the Administrator an application requesting the suspension for one year only of the effective date of any emission standard required by paragraph (1)(A) with respect to such manufacturer for light-duty vehicles and engines manufactured in model year 1977. The Administrator shall make his determination with respect to any such application within 60 days. If he determines, in accordance with the provisions of this subsection, that such suspension should be granted, he shall simultaneously with such determination prescribe by regulation interim emission standards which shall apply (in lieu of the standards required to be prescribed by paragraph (1)(A) of this subsection) to emissions of carbon monoxide or hydrocarbons (or both) from such vehicles and engines manufactured during model year 1977."

(d) Section 202(b)(5)(B) of the Clean Air Act is repealed and the following subparagraphs redesignated accordingly.

SEC. 204. CONFORMING AMENDMENTS.

(a)(1) Section 113(a)(3) of the Clean Air Acts amended by striking out "or" before "112(c)", by inserting a comma in lieu thereof, and by inserting after "hazardous emissions)" the following: ", or 119(f) (relating to priorities and certain other requirements)".

(2) Section 113(b)(3) of such Act is amended by striking out "or 112(c)" and inserting in lieu thereof ", 112(c), or 119(f)".

(3) Section 113(c)(1)(C) of such Act is amended by striking out "or section 112(c)" and inserting in lieu thereof ", section 112(c), or section 119(f)".

(4) Section 114(a) of such Act is amended by inserting "119 or" before "303".

(b) Section 116 of the Clean Air Act is amended by inserting "119 (b), (c) and (e)," before "209".

SEC. 205. PROTECTION OF PUBLIC HEALTH AND ENVIRONMENT.

(a) Any allocation program provided for in title I of this Act or in the Emergency Petroleum Allocation Act of 1973, shall, to the maximum extent practicable, include measures to assure that available low sulfur fuel will be distributed on a priority basis to those areas of the country designated by the Administrator of the Environmental Protection Agency as requiring low sulfur fuel to avoid or minimize adverse impact on public health.

(b) In order to determine the health effects of emissions of sulfur oxides to the air resulting from any conversions to burning coal pursuant to section 106, the Department of Health, Education, and Welfare shall, through the National Institute of Environmental Health Sciences and in cooperation with the Environmental Protection Agency, conduct a study of chronic effects among exposed populations. The sum of $3,500,000 is authorized to be appropriated for such a study. In order to assure that long-term studies can be conducted without interruption, such sums as are appropriated shall be available until expended.

(c) No action taken under this Act shall, for a period of 1 year after initiation of such action, be deemed a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (83 Stat. 856). However, before any action under this Act that has a significant impact on the environment is taken, if practicable, or in any event within 60 days after such action is taken, an environmental evaluation with analysis equivalent to that required under section 102(2)(C) of the National Environmental Policy Act, to the greatest extent practicable within this time constraint, shall be prepared and circulated to appropriate Federal, State, and local government agencies and to the public for a 30-day comment period after which a public hearing shall be held upon request to review outstanding environmental issues. Such an evaluation shall not be required where the action in question has been preceded by compliance with the National Environmental Policy Act by the appropriate Federal agency. Any action taken under this act which will be in effect for more than a one year period

(other than action taken pursuant to subsection (d) of this section) or any action to extend an action taken under this Act to a total period of more than 1 year shall be subject to the full provisions of the National Environmental Policy Act notwithstanding any other provision of this Act.

(d) Notwithstanding subsection (c) of this section, in order to expedite the prompt construction of facilities for the importation of hydroelectric energy thereby helping to reduce the shortage of petroleum products in the United States, the Federal Power Commission is hereby authorized and directed to issue a Presidential permit pursuant to Executive Order 10485 of September 3, 1953, for the construction, operation, maintenance, and connection of facilities for the transmission of electric energy at the borders of the United States without preparing an environmental impact statement pursuant to section 102 of the National Environmental Policy Act of 1969 (83 Stat. 856) for facilities for the transmission of electric energy between Canada and the United States in the vicinity of Fort Covington, New York.

SEC. 206. ENERGY CONSERVATION STUDY.

(a) The Administrator of the Federal Energy Administration shall conduct a study on potential methods of energy conservation and, not later than 6 months after the date of enactment of this Act, shall submit to Congress a report on the results of such study. The study shall include, but not be limited to, the following:

(1) the energy conservation potential of restricting exports of fuels or energy-intensive products or goods, including an analysis of balance of payments and foreign relations implications of any such restrictions;

(2) federally sponsored incentives for the use of public transit, including the need for authority to require additional production of buses or other means of public transit and Federal subsidies for the duration of the energy emergency for reduced fares and additional expenses incurred because of increased service;

(3) alternative requirements, incentives, or disincentives for increasing industrial recycling and resource recovery in order to reduce energy demand, including the economic costs and fuel consumption tradeoff which may be associated with such recycling and resource recovery in lieu of transportation and use of virgin materials;

(4) the costs and benefits of electrifying rail lines in the United States with a high density of traffic; including (A) the capital costs of such electrification, the oil fuel economies derived from such electrification, the ability of existing power facilities to supply the additional power load, and the amount of coal or other fossil fuels required to generate the power required for railroad electrification, and (B) the advantages to the environment of electrification of railroads in terms of reduced fuel consumption and air pollution and disadvantages to the environment from increased use of fossil fuel such as coal; and

(5) means for incentives or disincentives to increase efficiency of industrial use of energy.

(b) Within 90 days of the date of enactment of this Act, the Secretary of Transportation, after consultation with the Federal Energy Administrator, shall submit to the Congress for appropriate action an "Emergency Mass Transportation Assistance Plan" for the purpose of conserving energy by expanding and improving public mass transportation systems and encouraging increased ridership as alternatives to automobile travel.

(c) Such plan shall include, but shall not be limited to—

(1) recommendations for emergency temporary grants to assist States and local public bodies and agencies thereof in the payment of operating expenses incurred in connection with the provision of expanded mass transportation service in urban areas;

(2) recommendations for additional emergency assistance for the purchase of buses, and rolling stock for fixed rail, including the feasibility of accelerating the timetable for such assistance under section 142(a) (2) of title 23, United States Code (the "Federal Aid Highway Act of 1973"), for the purpose of providing additional capacity for and encouraging increased use of public mass transportation systems;

(3) recommendations for a program of demonstration projects to determine the feasibility of fare-free and low-fare urban mass transportation systems, including reduced rates for elderly and handicapped persons during nonpeak hours of transportation;

(4) recommendations for additional emergency assistance for the construction of fringe and transportation corridor parking facilities to serve bus and other mass transportation passengers;

(5) recommendations on the feasibility of providing tax incentives for persons who use public mass transportation systems.

(d) In consultation with the Federal Energy Administrator, the Secretary of Transportation shall make an investigation and study for the purpose of conserving energy and assuring that the essential fuel needs of the United States will be met by developing a high-speed ground transportation system between the cities of Tijuana in the State of Baja California, Mexico, and Vancouver in the Province of British Columbia, Canada, by way of the cities of Seattle in the State of Washington, Portland in the State of Oregon, and Sacramento, San Francisco, Fresno, Los Angeles and San Diego in the State of California. In carrying out such investigation and study the Secretary shall consider, but shall not be limited to—

(1) the efficiency of energy utilization and impact on energy resources of such a system, including the future impact of existing transportation systems on energy resources if such a system is not established;

(2) coordination with other studies undertaken on the State and local level; and

(3) such other matters as he deems appropriate.

The Secretary of Transportation shall report the results of the study and investigation pursuant to this Act, together with his recommendations, to the Congress and the President no later than December 31, 1974.

SEC. 207. REPORTS.

The Administrator of the Environmental Protection Agency shall report to Congress not later than January 31, 1975, on the implementation of sections 201 through 205 of this title.

SEC. 208. FUEL ECONOMY STUDY.

Title II of the Clean Air Act is amended by redesignating section 213 as section 214 and by adding the following new section:

"FUEL ECONOMY IMPROVEMENT FROM NEW MOTOR VEHICLES

"SEC. 213. (a)(1) The Administrator and the Secretary of Transportation shall conduct a joint study, and shall report to the Committee on Interstate and Foreign Commerce of the United States House of Representatives and the Committees on Public Works and Commerce of the United States Senate within 120 days following the date of enactment of this section, concerning the practicability of establishing a fuel economy improvement standard of 20 percent for new motor vehicles manufactured during and after model year 1980. Such study and report shall include, but not be limited to, the technological problems of meeting any such standard, including the leadtime involved; the test procedures required to determine compliance; the economic costs associated with such standard, including any beneficial economic impact; the various means of enforcing such standard; the effect on consumption of natural resources, including energy consumed; and the impact of applicable safety and emission standards. In the course of performing such study, the Administrator and the Secretary of Transportation shall utilize the research previously performed in the Department of Transportation, and the Administrator and the Secretary shall consult with the Administrator of the Federal Energy Administration, the Chairman of the Council on Environmental Quality, and the Secretary of the Treasury. The Office of Management and Budget may review such report before its submission to Congress but the Office may not revise the report or delay its submission beyond the date prescribed for its submission, and may submit to Congress its comments respecting such report. In connection with such study, the Administrator may utilize the authority provided in section 307(a) of this Act to obtain necessary information.

"(2) For the purpose of this section, the term 'fuel economy improvement standard' means a requirement of a percentage increase in the number of miles of transportation provided by a manufacturer's entire annual production of new motor vehicles per unit of fuel consumed, as determined for each manufacturer in accordance with test procedures established by the Administrator pursuant to this Act. Such term shall not include any requirement for any design standard or any other requirement specifying or otherwise limiting the manufacturer's discretion in deciding how to comply with the fuel economy improvement standard by any lawful means."

TITLE III—STUDIES AND REPORTS

SEC. 301. AGENCY STUDIES.

The following studies shall be conducted, with reports on their results submitted to the Congress:

(1) Within 30 days after the date of enactment of this Act:

(A) The Administrator of the Federal Energy Emergency Administration shall conduct a review of all rulings and regulations issued pursuant to the Economic Stabilization Act to determine if such rulings and regulations are contributing to the shortage of fuels and of materials associated with the production of energy supplies.

(B) All Federal departments and agencies including the Federal regulatory agencies, are directed to undertake a survey of all activities over which they have special expertise or jurisdiction and identify and recommend to the Congress and to the President specific proposals to significantly increase energy supply or to reduce energy demand through conservation programs.

(C) The Secretary of the Treasury and the Director of the Cost of Living Council shall recommend to the Congress specific incentives to increase energy supply, reduce demand, to encourage private industry and individual persons to subscribe to the goals of this Act. This study shall also include an analysis of the price-elasticity of demand for gasoline.

(D) The Administrator shall report to the Congress concerning the present and prospective impact of energy shortages upon employment. Such report shall contain an assessment of the adequacy of existing programs in meeting the needs of adversely affected workers, together with legislative recommendations appropriate to meet such needs, including revisions in the unemployment insurance laws.

The SPEAKER. Is a second demanded?

Mr. HOSMER. Mr. Speaker, I am opposed to the bill and demand a second.

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

PARLIAMENTARY INQUIRY

Mr. DINGELL. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DINGELL. Mr. Speaker, is the gentleman from California opposed to the bill?

Mr. HOSMER. Mr. Speaker, I just said that I was opposed to the bill.

Mr. DINGELL. Mr. Speaker, I just wanted to hear the gentleman say it.

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

There was no objection.

POINT OF ORDER

Mr. BAUMAN. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state it.

Mr. BAUMAN. Mr. Speaker, I make a point of order against this resolution because it, in effect, does nothing more than call up a matter that has already been voted on within the last half hour by this House.

Anyone who says it is not to the contrary has no authority, because no one has read it and we do not know the substance.

The SPEAKER. The Chair has read the resolutions, they have been read to the House, and the Chair has authority to recognize for motions to suspend the rules.

There are substantial differences, and the Chair has recognized the gentleman from West Virginia.

Mr. BAUMAN. Mr. Speaker, then I would like to request under the rules that it be read to the House.

The SPEAKER. It has been read. It has been read. If the gentleman wants the resolution rereported, the Chair will put the request.

The gentleman from West Virginia will be recognized for 20 minutes; the gentleman from California will be recognized for 20 minutes.

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

Mr. STAGGERS. Mr. Speaker, we have copies of this report. There are plenty of them here, and every Member can get one, I am sure, and take a look at what is in the bill.

We made two changes as to what is in the conference report.

Mr. Speaker, I think that the bill has been discussed enough, but I will take just a minute or so to say that this is the conference report, with some deletions, that we are familiar with. Some things have been taken out, and I will go over them again, and then I will point out that we have further deleted one other section of the bill: windfall profits.

Mr. McKINNEY. Mr. Speaker, will the gentleman yield for just a moment?

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

Mr. McKINNEY. Mr. Speaker, I will ask the chairman of the committee; is it true that the conference report was available this morning for any Member who wanted to make the effort to get it sometime today?

Mr. STAGGERS. Sometime during the day, yes, sir.

Mr. McKINNEY. Right.

Mr. STAGGERS. Probably sometime this morning.

Mr. McKINNEY. Well, I had a copy of most of it by, I believe, as it was received from the committee.

Mr. STAGGERS. Yes, sir.

Mr. McKINNEY. Mr. Speaker, it is also true, is it not, as the gentleman explained at the time of the first vote we took which failed, that his motion was relative to that conference report, minus a few changes, which he outlined?

Mr. STAGGERS. The gentleman is correct.

Mr. McKINNEY. And at this particular time the gentleman is making one more change, which would allow the oil companies to make the profits which they have been making?

Mr. STAGGERS. The gentleman is correct.

Mr. McKINNEY. Mr. Speaker, is it also true, I will ask the chairman of the committee, that nobody has seen the Senate bill, and that the Senate came out with a bill that did not come from the House or from the conference committee, and the basic bill gives the President the power, with information locked away from the Congress?

Mr. STAGGERS. The gentleman is correct.

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

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

Mr. MILFORD. Mr. Speaker, I am forced to rise in protest and vote "no" on this measure. I must vote in this manner because I simply do not know what is in this bill.

My total input of information, concerning the contents of this conference report and this bill, has been obtained by reading the Washington Post. Even the Washington Post does not know the entire contents of the bill.

My constituents did not send me to the Congress to vote "blind" on bills that come before the House, nor did they send me here to make important legislative decisions according to what is printed in the Washington Post.

My remarks are not made for the purpose of chastising any of my House colleagues, nor the Commerce Committee, nor my former colleagues in the press. I am simply and honestly addressing myself to the situation, concerning this bill, and the past events that have actually occurred.

Mr. Speaker, surely everyone recognizes that this is a very important and far-reaching measure. It is probably the most important bill to come on to this floor since World War II. This measure will directly affect every individual American, every business and every institution in this Nation. A vast new government bureaucracy is being created with unprecedented powers. This is a very complex bill.

Other than about a half-dozen joint conferees, there is not a single Member of this House that knows the contents of the bill that is before us. I cannot possibly vote for any bill under these circumstances. Furthermore, I protest the procedures and tactics under which this legislation was written and moved on to the floor.

The history of this piece of legislation reveals that we started with a deadline—Christmas adjournment. The House leadership classified this bill as "emergency legislation." Many Members did not agree with that classification, pointing out that the President had already been given authority to allocate fuel and to impose rationing, along with other powers necessary to conserve energy. We simply ask, "What is the emergency?"

Nonetheless, the Energy Emergency Act was introduced on November 13, 1973 and was reported out by the Commerce Committee in less than 1 month. It was very apparent to every Member that the imposed deadline, rather than careful consideration, was the determinate factor in getting the bill out of the Commerce Committee. In private conversations with committee members, I was shocked to learn the details of the committee's work.

During committee markup, I learned that over 100 amendments were offered. Well over half of these amendments were debated under a 10-minute time limitation. Over 30 amendments were debated with a 1-minute limitation. Obviously, under such circumstances, the committee had not given full consideration to all factors.

Immediately following Commerce Committee consideration, the bill was rushed to the Rules Committee. A rule was obtained wherein the required 3-day rule was waived and the bill was brought directly to the floor. Most important, no Member was able to see a copy of the bill until floor debate was started.

Mr. Speaker, as you well know, it is impossible for anyone to read a complicated legal bill while also listening to debate. Therefore, no Member was able to study and analyze the bill prior to debate. No Member could intelligently debate the bill.

Furthermore, the bill was brought on to the floor with a procedure that severely limited floor amendments by any member other than those who were on the Interstate and Foreign Commerce Committee. The fact that a very large number of amendments were introduced by committee members, while the bill was on the floor, provided evidence that the committee work had been incomplete.

During floor debate, over 100 amendments were offered. Only a very few were accompanied by meaningful debate. Over half of the amendments were read without any debate, without members having copies to study, without any discussion or explanation of the amendments, and with little or no understanding on the part of Members.

In the Joint Senate-House conference committee, according to the Washington Post, the bill was completely rewritten. It saddens me to have to use a daily newspaper as my only source of information, but that is the only source that I have. Even now as we consider the conference report, no Member has a copy of the bill nor the conference report, nor the Senate amendments. No member has

the slightest idea about what he is voting on.

Mr. Speaker, I cannot vote in this manner. Furthermore, I protest this kind of procedure and I refuse to be a part of it.

As a freshman Member, I am willing to be guided by our experienced House leadership. If the leadership classifies this bill as "emergency legislation", I will be glad to give it full consideration. However, when I say "full consideration," I mean just that. I am not willing to vote blind on any bill just because a few senior Members say that it is important, even though I respect them very highly. To vote in such a manner would be a violation of the trust placed in me by my constituents.

I am willing to return to the House immediately after the Christmas holiday and work on this legislation. Or for that matter, I am willing to stay here during the holiday.

But, Mr. Speaker, I am totally unwilling to vote for this bill without having read a single word of its contents and without having an opportunity to carefully study the ramifications that it might have on my constituents.

Mr. RHODES. Mr. Speaker, will the gentleman yield for what I think will be a correction?

Mr. STAGGERS. Yes, I yield to the gentleman from Arizona.

Mr. RHODES. Mr. Speaker, as I understand the gentleman's bill and the Senate bill, the Senate bill provides for a veto on the part of the House and the Senate for conservation measures. It is not like the Gulf of Tonkin resolution which the gentleman from Connecticut mentioned. There are provisions for vetoes in the Senate bill.

Mr. STAGGERS. The gentleman is correct.

But I might say, Mr. Speaker, that is true, with the exception of the one thing, that there is no veto on the rationing in the bill at all.

As far as the other sections are concerned. I will go over them once more.

Section 103 has been amended to eliminate provisions which freed the Administrator of the Federal Emergency Energy Administration from various OMB controls.

Section 105, relating to emergency conservation regulations, has been changed to limit the duration of any regulation to April 1, 1974.

Section 124, which proposed to give the Administrator authority to call for reports on emergency reserves, has been amended to give this authority instead to the Department of Justice and the Department of the Interior of the United States.

Then section 110, dealing with windfall profits, has now been deleted.

There are no other changes from the conference report.

Mr. HOSMER. Mr. Speaker, I am going to yield time to two speakers.

I wish now to yield 6 minutes to the gentleman from North Carolina (Mr. RUTH).

Mr. RUTH. Mr. Speaker, I would like to explain to my colleagues why it would be a mistake to adopt this resolution or any other resolution or the conference report.

I recall a story about a baseball player who was playing third base, and he made three errors in a row, one on a fly ball, one on a ground ball, and another on a throw.

So the manager took him out and played third base himself. Then the manager made two errors, and he came to the dugout and said, "You have got third base so messed up that nobody can play it."

I do not know what is in this resolution, and I do not think I am alone in that.

With all respect to the chairman of the committee, he just made a remark that he did not know whether EPA was in this, and if he does not know what is in it, then who does?

Let us take a look, Mr. Speaker, at how this baseball game parallels this bill. We agreed that the bill was prepared hurriedly. We were not sure what would be best for the country, but our primary propelling force was that something was expected of us, so we are going to give them something whether we know what it is or not.

We tried to write the bill on the floor. I have always told my constituents that bills were prepared in the committee, and I found out I was right. We prepared it in the Committee of the Whole House, so I am considering putting on my stationery that I am on the Committee of the Whole House on the State of the Union.

Then we wanted to make sure we never got any glimpse of our objective.

So we started voting on the amendments without having them explained. We stayed in the dark.

Now we are being asked again to vote on something without any knowledge of what it is. Now, I voted "present" on most of the amendments, and there was a whole group of Members who did likewise because we did not know what was going on. I had never voted "present" before, but I had to do so this time.

I voted "aye" on final passage so that the Members of the conference could clean up the bill. Well, they really cleaned it up. They took the antibusing amendment clean out of it. Of course, this had passed the House twice, and only failed in the Senate by one vote.

The bill has no accommodation from ecology, none at all. We are going to have the prettiest, cleanest, cold, and broke country in this world, with few jobs, but all of them safe—and no way to get to them.

Now, more importantly than our overreaction to ecology and safety in bringing this energy crunch to the place we now have it, is our interference with the free enterprise system. We became the land of plenty through free enterprise. Controls have helped put us where we are today. Also we get duped by titles. We call this an energy bill. We might just as well call it a nonenergy bill. It guarantees scarcities and it encourages strikes, which we have been seeing develop all over the country.

The biggest problem that I have seen us face in this House is to eradicate bad legislation, and I have not seen it in the 5 years I have been present here.

So if you have any doubts about what is in the bill, I encourage you to vote against it.

I would like to close with just one other little story—not because it is new, but because it is so apropos:

There was an individual who was extremely successful, so successful that a young man went up to him and said, "To what do you attribute your success?" And he said, "Young man, I cannot give you the formula for success, but I can tell you the formula for failure, and that is to try to please everybody."

Mr. STAGGERS. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. Mr. Speaker, I rise to pay tribute to my friend and colleague, the gentleman from West Virginia, the Honorable HARLEY STAGGERS. The gentleman has proceeded with great patience and great caution through great difficulty. He has worked night and day, in committee and in conference and on the floor, and this body owes him a vote of confidence in sincere tribute for his earnest, able, and honorable efforts on behalf of this body. He has been a man of not only patience and great integrity, but he has worked hard and he has done his best. The House, I think, has done its best, and I think that the other body—I must say with regret—has done its worst.

The question before us now, tonight, is simply whether we are going to write a bill that is going to carry out the agreements honorably made between this body and the other body, or whether we will supinely let a small group of willful men over there dictate to the country, to the Senate, and to the House, by the utilization of the filibuster, alone, as to what shall go into this legislation.

The question is not what the issue is, because the issue is a very simple one. We brought this legislation to you. We explained it clearly in the conference report. We brought the legislation to you, and it was explained clearly in other papers presented to the body. And this legislation has been rather clearly explained in the discussion before us.

But the fact of the matter is that what is involved here is really very simple, and that is whether or not this body is going to lay down, roll over and play dead for the other body and for the oil companies.

As I say, what is at issue here is a very simple thing: Profits for the oil companies, windfall profits, if you please—not the ordinary level of profits, but whether they should be able to continue to double, redouble, and double again their profits in the forthcoming years, as they have been doing in the time of this crisis. That is what is at stake.

And, in the case of the oil companies, we will find that, while everybody else is asked to tighten their belts, to conserve, give up driving, and other luxuries

and necessities, the oil companies are making a killing.

Now, it should be understood that there is an abundance of legislation on the books.

Affording the President authority to allocate, to ration and to meet the crisis in the energy field.

If we forego the opportunity here, all we will have is a vote on special interest, oil industry, dictated legislation.

Let us legislate indefinitely and put forward worthwhile legislation meeting the public need.

I have loyally supported this legislation, partly out of respect for my chairman, partly out of the fact that there were good things in it, and partly out of an awareness that politically we are going to be denounced by the man in the White House if we do not go for this legislation.

But the hard fact of the matter is that the President right now has authority to control prices and profits. The President right now has authority fully to allocate fuels. The President has authority right now to ration. The other things in this bill are mostly only vague in character and can be considered when we return.

What I would suggest to my colleagues is to vote "no" on this legislation at this time, as I intend to do. Let us go home. Let us see what the people think. Let us have a time to consider this legislation before us with more care. Let us adjourn, and let us vote this legislation down and come back and get worthwhile legislation that will control windfall profits. Let us legislate under conditions more productive of the public interest and less of special interest service.

The SPEAKER. The time of the gentleman has expired.

Mr. STAGGERS. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. ROE).

Mr. ROE. Mr. Speaker, I have listened intently to the hearts and the minds and the souls of the people who have spoken here tonight. I do not believe there is anyone in this House, man or woman, who has spoken against his country. But would it be so wrong to call upon the Members' attention to remember one thing. Who is the master and who is the governed? There is one thing that is important to all of us tonight, and that is what about the people of America? We have spoken loudly and clearly about vested interests, and who hurts whom. But the important thing that the American people are talking about is not windfall profits or who is going to get what out of this bill. The American people are asking us to do one thing on Christmas Eve: "For God's sake, do something for us," the 230 million people strong who look to our eyes and our hearts to be human beings and fulfill the responsibility that we accepted when we ran for public office.

We said to them, "Come vote for us because we want to go to the House of Representatives and we want to go to the Senate, and we want to speak for our people, because we believe in our country and we believe we can help our people."

All of this debate has been about can we or can we not? Are we capable? There are 435 people strong in this House who can speak and say it as it ought to be said. The American people are saying one thing to us. They are not talking about whose ox is gored. They are asking us to do one simple, basic thing: Give us equity; give us fair play; give us an opportunity to be part of this country; yes, speak for us. Yes, go home. Yes, tell us what you did on Christmas Eve for your country.

Merry Christmas, Mr. Speaker, what we ought to do is sit down, with reasonable, decent people who want to help to resolve this critical problem. I want to go home to my people and not talk about oil, not talk about who failed or who won or lost. I want to vote for a bill, but I want to vote for a bill that is fair to John Q. Public Citizen, the decent people who are making this country run and not politicians.

The SPEAKER. The time of the gentleman has expired.

Mr. STAGGERS. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. CAREY).

Mr. CAREY of New York. Mr. Speaker, I served on the Interior Committee of this House for 10 years, during which time I joined with the gentleman from Massachusetts (Mr. CONTE) and many others to warn of the dangers of the oil import program. I wrote a minority report back in 1968 indicating we were getting into this fix. It had to happen because of the oil import quota system. No one listened then. Please listen now.

Mr. Simon, who has undertaken the responsibility of controlling the energy shortage, needs some legislative enactment to conduct the program. This is our last chance to act before that shortage becomes more severe and unmanageable. It is later than we think.

Mr. Speaker, I served for most of my adult life after I graduated from law school in the energy field. I know how serious this situation has become. We have already lost the opportunity to cope with the shortage through more than 20 percent of the heating season. If we drag on, the worst season will be upon us. The heating and lighting and power shortage will hit harder in January and February and March. The people will blame the Congress that went home in December without doing something about it.

Mr. Speaker, this is our last chance to meet the light, heat, and power shortage that is bound to occur.

If we are worrying about excess profits, I sit now on the Committee on Ways and Means. Chairman MILLS of that committee has said he is going to bring forth a tax measure that will cope in a proper way with excess profits. That can only be done by an exact accounting system conducted by the IRS, and that is not in any bill. Product shortage and profit shortage are separate problems and should be handled that way.

Give the Committee on Ways and Means a chance when it sits in January to look at the profits structure and come out with a bill that we can pass on both sides to allow that there is a reasonable profit but no excess profits. That is when we can do that but tonight is the night to cope with the shortage that is going to occur in the first quarter of 1974. If we do not do this, Congress will have failed to meet the duty that we have to do to cope with the shortage. Give Mr. Simon a chance to conduct this program.

If you defeat this bill the only alternative is the Senate bill and that I fear is an unknown quantity and probably unacceptable.

The next vote is our last chance to get a temporary bill to carry us through this winter. Let us not miss that chance.

Mr. HOSMER. Mr. Speaker, I yield 3 minutes to the gentleman from Arizona, the minority leader (Mr. RHODES).

Mr. RHODES. Mr. Speaker, I dislike opposing the latest proposal offered by the gentleman from West Virginia. He has certainly tried and tried very diligently to get a bill and I am going to help him get a bill. But I cannot help him this way for one very simple reason.

I just called the distinguished minority whip of the Senate. He tells me that there is no chance there is a quorum of the Senate in this city tonight. He says there is a chance that there might be one tomorrow but he is not sure at all that there will be one.

Let us understand this. This bill is just about the same as the bill which we voted down previously. We voted it down because we wanted a law, and I think most of us understood that the only way we can be sure of getting a law and getting one tonight in a form which deals effectively with the energy crisis is to take the Senate-passed bill, pass it, and send it to the President.

So Mr. Speaker, I ask that once again there be a "No" vote on this proposal and that we then if the gentleman from West Virginia is willing to give us a vote on the Senate bill, see whether we want to take it or whether we do not. I think it is time to do that.

Mr. STAGGERS. Mr. Speaker, I want to say to the gentleman again if we take this Senate bill, which I cannot do, it denies this Congress from knowing what is going on in this legislation, and how can we legislate when we do not know?

Mr. RHODES. Mr. Speaker, I respectfully have to differ with the gentleman from West Virginia. I do not know what there is about this bill which shuts off our right to know. Will the gentleman explain?

Mr. STAGGERS. Yes. In our bill we ask for certain things to be revealed so we can legislate in the area with knowledge. If we do not know, we cannot.

Mr. RHODES. But the gentleman from West Virginia knows full well that the bill which passed the House and passed the Senate is still in conference, and if the gentleman desires to take it out of

conference after January 21 he can do so and provide for these reports.

Mr. STAGGERS. Let me say I am not going to take up the Senate bill which will deny to this House knowledge which we need to have to legislate in an area where we do not know what we are doing.

Mr. RHODES. I just cannot lend credence to the proposition that the gentleman from West Virginia would deny this House the only chance it has to pass an adequate bill before we go home. The country needs it, our constituents are entitled to it.

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

Mr. RHODES. I yield to the majority leader.

Mr. O'NEILL. Mr. Speaker, has the time come when we accept the statement of the minority leader that we should act on the basis of what is the feeling of the minority whip of the Senate? In other words, this House should act tonight because the Senate minority leader says something?

Mr. RHODES. I did not say that. I said the minority whip of the Senate said there is no doubt there is no quorum tonight and there is a doubt there will be one tomorrow.

Mr. O'NEILL. I have been told in the Senate that there is a quorum available.

Mr. RHODES. If the gentleman wants to spend Christmas in this Chamber I will spend it with him.

Mr. STAGGERS. Mr. Speaker, I yield 2 minutes to the gentleman from Kansas (Mr. ROY).

Mr. ROY. Mr. Speaker, I want to thank the chairman for making this resolution available to the House to vote upon because I think it gives each of us a chance to say clearly how we feel about windfall profits, because this is the only difference between the previous one and this one.

We cannot wait for the Senate Finance and the Ways and Means Committees to act with respect to windfall profits. I have reason to believe that at this time there are tens of millions of dollars in excess, unreasonable, and windfall profits going to the oil companies each day and hundreds of millions of dollars each week, and billions of dollars each month. Why?

Just this week Secretary of the Treasury Mr. Shultz proposed that we tax crude oil only on increase above the base price, that is the price reflecting a reasonable and normal profit. He proposed, we not tax the first 25 cents that we tax the next 35 cents at a rate of 10 percent and so until after $2.5 above base we levy at tax of 85 percent. He estimated this tax on excess profits on crude oil alone would bring into the Treasury of the United States an estimated $3 to $5 billion during the first year.

I want to submit to my colleagues that the excess profits retained by the oil companies would be multiples of that $3 to $5 billion it is estimated would accrue to the Treasury of the Unted States under the proposal floated 2 days ago by the Secretary of the Treasury.

I do not think we can wait while such profits pile up. I think we must now direct the President to specify prices to avoid windfall profits. Moreover, there has to be a remedy and a definition and for this reason I urge a vote of "no" on this resolution which strikes windfall profit reduction.

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

Mr. STAGGERS. Mr. Speaker, I yield to the gentleman from Michigan.

Mr. DINGELL. Mr. Speaker, we are informed that the Ways and Means Committee and the Senate Finance Committee are going to consider this matter of windfall profits. The man who is filibustering the legislation before us in the Senate right now is the chairman of the Senate Finance Committee. He is opposed to putting controls on oil company profits. How much chance does this show there is for fair consideration of fair excess profits tax legislation at any early time. The answer is not much. Not much at all.

Mr. STAGGERS. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. MACDONALD).

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

I am pragmatic enough to know that I am not going to change any minds, and I am not about to try to do that.

However, I would like all the Members to know, who have not had the opportunity to serve, as I have, with our chairman of the Interstate and Foreign Commerce Committee and seeing him work day in and day out with his whole heart and his whole soul, with every ability at his command, they can have nothing but the highest respect for the man HARLEY STAGGERS.

Mr. Speaker, it does ill repute to anyone in this body to derogate in any way any such man. We should be proud to have him, as I am, among our membership.

The SPEAKER. The question is on the motion offered by the gentleman from West Virginia (Mr. STAGGERS) that the House suspend the rules and agree to the House resolution (H. Res. 760).

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

RECORDED VOTE

Mr. STAGGERS. Mr. Speaker, on that I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 22, noes 240, not voting 170, as follows:

[Roll No. 722]

AYES—22

Andrews, N.C.	Hastings	Perkins
Bennett	Henderson	Preyer
Breaux	Hicks	Robison, N.Y.
Broyhill, N.C.	Long, Md.	Staggers
Carey, N.Y.	McFall	Stratton
Foley	Mollohan	Taylor, N.C.
Fraser	O'Hara	
Hamilton	Passman	

NOES—240

Abdnor	Ashley	Biester
Adams	Badillo	Blatnik
Alexander	Barrett	Boland
Annunzio	Bauman	Bowen
Archer	Beard	Brademas
Armstrong	Bergland	Bray
Breckinridge	Hansen, Idaho	Pike
Brinkley	Hawkins	Powell, Ohio
Broomfield	Hechler, W. Va.	Price, Ill.
Brown, Calif.	Heckler, Mass.	Pritchard
Brown, Mich.	Helstoski	Quie
Brown, Ohio	Hogan	Randall
Broyhill, Va.	Holifield	Rangel
Buchanan	Holtzman	Regula
Burke, Fla.	Horton	Reuss
Burke, Mass.	Hosmer	Rhodes
Burleson, Tex.	Howard	Rinaldo
Burlison, Mo.	Huber	Roberts
Carter	Hudnut	Robinson, Va.
Casey, Tex.	Hungate	Rodino
Cederberg	Ichord	Roe
Chappell	Johnson, Calif.	Rogers
Clark	Johnson, Pa.	Rooney, Pa.
Clausen, Don H.	Jones, N.C.	Rose
	Jones, Okla.	Rosenthal
Clawson, Del	Jones, Tenn.	Roush
Clay	Jordan	Roy
Cochran	Karth	Ruth
Cohen	Kastenmeier	St Germain
Conable	Kazen	Sandman
Conlan	Kemp	Sarbanes
Conte	Ketchum	Satterfield
Coughlin	King	Schroeder
Crane	Koch	Seiberling
Cronin	Kyros	Shuster
Culver	Latta	Skubitz
Daniel, Dan	Litton	Slack
Daniel, Robert W., Jr.	Long, La.	Spence
	McCloskey	Stanton, J. William
Davis, Ga.	McCollister	
Davis, S.C.	McCormack	Stanton, James V.
Davis, Wis.	McDade	
de la Garza	McKay	Steele
Dellums	McKinney	Steelman
Denholm	Macdonald	Steiger, Wis.
Dennis	Mahon	Stokes
Derwinski	Mallary	Stuckey
Dingell	Mann	Studds
Donohue	Maraziti	Symington
Dorn	Martin, N.C.	Symms
Downing	Mathias, Calif.	Talcott
Drinan	Mathis, Ga.	Thompson, N.J.
Duncan	Matsunaga	Thomson, Wis.
Eckhardt	Mayne	Thone
Edwards, Calif.	Mazzoli	Thornton
Eilberg	Meeds	Tiernan
Erlenborn	Melcher	Towell, Nev.
Esch	Metcalfe	Treen
Evans, Colo.	Mezvinsky	Udall
Fascell	Milford	Ullman
Findley	Miller	Vander Jagt
Fisher	Minish	Vanik
Flood	Mink	Waggonner
Flowers	Mitchell, Md.	Waldie
Ford, William D.	Mitchell, N.Y.	Wampler
	Mizell	Whalen
Forsythe	Moakley	Whitten
Fountain	Montgomery	Wilson, Charles H., Calif.
Frenzel	Moorhead, Calif.	
Gaydos	Morgan	Wilson, Charles, Tex.
Giaimo	Mosher	
Gilman	Myers	Winn
Ginn	Natcher	Wyatt
Gonzalez	Nedzi	Wylie
Goodling	Obey	Yatron
Gray	O'Neill	Young, Alaska
Green, Pa.	Owens	Young, Fla.
Gude	Parris	Young, Ga.
Gunter	Patman	Young, Ill.
Guyer	Patten	Young, S.C.
Hammer-schmidt	Pepper	Zablocki
	Pettis	
Hanley	Pickle	
Hanrahan		

NOT VOTING—170

Abzug	Burton	Dulski
Addabbo	Butler	du Pont
Anderson, Calif.	Byron	Edwards, Ala.
	Camp	Eshleman
Anderson, Ill.	Carney, Ohio	Evins, Tenn.
Andrews, N. Dak.	Chamberlain	Fish
	Chisholm	Flynt
Arends	Clancy	Frelinghuysen
Ashbrook	Cleveland	Frey
Aspin	Collier	Froehlich
Bafalis	Collins, Ill.	Fulton
Baker	Collins, Tex.	Fuqua
Bell	Conyers	Gettys
Bevill	Corman	Gibbons
Biaggi	Cotter	Goldwater
Bingham	Daniels, Dominick V.	Grasso
Blackburn		Green, Oreg.
Boggs	Danielson	Griffiths
Bolling	Delaney	Gross
Brasco	Dellenback	Grover
Brooks	Dent	Gubser
Brotzman	Devine	Haley
Burgener	Dickinson	Hanna
Burke, Calif.	Diggs	Hansen, Wash.

Harrington	Moorhead, Pa.	Sikes
Harsha	Moss	Sisk
Harvey	Murphy, Ill.	Smith, Iowa
Hays	Murphy, N.Y.	Smith, N.Y.
Hébert	Nelsen	Snyder
Heinz	Nichols	Stark
Hillis	Nix	Steed
Hinshaw	O'Brien	Steiger, Ariz.
Holt	Peyser	Stephens
Hunt	Poage	Stubblefield
Hutchinson	Podell	Sullivan
Jarman	Price, Tex.	Taylor, Mo.
Johnson, Colo.	Quillen	Teague, Calif.
Jones, Ala.	Railsback	Teague, Tex.
Keating	Rarick	Van Deerlin
Kluczynski	Rees	Veysey
Kuykendall	Reid	Vigorito
Landgrebe	Riegle	Walsh
Landrum	Roncalio, Wyo.	Ware
Leggett	Roncallo, N.Y.	White
Lehman	Rooney, N.Y.	Whitehurst
Lent	Rostenkowski	Widnall
Lott	Rousselot	Wiggins
Lujan	Roybal	Williams
McClory	Runnels	Wilson, Bob
McEwen	Ruppe	Wolff
McSpadden	Ryan	Wright
Madden	Sarasin	Wydler
Madigan	Scherle	Wyman
Mailliard	Schneebeli	Yates
Martin, Nebr.	Sebelius	Young, Tex.
Michel	Shipley	Zion
Mills, Ark.	Shoup	Zwach
Minshall, Ohio	Shriver	

So (two-thirds not having voted in favor thereof) the motion was rejected.

The Clerk announced the following pairs:

Mr. Addabbo with Mr. Arends.
Mr. Hays with Mr. Harvey.
Mr. Bevill with Mr. Heinz.
Mr. Harrington with Mr. Gubser.
Mr. Anderson of California with Mr. Brotzman.
Mr. Gibbons with Mr. Frelinghuysen.
Mrs. Collins of Illinois with Mr. Danielson.
Mr. Biaggi with Mr. Anderson of Illinois.
Mrs. Hansen of Washington with Mr. Eshleman.
Mr. Aspin with Mr. Collier.
Mr. Gettys with Mr. Blackburn.
Mrs. Chisholm with Mr. Corman.
Mrs. Boggs with Mr. Andrews of North Dakota.
Mr. Evins of Tennessee with Mr. Fish.
Mr. Bingham with Mr. Cleveland.
Mr. Fuqua with Mr. Edwards of Alabama.
Mr. Delaney with Mr. Ashbrook.
Mr. Flynt with Mr. Frey.
Mrs. Burke of California with Mr. Butler.
Mr. Dent with Mr. Froehlich.
Mr. Brasco with Mr. Bafalis.
Mr. Fulton with Mr. Dellenback.
Mr. Carney of Ohio with Mr. du Pont.
Mr. Byron with Mr. Camp.
Mr. Hanna with Mr. Devine.
Mr. Haley with Mr. Clancy.
Ms. Abzug with Mr. Burton.
Mrs. Grasso with Mr. Goldwater.
Mr. Dominick V. Daniels with Mr. Baker.
Mr. Cotter with Mr. Dickinson.
Mrs. Griffiths with Mr. Grover.
Mr. Brooks with Mr. Chamberlain.
Mrs. Green of Oregon with Mr. Bell.
Mr. Diggs with Mr. Dulski.
Mr. Conyers with Mr. Leggett.
Mr. Hébert with Mr. Collins of Texas.

The result of the vote was announced as above recorded.

Mr. Jarman with Mr. Hillis.
Mr. Jones of Alabama with Mr. Keating.
Mr. Kluczynski with Mr. Hutchinson.
Mr. Landrum with Mr. Lott.
Mr. Mills of Arkansas with Mr. McEwen.
Mr. McSpadden with Mr. Hinshaw.
Mr. Lehman with Mr. Martin of Nebraska.
Mr. Moorhead of Pennsylvania with Mr. Lent.
Mr. Moss with Mr. Michel.
Mr. Madden with Mrs. Holt.
Mr. Nichols with Mr. Minshall of Ohio.
Mr. Murphy of Illinois with Mr. Lujan.
Mr. Podell with Mr. Kuykendall.
Mr. Rarick with Mr. O'Brien.
Mr. Murphy of New York with Mr. Hunt.
Mr. Rees with Mr. Madigan.
Mr. Riegle with Mr. Peyser.
Mr. Nix with Mr. Nelsen.
Mr. Reid with Mr. Landgrebe.
Mr. Roncalio of Wyoming with Mr. Mailliard.
Mr. Rooney of New York with Mr. Price of Texas.
Mr. Rostenkowski with Mr. Quillen.
Mr. Roybal with Mr. Railsback.
Mr. Shipley with Mr. Roncallo of New York.
Mr. Sisk with Mr. Sarasin.
Mr. Runnels with Mr. Rousselot.
Mr. Smith of Iowa with Mr. Steiger of Arizona.
Mr. Sikes with Mr. Scherle.
Mr. Stark with Mr. Ruppe.
Mrs. Sullivan with Mr. Shoup.
Mr. Ryan with Mr. Smith of New York.
Mr. Steed with Mr. Schneebeli.
Mr. Teague of California with Mr. Taylor of Missouri.
Mr. Stephens with Mr. Snyder.
Mr. Teague of Texas with Mr. Sebelius.
Mr. Stubblefield with Mr. Shriver.
Mr. Van Deerlin with Mr. Walsh.
Mr. Wolff with Mr. Ware.
Mr. Vigorito with Mr. Whitehurst.
Mr. White with Mr. Bob Wilson.
Mr. Wright with Mr. Wiggins.
Mr. Yates with Mr. Williams.
Mr. Zion with Mr. Wydler.
Mr. Zwach with Mr. Wyman.
Mr. McClory with Mr. Harsha.
Mr. Young of Texas with Mr. Widnall.

PROVIDING FOR AGREEING TO SENATE AMENDMENT TO HOUSE AMENDMENT WITH AN AMENDMENT TO AMEND S. 921, WILD AND SCENIC RIVERS ACT

Mr. STAGGERS. Mr. Speaker, I move to suspend the rules and agree to House resolution (H. Res. 761) to take from the Speaker's table the Senate bill S. 921, to amend the Wild and Scenic Rivers Act, with a Senate amendment to the House amendment thereto, and agree to the Senate amendment to the House amendment with an amendment.

The Clerk read as follows:

H. RES. 761

Resolved, That immediately upon the adoption of this resolution the bill S. 921, with the Senate amendment to the House 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.

The SPEAKER. Is a second demanded?

Mr. DINGELL. Mr. Speaker, I demand a second, and I demand tellers.

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

The SPEAKER. Is the gentleman opposed to the resolution?

Mr. BAUMAN. I am.

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

There was no objection.

The SPEAKER. The gentleman from West Virginia (Mr. STAGGERS) will be recognized for 20 minutes, and the gentleman from Maryland (Mr. BAUMAN) will be recognized for 20 minutes.

Mr. STAGGERS. Mr. Speaker, I again rise and say that it has been a trying situation and an emotional situation. I have now come to the point of offering the bill sent over by the Senate for the consideration of the House.

Mr. BAUMAN. Mr. Speaker, I yield 5 minutes to the gentleman from North Carolina (Mr. BROYHILL).

Mr. BROYHILL of North Carolina. Mr. Speaker, I know that the hour is getting late, and we have had a trying session tonight. To say that the session has been confused is an understatement, but I believe this country is looking to us for some leadership.

This bill, if we can pass it, can go to the President's desk. He can sign it. Actually, the bill that we are about to vote upon, I note, is not going to be defended by the chairman. It looks as though I am the only one here who has to do it.

We have the Energy Emergency Act that is contained in the conference report. We are in this situation. If we want a bill, this is the bill that we can send to the President's desk tonight. Title I of the Senate-passed bill is the same as in the conference report, except that title I expires in the Senate-passed bill, the bill that we are considering right now, on April 1, 1974, rather than May 15, 1975, as in the conference report bill. In addition, the Senate-passed bill eliminates section 110 which was in the conference report, which was the so-called windfall profits section. In addition, in section 124, the Senate-passed bill said that in the energy resources report section, the authority to obtain these reports would be vested in the Department of Justice and the Department of the Interior.

Also, there is a change in section 103 which creates the Federal Energy Administration, and that is to strike subsection (d) of section 103 which is in the conference report. This refers to certain reporting requirements of the Federal Energy Administrator.

I know there is controversy here, but it seems to me that we have a chance to act to do something about the crisis which is before us.

The bill that is before us has the same procedures as the conference report, copies of which are available to the Members, that is, that energy conservation plans that are promulgated and implemented by the Administrator would be subject to review, would be subject to oversight, would be subject to the 15 legislative days disapproval procedure, the same thing that is in the conference report.

It seems to me that this is a reasonable compromise. There are some, including the administration, who said that they wanted these energy conservation plans implemented without any congressional oversight. This bill, it seems to me, would be a reasonable compromise in recognizing the need for congressional partnership, one might say, in implementing these energy conservation plans.

I would think that the House would want to act on this bill tonight in order to send it to the President's desk, have it signed, get this issue out of the way, and, above all, see that these programs that are contained in this bill, particularly those in title II relating to emission standards, relating to auto emissions as

well as stationary emissions, be put into effect expeditiously and not wait another several months to pass another bill.

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

Mr. BROYHILL of North Carolina. I yield to the gentleman from California.

Mr. HOSMER. Mr. Speaker, I thank the gentleman very deeply and sincerely for saying such nice things about my scenic rivers bill. I hope everybody will vote for it tonight.

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

Mr. BROYHILL of North Carolina. I yield to the gentleman from Texas.

Mr. MILFORD. Mr. Speaker, I congratulate the gentleman in the well. He holds in his hands a conference report which my staff has been trying to obtain all day long today and was unable to. I understand the gentleman wants this House to vote on the bill which none of us has ever seen and on a conference report which none of has ever seen.

Mr. BROYHILL of North Carolina. I will say the conference reports are available here. I see Members who have had conference reports today.

This bill is of course complicated. I do not know how the gentleman voted when the bill came out of the House, but, speaking for one who has lived with this bill for the last month, I say that the Senate-passed bill is a workable bill, it is one in which we can get some action on this energy crisis, and we can do it now and not delay until next year.

I hope the gentleman will support this bill. To do otherwise means further delay.

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

Mr. BROYHILL of North Carolina. I yield to the gentleman from California.

Mr. KETCHUM. Mr. Speaker, is section 103 in the bill, the allocations section?

Mr. BROYHILL of North Carolina. The allocations section is in section 104.

Mr. KETCHUM. If the gentleman will yield further I would like to ask a question.

Mr. BROYHILL of North Carolina. Section 104 is the rationing section. I might say what this section does is this. The President already has the authority to ration and I think all of us recognize that, under past authority we have given him authority to impose rationing. What this bill does is to go further and say no rule under this section can impose a tax or surcharge. I would think this is a good provision. At least I believe it is.

Mr. KETCHUM. I will go further now to the question the gentleman has already stated, that these powers already exist, but in the bill we had a provision for congressional veto on rationing. That is no longer in this bill. Is that correct?

Mr. BROYHILL of North Carolina. That is correct.

Mr. KETCHUM. Mr. Speaker, for 3 days last week, this body worked long into the night debating the Energy Emergency Act. After pending before the Congress for several weeks, this bill was pushed through the House with unseemly haste, which precluded close scrutiny of its provisions. We did not even have the time to debate scores of amendments to this terrible bill which was badly in need of amendment. Certainly, this was the case with the amendment offered by my esteemed colleague, the gentleman from Pennsylvania (Mr. JOHN HEINZ), which restored to the Congress the power to vote on a program of gasoline rationing.

Mr. Speaker, in my mind this was the most important amendment to this bill, and as I pointed out in my remarks last week it certainly deserved more time for debate. I am delighted, however, that it was included in the House version of the bill. The time has passed for the Congress to stop talking about reasserting its lost authority and do something to get it back. That is what this amendment was all about. It precluded simply passing over to the executive branch the power to institute a massive program of rationing without even a vote in Congress.

Now we are informed that this bill will not include this vital amendment. Once more, the Congress will grant extraordinary powers to the President and shirk from its responsibility to face this crisis squarely. I deplore this action on the part of our conferees in retreating from the fight, and thus I shall not vote for this bill which simply grants more power to the executive branch and absolves Congress from its proper role and responsibilities.

Mr. BAUMAN. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. HASTINGS).

Mr. HASTINGS. Mr. Speaker, I thank the gentleman from Maryland for yielding.

I will be brief. I think it is important we understand what is in title II of this bill again. I heard a great deal of comment on this floor when we passed the House bill and particularly from the gentlemen from the State of California, among others, who were concerned with the Environmental Protection Agency's right to impose parking surcharges in their respective States.

If the gentlemen want to remove that right, they will approve this bill because we suspend the right of EPA to impose a parking surcharge under title II of this bill. If we want to take away from EPA the right to impose that and have congressional authority to implement the parking plan which says they will tell Members where they can in their State build buildings, then we have to have title II.

I can only repeat if we want to have powerplants in this country convert from petroleum to coal, the only way we can do it is if title II is approved.

If we want to have auto emissions standards suspensions, and I might say that these are a modification and compromise between the Senate and House versions, which still protects the right of the environment, then we must approve title II.

This is the only opportunity we now have available to us. If we want to achieve those things, then we vote for this bill.

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

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

Mr. WHITTEN. Mr. Speaker, am I not right that the existing authority of the Environmental Protection Agency to extend the time for requiring automobile changes has been changed and can waive present requirements? So while existing law does not require extension of the time, the law authorizing the requirements also provides for waiver.

Mr. HASTINGS. I would answer the gentleman by saying the Environmental Protection Agency has advised our committee they are not interested in waiving or suspending any of the existing standards.

Mr. WHITTEN. The question I asked had to do with the authority to postpone. I sincerely believe we will require a postponement, a waiver, and authorize removal of existing expensive and gas-consuming devices.

Mr. JAMES V. STANTON. Mr. Speaker, we are led to believe that we are left with no alternative, but I think there is an alternative.

Rather than vote for a bill which represents what the major oil companies and what the President want, the alternative is to come back on January 4 or 5 and go to work and complete a bill that is not put to us by a gun summoned by Senator LONG or those other interests in the Senate.

If this House had the courage and the will and the fortitude, it would not willy-nilly submit itself to this process that it is now going through. If the character and the strength of the leadership of this House was what it has been saying it was going to do all year, making the legislative branch of the Government a viable force here in the United States that could be supported by the will of the American people, then they would take the courage and the action of calling this House back on January 5 and acting on an energy bill that is not dictated by the oil interests and by Richard Nixon.

Mr. BAUMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. HUBER).

Mr. HUBER. Mr. Speaker, I am very concerned. I do not know what happened to the busing situation. As I understand it, that provision was taken out of the bill.

Mr. Speaker, as I understand it, at this late hour, this great representative body that is supposed to be of the people, by the people, and for the people, are going to vote for something that is going to make sure that the kids get bused. Then we would be doing a great disservice to the people and I ask my fellow Congressman to vote "no."

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

Mr. HUBER. Mr. Speaker, I yield to the gentleman from Michigan.

Mr. DINGELL. Mr. Speaker, I thank the gentleman for his kindness and say that he is right. If the Members want another chance to get the busing provisions

back, vote no on the bill and we will get another chance.

Mr. BAUMAN. Mr. Speaker, I yield 1 minute to the distinguished minority leader, the gentleman from Arizona (Mr. RHODES).

Mr. RHODES. Mr. Speaker, this is the only way to get an energy bill tonight. I respectfully submit that this is a bill which should be passed. It is a bill which the people of the United States expect us to pass.

Mr. Speaker, I hope that we will vote "aye," and pass this bill.

Mr. STAGGERS. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. HOLIFIELD).

Mr. HOLIFIELD. Mr. Speaker, I am going to vote "no" on this bill. I have three oil fields in my district; one in my home town of Montebello; one in President Nixon's former home town of Whittier; and one in Santa Fe Springs. In addition, my district is very near the great Long Beach oil field, which my friend from California (Mr. HOSMER), represents. So let no one say that I do not have oil interests in my district.

But I want to read something to the Members, and this was in the CONGRESSIONAL RECORD this week, put in by my friend from Illinois (Mr. PRICE):

> The increase in profits in the third quarter of Exxon was 81 percent; of Mobil 64 percent; of Texaco 48 percent; Gulf 91 percent.

That is the increase in profits. Every time they put a penny increase on a gallon of gasoline they take in $1 billion. Mr. Shultz testified on that before the Ways and Means Committee. This is what we are letting ourselves in for.

The conference report requires statistics on the amount of oil in this country so that we could base equitable prices to control the profits on an equitable basis. It requires a limit on windfall profits. There is no limit on windfall profits in the Senate bill.

We talk about getting a bill tonight—I was in Bethesda three times this week. I am as tired and I am as weak as any man in this body right now, but I will stay here; I will come back on the fifth of January, the second or third or any other time to take the time that is necessary to fight this thing out. I do not mean under a suspension of the rules, but if we have to stay another 3 days—and I pay tribute to the gentleman from West Virginia for the extremely difficult legislative job that he has tried to do under conditions of extreme pressure and limited time.

Mr. Speaker, I say we are not handling this legislation the way it should be handled. I am willing to go home and tell my people that I did not vote for a bill that I thought was wrong. I am willing to tell them that I think it is wrong for these oil companies to get the excessive profits they are getting without any let or hindrance.

We are going to ask the people to sacrifice in many ways. We should have equitable sharing and that means that the oil companies should be willing to earn normal profits—not excessive profits.

This problem is a national problem. It needs an equitable solution. The sacrifices should be shared across the board by the great corporations as well as the mass of our people.

I could ask my people to take rationing, but that can be put on in another bill, and not this bill, and the allocations can be put on in another bill, not under this bill, for fuel oil and that sort of thing.

This vote is going to draw the line between the men and the boys.

Mr. STAGGERS. Mr. Speaker, I yield 2 minutes to the gentleman from Kansas (Mr. ROY).

Mr. ROY. Mr. Speaker, when I go home I am frequently asked, "Where were you when the energy crisis was developing?" I assume all of us in this Chamber are asked that question.

Of course, each of us has a different answer.

I submit to the Members that if we fail to put in a windfall profits section, when we go home we are going to be asked, "Where were you when prices were going up and profits were going up correspondingly?"

I am personally not willing to say to my people that during the week that crude oil prices were raised $1 by the Cost of Living Council without any attempt to justify on basis of costs I, in my rush to go home, caved in to the other body and passed an energy bill with no windfall profits restriction provision.

So, Mr. Speaker, I urge a "no" vote on the bill.

Mr. BAUMAN. Mr. Speaker, I yield such time as he may consume to the gentleman from North Carolina (Mr. MIZELL).

Mr. MIZELL. Mr. Speaker, I have asked for this time to ask the gentleman from Kansas this question:

Was he not the Member who offered the amendment that exempted the oil companies that were producing 25,000 barrels a day from the windfall profits section?

Mr. ROY. Mr. Speaker, I appreciate that question. But we have a problem of the big fish eating the little fish, and those little fish will not survive. The big fish will have all the oil, and there would be nothing the gentleman from North Carolina or myself could do about it.

Mr. MIZELL. The company who produces 25,000 barrels of oil per day should have benefit from windfall profits, under the gentleman's amendment.

Mr. BAUMAN. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. DERWINSKI).

Mr. DERWINSKI. Mr. Speaker, I hate to speak after the distinguished diplomats who have just addressed themselves to the subject, but the fact of life is that we face a bill that none of us have seen, and that none of us really know and, notwithstanding any exaggerated oratory, none of us knows who is benefiting or who is suffering.

The administrator of whatever program is on the books will struggle through between now and the 21st or the 28th of January, without any action tonight. They could go on through the end of February without any real action by this Congress, and I do not really understand why at this time of the night and under these conditions we should be voting in favor of a bill that none of us really understand.

Mr. Speaker, this bill will affect every living American, everybody in every Member's district, and I just do not understand the rationale of voting through a bill that will so directly affect every Member's constituent without more than one or two Members understanding what they are really doing.

Mr. Speaker, I suggest we vote down the pending issue.

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

Mr. Speaker, I rise in opposition to the pending resolution, the fragile vehicle to which fate has attached what is suddenly become the compromise emergency energy legislation.

If for no other reason, I and other Members of the House should oppose this illegitimate offspring of the energy crisis because of the manner in which it is being presented to us on this cold and snowy almost-Christmas eve. Do any of us really know what is contained in this proposal so new that the ink is not even dry? After 4 exhausting days of debate on the previous emergency energy bill and this legislative sideshow we have seen tonight we should have learned at least one thing; that this entire subject is far more complex and the need for solutions far too grave to address it in such a slipshod and unparliamentary manner. We have nothing here to recommend the contents of this brand new surprise package other then the bland assurances of its midwives who have also been called into emergency service tonight. Have any of us even had the chance to read what this so-called compromise says?

It is my understanding that the bill as passed by the other body within the last few hours gives to the President and the executive branch almost unlimited power over the energy crisis for a period of 60 days. Does this mean that the President can impose a tax on gasoline as a means to discourage use? Does it mean that he can slap on a bureaucratic system of rationing? Can he issue more and more regulations over which the Congress will have little or no control?

I for one am opposed to rationing and taxes as a means to solve the energy crisis and I think all of us in Congress should have the final say on what is to be done.

Mr. Speaker, it amazes me to see the representatives of the people of this great Nation so willing to turn over to the executive branch the life and death power over the national economy and the lives of every one of our citizens. I want a chance to cast a vote on any plans that will affect my constituents and as I see it, this legislation may well deny me that right by placing all power in the hands of the Executive.

Where are the champions of the powers of Congress now? Where are those who have cried out against Execu-

tive usurpation of the powers of the national legislature? I for one was not sent here to surrender the power of Congress to any President of either party, and especially not the power over the grave crisis we are facing with regard to energy. I am opposed to this bill and I believe that those who support it will live to see the day that they will regret their action.

The SPEAKER. Will the Members of the House give the Chair their attention. The electronic equipment is out of order. It is evident that it is not going to be repaired in time to finish this bill tonight. The Chair knows of no way in which to handle this matter except by a rollcall vote, and to combine with the rollcall vote any Member whose name is recorded who has left.

The question is on the motion offered by the gentleman from West Virginia (Mr. STAGGERS) that the House suspend the rules and agree to the resolution, House Resolution 761.

The question was taken.

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

The yeas and nays were ordered.

The question was taken; and there were—yeas 36, nays 228, not voting 168, as follows:

[Roll No. 723]

YEAS—36

Bennett	Frenzel	Preyer
Biester	Hamilton	Pritchard
Breaux	Hastings	Rhodes
Broyhill, N.C.	Henderson	Robison, N.Y.
Broyhill, Va.	Hosmer	Staggers
Cederberg	Johnson, Pa.	Stratton
Clausen, Don H.	McClory	Treen
	McCollister	Vander Jagt
Cochran	McFall	Wampler
Cohen	Maraziti	Wyatt
Davis, Wis.	Martin, N.C.	Wylie
Findley	Mitchell, N.Y.	
Forsythe	Pettis	

NAYS—228

Abdnor	Davis, Ga.	Harsha
Adams	Davis, S.C.	Hawkins
Alexander	de la Garza	Hechler, W. Va.
Andrews, N.C.	Dellums	Heckler, Mass.
Annunzio	Denholm	Helstoski
Archer	Dennis	Hicks
Armstrong	Derwinski	Hogan
Ashley	Dingell	Holifield
Badillo	Donohue	Holtzman
Barrett	Dorn	Horton
Bauman	Downing	Howard
Beard	Drinan	Huber
Bergland	Duncan	Hudnut
Blatnik	Eckhardt	Hungate
Boland	Edwards, Calif.	Ichord
Bowen	Eilberg	Johnson, Calif.
Brademas	Erlenborn	Jones, N.C.
Bray	Esch	Jones, Okla.
Breckinridge	Evans, Colo.	Jones, Tenn.
Brinkley	Fascell	Jordan
Broomfield	Fisher	Karth
Brown, Calif.	Flood	Kastenmeier
Brown, Ohio	Flowers	Kazen
Buchanan	Foley	Kemp
Burke, Fla.	Ford, William D.	Ketchum
Burke, Mass.	Fountain	King
Burleson, Tex.	Fraser	Koch
Burlison, Mo.	Gaydos	Kyros
Carey, N.Y.	Giaimo	Latta
Carter	Gilman	Litton
Casey, Tex.	Ginn	Long, La.
Chappell	Gonzalez	Long, Md.
Clark	Goodling	McCloskey
Clawson, Del	Gray	McCormack
Conable	Green, Pa.	McDade
Conlan	Gude	McKay
Conte	Gunter	McKinney
Coughlin	Guyer	Macdonald
Crane	Hammer-schmidt	Mahon
Cronin	Hanley	Mallary
Culver	Hanrahan	Mann
Daniel, Dan	Hansen, Idaho	Mathias, Calif.
Daniel, Robert W., Jr.		Mathis, Ga.
		Matsunaga
Mayne	Price, Ill.	Stokes
Mazzoli	Quie	Stuckey
Meeds	Randall	Studds
Melcher	Rangel	Symington
Metcalfe	Regula	Symms
Mezvinsky	Reuss	Talcott
Milford	Rinaldo	Taylor, N.C.
Miller	Roberts	Thompson, N.J.
Minish	Robinson, Va.	Thomson, Wis.
Mink	Rodino	Thone
Mitchell, Md.	Roe	Thornton
Mizell	Rogers	Tiernan
Moakley	Rooney, Pa.	Towell, Nev.
Mollohan	Rose	Udall
Montgomery	Rosenthal	Ullman
Moorhead, Calif.	Roush	Vanik
	Roy	Waggonner
Morgan	Ruth	Waldie
Mosher	St Germain	Whalen
Myers	Sandman	Whitten
Natcher	Sarbanes	Widnall
Nedzi	Satterfield	Wilson, Charles H., Calif.
Obey	Schroeder	
O'Hara	Seiberling	
O'Neill	Shuster	Wilson, Charles, Tex.
Owens	Skubitz	
Parris	Slack	Winn
Passman	Spence	Yatron
Patman	Stanton, J. William	Young, Alaska
Patten		Young, Fla.
Pepper	Stanton, James V.	Young, Ga.
Perkins		Young, Ill.
Pickle	Steele	Young, S.C.
Pike	Steelman	Young, Tex.
Powell, Ohio	Steiger, Wis.	Zablocki

NOT VOTING—168

Abzug	Frelinghuysen	Peyser
Addabbo	Frey	Poage
Anderson, Calif.	Froehlich	Podell
	Fulton	Price, Tex.
Anderson, Ill.	Fuqua	Quillen
Andrews, N. Dak.	Gettys	Railsback
	Gibbons	Rarick
Arends	Goldwater	Rees
Ashbrook	Grasso	Reid
Aspin	Green, Oreg.	Riegle
Bafalis	Griffiths	Roncallo, Wyo.
Baker	Gross	Roncallo, N.Y.
Bell	Grover	Rooney, N.Y.
Bevill	Gubser	Rostenkowski
Biaggi	Haley	Rousselot
Bingham	Hanna	Roybal
Blackburn	Hansen, Wash.	Runnels
Boggs	Harrington	Ruppe
Bolling	Harvey	Ryan
Brasco	Hays	Sarasin
Brooks	Hébert	Scherle
Brotzman	Heinz	Schneebeli
Brown, Mich.	Hillis	Sebelius
Burgener	Hinshaw	Shipley
Burke, Calif.	Holt	Shoup
Burton	Hunt	Shriver
Butler	Hutchinson	Sikes
Byron	Jarman	Sisk
Camp	Johnson, Colo.	Smith, Iowa
Carney, Ohio	Jones, Ala.	Smith, N.Y.
Chamberlain	Keating	Snyder
Chisholm	Kluczynski	Stark
Clancy	Kuykendall	Steed
Clay	Landgrebe	Steiger, Ariz.
Cleveland	Landrum	Stephens
Collier	Leggett	Stubblefield
Collins, Ill.	Lehman	Sullivan
Collins, Tex.	Lent	Taylor, Mo.
Conyers	Lott	Teague, Calif.
Corman	Lujan	Teague, Tex.
Cotter	McEwen	Van Deerlin
Daniels, Dominick V.	McSpadden	Veysey
	Madden	Vigorito
Danielson	Madigan	Walsh
Delaney	Mailliard	Ware
Dellenback	Martin, Nebr.	White
Dent	Michel	Whitehurst
Devine	Mills, Ark.	Wiggins
Dickinson	Minshall, Ohio	Williams
Diggs	Moorhead, Pa.	Wilson, Bob
Dulski	Moss	Wolff
du Pont	Murphy, Ill.	Wright
Edwards, Ala.	Murphy, N.Y.	Wydler
Eshleman	Nelsen	Wyman
Evins, Tenn.	Nichols	Yates
Fish	Nix	Zion
Flynt	O'Brien	Zwach

So (two-thirds not having voted in favor thereof) the motion was rejected.

The Clerk announced the following pairs:

Mr. Addabbo with Mr. Arends.
Mr. Hays with Mr. Harvey.
Mr. Bevill with Mr. Heinz.
Mr. Harrington with Mr. Gubser.
Mr. Anderson of California with Mr. Brotzman.
Mr. Gibbons with Mr. Frelinghuysen.
Mrs. Collins of Illinois with Mr. Danielson.
Mr. Biaggi with Mr. Anderson of Illinois.
Mrs. Hansen of Washington with Mr. Eshleman.
Mr. Aspin with Mr. Collier.
Mr. Gettys with Mr. Blackburn.
Mrs. Chisholm with Mr. Corman.
Mrs. Boggs with Mr. Andrews of North Dakota.
Mr. Evins of Tennessee with Mr. Fish.
Mr. Bingham with Mr. Cleveland.
Mr. Fuqua with Mr. Edwards of Alabama.
Mr. Delaney with Mr. Ashbrook.
Mr. Flynt with Mr. Frey.
Mrs. Burke of California with Mr. Butler.
Mr. Dent with Mr. Froehlich.
Mr. Brasco with Mr. Bafalis.
Mr. Fulton with Mr. Dellenback.
Mr. Carney of Ohio with Mr. du Pont.
Mr. Byron with Mr. Camp.
Mr. Hanna with Mr. Devine.
Mr. Haley with Mr. Clancy.
Ms. Abzug with Mr. Burton.
Mrs. Grasso with Mr. Goldwater.
Mr. Dominick V. Daniels with Mr. Baker.
Mr. Cotter with Mr. Dickinson.
Mrs. Griffiths with Mr. Grover.
Mr. Brooks with Mr. Chamberlain.
Mrs. Green of Oregon with Mr. Bell.
Mr. Diggs with Mr. Dulski.
Mr. Conyers with Mr. Leggett.
Mr. Hébert with Mr. Collins of Texas.
Mr. Jarman with Mr. Hillis.
Mr. Jones of Alabama with Mr. Keating.
Mr. Kluczynski with Mr. Hutchinson.
Mr. Landrum with Mr. Lott.
Mr. Mills of Arkansas with Mr. McEwen.
Mr. McSpadden with Mr. Hinshaw.
Mr. Lehman with Mr. Martin of Nebraska.
Mr. Moorhead of Pennsylvania with Mr. Lent.
Mr. Moss with Mr. Michel.
Mr. Madden with Mrs. Holt.
Mr. Nichols with Mr. Minshall of Ohio.
Mr. Murphy of Illinois with Mr. Lujan.
Mr. Podell with Mr. Kuykendall.
Mr. Rarick with Mr. O'Brien.
Mr. Murphy of New York with Mr. Hunt.
Mr. Rees with Mr. Madigan.
Mr. Riegle with Mr. Peyser.
Mr. Nix with Mr. Nelsen.
Mr. Reid with Mr. Landgrebe.
Mr. Roncallo of Wyoming with Mr. Mailliard.
Mr. Rooney of New York with Mr. Price of Texas.
Mr. Rostenkowski with Mr. Quillen.
Mr. Roybal with Mr. Railsback.
Mr. Shipley with Mr. Roncallo of New York.
Mr. Sisk with Mr. Sarasin.
Mr. Runnels with Mr. Rousselot.
Mr. Smith of Iowa with Mr. Steiger of Arizona.
Mr. Sikes with Mr. Scherle.
Mr. Stack with Mr. Ruppe.
Mrs. Sullivan with Mr. Shoup.
Mr. Ryan with Mr. Smith of New York.
Mr. Steed with Mr. Schneebeli.
Mr. Teague of California with Mr. Taylor of Missouri.
Mr. Stephens with Mr. Snyder.
Mr. Teague of Texas with Mr. Sebelius.
Mr. Stubblefield with Mr. Shriver.
Mr. Van Deerlin with Mr. Walsh.
Mr. Wolff with Mr. Ware.
Mr. Vigorito with Mr. Whitehurst.
Mr. White with Mr. Bob Wilson.
Mr. Wright with Mr. Wiggins.
Mr. Yates with Mr. Williams.
Mr. Zion with Mr. Wydler.
Mr. Zwach with Mr. Wyman.
Mr. McClory with Mr. Hruska.
Mr. Young of Texas with Mr. Widnall.
Mr. Brown of Michigan with Mr. Clay.

The result of the vote was announced as above recorded.

ENERGY LEGISLATION

Mr. MALLARY. Mr. Speaker, I deplore the tactics under which this emergency energy bill is brought to us tonight. We have not had an opportunity to study and understand the substance of the conference agreement. We do not have before us nor have we had explained the Senate amendments which are proposed to be added to this bill. Neither have we seen nor do we have the substance of H.R. 12128 which we are being asked to adopt tonight.

I fully recognize the need for energy conservation measures in this crisis. I also fully recognize the need to prevent excessive profiteering by any company in the energy business. A bill needs to be passed. The Congress must act responsibly, but it is not responsible to act after 40 minutes' debate without fully understanding the substance of what this bill attempts to do.

I am willing to come back tomorrow, or Sunday, or next week to act on this critical subject. I will not be railroaded into voting in ignorance on this matter merely to speed the Christmas recess.

Therefore, Mr. Speaker, I must vote "No" on this motion.

Mr. KEMP. Mr. Speaker, I take this time to explain why I voted against enactment of the proposed National Emergency Energy Act.

I believe this bill is worse than no bill at all—much worse. In reality, this bill mandates gas rationing; and, if one would ever want to see further shortages of gasoline, this bill will produce them. Just witness what happened after the freeze on beef prices—the beef shortage was upon us. These bills do not add one barrel of oil or gas to our consumer's needs, but it does mandate rationing as I said earlier.

The President already has all the authority he needs to do what should be done—phase out phase IV regulations and decontrol petroleum, as was done with two other vital industries—cement and fertilizers. He does not have authority to impose new taxes and I for one do not believe he should be given that authority. When other industries were decontrolled, the reason given in both instances was to increase production. Well, Mr. Speaker, that is exactly what is needed to end the petroleum shortage—and, for that matter, other shortages.

The true market price of petroleum products would then rise and we would have to curtail any runaway prices or excessive profiteering at the people's expense. We would, also, have to make sure that middle- and low-income individuals are particularly protected. But, as production is increased, prices will fall again, plus research and development will, by then, have provided new sources of energy. This happened in the early middle of the 19th century when whale oil was our chief source of fuel; as it became more scarce, the price rose and created exactly the incentive needed to develop newer sources of energy. Petroleum and its development and expansion was the result.

Let me explore further my opposition to this hastily devised and poorly considered legislation which will affect us and our free economy well into the next decade.

Important laws affecting the lives of all the American people are considered and passed in this Chamber on almost a daily basis. Each is, we must trust, the product of careful consideration by its sponsor, a legislative committee, the Committee on Rules, the leadership, and this body as a whole. The Congress has passed many good laws, and it has passed some less-than-good laws, and we must not forget that good laws tend to engender more good laws while bad laws produce more bad laws.

We are, today, at the point of embarkation on the direction this Nation will follow in getting through, and eventually resolving, the energy crisis. If we, by the enactment of this legislation, set a certain course of action into motion, it will be hard to reverse or redirect it if we perceive at a later date that we have made a mistake. Subsequent statutes, regulations, policies, programs, agencies, and Federal employees—as well as the private sector—will have proceeded down one direction. It will be difficult to rechannel that momentum. The Congress must, therefore, be assured that it is, in fact, about to go in the right direction before it launches this massive effort.

It is seldom that a matter comes to this Chamber which is an all black or white, all issues clear-cut measure, but at the time of final passage one cannot vote 60 percent this way, 40 percent that way. One must vote all "yea" or all "nay;" there is really no viable third alternative.

I have weighed carefully the counterveiling aspects of the legislation now before us—the proposed National Emergency Energy Act, as reported by the House-Senate committee on conference. On the whole, I do not believe this legislation to be worthy of the support of the Members of this House.

The conference reported bill has a number of major problem areas. I believe the bill should be sent back to conference, with instructions from this body to correct those problem areas. What are they?

LAWMAKING POWER GIVEN TO THE EXECUTIVE

First, the bill constitutes a virtually unparalleled abrogation of constitutional powers by the Congress, giving to the Executive actual lawmaking power. It gives such far-reaching powers to the Executive as to raise reasonable doubts about its constitutional validity, if court tests—as I am sure they will—arise from its implementation.

The Constitution, in article 1, gives to the Congress, as the legislative branch, the sole power to make law. And, consistent with the principles of separation of powers, article 2 gives to the Executive the sole power to carry out those laws. The bill before us runs counter to this principle, surely in spirit and, most probably, in letter.

Under the allocation of scarce fuels plan embodied in this bill, a plan of a Federal agency could be put into immediate effect and remain in effect until March 1, 1974. From March 1, 1974, until June 30, 1974, such a plan would have to be delivered to each House but would then go into automatic effect in 15 days if not vetoed. Third, thereafter, the Federal agency could only submit proposals for ordinary legislative enactment.

I suggest this plan is so unrealistic as to the exercise of congressional powers, as to actually deny those powers. The track record of congressional deliberations does not indicate great ability to do anything in 15 days, much less thoroughly review a proposal as major as allocation of scarce resources. Nonaction would put the stamp of legislative approval on executive legislation, and that is what the bill really authorizes—"executive legislation." Congress will have abdicated in favor of the Executive. The Executive can pass law outside the reach of Congress during the period while Congress is not in session—from this week until January 21; and, until March 1, 1974, the Executive can make law effective immediately.

Stated briefly, the issue is whether the Executive, through its agencies, should be given authority to legislate, generally, in all areas in which the agency director finds that such action is simply "necessary to reduce energy consumption." The Executive could do such things, for examples, as establish highway speeds, limit the use of fuels by businesses and industries, direct mandatory carpools, direct mandatory rationing and allocation schemes, establish priorities—according to its standards and not those of Congress—among users, ban various types of lighting, et cetera, without presenting the matter to Congress until after such law or laws went into effect during the recess. After the recess and until June 30, 1974, the Executive could so legislate, but the Congress could exercise that unrealistic, 15-day veto power. I do not believe the people want this concentration of power.

Our form of government is essential to the preservation of our rights and liberties. That form arose from the infringements on rights and liberties which infringements grew out of government without adequate balances and separations of powers. It would be easy to simply vote "yea" today, turning one's back on this issue, but to do so, in my opinion, is to show yet one more example where Congress is willing to surrender power to the Executive because it cannot make the hard, crucial-choice decisions which we are elected to make on the people's behalf.

When we look at what we are about to do—in essence, launch a program that will affect directly the lives and wellbeing of every citizen of our Nation—I think prudence alone mandates a more careful—and more constitutionally defensible—approach be taken. Such a measure would certainly have wider support.

As I stated in an address to this House during final consideration of the House version:

This bill, if it becomes law, would usher in a virtual economic dictatorship, giving to the Executive an unparalleled peacetime control over the arteries of our economy, and

I, Mr. Chairman, want no part of such an abrogation of economic and political freedom. The shrill cries which we hear in this Chamber today are not dissimilar to those cries we heard for the imposition of wage and price controls—a plan which has turned out to be one of the most dismal records of failure by government in modern times. The Congress ought never to be stampeded into a giving to the Executive of control over our very lives through regulation of our resources.

It has been said, "If you liked the beef shortage, you'll love the mandatory fuel allocation bill." It is unfortunate that such an astute observation may have to be proved—to the people's, the economy's, the Nation's detriment, for nothing in this conference report convinces me that my prior observations are not still applicable.

As the last point on this subject of congressional abrogation, one should note that there is nothing in this omnibus bill which could not be made the subject of individual bills—each treated fully on its respective merits.

BILL DOES NOT ADEQUATELY ENCOURAGE PRODUCTION

I have spoken on a number of occasions during recent weeks and days on the tremendous need for Government policies to foster increases in production. One of the principal reasons for the energy shortage is the inadequate production of fuels.

It is more appropriate for government policy to encourage increased production, from which all reasonable demands could be met, than to try to ration a shortage.

The Washington Post has reported that it will take an expenditure of $130 billion—that is $130,000,000,000—for the petroleum industry alone to bring its production up to meet the demand level anticipated. That will require a return on investments of 18 percent during the foreseeable future, a return greatly discouraged by the provisions of this legislation.

I do not believe in giving the oil industry all the profits it wants; I oppose that. Profits must be reasonably balanced with the capacity of the people to pay higher prices; there must be middle ground; 95 percent of profits will go for developing and exploring for new sources of gas and oil. I even support the elimination of the controversial oil depletion allowance, when profits are otherwise generated for reinvestment. But, I do not believe that we should cripple the capacity of the industry to produce the fuels that our Nation so badly needs. This legislation goes in the same crippling direction as did the price freeze—and it, too, will not work.

Unrealistic price controls, particularly in the natural gas industry, have caused dislocations and misallocations in the economy, have produced over consumption of that fuel and under consumption of others. Misdirected tax policies have contributed to a decline in the rate of capital formation requisite for reinvestments. These are but two of many examples.

This Congress ought to concentrate on increasing production. If we do not, we will prolong the crisis, and I think it would be most unfortunate if the finger can be pointed back at the Congress as the reason for a prolongation of this crisis. Certainly, the people would hold the Members responsible for such a fiasco—and they should.

THE BILL DOES NOT HELP THE CONSUMER

An overriding concern which I have shared with other Members, throughout this national debate on how to resolve the energy crisis, has been the potentially adverse impact of measures being proposed on the individual—the consumer—the low- and middle-income taxpayer.

The role of the consumer is central to a market economy. By the use of free choice and individual selection of the goods and commodities he wishes to buy, the consumer is a bellwether on where industry ought to concentrate its output and production capabilities. On the economic well-being of the consumer rests the vitality and the purchasing power essential to maintaining national production—from which jobs and salaries flow naturally.

The distinguished and respected gentlewoman from Oregon (Mrs. GREEN) reflected the attitudes of the American consumer with a clarity which deems repeating:

I think the American citizen will make the necessary sacrifices on an individual basis when facing any real national crisis. The majority, the big majority, will respond to a national crisis in a very commendable way if—and I put the emphasis on the word "if"—if they believe their sacrifices are borne in an equitable and fair way.

I agree wholeheartedly with that observation. Because the American consumer treasures more than just material wealth and his pocketbook, he has been willing to sacrifice. He is willing to suffer a little economic hardship, if he feels others are sharing that hardship with him. He is not willing to surrender his freedom to Government regulators.

That is why—despite modestly higher prices—he still prefers the marketplace—which puts him in the decisionmaking process at its most crucial point—over the strictures of a regulated economy—which puts the bureaucracy in that decisionmaking, focal point. Freedom is worth a little more, and the American consumer knows that. What he asks for is simple: He asks that his sacrifices be shared by the sacrifices of others. If he feels that he is being treated unfairly, that other users are given—by government regulation—what he perceives to be unfair advantages over him, then the line is drawn. That must be avoided.

The American consumer has lived through shortages—and rationing—before. He has struggled, persevered, and survived. But those crises were the results of necessities imposed by wartime conditions. This immediate crisis is of a very different nature, for even though the crisis was intensified greatly by the curtailment of shipments of oil from the Arab States to our country, it was also produced by misdirected government policies and regulatory schemes which discouraged production. There can be little wonder why the American consumer questions why he must now sacrifice because government policy was misdirected or too shortsighted. I share his concern.

The consumer is also concerned over the effects of an allocation—mandatory rationing—system upon him and his livelihood. Not only does it threaten his work and his income, and the security of his family arising therefrom, but the use of such ameliorative measures can actually extend the time frame for the long-range alleviation of the crisis. Why? Because rationing can become a crutch which Government and industry lean upon, living thereby with inadequate resources, rather than being compelled by necessity to concentrate with fullest urgency on the production of additional resources.

We must never fail to hold in the highest regard the decisions and values of our consumers—the individual people of America. In the long run they are very perceptive and know what is best for them and the Nation. They should never be sold short by an elitist philosophy which espouses that government can do better for the people than they can do for themselves. The consumer is, as I have indicated, the mainstay of the economy. We should treat him with more respect than we do by allowing this "economic Gulf of Tonkin" bill to pass.

WHAT IS A BETTER ALTERNATIVE?

It is not unfair to ask of me, since I am voting against this bill, "What would you do instead?"

I would approach the issue from the following premise: A concerted nationwide effort to resolve the immediate aspects of the energy crisis must consist of measures on three levels:

First, demand must be reduced. To the extent possible, this should be done through voluntary conservation measures—carpools, use of mass and urban transportation systems, use of lighter and more efficient automobiles, elimination of nonessential trips, et cetera.

Second, present supplies must be allocated in the most efficient manner. This is not achieved by arbitrary and mandatory government regulatory schemes for rationing; the market place is the most efficient and fairest allocator of scarce resources.

Third, supply must be increased. Rather than living with inadequate supplies, we must increase them.

Unfortunately, the bill before us fails, in varying degree, in all of these three areas. Instead of offering incentives for reduction in fuel uses, the bill relies upon the basic approach of compulsory rationing, resulting in less efficient uses than those which would result from a market allocation system. Lastly, the bill does not offer incentives sufficient for increases in supply, except in the one noticeable area of coal. Otherwise, returns on investments are too severely limited to provide adequate capital with which to increase supply to a fully adequate level.

A wide range of methods available for substantially increasing production—the real answer to resolving this crisis—are either not dealt with, or are dealt with inadequately, in this bill. These measures include:

Construction of deepwater ports at which tankers can discharge their crude

oil supplies for pumping to shore refineries:

Accelerated development of offshore oil exploration and recovery;

Additional construction of refineries with which to process new volumes of crude oil;

The enactment of various tax incentives for more efficient uses of fuels, both home, travel, and industry;

Increasing production of natural gas;

Removal of those artificial price controls which are strangling production;

An expansion of basic research and applied demonstration projects for more efficient uses of presently used fuels and for discovering and harnessing new or experimental fuel sources.

I think, Mr. Speaker, that it should be obvious that those who oppose the enactment of the specific provisions of the bill before us are not obstructionist, Members without answers—better answers. I think the path outlined and the initiatives suggested are preferable to those embodied in the present bill.

Mr. PERKINS. Mr. Speaker, during my years in the Congress I have devoted a considerable amount of time and effort to bring the Congress attention to the great benefits in the potential use of coal in much greater quantities than presently prevail. I know that these efforts have been recognized, but I regret that it has taken an energy crisis to really bring the potential of coal to center stage. However, we need to continue to move ahead—to move on and solve this problem, and for that reason I would like to make the following statement. I think it will help us see the proper way to move on.

First I will discuss a general energy policy. After setting the stage with that discussion, I will point out how national energy needs can be and must be met by the utilization of coal.

AN ADEQUATE NATIONAL ENERGY DEVELOPMENT PROGRAM

The nature and magnitude of our country's energy shortage is coming into sharp focus. We shall, for the long term, have substantially higher real costs for energy than in our historic national experience. Higher real costs are unavoidable. We are threatened with national dependence, for energy, on the political vagaries of a bloc of foreign nations. This dependence is entirely avoidable. The choice is ours, and ours the decision as to the adequacy or failure of our initiative.

Many things have contributed to the present crisis. These include, on the demand side, a U.S. consumption of energy rising steadily for more than a decade at an annual average rate well above 4 percent per annum, while our accredited government experts persisted in forecasting that this growth would fall toward 3 percent. So, in a decade, the national energy requirements came to be greatly higher than had been foreseen. On the supply side, there was a leveling off of domestic production of crude oil and natural gas, a reduced usage of coal, and a very disappointing rate of completion of nuclear plants. The Federal Government moved ahead very slowly in offshore leasing for oil and gas explorations. The Government hardly moved at all in forwarding the development of substitute oils and gases, oils and gases which can be derived from our abundant coal and shale deposits.

The extent of our shortfall in domestic energy resources is indicated by the fact that since 1970 our import volume of petroleum has almost doubled and, just prior to the outbreak of hostilities in the Middle East last October, imports represented 35 percent of U.S. petroleum supplies—nearly half of which originated in Arab nations.

In short, through lack of foresight and a chronic unwillingness to face unpleasant facts, we permitted our vital national interests to be held hostage by a concert of foreign powers dedicated to the attainment of their individual and collective goals, regardless of any cost to our country and its allies.

Now, like the grasshopper in the fable which indulged its short-term pleasures at the expense of its long-range necessities, we face ill-heated homes, hospitals and schools, rising unemployment and the grim prospect of economic recession and threatened impairment of our capabilities for leadership in the free world.

The cost of reversing this intolerable trend will be immense. But as a Nation, we must bear it. In God's providence, we are blessed with a great and relatively untapped resource potential. It is our most urgent duty to develop it for the good of all our people.

As a first approach, we must form a realistic conception of the size of the task. Responsible estimates indicate the need for an investment between 1970 and 1985 of probably as much as $500 billion to bring the level of our energy supplies to an acceptable level of self-sufficiency. That is more than the national debt. And to carry out a project of such enormous magnitude will require a national effort on an unprecedented scale.

It is tempting, of course, to assume that the job can be done by the private sector. The American free enterprise system, with its marvelous technological capabilities and associated financial institutions, is thus assumed to need little but token assistance or some shared research money from the public treasury. This indeed seems to be the fundamental assumption of the Nixon administration, which has so far set a goal of national energy self-sufficiency in ten years, relying mainly on the resources of the private sector and on a pathetically small and unimaginative Federal program to stimulate and strengthen the private effort, while devoting its major attention to devising means for administering scarcity as we queue up to receive our quotas of gasoline and heating oil.

The period of austerity must be reduced to a minimum and normal rates of growth restored through a marshaling of all our resources to achieve a level of domestic energy availability which will sustain our economic aspirations.

For that purpose, business as usual with reliance on free market forces is inadequate to meet the conditions of today's world. The risks involved far exceed the resources of the free enterprise system. Private firms cannot be expected to withstand the economic warfare of a concert of nation states. Further, the Arab nations enjoy the enormous advantages of vast petroleum resources acquired at little cost to them and with only insignificant costs of production. By contrast, we face the certain prospect of unknown costs to produce conventional supplies from new sources and to develop costly sources of substitute feedstocks and fuels. Finally, the Arab States, having complete control of output, can regulate the flow so as to flood world markets or starve them as may suit their advantage.

To speak of free and open competition and free market forces under these conditions is to mock the fundamental assumptions of the free enterprise system—a system of many buyers and sellers seeking to maximize profit, with no one supplier or group holding dominant market power. Our American producers will need, in these next years, to supply coal while engaging in all the costly expenditures of preserving, restoring, and even improving the coal-bearing environment. They will need to search for oil in the Atlantic and the deep Pacific, where oil has never hitherto been found. They will need to convert the hard rock of shale into oil and solid coal into flowing oils and gas. All these efforts will require vast investment and some years of time. No rational producer will undertake these efforts if he sees down the years an energy market so structured that expensive U.S. energy materials will have to compete with oils produced in the Middle East at a cost in the range of 20 cents a barrel.

Given the hard and inescapable facts of the world economic situation, we must therefore accept the plain necessity of adopting an assured market policy for fostering the development of our energy resources. This means, for example, that investors in a coal liquefaction or shale oil production project approved by the appropriate Federal agency would be given the protection of a contract with that agency guaranteeing to purchase the output of the plant, at an adequate minimum price, to the extent that alternative outlets were not available at higher prices. Thus, the Government would guarantee the economic viability of the enterprise against loss of markets.

It is this abnormal risk resulting from Arab dominance in oil resources, that must be taken if free enterprise is to perform its proper function in the development of our domestic energy resources. If this risk is assumed contractually, we will have taken a major forward step in the long-range solution of our energy problem. I am preparing more legislation to that end and will seek to have hearings held early in the next session.

It is gratifying in this connection to note that the Nixon administration, in the context of its recommended "windfall profits" tax on crude oil, has suggested the possibility of a price guaranty on output of energy projects approved by the authority created to administer whatever program might be established for application of proceeds of the special

tax. Such a price guaranty arrangement, however, can be effective only if it is funded and administered on a scale adequate to national need. Halfway measures dependent on limited sources of funds will result in frustration and disillusionment.

The legislation which I shall propose will also deal with such closely related matters as a lending program for domestic energy resource development projects involving loans up to 90 percent of project costs, repayable out of income realized from the project. It will further propose a basic revision in Federal leasing policy to eliminate the deterrent of cash bonuses and the substitution of competitive financial undertakings of exploration and development work, with royalties payable out of production.

I have previously introduced legislation to facilitate, through appropriate Federal assistance, the utilization of our abundant coal reserves for production of pipeline quality gas and hydrocarbon liquids, as substitutes for natural gas and conventional petroleum products. This, suitably expanded to cover other types of energy research and development, combined with the assured market legislation which I am preparing, will, I hope, define a workable federal program and policy for dealing realistically with our most pressing national concern. That concern will, of course, continue to have my most urgent attention. I can only hope that the administration will soon display the requisite sense of urgency.

NATIONAL ENERGY NEEDS CAN BE AND MUST BE MET BY THE UTILIZATION OF COAL

Mr. Speaker, I have great concern that the administration is approaching the energy crisis much too timidly. Most dangerous, speculation changes from day to day as to the future availability of Mideast oil.

I have great concern that regardless of the resolution of the Mideast crisis, our country will be faced with crisis after crisis dependent upon the changing policies of foreign governments if we continue to rely upon energy sources beyond what is available in our country.

As a result of industry and power companies turning more and more to the use of oil, it had been predicted that by 1985, unless this trend was altered, 46 percent of all energy resources used to run industry will be oil products. This would have brought about ever increasing dependence on imported crude oil, subjecting our Nation to the possibility of recurring energy crises precipitated by the changing policies and objectives of foreign countries.

To place ourselves in this position is sheer folly when the United States has over one-half of the world's known coal resources—one and one-half trillion tons of recoverable coal. Taking into account a greatly expanded rate of usage, these reserves would last more than 500 years.

An essential element of a national energy policy is the implementation of a program to bring about at the earliest possible date energy self-sufficiency.

For this reason, the administration's proposals and the legislation which we have cleared through the Congress, helpful as they may be, at this time fall far short of taking the steps that I believe to be urgently needed.

In reality the energy problem has been staring us in the face for more than 20 years. The current crisis is a direct result of our not having faced up to the problem with the obvious solutions at hand.

On April 16, 1953, more than 20 years ago, I made a speech on this floor in which I said:

> By 1975, it is predicted, our daily needs for liquid fuels may be several times greater than our domestic production from petroleum. If we were to be confronted with another all out war, available supplies of liquid fuels would immediately present an acute problem. A growing dependence upon foreign sources of oil would increase our vulnerability and impair our security. It is, therefore, imperatively necessary for us to push ahead, steadfastly and without interruption, with programs for the development of alternative sources of liquid fuel based upon domestic energy resources, including our abundant supplies of coal. . . .

If we are serious about energy self-sufficiency the know-how is at hand and the steps to achieve energy self-sufficiency are clear.

First, we must initiate government-supported demonstration coal gasification and liquefaction plants on a scale to immediately introduce into the energy market gas for industrial and home heating use and liquid fuel for the Nation's oil and gasoline needs.

In this connection, I have introduced H.R. 11887 which would establish and fund a national program for research, commercial development and demonstration of coal gasification and coal liquefaction.

In effect, we would be undertaking what the Germans did in the closing months of World War II when they were shut off from their access to petroleum.

At the end of World War II we began a research program to produce cheap, clean fuel from coal, using the techniques captured from the Germans. A pilot plant in Missouri was so successful that by 1953 it was producing gasoline from coal at a price only 2 cents a gallon higher than gasoline made from petroleum. Suddenly, over my strong protest, the administration closed down the plant. Had that work been allowed to continue, the spectre of gasoline rationing in this country would not now be confronting us.

I also believe that the severity of the problem confronting us requires expanded authority in the Federal Energy Office to undertake a broad range of activities to foster the production and utilization of coal as a major source of the energy requirements of our Nation. In this regard, I am preparing additional legislation to increase the production, transportation and conversion of coal as a source of energy by giving the energy office broad powers to accomplish these objectives.

Second, it is essential that railroad cars and rolling stock be adequate to the task of transporting the increased volumes of coal which a self-sufficiency energy policy will require. That this shortage is very real is manifested by the passage in the Senate of S. 1149, dealing with the railroad freight car shortage, and the provisions of title V of S. 2767, providing for a major rail rolling stock program with guaranteed loans authorized up to $2 billion.

I want to commend my colleagues, the gentleman from Texas (Mr. PICKLE), the gentleman from North Dakota (Mr. ANDREWS), and the gentleman from the State of Washington (Mr. MCCORMACK) for their colloquy on October 2, 1973, in which they discussed the freight car shortage problem.

The gentleman from Washington succinctly put it when he said:

> The problem, simply stated, is that rail shippers are unable to obtain the rolling stock they desperately need, when they need it. It is affecting grain producers, orchardists, potato growers, coal mining corporations, and the forest products industry. Last, but certainly not least, it is directly affecting the consumer in increased costs of fresh fruits and vegetables, fuel, and housing, and in many similar unfortunate ways.

Finally, we must take very forceful action to encourage and provide appropriate incentives for the conversion of oil-burning industrial, commercial operations to coal-burning operations, intensifying at the same time our research on reduction of pollutants from the use of this fossil fuel. In this regard, I am hopeful that the authorities being given the administration in the bill approved on the adoption of the conference report on S. 2589, the emergency energy legislation, are adequate to accomplish a maximum possible conversion to coal.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair wishes to announce that the names of all Members who voted by means of electronic device will be included in the list of those voting on this motion so that the RECORD will clearly reflect the names of all Members who have voted on this matter.

AUTHORIZING CLERK TO RECEIVE MESSAGES FROM SENATE AND SPEAKER TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS NOTWITHSTANDING SINE DIE ADJOURNMENT

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that notwithstanding the sine die adjournment of the the House, the Clerk be authorized to receive messages from the Senate and that the Speaker be authorized to sign any enrolled bills and joint resolutions duly passed by the two Houses and found truly enrolled.

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

There was no objection.

AUTHORIZING SPEAKER TO ACCEPT RESIGNATIONS AND APPOINT COMMISSIONS, BOARDS, AND COMMITTEES, NOTWITHSTANDING ADJOURNMENT

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that notwithstanding the adjournment of the 1st session of the 93d Congress, the Speaker be authorized to accept resignations, and to

appoint commissions, boards, and committees authorized by law or by the House.

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

There was no objection.

REPORTS FILED WITH THE CLERK FOLLOWING SINE DIE ADJOURNMENT BY COMMITTEES MAY BE PRINTED BY THE CLERK AS REPORTS OF THE 93D CONGRESS

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that reports filed with the Clerk following the sine die adjournment by committees authorized by the House to conduct investigations may be printed by the Clerk as reports of the 93d Congress.

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

There was no objection.

PERMISSION FOR ALL MEMBERS TO INSERT REMARKS IN "EXTENSIONS OF REMARKS" SECTION OF CONGRESSIONAL RECORD

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that all Members of the House shall have the privilege, until the last edition authorized by the Joint Committee on Printing is published, to extend and revise their own remarks in the CONGRESSIONAL RECORD on more than one subject, if they so desire, and may also include therein such short quotations as may be necessary to explain or complete such Extensions of Remarks; But this order shall not apply to any subject matter which may have occurred, or to any speech delivered subsequent to the adjournment of Congress.

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

There was no objection.

PERMISSION FOR CHAIRMEN AND RANKING MINORITY MEMBERS OF COMMITTEES AND SUBCOMMITTEES TO EXTEND REMARKS AND INCLUDE SUMMARIES

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that the chairmen of all the standing committees and the subcommittees of the House may extend their remarks up to and including the publication of the last RECORD and to include a summary of the work of their committees; also that the ranking minority member of such standing committee or any subcommittee may have the same permission to extend their remarks and to include a summary, if they desire, from their point of view, separately from that of the chairman.

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

There was no objection.

PRINTING OF COMMITTEE ACTIVITY REPORTS

Mr. O'NEILL. Mr. Speaker, with reference to the printing of committee activity reports for the session, I wish to remind the chairmen of all committees that the Joint Committee on Printing has ruled that the printing of such reports both as committee prints and in the RECORD is duplication the cost of which cannot be justified.

It is requested that committee chairmen decide whether they wish these reports printed as committee prints or in the RECORD since the Government Printing Office will be directed not to print them both ways.

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

Mr. VANIK. Mr. Speaker, reserving the right to object, apparently it appears that it is the intention to proceed with sine die adjournment, and it seems to me that we just cannot leave this legislation in the shape in which it is at the present time; we have not concluded the issue, and I would like to have some assurance that we are going to go ahead with this legislation to see it through to a conclusion in some form or another.

Mr. O'NEILL. Mr. Speaker, if the gentleman will yield, the gentleman from Ohio is speaking correctly, because I have every intention of offering a sine die adjournment resolution. But before I offered it I was going to ask for permission to address the House for 3 minutes in order to explain the resolution, and what is in it.

Mr. VANIK. I hope that the leadership might consider keeping the House in session in some way so that we can proceed to the conclusion of this legislation.

Mr. O'NEILL. I will explain the resolution to the gentleman.

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

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, JANUARY 23, 1974

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule on Wednesday, January 23, 1974, be dispensed with.

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

There was no objection.

LEGISLATIVE PROGRAM FOR WEEK OF JANUARY 21, 1974

Mr. O'NEILL. Mr. Speaker, normally at this time the minority leader would ask me if I would discuss with him the program for the week that we come back. Normally the week that we would come back, Mr. Speaker, would be January 21, 1974.

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

Mr. O'NEILL. I yield to the gentleman from Arizona.

Mr. RHODES. I thank the gentleman for yielding.

Mr. Speaker, I should like to ask the gentleman the question. Are we coming back on January 21?

Mr. O'NEILL. Under the resolution that we have passed earlier, we have set the date that we would come back as January 21. As the gentleman is aware, in the resolution the right is given to the Speaker and the President pro tempore of the Senate to call us back, and it gives the right to the majority leader of the House and the majority leader of the Senate to call the Members back. It also gives the minority leader of the House and the minority leader of the Senate the right to do likewise.

Mr. Speaker, in the event that the sine die resolution is agreed to, and if the House is not called back, and if we come back on January 21, 1974, the following schedule would be followed:

For Monday: The Consent Calendar and the following five suspensions:

H.R. 10957, Public Health Service Act Amendments,

H.R. 11385, Health Services Research, Health Statistics, and Medical Libraries Act,

H.R. 11386, Sudden Infant Death Syndrome Act,

H.R. 11387, Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act Amendments,

H.R. 9726, Safe Drinking Water Act.

For Tuesday: The Private Calendar, and the following seven suspensions:

H.R. 5975, Convention on High Seas Intervention,

H.R. 10309, Boiler and Pressure Vessel Standards,

H.R. 6120, *Manatra II* training ship,

H.R. 115 or H.R. 6396, anadromous fish,

H.R. 2286 or H.R. 11541, wildlife refuges right-of-way,

H.R. 75 or H.R. 7, game management on public lands,

H.R. 2283 or H.R. 11809, straight baselines for measuring fisheries zone.

For Wednesday and the balance of the week:

H.R. 2, Pension Reform Act, subject to a rule being granted.

H.R. 11221, deposit insurance, subject to a rule being granted.

H.R. 11354, International Development Association, subject to a rule being granted.

H.R. 11666, Asian Development Bank, subject to a rule being granted.

Conference reports may be brought up at any time, and any further program will be announced later.

May I say to the House that I intend to offer this resolution which I understand will be adopted by the Senate.

I do not have any knowledge at this time as to whether the Senate is meeting tomorrow morning at 9 o'clock or meeting Monday at 11 o'clock. We hear all types of rumors. I have talked to the majority leader of the Senate, and as far as I understand the Senate is still in recess and ready to act. The situation now is that—in the last 3 or 4 days—is that we have been considering this energy legislation. Today we have had three votes on the energy bill conference report that was tacked onto an Interior bill. And we have failed to adopt anything. Apparently we are in a stalemate. I do not know how we can break the logjam, but we have voted three times on

a bill the Senate has sent over here. I want the Members to bear in mind that there is a conference report that is still pending in the Senate.

I do not think that there is any onus on us whatsoever. I believe we have acted in good faith to do our part, and we have voted according to our philosophies as we have seen fit for the people we represent.

The resolution, as I have already stated, allows the Speaker and the President pro tempore to call the House back.

It allows the majority leader of the House and the majority leader of the Senate and the minority leader of the House and the minority leader of the Senate to recall the Members. There are those who have asked me if this is adopted when will I call the Members back or will I talk to the leader of the Senate? I do not think now is any time for me to make a decision of that type or for the majority leader or minority leader of the Senate to make such a decision. We are tired, we have been here for a long time. If we were to make such a decision now and I were to say we were to come back a day after Christmas or a day after New Year's, then the Members would say, "Why do we get called back? Why do we make decisions in the late hours of the night?"

The Members may be sure if there is an emergency I will be calling the Members back. I guarantee that to the Members. Of course, that is after I talk with the Speaker and the leadership on both sides.

Mr. JAMES V. STANTON. Mr. Speaker, will the gentleman yield?

Mr. O'NEILL. I yield to the gentleman from Ohio.

Mr. JAMES V. STANTON. Mr. Speaker, I point out to the majority leader and the Members of the House that the one bill that was acted on by this body tonight could go to the Rules Committee and be reported out of the Rules Committee and be acted upon by this body, and I think it is incumbent upon the leadership and the Members of this House to take every step possible to insure that this bill is enacted.

Mr. O'NEILL. In reply to the gentleman, I wish I had the knowledge he has about the way the House operates. If the gentleman knew the work that would have to be done to get this bill out of the Rules Committee, he would realize how difficult that would be. For instance, the White House called me in the middle of the night asking me to assist them in getting the bill out of the Rules Committee. I assumed the White House wanted this legislation, but I can see now that they are really opposing legislation of this type. They are happy with the fact that it has been killed.

Let me say I have the greatest respect for the gentleman, but it is not quite as easy as he thinks it is to get a matter such as this out of the Rules Committee.

Mr. JAMES V. STANTON. I might concur with the majority leader, but I think that ought to be demonstrated to the people of America.

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

Mr. O'NEILL. I yield to the gentleman from Arizona.

Mr. RHODES. Mr. Speaker, I can assure the majority leader and the Members of the House that the White House does want the legislation and the right kind of legislation which will insure that we will get more energy and not less.

Mr. O'NEILL. I do not want to argue with the gentleman about the merits of the bill. It is my belief the White House wants to run the country like a monarchy.

PROVIDING FOR SINE DIE ADJOURNMENT

Mr. O'NEILL. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 411) and ask for its immediate consideration.

The Clerk read as follows:

H. CON. RES. 411

Resolved by the House of Representatives (the Senate concurring), That when the two Houses adjourn on Saturday, December 22, 1973, they shall stand adjourned sine die or until 12:00 noon on the second day after their respective Members are notified to reassemble in accordance with Section 2 of this resolution, whichever event first occurs.

SEC. 2. The Speaker of the House of Representatives and the President pro tempore of the Senate shall notify the Members of the House and the Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it, or whenever the majority leader of the Senate and the majority leader of the House, acting jointly, or the minority leader of the Senate and the minority leader of the House, acting jointly, file a written request with the Secretary of the Senate and the Clerk of the House that the Congress reassemble for the consideration of legislation.

Mr. O'NEILL. Mr. Speaker, I move the previous question on the concurrent resolution.

The previous question was ordered.

The SPEAKER. The question is on the concurrent resolution.

Mr. JAMES V. STANTON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 74, nays 171, not voting 187, as follows:

[Roll No. 724]

YEAS—74

Abdnor	Hicks	Preyer
Annunzio	Hogan	Price, Ill.
Badillo	Hosmer	Rhodes
Bowen	Ichord	Robinson, Va.
Broyhill, N.C.	Johnson, Pa.	Rose
Broyhill, Va.	Jones, Okla.	Sandman
Burleson, Tex.	Jones, Tenn.	Shuster
Casey, Tex.	Jordan	Slack
Cederberg	Kastenmeier	Steelman
Clawson, Del	Ketchum	Stratton
Conable	Long, La.	Symms
Conlan	McClory	Tiernan
Daniel, Dan	McCormack	Treen
Daniel, Robert W., Jr.	McFall	Ullman
	McKay	Waggonner
Davis, Ga.	Mahon	Waldie
Dellums	Matsunaga	Whitten
Dennis	Mayne	Wilson, Charles, Tex.
Dingell	Melcher	
Dorn	Metcalfe	Wyatt
Eckhardt	Milford	Young, Alaska
Evans, Colo.	Mink	Young, Fla.
Fisher	Montgomery	Young, Ga.
Gray	O'Neill	Young, S.C.
Hanley	Pickle	
Hansen, Idaho	Pike	

NAYS—171

Adams	Ginn	Owens
Alexander	Gonzalez	Parris
Andrews, N.C.	Goodling	Patten
Archer	Green, Pa.	Pepper
Armstrong	Gude	Perkins
Ashley	Gunter	Pettis
Barrett	Guyer	Powell, Ohio
Bauman	Hamilton	Pritchard
Beard	Hammer-schmidt	Quie
Bennett		Randall
Bergland	Hanrahan	Rangel
Biester	Hastings	Regula
Blatnik	Hechler, W. Va.	Reuss
Boland	Heckler, Mass.	Rinaldo
Brademas	Helstoski	Roberts
Bray	Henderson	Robison, N.Y.
Breaux	Holifield	Rodino
Breckinridge	Holtzman	Roe
Brinkley	Horton	Rogers
Brown, Calif.	Howard	Rooney, Pa.
Brown, Mich.	Huber	Rosenthal
Brown, Ohio	Hudnut	Roush
Buchanan	Hungate	Roy
Burke, Fla.	Johnson, Calif.	Ruth
Burke, Mass.	Jones, N.C.	St Germain
Burlison, Mo.	Karth	Sarbanes
Carey, N.Y.	Kazen	Satterfield
Carter	Kemp	Schroeder
Chappell	Koch	Seiberling
Clark	Kyros	Skubitz
Clausen, Don H.	Latta	Spence
	Litton	Staggers
Cohen	Long, Md.	Stanton, J. William
Conte	McCloskey	
Coughlin	McCollister	Stanton, James V.
Crane	McDade	
Cronin	McKinney	Steele
Culver	Mallary	Steiger, Wis.
Davis, S.C.	Mann	Stokes
Davis, Wis.	Maraziti	Stuckey
de la Garza	Mathias, Calif.	Studds
Denholm	Mathis, Ga.	Symington
Derwinski	Mazzoli	Taylor, N.C.
Drinan	Meeds	Thompson, N.J.
Duncan	Mezvinsky	Thomson, Wis.
Erlenborn	Miller	Thone
Esch	Minish	Thornton
Findley	Mitchell, N.Y.	Udall
Flood	Mizell	Vander Jagt
Foley	Moakley	Vanik
Ford, William D.	Mollohan	Wampler
	Moorhead, Calif.	Whalen
Forsythe		Widnall
Fountain	Morgan	Winn
Fraser	Mosher	Wylie
Frenzel	Myers	Yatron
Gaydos	Natcher	Young, Ill.
Giaimo	Obey	Young, Tex.
Gilman	O'Hara	Zablocki

NOT VOTING—187

Abzug	Cotter	Harsha
Addabbo	Daniels, Dominick V.	Harvey
Anderson, Calif.		Hawkins
	Danielson	Hays
Anderson, Ill.	Delaney	Hébert
Andrews, N. Dak.	Dellenback	Heinz
	Dent	Hillis
Arends	Devine	Hinshaw
Ashbrook	Dickinson	Holt
Aspin	Diggs	Hunt
Bafalis	Donohue	Hutchinson
Baker	Downing	Jarman
Bell	Dulski	Johnson, Colo.
Bevill	du Pont	Jones, Ala.
Biaggi	Edwards, Ala.	Keating
Bingham	Edwards, Calif.	King
Blackburn	Eilberg	Kluczynski
Boggs	Eshleman	Kuykendall
Bolling	Evins, Tenn.	Landgrebe
Brasco	Fascell	Landrum
Brooks	Fish	Leggett
Broomfield	Flowers	Lehman
Brotzman	Flynt	Lent
Burgener	Frelinghuysen	Lott
Burke, Calif.	Frey	Lujan
Burton	Froehlich	McEwen
Butler	Fulton	McSpadden
Byron	Fuqua	Macdonald
Camp	Gettys	Madden
Carney, Ohio	Gibbons	Madigan
Chamberlain	Goldwater	Mailliard
Chisholm	Grasso	Martin, Nebr.
Clancy	Green, Oreg.	Martin, N.C.
Clay	Griffiths	Michel
Cleveland	Gross	Mills, Ark.
Cochran	Grover	Minshall, Ohio
Collier	Gubser	Mitchell, Md.
Collins, Ill.	Haley	Moorhead, Pa.
Collins, Tex.	Hanna	Moss
Conyers	Hansen, Wash.	Murphy, Ill.
Corman	Harrington	Murphy, N.Y.

Nedzi	Ruppe	Towell, Nev.
Nelsen	Ryan	Van Deerlin
Nichols	Sarasin	Veysey
Nix	Scherle	Vigorito
O'Brien	Schneebeli	Walsh
Passman	Sebelius	Ware
Patman	Shipley	White
Peyser	Shoup	Whitehurst
Poage	Shriver	Wiggins
Podell	Sikes	Williams
Price, Tex.	Sisk	Wilson, Bob
Quillen	Smith, Iowa	Wilson, Charles H., Calif.
Railsback	Smith, N.Y.	
Rarick	Snyder	
Rees	Stark	Wolff
Reid	Steed	Wright
Riegle	Steiger, Ariz.	Wydler
Roncalio, Wyo.	Stephens	Wyman
Roncallo, N.Y.	Stubblefield	Yates
Rooney, N.Y.	Sullivan	Zion
Rostenkowski	Talcott	Zwach
Rousselot	Taylor, Mo.	
Roybal	Teague, Calif.	
Runnels	Teague, Tex.	

So the concurrent resolution was rejected.

Messrs. BARRETT, BOLAND, and BAUMAN changed their vote from "yea" to "nay."

The result of the vote was announced as above recorded.

RECONSIDERATION OF WILD AND SCENIC RIVERS BILL

(Mr. TAYLOR of North Carolina asked and was given permission to address the House for 1 minute.)

Mr. TAYLOR of North Carolina. Mr. Speaker, tonight we not only failed to pass a bill, but we also killed a bill which we had already passed. The wild and scenic rivers bill was a good bill when we passed it on December 3 and it was a good bill until the Senate started pouring oil on the water. Now it is on the table as an innocent victim. There are impelling reasons why this bill should be enacted quickly so I will bring it back before the House in early January and I ask the cooperation of the Members in getting it reenacted.

Mr. O'NEILL. Mr. Speaker, if the gentleman will yield, I will appreciate it if the gentleman will bring it up today at noon so we will have some business.

Mr. TAYLOR of North Carolina. Mr. Speaker, I will state to the gentleman from Massachusetts we will be glad to bring it up just as quickly as possible, whenever the Parliamentarian can tell us a quick way to get it up. I am fearful we will have to go through the committee process again.

ADJOURNMENT TO 12 O'CLOCK NOON TODAY

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 12 o'clock noon today, December 22, 1973.

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

There was no objection.

NORTHEAST RAILROAD ASSISTANCE BILL

(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 support the conference report on the Northeast railroad assistance bill.

I have spoken in support of this bill on many previous occasions. I feel that it contains the far ranging and comprehensive approach—adequately funded—that the Northeast rail situation demands. The seven bankrupt lines—the remaining solvent railroads as well—must once again become a viable and efficient network.

Mr. Speaker, the importance of a rejuvenated rail system in this country is highlighted only too well by the most current statistics on our national energy shortages. Rail traffic is fuel efficient and, of growing importance to all of us daily, will soon be cheaper and more reliable than other forms of transportation. I hope to see the day when this country can finally wean itself from its slavish dependence upon the automobile. Rail commuter and long-distance traffic—along with rail freight—could be, almost has to be, one of the mechanisms that can accomplish such a tremendous shift in our national habits.

We have learned at various points in our history as a nation that we have been great squanderers of the abundant natural resources with which the United States has been endowed. The major effort at energy conservation and allocation upon which we are now embarked will, I hope, have happy effects similar in nature to those that national forestry conservation programs under Theodore Roosevelt enjoyed during an earlier age. Railroads, if they can once again regain a position of eminence among passenger and freight carriers, will be able to offer significant contributions to energy savings.

Mr. Speaker, the people of Massachusetts are already hard hit by energy shortfalls and the scarcity of petroleum and other essential materials. For them, the "energy crisis" is not just an interesting item in the headlines, it is here. It is now. Factories and businesses in my district are no longer threatening to close down. Some are shut down. More will undoubtedly follow despite our best efforts.

My constituents, like everyone else in this country, were unprepared for this crisis that has hit our country. All they ask is that they be allowed to keep their jobs and live a reasonable life. Energy conservation measures will help them. Energy research and development may help their children. Improved rail service for freight and passengers will help bring security for businesses and jobs in the Northeast that we desperately need. Furthermore, the impact of better railroads can come within a reasonable time. In some cases only a few years could show a marked improvement in Massachusetts, where our unemployment rate is nearly twice the national average.

Mr. Speaker, what I have been trying to emphasize in my remarks is the economic effect—both nationwide and in the Northeast—that railroad rescue efforts will bring. What will happen in the event that this measure is delayed or defeated can also be measured—in percentage drops in the GNP, in lost jobs, in energy wastage. We cannot afford to pass up what may be perhaps the biggest energy conservation possibility of all.

CAROLE COTHRAN OF LOUDONVILLE, N.Y., SERVES AS A VOLUNTEER IN THE CHRISTIAN SERVICE CORPS IN GUATEMALA

(Mr. STRATTON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. STRATTON. Mr. Speaker, I have just learned that Miss Carole Cothran, one of my constituents, is the 200th volunteer to be placed by the Christian Service Corps, an interdenominational organization with headquarters here in Washington, D.C. Carole, a native New Yorker, recently left the United States for a 2-year commitment to teach second and third grades at the Inter-American School at Quezaltenago, Guatemala.

Carole Cothran is the daughter of Mr. and Mrs. Raymond J. Cothran of Loudonville, N.Y. She is an example of the fine young people of my district. Carole graduated from Gordon College earlier this year and received her bachelor of science degree in elementary education. Carole is listed in "Who's Who in American Colleges and Universities" and has received several academic awards and scholarships.

The school where Carole is now teaching was founded and is governed by a board representing several denominational missions, including the United Presbyterian, Southern Baptist and Church of God. The Inter-American School provides elementary and secondary education for children of missionaries as well as a number of Guatemalan children.

The CSC placed Carole with the Inter-American School in Guatemala and provided 3 months of intensive training for her. Frequently called the "peace corps" of the church, the CSC is only 8 years old and now has placed over 200 volunteers in locations abroad. The CSC is represented by Corpsmen serving 2-year terms in some 65 countries.

Each corpsman agrees to spend 2 full years on the field. However, before going to an assignment the corpsman completes the corps 3-month training program designed to acquaint him or her with the language and culture of the host country. This insures that the 2 years abroad will be used to make a maximum contribution to the lives of the people with whom the corpsmen live and serve.

Carole may extend her time beyond 2 years, as many corpsmen do, but when she comes home, she will spend 3 months sharing her experiences with others, helping to find more young people who will continue the work in Guatemala and in the many other countries where volunteers are needed. The CSC will also assist Carole in readjusting when she resumes her life in the United

States. During this readjustment period many returning corpsmen consider returning to their countries of interest on a full-time basis. About one-fourth of those who have already completed the 2-year term have made this decision.

Mr. Speaker, I am happy to congratulate both Carole Cothran and the Christian Service Corps and wish them the fullest success in pursuing their worthwhile objective of service to the people of foreign lands.

A 25-PERCENT FUEL REDUCTION FOR COMMERCIAL AIRLINES

(Mr. PARRIS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PARRIS. Mr. Speaker, on December 12, 1973, in accordance with existing law, the proposed mandatory fuel allocation regulations were issued by the newly created Federal Energy Office. The proposed regulations were published in the Federal Register on December 13, 1973, and the public comment period expired at 5 p.m. yesterday, December 20.

I would like to take a few moments to bring to my colleagues' attention a portion of the proposed regulations which I find frankly disturbing. Specifically, I am referring to subpart G—Aviation Fuels.

According to the proposed regulations, the base period for aviation fuels will be set at 1972 levels. It is my understanding that this step alone will result in a 10-percent fuel reduction for the industry. The regulations go on to provide that effective January 7, 1974, all civil air carriers, both domestic and international, will be alloted 85 percent of their base period fuel consumption—thereby bringing the total reduction in fuel allocation to 25 percent of current requirements.

Mr. Speaker, I cannot object too strongly to this proposed action by the Federal Energy Office. The impact of a 25-percent fuel reduction for the commercial airlines will be simply devastating to that industry and the people employed in it.

Representatives of the industry have advised me that on an industry-wide basis, some 30,000 airline employees will be furloughed effective January 7, in the event the proposed regulations are not amended. This figure constitutes one-tenth of the management and staff personnel of the commercial airline industry, although those employed as pilots and flight attendants will be hardest hit by the furloughs.

In addition, effective January 7, some 950,000 scheduled flight departures will be canceled at 500 airports. As a result, 275 aircraft will be grounded—or approximately $1 billion of equipment left idle.

Consider, for example, the plight of Eastern Airlines. Representatives of that air carrier have advised me that already this year, 860 management and staff personnel have been furloughed due to loss of profits. During the first 11 months of this calendar year Eastern shows losses of $44.7 million; in the first 11 months of 1972 their profits were $22 million.

If the proposed regulations are not amended, the following additional furloughs will be mandated: 440 pilots, 500 flight attendants, 800 reservation and airport agents, and 800 engineering and maintenance personnel. I need not point out the severe economic hardship that will be imposed on those who find themshelves without jobs as a result of these cutbacks.

Mr. Speaker, serving as I do on the Energy Subcommittee, I am especially cognizant of the extent of our fuel shortages, and the need for every segment of the economy to be fairly governed by a fuel allocation program. However, first and foremost, I believe any such program must equitably distribute our available fuel supplies among all sectors of the economy; and second, I am convinced that those industries which contribute essential services to the American public must be given priority. Neither of these conditions appear to be met in the Federal Energy Office's plans for commercial aviation.

Let me also bring to your attention two paragraphs from the conference report accompanying the Emergency Petroleum Allocation Act of 1973 (Public Law 93–159), under which authority the Federal Energy Office is operating in issuing the proposed mandatory fuel allocation regulations:

> The conferees have included in section 4(b)(1)(B) specific mention of the need to allocate fuels to provide for the maintenance of transportation facilities and services which serve the public at large. The term "transportation services" is intended to indentify those surface, rail or air facilities and services—whether public or privately owned—which serve the general public or which otherwise serve the objectives of this Act.
>
> The petroleum fuel shortage threatens numerous areas of commerce. The jeopardy from shortage of these fuels impacts most directly on transportation. Without adequate petroleum most United States' domestic and international transportation, with no option to convert to other fuels, would be seriously disrupted. A significant reduction of transportation capability could adversely affect all other areas of commerce and the national economy. Thus, one of the primary objectives of the Act is to assure maintenance of transportation services.

Certainly the intent of Congress could not be more clear towards the priority of the airline industry for fuel allocation purposes. I have contacted the Director of the Federal Energy Office, William E. Simon, to express my vigorous opposition to the currently proposed regulations as they affect commercial aviation, and I urge my colleagues to do likewise.

CAMPAIGN PLEDGES

(Mr. SHUSTER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SHUSTER. Mr. Speaker, during my campaign I said that the people have a right to know about the health of candidates they select for important public offices and I promised that I would take a physical exam and make the results public. The following is a copy of the medical report I received from Dr. Freeman Cary, Attending Physician, Congress of the United States:

THE ATTENDING PHYSICIAN,
CONGRESS OF THE UNITED STATES,
March 27, 1973.

Hon. E. G. SHUSTER:
U.S. House of Representatives,
Washington, D.C.

DEAR MR. SHUSTER: We were quite pleased to see you on February 6, 1973 for your first annual physical examination in this office.

It is also our pleasure to report that your physical examination showed that you are in excellent health. Specifically, your reviewed medical history revealed no active health problems; your blood pressure was 108/64; a complete physical examination, including your heart and lungs, was normal; and, your blood studies, chest x-ray and electrocardiagram were normal as well.

In final summary, you are to be congratulated on your non-smoking and your participation in active athletic conditioning. We hope that you will continue such a program.

Please feel free to stop by any time if we maybe of assistance in regard to your ongoing health care.

Sincerely yours,

FREEMAN H. CARY, M.D.

Mr. Speaker, I also pledged that I would dispose of any stocks I held, place the proceeds in Government bonds or savings accounts, and would make public any non-Government sources of income. I can report that all stocks have been sold or are offered for sale. Although my 1973 income tax has not yet been compiled, I can report today that my 1973 non-Government sources of income are: Estate of Ann Shuster, $4,400; estate of E. R. Greinert, $409; Shuster Farms (jointly with wife) estimated to be less than $5,000; the Altoona Federal Savings & Loan (jointly with wife) $580.84 and the sale of real estate, $13,000.

Mr. Speaker, I believe these disclosures are in harmony with the public interest and urge my colleagues to consider taking similar action.

ACTIVITIES AND ACCOMPLISHMENTS OF THE JOINT COMMITTEE ON ATOMIC ENERGY IN THE 93D CONGRESS, 1ST SESSION

(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, as chairman of the Joint Committee on Atomic Energy, I present for the information of my colleagues the annual report on the activities and accomplishments of the Joint Committee. This report covers the activities of this 1st session of the 93d Congress.

The report follows:

ACTIVITIES AND ACCOMPLISHMENTS OF THE JOINT COMMITTEE ON ATOMIC ENERGY IN THE 93D CONGRESS, 1ST SESSION

FOREWORD

It has been the practice of the Joint Committee on Atomic Energy, at the close of each

session of the Congress, to submit for the information of the Congress, the executive branch, and the public a report of its activities. (The report for the second session of the 92d Congress was printed in the Congressional Record of November 8, 1972.

The Joint Committee on Atomic Energy was organized on August 2, 1946. It consists of nine Members from the Senate and nine Members from the House of Representatives No more than five from each body can be members of the same political party. The chairmanship alternates between the Senate and the House of Representatives with each Congress.

Present membership is:

Melvin Price, Illinois, Chairman.

John O. Pastore, Rhode Island, Vice Chairman.

Chet Holifield, California; John Young, Texas; Teno Roncalio, Wyoming; Mike McCormack, Washington; Craig Hosmer, California; John B. Anderson, Illinois; Orval Hansen, Idaho; Manuel Lujan, Jr., New Mexico.

Henry M. Jackson, Washington; Stuart Symington, Missouri; Alan Bible, Nevada; Joseph M. Montoya, New Mexico; George D. Aiken, Vermont; Wallace F. Bennett, Utah; Peter H. Dominick, Colorado; Howard H. Baker, Jr., Tennessee.

The Joint Committee is one of the few committees established by statute rather than by rule of each House and is unique in several respects. For example, it is the only Joint Committee of the Congress with legislative functions, including the receipt and reporting of legislative proposals. The Committee is also charged by law with legislative responsibility as "watchdog" of the U.S. atomic energy program. As part of its responsibilities, the Committee follows closely the classified activities of the executive agencies, including the Atomic Energy Commission and the Departments of Defense and State, concerning the peaceful and military applications of atomic energy. The unclassified activities are closely reviewed as well.

In all of these activities, the Joint Committee on Atomic Energy, representing the Congress and the public, seeks to assure the implementation of the following national policy expressed in the Atomic Energy Act of 1954:

"The development, use, and control of atomic energy shall be directed so as to make the maximum contribution to the general welfare, subject at all times to the paramount objective of making the maximum contribution to the common defense and security."

During the 93d Congress, first session, the full Joint Committee met on a total of 50 occasions, 25 of which were public and 25 of which were executive meetings. In addition, there were six subcommittee meetings held in public session, and three subcommittee meetings held in Executive Session.

A total of 18 publications consisting of hearings, reports, and Committee prints were published by the Joint Committee in the first session of the 93d Congress. The publications include testimony taken in executive session with classified material deleted before printing.

A list of the publications follows:

AEC Authorizing Legislation, Fiscal Year 1974:

Part 1. Hearings, January 30, 1973.

Part 2. Hearings, February 6, 21, and 22.

Part 3. Hearings, March 14, 1973.

Part 4. Hearings, March 20 and 22.

Part 5. Environmental statements.

Reports: Authorizing Appropriations for the Atomic Energy Commission for fiscal year 1974 (H. Rept. 93-280; S. Rept. 93-224). June 14 and June 18.

Report: Supplemental Authorization of Appropriations for the Atomic Energy Commission for Fiscal Year 1974 (Senate Report No. 93-487, House Report No. 93-619). November 7, 1973 and November 1, 1973.

Atomic Energy Legislation through the 92d Cong., 2d Session. Committee Print, March.

Current Membership of the Joint Committee on Atomic Energy. Committee Print, April.

Certain Background Information for Consideration when Evaluating the "National Energy Dilemma". Committee Print, May.

Military Applications of Nuclear Technology (Part 1). Hearing (declassified) April 16.

Proposed Amendment to Euratom Cooperation Act of 1958 (S. 1993 and H.R. 8867). Hearing, June 22.

Report: Amendment to Section 5 of the Euratom Cooperation Act of 1958, as amended. (H. Rpt. 93-385; S. Rpt. 93-341). July 19 and July 24.

Understanding the National Energy Dilemma. Committee Print, August.

Proposed Changes in Basis for Cooperative Arrangement for the LMFBR. Hearings, Feb. 28 and May 4.

Future Structure of the Uranium—Enrichment Industry—Phase I. Hearings July 31 and Aug. 1.

The following publications will be released in the near future:

Current Status of AEC Controlled Thermonuclear Research Program. Hearing, July 25.

Proposed Sale of LaCrosse Boiling Water Reactor to Dairyland Power Cooperative. Hearing, Aug. 3.

Naval Nuclear Propulsion Program (declassified). Hearing, March 28.

Proposed Changes in AEC Contract Arrangements for Uranium Services. Hearings, Mar. 7, 8, 26 and Apr. 18.

Military Applications of Nuclear Technology, (part 2) (declassified). Hearing, May 22.

Future Structure of the Uranium Enrichment Industry (Phase II). Hearings, Oct. 2, 3, 4.

Nuclear Reactor Safety. Hearings Jan. 23, Sept. 25, 26, 27 and Oct. 1.

To Consider Dec. 1, 1973 AEC Report on Energy Research and Development. Hearing, Dec. 11.

I. LEGISLATIVE ACTIVITIES

A. Atomic Energy Commission Fiscal Year 1974 Authorization Act (Public Law 93-60)

The Atomic Energy Commission's authorization request for fiscal year 1974, as initially submitted to the Congress on January 30, 1973, called for authorization of $1,753,250,000 for "Operating Expenses" and $779,300,000 for "Plant and capital equipment" (including increases in prior-year authorization) making a total requested authorization of $2,532,550,000. This request represents a decrease of $70,925,000 or about 2.7 percent, below the $2,603,475,000 authorized for fiscal year 1973.

The Joint Committee's recommended authorization for fiscal year 1974 was $2,429,005,000 which is $103,495,000—about 4.1 percent—less than the amount requested, and $174,420,000—about 6.7 percent less than the amount authorized for fiscal year 1973.

Generally, the Commission's authorization request reflects estimated costs in two broad categories of effort, namely, military and civilian applications. Military applications includes primarily the nuclear weapons and naval propulsion reactors programs as well as a portion of the nuclear materials program. Approximately 48 percent of the Commission's fiscal year 1974 estimated program costs, or $1,472,200,000 is attributable to military applications. The estimated cost for the civilian applications of atomic energy totals $1,575,350,000 or about 52 percent of the program costs.

The Joint Committee began consideration of the proposed legislation authorizing appropriations to the AEC for fiscal year 1974 with a public hearing on January 30, 1973. Additional public hearings followed on February 6, 21, 22, and on March 14, 20, and 22. In the course of these hearings AEC's programs for regulation, biological and environmental research, physical research, civilian reactor development, applied energy technology, space nuclear systems, and radioactive waste management were considered. Other hearings were held in executive session on February 2 and 21, and on March 28, 1973. Programs reviewed during these hearings were weapons, nuclear materials production, and the naval nuclear propulsion program.

B. Supplemental Authorization of Appropriations For the Atomic Energy Commission For Fiscal Year 1974 (Public Law 93-158)

On October 23, 1973, an executive communication was transmitted to the Congress requesting the Congress to consider proposed supplemental appropriations to the Atomic Energy Commission of $10,700,000 for operating expenses and $30,000,000 for plant and capital equipment.

On October 30, 1973, the full Committee held an executive hearing on the request for authorization of supplemental appropriations. Representatives of the Atomic Energy Commission and the Department of Defense presented their views concerning the need to restore schedule slippages in certain nuclear weapon systems. The Commission witnesses also testified on the need for additional waste treatment and storage facilities at the AEC's Hanford, Washington site.

On October 31, 1973 Chairman Price, by request, introduced H.R. 11216, a bill to authorize supplemental appropriations of $40,700,000 to the Atomic Energy Commission. On November 1, 1973, the full Committee met in executive session for markup of the bill. At this session, the Committee voted to approve reporting of the bill favorably without amendments and adopted the report. These actions were taken by the unanimous vote of the members present. On November 2, 1973, Vice Chairman Pastore introduced a bill, S. 2645, identical to H.R. 11216.

This bill amends Public Law 93-60, the Atomic Energy Commission Fiscal Year 1974 Authorization Act.

II. CIVILIAN AGREEMENTS FOR COOPERATION

Under the provisions of the Atomic Energy Act of 1954, as amended, proposed agreements for cooperation in the peaceful uses of nuclear energy between the United States and other nations, and amendments thereof, must be submitted to the Joint Committee and a period of 30 days must elapse while Congress is in session before such agreements become effective. In accordance with such procedures, one amendment was submitted to the Committee by the Atomic Energy Commission.

On March 27, 1973, the Atomic Energy Commission transmitted to the Congress a proposed bill to amend Section 5 of the EURATOM Cooperation Act of 1958. This bill was introduced, by request, on June 13, 1973, in the Senate by Vice Chairman Pastore as S. 1993 and on June 20, 1973, in the House by Chairman Price as H.R. 8867. (Public Law 93-88)

The Joint Committee's Subcommittee on International Agreements for Cooperation held a hearing on these bills on June 22, 1973. At that hearing the Subcommittee received testimony from the AEC generally concerning the community requirements for increased quantities of enriched uranium, the Commission's ability to furnish the additional amount of enrichment services required, and the reasons for changing the manner in which the ceiling was expressed from kilograms of contained uranium 235 to an amount which would be sufficient to support the fuel cycle of power reactors of a total specified megawatt electric capacity. Additionally, the Subcommittee accepted for the record a statement from the European Community which also emphasized the

Community's urgent need for this material and the legislation.

The Joint Committee met in executive session on July 18, 1973, to consider these bills. At that time, the Committee voted to report these bills favorably, without amendment, and adopted the report. These actions were taken by the unanimous vote of the members present. The bill amends Section 5 of the EURATOM Cooperation Act of 1958, as amended, to increase the maximum amount of contained uranium 235 which may be transferred to the European Community from 215,000 kilograms to that which would be necessary to support the installed capacity of 35,000 megawatts of electrical energy together with 25,000 kilograms of uranium 235 for other purposes. In terms of kilograms of contained uranium 235, the total increase would be the equivalent of 368,000 kilograms. The ceiling would serve to set an upper limit on the amount of uranium enriching services which may be provided to the Community under contracts with the AEC. An actual commitment to supply any amount of enriched uranium would not occur until the execution of specific supply contracts.

III. INFORMATIONAL HEARINGS

A. Naval Nuclear Propulsion Program

The Joint Committee held an executive hearing on the Naval Nuclear Propulsion Program on March 28, 1973. At that time, Admiral Rickover outlined progress made and plans for future developments in this vitally important segment of our national defense. The hearing record was sent to the Department of Defense for review in order that classified material could be deleted and the information provided by Admiral Rickover could be published as a Joint Committee hearing print.

The naval reactors program involves the continuing development of improved nuclear reactor propulsion systems for a wide range of naval warships including both submarines and surface vessels. The overall program is aimed at taking maximum advantage of nuclear energy to provide ship propulsion systems with unlimited high-speed performance and combat endurance without the need for logistic lines of fuel supply.

B. Energy Demand and Supply Situation

On May 4, 1973 the Joint Committee held an open hearing for Members of Congress to acquaint them with the complexity of the energy demand and supply situation. The staff of the Joint Committee on Atomic Energy has developed a graphic presentation which enables a person (who is not necessarily an energy specialist) to obtain a reasonable understanding of the broad problems, scale and complexity of our energy dilemma in about an hour. The study and graphic data was published in May. In addition, a method has been devised for visually displacing projected future effects of various energy policies on our domestic energy situation.

On August 17, 1973, a Joint Committee Report, entitled "Understanding The National Energy Dilemma" was prepared at the request of Chairman Price. The Report has gone through two printings this year already. The Center for Strategic and International Studies of Georgetown University and the University of Houston have reproduced the report using commercial art work to add greatly to its public appeal. The Center has distributed 10,000 copies and 35,000 additional copies were produced in a second printing. Through such efforts, the public is becoming better apprised of the energy crisis.

The Joint Committee met in open session on December 11, 1973 to discuss the December 1, 1973 report entitled "The Nation's Energy Future" providing Dr. Dixy Lee Ray's recommendations to the President for a five-year $10 billion energy research and development program. In view of the critical importance of the document, the Committee felt it important to receive an oral summary of the report and to address questions to Dr. Ray regarding her recommendations.

C. LMFBR Cooperative Demonstration Plant

The Cooperative arrangement for the Nation's first liquid metal fast breeder reactor (LMFBR) demonstration plant was authorized under Section 106 of Public Law 91-273, as amended by Public Law 92-84. Among other things, that legislation requires that the basis for the arrangement or any amendment thereto be submitted to the Joint Committee on Atomic Energy for a period of 45 days, unless a waiver is granted by the Joint Committee.

On January 26 the Atomic Energy Commission submitted changes to the basic principles which had been submitted on August 14, 1972, which were to be followed in carrying out the cooperative project (see Committee hearing record "Liquid Metal Fast Breeder Reactor Demonstration Plant" Sept. 1972). Hearings were held on the new proposed arrangements on February 28 and May 4. The Committee's decision on the proposed arrangements was supplied to the Commission on June 19, 1973. The Committee's decision was contingent upon a revision in certain aspects of the proposed arrangements. (See Committee print "Proposed Changes in Basis for Cooperative Arrangement for LMFBR", February and May, 1973).

D. Uranium Enrichment

The Subcommittee on Energy of the Joint Committee on Atomic Energy held hearings to consider the impact of the proposed changes in the terms and conditions under which the Atomic Energy Commission will provide uranium enriching services to both domestic and foreign customers. The new contract arrangements are described in the AEC's proposed revisions to the uranium enrichment Services Criteria and related materials which were submitted to the Joint Committee on Atomic Energy on January 18, 1973, and which, under Section 161v of the Atomic Energy Act, must lie before the Joint Committee for 45 days. The hearings of March 7, 8, 12, 26, and April 18, 1973 will be published in the near future.

The Joint Committee on Atomic Energy held hearings, Part I on July 31, and August 1, 1973 entitled "Future Structure Of The Uranium Enrichment Industry". The object of these hearings is to find out what should be done to provide the additional uranium enrichment facilities we need.

The Committee has given a great deal of attention to the provision of adequate uranium enrichment capacity. Developments over the past five years gave cause for concern. There have been slippages in the estimates of the time by which improvements in the present enrichment plants are needed. The Committee, in fact, has added to the Commission's authorization request at various times to accelerate the diffusion plant improvement programs.

Extensive hearings on this matter have been held. The first portion of these hearings which were limited to government witnesses have been published under title "Part I—Future Structure of the Uranium Enrichment Industry". The second portion which included non-government witnesses interested in the matter is in the process of being published under Part II of the same title.

E. Controlled thermonuclear research

The Subcommittee on Research, Development and Radiation of the Joint Committee on Atomic Energy held a public hearing on July 25, 1973 on the current status of the AEC magnetic confinement portion of the controlled thermonuclear program. The Atomic Energy Commission is supporting two fusion programs. The magnetic confinement program has been underway since the early 1950's. The laser-pellet fusion program, begun about 1962, was a minor research effort up to the past few years. It is funded entirely under the weapons program.

In the magnetic confinement program, two recent successful experiments at the Princeton Plasma Physics Laboratory and at the Oak Ridge National Laboratory show that the AEC's CTR program is rapidly approaching the stage where experiments involving large volume research devices will be needed to test scaling laws. Plasma generation and plasma losses are also under intensive study. The Adibatic Toroidal Compressor device at the Princeton Laboratory recently produced a plasma, the working fluid of any fusion reactor, the density of which was close to that expected in future commercial reactors. The Joint Committee considers that now is the time to support a realistically increased research and development program in magnetic confinement CTR which is in direct relationship to the difficulties and magnitude of the potential benefits which lie ahead.

F. Nuclear power reactor safety

On January 23, the Committee commenced its public hearings on nuclear power reactor safety. The Committee heard testimony from the outgoing AEC Chairman, Dr. James Schlesinger, who had been nominated as the Director of the Central Intelligency Agency. The Committee took this opportunity to hear Dr. Schlesinger's views on reactor safety before his change in assignment. This testimony has been referred to as Phase I of the safety hearings.

Phase II is divided into two parts. Part A consists of testimony by the Atomic Energy Commissioners, their principal staff, the Advisory Committee on Reactor Safeguards and the Atomic Safety and Licensing Board Panel. Testimony was heard in public session on September 25, 26 and 27 and October 1. During Part A the subject of the adequacy of the interim criteria for Emergency Core Cooling Systems was not covered since this matter was before the Commission for decision in a rule-making procedure. When the Commission reaches a decision on the acceptability of the proposed ECCS criteria, the Committee will reconvene in public session to receive testimony on the logic and rationale underlying this decision. At the time of filing of this accomplishments report, the decision had not yet been announced.

The Committee intends to continue public hearings on the matter of nuclear power reactor safety early in the next session of Congress. At that time, it is expected that Part B of Phase II will be conducted and a Committee print on Phase I and Phase II will be published. Soon thereafter, the Committee will conduct Phase III of the nuclear power reactor safety hearings. At that time testimony would be received from the representatives of the nuclear power industry, the scientific community, and the public at large.

IV. CLASSIFIED ACTIVITIES

Military Applications

The Subcommittee on Military Applications of the Joint Committee on Atomic Energy held executive sessions on April 16, May 22, and June 29, 1973, to receive briefings on the military applications of nuclear technology by the Atomic Energy Commission, the Department of Defense and the Supreme Allied Commander, Europe. These hearings were sent to the Department of Defense for review in order that classified material could be deleted and information provided could be published as a Subcommittee

hearing print entitled "Military Applications of Nuclear Technology". Part I has been published and Part II will be published in the near future.

In September 1973 Chairman Melvin Price visited the Conference of the Committee on Disarmament in Geneva, in regard with arms control and disarmament matters. He also visited military installations in Europe in connection with matters relating to the military uses of atomic energy. A classified report on this matter is on file in the Joint Committee on Atomic Energy office.

Vice Chairman Pastore and Senator Baker in March 1973 visited certain military installations in NATO to review national security matters relating to the military use of atomic energy. A classified report on this matter was sent by them to the Secretary of Defense and the Chairman of the Atomic Energy Commission.

Central Intelligence Agency

From time to time during this year, the Joint Committee Members have met with representatives of the CIA to receive information concerning foreign intelligence matters.

V. OTHER MATTERS

A. Nuclear Electric Power in Space

The space environment from Earth to Jupiter has been determined for the first time. On December 3, 1973, Pioneer 10 (the first nuclear powered interplanetary spacecraft) photographed and recorded the geophysical properties of the planet Jupiter and sent color photos back to the United States. (The ionizing radiation fields and low intensity solar spectrum precluded use of any other than a nuclear power supply for this mission.)

B. Confirmation Hearings

The Senate section of the Joint Committee held hearings on May 17, August 1, and October 12, 1973 on the nominations of Mr. William E. Kriegsman to be an AEC Commissioner, Mr. William A. Anders to be an AEC Commissioner and Mr. Donald R. Cotter to be Chairman, Military Liaison Committee to the Atomic Energy Commission. The Senate approved these nominations on May 31, August 2 and October 13, 1973.

C. International Atomic Energy Agency (IAEA)

Members of the Joint Committee on Atomic Energy attended the General Conference of the IAEA in Vienna, held in September 1973.

D. Visit to the Far East

Chairman Price toured various installations in the Far East during February 1973. The visit was primarily for the purpose of reviewing with officials of the Japanese government the Japanese civilian atomic energy program.

E. La Crosse Boiling Water Reactor (LACBWR)

The Joint Committee held a public hearing on August 3, 1973 to consider the new terms of the proposed sale of the La Crosse Boiling Water Reactor to the Dairyland Power Corporation. LACBWR is a 50 megawatt (net) nuclear steam plant located on the east bank of the Mississippi River, about 19 miles south of La Crosse, Wisconsin. The LACBWR project was one of several reactors built under the Atomic Energy Commission's Cooperative Power Reactor Demonstration Program and was authorized in 1961 under Section 109(c) of Public Law 87-315. The reactor is Government owned and is operated by the Dairyland Power Cooperative under a contract with the AEC for a ten-year period which would end on November 1, 1979.

Under the former arrangement submitted to the Committee, Dairyland would have paid the AEC a net purchase price of $2.1 million for the reactor and the two fuel cores now at the site. Dairyland would have also assumed the cost of operating the reactor as of November 1, 1971. Under the new arrangement, the purchase price would be reduced from the net figure of $2.1 million to a nominal sum of one dollar and the Commission would continue to bear the cost of operating the reactor from November 1971 through August 1973. The costs to obtain a full operating license after transfer of title to Dairyland, will probably equal or exceed the $2.7 million. The current estimate of net savings in operating costs to the Commission is $4.7 million.

VI. COMMITTEE PLANS FOR 93D CONGRESS, 2D SESSION

Included in tentative plans for special attention in connection with the Committee's legislative and oversight responsibilities in the Second Session are the following:

Licensing of Nuclear Power Plants.

Price Anderson Indemnity Protection.

Provision of Uranium Enrichment Services.

Liquid Metal Breeder Reactor Demonstration Plant.

Overall Energy Research and Development Program.

Nuclear Power Reactor Safety.

Policies concerning the supply of natural uranium.

As the legislative work load permits consideration will be given to the conduct of hearings on the Growth, Development and State of the Nuclear Industry as provided under section 202 of the Atomic Energy Act.

THE NEED TO CREATE THE FEDERAL ENERGY ADMINISTRATION BY STATUTE

(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, previous to the appointment of Mr. William E. Simon as Federal Energy Administrator, we had witnessed a succession of highly touted, so-called energy advisers or energy czars. Each announcement sought to place "new powers" or "overall control" in the hands of the newly discovered energy expert—instant variety.

Instead, each departure spread disillusionment and distrust for the programs which were to have been panaceas for the Nation's energy woes. This trail of discarded energy chiefs and their discredited solutions have not been the only cause of the confusion—rather than concurrence—in the midst of our Nation's energy councils.

Throughout the entire period that the energy crisis has been a principal concern—that is, during the few months that the administration has admitted that we were actually facing a problem—the American people have been subjected to a barrage of conflicting and confusing statements. A wide range of administration figures, resembling in no small degree the mythical nine-headed serpent Hydra, have spouted forth chaos and confusion in the form of widely contradictory and divergent claims. And like the Hydra, who, if one of its heads were cut off, grew back two in its place, the successive removals from office of various energy kingpins have only had the effect of multiplying the conflicting public statements of these administration officials.

Mr. Speaker, I have said that Mr. Simon's appointment marks a turning point for the administration's approach to our energy shortages. It does. It will unite authorities formerly exorcised by Interior's offices of petroleum allocation, energy conservation, energy data, and analysis, and oil and gas plus those of the energy division of the Cost of Living Council. All are now to be lodged under one roof—that of the FEA. But the creation of the Federal Energy Administration and the appointment of the Administrator by Executive order can only be considered an interim measure at best.

The Congress must concern itself with insuring that a permanent statutory basis exists for the FEA.

Since the FEA will also require an appropriation of funds from the Congress, additional opportunities for dialog between the administration and the Congress will be afforded. Considering the people that have thus far been selected to staff the FEA, such an exchange could become one of the few truly cooperative "joint ventures" the administration will have entered into with Congress.

Most of all, however, the authorization of the FEA ought to cement the centralization in one agency of all our energy problem-solving capabilities, instead of their diffusion throughout the Federal bureaucracy. That former setup had made it extremely difficult for my office in Springfield to be either consistent or accurate in answering the tremendous number of constituent inquires we have received on any number of energy related problems. It has been literally impossible for us to reduce the apprehensions of people who are uncertain as to how rules and regulations affect them because of the confusion on that very score within the Federal Government.

Yet, in the barely 2-week period that the FEA has been operating under Administrator Simon, I have detected a noticeable change in the atmosphere of energy policy formulation.

In my home State of Massachusetts, there is a new Regional Director of the FEA for all of New England. Mr. Lawrence W. Rogers is the Regional Director of the Manpower Administration. On loan from the Labor Department, he has been laboring long hours on a 7-day-a-week basis to effect an orderly changeover to the new agency.

From a workload of well over 1,000 cases, which they inherited barely 2 weeks ago, he and his meager staff have reduced the backlog to less than 150 unresolved files. Furthermore, each individual problem has received personal attention, not just the distant formality of a form reply. This kind of result in such a short time is clearly the product of both dedication and a sophisticated approach. It is the kind of service that we should have been receiving all along.

Despite a shortage of staff and inadequate office space, Mr. Rogers has done a

very credible job of stemming the tide of rising energy complaints. Like other regional directors—he is hampered by the uncertainty as to where the money for his staff will come from, how much money he will have to hire staff, or from whence his staff will come.

Certainty on those points can only come after an authorization and then an appropriation for the FEA is approved by the Congress. Then only will he or any other Regional Director be able to attract the kind of superior agency personnel that the FEA ought to have to perform the important tasks that have been assigned to it.

Furthermore, it is apparent to me that the 10 regional offices of the FEA are only the barebones of the Federal effort that must be expended if a truly responsive and equitable program of allocation and conservation is to result. Additional local offices are necessary to share the burden with the principal regional FEA offices. One office cannot possibly handle all the requests and inquiries from a region as large and as hard hit by energy shortfalls as New England. It is not fair to the public and it is not fair to the staff of the regional office.

I have proposed on several occasions in letters to the President and other administration officials that an energy policy subregional or local office be set up in western Massachusetts. While the logical place for such an office would be Springfield, which is in my congressional district, I am not proposing the establishment of this office because of what is only a selfish concern for my own constituents. All New Englanders, all Americans, deserve priority recognition and treatment of their energy needs.

I have made my own Springfield district office available on a constant basis to keep the public as fully informed and as well served as we can with the limited resources available to us. But the people of western Massachusetts deserve better than our secondhand, at-a-distance attempt to discover solutions to their problems. So do all American citizens.

As I have indicated, I think that we should enlarge and enhance the basic organizational structure of the FEA as it is now constituted. I would much prefer that the Federal Energy Administration be established through a separate act.

Mr. Speaker, yesterday the Senate passed S. 2776 by a vote of 86 in favor with 2 against. The House should have given consideration to this bill. It is, by far, the better way of creating a more effective Federal Energy Administration. It pulls together by statute, in one agency, the many facets of this difficult problem that is now spread through several Federal agencies. It makes specific appropriations for the FEA instead of the present piecemeal allocations to these several agencies. Its lines of authority are more clearly and precisely defined. It enables the Administrator and his staffs, here in Washington and throughout the country to have a much better grasp on the ability to recruit the staff that is absolutely necessary to have any degree of competence, fairness and equity in the performance of the difficult task that the Federal Energy Administration faces now and in the future.

CONFUSION IN THE HOUSE

(Mr. FRENZEL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FRENZEL. Mr. Speaker, again tonight we have been lucky in that the country could not deserve our silly actions. In a time of lack of confidence, the House was again put by its leadership in a position of not knowing what it was voting on. The confusion was, as noted by the gentleman from Louisiana (Mr. WAGGONNER), not a credit to the House. But around here we seem to thrive on confusion.

The parliamentary situation has been difficult. The Senate has pressed us. But we did not have to get ourselves into this mess, and we did do it to ourselves.

All we had to do tonight was to pass the Senate bill to get an energy bill. Instead we had to monkey around with the two complicated and unknown House resolutions that were poorly explained and never printed for the Members.

I voted against the first resolution of the gentleman from West Virginia (Mr. STAGGERS), the number of which is unknown to me. The resolution was certain to fail in the Senate and we would surely have no bill.

I think I am as anxious to challenge the Senate as any person here. I recall making a challenge on the public health hospitals and again on the noxious, nongermane FTC amendments to the Alaska pipeline bill. At those times, the very persons who are now asking us to stand up to the Senate were then voting for outright surrender. The problem now is that there may not be any Senate to stand up to.

We have let this thing drag out so long we do not know whether the Senate has a quorum or not. If we want any bill, we should pass the Senate bill. If we send this resolution to a Senate lacking a quorum, we kill any possibility of getting the energy bill this country needs now.

I will stay as long as necessary to work out a bill. I recognize the need to control excess profits of energy companies. I voted against resolutions tonight both with and without the windfall profits section. That isn't the issue. The issue is a bill, the Senate bill, or no bill.

But perhaps even a deeper issue is that of our own procedures. How can we explain to a doubting populace our voting on unprinted, unknown resolutions? Or our total confusion on the parliamentary situation?

It is essential that we follow up this obviously temporary energy bill with needed legislation like extensions of authority and excess profits taxes. It is equally essential that we clean up our own House, so that adventures such as we indulged in tonight need not be repeated.

SUMMARY OF H.R. 10253

(Mr. ROY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ROY. Mr. Speaker, yesterday I introduced the National Health Policy and Health Development Act of 1974. Today I am submitting for the RECORD a short summary of the act, a table of cost figures, a section-by-section analysis, and a copy of the bill for the consideration of the Members and public.

BRIEF SUMMARY OF THE NATIONAL HEALTH POLICY AND HEALTH DEVELOPMENT ACT OF 1974, H.R. 10253

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 to the HSAs creating Area Health Services Development Funds 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 legislation to perform the functions of SHCs in any State in which one was not designated.

NATIONAL HEALTH POLICY AND HEALTH DEVELOPMENT ACT AUTHORIZATIONS

[In millions of dollars]

	Fiscal year—			
	1974	1975	1976	Total
Assistance for developing HSA's sec. 615	15	30	30	75
Planning grants for HSA's sec. 618		60	100	160
Development grants for HSA's sec. 619		100	125	225
Assistance for developing SHC's sec. 628(a)	2	3	5	10
Assistance for operating SHC's sec. 628(b)	1	5	10	16
Revolving loan Fund for construction sec. 634[1]		100		100
Total	51	232	303	586

[1] Authorized in the aggregate for 3 years. For purposes of yearly totals, considered as equally divided among the 3 years.

The assumptions underlying the figures are to be found in the appropriate sections of the detailed section-by-section analysis of the Act.

The authorizations may be compared with the following summary of authorization and appropriations for CHP, RMP, and Hill-Burton, the programs which would be combined by the legislative proposal.

AUTHORIZATIONS AND APPROPRIATIONS DATA FOR PROGRAMS REPLACED BY THE PROPOSAL

[In millions of dollars]

	Fiscal year 1972		Fiscal year 1973		Fiscal year 1974		Totals	
	Authorized	Appropriated	Authorized	Appropriated	Authorized	Appropriated	Authorized	Appropriated
CHP:								
314(a)	17	7.68	20	10	50	10	47	27.68
314(b)	30	13.2	40	25.1	25.1	23.8	95.1	62.1
RMP	150	90.5	250	159	159	81.95	559	331.45
Hill-Burton	422	197.2	437.5	197.2	197.2	197.2	1,056.7	591.6
Total	519	308.58	747.5	391.3	391.3	313.05	1,757.8	1,012.83

SECTION-BY-SECTION ANALYSIS OF H.R. 10253 NATIONAL HEALTH POLICY AND HEALTH DEVELOPMENT ACT OF 1974

The National Health Policy and Health Development Act of 1974 provides amendments to the Public Health Service Act which are designed to assure the development of a national health policy and of effective state health regulatory programs, and area health planning and development programs. Section 1 of the Act provides that it may be cited as the National Health Policy and Health Development Act of 1974.

Section 2(a). This section makes Congressional findings that:

(1) the achievement of equal access for all people to high quality medical care at a reasonable cost is a priority of the Federal Government;

(2) the recent massive infusion of Federal funds into the existing health care system has not produced an adequate supply or distribution of health care resources and consequently has not made possible equal access to such resources by the total population; and

(3) cooperation between the public sector (national, State, and local) and the private sector has not effectively developed a comprehensive, rational approach to the problems of—

(a) the lack of effective methods of delivering health services; and

(b) the maldistribution of health care facilities and manpower.

Section 2(b). States that, in recognition of the magnitude of the problems enumerated in section 2(a) and the importance of their solution, the purpose of this Act is to develop recommendations for a national health policy responsive to the problems enumerated, augment health planning intended to solve these problems within the framework of the national health policy, and to authorize financial assistance for the development of programs indicated by the planning process and the policy. The recommended national health policy, which is to include a specification of national health goals, is to give direction and coordination to public and private health planning and development programs. The policy is to be implemented by a nationwide system of Health Service Agencies (HSA's), to be established by this Act, which are to have within their health areas the responsibility and resources for assuring equal access for the residents of the areas to all necessary health care services.

Section 2(c). Makes additional Congressional findings that:

(1) past and present increases in the cost of medical care, particularly of hospital stays, are excessive and inflationary;

(2) the present proliferation of new health services and capital expenditures for health facilities is often inappropriate and unplanned;

(3) there are presently inadequate financial incentives for the use of appropriate levels of care, and for the substitution of ambulatory and intermediate care for inpatient hospital care;

(4) the many and increasing Federal, State, local, and private responses to these problems have often been fragmentary, inadequate, conflicting, and inequitable; and

(5) State governments have a central role to play in correcting these problems.

In response to these additional findings, this section states the purpose of Part C, of the new Title VI of the PHS Act created by this Act, to be to assist in the development of State health care regulatory programs which, in conjunction with the health planning programs, assure the availability of health services to all people at the lowest feasible rates. These regulatory programs are to regulate rates of payment and reimbursement for health care in order to:

(1) 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;

(2) assure that all services provided are of acceptable quality;

(3) assure those responsible for the provision of services with necessary revenue requirements for the provision of high quality health services; and

(4) distribute the burden of meeting these revenue requirements fairly among all those who pay for health services.

Section 3. Provides that Title VI of the Public Health Service Act is amended by replacing the existing text with an entirely new text, described below. This has the effect of repealing the existing programs of assistance for construction and modernization of hospitals and other medical facilities (known as the Hill-Burton program). Section 4 of the Act, described at the end of this analysis, also repeals the existing sections 314 (a), (b), and (c), and Title IX of the Public Health Service Act (the Comprehensive Health Planning and Regional Medical Program legislative authorities). Provision is made in section 4 for transition between the program described below, in the new Title VI, and the three programs which it replaces, Hill-Burton, CHP, and RMP. The new Title VI has the following title and provisions.

TITLE VI—NATIONAL HEALTH POLICY, AND HEALTH PLANNING AND DEVELOPMENT

PART A—NATIONAL COUNCIL FOR HEALTH POLICY

ESTABLISHMENT OF NATIONAL COUNCIL FOR HEALTH POLICY

Section 601(a). Establishes in the Executive Office of the President a council to be known as the National Council for Health Policy. Specifies that the establishment of the Council in the Executive Office of the President is not to limit access by the Congress, or its committees, to data, documents, studies, or personnel of the Council.

The location of the Council in the Executive Office of the President is intended by the sponsors of the legislation to assure it close access to Presidential and Congressional health policy making, and an overview of all Executive Branch health activities rather than just those of the Department of Health, Education and Welfare, and to give it prominence and prestige sufficient to give its recommendations national consideration. In this regard, the Council is analogous to the existing Council on Environmental Quality. The provision assuring Congressional access to the works and personnel of the Council underlines the sponsors' belief that such a Council serves both the Executive Branch and the Congress in recommending health policy and should be essentially a public entity.

Section 601(b). Provides for the number, appointment and terms of office of the members of the Council. The Council is to be composed of five members to be appointed by the President with the advice and consent of the Senate. The members are to be qualified by training, experience, or attainments to assist in the functions of the Council. Not less than two of them are to be consumers of health services. Not more than three are to be of the same political party. Council membership is to be for a term of office of six years with the terms of the five members appropriately staggered. The chairman of the Council is to be selected from among the members by the members and to serve for a period of not more than three years.

Section 601(c). Provides that the annual rate of pay for the chairman of the Council is to be at level 2 of the Executive Schedule and the annual rate of pay of the other members at level 3 of the Executive Schedule.

Section 601(d). Provides that the Council may employ and use such staff as it determines are necessary to perform its functions, and may procure the services of experts and consultants as necessary.

FUNCTIONS OF NATIONAL COUNCIL FOR HEALTH POLICY

Section 602(a). Lists the responsibilities of the National Council, as follows:

(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, services, and financing;

(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 603;

(5) Issuing recommended guidelines respecting the appropriate supply, distribution, and organization of health resources and services; and

(6) Conduct of studies and analyses concerning recommendations developed under paragraph (4) for a national health policy.

In carrying out these responsibilities, the Council is to seek the advice of outside advisory committees which it shall appoint, and is to work with and consult with the health service agencies established by the rest of the legislation.

The legislation is drafted so that the National Council on Health Policy recommends health goals rather than establishing them, in recognition of the fact that the final determination of health policy is appropriately the function of the Congress and the President. The requirement that the Council work with HSAs in establishing national health goals is designed to assure that its recommendations will be responsive to the identified needs of the country as expressed through the plans of the HSA's.

It is further felt that the HSA's will work more effectively to achieve the recommended goals if they have been involved in the formulation of the goals. The responsibilities of the Council for the assessment of the status of the nation's health, existing and proposed health programs, and the need for the supply of health resources and services is recognized to be an immense task and it is anticipated that the Council will obtain substantial staff assistance from the Department of Health, Education, and Welfare.

The guidelines respecting the supply of health resources and services which the Council is to issue are intended to provide guidance to the DHEW and the HSA's in their own planning programs. They would concern themselves with such matters as: the appropriate ratio of physicians to population including considerations of physician distribution both geographically and by specialty, the needed population base and support services for highly specialized health services such as radiation therapy, or renal dialysis and transplantation services, and suitable methods of providing primary care services in rural areas. While it is expected that issuing guidelines for resources and services spoken to in the recommended national health goals would be of high priority, there is no intent that the Council be limited to the development of guidelines by their recommendations for national health goals.

Section 602(b). Requires an annual report on or before February 1, from the Council to the public specifying the results of the activities undertaken to meet the listed responsibilities.

Generally, it is anticipated that this report would include the results of the various assessments done by the Council, enumeration and justification of the recommended national health goals, and copies of guidelines, studies, and analyses prepared by the Council.

NATIONAL HEALTH PRIORITIES

Section 603. Specifies Congressional findings as to appropriate priorities to be used in the formulation of a national health policy and in the development and operation of Federal, State, and area health planning and development programs. These are to include:

(1) The provision of primary care services for medically underserved populations, especially those which are located in rural or economically depressed areas;

(2) The development of multi-institutional systems for coordination of 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 achieve needed improvements in the quality of health services, including needs identified by the review activities of Professional Standards Review Organizations;

(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) on a geographically integrated basis;

(8) The adoption of uniform cost accounting, simplified reimbursement, and utilization and reporting systems and improved management procedures for health service institutions; and

(9) The development of effective methods for financing of, reimbursement for, and regulating votes of reimbursement and payment for medical care.

The legislation requires the National Health Council in formulating its goals (section 601(a)(4)) and the HSA's in developing their long-range goal plans (section 613(b)(2)) to give appropriate consideration to these priorities in the development of the goals.

PART B—HEALTH AGENCIES

HEALTH AREAS

Section 611(a)—Requires the Secretary to establish throughout the United States health areas with respect to which he will then designate health service agencies (HSA's) under section 616. Each area is to meet the following requirements:

(1) The area shall be a rational region for the proper planning and development of health services which contains the resources necessary to provide all necessary health services for the residents of the area;

(2) To the extent practicable, the area shall include at least one center for the provision of highly specialized health services;

(3) The area shall follow State boundaries, except that an area may comprise a geographical region which crosses State boundaries if the Secretary determines that such a region is a more rational region for the proper planning and development of health services;

(4) The area, upon its establishment, shall have a population of not less than 500,000 nor more than 3 million; except that (A) the population of more than 3 million, and (B) million if the area includes a Standard Metropolitan Statistical Area (SMSA) with a population of more than 3 million, and (B) the population of an area may be less than 500,000 if the area comprises an entire State which has a population of less than 500,000; and

(5) to the maximum extent feasible, the boundaries of an area may not cross the boundaries of a SMSA.

The Secretary is further required to coordinate his designation of health areas with the designation of areas for PSRO's under section 1152 of the Social Security Act. This coordination is to assure that each health area is made up of one or more whole PSRO areas, or vice versa. This means that the boundaries of a health area are not to cross the boundaries of an area for a PSRO.

These requirements are intended to assure that health areas, which are to cover the entire country without overlap, will represent rational areas for doing health planning, of reasonable size, and bearing reasonable relationships with existing state boundaries and the boundaries for PSRO activities. Each area is to be large enough that it will have the capacity to provide all necessary health services to all of its people. This should also assure that it has a large enough resource base for effective planning. The requirement for a center for the provision of highly specialized health care would generally be met by including in each area an academic health center. The requirements are designed to give the Secretary flexibility in designating health areas so that they can conform to State boundaries wherever this is appropriate, such as in sparsely populated or Western states, or cross state boundaries where the

existence of a large metropolitan area on the border of a state makes this more appropriate for health planning. Similarly, it is anticipated that rural and sparsely populated states may constitute an entire health area while more densely populated states such as New York and California may have as many as five or more health areas within their own boundaries. Generally, it is expected that rural areas will be associated in the designation of health areas with whichever urban center they look to for the provision of secondary and tertiary health services.

Section 611(b). Provides requirements for the time schedule which the Secretary is to follow in designating health areas, the officials and organizations with which he is to consult in such designation, and for periodic review and modification of the areas as appropriate. The schedule allows the Secretary four months in which to develop proposed health areas, and a month for receiving comment on these areas by concerned parties, and making their final publication. Generally it is expected that the final publication would occur within at most two months after the close of the period for comment. The Secretary is directed to consult in the designation of health areas with the Governors of the States and the chief executive officers of counties, cities, and other political subdivisions of the States. In addition, he is to consult with the existing 314(a), and 314(b) comprehensive health planning agencies. During the period for comment the Secretary is to receive and consider comments from all interested parties. In his ongoing review of the appropriateness of the designated areas the Secretary is to consult with the same officials, and to provide the same opportunity for comment on proposed changes in the areas as are required for the original designation of the areas.

HEALTH SERVICE AGENCIES

Section 612(a). Defines a HSA as a nonprofit private corporation which is organized and operated as described in section 612(b), and which is capable of performing the functions delineated in section 613. Requires the Secretary to prescribe standards and criteria for the organization and functioning of HSA's in regulations.

Section 612(b). Defines criteria for the (1) legal structure, (2) staff, and (3) governing body of HSA's.

Legal Structure. An HSA is to be legally incorporated in the state in which is located the largest part of its health area's population and is not to be a subsidiary of, or otherwise controlled by any other private corporation or other private legal entity.

This requirement is designed to insure for health planning purposes the financial and organizational independence of the HSA from existing health programs and organizations, including state and local government. The requirement for organizational independence is not meant to prevent the HSA from performing planned related functions for existing health programs and governments, but these should be contractually defined in such a way that it is clear what services are to be rendered, and that the contract does not influence or bias the HSA's planning programs.

Staff. HSA's are required to have a staff which provides the agency with expertise in at least the gathering and analysis of data, planning, and health manpower, facilities and services. The professional staff of any agency is generally to have at least one person for each hundred thousand people in the area served by the agency, except that in areas with a small population the professional staff is always to include at least five members. The staff of an HSA is to be selected, paid, promoted, and discharged in accordance with such systems as the agency establishes, except that rates of pay for the staff are not to be less than those prevailing in the health area for similar positions in other public or private planning and health service entities.

Governing Body. Each HSA is to have a governing body with not less than 10 and not more than 30 members. Provision is made that the governing body may exceed a membership of thirty if it has an established "executive committee" of not more than 25 members to which it has delegated the authority to take action on its behalf. The governing body is to be responsible for:

(1) The internal affairs of the HSA including matters relating to the staffing of the agency, its budget, and procedures and criteria developed and published pursuant to section 614 for performing its functions under subsection 613 (e), (f), and (g);

(2) The approval of the long-range goal plan (LGP) and short-term priorities plan (SPP) required by section 613(b);

(3) Issuing an annual report concerning the agency's activities. The report is to include the LGP and SPP of the agency, and is to be readily available to the residents of the health area and the various communications media serving the area;

(4) Reimbursing its members for their reasonable costs incurred in attending meetings of the governing body;

(5) Meeting at least once in each quarter of each year, and meeting at least two additional times in a year, unless its executive committee meets for it; and

(6) Conducting its business meetings in public and making its records and data available upon request to the public. A quorum for meetings of the governing body is to consist of not less than half of its members, including half of the members in each of the categories described below under composition.

The governing board of the HSA is to be composed as follows:

(1) At least one-third of its members are to be consumers of health services living in the HSA's health area who are broadly representative of the various economic, social, racial, and geographic population groups of the area;

(2) At least one-third of the members are to be providers of health services resident in the HSA's area who are broadly representative of health professionals, public and community health personnel, and allied health personnel; health institutions (including hospitals, extended care facilities, and university health centers), and the employees of such institutions; and people paying for health care services (including direct service and indemnity insurance companies); and

(3) At least one-third of the members are to be residents of the HSA's area who hold public elective offices and who are broadly representative of the elected governmental authorities in the area.

For the purposes of this section, the term "provider of health services" is to mean an individual who receives (either directly or through his spouse) more than one-tenth of his gross annual income from fees or other compensation for the provision of health services, or from financial interests in entities engaged in the provision of health care services, or in producing or supplying of drugs or articles for individuals and entities engaged in the provision of such services, or from both such compensation and such interests.

If the governing body in exercising its functions appoints a subcommittee of its members or an advisory group to it, it is required, to the extent practicable, to make its appointments to the subcommittee or advisory group in such a manner as to provide representation on the subcommittee or advisory group comparable to that described above for the governing body itself.

These requirements for the membership of the HSA's governing body are designed to achieve several purposes. The heterogeneous mixture of individuals represented is intended to prevent domination by any one group or interest of the planning process. The strong representation of elected public officials is intended to assure that the HSA's decisions are made with the general community interests well represented. The strong consumer majority represented by limiting providers of health services to a one-third membership is intended to assure that the health planning done by the HSA is responsive primarily to the interests and needs of the community, as well as the interests and the needs of the health service providers.

Section 612(c). Authorizes HSA's to establish subarea advisory councils representing parts of their health areas to advise their governing bodies on the performance of their functions. To the extent practicable the composition of subarea advisory councils is to conform to the requirements for representation on the governing body.

This provision is intended to assure local in-puts into the planning process, particularly in HSA's planning for large or populous health areas. Subarea councils might well be established by an HSA to represent each county within its area, or each natural community within a large city.

FUNCTIONS OF HEALTH SERVICE AGENCIES

Section 613(a). Makes a general statement of the responsibilities of the HSA's and the purposes for which these responsibilities are to be undertaken. Thus, an HSA has as its primary responsibility the provision of effective health planning for its area and the promotion of the development within the area of health services and facilities which meet identified needs, reduction of documented inefficiencies, and implementation of the health plans of the agency. These responsibilities are to serve the purposes of:

(1) improving the health of residents of a health area;

(2) increasing the accessibility, acceptability, continuity, and quality of the health services provided to the residents; and

(3) restraining increases in the cost of providing the residents with health services.

In meeting their primary responsibility, HSA's are to perform the functions prescribed in section 613(b) through 613(g).

Section 613(b). First, requires HSA's in providing health planning and development for their areas to assemble and analyze data concerning:

(a) the status of the health of the residents of the area;

(b) the status of the health care delivery system in the area and the utilization of that system by the residents;

(c) the effect of the area's health care delivery system on the health of the residents; and

(d) the area's health resources, including health facilities and manpower.

Second, requires the HSA's to annually establish a long-range goal loan (LGP). In establishing the plan the HSA's are required to give appropriate consideration to the health planning priorities set forth in section 603, and the needs and resources described by the data gathered in response to the requirements listed above. The LGP is to be a detailed statement of goals which:

(a) describe a healthful environment and health systems in the area which, when developed, would assure that quality health services would be available and accessible in a manner assuring continuity, at reasonable cost, for all residents of the area;

(b) is responsive to the unique needs and resources of the area; and

(c) takes into account the National Council for Health Policy's guidelines (developed under section 602) respecting the area's supply, distribution, and organization of health resources and services.

Third, requires the HSA's to annually establish a short-term priorities plan (SPP)

which describes objectives which will achieve the goals of the LGP, and specifies priorities among the objectives. The HSA is to give priority in the SPP to those objectives which will maximally improve the health of the residents of the area when obtained (as determined on the basis of the relation of the cost of obtaining the objectives to the benefits to be derived from obtaining them), and which are fitted to the special needs of the area.

Fourth, requires the HSA to develop and publish specific plans and projects for achieving the objectives established in the SPP.

In this approach, a goal is considered as a quantifiable statement of something which the HSA wishes to achieve: such as "achieving a supply of physicians equal to or better than one per one thousand residents of the health area." An objective is similar to a goal but has in addition a statement of the time in which the stated goal is to be achieved: such as "achieving a supply of physicians for the health area by 1976 of at least one per fifteen hundred residents." Priorities can be applied to either goals or objectives and give their relative weight or importance. It should be noted that several objectives may be defined to achieve a single goal.

The requirements for the establishment of LGP's and SPP's are designed to strike a balance between giving HSA's some Federal direction for their planning through the use of the National Council and the priorities stated in section 603, and giving them a reasonable opportunity to establish goals and objectives which are particularly responsive to the unique needs of the health area.

Section 613(c). Requires HSA's to implement the LGP and the SPP by performing the following functions:

(1) seeking the assistance of individuals and public and private entities in the health area;

(2) providing, in accordance with the priorities of the SPP, technical assistance to individuals and public and private entities in the area for the development of projects and programs which are necessary to achieve the plans, including assistance in meeting the requirements of the HSA respecting reviews prescribed under section 614; and

(3) making grants or contracts, in accordance with the priorities of the SPP, to individuals and public and private entities in the health area to assist them in planning and developing the projects and programs necessary for the achievement of the health system described in the LGP. Such grants and contracts are to be made from the Area Health Services Development Fund established with grants made under section 619. No such grant or contract is to be used for the support of an established program or to pay the cost incurred by an entity or individual in the delivery of health services.

These requirements are intended to give clear direction to the HSA to the effect that it has an obligation not only for developing plans but also for implementing them. The limitations placed upon the use of Area Health Services Development Fund monies reflect the intention that the money is to be used as seed money rather than ongoing support money.

Section 613(d). Requires HSA's to coordinate their activities with PSRO's, the SHC for their state or states, and any other appropriate regulatory entity in the health area. The HSA's are further required to provide assistance to such organizations and to secure data from them for use in their planning and development programs. They are required to seek to enter into agreements with such organizations which will assure that the planning or regulatory actions which they may take which alter or change the area's health system will be taken in a manner which is consistent with the goals and objectives of the LGP and SPP.

Section 613(e). Requires HSA's to review and approve or disapprove all proposed uses within the health area of Federal funds appropriated for programs under the PHS Act, the CMHC Act, or the Comprehensive Alcoholism Act for the development, expansion, or support of health facilities, manpower, or services. HSA's are further required to establish priorities for the approval of construction project applications under part D of this title. If an HSA disapproves a proposed use of Federal funds, the Secretary of HEW is not to make the funds available for the proposal unless: the entity making the disapproved proposal requests the Secretary to review the HSA decision; the Secretary obtains comments on the decision from the appropriate SHC; and the Secretary (if he reverses the HSA and makes funds available) makes available a detailed statement of the reasons for making the funds available.

This provision is one of several included in the legislation which are designed to insure that the HSA is able to control the allocation of scarce new health resources within the health area in such a fashion that their use will always be consistent with the goals and objectives established in the LGP and SPP.

Further requirements for the making of these reviews by HSA's are given in section 614. These reviews are intended to concern themselves primarily with the relationship of the proposed project being reviewed to the HSA's plans. They are not intended to supersede the HEW's own grant or contract making procedures including its own review of the content and quality of applications submitted for projects. An HSA approval of an application does not, of course, mean that HEW is required to fund it.

Section 613(f). Requires HSA's to review and make recommendations for approval (or disapproval) of all proposed capital expenditures in excess of $100,000 by health service entities in the health area. These reviews are to be performed for and submitted to the planning agency designated under section 1122 of the Social Security Act, generally the SHC, for its use in performing its responsibilities under that designation.

Section 613(g). Requires HSA's to review health services offered, or proposed to be offered in the health area and make recommendations based on these reviews to each SHC for each state in the health area for its certification as needed of the health services reviewed. The HSA's are to perform such reviews on a periodic basis, at least every five years. In the event that an SHC determines that a particular health service cannot be certified as needed, the HSA's are required to work with providers of such services, the SHC's, and other appropriate individuals and entities for the improvement or elimination (as the HSA finds appropriate) of such health services.

Most planning programs to date have concerned themselves only with new or future parts of the health system and have often been charged with an inability to affect existing, clearly unneeded, fragmented, or redundant health services. This provision is designed to allow the HSA's in addition to their responsibilities for future of an area's health system to begin to impact upon the existing system.

PROCEDURES AND CRITERIA FOR REVIEWS OF PROPOSED HEALTH SYSTEM CHANGES

Section 614(a). Requires HSA's and SHC's when reviewing for comment or approval proposed changes in the health system to use established review procedures and criteria. Such procedures and criteria are to be developed and published by either the HSA or SHC in accordance with regulations of the Secretary prior to their actual use. Such procedures and criteria are generally to be used whenever an HSA or SHC is reviewing a proposal, but they are required specifically for HSA's performing reviews pursuant to sections 613(e), (f), and (g), and SHC's performing functions prescribed in section 627. Procedures and criteria are permitted to vary according to the purpose for which a particular review is conducted, or the type of health service being reviewed.

The exercise by HSA's and SHC's of the review authority, whether for comment or approval, represents an important part of the clout with which these agencies are to implement their plans. As such, it is expected that the authority will be exercised in a responsible, public, established manner so that it is always possible for an affected party or concerned citizen to understand the nature and content of reviews, monitor their performance, and participate effectively in them. In light of the importance of such reviews, specifics concerning the procedures and criteria to be used are spelled out in some detail in the following sections.

Section 614(b). Requires each HSA and SHC to include in the procedures used in reviewing proposed health systems changes at least the following:

(1) written notification to affected persons of the beginning of an HSA or SHC review;

(2) schedules for reviews which provide that they shall not take longer than 120 days after the date that the notification described in paragraph (1) is made;

(3) provisions for persons subject to an HSA or SHC review to submit (in such manner and form as may be prescribed and published) information required by the HSA or SHC concerning the subject of the review;

(4) submission to the HSA or SHC of applications under part D of this title (concerning construction of health facilities), other titles of the PHS Act, or other provisions of law for Federal financial assistance for health services;

(5) submission of periodic reports by providers of health services or other persons subject to HSA or SHC respecting the development of their proposals subject to review;

(6) notification to providers of health services or other persons subject to HSA or SHC reviews of the status of such reviews of the health services or proposal being reviewed, findings made in the course of such reviews, and other appropriate information respecting them;

(7) provision for public hearings in the course of reviews, if requested by persons directly affected; and for public hearings for a good cause shown respecting decisions made in the course of reviews;

(8) regular reports of the reviews being conducted (including a statement concerning the status of each review) and of the reviews completed (including a general statement of the findings and decisions made in the course of the reviews) since the publication of last such report;

(9) access by the general public to all publications reviewed and to all written materials pertinent to any such reviews; and

(10) in the case of construction projects, procedures for the submission to the HSA and SHC of letters of intent to begin a construction project detailed enough to show the scope and nature of the project.

Section 614(c). Requires HSA or SHC reviews to include consideration of at least the following criteria for use in judging applications, proposals, and services being reviewed:

(1) the relationship of the health services being reviewed to the applicable LGP and SPP;

(2) the relationship of such services to the long-range development plan, if any, of the person providing or proposing such services;

(3) the need the population served or to be served by such services has for the services;

(4) the availability of alternative, less costly or more effective methods of providing such services;

(5) the relationship of the services reviewed to the existing health care system of the area in which such services are provided or proposed to be provided; and

(6) in the case of services proposed to be provided, the availability of resources (including health manpower, management personnel, and funds for capital and operating needs) for the provision of such services, and the availability of alternative uses of such resources for the provision of other health services.

Section 614(d). Requires HSA's in making reviews under section 613(e) of proposed uses of Federal funds to give priority consideration to the criteria listed in subparagraphs (1) and (6) of section 614(c).

Section 614(e). Requires HSA's in making reviews under section 613(f) of proposed capital expenditures to consider the costs and methods of any proposed construction, and the probable impact of the construction project reviewed on the costs of providing health services by the provider or other person proposing such construction project.

Section 614(f). Requires HSA's in making reviews under section 613(g) of health services for certification as needed, to give priority consideration to the criteria listed in subparagraphs (1), (3) and (4) of section 614(c).

ASSISTANCE TO ENTITIES DESIRING TO BE DESIGNATED AS HEALTH SERVICE AGENCIES

Section 615(a). Authorizes the Secretary to provide all necessary technical and nonfinancial assistance to nonprofit private entities desiring to become HSA's. Examples of types of assistance which might be provided are given, including the preparation by the Secretary of prototype plans of organization and operation for HSA's. Other examples might include on-site consultation and technical assistance, provision of model constitutions and by-laws for HSA's, or instructions in the raising of funds or collecting of data by HSA's. The Secretary is to furnish such assistance to entities which both express a desire to be designated as HSA's and have the potential for meeting the requirements specified in sections 612 and 613 for HSA's. Priority for such assistance is given to areawide CHP agencies (designated pursuant to section 314(b) of the PHS Act) and RMP projects (designated pursuant to Title IX of the PHS Act). This priority is given because of the anticipation that CHP and RMP agencies are generally the most likely to evolve, either separately or in combination, into HSA's under the new program. Assistance given by the Secretary under this provision is generally intended to assist entities in developing applications for submission under section 616 and otherwise in preparing to meet the requirements of designation as HSA's.

Section 615(b). Authorizes the Secretary to make grants to non-profit private entities to assist them in meeting the costs of organizing and beginning to operate in the manner required by section 612(b). Applications for such grants are required and must be approved by the Secretary. They are to be submitted in such form and contain such information as the Secretary requires and may not be approved unless the Secretary determines that assistance with such a grant will enable the assisted entity to meet the requirements of section 612(b) within two years and will qualify that entity to perform the planning activities prescribed by section 613. Thus any one entity will qualify for assistance under this section for a maximum period of two years.

Appropriations are authorized for the purpose of making grants under this section in the following amounts: $15 million for fiscal 1974, $30 million for fiscal 1975, and $30 million for fiscal 1976. These figures are based on the following assumptions: The maximum number of HSA's assisted will be 150; the maximum amount of assistance in any one year for developing an HSA will be $250,000; most potential HSA's will require two years of support in order to qualify for designation; and most HSA's will receive their first year of support in either fiscal 1974 or fiscal 1975. The figures used should be understood to represent maximums: for instance, many HSA's will clearly require much less than $250,000 in a given year.

DESIGNATION OF HEALTH SERVICE AGENCIES

Section 616(a). Requires the Secretary to designate an HSA for each health area established under section 611. Designations are to be made under agreements entered into between the Secretary of HEW and the entities to be designated as HSA's. Any such agreement is to contain provisions respecting the requirements of section 612(b), concerning the organization of HSA's, and section 613, concerning the planning functions of HSA's, and such additional provisions designed to carry out the purposes of this title as the Secretary prescribes. Designations are to be for a one-year period; except that they may be terminated prior to the expiration of the year:

(1) by the HSA at such time and upon such notice to the Secretary as he prescribes in regulations; or

(2) by the Secretary at such time and upon such notice as he may prescribe in regulation, if he determines that the HSA is not complying with or effectively carrying out the provisions of the designation agreement.

The legislation provides for formal arrangements between the Secretary and HSA's (and SHC's) because various provisions (particularly those of sections 613(e) and (f)) represent actual sharing of authority over the development of health systems between the Secretary and the HSA (or SHC). Thus, upon designation, an HSA becomes an agent of the Secretary and it is this status from which it derives in part its authority to perform the functions described in section 613.

Section 616(b). Provides that the Secretary may not enter into agreements under 616(a) with an entity unless it has submitted an application to the Secretary for designation as an HSA. The application is to contain assurances satisfactory to the Secretary that the applicant meets the requirements of section 612(b) (concerning the organization of HSA's) and is qualified to perform, or is performing, the health planning and development functions prescribed by section 613. This means that a designation as an HSA indicates that the designated entity is in full compliance with the requirements of 612(b) and is in fact performing the various functions required by section 613.

In considering applications the Secretary is to give priority when first designating an HSA for an area to an application from an entity which has been recommended for approval by each areawide CHP agency and each RMP in the health area. The Secretary is not to enter into an initial designation agreement for an HSA without the approval of the Governor of each state in which the health area is located.

TECHNICAL ASSISTANCE FOR HEALTH SERVICES AGENCIES AND STATE HEALTH COMMISSION

Section 617(a). Requires the Secretary to provide HSA's and SHC's with model health plans and planning processes, technical materials and standards for use in health planning, and such other technical assistance as they may require to perform their functions. These provisions are designed to correct a major deficiency in the CHP and RMP programs to date. This deficiency has been the failure of HEW to provide CHP and RMP projects with technical information, planning guides, workbooks for solving planning problems, and technical assistance of various other kinds in an amount and quality sufficient to maximize their ability to perform their responsibilities. Thus, while this section gives the Secretary a general mandate to provide HSA's and SHC's with expert assistance and technical materials, the following section prescribes in substantial detail certain materials which are to be available.

Section 617(b). Requires the Secretary to provide HSA's and SHC's with the following:

(1) requirements for data needed to perform their planning, development, and regulatory functions including data which describe:

(a) the health status of the residents of a health area, including requirements for data which describe mortality and morbidity by age, sex, race, residence, economic status, and occupation, and data which describe the etiologies of such mortality and morbidity;

(b) the status of the resources of a health area including requirements for data which describe health facilities in the area by size, type of services provided, location, and operating costs, and data which describe health manpower in the area by type, specialty, supply, location, income, and mode of practice; and

(c) the utilization of health resources within a health area, including requirements for data which describe the utilization of health resources by various specific population groups, including groups based on age, sex, race, residence, economic status, and occupation.

These data requirements are intended to apply primarily to HSA's The data base developed by HSA's would provide SHC's with a complete data base for the entire state which SHC's will coordinate and use in the performance of their functions. It is anticipated that SHC's will in addition provide HSA's with assistance in gathering data, and will attempt to assure that the data gathered by the various HSA's in a state is of comparable form, content, and quality;

(2) models, consistent with the guidelines established by the Council under section 602 (respecting the appropriate supply, distribution, and organization of health resources and services), for appropriate planning and development by HSA's and regulation by SHC's of health resources and services. Such models are to cover the following:

(a) the provisions of primary care services for medically underserved populations, especially those which are located in rural or economically depressed areas;

(b) 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);

(c) the development of medical group practices, especially those whose services are appropriately coordinated or integrated with institutional health services;

(d) the training and increased utilization of physician assistants, especially nurse clinicians;

(e) the development of multi-institutional arrangements for the sharing of support services necessary to all health service institutions;

(f) the promotion of activities to achieve needed improvements in the quality of health services, including needs identified by the review activities of PSRO's;

(g) the development by health service institutions of the capacity to provide various levels of care (including intensive care, acute general care, and extended care) on a geographically integrated basis;

(h) the adoption of the uniform cost accounting, simplified reimbursement, and utilization and reporting systems and improved management procedures for health service institutions; and

(i) the development of effective methods

for financing of, reimbursement for, and regulating rates of reimbursement and payment for medical care.

This list should be recognized as the same as the list of national health priorities given in section 603. The intention is that the Secretary will provide HSA's with particular assistance in their planning and development activities designed to support the priorities established by section 603. While it is not anticipated that any HSA would reproduce exactly any model for a planning activity provided to it, it is felt that many would be assisted by having a detailed approach to common shared problems outlined for and made available to them.

(3) guidelines for the organization and operation of HSA's and SHC's including guidelines for:

(a) the structure of an HSA consistent with section 612(b), or of an SHC consistent with section 625(d);

(b) the conduct of the planning, development, and regulatory processes;

(c) the performance of HSA functions in accordance with sections 613 and 614; and

(d) the performance of SHC functions in accordance with sections 614 and 627.

In the same manner in which the requirements of subparagraph (1) are designed to assist HSA's and SHC's in gathering data, and the requirements of subparagraph (2) to assist in the solving of particular planning problems, the requirements of this subparagraph are designed to assist HSA's and SHC's in their proper organization, and the performance of their functions.

PLANNING GRANTS

Section 618(a). Requires the Secretary to make a planning grant in each fiscal year to each HSA with which there is in effect at the beginning of the year a designation agreement under section 616. Planning grants are to be made on such conditions as the Secretary finds appropriate and are to be used by HSA's for the compensation of agency personnel, collection of data, planning, and other agency activities. HSA's are not to use grants under this section to make payments under a grant or contract with any other entity for the development of health services.

Planning grants are thus intended to underwrite the costs of HSA's own internal planning activities. The monies involved are to be kept separate from those available under developmental grants made under section 619. Developmental grants similarly are to be used by HSA's only for making grants and contracts to other organizations and entities for the development of needed health services, and not for the support of the HSA's own internal activities. The separation of these two types of funding is intended to allow separate identification of the costs of these two different types of activities.

Section 618(d). Provides, generally, a method for determining the amount of the planning grant to a given HSA. Each HSA is, first, guaranteed 100 percent Federal funding of its planning activities at a rate of 25 cents per person residing in the HSA's health area (except that, in the case of large HSA's, the maximum level for 100 percent Federal funding is to be $750,000). Second, each HSA is guaranteed Federal funding in the amount of 50 cents per person residing in the health area if it matches the Federal funds in excess of the minimum amount described above on a one for one basis with non-Federal funds. Third, provision is made that HSA's representing health areas with small populations are always to receive a minimum planning grant of at least $150,000.

Requirements for non-Federal matching funds used to achieve Federal funding at a level in excess of 25 cents per capita are given as follows:

(1) no more than 5 percentum of the matching funds are to be contributed to the HSA by any one private contributor; and

(2) funds used for matching Federal funds are to be available to the HSA without conditions or strings attached as to their use by the HSA, and are not to be funds paid to the HSA for its performance of any particular service.

These requirements are intended to insure that the obtaining of matching funds does not incur obligations on the part of an HSA which will bias or limit its planning and development activities. It should be noted that it is anticipated that matching funds will be available to the HSA in cash rather than in the form of in-kind services. No limitation is placed on the HSA's obtaining of funds from public sources, and in fact it is hoped that matching funds will generally be obtained from State and local governments since this will help to assure the public accountability of the HSA.

The method for determining the amounts of planning grants are intended to serve two primary purposes. First, each HSA is to be guaranteed a minimum level of funding adequate for the performance of its planning and development responsibilities. Second, if an HSA and its community desire adequate and sufficient funding, the method is intended to insure that the HSA's communities participate in that funding by matching the Federal dollars. The availability of local money to an agency such as an HSA is generally recognized as guaranteeing the accountability of that agency, and the commitment of its community to its activities. While Federal funding is not to exceed 50 cents per capita, there is no intention that HSA budgets must be limited to 75 cents per capita (the amount obtained with 50 cents per capita from the Federal government and 25 cents per capita local matching for the second 25 cents per capita of Federal funding). However, if a community feels that its HSA should operate at a funding level in excess of 75 cents per capita, it is anticipated that it will bear the costs of funding at such level.

Section 618(c). Authorizes appropriations for the purposes of making payments under section 618(a) in the amounts of $60 million for fiscal 1975, and $100 million for fiscal 1976. No authorizations are given for fiscal 1974 because it is not anticipated that the Secretary will be able to enter into designation agreements with any HSA's before the completion of the current fiscal year. The authorizations are based on the anticipated level of funding, 50 cents per capita for a U.S. population of approximately 200 million people.

Provision is made that if, in any given year, the appropriations fail to provide sufficient funds for making grants to all HSA's in the amounts determined under section 618(b), the grants to all HSA's are to be reduced proportionately to the amount permitted by the level of appropriations. This is done because the provisions of section 618 are written in such a fashion that HSA's which qualify for designation agreements are for all intents and purposes entitled to planning grants, and because the sponsors of the legislation wish to limit this entitlement only by the appropriations process.

DEVELOPMENT GRANTS FOR AREA HEALTH SERVICES DEVELOPMENT FUNDS

Section 619(a). Requires the Secretary to make development grants to HSA's with which to establish an Area Health Services Development Fund from which they are to make grants and enter into contracts in accordance with the requirements of section 613(c)(3). In order to receive a development grant in any given year an HSA must:

(1) have in effect a designation agreement with the Secretary under section 616;

(2) have in effect an LGP and SPP approved by the SHC for its state under section 627; and

(3) be organized and operated in the manner prescribed by section 612(b) and be carrying out its planning and other responsibilities under section 613 in a manner satisfactory to the Secretary as determined under the review required by section 620.

These requirements mean, that while an HSA can receive planning grants without undergoing the review required by section 620 successfully and without having completed an LGP and SPP, it can only receive developmental grants after having done so. Thus, planning grants are relatively easy for an HSA to obtain and this assures that each part of the country will be funded for planning and development of its health system. However, the larger amounts of money available under development grants are available only to communities in which a suitable health plan has been completed and the Secretary has found the planning process to be of adequate quality.

Section 619(b). Provides that the amount of a development grant to any particular HSA shall be determined by a formula which takes into consideration the population of the HSA's health area, the average family income in the health area, and the supply of health services in the health area. Development grants are not to exceed an amount representing a dollar per resident of the health area for which the HSA is designated.

Section 619(c). Authorizes the Secretary to set such conditions as he finds appropriate in addition to those specified for the making of development grants.

Section 619(d). Authorizes appropriations for the purpose of making development grants under section 619(a) in the amounts of $100 million for fiscal year 1975 and $125 million for fiscal year 1976. These authorizations are less than the $200 million which would be needed to make development grants for the entire country at a rate of $1 per capita, because it is anticipated that not all HSA's will qualify for development grants until after the program has been in effect for several years.

REVIEW

Section 620(a). Requires the Secretary to review and approve the annual budget of each HSA with which he has in effect a designation agreement under section 616. These budget reviews are to take into consideration the comments of each SHC designated under section 625 for each state in which the HSA's health area is located.

Section 620(b). Requires the Secretary to perform a detailed review at least every three years of the structure, operation, and activities of each HSA with which he has in effect a designation agreement under section 616. The review is intended to determine:

(1) the extent to which the governing body (and any executive committee which it may have) represents the residents of the health area for which the HSA is designated, and the professional credentials and competence of the staff of the HSA;

(2) the adequacy of the LGP of the HSA in meeting the needs of the area's residents for a healthful environment, and for accessible, acceptable, and continuous quality health care at reasonable costs and the effectiveness of the SPP in achieving the system described in the LGP;

(3) the appropriateness of the health data assembled pursuant to the requirements of section 613(b) and the quality of the analysis of such data;

(4) the extent to which technical and financial assistance from the HSA (including the Area Health Services Development Fund) have been used in an effective manner to achieve the goals and objectives of the LGP and the SPP; and

(5) the extent to which it may be quantifiably demonstrated that:

(a) the health of the area's residents has actually been improved;

(b) the accessibility, acceptability, con-

tinuity and quality of health care in the area has actually been improved; and

(c) increases in costs of providing health care have actually been restrained.

The requirements of this section are based upon the experience of the CHP and RMP programs which suggest that an adequate and complete review of the performance of an agency funded by HEW is unlikely to be possible on an annual basis and in fact is probably not necessary. Thus the sponsors of this legislation approve of the approach now being taken by the CHP program in HEW involving a periodic site assessment of each CHP agency.

PART C—STATE HEALTH COMMISSIONS

DESIGNATION OF STATE HEALTH COMMISSIONS

Section 625(a). For the purposes of the performance within each State of regulatory functions described in section 627, this section requires the Secretary to enter into an agreement with a qualified agency of each State whereby such agency shall be conditionally designated as the State Health Commission (SHC) for that State. After this conditional designation, the Secretary is to enter into a formal designation agreement with the agency designating it as the State's SHC, if:

(1) on the basis of its performance while conditionally designated (a trial period, not to exceed 24 months), the Secretary determines that the agency is capable of performing in a satisfactory manner the regulatory functions of SHC's described in section 627;

(2) a State administrative program for the performance of the regulatory functions by the SHC has been approved under section 626.

This two-stage designation process is designed to allow the States up to two years in which to develop effective SHC's. It permits the Secretary to begin the defined working relationship with the State prior to the full development of the SHC, a working relationship between the Secretary and the States which is otherwise not possible under a designation agreement approach.

Section 625(b). States that the purpose of the conditional designation of the qualified agency as an SHC is to allow the Secretary to determine the capacity of that agency for performance of the regulatory functions described in section 627. The designation is not to be made before the Secretary receives and approves from the qualified agency an administrative program under section 626 for the assumption and implementation of the regulatory functions of SHC's. A provision is made for the Secretary in his designation agreement with the State to allow the phasing in of the regulatory functions of the SHC in a manner acceptable to him based on the SHC's increasing performance capability. Official designation of the agency as the SHC is to be made only when the agency is capable of performing all of the regulatory functions required of SHC's. Provision is made that an agreement between the Secretary and a State agency providing conditional designation as an SHC may be terminated by either party on 90 days' notice to the other.

Section 625(c). Generally provides terms for designation agreements, other than those for conditional designation. Agreements are to be for 12-month periods, except that prior to the expiration of an agreement it may be terminated:

(1) by the SHC at such time and upon such notice to the Secretary as he prescribes in regulations (except that the Secretary may not require more than three months' notice); or

(2) by the Secretary at such time and upon such reasonable notice to the SHC as the Secretary prescribes in regulations, but only after the Secretary has determined that the SHC is not complying with or effectively carrying out the provisions of a designation agreement, and has provided the SHC with an opportunity for a formal hearing on the proposed termination of the agreement.

Section 625(d). Prescribes organizational and operational requirements for a State agency which seeks, as a "qualified agency," designation as an SHC. A "qualified agency" is to:

(1) be an independent establishment within the State government;

(2) be the sole agency of the State for: the performance of the regulatory functions prescribed by section 627; administering or supervising the administration of the State's health planning activities; the coordination of the plans of HSA's in the State; and the implementation of those parts of the HSA's plans which relate to the activities of State governments;

(3) not engage in activities which are unrelated to health planning or the regulation of health services, and shall not directly engage in, or be a part, or under the control, of any State agency directly engaged in the delivery or administration of programs of public or personal health services or health manpower education, the construction of facilities for health service institutions, or the administration of the State's Medicaid plan and program or any other program of assistance for medical expenses or public health insurance;

(4) conduct its activities in accordance with procedures and criteria established and published by it. These procedures and criteria are to the extent practicable to conform to the requirements of section 614; and

(5) conduct its business meetings in public.

These requirements are designed to assure that SHC's are able to function effectively as independent regulatory agencies or commissions within State government. In order to avoid any potential conflict of interest, the SHC is to be separated from the State's other health delivery, education, and insurance activities. This is particularly important since its regulatory functions will often affect these other State government activities as well as the private health care sector. The SHC in addition to its regulatory activities is to be involved in health planning in support of the HSA's in the State. Thus, it is to assist in planning for the State government's own health activities. It is to serve as a coordinator of the planning conducted in the various health areas. And, most important, it is to act as an advocate of the HSA's and their plans within the State government. Thus, where an HSA's plan would require a state legislative act, or a change in a State health program, the SHC is to assist the HSA in achieving this change.

The "qualified agency" is to have a governing body composed of three, five, or seven full-time members (whichever number may be authorized under the State law creating the SHC). The members of the governing body are to be appointed by the chief executive of the State or its legislature for staggered terms of not less than four years and paid without regard to the civil service and compensation laws of the State which are generally applicable to the employment and compensation of its employees, but at a rate which will enable persons with appropriate expertise to serve as members of the governing body. No member of the governing body, while a member, is to engage in any other business, vocation, or employment. The majority of the members of the governing body are to be consumers rather than providers of health services (as defined in section 612(b)(3)(B)). The remaining members of the governing council are to be representative of the various health service providers and institutions listed in section 612(b)(3)(B)(2). Members of any one political party are not to represent more than a simple majority of the membership of the governing body. No member of the governing body is to participate in SHC actions concerning matters in which that member has a direct and substantial economic interest. The State's chief executive officer is to select a chairman of the governing body from among its members.

The governing body is to be responsible for the internal affairs of the SHC, including its staff and budget, and for the performance of the SHC's function. The governing body is to be advised by an advisory council appointed by the State's chief executive officer or legislature (whichever is authorized under the law creating the SHC). The advisory council is to provide the governing body with advice on its budget, performance of its functions, and such other matters as the governing body desires. At least two-thirds of the members of the council are to be consumers of health services representative of the various geographic regions of the State, the HSA's in the State, the holders of public elective offices in the government of the State and its political subdivisions, and the various economic, social and racial population groups within the State. The council is to meet periodically, not less often than twice a year, and conduct its meetings in public.

Finally, an agency seeking to qualify as an SHC is to have a professional staff of not less than five individuals with such total numbers and qualifications as the Secretary may require.

STATE ADMINISTRATION PROGRAM

Section 626(a). Provides requirements for State administrative programs required under section 625(a)(2) as a condition for the designation of SHC's. The State administrative program is a plan for the performance within the State by its SHC of the regulatory functions prescribed by section 627. It is not be approvable in any given year unless it:

(1) meets the requirements of section 626(b);

(2) has been submitted to the Secretary by the SHC designated under section 625 at such time and in such detail with such information as the Secretary deems necessary;

(3) has been prepared in consultation with and approved by the advisory council to the SHC; and

(4) has been submitted to the Secretary only after the SHC has given the general public of the State a reasonable opportunity for presenting their views on the program. The public clearly in this case is intended to include the various types of health service providers in the State.

Section 626(b). The State administrative program must:

(1) provide for the performance within the State of the regulatory functions prescribed by section 627, and designate the SHC for the State as the sole agency for the performance of such functions (except as provided in section 627(b)), and provide for the administration of the administrative program;

(2) contain or be supported by satisfactory evidence that the commission has the authority to carry out the regulatory functions and the administrative program in accordance with the requirements of this part, and has authority to enforce its decisions under section 627;

(3) provide for adequate consultation with the SHC's advisory council in carrying out the functions and the program;

(4) set forth, in such detail as the Secretary requires, qualifications for the personnel having responsibilities in the administration of such functions and program;

(5) provide for such methods of administration of the administrative program and the regulatory functions as are generally found necessary by the Secretary for the proper and efficient administration of such functions and program including methods for establishing and maintaining personnel standards on a merit basis and provision for utilization of qualified professional medical personnel, allied health professionals, and other qualified professional staff. The medical personnel are to be used particularly in connection with the development or administra-

tion of any standards of quality and the utilization of health care. The Secretary, in approving State programs as they relate to SHC staffing, is to exercise no authority with respect to the selection, tenure of office, and compensation of any individual employed by the State in accordance with the personnel standards described above;

(6) provide that the State's part of the costs of operating the SHC shall be provided by the State in a manner satisfactory funding Secretary. Examples of a satisfactory funding mechanism are given, including taxes on health insurance premiums or reimbursements for health services, or the collection of fees from regulated health care providers within the State;

(7) provide that the SHC will cooperate with the Secretary in the design and implementation of nationwide cooperative system for producing health statistics; function as a center for the collection, retrieval, analysis, reporting, and publication of such statistics (including data on the health services and fiscal operation of regulated health care providers, and data of the kinds enumerated in section 305 of the PHS Act); and require providers doing business in the State to make statistical and other reports of data to the SHC;

(8) provide in accordance with methods and procedures prescribed or approved by the Secretary for the evaluation at least annually of the functioning of the SHC and its economic effectiveness; and

(9) provide that the SHC will from time to time, not less often than annually, review the State administrative program and submit to the Secretary any modifications which the Secretary considers necessary. These would usually include a budget for the coming year, an indication of any changes in the SHC's governing body, advisory council, or procedures, and a report on the prior year's activities including the evaluation of the SHC's functioning and effectiveness.

Section 626(c). Requires the Secretary to approve any State administrative program, and any modification of such a program, which complies with sections 626 (a) and (b).

STATE HEALTH COMMISSION REGULATORY FUNCTIONS

Section 627(a). Specifies the various regulatory functions, in addition to their health planning functions, which SHC's are to perform as a condition of their designation, under the designation agreement provided for in section 625. These include:

(1) annual review and approval, or disapproval, of the LGP and SPP of each HSA whose health area is located in whole or in part within the State;

(2) annual reviews of the budgets of each HSA located in whole or in part within the State and a report to the Secretary, for the purposes of his review under section 620, including the SHC's comments on the budgets;

(3) annual reviews of the applications submitted by HSA's for grants under sections 618 and 619 and report to the Secretary of the SHC's comments on such applications;

(4) serving as the designated planning agency for the State for the purposes of section 1122 of the Social Security Act. Section 1122 is concerned with the approval or disapproval of proposed capital expenditures by health care institutions for purposes of reimbursement for depreciation under the Medicare program;

(5) determination of which health services in the State should be certified as needed and which should be denied such certification. This determination is to be based upon a consideration of recommendations submitted by the appropriate HSA under section 613(g) concerning the certification of health services offered or proposed within the State. Certification of need is to be conducted on a periodic basis but not less often than every five years for each health service in the State;

(6) licensure of health care facilities and health manpower within the State;

(7) standard setting for health care facilities, and quality review and control for the performance of health services within the State, to the extent that the State wishes to engage in such activities. This provision is designed to insure that standard setting and quality control are conducted by the same organization which is concerned with licensure and cost control if these functions are being performed. The Secretary is not to be able to require these activities on the part of any given State; and

(8) prospective determination of the rates used for reimbursement purposes for health services of health care providers within the State, and regulation of all reimbursements of such health care providers whether the reimbursements are made on either a charge, cost, negotiated, or other basis. In carrying out this rate setting function the SHC is to design its program in order to achieve the following requirements:

(a) permit health care providers subject to its determinations and regulation to retain savings which accrue to them from effective management and cost control;

(b) create incentives at each point in the delivery of health services for the utilization of the most economical modes of services feasible. This is designed to insure that the rate setting program creates incentives for the use of ambulatory care in place of inpatient care where appropriate, or extended care facilities and nursing homes in the place of hospitals where appropriate. It is also intended to insure that within any institutional setting the most economical possible approach is taken to the care of a patient;

(c) document the need for and cost implications of each new service or facility for which a determination of reimbursement rates is sought. Since SHC's are required to exercise certificate of need responsibilities and the responsibilities of section 1122 of the Social Security Act, this provision is designed to permit the exercise of similar responsibilities within the rate setting program. Thus a proposed new service or facility which is not needed or has excessive cost implications could be denied the determination of reimbursement rates in the same manner in which it could be denied a certificate of need or approval for capital depreciation purposes; and

(d) employ for each type or class of health care provider a unit for determining the reimbursement rates of such provider, and a base for determining rates of change in the provider's reimbursement rate. This unit and base are to be satisfactory to the Secretary. It is intended that this provision will allow the States substantial flexibility in the design of their rate regulatory programs. Thus, for instance, the unit for measurement of hospital costs is left up to the State and might be variously the cost of a single admission to the hospital, the cost of a hospital day, the cost associated with the treatment of a single diagnosis, or the cost of individual services and procedures within the hospital.

The sponsors of this legislation are aware that relatively little experience has yet been gained with controlling the costs of medical care. Further, it is clear that a variety of different approaches are possible. This provision is generally designed to require the States to engage in rate regulation in a manner satisfactory to the Secretary but specifically to allow the design of such a program to remain within the discretion of each State. For this reason only the general policy guidelines enumerated above are given in the legislation. For purposes of rate regulatory programs, health care providers are to include at a minimum hospitals, nursing homes and extended care facilities, community health care programs (such as family planning clinics, CMHC's, NHC's, and rehabilitation center), home health agencies and visiting nurse associations, and indirect suppliers of health services (such as medical laboratories, ambulance services, blood banks, and dental laboratories).

Section 627(b). Specifies that the licensure function required of SHC's by section 627(a)(6) may be performed by another agency of State government under an agreement with the SHC satisfactory to the Secretary. State medical licensure activities are often currently performed by State licensure boards. This legislation is not intended to require these activities to cease or be redesigned but is intended to insure that they are conducted under arrangements with the SHC in a manner consistent with the requirements of this Act. This means that licensure decisions under the arrangement with the SHC should be made in a manner consistent with the State's HSA's, LGP's and SPP's wherever those licensure decisions affect the supply and distribution of health resources within the State.

Further specifies that if a State requests (in such manner as the Secretary prescribes) that the designation agreement, either conditional or final, of its SHC not require the SHC to perform the rate regulation function required by section 627(a)(8), then the agreement shall not require the SHC to perform such rate regulation. In such a case, the Secretary is required to perform such regulation beginning with the fourth fiscal year after enactment and continuing until such time as the SHC requests authority to perform the regulation itself.

Section 627(c). Requires SHC's, who make regulatory decisions in performing the functions required by sections 627(a) (4), (5), (6), (7) and (8) which are inconsistent with the applicable LGP or SPP, to submit to the appropriate HSA detailed statements of the reasons for such inconsistencies.

Section 627(d). Requires the Secretary to perform the regulatory functions listed in section 627(a) in and for any State with which a designation agreement for an SHC is not in effect under section 625, if the State has either failed to create an SHC qualified for designation or the Secretary has terminated a designation agreement with the State's SHC. States are to be allowed until the expiration of the fourth fiscal year after enactment of this Act in which to create SHC's before the Secretary begins to perform regulatory functions within the State. The Secretary is required to give the State's chief executive officer at least six months written notice of his intention to perform regulatory functions within the State, before he can do so. In any case in which the Secretary is performing regulatory functions for a State, he is to consult with the HSA's in that State and seek the advice and counsel of an advisory council made up of residents of that state in a manner comparable to that required by section 625 for advisory councils to SHC's.

This provision is designed to assure that the regulatory functions envisioned by this Act are performed throughout the nation after a reasonable opportunity for the development of programs suitable for their performance. The possibility that regulation will be performed in a State by the Secretary is also intended as one substantial motivation to the State to create its own SHC.

GRANTS FOR THE DEVELOPMENT AND OPERATION OF STATE HEALTH COMMISSIONS

Section 628(a). Authorizes the Secretary to make grants to States to assist in meeting the costs of developing SHC's. Development assistance is authorized for only one year in each State and must be matched by the State with at least 10 percent of the costs of the development.

Section 628(b). Authorizes the Secretary to make grants to the States to assist them in meeting the costs of operating SHC's. The States are to bear at least 25 percent of the operating costs in the first year, and 50 percent of such costs in subsequent years, except that the maximum amount of Federal support for any SHC is $500,000.

Section 628(c). Provides that grants may not be made under section 627 (a) and (b) unless an application has been submitted therefor and approved by the Secretary. The applications are to be submitted in such form and contain such information as the Secretary requires. The Secretary is not to approve any applications unless he determines that the federal funds available under the grant will be used to supplement State funds that would be available for the purposes for which the grant is made in the absence of such Federal funds, and in no event will supplant such State funds.

Section 628(d). Authorizes appropriations for grants for the development of SHC's in the amounts for $2 million for fiscal year 1974, $3 million for fiscal year 1975, and $3 million for fiscal year 1976.

Authorizes appropriations for grants for operating SHC's in the amounts of $1 million for fiscal year 1974, $5 million for fiscal year 1975, and $10 million for fiscal year 1976.

PART D—CONSTRUCTION ASSISTANCE

LOANS AND LOAN GUARANTEES AND INTEREST SUBSIDIES

Section 631(a). Authorizes the Secretary to make loans to assist in meeting the costs of construction projects for health facilities to public and nonprofit private entities and to guarantee to non-federal lenders payment of principle and interest on loans made by such lenders to nonprofit private entities for such construction projects.

Section 631(b). Requires the Secretary to pay an interest subsidy of 3 percentum per annum on the interest rate otherwise payable on loans guaranteed under section 631(a) made to nonprofit private health facilities or other nonprofit private entities. The holder of a guaranteed loan is given a contractual right to receive interest payments in the amount of the interest subsidy from the United States. The Secretary's obligation to make interest subsidies available is limited by specifying that contracts to make payments provided for under interest subsidies shall not carry an aggregate amount greater than such amount as may be provided in appropriations acts.

Section 631(c). Provides that loans made under this part may not be for an amount in excess of 90 percentum of the costs of the project for which the loan is made and that no loan guaranteee may be made with respect to a loan or part of a loan whose amount exceeds 90 percent of the cost of the project for which the loan is made.

Section 631(d). Authorizes the Secretary, with the consent of the Secretary of Housing and Urban Development, to obtain assistance from the Department of Housing and Urban Development with respect to the administration of this part so as to promote the efficiency and economy of its administration.

Section 631(e). Provides that the cumulative total of the principal of loans outstanding at any time or with respect to which loan guarantees have been issued may not exceed limitations specified in appropriations acts.

APPLICATIONS

Section 632(a). Specified that the Secretary is not to make loans or loan guarantees under this part unless an application for such has been submitted to him and approved. The application is to be in such form submitted in such manner and contain such information as the Secretary prescribes in regulations. Applications are not to be approved unless the project which would be assisted has:

(1) been approved by the SHC for the State in which the project is located; and

(2) has a higher priority (set by the HSA for the area in which the project is located under section 613(e)) than any other project in such area for which applications are pending before the Secretary.

Requires the Secretary in considering applications under this part, after applying applicable priorities established by section 613(e)(2), to give priority to applications for projects for:

(1) ambulatory care facilities;

(2) rehabilitation facilities;

(3) emergency medical services systems facilities; and

(4) hospitals for areas with rapid, recent population growth.

Section 632(b). Contains provisions concerning payments for laborers and mechanics employed on the proposed construction project based upon the Davis-Bacon Act.

GENERAL PROVISIONS RELATING TO LOANS AND LOAN GUARANTEES

Section 633. Contains various general provisions applicable to the Secretary's authority to make loans, loan guarantees, and interest subsidies. These are broadly based upon and similar to those contained in the present Hill-Burton program and in H.R. 7974 as it recently passed the House of Representatives.

LOAN GUARANTEE AND LOAN FUND

Section 634(a). Establishes in the treasury a loan guarantee and loan fund available to the Secretary without fiscal year limitation in such amounts as may be specified in appropriations acts. The loan fund is to be used by the Secretary to enable him to make loans under this part, to discharge his responsibilities under loan guarantees issued under this part, for payment of interest on a loan guaranteed, and for repurchase by him of direct loans made under this part which have been sold and guaranteed. Authorization of appropriations for capitalization of the loan fund is given in the amount of $100 million in the aggregate for the three fiscal years 1974, 1975, and 1976. As authorized in appropriation acts, the Secretary is authorized to deposit in the loan fund amounts received from interest payments or repayments of principal on loans and any other monies, property, or assets derived by him from operations under this part.

Section 634(b). Authorizes the Secretary to issue notes or other obligations to the Secretary of the Treasury in the event that monies in a loan fund are ever insufficient to enable him to discharge his responsibilities under this part. Various terms and conditions for the issuing and purchase of such notes or other obligations are provided.

DEFINITIONS

Section 635. Defines for the purposes of this part the following terms:

(1) "Construction" as including:

(a) construction of new buildings;

(b) modernization of existing buildings:

(c) the acquisition of initial equipment (including medical transportation facilities) for buildings constructed or modernized with assistance under this part; and (d) acquisition of equipment for any building in any case in which it will help to provide a service not previously provided in the community served by such building.

(2) "Modernization" as including the alteration, expansion, major repair (as permitted by the Secretary in regulations), remodeling, replacing, or renovation of existing buildings; and

(3) "Cost" as applied to a construction project as including architect's fees but not including the cost of off-site improvements or the acquisition of land.

CONFORMING AMENDMENTS

Section 4. Provides that subsections a, b, and c of section 314 and title IX of the PHS Act are repealed (effective July 1, 1974).

EFFECTIVE DATE

Section 5. Provides that the amendments made by this Act are to take effect on July 1, 1974, except that on or after the date of the enactment of the Act the Secretary shall carry out the duties imposed by section 611 of the Act (concerning the designation of health areas), provide assistance as authorized by sections 615 and 628 of this Act (concerning assistance in the initial development of HSA's and SHC's), and seek appropriations under section 634 of this Act (for the purpose of capitalizing the loan fund authorized by part D).

This section and the preceding section repealing the CHP and RMP programs are designed to provide for an overlap in the legislative authorities for CHP and RMP and the legislative authority created by this Act for HSA's and SHC's. This is done so that the Secretary may arrange an orderly transition between the two programs. It is the intention of the sponsors of the legislation that 314(b) agencies and RMP projects funded in fiscal 1974 under their legislative authorities shall be eligible for initial assistance in their development as HSA's to the extent that they meet the applicable requirements of this Act.

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

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

SECTION 1. This Act may be cited as the "National Health Policy and Health Development Act of 1974".

SEC. 2. (a) The Congress makes the following findings:

(1) The achievement of equal access for all people to high quality medical care at a reasonable cost is a priority of the Federal Government.

(2) The recent massive infusion of Federal funds into the existing health care system has not produced 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) Cooperation between the public sector (national, State, and local) and the private sector has not effectively developed a comprehensive, rational approach to the problems of—

(A) the lack of effective methods of delivering health services; and

(B) the maldistribution of health care facilities and manpower.

(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 the amendments made by this Act to develop recommendations for a national health policy, to augment comprehensive planning for health services, manpower, and facilities, and to authorize financial assistance for the development of programs to further that policy. The recommendations for a national health policy are to specify national health goals and give direction to and coordinate public and private health planning and health services development programs. The recommended policy is to be implemented by a nationwide system of health service agencies which are to have within their health areas the responsibility and resources for assuring equal access for the residents of the areas to all necessary health care services.

(c)(1) The Congress makes the following additional findings:

(A) Past and present increases in the cost of medical care, particularly of hospital stays, are excessive and inflationary.

(B) The present proliferation of new health services and capital expenditures for health facilities is often inappropriate and unplanned.

(C) There are presently inadequate financial incentives for the use of appropriate levels of medical care, and for the substitution of ambulatory and intermediate care for inpatient hospital care.

(D) The many and increasing Federal, State, local, and private responses to these problems have often been fragmentary, inadequate, conflicting, and inequitable.

(E) State governments have a central role to play in correcting these problems.

(2) In response to the findings in paragraph (1), it is the purpose of part C of title VI of the Public Health Service Act, as amended by section 3 of this Act, to assist the development of State health care regulatory programs which, in conjunction with effective health planning programs, assure the availability of health services to all people at the lowest feasible rates. These regulatory programs shall regulate rates of payment and reimbursement for health care in order to—

(A) 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;

(B) assure that all services provided are of acceptable quality;

(C) assure those responsible for the provision of services with necessary revenue requirements for the provision of quality health services; and

(D) distribute the burden of meeting these revenue requirements fairly among all those who pay for health services.

SEC. 3. Title VI of the Public Health Service Act is amended to read as follows:

"TITLE VI—NATIONAL HEALTH POLICY, AND HEALTH PLANNING AND DEVELOPMENT

"PART A—NATIONAL COUNCIL FOR HEALTH POLICY

"ESTABLISHMENT OF NATIONAL COUNCIL FOR HEALTH POLICY

"SEC. 601. (a) There is established in the Executive Office of the President a council to be known as the National Council for Health Policy (hereinafter in this title 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 the 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 rate 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.

"(d) 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 of title 5, United States Code, but without regard to the last sentence of such section.

"FUNCTIONS OF NATIONAL COUNCIL FOR HEALTH POLICY

"SEC. 602. (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, services and financing.

"(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 603.

"(5) Issuing recommended 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. In carrying out its responsibilities under this subsection, the Council shall seek the counsel of advisory committees appointed by the Council and shall consult with and solicit comments from health service agencies designated under part B.

"(b) The Council shall submit on or before February 1 of each year a comprehensive report to the public specifying the results of the activities undertaken by the Council to meet its responsibilities during the preceeding calendar year.

"NATIONAL HEALTH PRIORITIES

"SEC. 603. 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 for medically underserved populations, especially those which are located in rural or economically depressed areas.

"(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, especially 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 achieve needed improvements in the quality of health services, including needs 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) on a geographically integrated basis.

"(8) The adoption of uniform cost accounting, simplified reimbursement, and utilization and reporting systems and improved management procedures for health service institutions.

"(9) The development of effective methods for financing of, reimbursement for, and regulating rates of reimbursement and payment for, medical care.

"PART B—HEALTH SERVICE AGENCIES

"HEALTH AREAS

"SEC. 611. (a) The Secretary shall establish throughout the United States health areas with respect to which health service agencies shall be designated under section 616. Each health area shall meet the following requirements:

"(1) The area shall be a rational region for the proper planning and development of health services which contains the resources necessary to provide all necessary health services for the residents of the area.

"(2) To the extent practicable, the area shall include at least one center for the provision of highly specialized health services.

"(3) The area shall follow State boundaries, except that an area may comprise a geographical region which crosses State boundaries if the Secretary determines that such a region is a more rational region for the proper planning and development of health services.

"(4) The area, upon its establishment, shall have a population of not less than five hundred thousand or more than three million; except that (A) the population of an area may be more than three million if the area includes a standard metropolitan statistical area (as determined by the Office of Management and Budget) with a population of more than three million, and (B) the population of an area may be less than five hundred thousand if the area comprises an entire State which has a population of less than five hundred thousand.

"(5) To the maximum extent feasible, the boundaries of an area may not cross the boundaries of a standard metropolitan statistical area (as determined by the Office of Management and Budget).

The Secretary shall coordinate the designation of health areas under this section with his designation under section 1152 of the Social Security Act of areas for Professional Standards Review Organizations so that either a health area designated under this section comprises the entire territory of one or more areas designated under such section 1152 or an area designated under such section 1152 comprises the entire territory of one or more health areas designated under this section.

"(b) (1) Within one hundred and twenty days following the date of the enactment of this section, the Secretary shall publish in the Federal Register proposed boundaries for health areas covering the United States. In the development of the proposed boundaries of the health areas, the Secretary shall consult with and solicit the views of the Governor (or other chief executive officer) of each State and the chief executive officer or agency of political subdivisions of States, each State agency which administers or supervises the administration of a State's health planning functions under a State plan approved under section 314(a), and each entity which has developed a comprehensive, regional, metropolitan, or other local area plan or plans referred to in section 314(b). During the thirty-day period beginning on the date of the publication in the Federal Register of the

proposed boundaries of the health areas, the Secretary shall consider comments submitted to him by other interested persons respecting the boundaries of such areas and at the expiration of such period he shall publish in the Federal Register the boundaries of the health areas.

"(2) The Secretary shall review on a continuing basis the appropriateness of the boundaries of the health areas and may revise the boundaries as he deems necessary. In making any boundary revision, the Secretary shall consult with and solicit the views of the officials and agencies described in paragraph (1) who represent the geographical regions affected by the boundary revision, shall publish in the Federal Register his proposal for the boundary revision, and shall allow thirty days (from the date the proposal is published in the Federal Register) for the submission of comments on the proposal by interested persons and for his review of such comments before putting into effect the proposed boundary revision.

"HEALTH SERVICE AGENCIES

"SEC. 612. (a) For purposes of this title, the term 'health service agency' means a nonprofit private corporation which is organized and operated in the manner described in subsection (b) and which is capable, as determined by the Secretary, of performing each of the functions described in section 613. The Secretary shall by regulation establish standards and criteria for the requirements of subsection (b) and section 613.

"(b)(1) LEGAL STRUCTURE.—A health service agency for a health area shall (A) be incorporated in the State which is located (in whole or in part) in that area and which has the largest part of the area's population, and (B) not be a subsidiary of, or otherwise controlled by, any other private corporation or other private legal entity.

"(2) STAFF.—A health service agency shall have a staff which provides the agency with expertise in at least the following: (A) The gathering and analysis of data, (B) planning, and (C) health manpower, facilities, and services. The size of the professional staff of any agency shall be not less than the greater of 5 or the number obtained by dividing the population (rounded to the next highest one hundred thousand) of the health area which the agency serves by one hundred thousand. The staff of a health service agency shall be selected, paid, promoted, and discharged in accordance with such system as the agency may establish, except that the rate of pay for any position shall not be less than the rate of pay prevailing in the health area for similar positions in other public or private planning or health service entities.

"(3) GOVERNING BODY.—

"(A) IN GENERAL.—Each health service agency shall have a governing body composed, in accordance with subparagraph (B), of not less than ten members and of not more than thirty members, except that the number of members may exceed thirty if the governing body has established another unit (referred to in this paragraph as an 'executive committee') composed, in accordance with subparagraph (B), of not more than twenty-five members of the governing body and has delegated to that unit the authority to take such action as the governing body is authorized to take. The governing body—

"(i) shall be responsible for the internal affairs of the health service agency, including matters relating to the staff of the agency, the agency's budget, and procedures and criteria (developed and published pursuant to section 614) for performing its functions under subsections (e), (f), and (g) of section 613;

"(ii) shall be responsible for the approval of the long-range goal plan and short-term priorities plan required by section 613(b);

"(iii) shall issue an annual report concerning the activities of the agency, include in that report the long-range goal plan and short-term priorities plan developed by the agency, and make the report readily available to the residents of the health area and the various communications media serving such area;

"(iv) shall reimburse is members for their reasonable costs incurred in attending meetings of the governing body;

"(v) shall meet at least once in each calendar quarter of a year and shall meet at least two additional times in a year unless its executive committee meets for that number of times in that year; and

"(vi) shall conduct its business meetings in public and shall make its records and data available, upon request, to the public.

A quorum for a governing body shall be not less than one-half of the members described in each clause of subparagraph (B). If in the exercise of its functions a governing body appoints a subcommittee of its members or an advisory group, it shall, to the extent practicable, make its appointments to any such subcommittee or group in such a manner as to provide the representation on such subcommittee or group described in subparagraph (B).

"(B) COMPOSITION.—Of the members of the governing body and executive committee (if any) of a health service agency—

"(i) at least one-third of such members shall be residents of the health area served by such agency who are not providers of health care services and who are broadly representative of the various economic, social, racial, and geographic population groups of such health area;

"(ii) at least one-third of such members shall be residents of such health area who are providers of health services and who are broadly representative of—

"(I) health professionals, public and community health personnel, and allied health personnel;

"(II) the health institutions (including hospitals, extended care facilities, and university health centers) located in such health area and the employees of such institutions not described in subclause (I); and

"(III) persons in such health area who pay for health care services (including direct service and indemnity insurance companies); and

"(iii) at least one-third of such members shall be residents of such health area who hold public elective offices which are broadly representative of the elected governmental authorities in the area.

For purposes of clauses (i) and (ii), the term 'provider of health services' means an individual who receives (either directly or through his spouse) more than one-tenth of his gross annual income from fees or other compensation for the provision of health care services or from financial interests in entities engaged in the provision of health services or in producing or supplying drugs or other articles for individuals and entities engaged in the provision of such services, or from both such compensation and such interests.

"(c) SUBAREA COUNCILS.—A health service agency may establish subarea advisory councils representing parts of the agencies' health area to advise the governing body of the agency on the performance of its functions. To the extent practicable, the composition of a subarea advisory council shall conform to the requirements of subsection (b)(3)(B).

"FUNCTIONS OF HEALTH SERVICE AGENCIES

"SEC. 613. (a) For the purpose of—

"(1) improving the health of residents of a health area,

"(2) increasing the accessibility, acceptability, continuity, and quality of the health services provided them, and

"(3) restraining increases in the cost of providing them health services,

each health service agency shall have as its primary responsibilities the provision of effective health planning for its health area and the promotion of the development within the area of health services and facilities which meet identified needs, reduce documented inefficiencies, and implement the health plans of the agency. To meet its primary responsibilities, a health service agency shall carry out the functions described in subsections (b) through (g) of this section.

"(b) In providing health planning, development, and regulation for its area, a health service agency shall perform the following functions:

"(1) The agency shall assemble and analyze data concerning—

"(A) the status of the health of the residents of its health area,

"(B) the status of the health care delivery system in the area and the utilization of that system by the residents of the area,

"(C) the effect the area's health care delivery system has on the health of the residents of the area, and

"(D) the area's health resources, including health facilities and manpower.

"(2) The agency shall, after appropriate consideration of the priorities set forth in section 603, and the needs and resources described by paragraph (1), annually establish a long-range goal plan (hereinafter in this title referred to as the 'LGP') which shall be a detailed statement of goals (A) describing a healthful environment and health systems in the area which, when developed, will assure that quality health services will be available and accessible in a manner which assures continuity of care, at reasonable cost, for all residents of the area; (B) which is responsive to the unique needs and resources of the area; and (C) which takes into account the National Council for Health Policy guidelines (developed under section 602) respecting the area's supply, distribution, and organization of health resources and services.

"(3) The agency shall annually establish a short-term priorities plan (hereinafter in this title referred to as the 'SPP') which describes objectives which will achieve the goals of the LGP and priorities among the objectives. In establishing the SPP, the agency shall give priority to those objectives which maximally improve the health of the residents of the area, as determined on the basis of the relation of the cost of obtaining the objectives to the benefits to be derived from obtaining such objectives, and which are fitted to the special needs of the area.

"(4) The agency shall develop and publish specific plans and projects for achieving the objectives established in the SPP.

"(c) In implementing its LGP and SPP, a health service agency shall perform the following functions:

"(1) The agency shall seek to implement its plans with the assistance of individuals and public and private entities in its health area.

"(2) The agency shall provide, in accordance with the priorities established in the SPP, technical assistance to individuals and public and private entities in the area for the development of projects and programs which the agency determines are necessary to achieve the health system described in the LGP, including assistance in meeting the requirements of the agency prescribed under section 614.

"(3) The agency shall, in accordance with the priorities established in the SPP, make grants to and enter into contracts with individuals and public and private entities in the area to assist them in planning and developing the projects and programs which the agency determines are necessary for the achievement of the health system described in the LGP. Such grants and contracts shall be made from the Area Health Services Development Fund of the agency established

with funds provided under grants made under section 619. No such grant or contract may be used for (A) the support of an established program, (B) to pay the costs incurred by an entity or individual in the delivery of health care services, or (C) for the cost of construction of health facilities.

"(d) Each health service agency shall coordinate its activities with each Professional Standards Review Organization (designated under section 1152 of the Social Security Act), the State Health Commission, and any other appropriate regulatory entity in the agency's health area. The agency shall, as appropriate, provide technical assistance to such entities, secure data from them for use in the agency's planning and development activities, and enter into agreements with them which will assure that actions taken by such entities which alter the area's health system will be taken in a manner which is consistent with the approved LGP and the SPP in effect for the area.

"(e) Each health service agency shall (1) review and approve or disapprove each proposed use within its health area of Federal funds appropriated for a program under this Act, the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963, or the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970 for the development, expansion, or support of health facilities, manpower, or services; and (2) establish priorities for the approval of applications under part D of this title. If an agency disapproves under clause (1) a proposed use of Federal funds for a program described in that clause, the Secretary may not make Federal funds available for such program until he has made, upon request of the entity making such proposal, a review of the agency decision. In making any such review of any agency decision, the Secretary shall give the appropriate State Health Commission an opportunity to consider the agency decision and to submit to the Secretary its comments on the decision. The Secretary after taking into consideration State Health Commission comments may make Federal funds available, notwithstanding the agency decision. Each such decision by the Secretary to make funds available shall be submitted to the appropriate health service agency and State Health Commission and shall contain a detailed statement of the reasons for the decision.

"(f) To assist planning agencies, designated under section 1122 of the Social Security Act, in carrying out their functions under such section 1122, health service agencies for the areas for which such planning agencies are designated shall review and make recommendations to such planning agencies for the approval or disapproval of all capital expenditures in excess of $100,000 proposed by health service entities in the health areas of such health services agencies.

"(g) Each health service agency shall review on a periodic basis the health services offered or proposed to be offered in the health area of the agency and shall make recommendations to each State Health Commission, designated under section 625 for each State in which the agency's health area is located, for the Commission's certification of such health services under section 627(a)(5). If the State Health Commission determines that it cannot certify as needed a particular health service, the health service agency for the health area in which such service is offered or proposed to be offered shall work with the provider or proposed provider of such service, the State Health Commission, and other appropriate individuals and entities for the improvement or elimination (as the agency determines appropriate) of such service. After the initial certification as needed by a State Health Commission of a health service offered within its health area, the agency shall review, at least every five years, the certification of such health service.

"PROCEDURES AND CRITERIA FOR REVIEWS OF PROPOSED HEALTH SYSTEMS CHANGES

"SEC. 614. (a) In conducting reviews pursuant to subsections (e), (f), and (g) of section 613 or in conducting any other reviews of proposed or existing health services, each health service agency shall follow procedures, and apply criteria, developed and published by the agency in accordance with regulations of the Secretary; and in performing its review functions under section 627, a State Health Commission shall follow procedures, and apply criteria, developed and published by the Commission in accordance with regulations of the Secretary. Procedures and criteria for such reviews many vary according to the purpose for which a particular review is being conducted or the type of health services being reviewed.

"(b) Each health service agency and State Health Commission shall include in the procedures required by subsection (a) at least the following:

"(1) Written notification to affected persons of the beginning of an agency or Commission review.

"(2) Schedules for reviews which provide that no review shall take longer than one hundred and twenty days from the date the notification described in paragraph (1) is made.

"(3) Provision for persons subject to an agency or Commission review to submit to the agency or Commission (in such form and manner as the agency or Commission shall prescribe and publish) such information as the agency or Commission may require concerning the subject of such review.

"(4) Submission of applications made under part D of this title, other titles of this Act, or other provisions of law for Federal financial assistance for health services.

"(5) Submission of periodic reports by providers of health services and other persons subject to agency or Commission review respecting the development of proposals subject to review.

"(6) Notification of providers of health services and other persons subject to agency or Commission review of the status of the agency or Commission review of the health services or proposals subject to review, findings made in the course of such review, and other appropriate information respecting such review.

"(7) Provision for public hearings in the course of agency or Commission review if requested by persons directly affected by the review; and provision for public hearings, for good cause shown, respecting agency and Commission decisions.

"(8) Regular reports by the agency and Commission of the reviews being conducted (including a statement concerning the status of each such review) and of the reviews completed by the agency and Commission (including a general statement of the findings and decisions made in the course of such reviews) since the publication of the last such report.

"(9) Access by the general public to all applications reviewed by the agency and Commission and to all other written materials pertinent to any Agency or Commission review.

"(10) In the case of construction projects, submission to the agency and Commission by the entities proposing the projects of letters of intent in such detail as may be necessary to inform the agency and Commission of the scope and nature of the projects.

"(c) Criteria required by subsection (a) for agency and Commission review shall include consideration of at least the following:

"(1) In the case of reviews of health services, the relationship of the health services reviewed to the applicable LGP and SPP.

"(2) The relationship of services reviewed to the long-range development plan (if any) of the person providing or proposing such services.

"(3) The need that the population served or to be served by such services has for such services.

"(4) The availability of alternative, less costly or more effective methods of providing such services.

"(5) The relationship of such services to the existing health care system of the area in which such services are provided or proposed to be provided.

"(6) In the case of health services proposed to be provided, the availability of resources (including health manpower, management personnel, and funds for capital and operating needs) for the provision of such services and the availability of alternative uses of such resources for the provision of other health services.

"(d) In making a review under section 613(e), each health service agency shall give priority consideration to—

"(1) the relationship to the applicable LGP and SPP of the health services reviewed, and

"(2) the availability of resources (including health manpower, management personnel, and funds for capital and operating needs) for any proposed provision of health services, and the availability of alternative uses of such resources for the provision of other health services.

"(e) In making a review under section 613(f), each health service agency shall give consideration to—

"(1) the costs and methods of any proposed construction, and

"(2) the probable impact of the construction project reviewed on the costs of providing health services by the provider or other person proposing such construction project.

"(f) In making a review under section 613(g), each health service agency shall give priority consideration to—

"(1) the relationship of the health services reviewed to the applicable LGP and SPP,

"(2) the need that the population served or to be served by such services has for them, and

"(3) the availability of alternative, less costly or more effective methods of providing such services.

"ASSISTANCE TO ENTITIES DESIRING TO BE DESIGNATED AS HEALTH SERVICE AGENCIES

"SEC. 615. (a) The Secretary may provide all necessary technical and other nonfinancial assistance (including the preparation of prototype plans of organization and operation) to nonprofit private entities (including entities presently receiving grants under section 314(b) or title IX) which—

"(1) express a desire to be designated as a health service agency, and

"(2) the Secretary determines have a potential to meet the requirements of a health service agency specified in sections 612 and 613,

to assist such entities in developing applications to be submitted to the Secretary under section 616 and otherwise in preparing to meet the requirements of this title for designation as a health service agency.

"(b)(1) The Secretary may make grants to nonprofit private entities to assist them in meeting the costs of meeting the organization and operation requirements of section 612(b).

"(2) No grant may be made under this subsection unless an application therefor has been submitted to, and approved by, the Secretary. Such an application shall be submitted in such form and contain such information as the Secretary may require. The Secretary may not approve the application of an entity unless he determines that the entity, with the assistance of a grant under

this subsection, will, within two years after such grant is made, be able to meet the requirements of section 612(b) and be qualified to perform the activities prescribed for a health service agency by section 613.

"(3) For the purpose of making payments pursuant to grants under this subsection, there are authorized to be appropriated $15,000,000 for the fiscal year ending June 30, 1974, $30,000,000 for the fiscal year ending June 30, 1975, and $30,000,000 for the fiscal year ending June 30, 1976.

"DESIGNATION OF HEALTH SERVICE AGENCIES

"SEC. 616. (a) For each health area established under section 611 the Secretary shall designate a health service agency. Such designation shall be made under an agreement entered into between the Secretary and the entity to be designated as a health service agency. Any such agreement under this subsection with an entity shall contain such provisions respecting the requirements of sections 612(b) and 613, and such conditions designed to carry out the purpose of this title, as the Secretary may prescribe and shall be for a term of twelve months; except that, prior to the expiration of such term, such agreement may be terminated—

"(1) by the entity at such time and upon such notice to the Secretary as he may by regulation prescribe, or

"(2) by the Secretary, at such time and upon such notice to the entity as the Secretary may by regulation prescribe, if the Secretary determines that the entity is not complying with or effectively carrying out the provisions of such agreement.

"(b) The Secretary may not enter into an agreement under subsection (a) with any entity unless the entity has submitted an application to the Secretary for designation as a health service agency. Such an application shall contain assurances satisfactory to the Secretary that the applicant meets the requirements of section 612(b) and is qualified to perform or is performing the activities prescribed by section 613. In considering such applications, the Secretary shall give priority to an application which has been recommended for approval by (1) each entity which has developed a plan referred to in section 314(b) for all or part of the health area with respect to which the application was submitted, and (2) each regional medical program established in such area under title IX. The Secretary may not enter into an agreement for the initial designation of an entity as the health service agency for a health area unless the Governor (or other chief executive officer) of each State in which such area is located approves such designation of such entity.

"TECHNICAL ASSISTANCE FOR HEALTH SERVICE AGENCIES AND STATE HEALTH COMMISSIONS

"SEC. 617. (a) The Secretary shall provide health service agencies and State Health Commissions (1) model health plans and planning processes, (2) technical materials and standards for use in health planning, and (3) such other technical assistance as they may require to perform their functions.

"(b) The Secretary shall include in the materials provided under subsection (a) the following:

"(1)(A) Requirements for the data needed to describe the health status of the residents of a health area, including requirements for data which describe mortality and morbidity by age, sex, race, residence, economic status, and occupation and data which describe the etiologies of mortality and morbidity.

"(B) Requirements for the data needed to describe the status of the health resources of a health area, including requirements for data which describe health facilities in the area by size, types of services provided, location, and operating costs and data which describe health manpower in the area by type, specialty, supply, location, income, and mode of practice.

"(C) Requirements for the data needed to describe the utilization of health resources within a health area, including requirements for data which describe the utilization of health resources by various specific population groups, including groups based on age, sex, race, residence, economic status, and occupations.

"(2) Model, consistent with the guidelines established by the Council under section 602, for appropriate planning and development by health service agencies and regulation by State Health Commissions of health resources and services. Such models shall cover the following:

"(A) The provision of primary care services for medically underserved populations, especially those which are located in rural or economically depressed areas.

"(B) The development of multi-institutional systems for coordination or consolidation of institutional health services (including obstetric, emergency medical, intensive and coronary care, and radiation therapy services).

"(C) The development of medical group practices whose services are appropriately coordinated or integrated with institutional health services.

"(D) The training and increased utilization of physician assistants, especially nurse clinicians.

"(E) The development of multi-institutional arrangements for the sharing of support services necessary to all health services institutions (including laundry and dietetic services and the purchasing of supplies).

"(F) The promotion of activities to achieve needed improvements in the quality of health services, including needs identified by the review activities of Professional Standards Review Organizations under part B of title XI of the Social Security Act.

"(G) The development by health service institutions of the capacity to provide various levels of care (including intensive care, acute general care, and extended care) on a geographically integrated basis.

"(H) The adoption of uniform cost accounting, simplified reimbursement and utilization and reporting systems and improved management procedures by health service institutions.

"(I) The development of effective methods for financing of, reimbursement for, regulating rates of reimbursement and payment for, medical care.

"(3) Guidelines for the organization and operation of health service agencies and State Health Commissions, including guidelines for—

"(A) the structure of a health service agency, consistent with section 612(b), and of a State Health Commission, consistent with section 625(d);

"(B) the conduct of the planning, development, and regulation processes;

"(C) the performance of health service agency functions in accordance with sections 613 and 614; and

"(D) the performance of State Health Commission functions in accordance with sections 614 and 627.

"PLANNING GRANTS

"SEC. 618. (a) The Secretary shall make in each fiscal year a grant to each health service agency with which there is in effect at the beginning of the fiscal year a designation agreement under section 616. A grant under this subsection shall be made on such conditions as the Secretary determines is appropriate and shall be used by a health service agency for compensation of agency personnel, collection of data, planning, and other activities of the agency. A health service agency shall not use a grant under this subsection to make payments under a grant or contract with another entity for the development of health services.

"(b)(1) The amount of any grant under subsection (a) to any health service agency for any fiscal year shall be the lesser of—

"(A) the product of $0.25 and the population of the health area for which the agency is designated, or

"(B) $750,000,

unless the agency would receive a greater amount under paragraph (2) or (3).

"(2)(A) The amount of such a grant for any fiscal year shall be the product of $0.50 and the population of such area if the application of the agency for such grant contains assurances satisfactory to the Secretary that the agency will expend or obligate in that fiscal year from non-Federal funds meeting the requirements of subparagraph (B) and for the activities of the agency for which such grant is made an amount not less than the amount by which the grant amount for such agency resulting from the application of the formula prescribed by this paragraph exceeds the grant amount for such agency resulting from the application of the formula prescribed by paragraph (1).

"(B) The non-Federal funds which an agency may use for the purpose of obtaining a grant under subsection (a) which is computed on the basis of the formula prescribed by subparagraph (A) shall be funds—

"(i) no more than 5 per centum of which are contributed to the agency by any one private contributor, and

"(ii) which are not paid to the agency for the performance of particular services by it and which are contributed to the agency without conditions as to their use other than the condition that the funds shall be used for the purposes for which a grant made under this section may be used.

"(3) The amount of a grant under subsection (a) to a health service agency for any fiscal year may not be less than $150,000.

"(c)(1) For the purpose of making payments pursuant to grants made under subsection (a), there are authorized to be appropriated $60,000,000 for the fiscal year ending June 30, 1975, and $100,000,000 for the fiscal year ending June 30, 1976.

"(2) Notwithstanding subsection (b), if the total of the grants to be made under this section to health service agencies for any fiscal year exceeds the total of the amounts appropriated under paragraph (1) for that fiscal year, the amount of the grant for that fiscal year to each health service agency shall be an amount which bears the same ratio to the amount determined for that agency for that fiscal year under subsection (b) as the total of the amounts appropriated under paragraph (1) for that fiscal year bears to the amount requires to make grants to each health service agency in accordance with the applicable provision of subsection (b).

"DEVELOPMENT GRANTS FOR AREA HEALTH SERVICES DEVELOPMENT FUNDS

SEC. 619. (a) The Secretary shall make in each fiscal year a grant to each health service agency—

(1) with which there is in effect at the beginning of the fiscal year a designation agreement under section 616.

(2) which has in effect a LPG and SPP approved under section 627, and

(3) which, as determined under the review made under section 620, is organized and operated in the manner prescribed by section 612(b) and is carrying out its planning and other responsibilities under section 613 in a manner satisfactory to the Secretary,

to enable the agency to establish an Area Health Services Development Fund from which it may make grants and enter into contracts in accordance with section 613(c)(3).

(b)(1) Except as provided in paragraph (2), the amount of any grant under subsec-

tion (a) shall be determined by the Secretary after taking into consideration the population of the health area for which the health service agency is designated, the average family income of the area, and the supply of health services in the area.

"(2) The amount of any grant under subsection (a) to a health service agency for any fiscal year may not exceed the product of $1 and the population in the health area for which such agency is designated.

"(c) Grants under subsection (a) shall be made on such conditions as the Secretary determines appropriate.

"(d) For the purpose of making payments pursuant to grants under subsection (a), there are authorized to be appropriated $100,000,000 for the fiscal year ending June 30, 1975, and $125,000,000 for the fiscal year ending June 30, 1976.

"REVIEW

"SEC. 620. (a) The Secretary shall review and approve the annual budget of each health service agency with which there is in effect a designation agreement under section 616. Such review shall take into consideration the comments of each State Health Commission designated under section 625 for each State in which the agency's health area is located.

"(b) The Secretary shall review in detail at least every three years the structure, operation, and activities of each health service agency with which there is in effect a designation agreement under section 616 to determine—

"(1)(A) the extent to which the agency's governing body (and executive committee (if any)) represents the residents of the health area for which the agency is designated;

"(B) the professional credentials and competence of the staff of the agency;

"(2) the adequacy of the LGP of the agency in meeting the needs of the residents of the area for a healthful environment and for accessible, acceptable, and continuous quality health care at reasonable costs and the effectiveness of the SPP in achieving the system described in the LGP;

"(3) the appropriateness of the data assembled pursuant to section 613(b) and the quality of the analysis of such data;

"(4) the extent to which technical and financial assistance from the agency are utilized in an effective manner to achieve the goals and objectives of the LGP and the SPP; and

"(5) the extent to which it may be quantifiably demonstrated that—

"(A) the health of the area's residents has actually been improved;

"(B) the accessibility, acceptability, continuity, and quality of health care in the area has actually been improved; and

"(C) increases in costs of the provision of health care have actually been restrained.

"PART C—STATE HEALTH COMMISSIONS

"DESIGNATION OF STATE HEALTH COMMISSIONS

"SEC. 625. (a) For the purposes of the performance within each State of the regulatory functions described in section 627, the Secretary shall enter into an agreement with a qualified agency of each State whereby such agency shall be conditionally designated as the State Health Commission for such State. If—

"(1) on the basis of its performance during a trial period (not to exceed 24 months) of such conditional designation, the Secretary determines that such agency is capable of performing, in a satisfactory manner, the regulatory functions of a State Health Commission prescribed by section 627, and

"(2) a State administrative program for the performance of such functions by the State Health Commission has been approved under section 626, he shall enter into an agreement with such agency designating it as the State Health Commission for such State.

"(b)(1) The Secretary shall initially designate a qualified agency as a State Health Commission on a conditional basis with a view to determining the capacity of such agency to perform the functions prescribed by section 627 for such Commissions. Such designation may not be made prior to receipt from such agency, and approval by the Secretary, of an administrative program under section 626 for the orderly assumption and implementation of the functions of a State Health Commission.

"(2) During any such trial period, the Secretary may require as a condition of designation that a State Health Commission perform only such of the functions prescribed by section 627 as he determines such Commission to be capable of performing. The number and type of such functions shall, during the trial period, be progressively increased as the Commission becomes capable of performing responsibilities so that, by the end of such period, such Commission may be considered for designation but only if the Secretary finds that it is substantially carrying out in a satisfactory manner the functions prescribed by section 627.

"(3) Any agreement under which any agency is conditionally designated as the State Health Commission may be terminated by such agency upon ninety days notice to the Secretary or by the Secretary upon ninety days notice to such agency.

"(c) Any designation agreement under this section with a State Health Commission (other than an agreement under subsection (b), shall be for a term of twelve months; except that, prior to the expiration of such term, such agreement may be terminated—

"(1) by the Commission at such time and upon such notice to the Secretary as may be prescribed in regulations (except that notice of more than three months may not be required); or

"(2) by the Secretary at such time and upon such reasonable notice to the Commission as may be prescribed in regulations, but only after the Secretary has determined (after providing such Commission with an opportunity for a formal hearing on the matter) that such Commission is not complying with or effectively carrying out the provisions of such agreement.

A designation agreement (other than an agreement under subsection (b)) shall contain such provisions as the Secretary may prescribe to assure that the requirements of this part respecting State Health Commissions are complied with.

"(d) For purposes of this section, a 'qualified agency' of a State is an agency which is organized and operated as follows:

"(1) The agency shall—

"(A) be an independent establishment within the State government;

"(B) be the sole agency of the State for (i) the performance of the regulatory functions prescribed by section 627 (except as authorized under subsection (b) of such section), and (ii) administering or supervising the administration of (I) the health planning activities of the State, (II) coordination of the plans of the health service agencies in the State, and (III) implementation of those parts of such plans which relate to the government of the State;

"(C) not engage in activities which are unrelated to health planning or the regulation of health services and shall not directly engage in, or be a part, or under the control, of any State agency directly engaged in, the (i) delivery or administration of programs of public or personal health services or health manpower education, (ii) construction of facilities for health service institutions, or (iii) the administration of the State's plan approved under title XIX of the Social Security Act or of assistance for medical expenses under other public assistance programs or public health insurance programs;

"(D) conduct its activities in accordance with procedures and criteria established and published by it, which procedures and criteria shall, to the extent practicable, conform to the requirements of section 614; and

"(E) conduct its business meetings in public.

"(2)(A) The agency shall have a governing body composed of three, five, or seven full-time members (whichever number may be authorized under the law of its creation) who are appointed by the Governor (or other chief executive officer) of the State or its legislature for staggered terms of not less than four years, and who are paid without regard to the civil service and compensation laws of the State generally applicable to the employment and compensation of its officers and employees but at a rate which will enable persons with appropriate expertise to serve as members of the governing body. During his term of membership, no member of the governing body shall engage in any other business, vocation, or employment. Of the members of the governing body, a majority shall be individuals who are not providers of health services (as defined in section 612(b)(3)(B)) and the remainder shall be representative of persons and institutions in the State listed in subclauses (I), (II), and (III) of section 612(b)(3)(B)(ii). Not more than a simple majority of the membership of the governing body may be members of the same political party. No member may participate in any agency action concerning any matter in which the member has a direct and substantial economic interest. The State's Governor (or other chief executive officer) shall select a chairman of the governing body from its members.

"(B) The governing body shall be responsible for the internal affairs of the agency, including staffing and budget, and for the performance of the agency's functions.

"(C) The State's Governor (or other chief executive officer) or legislative (whichever is authorized under the law creating the agency) shall appoint an advisory council for the agency to advise it on its budget and the performance of its functions. At least two-thirds of the members of such a council shall be individuals who are not providers of health care services (as so defined) and shall be representative of the various geographic regions of the State, the health service agencies within the State, the holders of public elective offices in the government of the State and of its political subdivisions, and the various economic, social, and racial population groups of the State. Such a council shall meet periodically, not less than two times in a year, and shall conduct its meetings in public.

"(D) The agency shall have a professional staff of such size as the Secretary may prescribe (but in no event less than five) which meets such qualifications as the Secretary shall prescribe.

"STATE ADMINISTRATIVE PROGRAM

"SEC. 626. (a) A State administrative program for the performance within the State by its State Health Commission of the regulatory functions prescribed by section 627 is not approvable for any year unless it—

"(1) meets the requirements of subsection (b);

"(2) has been submitted to the Secretary by the State Health Commission (designated for the State under section 625) at such time and in such detail, and contains or is accompanied by such information, as the Secretary deems necessary;

"(3) has been prepared in consultation with, and be approved by, the advisory council to the State Health Commission; and

"(4) has been submitted to the Secretary only after the State Health Commission has afforded to the general public of the State a reasonable opportunity for presentation of views on the administrative program.

"(b) The State administrative program must—

"(1) provide for the performance within the State of the regulatory functions prescribed by section 627 and designate the State Health Commission for the submitting State as the sole agency for the performance of such functions (except as provided in subsection (b) of such section) and for the administration of the administrative program;

"(2) contain or be supported by satisfactory evidence that the Commission has the authority to carry out such functions and the administrative program in accordance with this part and has authority to enforce its decisions under section 627;

"(3) provide for adequate consultation with the Commission's advisory council in carrying out such functions and the administrative program;

"(4) set forth in such detail as the Secretary may prescribe the qualifications for personnel having responsibilities in the administration of such functions and the administrative program;

"(5) provide for such methods of administration as are found by the Secretary to be necessary for the proper and efficient administration of such functions and the administrative program, including (A) methods relating to the establishment and maintenance of personnel standards on a merit basis consistent with such standards as are or may be established by the Civil Service Commission under section 208(a) of the Intergovernmental Personnel Act of 1970 (Public Law 91-648), and (B) provision for utilization of qualified professional medical personnel (particularly in connection with the development or administration of standards of quality and utilization of health care) and of allied health professionals and other qualified professional staff; but the Secretary shall exercise no authority with respect to the selection, tenure of office, and compensation of any individual employed in accordance with the methods relating to personnel standards on a merit basis established and maintained in conformity with this paragraph;

"(6) provide that the State's part of the permanent costs of operating the State Health Commission shall be provided by the State in a manner (which may include taxes on health insurance premiums or reimbursements for services or collection of fees from regulated providers of health services) and in an amount satisfactory to the Secretary;

"(7)(A) provide that the State Health Commission shall, in cooperation with the Secretary and in accordance with such methods as may be recommended for the design and implementation of a nationwide cooperative system for producing comparable and uniform health-related information and statistics, function as a center for the State for the collection (from health care providers subject to the jurisdiction of the State Health Commission), retrieval, analysis, reporting, and publication of statistical and other information related to health and health care, including data on the health services and the fiscal operations of such providers, and including data of the kinds enumerated in section 305, and (B) require such providers doing business in the State to make statistical and other reports of such information and data to the Commission;

"(8) provide, in accordance with methods and procedures prescribed or approved by the Secretary, for the evaluation, at least annually, of the regulatory functions of the State Health Commission and of their economic effectiveness; and

"(9) provide that the State Health Commission will from time to time, and in any event not less often than annually, review the administrative program and submit to the Secretary any modification thereof which he considers necessary.

"(c) The Secretary shall approve any State administrative program and any modification thereof which complies with subsections (a) and (b). The Secretary shall review for compliance with the requirements of this part the specifications of and operations under each administrative program approved by him. Such review shall be conducted not less often than once each year.

"STATE HEALTH COMMISSION REGULATORY FUNCTIONS

"SEC. 627. (a) Each State Health Commission for which a designation agreement is in effect under section 625 shall, except as authorized under subsection (b), perform within the State for which the Commission is designated the following regulatory functions:

"(1) Review annually and approve or disapprove the LGP and SPP of each health service agency, the health area of which is located (in whole or in part) within the State for which the Commission is designated.

"(2) Review annually the budget of each such health service agency and report to the Secretary, for purposes of his review under section 620, its comments on such budget.

"(3) Review applications submitted by such health service agencies for grants under sections 618 and 619 and report to the Secretary its comments on such applications.

"(4) Serve as the designated planning agency of the State for the purposes of section 1122 of the Social Security Act.

"(5) After consideration of recommendations submitted by such health service agencies under section 613(g) respecting health services offered or proposed to be offered within the State, determine which of the services it will certify as needed. Certification of need shall be conducted on a periodic basis but not less often than every five years.

"(6) License health care facilities and health care delivery personnel in the State.

"(7) To the extent authorized by State law, set standards for health facilities and review for quality the performance of heatlh services within the State.

"(8) Determine prospectively rates used for reimbursement purposes for heatlh services of heatlh care providers within the State and regulate all reimbursements of such health care providers made on either a charge, cost, negotiated, or other basis. In carrying out such function, the Commission shall—

"(A) permit health care providers subject to such determinations or regulations to retain savings accruing to them from effective management and cost control,

"(B) create incentives at each point in the delivery of health services for utilization of the most economical modes of services feasible,

"(C) document the need for and cost implications of each new service or facility for which a determination of reimbursement rates is sought, and

"(D) employ for each type or class of health care provider—

"(i) a unit for determining the reimbursement rates of the provider, and

"(ii) a base for determining rates of change in the provider's reimbursement rates, which unit and base are satisfactory to the Secretary.

For purposes of this paragraph, the term 'health care provider' includes at least the following: Hospitals, nursing homes and extended care facilities, community health care programs (such as family planning clinics, community mental health centers, neighborhood health centers, and rehabilitation centers), home health agencies and visiting nurse associations, and indirect suppliers of health services (such as medical laboratories, ambulance services, blood banks, and dental laboratories).

"(b) The function described in paragraph (6) of subsection (a) may be performed by another agency of the State government under an agreement with the State Health Commission satisfactory to the Secretary. If a State requests (in such manner as the Secretary shall by regulation prescribe) that the agreement for the conditional designation or designation of a State Health Commission for such State not require the Commission to perform the functions described in subsection (a)(8), the terms of any such agreement shall be in accordance with such request and the Secretary shall, but not before the expiration of the fourth fiscal year which begins after the calendar year in which the National Health Policy and Health Development Act of 1974 is enacted, perform such functions within such State until such time as the Commission requests authority to perform such functions and the Secretary determines that it is qualified to perform such functions.

"(c) If a State Health Commission makes a decision in carrying out a function described in paragraph (4), (5), (6), (7), or (8) of subsection (a) which is not consistent with the goals of the applicable LGP or the priorities of the applicable SPP, the Commission shall submit to the appropriate health service agency a detailed statement of the reasons for the inconsistency.

"(d) If, upon the expiration of the fourth fiscal year which begins after the calendar year in which the National Health Policy and Health Development Act of 1974 is enacted, a designation agreement for a State Health Commission is not in effect under section 625, the Secretary shall perform within that State the regulatory functions prescribed by subsection (a) but not before he has given the Governor (or other chief executive officer) of that State at least six months' written notice of his intention to perform within that State such functions. If a designation agreement for a State's Health Commission is terminated under section 625, the Secretary shall perform such functions within that State after giving the notice prescribed by the preceding sentence. In the performance of such functions within any State the Secretary shall consult with the health service agencies within that State and seek the advice and counsel of an advisory council drawn from residents of that State in a manner comparable to that required by section 625 for advisory councils to State Health Commissions.

"GRANTS FOR THE DEVELOPMENT AND OPERATION OF STATE HEALTH COMMISSIONS

"SEC. 628. (a) The Secretary may make grants to States to assist in meeting the costs of developing State Health Commissions. Any grant under this subsection shall be made for development costs incurred in the one-year period beginning on the first day of the first month for which such grant is made and may be for an amount which does not exceed 90 per centum of such costs.

"(b) The Secretary may make grants to States for the operation of State Health Commissions. Each grant under this subsection shall be made for operation costs for the one-year period beginning on the first day of the first month for which such grant is made. The amount of any grant for a State Health Commission's costs of operation for the first year of its operation may not exceed an amount equal to 75 per centum of such costs; and the amount of any other grant for a Commission's costs of operation may not exceed the lesser of (1) $500,000, or (2) an amount equal to 50 per centum of the costs of its operation for the year for which the grant is made.

"(c) No grant may be made under subsection (a) or (b) unless an application therefor has been submitted to, and approved by, the Secretary. Such an application shall be submitted in such form and contain such information as the Secretary may require. The Secretary may not approve any such application unless he determines that

the Federal funds under the grant applied for will be used to supplement State funds that would in the absence of such Federal funds be used for the purposes for which such grant would be made and will in no event supplant such State funds.

"(d) (1) For purposes of making payments under grants under subsection (a), there are authorized to be appropriated $2,000,000 for the fiscal year ending June 30, 1974, $3,000,000 for the fiscal year ending June 30, 1975, and $3,000,000 for the fiscal year ending June 30, 1976.

"(2) For purposes of making payments under grants under subsection (b), there are authorized to be appropriated $1,000,000 for the fiscal year ending June 30, 1974, $5,000,000 for the fiscal year ending June 30, 1975, and $10,000,000 for the fiscal year ending June 30, 1976.

"PART D—CONSTRUCTION ASSISTANCE

"LOANS AND LOAN GUARANTEES AND INTEREST SUBSIDIES

"SEC. 631. (a) To assist in meeting the costs of construction projects for health facilities, the Secretary may make loans to public and nonprofit private entities and may guarantee to non-Federal lenders payment of principal of and interest on loans made by such lenders to nonprofit private entities for such projects.

"(b) (1) Subject to paragraph (2) of this subsection, in the case of a guarantee under this part of any loan made to a nonprofit private entity, the Secretary shall pay, to the holder of such loan and for and on behalf of such entity amounts sufficient to reduce by 3 per centum per annum the net effective interest rate otherwise payable on such loan. Each holder of a loan which is guaranteed under this part shall have a contractual right to receive from the United States interest payments required by the preceding sentence.

"(2) Contracts to make the payments provided for in this subsection shall not carry an aggregate amount greater than such amount as may be provided in appropriations Acts.

"(c) No loan under this part shall be made in an amount which exceeds 90 per centum of the cost of such project (as determined under regulations of the Secretary). No loan guarantee under this part with respect to any project may apply to so much of the principal amount thereof as exceeds 90 per centum of the cost of such project (as so determined).

"(d) The Secretary, with the consent of the Secretary of Housing and Urban Development, shall obtain from the Department of Housing and Urban Development such assistance with respect to the administration of this part as will promote efficiency and economy thereof.

"(e) The cumulative total of the principal of the loans outstanding at any time which have been directly made, or with respect to which guarantees have been issued, under this part may not exceed such limitations as may be specified in appropriations Acts.

"APPLICATIONS

"SEC. 632. (a) No loan or loan guarantee may be made under this part unless an application therefor has been submitted to the Secretary and approved by him. Such application shall be in such form, submitted in such manner, and contain such information, as the Secretary shall by regulation prescribe. The Secretary may not approve an application under this part for a construction project unless the application (1) has, if there is a State Health Commission for the State in which such project is to be located, been approved by such State Health Commission, and (2) such project has a higher priority (set by the health service agency for such area under section 613(e)(2)) than any other project in such area for which applications are pending before the Secretary for his approval. In considering applications under this part the Secretary, after applying any applicable priority established under section 613(e)(2), shall give priority to applications for projects for facilities for the provision of ambulatory care, facilities for the provision of rehabilitative services, facilities for emergency medical services systems (as defined in section 1201), or hospitals for areas with rapid, recent population growth.

"(b) No application submitted under this part may be approved for a project unless such application contains reasonable assurances that all laborers and mechanics employed by contractors or subcontractors on the project will be paid wages at rates not less than those prevailing on similar work in the locality as determined by the Secretary of Labor in accordance with the Act of March 3, 1931 (40 U.S.C. 276a–276a–5, known as the Davis-Bacon Act). The Secretary of Labor shall have with respect to the labor standards referred to in the preceding sentence the authority and functions set forth in Reorganization Plan Number 14 of 1950 (15 F.R. 3176; 5 U.S.C. Appendix) and section 2 of the Act of June 13, 1934 (40 U.S.C. 276c).

"GENERAL PROVISIONS RELATING TO LOANS AND LOAN GUARANTEES

"SEC. 633. (a) (1) The Secretary may not approve an application for a loan under this part unless—

"(A) the Secretary is reasonably satisfied that the applicant therefor will be able to make payments of principal and interest thereon when due, and

"(B) the applicant provides the Secretary with reasonable assurances that there will be available to it such additional funds as may be necessary to complete the project or undertaking with respect to which such loan is requested.

"(2) Any loan made under this part shall (A) have such security, (B) have such maturity date, (C) be repayable in such installments, (D) bear interest at a rate comparable to the current rate of interest prevailing on the date the loan is made, with respect to loans guaranteed under this title, and (E) be subject to such other terms and conditions (including provisions for recovery in case of default), as the Secretary determines to be necessary to carry out the purposes of this part while adequately protecting the financial interests of the United States.

"(3) The Secretary may, for good cause but with due regard to the financial interests of the United States, waive any right of recovery which he has by reason of the failure of a borrower to make payments of principal of and interest on a loan made under this part, except that if such loan is sold and guaranteed, any such waiver shall have no effect upon the Secretary's guarantee of timely payment of principal and interest.

"(b) (1) The Secretary may from time to time, but with due regard to the financial interests of the United States, sell loans made by him under this part.

"(2) The Secretary may agree, prior to his sale of any such loan, to guarantee to the purchaser (and any successor in interest of the purchaser) compliance by the borrower with the terms and conditions of such loan. Any such agreement shall contain such terms and conditions as the Secretary considers necessary to protect the financial interests of the United States or as otherwise appropriate. Any such agreement may (A) provide that the Secretary shall act as agent of any such purchaser for the purpose of collecting from the entity to which such loan was made and paying over to such purchaser, any payments of principal and interest payable by such entity under such loan; and (B) provide for the repurchase by the Secretary of any such loan on such terms and conditions as may be specified in the agreement. The full faith and credit of the United States is pledged to the payment of all amounts which may be required to be paid under any guarantee under this subsection.

"(3) After any loan made under this part to a public entity has been sold and guaranteed under this subsection, interest paid on such loan which is received by the purchaser thereof (or his successor in interest) shall be included in the gross income of the purchaser of the loan (or his successor in interest) for the purpose of chapter 1 of the Internal Revenue Code of 1954.

"(4) Amounts received by the Secretary as proceeds from the sale of loans under this subsection shall be deposited in the fund established under section 634.

"(c) (1) The Secretary may not approve an application for a loan guarantee under this part unless he determines that (A) the terms, conditions, security (if any), and schedule and amount of repayments with respect to the loan are sufficient to protect the financial interests of the United States and are otherwise reasonable, including a determination that the rate of interest does not exceed such per centum per annum on the principal obligation outstanding as the Secretary determines to be reasonable, taking into account the range of interest rates prevailing in the private market for similar loans and the risks assumed by the United States, and (B) the loan would not be available on reasonable terms and conditions without the guarantee under this part.

"(2) (A) The United States shall be entitled to recover from the applicant for a loan guarantee under this part the amount of any payment made pursuant to such guarantee, unless the Secretary for good cause waives such right of recovery; and, upon making any such payment, the United States shall be subrogated to all of the rights of the recipient of the payments with respect to which the guarantee was made.

"(B) To the extent permitted by subparagraph (C), any terms and conditions applicable to a loan guarantee under this part may be modified by the Secretary to the extent he determines it to be consistent with the financial interest of the United States.

"(C) Any loan guarantee made by the Secretary under this part shall be incontestable (i) in the hands of an applicant on whose behalf such guarantee is made unless the applicant engaged in fraud or misrepresentation in securing such guarantee, and (ii) as to any person (or his successor in interest) who makes or contracts to make a loan to such applicant in reliance thereon unless such person (or his successor in interest) engaged in fraud or misrepresentation in making or contracting to make such loan.

"(D) Guarantees of loans under this part shall be subject to such further terms and conditions as the Secretary determines to be necessary to assure that the purposes of this title will be achieved.

"LOAN GUARANTEE AND LOAN FUND

"SEC. 634. (a) There is established in the Treasury a loan guarantee and loan fund (hereinafter in this section referred to as the 'fund') which shall be available to the Secretary without fiscal year limitation, in such amounts as may be specified from time to time in appropriations Acts, (1) to enable him to make loans under this part, (2) to enable him to discharge his responsibilities under guarantees issued by him under this part, (3) for payment of interest on the loans which are guaranteed under this part, and (4) for repurchase by him of direct loans made under this part which have been sold and guaranteed. There are authorized to be appropriated to provide capital required for the fund $100,000,000 in the aggregate for the fiscal years ending June 30, 1974, June 30, 1975, and June 30, 1976. To the extent authorized from time to time in appropriation Acts, there shall be deposited in the fund amounts received by the Secretary as interest payments or repayments of principal on loans

and any other moneys, property, or assets derived by him from his operations under this part, including any moneys derived from the sale of assets.

"(b) If at any time the moneys in the fund are insufficient to enable the Secretary to discharge his responsibilities under this part, he is authorized to issue to the Secretary of the Treasury notes or other obligations in such forms and denominations, bearing such maturities, and subject to such terms and conditions, as may be prescribed by the Secretary with the approval of the Secretary of the Treasury. Such notes or other obligations shall bear interest at a rate 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 the notes or other obligations. The Secretary of the Treasury is authorized and directed to purchase any notes and other obligations issued hereunder and for that purpose he is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, and the purposes for which securities may be issued under that Act are extended to include any purchase of such notes and obligations. The Secretary of the Treasury may at any time sell any of the notes or other obligations acquired by him under this subsection. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes or other obligations shall be treated as public debt transactions of the United States. Sums borrowed under this subsection shall be deposited in the fund and redemption of such notes and obligations shall be made by the Secretary from such fund.

"DEFINITIONS

"SEC. 635. As used in this part—

"(1) The term 'construction' includes—

"(A) construction of new buildings,

"(B) modernization of existing buildings,

"(C) the acquisition of initial equipment (including medical transportation facilities) for buildings constructed or modernized with assistance under this part, and

"(D) acquisition of equipment for any building in any case in which it will help to provide a health service not previously provided in the community served by such building.

"(2) The term 'modernization' includes the alteration, expansion, major repair (to the extent permitted by the Secretary by regulations), remodeling, replacement, or renovation of existing buildings.

"(3) The term 'cost' as applied to a construction project includes architects' fees but does not include the cost of off-site improvements or the acquisition of land."

CONFORMING AMENDMENTS

SEC. 4. Title IX and subsections (a), (b), and (c) of section 314 and title IX of the Public Health Service Act are repealed.

EFFECTIVE DATE

SEC. 5. The amendments made by this Act shall take effect July 1, 1974, except that on and after the date of the enactment of this Act (1) the Secretary of Health, Education, and Welfare shall carry out the duties imposed by section 611 of the Public Health Service Act (as added by section 3) and provide the assistance authorized by sections 615 and 628 of such Act (as so added), and (2) appropriations may be made under section 634 of such Act (as so added) for the purpose of capitalizing the fund authorized by that section.

LEAVES OF ABSENCE

(By unanimous consent, leave of absence was granted to:)

Mr. RONCALLO of New York (at the request of Mr. RHODES), for today, on account of illness in family.

Mr. CORMAN, for himself, for today, on account of official business.

Mr. BROTZMAN, for the remainder of today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. THONE) and to revise and extend their remarks and include extraneous matter:)

Mr. CRANE, for 5 minutes, today.

Mr. MCDADE, for 10 minutes, today.

Mr. STEELE, for 45 minutes, today.

Mr. HOGAN, for 60 minutes, today.

Mr. CRONIN, for 5 minutes, today.

(The following Members (at the request of Mr. GINN) and to revise and extend their remarks and include extraneous matter:)

Mr. GONZALEZ, for 5 minutes, today.

Mr. ROONEY of New York, for 5 minutes, today.

Mr. JAMES V. STANTON, for 5 minutes, today.

Mr. ALEXANDER, for 60 minutes, today.

Mr. WHITTEN, for 10 minutes, today.

Mr. ROY, for 5 minutes today, to revise and extend his remarks and include extraneous material.

(The following Member (at the request of Mr. THONE), to revise and extend his remarks, and to include extraneous matter:)

Mr. KEMP, today, for 15 minutes.

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. ZABLOCKI in three instances.

Mr. ROY and to include extraneous matter notwithstanding the fact it exceeds two pages of the CONGRESSIONAL RECORD and is estimated by the Public Printer to cost $3,867.

(The following Members (at the request of Mr. THONE) and to revise and extend their remarks:)

Mr. RHODES.

Mr. HEINZ in two instances.

Mr. HANRAHAN.

Mr. RONCALLO of New York.

Mr. WHALEN.

Mr. KEMP in ten instances.

Mr. CARTER.

Mr. LENT in two instances.

Mr. WYMAN in two instances.

Mr. RAILSBACK in three instances.

Mr. SYMMS.

Mr. MARTIN of North Carolina in two instances

Mr. MARAZITI.

Mr. HOSMER in two instances.

Mr. BUCHANAN in two instances.

Mr. VANDER JAGT.

Mr. FINDLEY in two instances.

Mr. KING in two instances.

Mr. DU PONT.

Mr. QUIE.

Mr. MIZELL in five instances.

Mr. BRAY in three instances.

Mr. JOHNSON of Pennsylvania.

Mr. STEIGER of Wisconsin.

Mr. KEMP.

Mr. MALLARY.

(The following Members (at the request of Mr. GINN) and to include extraneous matter:)

Mrs. CHISHOLM.

Mr. BLATNIK.

Mr. OWENS in 10 instances.

Mr. JAMES V. STANTON.

Mr. STOKES in 10 instances.

Mr. O'NEILL in two instances.

Mr. ROONEY of New York in five instances.

Mr. GONZALEZ in three instances.

Mr. RARICK in three instances.

Mr. DINGELL.

Mr. STUDDS in three instances.

Mr. JOHNSON of California.

Mr. HARRINGTON in two instances.

Mr. WALDIE in three instances.

Mr. KOCH in two instances.

Mr. DENHOLM.

Mr. HUNGATE.

Mr. DONOHUE in two instances.

Mr. KYROS.

Ms. ABZUG in three instances.

Mr. ROE in 10 instances.

Mr. BRASCO in two instances.

Mr. LITTON.

Mr. PICKLE in four instances.

Mr. MCCORMACK.

Mr. SYMINGTON.

Mr. CHAPPELL.

Mr. BURKE of Massachusetts.

SENATE BILLS AND JOINT RESOLUTION REFERRED

Bills and a joint resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 2770. An act to amend chapter 5 of title 37, United States Code, to revise the special pay structure relating to medical officers of the uniformed services; to the Committee on Armed Services.

S. 2771. An act to amend chapter 5 of title 37, United States Code, to revise the special pay bonus structure relating to members of the armed forces, and for other purposes; to the Committee on Armed Services.

S. 2830. An act to amend the Public Health Service Act to provide for greater and more effective efforts in research and public education with regard to diabetes mellitus; to the Committee on Interstate and Foreign Commerce.

S.J. Res. 183. Joint resolution to proclaim April 30, 1974, as a National Day for Humiliation, Fasting, and Prayer; to the Committee of the Judiciary.

ENROLLED BILLS AND A JOINT RESOLUTION SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1316. An act for the relief of Claude V. Alcorn and 21 others;

H.R. 2303. An act to continue mandatory price support for tung nuts only through the 1976 crop;

H.R. 4738. An act to provide for the striking of medals in commemoration of the 100th anniversary of the statehood of Colorado;

H.R. 5760. An act to provide for the striking of medals commemorating the International Exposition on Environment at Spokane, Wash., in 1974;

H.R. 6758. An act to amend chapter 33 of title 28 of the District of Columbia Code, relating to usury, and for other purposes;

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;

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

H.R. 10806. An act to amend the District of Columbia Minimum Wage Act so as to enable airline employees to exchange days at regular rates of compensation, and for other purposes;

H.R. 11088. An act to provide emergency security assistance authorizations for Israel and Cambodia;

H.R. 11238. An act to amend the act of March 16, 1926 (relating to the Board of Public Welfare in the District of Columbia), to provide for an improved system of adoption of children in the District of Columbia, and for other purposes;

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

H.J. Res. 858. Joint resolution to provide for the establishment of the Lyndon Baines Johnson Memorial Grove on the Potomac.

SENATE ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

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;

S. 1559. An act to assure opportunities for employment and training to unemployed and underemployed persons;

S. 1983. An act to provide for the conservation of endangered and threatened species of fish, wildlife, and plants, and for other purposes;

S. 2267. An act 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;

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

S. 2491. An act to repeal the provisions of the Agriculture and Consumer Protection Act of 1973 which provide for payments to farmers in the event of crop failures with respect to crops planted in lieu of wheat or feed grains;

S. 2812. An act to amend the Federal Water Pollution Control Act to establish the ratio for allocation of treatment works construction grant funds, to insure that grants may be given for other than operable units, and to clarify the requirements for development of priorities; and

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

BILLS AND JOINT RESOLUTIONS 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 and joint resolutions of the House of the following titles:

H.R. 5874. To establish a Federal Financing Bank, to provide for coordinated and more efficient financing of Federal and federally assisted borrowings from the public, and for other purposes;

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

H.J. Res. 736. To provide for a feasibility study and to accept a gift from the U.S. Capitol Historical Society; and

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

ADJOURNMENT

Mr. BREAUX. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 32 minutes a.m.) the House adjourned until today, Saturday, December 22, 1973, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1654. A letter from the Assistant Secretary of Defense (Comptroller), transmitting a report covering the first quarter of fiscal year 1974 on the estimated value, by country, of support furnished from military functions appropriations for Vietnamese and other free world forces in Vietnam, and for local forces in Laos, pursuant to section 737(b) of Public Law 92-570, as amended; to the Committee on Appropriations.

1655. A letter from the Comptroller of the Currency, transmitting his annual report for 1972, pursuant to section 333 of the Revised Statutes; to the Committee on Banking and Currency.

1656. A letter from the Administrator of General Services, transmitting a report on borrowing authority for the period ended June 30, 1973, pursuant to section 304(b) of the Defense Production Act of 1950, as amended; to the Committee on Banking and Currency.

1657. A letter from the First Vice President and Vice Chairman, Export-Import Bank of the United States, transmitting a report covering the quarter ended September 30, 1973, on the administration of the export expansion facility program, pursuant to Public Law 90-390 (62 Stat. 286); to the Committee on Banking and Currency.

1658. A letter from the Fiscal Assistant Secretary of the Treasury, transmitting a report covering the 6 months ended June 30, 1973, on the inventory of nonpurchased foreign currencies, pursuant to 22 U.S.C. 2363; to the Committee on Foreign Affairs.

1659. A letter from the Director, U.S. Information Agency, transmitting the semiannual report of the Agency for the period ended June 30, 1973, pursuant to section 1008 of the U.S. Information and Educational Exchange Act of 1948, as amended; to the Committee on Foreign Affairs.

1660. A letter from the Corporation Agent, Legion of Valor of the United States of America, Inc., transmitting the financial statement of the legion for the fiscal year ended July 31, 1973, pursuant to section 14(b) of Public Law 84-224; to the Committee on the Judiciary.

1661. A letter from the Administrator of Veterans' Affairs, transmitting a draft of proposed legislation to amend section 1780 of title 38, United States Code, to authorize the Administrator of Veterans' Affairs to continue to make educational assistance payments to veterans and dependents where educational institutions are closed by reason of the energy crisis or for other emergency reasons; to the Committee on Veterans' Affairs.

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. HOLIFIELD: Committee on Government Operations. Problems in air shipment of domestic animals. (Rept. No. 93-746). Referred to the Committee of the Whole House on the State of the Union.

Mr. BLATNIK: Committee on Public Works. S. 261. An act to amend the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 to provide for minimum Federal payments for 4 additional years, and for other purposes; with amendment (Rept. No. 93-747). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Ms. ABZUG:

H.R. 12102. A bill to terminate the airlines mutual aid agreement; to the Committee on Interstate and Foreign Commerce.

By Mr. BRINKLEY (for himself and Mr. MURPHY of New York):

H.R. 12103. A bill to provide for a comprehensive, coordinated 5-year research program to determine the causes of and cure for cancer, to develop cancer preventatives, vaccines or other preventatives, and for other purposes; to the Committee on Ways and Means.

By Mr. CONTE (for himself, Mr. O'NEILL, Mr. HARRINGTON, Mr. COTTER, Mr. MOAKLEY, and Mr. STUDDS):

H.R. 12104. 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. CRONIN:

H.R. 12105. A bill to amend the Community Mental Health Centers Act to provide for the extension thereof, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. DICKINSON (for himself, Mr. ANDERSON of California, Mr. BERGLAND, Mr. BLATNIK, Mr. DANIELSON, Mr. DORN, Mr. ESHLEMAN, Mr. FASCELL, Mr. FLOWERS, Mr. GINN, Mr. GREEN of Pennsylvania, Mr. JONES of Alabama, Mr. LENT, Mr. MCCLOSKEY, Mr. MCKINNEY, Mr. PRICE of Illinois, Mr. OBEY, Mr. PATTEN, Mr. ROSE, Mr. RUNNELS, Mr. STEELE, Mr. STUDDS, and Mr. CHARLES WILSON of Texas):

H.R. 12106. A bill to provide for the establishment of an American Folk Life Center in the Library of Congress, and for other purposes; to the Committee on House Administration.

By Mr. DU PONT:

H.R. 12107. A bill to prohibit discrimination on account of sex or marital status against individuals seeking credit; to the Committee on Banking and Currency.

By Mr. FRASER (for himself and Mr. BLATNIK):

H.R. 12108. A bill to amend the Internal Revenue Code of 1954 to provide that the tax on the amounts paid for communication services shall not apply to the amount of the State and local taxes paid for such services; to the Committee on Ways and Means.

By Mr. FRASER (for himself and Mr. DIGGS):

H.R. 12109. A bill to amend the District of Columbia Self-Government and Governmental Reorganization Act to clarify the provision relating to the referendum on the issue of the Advisory Neighborhood Councils; to the Committee on the District of Columbia.

By Mr. GUDE:

H.R. 12110. A bill to amend the District of Columbia Redevelopment Act of 1945 to assure that the District of Columbia Redevelopment Land Agency maintains dwellings owned by it according to the laws of the District of Columbia relating to safe and sanitary housing, and for other purposes; to the Committee on District of Columbia.

H.R. 12111. A bill to amend the Chesapeake and Ohio Canal Development Act so as to expand the boundaries of the Chesapeake and Ohio Canal National Historical Park to include certain lands within the areas from North Branch to Cumberland, Md.; to the Committee on Interior and Insular Affairs.

By Mr. HELSTOSKI (for himself, Mr. DOMINICK V. DANIELS, Mr. HOWARD, Mr. MARAZITI, Mr. MINISH, Mr. PATTEN, Mr. RODINO, Mr. ROE, Mr. SANDMAN, Mr. THOMPSON of New Jersey, Mr. RINALDO, and Mr. WIDNALL):

H.R. 12112. A bill to amend section 401(j) of the Federal Aviation Act of 1958 to provide that no air carrier shall discontinue service, in whole or in part, unless such discontinuance is found to be in the public interest by the Civil Aeronautics Board after public hearings; to the Committee on Interstate and Foreign Commerce.

By Mr. HOLIFIELD (for himself and Mr. HORTON) (by request):

H.R. 12113. A bill to revise and restate certain functions and duties of the Comptroller General of the United States and for other purposes; to the Committee on Government Operations.

H.R. 12114. A bill to revise and restate certain functions and duties of the Comptroller General of the United States and for other purposes; to the Committee on Government Operations.

By Mr. KOCH:

H.R. 12115. A bill to amend title VII of the Housing Act of 1961 to establish an Urban Parkland Heritage Corporation to provide funds for the acquisition and operation of open-space land, and for other purposes; to the Committee on Banking and Currency.

By Mr. LATTA:

H.R. 12116. A bill to provide that all letters, memorandums, and other papers produced or acquired by any officer or employee of the United States in connection with the performance of his duties shall be the property of the United States, and to prohibit the sale or use for personal gain of such property; to the Committee on the Judiciary.

By Mr. MARTIN of North Carolina:

H.R. 12117. A bill to amend the Internal Revenue Code of 1954 to increase the maximum credit allowable under section 41 for political contributions to $25 ($50 in the case of a joint return), and to increase the maximum deduction allowable under section 218 for such contributions to $200 ($400 in the case of a joint return); to the Committee on Ways and Means.

H.R. 12118. A bill to amend the Internal Revenue Code of 1954 to encourage greater conservation of energy in environmental conditioning and the use of solar energy by providing an income tax deduction for expenditures made for more effective insulation, more efficient environmental conditioning equipment, and solar environmental conditioning apparatus in residential structures; to the Committee on Ways and Means.

By Mr. MILLER.

H.R. 12119. A bill to amend the Federal Coal Mine Health and Safety Act of 1969 to exclude any coal mine in which every miner who works in such mine is either complete or partial owner or member of the immediate family of such owner from coverage under titles I, II, and III of the act; to the Committee on Education and Labor.

By Mr. NEDZI:

H.R. 12120. A bill to amend title 38 of the United States Code in order to increase the rates of educational assistance, to otherwise improve the educational assistance program, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. PEPPER (for himself, Mr. STAGGERS, Mr. MOLLOHAN, Mr. HECHLER of West Virginia, Mr. MADIGAN, Mr. DENT, Mr. DENHOLM, Mr. YATRON, Mr. GUNTER, Mr. BURLISON of Missouri, Mr. GRAY, Mr. RONCALIO of Wyoming, Mr. BEVILL, Mr. STUBBLEFIELD, Mr. EDWARDS of California, Mr. EVANS of Columbia, Mr. SLACK, Mr. PERKINS, Mr. PRICE of Illinois, Mr. MORGAN, Mr. CARNEY of Ohio, Mr. OWENS, Mr. HAMILTON, Mr. MEEDS, and Mr. HAMMERSCHMIDT):

H.R. 12121. 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. PEYSER:

H.R.12122. A bill to establish a National Center for the Prevention and Control of Rape and provide financial assistance for a research and demonstration program into the causes, consequences, prevention, treatment, and control of rape; to the Committee on Interstate and Foreign Commerce.

By Mr. RANGEL:

H.R. 12123. A bill to create a National Landlord and Tenant Commission, to establish housing courts and to define or to provide therefor the rights, obligations, and liabilities of landlords and tenants so as to regulate the activities of the commercial rental housing operations which affect the stability of the economy, the amount of a person's real income, the travel of goods and people in commerce, and the general welfare of all citizens of this Nation; to the Committee on the Judiciary.

By Mr. RODINO:

H.R. 12124. 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. ROYBAL (for himself and Mr. WALDIE):

H.R. 12125. A bill to amend section 312 (1) of the Immigration and Nationality Act; to the Committee on the Judiciary.

By Mr. TOWELL of Nevada:

H.R. 12126. A bill to amend the Internal Revenue Code of 1954 to repeal the taxes on wagering; to the Committee on Ways and Means.

By Mr. VANIK:

H.R. 12127. A bill to prohibit the dumping of spent oil shale on any Federal land other than Federal land leased for the operation of shale oil recovery facilities; to the Committee on Interior and Insular Affairs.

By Mr. STAGGERS:

H.R. 12128. A bill to assure, through energy conservation, end-use rationing of fuels, and other means, that the essential energy needs of the United States are met, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 12129. A bill to assure, through energy conservation, end-use rationing of fuels, and other means, that the essential energy needs of the United States are met, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. BURKE of Florida:

H.R. 12130. A bill to amend the Public Health Service Act to assure an adequate supply of chlorine and certain other chemicals and substances which are necessary for safe drinking water and for waste water treatment; to the Committee on Interstate and Foreign Commerce.

By Mr. BURKE of Massachusetts:

H.R. 12131. A bill to amend title XVIII of the Social Security Act to require skilled nursing facilities under the medicare program and the medicaid program to provide medical social services; to the Committee on Ways and Means.

By Mr. DENHOLM:

H.R. 12132. A bill to amend the Economic Stabilization Act of 1970, to eliminate price controls of petroleum products; to the Committee on Banking and Currency.

H.R. 12133. A bill to impose an excess profits tax on the income of corporations during the period of national energy emergency and to establish an energy trust fund to develop new energy sources, improve utilization of present sources, develop means for energy conservation, and to promote effective economic techniques for preserving the environment in the United States; to the Committee on Ways and Means.

H.R. 12134. A bill to increase the natural resources depletion allowance for income tax purposes on oil and gas wells, coal and lignite deposits in the United States; to the Committee on Ways and Means.

By Mr. ERLENBORN (for himsef, Mr. MOORHEAD of Pennsylvania, Mr. HORTON, Mr. MCCLOSKEY, Mr. GUDE, Mr. THONE, Mr. WRIGHT, Mr. REGULA, Mr. JAMES V. STANTON, and Mr. ALEXANDER):

H.R. 12135. A bill to amend the Freedom of Information Act to require that information be made available to Congress; to the Committee on Government Operations.

By Mr. HELSTOSKI (for himself and Mr. MURPHY of New York):

H.R. 12136. A bill to amend section 401(j) of the Federal Aviation Act of 1958 to provide that no air carrier shall discontinue service, in whole or in part, unless such discontinuance is found to be in the pulbic interest by the Civil Aeronautics Board after public hearings; to the Committee on Interstate and Foreign Commerce.

By Mr. KEMP:

H.R. 12137. A bill to amend the Higher Education Act of 1965 to establish a student internship program to offer students practical political involvement with elected officials on the local and State levels of government; to the Committee on Education and Labor.

H.R. 12138. A bill to establish a procedure assuring Congress the full and prompt production of information requested from Federal officers and employees; to the Committee on Rules.

By Mr. MALLARY (for himself, Mr. ARMSTRONG, Mr. BENNETT, Mr. BURGENER, Mr. CLEVELAND, Mr. DAVIS of Georgia, Mr. FORSYTHE, Mr. HECHLER, of West Virginia, Mr. HEINZ, Mr. MOAKLEY, Mr. MONTGOMERY, Mr. MOSHER, Mr. RANGEL, Mr. SNYDER, Mr. STEIGER of Wisconsin, Mr. CHARLES H. WILSON of California, Mr. WINN and Mr. YOUNG of Florida):

H.R. 12139. A bill to provide that pay adjustments for Members 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. MURPHY of Illinois:

H.R. 12140. A bill to amend section 401(j) of the Federal Aviation Act of 1958 to provide that no air carrier shall discontinue

service, in whole or in part, unless such discontinuance is found to be in the public interest by the Civil Aeronautics Board after public hearings; to the Committee on Interstate and Foreign Commerce.

By Mr. PICKLE:

H.R. 12141. A bill to establish a National Energy Information System in the Department of Commerce and for other related purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. RANDALL:

H.R. 12142. A bill to amend title 13, United States Code, to assure confidentiality of information furnished in response to questionnaires, inquiries, and other requests of the Bureau of the Census, to provide for a mid-decade sample survey of population, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 12143. A bill to extend to all individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns, and for other purposes; to the Committee on Ways and Means.

By Mr. STOKES (for himself, Ms. ABZUG, Mr. BADILLO, Mrs. BURKE of California, Mrs. CHISHOLM, Mr. CLAY, Mrs. COLLINS of Illinois, Mr. CONYERS, Mr. CORMAN, Mr. DELLUMS, Mr. DIGGS, Mr. EDWARDS of California, Mr. FAUNTROY, Mr. FRASER, Mr. HARRINGTON, Mr. HAWKINS, Mr. HELSTOSKI, Miss JORDAN, Mr. LEGGETT, Mr. MAZZOLI, Mrs. MINK, Mr. MITCHELL of Maryland, and Mr. RANGEL):

H.R. 12144. A bill to require that discharge certificates issued to members of the Armed Forces not indicate the conditions or reasons for discharge, to limit the separation of enlisted members under conditions other than honorable and to improve the procedures for the review of discharge and dismissals; to the Committee on Armed Services.

By Mr. STOKES (for himself, Mr. REES, Mr. RYAN, Mr. SEIBERLING, Mr. SISK, and Mr. STARK):

H.R. 12145. A bill to require that discharge certificates issued to members of the Armed Forces not indicate the conditions or reasons for discharge, to limit the separation of enlisted members under conditions other than honorable, and to improve the procedures for the review of discharge and dismissals; to the Committee on Armed Services.

By Mr. STUDDS:

H.R. 12146. A bill to authorize and encourage certain highway projects to increase availability of energy efficient means of transportation, to amend title 23 of the United States Code, and for other purposes; to the Committee on Public Works.

By Mr. STUDDS (for himself, Mrs. HOLT, and Mr. ROE):

H.R. 12147. A bill to extend on an interim basis the jurisdiction of the United States over certain ocean areas and fish in order to protect the domestic fishing industry, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. DU PONT:

H. J. Res. 868. Joint resolution providing for a congressional investigation into the status of those American men missing, captured, or dead in Southeast Asia, and for other purposes; to the Committee on Rules.

By Mr. GINN:

H.R. Res. 869. Joint resolution proposing an amendment to the Constitution of the United States with respect to tenure of office for judges of the Supreme Court and inferior courts of the United States; to the Committee on the Judiciary.

By Mr. MILLER (for himself and Mr. HANRAHAN):

H.J. Res. 870. Joint resolution proposing an amendment to the Constitution of the United States with respect to the attendance of Senators and Representatives at sessions of the Congress; to the Committee on the Judiciary.

By Mr. MOORHEAD of Pennsylvania:

H. Con. Res. 408. Concurrent resolution expressing the sense of the Congress that housing, housing assistance, and community development programs authorized by Congress should be carried out at levels at least equal to the levels prevailing in calendar year 1972, until such time as funds appropriated for such programs are exhausted or the Congress enacts legislation terminating or replacing such programs; to the Committee on Banking and Currency.

By Mr. RAILSBACK:

H. Con. Res. 409. Concurrent resolution expressing the sense of the Congress that the President, acting through the United Nations or other appropriate international organization, should call for international conferences to consider the present world energy crisis; to the Committee on Foreign Affairs.

By Mr. RANDALL:

H. Con. Res. 410. Concurrent resolution concerning removal of automotive emission control devices by individuals or independent automotive service stations which are neither manufacturers or dealers; to the Committee on Interstate and Foreign Commerce.

By Mr. O'NEILL:

H. Con Res. 411. Concurrent resolution providing for the adjournment sine die of the first session of the 93d Congress; considered and not agreed to.

By Mr. GUNTER (for himself, Mr. LEHMAN, Mr. HAYS, Mrs. HECKLER of Massachusetts, Mr. HELSTOSKI, Mr. KOCH, Mr. MOAKLEY, Mr. LEGGETT, Mr. OWENS, Mr. PEPPER, Mr. REES, Mr. ROSENTHAL, Mr. ST GERMAIN, Mr. SARASIN, Mr. SEIBERLING, Mrs. SCHROEDER, Mr. SIKES, Mr. STARK, Mr. STUDDS, Mr. WOLFF, Mr. VANIK, and Mr. YATES):

H. Res. 757. Resolution creating a select committee to conduct an investigation and study of the role of the oil and gas industry in contributing to the current energy crisis; to the Committee on Rules.

By Mr. LEHMAN (for himself, Mr. GUNTER, Mr. BINGHAM, Mr. BOLAND, Mr. BRASCO, Mr. BROWN of California, Mr. DAN DANIEL, Mr. DAVIS of Georgia, Mr. DUNCAN, Mr. ESHLEMAN, Mr. FASCELL, Mr. FROEHLICH, Mrs. GRASSO, Mr. GUDE, Mr. HALEY, Mr. HANRAHAN, and Mr. HARRINGTON):

H. Res. 758. Resolution creating a select committee to conduct an investigation and study of the role of the oil and gas industry in contributing to the current energy crisis; to the Committee on Rules.

By Mr. STAGGERS:

H. Res. 759. Resolution providing for agreeing to the Senate amendment to the House amendment to S. 921, with an amendment; ordered to be printed.

H. Res. 760. Resolution providing for agreeing to the Senate amendment to the House amendment to S. 921, with an amendment; ordered to be printed.

H. Res. 761. Resolution providing for agreeing to the Senate amendment to the House amendment to S. 921; ordered to be printed.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. MONTGOMERY:

H.R. 12148. A bill for the relief of Oscar H. Barnett; to the Committee on the Judiciary.

By Mr. TALCOTT:

H.R. 12149. A bill for the relief of Maria del Refugio Cardenas-Sifuentes; to the Committee on the Judiciary.

HOUSE OF REPRESENTATIVES—*Saturday, December 22, 1973*

The House met at 12 o'clock noon.

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

The people who walked in darkness have seen a great light.—Isaiah 9:2.

Almighty God, our Heavenly Father, who by the birth of the Babe of Bethlehem has given light to those who sit in darkness, love to those who live with ill will and life to those who walk through the valley of the shadow of death; grant that in Thy light we may see light clearly, in Thy love we may possess love fully and in Thy life we may learn to live all our days.

Guide the citizens of our Nation in the ways of righteousness and the peoples of the world in the paths of peace. May good will live in all our hearts binding us together in the bond of true brotherhood; to the glory of Thy holy name.

May the Lord bless us and keep us; may the Lord make his face to shine upon us; and be gracious unto us; may the Lord lift upon us the light of His countenance and give us peace now and forever more. Amen.

THE JOURNAL

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

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

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

H.R. 1920. An act to designate the portion of the project for flood control protection on Chartiers Creek that is within Allegheny County, Pennsylvania, as the "James G. Fulton Flood Protection Project"; and

H.R. 3733. An act to authorize the American Battle Monuments Commission to assume control of overseas war memorials erected by private persons and non-Federal and foreign agencies and to demolish such war memorials in certain instances.

The message also announced that the Senate agrees to the amendments of the