HOUSE OF REPRESENTATIVES—*Wednesday, March 21, 1973*

The House met at 12 o'clock noon.

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

Peace I leave with you, my peace I give unto you. Let not your heart be troubled.—John 14: 27.

O Thou who art the Creator of the world, the Sustainer of life and the Father of all men, do Thou help us as we with all humility seek to discipline ourselves that we may do, more fully and more faithfully, the work of this day. By Thy grace may we earnestly strive to bring harmony out of hostility, order out of disorder, understanding out of misunderstanding, and good will out of ill will.

Lead us, we pray Thee, to do our best to liberate our people from poverty and unemployment and to open ways to a more abundant life for all. Crown our efforts not with fame and fortune, but with the inner assurance of work well done. Keep us conscious of Thy presence and in every hour of need may we grow in grace and peace and love.

Abide with us all the day long, for in Thee do we put our trust. 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 a bill and concurrent resolution of the following titles, in which the concurrence of the House is requested:

S. 398. An act to extend and amend the Economic Stabilization Act of 1970; and

S. Con. Res. 16. Concurrent resolution to authorize certain corrections in the enrollment of S. 7.

The message also announced that the Vice President, pursuant to Public Law 86–42, appointed Mr. McGEE, chairman; Mr. MUSKIE; Mr. JOHNSTON; Mr. ABOUREZK; Mr. CLARK; Mr. BIDEN; Mr. AIKEN; Mr. JAVITS; Mr. CURTIS; Mr. STEVENS; and Mr. SAXBE to attend, on the part of the Senate, the Canada-United States interparliamentary meeting to be held in Washington, D.C., April 4–8, 1973.

LET US HONOR ALL WHO SERVED IN VIETNAM

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

Mr. MONTGOMERY. Mr. Speaker, the last known officially listed American prisoners of war—147 men—will be released this weekend in Hanoi. It is my very strong feeling that now is the time for the Congress to begin making plans to honor not only the POW's, but also those still listed as missing in action, those who lost their lives in Vietnam, those wounded and handicapped, and those young Americans who served during the Vietnam conflict.

I would hope the leadership on both sides of the aisle would support a resolution calling for a joint meeting of Congress sometime in April to be attended by a representative group of POW's, Congressional Medal of Honor winners, veterans of the Vietnam conflict, wounded veterans of Vietnam, and loved ones of the MIA's and those who lost their lives. The time has arrived for the Congress to show its appreciation.

THE STAGGERING INCREASES IN GROCERY PRICES

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

Mr. O'NEILL. Mr. Speaker, a few hours ago the Bureau of Labor Statistics announced another staggering increase in food prices.

Grocery prices paid by American housewives went up 2.3 percent in February. That is on top of a 2.5-percent increase in January, and it makes a 4.8-percent increase for the first 2 months of 1973 alone.

And what is the good news? Well, future months are supposed to bring "lower price increases," the administration says.

The administration has told us that by December, grocery prices should be 6.5 percent higher than in December 1972. That's wonderful—if we survive. Because we are embarked on a long, high trajectory toward that mark. Projecting the current rate of increase, food prices could rise 15 to 20 percent by midyear before they crest and begin to head down toward a 6.5-percent rise. I am sorry if that terminology sounds like the administration's brand of optimism.

Mr. Speaker, these outrageous fluctuations in food prices mean a burden to us all and outright misery for those who can least afford it—the poor, the elderly, all those living on fixed incomes.

The single most important factor behind this chaos in food costs is the politically motivated farm policy pursued by this administration during the presidential election year of 1972. Secretary Butz deliberately set out to show how high he could drive farm prices. He has succeeded too well. Now all of us are paying for the administration's errors in judgment and its plain political tampering with our food production system.

During the 1972 planting season, this Nation was under some of the strictest agricultural production controls it has ever experienced. The reduced crop became an outright shortage after the sale to Russia last year—at bargain prices—of almost a quarter of our grain crop.

And who benefited from that massive transaction? Big grain merchant friends of the administration who—understandably—would rather not talk about it.

This action of reducing our grain supplies made beef—as well as bread and cereals—more expensive because much grain is used to feed cattle.

A few weeks ago, Arthur Burns, Chairman of the Federal Reserve Board, suggested that the American people eat less meat and more cheese. Well, now it is too expensive to eat cheese.

Mr. Speaker, there is no way out now but to endure until the new crop which, hopefully, will be sufficient to ease food prices. In the meantime, the Nixon administration's food policies deserve the just indignation of the people.

WHO IS TO BLAME FOR THE COST OF LIVING?

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

Mr. DEVINE. Mr. Speaker, I listened with interest to the distinguished majority leader, Mr. O'NEILL, and his deploring the fact that food prices have gone up.

I think all Americans share his concern with the fact that we are having a rise in prices, but this inflation business is a worldwide problem, not just here in the United States. I suppose the distinguished majority leader will figure out some way to charge the Nixon administration with that.

The rate of inflation in this country is between 3.4 percent and 3.7 percent. It happens that in Germany and in Italy and the other industrial countries it is 6 percent, and in England it is 7.5 percent.

But what are the causes of inflation here in the United States? One cause is the fact that some people in this Congress vote for every big spending program that comes along, but they lack the courage to vote for a tax increase to pay for these programs.

I would suggest that those who deplore inflation exercise a little fiscal responsibility on the floor of the House. They may have an opportunity in the next week or 10 days when the President, as I believe he will, vetoes the vocational rehabilitation bill, which is $1 billion above the budget in the next 2 years, yet provides no means by which to pay for this.

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

Mr. DEVINE. I yield to the distinguished gentleman from New York (Mr. WYDLER).

Mr. WYDLER. Mr. Speaker, I listened to what the gentleman from Massachusetts (Mr. O'NEILL), the distinguished majority leader had to say about the rise in prices, and, of course, it is a serious problem for all Americans.

What I was hoping to hear and what I have yet to hear is anything he is suggesting that Congress do to help this situation. The distinguished majority leader certainly took the administration to task on it, but I think the American people would like to hear him propose something constructive about what we in the Congress might do to help solve this problem of food prices.

Until we hear that I do not think we are really doing much about this problem to help the American housewife.

CALL OF THE HOUSE

Mr. WIGGINS. 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. 53]

Ashley	Ford, William D.	Mitchell, Md.
Aspin	Fraser	Mitchell, N.Y.
Badillo	Frenzel	Mollohan
Beard	Froehlich	Moorhead, Pa.
Bell	Gray	Powell, Ohio
Bergland	Gubser	Price, Tex.
Blatnik	Harrington	Rees
Brademas	Harvey	Reid
Breaux	Hébert	Roncallo, N.Y.
Carney, Ohio	Heckler, Mass.	Rooney, N.Y.
Casey, Tex.	Holifield	Rooney, Pa.
Chisholm	Hosmer	Rosenthal
Clark	Jones, N.C.	Skubitz
Conyers	Karth	Steele
Corman	Kastenmeier	Taylor, Mo.
Cotter	Kemp	Ullman
Davis, Ga.	King	Waldie
Edwards, Calif.	Koch	Wampler
Esch	McDade	
Fish	Metcalfe	
Ford, Gerald R.	Minshall, Ohio	

The SPEAKER. On this rollcall 372 Members have recorded their presence by electronic device, a quorum.

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

SOLID WASTE DISPOSAL ACT EXTENSION

Mr. MATSUNAGA. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 315 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 315

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5446) to extend the Solid Waste Disposal Act, as amended, for one year. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from Hawaii (Mr. MATSUNAGA) is recognized for 1 hour.

Mr. MATSUNAGA. Mr. Speaker, I yield 30 minutes to the gentleman from Tennessee (Mr. QUILLEN) pending which I yield myself such time as I may consume.

Mr. MATSUNAGA. Mr. Speaker, House Resolution 315 provides for consideration of the bill, H.R. 5446, which, as reported by unanimous voice vote from our Committee on Interstate and Foreign Commerce, would extend the Solid Waste Disposal Act for 1 year and authorize appropriations for fiscal year 1974 at the fiscal year 1973 level. The current law, which expires on June 30, 1973, authorizes appropriations in three categories:

First, the sum of $76 million to the Environmental Protection Agency for the development of new recycling and waste disposal techniques and for grants to State and local agencies for the development of areawide disposal plans;

Second, the sum of $140 million for grants to States and municipalities for the demonstration of resource recovery systems and for the construction of solid waste disposal facilities; and

Third, the sum of $22.5 million to the Department of the Interior for research and demonstration projects on the disposal of mining wastes.

Because the committee plans extensive oversight and legislative hearings on the Solid Waste Disposal Act to examine in depth the many policy issues which have arisen since the act was last amended in 1970, the 1-year extension is necessary to allow the committee's careful and responsible consideration of these issues. Adequate time is not available to the committee before June 30, 1973.

The committee also believes that in order to give uninterrupted life to the solid waste disposal programs, the funding authorization for fiscal year 1974 should be established as early in the 93d Congress as possible.

Passage of H.R. 5446 is imperative for the continued improvement of our environment. If we should allow funding of these programs to lapse until committee hearings can be held, we would be making a grave mistake. And if the President refuses to adequately fund solid waste disposal programs after Congress authorizes and appropriates for such expenditures, he will be negligent in providing for the Nation's needs. In this regard, it is to be noted that the administration, while favoring the continuation of the Solid Waste Disposal Act, budgeted only $6.2 million to carry out the various programs under that act in fiscal year 1974.

Mr. Speaker, House Resolution 315 provides an open rule with 1 hour of general debate, the time to be equally divided and controlled by the chairman and ranking minority member of the committee on Interstate and Foreign Commerce, after which the bill shall be read for amendment under the 5-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee of the Whole House shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. Speaker, I urge the adoption of House Resolution 315 in order that H.R. 5446 may be considered.

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

Mr. Speaker, House Resolution 315 provides an open rule with 1 hour of general debate for the consideration of H.R. 5446.

The purpose of H.R. 5446 is to provide a 1-year extension of the Solid Waste Disposal Act. The present authorization expires on June 30, 1973.

The bill provides fiscal year 1974 authorizations at the same level as fiscal year 1973. The cost of this bill for fiscal year 1974 is $238,500,000.

The 1-year extension will allow the Committee on Interstate and Foreign Commerce sufficient time to hold extensive hearings before altering present programs.

The administration supports this 1-year extension of the present program.

Mr. Speaker I urge adoption of this resolution.

Mr. Speaker, I have no requests for time, and I reserve the balance of my time.

Mr. MATSUNAGA. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. STAGGERS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5446) to extend the Solid Waste Disposal Act, as amended, for 1 year.

The SPEAKER. The question is on the motion offered by the gentleman from West Virginia (Mr. STAGGERS).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 5446, with Mr. FOLEY in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from West Virginia (Mr. STAGGERS) will be recognized for 30 minutes, and the gentleman from Minnesota (Mr. NELSEN) will be recognized for 30 minutes.

The Chair recognizes the gentleman from West Virginia.

Mr. STAGGERS. Mr. Chairman, I would like briefly to explain the bill. It came out of the subcommittee unanimously, out of the full committee unani-

mously, and when this act was passed in 1970 there was a rollcall taken and the vote was 337 to 0, so we can see that it has universal support.

We are not here to discuss the bill because all we are asking for is an extension. I will briefly discuss what the bill has, although I do not think it is necessary at this time, because all we are asking for is a simple extension of the act as it was passed in 1970 since it expires on July 1 of this year. We would not have time to go into it comprehensively and make the changes that are probably needed, hear the witnesses, and then bring the bill up in time to get it passed.

I might say that the Senate has passed an identical bill, and sent it over to us. All we are asking is for this extension, as I say, until July 1 of 1974.

When we passed the bill in 1970, we had a Commission appointed, the National Commission on Materials Policy, to make a complete study of this subject throughout the United States and report back to the Congress by July 1 of this year. We do not have the advantage of having that report yet and will not until July 1. That is another reason why we are not attempting to pass a new bill now but simply an extension to give us time until we get the report back.

Mr. Ruckelshaus appeared before the committee and was in complete support of the bill. He recommended its passage. The money and everything in the bill is identical with the reading of the bill as it was in 1970, with the exception that we changed the dates to 1974 instead of 1973.

I will just briefly explain what the bill does. It gives a certain amount of money to the States to set up their own systems of disposal of solid waste material. Several States have their plans now in working order and several have their plans in the planning stage yet. Part of the bill also goes to help, through technical assistance, cities and communities which are planning their own solutions to their own problems, and part of the bill goes toward setting up demonstration plants across the country; research and demonstration plants.

An example of one of these cities is Cleveland which is working very well. The Federal Government through its representatives helped Cleveland to go over its whole system for collection of garbage and waste material day by day and devise ways to dispose of it more efficiently and at less cost. This is working well as one of the demonstrations.

We also have a demonstration working in St. Louis. There, one of the public utilities, I believe the St. Louis Electric Power Co., is demonstrating the use of waste material to generate electrical energy. They are converting waste material into something useful through this project.

We are trying to do these things all over the country in fact. In other projects glass is being recycled and is being used in the building of roads. We are also trying to utilize the old cars in America in useful ways. Tin and aluminum cans are being brought in to be recycled. Some of the paper I have on my desk here is recycled paper. These are concrete examples we see as to how effective the program has been. It is useful. That is the reason we are asking Congress today to extend this for 1 year.

Just by simple arithmetic we can comprehend how the amount of solid waste produced in America by the year 2000 would not leave us any place to go or any useful way of living if we did not convert it in some way. It would run into the billions of pounds per year. The problem had gotten to such a point in 1956, when we passed the original bill, that we recognized something must be done to cope with the increasing wastes in America. We have already developed additional ways of using the disposable bottles and cans and the old automobiles that are left in this country, as well as tse garbage produced in our homes.

As I say, this has been a very useful program, one that has already proven it is useful and needed, and for that reason the committee recommends passage of this bill.

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

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

Mr. ROUSSELOT. Mr. Chairman, I know that the distinguished chairman of this committee is very conscientious about making sure that the Interstate and Foreign Commerce Committee offers bills authorizing only those that are realistically close to needed appropriated dollars. I know the Appropriations Committee is very concerned about this matter. It is my understanding that the administration is planning or thinking of asking for roughly between $5 and $6 million to be actually spent in this particular program. Why is the committee asking for an authorization of $238 million? Is that not the kind of "overpromise" and "overcommitment" that we are trying to avoid?

Mr. STAGGERS. I suggest the gentleman look at the realities of the situation.

Mr. ROUSSELOT. I am trying to.

Mr. STAGGERS. If the gentleman will bear with me, the Senate has passed a simple extension. We are doing this because we are waiting for a report which will be coming in on July 1 this year from the Commission. The administration does not have control of that and neither do we. The President appointed everyone of those members with the approval of the Senate. We hope this is what the administration is waiting for. The administration and the gentleman and I know this is one of the most important methods we have today of taking care of the solid waste disposal problem.

Mr. ROUSSELOT. I do not think any of us disagree on that subject, but we are talking about the dollars actually needed.

Mr. STAGGERS. I will get to that. If we start changing this now from what it was, regardless of what the Committee on Appropriations comes up with, and I hope they will come up with more money than they did last year since the need for it is there and it has been shown by some of the examples which I stated heretofore that it is a useful thing; that it is doing good for this land; we certainly would want to, during the next year when we are going to study the problem and come back with new legislation after we have had the recommendations of the Commission which has studied this problem for 3 years, then we want to be sure it is funded enough to take care of that.

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

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

Mr. ROUSSELOT. I thank the gentleman for yielding. I do not disagree with the idea of extending this act for 1 year. I do not disagree with the wisdom of the committee in waiting for the additional studies to be completed and wanting to have additional hearings to see what is really needed. But what I do not understand and where I think we as a Congress err, is when we constantly ask in an authorizing bill for so many millions of dollars more than are actually needed, and then when the Committee on Appropriations comes along and only appropriates, say $5 or $10 million for this in the authorizing bill, and the whole House have asked for $238 million, it makes us look just plain stupid.

Mr. STAGGERS. Just a minute. I do not like that word.

Mr. ROUSSELOT. Well, all right. That is my word. As to the position it places this body, when nobody seems to actually believe that amount of $238 million is needed.

Mr. STAGGERS. We are being realistic. We do not know what they are going to ask for later and what they are going to need. We are not changing the law. All we are asking for is to extend this for 1 year.

Mr. ROUSSELOT. I said that I agree with the chairman, that the act should be extended for 1 year.

Mr. STAGGERS. Why should we start changing it?

Mr. ROUSSELOT. Why should we ask, though, for $238 million?

Mr. STAGGERS. Who is the gentleman from California to say what we are going to ask for? Does the gentleman mean to say that if we had to have it——

Mr. ROUSSELOT. We can refer to the actual dollars spent this year under this act. It is no where near $238 million.

Mr. STAGGERS. I have heard that story too many times; too late and too little.

Let us have it. If they do not need it they will not use it and it will not cost the Government anything; it will not cost the gentleman's taxpayers 1 cent more, or any place in the country.

The gentleman might call it stupid if he wants to.

Mr. ROUSSELOT. I believe that it is stupid to ask for $238 million in an authorization bill when we know in advance that we are only going to spend $5 to $6 million.

Mr. STAGGERS. We do not know that at all.

Mr. ROUSSELOT. That is the report that has been given to me as to what has been asked for in the budget.

Mr. STAGGERS. I know what is asked for, but we do not know what is going to be spent before the end of the year.

If the gentleman from California does know, he is a wiser man than I am.

Mr. ROUSSELOT. My understanding is that this is all that will be spent of this authorization.

Mr. STAGGERS. Is the gentleman speaking for the Committee on Appropriations?

Mr. ROUSSELOT. No, I certainly am not.

Mr. STAGGERS. In that case, I should not be speaking at all; not saying anything about it.

Mr. ROUSSELOT. I have never pretended to speak for the Committee on Appropriations. I am merely looking at the record of actual expenditure this last year and what the administration says it will spend this year.

Mr. STAGGERS. Is the gentleman speaking for the administration?

Mr. ROUSSELOT. No, I am asking a question of the gentleman from West Virginia (Mr. STAGGERS). He is an able legislator and man of facts.

Mr. STAGGERS. How does the gentleman know what the Committee on Appropriations is going to do?

Mr. ROUSSELOT. My understanding is——

Mr. STAGGERS. From whom?

Mr. ROUSSELOT. It was made clear that the rough amount of dollars which will be needed to institute this program will be roughly between $5 and $6 million.

Mr. STAGGERS. The gentleman understands that from whom?

Mr. ROUSSELOT. Well, if the gentleman wishes me to say, by able colleagues here on the committee, on the gentleman's subcommittee.

Mr. STAGGERS. Let me state that the appointee of the President appeared before the committee and recommended the passage of this bill as it is now.

Mr. ROUSSELOT. I understand that they primarily testified for a straight extension of the act.

Mr. STAGGERS. Yes, an extension, and not to change it, and that is all we are doing.

Mr. ROUSSELOT. But that does not mean that we cannot ask questions.

Mr. STAGGERS. That is right. I do not mind the gentleman asking questions.

Mr. ROUSSELOT. I said that it appears to me to be very stupid to ask for $238 million when only $5 to $6 million will be used.

Mr. STAGGERS. What would the gentleman do when we change the bill, when they said they wanted an extension?

Mr. ROUSSELOT. This agency is only going to spend $5 or $6 million.

Mr. STAGGERS. I am asking the gentleman a question. I want to ask, what would the gentleman do if he had been asked to extend the bill by the administration? What would he do?

Mr. ROUSSELOT. I would be happy to respond. I would extend the act for a year and include $10 or $15 million authorization, which would be more than adequate to cover any unusual contingencies.

Mr. STAGGERS. Oh, the gentleman is going that way.

Mr. ROUSSELOT. If the gentleman will yield further, it would provide the extra amount of authorization, even above what is being asked for, without a recommendation.

Mr. STAGGERS. It would not be an extension. That would be a substantive change in the bill. What we have done is just exactly extend it for 1 year.

Mr. ROUSSELOT. I thank the gentleman for yielding. I am sorry; I do not really feel I obtained an answer to my reasonable question.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I am happy to yield to the gentleman from Florida, the chairman of the subcommittee.

Mr. ROGERS. Mr. Chairman, I rise in support of H.R. 4292, which will provide a simple, 1-year extension of the Solid Waste Disposal Act. The funding provisions of the act expire on June 30, 1973, and it simply will be impossible for the Subcommittee on Public Health and Environment to afford ample consideration to substantive changes in the act prior to that time.

This is true for two reasons, Mr. Chairman. In the first place, there are 12 health bills under the jurisdiction of the subcommittee that expire at the end of this fiscal year. Many of these programs are the subject of intense attack from the executive branch. In fact, in some instances, the administration is seeking to dismantle these programs before the subcommittee can act to extend, revise, or terminate them. In order to protect the prerogatives of the Congress, our subcommittee must commit the next 3 months to these health programs.

Secondly, Mr. Chairman, this action is necessary because of the tardiness of a series of reports to the Congress which were to serve as aids to the subcommittee in developing new solid waste disposal legislation. One series, mandated by section 205 of the act, was to be on resource recovery. The first annual report was not released until 28 months after enactment of the law and 16 months after the report was due. It was completed by EPA last summer, forwarded to the Office of Management and Budget on August 24, 1973, held up by OMB for more than 6 months, and finally submitted to the subcommittee on February 22 of this year. The section 210 report was to have been submitted to the Congress in October of 1971. It was submitted in January of 1973. The section 212 report, due October 1972, is scheduled to be submitted to the Congress on June 30, 1973, hardly in time for the subcommittee to use its information and recommendations to develop new legislation.

The administration has submitted to the Congress both through its budget and recommended new legislation its recommendations for solid waste disposal activities. In simple terms the administration's legislative program proposes Federal guidelines for State and local solid waste disposal programs but no new money for demonstration programs. It provides that the Federal Government would provide only technical assistance for the development of new waste disposal systems.

The EPA budget for fisal year 1974 in the solid waste field is the most substantial reduction in the history of environmental legislation. It has decreased from over $30 million last year to under $6 million this year. My initial impression of the administration proposal is that it certainly needs substantial review and probably is inadequate to deal with the problem. I assure my colleagues that the Subcommittee on Public Health and Environment will consider the problems of solid waste disposal and resource recovery at length later this year.

Now, with respect to the remarks of the gentleman from California, I should like to point out to the gentleman, in conjunction with what the chairman has said, that we simply are proposing extending this bill in order to give the committee time to look and see what needs to be done.

Mr. ROUSSELOT. I want to make it clear, I do not disagree with the simple extension of this act at all.

Mr. ROGERS. I would hope the gentleman would not. He has problems in California, and he knows that funds properly invested here might even help the California situation with respect to air pollution.

Mr. ROUSSELOT. Fine.

Mr. ROGERS. The gentleman probably does not know that production of paper from secondary fibers, through recycling, instead of production from virgin wood pulp, takes about 60 percent less energy and will dump some 15 percent less pollutants into the water and 60 percent less into the air. In steel production, by using scrap, air pollution is cut 86 percent. We find this can be done in so many areas.

The gentleman comes from a State where they have one of the most severe air pollution problems in the Nation.

Mr. ROUSSELOT. I understand that.

Mr. ROGERS. I would think the gentleman would urge this committee to extend the law. Then, if we find it is necessary to come to the House, we perhaps might go over the $5 million recommended in the budget. The gentleman might support it and support it strongly, even to the amount the Administrator himself has supported by this extension.

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

Mr. ROGERS. I hope the gentleman understands the position of the committee very clearly.

Mr. ROUSSELOT. Will the gentleman yield?

Mr. ROGERS. Certainly, I yield to the gentleman from California.

Mr. ROUSSELOT. I am familiar with much of the material from which the gentleman was quoting. I have read the same article.

I am in complete agreement that this is a high priority area. We are very aware of it in California.

Of course, when we talk about air pollution, in respect to this bill that is really another covered by other acts because we are talking about solid waste disposal in the bill before us. I am not speaking as

to whether we do or do not extend the act. I favor extending the act.

I believe the gentleman from Florida might be able to help us, because it was his subcommittee which considered this bill. My question was why it is necessary to authorize $238 million when it is very likely only $5 or $6 million will actually be spent. The chairman of the committee very graciously asked me what I would do. My answer to his question is, were I on the committee I believe I would move to strike the figure $238 million and to make it $15 or $20 million, because that would be more than adequate as an excess above the $5 or $6 million that is to be spent.

Mr. ROGERS. Would the gentleman permit an interruption at that point?

Mr. ROUSSELOT. Certainly.

Mr. ROGERS. Does the gentleman know the Congress appropriated $36 million last year?

Mr. ROUSSELOT. Yes.

Mr. ROGERS. And we are now going to hold them to $15 million?

Mr. ROUSSELOT. Yes.

Mr. ROGERS. We may want to go to $36 million. We may want to go to $200 million, if we find there are breakthroughs.

Mr. ROUSSELOT. Can we not come back to the basic question?

Mr. ROGERS. This is what we want to consider.

Mr. ROUSSELOT. I know the gentleman is a very able legislator. Could we not come back to obtain that kind of increase. We are only talking about a 1-year extension.

Mr. ROGERS. This is in conformance with what the administration asked, which was just to give them a 1-year extension, until the committee can consider this.

Mr. ROUSSELOT. Let me make my point once more.

Mr. ROGERS. Yes.

Mr. ROUSSELOT. I believe the charge is made that sometimes Congress, in its deliberations and in its process of authorizing and writing programs, over asks for dollars that it is not going to spend. I believe it makes a mistake in doing it that way, and it puts added pressure, in my opinion, on the Appropriations Committee, which I do not believe is warranted. It also creates a misleading impression with the general public.

That is the only point I was trying to make.

Mr. ROGERS. I understand the gentleman. I believe the gentleman supported the bill when it was before the House previously.

Mr. ROUSSELOT. I did.

Mr. ROGERS. With all these figures in it. He could have offered amendments at that time.

Mr. ROUSSELOT. Would the gentleman from Florida disagree to an amendment that would be offered to amend the figure down in this bill, to reduce it down to $38 million as an authorization?

Mr. ROGERS. At this time I would oppose that.

Mr. ROUSSELOT. That is difficult reasoning to understand.

Mr. ROGERS. This is a very important extension. Now, we are not sure what revisions are necessary yet—we are waiting for the reports which are late coming in—and the administration may want to come in with a supplemental request as soon as the reports are in.

Mr. ROUSSELOT. I know the gentleman from Florida is a very able legislator. However, there is a tremendous difference between $5 and $6 million and $238 million. I am sure, with his able staff and his able committee, they can come up with a better estimate as to what will be needed than this figure of $238 million, which is way above $5 or $6 million.

Mr. Chairman, this is my only point.

Mr. ROGERS. Mr. Chairman, I understand the gentleman's point, and I simply say it is not valid at this time.

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

Mr. ROGERS. I yield to the gentleman from Minnesota (Mr. NELSEN).

Mr. NELSEN. Mr. Chairman, I think the colloquy has been valuable, because many times an authorization in an act leads people to assume money to be available that really finally turns out not to be available. However, I would like to suggest that we pass this proposal in its present form for these reasons:

No. 1, it is only a 1-year extension; and No. 2, on the second page of the report, the committee states very plainly that we plan oversight on this program, and with the idea that it needs clarification to determine whether this program should continue.

Next, we have the recommendation from Mr. Ruckelshaus suggesting the 1-year extension.

Mr. Chairman, all of these things point toward what my good friend, the gentleman from California (Mr. ROUSSELOT) talked about, as to the total budget, as to his thinking that we ought to look at it a little more reasonably when making the final decisions.

Mr. Chairman, I do hope the bill passes in its present form, and I recommend its passage.

Mr. WYLIE. Mr. Chairman, will the gentleman yield,

Mr. ROGERS. I yield to the gentleman.

Mr. WYLIE. The gentleman has indicated this bill provides just a 1-year extension in authorization.

Mr. NELSEN. Yes.

Mr. WYLIE. And that was the suggestion made by the able chairman of the committee, Mr. STAGGERS.

I wonder if the gentleman would clarify something for me on funding procedures, which I do not understand.

In H.R. 5446, on the first page it says:

There are authorized to be appropriated . . . not to exceed $72,000,000 for the fiscal year ending June 30, 1972—

Which has already passed—

not to exceed $76,000,000 for the fiscal year ending June 30, 1973——

Which ends on June 30 of this year—

and not to exceed $76,000,000 for the fiscal year ending June 30, 1974.

Mr. Chairman, that refers to paragraph 2. Then the same procedure is repeated in the other two paragraphs.

May I ask the gentleman, did we authorize $72,000,000 for the fiscal year ending June 30, 1972, and if so, why do we need to have it repeated here?

Mr. NELSEN. I will yield later to the chairman of the committee, if he would in detail explain this. However, it is my understanding that the way the bill was drawn, it was just a means of feathering out the dollars that are in the authorization. It is a matter of drafting style only.

Mr. Chairman, I will defer to the chairman of the committee for a further explanation.

Mr. STAGGERS. Yes. I would say to the gentleman that this is exactly what was in the original bill, and we just repeated it for those purposes.

Mr. WYLIE. Mr. Chairman, I understand that, but those fiscal years have already passed, at least one of them has already passed, and there has been an appropriation pursuant to that authorization which has been spent.

Now, is this an add-on ratification procedure so that we can say there is this much money being authorized, and, therefore, we have to meet the full funding need through the appropriations procedure?

If this is a simple extension, why did the committee not just add one authorization for the fiscal year ending June 30, 1974?

Mr. STAGGERS. I might say this to the gentleman: We are just simply repeating the language of the law as it is now in order to make clear what has passed and what is taking place here.

Mr. Chairman, I think the explanation is that in order to make the legislative process clear, as the legislative counsel has told me, this is the way they would write the bill in order to make it clear as to what has happened.

Mr. WYLIE. Well, Mr. Chairman, as I say, I do not understand the authorization procedure. If this is a simple 1-year extension, and I go along with that, why do we need to refer to passed years? Why are authorizations for prior years included in this bill? We have already authorized money for fiscal year 1972, and money has been appropriated pursuant to the authorization for the program, beginning in 1967, as a matter of fact.

Mr. Chairman, I am not opposed to the bill.

I want the assurance, I guess, of the chairman, then, that when we note that about $41.5 million was appropriated and spent for fiscal year 1972 that we do not now by authorizing $72 million add another $30 million, which can be carried over to the present.

Mr. STAGGERS. I can assure the gentleman it does not mean that at all. The reason why we did not change it is we could not change it. We wanted to write the law as it is, because they were just asking for an extension. I can assure the gentleman it does not have anything to do with that. We wanted to write this legislation as an extension in the way the original law was written.

Mr. WYLIE. I thank the gentleman.

Mr. ROUSSELOT. Will the gentleman yield?

Mr. NELSEN. I yield to the gentleman.

Mr. ROUSSELOT. If I might ask an additional question of the chairman? Mr. Ruckelshaus asked for the extension of this legislation. Again, I wish to make it clear I agree with that concept. But did Mr. Ruckelshaus ask for a $238 million authorization?

Mr. STAGGERS. If the gentleman will yield to me, let me put it this way. He asked for a simple extension, and the amount of money is in the original bill, so we just extended it as it was for the past year.

Mr. ROUSSELOT. So the answer to the question is that he did not specifically ask for $238 million?

Mr. STAGGERS. But he asked for an extension, and when he did that I think he asked for what was given last year to be continued.

Mr. ROUSSELOT. What did we spend last year on this program?

Mr. STAGGERS. $31 million.

Mr. ROUSSELOT. $31 million. So we are roughly $200 million over authorized in this bill.

Again I wish to make the point that I think our authorizing legislation should not ask for so much additional funding when we are not even coming close to such a spending level today. That is my point.

I believe that the Congress as a whole makes itself look very ridiculous and even borders on stupidity when we authorize so much more money than that which is actually needed. That is my point.

Mr. STAGGERS. I am glad the gentleman made it clear. I believe I understood him correctly when he said that we were not stupid; and he did not believe it was the whole Congress. I disagree with him on the amount of the extension, because I know of no other procedure to follow in this instance, because when you ask for a simple extension, unless you go in and change the bill comprehensively, which would require a study of what you think is needed, then we would have to go along with what we had before. We did not undertake to conduct this study, because this is to be done for next year's authorization. We simply have a simple extension of the bill this year with the same authorization.

Mr. ROUSSELOT. I thank the gentleman.

Mr. DON H. CLAUSEN. Mr. Chairman, one of the most serious environmental problems facing this Nation is that of solid waste disposal.

In 1920, this Nation had to dispose of 2.75 pounds of solid waste per person. By 1970, that figure had increased to 5.3 pounds per person while there were, of course, almost twice as many persons.

Experts tell us that by 1980 we will be faced with 8 pounds per person.

More explicitly, today's rate of solid waste production for this country is 3.5 billion tons.

Continuing and increased efforts to research and develop the means of recycle solid wastes are vital if we are to prevent the pollution of our environment. Solid wastes are now causing air pollution, water pollution and land pollution but I am convinced that we can find the ways to end these problems and convert these wastes to our benefit. This can only be done if we devote our concentrated energies to this task.

Let me take this opportunity, however, to remind the American people that their growing awareness of this problem must be coupled with growing action in response to it. This bill before us today provides Federal support for research efforts but it cannot come close to doing the job alone.

For example, the most recent estimate of the cost of removing litter is $500 million annually. One-half billion dollars each year. Every month American motorists drop an average of 1,300 pieces of litter on every mile of the Nation's vast network of primary highways, or nearly 16,000 pieces of litter per mile per year.

There is no monetary cost in saving ourselves the half-billion annual cost of littering. The answer, quite simply, is discipline. That is all it takes. Discipline on the part of all of us. Overnight we could wipe out a $500 million annual debt.

Therefore, Mr. Chairman, I strongly endorse extension of the Solid Waste Disposal Act and simultaneously urge each person to take it upon himself to help fight this problem through his own efforts.

Mr. KYROS. Mr. Chairman, I rise in strong support of H.R. 5446, which would extend for 1 year, at the current authorization rate of $238,500,000, the Solid Waste Disposal Act.

This bill was considered on February 26 by the Public Health and Environment Subcommittee, under the able leadership of Chairman PAUL ROGERS, and it was quite evident at that time that responsible and thorough consideration of the Federal Government's effort and proper role in this important field could not be accomplished before the end of the current fiscal year, when the funding authorization for this act expires. The Public Health Subcommittee intends to hold extensive hearings on this act to examine carefully the many and varied issues which have arisen since original passage of the act 3 years ago.

Mr. Chairman, the cost of sanitary landfills and other effective solid waste disposal mechanisms looms as a tremendous financial burden on many small communities throughout my State of Maine and the Nation. Our country currently produces some 256 million tons of municipal waste each year. Most of this waste is now handled by open dumping or burning, in spite of the fact that this will be in violation of most States' air quality standards within a short time.

Effective solid waste programs must be made financially practical, which they certainly are not at the present time in most of our rural areas. The Congress should have the time necessary to carefully consider this major national problem, and for that reason, I urge adoption of this 1-year extension.

Mr. PRICE of Illinois. Mr. Chairman, I support H.R. 5446, the 1-year extension of the Solid Waste Disposal Act.

This extension provides the Interstate and Foreign Commerce Committee the opportunity to undertake extensive oversight hearings on the act. Also, it maintains program continuity.

The bill before us authorizes $238.5 million for fiscal year 1974. This is the same funding level authorized in fiscal year 1973. The bill authorizes $140 million for demonstration and construction grants to States and municipalities for resource recovery systems and solid waste disposal facilities; $76 million for the Environmental Protection Agency to develop new recycling and waste disposal techniques and to award grants to State and local agencies for developing areawide waste disposal plans; and $22.5 million for the Interior Department for research and demonstration projects on the disposal of mining wastes.

The importance of this legislation should not be overlooked. Unfortunately, the administration has budgeted only $6.2 million to fund solid waste disposal programs in fiscal year 1974. I feel this action is shortsighted. This country faces a growing energy crisis. Our research efforts must be accelerated as to how recoverable materials and waste can be utilized to meet this crisis.

For example, the Environmental Protection Agency recently funded a household trash recycling program in the St. Louis metropolitan area. The program involves the Union Electric Co. in St. Louis and the Granite City Steel Co. in Illinois. The utility is purchasing trash and converting it to energy. The steel company is purchasing the scrap metal and cans to produce new steel. While this is a pilot program, it is the type of research that needs to be undertaken.

Mr. DONOHUE. Mr. Chairman, it is my very earnest belief that the House should overwhelmingly adopt the measure presently under consideration, H.R. 5446, the Solid Waste Disposal Act extension.

As you know, Mr. Chairman, this bill is specifically designed to extend the Solid Waste Disposal Act for a period of 1 year and authorizes appropriations for fiscal year 1974 at the very same funding level previously authorized for fiscal year 1973. Under the various provisions of this measure, our States and municipalities will continue to receive grants for the demonstration of resource recovery systems and for the construction of solid waste disposal facilities. The measure also provides funds for the Environmental Protection Agency to continue work on the development of new recycling and waste disposal techniques and to award grants to State and local agencies to assist them in developing areawide waste disposal plans.

Mr. Chairman, there can be no question whatever concerning the critical importance of solid waste disposal facilities for a great many areas throughout our country, including my own State of Massachusetts. I feel very certain that we all recognize the need for continuing, without any unnecessary interruption, reasonable and effective programs which substantially contribute to wholesome improvement in the quality of our environment. Since this legislative measure responsibly extends existing solid waste

disposal programs, while extensive oversight and legislative hearings carefully examine the many policy issues which have arisen since the bill was originally enacted, and since the measure represents a wholly substantial and prudent attempt to continue the fight to improve, protect, and preserve our threatened environment, I urge this House, in the overall national interest, to resoundingly approve the measure.

Mr. ANNUNZIO. Mr. Chairman, cleaning up our environment and establishing practices that will insure a healthy environment for future generations is one of our Nation's highest priorities today. We have embarked on an ambitious multibillion-dollar program to clean our waters by 1985, and progress in the fight for clean air has already been reported in a number of communities across the country. However, we are losing ground in our struggle with another, perhaps slightly less glamorous form of pollution.

I am referring to our efforts to halt environmental degradation caused by inefficient, antiquated solid waste management practices that are unnecessarily expensive and result in the loss of valuable natural resources. Unless this Congress takes decisive action soon, we will not just continue to lose ground slowly in the solid waste pollution fight—indeed, we will be in full-scale retreat.

In 1970, the Congress enacted the Resource Recovery Act—Public Law 91–512—amending the Solid Waste Disposal Act of 1965—Public Law 89–272. This legislation indicated Congress desire to see environmentally offensive solid waste disposal practices halted and the policy of resource recovery adopted. This legislation, which is just beginning to bear profitable results, will expire at the end of the current fiscal year unless we vote to extend the Solid Waste Disposal Act. It is for this reason that I rise today in support of H.R. 5446, a bill introduced by the distinguished chairman of the House Interstate and Foreign Commerce Committee, Hon. HARLEY O. STAGGERS, of West Virginia, to extend the 1965 Solid Waste Act, as amended by the 1970 Resource Recovery Act.

Already, as we debate this issue today, the administration is dismantling the programs within the Environmental Protection Agency which are designed to combat an increasingly serious solid waste problem. Even though this Congress has not yet acted, the Office for Solid Waste Management Programs, the Federal unit administering the Solid Waste Disposal Act, is being decimated as its staff is reduced from 320 to 120.

Mr. Chairman, conservative estimates place our total annual bill for collecting and disposing municipal solid wastes at $5 billion. Through the technical assistance provided by the Federal solid waste program, this figure could be significantly decreased, without any reduction in the level of collection and disposal services. In Cleveland, Ohio, waste collection costs were cut in half after a new system, designed with the aid of Federal experts, was installed.

Meanwhile, our Nation is headed toward a solid waste crisis. Already 5 billion tons of solid wastes are produced annually and per capita waste generation is increasing at a rate of 4 to 6 percent—3 times the population growth rate. Most municipal wastes are disposed of in ways harmful to the environment, primarily by open dumping. Only 1 percent of municipal wastes are now recycled. The proportion of recycled materials relative to virgin materials going into the production of new goods has been declining since World War II.

Through the Solid Waste Disposal Act, we are beginning to reverse the trend. Open dumps are being closed or converted into sanitary landfills. Air-polluting incinerators are being equipped with control devices. New technologies to separate and recycle municipal wastes into useful byproducts are being developed and demonstrated. In some cases, municipal trash and garbage is actually being converted to a low-sulfur fuel—a commodity in much demand today.

Mr. Chairman, we cannot afford to give up the solid waste fight now. What might result in some savings now will cost us much more in years to come. I urge my colleagues to support H.R. 5446.

Mr. NELSEN. Mr. Chairman, I have no further requests for time.

Mr. STAGGERS. I have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) paragraph (2) of subsection (a) of section 216 of the Solid Waste Disposal Act, as amended (84 Stat. 1234), is amended to read as follows:

"(2) There are authorized to be appropriated to the Administrator of the Environmental Protection Agency to carry out the provisions of this Act, other than section 208, not to exceed $72,000,000 for the fiscal year ending June 30, 1972, not to exceed $76,000,000 for the fiscal year ending June 30, 1973, and not to exceed $76,000,000 for the fiscal year ending June 30, 1974."

(b) Paragraph (3) of subsection (a) of section 216 of the Solid Waste Disposal Act, as amended (84 Stat. 1234), is amended to read as follows:

"(3) There are authorized to be appropriated to the Administrator of the Environmental Protection Agency to carry out section 208 of this Act not to exceed $80,000,000 for the fiscal year ending June 30, 1972, not to exceed $140,000,000 for the fiscal year ending June 30, 1973, and not to exceed $140,000,000 for the fiscal year ending June 30, 1974.".

(c) Subsection (b) of section 216 of the Solid Waste Disposal Act, as amended (84 Stat. 1234), is amended by striking "and not to exceed $22,500,000 for the fiscal year ending June 30, 1973." and inserting in lieu thereof ", not to exceed $22,500,000 for the fiscal year ending June 30, 1973, and not to exceed $22,500,000 for the fiscal year ending June 30, 1974.".

Mr. STAGGERS (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

Mr. GROSS. Mr. Chairman, I move to strike the next to the last word.

Mr. Chairman, I, too, have some question about this bill, although I think an authorization is necessary.

I do not understand why we should be asked to authorize an expenditure of $238.5 million. I believe that is the proposal before the House, when all the evidence seems to indicate that not more than $5 or $6 million will be necessary to fund the program that is being proposed.

I would like to call the attention of the members of this committee and the Members of the House to the old saying which goes something like this:

> Nothing is easier than the expenditure of public money. It does not appear to belong to anybody. The temptation is overwhelming to bestow it on somebody.

This offers the temptation to spend much more—and I repeat—spend much more than might otherwise be prudent or provident.

So I regret that the committee comes in with an authorization for $238.5 million when all the testimony indicates a fraction of that amount will be sufficient. I regret that the committee came out with the figure it did, and I hope that next year when we get to the authorization for fiscal 1975 it will not find that a considerable amount of money has been expended that the committee did not contemplate. I would suggest, too, that the Appropriations Committee take note of the debate that has taken place here today and limit the appropriation to conform to the assurance that only a fraction of the authorization will be needed.

I would also like to say to the distinguished chairman of the Committee on Interstate and Foreign Commerce that I hope there will not be the accusation in this case that the President has impounded the difference between $6 million and $238 million; that no one will rise on the floor of the House and try to make the point that the difference between the two has been impounded by the President, and therefore charge it up to the total amount that the President has impounded.

I will yield to the gentleman from West Virginia if he would like me to yield.

Mr. STAGGERS. I thank the gentleman from Iowa for his remarks. I think they are well stated, but I think that the gentleman knows also that we are simply extending the bill from 1973 to 1974, and we used the same language and everything else, all we did was just to change the date.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. FOLEY, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 5446) to extend the Solid Waste Disposal Act, as amended, for 1 year, pursuant to House Resolution 315, he reported the bill back to the House.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed

and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

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

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

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 392, nays 2, not voting 38, as follows:

[Roll No. 54]

YEAS—392

Abdnor	Cronin	Hansen, Idaho
Abzug	Culver	Hansen, Wash.
Adams	Daniel, Dan	Harrington
Addabbo	Daniel, Robert W., Jr.	Harsha
Alexander	Daniels, Dominick V.	Hastings
Anderson, Calif.	Danielson	Hawkins
Anderson, Ill.	Davis, S.C.	Hays
Andrews, N.C.	Davis, Wis.	Hechler, W. Va.
Andrews, N. Dak.	de la Garza	Heckler, Mass.
Annunzio	Delaney	Heinz
Archer	Dellenback	Helstoski
Arends	Dellums	Henderson
Armstrong	Denholm	Hicks
Ashbrook	Dennis	Hillis
Ashley	Dent	Hinshaw
Bafalis	Derwinski	Hogan
Baker	Devine	Holifield
Barrett	Dickinson	Holt
Beard	Diggs	Holtzman
Bennett	Donohue	Horton
Bevill	Dorn	Howard
Biaggi	Downing	Huber
Biester	Drinan	Hudnut
Blackburn	Dulski	Hungate
Blatnik	Duncan	Hunt
Boland	du Pont	Ichord
Bolling	Eckhardt	Jarman
Bowen	Edwards, Ala.	Johnson, Calif.
Brademas	Edwards, Calif.	Johnson, Colo.
Brasco	Erlenborn	Johnson, Pa.
Bray	Esch	Jones, Ala.
Breaux	Eshleman	Jones, N.C.
Breckinridge	Evans, Colo.	Jones, Okla.
Brinkley	Evins, Tenn.	Jones, Tenn.
Brooks	Fascell	Jordan
Broomfield	Findley	Kastenmeier
Brotzman	Fisher	Kazen
Brown, Calif.	Flood	Keating
Brown, Mich.	Flowers	Kemp
Brown, Ohio	Flynt	Ketchum
Broyhill, N.C.	Foley	Kluczynski
Broyhill, Va.	Forsythe	Kuykendall
Buchanan	Fountain	Kyros
Burgener	Fraser	Landrum
Burke, Calif.	Frelinghuysen	Latta
Burke, Fla.	Frenzel	Lehman
Burke, Mass.	Frey	Lent
Burleson, Tex.	Froehlich	Litton
Burlison, Mo.	Fulton	Long, La.
Burton	Fuqua	Long, Md.
Butler	Gaydos	Lott
Byron	Gettys	Lujan
Camp	Giaimo	McClory
Carey, N.Y.	Gibbons	McCloskey
Carter	Gilman	McCollister
Casey, Tex.	Ginn	McCormack
Cederberg	Goldwater	McEwen
Chamberlain	Gonzalez	McFall
Chappell	Goodling	McKay
Clancy	Grasso	McKinney
Clark	Green, Oreg.	McSpadden
Clausen, Don H.	Green, Pa.	Macdonald
Clawson, Del	Griffiths	Madden
Clay	Gross	Madigan
Cleveland	Grover	Mahon
Cochran	Gubser	Mailliard
Cohen	Gude	Mallary
Collier	Gunter	Mann
Collins	Guyer	Maraziti
Conable	Haley	Martin, Nebr.
Conlan	Hamilton	Martin, N.C.
Conte	Hammer-schmidt	Mathias, Calif.
Corman	Hanley	Mathis, Ga.
Coughlin	Hanna	Matsunaga
Crane	Hanrahan	Mayne
		Mazzoli
		Meeds
		Melcher
Metcalfe	Reuss	Studds
Mezvinsky	Rhodes	Sullivan
Michel	Riegle	Symington
Milford	Rinaldo	Symms
Miller	Roberts	Talcott
Mills, Ark.	Robinson, Va.	Taylor, N.C.
Mills, Md.	Robison, N.Y.	Teague, Calif.
Minish	Rodino	Teague, Tex.
Mink	Roe	Thompson, N.J.
Mitchell, Md.	Rogers	Thomson, Wis.
Mitchell, N.Y.	Roncalio, Wyo.	Thone
Mizell	Rose	Thornton
Moakley	Rosenthal	Tiernan
Mollohan	Rostenkowski	Towell, Nev.
Montgomery	Roush	Treen
Moorhead, Calif.	Roy	Udall
Morgan	Roybal	Van Deerlin
Mosher	Runnels	Vander Jagt
Moss	Ruppe	Vanik
Murphy, Ill.	Ruth	Veysey
Murphy, N.Y.	Ryan	Vigorito
Myers	St Germain	Waggonner
Natcher	Sandman	Waldie
Nedzi	Sarasin	Walsh
Nelsen	Sarbanes	Wampler
Nichols	Satterfield	Ware
Nix	Scherle	Whalen
Obey	Schneebeli	White
O'Brien	Schroeder	Whitehurst
O'Hara	Sebelius	Whitten
O'Neill	Seiberling	Widnall
Owens	Shipley	Williams
Parris	Shoup	Wilson, Bob
Passman	Shriver	Wilson, Charles H., Calif.
Patman	Shuster	Wilson, Charles, Tex.
Patten	Sikes	Winn
Pepper	Skubitz	Wolff
Perkins	Slack	Wright
Pettis	Smith, Iowa	Wyatt
Peyser	Snyder	Wydler
Pickle	Spence	Wylie
Pike	Staggers	Wyman
Poage	Stanton, J. William	Yates
Podell	Stanton, James V.	Yatron
Powell, Ohio	Stark	Young, Alaska
Preyer	Steed	Young, Fla.
Price, Ill.	Steele	Young, Ga.
Pritchard	Steelman	Young, Ill.
Quie	Steiger, Ariz.	Young, S.C.
Quillen	Steiger, Wis.	Young, Tex.
Railsback	Stephens	Zablocki
Randall	Stokes	Zion
Rarick	Stratton	Zwach
Rees	Stubblefield	
Regula	Stuckey	
Reid		

NAYS—2

Landgrebe	Rousselot

NOT VOTING—38

Aspin	Ford, Gerald R.	Minshall, Ohio
Badillo	Ford, William D.	Moorhead, Pa.
Bell	Gray	Price, Tex.
Bergland	Harvey	Rangel
Bingham	Hébert	Roncallo, N.Y.
Carney, Ohio	Hosmer	Rooney, N.Y.
Chisholm	Hutchinson	Rooney, Pa.
Conyers	Karth	Saylor
Cotter	King	Sisk
Davis, Ga.	Koch	Smith, N.Y.
Dingell	Leggett	Taylor, Mo.
Eilberg	McDade	Ullman
Fish		Wiggins

So the bill was passed.

The Clerk announced the following pairs:

Mr. Rooney of New York with Mr. Fish.
Mr. Hébert with Mr. Gerald R. Ford.
Mrs. Chisholm with Mr. Leggett.
Mr. Bergland with Mr. Bell.
Mr. Koch with Mr. King.
Mr. Bingham with Mr. Harvey.
Mr. Moorhead of Pennsylvania with Mr. McDade.
Mr. Badillo with Mr. Hosmer.
Mr. Dingell with Mr. Conyers.
Mr. Eilberg with Mr. Minshall of Ohio.
Mr. Gray with Mr. Price of Texas.
Mr. Rangel with Mr. William D. Ford.
Mr. Carney of Ohio with Mr. Roncallo of New York.
Mr. Cotter with Mr. Aspin.
Mr. Davis of Georgia with Mr. Smith of New York.
Mr. Karth with Mr. Taylor of Missouri.
Mr. Rooney of Pennsylvania with Mr. Hutchinson.
Mr. Sisk with Mr. Saylor.
Mr. Ullman with Mr. Wiggins.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

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

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

There was no objection.

PERSONAL EXPLANATION

Mr. SAYLOR. Mr. Speaker, I understand that the Chair has ruled that you cannot correct the voting record.

I was present and placed my card in the voting receptacle back here on the right-hand side of the aisle in the last row on rollcall No. 54. A green light flashed in front of my name, but apparently the machine did not catch it. Since one cannot correct the rollcall vote taken by electronic device, I would like to have the record show, immediately following the vote, that I was present, and that I did vote "aye."

CORRECTION OF ENROLLMENT OF S. 7, AMENDING VOCATIONAL REHABILITATION ACT

Mr. BRADEMAS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate concurrent resolution (S. Con. Res. 16) to authorize certain corrections in the enrollment of S. 7.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 16

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of the bill (S. 7) to amend the Vocational Rehabilitation Act to extend and revise the authorization of grants to States for vocational rehabilitation services, to authorize grants for rehabilitation services to those with severe disabilities, and for other purposes, the Secretary of the Senate is hereby authorized and directed, in the enrollment of the said bill, to make the following corrections, namely, in the table of contents in section 1 strike out "Sec. 308. Rehabilitation Centers for Spinal Cord Injuries" and insert in lieu thereof "Sec. 308. National Centers for Spinal Cord Injuries"; in section 305(a)(2), insert "such" before "subsection" the second time it appears; in section 500(b), strike out "VI" the second time it appears and insert in lieu thereof "VII"; in section 602, strike out "the" the first time it appears; and in section 702(d), strike out "not" and insert "not" after "but".

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

There was no objection.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

"NOT US," SAYS VA HOSPITAL CHIEF OF REPORT

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

Mr. TALCOTT. Mr. Speaker, I believe that every Member of this House is concerned about reports that have appeared in the newspapers alleging lack of care of veterans in our Veterans' Administration hospitals throughout this land.

Although I know from personal experience that these reports are largely untrue, I think it would be of interest to the Members to read the excellent article that appeared in the Fresno Bee on March 8 concerning our VA hospital at Fresno.

This article plainly points out that many of the allegations in the Nader report and other newspaper articles are clearly unfounded and that this hospital is well run and rendering excellent care to California veterans.

Sometimes we seem to forget that the VA system is the best of any Nation, at any time and that our veterans receive the best care of any veteran in the world.

This excellent care continues to improve regardless of an occasional critical report.

"NOT US," SAYS VA HOSPITAL CHIEF OF REPORT

(By Gene Kuhn)

A House subcommittee report that Veterans Administration hospitals provide a dangerous lack of care for patients today was branded as "categorically incorrect" as far as the Fresno VA Hospital is concerned.

William F. Lee, the hospital's director, said the report, prepared for a House appropriations subcommittee, has "no application" to the Fresno hospital.

"It's absolutely not applicable so far as we're concerned," he repeated.

The report says the hospitals do not have enough nurses to provide even a safe level of care and they fall far short of the number needed for the best medical treatment.

"Many essential nursing procedures either are not performed or are not done properly, notwithstanding the dedication and efforts of nursing staffs to maintain an adequate level of performance," the report says.

The study was prepared by staff members of the subcommittee conducting hearings on the VA budget. The 41-page report was finally made available today after a copy was leaked to the Associated Press.

The report says the Nixon Administration's proposed VA budget will cause conditions to deteriorate and that a move may be under way to close some hospitals.

It also alleges the VA has attempted to conceal hospital conditions by distorting records and by falsifying the number of beds available.

Committee investigators said their conclusions were based on interviews with VA officials in Washington and officials of 14 hospitals in California, Virginia, Ohio, Florida and Massachusetts.

The California hospitals, it was learned, were in Palo Alto, Livermore and Los Angeles.

"There has been no fudging of records—no phantom records—to support this," Lee said.

"We have 275 beds authorized, we have them and there has been no change over the past four years."

The only times the hospital has not had its full complement of beds available has been during ward-by-ward remodeling work, he added. At present 12 beds are not available because of the installation of a centralized oxygen, suction and compressed air system.

Lee said the hospital's occupancy rate has been 88 per cent over the year, but in the last three months it has had a 91 per cent occupancy rate. A rate of 85 to 86 per cent is considered high, he added.

Lee said the hospital was authorized 20 additional fulltime positions two years ago, enabling it "to improve care and do an even better job in patient care than before.

"As far as we're concerned, the quantity and quality has improved."

The Fresno hospital, he said, also has been treating 30,000 outpatients annually over the past four years. This compares to 5,000 outpatients being treated 10 years ago.

"The demand is here, the need is here and we are more than able to handle it," Lee stated.

He said he has no information on next year's budget, but for the remainder of this year, at least, no cutbacks in the hospital's employment level are anticipated.

NEWSMEN'S PRIVILEGE ACT OF 1973

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

Mr. COHEN. Mr. Speaker, a number of celebrated cases involving the jailing of reporters who refused to divulge the sources of their information or the contents of confidential reports have brought national and local attention to the problem of the "newsmen's privilege" or the public's right to the free flow of information.

The Supreme Court in the Caldwell case ruled that newsmen have no general first amendment right to resist answering material questions submitted to them before grand juries. Moreover, the Court has ruled that a reporter must bear the burden of proving that the Government, in compelling his testimony, is actually engaged in harassing or intimidating activities.

Judiciary Subcommittee No. 3 has just concluded lengthy and extensive hearings on the subject of newsmen's privilege and a number of conclusions can be drawn from the testimony that has been presented.

The Caldwell case and a number of other incidents have created an atmosphere of fear in the media and in those government circles where honesty comes before loyalty. Of course, there has always been an adversary relationship between the government and the press. Journalists have been threatened, harassed, and even jailed by the Government from the time of Peter Zenger throughout American history.

But the current threat of Government domination over what should be, and must be an independent media is very real indeed. It is distinguished from the traditional government-press conflict, first, by the fact that the highest court in the land has ruled that newsmen have no first amendment rights to refuse to disclose information before grand juries; and second, by the scope of current cases in which newsmen are forced to choose between disclosing confidential information or sources and going to jail.

In addition to the potential for the government to engage in the harassment and intimidation of newsmen, there exists the danger of the government engrafting the press as an "investigatory arm." Such action, and equally important, the threat of such action, necessarily has the effect of "drying up" or eliminating a newsman's indispensable sources of information.

Unfortunately, few realize how important confidential sources are to the public's right to know what the Government and its leaders are doing. The fact is that there is a strong, direct correlation between the confidential relationship of a reporter and his source and some of the most important news stories of our time. Consider the degree of public interest involved in such stories as:

The My Lai massacre;

The Pentagon papers;

The Watts riots;

Ku Klux Klan exposés;

The Abe Fortas relationship to the Wolfson Foundation;

The Watergate bugging incident;

And countless exposés of corruption in city, state, and national governments.

In every one of these cases, the reporters' ability to bring the true facts of these issues to the public's attention has been dependent upon confidentiality of information or sources. The importance of confidentiality is underscored even more by the fact that every Pulitzer Prize won for news coverage of the Vietnam war was dependent on confidential sources.

In short, most of the revelations Americans get about corruption and misdeeds in Government, as well as some of the major policy decisions of our time, have come from someone within the Government who tells the press about these deeds or policies in confidence.

After listening to and weighing all of the testimony that has been presented to the committee, I am satisfied that it is imperative that Congress take affirmative action to insure that the Federal Government does not utilize the press as an investigative arm or subject it to harassment or intimidation.

At the same time, I recognize the need to consider the interests of the public in acquiring relevant and essential information in judicial proceedings. In sum, affirmative action is necessary to dispel the "poisoned atmosphere" generated by governmental intrusion and intimidation while safeguarding the public's right of access to facts which are relevant and necessary to a just determination in criminal and civil cases.

NEWSMEN'S PRIVILEGE ACT

To protect the ability of newsmen to ascertain the truth of Government policies and actions—an ability that is essential to a democracy and an informed citizenry—I am introducing in the House today the Newsmen's Privilege Act of 1973. This bill, which is cosponsored by my colleagues, Congressmen RAILSBACK, SMITH, SANDMAN, and COUGHLIN, grants protection for newsmen in the two areas which have the most potential for interrupting the public's access to informa-

tion—investigatory and adjudicatory proceedings.

First, we are proposing an absolute newsmen's privilege with regard to investigatory proceeedings, such as those before any Federal agency or either House of Congress or Federal grand juries. Under the act, no newsman would be required to disclose any information or the identity of any source, if the information was obtained by him in his capacity as a newsman.

This provision would shield from disclosure any information or source, confidential or otherwise, with no exceptions or qualifications, that comes to a newsman in his capacity as a reporter.

With regard to any civil or criminal proceeding in any Federal court, the Act requires that no newsman shall be required to disclose any confidential information or source unless the court finds that the party seeking the information or identity has established by clear and convincing evidence that information or source identity is:

First. Relevant to a significant issue in the case; and

Second. Cannot be obtained by alternative means.

The bill calls for a qualified privilege in this instance primarily because, for the most part, judicial proceedings are objective and non-political in nature, whereas investigative proceedings may or may not be objective and nonpolitical.

In addition to an absolute privilege for newsmen in investigative proceedings and a qualified privilege in judicial proceedings, the bill provides further protection by giving the newsman, as a matter of right, an appeal from a motion to quash a subpena. Under present Federal procedure, before a newsman can appeal on the merits of an issued subpena, he must first be found in contempt of court and appeal that order. At this point in the proceeding, the newsman is often incarcerated pending determination of his appeal. This bill permits a final determination on the merits of an issued subpena and would not force a newsman to be found in contempt of court before the merits of his claim against the subpena could be properly litigated.

Finally, the privilege created in this bill is a personal one, belonging only to the newsman. In the bill, "newsman" is broadly defined to include any female or male reporter, photographer, editor, commentator, journalist, correspondent, announcer, or other individual regularly employed in preparing news for any news service.

My colleagues and I firmly believe that the Newsmen's Privilege Act of 1973 will effectively safeguard the newsman and his source from intimidation or harassment. At the same time it will insure the public's right to know relevant and indispensable facts in criminal civil adjudicatory proceedings. In so doing, the bill if enacted, will ultimately preserve the traditional role of the press in bringing vital information to the attention of the citizenry.

In conclusion, we feel that this bill will achieve the objectives articulated by Professor Friendly.

If there is to be a newsman's privilege law, it cannot be a product of judicial decision. Protection must come from those who make laws, not those who interpret laws that may not really exist. A shield law must be precisely drawn. It should provide protection from prosecutors and others bent on fishing expeditions but at the same time be limited enough not to produce all-purpose immunity for journalists. The shield law and the guidelines by which journalists work must be structured in such a way as to provide protection for the public's need to know, but not be a sanctuary for those who because of fear, special interests, or just irresponsibility are seeking a privileged place to hide.

PRICES OF LUMBER AND PLYWOOD

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

Mr. WYATT. Mr. Speaker, rationed housing is a possibility which cannot be discounted if efforts are not undertaken to increase our Nation's supply of timber.

In response to high food prices, President Nixon announced last week that he opposes economic controls on agricultural products because that might lead to rationing. The same should be said in response to the current high prices of lumber and plywood.

Our Nation is faced by an inflationary dilemma in housing which has largely resulted from a somewhat paradoxical situation. The demand for new housing, stimulated by the Federal Government, is at record levels. In the rush to meet that demand, homebuilders are running up the prices of lumber, plywood, and other wood products. Meanwhile, the Federal Government, which controls over half of the Nation's timber supply needed for these building materials, refuses to make its surplus stockpiles of wood available to ease the crisis in lumber and plywood prices.

The phase II controls on wood products proved to be "rigid and unwise," in the President's words. They were not only unworkable but also acted as disincentives to production at a time when greater productivity was needed to meet soaring demands. There is still not enough timber, not enough building materials, and there are not enough houses to go around. And so long as this situation exists, prices will remain high. Even if controls are reinstated and rationing applied to lumber and plywood, prices would remain high because the incentive to production would be removed.

There is a better way—one which can ease current supply-demand-price pressures and prevent a similar crisis in the future. That way is for Congress and the administration to commit the funds and authority to first, offer for sale the full allowable cut of our 107 million acres of commercial Federal timberlands; second, intensify management on all our Federal forest lands; and third, provide incentive programs to increase tree growing and management on the 300 million acres of commercial timberland—60 percent of the Nation's commercial forests—owned by the other 4 million small, nonindustrial private landowners.

TRADE POLICY AND LEGISLATION

The SPEAKER pro tempore (Mr. FULTON). Under a previous order of the House, the gentleman from Arkansas (Mr. MILLS) is recognized for 60 minutes.

Mr. MILLS of Arkansas. Mr. Speaker, at no time in the postwar period has it been more urgent that the United States chart a course in foreign trade. In recent years, as new economic power realities have asserted themselves, frictions and tensions in international economic relations have arisen. There is a serious risk that efforts toward a stable, peaceful, and civilized system in the world will be threatened not by wars between old enemies, but by quarrels among old friends.

Both the European Economic Community and Japan are nearly abreast of the United States in their ability to achieve their international economic objectives. Indeed, on some key measures of international economic power both are outstripping the United States. The so-called free world economy is thus dominated by three actors of roughly equal power; and there exists a high degree of potential conflict among their economic policy goals. However, neither Europe nor Japan has yet demonstrated a political capacity to utilize its economic power constructively, partly because each is engaged in an internal evolution of historic dimensions. They are able to negate, but have yet to lead. At the same time, the United States is uncertain about the role it should play in a world it can no longer dominate but from which it cannot withdraw. The result so far is stalemate.

The present configuration of relatively equal powers, each uncertain of its own role, pursuing goals which often conflict is perhaps the most difficult from which to create a durable and stable international economic order. But a major effort must be made to do so, for the alternative could be severe economic loss and serious political breakdown.

It is clear as never before that no one country can prescribe a solution on its own. Yet, the role that the United States will play is decisive. For despite the compelling urge to turn inward and concentrate on urgent domestic problems, the task for the United States is still one of showing the way in international economic cooperation.

For the United States the approach to a solution involves three interrelated elements:

First, there must be a policy. We must know what objectives we seek and how we propose to achieve them.

Second, in our constitutional system, there must be legislation which confirms the policy and empowers the President to seek to realize it.

Third, must come negotiations which are the means by which the objectives of

policy are brought to reality by accomodation among competing interests of the negotiating countries.

A. POLICY

It is generally accepted that the international economic system must be reformed. Reform does not mean revolution; the economic system that was devised in the immediate postwar period has had much to commend it. But, the changing role of the United States in that system and the greater economic power of Western Europe and Japan have created a measure of imbalance, both in terms of monetary and trade policy, for which adjustments have to be made.

Negotiations on international monetary reform are already underway. Unlike trade issues, however, monetary negotiations involve highly technical and arcane subjects which are dominated by experts. Trade involves politics because trade issues mean the jobs and the profits of various interest groups and will, therefore involve political decisions.

In order to devise a policy for reform of the international trading system, there must; therefore, be a decision at the highest political levels in the major trading countries. This has not yet taken place.

Trade policy issues have been increasingly negotiated on an ad hoc basis by bureaucrats dug into fixed positions. It is mandatory that the major trading countries devise a grand design for the solution of existing and emerging trade problems, and to arrive at a decision on the framework for a negotiation the purpose of which is to implement such a design. The ultimate and detailed trade negotiations should be reciprocal in character and involve adherence to a set of principles that are generally accepted as fair and as promoting the maximum feasible expansion of international trade.

The achievement of these objectives may contribute somewhat to a correction of our trade and payments deficit. But we should recognize that it is neither realistic nor desirable to burden the trade negotiations excessively. The question of balance of trade or balance-of-payments disequilibrium, which will be a continuing problem notwithstanding our recent and second devaluation, must be dealt with through reform of the international monetary mechanism.

B. LEGISLATION

In order for the United States to be able to participate with maximum effectiveness in such negotiations, the President will shortly seek legislative authority from the Congress. This request should clearly and unambiguously set forth the type of authority the President needs to seek in negotiation the objectives that both he and the Congress agree are in the interests of the United States. In this respect, it is not productive for the administration in its legislation to try and anticipate every stricture which the Congress is likely to raise with regard to such legislation; that is best worked out through the normal legislative processes.

As I perceive the need today, the essential ingredients of such a legislative program should be the following:

First. Tariffs. The President should have the authority to deal with the problem of tariff discrimination which has proliferated principally around the European community. Resolving the problem of this kind of discrimination perfectly would require providing for the complete elimination of tariffs over a period of years. It is true that anything less than that will leave a margin of tariff discrimination which will most likely affect areas of major U.S. export interest. It is also true that on the whole tariffs are already very low and the elimination of most tariffs will result in less absolute tariff reduction than has taken place as a result of prior rounds of tariff negotiations. However, the question of what exceptions to full tariff elimination would be economically meaningful and essential to U.S. industry requires careful study if the executive branch were to ask for this authority.

Second. Nontariff barriers. These involve a complex array of government measures mostly under domestic statute or regulations which are more significant in their effect on trade today than are tariffs. Unlike tariffs it is extremely difficult if not impossible for the Congress to provide a prior grant of authority for negotiation of non-tariff barriers. Nevertheless the Executive needs some form of a general mandate from the Congress in order to negotiate on a meaningful basis. Whether it be with the understanding that where the negotiations require modification of U.S. statutes, the result of the negotiations must be approved by Congress on an ad referendum basis or by some other process remains to be seen. In any event that process must be facilitated by adequate and substantive consultation with the appropriate congressional committees both during the preparation for and during the actual negotiations.

Third. Agriculture. The United States enjoys a strong comparative advantage in the area of agriculture. Any future negotiations must produce a breakthrough in this important area. Where import protection is in the form of tariffs, no special authority is required. Where other devices are used and where negotiations on agriculture require some reciprocal concessions in the United States agricultural import restrictions, these can be treated in the same way as NTB's.

Fourth. Safeguards. More liberal safeguard provisions than the present ones should be provided in legislation which provides assurances to domestic industry and labor that serious injury or the threat of serious injury as a result of increased imports can be dealt with expeditiously. The period of time that such import restraint relief measures may require depends upon the amount of time required to effect an appropriate economic adjustment.

The measures that can be taken include higher duties, import quotas adjustment assistance, voluntary export restraints or some combination of the foregoing. Safeguard measures by the United States normally have been employed on a most-favored-nation basis. Flexibility should be provided to apply them against specific countries where only one or a few countries are the source of the problem. Such an approach is employed by every other major trading country.

The legislation should also provide guidance to the multilateral renegotiations of the GATT rules on the application of safeguard measures by individual countries. Too often, the safeguard measures in the form of import restrictions have been applied in an inconsistent manner and without regard to agreed-upon standards and criteria. This inevitably leads to irritations, and, at times, retaliations. An effort should be made to negotiate a safeguard code stipulating criteria for the invocation of safeguards and providing a complaint and consultation procedure under which actions can be reviewed. If safeguard actions are taken, in conformity with these rules and procedures, which would normally include provisions for planned adjustment assistance and the automatic phasing out of restrictions, it should not be necessary to permit compensatory restrictions by the affected supplying country.

Fifth. Adjustment assistance. Workers injured or threatened by injury as a result of increased imports should have available adjustment assistance benefits designed to facilitate their retraining and reemployment to other jobs. The present adjustment assistance provisions are inadequate because they fix excessively outmoded and stringent requirements for qualification for assistance and because there has been unimaginative use of the adjustment assistance provision.

Sixth. Fair trade. The Congress should strengthen its authorization and direction to the President to use, with due regard to international commitments, the leverage of import restrictions against countries that refuse to remove illegal or unreasonable import restrictions on U.S. exports and that persist in export subsidization in third country markets. We should also refrain from this unfair and self-defeating form of trade.

Seventh. Generalized tariff preferences on manufactured goods from developing countries. Both President Johnson and President Nixon committed themselves to see congressional authorization for a system of tariff preferences for developing nations. That commitment is a part of a common effort we share with other industrialized countries. An authority for the Executive to participate in this worldwide policy of giving a modest assist to the developing countries is justified, subject to the limited product exceptions and to a properly functioning safeguard mechanism on other products.

However, in my view, it would be a travesty of the principle of nondiscriminatory trade and a mockery of developing country trade aspirations for the Executive to utilize this authority while

the European community and Japan maintain rigid and niggardly quotas on preferential class imports from the developing countries. Equally, it would be a travesty of the entire principle for the United States to extend tariff preferences to countries that give discriminatory reverse preferences to the European Community or any other industrialized country. The United States does not seek this petty concession from the developing countries, and we expect that other wealthy and powerful trading countries will not continue to insist on these demands.

Eighth. Balance-of-payments measures. We have recognized painfully in the past few years the need for an array of policy tools in the trade area that can, if necessary, be brought to bear on the critical balance-of-payments problems of either a deficit or a surplus nature. A symmetrical authority for the Executive to impose an import surcharge when the United States is in deficit or to reduce the tariff level correspondingly when in surplus will provide badly needed supplementary assistance to the monetary-based adjustment process. Further, the Congress might consider authorizing the Executive to impose an import surcharge against a country in chronic balance of payments surplus that does not take the needed corrective action; this power should, of course, be used only in accordance with agreements now being negotiated in the international monetary reform effort.

Ninth. Time limits on bureaucratic delays. Finally a procedural suggestion but one of substantive importance to American labor and business is that the Congress fix reasonable but prompt limits on the time the executive branch may take in making the necessary findings and taking necessary actions on trade-related applications—whether for import relief, adjustment assistance, countervailing duties, antidumping, or national security procedures. The record is full of unconscionable delays and the Congress should act to provide this relief.

I have explained my views on trade legislation in an effort to be constructive and advance this much-needed legislation.

This must be considered in a nonpartisan manner. It is anticipated that the President will shortly propose legislation to the Congress—and I trust that it will reflect the need for urgent action to which I am confident the Ways and Means Committee will desire to respond.

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

Mr. MILLS of Arkansas. I yield to the gentleman from Florida.

Mr. GIBBONS. Mr. Speaker, I appreciate very much the gentleman from Arkansas yielding to me.

I have been privileged to be in this Chamber now for a little over 10 years, and I think that I have just heard one of the most significant, far-reaching, and important speeches that I have ever heard in this Chamber. I want to commend the chairman of the Committee on Ways and Means, the gentleman who made this speech, for his insight and foresight that he has exercised. I only regret that I learned of this speech just a few minutes before it was given, because I think every Member of Congress should have heard it.

The gentleman has courageously, and I think correctly, laid forth what should be the policy of this country, recognizing, as we do, that what we do here is much more than just an economic matter; it is a matter of how we can continue to organize this very fragile planet on which we all exist, all billion of us or 200 million of us, as far as the foreseeable future.

I want to commend the gentleman from Arkansas and pledge to him my cooperation to the best of my ability.

Mr. MILLS of Arkansas. I thank my friend, the gentleman from Florida, and state that if he will invite me back to his home district in his town in Florida, I will testify again for him.

Mr. GIBBONS. I thank the gentleman from Arkansas.

Mr. MILLS of Arkansas. I yield to my friend, the gentleman from New York (Mr. CONABLE).

Mr. CONABLE. I thank the gentleman from Arkansas for yielding.

The distinguished chairman of the Committee on Ways and Means, the gentleman from Arkansas, has given us, I believe, a comprehensive blueprint for trade which will permit a rational congressional input, and we all know how necessary that is if we are ultimately going to have a sensible and balanced package. I am going to study it with great care. As it was delivered, I felt it was an act of high statesmanship on his part—perhaps a magna carta of trade for us, and I am indeed grateful for the obvious time and careful thought that went into it.

It seems to me that although my friend, the gentleman from Florida, and I do not always agree on these things, we can join in commending the gentleman from Arkansas, the chairman of the Ways and Means Committee, for a very significant contribution. We certainly thank the gentleman and welcome him back after a period of some indisposition, and it is obvious that whatever was wrong with the gentleman it was not his head.

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

Mr. MILLS of Arkansas. I yield to the gentleman from California.

Mr. TEAGUE of California. Mr. Speaker, I thank the gentleman for yielding. I too of course want to compliment the gentleman on a masterful statement.

I do want to take advantage of this opportunity to call the attention of my colleagues and the chairman to a situation which may be parochial but which I think is extremely important to the western part of this country and which I gather is the sort of thing the chairman feels should not exist. It is this. Japan grows oranges, the mandarin oranges, but for only 6 months out of the year. California and Arizona are seeking to export oranges to Japan for the other 6 months of the year.

We are not trying to infringe on their mandarin orange market in Japan. We want to fill the gap for the other 6 months, but Japan has flatly refused to allow us to do so. Am I correct that this is the sort of thing the chairman believes should not exist?

Mr. MILLS of Arkansas. The gentleman is correct.

Let me say, if I may, since the gentleman from California is the ranking Republican member on the Agriculture Committee, that I would like to call to the attention of the gentleman, and others on the Agriculture Committee who may be present, this problem. What the gentleman mentions is not in the jurisdiction of our committee but is in the jurisdiction of the gentleman's committee. We have certain pure food and other type food laws that apply here to the raising of food products. For example, there are certain disinfectants and pesticides and things like that which we cannot use on agricultural products, oranges or even flowers here in the United States which are intended for sale, but we do not enforce those pure food laws to the same extent with respect to the same articles coming into the United States from other countries.

It is my information, and I want to check it out, that some of the pesticides or other things we are prohibited from using in their country are freely used in some of the countries to the south of us to raise and produce the same articles on which we cannot use certain products if we intend to produce the articles for sale here. Why can we not extend our laws regarding health and safety things of that sort to provide that imports of this kind must conform to the same regulations and rules that the comparable domestic product is required to conform to?

Mr. TEAGUE of California. I believe, Mr. Speaker, we certainly should. We discussed that in the committee one time and I recall we went so far as to seriously consider it and even vote on it. If I remember, it succeeded. If my recollection is correct, we ran into difficulties with the State Department.

Mr. MILLS of Arkansas. Correct.

Mr. TEAGUE of California. I am glad to see the gentleman from New Jersey (Mr. FRELINGHUYSEN), from the Foreign Affairs Committee, is here. He may have some views on the subject. I do not want to put him on the spot.

Mr. MILLS of Arkansas. This is not a protectionist thing at all, but if the food and drug authorities think something is injurious to health if used on a domestic product, why does not the same rule apply to products coming from abroad when the same things are used on those products? Are they not just as detrimental to our health?

Mr. TEAGUE of California. Exactly. And in California when an article is to be consumed by a person in the United States, the article produced in the United States should have no stricter require-

ments placed on it than the articles coming in from other countries. The use of pesticides on olives raised in California should be no stricter than the use of pesticides on olives raised in Spain, which imports olives into this country.

Mr. MILLS of Arkansas. In a sense, so to speak, we just look to see if it has a bug on it and if it does not we let it in.

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

Mr. MILLS of Arkansas. I yield to the gentleman from New Jersey.

Mr. FRELINGHUYSEN. Mr. Speaker, I compliment the gentleman from Arkansas for a very significant statement.

In response to the comments by the gentleman from California, I might say I am not planning to use this time to comment on the somewhat tangential interest of the Foreign Affairs Committee on the importing of olives or oranges, but I do think it should be underlined that this is a very critical period not only in our own economic development but also with respect to our trading partners.

In my opinion it is a time of opportunity, but it also is a time where our leadership is going to be needed. Quite obviously, a critical role must be played by Congress and the leadership role within Congress is significant.

I think for that reason that we can all be thankful for the leadership which the chairman of the Committee on Ways and Means (Mr. MILLS) is providing us. We shall read his message with a great deal of interest.

I want to compliment the gentleman from Arkansas (Mr. MILLS) again.

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

Mr. MILLS of Arkansas. I yield to the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. I want to say that I, too, appreciate the remarks of the gentleman from Arkansas (Mr. MILLS).

Let me ask this question: Is it proposed to build upon the old, discredited Trade Agreements Act which played a part in getting us into the deplorable situation we are in, or are we going to go on to new and different legislation?

Mr. MILLS of Arkansas. What I am suggesting is a departure, I think, from the present legislation. It does require extending to the President more authority in this area than the Congress has heretofore extended to the President. But I am perfectly willing to do it because I recognized long ago that all the Congress can do is act unilaterally in raising or lowering tariff duties. The Congress has no negotiating agent or process. Only the President of the United States can use the power which the Congress gives him to bring about reductions in those impediments to the exports from this country into those countries which have those impediments.

Mr. GROSS. If the gentleman will recall, our former and long deceased colleague, Dick Simpson, fought valiantly to pinpoint and remove the pitfalls and shortcomings of the Trade Agreements Act, otherwise known as the Reciprocal Trade Act. In my opinion it was and is for the most part a one-way street and it was not reciprocal.

I sincerely hope that the Committee on Ways and Means will not try in any way to revive the Trade Agreements Act or breathe new life into it. I hope that whatever is proposed will be a new and fresh start.

Mr. MILLS of Arkansas. I agree with the gentleman from Iowa that certainly the result of the operation of that legislation brought about more reciprocity on our part than on the part of those who agreed to reciprocate in the past.

This approach which I am discussing today would empower the President to take opportunities which the President does not have now to discipline and to really crack down on the knuckles of those nations that engage in unfair trade practices.

Mr. GROSS. But, the poor public in this country was misled and misguided into believing that it would provide reciprocal trade agreements.

Mr. MILLS of Arkansas. Certainly it did not result in fair trade.

The gist of what I am trying to say is that we do not find relief in our present situation by retrenchment from the desire that we had in the past to enlarge upon world trade. It is only through the enlargement and our participation in the enlargement of world trade that we and the other countries of the world will find solutions internationally to these very vexing problems.

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

Mr. MILLS of Arkansas. I yield to the gentleman from Texas (Mr. GONZALEZ).

Mr. GONZALEZ. I thank the distinguished chairman of the Committee on Ways and Means for yielding.

I too join my colleagues in congratulating him on a very wonderful presentation. The Subcommittee on International Finance is currently considering the bill required by the devaluation of the par value of the dollar with respect to gold and special going rates.

In fact, at 2:30, if my colleagues and the chairman will permit, we are going to hear Mr. Burns, Chairman of the Federal Reserve Board, who has consented to come back after their meeting in Europe and meet with the subcommittee.

My question is this: In hearing the testimony, everybody has more or less expressed the same thought, that trade is an indistinguishable part of this monetary thing that must be resolved. When we raise the question, the answer we get—in fact we got it this morning from Assistant Secretary Volcker—is that the President will be coming to the Congress before too long to ask for this trade package.

My question is: Since it seems to be the consensus of all of the experts and the officials that one is inseparable from the other, what does the gentleman think would be the timetable for this trade bill?

Mr. MILLS of Arkansas. I cannot tell the gentleman from Texas yet; but I do believe there is a definite relationship between what is being proposed to be done in the gentleman's committee, what was proposed in Europe, and a continuation of our capacity and ability to trade.

I would not want the gentleman's committee to feel compelled to withhold passage of the devaluation of the dollar until we could bring forth a trade package.

The two items do have an interrelationship. They should be considered together. I have urged that.

But this matter of the devaluation of the dollar has already shown in Europe a degree of renewed confidence in the dollar and a degree of stability in the dollar that was not there before devaluation was announced by the President. We are on the track back. It will take a long time.

We should act prudently and not emotionally. We should not listen to these advocates who say, "We are strong enough to live within ourselves," that we do not need to engage in world trade, and that we can develop all of the quotas and all of the impediments to their exports and prosper here by ourselves.

If we do not listen to that, and if we use better judgment and say that we are determined to act in such a way as to solve our problems through increased and enlarged world trade, we will win out and not go backward.

Mr. DON H. CLAUSEN. Mr. Speaker, will the gentleman yield?

Mr. MILLS of Arkansas. I yield to my friend from California.

Mr. DON H. CLAUSEN. Mr. Speaker, I rise today to associate myself with the remarks of the distinguished chairman of the Ways and Means Committee (Mr. MILLS of Arkansas) which I believe were both timely and constructive.

I further believe the views expressed by the gentleman from Arkansas are consistent with those shared by a majority of the Members of Congress with respect to a competitive free trade policy for this country. I commend him for making what I believe history will record as one of the most statesmanlike and appropriate suggestions made in this session of Congress.

Since coming to this body more than 10 years ago, I have consistently and repeatedly called for "more trade—less aid"—a move away from the grandiose giveaway foreign aid programs of the past and toward a more open and competitive free trade relationship throughout the marketplaces of the world.

It is time for this Nation to place priority emphasis on economic integration abroad as we move away from confrontation and toward negotiation.

For the United States to assume a protectionist foreign trade posture at this critical juncture in our economic history, would be a disaster, in my judgment, not only for this country, but for a host of free nations throughout the world. Europe, it is being said, is more united today than at any time in modern history and the "tie that binds" in this instance is a more cohesive, more integrated, and more cooperative economic union than Western Europe has ever before put together. In the Pacific, Japan and Korea have entered into an expansionist trade policy that may, in the not too distant future set the stage for a "Common Market of the Pacific."

Coming from an agricultural area, there are extraordinary opportunities

ahead to improve our worldwide marketing potential if we but demonstrate the courage and the leadership in foreign trade.

We, who represent the west coast here in the Congress, are very concerned about what happens in the Pacific. I have joined in coauthoring legislation to study and plan for developing a coordinated system of harbors, including deep water ports, to meet what many of us on the west coast see as an expanded trade challenge in the Pacific.

I believe we must prepare for and meet this challenge through a united, bipartisan effort here in the Congress and in coordination and cooperation with the executive branch. Foreign trade guidelines can be developed through negotiations. This, I believe, is the fair, firm, and prudent approach we must take if the United States is to remain a viable economic state. Anything less, in my judgment, would be a game that we, as a nation, can ill afford to play. We do not have time for confrontation on this crucial issue here at home.

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

Mr. MILLS of Arkansas. I yield to the gentleman from New Jersey.

Mr. FRELINGHUYSEN. I thank the gentleman.

The gentleman from Texas asked a question about the timetable.

Mr. MILLS of Arkansas. I cannot answer that.

Mr. FRELINGHUYSEN. In the gentleman's remarks he talked about urgency.

Mr. MILLS of Arkansas. I cannot answer that, but let me tell the gentleman about what I believe is the urgency. I am going to speak as frankly with my colleagues as I ever have done and as I usually do.

I do not think there is any question but that the European Common Market is not ready to sit down at the negotiating table with us or with anybody else at this time. Yet they have set a date for such a negotiation, to begin in September of 1973. They do not want to be in the position of being accused of having delayed discussions of these tremendously important trade and monetary matters. They would like to put us in the position of being able to point their finger and say, "Here again the United States is the culprit. Its representatives have asked for a conference. The President has asked the Congress for authority for his people to sit with us. They have not gotten that authority."

I believe it is quite urgent, frankly, if the President proposes to arm himself and his associates, to sit down with the European Common Market and with the other GATT countries in September to discuss effectively these urgent problems. It is important that we give him the appropriate authority and guidance prior to the commencement of these meetings.

The President, in submitting his message, is getting himself off the hook for being charged as being responsible. Then the "hot spot" is being changed, and the Congress once again is on the "hot spot." If there is no legislation such as he needs to sit with them by the time of this date, which I believe was set earlier in the year deliberately, and by design to make it impossible for us to be there, then if that is the case, and we do not act, of course, it is the Congress on the "hot spot." Then it gets down to the Ways and Means Committee. Then it gets down to the chairman of the Ways and Means Committee.

It is that simple. I believe there is a degree of urgency about it.

Mr. LONG of Maryland. Mr. Speaker, will the gentleman yield?

Mr. MILLS of Arkansas. I am glad to yield to my friend from Maryland.

Mr. LONG of Maryland. I certainly strongly favor anything that will get us toward a far freer trade and a greater exchange of goods and services. With that I agree with the chairman.

Like most Congressmen, however, I believe we have been a little bit bitten in the past by powers we have given the President, and feel, therefore, twice shy.

It is my understanding we are not giving the President a blank check, and the Congress will have the final word on any negotiations.

Mr. MILLS of Arkansas. I definitely am not suggesting a blank check in this area or in any other area, so far as that is concerned.

I would never confer upon the President authority to act or not to act without putting standards in the bill that would determine how and under what circumstances he would use that responsibility.

Now, certainly with respect to the monetary matters, the only thing he can do is this: Either our committee or Congress gives him responsibility to go over and negotiate out these statutory nontrade barriers, with the President reporting back to the Congress—and under the Constitution I would think we would have to say that if either the other body or the House vetoed his action, his negotiations, then the matter was dead—either you do it that way or he goes over on the same basis they went over during the Johnson administration on the American selling price problem. That is all we can do.

The Europeans saw that happen once, and I do not believe they would be quite satisfied again to deal on the basis of nontrade barriers until there was some assurance by the administration that they would submit to the Congress a request that such-and-such be repealed or altered or eliminated.

Mr. LONG of Maryland. Does the gentleman mean there are things the President can negotiate that will not come back to the Congress that may take effect?

Mr. MILLS of Arkansas. If we give him the specific authority, as we have done in the past, to make adjustments in the tariffs, yes. But I am talking about nontariff barriers. The President cannot, unless he follows one of these two courses, negotiate out of existence a statute. Only the Congress can change the law.

We can allow him to do it initially by authorizing him to do it subject to approval or disapproval later on by the Congress.

Now, I do not know which way we will want to do that. I do not know which way the committee would want to go, but we can handle nontariff barriers through negotiations, and through the legislative process.

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

Mr. MILLS of Arkansas. I yield to the gentleman from Ohio (Mr. SEIBERLING).

Mr. SEIBERLING. Mr. Speaker, I think it is unfortunate that there was not advance billing of the gentleman's special order and his remarks, because I think every Member of the House should be here to hear what the gentleman has to say.

Mr. MILLS of Arkansas. I will inform the gentleman that I am a very timid and humble individual; I do not advertise these things ahead of time.

Mr. SEIBERLING. The gentleman could afford to be, because of his tremendous statute in this House and in the country.

Mr. Speaker, I think it is not only very illuminating but very commendable that the gentleman has taken this time to start the return to leadership in our government toward solving this very, very serious problem. I happen to be a believer in the benefits that this country in world trade generally has achieved, through the achievements starting way back in the days of Franklin Roosevelt and the Reciprocal Trade Agreement.

We are now at the pinnacle of world trade, one that has never been seen before in all human history, and yet we have serious problems, as the gentleman knows, with unemployment, with imports mounting, and a change in the basic relationship between the principal trading groups in the world which require a complete reexamination of our position and our policies.

I think it is very commendable, in fact absolutely indispensable, that the gentleman has now indicated the time has come to assert some leadership and to assist the President in carrying out his part in this very, very difficult task.

Mr. Speaker, I think it is also most important that the gentleman has indicated that we are going to avoid the twin evils of, on the one hand, some rigid legislation saying, "This is it," and, on the other hand, giving the President a complete blank check.

The old saying is: "Those who fail to learn from history are doomed to repeat it."

When I think of the tragedy that followed the Smoot-Hawley tariff and the 12 million unemployed that we had following it, and the tragedy of the torpedoing of the London Economic Conference, which unfortunately our Government bore a great deal of responsibility for, and the World War II which followed that, then I think it behooves us not only to be careful, but also to move ahead courageously.

I want to say personally that I am deeply gratified that the chairman is taking this initiative.

Mr. MILLS of Arkansas. I thank the gentleman for his kind remarks.

Mr. ICHORD. Will the gentleman yield?

Mr. MILLS of Arkansas. I yield to the gentleman from Missouri.

Mr. ICHORD. I want to thank the chairman of the Committee on Ways and Means for taking this time to address the House on this very important subject that so vitally affects the economic future of our Nation.

The gentleman from Arkansas has primarily dealt with our import problems in his statement. I have a delegation coming in from my own State of Missouri tomorrow, and I know that other Members of the House are having representatives come in from the lumbering industry and from the wood construction industry in general who are very much concerned about the exportation of logs primarily to the country of Japan.

As the gentleman well knows, there is a shortage of lumber in the country today. Prices have skyrocketed, and we are in a very serious situation. It appears to me that this might be a situation where the President could exercise the same authority as he did in the tanned hide situation.

Mr. MILLS of Arkansas. Bear in mind after exercising that authority with respect to hides the Congress undid it.

Mr. ICHORD. Would we have this authority in the legislation that the gentleman envisages?

Mr. MILLS of Arkansas. Well, yes, the President should have authority to take such action as is necessary with respect to exports to protect the public interest as well as to take the action necessary with respect to imports to protect the national interest.

I yield to the gentleman from Florida.

Mr. PEPPER. Mr. Speaker, I thank the chairman for yielding to me.

I wish to join my colleagues in commending the able chairman of the Committee on Ways and Means for his outstanding address to the House delivered today.

We are all deeply concerned about one of the greatest trade crises and balance-of-payments crises that this country has ever had. The able chairman today outlined a course expressing the initiative of the Congress in solving this matter and having it rest with us and not leaving it entirely to the Executive to take the whole leadership on this very challenging matter.

We are all very much gratified that he made it clear while our President, as the Chief Executive, must be, of course, the negotiating authority and must exercise his own peculiar prerogatives, yet the final responsibility as the people's representatives must rest with the Congress.

Mr. MILLS of Arkansas. We are all on the hot seat.

I thank my colleagues.

WHY IS THE CUPBOARD SO BARE?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Dakota (Mr. DENHOLM) is recognized for 60 minutes.

Mr. DENHOLM. Mr. Speaker, I draw on the recollection of my boyhood years when I say that Old Mother Hubbard went to her cupboard to get her poor dog a bone, and when she got there the cupboard was bare, and so the poor dog had none.

Mr. Speaker, there is much talk about farm and food prices and what is happening in our domestic and world markets today. It is significant that I was preceded this afternoon by the distinguished gentleman from Arkansas, the chairman of the Committee on Ways and Means, in his prepared text on international policy and our trade with other countries.

Mr. Speaker, the people of America have before made reasonable and wise decisions at the crossroads of crises. We shall do so again.

We shall not pursue in the future national policies that leave our cupboards bare, and neither shall we permit the hunger of the world to force our essential food and fiber to be on the top shelf of the cupboard, beyond the reach of Mother Hubbard—and particularly beyond the reach of the consumers of America.

We have a proud heritage and a history of success unequaled by the nations of the world—primarily so because our foundation of American culture is agriculture. In the beginning, 96 percent of the population of our land lived on the farms, and produced food and fiber. Today, slightly more than 4 percent of the population of this country are engaged in the production of essential food and fiber for the benefit of nearly 209 million Americans at home and millions of others around the world.

Past national policies have influenced the results experienced in current trends of agricultural economics. Price supports and production controls have produced unequalled productivity in agriculture as an industry, but without regard to the social and economic consequences thereof.

Much oversimplified, may I say, that we have pursued national policies in this country that have resulted in too many people and too much of our wealth in too few places. We have substantially driven the people from the land as we have industrialized our culture. The shift from 96 percent of our population comfortable and peacefully engaged in the production of food and fiber in the countryside of America has resulted in various degrees of frustration and madness of a drugged, penal, poor and sick element in our industrial urban society. We have at the expense of all piled family on top of family in skyscraper homes in the congestion of an endless urban environment. We have nailed psychological signs over their doors and said to them, "Be happy." We know some of them to be unhappy. Some of them have resisted in the streets in protest of such government policies, and today we read of boycotts that are leading to the grocery markets in resistance to continued increasing of prices. There is news about boycotts against the production of food—meat, cereals, grains, support prices, and then we meet here to consider what we are to do in our international trade and how we are to meet the needs and demands of the world around us.

Today I propose a solution to those problems. This Nation is in need of legislation by this Congress to insure maximum national nutrition with the highest quality and the greatest guantity of food and natural raw fiber, at the lowest possible cost to the consumers with emphasis on people, with compensation to producers for performance and production, and to achieve a balance in national economic growth and social stability by reducing or tending to reduce the cost of living by reversing the pressures of continued inflation and by providing alternatives to economic coercion of national population trends, to encourage maximum conservation in the preservation of ecological and environmental values in the optimum utilization of our human and natural resources.

We should commit ourselves—our strength and our wisdom to the task before us. The policies of the past—practiced in the future will achieve less than the same results. Billions cannot build what wrong has destroyed. The heartland of America has decayed and youth have gone away—now we witness the decay of cities within.

And so I propose, in this 93d session of the Congress, a National Nutrition, Food and Fiber Act. I will summarize it briefly today.

I propose that instead of the consumer being twice struck—once when taxes are paid to support essential prices to assure producers a meager level of equity for food and natural raw fiber too often below the cost of production and again at the retail market cost to the American consumer in acquisition of essential household requirements—that a national policy of direct subsidy to consumer cost of food and fiber be adopted and enacted for the benefit of all.

The American farm people have too long subsidized the living standards of all the rest of the people of this country. Producers cannot market below the cost of production and continue to produce the essential food required for 210 million Americans and millions more around the world. And neither can consumers endure the trend of past and present policies of national programs of failure for agriculture. Further, we seek to remove trade barriers and observe world demand for more and more food. I am certain that reasonable men will agree that America represents, a very small portion of the geographical area of the world. The American farm people have an economic comparative advantage, efficiency and productivity in the production of food and fiber among the nations of this world. The eyes of the world are upon us. The people of the world want our food—they need our trade. If we achieve a balance of trade, we have a great opportunity to do it through agriculture productivity because that is one way that we can export without deplet-

ing and exhausting our natural resources.

Under proper husbandry of our land and by proper use of our natural resources, we can produce crop after crop, harvest after harvest, and export food to foreign lands without depleting the resources of America. We cannot do so with petroleum or iron ore, or other of our natural resources of limited supply. The efficiency and productivity of food is what the whole world wants from America. It is an opportunity to open the lines of international trade and to achieve a balance of trade instead of a larger and larger deficit in the balance of trade between our Nation and others of the world.

It is the current world demand that has forced the prices of domestic retail food costs to increase. We have pursued policies for more than a quarter of a century that have compensated the producers for not performing, for not producing, when we should have been compensating them fairly, honestly, and equitably for what they did produce for the benefit of all. That should be the objective of future farm programs—and so I say we stand at the crossroads of change. It is up to us to make wise decisions as we move forward in farm policy for the future. We must not expect the people on farms and ranches of America to endure the policies of the past and then to be blamed for increased consumer cost of food and fiber of recent circumstances of economic world conditions beyond any reasonable control of the producers thereof.

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

Mr. DENHOLM. I will yield to the gentleman from California.

Mr. TEAGUE of California. I find much with which to agree in the comment the gentleman has just made. The gentleman knows that he and I have disagreed on some aspects of our overall farm programs, but it seems to me that if we are going to increase our exports, we are going to have to do away with the so-called controls, set-asides, and oil banks that we have had for so many years, which I have already voted against, which have kept the American farmer from producing what he is capable of producing.

Mr. DENHOLM. Farm price supports and production controls are totally incompatible with competitive international trade agreements, whether unilateral or reciprocal. We cannot price our products out of the market, domestic or foreign, if we hope to achieve a sense of economic equity for the people of rural America. There are alternatives that will achieve far better results for farm people.

Mr. TEAGUE of California. I am very much impressed by the gentleman's expression of that point of view and thank him for having done so.

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

Mr. DENHOLM. I yield to the gentleman from Illinois.

Mr. COLLIER. Just on that last point we have seen the figures recently, as I am sure the gentleman has, in terms of "pricing ourselves out of the market." It is interesting to note that in the six major industrial nations of the world the percentage of price increase in foodstuffs is much higher than in the United States. The only country which is reasonably comparable is Japan, whereas most of the Western European countries, including Great Britain, have an increase that is much higher than that in the United States. I know that the American housewife does not get any consolation out of this, but facts are facts. The increase in food prices in the United Kingdom and the major nations in Western Europe is in many instances 100 percent higher. We are talking about a 100-percent higher increase than it is in the United States, with the deplorable situation we have.

Mr. DENHOLM. That is true and I thank the gentleman from Illinois for his comment.

The consumers at home and abroad are entitled to a free competitive market, where the consumer can buy eggs, milk, bread, and meat at the free competitive market price—unaffected either in fact or psychologically by support prices to the producers of the agricultural commodities. The people in the industry of agriculture do not ask for a handout but they are entitled to equity and no less.

The producers must have a fair and equitable price for the products of their labors. Absent of that—the food each of us eat, the clothes we wear, and the future necessities of life will not only be on the high shelf—but the cupboard may be bare.

I propose a national nutrition, food, and fiber policy for the nature. It is a plan advantageous to consumers, to producers and to our country. It provides for a direct payment for production equal to the difference between the average price received by farmers at the marketplace and not less than 90 percent of parity on the first $25,000 of the annual gross sales of each farm family unit as defined in the act. It is a program based on people. It compensates performance and production in the interest of all. It provides for the flow of all production in the market at the price demand of consumers but it insures the essential level of income to producers. It opens the way to free competitive international markets for agriculture commodities and it "gets government out of the business" and some business into government. It will shift the burden of subsidy payments to all of the people and it will cost less than one-half of present programs with direct benefits to every American family.

We must rebuild rural America which has been decaying and deteriorating for years. Too many farms have been abandoned. Too many hearts have been broken. Too many shelves are empty and too many cupboards are bare.

We should forget the programs that sought price as a result of scarcity—those programs based on acres, bins and bushels without consideration for people. We must pursue national policy with emphasis on people, compensatory payments to people for performance and production. And we must rid our minds of payments for nonperformance and nonproduction in the future. I know these concepts are arbitrary, argumentative and controversial. The Congress has in the past limited payments to producers in a sum not in excess of $55,000. Those payments have included "idle" acres and "set aside" programs of nonproduction. I seek the converse of that to provide to producers a fair and equitable price for production on the first $25,000 of gross annual sales of a farm family unit and not further pursuit of the concept of the "family farm" that cannot and never has been defined in fact or in law.

A "farm family unit" can be defined in fact and in law. It may be a husband and wife or it may be a husband and wife and children. The "farm family" should have an economic incentive for efficiency of production and freedom of management in performance. And for that efficiency of performance and production in prudent management of his own affairs—the producer shall receive compensatory production payments for the difference, if any, between the average price received by farmers and not less than 90 percent of parity on the first $25,000 of gross annual sales of each farm family unit. All management and production decisions are reserved to the producer. Nothing in my proposal compels him to produce a single unit or commodity or limits his production thereof. He may at his sole discretion sell less than or more than $25,000 worth of food and fiber commodities per year. However, there is no incentive for him to overproduce unless the market price is high and if the demand is high for a particular commodity all production of that commodity will increase until the price level reflects supply in comparative relationship with consumer demand. As producers exercise self-imposed restraint as a result of management principles to avoid down-price trends for production over annual gross sales in excess of $25,000, the average market price will more closely achieve the 80-percent parity level and Government will be substantially out of the transactions of the farmers in the market.

Further, I have provided that each farm family unit shall have the option of a 2-year carryback and a 3-year carry forward provision in the act to better manage over- or under-production in any one year and thereby have an opportunity to insure against the hazards of production characteristic of the industry of agriculture.

Now, in addition to the base plan that I have explained—the farm family unit should have an opportunity to earn up to a minimum of $3,000 per year in approved practices of land and water conservation, preservation of wildlife habitat, and the development of rural recreational facilities. There are 210 million Americans that still welcome a field to hunt, a stream to fish, a meadow to relax, and a hill to see the valley below. The "big sky" is still a beautiful dream where the air is clean and the stars are bright. Certainly, a future of less can not be acceptable to men of vision of the present. A 20–20 vision is the wisdom to know America in 2020 A.D., and in that we cannot falter or, in fact, we shall fail.

Mr. YOUNG of South Carolina. Mr. Speaker, will the gentleman yield?

Mr. DENHOLM. I am glad to yield to the gentleman from South Carolina (Mr. YOUNG).

Mr. YOUNG of South Carolina. Would the gentleman explain to me how the perishable products, such as milk, would be handled?

Mr. DENHOLM. Yes; the farmer would sell it in the market at market price. On the first $25,000 of his gross annual sales he would be eligible for the compensatory production payment equal to the difference between the average market price received by farmers and not less than 90 percent of parity on those sales.

Mr. YOUNG of South Carolina. Since I do produce milk on my farm, and we are familiar with this phase of the program, I ask this question: Is it right for the Government to completely and totally tell me on my farm what we will do with our milk?

Mr. DENHOLM. No, of course not. And that is exactly why I propose this program. The farmer would market his milk wherever he elects to in the ordinary course of his business based on his own prudent management principles. Now, when the market is high, the Government would have very little obligation for a food subsidy payment to the producer and nothing to do with how he is going to produce and sell it.

Now, if he has sold $25,000 worth of milk by October 1, under my plan, during the months of November and December he must accept the market price but he is still free to sell on the open market.

Mr. YOUNG of South Carolina. Then, do I understand the gentleman from South Dakota to say that there will be someone at the end of the field to measure the combine, to determine how many rows we have in our cornfields?

Mr. DENHOLM. No, of course not. It is totally immaterial what the farmer produces per acre or otherwise. The program is based upon cash receipts from actual production sold.

All we would be concerned with is his cash receipts for the year and the chronological dates of the sale of actual commodities produced.

For example, if beans are high enough, that is market price is over 90 percent of parity on his sales, he would not get any Government payment at all, but if the sales were 85 percent of parity on beans he would get a differential production payment of 5 percent in addition to what he received in the market.

Mr. YOUNG of South Carolina. Who would tell him what time to sell his beans?

Mr. DENHOLM. He must exercise his own judgment and he would always seek the highest possible market to preserve his base credits against uncertainty of future markets. The Government would have nothing to do with when he sold his beans or how many he produced. He could sell more beans, but if he sold over $25,000 worth of beans in any 1 year he accepted only the market price.

There is no incentive under this proposal for the farmer to overproduce. Instead of getting Government controls, we would get self-imposed control unless the market price was high. If the demand was there the farmer would not glut the market.

Mr. YOUNG of South Carolina. Is the $25,000 figure a net or gross figure?

Mr. DENHOLM. It is a gross annual sales limitation. Of course, when we refer to gross sales, we must take into consideration that this does not include a thousand pounds of a 1,000-pound steer if it was purchased when it weighed 400 pounds. The 600 pounds would be the amount actually produced for sale.

It is the gross annual sales as the result of actual production of food and fiber to be computed. Therefore, if a farmer bought a feeder steer at 400 pounds and sold it at 1,000 pounds, the 600 pounds is the gain to be reported as gross annual sales. I refer the gentleman to form 1040 F of the income tax return for that determination.

I am talking about bringing the cost of the food down in the competitive market, unaffected by the support price, and trying to achieve some sensible approach to the problem of inflation in this country.

Let me say that inflation is what precipitates a higher minimum wage, and a higher minimum wage is what precipitates a higher cost of a plow or a tractor the farmer has to use to produce food. It is a vicious circle that has been going on for a long time and no one is blameworthy but all of us are involved.

If we really want to attack the problem we will give attention to the cost of food and fiber to the consumers of this country. That is the problem for the future. It is the problem today.

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

Mr. DENHOLM. I yield to the gentleman from South Carolina.

Mr. MANN. I rather like the gentleman's philosophical approach to these problems, but I am curious about some of the enforcement problems that will arise.

For example, the gentleman mentioned a $25,000 initial amount. What would prevent the farmer, for example, from merely not reporting the sales that exceed parity and using the $25,000 of low sales?

On the other hand, what would prevent him from engaging in an arrangement with the processor or with some one else on a kickback arrangement or some other arrangement? After all, he can sell as little as he wants to, because the Government is going to pick up the difference.

Mr. DENHOLM. It would be the ordinary, typical sale. I would say that on the $25,000 gross annual sales, he would sell in the ordinary manner. A gentleman who is producing milk has to sell milk every day. It is true that fraud is always a possibility.

Every producer, of course, would have to sign a statement. If he made a false claim against the Government he would be as guilty of a violation of the law in that instance as he would be under present law.

Mr. MANN. I agree that it can be done. Perhaps, as the gentleman from South Carolina suggested, it would require a measurement of his crop so as to be able to police his sales.

Mr. DENHOLM. Of course, I do not know the circumstances of every part of the country. However, in my State, there is a county committee of farmer-elected committeemen who well know the average yield per acre in the county and about what any man is doing in production.

I do not believe farmers are dishonest. I realize there are some people on some occasions who will try to take an unfair advantage of a program. I do not think we are capable of writing any Federal law that somebody is not willing to abuse sometime and somewhere.

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

Mr. DENHOLM. I yield to the gentleman from Kansas (Mr. SEBELIUS).

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

Mr. Speaker, this whole subject of the farm program and food prices is so broad that I intend to take an hour next week to discuss it further.

One thing which I have been waiting for is some figures on cattle losses in the Southwest, in the panhandle of Texas, in the panhandle of Oklahoma, and in the southwest part of Kansas, which is my district, and which is one of the largest cattle feeding areas in the world. We do not have the figures on cattle losses, which would be astronomical to a city person looking to his investment, and maybe come January 1 we can no longer feed diethylstilbestrol—DES—to the cattle in the feed lot except by implant which is going to cost the consumer another 5 percent in his pocket, and those things are coming up.

Mr. Speaker, I commend the gentleman for his presentation today and invite him to join me next week and continue the discussion of farm problems and farm prices and try to show the world, even if we cannot get the press to tell the whole story, what the problems are, and that supply and demand does seem to be a very important factor. And when they suggest that maybe they should not eat so much or something, I may go along with that suggestion if that is the immediate thing we have to do to work with on the law of supply and demand.

I know as we go along we can see the rest of the picture. I will not go into detail now, but if we take the price of meat and the wages of meatcutters 20 years ago, they have tripled, and yet the price of the steer on the farm has only gone up a few cents.

Mr. Speaker, I commend the gentleman for his work and appreciate his taking this time for this special order.

Mr. DENHOLM. I thank the gentleman. I think the gentleman from Kansas will recall our trip together in November last year when we went a long distance around the world and investigated the matters of food supply in other countries.

Mr. Speaker, I know the gentleman has full appreciation for the tremendous demand for American food production from our farms here in America and other parts of the world. I do not believe we can achieve what we want to accomplish in the world market by pursuing

policies that are similar to or even worse than what we have had in the past.

Mr. JONES of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. DENHOLM. I am delighted to yield to the gentleman from Tennessee (Mr. JONES).

Mr. JONES of Tennessee. Mr. Speaker, I thank the gentleman for yielding.

I want to extend to the gentleman my congratulations for taking this time for the purpose of discussing what I consider to be one of the greatest problems we have in America at this time.

We know as members of the Committee on Agriculture that it seems at times that the farmers of America have very, very few friends left, and I think it is commendable for one of our Members to take the time to offer an explanation to this body and to the public about the problems that they have at hand. I am glad to know we are going to have some more of this discussion next week.

Mr. Speaker, I rise in defense of a sane and rational discussion of the issue of food costs. For 2 years now this problem has been developing and as the prices rose, so did emotions. Accusations have been hurled at everyone by everyone. Hardly anybody has been spared.

Blame has been placed at various times on farmers, the administration, the grocers, the now famous but unidentified middlemen, Russians and the Chinese, even consumers themselves have been criticized for eating too much meat. Things have become so heated that I have reservations about defending farmers for the fear of having it interpreted as favoring high food prices.

On top of this emotionalism we can add politics. Yesterday, the Cost of Living Council Committee on Food released a report on food prices that is blatantly political. The administration's program to stop food price escalation is selectively and arbitrarily enforced.

The report says that price controls have been retained on food processors, wholesalers and retailers. However, wage and price controls on most other aspects of the economy were dropped when we graduated to phase III. This means that as the food processors costs for packaging, rent, labor, and utilities rise unchecked, so will the price of food.

We are told that the Government is selling all its stored grain. But we are not told, except by GAO, that grain companies were allowed to make millions of dollars at the expense of farmers and taxpayers on our sales of grain to Russia.

The Department of Agriculture recently set its milk price support level at 75 percent of parity. At this low price dairymen are going to go bankrupt. We, thereby, will lose production resources. You can be sure that milk prices will not be forced down by putting dairymen out of business. It is a fact of simple profit motive, demand and supply economics.

However, some of the statements in the Cost of Living Council's report are true. First of all, consumer wages have risen. After discounting all the price increases, there was a 6.2 percent rise in real income in 1¼ years. As income goes up so does demand for high quality cuts of meat. I am proud Americans are working themselves into higher income brackets; I want farmers to share in the wealth.

I also want to point out that farmers are consumers, too. Believe it or not, they buy their groceries in supermarkets. In my district it is not out of the ordinary for a farmer to raise nothing but cotton and soybeans. Both products are important, but neither makes a very good meal.

We have problems throughout the food industry from farmer to consumer. Changes are going to have to be made. But farmers who have historically been at the bottom of the economic ladder simply cannot take up all the slack. I believe that most people who have calmly thought the situation out realize this. But it is easy to blame the man with the least power to retaliate, and in this case it is the farmer.

I want our discussion to consider the problem in detail, leaving politics and emotional rhetoric behind.

Mr. DENHOLM. Mr. Speaker, I thank my distinguished colleague, the gentleman from Tennessee (Mr. JONES) for his remarks.

In conclusion, I would like to say that the costs of consumer goods at the present time are not directly related to the increased prices received by the farmers. There are many other intervening factors that influence consumer costs and retail prices.

It is true that farmers have in the last 6 months experienced some gains in receipts at the marketplace. That is true.

I say to you on some of those things, such as meat, particularly beefsteak, they are things that have never been subject to support prices, and so it could not be the support prices alone that have caused the increase. I think the American public and the newspaper editors and reporters ought to recognize that in no way price supports or past programs on production control have influenced the prices of meat. Meat has never been under the program of price support or production controls.

What I am talking about is an attempt to find a new solution to old problems. The problems of farm prices and food costs are not just problems for the cities or the rural areas alone, but are people of the Nation we ought to recognize them as our problems from the city and the country, regardless of our political partisan feelings, we should recognize them as being problems of America. We ought to put aside the politics of the past and face the world of the future together in an effort to do our best. It is in that spirit that I make this presentation today, and if any distinguished colleague from Kansas will take a special order next week, I will be delighted to participate therein.

I do intend to have printed in the RECORD the complete program that I have briefly sketched for you in this oral presentation today that all interested may further consider as your time may permit.

I know that it is not perfect. It is a new beginning and I welcome your comments and criticisms. I am hopeful the principle is sound and the concepts perfected with satisfaction to consumers and producers.

Mr. YOUNG of South Carolina. Will the gentleman yield?

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

Mr. YOUNG of South Carolina. There is one thing I would like to clarify in my own mind. Would this include the beef cattle industry in your plan?

Mr. DENHOLM. It includes all commodities except berries, market garden vegetables, melons, or tree fruits, sugar beets, and sugar cane.

Mr. YOUNG of South Carolina. Will this also include poultry and eggs and pork?

Mr. DENHOLM. Yes.

Mr. YOUNG of South Carolina. All of these. Everything would be included under your plan under a controlled farm economy similar to what you have listed?

Mr. DENHOLM. It is not controlled. If the gentleman will permit me to explain that nothing is controlled in my proposal except the amount that any particular farmer or "farm family unit" as defined in the law is eligible to receive. It is the first $25,000 of the gross annual sales that is eligible for production payments equal to the difference of market price and parity. Farmers are not limited to how much they may produce. If they want to sell $100,000, it is up to them, but they will get compensatory production payments only on the first $25,000 of the gross annual sales. This is to provide an economic base for the young farmer with a wife and children who are living on the land and trying to make a living. It is not intended to enhance the economic position of the conglomerate at the expense of the American farm people and the consumers that must pay higher prices every time another harvest of farmers leave the land.

Mr. YOUNG of South Carolina. I thank the gentleman for yielding. Would the $25,000 include him if he had a dual operation on his farm; would the $25,000 include him if he grew corn on the farm? Would that be $25,000 additional, or is it a total of $25,000 altogether?

Mr. DENHOLM. It is a limitation only as to the first $25,000 of gross annual sales no matter what it includes, with the exceptions that I previously enumerated including tree fruits, vegetables, berries, melons, sugarcane, and sugar beets.

Mr. YOUNG of South Carolina. I thank the gentleman.

Mr. DENHOLM. I thank the gentleman very much.

Mr. Speaker, I submit for the RECORD a draft of my proposal as follows, to wit:

NATIONAL NUTRITION, FOOD AND FIBER ACT

The purpose of this proposal is to assure maximum national nutrition with the highest quality and greatest quantity of food and natural raw fiber at the lowest possible cost to consumers with emphasis on people, performance, and production; to achieve a balance in national economic growth and social stability by reducing or tending to reduce the cost of living by reversing the pressures of continued inflation and by providing alternatives to economic coercion of national

population trends; to encourage maximum conservation in the preservation of ecological and environmental values in the optimum utilization of human and natural resources; and for other purposes.

TITLE II

DEFINITIONS

SEC. 201. (a) FARM FAMILY UNIT.—Any person as defined by law, including a spouse and issue, head of a household, widow or widower that derives one-half or more of his or her earned annual gross income from the actual production and sales of food and fiber.

(b) Any person as defined by law, including a spouse and issue, that derives one-half or more of his or her annual gross income from the ownership of land used in the production of food and fiber under a leasehold, sharecrop, or tenancy agreement with a producer, but not to exceed an annual sum in the aggregate in excess of one-half of the computed annual aggregate total of a qualified farm family unit, as a producer or producers as defined in subsection (a) of section 201 and notwithstanding any number of such landlord-tenant relationships the owner or owners of any such land used in the production of food and fiber shall not participate in the aggregate benefits in excess of $25,000 per annum as provided for a separate farm family unit producer defined in subsection (a) hereof.

SEC. 202. (a) GROSS ANNUAL SALES.—The combined gross cash receipts first received for food and fiber actually produced by a farm family unit in any calendar year or for such other approved 12-month accounting period, including the gross cash receipts plus the compensatory differential payments, not to exceed in the aggregate a gross combined total in the sum of $25,000 per annum.

(b) The gross annual sales shall constitute the combined amount of gross receipts from sales of food and fiber actually produced plus the compensatory differential payments.

(c) DIFFERENTIAL PAYMENTS.—The computed difference between the average market price and parity as defined by law.

SEC. 203. (a) CARRYBACK OPTION.—The farm family unit as defined in subsections (a) and (b) of section 201 of this title may exercise the option of applying sales against the limits of gross annual sales for any next preceding 24-month period that product cash receipts plus compensatory differential payments were less than the allowable annual aggregate total of $25,000 for any one calendar year or such other approved 12-month accounting period and such carryback shall be first applied to the oldest accounting period at the current computed rate or rates in determining the limits thereof.

(b) CARRY FORWARD OPTION.—The farm family unit as defined in subsection (a) or (b) of section 201 of this title may exercise the option of applying sales against the limits of gross annual sales for any next succeeding 36-month period: *Provided*, That the computation of gross annual sales is first applied to the next succeeding calendar year, or such other approved 12-month accounting period, and the then computed rate or rates of the gross annual sales shall be computed at current prices received plus compensatory differential payments not to exceed in the aggregate a sum total of $25,000 per annum.

TITLE III

COST-OF-LIVING PRODUCTION PAYMENTS

SEC. 301. (a) Notwithstanding any other provisions of law, any farm family unit that markets food and fiber other than berries, market-garden vegetables, mellons or tree fruits and sugar beets or cane shall receive compensatory payments directly from the Government as a differential computed value not less often than semiannually, equal to the difference between the national average farm market price for each product sold and not less than 90 percent of parity on the first $25,000 of gross annual sales marketed in any one 12-month accounting period when the average market price received on such commodity or commodities is less than the determined value of 90 percent of parity thereon.

(b) Gross annual sales in excess of $25,000 for any 12-month period by a farm family unit shall not be eligible for the computed differential payment unless applied and computed as provided in subsections (a) and (b) of section 203 of this title.

SEC. 302. (a) Any farm family unit may exercise the option of applying sales against the limits of gross annual sales for any next preceding 24-month period that product cash receipts plus compensatory differential payments were less than the allowable annual aggregate total of $25,000 for any one calendar year or such other approved 12-month accounting period and such carryback shall be first applied to the oldest accounting period at the current computed rate or rates in determining the limits thereof.

(b) Any farm family unit may exercise the option of carrying forward product sales against the limits of gross annual sales for any next succeeding 36-month period: *Provided*, That the computation of gross annual sales is first applied to the next succeeding calendar year, or such other approved 12-month accounting period, and the then computed rate or rates of the gross annual sales shall be computed at current prices received plus compensatory differential payments not to exceed in the aggregate the sum total of $25,000 per annum in such acceptable accounting period of time.

(c) The gross annual sales limitation per farm family unit shall be adjusted not less often than annually with the rate of decrease or increase of inflation in the total national economy according to Government standards of the recorded national cost-of-living index.

TITLE IV

ADJUSTMENT PROVISIONS IN TRANSITION

SEC. 401. (a) Notwithstanding any other provisions of law, during the first five years of this Act, if the Secretary of the United States Department of Agriculture finds that the production of wheat, corn, cotton, feed grains, or any other commodity of production in any calendar year is excessive in relation to available market outlets and desirable strategic reserves, he may require a condition precedent to receiving food and fiber parity payments, that each qualified farm family unit shall restrict the acreage of those crops in excess of market demand to not less than 75 percent of the acreage planted or harvested in the immediate past three years. An acreage of cropland equal to that diverted from such production shall be set aside and used only for approved conservation, grazing, recreational, and wildlife purposes upon the condition of approved practices of husbandry as may be prescribed by the Secretary and for a compensatory payment equal to the net average income of all acres of production of the farm family unit.

SEC. 402. In any year in which the Secretary informs producers that an increase in acreage planted to any crop is needed to maintain adequate market supplies and rebuild carryover stocks to more desirable levels, the minimum fiber and food subsidy payments shall be increased by not more than than 25 percent over the level specified in section 301 of title III of this Act.

TITLE V

CONSERVATION, PRESERVATION AND RECREATION

SEC. 501. Notwithstanding any other provisions of law, each farm family unit shall be entitled to ecological and environmental improvement payments equal to a maximum of 90 per cent of the actual cost of approved practices for land and water conservation, abatement of pollution, preservation of wildlife habitat, and the development of recreational facilities, not in excess of a maximum of $3,000 per annum or in the alternative a direct payment computation equal to the immediate 3-year average per acre net income of the remaining Unit acres of production whichever is greater for actual performance of prescribed practices of ecological and environmental improvement programs.

SEC. 502. (a) The intent and purpose of a national effort of ecological and environmental improvement shall be predicated upon the national interest with emphasis on each farm family unit and community improvement.

(1) Farm family unit participation shall be compensated upon performance as prescribed by the Secretary but in no case at a rate less than a sum equal to the net average per acre income of the remaining acres of production of the farm family unit:

(i) Farm family unit participation in preservation of wildlife habitat and the development of rural recreational facilities shall be premised upon controlled public access as prescribed by the Secretary of the United States Department of Agriculture; and

(ii) The Secretary of the United States Department of Agriculture in prescribing public access to private lands shall rely upon the recommendations of the local, county, and State elected committee members of the existing Agriculture Stabilization and Conservation Service or such other elected peer group thereof.

(2) Farm family unit participation shall be emphasized and encouraged for the improvement of the community and national ecological and environmental conditions with preference practices for the farm family unit but including community and regional projects participation as may be approved by the Secretary of the United States Department of Agriculture.

TITLE VI

PRICE SUPPORT AND PRODUCTION CONTROLS REPEALED

SEC. 601. All legislation relating to price supports and production controls now in effect is hereby repealed.

SEC. 602. No regulations issued under existing Federal market orders shall be adversely affected by this Act unless deemed to be in direct conflict with the provisions hereof and in such case the provisos of this Act shall control, prevail, and supersede the provisions of such Federal market order(s) that increase or tend to increase consumer costs of food and fiber.

TITLE VII

INVESTMENT IMPROVEMENT INCENTIVE

SEC. 701. Each farm family unit possessed of a vested interest in improvements on land shall be entitled to a 7-percent investment credit against Federal income tax liability in a sum equal to the multiple factor of assessed valuations for improvements in the same manner as prescribed in the Internal Revenue Code for personal property used in the production of income.

SEC. 702. The Investment improvement incentive tax credit shall be otherwise administered consistent with and pursuant to the provisions of the Internal Revenue Code of 1954 and Acts amendatory thereto.

TITLE VIII

ACQUISITION CREDIT FOR FOOD AND FIBER PRODUCTION

SEC. 801. The Secretary of the United States Department of Agriculture shall establish and provide a system of long-term, low-interest rate credit for farm family units as defined in Section 201(a) of Title II of this Act.

(1) Acquisition credit policies shall not exceed a level rate of interest in excess of 4 per cent per annum to qualified borrowers nor exceed a term of 40 years, either or both;

(2) Policies of credit shall provide for

maximum participation of the private banking and credit systems with emphasis on the local banking credit facilities of the community in cooperation with the farm credit systems and existing agencies of the Federal Government;

(3) Participating loans with approved local banks to farm family units shall be fully guaranteed by the Government secured by black acre with recourse; and

(i) Land bank notes shall be negotiable in the commercial money market of the private sector of the national economy fully guaranteed by the Federal Government to preserve liquidity of the participating bank and banking interests and such notes secured by mortgage (s) and guaranteed by the Government shall be interchanged and acceptable by the farm credit system or exchanged in the private commercial money market to fully monetize the credit capacity of the borrower in acquisition of real property essential to the production of food and fiber and for other purposes as may be prescribed by the Secretary of the United States Department of Agriculture.

(ii) The participating bank or banks shall be paid not less often than semi-annually, the difference between the level rate of interest (4 per cent per annum) paid by the borrower on the land acquisition loan, and the current money market rate of interest from funds and authorization granted by the Secretary of the United States Treasury through the United States Department of Agriculture directly to the participating bank(s) for administration and supervision of the acquisition loans approved to the borrower as a qualified farm family unit. The Government shall have full recourse on all secured real estate mortgages so guaranteed subject only to the priority of the participating bank(s) as mortgagee and the Secretary shall reserve all rights of periodic examinations to verify the security interest of the Government without notice.

SEC. 802. The Secretary of the United States Department of Agriculture shall have the authority to prescribe criteria for eligibility, participation and qualifications of banks, borrowers, and participants with the advice and counsel of a local peer committee, such as the Agriculture Stabilization and Conservation Service committeemen or such other designated group acting therein.

SEC. 803. The Secretary of the United States Department of Agriculture is directed to issue such regulations as shall be deemed essential and necessary to administer all titles of this Act in a fair, just, objective and orderly manner.

Mr. ALEXANDER. Mr. Speaker, it is with deep concern that I join my colleagues today in this discussion of farm prices. This concern arises from two basic sources. They are implicit in my use of the phrase farm and food prices. It is elementary that the price the farmer gets for the food he or she raises and the price the consumer pays for that food are very different things.

Yet, many of today's most quoted and most critical spokesmen are failing, to acknowledge this fact. And, the farmer is taking an unjust rap in the controversy over the rising cost of food. Maybe that is, because the farmer has traditionally been the invisible man in the food chain. He or she generally goes about the business of raising food and fiber and selling it to the processor without a lot of fuss.

The processors and the retailers spread the news of their wares and their pleas with consumers to buy them across the pages of the newspapers, the radio waves, and the television screens that enter homes all across the Nation.

And, when the flack over the rising cost of food starts flying it has been a simple matter, though falsely based, to blame the farmers who generally go quietly about raising the food we eat.

It is true that the farmer only recently began to receive for his crops what he was getting 20 years ago. And, it is true that from 1965 through 1972 that food prices rose 33 percent. But, is not it about time that the critics of food prices looked at the whole picture of income and spending in this area.

For instance, from 1965 through 1972, the per capita disposable income for the Nation rose from $2,436 to $3,954, an increase of 62 percent.

Between 1951 and 1971 the prices paid to farmers for food products rose 6 percent. The wholesale food prices went up 20 percent and the retail prices went up 43 percent. During that same period the Nation's wage levels increased an average of more than 6 percent each year, for a total increase of 130 percent.

Statistics clearly show that two decades ago the consumer spent 23 percent of his after taxes income for food. In 1972, the average American spent only 15.8 percent of his income for food. In Europe, a fourth of the family income today goes for food. In Russia, it is between 45 and 50 percent; and, in Asia it is almost 80 percent.

The decrease in the percent of average American family incomes spent for food has been possible because the American farmer has worked long and hard to raise productivity. Today one farmworker produces food for 51 people. Twenty years ago one farm worker supplied food for only 16 persons.

At the farm end of the food marketing chain, the cost to the producer of all the products he purchases has risen nearly 50 percent. The farmers production costs have nearly doubled.

The cost of the actual production of food is not the only cost involved in the retail price of food to consumers. This retail price includes transportation, processing—which means butchering, canning, convenience food preparation and such, distribution, and sales promotion.

Into these operations come, as into that of actual production, the costs of labor and equipment necessary to carry them out.

The fact is that the American people are, on the average, eating more and better food than in the past decades because they have more income. As the income rises the costs in all sectors of the economy, including food production rises. The people have more income. Demand for food is greater. The food prices are higher, but the percentage of the income paid for food is lower.

My discussion today has not been meant to placate critics of food prices or to indicate that they are likely to drop. I have simply attempted to put this issue into perspective. Is it not true that the prices of all goods are rising? Is it just to expect that farmers should not participate in the rise in incomes benefiting all other segments of society? Is it fair to require that farm prices be depressed so that the increased income can be spent for luxury items?

Food is essential to life as improved medical care, housing, transportation, education, and recreation are important to rising standards of living. It is undeniable that the cost of all these things have risen. There are demands that the farmers produce more food. And, there are demands that the Government take negative actions to force this increased production. Yet, at the same time, there are demands that the Government subsidize what consumers have to pay on delivery for medical care, housing, transportation, education, and recreation.

If it is logical to use of free market incentives to encourage increased food production, is it not logical that all segments of the economy should be required to operate in the free market economy?

What we have now, though, is the contention that, on one hand, the farmers should receive no incentives from the Government to assure them that if they raise production they will not face the threat of having the bottom drop out of their income, and, on the other hand, that the Government should tightly control the prices which the farmer can command for his products.

In a market economy, the incentive to increase production is the expectation of receiving increased incomes from the investment involved. As it is, the return on investment in the agricultural sector of our economy is about 5 percent, as compared with approximately 15 percent for all manufacturing.

If harsh regulatory action is taken against the income the farmer can receive from his work and investment and no restraints are placed on the costs of his producing food and fiber, will the incentive to produce not disappear? Will it not be more logical for many farmers to put their time and money into another activity? Have we not learned any lessons from the fact that lowering the number of producers in any industry is generally followed by no, or slower, increases in productivity and by rising prices?

I have not attempted to establish myself today as a man with all the answers. At this point, I do not think anyone qualifies for that description. It has been my hope that the discussion going on in the House Chamber today, what I and others are saying, will broaden the discussion of food and farm prices to take into consideration all aspects of the issue.

The American farmer has worked hard, used his time, ingenuity, and money to help his fellow citizens achieve the highest living standard in the history of man. And, he has done it in a way that takes less of the consumers income for food than in the past. For that, the farmer deserves the thanks and appreciation of the Nation.

Mr. WOLFF. Mr. Speaker, I appreciate the concerns of my distinguished colleague from South Dakota (Mr. DENHOLM) in taking out this special order today on the subject of farm and food prices. This whole complex and very serious problem of our high food costs, which has placed such a tremendous burden on the American consumer, cannot, I think, be blamed solely on the farmers, as some would like to do.

Mr. Speaker, for the next several weeks

I will be sponsoring emergency meetings in New York with public officials and representatives from the food industry to discuss our complex food problem. At our first meeting held last week, it became increasingly clear that the major reason for our high food prices lies with shortsighted Government policies and the Government's piecemeal approach to dealing with our food problem. The "White Paper" recently released by the Cost of Living Council stated that the administration "acted even before inflation hit the supermarket shelf"; if that be the case, why, then, in January 1973 were consumers hit with an increase in food prices that was greater than any increase has been in the last 20 years? Let us look at just a few of the recent developments affecting the cost of food in this country. The much-heralded United States-Soviet wheat deal, which appropriated almost one-fourth of the U.S. grain crop, has, as most people have figured out, raised the cost of flour and bread products, and in addition, overseas feed grain sales have raised the cost of meat. The majority of our farmers did not benefit from the wheat agreement because the bulk of the profits went to agribusiness, large grain speculators, and grain brokers. The number who profited from this grain deal was significantly small in comparison to those who reaped nothing but the wheat. The smaller farmers and the American consumer were actually hurt by the agreement. This, I would decidedly call a shortsighted and self-serving action by the Federal Government. In addition, in the past year, this country has exported millions of dollars of beef to other nations, even though farmers have not been simultaneously encouraged to produce more meat to insure an adequate and reasonably priced domestic supply. By not clamping down on exports, in fact, by stimulating the outflow of food grown here, the Government has created an artificial domestic shortage that has driven food prices sky high.

The recent threat of consumer meat boycotts across the country, although they may have a very short-term effect, will in the long run produce little effect since there is a market overseas ready and able to gobble up our short meat supplies. Unless the Government encourages domestic farmers to increase productivity, unless in the interim we can place some kind of embargo on meat and other essential commodities, and until we meet American market demands adequately, I do not foresee any substantial relief for the American consumer even if, as the administration suggests, food prices are again frozen.

Mr. Speaker, the Federal Government must develop a comprehensive policy for dealing with our food problem on both a short- and long-term basis if we are not to be continually plagued by artificial shortages and high prices. I have joined with several other Members in sponsoring a resolution to establish a Select Committee on the Cost and Availability of Food, in order that the House may have a vehicle for investigating all factors influencing the cost of food and for helping to determine a policy that will insure American consumers an abundant, reasonably-priced food supply, and the American farmer a fair return on invested capital. In addition, I feel that the meetings I am sponsoring in New York will prove significant in helping to throw light on actions that can be taken now to stabilize the cost of food, and I am pleased that my colleague from South Dakota (Mr. DENHOLM) will be joining me at these meetings to share his knowledge of the farmers' interests and needs and ability to help ease this situation. I am convinced that when all parties affected by, affecting and influencing the cost of food join together, as we are now doing, we will find a solution to the food price dilemma.

A BILL TO PROVIDE FOR THE REALISTIC REGULATION OF ALL SURFACE MINING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. SAYLOR), is recognized for 60 minutes.

Mr. SAYLOR. Mr. Speaker, I cannot count the times I have appeared before this august body to discuss matters dealing with mining legislation. The number must be in the hundreds. Once more I come before you to express an opinion and draw some conclusions on the subject of mining which I believe 24 years' service in the House and on the Interior and Insular Affairs Committee permit.

There are certain points that I would like to make before getting to my main subject. In the first place, I wish it clearly understood that the legislation which I am offering is not a parochial piece of legislation. I readily admit that I represent a coal-mining district and that district lies within a State which is, and has been, famous for its production of all minerals. The measure I will discuss today is not a Pennsylvanian's bill—it is intended to be a legislative vehicle with which all Members, from all States, can easily live with. Moreover, it is intended to answer some questions—technical and otherwise—which have heretofore dogged our discussions of surface mining in the United States. The bill is designed primarily with the public's interest in mind; it was not designed to favor one industry over another, nor to favor one segment of an industry over another, nor is it possible for this bill to be the means for punishing one or more segments of a basic American industry from crimes against nature. Until recently, there were no such crimes.

I know the proposal will not satisfy everyone who has studied, debated, and discussed the surface mining and related issues. No legislation can boast of universal acceptance. The bill is offered as a potential solution to many of the vexing problems we have faced in the past few years with respect to, sometimes seemingly incompatible, national needs, aspirations, or goals.

For example, there is no question in anyone's mind that the Nation is in the throes of an energy crisis of mounting proportions. On an equal level, is the growing demand by our citizens that the environment must be protected for future generations. For a number of complex reasons, it has been argued that mining and environmental protection were mutually exclusive. I contend that we can continue to derive the benefits of our industrial society and, at the same, protect the environment.

The public is accustomed to the high standard of living that is dependent in large part on the extractive industries, but for the most part, it is unaware of the necessity of mining. The question is, can we maintain the quality of our lifestyles and improve the quality of our environment at the same time? In my opinion, we can. Except for some fringe commentary, most citizens have an abiding faith in our technical ability to have the best of both worlds. The legislation I am introducing today is directed at the goal of realistic regulation of all surface mining to protect and improve the environment while permitting and encouraging improvements in our standard of living.

SURFACE MINING AND THE LEGISLATIVE PROCESS

In the waning days of the 92d Congress, the House passed a surface mining bill which dealt solely with one solid mineral—coal. After attempts over the previous 2 years to broaden the language of that bill to include other minerals, I supported that measure as a necessary beginning point. I said at that time:

> I will tell my colleagues that H.R. 6482 (92d Congress) is not a perfect bill. It will not provide all the answers. Nor, will it be without problems in its administration. H.R. 6482 is recognition at the Federal level of an issue that has become one of national concern.

The issue, of course, is surface mining; it transcends that of just the mining of coal. The House measure of last year was a start. It was not a perfect bill as many other members of the House Committee on Interior and Insular Affairs, and others, pointed out at the time. In light of this, and the fact that the Senate did not act on similar legislation during the last session, the issue is again before the Congress.

The Senate Interior Committee has recently completed hearings on bills which are directed toward the regulations of all surface mining. Recognizing the unique situation that exists with respect to this type of legislation, the House committee has scheduled joint hearings to commence April 9 before both the Subcommittee on Mines and Mining and the Subcommittee on the Environment. I know that there are those who object to this combination of jurisdiction on the critical matters raised by the bills already introduced, but upon sober reflection, I think it is entirely proper that the pull and tug of the varying economic, social, and regional points of view be accorded this crucial issue and the joint hearings will provide just that.

THE SURFACE MINING AND RECLAMATION ACT OF 1973

Mr. Speaker, I will not delve into all the ramifications of the debate of last year with respect to surface mining; suffice it to say that we must face the is-

sue again in the 93d Congress, and in a sense, I am relieved that we have the hiatus in order that better legislative vehicles could be constructed for consideration by the membership of this House. I believe that my colleagues will see in the "Surface Mining and Reclamation Act of 1973" proposal a vehicle which answers a number of knotty problems left unresolved in the last Congress, and a proposal which meets the dual needs of protecting the environment while guaranteeing the continuation of the mining industry.

In a sentence—my bill encompasses all minerals; primary enforcement of the provisions of the act would be in the hands of the State rather than the Federal Government; and the necessary flexibility for regulation is included to account for variations in terrain and climate throughout the United States. Most Members are aware of my long-standing belief that legislation in this field must include all minerals—after all, we are talking about all surfaces—so I will not go into a lengthy discussion on that point.

I would like to make a slight discourse on the second point: Primary enforcement would be in the hands of State regulatory agencies. The point was put in sharp relief in recent testimony from the Interstate Mining Compact before the Senate Interior Committee. The compact is made up of representatives of the States of Pennsylvania, Oklahoma, North Carolina, Kentucky, West Virginia, and South Carolina. The State of Tennessee, according to late information, is about to join the compact.

Testifying for the compact, Pennsylvania's Associate Deputy Secretary for Mines and Land Protection of the Department of Environmental Resources, Walter Heine, said:

> It is this Commission's belief that the states are better equipped to handle the regulation of surface mining because of their knowledge of and sensitivity to the great diversity of terrain, climate, biologic, chemical and other physical conditions of, and the needs and aspirations of the local citizens and governments in areas where surface mining occurs. The states generally possess qualified staff and the enforcement power which is required for a truly effective surface mining regulatory program. This expertise should be utilized and expanded with federal programs grants to achieve uniformity of enforcement. General technical criteria should be required to meet federal standards and should be subjected to continual federal evaluation.

All too often in the Halls of Congress, there is an assumption that the States will not do the job required of them, thus necessitating Federal action. I believe I can convincingly prove to you that, in terms of surface mining regulation and reclamation, the States are beginning to do the job, and have been in some cases, such as in my own State, doing a credible and commendable job of regulation of the extractive industries which the Federal Government could not begin to match. Mr. Heine quietly asks the Congress to recognize this expertise and experience, but I will shout it from the well. True enough, there is a role for the Federal Government—but that role must not, should not, impede the progress that some States have already made in implementing surface mining regulation and reclamation procedures.

Mr. Speaker, the States that now comprise the Interstate Mining Compact have a combined mineral production of over $2.5 billion per year which represents approximately 22 percent of the entire mineral production of these United States exclusive of gas and petroleum. I do not think that we can lightly dismiss the experience and expertise of such States in considering Federal legislation.

PROVISIONS OF THE LEGISLATION

The bill I am introducing today constitutes, I believe, a significant improvement over the various approaches which were before the Congress in the last session. Basic to this legislation is the balance achieved between rather detailed Federal criteria and discretionary authority for the States with whom is vested primary regulatory authority. The Federal Government's authority is essentially an initial responsibility for promulgation with various review authorities over the States. This balance between Federal requirements and discretionary authority for the States was largely the result of the role played by the Pennsylvania Department of Environmental Resources, which is recognized as the leading State enforcement authority for the Nation's most stringent State surface mining and reclamation statute, most recently amended in 1971. Significantly, the legislation necessitates no new technology or equipment prior to promulgation and enforcement.

This legislation is clearly corrective rather than punitive or arbitrary. It provides very definite parameters—section 211—within which the industry has certain flexibility through the mechanism of a surface mining and reclamation permit application. The burden of proof is correctly vested with the operator, rather than the public or the State regulatory authority, and the operator bears the burden of demonstrating through the surface mining and reclamation permit application that the proposed mining and reclamation operations can and will be conducted in accordance with the requirements of this act. This legislation allows for further flexibility by recognizing at the outset that there exists "diversity of terrain, climate, biologic, chemical, and other physical conditions in areas subject to surface mining operations." It is a bill based on State experience in regulation of surface mining which is applicable to all States, not just Pennsylvania.

Federal criteria for surface mining and reclamation operations include as minimum requirements that the operator:

First, restore the land affected to a condition at least fully capable of supporting the uses which it was capable of supporting prior to any mining, provided that the operator's proposed land use following the reclamation is not deemed to be impractical or unreasonable, or inconsistent with applicable land use policies and plans;

Second, obtain the written consent of the surface landowners, if different from the applicant;

Third, limit the amount of surface excavated at any one time in conformity with the approved reclamation plan;

Fourth, minimize reaffecting the land in the future by recovering all mineral resources that can be technologically and economically extracted on the land to be affected;

Fifth, remove, segregate, and preserve topsoil, covering it with a quick-growing ground cover and maintaining a successful cover thereafter to avoid wind and water erosion;

Sixth, remove, segregate, and protect spoil materials to prevent wind and water erosion until backfilling;

Seventh, stabilize all soil, subsoil, spoil, waste, and refuse piles to prevent sliding by layering, compacting, imposing slope and height limitations and establishing, where possible, vegetative cover;

Eighth, insure that when performing surface mining on natural slopes in excess of 14 degrees from the horizontal that the applicant can affirmatively demonstrate that the proposed mining method will effectively prevent sedimentation, landslides, erosion, or acid, toxic, or mineralized water pollution and that such areas can be reclaimed as required by the act;

Ninth, backfill, compact, and regrade the area of land affected so that it is restored to its approximately original contour with all highwalls, spoil piles, and depressions to hold water eliminated, with other provisions including terracing only when the regulatory authority finds that the reasons advanced are satisfactory and that the natural slope or contour of the area to be affected is less than 14 degrees.

Tenth, plant on all affected lands a stable and self-regenerating vegetative cover approved by the regulatory authority, which, where advisable, shall be native vegetation with the operator maintaining such planting for a period of 5 years after the termination, for any reason, of the operation;

Eleventh, maintain the quality of water in surface and subsurface water systems both during and after surface mining and reclamation operations in accordance with the highest applicable water quality standards, with specific methods prescribed in the criteria and by the regulatory authority;

Twelfth, insure that water impoundments are properly designed and maintained during the mining operation so as to prevent siltation, water pollution, and ruptures during storms of "50-year frequency";

Thirteenth, insure protection of offsite areas from slides or damage with no waste accumulations located outside the approved permit area;

Fourteenth, insure that explosives are used only in accordance with existing State and Federal law and that blasting schedules be posted with advance written notice to local governments and residents;

Fifteenth, remove and otherwise dispose of all debris, structures, facilities, and equipment upon the approval of the performance bond release.

This is a partial list of the Federal criteria established by section 211 of my bill.

This legislation imposes no unreasonable deadlines. Rather than imposing a moratorium on new and expanded surface mining operations upon enactment until State programs or Federal programs are approved, this bill provides for an interim permit system for surface coal mine operations on Federal lands, Indian lands, and lands within any State. The Secretary of the Interior must first publish proposed regulations within 6 months after enactment for surface mining and reclamation operations for coal; and within 15 months after enactment for other minerals. Opportunity for public hearings are provided, and regulations must be promulgated within 60 days after the completion of hearings. The States may then submit plans for State programs after promulgation of Federal regulations and the Secretary must approve or disapprove the State programs within 4 months after submission. In the event that a State fails to submit a State program or fails to revise and resubmit a State program, the Secretary is then authorized to implement, following public hearings in that State, a Federal program for that State. There is also a provision for a Federal lands program on Federal and Indian lands. The States must be in compliance with State programs or Federal programs within 24 months after enactment in order that surface mining operations may continue.

The term of the permit is 5 years with provisions for the operator to affect smaller areas under permit through approval of bonded areas. Bond release for each bonded area may be partial with the operator first becoming eligible when at least 60 percent of the backfilling and regarding of a bonded area is complete and in accordance with the approved reclamation plan.

Public notice and opportunity for public hearings are provided prior to promulgation of Federal regulations for State programs, Federal program for a State, and Federal lands programs. Also, public notice and public hearings must be afforded prior to submission of a State program to the Secretary, prior to promulgation of a Federal program for a State, and in both cases before a prerequisite mining lands review process during review of areas for designation as unsuitable for surface mining. Prior to permit approval the operator bears the burden of public notice and the regulatory authority bears the burden of conducting public hearings where requested and justified.

This legislation provides for the designation of areas unsuitable for surface mining operations, establishing a mandatory review process of "areas of critical concern" prior to approval of State programs or eligibility for a Federal program for a State. Federal lands are also required to undergo this review process.

Special regulations are required to be promulgated for large open pit mining operations with requirements to slope remaining highwalls not to exceed 35 degrees with replacement of topsoil, revegetation, and maintenance of slopes. Where the mineral or overburden is not of a toxic or polluting nature, step terracing is permitted.

This act establishes an abandoned mine reclamation fund with an initial authorization of $100 million.

I hope that everyone will look carefully at this bill as a solution to a very pressing problem affecting almost every State in our Nation.

The text of the Surface Mining Reclamation Act of 1973 follows:

H.R. 5988

A bill to provide for the regulation of surface mining operations in the United States, to authorize the Secretary of the Interior to make grants to the States to encourage State regulation of surface mining, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Surface Mining Reclamation Act of 1973".

TITLE I—FINDINGS, PURPOSES, AND DEFINITIONS

TITLE II—EXISTING AND PROSPECTIVE SURFACE MINING AND RECLAMATION OPERATIONS

TITLE III—ABANDONED AND UNRECLAIMED MINED AREAS

TITLE IV—ADMINISTRATIVE AND MISCELLANEOUS PROVISIONS

TITLE I—FINDINGS, PURPOSES, AND DEFINITIONS

FINDINGS

SEC. 101. The Congress finds and declares that—

(a) extraction of minerals by surface mining operations is a significant and essential activity which contributes to the economic, social, and material well-being of the Nation:

(b) many unregulated surface mining operations result in disturbances of surface areas that burden and adversely affect commerce and the public welfare by destroying or diminishing the utility of land for commercial, industrial, residential, recreational, agricultural, and forestry purposes by causing erosion and landslides, by contributing to floods, by polluting the water, by destroying fish and wildlife habitat, by impairing natural beauty, by damaging the property of citizens, by creating hazards dangerous to life and property, by degrading the quality of life in local communities, and are not coordinated with governmental programs and efforts to conserve soil, water, and other natural resources;

(c) surface mining reclamation technology is now developed so that effective and reasonable regulation of surface mining operation by the States and by the Federal Government in accordance with the requirements of this Act is an appropriate and necessary means to prevent the adverse social, economic, and environmental effects of mining operations; and

(d) because of the diversity of terrain, climate, biologic, chemical, and other physical conditions in areas subject to surface mining operations, the primary governmental responsibility for developing, authorizing, issuing, and enforcing regulations for surface mining and reclamation operations subject to this Act should rest with the States in the proper exercise of their police power.

PURPOSE

SEC. 102. It is the purpose of this Act to—

(a) establish a nationwide program to prevent the adverse effects to society and the environment resulting from many surface mining operations;

(b) assure that the rights of surface landowners are fully protected from such operations;

(c) assure that surface mining operations are not conducted where reclamation is not feasible;

(d) assure that surface mining operations are so conducted as to prevent permanent degradation to land and water;

(e) assure that adequate measures are undertaken to reclaim surface areas as contemporaneously as possible with the surface mining operations;

(f) assist the States in developing and implementing such a program; and

(g) wherever necessary, exercise the full reach of Federal constitutional powers to insure the protection of the public interest through the effective control of surface mining operations.

DEFINITIONS

SEC. 103. For the purpose of this Act—

(a) The term "approximate original contour" means that surface configuration achieved by backfilling and grading so that the affected area is blended into the surrounding terrain in such manner that the restored area complements the drainage pattern of and is similar in appearance to the surrounding terrain, with all highwalls eliminated.

(b) The term "areas of critical concern" means an area on lands within any State where development, including mining, whether controlled and planned or uncontrolled and unplanned, could result in significant damage to important historic, cultural, environmental, economic, or esthetic values, or natural systems or processes, which are of more than local significance, or could endanger life and property as a result of natural hazards of more than local significance.

(c) The term "bonded area" means that area of land within the permit area upon

which the operator will initiate and conduct surface mining and reclamation operations.

(d) The term "commerce" means trade, traffic, commerce, transportation, transmission, or communication among the several States, or between a State and any other place outside thereof, or between points in the same State which directly or indirectly affect interstate commerce.

(e) The term "Federal land" means any land owned by the United States without regard to how the United States acquired ownership of the land and without regard to the agency having responsibility for management thereof, except Indian lands.

(f) The term "Federal lands program" is a program established by the Secretary pursuant to section 223 of this Act to regulate surface mining and reclamation operations on Federal lands and Indian lands.

(g) The term "Federal program" is a program established by the Secretary pursuant to section 205 of this Act to regulate surface mining and reclamation operations for coal or for other minerals, whichever is relevant on lands within a State in accordance with the requirements of this Act.

(h) The term "Indian lands" means all lands included within Indian reservations, or lands held by the United States in trust for Indians, including restricted allotted lands over which the Secretary exercises supervisory control.

(i) The term "land affected" or "land to be affected" or "affected area" means the area from which the mineral is removed by surface mining, and all other lands whose natural state has been or will be disturbed as a result of the surface mining activities of the operating including, but not limited to, railroads, roads, and private ways, land excavations, water impoundments, workings, refuse banks, spoil banks, culm banks, tailings, repair areas, storage areas, processing areas, shipping areas, including conveyors, and areas in which structures, facilities, equipment, machines, tools, or other materials or property which would result from or are used in surface mining operations and which are situated appurtenant to the center of the surface mining and reclamation operations of the operator.

(j) The term "lands within any State" or "lands within such State" means all lands within a State other than Federal lands and Indian lands.

(k) The term "operator" means the person, firm, corporation, or partnership or any other business entity engaged in surface mining as a principal as distinguished from an agent or independent contractor.

(l) The term "other minerals" means clay, stone, sand, gravel, metalliferous and nonmetalliferous ores, and any other solid material or substance of commercial value excavated in solid form from natural deposits on or in the earth, exclusive of coal and those minerals which occur naturally in liquid or gaseous form.

(m) The term "permit" means a permit to conduct surface mining and reclamation operations on the area of land to be affected issued by the State regulatory authority pursuant to a State program or by the Secretary pursuant to a Federal program.

(n) The term "permit applicant" or "applicant" means a person applying for a permit.

(o) The term "permittee" means a person holding a permit.

(p) The term "person" means an individual, partnership, association, society, joint stock company, firm, company, corporation, or other business organization.

(q) The term "reclamation plan" is a plan submitted by an applicant for a permit under a State program or Federal program which sets forth a plan for reclamation of the proposed surface mining operations pursuant to sections 210 and 211 of this Act.

(r) The term "regulatory authority" means the State regulatory authority where the State is administering this Act under an approved State program or the Secretary where the Secretary is administering the Act under a Federal program.

(s) The term "Secretary" means the Secretary of the Interior or his designee.

(t) The term "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, and Guam.

(u) The term "State program" is a program established by a State pursuant to section 204 of this Act to regulate surface mining and reclamation operations for coal or for other minerals, whichever is relevant on lands within a State in accord with the requirements of this Act and regulations issued by the Secretary pursuant to this Act.

(v) The term "State regulatory authority" means the department or agency in each State which has primary responsibility at the State level for administering this Act.

(w) The term "step-terracing" means the utilization of the mineral cleavage planes of nontoxic or nonpolluting mineral deposits and their overburden to develop a series of steps, with approximately vertical walls and horizontal planes, from the top of the stable portion of the highwall to the floor of the pit, taking into consideration public health and safety.

(x) The term "surface mining and reclamation operations" means surface mining operations and all activities necessary and incident to the reclamation of such operations.

(y) The term "surface mining operations" means the activities conducted on the surface of lands in connection with a surface mine, the products of which enter commerce or the operations of which directly or indirectly affect commerce, including the exploration for and the extraction of coal or other minerals from the earth or stream beds while removing strata which overlies them, lies between them, or commingles with them, including contour, strip, open pit, auger mining, exploration excavations, test borings or core samplings, dredging, quarrying, leaching, in situ, distillation or retorting and cleaning, concentrating or other processing or preparation (excluding refining and smeltering) and the loading for interstate commerce of crude materials at or near the mine site. Such activities do not include the extraction of minerals in a liquid or gaseous state by means of wells or pipes unless the process includes in situ, distillation, or retorting.

(z) The term "surface or subsurface water" means all streams, lakes, ponds, marshes, waterways, wells, springs, drainage systems, acquifers, and all other bodies or accumulations of water surface or underground, natural or artificial.

(aa) The term "terracing" means backfilling, compacting (where advisable) and grading where the steepest slope of the affected area shall not be greater than 35 degrees from the horizontal with the table portion of the restored area a flat terrace without depression to hold water and with adequate provisions for drainage, except that depressions to hold water may be allowed by the regulatory authority where retention of water is required or desirable for reclamation purposes and is consistent with the operators' approved reclamation plan.

(bb) The term "water pollution" or "pollution of water" means placing any toxic, noxious, or deleterious substances in any waters or affecting the property of any waters in a manner which renders such waters harmful or inimicable to the public health, or to animal or aquatic life, or to the use of such waters for domestic water supply or industrial, agricultural, or recreational purposes.

TITLE II—EXISTING AND PROSPECTIVE SURFACE MINING AND RECLAMATION OPERATONS

GRANT OF AUTHORITY; PROMULGATION OF FEDERAL REGULATIONS

SEC. 201. (a) Within one hundred and eighty days after the date of enactment of this Act, the Secretary in accordance with the purposes, requirements, and the procedures of this Act, shall develop and publish in the Federal Register regulations covering surface mining and reclamation operations for coal, and shall set forth in reasonable detail those actions which a State must take to develop a State program and otherwise meet the requirements of this Act.

(b) Not later than the end of the twenty-four full calendar month period following the date of the enactment of this Act, the Secretary, in accordance with the purposes and requirements of this Act and procedures set forth in this section shall develop and publish in the Federal Register regulations covering surface mining and reclamation operations for other minerals, and shall set forth in reasonable detail those actions which a State must take to develop a State program and otherwise meet the requirements of this Act.

(c) Such regulations for coal and for other minerals shall not become effective until the Secretary has first published and proposed regulations in the Federal Register and afforded interested persons and State and local governments a period of not less than forty-five days after publication to submit written comments. Except as provided in subsection (d) of this section, the Secretary shall, upon the expiration of such period and after consideration of all written comments and relevant matter presented, promulgate the regulations with such modifications as he may deem appropriate.

(d) On or before the last day of any period fixed for the submission of written comments under subsection (c) of this section, any interested person or any State and local government may file with the Secretary written objections to a proposed regulation, stating the grounds therefor and requesting a public hearing by the Secretary on such objections. Within fifteen days after the period for filing such objections has expired, the Secretary shall publish in the Federal Register a notice specifying the proposed regulation to which objections have been filed and for which a public hearing has been requested, and the date (which date shall be no later than thirty days after the date of publication of the notice pursuant to this subsection), time, and place of such public hearing wherein statements concerning the proposed regulation and objections thereto shall be received. To the extent possible, hearings pursuant to this section shall be held in the States and regions affected.

(e) Within sixty days after completion of any hearings, the Secretary shall issue a report setting forth his findings of fact and views on such objections and shall promulgate the regulations with such modifications as may be required. The regulations shall be effective thirty days after their publication in the Federal Register.

(f) Chapter 5 of title 5 of the United States Code (relating to administrative procedures) shall be applicable to the administration of this Act, except that whenever procedures provided for in this Act are in conflict with such chapter, the provisions of this Act shall prevail.

OFFICE OF SURFACE MINING AND RECLAMATION ENFORCEMENT

SEC. 202. (a) There is hereby established in the Department of the Interior the Office of Surface Mining and Reclamation Enforcement (hereinafter referred to as the "Office").

(b) The Office shall have a Director who

shall be appointed by the President, by and with the advice and consent of the Senate, and shall be compensated at the rate provided for level V of the Executive Schedule Pay Rates (5 U.S.C. 5315), and such other employees as may be required. The Director shall have the responsibilities provided for under this Act and such duties and responsibilities as the Secretary may assign. No existing legal authority in the Department of the Interior which has as its purpose promoting the development or use of coal or other mineral resources, shall be transferred to the Office.

(c) The Secretary, acting through the Office, shall—

(1) administer the State grant-in-aid program for the development of State programs for surface mining and reclamation operations provided for in title IV of this Act;

(2) administer the State grant-in-aid program for the purchase and reclamation of abandoned and unreclaimed mined areas pursuant to title III of this Act;

(3) administer the State grant-in-aid programs for State mining lands review and the designation of land areas unsuitable for surface mining operations pursuant to section 213 of this Act;

(4) administer the surface mining and reclamation research and demonstration project authority provided for in section 403 of this Act;

(5) develop and administer any Federal programs for regulation of surface mining and reclamation operations which may be required pursuant to this Act, including the enforcement of all Federal air and water quality standards, laws, and regulations applicable to surface mining;

(6) review State programs for regulation of surface mining and reclamation operations pursuant to this title;

(7) consult with other agencies of the Federal and State government having expertise in the control and reclamation of surface mining operations;

(8) assist the States in the development of State programs for the regulation of surface mining which meet the requirements of this Act and, at the same time, reflect local requirements and local environmental conditions;

(9) assist the States in developing objective scientific criteria and appropriate procedures and institutions for determining those areas of a State which, pursuant to section 213 of this Act should be declared unsuitable for surface mining;

(10) publish and promulgate such rules and regulations as may be necessary to carry out the purposes and provisions of this Act;

(11) make investigations or inspections necessary to insure compliance with this Act and the rules and regulations adopted pursuant thereto;

(12) conduct hearings, administer oaths, issue subpenas, and compel the attendance of witnesses and the production of written or printed materials;

(13) issue cease-and-desist orders; review and vacate or modify or approve orders and decisions;

(14) order the suspension, revocation, or withholding of any permit for failure to comply with any of the provisions of this Act or any rules and regulations adopted pursuant thereto;

(15) appoint such advisory committees as may be of assistance to the Secretary in the development of programs and policies;

(16) designate certain areas as unsuitable for surface mining; and

(17) perform such other duties as are provided by law. For the purpose of avoiding duplication, the Secretary is hereby authorized to coordinate the process of review and issuance of permits required by this Act with any Federal or State permit process required by applicable laws, rules, or regulations.

SURFACE MINING OPERATIONS WHICH MAY BE SUBJECT TO THIS ACT

SEC. 203. (a) The provisions of this Act shall apply to all surface mining operations although the regulatory authority may, where conditions warrant, except the following surface excavations from one or more provisions of this Act:

(1) Those surface excavations made in connection with mining operations carried on beneath the surface by means of shafts, tunnels, or other underground mine openings.

(2) Foundation excavations for the purpose of constructing buildings and other structures.

(3) Excavations by an agency of Federal, State, or local government or its authorized contractors for highway and railroad cuts and fills.

(4) The extraction of minerals by a landowner for his own noncommercial use from land owned or leased by him.

(5) The commercial extraction of minerals in total amounts of not more than two thousand tons of marketable minerals in any year if the total acreage affected does not exceed three acres.

(6) Archeological excavations.

(7) Such other surface mining operations which the Secretary determines to be of an infrequent nature and which involve only minor surface disturbances.

(b) In promulgating regulations to implement this section, the Secretary shall consider the nature of the class, type, or types of activity involved; the magnitude of the mining activities (in tons and acres); their potential for adverse environmental impact; and whether class, type, or types of activity are already subject to an existing regulatory system by State or local government or an agency of the Federal Government.

STATE AUTHORITY; STATE PROGRAMS

SEC. 204. (a) To be eligible to receive financial assistance provided for under titles III and IV of this Act and to be eligible to assume full control over surface mining operations for coal and other minerals on lands within any State, a State shall submit a State program in accordance with the requirements of this Act which program shall demonstrate that such State has—

(1) a State law which provides for the regulation of surface mining and reclamation operations in accordance with the requirements of this Act and the regulations issued by the Secretary pursuant to this Act;

(2) a State law which provides sanctions for violations of State laws, regulations, or conditions of permits concerning surface mining and reclamation operations which sanctions shall meet the requirements of this Act, including civil and criminal actions, forfeiture of bonds, suspension, revocation, and withholding of permits, and the issuance of cease-and-desist orders by the State regulatory authority or its inspectors;

(3) a State regulatory authority with sufficient administrative and technical personnel, adequate interdisciplinary expertise, and sufficient financial resources to enable the State to regulate surface mining and reclamation operations in accordance with the requirements of this Act;

(4) a State law which provides for the effective implementation, maintenance, and enforcement of a permit system for the regulation of surface mining and reclamation operations for coal on lands within such State;

(5) a State law which provides for the effective implementation, maintenance, and enforcement of a permit system for the regulation of surface mining and reclamation operations for other minerals on lands within such State; and

(6) established a mining lands review process in accordance with section 213 of this Act and that it is actively conducting a review of the mining lands within its boundaries in accordance with such section 213.

(b) The Secretary shall not approve any State program submitted by a State pursuant to this section until—

(1) he has solicited and publicly disclosed the views of the Administrator of the Environmental Protection Agency, the Secretary of Agriculture, and the heads of other Federal agencies concerned with or having special expertise pertinent to the proposed State program; and

(2) he has provided an opportunity for a public hearing on the State program within the State.

(c) The Secretary shall within four full calendar months following the submission of any State program, approve or disapprove such State program or any portion thereof. The Secretary shall approve a State program if he determines that the State program meets the requirements of this Act.

(d) If the Secretary disapproves any proposed State program, he shall notify the State in writing of his decision and set forth in detail the reasons therefor. The State may resubmit a revised State program.

FEDERAL PROGRAMS

SEC. 205. (a) The Secretary may prepare and, subject to the provisions of this section, promulgate and implement a Federal program for a State if such State—

(1) fails to submit a State program covering surface mining and reclamation operations for coal within twelve full calendar months after the promulgation of the Federal regulations for such operations;

(2) fails to submit a State program for surface mining and reclamation operations for other minerals within twelve full calendar months after promulgation of Federal regulations for such operations; or

(3) fails to enforce its approved State program as provided for in this Act.

Promulgation and implementation of a Federal program for a State vests the Secretary with the full authority provided for in this Act for the regulation and control of surface mining and reclamation operations taking place on lands within any State not in compliance with this Act. After promulgation and implemenation of a Federal program the Secretary shall take into consideration the nature of that State's terrain, climate, biological, chemical, and other relevant physical conditions.

(b) Prior to promulgation and implementation of any proposed Federal program for a State, the Secretary shall give notice and hold a public hearing in the affected State. In no event shall the Secretary promulgate and implement a Federal program for a State if such State has failed to complete and implement its mining lands review under section 213 of this Act by designating certain land, if any, within such State as being unsuitable for all or certain types of surface mining operations.

(c) Permits issued pursuant to an approved State program which has been preempted pursuant to this Act shall be valid but reviewable under a Federal program. Immediately following promulgation of a Federal program for a State, the Secretary shall undertake to review such permits to determine that the requirements of this Act are not violated. If the Secretary determines any permit to have been granted contrary to the requirements of this Act, he shall so advise the permittee and provide him a reasonable opportunity for submission of a new application and reasonable time to conform ongoing surface mining and reclamation operations to the requirements of the Federal program.

(d) If a State submits a proposed State program to the Secretary after a Federal program has been promulgated and implemented pursuant to this section, and if the Secretary approves the State program, the Federal program shall cease to be effective after the

Secretary determines that the plan is being effectively implemented in accordance with the requirements of this Act.

(e) Upon the approval of the Secretary of a State program, administration and enforcement of all air and water quality standards, laws, or regulations applicable to surface mining may be vested in the State regulatory authority in the interests of avoiding duplication by agencies of the Federal or State government.

STATE LAWS

SEC. 206. (a) No State law or regulation 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 issued pursuant thereto, except insofar as such State law or regulation is inconsistent with Section 101 of this Act.

(b) Any provision of any State law or regulation in effect upon the date of enactment of this Act or which may become effective thereafter, which provides, in the Secretary's opinion, more stringent environmental controls and regulations of surface mining and reclamation operations than do the provisions of this Act or any regulation issued pursuant thereto shall not be construed to be inconsistent with this Act. Any provision of any State law or regulation in effect on the date of enactment of this Act, or which may become effective thereafter, which provides for the control and regulation of surface mining and reclamation operations for which no provision is contained in this Act shall not be construed to be inconsistent with this Act.

INTERIM REQUIREMENTS AFTER ENACTMENT AND PRIOR TO APPROVAL OF STATE PROGRAMS

SEC. 207. (a) After the date of enactment of this Act, and within twelve full calendar months after promulgation of Federal regulations for surface coal mining, no person shall open or develop any new or previously mined and abandoned site for surface coal mining operations on lands within any State, unless such person has first obtained an interim permit from the appropriate State regulatory authority. The State regulatory authority may issue such interim permits upon application made by the operator. Such application and permit shall be in accordance with the requirements of this Act.

(b) After the date of enactment of this Act and prior to the promulgation of Federal regulations for surface coal mining, no person shall open or develop any new or previously mined and abandoned site for surface coal mining operations on Federal lands or Indian lands, unless such person has first obtained an interim permit from the Secretary. The Secretary may issue such interim permits upon application made by the operator. Such application and permit shall be in accordance with the requirements of this Act.

(c) If an operator proposes to expand by more than 10 per centum the existing area of land affected in the preceding twelve months by a surface coal mine operation on lands within any State, after the date of enactment of this Act, and within twelve full calendar months after promulgation of Federal regulations for coal, an interim permit may be issued by such operator. Such application and permit shall be in accordance with the requirements of this Act.

(d) If an operator proposes to expand by more than 10 per centum the existing area of land affected in the preceding twelve months by a surface coal mine operation on Federal lands or Indian lands, after the date of enactment of this Act, and prior to the promulgation of Federal regulations for coal, an interim permit may be issued by the Secretary upon application made by such operator. Such application and permit shall be in accordance with requirements of this Act.

PERMITS

SEC. 208. (a) After the expiration of the twelve full calendar months following the date of promulgation of the Federal regulations for surface coal mining, no person shall engage in or carry out on lands within any State any surface coal mining operation, including exploratory activities, unless such person has a valid permit from the regulatory authority pursuant to an approved State program or Federal program for that State.

(b) After the expiration of the twenty-four full calendar months following the date of promulgation of Federal regulations for other minerals no person shall engage in or carry out on lands within any State any surface mining operations, including exploratory activities, for other minerals, unless such person has first obtained a permit issued by the regulatory authority pursuant to an approved State program or Federal program for that State.

(c) After the promulgation of Federal regulations under this Act, no person shall engage in or carry out on Federal lands or Indian lands any surface mining operations including exploratory activities, for any mineral covered by this Act, unless such person has first obtained a permit from the Secretary pursuant to a Federal program under this Act.

(d) Permits shall be of two types: Surface exploration, and surface mining and reclamation. The term of a surface mining and reclamation permit shall be for five years unless sooner completed, suspended, or revoked in accordance with the provisions of this Act. Suspension, revocation, or completion shall in no way relieve the operator of his obligation to comply with the reclamation requirements of his permit, this Act, or with an approved State program or Federal program under this Act.

(e) A surface mining and reclamation permit shall carry with it the right of renewal, and such renewal shall be granted after the public notice and public hearing provisions of this Act are complied with and the permittee can demonstrate compliance with the requirements of an approved State program or a Federal program for the State within which the operations are conducted, and the capability to implement the reclamation plan applicable to the operations covered by the permit. Prior to approving the renewal of any permit, the regulatory authority shall review the permit and the surface mining and reclamation operations in accordance with this Act, and may require such new conditions and requirements as are necessary to reflect changing circumstances.

SURFACE EXPLORATION PERMIT REQUIREMENTS

SEC. 209. (a) Each application for a surface exploration permit under a State or Federal program pursuant to the provisions of this Act shall be accompanied by a fee established by the regulatory authority. Such fee shall be based, as nearly as possible, upon the actual or anticipated cost on a per permit basis of reviewing administering, and enforcing such a permit issued pursuant to a State or Federal program. The application and supporting technical data shall be submitted in a manner satisfactory to the regulatory authority and shall include a description of the purpose of the proposed exploration project. The supporting technical data shall include, among other things—

(1) a general description of the existing environment;

(2) the location of the area of exploration by either metes or bounds, lot, tract, range, or section, whichever is most applicable, including a copy of the pertinent United States Geological Survey topographical map or maps with the area to be explored explicitly delineated thereon;

(3) a description of existing roads, railroads, utilities, and rights-of-way, if not shown on the topographical map;

(4) the location of all surface bodies of water, if not shown on the topographical map;

(5) aerial photographs of the area to be explored;

(6) the type of mineral to be sought;

(7) the planned approximate location of any access roads, railroads, cuts, drill holes, and necessary facilities that may be constructed in the course of exploration, all of which shall be plotted on the topographical map;

(8) the estimated time of exploration;

(9) the ownership of the surface land to be explored;

(10) the written permission of all surface landowners of any exploration activities, except where the applicant owns such exploration rights;

(11) provisions for reclamation of all land disturbed in exploration, including excavations, roads, drill holes, and the removal of necessary facilities and equipment; and

(12) such other information as the regulatory authority may require.

In the exploration of minerals closely associated with coal measure, the crop line barriers may not be breached.

(b) If an applicant is denied a surface exploration permit under this Act, or if the regulatory authority fails to act within a reasonable time, then the applicant may seek relief under the appropriate administrative procedures.

(c) Any person who conducts any surface exploration activities in connection with the surface mining of the minerals covered by this Act without first having obtained a permit to explore from the appropriate regulatory authority or shall fail to conduct such exploration activities in a manner consistent with his approved surface exploration permit, shall be fined not more than $10,000. In addition, notwithstanding any other provision of this Act, the regulatory authority upon the said conviction shall withhold the issuance of any surface mining and reclamation permit to the person so fined for a period of time not to exceed twenty-four months from the date of such fine.

SURFACE MINING AND RECLAMATION PERMIT

SEC. 210. (a) Each application for a Surface Mining and Reclamation permit pursuant to an approved State program or a Federal program under the provisions of this Act shall be accompanied by a fee as determined by the regulatory authority. Such fee shall be based as nearly as possible upon the actual or anticipated cost on a per permit basis of reviewing administering, and enforcing such permit issued pursuant to a State or Federal program.

(b) The application shall be submitted in a manner satisfactory to the regulatory authority and shall contain, among other things—

(1) the name of the applicant, and whether an individual, partnership, corporation, or other business entity;

(2) the address of the applicant;

(3) the names and addresses of the agents, subsidiaries, or independent contractors who may be engaged in surface mining activities on behalf of the applicant on the land to be affected;

(4) the names and addresses of the present owners of the surface land and subsurface minerals in the land to be affected;

(5) the names and addresses of the adjacent owners of the surface land within one thousand feet of the land to be affected;

(6) if any of the above business entities are other than a single proprietor, the names, title, and address of the principal owners, or principal officers;

(7) the name and type of operation;

(8) the anticipated starting and termination dates of the proposed operation;

(9) the location of the proposed operation as plotted on the most recent United States

Geological Survey topographic map, showing the nearest town or municipality and county in which the land to be affected is located;

(10) the number of acres of land to be affected by the proposed operation;

(11) the name of the watershed and location of the surface stream or tributary into which surface and pit drainage will be discharged;

(12) a list of all names under which the applicant previously operated a surface mining operation within the boundaries of the United States or its territories and possessions;

(13) identification of any Surface Exploration or Surface Mining and Reclamation permits held by the applicant under this Act or pursuant to an approved State program under this Act in the State in which the land to be affected is located, their permit numbers, and their dates, including whether issued by a Federal or State regulatory authority or agency;

(14) when requested by the regulatory authority, a copy of any deeds, leases, options, or interests in lands in the name of the applicant or his agents pertaining to the surface mining of any minerals covered by this Act in and on the land to be affected;

(15) when requested by the regulatory authority, a statement of all lands, interests in lands, or options on such lands held by the applicant or pending bids on interests in lands by the applicant, which lands are contiguous to the land to be affected, and any information required by this paragraph which is not on public file pursuant to appropriate laws shall be held in confidence by the regulatory authority;

(16) a statement of whether the applicant, any subsidiary, affiliate, or any partner of the applicant if a partnership, any principal officer or director if the applicant is a corporation, or any other person who has a right to control or in fact controls the management of the applicant or the selection of officers, directors, or managers of the applicant has since 1960 had a surface mining permit issued by any Federal or State authority or agency suspended or revoked or has since 1960 had forfeited a surface mining bond or security deposited in lieu of bond. If so, a brief explanation of the facts involved in each case shall be attached;

(17) when requested by the regulatory authority, the climatological factors that are peculiar to the locality of the land to be affected, including the average seasonal precipitation, the average direction and velocity of prevailing winds, and the seasonal temperature ranges; and

(18) a statement of the results of test borings or core samplings from the land to be affected, including where appropriate, the surface elevation and logs of the drill holes so that the strike and dip of the mineral beds may be determined, the nature and depth of the various strata of overburden, the location of subsurface water, if encountered, and its quality the thickness of the mineral seam found, an analysis of the chemical properties of such mineral, the sulfur content of any coal seam and a chemical analysis of potentially acid or toxic forming sections of the overburden, and a chemical analysis of the stratum lying immediately underneath the mineral to be mined.

The collection and analyses of all such information associated with the requirements of this subsection shall be conducted by a laboratory which is approved by the regulatory authority. The regulatory authority may establish rules to preserve the integrity of the sampling. All information relating to test borings and core samplings required by this paragraph shall be kept confidential and not made a matter of public record, except that if such information becomes relevant to the parties to a hearing on the grant or denial of a permit or the forfeiture or release of part or all of a bond, such information may be disclosed to such interested parties under appropriate protective provisions.

(e)(1) All such applications shall also include an accurate map or plan to an appropriate scale clearly showing the land to be affected, prepared by or under the direction and certified by a registered professional engineer or registered land surveyor. Such map or plan shall show all the boundaries of the land to be affected, its surrounding drainage area, the location and names, where known, of all roads, railroads, rights-of-way, utility lines, oil wells, gas wells, water wells, lakes, streams, rivers, creeks, springs, and other surface watercourses, the names and boundary lines of the present surface landowners on and within one thousand feet of the land to be affected, and the location of all buildings on and within one thousand feet of the land to be affected, and the purpose for which each building is used.

(2) There shall also be filed with such applications typical cross section maps or plans of the land to be affected showing pertinent elevations, including the nature and thickness of the overburden, the nature and thickness of any mineral seam above the mineral seam to be mined, the nature of the stratum immediately beneath the mineral seam to be mined, the location of the aquifers or underground water, the estimated elevation of the water table, the location of any underground mines, and a profile of the anticipated final surface contour that will be achieved pursuant to the operator's approved reclamation plan. The information pertaining to the overburden and the mineral seam required by this paragraph shall be kept confidential and not made a matter of public record, except that if such information becomes relevant to the parties to a hearing on the grant or denial of a permit or the forfeiture or release of part or all of a bond, such information may be disclosed to such interested parties under appropriate protective provisions.

(3) In addition, each application shall include a proposed mining map or plan of the area of land to be affected on an appropirate scale, prepared under the direction and certified by any registered professional engineer or registered land surveyor, clearly showing the location of all rivers, streams, creeks, lakes, ponds, water impoundments, wells, springs, and any other watercourses, all mineral croplines, existing deep and surface mining liimts, the actual area to be mined, the location of pits, if any, that may be left in accordance with the operator's approval reclamation plan, spoil areas, waste or refuse areas, topsoil preservation areas, test and drill holes and their surface elevations, barriers, if any, to control subsurface water movement, strike and dip of the mineral to be mined within the area of land to be affected, the synclines and anticlines of the mineral to be mined, the contours of the surface at sufficient intervals of elevation to accurately depict the contour of the terrain, location of all buildings having private sources of water supply within one thousand feet of the area to be affected, the location of all waste water impoundments, any settling or water treatment facilities, constructed or natural drainways, and the location of any discharges to any surface body of water on the areas of land to be affected or adjacent thereto. The maps required under paragraphs (1) and (3) of this subsection may be consolidated.

(d) Each applicant for a Surface Mining and Reclamation permit pursuant to an approved State or Federal program under the provisions of this Act shall be required to submit to the regulatory authority as part of his application the written consent of, or a waiver by, the owner or owners of the surface lands proposed to be affected by surface mining operations to enter and commence surface mining operations on such land.

(e) Either the applicant for a Surface Mining and Reclamation permit pursuant to an approved State or Federal program under the provision of this Act, or if an independent contractor is used in surface mining or reclamation operations, then such independent contractor, shall be required to submit to the regulatory authority as part of the permit application a certificate issued by an insurance company authorized to do business in the State where the mine is located, certifying that the applicant has a public liability insurance policy in force for the surface mining and reclamation operations for which such permit is sought. Such policy shall provide for personal injury and property damage protection in an amount adequate to compensate any persons damaged as a result of surface mining and reclamation operations and entitled to compensation under the applicable provisions of Federal and State law, but in any event such amount shall not be less than $100,000. Such policy shall be for the term of the permit or any renewal, including the length of any and all reclamation operations required by this Act. The regulatory authority may waive the provisions of this paragraph upon a finding that the applicant is possessed and will continue to be possessed of ability to pay personal injury or property damage claims within the requirements of this paragraph.

(f) Each Surface Mining and Reclamation permit application submitted pursuant to an approved State or Federal program under the provisions of the Act shall contain a plan for the reclamation of the land to be affected. The reclamation plan shall include in a manner satisfactory to the regulatory authority the following information as a minimum:

(1) A description of the condition and uses of the land to be affected existing at the time of application, and, if the land has a history of previous mining, the uses which preceded any mining, and a discussion of the capability of the said land to support its existing use and such other uses to which land is put in the locality, giving consideration to soil, foundation, and water characteristics, topography, and vegetative cover.

(2) A declaration of the applicant's proposed land use after reclamation, including a discussion of the utility and capacity of the reclaimed land to support such use and a variety of other uses to which land is or may be put in the locality. A record of the contacts and consultations had with the appropriate governmental jurisdictions or agencies, including all appropriate local and county land use agencies, planning commissions, and zoning boards shall also be submitted.

(3) A description of the methods to be utilized to separate topsoil, subsoil, and spoil material, when appropriate, and keep them in separate storage areas, stabilizing, protecting, and conserving such materials from wind and water erosion, and the methods to be utilized in restoring topsoil to the land affected. If conditions do not permit the separation of topsoil, a full explanation of said conditions shall be given and other soil material most capable of supporting vegetative cover shall be separated, preserved, and restored in the same manner as though it were topsoil.

(4) A statement of the consideration which has been given to insuring maximum effective recovery of the mineral resources that can be technologically and economically surface or auger mined on the land to be affected.

(5) A full description of the engineering plans and techniques proposed to be used in mining and reclamation operations and the major equipment planned to be utilized in the implementation of such plans.

(6) A plan for the control and treatment, if necessary, of all water associated with the operation both during surface mining and for

a period of five years after the operation is terminated for any reason.

(7) A plan for the prevention of any pollution or diminution of the quality and quantity of surface and subsurface water courses utilized for domestic, industrial, agricultural, or recreational purposes by landowners adjacent to the land to be affected.

(8) Consistent with the applicant's declared proposed use of the land after mining, a detailed plan for backfilling, soil stabilization, compacting (where advisable), and regrading of soil materials and restoration of topsoil.

(9) Consistent with the applicant's declared proposed land use, a complete planting and revegetation program as best calculated to permanently restore, where possible, native vegetation to the land affected. Where soil and spoil materials will be exposed for an extended period of time during mining operations and where permanent native vegetation cannot be quickly established during reclamation operations, such a program shall include provisions for the establishment of quick growing natural cover to insure soil stabilization and prevent wind and water erosion. The applicant shall, also, state the consideration given to the type of soil involved, the seasonal amount of rainfall, the prevailing winds, the availability of water, and, shall include a description of the type, quantity, and frequency of application of fertilizers, if any, and the irrigation systems and quantities of water, if any, to be used in the planting program.

(10) A plan for insuring that all debris, acid forming or toxic materials constituting a potential health or safety hazard or a source of water pollution, are treated, compacted, buried, or otherwise disposed of promptly as part of the mining cycle in a manner designed to prevent such hazard or pollution from occurring.

(11) A plan for blasting where the use of explosives is contemplated, including the type of explosive and detonating equipment, and the consideration which has been given to the prevention of onsite and offsite injury or damage to people and property.

(12) The steps to be taken to insure that the surface mining and reclamation operations comply with all applicable air and water quality laws and regulations and any applicable health and safety standards.

(13) A detailed estimated timetable for the accomplishment of each major step in the reclamation plan, and the estimated total cost to him for implementation of the reclamation plan.

(14) Such other information as the regulatory authority may require.

CRITERIA FOR SURFACE MINING AND RECLAMATION OPERATIONS

SEC. 211. (a) Each State program and each Federal program shall include provisions and regulations which at a minimum require every permittee to—

(1) restore the land affected to a condition at least fully capable of supporting the uses which it was capable of supporting prior to any mining, so long as such use or uses do not present any actual or probable hazard to public health or safety or pose any actual or probable threat of water diminution or pollution, and the permit applicants' declared proposed land use following reclamation is not deemed to be impractical or unreasonable, inconsistent with applicable land use policies and plans, involves unreasonable delay in implementation, or is violative of Federal, State, or local law;

(2) obtain the written consent of the surface landowners, if different from the applicant, for the declared proposed land use;

(3) reduce the land disturbed incident to surface mining by limiting the amount of surface excavated at any one time during mining and combining the process of reclamation with progress of mining in conformity to the operator's own timetable as approved as part of his reclamation plan;

(4) recover the mineral resources that can be technologically and economically surface or auger mined on the land to be affected so that reaffecting the land in the future through mining can be minimized;

(5) remove the topsoil from the land in a separate layer, segregate it in a separate pile, and when not planned to be restored within a short period of time to a backfilled area, plant it with a quick-growing cover and maintain a successful cover thereafter so that the topsoil is preserved from wind and water erosion, remains free of an acid or toxic material, and is in a usable condition for sustaining vegetation when restored during reclamation, except if topsoil is virtually nonexistent or is not capable of sustaining vegetation, then the operator shall remove, segregate, and preserve in a like manner a subsoil which is best able to support vegetation;

(6) remove and segregate spoil materials and protect them from wind and water erosion as effectively as possible until returned during backfilling;

(7) stabilize all soil, subsoil, spoil, waste, and refuse piles to prevent sliding by, where applicable, layering, compacting, imposing slope and height limitations and by establishing, where possible, vegetative cover;

(8) insure that when performing surface mining on natural slopes in excess of 14 degrees from the horizontal, no debris, abandoned or disabled equipment, soil, spoil material, or waste mineral matter be placed on the natural downslope below the bench or mining cut, except the regulatory authority may permit the deposition of spoil material on downslopes in excess of 14 degrees from the horizontal if the permit applicant affirmatively demonstrates, and the regulatory authority specifically finds, that the methods of mining and the reclamation plan of the applicant, when implemented, will effectively prevent sedimentation, landslides, erosion, or acid, toxic, or mineralized water pollution and that such areas can be reclaimed as required by the provisions of this Act;

(9) segregate acid-forming or toxic materials uncovered during excavation or created in connection with the mining operation and promptly bury, cover, and compact or otherwise treat such materials during the mining cycle to prevent leaching and pollution of surface or subsurface waters;

(10) insure that all debris, acid-forming or toxic materials, and materials constituting a potential health or safety hazard or source of water pollution are treated, compacted, buried, or disposed of promptly as part of the mining cycle in a manner designed to prevent such hazard or pollution from occurring.

(11) backfill, compact (where advisable), and regrade the area of land affected so that it is restored to its approximate original contour with all highwalls, spoil piles, and depressions to hold water eliminated, and with adequate provision for drainage, except where retention of water is required or desirable for reclamation purposes, lakes ponds, pits, or depressions to hold water may be created; but in no event shall the slopes to the water be greater than 19 degrees from the horizontal; and where the applicant seeks to restore the area of land affected by a plan of terracing, he shall state the reasons why backfilling to approximate original contour cannot be accomplished, in which case terracing may then be permitted only if the regulatory authority finds that the reasons advanced are satisfactory and the natural slope or contour of the area of land to be affected is less than 14 degrees, except as provided in section 212;

(12) restore the topsoil or the best available subsoil which has been segregated and preserved;

(13) plant on all affected lands a stable and self-regenerating vegetative cover approved by the regulatory authority, which, where advisable, shall be comprised of native vegetation and maintain such planting for a period of five years after the termination for any reason, of the operation, except a quick-growing temporary cover may be planted on a short-term basis which shall not exceed two years unless extended by the regulatory authority for good cause shown, but such short-term plantings shall not release the operator from his obligation to provide a stable and self-regenerating vegetative covering;

(14) maintain the quality of water in surface and subsurface water systems both during and after surface mining and reclamation operations in accordance with the highest applicable water quality standards by, where applicable—

(A) constructing drainage or diversion ditches, installing pipes and pumps, and establishing settling ponds and other treatment facilities so that surface drainage and sedimentation can be controlled and treated to acceptable standards before discharge into surface water courses, but in no event shall any water be discharged into subsurface voids;

(B) preventing the accumulation of water in the pit or mine working areas through the construction of ditches, pipes, and pumps and the treatment of such water to acceptable standards before discharge into water courses, but in no event shall any water be discharged into subsurface voids, nor shall any low wall created during surface mining be breached to allow a gravity discharge of pit water;

(C) conducting surface mining operations so as to minimize the contribution of silt to run off from the disturbed area;

(D) conducting surface mining operations to avoid intrusion upon underground water impoundments, and, where such intrusion occurs, promptly report such to the regulatory authority and suspend operations in the vicinity of the intrusion until it is adequately sealed and inspected by the regulatory authority;

(E) casing or sealing of boreholes, shafts, and wells to prevent pollution of surface and subsurface waters; and

(F) such other actions as the regulatory authority may prescribe;

(15) insure that any water impoundments are properly designed and maintained during the mining operation so as to prevent siltation, water pollution, and rupture during intense storms, and any water impoundments retained as permanent parts of the reclamation plan, are engineered for stability without maintenance, with emergency spillways, so as to prevent rupture during storms of fifty-year frequency;

(16) insure the protection of offsite areas from slides or damage occurring during the surface mining and reclamation operations and that no part of the operations or waste accumulations will be located outside the permit area and that any damage will be contained within the permit area;

(17) insure that explosives are used only in accordance with existing State and Federal law and the regulations promulgated by the regulatory authority which, at a minimum, shall provide for—

(A) advance written notice to local governments and residents who would be affected by the use of such explosives of the blasting times and the posting of such times at the entrances to the mining site;

(B) specific procedures for the protection of dwellings, other buildings, and property; and

(C) specific limitations on the type of explosives and detonating equipment, the size, the timing, and frequency of blasts, based upon the physical conditions of the site, so as to prevent injury to persons and damage to property outside of the permit area, in-

cluding underground mining operations in the same vicinity; and

(18) remove and otherwise dispose of all debris, structures, facilities, and equipment upon the approval of the performance bond release.

REGULATION OF LARGE OPEN PIT MINE OPERATIONS

SEC. 212. With respect to surface mining operations for coal and other minerals in which—

(a) the amount of overburden and mineral removed is very large in proportion to the surface area disturbed;

(b) the surface mining operations take place on the same site for an extended period of time;

(c) there is insufficient overburden or other materials to return the area to conditions approximating original contour; and

(d) there is no practicable alternative method of mining the mineral;

the regulatory authority may propose and the Secretary may promulgate alternative regulations to those provided for in section 211, which, at a minimum will—

(1) insure that mining will be planned and carried out so the slope of remaining highwalls will enable replacement of soil, revegetation, and maintenance of the slopes, except in no event shall any slope created exceed 35 degrees from the horizontal, although step-terracing may be permitted where the mineral or overburden which would be exposed in the step-terracing is not of a toxic or otherwise polluting nature;

(2) insure that water and air quality standards applicable to the area to be covered by a permit will be observed and maintained;

(3) insure that public health and safety will be protected; and

(4) provide for the maximum practicable reclamation of the area to be covered by a permit to minimize adverse environmental impacts of the mining and to optimize the social, ecological, and environmental quality of the area.

DESIGNATION OF LAND AREAS UNSUITABLE FOR SURFACE MINING

SEC. 213. (a)(1) The Secretary is authorized to make annual grants to each State for the purpose of assisting the States in the development of a State mining lands review process capable of making objective decisions based upon competent and scientifically sound data and information as to which, if any, land areas of a State are unsuitable for all or certain types of surface mining operations.

(2) An area shall be designated unsuitable for surface mining operations if—

(A) reclamation pursuant to the requirements of this Act is not physically or economically possible;

(B) surface mining operations in a particular area would be incompatible with Federal, State, or local plans to achieve essential governmental objectives; or

(C) the area is an area of critical concern.

(3) To be eligible for grants under this section and to qualify its State program for approval by the Secretary under section 204 of this Act, the State must demonstrate it has developed a mining lands review process which includes—

(A) a State agency responsible for mining lands review;

(B) a data base and inventory system which will permit proper evaluation of the capacity of different land areas of the State to support and permit reclamation of surface mining operations;

(C) a method or methods for implementing decisions concerning the designation of lands unsuitable for surface mining; and

(D) proper notice requirements, opportunities for public participation and public hearings, and measures to protect the legal interests of affected surface and mineral owners in all aspects of the mining lands review process.

(4) Grants made pursuant to this section shall not exceed 80 per centum of the cost of developing and managing a State mining lands review process in the first and second years, and 60 per centum thereafter.

(5) In making grants pursuant to this section, the Secretary shall consider the present and projected levels of surface mining operations, the need for areawide planning, and the size of the State.

(6) For each of first three fiscal years following the enactment of this act there is authorized to be appropriated to the Secretary for grants to the States not more than $25,000,000 annually to carry out the purposes of this section; and for each fiscal year thereafter, there are authorized to be appropriated such sums as are necessary and appropriate to carry out the purposes of this section.

(7) Any interested citizen shall have the right to petition the State regulatory authority to seek exclusion of an area from surface mining according to the criteria set forth in (a)(2) and (a)(3) of this section. Whenever such petition contains allegations of facts with supporting affidavits which would tend to establish the unsuitability of an area for surface mining, the petitioners shall be granted a hearing within a reasonable time and a finding with reasons therefor upon the matter of their petition.

(8) Determinations of the unsuitability of land for surface mining, as provided for in this section, shall be integrated as closely as possible with present and future land use planning and regulation processes at the Federal, State, and local levels.

(b) The Secretary is authorized and directed to conduct a review of the Federal lands and to determine, pursuant to the criteria set forth in subsection (a)(2), whether there are areas on Federal lands which are unsuitable for all or certain types of surface mining operations. When the Secretary determines an area on Federal lands to be unsuitable for surface mining operations he shall withdraw such area or he shall condition any mineral or mineral entries in a manner so as to limit surface mining operations on such area.

PERMIT APPROVAL

SEC. 214. (a) Prior to approval of a surface mining and reclamation permit, or a revision or renewal thereof, pursuant to an approved State program or Federal program under the provisions of this Act, the regulatory authority shall find—

(1) that the application is complete;

(2) that reclamation can be carried out consistent with the purposes of this Act or with any approved State program or Federal program;

(3) that the land affected does not lie within three hundred feet from the outside property line of any occupied dwelling, unless waived by the owner thereof, nor within three hundred feet of any public building, school, church, community or institutional building, public park, or cemetery; nor shall the land be affected lie within one hundred feet of the outside right-of-way line of any public road, except that the regulatory authority may permit such roads to be relocated, if the interests of the public and the landowners affected thereby will be protected;

(4) that the operation will not constitute a health or safety hazard to private or public structures, lands or waters, or people;

(5) that the applicant's method of mining and reclamation plan, when implemented, will effectively prevent sedimentation landslides, erosion or acid, toxic, or mineralized water pollution of surface or subsurface water courses, or that surface mining activities will not cause the destruction of underground water courses;

(6) that mining will not irreparably harm, destroy, or materially impair any areas of critical environmental concern; and

(7) that no lake, river, stream, creek, or watercourse will be moved, interrupted, or destroyed during the mining or reclamation process except that watercourses may be relocated where consistent with the operator approved reclamation plan; and that no mining or reclamation activities will be conducted within one hundred feet of any lake, river, stream, or creek during the mining and reclamation process, except that reclamation activities may be permitted within one hundred feet of such bodies of water where it will improve an existing water pollution problem or restore a previously mined but unreclaimed area.

(b) The regulatory authority shall not issue any new Surface Mining Permit or renew or revise any existing Surface Mining Permit of any operator if it finds, after investigation, that the applicant for permit or renewal or revision of permit has failed and continues to fail to comply with any of the provisions of this Act.

PUBLIC NOTICE AND PUBLIC HEARINGS

SEC. 215. (a) Within thirty-five days after the applicant has submitted his application for a surface mining and reclamation permit, or revision or renewal of an existing permit, pursuant to the provisions of this Act or an approved State program, he shall submit to the regulatory authority a copy of his advertisement of the ownership, precise location, and boundaries of the land to be affected. Such advertisement shall be placed in a newspaper of general circulation in the locality of the proposed surface mine at least once a week for four successive weeks. Within thirty-five days after the applicant has submitted his application, he shall also submit copies of letters which he has sent to various local government bodies, planning agencies, and sewage and water treatment authorities, or water companies in the locality in which the proposed surface mining will take place notifying them of his intention to surface mine a particularly described tract of land and indicating the application's permit number.

(b) Any interested citizen or the officer or head of any Federal, State, or local governmental agency or authority shall have the right to file written objections to the proposed surface mining with the regulatory authority within thirty days after the last publication of the above notice. If written objections are filed and a hearing requested, the regulatory authority shall then hold a public hearing in the locality of the proposed mining within a reasonable time of the receipt of such objections. The date, time, and location of such public hearing shall be advised by the regulatory authority in a newspaper of general circulation in the locality for seven days. At this public hearing, the applicant for a permit shall have the burden of establishing that his application is in compliance with the applicable State and Federal laws.

(c) For the purpose of such hearing, the regulatory authority may administer oaths, subpena witnesses, or written or printed, materials, compel attendance of the witnesses, or production of the materials, and take evidence including but not limited to site inspections of the land to be affected and other surface mining operations carried on by the applicant in the general vicinity of the proposed operation. A verbatim transcript and complete record of each public hearing shall be ordered by the regulatory authority.

DECISIONS OF REGULATORY AUTHORITY AND APPEALS

SEC. 216. (a) The regulatory authority shall notify the applicant for a permit within a reasonable time after its submission whether the application has been approved or disapproved taking into account time needed

for proper investigation of the site, complexity of the permit application, and time spent on compliance with the public notice and public hearing provisions of this Act or on an approved State program. If no written objections have been filed and no public hearings are to be held, and the application is approved under this Act or an approved State program, the permit shall be issued. If the application is disapproved, specific reasons therefor must be set forth in the notification. Within thirty days after the applicant is notified that the permit or any portion thereof has been denied, the applicant may request a hearing on the reasons for the said disapproval. A public hearing shall be held within thirty days of the request and such hearing shall be conducted in accord with the public hearing provisions of this Act or an approved State program. Within thirty days after the hearing, the regulatory authority shall issue and furnish the applicant with the written decision of the regulatory authority granting or denying the permit in whole or in part and stating the reasons therefor.

(b) Any applicant or any interested citizen who has participated in the administrative proceedings as an objector, and who is aggrieved by the decision of the regulatory authority, or if the regulatory authority fails to act within a reasonable period of time, shall have the right of appeal for review by a court of competent jurisdiction in accordance with State or Federal law.

POSTING OF BOND

SEC. 217. (a) After a surface mining and reclamation permit application has been approved but before such a permit is issued, the applicant shall file with the regulatory authority, on a form prescribed and furnished by the regulatory authority, a bond for performance payable, as appropriate, to the United States or to the State, under an approved State program, and conditioned that the operator shall faithfully perform all the requirements of this Act. The bond shall cover that area of land within the permit area upon which the operator will initiate and conduct surface mining and reclamation operations. As succeeding increments of surface mining and reclamation operations are to be initiated and conducted within the permit area, the permittee shall file with the regulatory authority an additional bond or bonds to cover such increments in accordance with this section. The amount of the bond required for each bonded area shall depend upon the reclamation requirements of the approved permit and shall be determined by the regulatory authority. The amount of the bond shall be sufficient to assure the completion of the reclamation plan if the work had to be performed by a third party in the event of forfeiture; in no case shall the bond be less than $10,000. Liability under the bond shall be for the duration of the surface mining and reclamation operation and for a period of five years thereafter, unless sooner released as hereinafter provided in this Act. The bond shall be executed by the operator and a corporate surety licensed to do business in the State where such operation is located, except that the operator may elect to deposit cash, negotiable bonds of the United States Government or such State, or negotiable certificates of deposit of any bank organized or transacting business in the United States. The cash deposit or market value of such securities shall be equal to or greater than the amount of the bond required for the bonded area.

(b) Cash or securities so deposited shall be deposited upon the same terms as the terms upon which surety bonds may be deposited. If one or more negotiable certificates of deposit are deposited with the regulatory authority in lieu of the surety bond, he shall require the bank which issued any certificate to pledge securities of the aggregate market value to the amount of such certificate or certificates, which is in excess of the amount insured by the Federal Deposit Insurance Corporation. Such securities shall be security for the repayment of such negotiable certificate of deposit.

(c) Upon the receipt of the deposit of cash or securities, the regulatory authority shall immediately place the deposit with, as appropriate, the Secretary of the Treasury or a similar State authority under an approved State program, who shall receive and hold the deposit in safekeeping in the name of the United States, or the appropriate State under an approved State program, in trust for the purpose for which the deposit was made. The operator making the deposit may from time to time demand and receive from the Secretary of the Treasury or the aforesaid State regulatory authority, on written order of the regulatory authority the whole or any portion of the deposit if other acceptable securities of at least the same value are deposited in lieu thereof. The operator may demand of the Secretary of the Treasury, or the aforesaid State authority, and receive the interest and income from the securities as they become due and payable. When deposited securities mature or are called the operator may request that the Secretary of the Treasury or the aforesaid State authority convert the securities into other acceptable securities by the operator, and the Secretary of the Treasury or the aforesaid State authority shall so do.

(d) The amount of the bond or deposit required shall be increased by the regulatory authority from time to time as affected land acreages are increased or where the cost of future reclamation obviously increases.

BOND RELEASE PROCEDURES

SEC. 218. (a) When the operator completes the backfilling and regrading of a bonded area in accordance with his approved reclamation plan, he may report the completion to the regulatory authority, and request the release of 60 per centum of the bond or collateral. The request shall state—

(1) the location of the land affected, the number of acres backfilled and regraded, and the approximate dates of the reclamation work;

(2) the permit number;

(3) the amount of the bond;

(4) a detailed description of the type of reclamation activities performed; and

(5) a detailed description of the results achieved as they relate to the operator's approved reclamation plan.

(b) Upon receipt of the notification and request and within one hundred days thereafter, the regulatory authority shall make an inspection and evaluation of the reclamation work involved. Such evaluation shall consider, among other things, the degree of difficulty to complete the remaining backfilling and regrading, whether pollution of surface and subsurface water is occurring, the probability of continuance or future occurrence of such pollution, and the estimated cost of abating such pollution. If the regulatory authority finds that the reclamation meets the requirements of this Act, he shall so notify the operator and the Secretary of the Treasury or the appropriate State authority and release that portion of the bond requested. The Secretary of the Treasury or the appropriate State authority shall then return to the operator the amount of cash or securities constituting that portion of the bond so released. If the regulatory authority does not approve of the reclamation performed by the operator, he shall so notify the operator by registered mail within one hundred days after the request is filed. The notice shall state the reasons for unacceptability and shall recommend actions to remedy the failure.

(c) When the operator has completed successfully all surface mining and reclamation activities, he may file a request as hereinbefore provided for release of the bond. Upon receipt of the notification and request and within a reasonable time thereafter, the regulatory authority shall make an inspection and evaluation of the reclamation work. If the regulatory authority finds that the reclamation meets the requirements of this Act, he shall so notify the surety company, the operator, and the Secretary of the Treasury or the appropriate State authority and release that portion of the bond requested. The Secretary of the Treasury or the appropriate State authority shall then return to the operator the amount of the cash or securities constituting that portion of the bond so released. If the regulatory authority does not approve of the reclamation performed by the operator, he shall so notify the operator by registered mail within a reasonable time after the request is filed. The notice shall state the reasons for unacceptability and shall recommend actions to remedy the failure.

(d) Within thirty-five days after any application for bond release has been filed with the regulatory authority, the operator shall submit a copy of an advertisement placed on five successive days in a newspaper of general circulation in the locality of the surface mining operation. Such advertisement shall be considered part of any bond release application and shall contain a notification of the location of the land affected, the number of acres, the permit number and the date approved, the amount of the bond filed and the portion sought to be released, and the type of reclamation work performed. In addition, as part of any bond release application, the applicant shall also submit copies of letters which he has sent to various local governmental bodies, planning agencies, and sewage and water treatment authorities, or water companies in the locality in which the surface mining and reclamation activities took place, notifying them of his intention to seek release from the bond.

(e) Any interested citizen of the area, or the officer or head of any Federal, State, or local governmental agency shall have the right to file written objections to the proposed release from bond to the regulatory authority within fifteen days after the last publication of the above notice. If written objections are filed, and a hearing requested, the regulatory authority shall inform all the interested parties, then hold a public hearing in the locality of the surface mining proposed for bond release within twenty days of the request of such objections. The date, time, and location of such public hearings shall be advertised by the regulatory authority in a newspaper of general circulation in the locality for five days. At this public hearing, the protestant shall have the burden of establishing that the permittee's request is not in compliance with applicable State or Federal law.

(f) For the purpose of such hearing the regulatory authority shall have the authority and is hereby empowered to administer oaths, subpena witnesses, or written or printed materials, compel the attendance of witnesses, or production of the materials, and take evidence including but not limited to inspections of the land affected and other surface mining operations carried on by the applicant in the general vicinity. A verbatim transcript and a complete record of each public hearing shall be ordered by the regulatory authority.

(g) The regulatory authority shall make its decision on the bond release request not more than sixty days after the record of the hearings is transcribed.

(h) Any applicant or interested citizen who has participated in the administrative proceedings as an objector and who is aggrieved by the decision of the regulatory authority or if the regulatory authority fails to act within a reasonable period of time, shall have the right of appeal to a court of

competent jurisdiction in accordance with applicable State or Federal law.

SUSPENSION AND REVOCATION OF PERMITS

SEC. 219. (a) Once granted, a permit may not be suspended or revoked unless—

(1) the regulatory authority gives the permittee prior notice of violation of the provisions of the permit, the State program or Federal program, of this Act and affords a reasonable period of time or not less than fifteen days or more than one year within which to take corrective action, except if any mining operation is causing pollution from acid drainage or other toxic materials or is endangering a public water supply, or is a hazard to public health and safety, the permit shall be suspended and the operation ceased and no supersedeas bond may be granted as long as such conditions exist; and

(2) the regulatory authority determines after a public hearing, if requested by the permittee, that the permittee remains in violation.

The regulatory authority must issue and furnish the permittee a written decision either affirming or rescinding the suspension and stating the reasons therefor. The permittee shall have the right to appeal such decision of the regulatory authority to a court of competent jurisdiction in accordance with State or Federal law.

INSPECTION

SEC. 220. (a) The Secretary shall cause to be made such inspections of any surface mining and reclamation operations as are necessary to evaluate the administration of approved State programs, or to develop or enforce any Federal program, and for such purposes authorized representatives of the Secretary shall have a reasonable right of entry to any surface mining and reclamation operations.

(b) For the purpose of developing or assisting in the development, administration, and enforcement of any approved State or Federal program under this Act or in the administration and enforcement of any permit under this Act, or of determining whether any person is in violation of any requirement of any such State or Federal program or any other requirement of this Act—

(1) the regulatory authority shall require any permittee to (A) establish and maintain appropriate records, (B) make reports, (C) install, use, and maintain any necessary monitoring equipment, and (D) provide such other information relative to surface mining and reclamation operations as the regulatory authority deems reasonable and necessary; and

(2) the authorized representatives of the regulatory authority, upon presentation of appropriate credentials (A) shall have the right of entry to, upon, or through any surface mining and reclamation operations or any premises in which any records required to be maintained under paragraph (1) of this subsection are located; and (B) may at reasonable times, and without unreasonable delay, have access to any copy any records, inspect any monitoring equipment or method of operation required under this Act.

(c) The inspections by the regulatory authority shall (1) occur on an irregular basis averaging not less than one inspection per month for the surface mining and reclamation operations for coal covered by each permit and semiannually for surface mining and reclamation operations for other minerals covered by each permit; (2) occur without prior notice to the permittee or his agents or employees; and (3) include the filing of inspection reports adequate to carry out the purposes of this Act.

(d) Notices of pending applications and location maps shall be filed with appropriate officials in each county or other appropriate subdivision of the State in which surface mining and reclamation operations under such permits will be conducted.

(e) Each permittee shall conspicuously maintain at the entrances to the surface mining and reclamation operations a clearly visible sign which sets forth the name, business address, and phone number of the permittee and the permit number of the surface mining and reclamation operations.

(f) Any records, reports, or information obtained under this section by the regulatory authority which are not within the exceptions of the Freedom of Information Act (5 U.S.C. 552) shall be available to the public.

FEDERAL ENFORCEMENT

SEC. 221. (a) Whenever, on the basis of any information available to him, the Secretary finds that any person is in violation of any requirement of this Act or any permit condition required by this Act, the Secretary shall notify the State regulatory authority in the State in which such violation exists. If such State authority fails within ten days after notification to take appropriate action to cause said violation to be corrected or to show good cause for such failure, the Secretary shall issue an order requiring such person to comply with the provision or permit condition.

(b) When, on the basis of Federal inspection, the Secretary determines that any person is in violation of any requirement of this Act or any permit condition required by this Act, the Secretary or his inspectors may immediately order a cessation of surface mining and reclamation operations or the portion thereof relevant to the violation and provide such person a reasonable time to correct the violation. Such person shall be entitled to a hearing concerning such an order of cessation within three days of the issuance of the order. If such person shall fail to obey the order so issued, the Secretary shall immediately institute civil or criminal actions in accordance with this Act.

(c) Whenever the Secretary finds that violations of an approved State program appear to result from a failure of the State to enforce such State program effectively, he shall so notify the State. If the Secretary finds that such failure extends beyond the thirtieth day after such notice, he shall give public notice of such finding. During the period beginning with such public notice and ending when such State satisfies the Secretary that it will enforce such State program, the Secretary shall enforce any permit condition required under this Act with respect to any person by issuing an order to comply with such permit condition or by bringing a civil or criminal action, or both, pursuant to this section.

(d) Any order issued under this section shall take effect immediately. A copy of any order issued under this section shall be sent to the State regulatory authority in the State in which the violation occurs. Each order shall set forth with reasonable specificity the nature of the violation and establish a reasonable time for compliance, taking into account the seriousness of the violation, any irreparable harmful effects upon the environment, and any good faith efforts to comply with applicable requirements. In any case in which an order or notice under this section is issued to a corporation, a copy of such order shall be issued to appropriate corporate officers.

(e) At the request of the Secretary, the Attorney General may institute a civil action in a district court of the United States for a restraining order or injunction or other appropriate remedy to enforce the purposes and the provisions of this Act and the regulations adopted hereunder.

(f) (1) If any person shall fail to comply with any Federal program, any provision of this Act, or any permit condition required by this Act, for a period of fifteen days after notice of such failure, such person shall be liable for a civil penalty of not more than $1,000 for each and every day of the continuance of such failure. The Secretary may assess and collect any such penalty after a public hearing.

(2) Any person who violates a Federal program, any provision of this Act, or any permit condition required by this Act, or makes any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under this Act, or who falsifies, tampers with, or renders inaccurate any monitoring device or method to be maintained under this Act, shall be fined not more than $10,000, or imprisonment for not longer than six months, or both.

(g) Wherever a corporation or other entity violates a Federal program, any provision of this Act, or any permit condition required by this Act, any director, officer, or agent of such corporation or entity who authorized, ordered, or carried out such violation shall be subject to the same fines or imprisonment as provided for under subsection (f) of this section.

(h) The penalties prescribed in this section shall be in addition to any other remedies afforded by this Act or by any other law or regulation.

ESTABLISHMENT OF RIGHTS TO BRING CITIZENS SUITS

SEC. 222. (a) Except as provided in subsection (b) of this section, any person may commence a civil action on his own behalf—

(1) against any person including—

(A) the United States, and

(B) any other governmental instrumentality or agency to the extent permitted by the eleventh amendment to the Constitution who is alleged to be in violation of the provisions of this Act or the regulation promulgated thereunder, or order issued by the Secretary or an appropriate State regulatory authority; or

(2) against the Secretary or the appropriate State regulatory authority where there is alleged a failure of the Secretary or the appropriate State regulatory authority to perform any act or duty under this Act which is not discretionary with the Secretary or with the appropriate State regulatory authority.

(b) No action may be commenced—

(1) under subsection (a) (1) of this section—

(A) prior to sixty days after the plaintiff has given notice of the violation (i) to the Secretary, (ii) to the State in which the violation occurs, and (iii) to any alleged violator of the provisions, regulations or order, or

(B) if the Secretary or the State has commenced and is diligently prosecuting a civil action in a court of the United States or a State to require compliance with the provisions of this Act or the regulations thereunder, or the order, but in any such action in a court of the United States any person may intervene as a matter of right;

(2) under subsection (a) (2) of this section prior to sixty days after the plaintiff has given notice of such action to the Secretary, in such a manner as the Secretary shall by regulation prescribe, or to the appropriate State regulatory authority, except that such action may be brought immediately after such notification in the case where the violation or order or lack of order complained of constitutes an imminent threat to the health or safety of the plaintiff or would immediately affect a valid legal interest of the plaintiff.

(c) (1) Any action respecting a violation of this Act or the regulations thereunder may be brought only in the judicial district in which the surface mining operation complained of is located.

(2) In such action under this section, the Secretary, or the State regulatory authority, if not a party, may intervene as a matter of right.

(d) The court, in issuing any final order in any action brought pursuant to subsection (a) of this section, may award costs of litigation (including reasonable attorney and expert witness fees) to any party, whenever the court determines such award is appropriate. The court may, if a temporary restraining order or preliminary injunction is sought, require the filing of a bond or equivalent security in accordance with the Federal Rules of Civil Procedure.

(e) Nothing in this section shall restrict any right which any person (or class of persons) may have under this or any statute or common law to seek enforcement of any of the provisions of this Act and the regulations thereunder, or to seek any other relief (including relief against the Secretary or the appropriate State regulatory authority).

FEDERAL LANDS AND INDIAN LANDS

SEC. 223. (a) The Secretary shall promulgate and implement a Federal lands program which shall be applicable to all surface mining and reclamation operations taking place pursuant to any Federal law on any Federal land and Indian lands. The Federal lands program shall, at a minimum, incorporate all of the requirements of this Act and shall take into consideration the diverse physical, climatological, and other unique characteristics of the Federal and Indian lands in question.

(b) The requirements of this Act and the Federal lands program shall be incorporated by reference or otherwise in any Federal mineral lease, permit, or contract issued by the Secretary which may involve surface mining and reclamation operations. Incorporation of such requirements shall not, however, limit in any way the authority of the Secretary to subsequently issue new regulations, revise the Federal lands program to deal with changing conditions or changed technology, and to require the lease, permit, or contract holder to conform any surface mining and reclamation operations to the requirements of this Act and the regulations issued pursuant to this Act.

(c) The Federal lands program shall contain regulations applicable to all Federal departments and agencies which require that—

(1) where the Federal Government, its departments, agencies, or authorities, does not own the surface of the land but owns the subsurface minerals, no such Federal department, agency, or authority shall sell, assign, lease, mine, or otherwise dispose of any federally owned minerals on such lands unless the department or agency has first obtained the written consent of the appropriate surface landowner or landowners to the present or future extraction of such minerals by means of surface mining; and

(2) no Federal department, agency, or authority shall purchase or otherwise obtain any coal from any supplier which coal has been extracted by means of surface mining on lands owned by any person who has not given his written consent to the extraction of such coal by surface mining.

(d) The Secretary may enter into agreements with a State or with a number of States to provide for a joint Federal-State program covering a permit or permits for surface mining and reclamation operations on land areas which contains lands within any State and Federal Indian lands which are interspersed or checkerboarded and which should, for conservation and administrative purposes, be regulated as a single-management unit. To implement a joint Federal-State program the Secretary may enter into agreements with the States, may delegate authority to the States, or may accept a delegation of authority from the States for the purpose of avoiding duality of administration of a single permit for surface mining and reclamation operation. Such agreements shall, at a minimum, incorporate all of the requirements of this Act.

(e) Except as specifically provided in subsection (d), this section shall not be construed as authorizing the Secretary to delegate to the States any authority or jurisdiction to regulate or administer surface mining and reclamation operations or other activities taking place on the Federal or Indian lands or to delegate to the States trustee responsibilities toward Indians and Indian lands.

REVISION OF PERMITS

SEC. 224. (a)(1) During the term of the permit the permittee may submit an application, together with a revised reclamation plan, to the regulatory authority for a revision of the permit.

(2) An application for a revision of the permit shall not be approved unless the regulatory authority is fully satisfied that reclamation as required pursuant to this Act, can and will be accomplished under the revised reclamation plan. The revision shall be approved or disapproved within a period of time established by the State or Federal program. The regulatory authority shall establish guidelines for a determination of the scale or extent of a revision request for which all permit application information requirements and procedures, including notice and hearings, shall apply, except that any revisions which propose a substantial change in the intended future use of the land or significant alterations in the reclamation plan shall, at a minimum, be subject to notice and hearing requirements.

(3) Any extensions to the area covered by the permit except incidental boundary revisions must be made by applications for a new permit.

(b) No transfer, assignment, or sale of the rights granted under any permit issued pursuant to this Act shall be made.

PUBLIC AGENCIES, PUBLIC UTILITIES, AND PUBLIC CORPORATIONS

SEC. 225. Any agency, unit, or instrumentality of Federal, State, or local government, including any publicly owned utility or publicly owned corporation of Federal, State, or local government which proposes to engage in surface mining operations which are subject to the requirements of this Act shall comply with the provisions of title II of this Act.

TITLE III—ABANDONED AND UNRECLAIMED MINED AREAS

ABANDONED MINE RECLAMATION FUND

SEC. 301. (a) There is hereby created in the Treasury of the United States a fund to be known as the Abandoned Mine Reclamation Fund (hereinafter referred to as the "fund").

(b) There is authorized to be appropriated to the fund initially the sum of $100,000,000 and such other sums as the Congress may thereafter authorize to be appropriated.

(c) The following other moneys shall be deposited in the fund:

(1) Moneys derived from the sale, lease, or rental of land reclaimed pursuant to this title.

(2) Moneys derived from any user charge imposed on or for land reclaimed pursuant to this title, after expenditures for maintenance have been deducted.

(3) Miscellaneous receipts including fines, fees and bond forfeitures accruing to the Secretary through the administration of this Act which are not otherwise encumbered.

(d) Moneys in the fund subject to annual appropriation by the Congress, may be expended by the Secretary for the purposes of this title.

ACQUISITION AND RECLAMATION OF ABANDONED AND UNRECLAIMED MINED AREAS

SEC. 302. (a) The Congress hereby declares that the acquisition of any interest in land or mineral rights in order to construct, operate, or manage reclamation facilities and projects constitutes acquisition for a public use or purpose, notwithstanding that the Secretary plans to hold the interest in land or mineral rights so acquired as an open space or for recreation, or to resell the land following completion of the reclamation facility or project.

(b) The Secretary may acquire by purchase, donation, or otherwise, land or any interest therein which has been affected by surface mining and has not been reclaimed to its approximate original condition. Prior to making any acquisition of land under this section, the Secretary shall make a thorough study with respect to those tracts of land which are available for acquisition under this section and based upon those findings he shall select lands for purchase according to the priorities established in subsection (i). Title to all lands or interests therein acquired shall be taken in the name of the United States, but no deed shall be accepted or purchase price paid until the validity of the title is approved by the Attorney General. The price paid for land under this section shall take into account the unrestored condition of the land.

(c) For the purposes of this title, when the Secretary seeks to acquire an interest in land or mineral rights, and cannot negotiate an agreement with the owner of such interest or right he shall request the Attorney General to file a condemnation suit and take interest or right, following a tender of just compensation as awarded by a jury to such persons. When the Secretary determines that time is of the essence because of the likelihood of continuing or increasingly harmful effects upon the environment which would substantially increase the cost or magnitude of reclamation or of continuing or increasingly serious threats to life, safety, or health, or to property, the Secretary may take such interest or rights immediately upon payment by the United States either to such person or into a court of competent jurisdiction of such amount as the Secretary shall estimate to be the fair market value of such interest or rights; except that the Secretary shall also pay to such person any further amount that may be subsequently awarded by a jury, with interest from the date of the taking.

(d) For the purposes of this title, when the Secretary takes action to acquire an interest in land and cannot determine which person or persons hold title to such interest or rights, the Secretary shall request the Attorney General to file a condemnation suit, and give notice, and may take such interest or rights immediately upon payment into court of such amount as the Secretary shall estimate to be the fair market value of such interest or rights. If a person or persons establishes title to such interest or rights within six years from the time of their taking, the court shall transfer the payment to such person or persons and the Secretary shall pay any further amount that may be agreed to pursuant to negotiations or awarded by a jury subsequent to the time of taking. If no person or persons establish title to the interest or rights within six years from the time of such taking, the payment shall revert to the Secretary and be deposited in the Fund.

(e) States are encouraged to acquire abandoned and unreclaimed mined lands within their boundaries and to donate such lands to the Secretary to be reclaimed under appropriate Federal regulations. The Secretary is authorized to make grants on a matching basis to States in such amounts as he deems appropriate for the purpose of carrying out the provisions of this title but in no event shall any grant exceed 90 per centum of the cost of acquisition of the lands for which the grant is made. When a State has made any such land available to the Federal Government under this title, such State shall have a preference right to purchase such lands after reclamation at fair

market value less the State portion of the original acquisition price.

(f) The Secretary shall prepare specifications for the reclamation of lands acquired under this title. In preparing specifications, the Secretary shall utilize the specialized knowledge or experience of any Federal department or agency which can assist him in the development or implementation of the reclamation program required under this title.

(g) In selecting lands to be acquired pursuant to this title and in formulating regulations for the making of grants to the States to acquire lands pursuant to this title, the Secretary shall give priority (1) to lands which, in their unreclaimed state, he deems to have the greatest adverse effect on the environment or constitute the greatest threat to life, health, or safety and (2) to lands which he deems suitable for public recreational use. The Secretary shall direct that the latter lands, once acquired, shall be reclaimed and put to use for recreational purposes. Revenue derived from such lands, once reclaimed and put to recreational use, shall be used first to insure proper maintenance of such lands and facilities thereon, and any remaining moneys shall be deposited in the Fund.

(h) Where land reclaimed pursuant to this title is deemed to be suitable for industrial, commercial, residential, or private recreational development, the Secretary may sell such land pursuant to the applicable provisions of Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et. seq.).

(i) In selecting lands to be acquired pursuant to this title and in formulating regulations for the making of grants to the States to acquire lands pursuant to this title, the Secretary shall give priority (1) to lands which, in their unreclaimed state, he deems to have the greatest adverse effect on the environment or constitute the greatest threat to life, health, or safety and (2) to lands which he deems suitable for public recreational use. The Secretary shall direct that the latter lands, once acquired, shall be reclaimed and put to use for recreational purposes. Revenue derived from such lands, once reclaimed and put to recreational use, shall be used first to insure proper maintenance of such lands and facilities thereon, and any remaining moneys shall be deposited in the fund.

(j) Where land reclaimed pursuant to this title is deemed to be suitable for industrial, commercial, residential, or private recreational development, the Secretary may sell such land pursuant to the provisions applicable provisions of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et. seq.).

(k) The Secretary shall hold a public hearing with the appropriate notice, in the county or counties or the appropriate subdivisions of the State in which lands acquired to be reclaimed pursuant to this title are located. The hearing shall be held at a time which shall afford local citizens and governments the maximum opportunity to participate in the decision concerning the use of the lands once reclaimed.

TITLE IV—ADMINISTRATIVE AND MISCELLANEOUS PROVISIONS

ADVISORY COMMITTEES

SEC. 401. (a) The Secretary shall appoint a national advisory committee for surface mining and reclamation operations for coal and a national advisory committee for surface mining and reclamation operations for other minerals. Each advisory committee shall consist of not more than seven members and shall have a balanced representation of Federal, State, and local officials, persons qualified by experience of affiliation to present the viewpoint of operators of surface mining operations subject to this Act, consumers, and persons qualified by experience or affiliation to present the viewpoint of conservation and other public interest groups, to advise him in carrying out the provisions of this Act. The Secretary shall designate the chairman of each advisory committee.

(b) Members of each advisory committee other than employees of Federal, State, and local governments, while performing advisory committee business, shall be entitled to receive compensation at rates fixed by the Secretary, but not exceeding $100 per day, including traveltime. While serving away from their homes or regular places of business, members may be paid travel expenses and per diem in lieu of subsistence at rates authorized by section 5703 of title 5, United States Code, for persons intermittently employed.

GRANTS TO THE STATES

SEC. 402. (a) The Secretary is authorized to make annual grants to any State for the purpose of assisting such State in developing, administering, and enforcing State programs under this Act. Such grants shall not exceed 80 per centum of the total costs incurred during the first year; 70 per centum of the total costs incurred during the second and third years; and 60 per centum each year thereafter.

(b) The Secretary is authorized to cooperate with and provide assistance to any State for the purpose of assisting it in the development, administration, and enforcement of its State programs. Such cooperation and assistance shall include—

(1) technical assistance and training, including provision of necessary curricular and instruction materials, in the development, administration and enforcement of the State programs; and

(2) assistance in preparing and maintaining a continuing inventory of surface mining and reclamation operations for each State for the purposes of evaluating the effectiveness of the State programs. Such assistance shall include all Federal departments and agencies making available data relevant to surface mining and reclamation operations and to the development, administration, and enforcement of State programs concerning such operations.

RESEARCH AND DEMONSTRATION PROJECTS

SEC. 403. (a) The Secretary is authorized to conduct and promote the coordination and acceleration of research, studies, surveys, experiments, and training in carrying out the provisions of this Act. In conducting the activities authorized by this section, the Secretary may enter into contracts with, and make grants to qualified institutions, agencies, organizations, and persons.

(b) The Secretary is authorized to enter into contracts with, and make grants to, the States and their political subdivisions, and other public institutions, agencies, organizations, and persons to carry out demonstration projects involving the reclamation of lands which have been disturbed by surface mining operations.

(c) There are authorized to be appropriated to the Secretary $5,000,000 annually for the purposes of this section.

ANNUAL REPORT

SEC. 404. The Secretary shall submit annually to the President and the Congress a report concerning activities conducted by him, the Federal Government, and the States pursuant to this Act. Among other matters, the Secretary shall include in such report recommendations for additional administrative or legislative action as he deems necessary and desirable to accomplish the purposes of this Act.

AUTHORIZATION OF APPROPRIATIONS

SEC. 405. There is authorized to be appropriated to the Secretary for administration of this Act and for the purposes of section 228 for the fiscal year ending June 30, 1973, the sum of $10,000,000; for each of the next two succeeding fiscal years, the sum of $20,000,000; and $30,000,000 for each fiscal year thereafter.

OTHER FEDERAL LAWS

SEC. 406. (a) Nothing in this Act shall be construed as superseding, amending, modifying, or repealing existing State or Federal law relating to mine health and safety, and air and water quality, except as specifically provided by this Act.

(b) Nothing in this Act shall affect in any way the authority of the Secretary or the head of other Federal agencies under other provisions of law to include in any lease, license, permit, contract, or other instrument such conditions as may be appropriate to regulate surface mining and reclamation operations on lands under their jurisdiction.

(c) To the greatest extent practicable each Federal agency shall cooperate with the Secretary and the States in carrying out the provisions of this Act.

SEVERABILITY

SEC. 407. If any provision of this Act or the applicability thereof to any person or circumstance is held invalid, the remainder of this Act and the application of such provision to other persons or circumstances shall not be affected thereby.

IN FAVOR OF A STRONG FISHING INDUSTRY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Louisiana (Mr. TREEN) is recognized for 5 minutes.

Mr. TREEN. Mr. Speaker, as a member of the Merchant Marine and Fisheries Committee, I have become increasingly aware of the great potential of our American commercial fishing industry—and of the inadequate attention which government has paid to developing that potential.

I am not one of those who believes that every worthwhile cause must have a lot of the taxpayers' dollars thrown at it, and I have observed with dismay the tendency of some industries to pay more attention to procuring Federal support than to running competitive enterprises. I do feel, however, that when a domestic industry has legitimate interests which may be affected by negotiations between the United States and other governments, those interests ought to be protected. American citizens engaged in international commerce have a right to look to their Government to mitigate the adverse effects of actions by other nations. And the Federal Government can be instrumental in helping the States to coordinate programs designed to encourage a strong fishing industry.

Mr. Speaker, we have known for some time the almost unlimited possibilities offered by the sea as a source of food for the world's growing population. It has been estimated that the present annual world catch, which has doubled in the last 10 years, could be trebled again without depleting future world resources.

What is lacking is the technology and the industrial muscle to realize the full potential of these resources. Where technological advances have been made, it has frequently resulted from the efforts

and the scientific expertise of Americans. But all too frequently it has been the commercial fisheries of other nations—Peru, Japan, the Soviet Union, Communist China and others—who have capitalized on the American discoveries, with the enthusiastic and magnificent backing of their governments. The United States has dropped to seventh in worldwide production of fish products, yet our consumption has increased along with our balance-of-payments deficit.

Mr. Speaker, I am proud to call the attention of my colleagues to a concurrent resolution which has been introduced in the Senate by Senator EASTLAND, and which I have introduced in the House. It does not supplant the specific legislation which I have introduced and will be introducing to address some of the problems I have mentioned; nor does it endorse a hand-out approach to this or any other industry. It does, however, formally establish a national policy in favor of a strong fishing industry. This will raise to the level of official policy that which has always been in line with the national interest: the recognition of our commercial fisheries as an indispensable national resource, which can play a key role in solving international economic problems, and whose just interests must be a factor in our domestic and foreign policies.

The text of the resolution is as follows:

H. CON. RES. 157

Whereas the position of the United States in world fisheries has declined from first to seventh place among the major fishing nations;

Whereas there has been a continuing decline in domestic production of food fish and shellfish for the last five years;

Whereas our domestic fishing fleet in many areas has become obsolete and inefficient;

Whereas intensive foreign fishing along our coasts has brought about declines in stocks of a number of species with resulting economic hardship to local domestic fishermen dependent upon such stocks;

Whereas rising costs and extremely high insurance rates have made fishing uneconomic in some areas even when stocks of fish and shellfish are at normal levels;

Whereas assistance to fishermen is very limited as contrasted to Federal aid to industrial, commercial, and agricultural interests;

Whereas United States fishermen cannot successfully compete against imported fish products in the market because a number of foreign fishing countries subsidize their fishing industry to a greater extent;

Whereas some 60 per centum of the seafood requirements of the United States is being supplied by imports;

Whereas the United States fisheries and fishing industry is a valuable natural resource supplying employment and income to thousands of people in all of our coastal States;

Whereas our fisheries are beset with almost unsurmountable production and economic problems; and

Whereas certain of our coastal stocks of fish are being decimated by foreign fishing fleets: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the policy of the Congress that our fishing industry be afforded all support necessary to have it strengthened, and all steps be taken to provide adequate protection for our coastal fisheries against excessive foreign fishing.

SEC. 2. The Congress also recognizes, encourages, and intends to support the key responsibilities of the several States for conservation and scientific management of fisheries resources within United States territorial waters; and in this context the Congress particularly commends Federal programs designed to improve coordinated protection, enhancement, and scientific management of all United States fisheries, both coastal and distant, including presently successful Federal aid programs under the Commercial Fisneries, Research and Development Act of 1964, and the newly developing Federal-State fisheries management programs.

CRIME LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alabama (Mr. EDWARDS) is recognized for 5 minutes.

Mr. EDWARDS of Alabama. Mr. Speaker, last week President Nixon presented the Congress with a broad package of crime legislation. It includes a far ranging revision of the entire Federal criminal code. It calls for reinstatement of the death penalty in certain limited instances, stiffer penalties for drug offenses, and curtailment of probation and suspended sentences. It is, in general, a stronger, tougher position on the problem of crime.

We have done so much in this country to protect the individual from government, from society as a whole. This is as it should be, and certainly the constitutional rights of all Americans should continue to be protected to the fullest extent.

But we must also do more to protect the individual who is a victim or a potential victim of crime. We must protect our society from the criminal who has no regard for the law and no concern for fellow human beings.

Certainly Congress will want to debate these proposals in depth, but this consideration should take place without delay. There are few issues which concern my constituents as much as the threat of crime. They know, as every Member of Congress knows, that freedom from fear is one of the essential human freedoms, and that freedom from fear is not possible when the threat of crime waits around the next corner.

I have introduced a bill which would allow the States to enact the death penalty and a bill which would increase, tighten, and toughen the penalties for using a firearm in the commission of a crime. I urge the Congress to take up these bills and the President's proposals at the earliest possible time so that work can begin to protect our citizens from the constant threat of crime.

Finally, Mr. Speaker, any program calling for stiffer penalties should also call for prison reform. It does no good to put more criminals in prison if the system itself returns a more hardened criminal to society when his sentence is completed. More emphasis must be put on rehabilitation. Most of this work must be done in State prisons over which we have no control. But we can provide the leadership. We can chart a course which the States, hopefully, will follow. I hope the Judiciary Committee will give serious consideration to this matter.

GAO REPORT GIVES LEGAL SERVICES HIGH MARKS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. BIESTER) is recognized for 5 minutes.

Mr. BIESTER. Mr. Speaker, over the past several months and since the announcement of the dismantling of the Office of Economic Opportunity, many charges have been directed at the Legal Services program by those critical of certain aspects of its operation.

It is reassuring to me that the General Accounting Office, in its report made public today, has substantiated the opinion held by many of us in Congress that Legal Services has made a sound contribution to the day-to-day legal needs of the poor.

The objection had been raised that Legal Services lawyers concentrate on advancing law-reform cases, such as class actions and test-case litigation, to the detriment of individual-client cases.

The GAO report, based on a study over several months with a view of projects and evaluation reports, indicates that the contrary is the case. Legal Services attorneys are, in fact, so overburdened with meeting the basic legal needs of the poor that they have little time to direct toward reforming laws discriminating against the poor. The large bulk of their workload is simple representation and advice without litigation. About one-quarter result in court action and less than 1 percent go to the appeals stage.

The report indicates that much more can be accomplished in righting unjust laws through law-reform activities rather than individual-client cases. However, the Legal Services program must not lose sight of the basic responsibility it has to provide the poor with a place to turn in time of legal difficulties. Along these lines, it is encouraging to note that the work being done by Legal Services is being done in a competent manner. Clients are generally satisfied with the representation they receive and judges report the attorneys generally well prepared. The won-lost record of the attorneys—72 percent won, 12 percent lost, with the remainder settled out of court—further attests to the competence, and success, of Legal Services attorneys.

I believe the study by GAO clarifies what has long been understood by observers of the Legal Services operation: As presently conceived and structured, Legal Services is unable to assume all the responsibilities it logically and practically should. Based on the GAO evaluation, this problem has resulted, in part, from the lack of sufficient program objectives and direction from OEO.

These deficiencies in the scope and implementation of the Legal Services program had been recognized earlier. The solution is not further to restrict or

hamper activities—for instance, as some suggest, by eliminating funding of back-up centers providing indispensable research and guidance in test-case efforts—but rather to adapt it to meet the widespread and basic needs it has so effectively revealed over the few years it has existed. Many of these improvements in the structuring and functioning of Legal Services have been incorporated into legislation establishing a National Legal Services Corporation. As a cosponsor of such legislation in the 92d Congress, and again in the 93d, I commend the efforts of my colleagues, the gentleman from Washington (Mr. MEEDS) and the gentleman from Wisconsin (Mr. STEIGER), for their leadership on behalf of this legislation.

Mr. Speaker, it is my hope that the report from GAO will help dispel many of the objections which have been leveled against Legal Services. We can insure that this commitment to legal representation for the poor will continue if we acknowledge the creditable job it has already done and build upon this by addressing ourselves to those improvements that will allow it to do even better.

NEW SOCIAL SERVICES REGULATIONS: MORE WELFARE AND LESS WORKFARE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. O'NEILL) is recognized for 5 minutes.

Mr. O'NEILL. Mr. Speaker, on February 16, 1973, the Department of Health, Education, and Welfare published the proposed New Social Services Regulations in the Federal Register. If implemented, this will be the most regressive step in social legislation that I have ever seen.

These regulations are so restrictive that they would eliminate completely existing programs which provide child protective services, emergency care, day care, homemaker services, services to unmarried mothers and camping programs for children throughout each State.

It means that the working mother, generally considered to be the most successful part of the child care program in both economic and social terms, is in jeopardy of being eliminated from the program.

Because under the new regulations, a working mother whose income exceeds 133 percent of State welfare payments—the poverty level—is no longer eligible for the day care services; she must remove her children from the title IV program of the Social Security Act. For a mother with three children, the poverty level is $4,000 a year. Therefore, if she earns more than $4,000, she can no longer receive child care service. So the mother must either pay about half her salary for tuition child care or quit her job. Obviously, she cannot afford to pay that much tuition, which in some States, like Massachusetts, is as much as $80 per month per child. Her only alternative is to quit her job and go back on welfare.

But the absurdity and illogic of proposed regulations become apparent when the mother goes back on welfare. She now becomes eligible to again receive title IV child care. And she can find another job, while her child returns to a day care center until her income exceeds the poverty level. Then the cycle repeats itself.

Families or working mothers with marginal income just above the poverty level cannot afford to pay for more than minimal subsistence. Paying for day care services is beyond the means of these families. The proposed regulations would result in thousands of families who have been working and independent to become dependent on welfare again.

Mr. Speaker, it seems incredulous to me that this administration which wants more workfare and less welfare could propose such regulations which would result only in creating a greater dependency on welfare.

The situation is so illogical that it defies credibility. Yet, this is what the administration proposes.

Let us look at how these new regulations would affect my own State of Massachusetts. If they are left to stand, the Commonwealth will lose 35 million potential Federal dollars for fiscal year 1973. With the elimination of both the donated funds and Federal matching funds, Massachusetts will lose a total of $12 million in social services which have been authorized for fiscal year 1974.

Worse than that, the proposed regulations in Massachusetts alone, would wipe out day care for 900 children or about one-fourth of the State's total number of facilities. In Boston, more than 15 percent of the day care budget would be slashed. To make up for these funds the State would have to raise State taxes, or it could simply turn its back on the handicapped, the poor, the young, to whom the State is committed to serve. Neither alternative is very palatable to the citizens of Massachusetts.

A wide range of programs involving services to the elderly, the mentally retarded and others with special needs are likely to be terminated or drastically reduced unless legislative action is taken. The Massachusetts Department of Welfare estimates that $20 million for services in the community to 31,000 emotionally disturbed children, including the severely handicapped and retarded as well as others who are victims of abuse and neglect, are about to go down the drain as a result of the proposed new regulations.

It means a discontinuation of services to more than 70,000 people in Massachusetts, mainly the elderly and children.

I firmly believe that these proposed regulations are clearly regressive and would set the country back decades in the area of social progress. It is imperative that these social services continue and that the present regulations remain in effect.

Mr. Speaker, these new regulations would impose incalculable hardships on families, children, the aged, and the handicapped. It would be callous. More than that it would be cruel and inhuman to implement these regressive regulations which would all but decimate the nationwide efforts to combat welfare dependency and a wide range of other social ills.

INTRODUCTION OF THE NATIONAL CHILD ABUSE PREVENTION ACT OF 1973

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. BIAGGI) is recognized for 10 minutes.

Mr. BIAGGI. Mr. Speaker, tens of thousands of innocent children in this country are willfully burned, poisoned, sexually assaulted, beaten, or killed each year by parents and guardians entrusted with their care. An estimated 700 to 800 die each year as a result of such maltreatment—that is a rate of more than two deaths every day. In fact, more children die each year at the hands of abusing and neglectful parents than from any childhood disease known to man.

New York City serves as an excellent example. The research of Dr. Vincent Fontana, chairman of the city's task force on child abuse and neglect, indicates that at least 50 children perish in New York City each year as a result of parental maltreatment ranging from starvation to suffocation with plastic bags. Over 10,000 cases of abuse were reported here last year, and this, of course, represents only the top of the iceberg.

And what defense does the child have against brutal, senseless abuse? Do we offer him easy access to relief in the courts? Do we conduct programs of widespread public education designed to prevent the relentless spread of this scandalous practice? Do we at least devise an adequate, coordinated system of reporting and treatment procedures aimed at restoring the battered child to physical, if not psychological, health? If the answer to any of these questions were yes, abuse and neglect might not be the No. 1 killer of children in America today.

Mr. Speaker, there is not one State in the Union which can claim to have established a successful, comprehensive program of casefinding, treatment, training, informational referral, and prevention in the child abuse field. And there are several States whose basic reporting laws—requiring doctors, nurses, coroners, and other appropriate professionals to report to local authorities any obvious or suspected case of abuse—must be termed pitifully inadequate and virtually unenforced. A further example of the current inadequacy of State programs is the widespread estimate among experts in the field that one out of every two battered children dies after being returned to his parents.

The problem, then, is perfectly clear cut: Annually, countless thousands of defenseless children are being beaten or killed with cruel regularity, while no lobby walks the Halls of Congress in their interest, while no coordinated body of statutes exists on the State level to assure equal protection and while not one mention of the words "child abuse" or "neglect" is to be found in the entire corpus of Federal law.

It is in response to this worsening crisis that I am introducing the National Child Abuse Prevention Act of 1973. This

legislation is the product of over 5 months of research and consultation with experts in the field, drawn from hospitals and universities in New York, New England, Washington, D.C., Denver, the west coast, and Hawaii.

The National Child Abuse Prevention Act offers to the States $60 million in grants over a period of 3 years. Any State wishing to qualify for a portion of these funds must submit to the Secretary of HEW a comprehensive plan for child abuse treatment and prevention which includes:

Adequate reporting laws—either on the books or pending in the legislature—which meet the standards specified in this bill;

Programs designed to train professionals in the appropriate techniques of child abuse treatment and prevention;

Public education projects which would serve to inform citizens of the high incidence of child abuse and neglect, as well as indicating the procedures for reporting suspected cases of maltreatment to the appropriate social service and law enforcement officials;

The establishment of a central registry to coordinate on a statewide level all information relating to convictions and other court actions within the jurisdiction.

The bill also creates a National Child Abuse Data Bank within HEW. This central agency will receive and evaluate confidential reports from every State in the Nation, with a view toward determining the actual incidence of abuse and neglect throughout the country and those trends in treatment and prevention which could serve as a rational basis for developing program standards and criteria in the future.

Mr. Speaker, passage of this legislation could represent a most significant step toward coordinating the confusing jumble of ineffective State laws and programs now in existence. The National Child Abuse Prevention Act must be seen as the first dose of a long-term remedy for a vicious disease afflicting far too great a number of our children. Myself, Senator HUMPHREY, Dr. Vincent Fontana, and our other consultants in the field intend, with the introduction of this bill, to begin coordinating the first nationwide attack against the root causes of the child abuse scandal. We are convinced that only a comprehensive funding scheme on a national scale will suffice to provide the defenseless youth of this country with the most basic protection against senseless violence and death.

The National Child Abuse Prevention Act of 1973 reads as follows:

H.R. 5914

A bill to amend the Elementary and Secondary Education Act of 1965 to provide a program of grants to States for the development of child abuse and neglect prevention programs in the areas of treatment, training, case reporting, public education, and information gathering and referral

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Elementary and Secondary Education Act of 1965 is amended by adding at the conclusion thereof a new title, to be referred to as the "National Child Abuse Prevention Act of 1973":

TITLE X—CHILD ABUSE

"SEC. 1001. The Secretary of Health, Education and Welfare (hereinafter referred to as the 'Secretary') is authorized to make grants to designated State agencies for the purpose of assisting the States and their political subdivisions in developing and carrying out child abuse and neglect treatment and prevention programs as provided in this title.

"SEC. 1002. For purposes of this title—

"(1) the term 'State' means the fifty States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, and Guam; and

"(2) the term 'designated State agency' means an agency or instrumentality of a State which has been designated by the chief executive of such State as responsible for carrying out this Title in such State, and which has the legal and administrative powers necessary to develop, submit, and carry out (itself or through arrangements with other public or private agencies and instrumentalities) a State child abuse prevention plan: and

"(3) the term 'child abuse' has such meaning as may be given it by or under applicable State or local laws; except that in any case it shall include the physical or mental injury, severe abuse, or maltreatment of a child under the age of 18 by a person who is responsible for the child's household, occurring under circumstances which indicate that the child's health or welfare is harmed or threatened thereby, as determined in accordance with regulations prescribed by the Secretary.

"SEC. 1003. (a) There are authorized to be appropriated such sums, not exceeding $60,000,000 in the aggregate, as may be necessary to carry out this Act. There are authorized to be appropriated $20 million for the fiscal year beginning July 1, 1973 and $20 million for each of the two succeeding fiscal years.

"(b) Sums made available under subsection (a) shall be used by the Secretary for making grants to designated State agencies which have submitted, and had approved by the Secretary, State child abuse prevention plans fulfilling the conditions of section 1004.

"(c) The Secretary may allocate the sums made available under subsection (a) among the several States on the basis of their respective need for assistance in preventing and otherwise dealing with child abuse and their respective ability to utilize such assistance effectively.

"SEC. 1004. In order for the designated State agency of a State to qualify for assistance under this Title, such State must have in effect a child abuse prevention plan which embodies a program for effectively treating and preventing child abuse and neglect in the State. Such child abuse and neglect treatment prevention plan shall not be limited to the following criteria and standards but will be required to:

"(1) demonstrate (A) that there are in effect throughout the State adequate State or local child abuse laws and related laws providing for the care and welfare of children, or that the State has initiated and is carrying out a legislative program designed to place adequate child and (B) that such laws are being or will be effectively enforced:

"(2) provide (under the child abuse laws referred to in paragraph (1) or otherwise) for the reporting of instances of child abuse, and for effectively dealing therewith through appropriate subsequent action and proceedings, in a manner complying with all of the conditions and requirements of section 1005;

(3) demonstrate that there are in effect throughout the State, in connection with the enforcement of the laws referred to in paragraph (1) and the conduct of the activities described in paragraph (2), such administrative procedures, such personnel trained in child abuse and neglect treatment or prevention, such training procedures, such institutional and other facilities (public and private), such provisions for obtaining any required State, local and private funds, and such related programs and services as may be necessary or appropriate to assure that the State and its political subdivisions (through the program embodied in the plan and otherwise, with Federal funds made available under this Title) will be able to deal effectively with (and will in fact deal effectively with) child abuse and neglect in the State;

"(4) provide that the designated State agency will make such reports, in such form and containing such information, as the Secretary may from time to time require, and comply with such provisions as the Secretary may from time to time find necessary to assure the correctness and verification of such reports;

"(5) provide for dissemination of information to the general public with respect to the problems of child abuse and neglect, and the facilities and methods available to combat child abuse and neglect; and

"(6) contain such other provisions as the Secretary may require to ensure that the plan and the program embodied therein will to the maximum extent feasible achieve the objective of preventing or eliminating child abuse.

"SEC. 1005. (a) (1) As a condition of the approval of any State child abuse and neglect treatment and prevention plan, such plan shall provide for and require the reporting of cases of child abuse or neglect ocurring in the State, with appropriate proceedings and other activities to deal with cases of child abuse or neglect so reported in the manner specified in this section.

"(2) In any case in which a doctor, nurse, schoolteacher, social workers, welfare worker, medical examiner, or coroner finds or has reason to suspect, on the basis of a child's physical or mental condition or on the basis of other evidence, that such child is or has been the victim of (or is threatened with) child abuse, he shall promptly submit a full report thereof to the police, social service administration, or judicial authority designated in the State plan.

"(3) Any doctor, nurse, schoolteacher, social worker, welfare worker, medical examiner, or coroner who knowingly and willfully fails to report a case of child abuse or suspected child abuse as required by subsection (a) shall be guilty of a misdemeanor.

"(4) Any doctor, nurse, schoolteacher, social worker, welfare worker, medical examiner, or coroner who in good faith submits a report under subsection (a) or participates in the making of such a report shall have immunity from any civil or criminal liability which might otherwise be incurred or imposed on acconut of his submitting or participating in the making of such report.

"(b)(1) If the individual making a report with respect to any child under subsection (a) determines that an emergency is involved, he may (subject to paragraph (2) hold the child in temporary custody of another person or agency, pending action based on such report, in order to protect the child's health and welfare and prevent further abuse.

"(2) Unless applicable State or local law specifically provides otherwise, no child shall be held in or transferred to temporary custody under paragraph (1) except under an order issued by a court of competent jurisdiction pursuant to a petition filed by the individual making such report. Any such order shall include a finding by the court that the person or agency in whose custody the child would be placed is competent to care for such child during whatever period is specified in the order.

"(3) Any report made under subsection (a), and any petition filed or order issued under paragraph (2) of this subsection, with respect to a child who is alleged to be the victim of child abuse, may include and apply to any other child or children living

in the same household and under the same care if it is shown that such other child or children may be or become the victim of similar abuse.

"(c) (1) The police, social service administration, or judicial authority to which a report of child abuse or suspected child abuse is submitted under subsection (a) shall promptly investigate the matters involved and, if it determines that child abuse has probably occurred or is threatened, shall take the necessary steps to bring the matter before a court of competent jurisdiction for appropriate action in order to protect the child's health and welfare, and prevent further abuse of the child. The court shall have power to appoint one or more legal representatives for the child, consider in evidence the results of any medical examinations (including color photographs showing the injuries received), require psychiatric examinations of the parents or other persons charged with the abuse, and expedite any appeal which may be filed by the child's legal representative.

"SEC. 1006. The police, social service administration, or judicial authority to which a report of child abuse or suspected child abuse is submitted as described in section 1005(a) shall immediately refer such report to the designated State agency, which (after depositing a copy in its files in the interest of developing and maintaining a coordinated and accessible central registry for use in carrying out its child abuse and neglect treatment prevention program) shall in turn submit such report to the Secretary for use by the Social and Rehabilitation Service in the Department of Health, Education and Welfare. The information contained in all such reports so submitted to the Secretary shall be kept strictly confidential within the Department of Health, Education and Welfare, but summaries which cannot result in the identification of individuals with particular cases shall be prepared and published in order to inform interested persons with respect to national trends.

"SEC. 1007. The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out this title.

HOUSE SELECT COMMITTEE ON THE COST AND AVAILABILITY OF FOOD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. ROSENTHAL) is recognized for 5 minutes.

Mr. ROSENTHAL. Mr. Speaker, Mr. MATSUNAGA and I, together with 53 cosponsors, are today introducing a House resolution which would create a Select Committee on the Cost and Availability of Food. This committee, which would be bipartisan in nature, would exist only during the 93d Congress and would conduct a comprehensive investigation of all factors influencing and pertaining to the high cost of food to the American consumer. At the conclusion of its study, it would make specific findings, conclusions, and recommendations to the Congress and the President on ways to prevent high food prices in the future.

Mr. Speaker, the establishment of special House committees should only be undertaken in the most extraordinary of circumstances. I submit that the American consumer is now confronted by a national food price emergency which justifies the creation of a Select Committee on the Cost and Availability of Food. Food prices today in many major commodity areas—particularly meat—are the highest in our history. No amount of rhetoric by apologists for the food industry and no statistical sleight of hand and assurances of normalcy by the administration can alter the fact that millions of housewives can no longer feed their families three nutritious meals, 7 days a week.

The incredibly high prices of food and the failure of the Federal Government to deal with the problem are a classic and tragic example of the powerlessness of consumers in the marketplace and before the Government. As a reaction to skyrocketing meat and other food prices, consumers across the country are now engaged in boycotts and other direct action to bring prices down—and the ranks of the protesters are growing even more quickly than the price of food.

But, Mr. Speaker, even the protesters know that their boycotts can have a permanent effect on food prices only if Government undertakes a major reform of the Nation's food marketing system. It is a system that is archaic and inefficient. It is a system that victimizes small family farmers just as often as it victimizes consumers. Accordingly, Congress must—once and for all—dig out the facts about high food prices and separate the myth from the reality as to the causes of and cures for these prices.

The select committee would seek to define the various important factors influencing the availability and cost of food and the behavior and structure of the food industry. It would make findings and recommendations regarding the efficiency of the food industry; farm-wholesale-retail price spreads; the needs of consumers and farmers and the effect on prices of U.S. trade policies and Government purchases and regulation of food. The committee might be patterned after and pursue the objectives of the National Commission on Food Marketing—established in 1964 by President Johnson and on which I served—whose many excellent but unheeded recommendations require reinvestigation and updating.

Based on my service on the Food Marketing Commission and recent discussions with experts in this area, I am convinced that there is a permanent solution to the food price dilemma and that we can, at one and the same time, provide consumers with an adequate supply of food at reasonable prices and still allow farmers to earn a fair return on their invested capital. It is my view that a meaningful solution can best be developed and implemented by a special House panel for the following reasons:

The job of investigating high food prices and recommending long-range solutions requires a concentration of effort and single-mindedness of purpose that is unlikely to be achieved by any existing House committee;

Findings, recommendations and conclusions by a congressional panel stand the best chance of being translated quickly into remedial and salutary legislation;

Members of Congress represent the full spectrum of views on the causes of and cures for high food prices and stand closest to the concerns of the American buying public;

The administration has demonstrated its unwillingness or inability to deal with this crisis and has a long record of ignoring the recommendations of its own study groups;

A congressional panel could assume this responsibility without the bureaucratic entanglements and costs often associated with an administrative advisory group.

There already exists, on the public record, a wealth of material on how to resolve the present dilemma, but additional in-depth investigation is necessary. That vital task would best be accomplished by a congressional unit with a broader-based orientation or constituency than is offered by any of the existing committees of the House. A select House committee—which would operate only during the 93d Congress—could, I am convinced, do a responsible job for the consumers and agricultural interests alike and reflect great credit on the House as an institution that is capable of moving swiftly and effectively.

Mr. Speaker, a copy of the resolution follows:

H. RES. 321

Resolution creating a select committee to conduct an investigation of matters affecting, influencing, and pertaining to the cost and availability of food to the American consumer

Whereas retail food prices have risen 33% during the past 8 years and 16% during the past four years;

Whereas farm prices in February 1973 were 22% higher than in February 1972;

Whereas livestock prices rose 11.5% from January to February, to a level 27.4% above February 1972;

Whereas, in the combined category of meats, poultry and fish, wholesale prices in February were 5.4% above January and 17.3% above February 1972;

Whereas government economists are now predicting an increase in retail food prices for 1973 in excess of 6.5%—the largest annual increase in 22 years;

Whereas federal regulation and management of the nation's food marketing system has failed, on a continuing and systematic basis, to provide consumers with food at reasonable prices and farmers with a fair return on invested capital;

Whereas government trade policies and purchases of food influence the cost of food to consumers;

Whereas it is in the long range best interests of both consumers and farmers for there to be an abundant, wholesome and reasonably-priced food supply; and

Whereas the rate of increase in retail food prices disrupts the fair and efficient functioning of our market system and is unacceptable to and a hardship on the American consumer: Now, therefore, be it

Resolved, That there is hereby created a select committee, to be known as the Select Committee on the Cost and Availability of Food, to be composed of 12 Members of the House of Representatives to be appointed by the Speaker, one of whom he shall designate as Chairman. Any vacancy occurring in the membership of the committee shall be filled in the same manner in which the original appointment was made.

The committee is authorized and directed to conduct a full and complete investigation of all matters affecting, influencing, and pertaining to the cost and availability of food to the American consumer. Such investigation shall include, but shall not be limited to,

The production, processing, marketing, merchandising, advertising, labeling, and retailing of food products for sale to the consumer;

The profits, price spreads, productivity,

market structure, and competition in all segments of the food industry;

The trade policies, practices, regulation, services, and organization of government at the Federal level and, to the extent they effect interstate commerce, at the state and local levels, affecting, influencing, and pertaining to the cost and availability of food to the consumer.

No proposed legislation shall be referred to the committee, and the committee shall not have legislative jurisdiction.

For the purpose of carrying out this resolution the committee, or any subcommittee thereof authorized by the committee to hold hearings, is authorized to sit and act, subject to clause 31 of Rule XI of the Rules of the House of Representatives, during the present Congress at such times and places within the United States, including any Commonwealth or possession thereof, whether the House is in session, has recessed, or had adjourned, to hold such hearings, and to require, by subpena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents as it deems necessary; except that neither the committee nor any subcommittee thereof may sit while the House is meeting unless special leave to sit shall have been obtained from the House. Subpenas may be issued under the signature of the chairman of the committee or any member of the committee designated by him, and may be served by any person designated by such chairman or member.

The committee shall report to the House as soon as practicable during the present Congress the results of its investigation and study, together with such findings, conclusions and recommendations as it deems advisable. Any such report which is made when the House is not in session shall be filed with the Clerk of the House.

Mr. EDWARDS of California. Mr. Speaker, it is ironic that a nation as wealthy, as technologically sophisticated, and as socially advanced as our own should be facing an emergency with respect to the most basic of human needs—the cost and availability of food. While we sell huge quantities of wheat and agricultural products to other nations, balancing trade deficits, spreading international good will and bolstering the domestic economy, wholesale prices on basic food commodities have risen dramatically in the last year with flour up 37 percent, eggs up 47 percent, broilers up 52 percent, steers up 64 percent, corn up 33 percent, and wheat up 64 percent. It is projected that the American consumer will be paying 6.5 percent more for food in 1973, than in 1972.

At a time when we have just ended a long, drawn-out war once justified on the grounds that we could afford both "guns and butter," we are now being told to pull in our belts and to eat meatless meals. These recent, tremendous increases in the price of food strikes at all levels of society, hitting the poor, the aged, and those on fixed incomes particularly hard.

In light of this critical situation, I support the establishment of a Select Committee on the Cost and Availability of Food. We can no longer ignore or attempt to deal piecemeal with a problem of this scope and intensity. A select committee can give this problem the attention and focus it deserves.

Mr. VAN DEERLIN. Mr. Speaker, our colleagues, Messrs. ROSENTHAL and MATSUNAGA, deserve the support of all of us for their proposal to establish a Select Committee on the Cost and Availability of Food.

Creation of this panel could well be the decisive first step in a successful campaign against runaway food prices. The consumers of America would no doubt be pleased that at last somebody somewhere in Government was really doing something substantial to protect their interests.

As the resolution which our colleagues are offering this afternoon notes, previous Federal attempts at regulating the food marketing system have "failed to provide consumers with food at reasonable prices and farmers with a fair return on invested capital."

Today, of course, the problem is more acute than ever, with farm product and wholesale food prices rising at an ever more alarming rate. The proposed committee would have necessarily broad authority to look into "all matters affecting, influencing and pertaining to the cost and availability" of food and food products. Before going out of existence at the end of next year, the committee would be expected to submit recommendations to the House, including proposals for remedial legislation.

I doubt that any easy solutions will be found. We should bear in mind that the 3.2-percent increase in food costs during February coming on the heels of a 2.7-percent boost in January translates into an annual rate approaching 36 percent. In itself, this might be enough to drive many people into searching for a food substitute. But some commodities are already being priced up at an even steeper rate, such as broilers, steers, and wheat—all up more than 50 percent over the past 12 months.

Ultimately, the only realistic answer could be a mandatory freeze of at least selected commodities. Some, I might add, would go a good deal further than that. Last week, for example, the officers of district No. 3, of the International Union of Electrical, Radio and Machine Workers, AFL–CIO, urged Congress to consider enactment of a 90-day freeze on all food prices, followed by a system of controls.

I am not yet prepared to go as far as recommended by these leaders of the IUEW. Yet I sympathize entirely with their sense of frustration and anger over the distress of union members unable to keep up with spiraling food costs.

The Rosenthal-Matsunaga plan will at least start us on the road toward some answers, however hard, to this pressing human dilemma.

Mrs. SCHROEDER. Mr. Speaker, to characterize the continuing problem of rocketing food prices as a national emergency—while certainly true—falls short of adequately describing the plight of the individual consumer. We are quite literally faced in Denver—as elsewhere throughout the country—with people who are unable to buy the groceries they need to provide adequate meals for themselves and their families. The letters we have received are frightening—almost reminiscent of the runaway inflation of Europe in the 1930's:

Elsie C. Ballard of Denver writes:

Every item in our local chain store food market was raised in price this past weekend. For example, boneless roast $1.73 lb to $1.93, whole fryers $.28 lb to $.33, package of cheese $.60 to $.65.

And from Maxwell Thomas of Denver:

The following is simply a reminder of the cost increases in the food I buy. They are only a sample. In May 1971 regular ground beef (the cheapest grade) went from 48¢ to 59¢ a lb. On Feb. 18th, 1973 I bought a pound of the same grade at 72¢ a lb., on Feb. 22nd a pound of the same was 79¢—the good Lord knows what it will be this week. In 1972 powdered milk was about 10¢ a quart, it is now about 14¢. We have been asked to substitute cheese for meat—imitation cheese has gone from 59¢ to 69¢ in the past year—any higher and what do we substitute?

Now, there is no question that the problem is complex. We are told that it is a matter of supply and demand, aggravated by the world food market situation and dollar devaluation. If such is the case, there is certainly room for a review and reform of the Nation's entire food marketing system. The Select Committee on the Cost and Availability of Food proposed today is a start.

But there are too many people who cannot wait. Immediate short-term relief is necessary. If it takes a consumer meat boycott, if it takes an immediate price freeze, if it takes the repeal of import quotas, then lets get on with it. The consumer can no longer bear this burden. I cannot agree more with the Denver citizen who recently wrote, "In the meantime a person has to live."

Mr. WOLFF. Mr. Speaker, as a cosponsor of the resolution to establish a Select Committee on the Cost and Availability of Food, I would like to commend my able colleagues from New York (Mr. ROSENTHAL) and from Hawaii (Mr. MATSUNAGA) for reserving this time today to discuss a vitally important problem which affects and concerns all of us—the rising cost of food. I find it incomprehensible that, with the resources this country has, we cannot insure an adequate supply of food at reasonable prices. In the past 8 years, the American consumer has been hit with a 33-percent increase in the cost of food, and in the past year, with an increase greater than any for the past 20 years. The Federal Government simply has not shouldered its responsibility to see that the American people have the food supplies they need at prices they can afford. The select committee that we are proposing can provide the vehicle for focusing the immediate attention of the House on the need to combat rising food costs and can help to determine a comprehensive Federal policy for dealing with this problem on both a short- and long-term basis. There is no question as to the critical importance of this issue; the American people have reached the limits of their patience and of their pocketbooks and are rightly demanding action on every front.

Mr. Speaker, this Monday I had the opportunity to sponsor an emergency meeting in New York between tri-State public officials and representatives from the food industry to discuss the high costs of food and the means for relief. I was convinced at this meeting that the

major responsibility for reducing food costs, providing relief for both the consumer and the industry, rests with the Federal Government. A transcript of this meeting is being prepared, and I will be submitting it for the RECORD. The Select Committee on the Cost and Availability of Food would be authorized to study all aspects affecting and influencing the cost and availability of food, whether that be the flow of food grown here to other countries, the market structure and competition within the food industry or Government regulation of productivity, and this is the kind of intensive investigation we need if we are to develop a policy for insuring an abundant, wholesome, reasonably priced supply of food.

Mr. HOWARD. Mr. Speaker, I am pleased today to join with the gentleman from New York (Mr. ROSENTHAL) in discussing the need for a congressional inquiry into the spiraling cost of food.

I have cosponsored Mr. ROSENTHAL'S legislation today which would establish a Select Committee on the Cost and Availability of Food. I think the need for an in-depth look into this question is apparent, and the establishment of this select committee, which would exist only during the 93d Congress, would be a major step in helping us to develop some solutions to this problem.

Everywhere I go, througout the Third Congressional District of New Jersey, people are talking with justified alarm about the spiraling cost of food.

The continuing problem of ever-increasing food prices is hurting everyone. In my district, for instance, one woman has taken up babysitting to help the family food budget—but she is still unable to provide meat for the table. Many others are planning to participate in a national boycott of meat in an effort to force the prices down. More painful still are the reports I receive from senior citizens who are only eating two meals each day, because their limited incomes cannot stretch enough to meet these increased prices for food.

During the past 8 years, retail food prices have risen by 33 percent. In January 1973, a typical American family's annual food bill jumped by 2.7 percent, the largest increase since the Government began keeping records in 1947.

These are but a few of the reasons I am joining Mr. ROSENTHAL in sponsoring this legislation.

Two recent editorials in newspapers in the Third Congressional District of New Jersey point out just how critical this problem has become. For the benefit of my colleagues, I am placing these editorials in the RECORD. One is from the Long Branch Daily Record, and the other is from the Colonial News, of Freehold N.J.

The editorial follows:

[From the Long Branch (N.J.) Daily Record, Mar. 16, 1973]

THOSE RISING FOOD COSTS

The Trenton Diocese, which embraces all of Monmouth and Ocean Counties, as well as Mercer County, is the only diocese in New Jersey which is observing meatless Fridays during the Lenten season.

Other dioceses are observing meatless days only on Ash Wednesday and Good Friday.

However there may be a great many meatless days in Monmouth County and in the rest of the nation, but it will have nothing to do with the observance of penitential rites.

Thursday's edition of the Record described the plight of an Atlantic Highlands housewife, who has taken up babysitting to supplement her income but who still is unable to provide meat for the table.

She organized a group of her friends to picket food markets in the area, starting yesterday, to urge housewives to boycott the meat counters in their department stores.

Her effort may have some effect on some of the stores, but just plain arithmetic has been enough to have started a boycott of meat by a great many families.

The cost of meat broke the $1 barrier years ago and now it is threatening to break the $2 barrier. Even chicken, which is a favorite food for serious dieters, is at a record price level.

The Cost of Living Council reviewed a staff report on ways and means to freeze livestock and meat prices at a meeting on March 6, but even then, such a move would have brought little relief. For families to make ends meet on their food budgets, a rollback in prices is needed and that is becoming an economic impossibility.

A supermarket association reports that meat purchases were off about ten per cent last week and when this week's figures are tallied, it is likely that the decrease in meat purchases may be even more.

Price controls are unlikely during the President's Phase III program. A decrease in the purchase of meat is the only factor which can put downward pressure on wholesale and farm prices.

There are two answers to the food price crisis, a leveling off of meat consumption or an increase in the supply of meat through imports. Both are based on the economic law of supply and demand, the only sound basis for governing prices.

But the problem becomes even more complex in the face of the fact that President Nixon lifted embargoes on meat imports from Australia and other countries last year.

Unfortunately the meat-exporting countries had found other markets when the ban was first imposed.

The rising cost of food is having an effect on restaurant dining, where the costs of meat, combined with the overhead costs which accompany operation of a business, are making the price of meat courses expensive.

Housewives have a legitimate protest when living costs rise faster than their paychecks but the real victims of an expanding economy are pensioners, widows and others who are living on fixed incomes. They face not only the problem of food costs but increases in rents and other factors in the cost of living index.

However, there are some bright spots on the economic horizon. Many Monmouth County communities are reporting decreases in the municipal purposes tax because of the benefits gained through revenue sharing.

At the same time, the municipalities are able to absorb some of the jobless corps into jobs in police departments and local agencies.

Welfare will take on a new look if Congress can be made to see the light with more incentives for dole clients to accept gainful employment.

If the tax burden can be reduced to a liveable level, the pocketbooks which are feeling the pinch in rising costs may be a little fuller.

There is no easy answer to a comfortable economy for all levels of society.

And there are many hidden factors at work which are placing a burden upon the entire nation, such as the attack upon the dollar by European nations, a long-time unfavorable balance of trade which was hidden by an artificial legislated economy and the retalitory measures taken by foreign countries against the barrier of the tariff.

We are suffering through a rising cost of living, but figures indicate a decrease in the jobless rate, measures are being taken by the Administration to make the dollar competitive on the foreign market and the hope of the future is in a leveling off of the economy into a stable and effective trading power.

There have been many hours of economic darkness in the history of the U.S. but each as been followed by the dawn of a new era.

For those who suffered through the depression of the early '30s, hardship is nothing new. The only difference is that few people are laughing their way though economic stress as they did in the '30s.

[From the Colonial News, N.J., Mar. 14, 1973]

EVERYONE'S TALKING ABOUT FOOD PRICE CURBS

The rise in food prices is one of the most critical problems facing the United States of America, but recent dialogue on the subject in Washington unfortunately has taken a comic opera turn.

There was, for example, the wild thrust by Secretary of Agriculture Earl Butz the other day. Mr. Butz insisted even before the figures were published that the press would distort figures showing an unusually high rise in the price of food during January by multiplying the monthly figure by 12 to get an inordinately high annual total. Under pressure, Washington spokesmen were forced to admit ruefully the following day that they themselves sometimes extrapolate figures they consider favorable for 12-month totals.

In much the same category as Mr. Butz' outburst was the Marie Antoinette-like suggestion by Federal Reserve Board Chairman Arthur Burns that if housewives are outraged about the high prices of meat "let them eat cheese" one day a week. It might save a little on the food budget, but eating cheese is hardly the cure for inflation at the marketplace. On still another front George Meany, president of the AFL-CIO, advocated strict government controls of food prices, down to raw agricultural products. Ironically, labor opposes wage and price controls generally and the history of controls on food products is one of black marketeering and profiteering.

The widespread concern over the price of food is well taken. What the housewife pays at the marketplace has a direct relationship to the success or the failure of Phase III economic controls, the size of the wage contracts that will be negotiated by more than 5 million American workers in 1973—and perhaps even on our relations with the Soviet Union and Communist China whose purchases of American food have an effect on its prices.

The Administration has taken some positive steps to curb rising grocery prices. It has eliminated export subsidies, permitted more imports of meat and released idled land for farming. Unfortunately, these measures take time to become effective.

On a longer range scale, the Administration also is on solid ground. It is moving to reduce the federal tinkering with the economics of farming and food prices through such things as withdrawing from the direct subsidy and land management programs, and by refusing to spend money on outdated farm agencies and fuctions. If the President succeeds in these efforts, the United States will have taken a large step toward more competition in the marketplace—the surest formula known for maintaining quality and lowering prices.

If the housewife wants to give the Administration support, after she complains to her local store about the price of food, she might write to her congressman, suggesting that

she is fed up with paying twice for the high price of food—once at the grocery counter and again when she pays taxes for farm subsidies.

STATEMENT ON SELECT COMMITTEE ON THE COST AND AVAILABILITY OF FOOD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. HELSTOSKI) is recognized for 5 minutes.

Mr. HELSTOSKI. Mr. Speaker, I am certain that every Member here is painfully aware of the rising cost of food in our Nation. The incredible increases in retail food prices in the last 4 years alone has caused an uproar in the supermarket checkout line and helpless frustration on the part of many families. We have introduced today legislation to roll back prices and to freeze prices on food, which is necessary, albeit temporary action.

Americans actually know very little about the delivery system that brings them their daily bread. I believe that this lack of knowledge is part of the reason we cannot buy as economically as we would like, and why many Americans feel helpless and frustrated when they try to influence their food costs. There has never been even an investigation of the aspects influencing cost and availability of food.

The proposed Select Committee on the Cost and Availability of Food could fill in this knowledge gap and, therefore, Mr. Speaker, I strongly endorse the formation of this select committee which will, for the first time, provide some of the answers in one place to the questions on rising food costs.

PHASE III FAILS: A NEW APPROACH IS NEEDED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. MCFALL) is recognized for 5 minutes.

Mr. MCFALL. Mr. Speaker, today the administration has announced a 0.8-percent increase in the Consumer Price Index for the month of February—the largest monthly increase in 22 years and includes food costs. I believe the Congress will take positive action at this time to change this course of spiraling prices. I am, therefore, introducing legislation today that may assist the Banking and Currency Committee in finding a solution to this problem as the committee commences its hearing next Monday on the administration's request to extend the life of the Economic Stabilization Act of 1970.

This bill not only renews the anti-inflationary powers created in the Stabilization Act of 1970 for 1 year as the President has requested, but it goes much farther than that. It also requires a return to the essentials of the phase II price and wage controls.

It is already clear that phase III has failed to control inflation. In the 1 month after the January abandonment of phase II, the wholesale price index rose nearly 2 percent and appears to be rising as rapidly since then. This is at the annual rate of nearly 24 percent.

An important part of this increase is farm prices which are dominated by the free market and are strongly influenced by the crop failures abroad and dollar devaluation at home. Farm prices and the consequent rise in food prices are hard to control without rationing, except as production is expanded.

Industrial prices are quite a different matter. They were successfully controlled under phase II. In the year before the dropping of phase II, industrial prices rose only 3½ percent. Most of this rise was due to price increases for such raw materials as cotton, hides, lumber, and such metals as lead, zinc, and scrap steel, for which neither management nor labor can be held responsible.

Under phase III, the industrial price index has been rising at the dangerous annual rate of 13 percent, 4 times the rate of the previous year. Yet there are ample supplies of unemployed manpower and unused industrial capacity available to expand output.

The main purpose of this bill is to require that the price-wage controls of phase II be reinstated in an improved and less burdensome form.

The bill sets up a Price-Wage Board, gives it basic price and wage guidelines from which it can depart only when necessary to avoid undue hardship, undue inequity, or undue impedence of economic growth.

The basic price guideline is the maintenance of the dollars and cents profit margin per unit of output. Under this guideline, a firm can increase its profits by producing and selling more, but not by raising its price by more than the increase in its costs.

The basic pay guideline is an increase in wage or salary rates not greater than the trend in national productivity plus the increase in living costs in the preceding year. The Price-Wage Board is required to announce a figure for this percentage increase.

The Board is given leeway in applying these two basic guidelines but the principles are essentially those of phase II.

The bill also requires prenotification for very large firms or big pay contracts, current notification for large firms or pay contracts, and no notification for others, but compliance with the regulations of the Board. These are essentially the provisions of phase II though the scope of prenotification is narrowed down so as to include only 500 of the biggest firms, and current notification to around 1,000 firms.

The $3.50 hourly exclusion adopted in the Senate-approved bill to extend the Economic Stabilization Act is included so that the provisions of the bill do not apply to pay increases to the extent that thye do not raise the straight-time hourly rate of $3.50.

The bill also sets forth the 4-percent unemployment interim goal.

For rents, interest, and matters other than prices and pay, the bill follows the 1970 act except that the rent control authority of the President would come into play only where petitioned by a local authority that presents persuasive evidence of a tight rental market.

We must recognize that such reporting and restraint in pricing puts a serious burden on management and restraint on labor in the interest of limiting inflation. It does not compare with the burden placed on all of us by rapid inflation.

Mr. Speaker, I am inserting the text of this legislation at this point in the RECORD:

H.R. 5910

A bill to amend the Economic Stabilization Act of 1970 to establish a temporary Price-Wage Board, to provide temporary guidelines for the creation of price and pay rate stabilization standards, 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 "Employment and Inflation Act of 1973".

SEC 2. Section 202 of the Economic Stabilization Act of 1970 (12 U.S.C. 1904 note) is amended to read as follows:

"§ 202. Findings and purpose

"(a) The Congress finds that—

"(1) in order to achieve full employment with the minimum of inflation, stabilize the economy, improve the Nation's competitive position in world trade and protect the purchasing power of the dollar, it is necessary to attain and maintain a full employment budget, attain and maintain a full employment stock of money, limit administrative inflation arising from the excessive use of market power by either management or labor, rebuild the supplies of farm products, and in other ways resist inflation;

"(2) inflation arising from excessive general demand can be controlled by prudent fiscal and monetary policy, and general demand is not now excessive;

"(3) when, as at present, there is excessive unemployment, an expansion in general demand can be expected to lift highly competitive prices; in the more concentrated industries which have idle capacity it can be expected to result in an expansion of production and employment; and it can be expected to produce both production and price increases where concentration is intermediate;

"(4) the world supply of farm products is abnormally low because of crop failures in Russia, India, and Australia, so that farm prices which would appropriately have risen somewhat with recovery are abnormally high while stockpiles are abnormally low; both of which conditions can, in time, be corrected by expanding farm production;

"(5) the general level of interest rates results from the interaction of the supply and demand for loanable funds, and the demand would be reduced if Federal Government borrowing were reduced, thus releasing loanable funds to the private sector, while the supply should be increased through monetary expansion to support full employment which would increase the supply of loanable funds, and the pressure on such funds would be reduced further if the investment tax credit were temporarily suspended; and

"(6) the major inflation problem today is to minimize administrative inflation which can occur in the more concentrated industries and can be avoided if producers, in general, expand their profits by increasing production and sales without increasing their profit margins and if rates of pay, in general, rise only in proportion to the trend of national productivity and the increases in living costs.

"(b) It is, therefore, the purpose of this Act to—

"(1) so control administrative inflation that fiscal and monetary measures can bring about full employment without an excessive rise in prices, rates of pay, interest rates, or rents;

"(2) adopt 4 per centum unemployment as the interim goal for the end of calendar year 1973;

"(3) adopt 3.8 per centum unemployment as the interim goal for the end of calendar year 1974;

"(4) have the authority conferred by this Act exercised with full consideration and emphasis on the maintenance and furtherance of the American system of competitive enterprise, including collective bargaining; and

"(5) have the authority conferred by this Act exercised with reasonable flexibiltiy in order to avoid excessive hardship, inequity, or impedance of economic growth."

SEC. 3. Section 203 of the Economic Stabilization Act of 1970 is amended to read as follows:

"§ 203. Price-Wage Board

"(a) There is established the Price-Wage Board (hereinafter in this title referred to as the 'Board').

"(b) The Board shall be composed of five members, appointed by the President by and with the advice and consent of the Senate, as follows:

"(1) A chairman and vice chairman with broad experience in government operation.

"(2) Three members with experience in the fields of business, labor, and consumer affairs, respectively.

A vacancy in the Board shall be filled in the manner in which the original appointment was made.

"(c) Not more than three members of the Board appointed shall be of the same political party.

"(d)(1) Except as provided in paragraph (2), members of the Board shall be appointed for terms of one year.

"(2) Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remander of such term.

"(e) Members of the Board other than the Chairman shall each be entitled to receive the daily equivalent of the annual rate of basic pay in effect for level IV of the Executive Schedule (5 U.S.C. 5315). The Chairman shall be entitled to receive the daily equivalent of the annual rate of basic pay in effect for level III of the Executive Schedule (5 U.S.C. 5314).

"(f) Three members of the Board shall constitute a quorum but a lesser number may hold hearings.

"(g) The Board shall meet at the call of the Chairman or a majority of its members."

SEC. 4. Section 204 of the Economic Stabilization Act of 1970 is amended to read as follows:

"§ 204. Authority to stabilize prices and rates of pay

"Except as provided by section 206, the Board is authorized and directed to issue orders and regulations, accompanied by a statement of reasons for such orders and regulations, to stabilize prices and rates of pay at levels not less than those prevailing on January 10, 1973, in a manner consistent with standards and guidelines issued under section 205 and with section 207, except that prices may be stabilized at levels below those prevailing on such date if it is necessary to carry out the purpose of this title.

SEC. 5. The Economic Stabilization Act of 1970 is amended by redesignating sections 205 through 220 as sections 210 through 225, respectively, and by inserting immediately after section 204 the following new sections:

"§ 205. Standards and guidelines for price and pay adjustments

"The Board shall issue standards and guidelines for noninflationary price and pay adjustments as follows:

"(1)(A) The basic guideline for price adjustments shall be the maintenance of the dollars and cents profit margin per unit of output of any firm for any product or product category which prevailed for such firm during such fiscal years as the Board may designate.

"(B) Subsidiary standards and guidelines for price adjustments shall provide for modifying the basic guideline, as the Board may find necessary, to avoid undue hardship, inequity, or impedance of economic growth.

"(2)(A) The basic guideline for pay adjustments shall be an increase in the pay for any position or category of positions prevailing on January 10, 1973, to the extent of the trend of increase in national productivity and the rise in living costs during the most recent year for which data is available, the total of any such adjustment to be specified by the Board as an allowable percentage increase.

"(B) Subsidiary standards and guidelines for pay adjustments shall provide for modifying the basic guidelines, as the Board may find necessary, to avoid undue hardship, inequity, or impedance of economic growth.

"§ 206. Exceptions with respect to price and pay adjustments

"In exercising the authority conferred upon it under this title, the Board shall—

"(1) make such exceptions as are necessary to foster orderly economic growth and to prevent gross inequities, hardships, serious market disruptions, domestic shortages of raw materials, localized shortages of labor, and windfall profits;

"(2) not limit any pay adjustment scheduled to take effect after January 10, 1973, to a level below that which has been agreed to in a contract which (A) related to such pay, and (B) was executed prior to January 11, 1973, unless it determines that the increase provided in such contract is unreasonably inconsistent with the standards and guidelines for pay adjustments issued under section 205; or

"(3) not preclude the payment of any adjustment in pay—

"(A) in any manner to any individual whose earnings are substandard or who is a member of the working poor, until such time as his earnings are no longer substandard or he is no longer a member of the working poor; and the Board shall prescribe regulations defining, for purposes of this subparagraph, the term 'substandard earnings,' but in no case shall such term be defined to mean earnings less than those resulting from a pay rate which yields $3.50 per hour;

"(B) required under the Fair Labor Standards Act of 1938 or effected as a result of enforcement action under such Act;

"(C) required in order to comply with compensation determinations made by any agency in the executive branch of the Government pursuant to law for work (i) performed under contracts with, or to be performed with financial assistance from, the United States or the District of Columbia, or any agency or instrumentality thereof, or (ii) performed by aliens who are immigrants or who have been temporarily admitted to the United States pursuant to the Immigration and Nationality Act; or

"(D) paid in conjunction with existing or newly established employee incentive programs which are designed to reflect directly increases in employee productivity.

"§ 207. Application by the Board of standards and guidelines it issues under this title, including retroactive application

"(a)(1) For purposes of this title, with respect to price standards or guidelines, the term—

"(A) 'firm in category I' means any person who—

"(i) owns or controls assets of at least $500,000,000 at the end of its most recently completed fiscal year for which data is available;

"(ii) controls sales of at least $500,000,000 for its most recently completed fiscal year for which data is available;

"(iii) employs at least 20,000 individuals; or

"(iv) supplies or controls persons who supply at least 15 per centum of any market of substantial dollar volume.

"(B) 'firm in category II' means any person who is not a firm in category I and who—

"(i) owns or controls assets of at least $100,000,000 at the end of its most recently completed fiscal year for which data is available;

"(ii) controls sales of at least $100,000,000 for its most recently completed fiscal year for which data is available; or

"(iii) employs at least 2000 individuals.

"(C) 'firm in category III' means any person who is not a firm in category I or a firm in category II.

"(2) For purposes of this title, with respect to pay standards or guidelines, the term—

"(A) 'a category I pay adjustment' means any pay adjustment which applies to or affects at least 10,000 employees.

"(B) 'a category II pay adjustment' means any pay adjustment which applies to or affects at least 2,000 employees but less than 10,000 employees.

"(C) 'a category III pay adjustment' means any pay adjustment which applies to or affects less than 2,000 employees.

"(3) Notwithstanding section 211(a), if necessary in order to carry out the purposes of this title, the Board may, on the record and after opportunity for a hearing, transfer any firm from category III into a category II or from category II into category I. The Board may not, in any manner, transfer a firm in category III into category I.

"(b)(1) Any firm in category I which intends to adjust any price on or after the effective date of the Employment and Inflation Act of 1973 shall notify the Board by certified mail of such intended price adjustment at least thirty calendar days before such adjustment is to become effective. As a part of such notification, such firm shall justify, in writing, such price adjustment in terms of appropriate standards and guidelines issued by the Board under section 205 or any appropriate exception under section 206. Such price adjustment may be made unless the Board, within thirty calendar days after notification of such price adjustment, disapproves all or part of such adjustment. Upon petition by such firm and where undue hardship would result, the Board may waive the thirty-day notice requirement.

"(2) Any firm in category II which intends to adjust any price shall notify the Board by certified mail of such price adjustment no later than the calendar date on which all or any part of the price adjustment becomes effective. As a part of such notification, such firm shall justify such price adjustment in terms of appropriate standards and guidelines issued by the Board under section 205 or any appropriate exception under section 206. The Board may retroactively adjust any such price adjustment in conformity with standards and guidelines issued by it under section 205.

"(3) Any firm in category III shall volun-

tarily adhere to the standards and guidelines issued by the Board under section 205 concerning prices or any appropriate exception under section 206.

"(c) Any firm in category I or category II which increased any price on or after January 11, 1973, and prior to the effective date of the Employment and Inflation Act of 1973, shall, unless such price adjustment is rescinded within ten calendar days after such effective date, immediately notify the Board by certified mail of such price adjustment. As part of such notification, such firm shall justify, in writing, such price adjustment in terms of appropriate standards and guidelines issued by the Board under section 205 or any appropriate exception under section 206. The Board may retroactively adjust any such price adjustment in conformity with standards and guidelines issued by it under section 205.

"(d)(1) Any firm which intends to make a category I pay adjustment which is to become effective on or after the effective date of the Employment and Inflation Act of 1973 shall notify the Board by certified mail of such intended pay adjustment at least thirty calendar days before such adjustment is to become effective. As a part of such notification, such firm shall justify, in writing, such pay adjustment in terms of appropriate standards and guidelines issued by the Board under section 205 or any appropriate exception under section 206. Such pay adjustment may be made unless the Board, within thirty calendar days after notification of such pay adjustment, disapproves all or part of such adjustment. Upon petition by such firm and where undue hardship would result, the Board may waive the thirty-day notice requirement.

"(2) Any firm which intends to make a category II pay adjustment shall notify the Board by certified mail of such pay adjustment no later than the calendar date on which all or part of such adjustment becomes effective. As a part of such notification, such firm shall justify such pay adjustment in terms of appropriate standards and guidelines issued by the Board under section 205 or any appropriate exception under section 206. The Board may retroactively adjust any such pay adjustment in conformity with standards and guidelines issued by it under section 205.

"(3) Any category III pay adjustment shall voluntarily adhere to the standards and guidelines issued by the Board under section 205 concerning pay, taking into account exceptions provided for under section 206.

"(e) Any firm which made any category I or category II pay adjustment which became effective on or after January 11, 1973, and prior to the effective date of the Employment and Inflation Act of 1973, shall, unless such pay adjustment is rescinded within ten days after such effective date, immediately notify the Board by certified mail of such pay adjustment. As part of such notification, such firm shall justify, in writing, such pay adjustment in terms of appropriate standards and guidelines issued by the Board under section 205 or any appropriate exception under section 206. The Board may retroactively adjust any such pay adjustment in conformity with standards and guidelines issued by it under section 205.

"(f) For purposes of this section, in the case of transmission by certified mail, notification occurs at the time specified in the certification.

"(g) For the purpose of complying with subsection (b)(1) or (2) or subsection (c), any firm in category I or category II may report any price adjustment, or intended price adjustment, as the case may be, by product or for any grouping of products. If the firm elects to report any price adjustment for a grouping of products, such grouping must be consistent with rules issued by the Board and—

"(1) shall not combine substantially different types of products;

"(2) shall not include products of more than one legal entity; and

"(3) is subject to disapproval by the Board.

"§ 208. Definitions; miscellaneous provisions

"(a) For the purposes of this title, the term—

"(1) 'pay' means wage or salary, and includes fringe benefits (including insurance and stock options), but does not include contributions by any employer pursuant to a compensation adjustment for—

"(A) any pension, profit sharing, or annuity and savings plan which meets the requirements of section 401(a), 404(a)(2), or 403(b) of the Internal Revenue Code of 1954;

"(B) any group insurance plan; or

"(C) any disability and health plan; unless the Board determines that the contributions made by any such employer are unreasonably inconsistent with the standards and guidelines for price and pay adjustments issued under section 205.

"(2) 'firm' means any individual or any corporation, association, partnership, company, joint stock company, society, or any other organization.

"(b) Rules, regulations, and orders issued under this title shall call for generally comparable sacrifices by business and labor as well as other segments of the economy.

"(c) Rules, regulations, and orders issued under this title shall, insofar as practicable, be designed to encourage labor-management cooperation for the purpose of achieving increased productivity, and the Executive Director of the National Commission on Productivity shall when appropriate be consulted in the formulation of policies, rules, regulations, orders, and amendments under this title.

"(d) No State or portion thereof shall be exempted from any application of this title with respect to rents solely by virtue of the fact that it regulates rents by State or local law, regulation, or policy.

"§ 209. Presidential authority

"(a) The President is authorized to issue such orders and regulations as he deems appropriate, accompanied by a statement of reasons for such orders and regulations, to stabilize rents, interest rates, corporate dividends, and similar transfers at levels not less than those prevailing on May 25, 1970, in order to carry out the purpose of this title.

"(b) In carrying out the authority vested in him by subsection (a), the President shall issue standards to serve as a guide for determining levels of rents, interest rates, corporate dividends, and similar transfers which are consistent with the purpose of this title and orderly economic growth. Such standards shall—

"(1) be generally fair and equitable;

"(2) provide for the making of such general exceptions and variations as are necessary to foster orderly economic growth and to prevent gross inequities, hardships, serious market disruptions, domestic shortages of raw materials, localized shortages of labor, and windfall profits;

"(3) take into account changes in productivity and the cost of living, as well as such other factors consistent with the purposes of this title as are appropriate;

"(4) reduce interest rates by encouraging an expansion in the monetary stock which is sufficient to achieve full employment so that a full employment budget would be in balance, thus eliminating Federal Government borrowing; and

"(5) provide for the requiring of appropriate reductions in rents in any political subdivision of any State whenever—

"(A) such political subdivision petitions, in writing, to the President to provide for appropriate reductions in rents;

"(B) the vacancy rate in residential rental units in such political subdivision is 5.5 per centum or less, or there is other substantial evidence of a tight rental market in such political subdivision; and

"(C) warranted after consideration of lower costs, labor shortages, and other pertinent factors.

"(c) The President shall use powers granted to him under existing law to resist increases in farm and food prices by reducing limitations on agricultural production imposed under existing laws of the United States until carry-over stocks are restored to normal levels, with due consideration for restoring such limitations when conditions are more normal.

"(d)(1) The President may delegate the performance of any function under this section to such officers, departments, and agencies of the United States as he deems appropriate, or to boards (other than the Board), commissions, and similar entities composed in whole or in part of members appointed to represent different sectors of the economy and the general public. Members of such boards, commissions, and similar entities shall be appointed by the President by and with the advice and consent of the Senate, except that the foregoing requirement with respect to Senate confirmation does not apply to any member of the Cost of Living Council who is serving, pursuant to appointment by the President, on such council on the effective date of the Employment and Inflation Act of 1973, and who continues to serve, pursuant to such appointment, on such council after such date.

"(2) Where such boards, commissions, and similar entities are composed in part of members who serve on less than a full-time basis, legal authority shall be placed in their chairmen who shall be employees of the United States and who shall act only in accordance with the majority vote of members. Nothing in section 203, 205, 207, 208, or 209 of title 18, United States Code, shall be deemed to apply to any member of any such board, commission, or similar entity who serves on less than a full-time basis because of membership on such board, commission, or entity.

SEC. 6. The first sentence of section 211 of the Economic Stabilization Act of 1970, as redesignated by section 4 of this Act, is amended by inserting "or the chairman of the Board" immediately after "under this title".

SEC. 7. (a) The first sentence of section 212(b) of the Economic Stabilization Act of 1970, as redesignated by section 4 of this Act, is amended by inserting ", including the Board," immediately after "under this title".

(b) Section 212(c) of the Economic Stabilization Act of 1970, as redesignated by section 4 of this Act, is amended by inserting ", and the Board," immediately after "the President or his delegate".

SEC. 8. The first sentence of section 214 of the Economic Stabilization Act of 1970, as redesignated by section 4 of this Act, is amended by inserting "or to the Board or its duly authorized agent" immediately after "under this title" the first time it appears therein.

SEC. 9. Section 215(a) of the Economic Stabilization Act of 1970, as redesignated by section 4 of this Act, is amended by inserting ", or adversely affected or aggrieved," immediately after "suffering legal wrong".

SEC. 10. Section 217 of the Economic Stabilization Act of 1970, as redesignated by section 4 of this Act, is amended by adding at the end thereof the following new subsection:

"(h)(1) The Board shall have a Director who shall be appointed by the Board and paid at the rate of basic pay in effect for level III of the Executive Schedule (5 U.S.C. 5314).

"(2) The staff of the Board shall be appointed by the Director.

"(3) Upon request of the Board, the head of any Federal agency is authorized to de-

tail, on a reimbursable basis, any of the personnel of such agency to the Board to assist it in carrying out its duties under this title."

SEC. 11. Section 223 of the Economic Stabilization Act of 1970, as redesignated by section 4 of this Act, is amended to read as follows:

"§ 223. Expiration

"Unless extended for not more than one year by a concurrent resolution of Congress, the authority to issue and enforce orders, rules, and regulations under this title expires at midnight April 30, 1974, 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 on or prior to such date."

SEC. 12. The amendments made by this Act shall take effect upon the date of its enactment or on May 1, 1973, whichever occurs later.

GOVERNMENT WASTE AND NATIONAL PRIORITIES

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

Mr. LEHMAN. Mr. Speaker, we do not have to cut back our social programs to meet the administration's spending ceiling. We do not have to increase our taxes to control the Federal budget. And we do not have to give up our hope of providing a high standard of health care, education, housing, and economic opportunity for all of our people as we fulfill our duty to fiscal responsibility.

The necessary money is there if we look for it. It has been allotted to the many wasteful programs which were completely overlooked by the President in his proposed budget.

In recent days I have asked a number of very specific questions about waste in the President's budget:

First, in this generation of peace, why are funds for the operation of our thousands of military bases around the world being increased by over a billion dollars?

Second, why in peacetime are funds for weapons procurement being increased by another billion dollars?

Third, why is there yet a third billion-dollar increase in the military budget for research and construction?

Fourth, why should certain NASA programs be increased by $600 million over their fiscal year 1972 level?

Fifth, why do the ship-construction interests merit a $36 million increase in their special subsidy?

Sixth, why does the President need an expensively staffed Office of Telecommunications Policy which spends over $3 million a year to attack our broadcast media?

Seventh, why should we continue to spend $159,000 each year to support a national board for the promotion of rifle practice?

Eighth, why do we encourage the use of tobacco by funding the expenses of the USDA's National Tobacco Marketing Study Committee while at the same time restrict the advertising of this product because of its hazard to our health?

Ninth, why are we still scheduled to spend $3.5 million in 1974 to terminate an SST program ended by Congress in 1971?

Tenth, why does the State Department need an average of 194 people for each of the 117 countries, large, and small, where we now have ambassadors?

Eleventh, and why does the U.S. Navy require twice as many "supergrades" as the Air Force and 55 percent more than the Army?

As we answer these questions, we will be able to find almost $4 billion in funds which could be used for the reordering of our national priorities.

In these proposed expenditures, there is enough waste to fund the $863 million which the President plans to cut from health care in such areas as medical research, professional training, and mental health.

There is enough waste to make up the $570 million cut in education from programs which include graduate fellowships, student loans, adult education, and aid to public libraries.

We can find enough money to restore the $305 million which was cut from housing loans.

And there is enough to prevent the termination of $328 million for OEO aid to community action programs.

We must take a good hard look at the escalating costs of the military and space programs which the President refuses to control.

We must make a thorough review of the many special interest subsidies and offices and boards and committees and never-ending programs which the President has overlooked.

And finally we must begin to look very closely at our top-heavy Federal bureaucracy. As a member of the Subcommittee on Manpower and Civil Service, I hope to find out if we really need the great number of highly paid executives who now swell the Federal payroll.

If we want to truly represent the wishes of the American people for a government which is both fiscally responsible and which helps to improve the quality of our lives, then we must take those steps necessary to reduce government waste and to use what we save for the realinement of our national priorities.

TRADE LEGISLATION TALK, CONSULTATIONS, RUMORS, AND SPECULATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. BURKE) is recognized for 15 minutes.

Mr. BURKE of Massachusetts. Mr. Speaker, I was very interested to read in the front page of Friday's newspapers that the administration is coming along with its much-discussed, often-promised-yet-never-delivered trade bill.

I think it is interesting that a member of the committee with jurisdiction in this area, such as myself on the Ways and Means Committee, has to find out what is going on in the front pages of the morning papers. I was especially interested to find out that the White House is engaged in in-depth consultation with the Hill on these matters. I am not so naive to think that they would include the principal sponsor of what can only be considered an anathema to the White House, the Burke-Hartke bill, in these deliberations. I just hope that others are finally getting the benefit of the administration's thinking, and that eventually the whole Congress will be informed as to what is going on.

In this connection, I think it is worth noting where Congress stands in the White House's revised order of priorities these days. The newspapers for the past several weeks have been carrying reports of high level briefings of foreign governments by the administration on the proposed trade legislation. While I have already indicated I understand White House reluctance to include the sponsors of the Burke-Hartke bill in its preliminary discussions, I did think that the members of the Ways and Means Committee might have been included in the brefings before Secretary General Brezhnev of the U.S.S.R., or even President Pompidou of France, for that matter; yet it all is part of a distinguishable pattern of behavior in recent months. Increasingly, Congress is being presented with agreements and understandings with foreign governments in the manner of so many faits accomplis.

I would just like to serve notice that what we are talking about in trade legislation, and not a foreign treaty, and I would only warn the White House and its advisers that I, for one, intend to see to it that the administration's proposed legislation is treated as it should be—as a proposal and nothing more. In this connection, obviously the more I understand about the administration's logic in putting its recommendations together, the better I will be able to consider them.

One final comment. This pattern of prior consultation with foreign governments in advance of Congress is nothing new with trade in this administration. The only copy of the much-discussed Flanigan report that I was able to review came through my contacts with a certain foreign embassy in this city. I think it is a pretty sad state of affairs when Members of Congress have to do their background reading in the libraries of some foreign embassies in an effort to find out what the U.S. Government is thinking.

My main point in all of this is quite serious. This recent performance of the administration where trade is concerned would seem to indicate that this country's government still has its priorities mixed up. It is the sensitivities and feelings of foreign governments that seem to be shaping our trade policies, not the legitimate concerns and well-being of the American workers about to lose their jobs or the small businessmen about to go under beneath the avalanche of cheap foreign imports. Of course, foreign governments have a considerable stake in the trade policies of this Nation and their views deserve consideration. However, to watch this Government operate one gets the impression their views are dictating this Nation's policies. That is why we are in the mess we are in. That is why nothing has been done to meet the deepening trade crisis to date. By the time the administration comes to the Hill to discuss foreign trade it sounds more like a lobbyist for foreign interests than the representative of America's working people.

One has become accustomed to the State Department representing foreign interests and lobbying very hard against the Burke-Hartke bill, advising that unemployment among the shoe, textile, and electronic workers may be the price we have to pay for good relations with Japan or Taiwan. But I thought we had some government agencies looking out for the domestic well-being.

TO AMEND THE NATIONAL ENVIRONMENTAL POLICY ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. MURPHY) is recognized for 5 minutes.

Mr. MURPHY of New York. Mr. Speaker, I introduce today a bill which would amend the National Environmental Policy Act in order to make this act more effective.

NEPA has created a procedural nightmare. As a result of this emphasis on procedural matters, to the exclusion of substantive issues, government and industry, as well as large segments of the general public, find themselves unable to plan or function in a systematic workable manner. The procedural requirements which the courts have construed NEPA to impose have spun a web which is effectively strangling many admittedly necessary projects throughout the Nation.

Industry and businessmen desire a clean, healthy environment as keenly as any environmental group. However, the environment is only one of many factors that must be weighed in the delicate balancing act that comprises the decisionmaking process. It is not urged that the environment is any less important in this process than questions of cost, safety, productivity, or material progress. But neither is it more important.

Above all, any institutional structure designed to protect the environment must be realistic and workable.

Stated briefly, my goal is to amend NEPA so that it presents a procedurally workable system. To substantially dilute or radically change NEPA is not the aim. NEPA modifications must be achieved with language that preserves the objective of the act, but which nevertheless manages to overhaul its nightmarish tangle of procedures.

It is believed that a workable system would be possible if NEPA were amended in the following respects:

NEPA presently treats three separate and distinct processes in the same manner: Federal legislation, federally conducted projects, and projects privately implemented but which require Federal approval. Obviously, each of these situations carries with it its own set of problems which lend themselves to different solutions. NEPA must be modified to make it clear that these are three different situations.

NEPA requires an analysis of "alternatives to the proposed action." This language has been construed by the courts in a most unrealistic fashion. NEPA should be modified to make it clear that the "alternatives" to which the act refers are those which are realistic within reasonable parameters of time, cost-benefits and capability of implementation.

NEPA should be modified to make it clear that a new comprehensive environmental impact statement is not required for each implementation of individual acts in a series of acts comprising an overall program. For instance, once a comprehensive environmental impact statement is prepared on a program for offshore leases, a new comprehensive statement should not be required for issuance of drilling permits, construction of pipelines or other acts involved with implementation of the program. Moreover, in an instance where additional lease sales are to be made as a part of this program, the agency should be permitted to issue a supplemental statement limited to the peculiar characteristics of the tracts involved and to significant changes in circumstances which may have occurred since issuance of the comprehensive environmental impact statement.

NEPA should also be modified to eliminate the duplication and overlap which presently exist. Where the same environmental factors have previously been analyzed in an environmental impact statement, and where the agency finds that circumstances have not significantly changed since such analysis was made, the agency should be able to rely upon the previous analysis. For instance, before leasing offshore tracts, the Department of Interior must consider the "alternative" of increased oil import quotas, and in so doing must consult with other interested agencies. If it is subsequently proposed to amend the oil import quota program, it should certainly not be necessary for any agency—presumably, one which was consulted initially—to conduct a full-scale environmental study of the "alternative" of increasing offshore leases. The agency dealing with the proposed change in the oil import quota program should simply be able to adopt the previously prepared statement.

NEPA presently requires that an environmental impact statement is required of all Federal agencies. This language should be modified to make it clear that an agency would not be required to prepare a statement when the overall project has already been the subject of a statement prepared by the agency exercising principal jurisdiction over the matter. For instance, the Army Corps of Engineers should not be required to prepare an impact statement on one part of a project; that is, a river crossing—when the entire project; that is, a pipeline—has previously been evaluated and approved by the FPC—which would, of course, have consulted with the corps in preparing the initial statement.

An environmental impact statement should not be required to the extent that the proposed action is to be implemented in accordance with regulations of a Federal department or agency which have been found to meet the policies and purposes of the act.

This bill which I introduce today was designed to overcome the above-mentioned procedural defects in NEPA. I include a section-by-section analysis:

SECTION-BY-SECTION ANALYSIS

Section 2: This section reaffirms the objectives of NEPA and that the purpose of the Amendments of 1973 is merely to clarify and to spell out the necessary procedural requirements so as to make the administration of NEPA more effective.

Section 3: A minor change is proposed in subparagraph (3) substituting the words "without undue" for the word "without". The present standard is unattainable.

Section 4: The requirement of a standard of "fullest extent possible" as unreasonable and the proposed use of "practicable" together with the phrase "consistent with other essential conditions of national policy" is more realistic and consistent with the intent of NEPA as stated in Section 101(b). Technical provision was added to reflect the restructuring of Section 102. The content of paragraphs (c) and (d) of Section 102 has been included in new Section 103, and unchanged paragraphs in Section 102 have been relettered accordingly.

Section 5: The existing Section 103 of NEPA was self-executing and has terminated. In the interests of simplifying draftsmanship. it is being deleted and a new Section 103 dealing with procedures is inserted.

New Section 103 contains the essence of subsections (c) and (d) of Section 102 of the original Act. The purpose of new Section 103 is to spell out a separate and different procedure for each type of action now covered by a single procedure in Section 102(2)(c).

Subsection (a) sets forth the general requirements and standards for Environmental Impact Statements.

Subsection (b) deals with proposed legislation and the development of the Environmental Impact Statement for such legislation.

Subsection (c) sets forth procedures to be followed in connection with a proposed Federal action which is to be implemented by a Federal department or agency. This deals with such things as off-shore leases, highways, dams, etc. It will be noted that subparagraph (2) seeks to define the types of "alternatives" that must be considered; subparagraph (3) seeks to eliminate duplication of Environmental Impact Statements where several substantially identical actions are proposed within the same geographic area; subparagraph (4) seeks to eliminate repetitive Environmental Impact Statements in situations such as off-shore leasing; subparagraph (5) eliminates the need for Environmental Impact Statements in those situations covered by environmental regulations such as Federal Power Commission Order 407; subparagraph (6) eliminates the duplication of effort by agencies playing a secondary part in a proposed action.

Subsection (d) relates to Federal actions which a person, such as a pipeline company, is seeking Federal authorization (i.e., a certificate of public convenience and necessity) for a private project, such as a pipeline. It will be noted that subparagraph (1) is designed to overrule the *Greene County Planning Board* decision and to provide for the threshold determination as to whether there is involved a major Federal action significantly affecting the quality of the human environment; subparagraph (2) limits the alternatives that must be considered; subparagraph (3) seeks to eliminate duplication of Environmental Impact Statements where several substantially identical actions are proposed within the same geographic area; subparagraph (4) seeks to eliminate repetitive Environmental Impact Statements where the proposed action is to be implemented pursuant to environmental guidelines; subparagraph (5) eliminates repetitive consideration of environmental matters by Federal agencies having secondary jurisdic-

tion over a proposed action; subparagraph (6) seeks to eliminate the need for discussion in Environmental Impact Statements of matters adequately covered by State or local law.

Section 6. The purpose of this new Section 106 is to prevent delays when an agency action is challenged on environmental grounds. In those cases where no other time limit is provided by an agency's existing statutory authority, the section establishes a 30-day period within which petitions for review or motions for interlocutory relief must be made.

FEDERAL ASSISTANCE NEEDED FOR RECENT DISASTER IN SOUTH CAROLINA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. DAVIS) is recognized for 30 minutes.

Mr. DAVIS of South Carolina. Mr. Speaker, I rise today because I am distressed about a situation that is currently causing a grave problem in my State of South Carolina. It has been more than a month now since a record snowfall swept our State, causing widespread damage and destruction. Our Governor has asked for help from a Federal agency, the Office of Emergency Planning, and has also asked for a declaration for portions of the State as disaster areas.

The snow came about 6 weeks ago on the 9th and 10th of February. The help from the OEP still has not come.

While South Carolina poultrymen, tobacco farmers, manufacturers, businessmen small and large, and others have continued to suffer daily losses, the people at the Office of Emergency Planning are still saying they are "considering it."

Now, just to shed a little bit of light on the record, it only took them about 12 hours—12 hours—to consider and send help to Texas following a tornado. Yet it has been more than 30 days since the worst snowstorm since the Civil War swept South Carolina. The damage estimate is set conservatively at $35 million—and it probably will continue to rise.

Now, I want to know just what in the world there is to consider. There is certainly a need in South Carolina. Private industry recognizes it. I would like to quote from a letter from the Campbell Soup Co., which is in Sumter County, which says:

> We will reimburse our growers for 20 percent of the estimated rebuilding costs. In addition, we are prepared to loan to those groups who have an immediate financial need up to $1,000 on an interest-free basis to cover living expenses. We hope this will serve as an impetus to get them back into business.

I would also point out that the letter concludes with the following sentence:

> The need to secure Federal assistance in the form of low-interest loans to the growers is still vital.

"Vital" is the way that it is described by this industry.

Vital. And at this time not one soul in the Office of Emergency Planning has considered it enough to make a decision.

So, Mr. Speaker, they say they have an "overview" of the entire situation. Yes, they did that. They flew around for a couple of hours in Government helicopters and looked down at the damage from 2,000 feet up.

Well, that does not cut it. They have to get down on the ground to see the tobacco warehouses which have collapsed from the weight of the snow and ice. They have not seen the poultry coops wrecked and the flocks decimated by the greatest accumulation of snow since they have been keeping records in our State.

They have not seen the property damage to hundreds of businesses and thousands of citizens in the Palmetto State.

They are only considering what they saw in their overview of the situation.

As we look at the lack of action in our State and the quick action in the State of Texas, we sort of feel is it too bad that Mr. Connally does not live in South Carolina?

Since the OEP is a branch of the White House, I can only assume that the administration is helping them to consider South Carolina's request for assistance.

The Governor has determined a need for assistance. Private industry has determined a need for assistance, and after making my own survey, I assure the Members there is a definite need, a critical need, for Federal assistance. It is more than the State and private industry can shoulder alone.

I can also add that if the administration does not see fit to act soon with some relief, then the bankruptcy courts will have to act. The time for excuses is past, Mr. Speaker, the time for passing the buck is past; the time for considering is past; the time for action is now, today. No amount of considering will replace the roofs of tobacco warehouses and poultry coops, and the losses that our people bear. No amount of considering will repair the homes and businesses of South Carolinians who have suffered in this disaster. I shall continue to use all my powers as a Member of this body, and I seek the help of the rest of the South Carolina delegation and the other Members of this Congress, who could suffer like disasters, in an effort to cut through the redtape and get something done.

I call upon this administration, if they care enough, to help us in our struggle for relief.

I yield back the balance of my time.

THE PRESIDENT'S MESSAGE ON CRIME IS NEEDED

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, Americans who believe in law and order should welcome the President's recent message on crime. In his speech, he outlined plans for a massive attack on what is probably the most difficult and complex problem confronting the Nation. The details of Mr. Nixon's proposals require careful examination but Congress should move promptly to enact the necessary legislation.

I feel that he is right in seeking a reinstatement of the death penalty and stiffer and mandatory sentences for drug pushers. A plan for revision of existing Federal criminal statutes is long overdue. Congress will want to study carefully the proposal for block grants to State and local police forces. It may offer improvements to present Federal assistance programs on crime control. Congress should also inquire carefully into the need for more Federal participation in such crime prevention areas as technical assistance, manpower training and for aid to correctional institutions across the Nation.

Mr. Speaker, the problem of crime is one which impacts on every American. The Federal Government is charged, as the President noted, with the status of domestic tranquility. While most crime is of a local nature and in violation of State or local laws, the fact remains that serious crime is on the increase and it is the duty of the Federal authorities to provide assistance to local police to help combat crime.

I was especially pleased to note the President's concern over the role of the courts in the matter of crime. He said, quite correctly, that very often it is the court which turns a hardened criminal back onto the streets to once again feed off the law abiding people of the land. Certainly there is a need to plug this hole. The U.S. Supreme Court has made it very difficult to convict criminals. Soft judges, who show more concern about the criminal than they do about his victim, are responsible for many hardened criminals being free today to continue to prey on society.

The call for a crackdown on drug traffickers should have enthusiastic support. They are a plague on society and they should be dealt with harshly. The courts should be given little if any discretion in imposing sentences. These steps should be accompanied by a thorough-going program of education on the dangers of drugs to individuals, particularly the young.

There will, of course, be controversy on the reinstatement of the death penalty. I consider it clear that the death penalty serves as a deterrent to serious crime. The President is only seeking the reinstatement of the death penalty for certain Federal crimes such as aircraft hijacking, treason, and espionage. It is to be hoped the States will adopt similar constitutionally acceptable language to deal with other crimes such as murder. Here Florida has provided an excellent example for other States to follow.

Although we cannot hope for eradication of crime, the fact remains that stricter law enforcement and a tougher attitude by the courts toward criminals can help to curb crime. Congress should not delay the enactment of additional laws to reduce and deter crime. But this in itself will not be sufficient. There also is a requirement for less indifference on the part of the public to the growing spectre of crime. Too many people simply ignore crime and hope it does not come to them. Police officials need the help of the public.

LESS IS MORE

(Mr. PODELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PODELL. Mr. Speaker, while comedians are making jokes about selling the family jewels and refinancing the house in order to pay for a steak dinner, the average housewife in this country faces the very real prospect of financial disaster if she tries to feed her family well. It simply is not funny any more.

When steak costs a minimum of $1.89 a pound it is time to stop laughing.

When you cannot buy a loaf of bread for less than 30 cents, it is time to ask some very serious questions.

When a family of four needs upward of $50 a week just to get the bare nutritional essentials, it is time that we dig in our heels and say, "Stop."

All the press conferences and releases in the world will not lower the prices we are paying for food. It does not help to hear that things may be bad but that they might be worse. The White House and Cost of Living Council will not make steak cheaper here by telling us how expensive it is somewhere else.

The Federal Government is currently spending billions of dollars a year to control and monitor all phases of food production. How well are the dollars spent on the farm subsidy program being used? Is this program being run for the benefit of the consumer as well as the farmer? How well is the Department of Agriculture planning crop production to take into account both domestic needs and foreign sales?

Hundreds of millions of dollars go into the compilation and publication of wholesale and consumer price indices. This is the most expensive, most extensive system in the world, with a wealth of information at its beck and call. With all these facts and figures at its disposal, why cannot the White House give us positive answers instead of platitudes? This is ludicrous. If the answers are not there, why have they not been looking for? Is any of the money spent on this massive recordkeeping program being used to find out why prices have kept rising month after month?

The President and his advisers tell us eat fish and cheese instead of meat. Have they noticed that lately these foods are nearly as expensive as meat? That never in history have the prices of fish and cheese been higher than they are now? What is being done to make fish more plentiful and cheaper? Are this Nation's fisheries being managed efficiently? Are they as modern as they should be to keep up with the demand?

We are told by the President's consumer adviser too simply eat less if we want to save money on food bills. This is like Marie Antoinette telling the starving people of France to eat cake when they had no bread. I would like to know how a woman can tell her husband and her children that the President wants them to eat less for the good of the country?

The situation is intolerable. The White House has procrastinated and played Pollyanna long enough. It is time for the Congress to do something so that the average consumer in America can be assured of having enough to eat at reasonable prices.

President Nixon thinks the last election gave him a mandate. I think he is seriously misinterpreting the mood of the country. He is not free to prescribe a sugar-coated placebo of rhetoric when the American consumer comes to him with a legitimate grievance. If he has a true mandate from the people, it means that he is expected to act in their best interests. The people expect him too take positive action on food prices, not to tell them about what he will not do. The President is not doing anything. The consumer has done all that he or she can do. It is now up to the Congress to do something for the people that put us here.

It is about time we learned why prices are going up so fast, and just where the extra money is going. It is about time we worked out a system of price controls and applied them. It is about time that we guaranteed to the people of this country enough food that is nutritionally valuable at prices they can afford. We do not have the information to do this now, but we have the right to it. After all, the money is coming out of our pockets. It is only logical that we know where it is going.

TO END RECORDKEEPING ON SALE OF .22 AMMUNITION

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, I am today reintroducing a bill which is intended to remove the remaining recordkeeping restrictions on the sale of .22 caliber rimfire ammunition. These restrictions were imposed as a part of the 1968 gun control law and a great many law-abiding sportsmen and businessmen want to see them removed. In this I am joined by 73 Members of the House whose names appear below.

Subsequent to the passage of the 1968 gun control law, restrictions on sale of other rifle ammunition and shotgun ammunition have been eliminated by act of Congress but the sale of .22 caliber ammunition still requires reporting and recordkeeping by dealers. There has been general dissatisfaction with many features of the present gun control law. Law-abiding citizens simply resent the type of regulation which it requires. Criminals ignore the law and this the general populace realizes. At the time the bill was approved by Congress, it was the lesser of the evils which had been proposed as gun control legislation. This, however, has not made it palatable to the public.

Possibly the most aggravating single feature of the present act is the restrictions on the sale of .22 caliber ammunition. It is part of the pattern of our outdoor heritage in America that marksmanship training should begin at home or in clubs under proper supervision. It is through this type of training that restraint and good sportsmanship in the proper use of weapons is best taught.

The propriety of passing this bill will be questioned by some who feel that it will then be easier for the criminal element to obtain ammunition. It is true that .22-caliber ammunition is used in some of the "Saturday-night specials," the pistols which are blamed in many of the crimes involving weapons. Now let me point to the fact that it is also inescapably true that States and cities which have the most stringent antigun laws—including Washington, D.C.—are continuing to experience a very serious crime problem. It is also interesting to note that in Bermuda where the Governor and his aide were recently assassinated, all weapons have to be licensed and few are thought to be in private hands. Antigun laws will not stop the criminal. Failure to pass this bill will not stop the criminal.

I am one of those who has spoken for the passage of a sound and effective bill to take the little handguns known as the "Saturday-night specials" out of circulation. Many of the cosponsors of this bill feel as I do. We want crime control for criminals, not harassment for law-abiding citizens.

The .22 caliber weapons are among those most generally used by law-abiding sportsmen, and particularly younger people. It should be very clear that the removal of the restrictions on the sale of .22 caliber ammunition will be welcomed by law-abiding sportsmen and in particular by young people who are just being taught the pleasures that come with the proper use of firearms. This action also will be welcomed by businessmen who have been steadily harassed by the recordkeeping restrictions required by the present law.

You will recall that this bill passed the House in the 91st Congress but action on it was not completed by the Senate. An identical bill was reported by the Ways and Means Committee last year but was not considered by the House. The proviso to remove restrictions on the sale of .22 caliber ammunition was included in the Bayh bill on handguns which passed the Senate but was not taken up in the House. Certainly it is time to complete action on this very simple measure.

Cosponsors of the bill are: Mr. ULLMAN, Mr. SAYLOR, Mr. SCHNEEBELI, Mr. FISHER, Mr. NICHOLS, Mr. ALEXANDER, Mr. ZION, Mr. HARSHA, Mr. LEGGETT, Mr. MELCHER, Mr. BEVILL, Mr. FRENZEL, Mr. MONTGOMERY, Mr. STEIGER of Arizona, Mr. ROBINSON, Mr. DENHOLM, Mr. GOODLING, Mr. MOLLOHAN, Mr. ANDREWS of North Dakota, Mr. PETTIS, Mr. BURLESON of Texas, Mr. HALEY, Mr. KING, Mr. MAYNE, Mr. MYERS, Mr. ESHLEMAN, Mr. HUTCHINSON, Mr. MATHIS, Mr. RARICK, Mr. QUIE, Mr. CHARLES WILSON of California, Mr. BROOMFIELD, Mr. MALLARY, Mr. FISH, Mr. FOLEY, Mr. BROTZMAN, Mr. CLEVELAND, Mr. BURLISON of Missouri, Mr. BLACKBURN, Mr. HANSEN of Idaho, Mr. BOWEN, Mr. DICKINSON, Mr. RUNNELS, Mr. DAVIS of South Carolina, Mr. DINGELL, Mr. MCCLOSKEY, Mr. MATHIAS, Mr. RHODES, Mr. ARCHER, Mr. KEMP, Mr. WAGGONNER, Mr. O HARA, Mr. WALSH, Mr. LUJAN, Mr. MOSS, Mr. KETCHUM, Mr. WAMPLER, Mr. SCHERLE, Mr. CAMP, Mr. WYLIE, Mr. Mc-

CORMACK, Mr. MCEWEN, Mr. DENNIS, Mr. MILLER, Mr. FLOWERS, Mr. MIZELL, Mr. DAVIS of Georgia, Mr. SNYDER, Mr. ROUSSELOT, Mr. SYMMS, Mr. ROY, Mr. FOUNTAIN, and Mr. OWENS.

"911" A FEDERAL POLICY

(Mr. ROUSH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ROUSH. Mr. Speaker, I am today reintroducing a bill that I have introduced earlier in this session to provide funds through the Federal Communications Commission to help local communities implement the "911" emergency telephone number. Twenty-one congressmen join me in cosponsoring this bill today.

And, Mr. Speaker, I am especially pleased to announce that the administration has today proclaimed Presidential support for the nationwide adoption of "911."

Prior to the news conference making this announcement, I attended a meeting in which Dr. Clay Whitehead, Director of the Office of Telecommunications Policy in the White House, announced the Presidential support and the creation of a Federal Information Center in the Department of Commerce in Washington, D.C. to provide information to State, local, and municipal governments interested in "911."

The meeting was attended also by Police Chief Jerry Wilson, representatives of A.T. & T., the U.S. Independent Telephone Association, the U.S. Conference of Mayors, the International Association of Fire Chiefs, and the International Association of Chiefs of Police.

The legislation we are introducing today clearly concurs with the intent of the national policy statement: namely to encourage the adoption of a single, nationwide emergency telephone number; and to encourage local communities to take steps to bring this about.

This bill goes a step further to provide financial assistance to cities which might easily afford the basic technical equipment change-over necessary to establish "911," but cannot afford the communications renovations often equally necessary to make it work effectively.

I am in thorough agreement with Dr. Whitehead's statement of the primary purpose of "911" telephone emergency service, which is, in his words, to enable citizens to obtain law enforcement, medical, fire, rescue, and other emergency services as quickly and efficiently as possible by calling the same telephone number anywhere in the Nation."

The key benefits to "911" cited by Dr. Whitehead and Chief Wilson: "one easy number to remember; a quick number to dial; a quicker response time to emergencies" are the critical benefits, the ones that I have been emphasizing since I began this crusade to secure a single, nationwide, emergency number in 1967. They are also the benefits that are proving themselves in reports from cities operating now on "911."

Once again, I would like to express my pleasure at the administration's endorsement of an idea some of us have been working on for 7 years. We have seen progress in that time. Now almost 22,000,000 Americans are enjoying "911" service in roughly 300 communities. But that is still a long way from the goal of the Congressmen sponsoring this legislation today, a goal the administration joins us in: bringing "911" emergency telephone service to all cities in the United States.

GRAND CANYON PARK

(Mr. UDALL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. UDALL. Mr. Speaker, yesterday I introduced a bill, H.R. 5900, aimed at preserving the Grand Canyon as one of nature's most magnificent scenic wonders. The park not only is vital to the State of Arizona but as part of the system of national parks, it is an important natural resource for the entire country.

The bill will insure that our descendants will be as awed by the majestic breathtaking vistas of the canyon as we are today. The time to act is now—in another generation the drive to exploit our wilderness areas may damage the canyon beyond repair. We must not let that happen.

An identical bill was simultaneously introduced in the Senate by the distinguished junior Senator from Arizona, BARRY GOLDWATER, who has taken the lead in drafting the language in this bill. Without his intensive and effective efforts, there would be little chance of action on this legislation.

The bill, which bears the thoughtful imprint of Senator GOLDWATER'S deep concern, takes into consideration the various—and sometimes conflicting—interests of conservationists, ranchers, wildlife groups, and the Indian tribes living in the area.

The grazing of livestock, range improvement, hunting, and fishing, would continue but other activities which might have an adverse effect on the park, such as mining and road construction, would be restricted.

The bill would nearly double the size of the park—from 673,575 acres to nearly 1.2 million acres—and creates a "zone of influence" on adjacent land where any development or activity detrimental to the environment would be prohibited.

The "zone of influence" would be under the control of the Secretary of the Interior who would have wide authority to set standards for the area.

Other key provisions are:

Extension of the park from Lees Ferry to Grand Wash Cliffs, and long-sought objective of conservation groups.

Placing of all land under one authority, the Park Service, instead of the present divided control between the Marble Canyon National Monument and the Glen Canyon National Recreation Area.

Gives authority to the Secretary of the Interior to issue rules controlling the use of air space above and below the canyon's rim.

Creates a Grand Canyon Wilderness Area of 512,000 acres as specified in President Nixon's wilderness plan for the Grand Canyon complex announced last September.

As presently written, the bill expands the Havasupai Indian Reservation from a comparatively small enclave of a few hundred acres to about 169,000 acres including 41,000 acres from the existing park. This provision is one of the more controversial in the bill because it might lead to the opening of the parks to private interests as well as reopening long-dormant Indian land claims

But the bill also specifically provides for protection of existing legal rights of Indian tribes in and around the canyon by stating that no lands or interests can be transferred or acquired from any tribe against the will of its governing body.

In introducing this bill, I am most concerned with moving public discussion along, rather than waiting for perfect legislative language. This bill will act as a lightening rod, attracting some criticism and a lot of careful examination of the difficult issues which have bogged down canyon legislation for years.

I know, for example, that many conservationists will sincerely dispute the part of the bill deleting lands from the national park system for the benefit of the Havasupai Tribe. With them, I recognize that the lands involved in the deletion are considered by many to be among the best in the park.

One of the options the Congress will want to review is the possibility of purchasing available private lands for the Havasupai, as many of the plateau land in which they have expressed a continuing interest is now in private hands and reportedly up for sale.

Mr. Speaker, I insert the text of the bill in the RECORD following these remarks:

H.R. 5900

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 "Grand Canyon National Park Enlargement Act."

DECLARATION OF POLICY

SEC. 2. It is the object of this Act to provide for the recognition by Congress that the entire Grand Canyon, from Lees Ferry to the Grand Wash Cliffs, including tributary side canyons and surrounding plateaus, is a natural feature of national and international significance. Congress therefore recognizes the need for, and in this Act provides for, the further protection and interpretation of the Grand Canyon in accordance with its true significance.

ENLARGEMENT OF GRAND CANYON NATIONAL PARK BOUNDARIES

SEC. 3. (a) In order to add to the Grand Canyon National Park certain prime portions of the canyon area possessing unique natural, scientific and scenic values, the Grand Canyon National Park shall comprise, subject to any valid existing rights under the Navajo Boundary Act of 1934, all those lands, waters, and interests therein, constituting approximately 1,163,765 acres, located within the boundaries as depicted on the drawing entitled "Boundary Map, Grand Canyon National Park," numbered 113–20,000–G and dated February, 1973, a copy of which shall be on file and available for public in-

spection in the offices of the National Park Service, Department of the Interior.

(b) For purposes of this Act, the Grand Canyon National Monument and the Marble Canyon National Monument are abolished, and any lands formerly included within such monuments and not included within the Grand Canyon National Park or the Havasupai Indian Reservation, as enlarged by the Act, may be utilized by the Secretary for exchanges for lands to be incorporated into such park by or under this Act. Lands not used for such exchange purposes shall be administered by the Secretary in accordance with the laws applicable to the public lands of the United States and section 6. The combined total acreage of such park as enlarged by subsection (a) and this subsection shall not exceed 1,200,000 acres.

ACQUISITION OF LANDS BY DONATION OR EXCHANGE

SEC. 4. (a) Within the boundaries of the Grand Canyon National Park, as enlarged by this Act, the Secretary of the Interior (hereinafter referred to as the "Secretary") may acquire land and interest in land by donation, purchase with donated or appropriated funds, or exchange; but not by condemnation.

(b) Federal lands within the boundaries of such park are hereby transferred to the jurisdiction of the Secretary for the purposes of this Act.

PROHIBITION AGAINST TAKING OF STATE OR INDIAN LANDS

SEC. 5. Notwithstanding any other provision of this Act, (1) no land or interest in land owned by the State of Arizona or any political subdivision thereof may be acquired by the Secretary under this Act except with the concurrence of such owner, and (2) no land or interest in land, which is held in trust for any Indian tribe or nation, may be transferred to the United States under this Act or for purposes of this Act except with the concurrence of such Indian tribe.

GRAND CANYON ZONE OF INFLUENCE

SEC. 6. (a) (1) In order to more effectively protect the scenic and ecological integrity of the Grand Canyon, the Secretary shall establish a Grand Canyon Zone of Influence, which shall consist of such area, adjacent to or near the Grand Canyon National Park, as enlarged by this Act, as he shall, from time to time, define by publication in the Federal Register and within which he determines that a coordinated protective management of the environs is necessary or appropriate to protect against certain activities which may have an adverse influence on the Grand Canyon National Park, as enlarged by this Act, or any portion thereof.

(2) The authority granted to the Secretary by paragraph (1) shall not be applicable to lands held in trust for any Indian tribe or nation, except with the concurrence of such Indian tribe or nation.

(b) On any Federal lands within the Grand Canyon Zone of Influence, defined by the Secretary pursuant to subsection (a),

(A) disturbance of vegetation shall be allowed only for purposes of prescribed burning, scientific investigation, and spot development for interpretation, wildlife management, and grazing and grazing-related range-improvement;

(B) the development of new roads and any other new construction shall be confined to that which is necessary for proper management, as determined jointly by the Secretary and the head of the agency exercising jurisdiction over the lands following public hearings;

(C) hunting and fishing shall continue to be permitted in accordance with applicable laws;

(D) no permit, license, or lease for prospecting, development, or other utilization of mineral resources shall be granted, and Federal lands, waters, and interests therein are hereby withdrawn from location, entry, and patent under the United States mining laws for such period as such area is defined as being within the Grand Canyon Zone of Influence; and

(E) grazing of livestock shall continue to be permitted.

(c) (1) Where non-Federal lands within the Grand Canyon Zone of Influence are within the boundaries of a national forest, the Secretary of Agriculture is authorized to acquire the same or any interest therein by purchase, exchange, or donation, but not by condemnation. No land or interest in land owned by the State of Arizona or any political subdivision thereof or any land or interest in land held in trust for any Indian tribe or nation may be acquired except with the concurrence of such State, political subdivision, or Indian tribe or nation. Property acquired pursuant to this paragraph within a national forest shall be administered as a part thereof, subject to the provisions of this section.

(2) Where non-Federal lands within the Grand Canyon Zone of influence are surrounded by public lands of the United States administered by the Secretary through the Bureau of Land Management, the Secretary may acquire any such non-Federal lands or interests therein for inclusion within the Grand Canyon Zone of Influence in the same manner and subject to the same conditions as set forth in sections 4 and 5. Property acquired pursuant to this paragraph shall be administered in accordance with the laws applicable to the public lands of the United States, subject to the provisions of this section.

(d) Within the Grand Canyon Zone of Influence the Secretary shall negotiate cooperative agreements with other public bodies in accordance with section 7 relative to the protection of the Canyon and park environs and to the development and operation of unified interpretative programs and facilities.

COOPERATIVE AGREEMENTS FOR UNIFIED INTERPRETATION OF GRAND CANYON

SEC. 7. In the administration of the Grand Canyon National Park, as enlarged by this Act, the Secretary is authorized and directed to enter into cooperative agreements with other Federal, State, and local public departments and agencies and with interested Indian tribes providing for the protection and Interpretation of the Grand Canyon in its entirety. Such agreements shall include, but not be limited to, authority for the Secretary to develop and operate interpretative facilities and programs on lands and waters outside of the boundaries of such park, with the concurrence of the owner or administrator thereof, to the end that there will be a unified interpretation of the entire Grand Canyon.

DEVELOPMENT OF INDIAN RECREATIONAL AND TOURIST PROGRAMS

SEC. 8. (a) (1) The Secretary is authorized to enter into agreements with any Indian tribe or nation having lands within or near the Grand Canyon National Park, as enlarged by this Act, relating to the planning, development, or use of such lands or related waters, for recreational, historical, or cultural purposes with a view to ensuring that any such program will be operated by or for the benefit of the members of the respective Indian tribe or nation.

(2) In carrying out the purposes of this section, the Secretary is authorized to provide to the Indian tribe or nation concerned financial assistance through contracts, grants or loans (including assistance relating to planning, designing, and operation of facilities), advice, construction supervision, and training of personnel in regard to any program established under this section.

(b) Lands held in trust for the Navajo Nation which are located within one mile east of the East Rim of Marble Canyon should not be further developed for tourism, recreation or other purposes under this section or otherwise without the written approval of the Secretary, provided however that this subsection shall not be construed as a restriction upon any valid existing uses by the Navajo Nation.

(c) No development shall be made under this section or otherwise in the shoreline adjacent to or within the Hualapai Indian Reservation except with the concurrence of the Hualapai Tribe. The Hualapai Tribe shall have the exclusive right to develop the shoreline within the Reservation, except that no such development may occur within one mile back from the South Bank of the Colorado River without the written approval of the Secretary.

PRESERVATION OF EXISTING GRAZING RIGHTS

SEC. 9. Where any Federal lands within the Grand Canyon National Park, as enlarged by this Act, are legally occupied or utilized on the effective date of this Act for grazing purposes, pursuant to a Federal lease, permit, or license, the Secretary shall permit the persons holding such grazing privileges to continue in the exercise thereof for a period ending on December 31 following ten years from the effective date of this Act, or for the life of the existing permittee, whichever is longer.

AIRCRAFT REGULATION

SEC. 10. Whenever the Secretary has reason to believe that any aircraft or helicopter activity or operation may be occurring or about to occur within the Grand Canyon National Park, as enlarged by this Act, including the air space below the rims of the canyon, which is likely to cause an injury to the health, welfare, or safety of visitors to the park or to cause a significant adverse effect on the natural quiet and experience of the park, the Secretary shall, in conjunction with the Federal Aviation Agency, or the Environmental Protection Agency pursuant to the Noise Control Act of 1972, or both, submit to the responsible agency or agencies such complaints, information, or recommendations for rules and regulations or other actions as he believes appropriate to protect the public health, welfare, and safety or the natural environment within the park.

PRESERVATION OF EXISTING RECLAMATION PROVISIONS

SEC. 11. Nothing in this Act shall be construed to alter, amend, repeal, modify, or be in conflict with the provisions of section 7 of the Act entitled "An Act to establish the Grand Canyon National Park in the State of Arizona," approved February 26, 1919 (40 Stat. 1175, 1178), and section 605 of the Colorado River Basin Project Act, approved September 30, 1968 (82 Stat. 885, 901).

HAVASUPAI INDIAN RESERVATION ENLARGED

SEC. 12. (a) To assist the Havasupai Indians in implementing their desire for a greater land base and an opportunity to control their own social and economic life, the Havasupai Indian Reservation shall, as of the date of enactment of this Act, consist of the existing Reservations and the area within the boundaries designated for transfer to the Reservation as depicted on the map referred to in section 8 of this Act, consisting of approximately 169,000 acres in the aggregate. The equitable title to the lands and interests in lands within that portion of the Reservation so added by this Act is hereby conveyed to the Havasupai Tribe, and such lands and interests in lands, are hereby declared to be held by the United States in trust for the Havasupai Tribe of Indians in the same manner and to the same extent as other land held in trust for the Tribe.

(b) In no event shall the water or water resources within the Havasupai Indian Reservation be transported outside of the Reser-

vation as enlarged by this Act; nor shall the Secretary permit any use of the water resources of Havasu Creek which he determines will cause a significant adverse effect upon the scenic qualities of the Creek and the falls thereof, or the environmental quality of the area, subject to any existing water rights of the Havasupai Tribe.

(c) No development within such enlarged Havasupai Indian Reservation, including but not limited to, provision for any transportation system or road into the Grand Canyon and the construction of any pipeline system, shall be made without the written approval of the Secretary. Whenever the Secretary determines that any proposed development might affect any cultural resources within such enlarged Reservation, he may, in his discretion, require that detailed archeological surveys or salvage excavations, or both, shall be made before any such development may occur.

(d) The Executive Order dated March 31, 1882, setting aside certain lands for the use and occupancy of the Yavai-Suppai Indians is hereby declared to be of no further force and effect, and section 3 of the Act of February 26, 1919 (44 Stat. 1177; 16 U.S.C. 223) is hereby repealed.

THE GRAND CANYON WILDERNESS

SEC. 13. (a) In accordance with section 3(c) of the Wilderness Act (78 Stat. 890; 16 U.S.C. 1132(c)), certain lands in the Grand Canyon National Park and Grand Canyon and Marble Canyon National Monument (other than any lands which are transferred by section 12 to the Havasupai Indian Reservation), which comprise about five hundred twelve thousand eight hundred acres, designated "Wilderness," and which are depicted on the map entitled "Wilderness Plan, Grand Canyon Complex," numbered EPD–WSC–113–20008–B and dated August 1972, which shall be known as the Grand Canyon Wilderness, are hereby designated as wilderness, and shall be administered by the Secretary in accordance with the provisions of the Wilderness Act. The lands which comprise about eighty-six thousand one hundred and fifty-six acres, designated on such map as "Potential Wilderness Additions," are, effective upon publication in the Federal Register of a notice by the Secretary of the Interior that all uses thereon prohibited by the Wilderness Act have ceased, hereby designated wilderness: *Provided*, That within the wilderness area designated by this section, the Secretary (1) may pursue a program of prescribed burning, as he deems necessary, in order to preserve the area in its natural condition, (2) may undertake whatever activity he deems necessary in order to investigate, stabilize, and interpret, for the benefit of persons visiting that area, sites of archeological interest.

(b) A map and description of the boundaries of the areas designated in this section shall be on file and available for public inspection in the office of the National Park Service, Department of the Interior.

(c) As soon as practicable after this Act takes effect, a map of the wilderness area designated by this section and a description of its boundaries shall be filed with the Interior and Insular Affairs Committees of the United States Senate and House of Representatives, and such map and description shall have the same force and effect as if included in this section: *Provided, however*, That correction of clerical and typographical errors in such maps and descriptions may be made.

(d) The area designated by this section as wilderness shall be administered by the Secretary in accordance with the applicable provisions of the Wilderness Act governing areas designated by that Act as wilderness areas, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act, and any reference to the Secretary of Agriculture shall be deemed to be a reference to the Secretary of the Interior.

AUTHORIZATION OF APPROPRIATIONS

SEC. 14. (a) There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

(b) Any funds available for the Marble Canyon National Monument, the Grand Canyon National Monument, or that portion of the Lake Mead Recreation Area included within the Grand Canyon National Park, as enlarged by this Act, shall remain available until expended for purposes of such park.

LET US CELEBRATE VETERANS' DAY AND MEMORIAL DAY ON THEIR HISTORIC DATES

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, I am pleased to join with my friend and colleague, Representative JAMES H. QUILLEN, and others, today in sponsoring legislation to amend title V of the United States Code with respect to the observance of Memorial Day and Veterans' Day. The purpose of introducing this bill is to restore tradition and to emphasize the patriotic significance of these days. For years the Nation celebrated Veterans' Day on November 11 and Memorial Day on May 30. These two holidays are firmly fixed in the minds of veterans and other American citizens, and for the generation now living they will remain days of inspiration and reverence.

Armistice Day, November 11, and Memorial Day, May 30, are more than just days set aside by the Congress to pay tribute to a subject, or to provide a holiday for observance for recreation. They carry a message of especial significance.

Armistice Day, November 11, represents the observance of the signing of the armistice at the close of World War I. This day on the calendar acknowleges victory over an enemy, a day when the lights literally went on again all over the world. It represents the day hostilities ceased after more than 4 years of mortal conflict between the Allied and Axis Powers, in which more casualties resulted in one battle than in any previous battle in the history of warfare. Armistice Day is observed on November 11 by all nations that participated in the war of 1914–18 except the United States of America. We observed it for a half century even though the name was changed to Veterans Day. Finally Armistice Day was officially abolished altogether by an act of Congress and another day selected as Veterans Day. This has not changed the thinking of our citizens who remember Armistice Day. Some States refused to go along with the change; others are taking State action to restore November 11 as the day to observe for its special meaning.

The year 1971 is an example. That year October 25 was selected as Veterans Day. It had little meaning and observances were sparsely attended. However, November 11 was observed by about two-thirds of the States of the Union by veterans' organizations as Veterans Day. The changed date is not yet accepted by a great many individuals and organizations as the true Veterans or Armistice Day.

Now let us go back in history to the beginning of the observance of Memorial Day. The first such observances were, of course, by families and friends of Confederate dead. The significance of a day to be observed as a memorial to those who made the supreme sacrifice spread to other parts of the Nation. In the small town of Grafton, W. Va., soon after the close of the War Between the States, May 30 was set aside for a day of memory. Not long afterward, there was an official proclamation of May 30 as Memorial Day. The spirit of remembrance of our honored dead has become so engrafted into our thinking that when we think of Memorial Day, May 30 instantly comes to mind. An observance which has been instilled in our thinking for more than a hundred years should not be lightly set aside through the arbitrary selection of another date as Memorial Day.

The veterans of America, those who have given of their time and many of whom have given of their bodies in the protection of this Nation, feel that the traditional observance of Memorial Day is of more importance than picking a day to suit commercial interests.

The veterans and other patriotic citizens of these United States feel that they have been deprived by statute of days of observance which have throughout the years contributed to the esprit de corps of our uniformed services and to the great traditions of America. Patriotism is necessary to our national life. Patriotism is associated with Memorial Day and with Veterans Day as we knew them in their beginning. They have been dealt lightly with by arbitrary selection of other dates and I consider it a highly inappropriate thing to do.

A CONGRESSIONAL PRESENCE IN THE FIGHT AGAINST CRIME

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, hundreds of telegrams were forwarded to me by citizens concerned that the House of Representatives was contemplating the abolition of its Crime Committee and with it an end to a 4-year congressional presence in the fight against crime in America.

As you know a compromise agreement was reached which will allow the Crime Committee to phase out its activities by the end of June and hold a final series of hearings on street crime.

Our initial investigations have revealed that there are programs working in various communities across the Nation that appear to be having an impact on reducing the frequency of crimes com-

mitted against persons and property. These examples will be the focus of our hearings with a suggestion that other cities and towns consider adopting or modifying them.

Incredible as it may seem, ignorance or a fear to try a program that someone else has developed are major obstacles in the fight against crime. We hope that our hearings will serve as a bridge between communities.

As we begin to prepare for a final series of what I am confident will be productive hearings, I would like to assure the hundreds of persons who wrote to me in the past few weeks that neither I nor the other members of the Crime Committee intend to abandon the efforts of the past 4 years.

We will cooperate with the House Judiciary Committee in all respects as it takes up the crime fight and we will prod both that committee and any other committee of the Congress in behalf of the millions of Americans who demand a Federal presence in the fight against crime.

Submitted below is a partial list of individuals or the offices of individuals who speak for millions of their fellow citizens in commending the House for the work of its Crime Committee these past 4 years. Also included are a number of letters which join others placed earlier in the RECORD:

Wires and letters that have come to Congressman Claude Pepper's Congressional Office supporting the Select Committee on Crime include those from the following:

11 Governors—Florida; New York; South Carolina; Kentucky; Alaska; Hawaii; North Dakota; Oregon; Massachusetts; Pennsylvania and Puerto Rico.

16 Attorneys General—Florida; New York; California; Rhode Island; South Dakota; Louisiana; Mississippi; Alaska; New Mexico; Idaho; Kentucky; Nebraska; Montana; North Carolina; West Virginia and Wisconsin.

24 Mayors or City Managers—Oakland, Calif.; Denver Colo.; Oklahoma City, Okla.; New Orleans, La.; Shreveport, La.; Miami, Fla.; Hartford, Conn.; City of Hartford, Connecticut; City of Sacramento, California; Tallahassee, Fla.; Memphis, Tenn.; Baton Rouge, La.; Hialeah, Fla.; Providence, R.I.; Detroit, Mich.; Milwaukee, Wis.; Lincoln, Nebr.; Knoxville, Tenn.; York, Pa.; New Haven, Conn.; Pontiac, Mich.; South Bend, Ind., Kansas City, Mo.; Omaha, Nebr., and Kansas City, Kan.

12 Police Chiefs or Associations—Cook County (Chicago) Illinois; Los Angeles, Calif.; Oakland, Calif.; New England State Police Association; New Jersey State Police; Miami Beach, Fla.; San Francisco, Calif.; Baton Rouge, La.; North Miami, Fla.; American Federation of Police; Fraternal Order of Police, and New York State Police.

30 Citizen Crime Associations—National League of Cities; United States Conference of Mayors; National Council on Crime and Delinquency; National Association of Citizen Crime Commissions; Kiwanis International; Atlanta Crime Commission; Miami Crime Commission; New Orleans Crime Commission; Philadelphia Crime Commission; New England Crime Commission; New York Crime Commission; Georgia Crime Commission; Arizona Crime Commission; Kansas City Crime Commission; Mississippi Coast Crime Commission; Fort Worth (Texas) Crime Commission; Chicago Crime Commission; State of New York Commission on Investigations; New York Waterfront Commission; Oklahoma Narcotics and Dangerous Drugs Control Commission; New England Organized Crime Intelligence System; Connecticut Planning Commission on Criminal Administration; Ohio (State) Racing Commission; New Mexico Council on Crime and Delinquency; Georgia Council on Crime and Delinquency; Washington (State) Council on Crime and Delinquency; Iowa Council on Crime and Delinquency; Florida Medical Association; Connecticut Conference of Mayors and Municipalities, and Texas Council on Crime and Delinquency.

16 District Attorneys—New York County District Attorney; Massachusetts District Attorneys Association; Contra Costa County, Calif.; Bronx, N.Y.; Miami, Fla.; Albuquerque, N.M.; Jacksonville, Fla.; Nassau County, N.Y.; Los Angeles, Calif.; Ardmore, Okla.; Queens, N.Y.; Norfolk, Mass, the 12th Judicial Circuit of Florida, and Harris County (Houston) Texas.

9 School Superintendents—Los Angeles, Calif.; Oakland, Calif.; Charleston, S.C.; Lincoln, Nebr.; Anaheim, Calif.; San Francisco, Calif.; Houston, Tex., and Shawnee Mission (Kansas) Public Schools.

3 Judges—Kansas City, Missouri 16th Judicial Circuit; Florida 6th Judicial Circuit and Juvenile Court of Hamilton County, Tennessee.

8 Senior Citizen Groups—Greater New York; Northeastern Ohio; District of Columbia; North Miami Beach, Fla.; McDonald, Ohio; Youngstown, Ohio; Peoria, Ill.; Miami Beach Retirees, and International UAW Retired Workers.

10 Unions—Teamsters International; National Maritime Union; UAW in Grand Rapids, Mich.; Air Line Employees; Air Line Pilots; Transport Workers; American Insurance Association; United Rubber Workers; International Association of Machinists; and International Retail Clerks Association.

Also:

WTTW Channel 11 Public Television in Chicago, Illinois.

Abe Beame, City Comptroller, New York City.

The Florida Cabinet.

Art Linkletter.

Frank Hogan, District Attorney, New York County.

Maurice Nadjari, Special State Prosecutor, State of New York.

National Council of Jewish Women.

National Education Association.

National Parents and Teachers Association.

Nathan B. Eddy, Consultant, National Institutes of Health, National Research Council, et al.

Marvin E. Wolfgang, Director, Center for Studies in Criminolgy and Criminal Law, University of Pennsylvania.

Prosecuting Attorneys Association of Michigan.

Institute of Correctional Administration.

William D. Leeke, Immediate Past President, Association of State Correctional Administrators, and Director, South Carolina Department of Corrections.

Russell G. Oswald, Commissioner of Correctional Services, State of New York.

Chicago Parents and Teachers Association.

Illinois Drug Abuse Program.

James F. Ahren, Director, Insurance Crime Prevention Institute.

Arthur Goldstein, Chairman, Huntington Narcotics Guidance Council.

Robert Amastas, Drug Counselor, Massachusetts Teacher of the Year.

Robert W. Warren, President, National Association of Attorneys General, and Attorney General, State of Wisconsin.

Charles W. Bowser, Director, Philadelphia Urban Coalition.

Wes H. Bartlett, Immediate Past President, Kiwanis International.

Dr. William J. Dean, President, Florida Medical Association.

Carol S. Vance, President, National District Attorneys Association.

BUFFALO, N.Y.

Hon. CLAUDE PEPPER,
Chairman, House Select Committee on Crime.

DEAR MR. PEPPER: I have learned with alarm of the possible demise of your invaluable committee, and I hope that I am not too late in sending this letter to assure you that I am most anxious that its important work be continued.

In this day of divisiveness and concern with "law and order," it is even more important that our concern with drugs, organized crime etc. is not being swept under the rug, in order to reassure the average citizen that our elected legislators are trying to make America an honest, safe place to live.

I am especially alarmed that your exposing the conditions in penal institutions would be curtailed. Part of the "law and order," and I think a vital part, that people are yearning for, will surely be achieved when we stop turning out ex-prisoners filled with hatred because of the inhumane treatment accorded them in our prisons: ex-prisoners unable to make judgements as a result of the extra punishment reserved for those who betray an independent thought, and the lack of any remotely useful work-training programs, as well as the little indecencies which become major inhumanities when one is confined to a tiny cell aware that the smallest critical reaction can result in one's loss of all earned "good-time" through the arbitrary report of a guard, a report which will affect one's possibility of parole.

I hope that when your current report dealing with penal institutions is complete, you will be so kind as to send me a copy. Thank you.

I am sending a letter to Rep. Charles Rangel also, and a copy of this one to my own representative, Rep. Thaddeus J. Dulski.

I sincerely hope that the House Select Committee on Crime will be continued. If there is anything else I can do to help, please let me know.

Sincerely,

DORIS P. EDWARDS.

Representative CARL ALBERT,
Congressional Office Building,
Washington, D.C.:

Strongly urge continuation of House Crime Committee under Chairmanship of Representative Claude Pepper.

Regards.

M. LEWIS HALL, Jr.

SARATOGA, CALIF.

Congressman CLAUDE PEPPER: Following message sent to Hon. Carl Albert: Strongly support passage H.R. 205. Need is extremely urgent.

EDWIN G. STAFFORD.

MIAMI SHORES, FLA.

Congressman CLAUDE PEPPER,
U.S. Congress,
Washington, D.C.

DEAR CONGRESSMAN CLAUDE PEPPER: The Select Committee on Crime, of which you are the chairman, has done a fine job so far. Please consider this letter as an endorsement of your project so that you can have an extension of time to continue your investigations and recommendations regarding crime in the streets.

Very truly yours,

MS. SONIA REYNE.

Hon. CARL ALBERT,
House of Representatives,
Washington, D.C.

DEAR SIR: As Pastor of a congregation which ministers to thousands from all walks of life I am fully cognizant of and involved

in the problem of crime and narcotics in our community and America.

I am fully aware of the need to continue the House Select Committee on Crime and therefore urge your support of House Resolution 205.

Thank you for your consideration.

Sincerely,

Pastor ELWOOD K. HEALY.

MIAMI, FLA.

Hon. CARL ALBERT,
Speaker of the House.

SIR: The people I have spoken to and I, are very disturbed and apprehensive about the rumored decision of the House which you so honorably chair, to terminate the functions of the House Crime Committee.

With all due respect, you know as well as we down here in Florida, that Mr. Claude Pepper, the Chairman of said Committee is one of the most respected, trusted, and honorable men that we have had the honor to send to Congress to represent us.

In this day and age, it takes time to right things that have been wrong for a long time and Mr. Pepper has been gradually doing that. But he needs a little more time to get things working right.

We beg of you to exert your influence with your colleagues to extend this needed time so Mr. Pepper can accomplish what he so gallantly has set out to do. Please help him to help the people.

Respectfully yours,

MANUEL RAMOS.

NASHVILLE, TENN.

Hon. CARL ALBERT,
House of Representatives.

DEAR MR. SPEAKER: We urge you to back the House Select Committee on Crime chaired by Rep. Claude Pepper. It is committees like Mr. Pepper's that are not afraid to expose crime, to make public the facts of syndicate operations, etc., which help restore citizen's respect for our congressional system.

If you let those few fail, who try to do their jobs honestly, then our system fails. So we implore you to buffet the pressures directed at burying this committee and use your influence to back Mr. Pepper.

Sincerely,

SONYA P. JOHNSON.
R. EUGENE JOHNSON.

HIALEAH, FLA.

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

DEAR MR. ALBERT: I am writing to urge in the strongest terms the extension of term of Congressman Pepper's House Select Committee on Crime, and for you to use your influence in the Rules Committee to do so.

As first (and three times) Chairman of the Hialeah Housing Authority, I am indebted to Mr. Pepper for having vigorously supported legislation that advanced housing projects for the elderly and for low income workers of our City (including many Key paramedics in our two Hospitals). Senior Citizens speak of him only with enthusiasm; I know him as a tireless crusader.

As a practicing physician of 35 years experience, I am alarmed that this experienced Committee, diligent and peripatetic in its hearings thru crime areas of our Country, is to be abolished for political reasons. Juvenile crime—particularly narcotics addiction—is the real "cancer" we doctors face every day. I know, for my office was vandalized for narcotics this past New Year's Eve, (and the care of my patients disrupted for a month while I increased security measures, awaited replacement drugs, etc.).

If the impetus of this valuable Committee is wasted and its Chairman—spearhead, the most active statesman in or from Florida, is blunted, I and much of the nation will be disappointed at your leadership, Mr. Speaker!

Sincerely,

CHARLES W. HOFFMAN, Jr., M.D.

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

DEAR MR. ALBERT: As a taxpayer, I am interested in economy in government like millions of others. However, it is hard for me to comprehend the elimination of the House Crime Committee, chaired by Representative Claude Pepper.

James L. Kilpatrick of the Washington Star Syndicate sums up my feelings of what an outstanding job the House Crime Committee has done since its formation.

I am sure your Rules Committee will see the merit of retaining this worthwhile committee so that it can continue its fine work.

Sincerely,

JOHN I. SMITH.

CORAL GABLES, FLA.

Congressman CLAUDE PEPPER,
House of Representatives:

The following is a message that was sent to House Speaker Carl Albert: We urge you to continue and support Congressman Pepper's crime committee. The results of his efforts are courageous and can only bring back the trust in Government that the people do not have now. If it is allowed to die crime in your own house will continue.

Respectfully,

ROSE ALTERMAN, ABE and JEAN SALUK, ADELE MANN, JOHN and ARLENE ALTERMAN.

CHICAGO, ILL.

Representative CLAUDE PEPPER,
Capitol Hill, D.C.:

Urge passage of House Resolution 205. We educators need the support of Government.

PENNY MEISLER.

MT. VERNON, N.Y.

Representative CLAUDE PEPPER,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN PEPPER: I have been reading with concern that the House Committee on Crime, which you chair, is about to be abolished and its role being absorbed by the Judiciary Committee.

Since this Special Committee has done such fine work, I think it will be detrimental to the county if it were abolished. In fact, I think its powers should be broadened to investigate such things as the reported political usage of the Federal Bureau of Investigation by its Director, L. Patrick Gray. The spread of organized crime into pornography and sports, and so forth.

I would also like to know why our streets cannot be made safer despite the promises of our law-and-order administration. Please keep up the good work and not allow those who are against your select Committee to abolish it.

Thank You.

JOHN PRIMAVERA.

HAMMONTON, N.J.

Hon. CARL ALBERT: You are wrong to "kill" the Select Committee on Crime. You play right into the hands of criminals by such action. The Select Committee on Crime has performed an invaluable service to the United States. The Select Committee on Crime should be made a permanent standing committee.

Sincerely yours,

FRANK RODIO, Jr.

BROOKLYN, N.Y.

Congressman FRANK BRASCO,
U.S. House of Representatives.

DEAR FRANK: I want to object strenuously to any attempt to transfer the jurisdiction of your Select Committee on Crime to Judiciary.

Your Committee, under Chairman Pepper, has done a spendid job in spotlighting 1973 problems as they present themselves in major American cities. With its emphasis on drugs, youth, prisons and organized crime, your Committee is, at least, current.

The hearings and reports with recommendations (most of which I have received through your courtesy) show an astonishing thoroughness, thoughtfulness and reasoned quality.

The conduct of your Committee has been exemplary.

I am disturbed and distressed by this attempt at abolition. I hope, and trust, that you will fight with your usual tenacity and strength.

Best regards,

Sincerely,

BARRY R. GOLBIN.

MODEL REGULATIONS—SOCIAL SERVICE PROGRAMS

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, the action taken today by the Democratic Caucus of the House of Representatives in adopting the resolution which requests the Ways and Means Committee to report promptly House Joint Resolution 434 to the floor for consideration by the full House is, I am confident, welcomed by millions of Americans who have so strongly protested the new social service regulations that are about to be promulgated by the Department of Health, Education, and Welfare.

I was pleased to join with my colleagues, PHIL BURTON, DON EDWARDS, DON FRASER, THOMAS REES, OGDEN REID, FRANK THOMPSON, FRED ROONEY, JAMES CORMAN, and JOHN CULVER in urging the special caucus to consider this resolution on social service funding; and our 71 other colleagues who have sponsored House Joint Resolution 434, initiated by OGDEN REID, which would enable State and local governments to continue existing social service programs subject only to the limitations expressly enacted in the 92d Congress—the $2.5 billion ceiling limitation.

This action by the Democratic Caucus is a clear indication of the determination of the Congress to restore the division of powers provided by the U.S. Constitution which requires the President to execute the laws in accordance with the intent of the Congress. I am confident the Congress will promptly act on this resolution so that these vitally needed services for children, mothers, the retarded, the aged, and the drug addict may be continued.

BIG THICKET NATIONAL BIOLOGICAL RESERVE

(Mr. ECKHARDT asked and was given permission to extend his remarks at this

point in the RECORD and to include extraneous matter.)

Mr. ECKHARDT. Mr. Speaker, today I have introduced legislation which will preserve part of the Big Thicket in east Texas.

The Big Thicket region, frequently referred to as the "ecological crossroads" of North America, is succumbing to the hungry bite of lumbermen's saws and land developers' bulldozers.

My bill will preserve 100,000 acres of the region as a Big Thicket National Biological Reserve for the enjoyment and edification of ours and future generations. It is my hope that this Congress, unlike its predecessors which failed to create a national park as originally proposed by the distinguished former Senator from Texas, Ralph Yarborough, will act to preserve a portion of this uniquely beautiful and historic area.

Following is a section-by-section analysis of the bill and the bill:

SECTION-BY-SECTION ANALYSIS OF ECKHARDT BILL TO CREATE A 100,000-ACRE BIG THICKET NATIONAL BIOLOGICAL RESERVE

SECTION 1

The first section of the bill authorizes the Secretary of the Interior to establish a Big Thicket National Biological Reserve in Tyler, Hardin, Jasper, Polk, Liberty, Jefferson and Orange counties in eastern Texas.

SECTION 2

The areas to be included in the Reserve are designated in Section 2. They are:

Big Sandy Unit—19,716 acres.
Turkey Creek Unit—14,800 acres.
Neches River Unit—34,412 acres.
Lance Rosier Unit—25,000 acres.
Beech Creek Unit—4,856 acres.
Hickory Creek Savannah Unit—668 acres.
Loblolly Unit—548 acres.

SECTION 3(A)

Section 3(a) describes the manner in which the Secretary of the Department of Interior may acquire property for the Reserve. The acquisitions may be made through purchase or exchange. In addition, the Secretary may accept donations of property or of funds to be used for the purchase of the property.

SECTION 3(B)

Section 3(b) provides a means by which the Secretary can discourage the destruction of the ecological interests and resources of the land prior to its acquisition for the Reserve. In purchasing land for the Reserve, the Secretary is directed to give priority to purchases of land which may be threatened by such ecologically destructive acts as clear cutting. That is the "stick," but there is also a "carrot." He is authorized to place down the scale of priority in purchase lands put to uses "not inconsistent with the purpose of this Act." Thus, where discreet harvesting of pine, without the destruction of hardwood would not despoil the land for ecological or recreational purposes, he could afford landowners time to obtain maximum timber yields not inimical to ecological and recreational values before the land would be acquired.

The section further makes it clear that by clear cutting the owner will not gain both the advantage of selling timber and despoiling the land for "Reserve" purposes so as to keep it out of the Reserve. If he could do so, he could realize the timber yield and hold the land until pine seedlings develop into a pine plantation in place of the mixed pine and hardwood forest.

If he clear cuts after April 1, 1973, or engages in other destructive acts, this is to be the land in first priority for acquisition for Reserve uses for building, recreation, etc., and it will be acquired at purchase prices determined after consideration of the diminution of value due to cutting. Such decrease in purchase price may be vastly greater than the amount realized by the owner from his timber harvest, because the standing timber would in many, if not most cases, have enhanced the value of the land for residential or Reserve use in a far greater amount than the value of the timber. For instance, a tree sold for pulp wood may net $20 but its replacement, or the damage occasioned by its being felled, might be $1,000. Such section removes all incentive for destructive cutting and indeed discourages this practice, since the land may be acquired anyway and at lower values.

SECTION 4

Section 4 provides for the administration of the Reserve by the Secretary of the Interior. It assures that individuals will have access to the unique natural areas of the Reserve by providing for the construction and maintenance of roads and trails through the Reserve. No concessions are to be permitted within the Reserve, and housing shall be kept to a minimum.

SECTION 5

Section 5 will permit homeowners within the boundary of the Reserve to remain on their property for a 25-year or life tenancy period. The land must be used for noncommercial, residential purposes, and if the Secretary finds that the land is being used for other purposes, the Secretary may terminate the tenancy. If the homeowner feels that the Secretary's termination is not based upon correct factual information, the homeowner can appeal the Secretary's determination in a federal district court. The Secretary's determination will be overturned if acquisition was not in accordance with the Act or if he acted on factual determinations unsupported by substantial evidence.

SECTIONS 6 AND 7

These sections require the Secretary to make recommendations to the President regarding the suitability of areas within the Reserve for preservation as a wilderness area.

SECTION 8

Appropriations necessary to implement the legislation are authorized by Section 8.

H.R. 5941

A bill to authorize establishment of the Big Thicket National Biological Reserve in the State of Texas and for other purposes

Be it enacted by the Senate and House of Representatives assembled, That in order to preserve for the education, inspiration and recreation of present and future generations, certain unique natural areas in Tyler, Hardin, Jasper, Polk, Liberty, Jefferson and Orange Counties, Texas, and to interpret therein the outstanding scientific values and ecological associations within the Neches River, Village Creek, Big Sandy Creek, Little Pine Island Bayou, Pine Island Bayou, Black Creek, Turkey Creek and Menard Creek watersheds, the Secretary of the Interior (hereinafter referred to as the Secretary) is authorized to establish the Big Thicket National Biological Reserve (hereinafter referred to as the "Reserve"). The boundary of the Reserve shall be as generally depicted on the drawing entitled "Big Thicket National Biological Reserve, Texas," dated March, 1973 and numbered NBR–BT–91021. Copies of the drawing shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior. Boundaries of the Reserve and approximate acreages are indicated in Section 2. However, the Secretary may make minor revisions in the boundary of the Reserve from time to time, but in no event shall the boundary encompass less than one hundred thousand acres.

DESCRIPTION OF THE RESERVE

SEC. 2. The Reserve shall consist of the following units:

BIG SANDY UNIT—Nineteen thousand, seven hundred and sixteen acres. This unit shall consist of the Big Sandy Section, the Big Sandy Stream Course and the Menard Creek Stream Course, extending southward approximately four miles from the southern boundary of the Big Sandy Section.

TURKEY CREEK UNIT—Fourteen thousand, eight hundred acres. This unit shall consist of the Turkey Creek Section which extends southward from Highway 1943 to FM Road 420 just south of the confluence of Turkey Creek and Village Creek, and the Village Creek Stream Course, along both sides of Village Creek to its confluence with the Neches River.

NECHES RIVER UNIT—Thirty four thousand, four hundred and twelve acres. This unit shall consist of Joe's Lake Section; Jack Gore Baygall, Deserter's Island and Neches Bottom Section; the Beaumont Section; and the Neches River Stream Course extending from the B. A. Steinhagen Lake to Beaumont.

LANCE ROSIER UNIT—Twenty-five thousand acres. This unit shall consist of the Saratoga Triangle Section, of twenty thousand acres; the Little Pine Island Bayou Stream Course, consisting of twenty-one hundred acres, extending along Little Pine Island Bayou to its confluence with Pine Island Bayou; and the Pine Island Bayou Stream Course, consisting of 2,900 acres, extending from State Highway 105 to the Beaumont Section.

BEECH CREEK UNIT—Four thousand, eight hundred and fifty-six acres.

HICKORY CREEK SAVANNAH UNIT—Six hundred and sixty-eight acres.

LOBLOLLY UNIT—Five hundred and forty-eight acres.

ACQUISITION OF PROPERTY BY SECRETARY

SEC. 3. (a) Within the boundary of the Reserve, the Secretary is authorized to acquire lands, waters, and interests therein by donation, purchase with donated or appropriated funds, or exchange. Property owned by the State of Texas or political subdivisions thereof may be acquired only by donation. Federal property within the boundary may be transferred to the jurisdiction of the Secretary without consideration for purposes of the Reserve, with the concurrence of the head of the agency having administrative jurisdiction thereover.

(b) The Secretary shall take such steps as he deems necessary in order to preserve the ecological and recreational interests and fish and wildlife resources of the lands described in Section 2 of this Act. Any action inimical to such interests and resources is hereinafter referred to as waste. In such connection he shall purchase land in an order of preference commensurate with the threat of waste of such lands respecting such interests and resources giving first consideration to the prevention of any clear cutting or of any waste having the effect of despoiling the lands described in Section 2 prior to their acquisition for the Reserve. In the acquisition of open lands to be used in the Reserve for such things as buildings, recreational facilities, ball parks, archery ranges, canoe storage, and like usages, the Secretary shall give priority in acquisition to those lands which have been so subject to waste after April 1, 1973; and the Secretary may give consideration, in decreasing priority in his order of acquisition, to the extent to which the use of the land is not inconsistent with the purpose of this Act and the values sought to be protected in the Reserve. In all offers of purchase and in all condemnation proceedings, the Secretary shall take due account of the diminution of the value of the land occasioned by such waste as described herein.

ADMINISTRATION OF THE RESERVE

SEC. 4. In order to provide access to the unique natural areas within the Reserve and

to fully provide for the interpretation of its ecology, the Secretary is authorized to construct and maintain scenic trails, bridle paths, and bicycle paths within the units of the Reserve, including access roads to the boundary of the Reserve where necessary. The Secretary shall keep housing within the boundaries of the Reserve to a minimum, authorizing only that which is required for housing of National Parks personnel and for interpretive centers and necessary administrative facilities. No concessions shall be permitted within the boundaries of the Reserve. For the purposes of this section, the Secretary may acquire lands and interests therein outside the boundary of and by the methods authorized in Section 3 of this Act. The facilities herein authorized shall be designed, constructed, and operated so as to avoid permanent adverse effects on the ecology of the reserve and adjacent areas and they will include rights-of-way of sufficient area to assure protection of the scenic quality of the road. The facilities authorized herein shall be administered as a part of the Reserve, subject to such special regulations as the Secretary may deem necessary to carry out the purposes of this section.

RIGHTS OF OWNERS OF IMPROVED PROPERTY

SEC. 5. (a)(1) Any owner of improved property on the date of its acquisition by the Secretary under this Act may, as a condition of such acquisition, retain for himself and his heirs and assigns a right of use and occupancy of the improved property for noncommercial residential purposes for a definite term of not more than twenty-five years, or, in lieu thereof, for a term ending at the death of the owner or the death of his spouse, whichever is later. The owner shall elect the term to be reserved. Unless the property is wholly or partially donated to the United States, the Secretary shall pay to the owner the fair market value of the property on the date of acquisition minus the fair market value on that date of the right retained by the owner. A right retained pursuant to this section shall be subject to termination by the Secretary upon his determination that it is being exercised in a manner inconsistent with the purpose of this Act, and it shall terminate by operation of law upon the Secretary's notifying the holder of the right of such determination and tendering to him an amount equal to the fair market value of that portion of the right which remains unexpired.

(2) The term "improved property", as used in subsection (a), means a detached, noncommercial residential dwelling, the construction of which was begun before June 1, 1972, together with so much of the land on which the dwelling is situated, the said land being in the same ownership as the dwelling, as the Secretay shall designate to be reasonably necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use, together with any structures accessory to the dwelling which are situated on the land so designated.

(3) Whenever an owner of property elects to retain a right of use and occupancy as provided for in the Act, such owner shall be deemed to have waived any benefits or rights accruing under sections 203, 204, 205, and 206 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (84 Stat. 1894), and for the purposes of those sections such owner shall not be considered a displaced person as defined in section 101(6) of that Act.

COURT REVIEW

(b)(1) Any owner, his heirs, or assigns, of any right granted under section 5(a) adversely affected by a determination of the Secretary under section 5(a) may obtain review of such determination in the District Court of the Eastern District of Texas, or in the United States district court for the district in which he resides, by filing in such court within 90 days following the receipt of the notification of termination a written petition praying that the determination be set aside. If the determination by the Secretary is not in accordance with this Act or if he has acted upon factual determinations which are not supported by substantial evidence, the court shall set aside the determination.

(2) The commencement of proceedings under this subsection shall operate as a stay of the determination of the Secretary. Upon a showing that irreparable harm may be done to the Reserve pending the final judicial determination, the court having jurisdiction of the principal case shall have jurisdiction to grant such injunctive relief as may be appropriate.

REPORT UNDER WILDERNESS ACT

SEC. 6. Within three years from the date of enactment of this Act, the Secretary shall review the area within the boundaries of the Reserve and shall report to the President in accordance with subsections 3(c) and 3(d) of the Wilderness Act (78 Stat. 890; 16 U.S.C. 1132 (c) and (d)) his recommendation as to the suitability or non-suitability of any area within the Reserve for preservation as a wilderness, and any designation of any such area as a wilderness shall be accomplished in accordance with said subsections of the Wilderness Act.

ADMINISTRATION UNDER ACT OF 1916

SEC. 7. The Secretary shall administer the Reserve in accordance with the Act of August 25, 1916 (39 Stat. 535), as amended and supplemented (16 U.S.C. 1, 2–4).

AUTHORIZATIONS

SEC. 8. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

PROGRESS REPORT ON THE F–111: "THE PLANE THAT COULDN'T FLY"

(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, last year when the Defense budget was being considered on the House floor there was considerable discussion about the action of our Armed Services Committee in adding funds for the procurement of 12 additional F–111's, primarily to keep alive the production line for an aircraft which is the only new, fully operational military aircraft this country has developed in some years.

At that time our beloved colleague, the gentleman from Iowa (Mr. GROSS), engaged in a sardonic colloquy with members of the committee over the wisdom of including funds to continue the production line for an airplane that had, over its lifetime, been plagued with so much political controversy as well as a number of operational difficulties. In the dramatic way which he always uses and which is of course as familiar to all of us, the gentleman from Iowa referred to the F–111 as "the plane that couldn't fly."

Of course the answer is that the F–111 not only can fly and does fly but has been flying with increasing impressiveness in recent months. The problems which the F–111 encountered as "the plane that couldn't fly" were dramatized in the media far beyond those which afflict any newly developed aircraft, simply because of the political controversy that had swirled for such a long time around the head of the old TFX, and the efforts of former Defense Secretary McNamara to develop this interservice airplane in spite of the opposition of so many members of the uniformed services.

These problems may have seemed to suggest to some that the F–111 really had some difficulty getting off the ground; but the truth is that it has been operational for some time and has won the respect and affection of almost every pilot who ever had the opportunity to fly it, including, incidentally, the distinguished retired Air Force Reserve major general in the other body, the Senator from Arizona, Mr. GOLDWATER.

The acid test of the ability of the F–111 came last fall during the December bombing operations over North Vietnam that today are generally recognized as having brought about the peace settlement which now is in the process of being carried out. The record of the F–111 in Vietnam was little short of phenomenal, with only 6 aircraft lost during the entire 1972 deployment, and only 2 aircraft lost during the heavy and intensive December bombing, compared to 16 B–52's lost during that same period. In fact, because of the poor weather over North Vietnam in December the F–111 was the only plane that was able to fly in over Hanoi at low altitude and in the day time regardless of the weather. And once the threat of SAM's to the B–52's was recognized the F–111's were sent in for SAM suppression and the results as far as further B–52 losses were concerned were again phenomenal.

Mr. Speaker, of course the F–111 can fly, and the record in Vietnam demonstrates that it is a very significant addition to our military arsenal. What is particularly disturbing to me, however, is that having developed such a remarkable plane, admittedly at a considerable cost, and admittedly after having overcome a number of significant difficulties, we should now be seriously planning to stop building it. Stop building a plane that far exceeds in capability anything we now have in our inventory? Does it really make sense to spend all of our money on developing new planes, with unproven capabilities likely to involve even more fantastic overruns, and with operational dates still far in the future, when we have the F–111 right at hand, and fully operational?

Mr. Speaker, the F–111 is the first new plane we have developed in almost a generation. It will be a long time before we will have the B–1, the F–15, or the F–14 operating at the level the F–111 now operates at. How foolish to put all of our money into future development alone, and consign the aircraft we have to the ashcan, all because of the controversy that once surrounded it in the past and because some important people in the Air Force think that a plane that you cannot get up and walk around in is really no plane at all. These are the big bomber boys, the 1973 counterparts of the battleship admirals of the 1940's.

Mr. Speaker, I hope this House won't be so shortsighted this year as to allow this remarkable new technological development to be thrown away in preference to retreading our old B–52's over once more and sinking additional billions into the B–1 of a very indefinite future.

The account of the remarkable performance of the F–111 in Southeast Asia was published in the Armed Forces Journal for March of this year. Under leave to extend my remarks I insert it in the RECORD with the hope that, contrary to its introductory headline, the F–111 will not go "unfunded in fiscal year 1974":

F–111's PROVE WORTH IN SOUTHEAST ASIA

"Whispering Death" is the latest nickname given to the F–111, the controversial TFX once so bereft of friends that it used to be called "Little Orphan Annie." The "Whispering Death" nickname came from the North Vietnamese to identify the plane they couldn't see coming during last fall's Linebacker II bombing operations over North Vietnam.

For the third year in a row, no F–111s are funded in the President's FY 74 budget just presented to Congress. None were included in the FY 72 or FY 73 budgets, but Congress directed that 12 aircraft be funded each year to keep the F–111 line open at the huge USAF Plant 4 facility run by General Dynamics at Fort Worth, Texas. Congress last year also included $30 million for longlead components "for a possible buy" of F–111s in FY 74, in response to an August request by former Secretary of Defense Melvin R. Laird. These funds were to have been obligated in January or February, but apparently have been impounded by DoD and USAF.

Under present contracts, the F–111 production line will close in December of 1974, when the 550th aircraft will be delivered. These include 23 test planes, 2 Navy, 24 for Australia now being modified for final delivery this spring, 76 for SAC, and 425 for Tactical Air Command and U.S. Air Force in Europe. All of the planes except 40 for TAC and USAFE had been built as of 1 January.

Original F–111 programming called for 14 TAC and seven SAC wings, but this was later cut to six, then four TAC wings and two SAC wings. However, USAF will still be shy of the full four wing TAC F–111 force if production stops with the FY 73 12-aircraft buy.

Normal USAF planning factors call for a buy of 70–75% more aircraft than are authorized for squadron U.E.'s ("unit equipment" or operational aircraft). For the F–15, for instance, about 510 aircraft will be bought to support 288 U.S. planes. The 222 non-U.E. planes are for combat crew readiness training, attrition replacement, and maintenance float. For the F–4E, 737 planes are being bought to support 432 aircraft at squadron level, while 377 A–7s were funded to support 216 U.E. aircraft. Compared with these non-U.E. buys of 77%, 71%, and 75%, respectively, TAC's F–111 force of 288 aircraft has an allowance of only about 43%, with only 425 aircraft being bought in all.

Only FY 74 F–111 funding is for research and development of EF–111A electronic warfare support system. This is not a new aircraft, but a podded jammer configuration which General Dynamics has been working on at Fort Worth largely with company funds.

Without follow-on buy, normal attrition would cause TAC F–111 force to drop to only three effective wings in 1979, two in 1981, and one in 1982. Aircraft, for which there is no follow-on would probably phase out in 1983.

Failure to flesh out TAC's four F–111 wings by keeping production alive in FY 74 is all the more ironic given the aircraft's unheralded but impressive record in Southeast Asia. Late last September, USAF deployed two squadrons (48 aircraft) from 474th Tactical Fighter Wing at Nellis AFB, Nev., to Thailand to replace three squadrons comprising 72 F–4s. Within 33 hours after the 474th left Nellis, F–111s were in combat 55 miles northwest of Hanoi, flying alone at low altitude in the monsoon season.

The 474th, commanded by Colonel William R. Nelson, flew its aircraft around the clock using two crews per plane. Notwithstanding doubling up of crews to generate two missions per aircraft each day, F–111s operated with 400 *fewer* people than the squadrons they replaced. These savings resulted because F–111s operated without "Iron Hand" electronic countermeasure escort aircraft, without C–121s to vector them, and without the 13 KC–135 refueling tankers needed to support earlier F–4 strikes. By one comparison, flight of four F–111s delivered bomb loads over North Vietnam equivalent to 20 F–4s at savings in annual operating cost of more than $24.3 million, even excluding cost of tanker support.

On 8 November, F–111s flew 20 strikes over North Vietnam in weather so bad that no other aircraft were able to operate. By the time Vietnamese peace accords were signed in Paris, F–111s had flown over 3,000 combat missions. Aircraft now are expected to remain in SEA (and may end up earning another nickname, "The Peacekeeper").

USAF silence on F–111's track-record in combat may be broken in near future. At AFJ press time, DoD had tentatively approved plans for 474th wing commander Dick Nelson to return to the United States and brief Pentagon press corps at DoD's "11 o'clock follies." Nelson recently was nominated for promotion to brigadier general (February AFJ).

AFJ flew with Nelson's wing at Nellis last April (See "I Like My Job: An F–111 Crew Shows Why," May AFJ) and noted:

"Had the aircraft . . . been in Southeast Asia when North Vietnam poured through the DMZ on 31 March, Defense Secretary Melvin R. Laird might not have spent such long weekend hours in the National Military Command Center sweating out the biggest Vietnam crisis since Tet, 1968.

"In the first three days of the North Vietnamese offensive, bad weather limited tactical air strike sorties to an average of only 23 a day near the DMZ, one-seventh the number of strikes flown daily as weather cleared on 3, 4, and 5 April and one twenty-third the daily attack sorties being flown in all of South Vietnam as this issue went to press. From 31 March through 2 April, the only 'all-weather' system that could put the heat on North Vietnam troops heading for Hue, Dong Ha, and Quang Tri Province were a few Navy A–6s.

"The airplane American taxpayers have spent a fortune building for just such all-weather and night interdiction work—the F–111—wasn't there.

"The plane turns out to be a fortune well spent, even in the view of one of its bitterest, most outspoken critics. Put the F–111 where the heat is and the odds of blunting another North Vietnamese invasion or avoiding another July 1950 Korean War near-disaster are bound to change in our favor. Put another way: if your son got tagged with flying a strike near Hanoi, you'd want him to make it in the plane Tactical Air Command let AFJ fly three weeks ago. . . .

"Talking with the TAC pilots and crews who fly and maintain the controversial TFX does a lot to soften the impact of years-long criticism of the plane's cost overruns, schedule slippages, and early, well publicized performance problems. *Flying* with them, you end up damned glad that the Air Force and General Dynamics stuck by their guns and brought the F–111 into being. Doing so was no small miracle."

The F–111's record in Southeast Asia should not have been a surprise to the North Vietnamese. An earlier F–111 article (July 1971) by then Pentagon editor George Weiss provided ample warning of "Whispering Death": it was entitled "Turkey or Tiger? The F–111: The Swing-Wing May Surprise You Yet." Apparently no one in Hanoi subscribes to AFJ.

GENERAL LEAVE

Mr. DAVIS of South Carolina. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous matter on the special order given today by the gentleman from New York (Mr. ROSENTHAL) and I make the same request in behalf of the gentleman from South Dakota (Mr. DENHOLM).

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

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. KETCHUM (at the request of Mr. GERALD R. FORD), for Thursday, March 22, on account of official business.

Mr. COTTER (at the request of Mr. MCFALL) for today, on account of attendance at funeral services for the late U.S. Senator Benton.

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. CONLAN) and to revise and extend their remarks and include extraneous matter:)

Mr. TREEN, for 5 minutes, today.

Mrs. HECKLER of Massachusetts, for 10 minutes, today.

Mr. EDWARDS of Alabama, for 5 minutes, today.

Mr. BIESTER, for 5 minutes, today.

(The following Members (at the request of Mr. JONES of Oklahoma) and to revise and extend their remarks and include extraneous matter:)

Mr. O'NEILL, for 5 minutes, today.

Mr. BIAGGI, for 10 minutes, today.

Mr. ROSENTHAL, for 5 minutes, today.

Mr. GONZALEZ, for 5 minutes, today.

Mr. HELSTOSKI, for 5 minutes, today.

Mr. MCFALL, for 5 minutes, today.

Mr. LEHMAN, for 5 minutes, today.

Mr. BURKE of Massachusetts, for 15 minutes, today.

Mr. MURPHY of New York, for 5 minutes, today.

Mr. DAVIS of South Carolina, for 30 minutes, today.

Ms. ABZUG, for 10 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. ROUSH in two instances.

Mr. BOLAND.

Mr. SAYLOR, and to include extraneous material, notwithstanding the fact that it exceeds two pages of the CONGRESSIONAL RECORD and is estimated by the Public Printer to cost $2,040.

(The following Members (at the re-

quest of Mr. CONLAN) and to include extraneous matter:)

Mr. ANDERSON of Illinois in two instances.
Mr. FORSYTHE.
Mr. ESCH.
Mr. STEIGER of Wisconsin.
Mr. DERWINSKI.
Mr. CARTER in three instances.
Mr. DU PONT.
Mr. WYMAN in two instances.
Mr. ASHBROOK in three instances.
Mr. MARTIN of Nebraska.
Mr. ZWACH.
Mr. BROOMFIELD in five instances.
Mr. KEATING.
Mr. BEARD.
Mr. ABDNOR.
Mr. HUNT.
Mr. MARTIN of North Carolina.

(The following Members (at the request of Mr. KEATING), and to include extraneous matter:)

Mr. MCKINNEY.
Mr. BELL in two instances.
Mr. GOLDWATER.
Mr. KEATING in three instances.
Mr. CLANCY.
Mr. SHRIVER in two instances.
Mr. DELLENBACK.

(The following Members (at the request of Mr. JONES of Oklahoma) and to include extraneous matter:)

Mr. STARK in 10 instances.
Mr. GONZALEZ in three instances.
Mr. RARICK in three instances.
Mr. CULVER in six instances.
Mr. O'NEILL.
Mr. STOKES.
Mr. HANNA in five instances.
Mr. BOLAND.
Mr. PEPPER.
Mr. REID in three instances.
Mr. ZABLOCKI in three instances.
Mr. RONCALIO of Wyoming in two instances.
Mr. ROSTENKOWSKI in two instances.

(The following Members (at the request of Mr. DAVIS of South Carolina), and to include extraneous matter:)

Mr. WOLFF in four instances.
Mr. KARTH in two instances.
Mr. DANIELSON.
Mr. JONES of Tennessee in six instances.
Mr. BENNETT in two instances.
Mr. WON PAT.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 398. An act to extend and amend the Economic Stabilization Act of 1970; to the Committee on Banking and Currency.

BILL PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on March 20, 1973, present to the President, for his approval, a bill of the House of the following title:

H.R. 4278. An act to amend the National School Lunch Act to assure that Federal financial assistance to the child nutrition programs is maintained at the level budgeted for fiscal year ending June 30, 1973.

ADJOURNMENT

Mr. DAVIS of South Carolina. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 58 minutes p.m.), the House adjourned until tomorrow, Thursday, March 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:

620. A letter from the Acting Assistant Secretary of Defense (Comptroller), transmitting a report of the value of property, supplies, and commodities provided by the Berlin Magistrate, and under German Offset Agreement, for the first two quarters of fiscal year 1973, pursuant to section 720 of Public Law 92-570; to the Committee on Appropriations.

621. A letter from the Secretary of the Navy, transmitting a draft of propcsed legislation to amend section 5064 of title 10, United States Code, to remove the requirement that the Director and Assistant Director of Budget and Reports be officers in the line of the Navy; to the Committee on Armed Services.

622. A letter from the Acting Assistant Secretary of Defense (Comptroller), transmitting a list of contract award dates for the period March 15 to June 15, 1973, pursuant to section 506 of Public Law 92-156; to the Committee on Armed Services.

623. A letter from the Acting Assistant Secretary of Defense (Installations and Logistics), transmitting a report on Department of Defense procurement from small and other business firms for the period July to December, 1972, pursuant to section 10(d) of the Small Business Act, as amended; to the Committee on Banking and Currency.

624. A letter from the Under Secretary of Agriculture, transmitting a draft of proposed legislation to amend title V of the Housing Act of 1949 to expressly authorize the collection of taxes and insurance from rural housing borrowers, to authorize fees and charges to be available for administrative expenses, and for other purposes; to the Committee on Banking and Currency.

625. A letter from the Director, Office of Management and Budget, Executive Office of the President, transmitting a draft of proposed legislation to provide authority to expedite procedures for consideration and approval of projects drawing upon more than one Federal assistance program, to simplify requirements for operation of those projects, and for other purposes; to the Commitee on Government Operations.

626. A letter from the Acting Secretary of the Interior, transmitting a draft of proposed legislation to provide for the creation of the Indian Trust Counsel Authority, and for other purposes; to the Committee on Interior and Insular Affairs.

627. A letter from the Acting Secretary of the Interior, transmitting a draft of proposed legislation to provide for financing the economic development of Indians and Indian organizations, and for other purposes; to the Committee on Interior and Insular Affairs.

628. A letter from the Acting Secretary of the Interior, transmitting a draft of proposed legislation to establish within the Department of the Interior the position of an additional Assistant Secretary of the Interior, and for other purposes; to the Committee on Interior and Insular Affairs.

629. A letter from the Acting Secretary of the Interior, transmitting a draft proposed legislation to provide for the assumption of the control and operation by Indian tribes and communities of certain programs and services provided for them by the Federal Government, and for other purposes; to the Committee on Interior and Insular Affairs.

630. A letter from the Acting Secretary of the Interior, transmitting a draft of proposed legislation to amend certain laws relating to Indians; to the Committee on Interior and Insular Affairs.

631. A letter from the Deputy Assistant Secretary of the Interior, transmitting a copy of a proposed grant to Desert Research Institute, Boulder City, Nev., for a research project entitled "Mineral Recovery from Geothermal Brines," pursuant to subsections (a) and (d) of Public Law 89-672; to the Committee on Interior and Insular Affairs.

632. A letter from the Chairman, Indian Claims Commission, transmitting the final determination of the Commission in docket No. 273, *The Creek Nation, Plaintiff,* v. *The United States of America, Defendant,* pursuant to 25 U.S.C. 70t; to the Committee on Interior and Insular Affairs.

633. A letter from the Acting Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to consolidate and extend the authorizations for appropriations for assistance to medical libraries, to repeal provisions for assistance for construction of facilities and for grants for training in medical library sciences, and for other purposes; to the Committee on Interstate and Foreign Commerce.

634. A letter from the Acting Secretary of the Treasury, transmitting a draft of proposed legislation to grant relief to payees and special indorsees of fraudulently negotiated checks drawn on designated depositaries of the United States by extending the availability of the check forgery insurance fund, and for other purposes; to the Committee on the Judiciary.

635. A letter from the Attorney General, transmitting a draft of proposed legislation to establish rational criteria for the mandatory imposition of the sentence of death, and for other purposes; to the Committee on the Judiciary.

636. A letter from the Acting Secretary of the Interior, transmitting a draft of proposed legislation to retain coverage under the laws providing employee benefits, such as compensation for injury, retirement, life insurance, and health benefits, for employees of the Government of the United States who transfer to Indian tribal organizations to perform services in connection with governmental or other activities which are or have been performed by Government employees in or for Indian communities, and for other purposes; to the Committee on Post Office and Civil Service.

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. DULSKI: Committee on Post Office and Civil Service. H.R. 3180. A bill to amend title 39, United States Code, to clarify the proper use of the franking privilege by Members of Congress, and for other purposes; with amendment (Rept. No. 93-88). Referred to the Committee of the Whole House on the State of the Union.

Mr. MORGAN: Committee on Foreign Affairs. H.R. 5293. A bill authorizing continuing appropriations for the Peace Corps; with amendment (Rept. 93-89). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of Illinois (for himself and Mr. MADIGAN):

H.R. 5908. A bill to preserve the free flow of news to the public through the news media; to the Committee on the Judiciary.

By Mr. BAKER (for himself, Mr. BURGENER, Mr. COLLINS, Mr. DAVIS of Georgia, Mr. DERWINSKI, Mr. DOWNING, and Mr. SCHUSTER):

H.R. 5909. A bill to amend the Federal Aviation Act of 1958 in order to provide criminal penalties for kidnaping by seizing an aircraft and to provide for an air transportation security force; to the Committee on Interstate and Foreign Commerce.

By Mr. McFALL:

H.R. 5910. A bill to amend the Economic Stabilization Act of 1970 to establish a temporary Price-Wage Board, to provide temporary guidelines for the creation of price and pay rate stabilization standards, and for other purposes; to the Committee on Banking and Currency.

By Mr. BARRETT:

H.R. 5911. A bill to amend the Immigration and Nationality Act to make additional immigrants visas available for immigrants from certain foreign countries, and for other purposes; to the Committee on the Judiciary.

By Mr. BEARD:

H.R. 5912. A bill to amend title 18 of the United States Code to increase certain penalties for gun control offenses and to allow the United States to obtain appellate review of certain sentences relating to gun control offenses; to the Committee on the Judiciary.

By Mr. BENNETT:

H.R. 5913. A bill to amend chapter 67 of title 10, United States Code, to grant eligibility for retired pay to reservists serving in an inactive status before August 16, 1945, and for other purposes; to the Committee on Armed Services.

By Mr. BIAGGI:

H.R. 5914. A bill to amend the Elementary and Secondary Education Act of 1965 to provide a program of grants to States for the development of child abuse and neglect prevention programs in the areas of treatment, training, case reporting, public education, and information gathering and referral; to the Committee on Education and Labor.

By Mr. BINGHAM (for himself and Ms. HOLTZMAN):

H.R. 5915. A bill to amend the Social Security Act to make certain that recipients of aid or assistance under the various Federal-State public assistance and medicaid programs (and recipients of assistance or benefits under the veterans' pension and compensation programs and certain other Federal and federally assisted programs) will not have the amount of such aid, assistance, or benefits reduced because of increases in monthly social security benefits; to the Committee on Ways and Means.

By Mr. BREAUX:

H.R. 5916. A bill to provide price support for milk at not less than 85 percent of the parity price therefor; to the Committee on Agriculture.

By Mr. BROOMFIELD:

H.R. 5917. A bill to discourage the use of leg-hold or steel jaw traps on animals in the United States; to the Committee on Interstate and Foreign Commerce.

H.R. 5918. A bill to improve and implement procedures for fiscal controls in the U.S. Government, and for other purposes; to the Committee on Rules.

By Mr. BROWN of Michigan:

H.R. 5919. A bill to amend the Urban Mass Transportation Act of 1964; to the Committee on Banking and Currency.

H.R. 5920. A bill to amend title 38 of the United States Code in order to establish a national cemetery system within the Veterans' Administration, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BROYHILL of North Carolina:

H.R. 5921. A bill to provide for the comprehensive development of correctional manpower training and employment, and for other purposes; to the Committee on Education and Labor.

H.R. 5922. A bill to amend title 38 of the United States Code increasing income limitations relating to payment of disability and death pension, and dependency and indemnity compensation; to the Committee on Veterans' Affairs.

By Mr. BROYHILL of North Carolina (for himself, Mr. ROONEY of Pennsylvania, Mr. GILMAN, and Mr. MARAZITI):

H.R. 5923. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. BURKE of Massachusetts:

H.R. 5924. A bill to make additional immigrant visas available for immigrants from certain foreign countries, and for other purposes; to the Committee on the Judiciary.

By Mr. CASEY of Texas (for himself, Mr. BLATNIK, Mr. CONLAN, Mr. DRINAN, Mr. FOUNTAIN, Mr. MAYNE, and Mr. WALSH):

H.R. 5925. A bill to amend the Internal Revenue Code of 1954 to allow a deduction for expenses incurred by a taxpayer in making repairs and improvements to his residence, and to allow the owner of rental housing to amortize at an accelerated rate the cost of rehabilitating or restoring such housing; to the Committee on Ways and Means.

By Mr. CHAPPELL (for himself, Mr. SIKES, and Mr. ROGERS):

H.R. 5926. A bill to authorize Federal savings and loan associations and national banks to own stock in and invest in loans to certain State housing corporations, and for other purposes; to the Committee on Banking and Currency.

By Mr. DON H. CLAUSEN:

H.R. 5927. A bill to establish improved nationwide standards of mail service, require annual authorization of public service appropriations to the U.S. Postal Service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. COHEN (for himself, Mr. SMITH of New York, Mr. SANDMAN, Mr. RAILSBACK, and Mr. COUGHLIN):

H.R. 5928. A bill to provide a privilege for newsmen against the compelled disclosure of certain information and sources of information; to the Committee on the Judiciary.

By Mr. CORMAN:

H.R. 5929. A bill to authorize a program of research and development of alternative propulsion systems for automotive vehicles in commerce; to the Committee on Interstate and Foreign Commerce.

By Mr. CRONIN:

H.R. 5930. A bill to amend the Controlled Substances Act to require life imprisonment for certain persons convicted of illegally dealing in dangerous narcotic drugs; to the Committee on Interstate and Foreign Commerce.

By Mr. DINGELL:

H.R. 5931. A bill to increase and extend the authorization for appropriations for the Council on Environmental Quality, and for other purposes; to the Committee on Merchant Marine and Fisheries.

H.R. 5932. A bill to authorize further appropriations for the Office of Environmental Quality, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. DORN (for himself and Mr. HAMMERSCHMIDT) (by request):

H.R. 5933. A bill to amend title 38, United States Code, to promote the care and treatment of veterans in State veterans' homes; to the Committee on Veterans' Affairs.

H.R. 5934. A bill to amend chapter 39 of title 38, United States Code, to provide the same eligibility criteria for automobiles and adaptive equipment for Vietnam era veterans as are applicable to veterans of World War II and the Korean conflict; to the Committee on Veterans' Affairs.

H.R. 5935. A bill to amend title 38 of the United States Code in order to authorize an agreement with the Republic of the Philippines providing for hospital care and medical services to be furnished Commonwealth Army veterans and new Philippine Scouts for service-connected disabilities, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 5936. A bill to amend title 38 of the United States Code to require that certain veterans receiving hospital care from the Veterans' administration for nonservice-connected disabilities be charged for such care to the extent that they have health insurance or similar contracts with respect to such care; to prohibit the future exclusion of such coverage from insurance policies or contracts; and for other purposes; to the Committee on Veterans' Affairs.

H.R. 5937. A bill to amend title 38 of the United States Code to authorize the Administrator of Veterans' Affairs to enter into agreements with hospitals, medical schools, or medical installations for the central administration of a program of training for interns or residents; to the Committee on Veterans' Affairs.

By Mr. DULSKI:

H.R. 5938. A bill to amend the Internal Revenue Code of 1954 to allow a credit against the individual income tax for tuition paid for the elementary or secondary education of dependents; to the Committee on Ways and Means.

H.R. 5939. A bill to amend the Internal Revenue Code of 1954 to allow a credit against the individual income tax to a taxpayer who pays the tuition and certain related items of a student at an institution of higher education, where the taxpayer and the student agree to repay the credit (with interest) to the United States after the education is completed; to the Committee on Ways and Means.

By Mr. DU PONT:

H.R. 5940. A bill to promote public health and welfare by expanding and improving the family planning services and population sciences research activities of the Federal Government, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ECKHARDT (for himself, Ms. JORDAN, Mr. FISHER, Mr. MILFORD, Mr. WRIGHT, and Mr. COLLINS):

H.R. 5941. A bill to authorize establishment of the Big Thicket National Biological Reserve in the State of Texas and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. EILBERG:

H.R. 5942. A bill to amend the Communications Act of 1934 to provide that renewal licenses for the operation of a broadcasting station may be issued for a term of 5 years and to establish certain standards for the consideration of applications for renewal of broadcasting licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. FASCELL:

H.R. 5943. A bill to amend the law authorizing the President to extend certain privileges to representatives of member states on the Council of the Organization of American States; to the Committee on Foreign Affairs.

By Mr. FINDLEY:

H.R. 5944. A bill to promote the foreign policy and trade interests of the United States by providing authority to negotiate commercial agreements with countries hav-

ing nonmarket economies and for other purposes; to the Committee on Ways and Means.

By Mr. GERALD R. FORD:

H.R. 5945. A bill to amend title IV of the Social Security Act to allow a State in its discretion to such extent as it deems appropriate, to use the dual signature method of making payments of aid to families with dependent children under its approved State plan; to the Committee on Ways and Means.

By Mr. FREY (for himself, Mr. ARENDS, Mr. GERALD R. FORD, Mr. HASTINGS, Mr. HORTON, Mr. KEATING, Mr. KYROS, Mr. RHODES, and Mr. BOB WILSON):

H.R. 5946. A bill to assure the imposition of appropriate penalties for persons convicted of offenses involving heroin or morphine, to provide emergency procedures to govern the pretrial and posttrial release of persons charged with offenses involving heroin or morphine, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. FUQUA:

H.R. 5947. A bill to extend through fiscal year 1974 the expiring appropriations authorizations in the Public Health Service Act, the Community Mental Health Centers Act, and the Developmental Disabilities Services and Facilities Construction Act, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 5948. A bill to amend the Public Health Service Act to establish a national program of health research fellowships and traineeships to assure the continued excellence of biomedical research in the United States, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. FUQUA (for himself and Mr. CHAPPELL):

H.R. 5949. A bill to authorize Federal savings and loan associations and national banks to own stock in and invest in loans to certain State housing corporations; to the Committee on Banking and Currency.

By Mr. GAYDOS:

H.R. 5950. A bill to provide for the development of a uniform system of quality grades for consumer food products; to the Committee on Agriculture.

H.R. 5951. A bill to amend the Economic Stabilization Act of 1970, to stabilize the retail prices of meat for a period of 45 days at the November 1972 retail levels, and to require the President to submit to the Congress a plan for insuring an adequate meat supply for U.S. consumers, reasonable meat prices, and a fair return on invested capital to farmers, food processors, and food retailers; to the Committee on Banking and Currency.

H.R. 5952. A bill to amend the Intergovernmental Cooperation Act of 1968 to improve intergovernmental relationships between the United States and the States and municipalities, and the economy and efficiency of Government, by providing Federal cooperation and assistance in the establishment and strengthening of State and local offices of consumer protection; to the Committee on Government Operations.

H.R. 5953. A bill to amend the Federal Food, Drug, and Cosmetic Act to require the labels on all foods to disclose each of their ingredients; to the Committee on Interstate and Foreign Commerce.

H.R. 5954. A bill to require that certain processed or packaged consumer products be labeled with certain information, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 5955. A bill to amend the Fair Packaging and Labeling Act to require the disclosure by retail distributors of unit retail prices of packaged consumer commodities, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 5956. A bill to amend the Fair Packaging and Labeling Act to require certain labeling to assist the consumer in purchases of packaged perishable or semiperishable foods; to the Committee on Interstate and Foreign Commerce.

H.R. 5957. A bill to require that durable consumer products be labeled as to durability and performance life; to the Committee on Interstate and Foreign Commerce.

H.R. 5958. A bill to require that certain durable products be prominently labeled as to date of manufacture, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 5959. A bill to amend the Federal Food, Drug, and Cosmetic Act to require the labels on certain package goods to contain the name and place of business of the manufacturer, packer, and distributor; to the Committee on Interstate and Foreign Commerce.

By Mr. GINN:

H.R. 5960. A bill providing for a feasibility study of certain highways for the purpose of including such highways in the National System of Interstate and Defense Highways; to the Committee on Public Works.

By Mr. GONZALEZ:

H.R. 5961. A bill to provide for uniform and full disclosure of information with respect to the computation and payment of interest on certain savings deposits; to the Committee on Banking and Currency.

By Mr. GUDE (for himself and Mr. STARK):

H.R. 5962. A bill to amend the Economic Stabilization Act of 1970, to direct the President to establish a Rent Control Board which through the establishment of a cost justification formula, will control the level of rent with respect to residential real property, and for other purposes; to the Committee on Banking and Currency.

By Mr. GUDE (for himself and Mr. MOLLOHAN):

H.R. 5963. A bill to authorize voluntary withholding of Maryland, Virginia, and District income taxes in the case of certain legislative officers and employees; to the Committee on Ways and Means.

By Mr. HAMILTON (for himself, Mr. BEVILL, Mr. CASEY of Texas, Mr. CLARK, Mr. COUGHLIN, Mr. DAVIS of Georgia, Mr. DENT, Mr. DINGELL, Mr. ESHLEMAN, Mr. FISH, Mr. GOODLING, Mr. JOHNSON of Pennsylvania, Mr. MYERS, Mr. RARICK, Mr. SNYDER, Mr. THOMSON of Wisconsin, and Mr. ZION):

H.R. 5964. A bill to amend certain provisions of Federal law relating to explosives; to the Committee on the Judiciary.

By Mr. HARRINGTON:

H.R. 5965. A bill to amend the Federal-State Extended Unemployment Compensation Act of 1970 to permit Federal sharing of the cost of unemployment benefits which extend for 52 weeks; to the Committee on Ways and Means.

H.R. 5966. A bill to improve the extended unemployment compensation program; to the Committee on Ways and Means.

By Mr. KEATING (for himself, Mr. LANDGREBE, Mr. BAFALIS, Mr. RANGEL, and Mrs. BURKE of California):

H.R. 5967. A bill to amend the Federal Aviation Act of 1958 to authorize reduced rate transportation for certain additional persons on a space-available basis; to the Committee on Interstate and Foreign Commerce.

By Mr. KOCH:

H.R. 5968. A bill to amend the Export Administration Act of 1969, to protect the domestic economy from the excessive drain of scarce materials and commodities and to reduce the serious inflationary impact of abnormal foreign demand; to the Committee on Banking and Currency.

By Mr. LANDGREBE:

H.R. 5969. A bill to terminate the authorization of the Lafayette Dam and Reservoir, Wabash River, Ind.; to the Committee on Public Works.

By Mr. LUJAN:

H.R. 5970. A bill to amend the act entitled "An Act granting land to the city of Albuquerque for public purposes", approved June 9, 1906; to the Committee on Interior and Insular Affairs.

By Mr. MARAZITI:

H.R. 5971. A bill to abolish the U.S. Postal Service, to repeal the Postal Reorganization Act, to reenact the former provisions of title 39, United States Code, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 5972. A bill to amend the social security law to provide medicare benefits for those persons who require permanent or long term hyperalimentation treatment or intestinal transplants; to the Committee on Ways and Means.

By Mr. McCLORY (for himself, Mr. DON H. CLAUSEN, Mr. ROY, and Mr. FRELINGHUYSEN):

H.R. 5973. A bill to establish a program for the United States to convert to the metric system; to the Committee on Science and Astronautics.

By Mr. MURPHY of New York:

H.R. 5974. A bill to prescribe procedures so as to make administration of the National Environmental Policy Act of 1969 more effective; to the Committee on Merchant Marine and Fisheries.

By Mr. MURPHY of New York (for himself, Mr. FORSYTHE, Mr. ASHLEY, Mr. GROVER, Mr. BREAUX, Mr. LEGGETT, Mr. METCALFE, Mr. STUDDS, Mr. DINGELL, Mr. TREEN, Mr. SARBANES, Mr. MAILLIARD, Mr. RUPPE, Mr. SNYDER, Mr. STEELE, and Mr. YOUNG of South Carolina):

H.R. 5975. A bill to implement the International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, 1969; to the Committee on Merchant Marine and Fisheries.

By Mr. NIX:

H.R. 5976. A bill to provide a penalty for the robbery or attempted robbery of any narcotic drug from any pharmacy; to the Committee on the Judiciary.

H.R. 5977. A bill to amend the National Science Foundation Act of 1950 in order to establish a framework of national science policy and to focus the Nation's scientific talent and resources on its priority problems, and for other purposes; to the Committee on Science and Astronautics.

By Mr. O'HARA (for himself, Mr. DELLENBACK, Mr. BADILLO, Mr. BINGHAM, Mr. BUCHANAN, Mr. BURTON, Mr. DE LUGO, Mr. DENT, Mr. FISHER, Mr. WILLIAM D. FORD, Mr. FORSYTHE, Mr. FRASER, Mr. GIAIMO, Mr. HANSEN of Idaho, Mr. HAWKINS, Mr. HECHLER of West Virginia, and Mr. HORTON):

H.R. 5978. A bill to amend the Higher Education Act of 1965 to protect the freedom of student-athletes and their coaches to participate as representatives of the United States in amateur international athletic events, and for other purposes; to the Committee on Education and Labor.

By Mr. O'HARA (for himself, Mr. DELLENBACK, Mr. MATHIAS of California, Mr. MICHEL, Mr. MOAKLEY, Mr. MOSS, Mr. NEDZI, Mr. PEPPER, Mr. PODELL, Mr. REES, Mr. TIERNAN, Mr. VANDER JAGT, Mr. WARE, and Mr. WON PAT):

H.R. 5979. A bill to amend the Higher Education Act of 1965 to protect the freedom of student-athletes and their coaches to participate as representatives of the United States in amateur international athletic

events, and for other purposes; to the Committee on Education and Labor.

By Mr. PEPPER (for himself and Mr. MOAKLEY):

H.R. 5980. A bill to amend the Internal Revenue Code of 1954 to provide that the first $5,000 of compensation paid to law enforcement officers shall not be subject to the income tax; to the Committee on Ways and Means.

By Mr. QUILLEN (for himself, Mr. ARENDS, Mr. BAKER, Mr. WAMPLER, Mr. SIKES, Mr. MAYNE, Mr. JONES of North Carolina, Mr. DERWINSKI, Mr. DULSKI, Mr. MOAKLEY, Mr. WON PAT, Mr. BENNETT, Mr. RHODES, Mr. CAMP, Mr. HUBER, Mr. FINDLEY, Mr. WRIGHT, Mr. HUTCHINSON, Mr. YATRON, Mr. ANDREWS of North Dakota, Mr. HANSEN of Idaho, Mr. FREY, Mr. CHARLES H. WILSON of California, Mr. MICHEL, and Mr. HELSTOSKI):

H.R. 5981. A bill to amend title 5 of the United States Code with respect to the observance of Memorial Day and Veterans Day; to the Committee on the Judiciary.

By Mr. QUILLEN (for himself, Mr. DAVIS of South Carolina, Mr. DEL CLAWSON, Mr. MOLLOHAN, Mr. FISHER, Mr. KEMP, Mr. STEPHENS, Mr. THONE, Mr. BURKE of Massachusetts, Mr. KETCHUM, and Mr. BAFALIS):

H.R. 5982. A bill to amend title 5 of the United States Code with respect to the observance of Memorial Day and Veterans Day; to the Committee on the Judiciary.

By Mr. REID (for himself and Mr. Moss):

H.R. 5983. A bill to amend the Freedom of Information Act to require the disclosure of information, upon request, to Congress by the executive branch; to the Committee on Government Operations.

By Mr. ROBERTS:

H.R. 5984. A bill to authorize the coinage of 50-cent pieces to commemorate the life of Hon. Sam Rayburn and to assist in the support of the Sam Rayburn Library; to the Committee on Banking and Currency.

By Mr. ROE:

H.R. 5985. A bill to amend the Federal Food, Drug, and Cosmetic Act to regulate the advertising and distribution of organically grown and processed foods; to the Committee on Interstate and Foreign Commerce.

By Mr. RONCALIO of Wyoming (for himself, Ms. ABZUG, Mr. BINGHAM, Mr. BROWN of California, Mr. CONABLE, Mr. FORD, Mr. HARRINGTON, Mr. REUSS, Mr. RHODES, Mr. ROE, Mr. VIGORITO, and Mr. WON PAT):

H.R. 5986. A bill to amend the Fish and Wildlife Act of 1956, to protect game and wildlife resources by prohibiting the use of lead shot for hunting in marshes and other aquatic areas, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. ROUSH (for himself, Mr. BROWN of California, Mr. CLEVELAND, Mr. DANIELSON, Mr. DAVIS of Georgia, Mr. DENT, Mr. ESCH, Mr. WILLIAM D. FORD, Mr. HAMILTON, Mr. HINSHAW, Mr. LEHMAN, Mr. MCCORMACK, Mr. MOSHER, Mr. MOSS, Mr. PEPPER, Mr. PRICE of Illinois, Mr. RONCALLO of New York, Mr. ROE, Mr. SYMINGTON, Mr. TIERNAN, Mr. VANIK, and Mr. WON PAT):

H.R. 5987. A bill to amend the Communications Act of 1934 to provide grants to States and units of local government for the establishment, equipping, and operation of emergency communications facilities to make the national emergency telephone number 911 available throughout the United States; to the Committee on Interstate and Foreign Commerce.

By Mr. SAYLOR (for himself and Mr. DENT):

H.R. 5988. A bill to provide for the regulation of surface mining operations in the United States, to authorize the Secretary of the Interior to make grants to States to encourage State regulation of surface mining, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. SCHNEEBELI (for himself, Mr. ULLMAN, Mr. BURKE of Massachusetts, Mrs. GRIFFITHS, Mr. CHAMBERLAIN, Mr. ROSTENKOWSKI, Mr. LANDRUM, Mr. VANIK, Mr. CLANCY, Mr. FULTON, Mr. BURLESON of Texas, Mr. ARCHER, Mr. CORMAN, Mr. PETTIS, Mr. GREEN of Pennsylvania, Mr. CAREY of New York, Mr. CONABLE, Mr. WAGGONNER, Mr. BROYHILL of Virginia, Mr. BROTZMAN, Mr. KARTH, and Mr. DUNCAN):

H.R. 5989. A bill to clarify the exempt status of joint activities of educational organizations under the Internal Revenue Code of 1954; to the Committee on Ways and Means.

By Mr. SIKES (for himself, Mr. COCHRAN, Mr. KYROS, Mr. HAMMERSCHMIDT, Mr. MANN, Mr. BRINKLEY, and Mr. GINN):

H.R. 5990. A bill to authorize the Secretary of Agriculture to develop and carry out a forestry incentives program to encourage a higher level of forest resources protection, development, and management by small nonindustrial private and non-Federal public forest landowners, and for other purposes; to the Committee on Agriculture.

By Mr. SIKES (for himself, Mr. ULLMAN, Mr. SAYLOR, Mr. SCHNEEBELI, Mr. FISHER, Mr. NICHOLS, Mr. ALEXANDER, Mr. ZION, Mr. HARSHA, Mr. LEGGETT, Mr. MELCHER, Mr. BEVILL, Mr. FRENZEL, Mr. MONTGOMERY, Mr. STEIGER of Arizona, Mr. ROBINSON of Virginia, Mr. DENHOLM, Mr. GOODLING, Mr. MOLLOHAN, Mr. ANDREWS of North Dakota, Mr. PETTIS, Mr. BURLESON of Texas, Mr. HALEY, Mr. KING, and Mr. MAYNE):

H.R. 5991. A bill to amend section 4182 of the Internal Revenue Code of 1954; to the Committee on Ways and Means.

By Mr. SIKES (for himself, Mr. ULLMAN, Mr. SAYLOR, Mr. SCHNEEBELI, Mr. MYERS, Mr. ESHLEMAN, Mr. HUTCHINSON, Mr. MATHIS of Georgia, Mr. RARICK, Mr. QUIE, Mr. CHARLES H. WILSON of California, Mr. BROOMFIELD, Mr. MALLARY, Mr. FISH, Mr. FOLEY, Mr. BROTZMAN, Mr. CLEVELAND, Mr. BURLISON of Missouri, Mr. BLACKBURN, Mr. HANSEN of Idaho, Mr. BOWEN, Mr. DICKINSON, Mr. RUNNELS, Mr. DAVIS of South Carolina, and Mr. DINGELL):

H.R. 5992. A bill to amend section 4182 of the Internal Revenue Code of 1954; to the Committee on Ways and Means.

By Mr. SIKES (for himself, Mr. ULLMAN, Mr. SAYLOR, Mr. SCHNEEBELI, Mr. MCCLOSKEY, Mr. MATHIAS of California, Mr. RHODES, Mr. ARCHER, Mr. KEMP, Mr. WAGGONNER, Mr. O'HARA, Mr. WALSH, Mr. LUJAN, Mr. MOSS, Mr. KETCHUM, Mr. WAMPLER, Mr. SCHERLE, Mr. CAMP, Mr. WYLIE, Mr. MCCORMACK, Mr. MCEWEN, Mr. DENNIS, Mr. MILLER, Mr. FLOWERS, and Mr. MIZELL):

H.R. 5993. A bill to amend section 4182 of the Internal Revenue Code of 1954; to the Committee on Ways and Means.

By Mr. SIKES (for himself, Mr. ULLMAN, Mr. SAYLOR, Mr. SCHNEEBELI, Mr. DAVIS of Georgia, Mr. SNYDER, Mr. ROUSSELOT, Mr. SYMMS, Mr. ROY, Mr. FOUNTAIN, and Mr. OWENS):

H.R. 5994. A bill to amend section 4182 of the Internal Revenue Code of 1954; to the Committee on Ways and Means.

By Mr. SMITH of Iowa:

H.R. 5995. A bill to assist institutions in educating Vietnam era veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. STEIGER of Wisconsin:

H.R. 5996. A bill to amend the Occupational Safety and Health Act of 1970 to provide additional assistance to small employers; to the Committee on Education and Labor.

By Mr. STUBBLEFIELD:

H.R. 5997. A bill to amend the Federal Meat Inspection Act, as amended, by exempting salt-cured smoked meat; to the Committee on Agriculture.

By Mr. TEAGUE of Texas:

H.R. 5998. A bill to amend section 3101 of title 38, United States Code, to provide that proceeds of any policy of U.S. Government life insurance, national service life insurance, or servicemen's group life insurance shall not be included in the computation of the gross value of the insured's estate for Federal estate tax or State inheritance tax purposes; to the Committee on Ways and Means.

By Mr. THONE:

H.R. 5999. A bill to improve and implement procedures for fiscal controls in the U.S. Government, and for other purposes; to the Committee on Rules.

H.R. 6000. A bill to amend the Internal Revenue Code of 1954 to provide for a reduced rate of tax for gasoline which contains grain alcohol and no lead; to the Committee on Ways and Means.

By Mr. UDALL (for himself and Mr. MATSUNAGA):

H.R. 6001. A bill to amend title 39, United States Code, with respect to the financing of the cost of mailing certain matter free of postage or at reduced rates of postage, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. WHITE:

H.R. 6002. A bill to include certain officers and employees of the Department of Agriculture performing functions under the laws administered by that Department within the provisions of section 1114 of title 18 of the United States Code, relating to homicides of Federal officers in the discharge of their duties; to the Committee on the Judiciary.

By Mr. WILLIAMS (for himself, Mr. WHITEHURST, and Mr. DOWNING):

H.R. 6003. A bill to establish the American Revolution Bicentennial Administration and for other purposes; to the Committee on the Judiciary.

My Mr. WOLFF:

H.R. 6004. A bill to provide payments to States for public elementary and secondary education and to allow a credit against the individual income tax for tuition paid for the elementary or secondary education of dependents; to the Committee on Ways and Means.

By Mr. ZWACH:

H.R. 6005. A bill to amend title 5, United States Code, to correct certain inequities in the crediting of National Guard technician service in connection with civil service retirement, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. CRONIN:

H.J. Res. 448. Joint resolution relating to the war power of Congress; to the Committee on Foreign Affairs.

By Mr. DINGELL (for himself and Mr. STARK):

H.J. Res. 449. Joint resolution to establish the Tule Elk National Wildlife Refuge; to the Committee on Merchant Marine and Fisheries.

By Mr. LONG of Maryland:

H.J. Res. 450. Joint resolution authorizing the President to proclaim September 12, 1974,

as "Battle of North Point Memorial Day"; to the Committee on the Judiciary.

By Mr. LONG of Maryland (for himself, Mr. HELSTOSKI, and Mr. HENDERSON):

H.J. Res. 451. Joint resolution prohibiting U.S. rehabilitation and reconstruction aid to the Republic of Vietnam, the Democratic Republic of Vietnam, or any other country in Indochina until certain conditions have been met, and for other purposes; to the Committee on Foreign Affairs.

By Mr. McCLORY:

H.J. Res. 452. Joint resolution to authorize the President to proclaim the last Friday of April as "National Arbor Day"; to the Committee on the Judiciary.

By Mr. MARAZITI:

H.J. Res. 453. Joint resolution to improve mail services in the Post Office Department; to the Committee on Rules.

By Mr. ROBERTS (for himself, Mr. BURLESON of Texas, Mr. WHITE, and Mr. MILFORD):

H.J. Res. 454. Joint resolution proposing an amendment to the Constitution of the United States to prohibit certain congressional appropriations; to the Committee on the Judiciary.

By Mr. FUQUA:

H. Con. Res. 159. Concurrent resolution expressing the sense of the House of Representatives objecting to the eligibility of the Byelorussian Soviet Socialist Republic and the Ukrainian Soviet Socialist Republic for membership in the United Nations; to the Committee on Foreign Affairs.

By Mr. GUBSER (for himself, Mr. EDWARDS of California, Mr. ZION, Mr. VEYSEY, Mr. MOORHEAD of California, Mr. FISHER, Mr. HASTINGS, Mr. MEEDS, Mr. BROWN of Ohio, Mr. MCCORMACK, Mr. DULSKI, Mr. SHRIVER, Mrs. GREEN of Oregon, and Mr. MOAKLEY):

H. Con. Res. 160. Concurrent resolution expressing the sense of the Congress that the Federal Government should increase the amount of timber offered for sale for domestic use; to the Committee on Agriculture.

By Mr. GUBSER (for himself, Mr. FOUNTAIN, Mr. HINSHAW, Mr. BURGENER, Mr. FROEHLICH, Mr. STEELE, Mr. CLEVELAND, Mr. KETCHUM, Mr. HICKS, Mr. MOLLOHAN, Mr. WON PAT, Mr. LEGGETT, Mr. J. WILLIAM STANTON, and Mr. LOT):

H. Con. Res. 161. Concurrent resolution expressing the sense of the Congress that the Federal Government should increase the amount of timber offered for sale for domestic use; to the Committee on Agriculture.

By Mr. JONES of Oklahoma:

H. Res. 318. Resolution for the creation of congressional senior citizen internships; to the Committee on House Administration.

By Mr. ROSENTHAL (for himself, Mr. MATSUNAGA, Ms. ABZUG, Mr. ADDABBO, Mr. ASHLEY, Mr. BADILLO, Mr. BERGLAND, Mr. BRASCO, Mr. BROWN of California, Mrs. BURKE of California, Mr. BURTON, Mr. CARNEY of Ohio, Mrs. CHISHOLM, Mr. CONYERS, Mr. COTTER, Mr. DOMINICK V. DANIELS, Mr. DENHOLM, Mr. DIGGS, Mr. DRINAN, Mr. EDWARDS of California, Mr. EILBERG, Mr. WILLIAM D. FORD, Mr. FORSYTHE, Mr. FULTON, and Mrs. GRASSO):

H. Res. 319. Resolution creating a select committee to conduct an investigation of matters affecting, influencing, and pertaining to the cost and availability of food to the American consumer; to the Committee on Rules.

By Mr. MATSUNAGA (for himself, Mr. ROSENTHAL, Mr. GUDE, Mrs. HANSEN of Washington, Mr. HARRINGTON, Mr. HECHLER of West Virginia, Mrs. HECKLER of Massachusetts, Mr. HELSTOSKI, Mrs. HOLT, Mr. HOWARD, Mr. KOCH, Mr. LENT, Mr. MCCORMACK, Mr. MAZZOLI, Mr. MOAKLEY, Mr. PIKE, Mr. PODELL, Mr. RANGEL, Mr. REUSS, Mr. ROE, Mr. RONCALLO of New York, Mr. ROSE, Mr. ROYBAL, Mr. SARBANES, and Mrs. SCHROEDER):

H. Res. 320. Resolution creating a select committee to conduct an investigation of matters affecting, influencing, and pertaining to the cost and availability of food to the American consumer; to the Committee on Rules.

By Mr. ROSENTHAL (for himself, Mr. MATSUNAGA, Mr. STUDDS, Mr. VAN DEERLIN, Mr. WOLFF, Mr. WON PAT, Mr. YATES, Mr. YATRON, and Mr. ADAMS):

H. Res. 321. Resolution creating a select committee to conduct an investigation of matters affecting, influencing, and pertaining to the cost and availability of food to the American consumer; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII,

100. The SPEAKER presented a memorial of the Legislature of the State of Idaho relative to overtime payment for overtime work during harvesting periods; to the Committee on Education and Labor.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADDABBO:

H.R. 6006. A bill for the relief of Miroslawa J. Wierszoch; to the Committee on the Judiciary.

By Mr. YOUNG of Texas:

H.R. 6007. A bill for the relief of Swift-Train Co.; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

71. By the SPEAKER: Petition of the Taecho Land Development Association, Kyongnam, Korea, relative to the settlement of a claim by the Taecho Irrigation Association against the United States; to the Committee on Foreign Affairs.

72. Also, petition of Milton Mayer, New York, N.Y., relative to redress of grievances; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

REAP AND FISCAL RESPONSIBILITIES

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1973

Mr. KEMP. Mr. Speaker, the rural environmental assistance program seems to have survived the administration's valiant struggle to achieve economy in Government. REAP may have survived for another year unless this Congress faces some clear fiscal facts and sustains the expected Presidential veto.

Many of my colleagues seem to be laboring under the misconception that REAP is universally popular. It is incumbent upon each of us in this chamber to weigh seriously the need for subsidies which accrue to the recipients of REAP. Several fundamental questions should be resolved: First, Does REAP still address the problems at which the original legislation was intended? Second, Do the recipients themselves deem the legislation worthy of continuation? Third, Is the legislation fiscally responsible?

In answering these questions, let me recommend for your education some enlightening material. Bill Anderson, writing in the March 8 Chicago Tribune, revealed one of the more flagrant uses of Federal subsidies which are presently available under REAP. As neighbors of nearby Fauquier County, Va., no doubt we are all particularly intrigued by subsidies accruing to "poor" farmers in that "underprivileged" area.

Second, I wish to call to your attention a letter from the New York Farm Bureau, which represents 15,000 farm families in New York State. Lastly, I recommend, for your edification, a letter from a dairy farmer in my district who understands better than some Members of this body what best contributes to the well-being of Americans in the agricultural sector of our economy:

U.S. BOUNTY AIDS 252 "RICH" FARMS

(By Bill Anderson)

WARRENTON, Va.—This is where people come for the Gold Cup, an annual horse race on a huge estate in Fauquier County, a place near the Appalachian Trial and National Forests set in the rolling hills of the Blue Ridge Mountains.

There are about 600 farms in this large county, and most of them are larger than Chicago's Loop. The air is clean and fresh, and there is nothing here that remotely resembles poverty or the old dust bowl farming portrayed in "The Grapes of Wrath."

Yet, there are 252 farms in Fauquier County that will be greener this spring because the federal government spent $65,000 on them last year in a program that grew out of the plight of farmers during the dust bowl days. The federal dollars were part of a spending program of the Rural Environmental Assistance Program [REAP], currently the object of what amounts to a pilot fight between the executive and the legislative branches of the government.

The father of REAP was born in 1936 as a conservation program funded at $374 million. In the early days, the money went for soil saving projects of small farmers, water development, and tree planting. There are literally thousands of acres of land in the United States that are green today as a result of the program.

By 1944, as times changed, the program became strictly conservation. Spending con-