

Wittenborn, John L., xxx-xx-xxxx
 Witter, Gerald L., xxx-xx-xxxx
 Wolf, John D., xxx-xx-xxxx
 Wolfe, Lawrence D., xxx-xx-xxxx
 Womack, Oscar, Jr., xxx-xx-xxxx
 Woodward, Earl W., xxx-xx-xxxx
 Woods, Terry L., xxx-xx-xxxx
 Woodson, John L., III, xxx-xx-xxxx
 Workman, Joseph F., xxx-xx-xxxx
 Worsham, Richard E., xxx-xx-xxxx
 Worthington, Robert G., xxx-xx-xxxx
 Wright, Karen L., xxx-xx-xxxx
 Wright, Michael D., xxx-xx-xxxx
 Wright, Robert G., xxx-xx-xxxx
 Wright, Ted D., Jr., xxx-xx-xxxx
 Wroblewski, Jon E., xxx-xx-xxxx
 Wuerslin, Thomas H., xxx-xx-xxxx
 Yanek, Joseph R., xxx-xx-xxxx
 Yanni, Kenneth J., xxx-xx-xxxx
 Yasenovskiy, Andrew, Jr., xxx-xx-xxxx
 Yonemura, Rodney K., xxx-xx-xxxx
 Young, Dick H., Jr., xxx-xx-xxxx
 Young, Joseph D., xxx-xx-xxxx
 Yundt, Robert W., Jr., xxx-xx-xxxx
 Zablotny, Mark A., xxx-xx-xxxx
 Zambeck, Arthur K., xxx-xx-xxxx
 Zavada, Francis J., xxx-xx-xxxx
 Zedaker, William D., xxx-xx-xxxx
 Zelmet, Richard H., xxx-xx-xxxx
 Zeller, Dale L., xxx-xx-xxxx
 Zerull, Lynn J., xxx-xx-xxxx
 Zettler, Michael E., xxx-xx-xxxx
 Ziegler, George W., xxx-xx-xxxx
 Zietlow, John E., xxx-xx-xxxx
 Zwanzigler, Jon H., xxx-xx-xxxx

NURSE CORPS

Devries, Elwayne L., xxx-xx-xxxx
 Zwick, Cecelia A., xxx-xx-xxxx

MEDICAL SERVICE CORPS

Adams, Donald D., Jr., xxx-xx-xxxx
 Aenchbacher, Arthur E., Jr., xxx-xx-xxxx
 Arnold, Anthony C., xxx-xx-xxxx
 Balsden, Clinton E., xxx-xx-xxxx
 Biron, Laurent J., xxx-xx-xxxx
 Brandler, Sidney, xxx-xx-xxxx
 Brown, Robert P., xxx-xx-xxxx
 Brumlow, James W., Jr., xxx-xx-xxxx
 Craig, Randall G., xxx-xx-xxxx
 Dorwart, Robert H., xxx-xx-xxxx
 Douville, Douglas R., xxx-xx-xxxx
 Frestman, Gerald R., xxx-xx-xxxx
 Gray, Mark B., xxx-xx-xxxx
 Holmes, Terry F., xxx-xx-xxxx
 Johnson, Thomas G., xxx-xx-xxxx
 Jones, Lynn M., xxx-xx-xxxx

Kirby, William C., xxxx
 Kruyer, William B., xxx-xx-xxxx
 Magee, Joe W., xxx-xx-xxxx
 Maldazys, John D., xxx-xx-xxxx
 Markellos, David N., xxx-xx-xxxx
 Marler, Phillip L., xxx-xx-xxxx
 McAnally, Thomas P., xxx-xx-xxxx
 McCarthy, Michael J., xxx-xx-xxxx
 McKiernan, Thomas L., xxx-xx-xxxx
 Modliszewski, Charles S., xxx-xx-xxxx
 Owens, Robert H., xxx-xx-xxxx
 Paglen, Patrick G., xxx-xx-xxxx
 Qualey, Thomas F., xxx-xx-xxxx
 Range, David R., xxx-xx-xxxx
 Rogers, Robert L., xxx-xx-xxxx
 Schutt, David C., xxx-xx-xxxx
 Simmons, Willis M., Jr., xxx-xx-xxxx
 Soltman, Donald J., Jr., xxx-xx-xxxx
 Statzer, Fred C., xxx-xx-xxxx
 Stovall, William M., xxx-xx-xxxx
 Sutherland, Edward, xxx-xx-xxxx
 Temple, Thomas R., xxx-xx-xxxx

BIOMEDICAL SCIENCES CORPS

Bolerjack, Thomas G., xxx-xx-xxxx
 Cox, John D., xxx-xx-xxxx
 Cunningham, William D., xxx-xx-xxxx
 Eyl, Arland W., Jr., xxx-xx-xxxx
 Gorman, Richard W., xxx-xx-xxxx
 Hill, Ronald C., xxx-xx-xxxx
 Lundquist, Fred A., xxx-xx-xxxx
 McCloy, David L., xxx-xx-xxxx
 McLaughlin, William H., xxx-xx-xxxx
 Murata, Steven M., xxx-xx-xxxx
 Palagi, Peter A., xxx-xx-xxxx
 Patrick, Clarence S., xxx-xx-xxxx
 Peterson, Lamont R., xxx-xx-xxxx
 Pinkovsky, Dennis D., xxx-xx-xxxx
 Rice, Robert M., xxx-xx-xxxx
 Shadowens, Melvin R., xxx-xx-xxxx
 Tanner, Merle R., Jr., xxx-xx-xxxx

The following officer for appointment in the Regular Air Force, in the grade indicated, under the provisions of section 8284, title 10, United States Code, with a view to designation under the provisions of section 8067, title 10, United States Code, to perform the duties indicated, and with the date of rank to be determined by the Secretary of the Air Force:

To be captain (Judge Advocate)

Schiefelbein, Lester H., Jr., xxx-xx-xxxx

The following named Air Force officers for reappointment to the active list of the Regular Air Force, in the grade indicated, under the provisions of sections 1210 and 1211, title 10, United States Code:

LINE OF THE AIR FORCE
To be colonel
 Tittsworth, James H., Jr., xxx-xx-xxxx
To be lieutenant colonel
 Hess, Marvin J., xxx-xx-xxxx
 Lantz, John A., xxx-xx-xxxx
To be colonel (Medical Corps)
 Strub, Giles J., xxx-xx-xxxx

The following officers for promotion in the Air Force Reserve, under the provisions of sections 8376 and 593, title 10, United States Code:

LINE OF THE AIR FORCE
Lieutenant colonel to colonel
 Sullivan, Dwight E., xxx-xx-xxxx
Major to lieutenant colonel
 Chubbuck, Robert M., xxx-xx-xxxx
 Feld, David A., xxx-xx-xxxx
 Flood, John J., xxx-xx-xxxx
 Skinner, William B., xxx-xx-xxxx
 Vittitow, Charles D., xxx-xx-xxxx
 Wooten, Talmage J., xxx-xx-xxxx

CHAPLAIN CORPS

Gerdes, Everett E., xxx-xx-xxxx

DENTAL CORPS

Ausich, Joseph E., xxx-xx-xxxx

NURSE CORPS

Smith, Alma M., xxx-xx-xxxx
 The following person for appointment as a Reserve of the Air Force in the grade indicated (Line of the Air Force), under the provisions of section 593, title 10, United States Code:

To be colonel

Hales, J. Vern., xxx-xx-xxxx

The following officer for appointment as a Reserve of the Air Force in the grade indicated (Line of the Air Force), under the provisions of sections 593 and 1211, title 10, United States Code:

To be lieutenant colonel

Cyganowski, Gerald D., xxx-xx-xxxx

The following person for appointment as a Reserve of the Air Force (Medical Corps), in the grade indicated, under the provisions of section 593, title 10, United States Code, with a view to designation as a Medical Officer under the provisions of section 8067, title 10, United States Code.

To be lieutenant colonel

Skeel, David A., xxx-xx-xxxx

HOUSE OF REPRESENTATIVES—Tuesday, January 22, 1974

The House met at 12 o'clock noon.
 The Chaplain, Rev. E. G. Latch, D.D., offered the following prayer:

Let not mercy and truth forsake thee; bind them about thy neck; write them upon the table of thine heart.—Proverbs 3: 3.

Eternal God, above us yet within us, beyond us yet very near, always good and seeking out good, loving us with a love that never lets us go, and strengthening us with a strength that never lets us down, we enter the life of this new day praying that Thou wilt guide us in the ways of righteousness, truth, and peace. Reveal to us the path of duty and service and give us courage to walk in it until our life's end.

Help us to realize that in this Capitol we are making history with our decisions and our actions—each year a volume, each month a section, each week a chapter, each day a page. In faith and hope and love do Thou lead us in our writing that our people today and the generations to come may be grateful

that we served our country as their representatives.

In Thy holy name we pray. Amen.

THE JOURNAL

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

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Marks, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced

that the Senate had passed sundry resolutions of the following titles:

S. RES. 229

Resolved, That a committee consisting of two Senators be appointed by the Vice President to join such committee as may be appointed by the House of Representatives to wait upon the President of the United States and inform him that a quorum of each House is assembled and that the Congress is ready to receive any communication he may be pleased to make.

S. RES. 230

Resolved, That the Secretary inform the House of Representatives that a quorum of the Senate is assembled and that the Senate is ready to proceed to business.

S. RES. 232

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Honorable Charles M. Teague, late a Representative from the State of California.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate adjourns

today, it adjourn as a further mark of respect to the memory of the deceased Representative.

AUTHORIZING THE SPEAKER TO DECLARE RECESSES ON WEDNESDAY, JANUARY 30, 1974

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that on Wednesday, January 30, 1974, it may be in order for the Speaker to declare recesses at any time, subject to the call of the Chair.

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

Mr. GROSS. Mr. Speaker, reserving the right to object, I regret that I did not hear the gentleman's request. Will the gentleman repeat his request?

Mr. O'NEILL. Mr. Speaker, my request is that it may be in order for the Speaker to declare recesses on January 30. As the gentleman knows, that is the night the President is scheduled to deliver his address on the state of the Union.

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

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

There was no objection.

BURR POWELL HARRISON

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

Mr. BROYHILL of Virginia. Mr. Speaker, Virginia lost a stalwart son with the death in December of Burr Powell Harrison.

The Nation lost a citizen who had served the Congress of the United States with integrity and distinction from November 1946 until January 1963.

Burr Harrison, son of a former Member of the Congress, enobled every profession he touched, Mr. Speaker—lawyer, judge, scholar, politician, State legislator, and Congressman. The Congress remembers most his untiring and diligent work on the Ways and Means Committee in developing disability payments for social security beneficiaries.

I was honored to serve with him as a Member of Congress for a decade. He was a conservative in outlook, a patriot in practice, and a gentleman in judgment and demeanor. He was a true man of his times, a friend, and a gallant servant of our great Commonwealth. The stability and character of the Congress is better for his having served so long in the calling he held in such high esteem. I honor his memory, Mr. Speaker, along with his family and friends here and across Virginia who loved and respected him.

Mr. ROBINSON of Virginia. Mr. Speaker, will the gentleman yield?

Mr. BROYHILL of Virginia. I yield to the gentleman from Virginia.

(Mr. ROBINSON of Virginia asked and was given permission to revise and extend his remarks and include extraneous matter.)

Mr. ROBINSON of Virginia. Mr. Speaker, although the configuration of

the district has been changed, I now have the honor of representing the Seventh Congressional District of Virginia, which Burr Harrison served with distinction from the 79th through the 87th Congresses.

We were neighbors and friends for many years as lifelong residents of the Winchester area. While we sought public office under different party banners, we had few, if any, differences in basic philosophy of government. On coming to Congress, I sought and valued highly Burr's counsel, and I will miss greatly this resource of sound advice and friendship.

Judge Harrison, as he was known formally to colleagues who recalled his judicial service in Virginia, was a distinguished member of the legal profession, and remained active in the practice of law until his untimely death at the age of 69 in his home city of Winchester, Va., on December 29, 1973.

Burr Harrison was not a formal man by nature and—at the Capitol—his colleagues resorted to the address of "Judge" only in floor debate or in committee proceedings, for he was "Burr" to one and all after brief acquaintanceship.

Burr Harrison was a member of a family notable in public affairs in Virginia from colonial days and was the son of Thomas Walter Harrison, who served the same region of Virginia in this House from the 64th through the 70th Congresses.

When elected to the House on November 5, 1946, to fill a vacancy caused by the resignation of A. Willis Robertson, who was elected to the other body, Judge Harrison resigned from the bench of the 17th Judicial Circuit of Virginia and of the corporation court of the city of Winchester.

Previously, he had served in the Senate of Virginia, 1940-42, and as Commonwealth's attorney for Frederick County, 1932-40.

Burr Harrison did not choose to seek reelection to the 88th Congress, and resumed the private practice of law in Winchester.

While in the House, he served on the Committee on House Administration, the former Committee on Un-American Activities and the Committee on Ways and Means.

He was a conservative and expressed often, while here, his concern over the growth of governmental influence over the lives of individual citizens. At the same time—and consistent with his progressive conservative view of the proper role of government, he recognized human needs which could not be met fully by individual effort, and was ready to support realistic approaches to a governmental function in meeting such needs.

Few outside this House recall it now, but Burr Harrison served as chairman of a subcommittee of the Committee on Ways and Means created to study the social security system. The hearings and report of this subcommittee laid groundwork for extension of social security benefits to disabled persons at an age earlier than that at which basic benefits could be drawn—an arrangement which

had been liberalized in recent years and is taken for granted now, but which was a new, somewhat controversial concept at the time.

Burr Powell Harrison was born in Winchester, Va., July 2, 1904. He attended public schools there, Woodberry Forest School, Virginia Military Institute, Hampden-Sydney College, and the University of Virginia. He was graduated from Georgetown University Law School in 1926, and was admitted to the bar of Virginia in the same year.

On taking up the practice of law, Burr Harrison began what was to become a distinguished career of service to community, State, and Nation. He was a Virginia gentleman in the best sense of the term—an individual who respected and served the institutions of representative government and equal justice under law which Virginians of two centuries ago did so much to shape and who, above all, respected the dignity of the individual citizen, of whatever station, and reacted with compassion toward a fellow citizen in distress.

Burr Powell Harrison paid fully the dues of his American birthright. He loved the House, and I know his many friends still in service here will join me in extending sympathy in this great loss to his widow, his daughter, and his two grandchildren.

Under leave to extend my remarks, I include an editorial which appeared in the Winchester (Va.) Evening Star on December 31, 1973.

The editorial follows:

BURR POWELL HARRISON

The Valley of Virginia mourns a spendid champion. The death Saturday of Burr Powell Harrison places the final period on a career spanning more than four decades as a lawyer, commonwealth's attorney, state senator, circuit judge and congressman.

During a lifetime paralleled by world events that made thoughtful men shudder, he was repeatedly accorded the highest—and most sobering—honor his fellow men could bestow—the public trust. And he wielded it with concern, compassion, and the unimpeachable integrity that marks an uncommon man.

Burr Harrison was a political conservative and a Democrat. His was the unpretentious, down-to-earth style that led voters from both major parties to send him to Congress for 16 years. He preferred studied accomplishment to a torrent of verbiage, speaking relatively little on the House floor. Stature came with service. He was named to the House Un-American Activities Committee and also won a seat on the powerful Ways and Means Committee.

Around the Seventh District which he served, then called the Valley District, his dark-suited, bespeckled figure was a familiar one. Perhaps his most well known trademark was his annual visit to each of the scores of post offices up and down the Shenandoah Valley to speak personally with constituents. He shied away from pomp and ceremony, and was perhaps more at ease talking to his neighbors on a store porch than mingling with the mighty in the halls of Congress.

He was known to friends as Judge Harrison, Congressman Harrison, or just Burr. As a circuit judge in Winchester before going to Congress he won a reputation for scrupulous fairness.

Burr Harrison held strong views on the health of America. "You have to consider how this country is to be run if it is to be saved," he said during an interview shortly before

retiring from Congress at the end of 1962. "And I mean literally to be saved. Its very existence. During these 16 years I feel the prospects of its staying in existence have deteriorated."

He voiced concern over government spending and saw his expectation for annual increases come true. And he expressed fears of government grown too large—of government being served, rather than serving.

"We can lose," he said, adding "There's a lean and hungry wolf loose in the world, and we can't lick him if we grow soft, and complacent and indifferent."

Burr Harrison ended his career as he began it—as a lawyer. He died without seeing the battle won, and the wolf he hunted so tenaciously remains largely uncaged.

His friends and associates might accord Burr Harrison one final and lasting tribute—emulation of the high standards he possessed.

Mr. MILLS. Mr. Speaker, when Burr P. Harrison passed away last month we lost a dear friend, and the Nation lost a great citizen and leader. It was my privilege to have served with Burr Harrison, whose wonderful sense of humor was and is unequalled in the halls of Congress, throughout his long and distinguished period of service here.

Burr was a valued member of the Committee on Ways and Means first in the 82d Congress and then later from the 84th through the 87th Congresses. He voluntarily retired at the end of the 87th Congress in 1963 and resumed the practice of law in his native Winchester.

Few people have come better prepared than Burr Harrison for service in this body. His father, Thomas Walter Harrison, had been a Member of Congress for many years before him. Burr had also been a member of the State Senate of Virginia and a circuit judge before his initial election to Congress in 1946.

I, of course, cherish with warm recollection his service on the Committee on Ways and Means. Not only was Burr one of the most astute and productive members of the committee in terms of his contribution to the very complex and intricate features of the legislation over which the committee had responsibility, but he was one of the best liked and popular men ever to serve on the committee. His legendary sense of humor very often was the oil which eased and facilitated the committee's labors and aided us in reaching consensus on very important issues. This very wonderful Harrison gift we have sorely missed since his retirement, but we shall remember and appreciate it all ways.

Our deepest sympathy in this sad hour remains with his lovely wife, Dorothy, of the home in Winchester, his daughter, Mrs. Alice Bruce Schmidt of Long Island, and his two beautiful granddaughters.

Mr. SIKES. Mr. Speaker, I was saddened to learn of the recent death of a former colleague, Burr Powell Harrison, who represented the State of Virginia in this Congress with honor and distinction.

Few men have come to this House so well prepared to serve their constituents and their Nation. Burr Harrison served first as an attorney for the Commonwealth, moving then to the Virginia senate and finally to the bench as circuit judge.

When he came to Congress, having been elected to fill a vacancy in the 79th

Congress, Burr Harrison had prepared himself through conscientious service to know first hand the needs of the people. He already had demonstrated a great love of his country and his patriotism and dedication to freedom were without question.

Burr Harrison's insight and keen knowledge were immediately recognized by his colleagues in the Congress and he began service as a member of the Ways and Means Committee. During this assignment he soon became one of those men to whom his fellow Congressmen look for guidance and advice. His contribution to that committee will live long in the annals of the Congress of the United States.

It was during this time that I came to know and admire him. He always was in the lead when it came to programs and policies which would keep America strong and free. He always could be counted on to assume a sound role in any endeavor which he felt was for the good of his people, his State, and his country.

When he left Congress, having decided not to seek reelection in 1962, he left a legacy of service and hard work that will long be recognized as monumental.

With the passing of Burr Harrison, America is left the poorer for having lost him, but richer for his having been among us for many fruitful years. He will be missed, and he will be remembered.

GENERAL LEAVE

Mr. BROYHILL of Virginia. Mr. Speaker, I ask unanimous consent that all Members desiring to do so may have 5 legislative days in which to revise and extend their remarks on the subject of the late Honorable Burr Harrison.

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

There was no objection.

JUNIOR COLLEGES IN FLORIDA'S FIRST DISTRICT HOLD TOP RANK

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

Mr. SIKES. Mr. Speaker, I feel that my congressional district can take justifiable pride in the fact that three junior colleges in the district rank as the top three in the State of Florida in terms of academic achievements at the senior universities of the State. These junior colleges, in order, are Okaloosa-Walton Junior College at Niceville; Pensacola Junior College, Pensacola; and Gulf Coast Community College, Panama City. This is a great compliment to the persons who teach and support the teaching of the outstanding student populations of these three fine junior colleges, and to the students who take advantage of the opportunities offered by these colleges. My personal congratulations are extended to each of these splendid institutions.

PLOT TO MAKE UNITED STATES A SECOND-RATE MILITARY POWER

(Mr. MONTGOMERY asked and was given permission to address the House

for 1 minute and to revise and extend his remarks.)

Mr. MONTGOMERY. Mr. Speaker, to continue my 1-minute speeches on the volunteer concept, the Washington Post and Star ran headline stories yesterday of a recent study done by the Brookings Institution indicating that the military Reserves should be cut one-third or 300,000 men.

Well, Mr. Speaker, does it make sense to cut the Reserve Forces when each fiscal year we continue to cut the Regular Forces? Ask the Israelis what they think of the Reserves. If it had not been for the Israel Reserves, there would not be an Israel today.

People who make studies and make reports around this town have got it in for the Reserves.

Mr. Speaker, with your help and that of others, we can get to the bottom of this plot as to why some are trying to make this Nation a second-rate military power.

PAT HOHMAN, POTENTIAL PAGE

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

Mr. MAZZOLI. Mr. Speaker, I would like to call the attention of the Members of the House to an advertisement which appeared in today's Washington Post on page A6. It is an open letter to the Members of the 93d Congress from a constituent of mine, a young 16-year-old boy, whose burning ambition and great desire is to become a page of the House of Representatives.

Pat's ad—which cost him several hundred dollars—was paid for with 3 years of earnings from selling his own pen and ink drawings and from mowing neighborhood lawns.

Young Patrick J. Hohman, whose father and family are dear friends of mine, has conducted a very active correspondence perhaps with some of you in the Chamber today seeking your advice and counsel on how to become a page in this body. I understand that all of Pat's contacts have been very disappointing to him: either the Member did not have the seniority to be entitled to appoint a page or, those who had the seniority, had no vacancy to fill.

I would like very much to recommend to the Members of the House that they read this heartfelt letter. I would like also to commend to the attention of the Members the resourcefulness and admirable determination, not to mention the imagination, of this young man.

His desire, fortitude, and unswerving commitment are the stuff of which great pages—and great men—are made.

And I would hope that if any of the Members has a vacancy, and the right to make a page appointment to this body, that he or she would keep Patrick J. Hohman, in mind.

Pat is a very highly qualified young man, and anyone who appoints him a page in the House of Representatives would be doing a credit to this House and this Congress.

THE LATE ANTONIO FERNOS-ISERN

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

Mr. BENITEZ. Mr. Speaker, it is with deep regret that I rise today to advise the Members of this body of the death last Saturday of one of my predecessors, Dr. Antonio Fernos-Isern, a distinguished former Member of the House of Representatives for 18 years, from 1946 to 1964.

In that period of time, Dr. Fernos-Isern rendered extraordinary service both to Puerto Rico and to the United States.

Mr. Speaker, I have requested a special order to address the House at the close of business next Thursday. I shall take occasion then to point to the significant contributions and exceptional services of Dr. Fernos-Isern. Much of my labors of the years ahead pertain to the unfinished business which Dr. Fernos-Isern initiated in these very Halls. I am certain that the many friends of Dr. Fernos-Isern who continue to grace this distinguished body join the people of Puerto Rico in their sadness as well as in remembrance of his many noble activities.

DR. A. FERNOS-ISERN

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

Mr. GROSS. Mr. Speaker, it is with great regret that I have learned from the remarks just made by the Delegate from Puerto Rico, Mr. BENITEZ, of the death last Saturday of our former colleague, the Delegate from Puerto Rico, Dr. A. Fernos-Isern.

Through the many years Dr. Fernos-Isern and I served in the House of Representatives, I came to know him as a gentleman and an able, dedicated representative of the Commonwealth of Puerto Rico and its people.

I am saddened by his death and I extend my sympathy to the members of his family.

LIFE IS PRECIOUS FOR ALL CHILDREN

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

Mr. ZWACH. Mr. Speaker, yesterday this body passed a sudden infant death syndrome bill and appropriated \$2 million annually to carry out a program to develop public information and for grants for research into causes and prevention of these deaths.

I applaud this concern for the lives of our newborn.

Sudden infant death syndrome each year claims the lives of 10,000 children in their first year of life.

This House should be proud of its concern for life as evidenced by the passage of this legislation.

However, Mr. Speaker, and my colleagues, last year the lives of 1,600,000

unborn babies were terminated by abortion.

It would be hard for me to understand the concern of this body for 10,000 lives of children in one instance and our complete disregard for the lives of over a million and a half in another instance.

Life is precious. It is precious to every child. I urge all of you to join in saving the lives of those 1,600,000 children who are killed by legalized abortions.

I ask your support, in this session, for a constitutional amendment to protect all human life.

Mr. Speaker, this is urgent and this is a matter of life and death.

AIDING THE HOUSING INDUSTRY

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

Mr. WINN. Mr. Speaker, I want to applaud the action taken and the announcement made yesterday by Secretary of Housing and Urban Development, James Lynn, when he announced a two-part plan to aid the housing industry at the National Association of Home Builders annual meeting in Houston.

This lowers the FHA and the VA mortgage rates to 8¼ percent from 8½ percent.

Secretary Lynn also announced a \$6.6 billion building program, which should encourage construction of 200,000 new housing units because the Government National Mortgage Association will be authorized then to buy FHA and VA loans from the builders at a lower-then-market rate. Then GNMA can then resell these loans to the Federal National Mortgage Association at a loss. This is being done in order to make loans available at 7¾ percent, a realistic percentage.

Since lower interest rates stimulate the housing market, this administration plan should improve the market for those buyers who were previously priced out of the market and for those builders with large inventories of unsold houses.

Most of us are well aware that the housing industry has been down anywhere from 27 percent to 30 percent in the last 6 months.

Once again I want to commend Secretary Lynn and the administration for this step forward.

QUARTERLY REPORT OF THE ECONOMIC STABILIZATION PROGRAM—A MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Banking and Currency:

To the Congress of the United States:

I herewith transmit to the Congress the most recent quarterly report of the Economic Stabilization Program, covering the period July 1, 1973 through September 30, 1973.

The third quarter of 1973 was a time

of strong continued growth for the American economy. Our gross national product grew to \$1,304 billion, an increase of \$32 billion over the previous quarter, representing a growth rate of 3.4 percent in real terms. Unemployment dropped to 4.8 percent, its eighth consecutive quarterly decline, as the number of people employed increased by over 450,000. The dollar strengthened internationally, gaining by fully 1 percent against the trade weighted average for currency of other members of the Organization for Economic Cooperation and Development.

The picture was not as bright as we would have liked in the third quarter as far as inflation was concerned. Consumer prices continued to climb, reflecting increasing worldwide competition for products. A freeze was imposed in mid-June to arrest the inflationary spiral and to provide time for the development of a more effective system of controls with tighter standards and compliance procedures than those which characterized Phase III. This fourth phase of the Economic Stabilization Program was launched in July. Its introduction was staggered so that any price increases which followed the freeze would be spread over several months.

Phase IV was designed to provide a tough program of controls that would enable this country to return to the free market system as soon as possible. Since its introduction, Phase IV has made admirable progress toward reducing the danger of inflation, demonstrating that the public and private sectors of our economy can work cooperatively and effectively together to enhance our Nation's economic future.

Unprecedented developments in all parts of the world have created extraordinary pressures on our economy. We can be proud, however, of the way in which we have responded to these problems. We are proving that a dynamic and resilient people can meet the challenge of inflation without sacrificing the ideal of a free market system. If we continue our recent progress—and if we respond to new challenges, including the current energy shortage, with this same sense of poise and flexibility—then we can look forward with assurance to a prosperous New Year.

RICHARD NIXON,
THE WHITE HOUSE, January 22, 1974.

PERMISSION FOR COMMITTEE ON RULES TO FILE CERTAIN PRIVILEGED REPORTS

Mr. BOLLING. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

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

There was no objection.

CALL OF THE HOUSE

Mr. HILLIS. 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. 3]

Anderson, Calif.	Dulski	Price, Tex.
Arends	Esch	Reid
Ashley	Fraser	Rinaldo
Blackburn	Froehlich	Rooney, N.Y.
Blatnik	Goldwater	Ruppe
Brown, Ohio	Gray	Ryan
Burke, Calif.	Green, Oregon	Steed
Camp	Gubser	Steiger, Ariz.
Carey, N.Y.	Hanna	Steiger, Wis.
Carney, Ohio	Hawkins	Stratton
Chisholm	Hébert	Stubblefield
Clark	Jones, Ala.	Taylor, Mo.
Conable	Mailliard	Teague
Daniels	Nichols	Towell, Nev.
Dellums	O'Hara	Vander Jagt
Dickinson	Passman	Walsh
Dorn	Pepper	Whalen
	Pike	
	Powell, Ohio	

The SPEAKER. On this rollcall 377 Members have recorded their presence by electronic device, a quorum.

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

INTERVENTION ON THE HIGH SEAS ACT

Mr. MURPHY of New York. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5975) to implement the International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, 1969.

The Clerk read as follows:

H.R. 5975

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 "Intervention on the High Seas Act".

Sec. 2. As used in this Act—

- (1) "ship" means—
 - (A) any seagoing vessel of any type whatsoever, and
 - (B) any floating craft, except an installation or device engaged in the exploration and exploitation of the resources of the seabed and the ocean floor and the subsoil thereof;
- (2) "oil" means crude oil, fuel oil, diesel oil, and lubricating oil;
- (3) "convention" means the International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, 1969;
- (4) "Secretary" means the Secretary of the department in which the Coast Guard is operating; and
- (5) "United States" means the States, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

Sec. 3. Whenever a ship collision, stranding, or other incident of navigation, or other occurrence on board a ship or external to it resulting in material damage or imminent threat of material damage to the ship or her cargo creates, as determined by the Secretary, a grave and imminent danger to the coastline or related interests of the United States from pollution or threat of pollution of the sea by oil which may reasonably be expected to result in major harmful consequences, the Secretary may, except as provided for in section 10, without liability for any damage to the owners or operators of the ship, to her cargo or crew, or to underwriters or other parties interested therein, take measures on the high seas, in accordance with the provisions of the convention

and this Act, to prevent, mitigate, or eliminate that danger.

Sec. 4. In determining whether there is grave and imminent danger of major harmful consequences to the coastline or related interests of the United States, the Secretary shall consider the interests of the United States directly threatened or affected including, but not limited to, fish, shellfish, and other living marine resources, wildlife, coastal zone and estuarine activities, and public and private shorelines and beaches.

Sec. 5. Upon a determination under section 3 of this Act of a grave and imminent danger to the coastline or related interests of the United States, the Secretary may—

- (1) coordinate and direct all public and private efforts directed at the removal or elimination of the threatened pollution damage;
- (2) directly or indirectly undertake the whole or any part of any salvage or other action he could require or direct under subsection (1) of this section; and
- (3) remove, and, if necessary, destroy the ship and cargo which is the source of the danger.

Sec. 6. Before taking any measure under section 5 of this Act, the Secretary shall—

- (1) consult, through the Secretary of State, with other countries affected by the marine casualty, and particularly with the flag country of any ship involved;
- (2) notify without delay the Administrator of the Environmental Protection Agency and any other persons known to the Secretary, or of whom he later becomes aware, who have interests which can reasonably be expected to be affected by any proposed measures; and
- (3) consider any views submitted in response to the consultation or notification required by subsections (1) and (2) of this section.

Sec. 7. In cases of extreme urgency requiring measures to be taken immediately, the Secretary may take those measures rendered necessary by the urgency of the situation without the prior consultation or notification as required by section 6 of this Act or without the continuation of consultations already begun.

Sec. 8. (a) Measures directed or conducted under this Act shall be proportionate to the damage, actual or threatened, to the coastline or related interests of the United States and may not go beyond what is reasonably necessary to prevent, mitigate, or eliminate that damage.

(b) In considering whether measures are proportionate to the damage the Secretary shall, among other things, consider—

- (1) the extent and probability of imminent damage if those measures are not taken;
- (2) the likelihood of effectiveness of those measures; and
- (3) the extent of the damage which may be caused by those measures.

Sec. 9. In the direction and conduct of measures under this Act the Secretary shall use his best endeavors to—

- (1) assure the avoidance of risk to human life;
- (2) render all possible aid to distressed persons, including facilitating repatriation of ships' crews; and
- (3) not unnecessarily interfere with rights and interests of others, including the flag state of any ship involved, other foreign states threatened by damage, and persons otherwise concerned.

Sec. 10. (a) The United States shall be obliged to pay compensation to the extent of the damage caused by measures which exceed those reasonably necessary to achieve the end mentioned in section 3.

(b) Actions against the United States seeking compensation for any excessive measures may be brought in the United States Court of Claims, in any district court of the United States, and in those courts enumerated in section 460 of title 28, United States Code.

For purposes of this Act, American Samoa shall be included within the judicial district of the District Court of the United States for the District of Hawaii, and the Trust Territory of the Pacific Islands shall be included within the judicial districts of both the District Court of the United States for the District of Hawaii and the District Court of Guam.

Sec. 11. The Secretary of State shall notify without delay foreign states concerned, the Secretary-General of the Inter-Governmental Maritime Consultative Organization, and persons affected by measures taken under this Act.

Sec. 12. (a) Any person who—

- (1) willfully violates a provision of this Act or a regulation issued thereunder; or
- (2) willfully refuses or fails to comply with any lawful order or direction given pursuant to this Act; or
- (3) willfully obstructs any person who is acting in compliance with an order or direction under this Act, shall be fined not more than \$10,000 or imprisoned not more than one year, or both.

(b) In a criminal proceeding for an offense under paragraph (1) or (2) of subsection (a) of this section it shall be a defense for the accused to prove that he used all due diligence to comply with any order or direction or that he had reasonable cause to believe that compliance would have resulted in serious risk to human life.

Sec. 13. (a) The Secretary, in consultation with the Secretary of State and the Administrator of the Environmental Protection Agency, may nominate individuals to the list of experts provided for in article III of the convention.

(b) The Secretary of State, in consultation with the Secretary, shall designate or nominate, as appropriate and necessary, the negotiators, conciliators, or arbitrators provided for by the convention and the annexes thereto.

Sec. 14. No measures may be taken under authority of this Act against any warship or other ship owned or operated by a country and used, for the time being, only on government noncommercial service.

Sec. 15. This Act shall be interpreted and administered in a manner consistent with the convention and other international law. Except as specifically provided, nothing in this Act may be interpreted to prejudice any otherwise applicable right, duty, privilege, or immunity or deprive any country or person of any remedy otherwise applicable.

Sec. 16. The Secretary may issue reasonable rules and regulations which he considers appropriate and necessary for the effective implementation of this Act.

Sec. 17. The revolving fund established under section 311(k) of the Federal Water Pollution Control Act shall be available to the Secretary for Federal actions and activities under section 5 of this Act.

Sec. 18. This Act shall be effective upon the date of enactment, or upon the date the convention becomes effective as to the United States, whichever is later.

The SPEAKER. Is a second demanded?

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

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

There was no objection.

Mr. MURPHY of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we will consider first, H.R. 5975, which would implement the International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, 1969, which was ratified by the Senate on September 20, 1971. Eleven of the 15 signatory na-

tions have already implemented the convention. These are: Belgium, Denmark, France, Japan, Sweden, the United Kingdom, Senegal, Norway, Fiji, Liberia, and Spain.

The convention permits a coastal nation to take whatever action it deems necessary to prevent, mitigate or eliminate, a threat of oil pollution resulting from a maritime accident beyond that coastal state's territorial sea. That authority is subject to reasonable safeguards. The convention addresses, internationally, some of the types of issues which arose in 1967 following the grounding of *Torrey Canyon* off the southeast coast of England.

Under this legislation, if the Secretary of the Department of Transportation determines that a tanker collision or grounding poses a grave and imminent danger to the coastline of the United States from pollution of the sea by oil, appropriate actions can be taken against U.S. and foreign vessels. The command personnel, or any other persons who refuse to comply with the orders to those charged with carrying out the enforcement of this act, in this case the U.S. Coast Guard, would be subjected to prison sentences and/or fines. The criminal sanctions are a \$10,000 fine and/or 1 year in prison.

No effort is made in the bill to outline the various types of action which could be taken by the Department. At this point in time, it is impossible to define all the possible incidents because their specific nature will become known only as future situations develop.

For example, we have not had enough experience with the new "super tankers" carrying upwards of 500,000 tons of oil to predict all of the possible accidents or mishaps. Under these circumstances, the bill makes available full exercise of executive branch discretion. At the same time, however, the bill contains a number of restraints to assure that the actions of the Secretary of the Department of Transportation will be responsible and appropriate to the circumstances involved in a given casualty.

Finally, the Secretary would be authorized to use the revolving fund established pursuant to the Federal Water Pollution Control Act as one means of funding extraordinary Federal activities under the bill.

The convention and the bill incorporate an elaborate system of consultations before undertaking intervention. While those consultations could be considered an obstacle to effective action, there is express recognition of the fact that, in cases of extreme urgency, the Coastal State may have to take action without prior notification or consultation, or while consultations are still in progress. While the authorized actions are most carefully circumscribed, latitude is afforded for prompt intervention in appropriate circumstances.

The bill, following the convention, provides a measure of damages in the event intervention action is excessive. The United States will be obliged to pay compensation to the extent that damage is caused by measures which exceed those reasonably necessary. For this purpose,

the bill authorizes actions against the United States in Federal court.

Addressing the latter issue, the American Institute of Merchant Shipping, in a letter to the chairman of the Coast Guard Subcommittee, dated October 1, 1973, stated:

The steamship companies represented by AIMS believe that the authority to take action on the high seas, given by this convention and the implementing legislation, is desirable. We also believe that the safeguards incorporated in this agreement are sufficient to protect the interests of the shipowner in the event that the intervening nation causes unnecessary damage to a vessel.

We have been advised that there will be no additional cost incurred by the Government as a result of enactment of this legislation. There would be no significant impact on the resources of the Coast Guard required to discharge its responsibilities to prevent or mitigate damage to coastal areas. The augmentation of Coast Guard forces necessary under present law to deal with threats of pollution from incidents within the territorial sea and contiguous zone are considered to be adequate to deal with those relatively rarer instances which are likely to arise on the high seas. For example, there were nine incidents in 1972 which might have warranted intervention by the Coast Guard.

During hearings held on this bill on October 2 and 3, 1973, Coast Guard and Environmental Protection Agency witnesses testified that the legislation would afford a great measure of protection to the coast line of the United States against massive oil spills. There were no witnesses opposed to the bill, and I urge all Members to support this legislation in view of the tremendous potential benefit it will have for this country.

Mr. KAZEN. Will the gentleman yield?

Mr. MURPHY of New York. I am happy to yield to the gentleman from Texas.

Mr. KAZEN. I was listening to the gentleman as he was talking about this being an intervention on the High Seas Act. I would like to ask the gentleman about accidents on our riverways within the United States. Does this bill apply to any area within the United States? For example, does the bill apply to the Mississippi River and the accident that occurred there last week.

Mr. MURPHY of New York. No. We have already enacted adequate legislation to protect our coastal waterways from activities and accidents in those waterways and in estuary and river areas. This legislation goes to the offshore areas where there was not previously jurisdiction and implements the legislation in those areas of the Treaty Convention of 1969.

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

Mr. Speaker, H.R. 5975 gives the Secretary of the department in which the Coast Guard is operating—Department of Transportation at present—authority to take measures to protect certain interests of the United States which are imperiled by maritime casualties occurring on the high seas outside this country's territorial jurisdiction. It is legislation designed to implement the International Convention Relating to Inter-

vention on the High Seas in Cases of Oil Pollution Casualties of 1969, and is one of a series of measures which, as a group, are designed to form a comprehensive program for dealing with maritime casualty and pollution problems. This legislation specifically complements the liability provisions of H.R. 5898, offshore ports and terminals bill, which has been reported out of the Committee on Merchant Marine and Fisheries.

The Secretary may act to prevent, mitigate or eliminate grave and imminent danger of oil pollution which is likely to produce major harmful consequences to the U.S. public and private coastline, living marine resources, wildlife, and coastal zone and estuarine activities. The Secretary's action must be predicated on a reasonable expectation that major harmful consequences would result from the existing situation should there be no intervention. The scope of the action which may be undertaken is wide and includes the power to order that a ship and its cargo be destroyed. However, the way in which the action is to be taken is carefully prescribed to avoid unnecessary interference with the lives, rights, and interests of others.

The first decision for the Secretary to make when he is notified of a threat of oil pollution is whether or not there is any possible danger to U.S. interests. Whether the United States may then act unilaterally or first must engage in consultation with foreign governments and citizens turns on the Secretary's determining whether or not the situation is one of "extreme urgency" (Sec. 7e.14). If it is determined that immediate action is necessary to protect U.S. interests, notice to interested parties or countries and consultations may be dispensed with. If no such immediate action is dictated, the Secretary must first contact the Secretary of State through whom he may then communicate with other parties affected by the event, particularly the government of the flag country of the ship involved. Next, the Administrator of the Environmental Protection Agency and any other persons in the United States whose interest could be affected by proposed intervention measures must be contacted. The opinions of all those consulted must be weighed by the Secretary in making his final decision. If during the course of consultation conditions change, the United States may take unilateral action if the changed circumstances pose an extreme emergency.

The Secretary may not take actions which are unreasonable in proportion to the actual or threatened damage to U.S. interests. He must attempt to balance out the probable damage that would occur should nothing be done, the probable effectiveness of contemplated measures, and the extent of possible damage resulting from the contemplated measures. Actions may be brought in U.S. Federal courts by those seeking compensation for what is felt to have been damage caused by measures exceeding those reasonably necessary to achieve the protection of U.S. interests. Penalties are also prescribed for those found guilty of failing to comply with orders, willfully re-

fusing to comply with orders or willfully obstructing the Secretary's efforts. The only defenses set out in the bill make it the accused's burden to prove that he used all due diligence to comply with orders or directions or that he had reasonable cause to believe compliance would have resulted in serious risk to human life. Not even these are defenses in willful obstruction proceedings.

Warships and ships operated by governments are exempted from the act, and all rights, duties, privileges and immunities of countries and persons remain unprejudiced by the application of this act.

The Secretary, the Secretary of State, and the Administrator of the Environmental Protection Agency may nominate persons to a list of experts who are, under the convention, available for consultation. Negotiators, conciliators and arbitrators who are also required by the convention are nominated by the Secretary and the Secretary of State.

The bill expands the right of the United States to make timely intervention to protect U.S. interests from major pollution damage such as resulted in Britain and France from the *Torrey Canyon* incident of 1967.

Mr. Speaker, I urge that the House pass the bill, H.R. 5975.

Mr. CLARK. Mr. Speaker, we will now consider three bills reported by the Merchant Marine Committee's Subcommittee on the Coast Guard. By far the most important of these measures is H.R. 5975, the "Intervention on the High Seas Act."

The convention, known as the International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties was signed on November 29, 1969, at Brussels, by the U.S. Government. In September 1971, the U.S. Senate gave its advice and consent to ratification of the convention. The legislation before us today which has already passed the Senate will bring us an important step closer to reducing a major source of pollution in the world's oceans.

The convention and this enabling legislation represents an international solution to the problem of a coastal state's lack of legal right to prevent major pollution damage to its shorelines as the result of a nearby marine disaster. The convention will permit a coastal state to decide whether or not to take corrective action without concern as to whether the vessel posing the immediate danger is in its navigable waters.

H.R. 5975 is needed to enforce the provisions of the 1969 High Seas Intervention Convention and will help to eliminate or reduce the threats of a catastrophic oil spill such as that which faced Britain and France when the *Torrey Canyon* disintegrated in inclement weather.

The chairman of the Coast Guard Committee, Mr. MURPHY, will explain in greater detail the ramifications of the legislation, the results we can expect from its enactment, and the safeguards that have been built into it to protect international maritime interests.

The SPEAKER. The question is on the motion offered by the gentleman from New York (Mr. MURPHY), that the House suspend the rules and pass the bill H.R. 5975.

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

A motion to reconsider was laid on the table.

Mr. MURPHY of New York. Mr. Speaker, I ask unanimous consent that the Committee on Merchant Marine and Fisheries be discharged from further consideration of a similar Senate bill (S. 1070) to implement the International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, 1969, and ask for immediate consideration of the Senate bill.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the Senate bill as follows:

S. 1070

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 "Intervention on the High Seas Act".

Sec. 2. As used in this Act—

(1) "ship" means—
(A) any seagoing vessel of any type whatsoever, and

(B) any floating craft, except an installation or device engaged in the exploration and exploitation of the resources of the seabed and the ocean floor and the subsoil thereof;

(2) "oil" means crude oil, fuel oil, diesel oil, and lubricating oil;

(3) "convention" means the International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, 1969;

(4) "Secretary" means the Secretary of the department in which the Coast Guard is operating; and

(5) "United States" means the States, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

Sec. 3. Whenever a ship collision, stranding, or other incident of navigation or other occurrence on board a ship or external to it resulting in material damage or imminent threat of material damage to the ship or her cargo creates, as determined by the Secretary, a grave and imminent danger to the coastline or related interests of the United States from pollution or threat of pollution of the sea by oil which may reasonably be expected to result in major harmful consequences, the Secretary may, except as provided for in section 10, without liability for any damage to the owners or operators of the ship, to her cargo or crew, or to underwriters or other parties interested therein, take measures in the high seas, in accordance with the provisions of the Convention and this Act, to prevent, mitigate, or eliminate that danger.

Sec. 4. In determining whether there is grave and imminent danger of major harmful consequences to the coastline or related interests of the United States, the Secretary shall consider the interests of the United States directly threatened or affected including but not limited to, fish, shellfish, and other living marine resources, wildlife, coastal zone and estuarine activities, and public and private shorelines and beaches.

Sec. 5. Upon a determination under section 3 of this Act of a grave and imminent danger to the coastline or related interests of the United States, the Secretary may—

(1) coordinate and direct all public and private efforts directed at the removal or

elimination of the threatened pollution damage;

(2) directly or indirectly undertake the whole or any part of any salvage or other action he could require or direct under subsection (1) of this section; and

(3) remove, and, if necessary, destroy the ship and cargo which is the source of the danger.

Sec. 6. Before taking any measure under section 5 of this Act, the Secretary shall—

(1) consult, through the Secretary of State, with other countries affected by the marine casualty, and particularly with the flag country of any ship involved;

(2) notify without delay the Administrator of the Environmental Protection Agency and any other persons known to the Secretary, or of whom he later becomes aware, who have interests which can reasonably be expected to be affected by any proposed measures; and

(3) consider any views submitted in response to the consultation or notification required by subsections (1) and (2) of this section.

Sec. 7. In cases of extreme urgency requiring measures to be taken immediately, the Secretary may take those measures rendered necessary by the urgency of the situation without the prior consultation or notification as required by section 6 of this Act or without the continuation of consultations already begun.

Sec. 8. (a) Measures directed or conducted under this Act shall be proportionate to the damage, actual or threatened, to the coastline or related interests of the United States and may not go beyond what is reasonably necessary to prevent, mitigate, or eliminate that damage.

(b) In considering whether measures are proportionate to the damage the Secretary shall, among other things, consider—

(1) the extent and probability of imminent damage if those measures are not taken;

(2) the likelihood of effectiveness of those measures; and

(3) the extent of the damage which may be caused by those measures.

Sec. 9. In the direction and conduct of measures under this Act the Secretary shall use his best endeavors to—

(1) assure the avoidance to risk to human life;

(2) render all possible aid to distressed persons, including facilitating repatriation of ship's crews; and

(3) not unnecessarily interfere with rights and interests of others, including the flag state of any ship involved, other foreign states threatened by damage, and persons otherwise concerned.

Sec. 10. (a) The United States shall be obliged to pay compensation to the extent of the damage caused by measures which exceed those reasonably necessary to achieve the end mentioned in section 3.

(b) Actions against the United States seeking compensation for any excessive measures may be brought in the United States Court of Claims, in any district court of the United States, and in those courts enumerated in section 460 of title 28, United States Code. For purposes of this Act, American Samoa shall be included within the judicial district of the District Court of the United States for the District of Hawaii, and the Trust Territory of the Pacific Islands shall be included within the judicial districts of both the District Court of the United States for the District of Hawaii and the District Court of Guam.

Sec. 11. The Secretary of State shall notify without delay foreign states concerned, the Secretary-General of the Inter-Governmental Maritime Consultative Organization, and persons affected by measures taken under this Act.

Sec. 12. (a) Any person who—

(1) willfully violates a provision of this Act or a regulation issued thereunder; or

(2) willfully refuses or fails to comply with any lawful order or direction given pursuant to this Act; or

(2) willfully refuses or fails to comply with any lawful order or direction given pursuant to this Act; or

(3) willfully obstructs any person who is acting in compliance with an order or direction under this Act shall be fined not more than \$10,000 or imprisoned not more than one year, or both.

(b) In a criminal proceeding for an offense under paragraph (1) or (2) of subsection (a) of this section it shall be a defense for the accused to prove that he used all due diligence to comply with any order or direction or that he had reasonable cause to believe that compliance would have resulted in serious risk to human life.

Sec. 13. (a) The Secretary, in consultation with the Secretary of State and the Administrator of the Environmental Protection Agency, may nominate individuals to the list of experts provided for in article III of the convention.

(b) The Secretary of State, in consultation with the Secretary, shall designate or nominate, as appropriate and necessary, the negotiators, conciliators, or arbitrators provided for by the convention and the annexes thereto.

Sec. 14. No measures may be taken under authority of this Act against any warship or other ship owned or operated by a country and used, for the time being, only on Government noncommercial service.

Sec. 15. This Act shall be interpreted and administered in a manner consistent with the convention and other international law. Except as specifically provided, nothing in this Act may be interpreted to prejudice any otherwise applicable right, duty, privilege, or immunity or deprive any country or person of any remedy otherwise applicable.

Sec. 16. The Secretary may issue reasonable rules and regulations which he considers appropriate and necessary for the effective implementation of this Act.

Sec. 17. The revolving fund established under section 311(k) of the Federal Water Pollution Control Act shall be available to the Secretary for Federal actions and activities under section 5 of this Act.

Sec. 18. This Act shall be effective upon the date of enactment, or upon the date the convention becomes effective as to the United States, whichever is later.

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

A similar House bill (H.R. 5957) was laid on the table.

GENERAL LEAVE

Mr. MURPHY of New York. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill H.R. 5975.

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

There was no objection.

CONFERENCE REPORT ON S. 2589, ENERGY EMERGENCY ACT

Mr. STAGGERS submitted the following conference report and statement on the Senate bill (S. 2589) to declare by congressional action a nationwide energy emergency; to authorize the President to immediately undertake specific actions to conserve scarce fuels and increase supply; to invite the development

of local, State, national, and international contingency plans; to assure the continuation of vital public services; and for other purposes:

CONFERENCE REPORT (H. REPT. NO. 763)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2589) to declare by congressional action a nationwide energy emergency; to authorize the President to immediately undertake specific actions to conserve scarce fuels and increase supply; to invite the development of local, State, National, and international contingency plans; to assure the continuation of vital public services; and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the text of the bill and agree to the same with an amendment as follows:

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

That this Act, including the following table of contents, may be cited as the "Energy Emergency Act".

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- Sec. 102. Definitions.
- Sec. 103. Federal Energy Emergency Administration.
- Sec. 104. End-use rationing.
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- Sec. 106. Coal conversion and allocation.
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- Sec. 202. Implementation plan revisions.
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- Sec. 206. Energy conservation study.
- Sec. 207. Reports.

TITLE III—STUDIES AND REPORTS

- Sec. 301. Agency studies.
- Sec. 302. Reports of the President to Congress.

TITLE I—ENERGY EMERGENCY AUTHORITIES

SEC. 101. FINDINGS AND PURPOSES.

(a) (1) The Congress hereby determines that—

(A) shortages of crude oil, residual fuel oil, and refined petroleum products caused by insufficient domestic refining capacity, inadequate domestic production, environmental constraints, and the unavailability of imports sufficient to satisfy domestic demand, now exist;

(B) such shortages have created or will create severe economic dislocations and hardships;

(C) such shortages and dislocations jeopardize the normal flow of interstate and foreign commerce and constitute an energy emergency which can be averted or minimized most efficiently and effectively through prompt action by the executive branch of Government;

(D) disruptions in the availability of imported energy supplies, particularly crude oil and petroleum products, pose a serious risk to national security, economic well-being, and health and welfare of the American people;

(E) because of the diversity of conditions, climate, and available fuel mix in different areas of the Nation, a primary governmental responsibility for developing and enforcing energy emergency measures lies with the States and with the local governments of major metropolitan areas acting in accord with the provisions of this Act; and

(F) the protection and fostering of competition and the prevention of anticompetitive practices and effects are vital during the energy emergency.

(2) On the basis of the determinations specified in subparagraphs (A) through (F) of paragraph (1) of this subsection, the Congress hereby finds that current and imminent fuel shortages have created a nationwide energy emergency.

(b) The purposes of this Act are to call for proposals for energy emergency rationing and conservation measures and to authorize specific temporary emergency actions to be exercised, subject to congressional review and right of approval or disapproval, to assure that the essential needs of the United States for fuels will be met in a manner which, to the fullest extent practicable:

- (1) is consistent with existing national commitments to protect and improve the environment;
- (2) minimizes any adverse impact on employment;
- (3) provides for equitable treatment of all sectors of the economy;
- (4) maintains vital services necessary to health, safety, and public welfare; and
- (5) insures against anticompetitive practices and effects and preserves, enhances, and facilitates competition in the development, production, transportation, distribution, and marketing of energy resources.

SEC. 102. DEFINITIONS.

For purposes of this Act:

(1) The term "State" means a State, the District of Columbia, Puerto Rico, or any territory or possession of the United States.

(2) The term "petroleum product" means crude oil, residual fuel oil, or any refined petroleum product (as defined in the Emergency Petroleum Allocation Act of 1973).

(3) The term "United States" when used in the geographical sense means the States, the District of Columbia, Puerto Rico, and the territories and possessions of the United States.

(4) The term "Administrator" means the Administrator of the Federal Energy Emergency Administration.

SEC. 103. FEDERAL ENERGY EMERGENCY ADMINISTRATION.

(a) There is hereby established until May 15, 1975, unless superseded prior to that date by law, a Federal Energy Emergency Administration which shall be temporary and shall

be headed by a Federal Energy Emergency Administrator, who shall be appointed by the President, by and with the advice and consent of the Senate. Vacancies in the office of Administrator shall be filled in the same manner as the original appointment.

(b) The Administrator shall be compensated at the rate provided for level II of the Executive Schedule. Subject to the Civil Service and Classification provisions of title 5, United States Code, the Administrator may employ such personnel as he deems necessary to carry out his functions.

(c) Effective on the date on which the Administrator first takes office (or, if later, on January 1, 1974), all functions, powers, and duties of the President under sections 4, 5, 6, and 9 of the Emergency Petroleum Allocation Act of 1973 (as amended by this Act), and of any officer, department, agency, or State (or officer thereof) under such sections (other than functions vested by section 6 of such Act in the Federal Trade Commission, the Attorney General, or the Antitrust Division of the Department of Justice), are transferred to the Administrator. All personnel, property, records, obligations, and commitments used primarily with respect to functions transferred under the preceding sentence shall be transferred to the Administrator.

(d) (1) Whenever the Federal Energy Emergency Administration submits any budget estimate or request to the President or the Office of Management and Budget, it shall concurrently transmit a copy of that estimate or request to the Congress.

(2) Whenever the Federal Energy Emergency Administration submits any legislative recommendations or testimony or comments on legislation to the President or the Office of Management and Budget, it shall concurrently transmit a copy thereof to the Congress. No officer or agency of the United States shall have any authority to require the Federal Energy Emergency Administration to submit its legislative recommendations, or testimony or comments to any officer or agency of the United States for approval, comments, or review prior to the submission of such recommendations, testimony, or comments to the Congress.

(3) The Federal Energy Emergency Administration shall be considered an independent regulatory agency for purposes of chapter 35 of title 44, United States Code, but not for any other purpose.

SEC. 104. END-USE RATIONING.

Section 4 of the Emergency Petroleum Allocation Act of 1973 is amended by adding at the end thereof the following new subsection:

"(h) (1) The President may promulgate a rule which shall be deemed a part of the regulation under subsection (a) and which shall provide, consistent with the objectives of subsection (b), for the establishment of a program for the rationing and ordering of priorities among classes of end-users of crude oil, residual fuel oil, or any refined petroleum product, and for the assignment to end-users of such products of rights, and evidence of such rights, entitling them to obtain such products in precedence to other classes of end-users not similarly entitled.

"(2) The rule under this subsection shall take effect only if the President finds that, without such rule, all other practicable and authorized methods to limit energy demand will not achieve the objectives of section 4 (b) of this Act and of the Energy Emergency Act.

"(3) The President shall, by order, in furtherance of the rule authorized pursuant to paragraph (1) of this subsection and consistent with the attainment of the objectives in subsection (b) of this section, cause such adjustments in the allocations made pursuant to the regulation under subsection (a) as may be necessary to carry out the purposes of this subsection.

"(4) The President shall provide for procedures by which any end-user of crude oil, residual fuel oil or refined petroleum products for which priorities and entitlements are established under paragraph (1) of this subsection may petition for review and reclassification or modification of any determination made under such paragraph with respect to his rationing priority or entitlement. Such procedures may include procedures with respect to such local boards as may be authorized to carry out functions under this subsection pursuant to section 122 of the Energy Emergency Act.

"(5) No rule or order under this section may impose any tax or user fee, or provide for a credit or deduction in computing any tax."

SEC. 105. ENERGY CONSERVATION REGULATIONS.

(a) (1) (A) Pursuant to the provisions of this section, the Administrator is authorized to promulgate by regulation one or more energy conservation plans in accord with this section which shall be designed (together with actions taken and proposed to be taken under other authority of this or other Acts) to result in a reduction of energy consumption to a level which can be supplied by available energy resources. For purposes of this section, the term "energy conservation plan" means a plan for transportation controls (including but not limited to highway speed limits) or such other reasonable restrictions on the public or private use of energy (including limitations on energy consumption of businesses) which are necessary to reduce energy consumption and which are authorized by this Act.

(B) No energy conservation plan promulgated by regulation under this section may impose rationing or any tax or user fee, or provide for a credit or deduction in computing any tax.

(2) An energy conservation plan shall become effective as provided for in subsection (b). Such a plan shall apply in each State, except as otherwise provided in an exemption granted pursuant to the plan in cases where a comparable State or local program is in effect, or where the Administrator finds special circumstances exist.

(3) An energy conservation plan may not deal with more than one logically consistent subject matter.

(4) An amendment to an energy conservation plan, if it has significant substantive effect, shall be transmitted to Congress and shall be effective only in accordance with subsection (b). Any amendment which does not have significant substantive effect and any rescission of a plan may be made effective in accordance with section 553 of title 5, United States Code.

(5) Subject to subsection (b)(3), provision of an energy conservation plan shall remain in effect for a period specified in the plan unless earlier rescinded by the Administrator, but shall terminate in any event no later than May 15, 1975.

(b) (1) For purposes of this subsection, the term "energy conservation plan" means a plan promulgated by regulation proposed under subsection (a) of this section or an amendment thereto which has significant substantive effect.

(2) The Administrator shall transmit any energy conservation plan (bearing an identification number) to each House of Congress on the date on which it is promulgated.

(3) (A) If an energy conservation plan is transmitted to Congress before March 1, 1974, and provides for an effective date earlier than March 1, 1974, such plan shall take effect on the date provided in the plan; but if either House of the Congress, before the end of the first period of 15 calendar days of continuous session of Congress after the date on which such plan is transmitted to it, passes a resolution stating in substance that such House does not favor such plan,

such plan shall cease to be effective on the date of passage of such resolution.

(B) If an energy conservation plan is transmitted to the Congress and provides for an effective date on or after March 1, 1974 and before July 1, 1974, such plan shall take effect at the end of the first period of 15 calendar days of continuous session of Congress after the date on which such plan is transmitted to it unless, between the date of transmittal and the end of the 15-day period, either House passes a resolution stating in substance that such House does not favor such plan.

(C) An energy conservation plan proposed to be made effective on or after July 1, 1974, shall take effect only if approved by Act of Congress.

(4) For the purpose of paragraph (3) of this subsection—

(A) continuity of session is broken only by an adjournment of Congress sine die; and

(B) the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the 15-day period.

(5) Under provisions contained in an energy conservation plan, a provision of the plan may take effect at a time later than the date on which such plan otherwise is effective.

(c) (1) This subsection is enacted by Congress—

(A) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of resolutions described by paragraph (2) of this subsection; and it supercedes other rules only to the extent that it is inconsistent therewith; and

(B) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

(2) For the purpose of this subsection, "resolution" means only a resolution of either House of Congress, the matter after the resolving clause of which is as follows:

"That the _____ does not favor the energy conservation plan numbered _____ transmitted to Congress by the Administrator of the Federal Energy Emergency Administration on _____, 19____," the first blank space therein being filled with the name of the resolving House and the other blank spaces therein being appropriately filled; but does not include a resolution which specifies more than one energy conservation plan.

(3) A resolution with respect to an energy conservation plan shall be referred to a committee (and all resolutions with respect to the same plan shall be referred to the same committee) by the President of the Senate or the Speaker of the House of Representatives, as the case may be.

(4) (A) If the committee to which a resolution with respect to an energy conservation plan has been referred has not reported it at the end of 5 calendar days after its introduction, it is in order to move either to discharge the committee from further consideration of the resolution or to discharge the committee from further consideration of any other resolution with respect to such energy conservation plan which has been referred to the committee.

(B) A motion to discharge may be made only by an individual favoring the resolution, is highly privileged (except that it may not be made after the committee has reported a resolution with respect to the same energy conservation plan), and debate thereon shall be limited to not more than 1 hour, to be divided equally between those favoring and those opposing the resolution. An amend-

ment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(C) If the motion, to discharge is agreed to or disagreed to, the motion may not be renewed, nor may another motion to discharge the committee be made with respect to any other resolution with respect to the same plan.

(5) (A) When the committee has reported, or has been discharged from further consideration of, a resolution with respect to an energy conservation plan, it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. The motion is highly privileged and is not debatable. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(B) Debate on the resolution shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the resolution. A motion further to limit debate is not debatable. An amendment to, or motion to recommit, the resolution is not in order, and it is not in order to move to reconsider the vote by which the resolution is agreed to or disagreed to.

(6) (A) Motions to postpone, made with respect to the discharge from committee, or the consideration of a resolution with respect to an energy conservation plan, and motions to proceed to the consideration of other business, shall be decided without debate.

(B) Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution with respect to an energy conservation plan shall be decided without debate.

(d) (1) In carrying out the provisions of this Act, the Administrator shall, to the greatest extent practicable, evaluate the potential economic impacts of proposed regulatory and other actions including but not limited to the preparation of an analysis of the effect of such actions on—

(A) the fiscal integrity of State and local government;

(B) vital industrial sectors of the economy;

(C) employment, by industrial and trade sector, as well as on a national, regional, State, and local basis;

(D) the economic vitality of regional, State, and local areas;

(E) the availability and price of consumer goods and services;

(F) the gross national product;

(G) competition in all sectors of industry; and

(H) small business.

(2) The Administrator shall develop analyses of the economic impact of any energy conservation plan on States or significant sectors thereof, considering the impact on energy resources as fuel and as feedstock for industry.

(3) Such analysis shall, whenever possible, be made explicit and, to the extent practicable, other Federal agencies and agencies of State and local governments which have special knowledge and expertise relevant to the impact of proposed regulatory or other actions shall be consulted in making the analyses, and all Federal agencies shall cooperate with the Administrator in preparing such analyses except that the Administrator's actions pursuant to this subsection shall not create any right of review or cause of action except as otherwise exist under other provisions of law.

(4) The Administrator, together with the Secretaries of Labor and Commerce, shall monitor the economic impact of any energy

actions taken by the Administrator, and shall provide the Congress with separate reports every thirty days on the impact of the energy shortage and such emergency actions on employment and the economy.

(e) Any energy conservation plan which the Administrator submits to the Congress pursuant to subsection (b) of this section shall include findings of fact and a specific statement explaining the rationale for each provision contained in such plan.

SEC. 106. COAL CONVERSION AND ALLOCATION.

(a) The Administrator shall, to the extent practicable and consistent with the objectives of this Act, by order, after balancing on a plant-by-plant basis the environmental effects of use of coal against the need to fulfill the purposes of this Act, prohibit, as its primary energy source, the burning of natural gas or petroleum products by any major fuel-burning installation (including any existing electric powerplant) which, on the date of enactment of this Act, has the capability and necessary plant equipment to burn coal. Any installation to which such an order applies shall be permitted to continue to use coal as provided in section 119(b) of the Clean Air Act. To the extent coal supplies are limited to less than the aggregate amount of coal supplies which may be necessary to satisfy the requirements of those installations which can be expected to use coal (including installations to which orders may apply under this subsection), the Administrator shall prohibit the use of natural gas and petroleum products for those installations where the use of coal will have the least adverse environmental impact. A prohibition on use of natural gas and petroleum products under this subsection shall be contingent upon the availability of coal, coal transportation facilities, and the maintenance of reliability of service in a given service area. The Administrator shall require that fossil-fuel-fired electric powerplants in the early planning process, other than combustion gas turbine and combined cycle units, be designed and constructed so as to be capable of using coal as a primary energy source instead of or in addition to other fossil fuels. No fossil-fuel-fired electric powerplant may be required under this section to be so designed and constructed, if (1) to do so would result in an impairment of reliability or adequacy of service, or (2) if an adequate and reliable supply of coal is not available and is not expected to be available. In considering whether to impose a design and construction requirement under this subsection, the Administrator shall consider the existence and effects of any contractual commitment for the construction of such facilities and the capability of the owner or operator to recover any capital investment made as a result of the conversion requirements of this section.

(b) The Administrator may by rule prescribe a system for allocation of coal to users thereof in order to attain the objectives specified in this section.

SEC. 107. MATERIALS ALLOCATION.

(a) The Administrator shall, within 30 days after the date of enactment of this Act, propose (in the nature of a proposed rule affording an opportunity for the presentation of views) and publish (and may from time to time amend) a contingency plan for allocation of supplies of materials and equipment necessary for exploration, production, refining, and required transportation of energy supplies and for the construction and maintenance of energy facilities. At such time as he finds that it is necessary to put all or part of such plan into effect, he shall transmit such plan or portion thereof to each House of Congress and such plan or portion thereof shall take effect in the same manner as an energy conservation plan prescribed under section 105 and to which section 105(b) (3) (B) applies (except that such

plan may be submitted at any time after the date of enactment of this Act and before May 15, 1975).

(b) Section 4(b) (1) (G) of the Emergency Petroleum Allocation Act of 1973 is amended to read as follows:

"(G) allocation of residual fuel oil and refined petroleum products in such amounts and in such manner as may be necessary for the maintenance of exploration for, and production or extraction of—

"(i) fuels, and

"(ii) minerals essential to the requirements of the United States, and for required transportation related thereto."

SEC. 108. FEDERAL ACTIONS TO INCREASE AVAILABLE DOMESTIC PETROLEUM SUPPLIES.

(a) The Administrator may initiate the following measures to supplement domestic energy supplies for the duration of the emergency:

(1) require by order or rule, the production of designated existing domestic oilfields, at their maximum efficient rate of production, which is the maximum rate at which production may be sustained without detriment to the ultimate recovery of oil and gas under sound engineering and economic principles. Such fields are to be designated by the Secretary of the Interior, after consultation with the appropriate State regulatory agency. Data to determine the maximum efficient rate of production shall be supplied to the Secretary of the Interior by the State regulatory agency which determines the maximum efficient rate of production and by the operators who have drilled wells in, or are producing oil and gas from such fields;

(2) require, if necessary to meet essential energy needs, production of certain designated existing domestic oilfields at rates in excess of their currently assigned maximum efficient rates. Fields to be so designated, by the Secretary of the Interior or the Secretary of the Navy as to the Federal lands or as to Federal interests in lands under their respective jurisdiction, shall be those fields where the types and quality of reservoirs are such as to permit production at rates in excess of the currently assigned sustainable maximum efficient rate for periods of ninety days or more without excessive risk of losses in recovery;

(3) require the adjustment of processing operations of domestic refineries to produce refined products in proportions commensurate with national needs and consistent with the objectives of section 4(b) of the Emergency Petroleum Allocation Act of 1973.

(b) Nothing in this section shall be construed to authorize the production of any Naval Petroleum Reserve now subject to the provisions of chapter 641 of title 10 of the United States Code.

SEC. 109. OTHER AMENDMENTS TO THE EMERGENCY PETROLEUM ALLOCATION ACT OF 1973.

(a) Section 4 of the Emergency Petroleum Allocation Act of 1973 as amended by section 104 of this Act is amended by adding at the end of such section the following new subsection:

"(1) If any provision of the regulation under subsection (a) provides that any allocation of residual fuel oil or refined petroleum products is to be based on use of such a product or amounts of such product supplied during a historical period, the regulation shall contain provisions designed to assure that the historical period can be adjusted (or other adjustments in allocations can be made) in order to reflect regional disparities in use, population growth or unusual factors influencing use (including unusual changes in climatic conditions), of such oil or product in the historical period. This subsection shall take effect 30 days after the date of enactment of the Energy Emer-

gency Act. Adjustments for such purposes shall take effect no later than 6 months after the date of enactment of this subsection. Adjustments to reflect population growth shall be based upon the most current figures available from the United States Bureau of the Census."

(b) Section 4(g)(1) of the Emergency Petroleum Allocation Act of 1973 is amended by striking out "February 28, 1975" in each case the term appears and inserting in each case "May 15, 1975."

SEC. 110. PROHIBITION ON WINDFALL PROFITS—PRICE GOUGING

(a) (1) The President shall exercise his authority under the Emergency Petroleum Allocation Act of 1973 and under the Economic Stabilization Act of 1970 so as to specify prices for sales of petroleum products produced in or imported into the United States, which avoid windfall profits by sellers.

(2) Any interested person, who has reason to believe that any price (specified under any of the authorities referred to in paragraph (1) of this subsection) of petroleum products permits a seller thereof any windfall profits, may petition the Renegotiation Board (created by section 107(a) of the Renegotiation Act of 1951 and hereinafter in this subsection referred to as the "Board") for a determination under subparagraph (A) or (B) or paragraph (3).

(3) (A) Upon petition of any interested person, the Board may by rule determine, after opportunity for oral presentation of views, data, and arguments, whether the price (specified under any of the authorities referred to in paragraph (1)) of petroleum product permits sellers thereof to receive windfall profits. Upon a final determination of the Board that such price permits windfall profits to be so received, it shall specify a price for such sales which will not permit such profits to be received by such sellers. After such a final determination, no higher price may be specified (under any of the authorities specified in paragraph (1)) except with the approval of the Board.

(B) Upon petition of any interested person and notwithstanding any proceedings or determination under subparagraph (A), the Board may determine whether the price charged by a particular seller of any petroleum product permitted such seller to receive windfall profits. If, on the basis of such petition, the Board has reason to believe that such price has permitted such seller to receive windfall profits, it may order such seller to take such actions (including the escrowing of funds) as it may deem appropriate to assure that sufficient funds will be available for the refund of windfall profits in the event there is a final determination by the Board under this subparagraph that such seller has received windfall profits. Prior to a final determination under this subparagraph, such seller shall be afforded a hearing in accordance with the procedures required by section 554 of title 5, United States Code. Upon a final determination of the Board that such price permitted such seller to receive windfall profits, the Board shall order such seller to refund an amount equal to such windfall profits to the persons who have purchased from such seller at prices which resulted in such windfall profits. If such persons are not reasonably ascertainable, the Board shall order the sellers for the purpose of refunding such profits, to reduce the price for future sales, to create a fund against which previous purchasers of such item may file a claim under rules which shall be prescribed by the Board, or to take such other action as the Board may deem appropriate.

(C) Notwithstanding section 108 of the Renegotiation Act of 1951 and section 211 of the Economic Stabilization Act of 1970, any final determination under subparagraph (A) or (B) shall be subject to judicial review in accordance with sections 701 through 706 of title 5, United States Code.

(4) (A) The Board may provide, in its discretion under regulations prescribed by the Board, for such consolidation as may be necessary or appropriate to carry out the purposes of this subsection.

(B) The Board may make such rules, regulations, and orders as it deems necessary or appropriate to carry out its functions under this subsection.

(5) The determination and approval authority of the Board under this paragraph may not be delegated or redelegated pursuant to section 107(d) of the Renegotiation Act of 1951 to any agency of the Government other than an agency established by the Board.

(6) For the purposes of subparagraph (B) of paragraph (3), the term "windfall profits" means that profit (during an appropriate accounting period as determined by the Board) derived from the sale of any petroleum product determined by the Board to be in excess of the lesser of—

(A) a reasonable profit with respect to the particular seller as determined by the Board upon consideration of—

(i) the reasonableness of its costs and profits with particular regard to volume of production;

(ii) the net worth, with particular regard to the amount and source of capital employed;

(iii) the extent of risk assumed;

(iv) the efficiency and productivity, particularly with regard to cost reduction techniques and economies of operation; and

(v) other factors the consideration of which the public interest and fair and equitable dealing may require which may be established and published by the Board; or

(B) the greater of—

(i) the average profit obtained by sellers for such products during the calendar years 1967 through 1971; or

(ii) the average profit obtained by the particular seller for such products during such calendar years.

(7) Except as provided in paragraph (6), for the purposes of this subsection, the term "windfall profits" means profit in excess of the average profit obtained by all sellers for such products during the calendar years 1967 through 1971.

(8) For the purposes of this subsection, the term "interested person" includes the United States, any State, and the District of Columbia.

(9) This subsection shall not apply to the first sale of crude oil described in subsection (e) (2) of this section (relating to stripper wells).

(10) This section shall take effect on January 1, 1975, and shall apply to profits attributable to any price (specified under any of the authorities referred to in paragraph (1) of this subsection) of crude oil, residual fuel oil, and refined petroleum products in effect after December 31, 1973.

(b) Notwithstanding any other provision of law, administrative proceedings before the Board under this section shall be governed by subchapter II of chapter 5 of title 5, United States Code, and such proceedings shall be reviewed in accordance with chapter 7 of such title.

SEC. 111. PROTECTION OF FRANCHISED DEALERS.

(a) As used in this section:

(1) The term "distributor" means a person engaged in the sale, consignment, or distribution of petroleum products to wholesale or retail outlets whether or not it owns, leases, or in any way controls such outlets.

(2) The term "franchise" means any agreement or contract between a refiner or a distributor and a retailer or between a refiner and a distributor, under which such retailer or distributor is granted authority to use a trademark, trade name, service mark, or other identifying symbol or name owned by such refiner or distributor, or any agreement or contract between such parties under

which such retailer or distributor is granted authority to occupy premises owned, leased, or in any way controlled by a party to such agreement or contract, for the purpose of engaging in the distribution or sale of petroleum products for purposes other than resale.

(3) The term "notice of intent" means a written statement of the alleged facts which, if true, constitute a violation of subsection (b) of this section.

(4) The term "refiner" means a person engaged in the refining or importing of petroleum products.

(5) The term "retailer" means a person engaged in the sale of any refined petroleum product for purposes other than resale within any State, either under a franchise or independent of any franchise, or who was so engaged at any time after the start of the base period.

(b) (1) A refiner or distributor shall not cancel, fail to renew, or otherwise terminate a franchise unless he furnishes prior notification pursuant to this paragraph to each distributor or retailer affected thereby. Such notification shall be in writing and sent to such distributor or retailer by certified mail not less than ninety days prior to the date on which such franchise will be canceled, not renewed, or otherwise terminated. Such notification shall contain a statement of intention to cancel, not renew, or to terminate together with the reasons therefor, the date on which such action shall take effect, and a statement of the remedy or remedies available to such distributor or retailer under this section together with a summary of the applicable provisions of this section.

(2) A refiner or distributor shall not cancel, fail to renew, or otherwise terminate a franchise unless the retailer or distributor whose franchise is terminated failed to comply substantially with any essential and reasonable requirement of such franchise or failed to act in good faith in carrying out the terms of such franchise, or unless such refiner or distributor withdraws entirely from the sale of refined petroleum products in commerce for sale other than resale in the United States.

(c) (1) If a refiner or distributor engages in conduct prohibited under subsection (b) of this section, a retailer or a distributor may maintain a suit against such refiner or distributor. A retailer may maintain such suit against a distributor or a refiner whose actions affect commerce and whose products with respect to conduct prohibited under paragraphs (1) or (2) of subsection (b) of this section, he sells or has sold, directly or indirectly, under a franchise. A distributor may maintain such suit against a refiner whose actions affect commerce and whose products he purchases or has purchased or whose products he distributes or has distributed to retailers.

(2) The court shall grant such equitable relief as is necessary to remedy the effects of conduct prohibited under subsection (b) of this section which it finds to exist including declaratory judgment and mandatory or prohibitive injunctive relief. The court may grant interim equitable relief, and actual and punitive damages (except for actions for a failure to renew) where indicated, in suits under this section, and may, unless such suit is frivolous, direct that costs, including reasonable attorney and expert witness fees, be paid by the defendant. In the case of actions for a failure to renew damages shall be limited to actual damages including the value of the dealer's equity.

(3) A suit under this section may be brought in the district court of the United States for any judicial district in which the distributor or the refiner against whom such suit is maintained resides, is found, or is doing business, without regard to the amount in controversy. No such suit shall be maintained unless commenced within three years after the cancellation, failure to re-

new, or termination of such franchise or the modification thereof.

SEC. 112. PROHIBITIONS ON UNREASONABLE ACTIONS.

(a) Action taken under authority of this Act, the Emergency Petroleum Allocation Act of 1973, or other Federal law resulting in the allocation of petroleum products and electrical energy among classes of users or resulting in restrictions on use of petroleum products and electrical energy, shall be equitable, shall not be arbitrary or capricious, and shall not unreasonably discriminate among classes of users: *Provided*, That with respect to allocations of petroleum products applicable to the foreign trade and commerce of the United States, no foreign corporation or entity shall receive more favorable treatment in the allocation of petroleum products than that which is accorded by its home country to United States citizens engaged in the same line of commerce, and allocations shall contain provisions designed to foster reciprocal and non-discriminatory treatment by foreign countries of United States citizens engaged in foreign commerce.

(b) To the maximum extent practicable, any restriction on the use of energy shall be designed to be carried out in such manner so as to be fair and to create a reasonable distribution of the burden of such restriction on all sectors of the economy, without imposing an unreasonably disproportionate share of such burden on any specific industry, business or commercial enterprise, or on any individual segment thereof and shall give due consideration to the needs of commercial, retail, and service establishments whose normal function is to supply goods and services of an essential convenience nature during times of day other than conventional daytime working hours.

SEC. 113. REGULATED CARRIERS.

(a) The Interstate Commerce Commission (with respect to common or contract carriers subject to economic regulation under the Interstate Commerce Act), the Civil Aeronautics Board, and the Federal Maritime Commission shall, for the duration of the period beginning on the date of enactment of this Act and ending on May 15, 1975, have authority to take any action for the purpose of conserving energy consumption in a manner found by such Commission or Board to be consistent with the objectives and purposes of the Acts administered by such Commission or Board on its motion or on the petition of the Administrator which existing law permits such Commission or Board to take upon the motion or petition of any regulated common or contract carrier or other person.

(b) The Interstate Commerce Commission shall, by expedited proceedings, adopt appropriate rules under the Interstate Commerce Act which eliminate restrictions on the operating authority of any motor common carrier of property which require excessive travel between points with respect to which such motor common carrier has regularly performed service under authority issued by the Commission. Such rules shall assure continuation of essential service to communities served by any such motor common carrier.

(c) Within 45 days after the date of enactment of this Act, the Civil Aeronautics Board, the Federal Maritime Commission, and the Interstate Commerce Commission shall report separately to the appropriate committees of the Congress on the need for additional regulatory authority in order to conserve fuel during the period beginning on the date of enactment of this Act and ending on May 15, 1975 while continuing to provide for the public convenience and necessity. Each such report shall identify with specificity—

(1) the type of regulatory authority needed;

(2) the reasons why such authority is needed;

(3) the probable impact on fuel conservation of such authority;

(4) the probable effect on the public convenience and necessity of such authority; and

(5) the competitive impact, if any, of such authority.

Each such report shall further make recommendations with respect to changes in any existing fuel allocation programs which are deemed necessary to provide for the public convenience and necessity during such period.

SEC. 114. ANTITRUST PROVISIONS.

(a) Except as specifically provided in subsection (1), no provision of this Act shall be deemed to convey to any person subject to this Act any immunity from civil and criminal liability or to create defenses to actions, under the antitrust laws.

(b) As used in this section, the term "antitrust laws" means—

(1) the Act entitled "An Act to protect trade and commerce against unlawful restraints and monopolies", approved July 2, 1890 (15 U.S.C. 1 et seq.), as amended;

(2) the Act entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes", approved October 15, 1914 (15 U.S.C. 12 et seq.), as amended;

(3) the Federal Trade Commission Act (15 U.S.C. 41 et seq.), as amended;

(4) sections 73 and 74 of the Act entitled "An Act to reduce taxation, to provide revenue for the Government, and for other purposes", approved August 27, 1894 (15 U.S.C. 8 and 9), as amended; and

(5) the Act of June 19, 1936, chapter 592 (15 U.S.C. 13, 13a, 13b, and 21a).

(c) (1) To achieve the purposes of this Act, the Administrator may provide for the establishment of such advisory committees as he determines are necessary. Any such advisory committees shall be subject to the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C. App. I), whether or not such Act or any of its provisions expires or terminates during the term of this Act or of such committees, and in all cases shall be chaired by a regular full-time Federal employee and shall include representatives of the public. The meetings of such committees shall be open to the public.

(2) A representative of the Federal Government shall be in attendance at all meetings of any advisory committee established pursuant to this section. The Attorney General and the Federal Trade Commission shall have adequate advance notice of any meeting and may have an official representative attend and participate in any such meeting.

(3) A full and complete verbatim transcript shall be kept of all advisory committee meetings, and shall be taken and deposited, together with any agreement resulting therefrom, with the Attorney General and the Federal Trade Commission. Such transcript and agreement shall be made available for public inspection and copying, subject to the provisions of section 552 (b) (1) and (b) (3) of title 5, United States Code.

(d) The Administrator, subject to the approval of the Attorney General and the Federal Trade Commission, shall promulgate, by rule, standards and procedures by which persons engaged in the business of producing, refining, marketing, or distributing crude oil, residual fuel oil or any refined petroleum product may develop and implement voluntary agreements and plans of action to carry out such agreements which the Administrator determines are necessary to accomplish the objectives stated in section 4(b) of the Emergency Petroleum Allocation Act of 1973.

(e) The standards and procedures under subsection (d) shall be promulgated pursuant to section 553 of title 5, United States Code. They shall provide, among other things that—

(1) Such agreements and plans of action shall be developed by meetings of committees, councils, or other groups which include representatives of the public, of interested segments of the petroleum industry and of industrial, municipal and private consumers, and shall in all cases be chaired by a regular full-time Federal employee.

(2) Meetings held to develop a voluntary agreement or a plan of action under this subsection shall permit attendance by interested persons and shall be preceded by timely and adequate notice with identification of the agenda of such meeting to the Attorney General, the Federal Trade Commission and to the public in the affected community;

(3) Interested persons shall be afforded an opportunity to present, in writing and orally, data, views and arguments at such meetings;

(4) A full and complete verbatim transcript shall be kept of any meeting, conference or communication held to develop, implement or carry out a voluntary agreement or a plan of action under this subsection and shall be taken and deposited, together with any agreement resulting therefrom, with the Attorney General and the Federal Trade Commission. Such transcript and agreement shall be available for public inspection and copying, subject to provisions of section 552 (b) (1) and (b) (3) of title 5, United States Code.

(f) The Federal Trade Commission may exempt types or classes of meetings, conferences or communications from the requirements of subsection (c) (3) and (e) (4) provided such meetings, conferences, or communications are ministerial in nature and are for the sole purpose of implementing or carrying out a voluntary agreement or plan of action authorized pursuant to this section. Such ministerial meeting, conference or communication may take place in accordance with such requirements as the Federal Trade Commission may prescribe by rule. Such persons participating in such meeting, conference or communication shall cause a record to be made specifying the date such meeting, conference, or communication took place and the persons involved, and summarizing the subject matter discussed. Such record shall be filed with the Federal Trade Commission and the Attorney General, where it shall be made available for public inspection and copying.

(g) (1) The Attorney General and the Federal Trade Commission shall participate from the beginning in the development, implementation and carrying out of voluntary agreements and plans of action authorized under this section. Each may propose any alternative which would avoid or overcome, to the greatest extent practicable, possible anticompetitive effects while achieving substantially the purposes of this Act. Each shall have the right to review, amend, modify, disapprove, or prospectively revoke, on its own motion or upon the request of any interested person, any plan of action or voluntary agreement at any time, and, if revoked, thereby withdraw prospectively the immunity conferred by subsection (1) of this section.

(2) Any voluntary agreement or plan of action entered into pursuant to this section shall be submitted in writing to the Attorney General and the Federal Trade Commission 20 days before being implemented, where it shall be made available for public inspection and copying.

(h) (1) The Attorney General and the Federal Trade Commission shall monitor the development, implementation and carrying out of plans of action and voluntary agreements authorized under this section to assure the protection and fostering of competition and the prevention of anticompetitive practices and effects.

(2) The Attorney General and the Federal Trade Commission shall promulgate joint

regulations concerning the maintenance of necessary and appropriate documents, minutes, transcripts and other records related to the development, implementation or carrying out of plans of action or voluntary agreements authorized pursuant to this Act.

(3) Persons developing, implementing or carrying out plans of action or voluntary agreements authorized pursuant to this Act shall maintain those records required by such joint regulations. The Attorney General and the Federal Trade Commission shall have access to and the right to copy such records at reasonable times and upon reasonable notice.

(4) The Federal Trade Commission and the Attorney General may each prescribe such rules and regulations as may be necessary or appropriate to carry out their responsibilities under this Act. They may both utilize for such purposes and for purposes of enforcement, any and all powers conferred upon the Federal Trade Commission or the Department of Justice, or both, by any other provision of law, including the antitrust laws; and wherever such provision of law refers to "the purposes of this Act" or like terms, the reference shall be understood to be this Act.

(1) There shall be available as a defense to any civil or criminal action brought under the antitrust laws in respect of actions taken in good faith to develop and implement a voluntary agreement or plan of action to carry out a voluntary agreement by persons engaged in the business of producing, refining, marketing or distributing crude oil, residual fuel oil, for any refined petroleum product that—

(1) such action was—

(A) authorized and approved pursuant to this section, and

(B) undertaken and carried out solely to achieve the purposes of this section and in compliance with the terms and conditions of this section, and the rules promulgated hereunder; and

(2) such persons fully complied with the requirements of this section and the rules and regulations promulgated hereunder.

(j) No provision of this Act shall be construed as granting immunity for, nor as limiting or in any way affecting any remedy or penalty which may result from any legal action or proceeding arising from, any acts or practices which occurred: (1) prior to the enactment of this Act, (2) outside the scope and purpose or not in compliance with the terms and conditions of this Act and this section, or (3) subsequent to its expiration or repeal.

(k) Effective on the date of enactment of this Act, this section shall apply in lieu of section 6(c) of the Emergency Petroleum Allocation Act of 1973. All actions taken and any authority or immunity granted under such section 6(c) shall be hereafter taken or granted, as the case may be, pursuant to this section.

(1) The provisions of section 708 of the Defense Production Act of 1950, as amended, shall not apply to any action authorized to be taken under this Act or the Emergency Petroleum Allocation Act of 1973.

(m) The Attorney General and the Federal Trade Commission shall each submit to the Congress and to the President, at least once every six months, a report on the impact on competition and on small business of actions authorized by this section.

(n) The authority granted by this section (including any immunity under subsection (1)) shall terminate on May 15, 1975.

(o) The exercise of the authority provided in section 113 shall not have as a principal purpose or effect the substantial lessening of competition among carriers affected. Actions taken pursuant to that subsection shall be taken only after providing from the beginning an adequate opportunity for participation by the Federal Trade Commission and

the Assistant Attorney General in charge of the Antitrust Division, who shall propose any alternative which would avoid or overcome, to the greatest extent practicable, any anticompetitive effects while achieving the purposes of this Act.

SEC. 115. EXPORTS.

To the extent necessary to carry out the purpose of this Act, the Administrator may under authority of this Act, by rule, restrict exports of coal, petroleum products, and petrochemical feedstocks, under such terms as he deems appropriate: *Provided*, That, the Administrator shall restrict exports of coal, petroleum products, or petrochemical feedstocks if either the Secretary of Commerce or the Secretary of Labor certifies that such exports would contribute to unemployment in the United States. The Secretary of Commerce, pursuant to the Export Administration Act of 1969 (but without regard to the phrase "and to reduce the serious inflationary impact of abnormal foreign demand" in section 3(2) (A) of such Act), may restrict the exports of coal, petroleum products, and petrochemical feedstocks, and of materials and equipment essential to the production, transport, or processing of fuels to the extent necessary to carry out the purpose of this Act and sections 4(b) and 4(d) of the Emergency Petroleum Allocation Act of 1973: *Provided*, That in the event that the Administrator certifies to the Secretary of Commerce that export restrictions of products enumerated in this section are necessary to carry out the purpose of this Act, the Secretary of Commerce shall impose such export restrictions. Rules under this section by the Administrator and actions by the Secretary of Commerce under the Export Administration Act of 1969 shall take into account the historical trading relations of the United States with Canada and Mexico and shall not be inconsistent with subsections (b) and (d) of section 4 of the Emergency Petroleum Allocation Act of 1973.

SEC. 116. EMPLOYMENT IMPACT AND UNEMPLOYMENT ASSISTANCE.

(a) The President shall take into consideration and shall minimize, to the fullest extent practicable, any adverse impact of actions taken pursuant to this Act upon employment. All agencies of government shall cooperate fully under their existing statutory authority to minimize any such adverse impact.

(b) The President shall make grants to States to provide to any individual unemployed, if such unemployment resulted from the administration and enforcement of this Act and was in no way due to the fault of such individual, such assistance as the President deems appropriate while such individual is unemployed. Such assistance as a State shall provide under such a grant shall be available to individuals not otherwise eligible for unemployment compensation and individuals who have otherwise exhausted their eligibility for such unemployment compensation, and shall continue as long as unemployment in the area caused by such administration and enforcement continues (but not less than six months) or until the individual is reemployed in a suitable position, but not longer than two years after the individual becomes eligible for such assistance. Such assistance shall not exceed the maximum weekly amount under the unemployment compensation program of the State in which the employment loss occurred.

(c) On or before the sixtieth day following the date of enactment of this Act, the President shall report to the Congress concerning the present and prospective impact of energy shortages upon employment. Such report shall contain an assessment of the adequacy of existing programs in meeting the needs of adversely affected workers and shall include legislative recommendations which

the President deems appropriate to meet such needs, including revisions in the unemployment insurance laws.

SEC. 117. USE OF CARPOOLS.

(a) The Secretary of Transportation shall encourage the creation and expansion of the use of carpools as a viable component of our nationwide transportation system. It is the intent of this section to maximize the level of carpool participation in the United States.

(b) The Secretary of Transportation is directed to establish within the Department of Transportation an "Office of Carpool Promotion" whose purpose and responsibilities shall include—

(1) responding to any and all requests for information and technical assistance on carpooling and carpooling systems from units of State and local governments and private groups and employees;

(2) promoting greater participation in carpooling through public information and the preparation of such materials for use by State and local governments;

(3) encouraging and promoting private organizations to organize and operate carpool systems for employees;

(4) promoting the cooperation and sharing of responsibilities between separate, yet proximately close, units of government in coordinating the operations of carpool systems; and

(5) promoting other such measures that the Secretary determines appropriate to achieve the goal of this subsection.

(c) The Secretary of Transportation shall encourage and promote the use of incentives such as special parking privileges, special roadway lanes, toll adjustments, and other incentives as may be found beneficial and administratively feasible to the furtherance of carpool ridership, and consistent with the obligations of the State and local agencies which provide transportation services.

(d) The Secretary of Transportation shall allocate the funds appropriated pursuant to the authorization of subsection (f) according to the following distribution between the Federal and State or local units of government:

(1) The initial planning process—up to 100 percent Federal.

(2) The systems design process—up 100 percent Federal.

(3) The initial startup and operation of a given system—60 percent Federal and 40 percent State or local with the Federal portion not to exceed 1 year.

(e) Within 12 months of the date of enactment of this Act, the Secretary of Transportation shall make a report to Congress of all his activities and expenditures pursuant to this section. Such report shall include any recommendations as to future legislation concerning carpooling.

(f) The sum of \$5,000,000 is authorized to be appropriated for the conduct of programs designed to achieve the goals of this section, such authorization to remain available for 2 years.

(g) For purposes of this section, the terms "local governments" and "local units of government" include any metropolitan transportation organization designated as being responsible for carrying out section 134 of title 23, United States Code.

(h) As an example to the rest of our Nation's automobile users, the President of the United States shall take such action as is necessary to require all agencies of Government, where practical, to use economy model motor vehicles.

(1) (1) The President shall take action to require that no Federal official or employee in the executive branch below the level of Cabinet officer be furnished a limousine for individual use. The provisions of this subsection shall not apply to limousines furnished for use by officers or employees of the Federal Bureau of Investigation, or to those persons whose assignments necessitate transportation

by limousines because of diplomatic assignment by the Secretary of State.

(2) For purposes of this subsection, the term "limousine" means a type 6 vehicle as defined in the Interim Federal Specifications issued by the General Services Administration, December 1, 1973.

SEC. 118. ADMINISTRATIVE PROCEDURE AND JUDICIAL REVIEW.

(a)(1) Subject to paragraphs (2), (3), and (4) of this subsection, the provisions of subchapter II of chapter 5 of title 5, United States Code, shall apply to any rule or order (including a rule or order issued by a State or officer thereof) under this title (except with respect to any rule or order pursuant to sections 108 and 113 of this Act, section 205 (a), (b), and (c), of this Act, or section 4(h) of the Emergency Petroleum Allocation Act of 1973) or under the authority of any energy conservation plan.

(2) Notice of any proposed rule or order described in paragraph (1) shall be given by publication of such proposed rule or order in the Federal Register. In each case, a minimum of ten days following such publication shall be provided for opportunity to comment; except that the requirements of this paragraph as to time of notice and opportunity to comment may be waived where strict compliance is found to cause serious impairment to the operation of the program to which such rule or order relates and such findings are set out in detail in such rule or order. In addition, public notice of all rules or orders promulgated by officers of a State or political subdivision thereof or to State or local boards pursuant to this Act shall to the maximum extent practicable be achieved by publication of such rules or orders in a sufficient number of newspapers of statewide circulation calculated to receive widest possible notice.

(3) In addition to the requirements of paragraph (2), if any rule or order described in paragraph (1) is likely to have a substantial impact on the Nation's economy or large numbers of individuals or businesses, an opportunity for oral presentation of views, data, and arguments shall be afforded. To the maximum extent practicable, such opportunity shall be afforded prior to the implementation of such rule or order, but in all cases such opportunity shall be afforded no later than 45 days after the implementation of any such rule or order. A transcript shall be kept of any oral presentation.

(4) Any officer or agency authorized to issue rules or orders described in paragraph (1) shall provide for the making of such adjustments, consistent with the other purposes of this Act or the Emergency Petroleum Allocation Act of 1973 (as the case may be), as may be necessary to prevent special hardships, inequity, or an unfair distribution of burdens and shall in rules prescribed by it establish procedures which are available to any person for the purpose of seeking an interpretation, modification, or rescission of or an exception to or exemption from, such rules and orders. If such person is aggrieved or adversely affected by the denial of a request for such action under the preceding sentence, he may request a review of such denial by the officer or agency and may obtain judicial review in accordance with subsection (b) when such denial becomes final. The officer or agency shall, in rules prescribed by it, establish appropriate procedures, including a hearing where deemed advisable, for considering such requests for action under this paragraph.

(5) In addition to the requirements of section 552 of title 5, United States Code, any agency authorized by this Act or the Emergency Petroleum Allocation Act of 1973 to issue rules or orders shall make available to the public all internal rules and guidelines which may form the basis, in whole or in part, for any rule or order with such modifications as are necessary to insure con-

identiality protected under such section 552. Such agency shall, upon written request of a petitioner filed after any grant or denial of a request for exception or exemption from rules or orders, furnish the petitioner with a written opinion setting forth applicable facts and the legal basis in support of such grant or denial. Such opinions shall be made available to the petitioner and the public within thirty days of such request and with such modifications as are necessary to insure confidentiality of information protected under such section 552.

(b)(1) Judicial review of administrative rulemaking of general and national applicability done under this Act may be obtained only by filing a petition for review in the United States Court of Appeals for the District of Columbia within thirty days from the date of promulgation of any such rule or regulation, and judicial review of administrative rulemaking of general, but less than national, applicability done under this Act may be obtained only by filing a petition for review in the United States Court of Appeals for the appropriate circuit within thirty days from the date of promulgation of any such rule or regulation, the appropriate circuit being defined as the circuit which contains the area or the greater part of the area within which the rule or regulation is to have effect.

(2) Notwithstanding the amount in controversy, the district courts of the United States shall have exclusive original jurisdiction of all other cases or controversies arising under this Act, or under regulations or orders issued thereunder, except any actions taken by the Civil Aeronautics Board, the Interstate Commerce Commission, Federal Power Commission, or the Federal Maritime Commission, or any actions taken to implement or enforce any rule or order by any officer of a State or political subdivision thereof or State or local board which has been delegated authority under section 122 of this Act except that nothing in this section affects the power of any court of competent jurisdiction to consider, hear, and determine in any proceeding before it any issue raised by way of defense (other than a defense based on the constitutionality of this title or the validity of action taken by any agency under this Act). If in any such proceeding an issue by way of defense is raised based on the constitutionality of this Act or the validity of agency action under this Act, the case shall be subject to removal by either party to a district court of the United States in accordance with the applicable provisions of chapter 89 of title 28, United States Code. Cases or controversies arising under any rule or order of any officer of a State or political subdivision thereof or a State or local board may be heard in either (1) any appropriate State court, and (2) without regard to the amount in controversy, the district courts of the United States.

(c) The Administrator may by rule prescribe procedures for State or local boards which carry out functions under this Act or the Emergency Petroleum Allocation Act of 1973. Such procedures shall apply to such boards in lieu of subsection (a), and shall require that prior to taking any action, such boards shall take steps reasonably calculated to provide notice to persons who may be affected by the action, and shall afford an opportunity for presentation of views (including oral presentation of views where practicable) at least 10 days before taking the action. Such boards shall be of balanced composition reflecting the makeup of the community as a whole.

SEC. 119. PROHIBITED ACTS.

It shall be unlawful for any person to violate any provision of title I of this Act (other than provisions of this Act which make amendments to the Emergency Petroleum Allocation Act of 1973 and section 113) or to violate any rule, regulation (includ-

ing an energy conservation plan) or order issued pursuant to any such provision.

SEC. 120. ENFORCEMENT.

(a) Whoever violates any provision of section 119 shall be subject to a civil penalty of not more than \$2,500 for each violation.

(b) Whoever willfully violates any provision of section 119 shall be fined not more than \$5,000 for each violation.

(c) It shall be unlawful for any person to offer for sale or distribute in commerce any product or commodity in violation of an applicable order or regulation issued pursuant to this Act. Any person who knowingly and willfully violates this subsection after having been subjected to a civil penalty for a prior violation of the same provision of any order or regulation issued pursuant to this Act shall be fined not more than \$50,000 or imprisoned not more than six months, or both.

(d) Whenever it appears to any person authorized by the Administrator to exercise authority under this Act that any individual or organization has engaged, is engaged, or is about to engage in acts or practices constituting a violation of section 119, such person may request the Attorney General to bring an action in the appropriate district court of the United States to enjoin such acts or practices, and upon a proper showing a temporary restraining order or a preliminary or permanent injunction shall be granted without bond. Any such court may also issue mandatory injunctions commanding any person to comply with any provision, the violation of which is prohibited by section 119.

(e) Any person suffering legal wrong because of any act or practice arising out of any violation of section 119 may bring an action in a district court of the United States, without regard to the amount in controversy, for appropriate relief, including an action for a declaratory judgment or writ of injunction. Nothing in this subsection shall authorize any person to recover damages.

SEC. 121. USE OF FEDERAL FACILITIES.

Whenever practicable, and for the purpose of facilitating the transportation and storage of fuel, agencies or departments of the United States are authorized, during the period beginning on the date of enactment of this Act and ending May 15, 1975, to enter into arrangements for the acquisition or use by domestic public entities and private industries of equipment or facilities which are surplus to the needs of such agency or department and appropriate to the transportation and storage of fuel, except that such arrangements may be made (1) only after the Administrator finds that such equipment or facilities are not available from private sources and (2) only on the basis of compensation for the acquisition or use of such equipment or facilities at fair market value prices or rentals.

SEC. 122. DELEGATION OF AUTHORITY AND EFFECT ON STATE LAW.

(a) The Administrator may delegate any of his functions under the Emergency Petroleum Allocation Act of 1973 or this Act to any officer or employee of the Federal Energy Emergency Administration as he deems appropriate. The Administrator may delegate any of his functions relative to implementation and enforcement of the Emergency Petroleum Allocation Act of 1973 or this Act to officers of a State or political subdivision thereof or to State or local boards of balanced composition reflecting the make-up of the community as a whole. Such officers or boards shall be designated and established in accordance with regulations as the Administrator shall promulgate under this Act. Section 5(b) of the Emergency Petroleum Allocation Act of 1973 is repealed effective on the date of the transfer of functions under such Act to the Administrator pursuant to section 103 of this Act.

(b) No State law or State program in effect

on the date of enactment of this Act, or which may become effective thereafter, shall be superseded by any provision of this Act or any regulation, order, or energy conservation plan issued pursuant to this Act except insofar as such State law or State program is inconsistent with the provisions of this Act, or such a regulation, order, or plan.

SEC. 123. GRANTS TO STATES.

Any funds authorized to be appropriated under section 127(b) shall be available for the purpose of making grants to States to which the Administrator has delegated authority under section 122 of this Act, or for the administration of appropriate State or local energy conservation programs which are the basis of an exemption made pursuant to section 105(a)(2) of this Act from a Federal energy conservation plan which has taken effect under section 105 of this Act. The Administrator shall make such grants upon such terms and conditions as he may prescribe by rule.

SEC. 124. REPORTS ON NATIONAL ENERGY RESOURCES.

(a) For the purpose of providing to the Administrator, Congress, the States, and the public, to the maximum extent possible, reliable data on reserves, production, distribution, and use of petroleum products, natural gas, and coal, the Administrator shall promptly publish for public comment a regulation requiring that persons doing business in the United States, who, on the effective date of this Act, are engaged in exploring, developing, processing, refining, or transporting by pipeline, any petroleum product, natural gas, or coal, shall provide detailed reports to the Administrator every sixty calendar days. Such reports shall show for the preceding six calendar days such person's (1) reserves of crude oil, natural gas, and coal; (2) production and destination of any petroleum product, natural gas, and coal; (3) refinery runs byproduct; and (4) other data required by the Administrator for such purpose. Such regulation shall also require that such persons provide to the Administrator such reports for the period from January 1, 1970, to the date of such person's first sixty day report. Such regulation shall be promulgated 30 days after such publication. The Administrator shall publish quarterly in the Federal Register a meaningful summary analysis of the data provided by such reports.

(b) The reporting requirements of this section shall not apply to the retail operations of persons required to file such reports. Where a person shows that all or part of the data required by this section is being reported by such person to another Federal agency, the Administrator may exempt such person from reporting all or part of such data directly to him, and upon such exemption, such agency shall, notwithstanding any other provision of law, provide such data to the Administrator. The district courts of the United States are authorized, upon application of the Administrator, to require enforcement of such reporting requirements.

(c) Upon a showing satisfactory to the Administrator by any person that any report or part thereof obtained under this section from such person or from a Federal agency would, if made public, divulge methods or processes entitled to protection as trade secrets or other proprietary information of such person, such report, or portion thereof, shall be confidential in accordance with the provisions of section 1905 of title 18 of the United States Code, except that such report or part thereof shall not be deemed confidential for purposes of disclosure to (1) any delegate of the Federal Energy Emergency Administration for the purpose of carrying out this Act, (2) the Attorney General, the Secretary of the Interior, the Federal Trade Commission, the Federal Power Commission, or the General Accounting Office when necessary to carry out those agencies' duties and responsibilities under this and other statutes, and (3) the

Congress or any Committee of Congress upon request of the Chairman. The provisions of this section shall expire on May 15, 1975.

SEC. 125. INTRASTATE GAS.

Nothing in this Act shall expand the authority of the Federal Power Commission with respect to sales of non-jurisdictional natural gas.

SEC. 126. EXPIRATION.

The authority under this title to prescribe any rule or order or take other action under this title, or to enforce any such rule or order, shall expire at midnight, May 15, 1975, but such expiration shall not affect any action or pending proceedings, civil or criminal, not finally determined on such date, nor any action or proceeding based upon any act committed prior to midnight, May 15, 1975.

SEC. 127. AUTHORIZATION OF APPROPRIATIONS.

(a) There are authorized to be appropriated to the Federal Energy Emergency Agency to carry out its functions under this Act and under other laws, and to make grants to States under section 123, \$75,000,000 for the fiscal year ending June 30, 1974, and \$75,000,000 for the fiscal year ending June 30, 1975.

(b) For the purpose of making payments under grants to States under section 123, there are authorized to be appropriated \$50,000,000 for the fiscal year ending June 30, 1974, and \$75,000,000 for the fiscal year ending June 30, 1975.

(c) For the purpose of making payments under grants to States under section 116, there is authorized to be appropriated \$500,000,000 for the fiscal year ending June 30, 1974.

SEC. 128. SEVERABILITY.

If any provision of this Act, or the application of any such provision to any person or circumstance, shall be held invalid, the remainder of this Act, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

SEC. 129. PRICE AUTHORITY.

The President shall exercise his authority under the Economic Stabilization Act of 1970, as amended, and the Emergency Petroleum Allocation Act of 1973 to specify prices for sales of crude oil, residual fuel oil, or refined petroleum products in or imported into the United States which avoid windfall profits by sellers. For purposes of this section, windfall profits shall be defined as those profits which are excessive or unreasonable, taking into consideration normal profit levels. This section shall be effective only until December 31, 1974.

SEC. 130. IMPORTATION OF LIQUEFIED NATURAL GAS.

The Emergency Petroleum Allocation Act of 1973 is amended by adding at the end thereof the following new section:

"Sec. 8. Notwithstanding the provisions of section 3 of the Natural Gas Act (or any other provisions of law) the President may by order, on a finding that such action would be consistent to the public interest, authorize on a shipment-by-shipment basis the importation of liquefied natural gas from a foreign country: *Provided, however,* That the authority to act under this section shall not permit the importation of liquefied natural gas which had not been authorized prior to the date of expiration of this Act and which is in transit on such date."

TITLE II—COORDINATION WITH ENVIRONMENTAL PROTECTION REQUIREMENTS

SEC. 201. SUSPENSION AUTHORITY.

Title I of the Clean Air Act (42 U.S.C. 1857 et seq.) is amended by adding at the end thereof the following new section:

"ENERGY EMERGENCY AUTHORITY

"Sec. 119. (a)(1)(A) The Administrator may, for any period beginning on or after

the date of enactment of this section and ending on or before November 1, 1974, temporarily suspend any stationary source fuel or emission limitation as it applies to any person, if the Administrator finds that such person will be unable to comply with such limitation during such period solely because of unavailability of types or amounts of fuels. Any suspension under this paragraph and any interim requirement on which such suspension is conditioned under paragraph (3) shall be exempted from any procedural requirements set forth in this Act or in any other provision of local, State, or Federal law; except as provided in subparagraph (B).

"(B) The Administrator shall give notice to the public of a suspension and afford the public an opportunity for written and oral presentation of views prior to granting such suspension unless otherwise provided by the Administrator for good cause found and published in the Federal Register. In any case, before granting such a suspension he shall give actual notice to the Governor of the State, and to the chief executive officer of the local government entity in which the affected source or sources are located. The granting or denial of such suspension and the imposition of an interim requirement shall be subject to judicial review only on the grounds specified in paragraphs (2)(B) and (2)(C) of section 706 of title 5, United States Code, and shall not be subject to any proceeding under section 304(a)(2) or 307 (b) and (c) of this Act.

"(2) In issuing any suspension under paragraph (1) the Administrator is authorized to act on his own motion without application by any source or State.

"(3) Any suspension under paragraph (1) shall be conditioned upon compliance with such interim requirements as the Administrator determines are reasonable and practicable. Such interim requirements shall include, but need not be limited to, (A) a requirement that the source receiving the suspension comply with such reporting requirements as the Administrator determines may be necessary, (B) such measures as the Administrator determines are necessary to avoid an imminent and substantial endangerment to health of persons, and (C) requirements that the suspension shall be inapplicable during any period during which fuels which would enable compliance with the suspended stationary source fuel or emission limitations are in fact reasonably available to that person (as determined by the Administrator). For purposes of clause (C) of this paragraph, availability of natural gas or petroleum products which enable compliance shall not make a suspension inapplicable to a source described in subsection (b)(1) of this section.

"(4) For purposes of this section:

"(A) The term 'stationary source fuel or emission limitation,' means any emission limitation, schedule, or timetable for compliance, or other requirement, which is prescribed under this Act (other than section 303, 111(b), or 112) or contained in an applicable implementation plan and which is designed to limit stationary source emissions resulting from combustion of fuels, including a prohibition on, or specification of, the use of any fuel of any type or grade or pollution characteristic thereof.

"(B) The term 'stationary source' has the same meaning as such term has under section 111(a)(3).

"(b)(1) Except as provided in paragraph (2) of this subsection, any fuel-burning stationary source (A) which is prohibited from using petroleum products or natural gas as fuel by reason of an order issued under section 106(a) of the Energy Emergency Act, or which the Administrator determines began conversion to the use of coal as fuel during the 90-day period ending on December 15, 1973, and (B) which converts to the use of coal as fuel, shall not, until January 1, 1979, be prohibited, by reason of the ap-

plication of any air pollution requirement, from burning coal which is available to such source.

"(2) (A) Paragraph (1) of this subsection shall apply to a source, only if the Administrator finds that emissions from the source will not materially contribute to a significant risk to public health and if the source has submitted to the Administrator a plan for compliance for such source which the Administrator has approved, after notice to interested persons and opportunity for presentation of views (including oral presentations of views). A plan submitted under the preceding sentence shall be approved only if it provides (i) for compliance by the means; and in accordance with a schedule which meets the requirements of subparagraph (B), and (ii) that such source will comply with requirements which the Administrator shall prescribe to assure that emissions from such source will not materially contribute to a significant risk to public health. The Administrator shall approve or disapprove any such plan within 60 days after such plan is submitted.

"(B) The Administrator shall prescribe regulations requiring that any source to which this subsection applies submit and obtain approval of its means for and schedule of compliance. Such regulations shall include requirements that such schedules shall include dates by which such source must (i) enter into contracts or other enforceable obligations for obtaining a long-term supply of coal or coal by-products (which contracts or obligations must have received prior approval of the Administrator), and (ii) take steps to obtain continuous emission reduction systems necessary to permit such source to burn such coal or coal by-products and to achieve the degree of emission reduction required by the following sentence. (Which steps and systems must have received prior approval of the Administrator). Such regulations shall also require that the source achieve as expeditiously as practicable considering the type of coal to be used (but not later than January 1, 1979) the same degree of emission reduction as it was required to achieve by the applicable implementation plan in effect on the date of enactment of this section. Such regulations shall also include such interim requirements as the Administrator determines are reasonable and practicable including requirements described in clauses (A) and (B) of subsection (a) (3).

"(C) The Administrator (after notice to interested persons and opportunity for presentation of views, including oral presentations of views, to the extent practicable) (i) may, prior to November 1, 1974, and shall thereafter prohibit the use of coal by a source to which paragraph (1) applies if he determines that the use of coal by such source is likely to materially contribute to a significant risk to public health; and (ii) may require such source to use coal of any particular type, grade, or pollution characteristic if such coal is available to such source. Nothing in this subsection (b) shall prohibit a State or local agency from taking action which the Administrator is authorized to take under this paragraph.

"(3) For purposes of this subsection, the term "air pollution requirement" means any emission limitation, schedule, or timetable for compliance, or other requirement, which is prescribed under any Federal, State, or local law or regulation, including this Act (except for any requirement prescribed under this subsection or section 303), and which is designed to limit stationary source emissions resulting from combustion of fuels (including a restriction on the use or content of fuels). A conversion to coal to which this subsection applies shall not be deemed to be a modification for purposes of section 111(a) (2) and (4) of this Act.

"(4) A source to which this subsection applies may, upon the expiration of the

exemption under paragraph (1), obtain a one year postponement of the application of any requirement of an applicable implementation plan under the conditions and in the manner provided in section 110(f).

"(c) The Administrator may by rule establish priorities under which manufacturers of continuous emission reduction systems shall provide such systems to users thereof, if he finds that priorities must be imposed in order to assure that such systems are first provided to users in air quality control regions with the most severe air pollution. No rule under this subsection may impair the obligation of any contract entered into before enactment of this section. No State or political subdivision may require any person to use a continuous emission reduction system for which priorities have been established under this subsection except in accordance with such priorities.

"(d) The Administrator shall study, and report to Congress not later than May 31, 1974, with respect to—

"(1) the present and projected impact on the program under this Act of fuel shortages and of allocation and end-use allocation programs;

"(2) availability of continuous emission reduction technology (including projections respecting the time, cost, and number of units available) and the effects that continuous emission reduction systems would have on the total environment and on supplies of fuel and electricity;

"(3) the number of sources and locations which must use such technology based on projected fuel availability data;

"(4) priority schedule for implementation of continuous emission reduction technology, based on public health or air quality;

"(5) evaluation of availability of technology to burn municipal solid waste in these sources; including time schedules, priorities analysis of unregulated pollutants which will be emitted and balancing of health benefits and detriments from burning solid waste and of economic costs;

"(6) projections of air quality impact of fuel shortages and allocations;

"(7) evaluation of alternative control strategies for the attainment and maintenance of national ambient air quality standards for sulfur oxides within the time frames prescribed in the Act, including associated considerations of cost, time frames, feasibility, and effectiveness of such alternative control strategies as compared to stationary source fuel and emission regulations;

"(8) proposed allocations of continuous emission reduction technology for nonsolid waste producing systems to source which are least able to handle solid waste by-product, technologically, economically, and without hazard to public health, safety, and welfare; and

"(9) plans for monitoring or requiring sources to which this section applies to monitor the impact of actions under this section on concentration of sulfur dioxide in the ambient air.

"(e) No State or political subdivision may require any person to whom a suspension has been granted under subsection (a) to use any fuel the unavailability of which is the basis of such person's suspension (except that this preemption shall not apply to requirements identical to Federal interim requirements under subsection (a) (1)).

"(f) (1) It shall be unlawful for any person to whom a suspension has been granted under subsection (a) (1) to violate any requirement on which the suspension is conditioned pursuant to subsection (a) (3).

"(2) It shall be unlawful for any person to violate any rule under subsection (c).

"(3) It shall be unlawful for the owner or operator of any source to fail to comply with any requirement under subsection (b) or any regulation, plan, or schedule thereunder.

"(4) It shall be unlawful for any person to fail to comply with an interim requirement under subsection (1) (3).

"(g) Beginning January 1, 1975, the Administrator shall publish at no less than 180-day intervals, in the Federal Register the following:

"(1) A concise summary of progress reports which are required to be filed by any person or source owner or operator to which subsection (b) applies. Such progress reports shall report on the status of compliance with all requirements which have been imposed by the Administrator under such subsections.

"(2) Up-to-date findings on the impact of this section upon—

"(A) applicable implementation plans, and

"(B) ambient air quality.

"(h) Nothing in this section shall affect the power of the Administrator to deal with air pollution presenting an imminent and substantial endangerment to the health of persons under section 303 of this Act.

"(i) (1) In order to reduce the likelihood of early phaseout of existing electric generating facilities during the energy emergency, any electric generating power plant (A) which, because of the age and condition of the plant, is to be taken out of service permanently no later than January 1, 1980, according to the power supply plan (in existence on the date of enactment of the Energy Emergency Act) of the operator of such plant, (B) for which a certification to that effect has been filed by the operator of the plant with the Environmental Protection Agency and the Federal Power Commission, and (C) for which the Commission has determined that the certification has been made in good faith and that the plan to cease operations no later than January 1, 1980, will be carried out as planned in light of existing and prospective power supply requirements, shall be eligible for a single one-year postponement as provided in paragraph (2).

"(2) Prior to the date on which any plant eligible under paragraph (1) is required to comply with any requirement of an applicable implementation plan, such source may apply (with the concurrence of the Governor of the State in which the plant is located) to the Administrator to postpone the applicability of such requirement to such source for not more than one year. If the Administrator determines, after balancing the risk to public health and welfare which may be associated with a postponement, that compliance with any such requirement is not reasonable in light of the projected useful life of the plant, the availability of rate base increases to pay for such costs, and other appropriate factors, then the Administrator shall grant a postponement of any such requirements.

"(3) The Administrator shall, as a condition of any postponement under paragraph (2), prescribe such interim requirements as are practicable and reasonable in light of the criteria in paragraph (2).

"(j) (1) The Administrator may, after public notice and opportunity for presentation of views in accordance with section 553 of title 5, United States Code, and after consultation with the Federal Energy Emergency Administration, designate persons to whom fuel exchange orders should be issued. The purpose of such designation shall be to avoid or minimize the adverse impact on public health and welfare of any suspension under subsection (a) of this section or conversion to coal to which subsection (b) applies or of any allocation under the Energy Emergency Act or the Emergency Petroleum Allocation Act.

"(2) The Administrator of the Federal Energy Administration shall issue exchange orders to such persons as are designated by the Administrator under paragraph (1) requiring the exchange of any fuel subject to allocation under the preceding Acts effective no later than 45 days after the date of the designation under paragraph (1), unless the Administrator of the Federal Energy

Administration determines, after consultation with the Administrator, that the costs or consumption of fuel, resulting from such exchange order, will be excessive.

"(3) Violation of any exchange order issued under paragraph (2) shall be a prohibited act and shall be subject to enforcement action and sanctions in the same manner and to the same extent as a violation of any requirement of the regulation under section 4 of the Emergency Petroleum Allocation Act of 1973."

SEC. 202. IMPLEMENTATION PLAN REVISIONS.

(a) Section 110(a) of the Clean Air Act is amended in paragraph (3) by inserting "(A)" after "(3)" and by adding at the end thereof the following new subparagraph:

"(B) (1) For any air quality control region in which there has been a conversion to coal under section 119(b), the Administrator shall review the applicable implementation plan and no later than one year after the date of such conversion determine whether such plan must be revised in order to achieve the national primary standard which the plan implements. If the Administrator determines that any such plan is inadequate, he shall require that a plan revision be submitted by the State within three months after the date of notice to the State of such determination. Any plan revision which is submitted by the State after notice and public hearing shall be approved or disapproved by the Administrator, after public notice and opportunity for public hearing, but no later than three months after the date required for submission of the revised plan. If a plan provision (or portion thereof) is disapproved (or if a State fails to submit a plan revision), the Administrator shall, after public notice and opportunity for a public hearing promulgate a revised plan (or portion thereof) not later than three months after the date required for approval or disapproval.

"(2) Any requirement for a plan revision under paragraph (1) and any plan requirement promulgated by the Administrator under such paragraph shall include reasonable and practicable measures to minimize the effect on the public health of any conversion to which section 119(b) applies."

(b) Subsection (c) of section 110 of the Clean Air Act (42 U.S.C. 1857 C-5) is amended by inserting "(1)" after "(c)"; by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively; and by adding the following new paragraph:

"(2) (A) The Administrator shall conduct a study and shall submit a report to the Committee on Interstate and Foreign Commerce of the United States House of Representatives and the Committee on Public Works of the United States Senate not later than May 1, 1974, on the necessity of parking surcharge, management of parking supply, and preferential bus/carpool lane regulations as part of the applicable implementation plans required under this section to achieve and maintain national primary ambient air quality standards. The study shall include an assessment of the economic impact of such regulations, consideration of alternative means of reducing total vehicle miles traveled, and an assessment of the impact of such regulations on other Federal and State programs dealing with energy or transportation. In the course of such study, the Administrator shall consult with other Federal officials including, but not limited to, the Secretary of Transportation, the Administrator of the Federal Energy Administration, and the Chairman of the Council on Environmental Quality.

"(B) No parking surcharge regulation may be required by the Administrator under paragraph (1) of this subsection as a part of an applicable implementation plan. All parking surcharge regulations previously required by the Administrator shall be void upon the date of enactment of this subsection. This subparagraph shall not prevent the Adminis-

trator from approving parking surcharges if they are adopted and submitted by a State as part of an applicable implementation plan. The Administrator may not condition approval of any applicable implementation plan submitted by a State on such plan's including a parking surcharge regulation.

"(C) The Administrator is authorized to suspend until January 1, 1975, the effective date or applicability of any regulations for the management of parking supply or any requirement that such regulations be a part of an applicable implementation plan approved or promulgated under this section. The exercise of the authority under this subparagraph shall not prevent the Administrator from approving such regulations if they are adopted and submitted by a State as part of an applicable implementation plan. If the Administrator exercises the authority under this subparagraph, regulations requiring a review or analysis of the impact of proposed parking facilities before construction which take effect on or after January 1, 1975, shall not apply to parking facilities on which construction has been initiated before January 1, 1975.

"(D) For purposes of this paragraph, the term 'parking surcharge regulation' means a regulation imposing or requiring the imposition of any tax, surcharge, fee, or other charge on parking spaces, or any other area used for the temporary storage of motor vehicles. The term 'management of parking supply' shall include any requirement providing that any new facility containing a given number of parking spaces shall receive a permit or other prior approval, issuance of which is to be conditioned on air quality considerations. The term 'preferential bus/carpool lane' shall include any requirement for the setting aside of one or more lanes of a street or highway on a permanent or temporary basis for the exclusive use of buses and/or carpools."

SEC. 203. MOTOR VEHICLE EMISSIONS.

(a) Section 202(b)(1)(A) of the Clean Air Act is amended by striking out "1975" and inserting in lieu thereof "1977"; and by inserting after "(A)" the following: "The regulations under subsection (a) applicable to emissions of carbon monoxide and hydrocarbons from light-duty vehicles and engines manufactured during model years 1975 and 1976 shall contain standards which are identical to the interim standards which were prescribed (as of December 1, 1973) under paragraph (5)(A) of this subsection for light-duty vehicles and engines manufactured during model year 1975."

(b) Section 202(b)(1)(B) of such Act is amended by striking out "1976" and inserting in lieu thereof "1978"; and by inserting after "(B)" the following: "The regulations under subsection (a) applicable to emissions of oxides of nitrogen from light-duty vehicles and engines manufactured during model years 1975 and 1976 shall contain standards which are identical to the standards which were prescribed (as of December 1, 1973) under subsection (a) for light-duty vehicles and engines manufactured during model year 1975. The regulations under subsection (a) applicable to emissions of oxides of nitrogen from light-duty vehicles and engines manufactured during model year 1977 shall contain standards which provide that emissions of such vehicles and engines may not exceed 2.0 grams per vehicle mile."

(c) Section 202(b)(5)(A) of such Act is amended to read as follows:

"(5) (A) At any time after January 1, 1975, any manufacturer may file with the Administrator an application requesting the suspension for one year only of the effective date of any emission standard required by paragraph (1)(A) with respect to such manufacturer for light-duty vehicles and engines manufactured in model year 1977. The Administrator shall make his determination with respect to any such application within

60 days. If he determines, in accordance with the provisions of this subsection, that such suspension should be granted, he shall simultaneously with such determination prescribe by regulation interim emission standards which shall apply (in lieu of the standards required to be prescribed by paragraph (1)(A) of this subsection) to emissions of carbon monoxide or hydrocarbons (or both) from such vehicles and engines manufactured during model year 1977."

(d) Section 202(b)(5)(B) of the Clean Air Act is repealed and the following subparagraphs redesignated accordingly.

SEC. 204. CONFORMING AMENDMENTS.

(a)(1) Section 113(a)(3) of the Clean Air Act is amended by striking out "or" before "112(c)", by inserting a comma in lieu thereof, and by inserting after "hazardous emissions" the following: ", or 119(f) (relating to priorities and certain other requirements)".

(2) Section 113(b)(3) of such Act is amended by striking out "or 112(c)" and inserting in lieu thereof ", 112(c), or 119(f)".

(3) Section 113(c)(1)(C) of such Act is amended by striking out "or section 112(c)" and inserting in lieu thereof ", section 112(c), or section 119(f)".

(4) Section 114(a) of such Act is amended by inserting "119 or" before "303".

(b) Section 116 of the Clean Air Act is amended by inserting "119(b), (c) and (e)," before "209".

SEC. 205. PROTECTION OF PUBLIC HEALTH AND ENVIRONMENT.

(a) Any allocation program provided for in title I of this Act or in the Emergency Petroleum Allocation Act of 1973, shall, to the maximum extent practicable, include measures to assure that available low sulfur fuel will be distributed on a priority basis to those areas of the country designated by the Administrator of the Environmental Protection Agency as requiring low sulfur fuel to avoid or minimize adverse impact on public health.

(b) In order to determine the health effects of emissions of sulfur oxides to the air resulting from any conversions to burning coal pursuant to section 106, the Department of Health, Education, and Welfare shall, through the National Institute of Environmental Health Sciences and in cooperation with the Environmental Protection Agency, conduct a study of chronic effects among exposed populations. The sum of \$3,500,000 is authorized to be appropriated for such a study. In order to assure that long-term studies can be conducted without interruption, such sums as are appropriated shall be available until expended.

(c) No action taken under this Act shall, for a period of 1 year after initiation of such action, be deemed a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (83 Stat. 856). However, before any action under this Act that has a significant impact on the environment is taken, if practicable, or in any event within 60 days after such action is taken, an environmental evaluation with analysis equivalent to that required under section 102(2)(C) of the National Environmental Policy Act, to the greatest extent practicable within this time constraint, shall be prepared and circulated to appropriate Federal, State, and local government agencies and to the public for a 30-day comment period after which a public hearing shall be held upon request to review outstanding environmental issues. Such an evaluation shall not be required where the action in question has been preceded by compliance with the National Environmental Policy Act by the appropriate Federal agency. Any action taken under this Act which will be in effect for more than a one year period (other than action taken pursuant to subsection (d) of this section) or any

action to extend an action taken under this Act to a total period of more than 1 year shall be subject to the full provisions of the National Environmental Policy Act notwithstanding any other provision of this Act.

(d) Notwithstanding subsection (c) of this section, in order to expedite the prompt construction of facilities for the importation of hydroelectric energy thereby helping to reduce the shortage of petroleum products in the United States, the Federal Power Commission is hereby authorized and directed to issue a Presidential permit pursuant to Executive Order 10485 of September 3, 1953, for the construction, operation, maintenance, and connection of facilities for the transmission of electric energy at the borders of the United States without preparing an environmental impact statement pursuant to section 102 of the National Environmental Policy Act of 1969 (83 Stat. 856) for facilities for the transmission of electric energy between Canada and the United States in the vicinity of Fort Covington, New York.

SEC. 206. ENERGY CONSERVATION STUDY.

(a) The Administrator of the Federal Energy Administration shall conduct a study on potential methods of energy conservation and, not later than 6 months after the date of enactment of this Act, shall submit to Congress a report on the results of such study. The study shall include, but not be limited to, the following:

(1) the energy conservation potential of restricting exports of fuels or energy-intensive products or goods, including an analysis of balance of payments and foreign relations implications of any such restrictions;

(2) federally sponsored incentives for the use of public transit, including the need for authority to require additional production of buses or other means of public transit and Federal subsidies for the duration of the energy emergency for reduced fares and additional expenses incurred because of increased service;

(3) alternative requirements, incentives, or disincentives for increasing industrial recycling and resource recovery in order to reduce energy demand, including the economic costs and fuel consumption trade-off which may be associated with such recycling and resource recovery in lieu of transportation and use of virgin materials;

(4) the costs and benefits of electrifying rail lines in the United States with a high density of traffic; including (A) the capital costs of such electrification, the oil fuel economies derived from such electrification, the ability of existing power facilities to supply the additional power load, and the amount of coal or other fossil fuels required to generate the power required for railroad electrification, and (B) the advantages to the environment of electrification of railroads in terms of reduced fuel consumption and air pollution and disadvantages to the environment from increased use of fossil fuel such as coal; and

(5) means for incentives or disincentives to increase efficiency of industrial use of energy.

(b) Within 90 days of the date of enactment of this Act, the Secretary of Transportation, after consultation with the Federal Energy Administrator, shall submit to the Congress for appropriate action an "Emergency Mass Transportation Assistance Plan" for the purpose of conserving energy by expanding and improving public mass transportation systems and encouraging increased ridership as alternatives to automobile travel.

(c) Such plan shall include, but shall not be limited to—

(1) recommendations for emergency temporary grants to assist States and local public bodies and agencies thereof in the payment of operating expenses incurred in connection with the provision of expanded mass transportation service in urban areas;

(2) recommendations for additional emergency assistance for the purchase of buses and rolling stock for fixed rail, including the feasibility of accelerating the timetable for such assistance under section 142(a) (2) of title 23, United States Code (the "Federal Aid Highway Act of 1973"), for the purpose of providing additional capacity for and encouraging increased use of public mass transportation systems;

(3) recommendations for a program of demonstration projects to determine the feasibility of fare-free and low-fare urban mass transportation systems, including reduced rates for elderly and handicapped persons during nonpeak hours of transportation;

(4) recommendations for additional emergency assistance for the construction of fringe and transportation corridor parking facilities to serve bus and other mass transportation passengers;

(5) recommendations on the feasibility of providing tax incentives for persons who use public mass transportation systems.

(d) In consultation with the Federal Energy Administrator, the Secretary of Transportation shall make an investigation and study for the purpose of conserving energy and assuring that the essential fuel needs of the United States will be met by developing a high-speed ground transportation system between the cities of Tijuana in the State of Baja California, Mexico, and Vancouver in the Province of British Columbia, Canada, by way of the cities of Seattle in the State of Washington, Portland in the State of Oregon, and Sacramento, San Francisco, Fresno, Los Angeles and San Diego in the State of California. In carrying out such investigation and study the Secretary shall consider, but shall not be limited to—

(1) the efficiency of energy utilization and impact on energy resources of such a system, including the future impact of existing transportation systems on energy resources if such a system is not established;

(2) coordination with other studies undertaken on the State and local level; and

(3) such other matters as he deems appropriate.

The Secretary of Transportation shall report the results of the study and investigation pursuant to this Act, together with his recommendations, to the Congress and the President no later than December 31, 1974.

SEC. 207. REPORTS.

The Administrator of the Environmental Protection Agency shall report to Congress not later than January 31, 1975, on the implementation of sections 201 through 205 of this title.

SEC. 208. FUEL ECONOMY STUDY.

Title II of the Clean Air Act is amended by redesignating section 213 as section 214 and by adding the following new section:

"FUEL ECONOMY IMPROVEMENT FROM NEW MOTOR VEHICLES"

SEC. 213. (a) (1) The Administrator and the Secretary of Transportation shall conduct a joint study, and shall report to the Committee on Interstate and Foreign Commerce of the United States House of Representatives and the Committees on Public Works and Commerce of the United States Senate within 120 days following the date of enactment of this section, concerning the practicability of establishing a fuel economy improvement standard of 20 percent for new motor vehicles manufactured during and after model year 1980. Such study and report shall include, but not be limited to, the technological problems of meeting any such standard, including the leadtime involved; the test procedures required to determine compliance; the economic costs associated with such standard, including any beneficial economic impact; the various means of enforcing such standard; the effect on consumption of natural resources, including energy consumed; and the impact of ap-

pliable safety and emission standards. In the course of performing such study, the Administrator and the Secretary of Transportation shall utilize the research previously performed in the Department of Transportation, and the Administrator and the Secretary shall consult with the Administrator of the Federal Energy Administration, the Chairman of the Council on Environmental Quality, and the Secretary of the Treasury. The Office of Management and Budget may review such report before its submission to Congress but the Office may not revise the report or delay its submission beyond the date prescribed for its submission, and may submit to Congress its comments respecting such report. In connection with such study, the Administrator may utilize the authority provided in section 307 (a) of this Act to obtain necessary information.

"(2) For the purpose of this section, the term 'fuel economy improvement standard' means a requirement of a percentage increase in the number of miles of transportation provided by a manufacturer's entire annual production of new motor vehicles per unit of fuel consumed, as determined for each manufacturer in accordance with test procedures established by the Administrator pursuant to this Act. Such term shall not include any requirement for any design standard or any other requirement specifying or otherwise limiting the manufacturer's discretion in deciding how to comply with the fuel economy improvement standard by any lawful means."

TITLE III—STUDIES AND REPORTS

SEC. 301. AGENCY STUDIES.

The following studies shall be conducted with reports on their results submitted to the Congress:

(1) Within 30 days after the date of enactment of this Act:

(A) The Administrator of the Federal Energy Administration shall conduct a review of all rulings and regulations issued pursuant to the Economic Stabilization Act to determine if such rulings and regulations are contributing to the shortage of fuels and of materials associated with the production of energy supplies.

(B) All Federal departments and agencies, including the Federal regulatory agencies, are directed to undertake a survey of all activities over which they have special expertise or jurisdiction and identify and recommend to the Congress and to the President specific proposals to significantly increase energy supply or to reduce energy demand through conservation programs.

(C) The Secretary of the Treasury and the Director of the Cost of Living Council shall recommend to the Congress specific incentives to increase energy supply, reduce demand, to encourage private industry and individual persons to subscribe to the goals of this Act. This study shall also include an analysis of the price-elasticity of demand for gasoline.

(D) The Administrator shall report to the Congress concerning the present and prospective impact of energy shortages upon employment. Such report shall contain an assessment of the adequacy of existing programs in meeting the needs of adversely affected workers, together with legislative recommendations appropriate to meet such needs, including revisions in the unemployment insurance laws.

(E) The Secretary of the Interior and the Secretary of Commerce are directed to prepare a comprehensive report of (1) United States exports of petroleum products and other energy sources, and (2) foreign investment in production of petroleum products and other energy sources to determine the consistency or lack thereof of the Nation's trade policy and foreign investment policy with domestic energy conservation efforts. Such report shall include recommendations for legislation.

(2) Within 6 month after the date of enactment of this Act:

(A) The Administrator shall develop and submit to the Congress no later than May 15, 1974, a plan for providing incentives for the increased use of public transportation and Federal subsidies for maintained or reduced fares and additional expenses incurred because of increased service for the duration of the Act. For the purposes of section —, the plan provided for in this section shall be considered an energy conservation plan.

(B) The Administrator of the FEEA shall recommend to the Congress actions to be taken regarding the problem of the siting of energy producing facilities.

(C) The Administrator of the FEEA shall conduct a study of the further development of the hydroelectric power resources of the Nation, including an assessment of present and proposed projects already authorized by Congress and the potential of other hydroelectric power resources, including tidal power and geothermal steam.

(D) The Administrator shall prepare and submit to Congress a plan for encouraging the conversion of coal to crude oil and other liquid and gaseous hydrocarbons.

(E) The Secretary of the Interior shall study methods for accelerating leases of energy resources on public lands including oil and gas leasing onshore and offshore, and geothermal energy leasing.

SEC. 302. REPORTS OF THE PRESIDENT TO CONGRESS.

The President shall report to the Congress every sixty days, beginning February 1, 1974, on the implementation and administration of this Act and the Emergency Petroleum Allocation Act of 1973, together with an assessment of the results attained thereby. Each report shall include specific information, nationally and by region and State, concerning staffing and other administrative arrangements taken to carry out programs under these Acts and may include such recommendations as he deems necessary for amending or extending the authorities granted in this Act or in the Emergency Petroleum Allocation Act of 1973.

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the title of the Senate bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the amendment of the House to the title of the Senate bill, insert the following: "An Act to assure, through energy conservation, end-use rationing of fuels, and other means, that the essential energy needs of the United States are met, and for other purposes."

And the House agree to the same.

HARLEY O. STAGGERS,
TORBERT H. MACDONALD,
JOHN E. MOSS,
PAUL G. ROGERS,
JAMES T. BROYHILL,
J. T. HASTINGS,

Managers on the Part of the House.

HENRY M. JACKSON,
ALAN BIBLE,
LEE METCALF,
JENNINGS RANDOLPH,
EDMUND S. MUSKIE,
HOWARD BAKER,
ADLAI STEVENSON,
TED STEVENS,

Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2589) to declare by congressional action a nationwide energy emergency; to authorize the President to immediately undertake specific actions to conserve scarce fuels and increase supply; to invite the development of

local, State, National, and International contingency plans; to assure the continuation of vital public services; and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The House amendments struck out all of the Senate bill after the enacting clause and inserted a substitute text and provided a new title for the Senate bill.

The committee of conference has agreed to a substitute for both the Senate bill and the House amendment to the text of the bill. Except for clarifying, clerical, and conforming changes, the differences are noted below:

Several general comments should be made concerning the overall pattern of the legislation agreed to by the Conference Committee. The Substitute text agreed to does not contain a number of provisions which were contained in either the House or Senate bill. The Committee wishes to emphasize that it has eliminated these provisions without prejudice. In a number of cases these matters were not agreed to in deference to the jurisdictional prerogatives of other committees of the Congress who were not represented at the Conference. In other cases the Conferees eliminated provisions which in their Judgment addressed problems which did not relate to the short term emergency situation. Because of the exigencies of the situation, the Conferees have attempted to confine the scope of this legislation to those matters which were essential and leave to a time which affords more studied consideration those proposals which attempt to deal with the more long term and basic energy supply and demand problems which confront this nation.

EMERGENCY CONSERVATION REGULATIONS

Faced with the emergency situation, on November 8, 1973, the President addressed the nation on the dimensions of the energy crisis. In that address, the President announced that he would request the Congress to vest in him emergency authority to impose restrictions on both the public and private consumption of energy. The legislation which the Conferees have agreed to proposes to give to the Executive a full spectrum of extraordinary powers to cope with the situation. The Conferees fully expect that the Administration, having been granted these authorities under the Act, will use them forthwith, and take strong action to reduce demand for energy during this period of national energy shortages and to expand supply of petroleum products through the conversion of stationary electric power plants now burning oil or natural gas.

The Conferees have not, however, agreed to vest without limitation the all pervasive and ill defined authority to restrict public and private consumption of energy which had been requested by the President. Instead, the Conferees have devised a mechanism for allowing further legislative consideration and control over the exercise of these powers.

Under its terms, the Administrator of the Federal Emergency Energy Administration created by this legislation would be permitted to issue regulations restricting energy use subject to a reservation of Congressional veto power. This control is to be exercised in a manner which closely parallels statutory mechanisms which have been used in various reorganization acts of the Congress over the past thirty years. The Conferees have carefully tailored this mechanism to take into consideration the emergency circumstances which confront the nation. Thus, the Administrator would be permitted to immediately implement conservation regulations prior to March 1, 1974, in order to reduce demand in the harsh winter months of January and February without delay. Such regulations must be submitted to the Con-

gress simultaneously with their promulgation. Thereafter, the Congress would have an opportunity to veto the regulation by simple resolution in either house. If vetoed, the regulation would not continue in effect. The Committee wishes to emphasize that any such regulation would, until vetoed, be given full force and effect. Compliance may be obtained through court injunctive process or through the imposition of civil and criminal penalties for any violation.

Conservation regulations proposed to take effect after March 1, 1974, would be delayed in their implementation until Congress is afforded an opportunity of 15 consecutive days in continuous legislative session to consider disapproval resolutions. If the Congress does not act within that 15-day period, the regulation may be implemented. Lastly, the Conferees have determined that any conservation measure which is proposed to take effect after June 30, 1974, must be submitted to the Congress in the nature of a legislative proposal for appropriate Congressional consideration. Actions of this nature are sufficiently long term in their objective so as to permit the normal legislative process to be observed.

The law passed since the first declared national emergency in 1933 commonly transferred almost unlimited power to the Executive to permit government to act effectively in times of great crisis. A recently issued report of the Special Committee on the Termination of the National Emergency, United States Senate, catalogued over 470 significant statutes which the Congress has passed since 1933 delegating to the President powers that has been "the prerogatives and responsibility of the Congress since the beginning of the Republic".

Over the course of that 40-year period, the Congress has repeatedly been presented with the problem of finding a means by which a legislative body in a democratic republic may extend extraordinary powers for use by the Executive during times of emergency without imperiling our Constitutional balance of liberty and authority. The Conferees believe that the disapproval mechanism contained in this legislation provides the best opportunity for resolution of this problem.

The veto authority coupled with a termination date which limits the duration of the period within which these powers may be exercised provides assurance that normal legislative processes will be resumed at a time certain and that the Constitutional checks and balance system will be preserved. It is firmly believed that this form of legislative consideration and control gives full effect to the separation of powers principle so fundamental to our system of government while at the same time allowing a vesting of power in the Executive branch to permit actions to be taken expeditiously in order to respond to immediate and changing circumstances during a crisis situation.

FEDERAL ENERGY EMERGENCY ADMINISTRATION

To exercise the authority granted under this legislation, the Committee has created a temporary Federal Emergency Energy Administration to be directed by an administrator appointed by the President with the advice and consent of the Senate. In addition to its duties under this Act, the Administration is to exercise the authority provided for in the Emergency Petroleum Allocation Act of 1973 previously reported by this Committee and already enacted into law. In so doing the Committee proposes to parallel and give statutory force to the Federal Energy Office created by executive order of the President on Tuesday, December 4, 1973. It is the understanding of the conferees that the office of Administrator came into existence on the effective date of this Act and that vacancies exist in such offices from the time of their creation until they are filled. Accordingly, Article 2, Section 2, Clause 3 of the Constitution is applicable.

The creation of this new administration to deal with the emergency fuels shortages is proposed on the premise that we must focus authority in a single agency head with decisionmaking responsibility for these programs. This agency is to operate within the Executive Department subject to the supervision of the President. Several trappings of independence, however, are given to the Administrator to assure that he may act consonant with the preeminence of his mission free from certain administrative controls which have been ingrafted on agency actions in the name of administrative efficiency. Thus, the Federal Emergency Energy Administration is relieved of the necessity of obtaining prior OMB clearance for information gathering activities. Also to assure that the administration will have high visibility in government, budget requests and legislative recommendations are to be transmitted to the Congress simultaneously with their submission to the Office of Management and Budget. In so doing the Committee seeks to assure that the Congress will know without question or qualification what the Administrator determines to be his fiscal needs in carrying out his legislative assignment and what additional authority may be required to get the job done effectively and expeditiously.

In addition to the powers under the Emergency Petroleum Allocation Act of 1973 and as may be authorized under this Act, the President has proposed to transfer other functions of the Executive Department to a Federal Energy Administration so as to consolidate energy related activities. The Committee has not attempted and does not propose to transfer these functions in this Act. It is understood that some of these proposed transfers, such as the transfer from the Department of Interior of its Office of Oil and Gas and the Outer Continental Shelf authority, require legislative approval. An appropriate bill has been submitted to the Congress and has been considered by the Government Operations Committees of the House and Senate. On December 19 the Senate passed the Administrations proposed bill to establish an FEA.

The conferees wish to emphasize that the creation of a temporary Federal Emergency Energy Administration under this Act does not remove the necessity of the Congress acting upon the legislation reported by the House and Senate Government Operations Committees. The need for statutory creation of an administrative office within the Executive Branch which consolidates energy policy related functions of government remains real and immediate. This Act provides the basic authority to initiate the establishment of such an administrative office.

SAFEGUARDS AGAINST UNREASONABLE DISCRIMINATION AND UNEQUITABLE TREATMENT

The authorities contained in this legislation and in the Emergency Petroleum Allocation Act of 1973, which it amends, call for a major intrusion into the competitive marketplace by the federal government. In allocating fuels so as to maintain essential services during times of shortage and to assure equitable distribution of supplies throughout the nation, decisions will be made which will impact on all regions of the country and all sectors of the economy. Already significant actions have been taken in some cases on questionable legal authority, which have produced dislocations and distortions in the competitive market which have impacted disproportionately on individual groups of competitors offering similar services. In part, this has been the unavoidable result of attempting to cope with a crisis situation without having first developed a decision-making structure which affords government an opportunity to appreciate the full ramifications of its direct and indirect actions. For example, there must be a realization by those in authority that

the public good is not served by denying allocations of fuel for certain uses which have the appearance of being nonessential (such as recreational activities or various aspects of general aviation) if to do so would result in significant unemployment and economic recession for some regions of the country. There are, of course, many areas in this nation where recreation and tourism provide the base of the local economy. Careful attention must be given to the needs of these as well as other areas. Moreover, government must equip itself so as to be able to look beyond the immediately affected industry to discover the unforeseen ripple effects of its action on other supportive and relative industry groupings.

Access to adequate supplies of fuels is basic to the survival of virtually every commercial enterprise and, accordingly, government must act with great care to assure that its actions are equitable and do not unreasonably discriminate among users. The Committee has added a separate section to this legislation creating a statutory standard of reasonableness to be observed in the allocation of refined petroleum products and electrical energy among users or in taking actions which result in restrictions on use of such products and electrical energy. The Committee intends the term equitable to be applied in its broadest and most general sense. As such, the term denotes the spirit of fairness, justness, and right dealing. No user or class of users should be called upon during this shortage period to carry an unreasonably disproportionate share of the burden. This is fundamental to the traditional notion of fairness and equal protection. The Committee expects the President and the Administrator of the Federal Emergency Energy Administration created under this Act to assiduously observe these requirements in the conduct of their functions.

The Committee also adopted a section which requires the preparation of an economic impact analysis of any actions it proposes to take to bring supply and demand into balance. Wherever practicable, this analysis is to be completed prior to implementation of the proposed action. If conditions do not permit full advance preparation of the economic impact analysis in acting to deal with emergency conditions, the analysis is to be prepared contemporaneously with implementations of any proposed action between date of enactment and March 1, 1974.

The committee is concerned about the very real threat of the cut off of Canadian fuel to the United States, particularly fuel essential for business and heating purposes. A specific example of such an action is the possibility that the Canadian government may stop supplying fuel to the great Northern Paper and Georgia-Pacific plants in the State of Maine. The following amendment was offered in the conference but was subsequently withdrawn in recognition of the desirability of allowing diplomatic endeavors to be pursued:

"Whenever, as a result of action by the Canadian Resources Board, fuel exports to any manufacturing plant in the United States are interrupted, the Administrator shall make an allocation of fuel to such manufacturing plant in accordance with the provisions of the Emergency Petroleum Allocation Act. Where possible, such allocation shall be from fuel which would otherwise be exported from the United States to Canada."

The committee understands that diplomatic efforts are underway to reverse the actions contemplated by the Canadian government and expresses a strong interest in having all diplomatic avenues pursued vigorously to successfully resolve this and other similar situations.

END USE RATIONING AUTHORITY

The conferees have agreed on provisions which authorize the President to develop and implement an end use rationing plan for

crude oil, residual fuel oil and refined petroleum products. This authority is to be exercised under the Emergency Petroleum Allocation Act of 1973 and must be consistent with the attainment of the congressionally stated objectives of that Act. Procedural protections are provided to permit users an opportunity to present views respecting the development of the plan. It is the firm intention of the conferees that end use rationing be implemented as a last resort measure. Accordingly it has been provided in the conference substitute that end use rationing may be implemented only upon a finding that all other practicable and authorized actions are insufficient to assure the preservation of public health, safety, and the public welfare and those other defined objectives set forth in section 4(b) of the Emergency Petroleum Allocation Act. Should the President be able to make such a finding, he is authorized to implement end use rationing without further action of the Congress.

The conferees wish to state their intent that in the development of an end use rationing plan, the President shall give special consideration to the transportation needs of our handicapped Americans. Clearly, if the employment, medical, and therapeutic services of our physically handicapped citizens are interrupted as a result of lack of transportation, a hardship for such individuals will be incalculable in its effects. Moreover, the conferees believe that actions taken under the Emergency Petroleum Allocation Act of 1973 shall, where consistent with the objectives of section 4(b) of that Act, give consideration to providing allocations of petroleum products for the timely completion of Federal construction projects and give consideration to the public welfare needs of meeting the educational or housing requirements of our citizens.

The Conferees also recognize that end-use rationing plans should give consideration to the personal transportation needs of American military personnel re-assigned to other duty stations and of those persons who are required to relocate for employment purposes.

SHORT TITLE

TABLE OF CONTENTS

Senate Bill

The Senate bill provided that it could be cited as the "National Energy Emergency Act of 1973". It had no table of contents.

House Amendment

The House amendment provided that it could be cited as the "Energy Emergency Act".

The House amendment also included a table of contents of the legislation.

Conference Substitute

The conference substitute has the same short title as the House amendment and includes a table of contents.

TABLE I—ENERGY EMERGENCY AUTHORITIES FINDINGS AND PURPOSES—ENERGY EMERGENCY

Findings

Senate Bill

Under section 101 of the Senate bill the Congress would make a determination that a shortage of crude oil, residual fuel oil, and refined petroleum products does now exist. In addition, it would make determinations with respect to the effect of those shortages; what steps should be taken with respect thereto; that primary responsibility for developing and enforcing fuel shortage contingency plans lies with the States and certain local governments, and that, during the energy emergency, the protection and fostering of competition and the prevention of anticompetitive practices and effects are vital.

House Amendment

No provision.

Conference Substitute

Section 101(a)(1) of the conference substitute is in most respects the same as the Senate bill.

Declaration of emergency

Senate Bill

Under Section 201 the Congress would declare that current and imminent fuel shortages have created a nationwide energy emergency.

House Amendment

No provision.

Conference Substitute

Section 101(a)(2) of the conference substitute states that on the basis of the determinations specified in paragraph (1) thereof the Congress hereby finds that current and imminent fuel shortages have created a nationwide energy emergency.

Purposes

Senate Bill

Section 102 of the Senate bill lists the purposes of the legislation. Among the purposes listed are (1) to declare an energy emergency, (2) to direct the President to take action with regard thereto, (3) to provide a national program to conserve scarce energy resources, (4) to minimize the adverse effects of energy shortages on the economy and industrial capacity of the Nation, and (5) to direct the President and State and local governments to develop contingency plans for making specified reductions in energy consumption.

House Amendment

Section 101 of the House amendment sets forth the purpose of the legislation which is to (1) call for proposals for measures which could be taken in order to conserve energy, and (2) authorize specific temporary emergency measures to be taken to assure that the Nation's essential needs for fuel will be met in a manner which to the maximum practicable extent meets certain specified objectives.

Conference Substitute

Section 101(b) of the conference substitute provides that the purposes of the legislation are to call for proposals for energy emergency rationing and conservation measures and to authorize specific temporary emergency actions to be exercised, subject to congressional review and right of approval or disapproval, to assure that the essential needs of the United States for fuels will be met in a manner which to the fullest extent practicable meets specified objectives.

DEFINITIONS

Senate Bill

No provision.

House Amendment

Section 102 defined the terms "State", "petroleum product", "United States" and "Administration" for purposes of the legislation.

"Administrator" is defined to mean the Administrator of the Federal Energy Administration which is established by section 104 of the House amendment. The term is used with that meaning throughout the House amendment segments of this joint statement unless another intent is specifically indicated.

Conference substitute

Section 102 of the conference substitute is the same as the House amendment, except that "Administrator" is defined to mean the Administrator of the Federal Energy Emergency Administration which is established by section 103 of the conference substitute. That term will be used with that meaning throughout the conference substitute portions of this joint statement unless another intent is specifically indicated.

FEDERAL ENERGY EMERGENCY ADMINISTRATION

Senate bill

No provision.

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House amendment

Section 104 would establish a Federal Energy Administration. The Administration would be headed by a Federal Energy Administrator appointed by and with the consent of the Senate who would serve until May 15, 1975. The Administrator would be responsible for the development and implementation of Mandatory Allocation Programs provided for in the Emergency Petroleum Allocation Act of 1973.

Copies of budget estimates and requests, legislative recommendations, testimony, or comments on legislation which are submitted to the President or to the Office of Management and Budget would be concurrently transmitted to the Congress. The Administration would be considered an independent regulatory agency for purposes of the collection of information and as such is exempt from Office of Management and Budget veto of its actions for the collection of necessary information.

Conference substitute

Section 103 of the conference substitute establishes until May 15, 1975, unless superseded prior to that date by law a Federal Emergency Energy Administration (FEEA) which shall be temporary and headed by an Administrator who shall be appointed by the President by and with the advice and consent of the Senate.

It is the understanding of the conferees that the office of Administrator comes into existence on the date of enactment of the legislation and that a vacancy exists in such office from the time of its creation until it is filled. Accordingly, Article II, Section 2, Clause 3 of the Constitution is applicable.

Effective on the date on which the Administrator first takes office (or, if later, on January 1, 1974) certain functions, powers, and duties under specified sections of the Emergency Petroleum Allocation Act of 1973 (other than functions vested by section 6 of such Act in the Federal Trade Commission, the Attorney General, or the Antitrust Division of the Department of Justice) are transferred to the Administrator. Personnel, property, records, obligations, and commitments used primarily with respect to functions transferred to the Administrator are also transferred to him.

Whenever the FEEA submits any (1) budget estimate or request, or (2) legislative recommendations or testimony or comments on legislation, to the President or the Office of Management and Budget it must concurrently transmit a copy thereof to the Congress. No officer or agency of the United States may require the FEEA to submit its legislative recommendations or testimony or comments to any officer or agency of the United States for approval, comments, or review prior to the submission thereof to the Congress.

The FEEA shall be an independent regulatory agency for purposes of Chapter 35 of Title 44, United States Code, but not for any other purpose.

ENERGY CONSERVATION, DISTRIBUTION, AND ALLOCATION PROVISIONS—RATIONING AUTHORITY

Senate Bill

Energy rationing and conservation program

Under subsections (a) and (b) of section 203, the President would be required to promulgate a nationwide emergency energy rationing and conservation program within 15 days after enactment of the legislation: Such program would include (1) a priority system and plan, including a program to be implemented without delay for rationing scarce fuels among distributors and consumers, and (2) measures capable of reducing energy consumption in the affected area by no less than 10% within 10 days, and by no less than 25% within 4 weeks after implementation.

Fuel distribution plan

Section 203(c) would require the President within 15 days after enactment of the legislation to determine the fuel needs of the major geographic regions of the United States and to promulgate a plan assuring equitable distribution of available fuel supplies among such regions based on their respective relative needs, including such needs of the States within such regions.

The plan would include allocation of available transport facilities necessary to assure equitable distribution of fuel supplies under the plan.

The fuel distribution plan or plans would be implemented within 30 days after promulgation.

House Amendment

Energy conservation plans

Section 105 would require the Administrator, within 30 days after enactment of the legislation and from time to time thereafter, to propose one or more energy conservation plans, as defined, to reduce energy consumption to a level which could be supplied from available energy resources. The plans would be submitted to Congress for appropriate action.

Section 105(b) would require such plans to provide for the maintenance of vital services. Section 105(c) would require that proposed restrictions on the use of energy in such plans to be submitted by the Administrator would be designed, to the maximum extent practicable, to be carried out in a manner which is fair and reasonably distributes the burden on all sectors of the economy. Such restriction should also give due consideration to the needs of commercial, retail, and service establishments with unconventional working hours. Section 105(e) would state that no provision of the Act or the EPAA should be construed as authorizing the imposition of any tax.

Amendment to Emergency Petroleum Allocation Act of 1973—EPAA

Section 103(a) would amend section 4 of the EPAA, relating to mandatory allocation of crude oil, residual fuel oil, and refined petroleum products.

Proposed subsection 4(h) would authorize the President to establish rules for the ordering of priorities among users of petroleum products and to assign to such users rights to obtain petroleum products in preference to those assigned a lower priority. Prior to this ordering of priorities and assignment of rights, the President must find that such action is necessary in order to carry out the objectives of subsection 4(b) of the EPAA. (Subsection 4(b) is the section which defines the provisions which must be fulfilled by the regulation providing for the mandatory allocation of petroleum products.)

In the ordering of priorities among users, the maintenance of vital services would be emphasized.

Allocations of products made pursuant to the proposed subsection would be adjusted by the President as necessary to assure that those entitled to receive allotments would actually obtain such allocated products.

The President would be required to establish procedures whereby users may petition for review, reclassification, and modification of priorities and entitlements assigned in accordance with the subsection. These procedures may include procedures with respect to local boards which could be established under section 109(c) of the legislation.

The President would be authorized to require refineries in the United States to adjust their operations with regard to the proportions of products produced in the refining process. These adjustments would be required as necessary to assure that the proportions produced are consistent with the objectives set forth in section 4(b) of the EPAA.

The definition of "allocation" as used in this subsection would be clarified by stating

that it "shall not be construed to exclude the end-use allocation of gasoline to individual consumers". Thus, the President would be authorized to ration gasoline.

Section 103(e) would amend section 4 of the EPAA by adding subsections (1) through (n) thereto providing a procedure for Congressional review and disapproval of any rule issued under section 4(h) (which is discussed above) with respect to end-use allocation which is referred to as an "energy action".

Under the procedure, the President would be required to transmit any energy action to both Houses of the Congress on the same day.

An energy action would take effect at the end of the first period of 15 calendar days of continuous session of the Congress after the date on which the energy action is transmitted, unless either House passed a resolution stating that it did not favor the energy action. A detailed disapproval procedure is set out which would be enacted as an exercise of the rulemaking power of each House of Congress. Any energy action which became effective would be printed in the Federal Register.

Proposed section 4(j) of the EPAA would provide that, notwithstanding any other provision of the EPAA, or of any State or local law regarding fuel allocation, provision will be made for adequate supplies of fuels for:

- (a) moves of armed services personnel on orders;
- (b) household moves related to employment;
- (c) household moves rising from displacement due to unemployment; and
- (d) moves due to health, educational opportunities, or other good and sufficient reasons.

Conference Substitute End-use allocation

Section 104 of the conference substitute amends section 4 of the Emergency Petroleum Allocation Act of 1973 (EPAA) by adding a new subsection (h).

Under the new subsection the President may promulgate a rule which shall provide, consistent with the objectives of section 4(b) of that Act, an ordering of priorities among users of crude oil, residual fuel oil, or any refined petroleum product, and for the assignment to such users of rights entitling them to obtain any such oil or product in precedence to other users not similarly entitled.

Such rule shall take effect only if the President finds that, without such rule, all other practicable and authorized methods to limit energy demand will not achieve the objectives of Emergency Petroleum Allocation Act of 1973, and of this Act.

The President shall, by order, in furtherance of such rule cause such adjustments in the allocations made pursuant to the regulation under section 4(b) of the EPAA as may be necessary to provide for the allocation of crude oil, residual fuel oil, or any refined petroleum product as necessary to attain the objectives established for the Allocation Program in the Emergency Petroleum Allocation Act.

The President must provide for procedures by which any user of such oil or product for which priorities and entitlements are established under this new subsection may petition for review and reclassification or modification of any determination made thereunder with respect to his priority or entitlement. Provision is made for the establishment of local boards to administer allocation or rationing programs. In providing for the implementation of rationing the conferees specifically state that no taxing authority, of any type, is granted.

Energy conservation regulations

Under section 105 of the conference substitute, the Administrator may propose one

or more energy conservation regulations which shall be designed (together with certain other actions) to result in a reduction of energy consumption to a level which can be supplied by available energy resources. The term "energy conservation regulations" is defined to mean limits, or such other restrictions on the public or private use of energy (including limitations on operating hours of businesses) which are necessary to reduce energy consumption.

An energy conservation regulation—

(1) may not impose any tax or user fee, or provide for a credit or deduction in computing any tax,

(2) may not provide for taking any action of a kind which may not be taken under this legislation, the Emergency Petroleum Allocation Act of 1973, or the Clean Air Act,

(3) shall apply according to its terms in each State except as otherwise provided in the regulation, and

(4) may not deal with more than one logically consistent subject matter.

An energy conservation regulation may be amended or repealed only in accordance with section 105(b), except that technical or clerical amendments may be made in accordance with section 553 of title 5, United States Code.

Subject to provisions relating to Congressional approval or disapproval, a provision of an energy conservation regulation shall remain in effect for a period specified in the plan but may not remain in effect after May 15, 1975.

The term "energy action" is defined to mean an energy conservation regulation or an amendment (other than a technical or clerical amendment) or repeal of such an energy conservation regulation.

The Administrator must transmit any energy action (bearing an identification number) to each House of Congress on the date on which it is promulgated.

If an energy action is transmitted to Congress before March 1, 1974, and provides for an effective date earlier than March 1, 1974, then such action shall take effect on the date provided in the action; but if either House, before the end of the first period of 15 calendar days of continuous session of Congress after the date on which the plan is transmitted to it, passes a resolution stating in substance that that House does not favor the energy action, such action shall cease to be effective on the date of passage of such resolution.

If an energy action is transmitted to Congress and provides for an effective date on or after March 1, 1974 and before July 1, 1974, such action shall take effect in most cases at the end of the first period of 15 calendar days of continuous session of Congress after the date on which the plan is transmitted to it unless, between the date of transmittal and the end of the 15-day period, either House passes a resolution stating in substance that that House does not favor the energy action.

A plan proposed to be made effective on or after July 1, 1974, shall take effect only if approved by Congress by law.

In carrying out the provisions of this legislation, the Administrator must, to the greatest extent practicable, evaluate the potential economic impacts of proposed regulatory and other actions. This would include but not be limited to the preparation of an analysis of the effect of such actions on certain entities and other things which are enumerated.

The Administrator must also develop analyses of the economic impact of various conservation measures on States or significant sectors thereof, considering the impact on both energy for fuel and energy as feed stock for industry. Such analysis shall, wherever possible, be made explicit and to the extent practicable other Federal agencies and agencies of State and local governments which have special knowledge and ex-

pertise relevant to the impact of proposed regulatory or other actions shall be consulted in making the analysis, and all Federal agencies shall cooperate with the Administrator in preparing such analyses.

The Administrator, together with the Secretaries of Labor and Commerce, must monitor the economic impact of any energy actions taken by the Administrator, and must provide the Congress with separate reports every thirty days on the impact of the energy shortage and such emergency actions on employment and the economy.

COAL CONVERSION AND ALLOCATION Senate Bill

Section 204(a) would authorize the President to require that any major fossil fuel burning installation (including existing electric generating plants) which has the ready capability and necessary plant equipment to burn coal or other fuels, convert to burning coal or other fuels as its primary energy source. Any installation so converted could be permitted to use such fuel for more than one year, subject to the provisions of the Clean Air Act. To the extent practicable, plant conversions would first be required where the use of coal would have the least adverse environmental impact. Such conversions would be contingent on the availability of coal and reliability of service.

The President would require that fossil fuel fired electrical powerplants now being planned be designed and constructed so as to have capability of rapid conversion to burn coal.

The President could require that certain fossil fuel fired baseload powerplants (other than combustion turbine and combined cycle units) now being planned be designed and constructed so to be capable of rapid conversion to burn coal.

House Amendment

The provisions of section 106 of the House amendment are in most respects the same as in the Senate bill with the following exceptions:

(1) Under the House amendment the powers and duties are vested in the Administrator of the Federal Energy Administration rather than the President.

(2) Any installation limited to burning coal as its primary energy source under the legislation or which converted to the use of coal after beginning such conversion within 90 days before the effective date of the legislation could continue to use coal until January 1, 1980, if the Administrator of the EPA approves a plan submitted by the operator of such installation after notice to interested persons and opportunity for presentation of views. The plan would have to meet requirements spelled out in section 106 (b) (1).

(3) The Administrator of EPA or a State or local agency could, after notice to interested persons and an opportunity for presentations of views, (A) prohibit any such installation from using coal if it determines that such use is likely to materially contribute to a significant risk to public health, or (B) require any such installation to use a particular type and grade of coal if such coal is available.

(4) The Administrator would be authorized to prescribe a system for allocation of coal.

Conference Substitute

Section 106 of the conference substitute provides that the Administrator shall, to the extent practicable and consistent with the objectives of this Act, by order, after balancing on a plant-by-plant basis the environmental effects of use of coal against the need to fulfill the purposes of this legislation, prohibit, as its primary energy source, the burning of natural gas or petroleum products by any major fuel-burning installation (including any existing electric powerplant) which, on the date of enactment of this

legislation, has the capability and necessary plant equipment to burn coal. Any installation to which such an order applies is permitted to continue to use coal as provided in section 119(b) of the Clean Air Act. To the extent coal supplies are limited to less than the aggregate amount of coal supplies which may be necessary to satisfy the requirements of those installations which can be expected to use coal (including installations to which orders may apply under this subsection), the Administrator shall prohibit the use of natural gas and petroleum products for those installations where the use of coal will have the least adverse environmental impact. A prohibition on use of natural gas and petroleum products hereunder is contingent upon the availability of coal, transportation facilities, and the maintenance of reliability of service in a given service area.

The administrator must require that fossil-fuel-fired electric powerplants in the early planning process, other than combustion gas turbine and combined cycle units, be designed and constructed so as to be capable of using coal as a primary energy source instead of or in addition to other fossil fuels. No fossil-fuel-fired electric powerplant is required to be so designed and constructed, if (1) to do so would result in an impairment of reliability or adequacy of service, or (2) if an adequate and reliable supply of coal is not available and is not expected to be available. In considering whether to impose a design or construction requirement, the Administrator shall consider the existence and effects of any contractual commitment for the construction of such facilities and the capability of the owner or operator to recover any capital investment made as a result of the conversion requirements of this section.

The Administrator is authorized by rule to prescribe a system for allocation of coal to users thereof in order to attain the objectives specified in this section.

MATERIALS ALLOCATION

Senate Bill

The first paragraph of section 313 would authorize the President to allocate supplies of materials, equipment, and fuel associated with exploration, production, refining, and required transportation of energy supplies to maintain and increase the production of coal, crude oil, natural gas, and other fuels.

Under section 606 the President would be authorized to allocate residual fuel oil and refined petroleum products for the maintenance of exploration for, and production or extraction and processing of, minerals, and for transportation related thereto.

House Amendment

Section 103(b) would amend section 4(b) of the EPAA to provide for such allocation for maintenance of exploration for, and production or extraction of fuels and minerals essential to the requirements of the United States, and for required transportation related thereto.

Section 210 would allow the formulation of rules to provide the necessary fuels for all operations of any project or enterprise authorized by the Federal Government.

Conference Substitute

Under section 107(a) of the conference substitute, the Administrator must within 30 days after enactment of the legislation propose and publish a contingency plan for allocation of supplies of materials and equipment necessary for exploration, production, refining, and required transportation of energy supplies and for the construction and maintenance of energy facilities. When he finds it necessary to put all or part of the plan into effect, he must transmit the plan or portion thereof to Congress and such plan or portion thereof shall take effect in the same manner as an energy conservation plan prescribed under section 105.

Section 107(b) of the conference substitute is the same as section 103(b) of the House amendment which is described above.

FEDERAL ACTIONS TO INCREASE AVAILABLE DOMESTIC PETROLEUM SUPPLIES

Senate Bill

Section 207 would authorize the President—

(a) to require that existing domestic oil fields produce at their maximum efficient rate (MER). MER is a level of production fixed by State agency regulation at which it is estimated that production can be sustained without detriment to the ultimate recovery;

(b) to require certain designated oilfields, on lands in which there is a Federal interest, to produce in excess of their maximum efficient rate. Such fields would be those in which production in excess of their currently assigned maximum efficient rate would not result in excessive risk of losses of recovery;

(c) to require adjustment of product mix in domestic refinery operations, in accordance with national needs and priorities; and

(d) to order acceleration of oil and gas leasing programs, both onshore and offshore, and for geothermal leasing. Such an accelerated program would be subject to the provisions of all existing laws, including the National Environmental Policy Act.

House Amendment

Section 103(a) would add a new section 4(h) (4) to the EPAA which would vest the President with the same authority with respect to refineries as provided in section 207(c) of the Senate bill.

Section 103(a) would also add new section 4(i) to the EPAA. This new section would authorize the President to require the production of crude oil at the MER. He would consult with the Department of the Interior and with State governments in order to determine which producers shall be so required. The MER would be as determined by the State in which the field is located. However, after consultation with such State or with the Department of the Interior, the President may set a higher rate if he determines that in doing so the ultimate recovery of crude oil and natural gas is not unreasonably impaired.

Existing and future development plans for the production of crude oil on Federal lands would include or be amended to include provisions for the secondary recovery and, insofar as possible, the tertiary recovery of crude oil before the well was abandoned.

Conference Substitute

Section 108(a) of the conference substitute is substantially the same as the provisions of the Senate bill described above, except that section 108 vests the authority in the Administrator of FEEA rather than the President, and the provisions for accelerated leasing programs are not included.

Section 108(b) of the conference substitute provides that nothing in this section shall be construed to authorize the production of any Naval Petroleum Reserve now subject to chapter 641 of title 10 of the U.S.C.

OTHER AMENDMENT TO THE EMERGENCY PETROLEUM ALLOCATION ACT OF 1973

Senate Bill

No provision.

House Amendment

Section 103(a) of the House amendment would have added a new subsection (1) to section 4 of the Emergency Petroleum Allocation Act. Such new subsection would require that, if any allocation of residual fuel oil or refined petroleum products under section 4(a) of the EPAA is based on the amount used or supplied during a historical period, adjustments could be made reflecting regional disparities in use, or unusual factors influencing use, in the historical period. This

subsection would take effect 30 days after enactment of the legislation.

Section 103(c) would amend section 4(c) (3) of the EPAA to direct the President, when requiring adjustments in allocations, to take into account lessened use of crude oil, residual fuel oil, and refined petroleum products prior to enactment as a result of unusual regional climatic variations.

Section 103(d) would amend section 4(g) (1) of the EPAA to change the termination date in each case to May 15, 1975.

Conference Substitute

Section 109 of the conference substitute is the same as the House amendment, except that—

(1) the new subsection which would be added to section 4 of the EPAA would be designated as subsection (1),

(2) population growth and unusual changes in climatic conditions are added as factors on which adjustments under the subsection can be based, and such adjustments to reflect population growth will be based on the most current figures available from the Bureau of the Census, and

(3) a specific provision has been added so that adjustments under the subsection shall take effect no later than 6 months after the date of enactment of the legislation.

(4) the amendment to section 4(c) (3) is omitted.

PROHIBITION ON WINDFALL PROFITS—PRICE GOUGING

Senate Bill

No provision.

House Amendment

Section 117 would amend section 4 of the Emergency Petroleum Allocation Act of 1973 by adding a new subsection to prevent price gouging with respect to sales of crude oil, residual fuel oil, refined petroleum products, and coal, including sales of diesel fuel to motor common carriers. The amendment would direct the President to use authority under the Act and under the Economic Stabilization Act of 1970, to specify prices for sales of crude oil, refined petroleum products, residual fuel oil, produced in or imported into the United States, which avoid windfall profits by sellers.

Any interested person who had reason to believe that established prices allowed windfall profits could petition the Renegotiation Board for a determination by rule of the existence of such profits and for their recovery. The seller would be afforded a hearing in accordance with the procedures required by section 554 of title 5, United States Code. Upon final determination that such price permitted windfall profits, the Board would order the seller to refund an equivalent amount to those affected purchasers reasonably ascertainable. The Board could order a reduction in price for future sales of such item or take other appropriate action. The Board's final determination is subject to judicial review.

The term "windfall profits" would be specifically defined in paragraphs (6) and (7). Such profits would refer only to profits earned during the period beginning with the enactment of the Act and ending on the date of its expiration. Actions to determine or recover windfall profits must be brought within one year of the Act's expiration.

Conference Substitute

Section 110 of the conference substitute is the same as the House amendment, except that—

(1) The section is no longer an amendment to the Emergency Petroleum Allocation Act.

(2) A new subsection 110(a) (10) has been added which provides that no provision of this section 110 in its entirety shall take effect prior to January 1, 1975. When section 110 does take effect on January 1, 1975, it shall apply to profits attributable to prices

charged after December 31, 1973 for crude, residual oil and refined petroleum products.

(3) A new and separate section 129 has been added to the conference substitute which requires the President to set prices for crude oil, residual fuel oil and refined petroleum products which avoid windfall profits. That term "windfall profits" is separately defined in that subsection to mean profits which are excessive or unreasonable, levels. The new section 129 shall be in effect taking into consideration normal profit only until December 31, 1974.

PROTECTION OF FRANCHISED DEALERS

Senate Bill

Section 607 would provide for protection of franchised dealers. The term "franchise" would mean any agreement or contract between a refiner or a distributor and a retailer or between a refiner and a distributor, as these terms were defined by the section. A refiner or distributor was prohibited from terminating a franchise unless he furnished prior notification to each affected distributor or retailer in writing by certified mail not less than 90 days prior to the date on which such franchise would be cancelled. Such notification must contain a statement of intention to terminate with the reasons therefor, the date on which such action would take effect, and a statement of the remedy or remedies available to such distributor or retailer. This franchise could not be terminated by the refiner or distributor unless the affected retailer or distributor failed to comply substantially with any essential and reasonable requirement of such franchise or failed to act in good faith in carrying out its terms, or unless such refiner or distributor withdrew entirely from the sale of petroleum products in commerce for sale other than resale in the United States.

A retailer with a franchise agreement could bring suit against a distributor or refiner whose actions affected commerce and who has engaged in conduct prohibited by this section. Similarly, a distributor could bring suit against a refiner. Such suits could be brought in a United States district court if commenced within three years after the cancellation, failure to renew, or termination of a franchise. The district court was empowered to grant the necessary equitable relief including declaratory judgment and injunctive relief. The court could grant an award for actual and punitive damages as well as reasonable attorney and expert witness fees.

House Amendment

Section 113 amended the Emergency Petroleum Allocation Act of 1973 to provide for fair marketing of petroleum products. Certain terms were defined, including "commerce" to mean commerce between a state and a point outside such state; "marketing agreement" to mean a specified portion of an agreement or contract between a refiner and a branded independent marketer.

The notice and termination requirements would be the same as those in the Senate bill except that termination could not be made for withdrawal from the market unless the refiner did not for three years after termination engage in the sale of petroleum products in the same relevant market area within which the terminated marketer operated. Another difference required a terminated marketer to bring suit in district court against a refiner within four years after the date of termination of such marketing agreement.

Conference Substitute

Section 111 of the conference substitute is the same as the Senate bill, except that—

(1) the terms "distributor", "refiner" and "retailer" are defined in terms of a person engaged in certain acts, rather than in terms of an oil company engaged in certain acts as in the Senate bill, and

(2) in the case of an action for failure to renew a franchise, damages would be limited

to actual damages including the value of the dealer's equity.

PROHIBITING OF UNREASONABLE ACTIONS

Senate Bill

No provision.

House Amendment

Section 115 provides that actions taken under the legislation, the Emergency Petroleum Allocation Act of 1973, or other Federal law resulting in allocation or restriction on the use of refined petroleum products and electrical energy must be equitable and not arbitrary or capricious or unreasonably discriminate among users.

In the case of allocations of petroleum products applicable to foreign commerce no foreign entity would receive more favorable treatment than that which is accorded by its home country to U.S. citizens in the same line of commerce. Allocations would include provisions designed to foster reciprocal and nondiscriminatory treatment by foreign countries of U.S. citizens engaged in foreign commerce.

Section 105(c) would provide that, to the maximum extent practicable, restrictions on the use of energy shall be designed to be carried out in such manner so as to be fair and to create a reasonable distribution of the burden on all sectors of the economy, without imposing an unreasonably disproportionate share on any specific industry, business, or commercial enterprise, and shall give due consideration to the needs of commercial, retail, and service establishments with unconventional working hours.

Conference substitute

Section 112 of the conference substitute is the same as the House amendment except that section 112(a) refers to allocation of petroleum products and electrical energy among classes of users. Section 112(b) incorporates the provisions of section 105(c) of the House amendment, without the specification that the normal function of commercial, retail, and service establishments must be to supply goods and services of an essential nature.

REGULATED CARRIERS

Senate Bill

Under section 204(b)(1), the Interstate Commerce Commission, the Civil Aeronautics Board, and the Federal Maritime Commission with respect to certain carriers which they regulate could make reasonable and necessary adjustments in the operating authority of such carriers in order to conserve fuel.

Section 204(b)(2) would require each of these agencies to report to the appropriate Committees of Congress within 15 days after enactment of the legislation on the need for additional regulatory authority to conserve fuel.

House Amendment

Sections 107(a) and 107(d) of the House amendment are substantially the same as the provisions of the Senate bill described above, except that the reports of the ICC, CAB, and FMC would not have to be submitted until 60 days after the date of enactment of the legislation.

In addition, section 107(b) would require the ICC to eliminate restrictions on the operating authority of any motor common carrier of property which require excessive travel between points. This would be done without disrupting essential service to communities served by any such carrier.

Section 107(c) would require the ICC to adopt rules which contribute to conserving energy by eliminating discrimination against the shipment of recyclable materials in rate structures and Commission practices.

Conference Substitute

Section 113 of the conference substitute is the same as the House amendment with two exceptions. The reports of the ICC, CAB, and

FMC must be submitted within 45 days after enactment and section 107(c) of the House amendment is deleted.

ANTITRUST LAWS

Senate Bill

Under section 314, the President would develop plans of action and could authorize voluntary agreements which are necessary to achieve the purposes of the legislation. In addition, the President could provide for the establishment of interagency committees and advisory committees.

Advisory committees would be subject to the Federal Advisory Committee Act of 1972 and would be chaired by a regular full-time Federal employee.

An appropriate representative of the Federal Government would attend each meeting of any advisory committee or interagency committee established under the legislation. The Attorney General and the Federal Trade Commission would be given advance notice of any meeting and could have an official representative attend and participate in any such meeting.

A verbatim transcript would be kept of all advisory committee meetings, and subject to existing law concerning the national security and proprietary information, would be deposited together with any agreement resulting therefrom with the Attorney General and the Federal Trade Commission. The transcript would be available for public inspection.

The Attorney General and the Federal Trade Commission would participate in the preparation of any plans of action or voluntary agreement and could propose any alternative which would avoid, to the greatest extent practicable, any anticompetitive effects while achieving the purposes of the legislation. They would also review, amend, modify, disapprove or prospectively revoke any plan of action or voluntary agreement which they determined was contrary to the purposes of section 314 or not necessary to achieve the purposes of the legislation.

If necessary to achieve the purposes of the legislation, owners, directors, officers, agents, employees, or representatives of two or more persons engaged in the business of producing, transporting, refining, marketing, or distributing crude oil or any petroleum product would meet, confer, or communicate in accordance with the provisions of section 314 and solely to achieve the objectives of the legislation. In those instances, such persons would have a defense against any civil or criminal action brought under the antitrust laws.

The Attorney General would be granted authority to exempt certain meetings, conferences, or communications from being chaired by a regular full-time Federal employee or from the requirement that a verbatim transcript be kept, deposited with the Attorney General and Federal Trade Commission and made available for public inspection.

The President could delegate the functions of developing plans of action, authorizing voluntary agreements, and providing for the establishment of interagency committees and advisory committees.

Section 708 of the Defense Production Act of 1950 would not apply to any action taken under this legislation or the Emergency Petroleum Allocation Act of 1973. The provisions of section 314 would apply to the latter Act, notwithstanding any inconsistent provisions of section 6(c) thereof.

There would be a defense available to any civil or criminal action brought under the antitrust laws arising from any course of action, meeting, conference, communication or agreement which was held or made in compliance with the provision of this section.

The Attorney General and the Federal Trade Commission would be responsible for monitoring any plan of action, voluntary agreement, regulation, or order approved

under section 314 to prevent anticompetitive practices and promote competition.

The Attorney General and the Federal Trade Commission would promulgate joint regulations concerning maintenance of documents, minutes, transcripts, and other records relating to the implementation of any plan of action, voluntary agreement, regulation, or order approved under the legislation. Persons involved in any such implementation would be required to maintain the record required by any such joint regulation and make them available for inspection by the Attorney General and the Federal Trade Commission at reasonable times on reasonable notice.

Actions taken by the Interstate Commerce Commission, the Civil Aeronautics Board, and the Federal Maritime Commission under section 204(b)(1) would not have as their principal purpose or effect the substantial lessening of competition among the carriers affected. Actions taken under that section would be taken only after providing an opportunity for participation to the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division.

House Amendment

The provisions of section 120 are similar to the provisions in the Senate bill described immediately above. However, the following differences should be noted:

The House version vests various powers and duties in the Administrator of the Federal Energy Administration. In the Senate version powers and duties were vested in the President.

The House version requires that advisory committees include representatives of the public and be open to the public.

The Administrator, subject to the approval of the Attorney General and the Federal Trade Commission would by rule promulgate standards and procedures by which persons engaged in the business of producing, refining, marketing, or distributing crude oil, residual fuel oil, or any refined petroleum product could develop and implement voluntary agreements and plans of action to carry out such agreements which the Administrator determines are necessary to accomplish the objectives of section 4(b) of the EPAA. Such standards and procedures would be promulgated under the section 553 of title 5, United States Code. Several standards and procedures are set forth and required by the legislation.

The Federal Trade Commission instead of the Attorney General could exempt types or classes of meetings, conferences, or communications from the requirement that a verbatim transcript be kept and deposited with the Attorney General and Federal Trade Commission and made available for public inspection and copying.

Any voluntary agreement or plan of action entered into under the section would have to be submitted in writing to the Attorney General and the Federal Trade Commission 20 days before being implemented and would be available for public inspection and copying.

The Attorney General and the Federal Trade Commission could each prescribe rules and regulations necessary or appropriate to carry out their responsibilities under the legislation.

The Attorney General and the Federal Trade Commission would each submit to the Congress and the President at least once every 6 months a report on the impact on completion and on small business of actions authorized by section 120.

The authority granted under section 120 and any immunity from the antitrust laws thereunder would terminate on December 31, 1974.

Retail and service establishments—Voluntary energy conservation agreements

Section 114 of the House amendment would provide that within fifteen days of

enactment of the legislation, the Administrator, in consultation with the Attorney General and the Federal Trade Commission, would promulgate standards and procedures for retail or service establishments to enter into voluntary agreements to limit operating hours, adjust retail-store delivery schedules and take such other action as the Administrator, after consultation with the Attorney General and the Federal Trade Commission, determines to be necessary and appropriate to accomplish the objectives of this Act.

Such standards and procedures would be promulgated pursuant to section 553 of title 5 of the United States Code. Among these standards and procedures would be provision for the filing of a copy of any agreement with the Attorney General and the Federal Trade Commission, which would be available for public inspection. Meetings held to develop and implement a voluntary agreement could be attended by interested persons, who would be afforded opportunity to make oral and written presentations, and such meetings shall be preceded by timely notice to the Attorney General, the Federal Trade Commission and be available for public in the affected community. A summary of such meeting, along with any written presentation of interested persons, would be submitted to the Attorney General and the Federal Trade Commission and be available for public inspection. Actions in good faith which are taken by firms in conformity with this section to develop and implement voluntary energy conservation agreements shall not be construed to be within the prohibitions of the antitrust laws of the United States, the Federal Trade Commission Act or similar State statutes.

Any voluntary agreement entered into under this section would be submitted to the Attorney General 10 days before being implemented. The Attorney General at any time on his own motion or upon request of any interested person could disapprove any voluntary agreement under section 114 and thereby withdraw prospectively any immunity from the antitrust laws.

No voluntary agreement under this section would pertain to activities relating to marketing and distribution of crude oil, residual fuel oil or refined petroleum products, which are matters dealt with under section 120. Also, this section is limited to those voluntary agreements in which all members have 75 per cent of their annual sales not for resale and recognized as retail in the particular industry, as determined by the Attorney General.

The Attorney General and the Federal Trade Commission would be required to submit to Congress and the President at least once every six months a report on the impact on competition and on small business of agreements authorized by this section.

Conference Substitute

Section 114 of the conference substitute is the same as section 120 of the House amendment, except that the authority granted and any immunity from the antitrust laws thereunder would terminate on May 15, 1975.

EXPORTS

Senate Bill

Subsection (e) of section 207 authorized the President to limit the export of gasoline, number 2 fuel oil, residual fuel oil, or any other petroleum product, pursuant to the Export Administration Act of 1969, to achieve the purposes of the Act.

House Amendment

To the extent necessary to carry out the purposes of the Act, section 123 authorized the Administrator by rule to restrict exports of coal, petroleum products, and petrochemical feedstocks, under such terms as he deems appropriate. He must restrict exports of such commodities if the Secretary of Commerce or the Secretary of Labor certified that such exports would contribute to unemployment

in the United States. The Administrator could use, but was not limited to, existing statutes such as the Export Administration Act of 1969. Rules should take into account the historical trading relations with Canada and Mexico and should not be inconsistent with section 4(b) and (d) of the Environmental Protection Agency Act.

Conference Substitute

Section 115 of the conference substitute follows the provisions of the House amendment. The authority of the Administrator to set appropriate terms for the restriction of exports of coal, petroleum products, and petrochemical feedstocks and the requirement that he do so upon certification by the Secretary of Commerce or the Secretary of Labor is the same as in section 123 of the House amendment.

In addition, the Secretary of Commerce, pursuant to the Export Administration Act of 1969 may restrict the exports of coal, petroleum products, and petrochemical feedstocks, and of materials and equipment essential to the production, transport, or processing of fuels to the extent necessary to carry out the purpose of this legislation and sections 4(b) and 4(d) of the Emergency Petroleum Allocation Act of 1973. If the Administrator certifies to the Secretary of Commerce that export restrictions of such commodities are necessary to carry out the purposes of this legislation, the Secretary of Commerce shall impose such export restrictions. The requirements for rules in the House amendment are also applied to actions taken by the Secretary of Commerce under the Export Administration Act of 1969.

The Committee has confined the export control authority to petrochemical feedstocks, coal, and petroleum products which are subject to allocation under the Emergency Petroleum Allocation Act of 1973. In using the term "petrochemical feedstocks" the Committee intends to identify the basic hydrocarbon derivatives of crude oil such as propane, butane, naphtha, olefins such as ethylene and propylene, aromatics such as benzene, toluene and the xylenes, extender oil used in the manufacture of rubber, and aromatic oils used in the manufacture of carbon black.

The Committee has vested separate authority in both the Administrator and the Secretary of Commerce (in connection with the administration of the Export Administration Act). This will insure that the essential needs of American consumers will be met and that private enterprises will not be permitted to export energy in a manner not in accord with the national interest.

EMPLOYMENT IMPACT AND WORKER ASSISTANCE Senate Bill

Section 208 would direct the President to take into consideration and minimize, to the fullest extent practicable, any adverse impact of actions taken under this Act upon employment. All government agencies would be directed to cooperate fully to minimize any such adverse impact.

Section 501 would direct the President to make grants to states to provide unemployment assistance to individuals as he deemed appropriate during the individual's unemployment. The individual must be not otherwise eligible for unemployment compensation or have exhausted his eligibility for it. There is a two-year limitation on the eligibility for such assistance and a limitation on the amount.

This section would also authorize the President to prescribe terms and conditions for the distribution of food stamps through the Secretary of Agriculture pursuant to the provisions of the Food Stamp Act of 1964, as amended, for so long as he determined necessary. The Secretary of Labor would be directed to provide reemployment assistance services under other laws to any unemployed

individual, including assistance to relocate in another area where employment was available.

The President would be directed, acting through the Small Business Administration, to make loans to aid in financing domestic projects required by the Administration for administration or enforcement of the Act for approved private and public applicants. The President would determine the terms and conditions of such financial assistance subject to stated exceptions.

The authorization of such appropriations as might be necessary to carry out the provisions of this section would be included. The Secretary of Labor must report to Congress on the implementation of this section no later than six months after enactment and annually thereafter. The report must include an estimate of the funds necessary in each of the succeeding three years.

House Amendment

Section 122 included provisions very similar to those in the Senate bill except that the distribution of food stamps and reemployment assistance and Small Business loans would not be provided for. Also, the President was required to report to Congress within 60 days of enactment on the present and prospective impact of energy shortages upon employment, the adequacy of existing programs to deal with such impact, and recommendations for legislation needed to adequately meet the needs of adversely affected workers.

Conference Substitute

Section 116 of the conference substitute is the same as the House amendment, except that the provision for authorization of appropriations is deleted.

In adopting this provision, the Conferees expressed the serious concern that a broad interpretation of this section could result in massive Federal expenditures beyond those intended by this provision. The Conferees therefore wish to make it clear that this section is intended to apply only to those persons directly unemployed as a result of the implementation of any of the authority provided for in this Act.

The authorization is limited to \$500,000,000 for the remainder of fiscal year 1974. Funds for this purpose must, of course, be appropriated by the Congress.

The Committee intends that at a time when the American people are being called upon to make sacrifices and share the burden of the energy shortage the Federal government should provide a program of unemployment assistance to State government that is adequate to cover essential human needs.

USE OF CARPOOLS AND GOVERNMENT MOTOR VEHICLES

Senate Bill

Section 605 directs the Secretary of Transportation to encourage the creation and expansion of the use of carpools and to establish within DOT an Office of Carpool Promotion and authorizes an appropriation of \$25,000,000 for the conduct of programs to promote carpools. Appropriated funds would be allocated to State and local governments in fixed proportions to carry out the promotion of carpooling. The Secretary would make a report to the Congress within one year after enactment of the legislation on his activities and expenditures under section 605.

Section 603 would generally preclude the use of funds for passenger motor vehicles or to pay the salaries of drivers of such vehicles unless they are operated out of carpools.

This would not apply to vehicles for the use of the President and one each for the Chief Justice, members of the President's Cabinet, and the elected leaders of Congress, or to vehicles operated to provide regularly scheduled service on a fixed route.

House Amendment

Section 116(a)-(f) of the House amendment is generally the same as the provisions

of section 605 of the Senate bill with respect to carpools, except that only \$1 million is authorized to carry out the provisions of the section. Section 116(g) would define local governments and local units of government.

The President under section 116(h) would be required to take action to require all agencies of the Government, where practicable, to use economy model motor vehicles.

Section 116(h) would also specify the number of "fuel inefficient" motor vehicles which could be purchased for the Federal Government in fiscal years 1975 and 1976.

Section 116(i) would direct the President to take action to prevent with specified exceptions any officer or employee in the Executive Branch below the rank of Cabinet officer from being furnished a limousine for his individual use.

Conference Substitute

Section 117(a) through (h) of the conference substitute is the same as section 116(a) through (h) of the House amendment with two exceptions. The sum of \$5 million, not \$1 million, is authorized to be appropriated for the conduct of programs to promote carpools, such authorization to remain available for two years. Also, the provisions in section 116(h) of the House amendment on government motor vehicles specifying the number of "fuel inefficient" motor vehicles which could be purchased has been deleted.

ADMINISTRATIVE PROCEDURE AND JUDICIAL REVIEW

Senate Bill

Section 311(a) would waive the more time-consuming procedures of the Administrative Procedure Act, notably the requirements of adjudicatory hearings according to section 554 of title 5, United States Code, which could otherwise apply to functions exercised under the Act. However, the requirements of sections 552, 553 (as modified by section 311(b) of the Act), 555 (c) and (e), and 702 would apply to such functions.

Section 311(b) would require that all rules, regulations, or orders promulgated pursuant to the Act be subject to the provisions of section 553 of title 5, United States Code, with the following exceptions: (1) Notice and opportunity to comment (a minimum of five days) by publication in the Federal Register of all proposed general rules, regulations or orders (this requirement could be waived upon a finding that strict compliance would cause grievous injury); (2) public notice of State rules, regulations, or orders promulgated pursuant to section 203 of the Act by widespread publication in newspapers of statewide circulation, and (3) public hearings on those rules, regulations, or orders issued by authorized agencies and determined to have substantial impact, to be held prior to implementation to the maximum extent practicable and no later than sixty days following implementation.

Section 311(c) (1) would require, in addition to the requirements of section 552 of title 5, United States Code, any agency authorized to issue rules or orders to make available to the public all internal rules and guidelines upon which they are based, modified as necessary to insure confidentiality protected under such section 552. Such agency must publish written opinions on any grant or denial of a petition requesting exemption or exception within thirty days with appropriate modifications to insure confidentiality.

Authorized agencies would also be required to make adjustments to prevent hardships and establish procedures available to any person making appropriate requests.

Section 311(d) would require the President's proposals submitted pursuant to section 301 of the Act to include findings of fact and explanation of the rationale for each provision, proposed procedures for the removal of restrictions imposed, and a schedule

for implementing the provisions of section 552 of title 5, United States Code.

Section 312 contained judicial review provisions. National programs required by the Act and regulations establishing such national programs could be challenged only in the United States Court of Appeals for the District of Columbia within 30 days of the promulgation of the regulations. Programs and regulations of general, not national, applicability (to a State, or several States, or portions thereof) could be challenged only in the United States Court of Appeals for the appropriate circuit within 30 days of promulgation. Otherwise, the United States district courts would have original jurisdiction of all other litigation arising under the Act.

However, this section would not apply to actions taken under the act by the Civil Aeronautics Board, the Interstate Commerce Commission, the Federal Power Commission, or the Federal Maritime Commission. The judicial review provisions in their respective organic acts would apply for the sake of uniformity.

House Amendment

Section 109(a) would provide for the streamlining of administrative procedures for actions taken pursuant to this Act and the Emergency Petroleum Allocation Act, including the formulation of energy conservation plans.

Actions taken under title I of the bill and under the allocation exchange authority in section 205 would be subject to special administrative procedure and judicial review provisions. Section 109 would provide expedited administrative procedures for Federal actions. These same procedures would also apply to State actions unless the Federal Energy Administrator specified different but comparable procedures for the State. Included among the procedures are publication and notice and an opportunity for comment on agency rules and orders. All rules and orders issued by Federal and State agencies both under title I and under the new subsections (h) and (i) of section 4 of the Emergency Petroleum Allocation Act would be required to include provisions for making adjustments in hardship cases.

Section 109(b) would provide judicial review of rules issued under these provisions in the Temporary Emergency Court of Appeals which was created under the Economic Stabilization Act. Orders issued in individual cases would be reviewed first in the United States district court and then in the Temporary Emergency Court of Appeals.

Section 109(c) would authorize the Administrator to prescribe by rule procedures for State or local boards carrying out functions under the Act or the Emergency Petroleum Allocation Act. Such procedures would apply in lieu of those in section 109(a) and would require notice to affected persons and an opportunity for presentation of views. Such boards must be of balanced composition reflecting the makeup of the community as a whole.

The bill would not alter the judicial review provisions of the Clean Air Act. These would continue to apply to actions taken by the Administrator of EPA under that Act, including the amendments made to that Act by the Energy Emergency Act.

Conference Substitute

Section 118 of the conference substitute incorporated provisions of both the Senate bill and the House amendment. The administrative procedures of section 118(a) are the same as the streamlined administrative procedures of section 109(a) of the House amendment, with the addition of section 311 (c) (1) of the Senate bill as section 118(a) (5) of the conference substitute.

Section 118(b) on judicial review is the same as section 312 of the Senate bill, except that any actions taken by any State or local officer who has been delegated authority

under section 122 of the conference substitute would be subject either to district court jurisdiction or to appropriate State courts.

PROHIBITED ACTS

Senate Bill

No provision.

House Amendment

Section 110 stated that the following acts would be prohibited under the Act: (1) to deny full fillups of diesel fuel to trucks, unless a rationing program is in effect which restricts such full fillups to trucks or if the diesel fuel is not available for sale; (2) to violate any order concerning the use of coal as a primary energy source pursuant to section 106; (3) to violate export restrictions established under section 123; (4) to violate any order of the Renegotiation Board issued pursuant to its authority under section 117.

Conference Substitute

Section 119 of the conference substitute makes it unlawful for any person to violate any provision of Title I of this legislation (except provisions making amendments to the Emergency Petroleum Allocation Act and section 113) or to violate any rule, regulation (including an energy conservation plan), or order issued pursuant to such provisions.

ENFORCEMENT

Senate Bill

Section 306 provided for application by the Attorney General to the appropriate United States district court to restrain violation of the Act or regulations or orders issued thereunder by issuing a temporary restraining order, preliminary or permanent injunction.

Section 307 provided for a criminal penalty or not more than \$5,000 for each willful violation of any order or regulation issued pursuant to the Act and a civil penalty of not more than \$2,500 for each day of each violation of any order or regulation issued pursuant to the Act. In addition, subsection (c) made it unlawful to sell or distribute in commerce any product or commodity in violation of an applicable order or regulation. Any person who knowingly and willfully, after having been subjected to a civil penalty for a prior violation of any order or regulation violated the same provision of that order or regulation would be fined not more than \$50,000 or imprisoned not more than six months, or both.

House Amendment

Section III provided for fines up to \$5,000 for each willful criminal violation of the Act, and civil penalties up to \$2,500 for each violation of any provision of a prohibited act.

The Attorney General was authorized by this section to obtain temporary restraining orders or preliminary injunctions against actual or impending violations of this Act. It also provided for the private injunction actions.

Conference Substitute

Section 120 of the conference substitute is the same as the House amendment. In addition, the provisions of subsection (c) of section 307 of the Senate bill are included.

USE OF FEDERAL FACILITIES

Senate Bill

Section 305 would provide for the use of surplus government equipment or facilities, whenever practicable and to facilitate the transportation and storage of fuel, by domestic public entities and private industries for the duration of the emergency. Arrangements for such use with Federal agencies or departments must be made at fair market prices and only if such facilities or equipment would be needed, otherwise unavailable, and not required by the Federal government.

House Amendment

No provision.

Conference Substitute

Section 121 of the conference substitute is the same as the Senate bill, except that such government equipment or facilities must also be appropriate to the transportation and storage of fuel and can be acquired as well as used by domestic public entities and private industries. The use of federal facilities is authorized during the period beginning on the date of enactment and ending May 15, 1975.

This provision was adopted by the conferees primarily for the purpose of freeing for use tankers now being kept in "mothballs" by the Armed Services. Such tankers, largely left over from World War II could be used by private carriers for storing oil or for transporting oil in coastwise trade where the Jones Act would otherwise prohibit the use of foreign tankers. It was the express intent of the conferees that any use of such surplus Federal equipment would not put the Federal government in the transportation business. The Navy, for example, would not be required to operate any tankers used for private shipment of oil.

DELEGATION OF AUTHORITY AND EFFECT ON STATE LAWS

Senate Bill

Section 304 would provide that only State laws or programs which are inconsistent with this legislation would be superseded by it.

House Amendment

Section 108 would permit the Administrator to delegate all or any of his functions under the Act or the EPAA to any officer or employee of the Federal Energy Administration. He could also delegate any of his functions relative to implementation of regulations and energy conservation plans under either of such Acts to State officers or State and local boards of balanced composition. This section would also repeal section 5(b) of the EPAA, effective on the date of transfer of functions under such Act to the Administrator.

Conference Substitute

Subsection (b) is the same as the Senate bill, except that a technical amendment is made reflecting the fact that the term "regulation", "order" and "energy conservation plan" are used in the legislation rather than "program".

Subsection (b) is the same thing as the Senate bill, except that a technical amendment is made reflecting the fact that the terms "regulation", "order" and "energy conservation plan" are used in the legislation rather than "program".

The administrative mechanism for the implementation of the conservation and rationing program provided for in the Act must be such as to insure equity on a nationwide basis. At the same time it is imperative that it be responsive to the varying conditions and unique problems of the several States and regions of the Nation. For that reason, the conferees drew from both the House and Senate bills in drafting sections 104 and 122 which authorizes the Administrator to delegate functions assigned to him. Such delegation may be to either State and regional officers of the Administration or to the officers of a State or locality. For the implementation of rationing programs the establishment and use of State or local boards to handle hardship appeals and perform other functions is authorized. To insure that any rationing program is as just and equitable as possible, section 122 specifically requires that State or local boards must be of balanced composition so as to reflect the make up of the community as a whole. This provision is intended to insure that the interests of all classes of users are both represented and protected. The Act authorizes the appropriation

of funds from which the Administrator may make grants to the States for the exercise of such authority as he may delegate or for the Administrator of State or local energy conservation measures which are independent of the authority in this Act.

GRANTS TO STATES

Senate Bill

Section 315 would authorize the President to make grants to any State or major metropolitan government, in accordance with but not limited to, section 302 for the purpose of assisting, developing, administering, and enforcing emergency fuel shortage contingency plans under the Act and fuel allocation programs authorized under the Emergency Petroleum Allocation Act of 1973.

House Amendment

Section 112 authorized to be appropriated such sums as might be necessary for the purpose of making grants to States to which the Federal Energy Administrator has delegated authority under section 109. The Administrator would prescribe the terms and conditions for such grants.

Conference Substitute

Section 123 of the conference substitute authorizes funds for the Administrator of the Federal Energy Emergency Administration to make grants to States for the purposes of implementing authority he has delegated to them, or for the administration of appropriate State or local conservation measures where exempted from Federal conservation regulations under section 105 of the Act.

In authorizing grants to States for the purpose of carrying out their responsibilities implementing this Act, it was the express intent of the conferees, that, if a rationing program were implemented, additional sums would need to be appropriated for grants in aid to the States for their participation in the rationing program.

REPORTS ON NATIONAL ENERGY RESOURCES

Senate Bill

No provision.

House Amendment

Section 126 would require the Administrator to issue regulations requiring persons doing business in the United States who on the effective date of the legislation are engaged in exploring, developing, processing, refining, or transporting by pipeline, any petroleum product, natural gas, or coal, to provide reports to the Administrator.

Such reports would be submitted every 60 days and a report would be required to cover the period from January 1, 1970, to the date covered by the first 60-day report.

Each report would show for the period covered the person's (1) reserves of crude oil, natural gas, and coal, (2) production and destination of any petroleum product, natural gas, and coal, (3) refinery runs by-product, and (4) other data required by the Administrator.

The Administrator would publish quarterly in the *Federal Register* a summary analysis of the data provided by such reports.

These reporting requirements would not apply to retail establishments.

Where any person is reporting all or part of the required data to another Federal agency, the Administrator could exempt the person from reporting all or part of the data to him and such other Federal agency would provide the data to the Administrator.

Provisions are included to protect trade secrets and proprietary information.

Conference Substitute

Section 124 of the Conference substitute is the same as the House amendment.

INTRASTATE GAS

Senate Bill

Section 210 of the Senate bill would require the President, within 90 days after en-

actment of the legislation, to promulgate a plan for the development of hydroelectric resources. Such plan would provide for expeditious completion of projects authorized by Congress and for the planning of other projects designed to utilize available hydroelectric resources, including tidal power.

House Amendment

Section 119 is the same as the Senate provision except that it would also apply to solar energy, geothermal resources, and pumped storage.

Conference Substitute

Section 125 of the conference substitute provides that nothing in the legislation shall expand the authority of the Federal Power Commission with respect to non-jurisdictional natural gas.

EXPIRATION

Senate Bill

Subsection (d) of section 202 would provide in part that the nationwide energy emergency and the authority granted by the Act would terminate one year after the date of enactment.

House Amendment

Subsection (b) of section 125 would provide for the expiration of all authorities granted under Title I of the Act or under the Emergency Petroleum Allocation Act on May 15, 1975.

Conference Substitute

Section 126 of the conference substitute follows the House amendment by providing that the authority under Title I to prescribe any rule or order or take other action shall expire on midnight, May 15, 1975. In addition, the authority under Title I to enforce any such rule or order shall likewise expire; however, such expiration shall not affect any action or pending proceedings, civil or criminal, not finally determined on such date, nor any action or proceeding based upon any act committed prior to midnight, May 15, 1975.

AUTHORIZATION OF APPROPRIATIONS

Senate Bill

Section 318 would authorize to be appropriated such funds as were necessary for purposes of the Act.

There were authorizations of appropriations for particular provisions which have been considered in the appropriate sections of this statement.

House Amendment

The House amendment contained no provision for the authorization of funds to carry out all provisions of the Act but included authorizations of appropriations for particular provisions which have also been considered in the appropriate sections of this statement.

Conference Substitute

Section 127 of the conference substitute authorizes an appropriation to the Federal Energy Emergency Agency to carry out its functions under this legislation and under other laws, and to make grants to States under section 123, of \$75,000,000 for each of the fiscal years 1974 and 1975. In addition, for the purpose of making payments under grants to States to carry out energy conservation measures under section 123, \$50,000,000 is authorized to be appropriated for fiscal year 1974 and \$75,000,000 is authorized to be appropriated for the fiscal year 1975. Also, for the purpose of making payments under grants to States under section 116, \$500,000,000 is authorized to be appropriated for fiscal year 1974.

SEVERABILITY

Senate Bill

Section 319 would provide that if any provision of the legislation or the applicability thereof is held invalid, the remainder of legislation would not be affected thereby.

House Amendment

No provision.

Conference Substitute

Section 128 of conference substitute follows the Senate bill and also specifies that if the application of any provision to any person or circumstance shall be held invalid, such application to other persons or circumstances shall not be affected thereby.

IMPORTATION OF LIQUEFIED NATURAL GAS

Senate Bill

No provision.

House Amendment

Section 118 would amend the Emergency Petroleum Allocation Act of 1973 by adding a new section 9. This new section 9 would authorize the President to permit liquefied natural gas imports on a shipment-by-shipment basis until the expiration of the legislation.

Conference Substitute

The Senate recedes.

PROHIBITION AGAINST FUEL ALLOCATION FOR CERTAIN SCHOOL BUSING

Senate Bill

No provision.

House Amendment

Section 103 would add a new section 4(k) to the Emergency Petroleum Allocation Act of 1973. Under section no refined petroleum product could be allocated under a mandatory fuel allocation regulation made under section 4(a) of that Act to be used to transport any public school student to a school farther than the public school closest to his home offering the courses for the grade level and course of study of the student which is within the school attendance district where the student resides.

This would not prevent the allocation of refined petroleum products for transportation to relieve overcrowding, to meet needs for special education, or if the transportation is within the regularly established neighborhood school attendance areas.

These provisions would not take effect until August 1, 1974.

Conference Report

The House recedes.

NATIONAL ENERGY EMERGENCY ADVISORY COMMITTEE

Senate Bill

Section 310 would establish a National Energy Emergency Advisory Committee to advise the President with regard to implementation of this legislation. The Chairman of the Committee would be the Director of the Office of Energy Policy.

The Committee would consist of 20 members (in addition to the chairman) appointed by the President representing specified interests.

The heads of listed Federal departments, agencies, and instrumentalities would designate a representative to serve as an observer at each meeting of the Committee and to assist the Committee in performing its functions.

House Amendment

No provision.

Conference Substitute

The Senate recedes.

SMALL BUSINESS AND HOMEOWNER ASSISTANCE

Senate Bill

Section 209 would amend the Internal Revenue Code to allow a taxpayer to deduct an energy-conserving residential improvement expense, not to exceed \$1,000, paid or incurred by him during the taxable year on his tax return for such year. These amendments apply to taxable years ending after the date of enactment of the Act and expire on termination of the Act.

Section 308 would authorize the Federal Housing Administration and the Small Business Administration to make low interest

loans to homeowners and small businesses for the purpose of installing insulation, storm windows, and more efficient heating units. Detailed requirements were set out to express the intent of Congress that small business enterprises should cooperate to the maximum extent possible to achieve the purposes of the Act and their varied needs should be considered by all levels of government in implementing emergency fuel shortage contingency programs. Any controls instituted should be equitably applied to large and small businesses and the unique problems of retailing establishments and small businesses should be considered in implementing the provisions of the Act to avoid discrimination and undue hardship.

House Amendment

No provision.

Conference Substitute

The Senate recedes.

Although the Senate receded from the provisions of their bill because of a jurisdictional question on the part of the House, the conferees agreed that the provisions of the Senate bill merited implementation by the appropriate agencies. The conferees urge that the Small Business Administration, and the Department of Housing and Urban Development would consider and implement regulations permitting assistance in the form of low interest loans to persons otherwise eligible for such assistance for the purposes of installing energy saving features in homes or places of business.

INTERNATIONAL AGREEMENTS

Senate Bill

Section 202(b) would authorize the President to enter into agreements with foreign entities, or to take such other action as he deems necessary, with respect to trade in fossil fuels, to achieve the purpose of the legislation. Any formal agreement would be submitted to the Senate and would be operative but not final until the Senate had 15 days, at least 7 of which were legislative days, to disapprove the agreement.

Section 202(c) expresses the sense of Congress that the energy crisis is also an international problem and therefore the United States should attempt to reach an agreement with other member nations of the Organization for Economic Cooperation and Development with respect to supplies of energy available to the industrialized nations of the free world with special reference to joint or cooperative research and development of alternative sources of power.

House Amendment

No provision.

Conference Substitute

The Senate recedes.

Although the Senate receded on these provisions because of a jurisdictional problem on the House side, the conferees wish to make clear that the section was dropped without prejudice from the bill.

CONSULTATIONS WITH CANADA

Senate Bill

Section 601 would direct the President to convene consultations with the Government of Canada at the earliest possible date to safeguard joint national interests through consultations on encouraging trade in natural gas, petroleum, and petroleum products between the two nations. The President must make an interim report to Congress on the progress of such consultations within forty-five days after enactment and a final report with legislative recommendations ninety days of enactment.

House Amendment

No provision.

Conference Substitute

The Senate recedes.

TITLE II.—COORDINATION WITH ENVIRONMENTAL PROTECTION REQUIREMENTS

SHORT-TERM AND LONG-TERM SUSPENSIONS

Short term

Senate Bill

The Senate bill would have allowed temporary suspensions of any emission limitation requirement or compliance schedule contained in a state implementation plan, regardless of whether the origin of the suspended provision was in State, Federal, or local law. Suspensions could only be granted during the period commencing November 15, 1973, and ending August 15, 1974, and no suspension could last beyond November 1, 1974. Only currently existing stationary fuel-burning sources which had been deprived of their supplies of clean fuel by actions taken by the President under the Senate bill itself would have been eligible to receive for suspensions, and no suspension could be granted unless the Administrator of EPA found either (1) that a suspension was essential to enable clean fuels to be redistributed to another area in order to avoid or minimize violations of primary air quality standards, or (2) that the source in question was not likely to have available a sufficient supply of clean fuels even after all practicable steps to allocate such fuels had been taken. Suspension would only last for as long as clean fuels were unavailable. Where practicable, a suspension would be conditioned on the source's agreeing to keep on hand an emergency supply of clean fuel to burn during periods of air stagnation. The Administrator could deny any suspension request if he found that an imminent and substantial endangerment to the health of persons would result from granting it.

Suspension applications would be heard under abbreviated administrative procedures, and would not be subject to judicial review under Sections 304 or 307 of the Clean Air Act.

Short term

House Amendment

The House amendment would have allowed the Administrator of EPA during the period between enactment and May 15, 1973, to suspend any fuel or emission limitation (including compliance schedules) contained in an applicable implementation plan. The only ground for granting such a suspension would be inability to comply with the suspended requirement due to unavailability of types or amounts of fuels. Interim requirements of emission control could be imposed as a condition of suspension.

No procedural requirements would apply to suspension applications under the terms of any law, and judicial review of their grant or denial would be severely restricted.

Long term

Senate Bill

The Senate bill provided for revisions of State implementation plans, which could be requested by either individual sources or by a State. The Administrator would be required to approve or disapprove suspension applications within 60 days if requested by a source, or within 120 days if requested by a State. For a revision requested by a source to be approved, the Administrator would have to determine, after notice and opportunity for presentation of views, (1) that the source was able to enter into a contract either for a permanent continuous emission reduction system which the Administrator determined to have been adequately demonstrated or for a long term supply of low sulfur fuel and (2) that the revision was consistent with the implementation plan so that ambient air quality standards would still be attained. The Administrator's approval would have to be conditioned on the source actually entering into such contract. Any plan revision, whether requested by a source of a State, would have to include legally enforceable compli-

ance schedules for the fuel burning sources affected by the revision. The schedule would establish continuous emission reduction measures to be employed by the sources, including interim steps of progress toward implementation of such measures, and would provide for alternate emission control measures that could be employed during the interim period before final compliance with the applicable emission limitations to minimize pollutant emissions. Any such revisions could defer compliance only until July 1, 1977, although a one-year extension pursuant to section 110(f) of the Act would be authorized.

Long term

House Amendment

The House amendment provided that the Administrator could suspend fuel or emission limitations upon his own motion or upon the application of a source of a State (1) if he found that the source could not comply because of the unavailability of types and amounts of fuels, (2) if the suspension would not cause violations of a primary ambient air quality standard beyond the time provided for attainment of such standard in the plan, and (3) if the source were placed on a compliance schedule, with increments of progress, which would provide for the source to use methods of emission control that would assure continuing compliance with a natural ambient air quality standard as expeditiously as practicable. No such suspension could defer compliance beyond June 30, 1979. Notice and opportunity for presentation of views would be required before approval of any such suspension. The compliance schedule would have to include a date for entering into a contractual obligation for an emission reduction system which the Administrator had determined to be adequately demonstrated. A source could also construct and install such a system itself if it provided plans and specifications for installation of such a system. Sources were given the option of not providing a compliance schedule with a contract date, or plans for an emission reduction system, if the source elected (prior to May 15, 1977) not to provide one, and established to the satisfaction of the Administrator that it had binding, enforceable rights of sufficient low polluting fuels or other means of insuring long-term compliance. If such an election were made, the amendment would limit the suspension to no later than May 15, 1977. In granting suspensions, the Administrator could impose interim requirements to minimize adverse health effects before the primary ambient air quality standard was achieved and to assure maintenance of the standard where the suspension extended beyond the attainment date deadline.

The House amendment specifically provided that such interim requirements could include intermittent control measures which the Administrator determined to be reliable and enforceable and which would permit attainment and maintenance of primary ambient air quality standards during the suspension. The interim requirements would include the obligation to utilize fuels or emission reduction systems that would permit compliance with the suspended fuel or emission limitation when such fuels or systems became available. However, use of such fuel would not be required if the costs of changing the source to permit it to burn the fuel would be unreasonable.

The House amendment also provided additional provisions making the terms of such suspensions enforceable under the Clean Air Act and to require the Administrator to publish reports at 180-day intervals on the status and effect of such suspensions. Limited judicial review of any suspension was also specified.

A specific exemption of certain coal-fired steam electric generating plants from fuel or emission limitations was provided for in the

House amendment. Only facilities which were to be permanently taken out of service by December 31, 1980, and which had certified such fact to the satisfaction of the Federal Power Commission would be eligible for such exemption. Interim requirements could, however, be imposed on such facilities. The suspension would be authorized whenever the Administrator determined that compliance was unreasonable in light of (1) the useful life of the facility, (2) the availability of rate increases, and (3) the risk to the public health and the environment of such exemption.

The House Amendment also contained a separate provision in section 106(b) which provided for suspension of fuel or emission limitations that would prohibit the use of coal with respect to any source which was ordered to convert to coal by the Administrator of the Federal Energy Administration pursuant to section 106(a) of the House bill or which had voluntarily begun to convert to coal prior to the effective date of the Act. The suspension would have extended to January 1, 1980, and would have been available only if the Administrator of the Environmental Protection Agency approved, after notice and opportunity for presentation of oral views, a plan submitted by the source. The plan would, in order to be approved, have to provide (1) that the power plant would use the control technology necessary to permit the source to comply with national ambient air quality standards as expeditiously as practicable; (2) that the power plant was placed on a schedule providing for the use of emission reduction systems as soon as practicable but no later than June 30, 1979, and (3) that the power plant would comply with such interim requirements as the Administrator of the Environmental Protection Agency prescribed to insure that the power plant would not contribute to a substantial risk to public health. Such plans were to be approved before May 15, 1974, or within 60 days after submittal if submitted after that date.

The Administrator of the Environmental Protection Agency was, however, authorized, after notice and opportunity for presentation of oral views, to prohibit the use of coal if he determined that the use of coal would be likely to materially contribute to a significant risk to public health, or to require the use of a particular grade of coal if it were available to the power plant.

Conference Substitute

The conference substitute provides for short term suspension of stationary source fuel or emission limitations but, with one exception, does not authorize long term suspension of such limitations. The conference substitute adds a new section 119 of the Clean Air Act which will permit the Administrator of the Environmental Protection Agency to suspend until November 1, 1974, any stationary source fuel or emission limitation, either upon his own motion or upon the application of a source or a State, if the source cannot comply with such limitations because of unavailability of fuel. The Administrator of the Environmental Protection Agency is directed to give prior notice to the Governor of the State and the chief executive of the local governmental unit where the source is located. He is also directed to give notice to the public and to allow for the expression of views on the suspension prior to granting it unless he finds that good cause exists for not providing such opportunity. Judicial review of such suspension would be restricted to certain specified grounds.

The Administrator is required to condition the granting of any suspension upon adoption of any interim requirements that he determines are reasonable and practicable. These interim requirements must include necessary reporting requirements, and a provision that the suspension would be inap-

pliable during any period when clean fuels were available to such source. The Administrator would be required to determine when such fuels were in fact available. It is the intent of the conferees that the Administrator in making such determination take into consideration the costs associated with any changes that would be required to be made by the source to enable it to utilize such fuel. No source which has converted to coal under section 119, however, could be required under this provision to return to the use of oil.

The suspension would also be conditioned on adoption of such measures as the Administrator determines are necessary to avoid an imminent and substantial endangerment to the health of persons. This would authorize not only requirements that a facility shut down during air pollution emergencies, but also (for example) a requirement that it keep a reserve supply of clean fuels on hand to be burned to avoid such emergencies.

The purpose of the short term suspension provision is to enable sources to continue operation during the immediate fuel shortage while at the same time limiting as much as possible the impact on air quality. In rejecting the provisions for long term suspensions, the conferees were of the opinion that more information and experience should be acquired before any long term postponement of emission limitations was authorized. If additional tools for dealing with energy shortages are needed by the end of 1974, the Congress can address the issue prior to that time. For this reason both the provisions in section 402 of S. 2589 and section 119(b) of section 201 of H.R. 11882 were rejected.

In recognition of the need to balance energy needs with environmental requirements and the unique problems facing any source which is converted to coal in response to the emergency, the conferees adopted a provision which provides that no fuel or emission limitation (as defined in the conference substitute) could have the effect of prohibiting any such source from burning coal. The conference version would prohibit the application of such fuel or emission limitations to sources which are either ordered to convert to coal or which began to convert to coal during the 90-day period prior to December 15, 1973. This prohibition against application of such limitation to such source could continue until as late as January 1, 1979. The prohibition would only apply if the source were placed after notice and opportunity for oral presentation of views, on a schedule approved by the Administrator of the Environmental Protection Agency. The schedule must provide a timetable for compliance with the fuel or emission limitations of the applicable plan no later than January 1, 1979, and must provide for compliance with interim requirements that will assure that the source will not materially contribute to a significant risk to public health.

The term "significant risk to public health" is used in several instances in section 119. The conferees are aware that the Environmental Protection Agency, taking its lead from the Senate Committee Report on section 303 of the Clean Air Amendments of 1970, has defined "imminent and substantial endangerment" by regulation as a significant risk to the health of persons and has specified levels for various pollutants which reflect its judgment as to where those risks occur. The conferees emphasized that the language which is used in this section is not used in the same sense as in the EPA regulations. Rather, the language of the conference substitute, as with the House-passed bill, deals with risks to health which are less severe than those specified by the Agency's "endangerment" regulations. What is intended is that some violation of the national primary ambient air quality standards can be permitted so long as any of the

public would not be exposed to significant health risks.

The timetable for compliance which must be included in the schedule will specify a means of compliance. If the source chooses to utilize low sulfur coal or coal by-products, so that the standards will be met without use of continuous emission reduction equipment the schedule must provide for compliance as expeditiously as practicable but no later than January 1, 1979. If the source elects to use fuel which will require the use of permanent emission reduction equipment, the schedule must provide that such equipment will be purchased, installed, tested, adjusted, and in operation in time to permit compliance no later than January 1, 1979. It is the intent of the conferees that when the source selects coal which will require the use of continuous emission reduction equipment, the source will have as much time as necessary to install the equipment and achieve compliance in order to permit the orderly development of technology.

In recognition of the complex factors involved in determining schedules for the various sources, the conferees intend that the Administrator have broad discretion in prescribing and approving schedules of compliance to insure that sources meet the requirements of this section without overburdening production capacity for continuous emission reduction systems or causing unacceptable disruption in energy production capacity.

In addition, the conference committee believes that sources which intend to rely on using coal that will meet applicable requirements without reliance on continuous emission reduction systems should enter into the necessary long-term supply contracts as soon as possible to assure opening new mines. It is expected that the Administrator would include, but would not be limited to, the following requirements in such schedule:

(1) the dates by which the source will solicit bids and enter into binding contractual agreements (or other equally binding commitment) for the procurement of an adequate fuel supply to permit continued long term operation of the source;

(2) where the coal obtained by the source has pollutant characteristics which will require installation of continuous emission reduction equipment to enable the source to comply with emission limitations, the dates for soliciting bids for such equipment, contracting for such equipment, and installation and start-up of such equipment by a date that will permit a reasonable time for necessary adjustments of the equipment to maximize the reliability and efficiency of the system prior to January 1, 1979; and

(3) reasonable interim measures which the source should employ to minimize the adverse impact on air quality.

In establishing dates for contracting for coal, the Administrator should determine the earliest date that is reasonable and which will permit compliance by the time specified in this section. Because the dates for obtaining fuels or system may occur at approximately the same time for more than one source which may overburden suppliers, the Administrator is specifically authorized to establish differing dates for obtaining fuels or equipment to insure availability of supplies of such fuels or equipment. In making such decisions, it is expected that the Administrator will provide the earliest date for those sources in areas with the most serious pollution problems.

The provision relating to conversions under section 119(b) does not apply to fuel burning stationary sources which would propose to convert to petroleum products or natural gas. Only fuel burning stationary sources which select coal, receive EPA approval and submit a new compliance schedule which will achieve applicable emission

limitations by January 1, 1979 can take advantage of section 119(b) beyond November 1, 1974. After November 1, 1974, fuel burning stationary sources which choose to convert to oil remain subject to compliance schedules which were applicable prior to the temporary suspension.

The conference bill does provide for two exceptions to the prohibition on enforcing fuel or emission limitations. The Administrator, or a State or local governmental unit, may, after notice and opportunity for presentation of oral views, if practicable, prohibit the use of coal if it is determined that such use will materially contribute to a significant risk to public health. The Administrator, or a State or local government unit, may also require that a source use a particular grade of coal or coal with particular pollutant characteristics if such coal is in fact available to such source.

The conference bill makes explicit that the period of inapplicability under section 119 (b) of State implementation plan requirements may be extended for one year under the procedure of section 110(f) of the Clean Air Act. It is the intent of the conferees, however, that the requirement of that section be clearly satisfied before any one year suspension is granted; the conferees believe that requiring compliance by 1979 should permit adequate time for all sources to achieve compliance. The additional one year postponement to 1980 should only be necessary to accommodate strikes, natural disasters or other unanticipated occurrences that may prevent compliance by that time.

The House-passed bill would have permitted the use of so-called intermittent or alternative control strategies as a means of meeting ambient air quality standards if such strategies were determined by the Administrator to be reliable and enforceable. This permission would have applied to both existing sources not affected directly by the energy emergency and sources required to convert to coal under the emergency legislation.

The Senate bill would have permitted revision of existing implementation plans to require use of continuous emission reduction systems on any fuel-burning stationary sources affected by shortages of fuels, suspensions or conversions.

The conference agreement does not include either of the foregoing broad provisions. Instead, the conferees decided to limit the application of this provision to those sources which convert to combustion of coal as a result of the energy emergency. The conference substitute requires these converting sources to come into compliance with all plan requirements by 1979 (or 1980, if a postponement is obtained under section 110 (f)) in accordance with a schedule which meets requirements of regulations of EPA. These requirements would require incremental steps toward compliance by utilization of low sulfur coal or coal by-products, or by continuous emission reduction systems to permit the combustion of high sulfur coal (or coal with high ash content) in compliance with such plan requirements.

The right to continue to burn coal until January 1, 1979, would extend to sources which began converting to coal use at any time between September 17 and December 15, 1973. A source should be regarded as having begun a coal conversion if it has made significant efforts to obtain an adequate supply of coal to justify conversion, such as having solicited bids for an adequate coal supply. The Administrator would have to determine whether any such efforts were made in good faith as part of a determination by the source owner or operator to convert to coal in the face of anticipated short falls in its supply of petroleum or natural gas.

The conference bill includes the House amendment provision which authorizes the

Administrator of the Environmental Protection Agency to allocate continuous emission reduction systems among users where supplies are less than demand. This provision is modified in the conference substitute to include the stipulation in the Senate bill that such allocation authority shall not impair the obligation of any contract entered into prior to the enactment of this Act.

Study and reports

The conference bill also adopts the provisions of the House bill which required the Administrator of the Environmental Protection Agency to report to Congress on the impact of fuel shortages on the Clean Air Act programs as well as other factors, including the availability of continuous emission control equipment. The Administrator would also have to publish periodic reports on compliance with requirements imposed as part of any suspension or coal conversion, and other information on the impact of the section. The only change from the House version was to provide for reports on all continuous emission reduction systems and not limit the report to scrubbers. The conference bill also retained the House bill provisions making the violation of any requirement imposed as part of the new section 119 subject to enforcement under section 113 of the Act. Finally, the conference version adopts the House bill provision preempting any State or local government from enforcing a fuel or emission limitation against a source granted a suspension under the section because of the availability of fuel to permit the source to comply with such fuel or emission limitation. Such preemption does not apply with respect to requirements which are identical to Federal interim requirements.

The conference bill adopts a provision similar to that in the House bill, which provided a specific exemption for electric generating plants which are scheduled to be permanently taken out of service by 1980. Unlike the House bill, the conference substitute authorizes a one year postponement of applicable plan requirements for certain power plants. To be eligible, the power plant must be on a schedule to cease operations by January 1, 1980. The Federal Power Commission must also determine that the facility will in good faith carry out such plan.

To obtain the one year postponement of an emission limitation which is part of a State implementation plan, the Governor of the State must concur in the application to the Administrator of the Environmental Protection Agency. The Administrator shall consider the risk to the public health and welfare and only grant the postponement if he determines that compliance is not reasonable in light of the projected useful life of the plant and availability of rate increases, as well as other factors. He may prescribe such interim requirements as may be reasonable. The conferees limited this suspension to one year since it is intended that this bill only address the immediate energy emergency and the conferees do not intend for any electric generating facility to be shut down in the near future because of the infeasibility of employing required emission control measures due to the age of the facility. The Congress intends to review the long term energy problems and environmental needs during the next year and will consider such relief as may be justified to alleviate the problems presented to facilities, including power plants, which are scheduled to be phased out.

Fuel exchange authority

House Amendment

Section 205 of the House amendment would have directed the Administrator in establishing any allocation program to allocate low sulfur fuels to those areas of the country designated by the Administrator of EPA as requiring such fuels to avoid or min-

imize adverse health effects. This provision would have taken effect after May 15, 1974 and after such an allocation program had been established.

Section 205 would have further authorized the Administrator of EPA by rulemaking after informal hearings to issue binding exchange orders to persons subject to it. Such exchange orders would have been designed to avoid or minimize the adverse effects of any allocation program on public health. They would only have been authorized if substantial emission reduction would have resulted.

By virtue of Section 106(c), the House amendment would have explicitly authorized the Administrator to establish allocation programs for coal. If such a program were established, it would have been subject to the provisions of section 205.

Section 119(c), of the Clean Air Act, added by Section 201 of the House amendment, would have allowed the Administrator of EPA to establish by rule priorities for the supply of emissions reduction system so that they could be routed to users in regions with the most severe air pollution.

Senate Bill

Section 203 of the Senate bill would have required any general priority and rationing program to provide to the extent practicable for allocation of low sulfur fuels to areas of the country designated by the Administrator of EPA as needing such fuels in order to avoid or minimize adverse impacts on public health.

The Administrator of EPA would be authorized under Section 402 of the Senate bill to further allocate low sulfur fuels within any such area. He would also be authorized to allocate emission reduction system first to users in air quality control regions with the most severe air pollution (except that no such action could affect existing controls).

Conference Substitute

In order to assure the Administrator of the Environmental Protection Agency an adequate supply of information on the types, amounts, price, pollution characteristics and allocation of available fuels, it is expected that he will have access to all data available to the Administrator of the Federal Agency Administration.

Such information will assist in effective and timely performance of the Administrator of EPA's function under this section as well as those provisions relating to suspensions, conversions, enforcement, and other responsibilities of EPA.

The conferees expect that both the FEA and EPA Administrators will facilitate inter-agency cooperation and information exchange. EPA is expected to establish a permanent liaison in the office of the FEA Administrator for the duration of the emergency and the FEA Administrator is expected to do the same at EPA. This may reduce the confusion which can otherwise be expected to result from those decisions each agency is required to make under statutory authorization.

Revisions of implementation plans

Senate Bill

The Senate bill provided that the Administrator of the Environmental Protection Agency was to review by May 1, 1974, all State implementation plans to determine if shortages of fuels or emission reduction systems, or any suspensions of emission limitations provided for in the bill (including future anticipated suspensions) would result in any plan failing to achieve the national ambient air quality standards within the time provided for in section 110 of the Clean Air Act. Where the results of review indicate that a plan would be inadequate, the Administrator would be directed to order those States to submit revisions to their plans by July 1, 1974, which would achieve the stand-

ards within the time limits. Two months were provided for the Administrator to review and approve or disapprove the plan revisions, and an additional two months were provided for him to promulgate regulations if a revision were not approvable.

House Amendment

The House amendment contained a similar provision.

Conference Substitute

The conference substitute provides that the Administrator will only review those plans for regions in which coal conversion under section 119(b) of the Clean Air Act may result in a failure to achieve a primary ambient air quality standard on schedule. The conference substitute directs the Administrator to order necessary plan revisions within one year after such conversion that would set forth any additional reasonable and practicable measures required to achieve ambient air quality standards. The plan revision would have to consider whether, despite the coal conversions, the standard could be achieved through the use of additional reasonable and practicable measures (which may include energy conservation measures) that were not included in the original plan. In allowing up to a year for the Administrator of the Environmental Protection Agency to act, it is the intent of the conferees to permit both the Administrator and the States sufficient leadtime to develop adequate information on the impact of coal conversions, both effected and anticipated, and to permit accurate assessment of the additional measures required for State implementation plans.

The conferees expect that revisions under this section will be required only after careful consideration of a number of factors to assure that existing sources which do not convert will not be subjected to new requirements where such requirements are unreasonable or impractical. In determining reasonability and practicability, the Administrator shall consider whether the source is presently subject to requirements, is on schedule and has expended or is expending funds to comply. In this event, no requirement shall be imposed under this section which will require unreasonable additional expenditures. However, where reasonable measures can be imposed, without penalizing sources which are in compliance or are in the process of complying with the law, the Administrator shall impose such requirements.

Transportation control plans

Senate Bill

The Senate bill contained no provision relating to transportation control plans.

House Amendment

The House amendment would have directed the Administrator, upon application by the Governor concerned, to extend until June 1, 1977, the date for achieving primary air quality standards in any air quality region subject to transportation controls which mandated a 20% or greater reduction in vehicle miles travelled by June 1, 1977, or imposed any transportation controls that could not be practicably implemented by that date. The Administrator could grant further extensions until January 1, 1985. These further extensions would be conditioned both on the application of all practicable interim control measures and on the attainment of at least a 10% annual improvement in air quality.

The House amendment would also have directed the Administrator to conduct a study of the necessity of parking surcharges, review of new parking facilities, and preferential bus/carpool lanes to achieve air quality standards. The Administrator would be required to report to the appropriate committees of the Congress within six months after enactment. Until such measures had been

explicitly authorized by the Congress in subsequently enacted legislation, the Administrator could not require them to be included in an implementation plan, although he could approve such measures if they were submitted by the State. Previously promulgated regulations requiring such measures would be declared null and void.

Conference Substitute

The conference substitute does not contain the provisions of the House amendment allowing modifications of the date by which primary ambient air quality standards must be achieved. The conferees expect the appropriate committees of the Congress to include in their re-examination of the Clean Air Act scheduled for the next session of the Congress, consideration of the effect modifications in new motor vehicle emission standards will have on the ability to achieve the primary standards by statutory deadlines, as well as the practicability of various transportation control strategies within the time available.

The other related provision of the House amendment has been modified to provide that only parking surcharges (rather than surcharges, management of parking supply, and bus/carpool lanes) must receive the explicit authorization of the Congress before they may legally be imposed by the Environmental Protection Agency. The conference substitute would therefore continue to permit preferential bus/carpool lanes to be implemented by the Environmental Protection Agency as set forth in current transportation control plans. In implementing requirements for bus/carpool lanes, the basic responsibility rests with State and local governments and transportation agencies, and local hearings should be considered for specific proposals.

The conferees note that the appropriate committees with jurisdiction over the Clean Air Act will be reviewing the issues involved in transportation controls in hearings during the next session. The study mandated by this bill of the necessity and impact of these specific transportation controls will be useful to the committees in their inquiry.

In addition, the conferees direct the Administrator of the Environmental Protection Agency to review all the transportation controls which have been promulgated or proposed as their efficacy and practicability, and to provide the appropriate committees with the results of that review in connection with hearings during 1974.

The conference substitute would also empower the Administrator of the Environmental Protection Agency to suspend for one year the review of new parking facilities. In response to inquiries by the conferees, the Administrator has provided a letter stating his intention to suspend these regulations under this authority.

U.S. ENVIRONMENTAL PROTECTION AGENCY,
OFFICE OF THE ADMINISTRATOR,
Washington, D.C., December 19, 1973.

Senator JENNINGS RANDOLPH,
Chairman, Senate Committee on Public
Works, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: I would like to reaffirm for the record my understanding of our conversation yesterday on the subject of the "parking management" portions of EPA transportation control plans. I hope this letter will help to clarify EPA's position and that it will be useful to you in your continuing deliberations in the Senate-House conference on the Emergency Energy Bill.

I understand that based on provisions in the House Bill the conference committee has considered provisions which would by statute postpone requirements of parking management plans for at least one year and that consideration has also been given to an alternative provision which would simply authorize EPA to grant such an extension. You have asked what action EPA would take

pursuant to such a grant of authority. As I stated to you, our position if such authority were granted would be to delay for one year from enactment (i.e. until December 1974) the effective date of parking management plans promulgated by EPA which would otherwise go into effect at an earlier date.

During this year-long suspension, EPA would continue to work with the States and localities and to provide assistance to them in developing plans which will result in the necessary reductions of vehicle miles traveled by automobiles which are required to meet the ambient air standards and thereby to achieve compliance with the Clean Air Act. During this year, EPA would not impose any postponement or restraint on action by the States and localities in furtherance of parking management plans of their own, and it is our hope that we can assist the States and localities in developing long-term strategies to achieve clean air in urban centers.

We believe that parking management plans can provide an effective tool toward meeting air quality needs. Effective use of this tool, however, does depend largely on the understanding and support of State and local officials and the general public in the individual cities in question. Further review during the one year suspension contemplated by the committee would facilitate better understanding and support for such measures.

I want to thank you for the courtesy and hospitality you extended to me and my EPA colleagues yesterday.

Sincerely yours,

JOHN R. QUARLES, Jr.,
Deputy Administrator.

U.S. ENVIRONMENTAL
PROTECTION AGENCY,
OFFICE OF THE ADMINISTRATOR,
Washington, D.C., December 20, 1973.

Hon. PAUL G. ROGERS,
House of Representatives,
Washington, D.C.

DEAR MR. ROGERS: I am writing pursuant to our telephone conversation this morning concerning my letter to Senator Randolph dated yesterday (with a copy to you) about the parking management plans. In that letter I indicated that if granted authority under the Emergency Energy Act EPA would delay until one year from now the effective date of parking management plans.

You have expressed concern that I referred to parking management plans only in relationship to transportation control plans, whereas the proposed legislation would apply also to review of parking facilities under our proposed indirect source regulations. As I explained to you, our position with regard to both is the same.

Very truly yours,

JOHN R. QUARLES, Jr.,
Deputy Administrator.

Although the conferees do not believe that regulations on the management of parking supply should be made subject to prior congressional approval, they did conclude that a period for refining the criteria which will be used in the review of such facilities and establishing the administrative machinery to review them should be permitted before the program is placed in operation. The conference substitute provides that when the suspension authority is exercised, no parking facility on which construction is initiated before January 1, 1975, would be subject to review for its impact on air quality as a result of any Environmental Protection Agency regulations on the management of parking supply.

In adopting these aspects of the conference substitute, the conferees do not intend to question either the need for, or the authority of the Administrator of the Environmental Protection Agency to impose, transportation control plans.

Auto emissions

Senate Bill

S. 2589, as passed by the Senate, would not have affected section 202 of the Clean Air Act. The conference committee notes, however, that on December 17, 1973, the Senate passed a bill, S. 2772, which would have extended through 1976 the interim hydrocarbon, carbon monoxide, and oxides of nitrogen emission standards established by the Administrator for model year 1975 vehicles.

House Amendment

The House amendment would have amended section 202 of the Clean Air Act to defer the date for achieving the statutorily required 90% reduction in hydrocarbon and carbon monoxide automobile emissions. The date would have been deferred from model year 1976 until model year 1978. The House amendment would have required the interim hydrocarbon and carbon monoxide emission standards established by the Administrator for 1975 model year automobiles to also be applied in model years 1976 and 1977. Under the House amendment, the nitrogen oxides emission standards for 1976 model year automobiles could not exceed 3.1 grams per mile; for 1977 and subsequent model year automobiles emissions of oxides of nitrogen could not exceed 2.0 grams per mile.

In addition, the Administrator of the Environmental Protection Agency would be authorized to extend the deadline for achieving the ambient air quality standards in any air quality control region for up to two years to the extent he determined that an inability to achieve the standards on schedule would result solely from the modifications of the statutorily mandated auto emission levels and the deadlines for achieving those standards.

Conference Substitute

The conference substitute amends section 202 of the Clean Air Act to continue the emission standards established by the Administrator for 1975 model year automobiles during the 1976 model year. The effect of this provision is to maintain in the 1976 model year a Federal 49-State standard of 1.5 grams per mile of hydrocarbons, 15.0 grams per mile of carbon monoxide and 3.1 grams per mile of oxides of nitrogen, and a standard for California of 0.9 grams per mile of hydrocarbons, 9.0 grams per mile of carbon monoxide, and 2.0 grams per mile of oxides of nitrogen. These standards apply to automobiles produced by all manufacturers, whether or not any individual manufacturer had applied for or received a suspension under section 202 (b) (5) previous to the enactment of this Act.

The conference substitute provides that after January 1, 1975, an automobile manufacturer may seek a single one-year suspension of the statutory standards for hydrocarbons and carbon monoxide applicable to the 1977 model year. The Administrator would be required to establish interim emission standards for hydrocarbons and carbon monoxide if he grants the suspension.

In authorizing the suspension for the 1977 model year, the conferees point out that one of the considerations advanced by Judge Levanthal in remanding EPA's decision not to authorize a suspension of the 1975 standards for one year was that adverse fuel economy would deter consumer purchasing of new automobiles, resulting in greater retention of old automobiles with inefficient pollution control devices. As Judge Levanthal pointed out, this might lead to a situation whereby denial of a suspension would result in greater total actual emissions of all cars in use than would be the case if a suspension were authorized. See *International Harvester Company, et al. v. Ruckelshaus*, 478 F.2d 615, 633-634 (February 20, 1973). If the Administrator is asked to authorize a suspension for HC and

CO for model year 1977, and if the country is experiencing an energy crisis at the time a suspension is requested, the conferees would expect the Administrator to weigh carefully whether the application of the statutory standard would result in significant increase in fuel consumption.

The conference substitute amends section 202(b) (1) (B) of the Clean Air Act to establish a maximum emission standard for oxides of nitrogen of 2.0 grams per mile applicable nationwide to 1977 model year automobiles. This defers the previous statutory standard of 0.4 grams per mile of oxides of nitrogen until the 1978 model year. No administrative suspensions would be possible from either the 1977 or 1978 standard. While the 1977 model year standard is a maximum of 2.0 grams per mile nationwide, under the conference substitute California retains the right under section 209 of the Clean Air Act to seek a waiver for a more stringent standard.

The conferees are concerned with what may be unwarranted or, at least, untimely changes in EPA's certification test procedures for new automobile emissions. It is intended that uncertainty as to requirements for compliance with such standards be minimized. Any changes in test procedures shall be kept to an absolute minimum and should occur only where such changes improve instrumentation, reduce cost of testing or improve the reliability and validity of the test results.

The conference substitute does not contain the language of the House amendment providing for extensions of implementation plan deadlines in response to the changed standards and deadlines for automobile emissions.

Report language: fuel economy study

The fuel economy study requirement was amended to provide for joint conduct of the study with the Department of Transportation. The conferees insisted on a joint study to eliminate duplication with current, ongoing fuel economy studies.

The conferees expect, of course, that any current DOT studies will be coordinated with this study to eliminate any potential duplication and minimize waste of funds.

At the same time, the conferees agree that EPA must be actively involved in any fuel economy analysis to assure consistency between the findings of the study and the statutory requirements for automobile emission reductions.

The conferees recognize that DOT has an equally important safety responsibility but does not have either established test procedures, testing facilities or the expertise on engine technology to perform an independent review.

The conferees expect this study to utilize EPA's established emission test procedures in order to avoid inconsistency in any subsequent legislative recommendation.

TITLE III—REPORTS AND STUDIES

Senate Bill

Section 204(c) would direct the President to develop and implement incentives for the use of public transportation. In addition, the Federal share of expenditures for buses and rail cars from the Highway Trust Fund increased to 80 percent.

Section 210 of the Senate bill would require the President, within 90 days after enactment of the legislation, to promulgate a plan for the development of hydroelectric resources. Such plan would provide for expeditious completion of projects authorized by Congress and for the planning of other projects designed to utilize available hydroelectric resources, including tidal power.

Under section 211, within 30 days of enactment of the legislation, the Secretaries of the Interior and of Commerce would prepare and submit to Congress a comprehensive review of U.S. export policies for energy sources. The purpose of this study would be to deter-

mine any inconsistencies between national energy trade policies and domestic fuel conservation efforts.

Section 303 would direct the Secretary of the Treasury and the Director of the Cost of Living Council to provide the Congress with recommended economic incentives to encourage both individuals and industry to subscribe to the purposes of the Act. An analysis of actions needed to effect payment by producers and users of the full cost of producing incremental energy supplies would also be required.

Under the second paragraph of section 313, the President would review all rulings and regulations issued under the Economic Stabilization Act to determine if they are contributing to the shortage of materials associated with the production of energy supplies and equipment necessary to maintain and increase the production of coal, crude oil, and other fuels.

The results of this review would be submitted to the Congress within 30 days after the date of enactment of this legislation.

Section 316 would require the Department of Health, Education, and Welfare, in cooperation with the EPA, to conduct a study of the health effects of emissions of sulphur oxide to the air resulting from any conversion to burning coal pursuant to section 204 (a) of the Act. The sum of \$5 million would be authorized to be appropriated for such a study.

Section 317 would require the Council of Economic Advisors, in cooperation with other agencies and departments, to submit an Emergency Energy Economic Impact Report to the Congress which must include, but was not limited to, certain assessments of the impact of the energy shortage on employment, agriculture, various industries, commerce, and public services, as well as projections of its impact on the economy. A preliminary report would be filed thirty days after enactment and a final report no later than sixty days after enactment.

Section 402 would amend the Clean Air Act, as amended, to require the Administrator of the EPA to report to the Congress by May 1, 1974, on the extent to which any applicable State or local air pollution requirement or deadline may adversely affect the implementation of the National Energy Emergency Act or of the proposed amendments to the Clean Air Act.

House Amendment

The provisions of section 104(d) of the House amendment parallel Section 313 of the Senate bill are almost the same, except that the responsibility for conducting the review would be vested in the President and the Administrator of the Federal Energy Administration.

Section 105(d) would require energy conservation plans to include proposals to provide for Federally sponsored incentives for the use of public transportation and Federal subsidies to maintain or reduce existing fares and additional expenses incurred because of increased service.

Section 121 of the House amendment is the same as the provision of Section 211 in the Senate bill, except that (1) the report under the House version would also cover foreign investment in production of energy sources and be included for the purpose of determining any inconsistencies between such investment and domestic conservation efforts, and (2) the report would have to be submitted within 90 days of enactment of the legislation rather than 30 days.

Under section 127 the Administrator would be required to prepare and submit within 90 days after enactment of the legislation a plan for encouraging the conversion of coal to crude oil and other liquid and gaseous hydrocarbons.

Section 207 would require the Administrator of the Environmental Protection

Agency to report to the Congress by January 31, 1975, on the implementation of sections 201-205 of this title.

of Health, Education, and Welfare and the Environmental Protection Agency of the health effects of sulphur oxide conversions, except that the sum authorized was \$2 million.

Section 206(a) would direct the Federal Energy Administration to conduct a study on energy conservation methods and to report the results to the Congress within six months of enactment. The study must address the energy conservation potential of restrictions on export of fuels and energy-intensive products (including balance of payments and foreign relations implications); federally sponsored incentives for public transit use and Federal authority to increase public transit facilities; alternative requirements, incentives, or disincentives for increasing recycling and resource recovery to reduce demands on energy (including a comparison of the economic and fuel impacts of such recycling and resource recovery with the transportation and use of virgin materials); the costs and benefits of electrifying high traffic rail lines; and means for incentives or disincentives to decrease industrial use of energy.

Section 206(b) would require the Secretary of Transportation, after consulting with the Federal Energy Administrator, to submit to the Congress within 90 days of enactment an "Emergency Mass Transportation Assistance Plan" to expand and improve public mass transportation systems and encourage increased ridership. This plan must include, but is not limited to recommendations for: emergency temporary grants to assist States and local public bodies in payment of operating expenses for expanded urban mass transportation service; additional emergency assistance for the purchase of buses and rolling stock and the construction of fringe parking facilities; demonstration projects to determine feasibility of fare-free and low-fare urban mass transportation system; and the feasibility of providing tax incentives for users of urban mass transportation systems.

Section 206(d) would provide that no later than December 31, 1974, the Secretary of Transportation, in consultation with the Federal Energy Administrator, must also study and report to the Congress on the development of a high-speed ground transportation system between the cities of Tijuana, Mexico and Vancouver, British Columbia, Canada.

Section 208 would direct the President, within 90 days following enactment, to recommend to the Congress actions to be taken by the Executive and the Congress regarding siting of all types of energy producing facilities.

Section 209 would amend the Clean Air Act by directing the Administrator of EPA to conduct a study of the feasibility of establishing a fuel economy improvement standard of 20% for 1980 and subsequent model year new motor vehicles. A report on the study must be submitted to the Congress within 120 days after enactment, and the Administrator must consult with designated Federal agencies in the course of the performance of the study. The Administrator would be directed to fully examine the problems associated with obtaining a 20% improvement in fuel economy. The study must include technological problems, costs, relation to safety and emission standards as well as energy impact and enforcement. The agency would be authorized to obtain information for the study under its section 307 (a) powers.

Conference Substitute

Title III contains a number of provisions for studies to be conducted. Recognizing the merit of these provisions, the Conferees in-

cluded them in this bill although they will not necessarily contribute to the relief of the immediate energy emergency.

The Conferees provided for three categories of studies and reports to be made to Congress. The first provides for immediate recommendations on means for near term increases in energy supply or reductions in energy consumption. The second set of studies and reports deal with longer term methods for achieving these same objectives. The third class of reports essentially reserve to the Congress an oversight function on the implementation of this Act, by requiring reports from the President to the Congress every 60 days on the implementation and administration of this Act and the Emergency Petroleum Allocation Act of 1973, and an assessment of the results attained thereby.

The conferees recognize that increased use of mass transit is essential to energy conservation both in the short term and in the longer run. For this reason, the conferees wish to call attention to the adoption of several studies dealing with the major energy conservation measures. The first is a Senate-sponsored provision to provide for plans for Federal subsidies to mass transit systems for reduced fares and operating costs. The details of this plan will be subject to Congressional approval, prior to implementation. The conferees believe that such incentives to greater use of mass transit coupled with reduced use of personal vehicles, can result in significant energy saving.

In addition, to reflect the need for improving mass transit in the longer run as well the conferees adopted a number of provisions providing for study of various mass transit systems.

In the first class of studies which are to be completed with a report submitted to Congress within 30 days after enactment of the Act, the conference substitute adopted the following studies:

From the Senate bill—

Of the rulings and regulations issued pursuant to the Economic Stabilization Act, by the Administrator of the FEEA on methods of energy conservation and production by all Federal agencies.

On specific incentives to increase energy supply and reduce consumption, by the Secretary of the Treasury and the Director of the Cost of Living Council.

On the impact of energy shortages on employment, by the Administrator of the FEEA.

From the House amendment:

A comprehensive review of United States exports and foreign investment policies by the Secretaries of the Interior and Commerce.

The second group of studies adopted in the Conference substitute, to be completed with a report submitted to Congress within 6 months from the date of enactment, include the following:

From the Senate bill:

From section 204(c) of the Senate bill, a plan to be submitted to the Congress for approval, to provide federally-sponsored incentives for increased use of mass transit, by the Administrator of the Federal Energy Emergency Administration.

Of the potential for further development of hydroelectric power resources, by the Administrator of Federal Energy Emergency Administration.

From section 207(d) of methods for accelerated leasing of energy resources on public lands, by the Secretary of the Interior.

From the House amendment:

Of energy facility siting problem, by the Administrator of the Federal Energy Emergency Administration.

On the potential for conversion of coal to synthetic oil or gas, by the Administrator of the Federal Energy Emergency Administration.

HARLEY O. STAGGERS,
TORBERT H. MACDONALD,
JOHN E. MOSS,
PAUL G. ROGERS,
JAMES T. BROYHILL,
J. F. HASTINGS,

Managers on the Part of the House.

HENRY M. JACKSON,
ALAN BIBLE,
LEE METCALF,
JENNINGS RANDOLPH,
EDMUND S. MUSKIE,
HOWARD BAKER,
ADLAI STEVENSON III,
TED STEVENS,

Managers on the Part of the Senate.

COAST GUARD SAFETY STANDARDS FOR BOILERS AND PRESSURE VESSELS

Mr. MURPHY of New York. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 10309) to amend the Act of June 13, 1933 (Public Law 73-40), concerning safety standards for boilers and pressure vessels, and for other purposes.

The Clerk read as follows:

H.R. 10309

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4433 of the Revised Statutes, as amended (46 U.S.C. 411), is amended as follows:

(1) By deleting the word "and" before the words "construction of boilers,".

(2) By inserting the words "and operation" before the words "of boilers, unfired".

(3) By inserting after the words "unfired pressure vessels" the words "piping, valves, fittings,".

(4) By placing the word "other" before the word "appurtenances".

(5) By deleting the words "thereof, and steam piping".

(6) By deleting the second sentence including the proviso.

The SPEAKER. Is a second demanded?

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

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

There was no objection.

The SPEAKER. The Chair recognizes the gentleman from New York (Mr. MURPHY).

Mr. MURPHY of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 10309, is to amend the act of June 13, 1933, concerning safety standards for boilers and pressure vessels.

According to the transmittal letter from Secretary Claude Brinegar to Speaker CARL ALBERT, "the statute to be amended provides that the maximum working pressure for marine boilers and pressure vessels shall be based on a safety factor of four. This means the boilers and pressure vessels must be built in such a way as to theoretically withstand up to four times their normal operating pressure without fail. The proposed amendment would empower the Commandant of the Coast Guard to set boiler and pressure vessel standards through the regulatory process."

The present statute was passed in 1933. Since then, significant strides have been

made in the technology of boiler and pressure vessel fabrication.

Boiler and pressure codes, which represent more modern standards for safety in boiler and pressure vessel design, have been developed by the American Society of Mechanical Engineers.

These codes permit the use of a safety factor of three. Equivalent or higher integrity is obtained by replacing the larger safety factor of four with the smaller safety factor of three, accompanied by a detailed stress analysis. Requirements for material fabrication and inspection are also more restrictive under the codes, and reflect practices which have been developed and proven in the United States during the past decade in the construction of nuclear reactor vessels.

A number of current projects of interest to both the Government and industry, including a proposed floating nuclear powerplant, various liquefied natural gas cargo containment systems using pressure vessel type tanks, and the American Society of Mechanical Engineers Ad Hoc Committee Study on Hyperbaric Chambers, would utilize an ASME code with the pressure vessel safety factor of three. In each of these projects, a saving in terms of safety and weight efficiency is achieved by using the more modern safety factor combined with a detailed stress analysis.

Mr. Speaker, the continued inability of the Coast Guard to use modern standards in this area will impose an economic and technical hardship on the American shipbuilding industry without meaningful benefits in terms of increased safety.

For example, the greatest cost benefit to American industry will be in the relatively newer field of nuclear and cryogenic vessels, that is, LNG tankers. Shipbuilders will be able to produce a pressure vessel or a containment system that has the required level of safety, but at a lighter weight. This means a savings in material and money which will make our vessels cost competitive with similar foreign built ships.

Finally, the proposed legislation will provide greater flexibility in the safety standards applicable to boilers and pressure vessels which, in turn, will allow the Coast Guard to maintain a more realistic position, consistent with current technology, in the regulation of marine safety.

There will be no additional cost to the Government in the event of the enactment of this legislation. There were no witnesses opposed to the bill during Coast Guard Subcommittee hearings held on October 2, 1973.

I urge Members to support this modern, more cost effective, safety measure.

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

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

Mr. Speaker, I rise in support of H.R. 10309, bill to amend the law regarding safety standards for boilers and pressure vessels. It requires no additional costs to government and no additional personnel. Under existing law, boilers and other pressure vessels used onboard ships must be built to withstand up to four times their normal operating pressure without

failure. The proposed amendment set forth in H.R. 10309 would empower the Commandant of the Coast Guard to set standards through the normal regulatory processes.

Great strides have been made since 1933 in the manufacture and testing of pressure vessels, and standards have been developed by the American Society of Mechanical Engineers. Under the existing law, the Coast Guard cannot follow the ASME code or similar standards. The enactment of this legislation would give the Coast Guard the needed degree of flexibility to adopt more realistic standards consistent with current technology. Given the Coast Guard's well known conservative approach to matters of maritime safety, I believe that we may confidently rely upon that agency in the development of new standards to maintain more than adequate safety margins for the protection of the men who work near boilers and other pressure vessels and the general public.

The effect of this legislation would be to replace an arbitrary safety factor which in a given instance may be unreasonably high or indeed potentially too low for the authority to impose standards that intelligently reflect the design and intended purpose of the pressure vessel in question. I, therefore, urge the enactment of H.R. 10309.

Mr. BIAGGI. Mr. Speaker, I rise in support of H.R. 10309, the Coast Guard Safety Standards for Boilers and Pressure Vessels Act.

This is an amendment to an old law, to bring our safety standards up to date, and to remove a hardship resulting from an antiquated and insufficiently flexible law. There is no reduction in safety requirements, merely an improvement.

Since the first standards were enacted in 1933, there have been great technological strides in the areas of pressure measurement, stress analysis and in the manufacturing and testing of construction materials for boilers. The result of these improvements has been the gaining of significant knowledge in what constitutes safe boiler pressure in our ships at sea.

As a result of the use of stress analysis, and tougher requirements for material fabrication and inspection, we are now able to reduce the old safety factor of 4—that is, that the boiler be able to withstand up to 4 times normal operating pressure without failure—to 3. This means a reduction in hardship to the American shipbuilding industry, which has been laboring under outmoded and inflexible standards. It also makes more meaningful the monitoring system of the Coast Guard.

It is an important adjustment of the law to keep pace with scientific progress. Mr. Speaker, I urge quick passage.

The SPEAKER. The question is on the motion offered by the gentleman from New York (Mr. MURPHY) that the House suspend the rules and pass the bill (H.R. 10309).

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MURPHY of New York. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed, H.R. 10309.

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

There was no objection.

INSPECTION OF MOTOR VESSEL "MANATRA II"

Mr. MURPHY of New York. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6120) to permit the vessel *Manatra II* to be inspected, licensed, and operated as a passenger-carrying vessel, and for other purposes, as amended.

The Clerk read as follows:

H.R. 6120

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, subject to the provisions of section 2 of this Act, the vessel known as Manatra II (formerly United States Coast Guard Cutter McLane WMEC/146) shall be—

(1) inspected, licensed, and operated as a passenger-carrying vessel, for the purpose of carrying officers, crew, and passengers, in accordance with the provisions of the Act of May 10, 1956 (70 Stat. 151; 46 U.S.C. 390-390g); and subject to such additional requirements as the Coast Guard may prescribe, including, but not limited to:

(A) a limitation of forty-nine passengers to be permitted on board,

(B) a restriction of operations to Lake Michigan and the Straits of Mackinac, and

(C) compliance with the stability requirements of a vessel more than sixty-five feet in length and less than one hundred gross tons; and

(2) exempt from the loadline requirements set forth in the International Voyage Load Line Act of 1973 (87 Stat. 418), and in the Coastwise Load Line Act, 1935 (49 Stat. 888; 46 U.S.C. 88-88i).

SEC. 2. The provisions of the first section of this Act shall apply only so long as such vessel remains under the continuous ownership of the Marine Navigation and Training Association of Chicago, Illinois.

The SPEAKER. Is a second demanded?

Mr. YOUNG of Illinois. Mr. Speaker, I demand a second.

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

There was no objection.

Mr. MURPHY of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 6120 which will permit the vessel *Manatra II* to be inspected, licensed, and operated as a passenger-carrying vessel.

The vessel involved is a former U.S. Coast Guard cutter which was disposed of as surplus in 1969. The basic problem is that the vessel is now 46 years old, and the age alone would create some concern for its use as a passenger-carrying vessel, particularly since the passengers involved are, in many cases, young people.

Because the vessel measures more than 100 gross tons, it is subject to the inspection requirements of that section of title 46 United States Code which governs passenger-carrying vessels. The basic differences between the requirements of the regulations under the two acts lies in different provisions for stability tests, for construction standards, and for manning requirements.

United States inspected passenger vessels are basically divided into three categories for inspection purposes. This bill would exempt the vessel *Manatra II* from the Coast Guard inspection and manning requirements as a passenger vessel under the provisions of 46 United States Code 391 and 46 United States Code 404. Vessels in this category are required to meet the highest inspection standards of all inspected passenger vessels. The *Manatra II* is in this category because of its tonnage. The bill requires that the vessel be inspected by the Coast Guard and manned as a small passenger vessel under 46 United States Code 390. Passenger vessels in this category are required to meet the least stringent inspection requirements of all inspected passenger vessels.

The *Manatra II* is now owned and operated by the Marine Navigation and Training Association, Inc., a nonprofit educational corporation in the State of Illinois. The purpose of the organization is to provide nautical training to youth groups, primarily U.S. Naval Sea Cadets, Sea Scouts, Explorer Scouts, and Mariners. It also provides training for members of the Coast Guard auxiliary and the U.S. Naval Reserve.

Under the present situation, there is apparently not sufficient flexibility to relax the requirements of the applicable law. For that reason, hearings on H.R. 6120 were held so that the Merchant Marine and Fisheries Committee could determine whether present requirements might be appropriately changed as proposed in the bill without sacrificing safety features intended to protect the passengers which this vessel is engaged in carrying.

In view of the worthwhile nature of the *Manatra II* enterprise, the chairman of the subcommittee arranged a meeting between Adm. William F. Rae and Capt. Donald F. Hall, of the Coast Guard, to see if H.R. 6120 could be amended to allow the vessel to continue in operation. Accordingly, H.R. 6120 was amended to provide the restrictions necessary to meet safety requirements acceptable to the Coast Guard while moving the *Manatra II* from the category of a large, ocean-going passenger vessel.

The Merchant Marine Committee now feels that the changes, as proposed in the bill, will meet Coast Guard requirements without sacrificing safety features intended to protect the passengers which this vessel is engaged in carrying.

I urge Members to support this legislation because of the worthwhile nature of the program represented by the *Manatra II* and its sponsors.

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

Mr. MURPHY of New York. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, does this bill provide for any money or cost in any way to the Federal Government for the operation of this vessel?

Mr. MURPHY of New York. There is no cost to the Federal Government for continued operation of this vessel.

Mr. GROSS. I thank the gentleman. I assume it is a typographical error on the first page of the bill where it states "passenger-carrying vessel."

Mr. MURPHY of New York. That is a technical error, I will say to my colleague, and I will ask unanimous consent to make the appropriate correction.

Mr. GROSS. I thank the gentleman.

Mr. YOUNG of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this bill which has been introduced for the purpose of allowing the vessel *Manatra II* to continue operation under the guidance of the Marine Navigation and Training Association of Chicago, Ill., as a passenger-carrying vessel. The association has been successful in training over 3,500 sea scouts, sea cadets, and explorer scouts in the safe operation of a vessel at sea since 1946. The bill exempts this vessel in view of its special and limited use from "loadline" requirements.

The *Manatra II* was originally a Coast Guard cutter, built in 1927, decommissioned as a cutter in 1969, and transferred to the Navy, and subsequently transferred to the present owner. The *Manatra II* does not conform to the Coast Guard inspection standards for small passenger-carrying vessels. This is particularly the case with respect to fire protection. The hull is constructed of steel; however the decks are of wood and wood has been used extensively in the interior work. Reconstruction so as to comply with existing law would be prohibitive.

However, as it did earlier this year in the case of the *Delta Queen*, a comparable situation from the standpoint of use of wood in the ship, the Committee on Merchant Marine and Fisheries felt that there were present in this case circumstances sufficient for the purposes sought by the owner to provide an exemption.

Principally it is noted the vessel is not used for hire in any real sense of the term and is operated strictly for very worthwhile training purposes.

The committee has amended the bill to incorporate restrictions deemed necessary to insure that the exemption granted is not broader than needed to continue the training work of *Manatra II*. These five restrictions are set forth beginning on line 14, page 2, of the bill. There is no intent in this bill to compromise with safety. The skippers will continue to be licensed as required by the U.S. Coast Guard, as well as internally by the Marine, Navigation and Training Association's Board of Skippers. All safety gear and firefighting equipment as required by the U.S. Coast Guard will, as now, be provided. Regular training schedules will continue in effect, with all hands participating in fire drills, man overboard drills, collision, and other emergency procedures. Regular training in the "Rules of the Road," proper instruction in line handling, small boat

handling, heavy weather procedures, and others, will continue to be of the utmost importance. The vessel will not be moved without a trained competent crew, headed by a licensed skipper.

The SPEAKER. The question is on the motion offered by the gentleman from New York (Mr. MURPHY) that the House suspend the rules and pass the bill, H.R. 6120, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended was passed.

The title was amended so as to read: "A bill to permit the vessel *Manatra II* to be inspected, licensed, and operated as a passenger-carrying vessel, and for other purposes."

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MURPHY of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill (H.R. 6120) just passed.

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

There was no objection.

ANADROMOUS FISH CONSERVATION ACT

Mr. DINGELL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 11295) to amend the Anadromous Fish Conservation Act in order to extend the authorization for appropriations to carry out such act, and for other purposes.

The Clerk read as follows:

H.R. 11295

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Anadromous Fish Conservation Act (16 U.S.C. 757b) is amended by striking out the semicolon at the end of clause (3) thereof, and inserting the following new language: ", and for the control of the sea lamprey";

Sec. 2. Section 4(a) of the Anadromous Fish Conservation Act (16 U.S.C. 757d(a)) is amended by striking out "the fiscal year ending June 30, 1974" and inserting in lieu thereof the following: "each of the fiscal years ending June 30, 1974, June 30, 1975, June 30, 1976, June 30, 1977, June 30, 1978, and June 30, 1979".

The SPEAKER. Is a second demanded?

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

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

There was no objection.

Mr. DINGELL. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, the purpose of H.R. 11295 is to extend and expand the program for the conservation, development, and enhancement of our Nation's anadromous fish and fish in the Great Lakes that ascend streams to spawn.

Mr. Speaker, briefly explained, anadromous fish are those species of fish that begin their life in fresh water, where they live for varying periods, then migrate to salt water where they usually spend most of their adult lives and finally

return to fresh water—usually to the stream of their birth—to spawn, after which many die, having completed their life span. There are many species of fish in the Great Lakes similar to anadromous fish, however, they are not considered anadromous because they do not migrate to salt water. Some examples of the species of fish with which this program is concerned are the Atlantic salmon, five species of the Pacific salmon, shad, striped bass, steelhead, arctic char, sheepshead, and the Dolly Varden trout.

As the Members will recall, in 1965 the Anadromous Fish Conservation Act was enacted in response to an urgent need for a comprehensive national program designed to benefit the anadromous fishery resources of our Nation. The 1965 act authorized the Secretary of the Interior to enter into cooperative agreements with the States, either separately or jointly, for the conservation, development, and enhancement of anadromous fish and those stocks of fish in the Great Lakes that ascend streams to spawn. The Federal share of the total cost of any project approved by the Secretary of the Interior is limited to an amount not to exceed 50 percent of such costs, with the remaining cost to be paid for by the States. However, in order to encourage multi-State projects, in 1970, the act was amended to provide that whenever two or more States having a common interest in any basin jointly enter into a cooperative agreement with the Secretary of the Interior, the Federal share of the program costs would be increased to 60 percent with the remaining costs to be borne by the States concerned.

Mr. Speaker, since the enactment of the act the program has met with enthusiastic response from all of the States participating in the program with \$16 million of Federal funds being invested in the program. For instance, through research significant progress has been made in the development of techniques for fish disease detection, development of accurate forecasts of life and timing of salmon runs, and the use of artificial spawning and incubation channels for steelhead trout. Other accomplishments have included the construction of fishways in dams and rivers in Rhode Island, Connecticut, Delaware, Massachusetts, and many other New England States, and the construction of fish hatcheries in Oregon, Washington, California, and Alaska. Resources inventories are being conducted in Alaska; the Atlantic, Pacific, and Gulf Coastal States; and in the Great Lakes.

With respect to the Great Lakes, the anadromous fish program has played a prominent role in the development of a completely new fishery. This program began in 1965 with the transplanting of the west coast coho salmon into the Great Lakes. Not only has this program produced a new fishery, but it has had a tremendous effect on the economy of the area. It is estimated that each coho salmon in the sport fishery is worth about \$50 to the economy.

Mr. Speaker, the need for the legislation under consideration today is due to the fact that the Anadromous Fish Conservation Act expires June 30, 1974. Briefly explained, H.R. 11295 would sim-

ply extend the act for an additional 5 years, that is until June 30, 1979, and authorize to be appropriated \$10 million per year, which is at the same level of funding authorized to be appropriated under present law.

Mr. Speaker, I might point out for the benefit of my colleagues that it was necessary to extend the program at the appropriation-authorization level of \$10 million per year in order to meet the anticipated needs of the States participating in the program.

Mr. Speaker, the legislation makes one other change to existing law; it broadens the act to authorize the carrying out of a program to provide for the control of the sea lamprey. The need for this provision arises from the fact that in 1965, when the act came into being, the Great Lakes Fishery Commission had underway a program to control sea lamprey with electric weirs and selective chemical toxicants. It had been anticipated at that time that with the continued use of these methods, control of sea lampreys would be a reality within 5 to 10 years. It has now been determined that the original goal was optimistic and that additional time and effort will be needed before lamprey control can be achieved. In view of this, a number of Great Lakes States expressed a desire to use funds under this act to assist in resolving this problem. In order that a concerted effort may be made and the sea lamprey brought under control at the earliest possible date, the bill was amended to reflect this need.

Mr. Speaker, in closing, I might point out, that the bill, as reported, including the provision that extends the act for an additional 5 years at an appropriation-authorization level of \$10 million per year, has the strong support of the Department of the Interior as well as all States participating in the program.

Mr. Speaker, I think it is a good bill, it was unanimously reported by the Merchant Marine and Fisheries Committee, and I urge its prompt passage.

Mrs. SULLIVAN. Mr. Speaker, will the gentleman yield?

Mr. DINGELL. I yield to my distinguished chairman, the gentlewoman from Missouri (Mrs. SULLIVAN), such time as she may consume.

Mrs. SULLIVAN. Mr. Speaker, this is very worthwhile legislation. The chairman of the subcommittee has done his usual very fine job in the hearings on the discussion and I have nothing further to say, except to urge passage of the bill.

Mr. GOODLING. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DON H. CLAUSEN).

Mr. DON H. CLAUSEN. Mr. Speaker, I rise in very enthusiastic support for this legislation and compliment the committee for its efforts.

Mr. GOODLING. Mr. Speaker, H.R. 11295 has as its purpose the extension and expansion of programs designed to aid in the conservation, development, and enhancement of anadromous fish and Great Lakes fish which also ascend streams to spawn. Specifically, section 4(a) of the act of October 30, 1965, would be amended to extend the program for a

period of 5 years until June 30, 1979. The existing level of funding of \$10 million per year will be continued during this 5-year extension of the act. The scope of the Anadromous Fish Conservation Act would be broadened to authorize a Federal-State program for the control of the sea lamprey in the Great Lakes.

Anadromous fish and Great Lakes fish which ascend streams to spawn are of great commercial and recreational value. Anadromous fish begin their lives in fresh water streams, grow to maturity in the ocean, and then return to fresh water streams—usually that in which they were hatched—to spawn. Some Great Lakes species have the same life cycle except that they mature in the fresh water of the lakes rather than salt water oceans. Both types of fish may spend at least part of their adult lives in waters over which the United States has no jurisdiction. Funds are necessary for both international and for Federal-State programs. Internationally, limits must be set on the pelagic takes of these species. Federal-State programs concentrate on the development of hatcheries, the preservation of spawning areas, and the maintenance of access routes for fish to take to and from them.

Pollution and man-made physical obstructions such as locks and dams could either stop access completely, or so upset the natural timetable of migration as to prevent the fish from reaching the spawning area on time. Downstream migration of newly hatched fish is made hazardous by hydroelectric facilities. The widespread recognition of these problems has led to combined Federal-State efforts between the Federal Government and 29 of 31 eligible States and other non-Federal interests on dollar-for-dollar matching fund bases. According to the Department of the Interior, every \$1 million of Federal funds expended has generated approximately \$9 million of benefits to the States. In light of the economic importance of the fish species involved and the proportion of return on the dollars invested, the continuation of the program should be assured.

The amendment increasing the scope of the Anadromous Fish Conservation Act to include control of the sea lamprey is needed because of the devastating effect of the sea lamprey on native Great Lakes stream-spawning species and the recently introduced coho salmon. Efforts to control sea lampreys have been carried on since 1956 under the Great Lakes Fishery Act (16 U.S.C. 931). However, control programs of barrier construction and chemical treatment have not been as quick to succeed as had been hoped. States in the Great Lakes area have requested that they be given further flexibility in dealing with the sea lamprey problem, and are willing to provide matching funds to go with those made available under the Anadromous Fish Conservation Act.

The Anadromous Fish Conservation Act has been very successful. Its continued existence and funding are in the best interest of the United States. Its extension to include the sea lamprey problem raises hopes for the earliest

possible control of this decimator of Great Lakes fish populations.

I would like to commend my colleague Congressman DON CLAUSEN of California for his longstanding interest and support for the Anadromous Fish Conservation Act. He was one of the original sponsors of this legislation and has worked extremely hard to insure its success in California and throughout the United States. The cost-sharing aspects of this program are consistent with sound fiscal policies which my colleague from California has also supported so vigorously. His continued support for sound conservation programs is appreciated by the Committee on Merchant Marine and Fisheries.

Mr. Speaker, I urge that the House pass H.R. 11295.

Mr. BIAGGI. Mr. Speaker, I rise to speak in support of H.R. 11295, the Anadromous Fish Conservation Act. This bill would extend the current program for 5 years, providing \$10 million per year for this very important work.

We have spent money in the past for this program—and are being asked to spend it now—because of man's folly in tampering with the environment without knowing the effects such tampering will have. We have done severe damage to our resources—in this case to a large number of anadromous fish—and must, I repeat must spend the money and time to save them, and our environment.

There was once an abundance of anadromous fish—those hatched in fresh water that migrate to the ocean but return to their birth place to spawn and die—which are now, in many cases, in the endangered species category. This bill will help to save them.

In the last 5 years the accomplishments under this act were tremendous. Just to give a few examples, six new hatcheries and nine major additions or modifications of hatcheries are being constructed. This has increased production of juvenile anadromous fish by 835,000 annually. Four major fish screens installed at hydroelectric dams save an estimated 12 million fish a year. Nine streamside rearing ponds recently constructed are increasing production of juvenile fish by 1.6 million annually.

The point is clear. The program is working, and is essential. And not only for environmental reasons. We have so thoroughly decimated our fresh waters of anadromous fish that soon the sportsman will have no fish to catch. This will severely reduce the recreational and commercial fishing potential of our fresh water areas, having a significant negative impact on the economies of the regions involved.

Thus we are not merely saving fish and redeeming our moral commitment to the environment. We are also doing something for man in a practical sense.

Mr. Speaker, I urge the passage of this bill as quickly as possible.

Mr. DON H. CLAUSEN. Mr. Speaker, I rise in strong support of the legislation to extend and improve the Anadromous Fish Act.

As one of the original authors of this program almost a decade ago, I take great pleasure in the advances that have

been made during these last few years, but I fully recognize that we have a long, long way to go.

Anadromous fish are a particularly precious and fragile resource. They are of great value to man but they have great difficulty living in peaceful co-existence with us.

In the past, we did not understand the problem fully and, as a consequence, failed to attempt to solve it. Today, with growing knowledge and public awareness we have been making great strides toward protecting anadromous species.

Now we are starting to move beyond simply protecting these fish from further losses to the point of expanding their numbers and enhancing their habitats.

The bill before us authorizes a \$50 million, 5-year program of fishery research and construction of fish hatcheries and other protective works.

This program will continue America's leadership in the enhancement of anadromous fisheries and will be accompanied by an effort to insure their protection on the high seas through diplomatic channels. I am extremely optimistic that we can succeed in this area.

The SPEAKER. The question is on the motion offered by the gentleman from Michigan (Mr. DINGELL) that the House suspend the rules and pass the bill, H.R. 11295.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DINGELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill (H.R. 11295) just passed.

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

There was no objection.

AMENDING THE NATIONAL WILDLIFE REFUGE SYSTEM ADMINISTRATION ACT OF 1966

Mr. DINGELL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 11541) to amend the National Wildlife Refuge System Administration Act of 1966 in order to strengthen the standards under which the Secretary of the Interior may permit certain uses to be made of areas within the system and to require payment of the fair market value of rights-of-way or other interests granted in such areas in connection with such uses, as amended.

The Clerk read as follows:

H.R. 11541

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4(d) of the Act of October 15, 1966 (80 Stat. 928, 16 U.S.C. 668dd(d)) is amended—

(1) by striking out "(1)" and inserting in lieu thereof "(A)";

(2) by inserting "(1)" immediately after "(d)";

(3) by amending paragraph (2) to read as follows:

"(B) subject to paragraph (2) of this subsection, permit the use of any area within the system for purposes such as, but not necessarily limited to, powerlines, telephone lines, canals, ditches, pipelines, and roads, including the construction, operation, and maintenance thereof, whenever he determines that (i) such use is compatible with the purposes for which the area is established, and (ii) there is no feasible and prudent alternative to such use of such area."; and

(4) by adding at the end thereof the following new paragraph:

"(2) Notwithstanding any other provision of law, the Secretary of the Interior may not grant to any Federal, State, or local agency or to any private individual or organization any right-of-way, easement, or reservation in, over, across, through, or under any area within the system in connection with any use permitted by him under paragraph (1) (B) of this subsection unless the grantee pays to the Secretary the fair market value (determined by the Secretary as of the date of conveyance) of the right-of-way, easement, or reservation. All sums received by the Secretary of the Interior pursuant to this paragraph shall, after payment of any necessary expenses incurred by him in administering this paragraph, be deposited into the Migratory Bird Conservation Fund and shall be available to carry out the provisions for land acquisition of the Migratory Bird Conservation Act (16 U.S.C. 715 et seq.) and the Migratory Bird Hunting Stamp Act (16 U.S.C. 718 et seq.)."

SEC. 2. (a) Any request for permission to use an area within the National Wildlife Refuge System which was filed with the Secretary of the Interior under section 4(d)(2) of the Act of October 15, 1966 (as in effect before the date of the enactment of this Act), and with respect to which the Secretary has not taken final action before such date of enactment shall be treated by the Secretary as having been filed with him pursuant to section 4(d)(1)(B) of the Act of October 15, 1966 (as added by this Act) on such date of enactment.

(b) Section 4(d)(2) of the Act of October 15, 1966 (as added by this Act), shall apply with respect to any right-of-way, easement, or reservation granted by the Secretary of the Interior on or after the date of the enactment of this Act, including any right-of-way, easement, or reservation granted on or after such date in connection with any use permitted by him pursuant to section 4(d)(2) of the Act of October 15, 1966 (as in effect before the date of the enactment of this Act).

The SPEAKER. Is a second demanded?

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

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

There was no objection.

Mr. DINGELL. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, the purpose of H.R. 11541 is to provide for the replacement of lands within the national wildlife refuge system that are permitted to be used for such things as roads, canals, and pipelines.

Mr. Speaker, the national wildlife refuge system consists of wildlife refuges, wildlife ranges, game ranges, wildlife management areas, waterfowl production areas, and areas for the conservation and protection of endangered species of fish and wildlife. The system is composed of both public domain and acquired

lands, of which approximately 85 percent are public domain and 15 percent acquired or leased lands.

Under present law, the Secretary of the Interior is authorized to permit any area within the system to be used for any purpose such as for powerlines, telephone lines, ditches, pipelines, and roads provided the Secretary determines that such areas are compatible with the purposes for which these areas were established.

Mr. Speaker, H.R. 11541 would amend present law to require the Secretary to determine, not only that the use to be permitted would be compatible with the purposes for which such area was established, but he must also determine that there is no feasible and prudent alternative to such use of such area.

Mr. Speaker, the new test required to be met by this legislation is, in essence, the same test that would have to be met under the Federal-Aid Highway Act of 1968 concerning an application for use of area within the system for highway purposes. However, under that act, the determination is made by the Secretary of Transportation. H.R. 11541 would require such a determination to be made by the Secretary of the Interior regardless of the use to which the land would be put.

Mr. Speaker, under present law, there is no requirement that any payment be made by a permittee for any use of an area within the system that may be authorized by the Secretary of the Interior. H.R. 11541 would require the grantee of a right-of-way through any area within the system, in connection with any use that may be permitted—such as for pipelines, powerlines, and highways—to pay to the Secretary of the Interior the fair market value of such use as determined by the Secretary as of the date of the conveyance. In addition, after paying administrative expenses, all sums would be required to be deposited in the Migratory Bird Conservation Fund and earmarked for land acquisition purposes only. In this way, lands that are diverted to other uses will be assured of being replaced with other lands of equal value.

Mr. Speaker, it has been estimated by the Department of the Interior, that had the predecessor bill H.R. 2286, as introduced, been in effect, the legislation would have produced about \$60,000 per year for the past 5 years. However, since the clean bill, H.R. 11541, would cover transfer of rights-of-way for any purpose—not just for roads—and in view of the recently enacted Alaska Pipeline Act, which authorizes the building of gas and oil pipelines across Federal lands, it is anticipated that the legislation will produce considerably more replacement funds in the future.

Mr. Speaker, H.R. 11541 was unanimously ordered reported by the Merchant Marine and Fisheries Committee, and I urge its prompt passage.

Mr. GOODLING. Mr. Speaker, I rise in support of H.R. 11541, which would amend the National Wildlife Refuge System Administration Act of 1966. The bill would strengthen the standards under which the Secretary of the Interior may permit certain uses of refuge system

areas and would require that the fair market value be paid for rights-of-way or other interests granted in such areas. The legislation would further require that the amount collected as the fair market value for such areas of the refuge system be paid into the Migratory Bird Conservation Fund to carry out the existing land acquisition provisions of both the Migratory Bird Conservation Act and the Migratory Bird Hunting Stamp Act. Thus, the legislation would provide for the replacement of lands within the national wildlife refuge system that are permitted to be used for roads, canals, pipelines, and the like. The earmarking of funds for land acquisition purposes only was suggested by the Department of the Interior. Your committee wholeheartedly agrees with the suggestion and so provided in the legislation. The theory behind this provision is that starting with fiscal year 1977, 75 percent of the money accruing to the Migratory Bird Conservation Fund from the sale of duck stamps will have to be utilized to repay advance appropriations under the Wetlands Loan Act of 1961. Consequently, after fiscal year 1977, there will be little money available with which to complete the original land acquisition goal. The moneys to be received from such permittees should go a long way in helping to achieve this goal. Also, in this way, lands that are diverted to other uses will be assured of being replaced with other lands of equal value.

It should be noted that although it appears that the legislation would produce only nominal funds for land acquisition, it is an equitable way to replace wildlife lands taken out of the national wildlife refuge system. According to the Department of the Interior, the legislation as reported, would have produced about \$60,000 per year for the fund had it been in effect for the past 5 years. It is conceivable, however, that the legislation will result in a considerably larger amount of funds than estimated. I say this in view of the recently enacted legislation authorizing the building of the Alaska pipeline. While it does not appear that the Alaska pipeline will cross any lands within the refuge system, the Alaska Pipeline Act does recognize that other pipelines will be necessary and authorizes the building of pipelines across Federal lands in the State of Alaska and across lands within the national wildlife refuge systems located in any of the other 49 States. It is the opinion of your committee that should any lands of the refuge system be utilized for such purposes, fair market value of such lands should be paid and placed in the Migratory Bird Conservation Fund so that these lands, which are held in trust, can be replaced at the earliest possible date.

If the legislation is enacted into law, your committee, based on information supplied by the Department of the Interior, estimates that there would be no additional cost to the Federal Government.

Mr. Speaker, I urge my colleagues to support passage of this bill.

Mr. CONTE. Mr. Speaker, as a cosponsor of H.R. 11541, I rise to urge its passage.

Since 1965, it has been my privilege to serve, along with my distinguished colleague, the gentleman from Michigan (Mr. DINGELL) on the Migratory Bird Conservation Commission.

I am proud to say in prefacing my remarks on this legislation that using funds derived from the sale of migratory bird hunting stamps—duck stamps—more than 2 million acres of land have been added to those already within the national wildlife refuge system.

This legislation provides that any land encompassed in our national wildlife refuge system that is to be diverted from its originally intended uses for a number of purposes be purchased at its fair market value.

I am sure my colleagues will agree with me that this is an eminently evenhanded manner with which to deal with increased demands for right-of-way across our refuges.

As originally drafted, this legislation called for consideration of only those right-of-way transfers required for the construction of highways. The Committee on Merchant Marine and Fisheries has exercised admirable foresight in broadening the scope of the legislation to include all right-of-way transfers including those for pipelines, canals, roads, ditches, and so forth.

And there can be no doubt that the demand for access through our public lands to provide for pipeline installation will increase. While, as presently planned, the Alaska pipeline will not cross any of our national wildlife refuge land, it is certainly within the realm of possibility that subsequent oil and natural gas pipelines will be laid through our refuges. Although I hasten to emphasize that any use must be compatible with the refuge and there be no feasible alternate route. Lands taken for those rights-of-way must be replaced.

We are asking in this bill for payment of fair market value for land taken for rights-of-way through our wildlife refuges. This is the only way we can insure that we will be able to replace land taken with property of equal value.

Mr. BIAGGI. Mr. Speaker, I rise to speak in support of H.R. 11541, the Transfers of Wildlife Refuge Rights-of-Way Act.

This bill serves a very important public purpose. It provides that when the Secretary of the Interior grants power companies or public bodies the right to lay cable, string wires or build roads through our precious wildlife refuges, that they must pay the fair market value of the land which they use.

This is only fair, of course. Increasingly, our refuges are being invaded by these powerlines, cables, and highways. They are making significant use of the land, and while the Secretary of the Interior is directed to grant these rights-of-way only when there is no feasible alternative, there often is not one. Thus our total refuge land is being reduced.

There is no danger here, but there is an important problem. We have not yet purchased all of the expensive land which ought to be included in the wildlife refuge system, and which Interior Department plans already call for inclusion of

in the system. We have not purchased this land because of the high cost involved.

What fairer method is there to increase our purchases than to require those who deplete the total amount of refuge land to pay the market value of such land, and use that money to purchase new lands which are urgently needed?

And let there be no misunderstanding that this bill is concerned with insignificant amounts of money. The Congress, in response to the energy crisis, recently passed the Alaska pipeline bill, and while the pipeline will not invade the wildlife refuge system, many energy conduits for natural gas and oil are soon to be constructed that will. This means substantial amounts of money for fair market value of land taken that can be used to accelerate the purchase of new lands and expand the wildlife refuge system.

Mr. Speaker, this bill is an important step in our program of wildlife preservation and protection. I urge its quick passage.

The SPEAKER. The question is on the motion offered by the gentleman from Michigan (Mr. DINGELL) that the House suspend the rules and pass the bill H.R. 11541, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DINGELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the legislation (H.R. 11541) just passed.

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

There was no objection.

CONSERVATION PROGRAMS ON MILITARY AND OTHER FEDERAL LANDS

Mr. DINGELL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 11537) to extend and expand the authority for carrying out conservation and rehabilitation programs on military reservations, and to authorize the implementation of such programs on certain public lands, as amended.

The Clerk read as follows:

H.R. 11537

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to promote effectual planning, development, maintenance, and coordination of wildlife, fish and game conservation and rehabilitation in military reservations", approved September 15, 1960 (16 U.S.C. 670a-f), is amended—

(1) by inserting immediately after the first sentence of the first section thereof the following new sentence: "Such cooperative plan shall provide for (1) fish and wildlife habitat improvements or modifications, (2) range rehabilitation where necessary for support of wildlife, and (3) control of off-road vehicle traffic."; and

(2) by amending section 6(b) thereof—

(A) by amending the first sentence thereof by inserting immediately after "July 1, 1971," the following: "and not to exceed \$1,500,000 for the fiscal year beginning July 1, 1972, and for each of the next five fiscal years thereafter,"; and

(B) by inserting immediately before the last sentence thereof the following new sentence: "There is authorized to be appropriated to the Secretary of the Interior not to exceed \$2,000,000 for the fiscal year beginning July 1, 1973, and for each of the next four fiscal years thereafter to enable the Secretary to carry out such functions and responsibilities as he may have under cooperative plans to which he is a party under this title."

Sec. 2. Such Act of September 15, 1960, is further amended by adding at the end thereof the following:

**"TITLE II—CONSERVATION PROGRAMS
ON CERTAIN PUBLIC LAND**

"Sec. 201. (a) The Secretary of the Interior and the Secretary of Agriculture shall each, in cooperation with the State agencies and in accordance with comprehensive plans developed pursuant to section 202 of this title, plan, develop, maintain, and coordinate programs for the conservation and rehabilitation of wildlife, fish, and game. Such conservation and rehabilitation programs shall include, but not be limited to, specific habitat improvement projects and related activities.

"(b) The Secretary of the Interior shall implement the conservation and rehabilitation programs required under subsection (a) of this section on public land under his jurisdiction. The Secretary of the Interior shall adopt, modify, and implement the conservation and rehabilitation programs required under such subsection (a) on public land under the jurisdiction of the Chairman, but only with the prior written approval of the Atomic Energy Commission, and on public land under the jurisdiction of the Administrator, but only with the prior written approval of the Administrator. The Secretary of Agriculture shall implement such conservation and rehabilitation programs on public land under his jurisdiction.

"Sec. 202. (a) (1) The Secretary of the Interior shall develop, in consultation with the State agencies, a comprehensive plan for conservation and rehabilitation programs to be implemented on public land under his jurisdiction and the Secretary of Agriculture shall do the same in connection with public land under his jurisdiction.

"(2) The Secretary of the Interior shall develop, with the prior written approval of the Atomic Energy Commission, a comprehensive plan for conservation and rehabilitation programs to be implemented on public land under the jurisdiction of the Chairman and develop, with the prior written approval of the Administrator, a comprehensive plan for such programs to be implemented on public land under the jurisdiction of the Administrator. Each such plan shall be developed after the Secretary of the Interior makes, with the prior written approval of the Chairman or the Administrator, as the case may be, and in consultation with the State agencies, necessary studies and surveys of the land concerned to determine where conservation and rehabilitation programs are most needed.

"(b) Each comprehensive plan developed pursuant to this section shall be consistent with any overall land use and management plans for the lands involved. In any case in which hunting, trapping, or fishing (or any combination thereof) of resident fish and wildlife is to be permitted on public land under a comprehensive plan, such hunting, trapping, and fishing shall be conducted in accordance with applicable laws and regulations of the State in which such land is located.

"(c) (1) Each State agency may enter into a cooperative agreement with—

"(A) the Secretary of the Interior with respect to those conservation and rehabilitation programs to be implemented under this title within the State on public land which is under his jurisdiction;

"(B) the Secretary of Agriculture with respect to those conservation and rehabilitation programs to be implemented under this title within the State on public land which is under his jurisdiction; and

"(C) the Secretary of the Interior and the Chairman or the Administrator, as the case may be, with respect to those conservation and rehabilitation programs to be implemented under this title within the State on public land under the jurisdiction of the Chairman or the Administrator; except that before entering into any cooperative agreement which affects public land under the jurisdiction of the Chairman, the Secretary of the Interior shall obtain the prior written approval of the Atomic Energy Commission and before entering into any cooperative agreement which affects public lands under the jurisdiction of the Administrator, the Secretary of the Interior shall obtain the prior written approval of the Administrator. No conservation or rehabilitation program, nor any recommendation in any preliminary study or survey undertaken with respect to any such program, may be implemented under this title unless it is included within a cooperative agreement.

"(2) Any conservation and rehabilitation program included within a cooperative agreement entered into under this subsection may be modified in a manner mutually agreeable to the State agency and the Secretary concerned (and the Chairman or the Administrator, as the case may be, if public land under his jurisdiction is involved). Before modifying any cooperative agreement which affects public land under the jurisdiction of the Chairman, the Secretary of the Interior shall obtain the prior written approval of the Atomic Energy Commission and before modifying any cooperative agreement which affects public land under the jurisdiction of the Administrator, the Secretary of the Interior shall obtain the prior written approval of the Administrator.

"(3) Each cooperative agreement entered into under this subsection shall—

"(A) specify those areas of public land within the State on which conservation and rehabilitation programs will be implemented;

"(B) provide for fish and wildlife habitat improvements or modifications, or both;

"(C) provide for range rehabilitation where necessary for support of wildlife;

"(D) require the control of off-road vehicle traffic;

"(E) if the issuance of public land area management stamps is agreed to pursuant to section 203(a) of this title—

"(i) contain such terms and conditions as are required under section 203(b) of this title;

"(ii) require the maintenance of accurate records and the filing of annual reports by the State agency to the Secretary of the Interior or the Secretary of Agriculture, or both, as the case may be, setting forth the amount and disposition of the fees collected for such stamps; and

"(iii) authorize the Secretary concerned and the Comptroller General of the United States, or their authorized representatives, to have access to such records for purposes of audit and examination; and

"(F) contain such other terms and conditions as the Secretary concerned and the State agency deem necessary and appropriate to carry out the purposes of this title.

A cooperative agreement may also provide for arrangements under which the Secretary concerned may authorize officers and employees of the State agency to enforce, or

to assist in the enforcement of, section 204 (a) of this title.

"(4) Except where limited under a comprehensive plan or pursuant to cooperative agreement, hunting, fishing, and trapping shall be permitted on public land which is the subject of a conservation and rehabilitation program implemented under this title.

"(5) The Secretary of the Interior and the Secretary of Agriculture, as the case may be, shall prescribe such regulations as are deemed necessary to control, in a manner consistent with the applicable comprehensive plan and cooperative agreement, the public use of public land which is the subject of any conservation and rehabilitation program implemented by him under this title.

"Sec. 203. (a) Any State agency may agree with the Secretary of the Interior and the Secretary of Agriculture (or with the Secretary of the Interior or the Secretary of Agriculture, as the case may be, if within the State concerned all conservation and rehabilitation programs under this title will be implemented by him) that no individual will be permitted to hunt, trap, or fish on any public land within the State which is subject to a conservation and rehabilitation program implemented under this title unless at the time such individual is engaged in such activity he has on his person a valid public land management area stamp issued pursuant to this section.

"(b) Any agreement made pursuant to subsection (a) of this section to require the issuance of public land management area stamps shall be subject to the following conditions:

"(1) Such stamps shall be issued, sold, and the fees therefor collected, by the State agency or by the authorized agents of such agency.

"(2) Except for expenses incurred in the printing, issuing, or selling of such stamps, the fees collected for such stamps by the State agency shall be utilized in carrying out conservation and rehabilitation programs implemented under this title in the State concerned and for no other purpose. If such programs are implemented by both the Secretary of the Interior and the Secretary of Agriculture in the State, the Secretaries shall mutually agree, on such basis as they deem reasonable, on the proportion of such fees that shall be applied by the State agency to their respective programs.

"(3) The purchase of any such stamp shall entitle the purchaser thereof to hunt, trap, and fish on any public land within such State which is the subject of a conservation or rehabilitation program implemented under this title except to the extent that the public use of such land is limited pursuant to a comprehensive plan or cooperative agreement; but the purchase of any such stamp shall not be construed as (A) eliminating the requirement for the purchase of a migratory bird hunting stamp as set forth in the first section of the Act of March 16, 1934, commonly referred to as the Migratory Bird Hunting Stamp Act (16 U.S.C. 718a), or (B) relieving the purchaser from compliance with any applicable State game and fish laws and regulations.

"(4) The amount of the fee to be charged for such stamps, the age at which the individual is required to acquire such a stamp, and the expiration date for such stamps shall be mutually agreed upon by the State agency and the Secretary or Secretaries concerned; except that each such stamp shall be void not later than one year after the date of issuance.

"(5) Each such stamp must be validated by the purchaser thereof by signing his name across the face of the stamp.

"(6) Any individual to whom a stamp is sold pursuant to this section shall upon request exhibit such stamp for inspection to any officer or employee of the Department of the Interior or the Department of Agricul-

ture, or to any other person who is authorized to enforce section 204(a) of this title.

"Sec. 204. (a) (1) Any person who hunts, traps, or fishes on any public land which is subject to a conservation and rehabilitation program implemented under this title without having on his person a valid public land management area stamp, if the possession of such a stamp is required, shall be fined not more than \$1,000, or imprisoned for not more than six months, or both.

"(2) Any person who knowingly violates or fails to comply with any regulations prescribed under section 202(c) (5) of this title shall be fined not more than \$500, or imprisoned not more than six months, or both.

"(b) (1) The Secretary of the Interior and the Secretary of Agriculture may designate and authorize officers and employees of their respective departments to enforce subsection (a) of this section. Such officers and employees, and any State officers or employees authorized under a cooperative agreement to enforce such subsection (a) are authorized—

"(A) with or without warrant or other process, to arrest any person committing in his presence or view an offense under subsection (a) of this section;

"(B) to execute any warrant or process issued by an officer or court of competent jurisdiction for the arrest of any person charged with the commission of any such offense; and

"(C) with or without a warrant, as authorized by law, to search any place.

"(2) Upon the sworn information by a competent person, any United States magistrate or court of competent jurisdiction may issue process for the arrest of any person charged with committing any offense under subsection (a) of this section.

"(3) Any person charged with committing any offense under subsection (a) of this section may be tried and sentenced by any United States magistrate designated for that purpose by the court by which he was appointed, in the same manner and subject to the same conditions as provided for in section 3401 of title 18, United States Code.

"(c) All guns, traps, nets, and other equipment, vessels, vehicles, and other means of transportation used by any person when engaged in committing an offense under subsection (a) of this section shall be subject to forfeiture to the United States and may be seized and held pending the prosecution of any person arrested for committing such offense. Upon conviction for such offense, such forfeiture may be adjudicated as a penalty in addition to any other provided for committing such offense.

"(d) All provisions of law relating to the seizure, forfeiture, and condemnation of a vessel for violation of the customs laws, the disposition of such vessel or the proceeds from the sale thereof, and the remission or mitigation of such forfeitures, shall apply to the seizures and forfeitures incurred, or alleged to have been incurred, under the provisions of this section, insofar as such provisions of law are applicable and not inconsistent with the provisions of this section; except that all powers, rights, and duties conferred or imposed by the customs laws upon any officer or employee of the Department of the Treasury shall, for the purposes of this section, be exercised or performed by the Secretary of the Interior or the Secretary of Agriculture, as the case may be, or by such persons as he may designate.

"Sec. 205. As used in this title—

"(1) The term 'Administrator' means the Administrator of the National Aeronautics and Space Administration.

"(2) The term 'Chairman' means the Chairman of the Atomic Energy Commission.

"(3) The term 'off-road vehicle' means any motorized vehicle designed for, or capable of, cross-country travel on or immediately over land, water, sand, snow, ice, marsh, swamp-

land, or other natural terrain; but such term does not include—

"(A) any registered motorboat;

"(B) any military, fire, emergency, or law enforcement vehicle when used for emergency purposes; and

"(C) any vehicle the use of which is expressly authorized by the Secretary of the Interior or the Secretary of Agriculture under a permit, lease, license, or contract.

"(4) The term 'public land' means all lands under the respective jurisdiction of the Secretary of the Interior, the Secretary of Agriculture, the Chairman, and the Administrator, except land which is, or hereafter may be, within or designated as—

"(A) a military reservation;

"(B) a national park or monument; or

"(C) an area within the national wildlife refuge system;

"(5) The term 'State agency' means the agency or agencies of a State responsible for the administration of the fish and game laws of the State.

"Sec. 206. (a) There is authorized to be appropriated the sum of \$10,000,000 for the fiscal year ending June 30, 1974, and for each of the next four fiscal years thereafter to enable the Department of the Interior to carry out its functions and responsibilities under this title.

"(b) There is authorized to be appropriated the sum of \$10,000,000 for the fiscal year ending June 30, 1974, and for each of the next four fiscal years thereafter to enable the Department of Agriculture to carry out its functions and responsibilities under this title."

SEC. 3. Such Act of September 15, 1960, is further amended—

(1) by redesignating the first section and sections 2 through 6 as sections 101 through 106, respectively;

(2) by striking out "That the Secretary of Defense" in section 101 (as so redesignated) and inserting in lieu thereof the following:

**"TITLE I—CONSERVATION PROGRAMS
ON MILITARY RESERVATIONS**

"SEC. 101. The Secretary of Defense";

(3) by striking out "Act" the first time it appears in the proviso to section 102 (as so redesignated) and inserting in lieu thereof "title";

(4) by striking out "Act" each place it appears in sections 104 and 106 (as so redesignated) and inserting in lieu thereof "title"; and

(5) by striking out "sections 1 and 2" in section 106 (as so redesignated) and inserting in lieu thereof "sections 101 and 102".

The SPEAKER. Is a second demanded?

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

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

There was no objection.

Mr. DINGELL. Mr. Speaker, I yield myself 6 minutes.

Mr. Speaker, the purpose of the legislation is to extend the game conservation and rehabilitation program carried out on military reservations and to provide for the carrying out of such programs on certain other federally owned lands; namely, Bureau of Land Management lands within the Department of the Interior, National Forest lands within the Department of Agriculture, Atomic Energy Commission lands, and National Aeronautics and Space Administration lands.

Mr. Speaker, under existing law known as the Sikes Act, the Secretary of Defense is authorized to carry out game conservation and rehabilitation program on military reservations in accord-

ance with a cooperative plan mutually agreed to by the Secretary of Defense, the Secretary of the Interior, and the State in which the reservation is located.

Under these agreements, and within the funds generated by hunting and fishing fees supplemented by other resources of the Department of Defense, many successful and well-balanced conservation programs have been developed at Defense installations capable of supporting such programs but yet consistent with the military mission of each installation.

Mr. Speaker, much of this land has tremendous wildlife enhancement potential while other areas are important in the preservation of endangered and threatened species of fish and wildlife. For instance, three military installations along the lower California coast contain important nesting areas for the California least tern and the light-footed clapper rail, both of which are endangered. Fort Hood, in Texas, has set aside habitat for the rare golden-checked warbler; and in South Dakota, the black-footed ferret is being protected on the Air Force Aerial Gunnery Range.

Mr. Speaker, in addition to providing habitat for rare and endangered animals, these military installations throughout the United States provide our citizenry with a variety of recreational activities. Although statistical data on some of these activities is not available, without question, use is being made of these areas by pleasure boaters, nature photographers, birdwatchers, amateur naturalists, and others in hot pursuit of high-quality outdoor recreation. The latest figures available indicate that these installations are supporting annually over 1.5 million man-days of fishing and considerable man-days of hunting.

Mr. Speaker, there are over 19 million acres of military lands on which these programs can be carried out. However, the Department of Defense provided the Committee on Merchant Marine and Fisheries with a detailed list of more than 60 installations throughout the country that are suitable for more aggressive fish and wildlife programs if additional funds were available. The list is contained on pages 6 and 7 of the committee's report.

Mr. Speaker, title I of H.P. 11537 is designed to provide the necessary funds needed to carry out this expanded program on military reservations. In this regard, title I of this bill would extend the program authorized by the Sikes Act until June 30, 1979, and would increase the amount of funds authorized to be appropriated from \$500,000 to \$1.5 million per year. In addition, in order to assist the Secretary of the Interior in carrying out his functions and responsibilities under any cooperative agreements to which he is a party affecting these lands, the legislation would authorize to be appropriated to him the sum of \$2 million per year for the 5-year period.

Mr. Speaker, title II of the bill is designed to provide for the carrying out of the highly successful Sikes Act programs on other Federal lands throughout the

United States. In this regard, the bill would cover approximately 450 million acres of BLM lands, 187 million acres of national forest lands, 2 million acres of AEC lands, and many thousands of acres of NASA lands.

Mr. Speaker, in accomplishing this purpose, briefly explained, title II of the bill would require the Secretary of Agriculture, in consultation with the State fish and game agencies, to develop a comprehensive conservation and rehabilitation program on lands under his jurisdiction. The Secretary of the Interior, in consultation with the States, would be required to develop such a plan on lands under his jurisdiction. In addition, in consultation with the States, the Secretary of the Interior would be required to develop such a program on AEC and NASA lands, but only with the prior written approval of the AEC and the Administrator of NASA, as the case may be.

Mr. Speaker, after these comprehensive plans have been developed, then the Secretary of Agriculture would be charged with the responsibility of implementing the plan on national forest lands, the Secretary of Interior on BLM lands, as well as on the lands under the jurisdiction of AEC and NASA.

However, it is to be noted that no conservation or rehabilitation program could be implemented on any of the lands covered by this legislation unless such programs are subject to a cooperative agreement.

In addition, Mr. Speaker, the legislation would require that each comprehensive plan would have to be consistent with any overall land use and management plan for the lands involved. Also, in any agreed-to program which allows hunting, trapping, and fishing of resident fish and wildlife to take place, then such activities are required to be carried out in accordance with applicable State laws and regulations.

Mr. Speaker, each cooperative agreement entered into would be required to specify those areas of public land within the State that are subject to a game conservation and rehabilitation program; provide for fish and wildlife habitat improvement; provide for range rehabilitation, where necessary for support of wildlife; require the control of off-road vehicle traffic; and, if the States so agree, the issuance of public land area management stamps.

I would like to call to the attention of my colleagues that the issuance of a public land management area stamp is strictly voluntary. No stamp can be issued unless the State concerned agrees to the issuance and sale of such a stamp. The legislation would not set the price for such a stamp if it is agreed that the stamp will be sold in a certain State. Again, this is negotiable and the price of such a stamp would be that which is agreed to by the State concerned and the Secretary of the Interior or the Secretary of Agriculture, as the case may be.

Mr. Speaker, all proceeds from the sale of such stamps which, incidentally, would be sold by the appropriate State agency, are required to be expended in carrying out a game conservation and rehabilitation program on lands within the State involved.

Mr. Speaker, the legislation would make it unlawful for anyone to hunt, trap, or fish on any Federal lands included in an agreed-to program without having on his person a valid public land management area stamp; that is, if the possession of such a stamp is required by the agreement. Violators would be subject to a fine of \$1,000 or imprisonment of 6 months, or both. Also, anyone who knowingly violates a regulation issued under this title would be subject to a fine of \$500 or six months imprisonment, or both.

The legislation would authorize the Secretary of the Interior and the Secretary of Agriculture, as the case may be to enforce the provisions of this title. Any guns, traps, nets, other equipment, and any means of transportation used by any person when engaged in committing an offense would be subject to forfeiture pending the prosecution of the person involved and an adjudication of the forfeiture.

Mr. Speaker, in carrying out their respective functions and responsibilities of this title, there would be authorized to be appropriated each to the Secretary of the Interior and the Secretary of Agriculture the sum of \$10 million per year for the 5-year life of the program; that is, from July 1, 1974 to June 30, 1979.

Mr. Speaker, this legislation has the support of the National Wildlife Federation, Wildlife Management Institute, the International Association of Game, Fish, and Conservation Commissioners; the American Forestry Association, and conservation and sportsmen in general throughout the country.

Mr. Speaker, H.R. 11537 is a good bill, and I urge its passage.

Mr. GROSS. I thank the gentleman for yielding.

Are the permits for hunting and fishing and other recreational activities?

Mr. DINGELL. They would just be for hunting, fishing, and trapping, if the State agrees to requiring a stamp for such purposes. I would say to my good friend, that any stamp sold would be sold by the State agency and not by the Federal Government and would be sold pursuant to a cooperative agreement executed by and between the State agency and the Federal Government.

Mr. GROSS. Are those uniform as between the States?

Mr. DINGELL. No; we tried to come up with a figure and finally figured that we would allow the State agency and the Federal Government to negotiate the level on which they would be charged. It would vary according to the kind of activity authorized and the type of area and so forth. It is my opinion, based on the experience in the State of Virginia where a similar practice is utilized, that it would run probably around \$1 for a permit.

Mr. GROSS. \$1, did the gentleman say?

Mr. DINGELL. For the permit. That is what the committee anticipates.

Mr. GROSS. The bill provides for an authorization of \$23.5 million over a period of 5 years, I believe. These Federal funds are in addition to those collected by the States with respect to permits, is that not true?

Mr. DINGELL. The answer to that question is "Yes." It is almost the level at which we anticipate prudent management would require in order to be able to take care of the matter.

Mr. GROSS. And the other funds for permits would go to the States?

Mr. DINGELL. They would be utilized by the State on the lands in that State under an agreed-to program only and not by the Federal Government.

Mr. GROSS. For the purpose of this legislation, would the cooperating States stock the ponds, lakes and reservoirs with fish?

Mr. DINGELL. It is assumed that the States would engage in a modest amount of stocking and habitat increasing.

Mr. GROSS. That would not be an obligation on the part of the Federal Government?

Mr. DINGELL. The answer to that question is, "It would not be an obligation of the Federal Government but, rather, the States would undertake the stocking."

Mr. GROSS. I thank the gentleman.

Mr. GOODLING. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan (Mr. RUPPE), a member of the committee.

Mr. RUPPE. Mr. Speaker, I reluctantly oppose this legislation before us at this moment because, first of all, I believe it is unnecessary and second, I believe it will very definitely lead to a tax or a user's fee being placed on any individual who chooses to hunt or fish on Federal property.

In my own particular district we have over 2 million acres of Federal forest lands which at the present time are utilized by sportsmen for hunting and fishing purposes but no licensing or regulatory fee is charged for such usage. There will certainly be with the advent of this legislation, because this provision is supported by the State Department of Natural Resources and various State departments. It would certainly lead to a user's fee in areas like those I outlined in the State of Michigan. People will not get more service or better game management but will simply pay an additional fee for the right to hunt and fish on Federal properties, which right they have already exercised for many years.

I say that this legislation, in my opinion, is not necessary. It is my understanding most States have cooperative agreements at the present time with the Federal Government. Again, relating to the Federal Forest Service, I do know there are numerous cooperative agreements in existence at the present time and most States have them with the Federal Forest Service whereby the Forest Service and the Departments of Natural Resources cooperate with State departments called in to help with fish and wildlife and habitat. But there is now no fee involved.

Under this legislation, in addition to a fee being charged, the State governments become, in effect, full partners or cosponsors with the Federal Forest Service on Federal land. At the present time the discretion as to whether the cooperative agreements should or should not be made is in the hands of the Federal Government. Under this bill the State

will have the decisionmaking capability to set up cooperative agreements, if you will have the decisionmaking capability Federal Government agencies regardless of the quality of the work the Federal game and fish people do and regardless of their program effectiveness on Federal property. At the present time the control and ultimate determination as to this effectiveness is in Federal hands. Under this legislation it would at best be a 50-50 State responsibility. It will inevitably, because it is supported by the States, lead to a Federal fee for hunting and fishing purposes.

We will not get anything in most areas beyond what we have already in terms of volunteer agreements between the Federal Government, the Federal Forestry Service, and State Departments of Natural Resources, but we will certainly get, because it sets up the right to do so, a fee charged for those who wish to hunt or fish on Federal forest properties.

In conclusion, Mr. Speaker, may I also say that the enforcement problem would be very grievous in many parts of the country. For instance, in my own particular area we have three Federal forests, and they are all checkerboarded by private property, and therefore an individual hunting or fishing on Federal forest land is never sure whether he is on Federal land or whether he is on private land which is adjacent to the Federal land, and is checkerboarded within this particular Federal perimeter. We will have many individuals who will undoubtedly be confused, and therefore subject to 6 months in jail or a fine of \$1,000, because they will never know for sure whether they are on Federal land or on private adjacent land, even though they in their own mind may think they know which is the Federal land. In reality they will be in violation of Federal law.

Therefore, Mr. Speaker, in my own opinion, regardless of how worthy such legislation may be, when it comes to Federal forest properties this legislation, in terms of the fees charged to those individuals who wish to hunt or fish on those properties, will not necessarily improve the quality of the wildlife habitat or the fishing on those Federal properties. It will in fact diminish the rights of the Federal Government and increase the rights of the States, making them coequals, as the States may wish, since they are so very strongly in support of this legislation. And, finally, the enforcement problem will be very difficult to exercise and to maintain equitably because of the fact that private and Federal Government properties are very often interspersed in a checkerboard fashion.

So, Mr. Speaker, I regretfully must ask the Members to oppose this legislation.

Mr. GOODLING. Mr. Speaker, I yield 5 minutes to the gentleman from Montana (Mr. SHOUP).

Mr. SHOUP. Mr. Speaker, I reluctantly must rise in opposition to this legislation. I certainly applauded and supported the original bill as put in by my colleague, the gentleman from Florida, in the extension of this very needed legislation, but I find that the additional material that was added in title II to the original bill contains what I think are several

objectionable additions insofar as the implementation of the original bill.

For that reason I would like to ask a question or two of the distinguished gentleman from Michigan (Mr. DINGELL) so that perhaps the gentleman may clarify a few points.

First, Mr. Speaker, I am somewhat surprised that the committee in face of the opposition of the Federal agencies that are affected by this bill would pass out this type of legislation. I note in the report that the Department of Agriculture, the Department of the Interior, both oppose the legislation, and that in the rest of the report it contains opposition by the Department of Justice, NASA, the AEC, the General Services Administration, the Comptroller General of the United States, and the Treasury.

It would appear that everyone is against the legislation, and they say they do not need it, and that as far as they are concerned they can implement what is wanted, and yet we have to pass another bill.

Mr. DINGELL. Mr. Speaker, if the gentleman will yield, I am sure the gentleman from Montana is aware of the fact that the committee on which the gentleman serves and on which I serve has long had the tradition of bringing forth legislation that the committee has thought would be in the public interest. I am sure the gentleman from Montana recalls the railroad legislation which was opposed by every Government agency, but which they now concede is excellent legislation, and other such legislation.

The answer is "Yes," that there may be authority for the various agencies to do what this bill would ask them to do, but the answer is that authority is not clearly codified, and is not being properly and adequately utilized by almost all of the agencies. This legislation does give to the States what they have wanted in order to achieve intelligent management of wildlife on public lands.

Mr. SHOUP. Did the committee feel that the present management of our Federal lands is so deficient as to demand this type of legislation?

Mr. DINGELL. The answer to that is "Yes," and we felt that there are many ways that hunting and fishing on public lands could be improved.

We have a program of this kind which is engaged in in Virginia. It is most successful, but the agencies have not utilized these kinds of devices elsewhere throughout the United States, with the result that hunting opportunities are not as good as they could be if this kind of legislation were enacted.

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

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

Mr. RUPPE. I thank the gentleman for yielding.

Is it my understanding that the Federal Forest Service now has an agreement in every State in which there is a Federal forest?

Mr. DINGELL. The answer to that question is "Yes."

I should like to remind my friend, the gentleman from Michigan, that the Service does not have any agreement between

State government and the Federal Government as to sale of permits. This is permissible under the legislation and I would assume that the State agency in Montana where my good friend comes from, or in Michigan where Mr. RUPPE and I come from, would be keenly sensitive to the will of the people on this kind of question.

Mr. SHOUP. I find it very difficult to understand how the gentleman is going to implement this. If I may illustrate. In section 202a) (1), it says:

The Secretary of the Interior shall develop—

And I emphasize the word "shall"—shall develop, in consultation—

Only in consultation—
with the State agencies, a comprehensive plan for conservation and rehabilitation programs—

And I emphasize these words—
to be implemented on public land under his jurisdiction. . . .

Then it goes on to refer to the Secretary of Agriculture in the same text.

There is a clear directive that there shall be a plan devised and implemented.

Mr. DINGELL. The gentleman is correct, and that is a nationwide plan.

Mr. SHOUP. Then on page 5 it says: Each State agency—

If I may emphasize this—
may enter into a cooperative agreement. . . .

Mr. DINGELL. Yes.
Mr. SHOUP. First, we are telling the Secretary of Agriculture that he shall do something, and they simply state "may enter into it."

Then if you go to page 6, line 4, it predicates the accomplishment by the Federal agency on whether or not the State has agreed. It seems to me there is a conflict of language here which indicates that possibly this section or this title was drawn hastily.

Mr. DINGELL. The answer to the question is this: There is no conflict here. The Secretary is directed to develop a program for conservation of natural resources on public land.

The SPEAKER. The time of the gentleman has expired.

Mr. GOODLING. Mr. Speaker, I yield 1 additional minute to the gentleman from Montana.

Mr. DINGELL. Will the gentleman yield?

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

Mr. DINGELL. The answer is that the heads of the Forest Service are authorized and directed to come forward with a national plan for wildlife resources on lands under their jurisdiction, and they are to do so in consultation with the State agencies. Then they are authorized, but not directed, to enter into cooperative agreements with the State agencies with regard to game management on public lands under their jurisdiction. There is really no conflict. It is a comprehensive planning package in which the States will be ultimately involved. It is an attempt to finally resolve this ancient battle which has existed between the States and the Federal Government of game management on public lands.

Mr. SHOUP. I have one further question regarding the statement by the gentleman from Michigan on the problem of defining the boundaries of the national forest or Federal lands with private or State lands. As the gentleman knows, Montana is a maze of checkerboard ownership due to the land-grant railroads. Did the committee approach this?

The SPEAKER. The time of the gentleman has expired.

Mr. DINGELL. Mr. Speaker, I yield to my good friend, the gentleman from Montana, 1 minute and yield myself such additional time as we need to discuss this.

The answer is that we have tried to give the State agencies of the States concerned and the Federal agencies sufficient latitude and discretion to meet peculiar problems which exist in the different States. For example, that is the reason that we have not fixed a fee. We have simply authorized the establishment of a stamp tax pursuant to a cooperative agreement between the gentleman's State Game Management Agency and the Federal agency in question, so that local conditions may be taken into consideration, so that, for example, the State agency may be responsive to the wishes of the State legislature with regard to this particular question. It is assumed that the different problems of the different States will be met in a fashion most appropriate to those particular States, rather than to establish a national program.

It is our intent to see to it that the State game management agencies are able to tailor their solution to these problems, to the particular problems which exist in the gentleman's State, or in my State, to suit the problems that exist there. It is to involve the State agencies as closely as possible and the Governors and the people most directly involved on a State-by-State basis as opposed to sending them some fiat from Washington.

Mr. SHOUP. I thank the gentleman from Michigan.

Mr. DINGELL. I yield 5 minutes to my good friend, the gentleman from Florida (Mr. SIKES), the author of the legislation before us.

Mr. SIKES. Mr. Speaker, first let me express my appreciation to the distinguished gentleman from Michigan (Mr. DINGELL) for his sponsorship of this bill, which I also sponsor, and my appreciation to the great committee of which he is a member for the very important work done on so many needed measures to improve public recreation and to insure the preservation of America's wildlife and natural resources. Mr. DINGELL in particular has long been a recognized leader in this field—a field which each year becomes more essential as an exploding population seeks the peace and freedom of the outdoors. We, through this bill, hope to improve these resources.

The appropriations which will be authorized are not mandatory. They will be voted only as justified to the Appropriations Committees of the Congress. The authorization provides insurance of adequate support of these programs in the future.

The bill provides for an extension of

present programs for the conservation of fish and wildlife and the recreational use of lands in military reservations. This program has proven itself. It contains a new section which permits the bill to apply to BLM lands, to national forests, to NASA-owned lands, et cetera, on a voluntary, as-requested basis. The program is designed to improve access to and use by the public of these lands for hunting, fishing, boating, swimming, hiking, picnicking, or whatever legitimate use is beneficial to the public and reflects sound forest and wildlife management programs.

This legislation grew out of a pilot program approved to insure sound management practices for the Eglin Reservation, comprising nearly half a million acres in northwest Florida. Subsequently, Eglin Air Force Base has been a perennial winner in wildlife conservation competitions among military bases. It is interesting to note that the entire world population of the Okaloosa darter is found in this reservation. This small fish has been listed as a rare and endangered species by the Department of the Interior.

In 1960 general legislation was approved by Congress to initiate a program of wildlife conservation on military reservations throughout the country. Through implementation of the conservation program, tens of thousands of man-years of recreation have been made possible. A further contribution of the program has been the protection and assistance furnished to various endangered species. The American alligator, the southern bald eagle, and the osprey are among those species whose continued existence is being protected by virtue of wildlife conservation programs on military bases.

It is important to note that the hunting and fishing or other recreational uses associated with wildlife in this program are available to all citizens and not just to the personnel on the military base. State fish and game laws generally are in effect, and enforcement of those laws frequently is handled by regular employees of the State wildlife agency.

Concern has been expressed about the fact that a fee can be charged for people utilizing the lands covered by this act. The fee is flexible. It is negotiated between State and local authorities and is intended only to help defray the actual costs of the program. In no instance is it excessive.

Concern also has been expressed over the fact that penalty and seizure provisions are contained in the bill for violators. This is contained in present law. It is intended only to protect the reservations and the public who use them. Law-abiding recreation-minded citizens are entitled to protection from poachers and others intent on crime. I have watched the operation of this legislation for years, and I have known of no instance where excessive or unreasonable procedures were followed under the penalty and seizure sections. Every State has such laws. It is sound to apply them also to Federal lands.

Over 200 bases containing 19 million acres have developed cooperative programs under the 1960 legislation—an outstanding record—but one which I

hope to see improved to cover all the 26 million acres under the management of the Department of Defense. A step toward this goal was taken in 1968 when the Congress amended the 1960 act to authorize the appropriation of moneys to initiate programs on those reservations which did not possess a natural resource base adequate to build upon. These areas require appropriated funds so that they can establish forestry or other conservation programs with wildlife benefits which in time would become self-sustaining. This bill will continue that authorization.

The 1968 amendment allowed the appropriation of \$500,000 per year for fiscal year 1970, 1971 and 1972. Because of fiscal limitations, the Department of Defense did not request funding of these authorities. Now, in view of the rising costs associated with such a delay and the increasing need for the program, it is proposed in title I of H.R. 11537 that the appropriate authority for the Department of Defense be extended to cover the period through fiscal year 1977 and the level increased to \$1,500,000 per year. The title would also authorize the appropriation of \$2 million per year for a 5-year period beginning July 1, 1973, to the Secretary of Interior to carry out the portions of cooperative programs established under this title which are the responsibility of the Interior Department.

The second title of H.R. 11537 would allow the implementation of these commendable conservation management programs on other public land. Over 500 million additional acres would be brought within the management authority of this bill by including the lands under the jurisdiction of the Bureau of Land Management, Forest Service, Atomic Energy Commission and the National Aeronautics and Space Administration.

I would hasten to add that participation in the conservation program is voluntary on the part of AEC and NASA, and that no management authority is being taken from the heads of these two agencies. Rather, they are being given the opportunity to cooperate in a venture which will be of benefit to the public and to wildlife.

Certainly as we consider the Federal role in providing for outdoor recreation in the energy-restricted years ahead, a program which will make more high quality recreation lands available, especially in the populous East, appears as a most helpful adjunct.

The bulk of Federal lands on which recreation is a major function—the national parks and forests—are located primarily in the West. The most concentrated centers of population, on the other hand, are in the East. There are military reservations throughout the Nation, and extensive AEC and NASA lands are appealingly located in the East. Here, then, is an opportunity to provide new outdoor recreation options for the growing number of citizens who will have less opportunity to enjoy the benefits of America's recreational estate. The lessened opportunity will be made even more restrictive if available supplies of gasoline limit travel in future years.

In light of such considerations, this

proposal emerges as one of those rare pieces of legislation with the capacity to lessen problems in apparently unrelated areas. Through adoption of the broadening provision of H.R. 11537 we can conserve not only land and wildlife, but energy as well.

Now I want to touch briefly on the details of title II. The Secretaries of Interior and Agriculture are required to develop, in cooperation with the several States involved, comprehensive plans for the conservation and rehabilitation of public lands under their jurisdiction. Upon written approval of the head of the AEC and NASA, lands under the jurisdiction of either agency may be included under such a comprehensive program. The title makes clear that State fish and wildlife laws shall be applicable on any of these lands on which hunting or fishing are permitted. An important provision in the operation of the wildlife conservation programs on military reservations is that these programs have been self-sufficient, the fees collected from users being used to offset the costs of operation. This concept is carried through in the current proposal. Section 203 provides a mechanism for this, with the authorization of a public land management area stamp which must be displayed by anyone seeking to harvest wildlife on lands covered by a cooperative program authorized by this title.

These stamps would be sold by the State wildlife agency or its authorized agency, and the proceeds of such sales shall be used only for the implementation of conservation and rehabilitation programs authorized by this act. The penalty for failure to possess such a stamp when required is a fine not to exceed \$1,000 or imprisonment for not more than 6 months, or both. The bill also authorizes the sum of \$10,000,000 to be appropriated for the fiscal year ending June 30, 1974, and for each of the next 4 fiscal years to enable the Interior Department to carry out the provisions of this act. Similar appropriation authority is contained for the Department of Agriculture.

Mr. Speaker, I would like to reiterate that this legislative proposal will enable us to make progress in two areas currently of great concern—the enhancement of our natural environment and the alleviation of the pressures generated by the energy crisis.

Should any of our colleagues be interested in observing first hand the effectiveness of this program, I invite them to visit Eglin and Tyndall Air Force Bases in Florida's first and finest district. Tyndall, although a much smaller reservation comprising only 20,000 acres, has been the most consistent winner in national competition on conservation programs in the Nation. The accomplishments in the program at these bases are outstanding.

My hope is that more Americans will be able to see and use the results of sound conservation and rehabilitation programs on Federal lands near where they live.

Mr. DINGELL. Mr. Speaker, I yield 2 minutes to my friend from Florida.

Mr. SIKES. Mr. Speaker, I am glad to yield to my friend from Florida, the chairman of one of the great committees of the House, the Committee on Interior and Insular Affairs (Mr. HALEY).

Mr. HALEY. Mr. Speaker, I would like to associate myself with the remarks of the distinguished dean of our delegation and heartily concur in his remarks.

Mr. SIKES. Mr. Speaker, I appreciate the contribution of my good friend. I reiterate that this legislative proposal will enable us to make progress in two areas currently of great concern, the enhancement of our natural environment and the alleviation of the pressures generated by the energy crisis.

I yield to the distinguished gentleman from Washington.

Mrs. HANSEN of Washington. Mr. Speaker, I would appreciate the distinguished gentleman from Florida clarifying the statement on page 14, wherein it said:

(4) The term "public land" means all lands under the respective jurisdiction of the Secretary of the Interior, the Secretary of Agriculture, the Chairman, and the Administrator, except land which is, or hereafter may be, within or designated as—

- (A) a military reservation;
- (B) a national park or monument; or
- (C) an area within the national wildlife refuge system;

This kind of leaves hanging the status of the Indian-owned lands, and because we have had so many conflicts over the Indian fishing and Indian hunting and so on, I would like the gentleman to clarify and state that this does or does not include the Indian lands.

Mr. SIKES. That is a very sound question and I yield to the very distinguished chairman of the subcommittee who has a detailed answer on the subject.

Mr. DINGELL. Mr. Speaker, I thank my good friend and colleague for yielding. In response, I would say it is the understanding and the intention of the subcommittee and the committee that it did not cover Indian lands, because Indian lands are different. Those are trust lands and are not included under the language of the legislation, according to the clear intent of the committee. I am sure my good friend from Florida, (Mr. SIKES) will concur in that understanding.

Mr. SIKES. Mr. Speaker, I concur in the statement and I think it is well to bring this out. Again, let me thank this distinguished committee for what I think is a valuable contribution in this field of legislation.

Mr. DINGELL. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I want to commend my friend from Florida (Mr. SIKES) for his outstanding work in bringing this legislation about. It is a monument to his tenacity and his vision and it certainly represents a continuation of the program which he has most successfully fought for in his years in Congress.

Mr. Speaker, I yield 1 minute to the distinguished chairman, the gentleman from Missouri (Mrs. SULLIVAN).

Mrs. SULLIVAN. Mr. Speaker, I rise in support of H.R. 11537 and urge its immediate passage.

I commend the gentleman from Michigan, the chairman of the subcommittee, for doing an excellent job on this very difficult subject.

Mr. Speaker, this bill will provide for the continuation of a program of planning, development, maintenance, and coordination of wildlife, fish, and game conservation, public recreation, and rehabilitation on military reservations carried out under cooperative plans between the Secretaries of Defense and Interior and the appropriate State agency. This program has made possible many successful and well-balanced conservation programs at Defense installations capable of supporting such a program consistent with the military mission.

Under these cooperative efforts, military lands have been used for the benefit of all our citizens as sources of wildlife-oriented recreational activities, the demand for which is increasing at a faster rate than it can be provided. At the same time, appropriate areas on these military lands are serving as sanctuaries for some of our threatened and endangered species.

Mr. Speaker, with the passing of each day, land in general becomes increasingly expensive as the competition for its use grows. The amount of available land remains the same, therefore, we must learn to use each parcel of land for as many complementary purposes as possible. As we all know, vast areas of our country have been set aside for the necessary requirements of our military services. Existing programs have provided for the partial use of these same lands for recreation and conservation. The potential exists for far more extensive use of these lands for wildlife-oriented uses and the legislation before us today would increase the use of military lands for such purposes and set up similar programs for multiple use of other Federal lands.

Mr. Speaker, these programs have proved highly beneficial on a limited scale and I believe they should be extended and expanded. Accordingly, I urge the immediate passage of H.R. 11537.

Mr. SIKES. Mr. Speaker, I yield to the gentleman from Pennsylvania (Mr. GOODLING).

Mr. GOODLING. Mr. Speaker, I rise in support of H.R. 11537, a bill to extend the program for conservation on military reservations and to authorize such programs on other Federal lands. The existing act of September 15, 1960, which will become title I by the legislation before us, will be extended through fiscal year 1978 with an annual authorization of \$1.5 million for the Secretary of Defense and \$2 million for the Secretary of the Interior to carry out their joint responsibilities for wildlife conservation planning and management on military reservations.

Under the 1960 act, the Departments of the Interior and Defense have entered into a basic agreement covering conservation of fish and wildlife resources on military reservations, and 237 cooperative agreements covering approximately 19 million acres of DOD land have been entered into between installation commanders and State wildlife agencies.

This is a sound program which has, unfortunately, been woefully underfunded. The previous authorization level of \$500,000 was simply not adequate and, based upon the estimates of Defense witnesses before the committee, the proposed funding level of \$1.5 million per year is recommended by your committee. Further, the existing act did not authorize any funds for the use of the Department of the Interior to carry out its responsibility for planning conservation programs. Again, based upon the advice of Interior Department witnesses, the committee has recommended an annual authorization level of \$2 million. If fully funded, this will enable the Departments of the Interior and Defense to implement fish and wildlife conservation programs on many military reservations that have great potential. A list of those military installations appears on pages 6 and 7 of your committee report.

Title II of the 1960 act, as proposed in H.R. 11537, would authorize the Secretary of the Interior, with respect to certain public lands under his jurisdiction and with respect to lands administered by the Atomic Energy Commission and NASA, to enter into cooperative wildlife conservation programs with appropriate State agencies. Any agreement involving AEC or NASA lands would be made with the written approval of the chairman of those agencies. The cooperative program envisioned by title II is designed to substantially expand the level of rehabilitation efforts on public lands so as to increase and enhance wildlife habitat. Comparable authority would be vested in the Secretary of Agriculture with respect to national forest lands. The lands administered by the Agriculture Department and the Bureau of Land Management of the Department of the Interior account for the vast bulk of our public domain. They are in effect the Nation's reservoir of undeveloped lands where wildlife of all kinds can and should be not only preserved, but given every opportunity to flourish for the benefit of this and future generations. The cooperative management programs as envisioned by this legislation will give the States the significant role in this effort and hopefully will terminate the jurisdictional disputes that have gone on over the years between Federal agencies and the States over the question of wildlife management on Federal lands. This legislation does not turn over to the States jurisdiction over resident species of wildlife found on Federal lands, but pursuant to the cooperative agreements would give the States operational responsibility for management.

In addition, the legislation would strengthen the President's Executive Order 11644 dealing with the use of off-road vehicles on Federal lands. The funding for title II constitutes a small increase over current appropriations; \$10 million per year would be authorized for the Department of the Interior with respect to lands under its jurisdiction and AEC and NASA lands; \$10 million would also be authorized for the Department of Agriculture.

Mr. Speaker, while the executive agencies do not support title II of this legislation on the grounds that they have sufficient authority to carry out such programs, the bill would provide a statutory basis for the joint management of wildlife with the States and would tend to bring about a more uniform and rational cooperative system throughout the United States. I therefore urge my colleagues to support its enactment.

Mr. Speaker, I yield 5 minutes to the gentleman from Alaska (Mr. Young).

Mr. YOUNG of Alaska. Mr. Speaker, I stand unsure whether I support or oppose this bill. I do apologize for not attending the committee meeting held March 8, 1973.

Whenever the gentleman mentions public lands, I become a little nervous because we are dealing with about 96 percent of the State of Alaska. I do know, Mr. Speaker, that we have now before this legislative body approximately four bills dealing with public lands and land use planning commissions.

What effect this is going to have on Alaska, is what I would like to have clarified.

Mr. Speaker, I will yield to the gentleman from Michigan for the purpose of answering this question: Will this in any way affect the jurisdiction of the State Fish and Game Division now as far as the overseeing of the bag limit, and so forth, of game now on public lands?

Mr. DINGELL. Mr. Speaker, the answer to that question is an unqualified no. This legislation, if the gentleman would permit me to reply, is solely to resolve the bitter controversy that has existed between game and fish directors particularly of Western States, as to who manages the land in the public domain. The idea is that it would require cooperative agreements between the States and the Federal Government on this question.

The State agency is given an opportunity to enter into an agreement with the Federal Government insofar as how this management will take place. It does not have to enter into such an agreement.

Mr. YOUNG of Alaska. Mr. Speaker, what happens if the State does not enter into an agreement? The gentleman says "shall" here, and the State "may."

Mr. DINGELL. The answer is that if the State does not enter into the agreement, nothing.

Mr. YOUNG of Alaska. Nothing happens?

Mr. DINGELL. Nothing. Absolutely nothing.

Mr. YOUNG of Alaska. Mr. Speaker, I have another question concerning the Indian lands. Most of the land utilized for substantial hunting is on public lands. Would this affect their right to hunt?

Mr. DINGELL. Mr. Speaker, the answer to that question again is an unqualified no. It would not affect existing Indian rights in any fashion whatsoever.

Mr. YOUNG of Alaska. Mr. Speaker, I thank the gentleman.

Mr. GROSS. Mr. Speaker, will the gentleman yield so that I may ask the gentleman from Michigan (Mr. DINGELL) a question?

Mr. YOUNG of Alaska. Mr. Speaker, I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, what happens to a State if it does not enter into an agreement? Is the State penalized in any way?

Mr. DINGELL. In no way. I want the States to be able to enter into an honorable contract on equal terms with the Federal Government with regard to the questions that this bill addresses itself to.

Mr. GROSS. There will be no denial of funds?

Mr. DINGELL. Absolutely none.

Mr. GROSS. Of any kind?

Mr. DINGELL. Absolutely not.

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

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

Mr. YOUNG of Alaska. Mr. Speaker, I yield to the gentleman from Michigan.

Mr. RUPPE. Mr. Speaker, I think the question is not whether the States will not develop the cooperative agreements. The fact of the matter is that the States are very anxious for the legislation and they will develop the agreements.

I would state, however, that for the most part and in every case where there is a Federal forest located, it has a cooperative ongoing agreement with the States. Under the legislation, the States become coequals, and in fact, regardless of the opposition of any Federal agency, the States will develop cooperative agreements with the Federal Government because the Federal Government must develop these agreements.

They are to the advantage of the State in defraying some costs. The States are now under the bill able to levy a State license fee for game netted and for fishing and hunting on Federal properties. The management cooperative agreements are good now without the license. Under the bill, the State governments would have an opportunity to be coequals as land managers and developers of the fish and wildlife habitat in these areas and could charge a fee.

In addition to charging a fee, there is no doubt the Federal Government will actually get a fair rate. It can be charged regardless of the extent or the narrowness in size and scope of the State program, so the fee can be charged at the State's discretion.

In my own particular area, there will be a strong temptation on the part of the Department of Natural Resources to charge the fees and grab the extra revenue regardless of what they do on the Federal level. It will be likely that they will do nothing more.

It is, in a way, a financing device of the State Departments of Natural Resources. That, frankly, is my objection along with the fact that private and Federal lands are interspersed and checkerboarded. I can be hunting on my own land or my neighbor's land and never know for sure when I am on Federal lands because they are not fenced. I would be liable to a 6 months' prison sentence or a \$1,000 fine in making a

mistake, and I have no real way of knowing whether I am hunting on private or public domain lands.

Mr. BIAGGI. Mr. Speaker, I rise to speak in support of H.R. 11537, the Game Management on Public Lands Act.

Once again, the Congress has an opportunity to demonstrate its commitment to saving our nearly ruined national environment and to redeem its pledge to create a safe habitat for every species of animal which we found here when God gave us this Earth.

We already have a game management program on the books. This bill would extend and improve it. We are asking the Congress to authorize \$1.5 million per year to the Secretary of Defense, a threefold increase, and \$2 million per year to the Secretary of the Interior to carry out conservation programs on military reservations. We are also including those lands held by the U.S. Forest Service, the Bureau of Land Management, the Atomic Energy Commission, and the National Aeronautics and Space Administration.

And perhaps most important, we are requiring the appropriate agencies to develop comprehensive game conservation and rehabilitation plans in consultation with the States. This is essential if we are to spend the money wisely and win the race between those who would deplete our environment of its natural inhabitants and those who would save it for them.

Finally, the bill requires those who stalk game to purchase stamps—without which they would not be allowed to hunt—in order to help defray the cost of the program. In this sense, the bill is operating on a wise principle of government—spend where you must, but save where you can.

Mr. Speaker, this is an important national challenge, and the bill helps meet it. I urge quick passage.

Mr. VANIK. Mr. Speaker, I object to this legislation on the grounds that the committee report was not available for 3 calendar days. Under rule 27(d) (4), a measure shall "not be considered in the House until the third calendar day on which the report of that committee . . . has been made available to the Members of the House."

I would like to point out that the last time we considered this program—on July 15, 1968—the bill was also brought up under suspension of the rules, was not adequately explained and was not debated for the full 40 minutes available under the suspension provision. As one of our colleagues said at that time, the committee's decision not to debate the bill was wise—if the House understood what the bill had meant, it would not have passed the bill.

The same situation prevails today.

The bill before the House today is a gift to the hunters and fishers. It raises the authorization for game conservation and rehabilitation programs on military reservations from half a million dollars a year to \$1.5 million per year. In addition, the program is expanded by providing conservation and rehabilitation programs on other public lands. The Secre-

tary of the Interior will get \$2 million a year for such "conservation" programs. In addition, the bill authorizes \$10 million annually for 5 years to the Agriculture Department for "conservation" on Forest Service lands and \$10 million annually for 5 years for programs on lands under the control of the Bureau of Land Management, the Atomic Energy Commission, and NASA.

Why is "conservation" and "rehabilitation" necessary? Because sportsmen are apparently killing off all the game. This is not a conservation program. It is a restocking program so that hunters will continue to have enough to hunt.

Now I have nothing against hunting and fishing. If people enjoy this as a sport, that is their business. But I do not believe that the general public and the Federal Treasury should subsidize this hobby.

Funds were provided for this program in 1968, because the proceeds from hunting and fishing permits were averaging only about \$150,000 per year.

In the committee's hearings on this bill, the Atomic Energy Commission reported that an average of 4,800 people used their lands annually for hunting and fishing. Following are the fees that the AEC received for such land use and the approximate gross and net costs to the AEC for participating in this type of program:

Fiscal year:	Gross cost to AEC	Fees received by AEC	Net costs to AEC
1970	\$61,000	\$14,000	\$47,000
1971	62,000	15,000	47,000
1972	76,000	16,000	60,000

By the AEC's own testimony at the hearings, the annual subsidy per hunter or fisher is running about \$10.

Well, if people want to hunt and fish on publicly stocked lands, they should pay for the privilege. If it is vital that the game life on these lands be rehabilitated, I would suggest that we cut down on the amount of hunting and fishing.

I do not think that the House should be deceived into believing that this is an ecology or environmental-conservation bill. The only reason conservation and "rehabilitation" are necessary is because people are overhunting and overfishing the resources. The proper conservation procedure would be for the amount of fishing and hunting to be cut back.

I cannot find in this bill any specific mention of what these "conservation" programs or what the "wildlife management" programs are going to be. However, I do find very specific mention of the regulations surrounding the hunting and fishing licenses. There are no limitations on the numbers of hunters and fishers, limitations that would decrease the need for conservation or rehabilitation. There is only an increase in the amount of corrective money.

It is a disgrace for this Congress to authorize \$23.5 million over the next 5 years for the pleasure of the gun lobby.

Mr. Speaker, I hope this legislation will be defeated.

The SPEAKER. The question is on the motion offered by the gentleman from Michigan (Mr. DINGELL) that the House suspend the rules and pass the bill, H.R. 11537, as amended.

The question was taken.

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

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 355, nays 25, not voting 50, as follows:

[Roll No. 4]

YEAS—355

Abzug	Dellums	Holtzman
Adams	Denholm	Horton
Addabbo	Dennis	Hosmer
Alexander	Dent	Howard
Anderson, Ill.	Derwinski	Huber
Andrews, N.C.	Devine	Hudnut
Andrews,	Diggs	Hungate
N. Dak.	Dingell	Hunt
Annunzio	Donohue	Hutchinson
Archer	Downing	Ichord
Armstrong	Drinan	Jarman
Aspin	Duncan	Johnson, Calif.
Badillo	du Pont	Johnson, Pa.
Bafalis	Eckhardt	Jones, Okla.
Baker	Edwards, Ala.	Jones, Tenn.
Barrett	Edwards, Calif.	Jordan
Bell	Eilberg	Karth
Bennett	Erlenborn	Kastenmeier
Bergland	Eshleman	Kazen
Bevill	Evans, Colo.	Kemp
Biaggi	Evins, Tenn.	Ketchum
Biester	Fascell	King
Bingham	Findley	Kluczynski
Boggs	Fish	Koch
Boland	Fisher	Kuykendall
Bolling	Flood	Kyros
Brademas	Flowers	Landrum
Brasco	Flynt	Latta
Bray	Foley	Leggett
Breaux	Ford	Lehman
Breckinridge	Forsythe	Lent
Brinkley	Fountain	Litton
Brooks	Frelinghuysen	Long, La.
Broomfield	Frenzel	Lott
Brotzman	Frey	Lujan
Brown, Calif.	Fulton	McCloskey
Brown, Mich.	Fuqua	McCollister
Broyhill, N.C.	Gaydos	McCormack
Broyhill, Va.	Gettys	McDade
Buchanan	Glaimo	McFall
Burgener	Gibbons	McKay
Burke, Calif.	Gilman	McKinney
Burke, Fla.	Ginn	McSpadden
Burke, Mass.	Gonzalez	Madden
Burleson, Tex.	Goodling	Madigan
Burlison, Mo.	Graso	Mahon
Burton	Gray	Mann
Byron	Green, Pa.	Maraziti
Carter	Griffiths	Martin, Nebr.
Casey, Tex.	Grover	Martin, N.C.
Cederberg	Gubser	Mathias, Calif.
Chamberlain	Gude	Mathias, Ga.
Chappell	Gunter	Matsunaga
Clancy	Guyser	Mayne
Clausen,	Haley	Mazzoli
Don H.	Hamilton	Meeds
Clawson, Del.	Hammer-	Melcher
Clay	schmidt	Metcalfe
Cleveland	Hanley	Mezvinsky
Cochran	Hanrahan	Milford
Cohen	Hansen, Idaho	Mills
Collier	Hansen, Wash.	Minish
Collins, Ill.	Harrington	Mink
Conlan	Harsha	Minshall, Ohio
Conte	Harvey	Mitchell, N.Y.
Corman	Hastings	Mizell
Cotter	Hawkins	Moakley
Coughlin	Hébert	Mollohan
Cronin	Hechler, W. Va.	Montgomery
Culver	Heckler, Mass.	Moorhead,
Daniel, Robert	Calif.	Moorhead, Pa.
W., Jr.	Helstoski	Morgan
Danielson	Henderson	Mosher
Davis, Ga.	Hicks	Murphy, Ill.
Davis, S.C.	Hillis	Murphy, N.Y.
Davis, Wis.	Hinshaw	Myers
de la Garza	Hogan	Natcher
Delaney	Hollifield	

Nedzi	Roush	Thompson, N.J.
Nelsen	Rousselot	Thomson, Wis.
Nix	Roy	Thone
Obey	Roybal	Thornton
O'Brien	Runnels	Tiernan
O'Neill	Ruth	Towell, Nev.
Owens	St Germain	Udall
Parris	Sandman	Ullman
Patman	Sarasin	Van Deerlin
Patten	Sarbanes	Veysey
Perkins	Satterfield	Vigorito
Pettis	Schneebell	Waggonner
Peyster	Schroeder	Waldie
Pickle	Sebelius	Wampler
Pike	Seiberling	Ware
Poage	Shipley	White
Podell	Shriver	Whitten
Powell, Ohio	Shuster	Widnall
Preyer	Sikes	Wiggins
Price, Ill.	Sisk	Williams
Pritchard	Skubitz	Wilson, Bob
Quie	Slack	Wilson,
Quillen	Smith, Iowa	Charles H.,
Rallsback	Smith, N.Y.	Calif.
Randall	Snyder	Wilson,
Rangel	Spence	Charles, Tex.
Rarick	Staggers	Winn
Rees	Stanton,	Wolf
Regula	J. William	Wright
Reid	Stanton,	Wyatt
Reuss	James V.	Wydler
Riegle	Stark	Wylie
Roberts	Steele	Wyman
Robinson, Va.	Steelman	Yatron
Robison, N.Y.	Steiger, Wis.	Young, Alaska
Rodino	Stevens	Young, Fla.
Roe	Stokes	Young, Ga.
Rogers	Stuckey	Young, Ill.
Roncallo, Wyo.	Studds	Young, S.C.
Roncallo, N.Y.	Sullivan	Young, Tex.
Rooney, Pa.	Symington	Zablocki
Rose	Talcott	Zion
Rosenthal	Taylor, N.C.	Zwach
Rostenkowski	Teague	

NAYS—25

Abdnor	Gross	Ruppe
Ashbrook	Holt	Shoup
Bauman	Johnson, Colo.	Symms
Beard	Landgrebe	Treen
Butler	Long, Md.	Vanik
Collins, Tex.	McEwen	Whitehurst
Conyers	Mallary	Yates
Crane	Miller	
Daniel, Dan	Rhodes	

NOT VOTING—50

Anderson, Calif.	Dorn	O'Hara
Arends	Dulski	Passman
Ashley	Esch	Pepper
Blackburn	Fraser	Price, Tex.
Blatnik	Froehlich	Rinaldo
Bowen	Goldwater	Rooney, N.Y.
Brown, Ohio	Green, Oreg.	Ryan
Camp	Hanna	Scherle
Carey, N.Y.	Hays	Steed
Carney, Ohio	Jones, Ala.	Steiger, Ariz.
Chisholm	Jones, N.C.	Stratton
Clark	McClory	Stubblefield
Conable	Macdonald	Taylor, Mo.
Daniels,	Mailliard	Vander Jagt
Dominick V.	Michel	Walsh
Dellenback	Mitchell, Md.	Whalen
Dickinson	Moss	
	Nichols	

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The Clerk announced the following pairs:

Mr. Hays with Mr. Arends.
 Mr. Rooney of New York with Mr. Passman.
 Mr. Fraser with Mr. Esch.
 Mr. Dulski with Mr. Ryan.
 Mr. Ashley with Mr. Michel.
 Mr. Blatnik with Mr. Froehlich.
 Mr. Carney of Ohio with Mr. Camp.
 Mr. Carey of New York with Mr. Goldwater.
 Mr. Dominick V. Daniels with Mr. Rinaldo.
 Mr. Clark with Mr. Mailliard.
 Mr. Hanna with Mr. McClory.
 Mr. Macdonald with Mr. Brown of Ohio.
 Mrs. Green of Oregon with Mr. Price of Texas.
 Mr. Mitchell of Maryland with Mr. Stratton.
 Mrs. Chisholm with Mr. Moss.

Mr. Nichols with Mr. Scherle.
 Mr. O'Hara with Mr. Dellenback.
 Mr. Stubblefield with Mr. Blackburn.
 Mr. Steed with Mr. Steiger of Arizona.
 Mr. Jones of Alabama with Mr. Taylor of Missouri.
 Mr. Anderson of California with Mr. Conable.
 Mr. Jones of North Carolina with Mr. Dickinson.
 Mr. Bowen with Mr. Vander Jagt.
 Mr. Dorn with Mr. Walsh.
 Mr. Pepper with Mr. Whalen.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DINGELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed, H.R. 11537.

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

There was no objection.

CONTIGUOUS FISHERIES ZONE

Mr. DINGELL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 11809) to amend the act entitled "An act to establish a contiguous fishery zone beyond the territorial sea of the United States," approved October 14, 1966, to require that the method of straight baselines shall be employed for the purposes of determining the boundaries of such fishery zone, and for other purposes, as amended.

The Clerk read as follows:

H.R. 11809

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Act entitled "An Act to establish a contiguous fishery zone beyond the territorial sea of the United States", approved October 14, 1966 (16 U.S.C. 1092), is amended to read as follows:

"Sec. 2. (a) The fisheries zone has as its inner boundary the outer limits of the territorial sea and as its seaward boundary a line drawn so that each point on the line is nine nautical miles from the nearest point in the inner boundary, and, in any case in which the straight baseline method is applied for the purpose of determining such zone, includes any waters between the seaward boundary of such zone as determined by application of such method and the seaward boundary of the fisheries zone as determined by application of the low-waterline baseline method.

"(b) For the purposes of this section, the baseline for measuring the breadth of the territorial sea shall be established in accordance with the provisions of the Convention on the Territorial Sea and the Contiguous Zone which came into force on September 10, 1964, and, where applicable, the method of straight baselines shall be employed in drawing the baseline pursuant to article 4 of such convention."

Sec. 2. Such Act of October 14, 1966, is amended by adding at the end thereof the following new sections:

"Sec. 5. Within the two-year period beginning on the date of enactment of this section, the baseline for the purpose of charting the contiguous fisheries zone, described in subsection (b) of section 2 of this Act,

shall be marked on large-scale charts officially recognized by the United States.

"Sec. 6. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act."

The SPEAKER. Is a second demanded? Mr. GOODLING. Mr. Speaker, I demand a second.

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

There was no objection.

Mr. DINGELL. Mr. Speaker, the purpose of H.R. 11809 is to expand the area of the contiguous fisheries zone off the coast of the United States by using the straight baseline method in charting the boundaries of the zone.

Mr. Speaker, the concept behind this proposal is derived from the Convention on the Territorial Sea and the Contiguous Zone, which entered into force for the United States in 1964.

Article IV of the convention provides that where the coastline of a nation is deeply indented and cut into, or if there are a fringe of islands along the coast in its immediate vicinity, the method of straight baselines joining appropriate points may be employed in drawing the baseline from which the breadth of the territorial sea is measured.

Mr. Speaker, although the United States has not seen fit to use this method to chart our territorial sea, more than 50 other coastal nations have gone so far as to chart at least part of their territorial sea and/or contiguous zone by this method or have passed legislation authorizing such use. Included in this list of nations that have taken this action are such countries as Canada and Mexico, both of which border the United States, Norway, Iceland, Ecuador, Brazil, the United Kingdom, and Russia.

Mr. Speaker, the need for this legislation arises from the fact that in 1966 the United States extended our exclusive fisheries zone from 3 to 12 miles off our coastal shores. The zone has as its inner boundary the outer limits of the territorial sea and its seaward boundary a line drawn so that each point on the line is 9 nautical miles from the nearest point in the inner boundary. Since 1966, there has been a tremendous increase in the number of foreign vessels fishing within or just beyond this exclusive zone. For instance, in May of 1973 about 860 foreign fishing vessels were sighted off our coastal shores as compared to 730 in May of 1972. In June of 1973, the number of vessels sighted increased to 930 as compared to 770 in June of 1972.

Mr. Speaker, briefly explained, the legislation would amend the Exclusive Fisheries Zone Act to provide that in any case in which the straight baseline method is used for determining the measurements of such zone, the zone would include the seaward boundaries of such zone as determined by application of such method and the seaward boundary of the fisheries zone as determined by application of the low-waterline baseline method.

Mr. Speaker, the net effect of this provision in the bill, based upon the best information available, is to extend our fisheries zone overall anywhere from 2 to 10 percent, the biggest increase occur-

ring off the coasts of Alaska, Maine, Massachusetts, and the Northwest Pacific States.

Mr. Speaker, in addition, the bill would require, within 2 years from the date of enactment of this legislation, the charting of the fisheries zone on large-scale maps which are officially recognized by the United States.

Mr. Speaker, before closing, I think it is important to make two observations for the benefit of my colleagues. This legislation would not provide for the charting of the territorial sea; it only provides that the concept for charting the territorial sea, as provided by article 4 of the convention, would be utilized when charting the contiguous fisheries zone, and the legislation would in no way affect State jurisdiction or State rights in these waters.

Mr. Speaker, H.R. 11809 was unanimously ordered reported by the Merchant Marine Fisheries Committee, and I urge its prompt passage.

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

Mr. DINGELL. I yield to the gentleman from Indiana (Mr. DENNIS).

Mr. DENNIS. Mr. Speaker, I thank the gentleman from Michigan for yielding.

I am certainly sympathetic with the objective of this bill as I understand it, but I realize this is a subject which gets into matters of international law, and I note from the report and from other sources here that apparently the Department of State is opposed to the bill, among other reasons on the ground they feel this straight line method might interfere, if adopted generally and for other than fishery purposes, with some important ideas we have on the freedom of navigation of the seas in general.

Mr. DINGELL. The State Department, as the gentleman will recall, seems to spend a great deal of time representing other governments and very little time representing our own people.

The answer is that the State Department's apprehension on that point is totally without foundation.

There is going on at this time an international convocation to establish the laws of the sea, which will probably define more clearly the amount of sea and seabed which will be subject to jurisdiction of the adjacent States. Other nations have already gone to this device of establishing both their territorial sea and their contiguous fishing zone, such as Great Britain, Norway, Canada, and others.

We are only doing what others have already done.

Mr. Speaker, I yield myself 1 additional minute. I would continue after yielding.

We do not change the law of navigation. This legislation has to do only with the contiguous fisheries zone as it would relate to foreign fishing activities in that zone.

I happen to feel, as do many of our colleagues, there has to be something done about the foreign fishing off our shores, which is doing such great damage to the fish upon which we are dependent; but until we can get some support from the administration toward expending these zones, this modest propo-

posal will only afford a slight protection to our fishermen.

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

Mr. DINGELL. I yield to the gentleman.

Mr. DENNIS. Mr. Speaker, all we do under this bill is use the straight-line method for the fishing zone?

Mr. DINGELL. That is right.

Mr. DENNIS. Not for the territorial sea, although we have a right to do that under the convention?

Mr. DINGELL. The gentleman is absolutely right. I would like to see us do it also for the territorial sea.

Mr. DENNIS. The gentleman does not see anything in the idea of the Department of State that this will jeopardize our position for other purposes in the forthcoming conference on the laws of the sea?

Mr. DINGELL. I do not and the committee does not. We have representatives over there from the committee in that conference.

Mr. DENNIS. I thank the gentleman.

Mr. DON H. CLAUSEN. Mr. Speaker, I wonder if the gentleman could respond to a question.

While I believe this is a significant improvement over the establishment of legislation dealing with the contiguous fisheries zone, there are a number of us that do feel that the contiguous fisheries zone should be extended significantly, possibly to 200 miles.

I, for one, introduced legislation to extend the 200-mile limit, which affects jurisdiction over fishery and marine resources only so that it separates the conservation question from the security issue.

So the question I have from the gentleman from Michigan is, can we anticipate hearings in the very near future from his subcommittee on the matter of extending the contiguous fisheries zone?

Mr. DINGELL. I thank the gentleman for raising that point. It is my intention, and my chairman, the gentlewoman from Missouri (Mrs. SULLIVAN) is in agreement this should be done. We contemplate hearings at an early time.

Mr. Speaker, I yield myself 1 additional minute.

As the gentleman is aware, the gentleman from Massachusetts (Mr. STUBBS), the gentleman from New Jersey (Mr. FORSYTHE), the gentleman from North Carolina (Mr. JONES), the gentleman from Connecticut (Mr. STEELE), the gentlemen from Maine (Mr. KYROS and Mr. COHEN), the gentleman from Virginia (Mr. DOWNING), the gentleman from Alaska (Mr. YOUNG), the gentleman from Georgia (Mr. GINN), the gentlewoman from Massachusetts (Mrs. HECKLER), and the gentlewoman from Washington (Mrs. HANSEN), are all very interested in this question and we are all anxious to have hearings on the subject matter at an early time.

Mr. DON H. CLAUSEN. I thank the gentleman for that.

I would ask the chairman of the full committee, Mrs. SULLIVAN, whether we will have hearings very soon?

Mrs. SULLIVAN. Mr. Speaker, will the gentleman yield?

Mr. DON H. CLAUSEN. I yield to the gentlewoman.

Mrs. SULLIVAN. Yes. I am in agreement.

Mr. GOODLING. Mr. Speaker, I yield such time as he may consume to the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Speaker, I take this time to ask the gentleman a question or two. I note in the report that the Department of State was opposed to H.R. 2283, which I assume pertained to this precise subject. Have the objections of the Department of State been met in this legislation?

Mr. DINGELL. Mr. Speaker, the answer is no. The State Department has a long record of tradition in opposing this kind of legislation. As the gentleman from Iowa will recall, and I think he was a member of the subcommittee at the time they considered the matter, the department opposed the legislation which set up these contiguous fishing zones in the first place.

They saw to it that we drew the line more narrowly on the map under that legislation. This legislation will correct that, and I am comfortable in their opposition.

Mr. GROSS. Mr. Speaker, does this bill in any way affect the delineation of State boundaries with respect to offshore oil rights?

Mr. DINGELL. The answer to that question is, absolutely not. Contiguous fishing zones relate solely to an area in which our laws protect the fishery resources and not to sea bed resources, mining minerals, extraction of oil.

Mr. GROSS. The gentleman is aware, I am sure, that legislation dealing with offshore oil has been proposed to do precisely what this legislation does, and that is to follow straight lines from point to point.

Mr. DINGELL. That is what this legislation does, but only for fishery, not for mineral or oil.

Mr. GROSS. This is limited strictly and in no way can be interpreted as changing the territorial lines with respect to offshore oil?

Mr. DINGELL. No, no; the answer is, it does not.

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

Mr. GOODLING. Mr. Speaker, H.R. 11809, a bill to establish the contiguous fishery zone by the straight baseline method, is designed to make some minimal changes in our contiguous fishery zone. This zone established by statute enacted in 1936 extends 9 miles seaward from the traditional 3-mile territorial sea. Foreign fishing within the zone is, of course, prohibited except in those instances where the Secretary of State has recognized an historic fishing right as in the case of certain Canadian fishermen, or has entered into a bilateral agreement granting this right to nationals of a foreign country in exchange for some meaningful concession. The outer limit of the contiguous fishery zone is a line which parallels the line of the territorial sea.

Both of these lines generally follow

the contours of the coast and, therefore, where the coast contains bays and inlets, these lines are indented. The Convention on the Territorial Sea and Contiguous Zone of 1958 authorizes nations to measure these lines by the so-called straight baseline method. If the distance between the low-water marks of the natural entrance points of a bay does not exceed 24 miles, a closing line may be drawn between these two low-water marks, and the waters within that line are considered internal waters. Where the distance exceeds 24 miles, a straight baseline of 24 miles may be drawn within the bay in such a manner as to enclose the maximum area of water permissible with a line of that length.

This legislation would require that our contiguous fishery zone be computed according to this straight baseline method. The net result will be a modest extension of the zone in those areas where it is now indented at the entrance to bays, and the elimination of a number of incongruous situations, particularly in the State of Alaska where, under the existing system of measurement, it is extremely difficult for a vessel to determine whether it is inside or outside the contiguous zone because of geographic conditions. The adoption of this legislation should lead to better enforcement of our fishery laws, since foreigners fishing near our shores will be able to determine more accurately their position in relation to the line of demarcation between the contiguous zone and the highways. The minimal extension of U.S. jurisdiction resulting from adoption of the straight baseline method should in no way influence the current law of the sea negotiations, since this action is authorized by existing international law. At least 48 nations now compute their territorial sea and/or contiguous fishery zone by the straight baselines method. I, therefore, urge the passage of this bill.

Mr. DINGELL. Mr. Speaker, I yield good friend, the chairman of the committee, the gentlewoman from Missouri (Mrs. SULLIVAN).

Mrs. SULLIVAN. Mr. Speaker, I rise in support of H.R. 11809 and urge its immediate passage.

Mr. Speaker, it is common knowledge that, over the past few years, there has been a tremendous increase in the taking of fishery resources by foreign vessels beyond, but in the vicinity of the outer limits of our 12-mile exclusive fisheries zone. There has even been an increase in such taking within the 12-mile zone despite the existence of strong penalties.

During this period, the number of foreign vessels fishing in these waters has increased but, more importantly, the size of such vessels and their sophistication in terms of productive capacity has grown by leaps and bounds.

Because the areas covered by this legislation contain the highest concentration of fisheries resources, they are of utmost importance to our domestic fishing industry and, as a valuable food resource, to all of our citizens as well.

Both the amount of fish taken and the methods used by foreign fishing fleets

are providing detrimental to the future of our fishery resources, some of which may disappear if the present situation continues unabated. The legislation before us today offers no cure-all for the problems of our fishing industry nor for the protection of our fishery resources, but it is a step in the right direction and one which the members of my committee and I are convinced can be taken without any adverse effect on current international negotiations.

It has been estimated that this method of determining our fishery zone will result in an increase in the size of that zone of from 2 to 10 percent although no accurate estimate can be made until the charts called for in the bill have been prepared. It should be understood, however, that those areas where the greatest increase in the zone size is likely to occur—off the coast of the Northwest and Mid-Atlantic States and Alaska—are exactly the same areas hardest hit by increased foreign fishing.

Mr. Speaker, I urge the prompt passage of H.R. 11809.

Mr. O'NEILL. Mr. Speaker, a dramatically significant measure which would protect the New England Fishing Industry and the fisheries industry all over this Nation is before the House today. I would be remiss if I did not take this opportunity to call to the attention of my colleagues the necessity for swift passage of H.R. 11809, the contiguous fisheries zone bill.

I want to congratulate chairwoman LENORE SULLIVAN and the members of the Merchant Marine and Fisheries Committee for their careful consideration of the evidence presented at the hearings and for their expeditious reporting of this bill so that the House could debate and pass it early this session.

The purpose of this legislation is to expand the area of the contiguous fisheries zone off the coast of the United States by using a new method of straight baselines in charting the boundaries of the zone. In using this measurement for determining the contiguous fisheries zone off the coast of Massachusetts the fishing area would be pushed out a considerable distance—some estimate as much as 10 to 12 miles—beyond No Man's Island and Block Island. Within the confines of the outer edges of the zone plotted by the new lines is an area where valuable resources, particularly around those two islands, abound.

Anything we can do to extend our fishing area helps our domestic fisheries. We need this legislation because over the past decade there has been a tremendous increase in the taking of valuable fishery resources by foreign vessels operating within the designated 12-mile exclusive fisheries zone of the United States and in the vicinity of the outer limits of that zone.

Do my colleagues realize that more than 800 foreign vessels were sighted just last year off the coast of this Nation depleting our limited supply?

As this committee has so succinctly pointed out, since more than 80 percent of the total U.S. catch is taken within 12

miles of our shores, it is imperative that these highly productive areas be protected from ruthless exploitation by our foreign fishing fleets. These foreign vessels have greatly hampered the fishing activities of our own fishermen.

Some of the sophisticated techniques employed by these foreign vessels, larger than most of ours and equipped with material which can just scoop up every living thing within a broad area, have contributed to a serious depletion of valuable fish such as lobster and cod which inhabit the New England waters and to the near extinction of other valuable species.

Let us all vote to curtail the careless overfishing and indiscriminate taking of fishlings and potential breeders practiced by foreign fishing operations off our coasts by adopting this measure.

Mr. BIAGGI. Mr. Speaker, I rise to speak in support of H.R. 11809, the Straight Baseline Measurement of Fisheries Zone Act.

This bill addresses itself to a critical issue, long past due for resolution. In recent years, many foreign fishing vessels have intruded themselves into U.S. territorial waters and reduced the supply of fish available to the American commercial fishing industry. The general supply of fish is being drastically reduced, and to correct this we must prevent overfishing.

The most important step we can take is to restrict for our own vessels what is rightfully theirs, and thus partially reduce overfishing, while insuring our hard working fishermen a decent living.

This bill would do just that by requiring the U.S. Government to rechart the zone of fishing off our coasts within 2 years, using the straight baseline method. Such recharting would increase the fishing waters reserved for U.S. vessels by an estimated 2 to 10 percent.

This action is fully permissible under our international agreements. The 1964 Convention on Territorial Seas and Contiguous Zones permits the use of the method of straight baselines in charting its territorial waters. For technical reasons, the United States has not done so. The measures we have taken are inadequate. Foreign fishing has increased, overfishing has increased, and our own commercial fishing industry has declined. It is time to act.

Indeed, I hope this will represent a step toward what I believe ought to be the policy of the United States—a 200-mile territorial waters limit. In any case, it represents a vital protection to the fishing industry.

In sum, Mr. Speaker, I urge quick passage of the bill.

The SPEAKER. The question is on the motion offered by the gentleman from Michigan (Mr. DINGELL), that the House suspend the rules and pass the bill, H.R. 11809, as amended.

The question was taken.

Mr. DON H. CLAUSEN. 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 375, nays 1, not voting 54, as follows:

[Roll No. 5]
YEAS—375

Abdnor	Drinan	Kyros
Abzug	Duncan	Landgrebe
Adams	du Pont	Landrum
Addabbo	Eckhardt	Latta
Alexander	Edwards, Ala.	Leggett
Andrews, N.C.	Edwards, Calif.	Lehman
Andrews,	Eilberg	Litton
N. Dak.	Erlenborn	Long, La.
Archer	Esch	Long, Md.
Armstrong	Eshleman	Lott
Ashbrook	Evans, Colo.	Lujan
Aspin	Evins, Tenn.	McClory
Badillo	Fascell	McCloskey
Bafalis	Findley	McCullister
Baker	Fish	McCormack
Barrett	Fisher	McDade
Bauman	Flood	McEwen
Beard	Flowers	McFall
Bell	Flynt	McKay
Bennett	Foley	McKinney
Bergland	Ford	McSpadden
Bevill	Forsythe	Madden
Biester	Fountain	Madigan
Bingham	Frelinghuysen	Mahon
Blatnik	Frenzel	Mallary
Boggs	Frey	Mann
Boland	Fulton	Maraziti
Bolling	Fuqua	Martin, Nebr.
Bowen	Gaydos	Martin, N.C.
Brademas	Gettys	Mathias, Calif.
Brasco	Gialmo	Mathis, Ga.
Bray	Gibbons	Matsunaga
Breaux	Gilman	Mayne
Breckinridge	Ginn	Mazzoli
Brinkley	Gonzalez	Meeds
Brooks	Gooding	Melcher
Broomfield	Grasso	Metcalfe
Brotzman	Gray	Mezvisinsky
Brown, Calif.	Green, Pa.	Millford
Brown, Mich.	Griffiths	Miller
Broyhill, N.C.	Gross	Mills
Broyhill, Va.	Gubser	Minish
Burgener	Gude	Mink
Burke, Calif.	Gunter	Minshall, Ohio
Burke, Fla.	Guyer	Mitchell, Md.
Burke, Mass.	Haley	Mitchell, N.Y.
Burleson, Tex.	Hamilton	Mizell
Burlison, Mo.	Hammer-	Moakley
Burton	schmidt	Mollohan
Butler	Hanley	Montgomery
Byron	Hanrahan	Moorhead,
Carter	Hansen, Idaho	Calif.
Casey, Tex.	Harrington	Moorhead, Pa.
Cederberg	Harsha	Morgan
Chamberlain	Hastings	Mosher
Chappell	Hawkins	Moss
Clancy	Hays	Murphy, Ill.
Clausen,	Hébert	Murphy, N.Y.
Don H.	Hechler, W. Va.	Myers
Clawson, Del	Heckler, Mass.	Natcher
Clay	Heinz	Nedzi
Cleveland	Helstoski	Nelsen
Cochran	Henderson	Nix
Cohen	Hicks	Obey
Collier	Hillis	O'Brien
Collins, Ill.	Hinshaw	O'Neill
Collins, Tex.	Hollifield	Owens
Conlan	Holt	Parris
Conte	Holtzman	Patman
Conyers	Horton	Patten
Corman	Hosmer	Perkins
Cotter	Howard	Pettis
Coughlin	Huber	Peyster
Crane	Hudnut	Pickle
Cronin	Hungate	Pike
Culver	Hunt	Poage
Daniel, Dan	Hutchinson	Podell
Daniel, Robert	Ichord	Powell, Ohio
W., Jr.	Jarman	Preyer
Danielson	Johnson, Calif.	Price, Ill.
Davis, Ga.	Johnson, Colo.	Pritchard
Davis, S.C.	Johnson, Pa.	Quile
Davis, Wis.	Jones, Okla.	Quillen
de la Garza	Jones, Tenn.	Railsback
Delaney	Jordan	Randall
Dellenback	Karth	Rangel
Dellums	Kastenmeier	Rarick
Denholm	Kazen	Rees
Dennis	Kemp	Regula
Dent	Ketchum	Reid
Derwinski	King	Reuss
Dingell	Kluczynski	Rhodes
Donohue	Koch	Riegle
Downing	Kuykendall	Roberts

Robinson, Va.	Smith, N.Y.	Waggonner
Robison, N.Y.	Snyder	Waldie
Rodino	Spence	Wampler
Roe	Staggers	Ware
Rogers	Stanton,	White
Roncallo, Wyo.	J. William	Whitehurst
Rooney, Pa.	Stanton,	Whitten
Rose	James V.	Widnall
Rosenthal	Stark	Wiggins
Rostenkowski	Steele	Williams
Roush	Steelman	Wilson, Bob
Rousselot	Stelger, Wis.	Wilson,
Roy	Stephens	Charles H.,
Roybal	Stokes	Calif.
Runnels	Stuckey	Wilson,
Ruppe	Studds	Charles, Tex.
Ruth	Sullivan	Winn
St Germain	Symington	Wright
Sandman	Symms	Wyatt
Sarasin	Talcott	Wylder
Sarbanes	Taylor, N.C.	Wylie
Satterfield	Teague	Wyman
Schneebell	Thompson, N.J.	Yates
Schroeder	Thomson, Wis.	Yatron
Sebellus	Thone	Young, Alaska
Seiberling	Thornton	Young, Fla.
Shipley	Tiernan	Young, Ga.
Shoup	Towell, Nev.	Young, Ill.
Shriver	Treen	Young, S.C.
Shuster	Udall	Young, Tex.
Sikes	Ullman	Zablocki
Sisk	Van Deerlin	Zion
Skubltz	Vanik	Zwach
Slack	Veysey	
Smith, Iowa	Vigorito	

NAYS—1

Buchanan
NOT VOTING—54

Anderson,	Diggs	O'Hara
Calif.	Dorn	Passman
Anderson, Ill.	Dulski	Pepper
Annunzio	Fraser	Price, Tex.
Arends	Froehlich	Rinaldo
Ashley	Goldwater	Roncallo, N.Y.
Blaggi	Green, Oreg.	Rooney, N.Y.
Blackburn	Grover	Ryan
Brown, Ohio	Hanna	Scherle
Camp	Hansen, Wash.	Steed
Carey, N.Y.	Harvey	Steiger, Ariz.
Carney, Ohio	Hogan	Stratton
Chisholm	Jones, Ala.	Stubblefield
Clark	Jones, N.C.	Taylor, Mo.
Conable	Lent	Vander Jagt
Daniels,	Macdonald	Walsh
Dominick V.	Mailliard	Whalen
Devine	Michel	Wolff
Dickinson	Nichols	

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The Clerk announced the following pairs:

Mr. Annunzio with Mr. Arends.
Mr. Rooney of New York with Mr. Blackburn.
Mr. Fraser with Mr. Conable.
Mr. Dulski with Mr. Dickinson.
Mr. Ashley with Mr. Mailliard.
Mr. Blaggi with Mr. Froehlich.
Mr. Carney of Ohio with Mr. Harvey.
Mr. Carey of New York with Mr. Brown of Ohio.
Mr. Dominick V. Daniels with Mr. Camp.
Mr. Clark with Mr. Devine.
Mr. Hanna with Mr. Grover.
Mr. Macdonald with Mr. Whalen.
Mrs. Green of Oregon with Mr. Goldwater.
Mr. Nichols with Mr. Hogan.
Mr. O'Hara with Mr. Taylor of Missouri.
Mr. Stubblefield with Mr. Lent.
Mr. Steed with Mr. Rinaldo.
Mr. Jones of Alabama with Mr. Michel.
Mr. Anderson of California with Mr. Price of Texas.
Mr. Jones of North Carolina with Mr. Scherle.
Mr. Dorn with Mr. Vander Jagt.
Mrs. Chisholm with Mr. Ryan.
Mr. Passman with Mr. Walsh.
Mr. Diggs with Mr. Stratton.
Mr. Pepper with Mr. Steiger of Arizona.
Mr. Wolff with Mr. Anderson of Illinois.
Mrs. Hansen of Washington with Mr. Roncallo of New York.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mrs. SULLIVAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill (H.R. 11809) just passed.

The SPEAKER. Is there objection to the request of the gentlewoman from Missouri?

There was no objection.

PERSONAL EXPLANATION

Mr. DEVINE. Mr. Speaker, on rollcall No. 5, the gentleman from Michigan (Mr. HARVEY) and I were coming through the door as the Speaker was announcing the vote.

I would like to advise the House that had we been present, I personally would have voted "aye." We were delayed in getting through the crowd of "right-to-life" people in the Capitol.

A TRIBUTE TO PRESIDENT LYNDON B. JOHNSON

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

Mr. PICKLE. Mr. Speaker, the Nation pauses to remember that we lost our late beloved President Lyndon Johnson a year ago today.

He was a giant of a man who had the ability to get things done. Hundreds of bills attest to his effectiveness and his compassion.

The Members of Congress will recall we have passed a resolution establishing an LBJ memorial grove of trees on the Potomac River. This is a modest goal with no Federal tax money involved. But it is a chance for all people, rich and poor alike, to have a part in a living memorial to President Johnson.

I have written the school principals and superintendents of the 10th district reminding them that President Johnson was an educational President.

Our children's lives have been touched by the care and ability of this man, and I thought they may want to participate in creating this memorial to him.

The letter tells how any citizen may help.

I insert it in the CONGRESSIONAL RECORD along with several articles from the Washington Post and the New York Times commenting on the life of this great and good President:

MY DEAR FRIEND: In December, the Congress passed and the President signed a bill to establish the Lyndon Baines Johnson Memorial Grove on the Potomac River. Democratic and Republican leaders co-sponsored the Joint Resolution I introduced in the House of Representatives, a copy of which is attached.

The thought that prompted this resolution was to create a living memorial to President Johnson. Previously, the Secretary of the Interior designated that the beautiful Columbia Island, across the Potomac from the Jefferson and Lincoln Memorials, be designated the "Lady Bird Johnson Park." The Lyndon Baines Johnson Memorial Grove will

consist of 15 acres of 500 towering white pine trees within the Lady Bird Johnson Park and will include bike paths, nature hiking trails, etc.

Funds will be raised from the public and on a national basis, and no Federal tax money will be involved. The Committee for a Lyndon Baines Johnson Memorial Grove and the Society for a More Beautiful National Capitol felt that the people of America would want to establish this memorial without calling on Federal funds. It can be a beautiful tribute not only to President Johnson but to Mrs. Johnson as well, who did so much to bring the beautification of our environment to the national forefront.

Near January 22nd, the announcement will be made in many areas about this program, inviting the public participation. One or two schools have already asked me how they could participate in this memorial to the only Texan ever to be elected President. The idea then occurred to me that perhaps the school children of the 10th District, which was his old Congressional District, would get particular pleasure out of taking part in this endeavor. You might mention this to your teachers, who in turn might ask their students if they want to have a part in making this Memorial Grove a reality.

I would like to hope our contribution would be broad-based. Certainly, since President Johnson was an educational leader and a teacher himself, I think that many schools and the teaching profession in general would want to play a part.

You will note that any donations can be made to the Society for a More Beautiful National Capitol (LBJ Grove), Box 5557, Washington, D.C. 20016. Any kind of donation would be appreciated.

This letter is written just for your information only. You need not acknowledge it, but I did want you to know of the Resolution and the hopes of our national committee.

Sincerely,

J. J. PICKLE.

[From the Washington Post, Jan. 22, 1974]

WE MUST OVERCOME UNEQUAL HISTORY

(NOTE.—Lyndon B. Johnson, who died a year ago today, delivered his last major speech at a Symposium on Civil Rights at Austin, Texas, Dec. 12, 1972. The following is excerpted from those remarks.)

Yesterday it was commonly said that the black problem was a Southern problem. Today it is commonly said that the black problem is an urban problem, a problem of the inner-city. But as I see it, the black problem today, as it was yesterday and yesteryear, is not a problem of regions or states or cities or neighborhoods. It is a problem, a concern and responsibility of this whole nation. Moreover, and we cannot obscure this blunt fact, the black problem remains what it has always been, the simple problem of being black in a white society. That is the problem which our efforts have not yet addressed.

To be black, I believe, to one who is black or brown, is to be proud, is to be worthy, is to be honorable. But to be black in a white society is not to stand on level and equal ground. While the races may stand side by side, whites stand on history's mountain and blacks stand in history's hollow. We must overcome unequal history before we overcome unequal opportunity. That is not, nor will it ever be, an easy goal for us to achieve . . .

Our objective must be to assure that all Americans play by the same rules. And that all Americans play against the same odds. Who among us would claim that that's true today? I feel this is the first work of any society which aspires to greatness. So let's be on with it.

[From the New York Times, Jan. 22, 1974]

HE LOVED ACTION

(By Liz Carpenter)

WASHINGTON.—A year ago today Americans watching the nightly news broadcasts saw television commentators pick up the red emergency telephones and repeat the bulletin from Texas: Lyndon Baines Johnson, 36th President of the United States, was dead.

He was buried a few days later in the Texas hill country from which he had drawn strength all his life.

Only a year ago. Why does it seem so much longer to those of us who worked with him? Is it the staccato of news of Watergate that deadens all memories and national dreams? Is it the effort to "impound"—and thus kill—his Great Society programs?

How long it seems since we indulged ourselves in great hopes! Since we opened up what we hoped would become new lifelines to the poor, the sick, the black—all those who had been counted out of the system. Since we reached into Appalachia with the Job Corps, and into the slums with Head Start.

Most people think of Mr. Johnson as more doer than dreamer, but almost all of his speeches and conversations were filled with plans, ideas and hopes.

He loved the East Room ceremonies and bill-signings. To him, they were earnest of progress, and he wanted everyone there and he wanted everyone to have a pen. We always had to send out for more pens!

This headlong, impatient, expansive President, invited a camel-driver to Texas, hunkered down with a family on the front porch in Kentucky, looked Congress straight in the eye and told it what he intended to do about civil rights: "I have the power now and what's more, I intend to use it."

He loved action. And so it seems appropriate that those who shared those heady years with him are trying to remember him with action.

In Austin, the friends of the Johnson Library sponsor frequent seminars on public issues—civil rights, education, improving our cities, the environment.

In Washington, the city that drew him as a young Congressional secretary and that he bestrode for 38 years as Congressman, Senate Majority Leader, Vice President and President, his memorial will not be a building or piece of statuary.

Overlooking the city from across the Potomac, it will be a grove of tall white-pine trees, green the year around, an area of fifteen acres threaded by trails and flowering shrubs. In the center, nothing elaborate—a rough-hewn granite stone from his native Texas.

For many of us, the spot will be a place for remembering all his fervor to save and restore the environment. More than 100 environmental laws: the Water-Quality Act, the Clean-Air and Air-Quality Acts, the Scenic Rivers and Trails Act, vest-pocket parks for congested areas, the national redwood forest, three million more acres for the National Park System.

Once he invited Congress to a White House reception, then sent word up to the House of Representatives: Pass the Highway Beautification Act before you come to the party. The Congressmen, weary and bedraggled, finally arrived at midnight; the legislation had passed. The President, meantime, had suddenly gone off to the hospital for a gall-bladder operation, leaving his congratulations along with refreshments.

Generally, he labeled the environmental program "Lady Bird's business." But he was there every step of the way, rallying, tele-

phoning, cajoling for the needed votes, scolding, flattering—pouring on the Johnson treatment.

Hubert Humphrey said: "He could take a bite out of you bigger than a T-bone steak and the very next day he would put his arms around you like a long-lost brother. Sometimes I tried to stir up a little trouble just so I could be loved up once again."

"Lady Bird's business" was in a way Mr. Johnson's own vest-pocket park—his own recreation during those days when the war in Vietnam hung on with its grim problems and bleak news.

He would brag about her role, then tease her about it. When a reporter asked him how he liked living in the White House, he complained that it was hard to get any rest. "If I'm lucky, I get a little nap in the afternoon, but usually I'm interrupted by Lady Bird and Laurance Rockefeller planting daffodils in the next room."

The next time he told the story, he embellished it: "I woke up hearing a lot of conversation next door and I looked in and there was not only Laurance Rockefeller and Lady Bird and the sixty that started out with them but a thousand more that had joined them, planting roadside parks and trees."

When he died, Lady Bird told his friends: "You know, days were never large enough, years never long enough to do all that he wanted done on this earth. I like to think not that he's at rest, but that he's at work—through all of us."

[From the Washington Post, Jan. 22, 1974]

A PINE GROVE BY THE POTOMAC

(By Harry C. McPherson, Jr.)

(NOTE.—The writer served as special counsel to the President in the Johnson administration.)

Seen from the Virginia side, the city stretches along the Potomac like Venice in a painting by Canaletto, its lateral line broken only by the Monument. It is best understood, or at least best felt, from here—across the river that once divided the nation, and that has been, for many ambitious Southern boys, the last frontier to cross before committing a lifetime to national politics.

Directly across, in the chilly mist, is the serene memorial to Jefferson. It reflects his view of man's dignity and high purpose, but in no way suggests the political tumult of the times in which he lived and operated. Upriver to the left, Abraham Lincoln broods in his severe temple—his astute politicking long forgotten in reverence to his wartime leadership. Beyond is the Kennedy Center, a vast barn in which every performing art is celebrated, save the one John Kennedy loved most: the art of politics.

Three memorials to three superb politicians—fitting for a capital that lives by, governs, through and is chiefly interested in, the exercise of political power.

Downriver, just visible over a heavy mass of government buildings, is the Capitol itself, the shrine and theater of practical politics. It is somehow more gentle than formidable at this distance.

Lady Bird Johnson remembers a long Sunday drive with her husband and Speaker Sam Rayburn through northern Virginia many years ago. As they approached the Potomac, "there was that dome of the Capitol like a beacon light. All of us felt a surge of spirit and Mr. Rayburn said, 'Lady Bird, how do you like my Capitol?' We all felt it was our Capitol in our own particular way. That sense of possession is what a democracy is all about."

One can feel it now as a private citizen, on this January afternoon. It is our building,

as the White House, the Supreme Court, and the other institutional structures are not. Officials in the Agriculture Department—just to the right of the bridge there—arrange to feed us; further on, in the Federal Triangle, people figure our taxes, police our business transactions, inquire into working conditions. There are men and women over there worrying about almost every aspect of the way we live. But we did not elect them. They do not really need us. If they wrong us, we can take them to court. We cannot dismiss them after a term, nor can we reward them with fresh approval if they please us. It is in the Capitol that our views count. Representative democracy is an intimate political relation involving two hundred million people.

Some Presidents—Andrew Jackson, Lincoln, Teddy Roosevelt, FDR in his fireside chats—have managed to establish a similar sense of intimacy with us. And there was a time when people walked to town across what is now the south lawn of the White House, passing close to the mansion where their Chief Executive lived and worked. But the place has grown increasingly remote with the passing years. There is the constant problem of the President's safety. There is the concentration of power and responsibility in the office, so that the President seems less an elected official than an oracle deciding our fate by fiat, while laboring under burdens we cannot imagine. Surrounded by an army of assistants and still beleaguered, he inhabits a museum owned by a corporation entity called "The United States"—not by the tourist contemplating his capital city from the Virginia shore.

Nor by the temporary occupant, no matter how long he stays. Lyndon Johnson spent more than five years in the White House, years of exhilarating success and fiendish difficulty, and yet he referred to the Capitol as "my home." There he was with his peers, each of them facing an ineluctable challenge—reelection—and each subject to the others' constant scrutiny and judgment. Proud to bear the title "representative" or "senator," excited to be part of great events, they were subject always to the humiliation of defeat and the more subtle pain of anonymity. They were vulnerable. You could watch them sweat under pressure. They were a family, not figures in an organizational chart or biennial performers in a television news conference.

Memories crowd into this little park on the river—the Lady Bird Johnson Park, so named because she used her years in the White House to make Washington and many other parts of the country more beautiful. My wife and I drove across that bridge, to the right, on another January evening 18 years ago. Young, Southern and scared, we were on our way to work for Lyndon Johnson—already dominant in the Capitol and said to be "the second most powerful man in America." We intended to stay two years, expecting—to the extent we thought about it—that we would take part in events no more promising or disconcerting than those of the Eisenhower years. Then came the 1960s.

I crossed Memorial Bridge there one Sunday afternoon in December 1963, in the car of the new President of the United States. We drove up the hill into Arlington Cemetery, and stopped not far from the gravesite of John Kennedy, dead little more than a week. There was a crowd and an honor guard. We stood by the grave, the President frowning in the hard light. Once a cold wind lifted the wreath we had brought, and Mrs. Johnson shook her head. After a while we drove back to the White House, where Johnson met with several men from whom he had become estranged and whose support he now needed. He wooed them and they responded warmly. The pulse of government—politics—was beating again.

Another winter's noon, years later, and I

was holding my baby son beside the statue of Lincoln. Military heels cracked together with the sound of shots, and Johnson, looking down on a shivering crowd, spoke of equal rights and national unity. Out there in the city, the seeds of violence and dissension lay waiting in the ground.

Behind me now, the Pentagon. We drove over there in early 1968 to pay tribute to an exhausted Robert McNamara. Too many of us piled into an elevator on the way to the retiring Secretary's office. The car slowed and then stopped between floors. There was panic in the eyes of sergeants and colonels and assistant secretaries of defense. I looked at Johnson, expecting to see impatient rage on his face. Not at all. Trapped, there was nothing for him to do but to abide it with a kind of bemused patience. Ultimately, the elevator moved and we were released. Then we went down and out into a fine rain. Facing a solemn rank of soldiers, Johnson talked of courage and steadfastness in the country's service.

A jet whines overhead, on its way to a landing at National Airport. One night in 1965, Johnson and Rayburn stepped off a plane there, back from Texas, where at Rayburn's urging, Johnson had taken on Allan Shivers for control of the Texas delegation to the Democratic convention and beaten him. It was the loyalists against the Eisenhowercrats, and the loyalists had won. A band played "The Yellow Rose of Texas," and we whooped like a courthouse crowd from the 1930s when Johnson waved his Stetson and Sam Rayburn's bald head gleamed on the dazzling floodlights.

The river itself bears memories—summer nights on "The Honey Fitz," with members of Congress and assorted Texans on board. It was a working boat. Once in the White House, Joe Califano and I asked the President to make a special effort in behalf of an administration bill. His eyes narrowed, and he said, "Where were you boys last night? Don't tell me—I know. Over in Georgetown, with those columnists and newspaper friends of yours. Do you know where I was? I was out on the boat with 20 congressmen and their wives. I was hugging 'em and patting 'em and begging 'em to pass that damned bill of yours. I could have used you there to help me. That's how we're going to get that bill—not at your Georgetown dinner parties!"

He gave his life to Washington politics, and received much in return—fame, power, the satisfaction of achieving good for the country. And suffered much as well: the responsibility for leading us deeper into an unpopular war, the grief of presiding during a chaotic period in relations between the races.

From this place on the Virginia shore, most of the Washington he knew for 35 years is palpably clear across the river. Not the victories and defeats, not the men and women he sought to persuade, but the arena in which he performed; not the drama itself, but the setting in which it was played out.

Here on a rise to be landscaped up from the river, a stand of pines will be planted, to be called the Lyndon B. Johnson Memorial Grove. Pathways will wind through it, and there will be flowers and, in the middle, a great rock, brought up from the hill country of Texas.

In the composure of that grove, we may not feel the tumult of his career, any more than we feel Jefferson's or Lincoln's in the marble enclosures that commemorate them. But there will be passion in the scene across the river to those, like me, to whom Washington is not an abstraction or a dateline, but the city where America's destiny is worked out by fallible and gifted men like Lyndon Johnson. It is right that from his memorial grove, the rest of us will be able to see that political city, its memories and promise manifest before us.

[From the Washington Post, Jan. 22, 1974]

A MEMORIAL FOR LBJ

Elsewhere on this page today, Harry C. McPherson Jr. has written his reflections on a memorial being created for Lyndon B. Johnson. This capital is strangely arbitrary, not to say capricious, about the monuments its builds and does not build to our Presidents. There always seems to be a controversy. Americans thrilled at the very thought of building a monument to George Washington, according to Samuel Blodgett, writing in 1801. Yet, what with miscarried fund drives, the protests of the Know-Nothings (who objected to a stone donated by the Pope) and all sorts of quibbles and delays, it took 98 years from the time Congress authorized the monument until that marvelous obelisk was finally dedicated. Thomas Jefferson did not get his memorial on the Tidal Basin until 1943. Lincoln's took 55 years. Madison is at last having a Library of Congress Annex named in his honor, and there is solace in the fact that the building will use as much marble as the office building named in honor of Sam Rayburn. Ulysses S. Grant got the biggest horse in town and his monument, at the Capitol end of the Mall, extends all of 252 feet in length and includes a good part of his army cast in bronze. Teddy Roosevelt got a whole island with quite a bit of statuary. Woodrow Wilson has some scholars working in his memory in the depths of the Old Smithsonian Castle.

Franklin D. Roosevelt has been memorialized with an illustrious commission, established by Congress in 1955, which found him a prominent site but has so far, despite a national competition and all sorts of fanfare, failed to find a design on which everyone can agree. But then we'll shortly have a fine FDR Memorial in New York City, as far as we can make out, has as yet thought seriously—or seriously enough—about memorializing Harry S. Truman. Dwight D. Eisenhower's name is to be attached to a controversial convention hall and John F. Kennedy's name was given to the national cultural center he had wanted this city and the nation to have.

Now Lyndon B. Johnson, who died a year ago today and who was surely not controversial, will be commemorated by what we predict will be the least controversial presidential memorial in Washington. It has already been approved by the Fine Arts Commission, the Planning Commission, the Secretary of the Interior, Congress and the President.

The LBJ Memorial Grove will be a simple stand of 500 indigenous white pines, to be planted on a man-made rise west of the Memorial Highway between 14th Street Bridge and Memorial Bridge. It doesn't take land from any other purpose because that whole stretch, with its beautiful view on the entire expanse of the capital, is already a public park, named in honor of Lady Bird Johnson. It won't take public money, because friend of the late President are pledged privately to raise the needed \$2 million (of which \$500,000 will be placed in trust for future care and maintenance of the grounds).

It was designed by landscape architect Mead Palmer, who also landscaped the Tomb of the Unknown Soldier, among other prominent sites. It will be a simple, quiet place, adorned only by a large granite rock from Texas, inscribed with quotations from LBJ's speeches. Other than that, there will only be trees, flowers, pathways and that great view of the city. The present parking area of the Columbia Marina will be somewhat enlarged to accommodate the 15-acre place of repose. There will also be bicycle trails.

Donations for the LBJ Grove may be made to the Society for a More Beautiful National Capital, Inc.—LBJ Grove, Box 5557, Wash-

ington, D.C. 20016. The hope is that people will respond to this different kind of memorial so that ground can be broken next August 27, the day that would have been President Johnson's 66th birthday.

HAPPY BIRTHDAY: WE ALL MISS YOU, ERNIE!

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

Mr. BURKE of Massachusetts. Mr. Speaker, something is missing as we return to begin this session. One of the great institutions of Congress. Though few things are certain in the career of a Representative, for as long as any of us here can remember we could always count on the cheerful countenance and competence of one of the House's great career and unfailingly civil servants. I refer, of course, to the man who celebrated his birthday Sunday, January 20 at the beginning of his well-deserved retirement and, coincidentally, the start of the 2d session of the 93d Congress, Ernest A. Petinaud. Ernie was more than a maitre'd; he was, as I have said, a congressional institution. Thousands of constituents for decades have been returning home from Washington with memories of their visit and I have always been amazed how many remember having met Ernie while in Washington. I think if you took a survey, Ernie would be better known by many people around this country because of their visit to Washington than most of the Senators and Representatives in Congress. And this is not surprising, for no matter how busy he was, no matter how crowded the House dining facilities, no matter how unbearable the temperature, no matter what catastrophes were occurring behind the scenes in the kitchen, Ernie was always there out in front, listening to everybody's pressing needs for immediate accommodations, aware of the impossibilities of his task and yet, somehow managing to please everyone. I do not think there is any question about it, if Ernie had not been content to serve the Congress in the capacity he did, he could have been serving in the Congress as one of the most popular elected Representatives in the country.

And not only was Ernie's smile contagious and personality winning and his patience obvious, but there was another feature which stood out and that was his wide range of interests. There were few things that Ernie could not converse about, no matter what the nature of your constituent's business. For my part, I remember the hours that Ernie used to spend late into the evening, after the House had concluded its business, discussing with the late, beloved Congressman Phil Philbin the music and lives of the great American composers of the century. Ernie was perfectly at ease whether humming the themes or discussing the music of Victor Herbert, Sigmund Romberg, Jerome Kern, Rudolph Friml, George Gershwin, Cole Porter, or Lerner and Lowe. Since Phil Philbin had to easily have been the most knowledgeable Member of Congress when it came to the

history of the American musical, Ernie had to be pretty familiar with his subject to hold his own in such company, but I never noticed Ernie had any trouble.

It is memories like this that stand out after someone leaves the scene. Such pleasant memories do not always occur, but they do in Ernie's case. I have always thought it was a measure of someone's real qualities that when you leave, your friends are left with so many happy memories. In short, Ernie not only is missed, he will be missed. This is not to in any way slight the person who will be asked to take his place, but rather simply to say that Ernie's shoes will be difficult ones to fill. While they say no one is indispensable, it is also true that even the most ordinary things can be done with a style and grace and charm that make all the difference in the world. It is this difference, I think, that made Ernie Petinaud stand out from the crowd and made him someone we not only miss today, but will miss in the days and months ahead. Ernie proved again and again that even the performance of the most impossible tasks can give rise to more popularity than unpopularity.

I know all his many friends in Congress will want to join with me in saluting Ernie on his birthday and wish him well for the future. As Phil Philbin used to say, "Ernie was one in a million." The place will not be quite the same without him. Congress is indeed entering a new era; one without Ernie Petinaud.

COMMODITY FUTURES INDUSTRY ENDANGERED

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

Mr. SYMMS. Mr. Speaker, the commodity futures industry is in danger. The House Agriculture Committee is considering legislation that will bring commodity futures trading under unprecedented Government control. Under "disorderly trading" or "emergency" conditions, the Government would have carte blanche authority over the industry. The criteria laid down in the bill for "emergency" conditions already exist, and could justify an immediate takeover of futures markets.

Hearings on the bill, H.R. 11955, are scheduled to begin January 23. In addition to the emergency provisions, the legislation establishes a five man Commodity Futures Trading Commission within the Department of Agriculture. Even in the absence of disorderly trading or emergency conditions, this commission will exercise nearly complete control over commodity futures traded in the United States.

Section 215 describes the circumstances under which the Commission could justify seizing control of the futures industry:

Whenever it has reason to believe that the amount of deliverable supplies, the number of open contracts, the relative size of individual traders' positions, the amount and direction of price movements in cash and futures markets, the impact of government edicts and regulations . . . other such mar-

ket factor creates a condition which threatens orderly trading.

The Commission itself will decide when the number of open contracts is correct, when the individual traders positions are balanced, whether cash and futures prices are moving in the right direction. There are no objective criteria for determining these conditions, so the Commission's subjective interpretation will determine when it has the right and duty to intervene.

The Commission may also direct markets in "market emergencies." Market emergencies are defined as:

Significant intervention of foreign governments in the futures market, war or other national emergency, price controls, export embargoes, or any other significant disruption of normal commercial processes which can reasonably be deemed to affect futures transactions.

Price controls have existed for years, and, tragically, are likely to continue indefinitely. This emergency condition will be a fact of everyday life in the United States for some time to come. The moment the Commission is voted into existence, it will have immediate justification for assuring direction of the commodity futures industry.

As if these criteria were not sufficiently all embracing, note that the Commission will also have power to direct the industry whenever "any other such market factor creates a condition which threatens orderly trading." Authority to decide when orderly trading stops and disorderly trading starts will again remain in the hands of the Commission, for there are no objective criteria written into the bill.

Once the Commission decides to intervene, it can move against the industry virtually without restraint. The Commission is specifically granted the powers to extend the expiration date of futures contracts, extend the time for making deliveries in fulfillment of a futures contract, limit trading to liquidation, and to suspend trading.

But the unspecified powers are still more menacing. The bill says that: "Such actions may include, but are not limited to" any of the above. We are left to guess what other actions the Commission may take. It can do whatever it sees fit, whenever it sees fit.

Widescale injunctive powers are vested in the Commission. It can halt the transactions of any market or person who "has engaged, is engaging, or is about to engage" in any act constituting a violation of the law. This power of preventive injunction appears unconstitutional on the face of it. Legislation aimed at preventing, rather than punishing an action, has within it all the problems inherent in conspiracy and preventive detention laws. It is a particularly ominous threat against the right to conduct business.

Injunctions will also be issued when an individual or market is in a position "to effectuate a squeeze or corner or otherwise restrain trading." Here there need be no suspicion of intended wrong-doing. The mere possession of the power to do wrong potentially will suffice to justify

an injunction. This power to enjoin even in the absence of suspicion of dishonest intention may be unprecedented power for a regulatory body. The power is compounded by the failure of the legislation to stipulate what is meant by the phrases "squeeze, corner, or otherwise restrain trading." Perhaps it is not surprising that the legislation does not define these contingencies, for as yet economists can not agree on what they mean.

A witness at recent House Agriculture Committee hearings foresaw a situation involving a difference of opinion between the trader and the new Commissioners. The trader's information, analysis, and understanding of the supply and demand situation may be superior to the Commissioners'. The injunction might be granted anyway, and the trader stopped, only to be judged innocent later. How will the trader then be compensated for his losses? This witness remarked:

For commodity markets, the power to enjoin is the power to destroy.

All contract markets will need Commission licensure. To obtain it, each must prove it served an "economic purpose," otherwise the license can be denied. Market transactions are said to have "economic purpose" when they serve the function of hedging producers, merchants, or consumers against loss through price fluctuations. These are broad, subjective standards, and it will be the Commission who decides them, not the customers whom the markets serves.

I recently encountered a dismaying illustration of how the Commission might interpret its power to deny licensure. While talking to a high-ranking CEA official, one of my staff members was told that all currently regulated futures markets served an "economic purpose." Which of the currently unregulated markets might be liquidated for lack of economic purpose? "It is hard to see how futures trading in silver coins serves an economic purpose" this official mused.

There are others who might not share this official's viewpoint on silver coin speculation. They might feel that silver coin futures serve as a hedge against inflation which surely is an "economic purpose."

The Commission will put limitations on brokers and floor traders buying for their own accounts as well as for their customers. This provision is not necessary to keep brokers honest—market considerations are much more forceful—and its only effect will be to hurt the liquidity of the futures market.

If a broker cheats his customer in trading, he only hurts his own economic self-interest. His reputation would be swiftly known, and his customers would find a new broker. A broker's conflict of interests is infrequently a problem.

In cases where a problem does arise, the contract markets already have their own internal disciplinary procedures.

This is not to suggest that the Government has no part to play in an honest commodity futures markets. As a first step, Congress and the Department of Agriculture must insure that Government information is available to each

buyer and seller on an equal basis. Charges that inside information was made available to selected firms in the Russian wheat deal have hurt the reputation of the futures market, and doubtless these rumors have played a large part in the demand for more regulation. Even if these allegations are true, the answer is not to shackle the market, but to demand fair business practices from the Government.

The thinking behind the bill displays a lack of understanding of the mechanisms of futures trading, and particularly the importance of speculators to the smooth functioning of the market. Speculation is the heart of the market. Speculators stand between the producer who wants the highest price for his product and the consumer who wants the lowest price for the product. The speculator provides liquidity to the marketplace, and he levels the many peaks and valleys that would otherwise occur in the price structure. The speculator generally takes the position opposite the hedger and performs the function of the insurer. He guarantees a certain price on a market fraught with uncertainties for the seller. Contrary to popular mythology, the speculator makes the market more predictable, not less predictable for buyers and sellers.

Speculators serve other market functions. By operating on extremely small profit margins, they are willing to realize small profits by buying and selling within fractions of a cent. Many of these speculators also act as brokers trading for their customers' accounts. They can flow with the volume of trading. When volume is heavy, floor traders act as brokers. When volume declines, they trade for their own accounts.

If the hedger wants to sell, it is this speculator who will buy. All this would be lost if the bill puts limitations on their activities.

Many floor traders and brokers depend on the additional income which they gain from their private transactions; if this revenue were not available to them, they would have to leave the field, thus reducing the liquidity they now bring to the market.

The speculator must put up margins before he buys. By doing so, he provides the futures market on which he buys with interest-free financing. This financing will be lost, as well.

The new Commission will determine the location and number of delivery points of commodities. The framers of the bill do not seem to realize that standardized delivery points are crucial in futures trading. Wheat delivered in Chicago, Ill., is more valuable than wheat delivered in Des Moines, Iowa. When the Commission sets delivery points on its own discretion, the futures buyer will not be able to anticipate if he is buying wheat in Chicago or in Des Moines. Traders will not be able to estimate the value of the contracts. This provision alone could destroy futures trading.

This provision seems to be based on the false premise that futures are a mechanism for merchandising grain. They are not. They are a substitute for a cash contract and provide buyers and sellers

with specific economic benefits—such as shifting the risk of ownership of inventory and forward pricing. Frederic G. Uhlmann, chairman of the Chicago Board of Trade, believes the delivery privilege is an assurance that delivery is available in case the cash buyer or seller cannot make his own contractual arrangements. If a buyer has to take delivery at a point where it is disadvantageous for him to ship the grain, the futures contract breaks down, in Uhlmann's opinion.

The futures system developed under a system where buyer and seller were free to carry out mutually beneficial and voluntary transactions. It has served the farmer, the merchandiser, and the consumer superbly well. The freedom that made it the remarkable success it is will soon be lost, unless the futures industry exerts enormous pressure to halt this legislation.

IN SUPPORT OF HUMAN LIFE

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

Mr. RONCALLO of New York. Mr. Speaker, today marks a tragic anniversary in American history. Just 1 year ago today, the Supreme Court struck down State laws which had until then been protecting the right to life of our unborn children throughout the country. All morning long, buses from every part of the Nation have been arriving at the Capitol, bringing nearly 10,000 concerned Americans in support of human life. I am proud to say that among these are some 2,000 to 3,000 of my Long Island neighbors.

These men, women, teenagers, and children have come here to ask why the Congress has not acted to make clear that the constitutional right to life includes all persons, born or unborn. They have come to talk to their elected Representatives and Senators and tell us of the pressing need to pass a pro-life amendment to the Constitution. We have certainly had every opportunity to do so. Dozens of resolutions have been introduced by me and other Members, Congressman HOGAN's discharge petition is right here at the desk, and a Select Committee on Abortion has been proposed. Still there have been no hearings by the Judiciary Committee.

We are often asked to and do pass bills affecting a single individual. How much more important it is to give our attention to legislation affecting the hundreds of thousands of children who will otherwise not be permitted to continue their lives. No matter what your views on the abortion are, you must agree that any proposal that has the support of so many Americans—and those here today are only a small representative fraction—deserves full committee hearings, at the very least.

I call upon the distinguished chairman of the Judiciary Committee, Mr. ROBBIN, to introduce a profile constitutional amendment of his own, hold full and complete hearings in the next few

weeks, and allow Congress to work its will.

I welcome the supporters of human life to Washington and promise to continue my efforts in their behalf.

THE ENERGY CRISIS AND THE NEED FOR A JOINT COMMITTEE ON ENERGY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. RAILSBACK) is recognized for 5 minutes.

Mr. RAILSBACK. Mr. Speaker, Over the past several weeks, I have had the opportunity to speak with hundreds of Illinois residents. Overwhelmingly, the energy crisis was their primary concern. While most assured me they were willing to do their part to reduce consumption, at the same time, they could not help but wonder how serious the energy shortage really is. It seemed to many that the crisis should have been foreseen by the oil companies, the electric utilities, the Congress, and the White House.

Many workers with whom I met at farm implement and other companies work in metropolitan areas, but actually live as far away as 30 to 40 miles. In fact, it is estimated approximately 85 percent of the Farmall Works International Harvester employees in my district live outside the metropolitan area of Rock Island. Therefore, rationing would pose a real hardship on such individuals. Other companies, such as Deere & Co., I am sure face the same problem. Therefore, I again assured these individuals I hoped rationing would be used as only a last resort.

Fortunately, several helpful steps have been taken. People are driving at 50 miles per hour, gasoline is generally not being sold on Sundays, temperatures at home and places of business have been cut back, and utilities and industries are being urged to switch from fuel oil to coal. In addition, the President has signed legislation putting the Nation on year-round daylight saving time—hopefully, providing a savings of 3 percent in energy consumption—and authorizing the construction of the Alaska pipeline—which could contribute as much as 10 percent of our domestic oil needs.

Perhaps one of the most significant pieces of legislation enacted thus far in the 93d Congress was the Emergency Petroleum Allocation Act. This measure authorizes the President to begin the allocation of petroleum products so that no one region of the country or sector of the economy should suffer more than another.

There is one important bill, however, that the Congress has not as yet enacted—the Emergency Energy Act. Although the bill passed the House and Senate in different forms before Christmas, conferees were unable to reconcile important differences before adjournment. Congress must make passage of the

emergency energy bill one of its first orders of business this month.

There are several other measures still pending before the Congress which should receive final action during the second session. These include bills on strip mining and strip mine reclamation, a resolution on the Naval Petroleum Reserves, amendments to the Clean Air Act, and several other proposals to attain the goal of "Project Independence." In addition, the Congress must look at such long-range programs as geothermal energy, solar energy, and nuclear energy with, in my opinion, emphasis upon fusion power.

Right now no one knows how to measure the energy shortage and its impact upon this country. The information-gathering system to date has been, at best, loose and poorly coordinated. An overwhelming amount comes from the petroleum industry, and their projections have gone up and down like a roller coaster over the past several months. This makes it difficult to plan for the future. It also makes some Americans question the reality of the oil shortage.

Today, I am introducing legislation establishing a Joint Committee on Energy. Briefly stated, the committee will be composed of 24 members, 12 from the Senate, 12 from the House, not more than 7 of the members from each body being of the same political party.

The Joint Committee on Energy will make a continuing investigation and study of the development, use, and control of all forms of energy, will examine current proposals for legislation, review the present policies and actions of the Government concerning energy, and will submit periodic reports to the House and Senate outlining its findings and making recommendations.

A joint committee will be able to centralize all the information relevant to the energy crisis, and hopefully assist in formulating a major energy policy for our Government. Since last July, over 200 hearings were held specifically on energy issues. And 21 Senate and House committees held hearings during the last 6 months of 1973. It is clear that we need a central location for all energy information in the Congress.

I urge immediate consideration of the resolution I am introducing today.

FEDERAL PAPERWORK BURDEN RELIEF ACT

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, I address the House today on a subject which has concerned me and many of my constituents for a long time. I have discussed this topic here on prior occasions. I am referring to the Federal paperwork burden imposed upon the small businessmen of America.

I am cosponsoring legislation entitled the Federal Paperwork Burden Relief Act which directs the General Account-

ing Office to conduct an extensive study on the extent and nature of the paperwork burden imposed upon small businessmen by the Federal Government. The purpose of the study will be to report to Congress within 1 year on how present requirements may be revised to ease the burden. It will then be up to Congress to wield tough legislative shears to cut away unnecessary red-tape and reporting requirements.

Mr. Speaker, there are over 8 million small businesses in America and around 10,000 in my own State of Alabama. Many farmers fall in this category. All are flooded regularly with forms and reporting requirements. All are faced with hundreds of rules and regulations which require an army of lawyers and accountants to decipher. The giant company can perhaps afford these squads of advisers and interpreters. But for the small businessman, the cost of Government paperwork can mean the difference between profit and loss.

In fairness, it should be noted that some reporting, some information gathering is necessary to run government programs effectively. But if and when paperwork is absolutely necessary, it should be simplified and technical assistance should be provided. A proper differentiation must be made between giant businesses and small businesses. I expect the GAO study to show us where the line should be drawn, and I expect a significant portion of present day paper-pushing requirements to fall on the "unnecessary" side of the line.

There are several courses of action which the Congress can and should take to curb the paperwork burden on the small businessman in addition to passing the legislation I am cosponsoring today. We can carefully examine every bill considered here to see just what its effect will be on the small businessman, requiring a "redtape impact statement." Experience has taught us that tall oaks of bureaucracy grow from small legislative acorns, that a redtape-generating agency is easy to create but very difficult to terminate, that once a program is started, it tends to feed on itself, moving forward on its own momentum, spreading a thicket of rules and regulations as it proceeds.

We can make tax simplification for small businesses an integral part of any tax reform proposal. Before granting annual appropriations, we can inquire of each Federal agency what steps it is taking to loosen the shackles of unnecessary paperwork. We can tighten the reins on the bureaucracy and insist that any paperwork required of small businessmen be fully justified.

Mr. Speaker, people have a right to understand what is expected of them by their Government. They have a right to be confident that rules and regulations which make a large demand on their time and resources are reasonable and necessary. A bureaucracy can separate people from their Government by inserting layers of redtape which soak up effectiveness and responsiveness. It is easy

to see how a small businessman could come to feel that his government is more concerned with shuffling papers than with providing services.

Our small businesses are the backbone of our economy. It is the responsibility of the Congress to free small businessmen from unnecessary paperwork burdens so they can do their jobs. If government intervention is minimized and a free enterprise environment is allowed, the small businessman will take care of the rest.

CONTROLS MUST EXPIRE; TAX ON EXCESS PROFITS SOUGHT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. QUIE) is recognized for 15 minutes.

Mr. QUIE. Mr. Speaker, Congress passed the Economic Stabilization Act hoping that inflation would be slowed and the consumer price index would be stabilized. In authorizing the President to control the economy, we told him, in effect, "Here, you solve the economic problems of the country."

On that memorable night of August 15, 1971, the President stopped denouncing them and started embracing them. He answered the call with Pay Boards, Price Commissions, the Cost of Living Council and phases I, II, III, and IV, all of which attempted to prescribe the proper economic medicine through a series of adjustments, freezes, and complex formulas.

But now 2 years and 5 months later, the wage and price control program has produced severe economic dislocations and shortages that are affecting nearly every segment of the American economy.

The Economic Stabilization Act expires on April 30, and I believe we in the Congress should allow it to become part of our history. The economy cannot function properly if it continues to be wedded in an economic straitjacket. The Federal Government is not wise nor sensitive enough to substitute its judgment for those who actually make the economy work: 210 million Americans.

I am distressed over the apparent link between wage and price controls and the energy crisis, and the effect controls have had in bolstering exports while simultaneously creating shortages at home. During the adjournment period, my constituents questioned the shortage of gasoline and other petroleum products. They are suspicious over the cause of the shortage and so am I.

Before 1971, the only thing most Americans were short of was credit and time. But now, if you want gasoline, it is short. If you want anything made of steel, it is short. If you want fertilizer, it is short. If you want anything made of plastic or cloth, it is short. If you want anything made out of paper, it is short.

In short, everything is short.

Wage and price controls, with all of their phases and adjustments, have not and will not work. Controls are like placing your hand at the mouth of a steam kettle. In the short run, the steam is reduced. But in the long run—what really matters—is the amount of steam inside

the kettle. And continued reckless Federal spending greatly increases the amount of inflationary heat.

Economists are warning that continued economic controls will lead the country down the path of further shortages and higher unemployment.

I am convinced that there is a direct relationship between last summer's beef shortage and this year's oil and gasoline problems.

Last summer the President exempted most segments of the food industry from the June 13 price freeze. Beef prices, however, remained under the ceiling imposed March 29. As a result, live cattle prices soared, but beef producers, expecting higher profits in September, held their cattle. Predictably, beef disappeared from the meat counter and beef processing plants closed or cut back operations while hundreds of workers remained idle. Consumers panicked. There was a run on home freezers which created artificial shortages in the Nation's department stores. Spring's meat boycott switched into summer's meat hoarding.

Beef price ceilings were retained until September 12 to allow price increases to spread the accumulated pressure, but cattlemen figured that prices would ultimately increase when controls came off, so they held cattle from the market. The extension of controls on the domestic beef supply cut production and availability about 30 percent, according to Secretary Butz.

Because beef was scarce, demand for poultry and pork skyrocketed and their prices zoomed to artificial highs. Extending beef controls turned out to be counterproductive: beef supplies dwindled and other meat and protein supplies rose to levels much higher than what they otherwise would have been.

Finally on September 12 the freeze was lifted. Anxious farmers sent their overfatted cattle to the market as prices skidded. A market balance quickly returned because it was allowed to function without Government restraints. There was a steady gain in meat supply and availability.

Mindful of the economic lesson, let us examine the relationship between controls and the energy shortage. Federal Energy Director William Simon has said that the price of petroleum products will rise to higher levels in the next few months, and the price of gasoline could climb as much as 11 cents by March 1. Unlike the beef industry, petroleum products can be held from the market indefinitely.

Is this why we hear reports that oil and gasoline storage tanks are filled to capacity? Is this why we are advised that huge oil tankers are waiting off the East Coast and elsewhere to unload millions of gallons of fuel? Are oil companies, like beef producers, holding their supplies from the market in anticipation of higher prices? I suggest they are.

Mr. Speaker, I do not suggest that there is no energy crisis but present problems are a direct result of wage and price controls. I do believe that we would experience more plentiful supplies of oil and gasoline, if the Economic Stabilization Act were allowed to expire and an

excess profits tax were enacted. Taking this action would be a strong signal to oil producers that the Government intends to allow the economy to function on the basis of supply and demand. Tinkering with this delicate balance has thrown the economy out of kilter, creating high prices, shortages, and a weakened faith in the economic system. Producer confidence must be restored now because decisions made now will determine the supply in the next few years.

Continuing the economic stabilization program beyond April 30 can do nothing but intensify the Nation's abundance of shortages.

There is great debate about how to stretch the Nation's crucially short supply of petroleum products to meet current needs, and some influential people are calling out for a system of rationing. On the surface this seems to make sense; rationing, they say, would make sure that everyone gets his fair share of the available energy supplies.

But I submit that nothing could be as disastrous. Rationing itself is not only unfair, but it would do nothing to increase energy supplies.

Domestic production of crude oil and natural gasoline supplies last year ran close to 11 million barrels per day, while imports registered about 6 million barrels per day. Imports, not covered by the wage and price controls, are now averaging \$8 to \$12 per barrel and higher. Meanwhile, domestic sources are restrained to about \$6 per barrel, and less.

Recently, new and stripper well oil production was freed from controls and now sells for about \$7 per barrel. The Cost of Living Council has allowed the price ceiling on "old oil" to be raised \$1 per barrel but this still leaves two-thirds of American's oil selling for less than \$6 per barrel.

The inequity between domestic and imported oil prices prompted the Wall Street Journal to note:

The stated objective of these pricing policies is to encourage the finding of new oil and the maintenance of production from marginal wells, but under such a system there is clear incentive to cut production of non-strippers and wait for prices to rise when ceilings are removed. Such incentive explains why many wells have been capped under the present pricing system.

Price controls have aided the United States in achieving a favorable balance of trade, but ironically, they have significantly contributed to the growing shortages here at home. Because they are creating maladjustments in the economy, business and labor leaders are joining together to seek an early abolition to the wage and price control program.

In the paper, steel, and textile industries, as well as several others, domestic manufacturers have found that they could realize higher profits overseas than they could at home. By holding domestic prices to artificial lows while prices on world markets have been determined by supply and demand, the Economic Stabilization Act has compounded our domestic shortages. The strain prompted the Congress to consider the Export Administration Act which allows the administration to impose controls on exports. I

am advised that the House-passed measure, which I opposed, has been tabled in the Senate.

The National Association of Manufacturers recently announced the findings of a survey it conducted among its 2,300 members. It concluded that wage and price controls are "hurting capital expenditures, causing shortages of products and raw materials, and are contributing to inflation."

Added the NAM survey:

Clearly, the largest single factor contributing to the shortage situation has been the control program itself. . . . The second great cause of the shortages, according to the survey, is insufficient domestic production. Controls have been responsible for this area because firms won't expand production facilities. . . . The third largest contributing factor is international price differentials, which is . . . a result of the imposition of controls. . . . There has been a great incentive to export because firms could get a better price in a foreign market. Most prices for internationally-traded commodities have risen sharply in recent years, yet the domestic U.S. price has been held artificially down.

Of the firms responding to the survey, 85.1 percent said if controls were to remain, shortages would worsen. At the same time, 84 percent of those same firms said there would be an improvement in the shortage problem if controls were terminated.

Mr. Speaker, the evidence is clear. The wage and price control program has caused an economic maladjustment that will affect us far into the future if controls are allowed to continue beyond the April 30 cutoff. Nearly every day I pick up the newspaper and read of some new shortage which threatens the economy, affects hundreds of other industries, and forces production cutbacks.

Are we going to allow this program to continue? A program which has proven itself not to be in the public interest? A program which has contributed to energy, steel, textile, food and other shortages? A program blighted by economic slowdowns? A program which could push unemployment higher than its present 4.9 percent?

I hope that we do not. We acted out of good intentions when we passed the Economic Stabilization Act, but I believe that controls have outlived their effectiveness. We must not allow the program to continue beyond April 30. The next phase of the Economic Stabilization Act should be "phaseout."

With a total phaseout an individual may ask: "What will prevent large companies from making a ripoff because of the higher prices induced by shortages which were, to a large extent, caused by the Government's own economic policy?"

The answer to that is an excess profits tax. Without such a tax companies have a choice between additional expenditures to increase production, or increase payments to company stockholders. With an excess profits tax, companies will have the choice between increased expenditures to boost production levels, or additional payments to the Federal Government. With an excess profits tax, I believe the oil companies would more likely earmark expenditures for exploration, drill-

ing, pumping, and refining, than they would if no excess profits tax were levied.

I recognize that an excess profits tax could prevent investments which are necessary to provide adequate energy sources for the American people; however, that can easily be avoided. With the combined wisdom of the executive branch of Government and the Ways and Means Committee, certainly an excess profits tax, which would accomplish what we desire for the benefit of the citizens of this country, could and should be enacted before April 30. This also could, in the long run, be much more anti-inflationary than wage and price controls have turned out to be.

RESTORING A VIABLE MORTGAGE MARKET FOR HOME BUYERS AND BUILDERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. WIDNALL) is recognized for 10 minutes.

Mr. WIDNALL. Mr. Speaker, it is not often these days that one can be the bearer of good news. It gives me real pleasure, therefore, to report to you on actions being taken to restore a viable mortgage market for American home buyers and builders.

Yesterday, in his address to the National Association of Home Builders in Houston, Tex., Secretary James T. Lynn announced two actions—to be initiated immediately—which should make it possible for many thousands of home buyers and sellers to realize significant opportunity.

In the first instance, the FHA and VA approved interest rate for insured mortgages will be reduced from 8½ to 8¼. This may seem odd in terms of current market rates which are still hovering around 9 percent, but Secretary Lynn has taken this action as a positive means of leading the market to more realistic lower interest levels.

Market interests rates have softened some over the past 2 months. Mortgage money in the secondary market has been available through GNMA since September 1973, but it has found little use at the stated 8½ rate. Mortgage money has also begun to return to the savings and loan institutions—a gain of \$3.1 billion in deposits was recorded in December. But still, the lending market remains notably inactive. The reduction of the FHA and VA rates to 8¼ percent is significant in persuasion for positive action. The Secretary's positive use of the FHA program in leading the market to more acceptable interest levels is commendable.

Secretary Lynn's second announcement is even more responsive to the needs. Effective today GNMA will be authorized to purchase up to \$6.6 billion in FHA-insured and VA-guaranteed mortgages bearing a stated interest rate of 7¾ percent; 200,000 units of new construction single-family and multi-family dwellings will be supported through this effort. These mortgages will be purchased by GNMA at 96 and resold to secondary lenders at market auction

price. Through its special assistance funds GNMA will accommodate the market by buying, holding, and later reselling these mortgages in tandem fashion. The cost to the Government will depend in large measure on the future actions in the secondary market.

With this expanded program builders and buyers will be able to move in the new construction field at a buyer's interest rate more akin to the rates of last July.

After 6 months of the credit crunch which rendered the housing industry and consumers helpless, we will hopefully see an invigorating restoration of activity—it is a needed infusion of blood, and it should serve the Nation well.

Secretary Lynn also revealed other constructive commitments to serve the Nation's housing needs, and he called upon the Congress to act positively in considering housing proposals now before committee. I am hopeful that the Congress will follow this leadership and act promptly on housing legislation which will give stability and strength in meeting the Nation's housing needs.

I commend the address to my colleagues and its synopsis follows:

SYNOPSIS OF REMARKS BY SECRETARY JAMES T. LYNN

Secretary James T. Lynn of the Department of Housing and Urban Development today announced important steps to enable more families to qualify for home ownership, and to stimulate home building.

Addressing the annual convention of the National Association of Home Builders in Houston, Texas, Secretary Lynn announced:

A reduction from 8½ percent to 8¼ percent in the maximum allowable interest rate for mortgages insured by the Federal Housing Administration.

Expansion of the tandem plan of the Government National Mortgage Association (GNMA) that will assist in the construction of 200,000 housing units by providing below-market interest rate mortgages up to a possible total of \$6.6 billion.

To be eligible under the expanded program, mortgages must be for new construction, bear an interest rate of 7¾ percent, and have received conditional commitment for FHA insurance or VA guarantee on or after January 22, 1974.

The 200,000 units of housing will be produced under a revision of GNMA's Special Assistance Programs for the purchase of unsubsidized FHA-insured and VA-guaranteed home and project mortgages.

Other GNMA tandem plans will be unchanged except that mortgages will be accepted at the new interest ceiling rate of 8¼ percent unless covered by special exceptions.

The new interest rate ceiling of 8¼ percent was determined after consultation with Donald Johnson, Administrator of the Veterans Administration, who simultaneously announced a similar decrease in the allowable rate for GI home mortgage loans.

The rate ceiling had been at 8½ percent since August 25, 1973.

Secretary Lynn also announced that HUD is embarking on a total effort to simplify processing and office procedures relating to FHA insurance programs. Teams from HUD's Washington headquarters will be working with field offices nationwide in a coordinated attack upon processing bottlenecks and other obstacles to speedy and effective service. The Secretary pointed out that this effort to achieve better service and use of resources will in no way de-emphasize equal opportunity or environmental requirements, other

designated national or community social priorities, or quality standards for processing.

ABORTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. HOGAN) is recognized for 30 minutes.

Mr. HOGAN. Mr. Speaker, 1 year ago today, the Supreme Court handed down a decision which means in effect makes abortion on demand the law of the land up to the moment of birth. The court decision has been inaccurately reported by many individuals and organizations and I feel it is necessary at this time to consider exactly what the Court has done.

First, the Court has held that the right to terminate a pregnancy at any time during the pregnancy was a right protected by the U.S. Constitution, a fundamental right, implicit in the concept of ordered liberty—Roe against Wade, pages 37-38.

Second, the Court held that a State has no power to regulate abortion in any way to protect the baby in the first 6 months of fetal existence—Roe against Wade, page 48.

Third, the Court held that in the final 3 months of fetal existence, a State has no power to prefer the life of the baby to the health of the mother—Roe against Wade, page 48.

Fourth, the Court held that the health of the mother was to be determined by medical judgment "exercised in the light of all factors—physical, emotional, psychological, familial, and the woman's age—relevant to the well-being of the patient"—Doe against Bolton, pages 11-12.

Fifth, the Court held that a State does not have the power to require an abortion to be performed in a hospital accredited by the Joint Commission on Accreditation or in any hospital—Doe against Bolton, page 15. It does not have power to require review of an abortion decision by a hospital committee—Doe against Bolton, page 17. It does not have the power to require that the mother be a resident of the State—Doe against Bolton, page 20.

Sixth, the Court held that a State does have the power to require that only a licensed physician perform or sanction an abortion—Roe against Wade, page 49—and that a licensed facility house the operation after the baby in the womb is 3 months old—Doe against Bolton, page 15.

In essence, this is a summary of the Supreme Court decision which has caused the slaughtering of over 1.5 million unborn babies during the last year.

Life is a biological continuum from the moment of conception to death. The unborn baby is innocent of any crime, but the proabortionists feel that he should be destroyed for the convenience of the mother and society. At a time when all reasonable people are concerned about the rights of minorities and the underprivileged, surely the unborn baby

is the most underprivileged minority of all.

Contrary to the Supreme Court decision, the fetus is not "a potential human being," but medical science says it is an actual human being waiting for growth to develop. The Court rejected the argument that from the moment of conception, an embryo possesses a right to life.

Mr. Speaker, I wish that all of our colleagues would study photographs of what the unborn child, the so-called, fetus, looks like. Seeing the perfectly formed human features no one can logically challenge the obvious fact that this is a human being. It can be nothing else. So when we talk about abortion, we should talk about the rights of this other human being as well as the rights of the mother.

Our laws have traditionally recognized that in cases of inheritance, tort liability and other civil matters, the unborn child has had legally protected rights from conception. Conception clearly means what in scientific terms we would call fertilization. To make an amendment apply from a time later than the moment of conception would be to constitutionalize the killing of innocent human beings prior to the point in time at which the protection of the amendment would attach.

Mr. Speaker, I would like to include the text of my constitutional amendment at this point and take the time to discuss its particulars:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as a part of the Constitution only if ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

ARTICLE

Section 1. Neither the United States nor any State shall deprive any human being, from the moment of conception, of life without due process of law; nor deny to any human being, from the moment of conception, within its jurisdiction, the equal protection of the laws.

Section 2. Neither the United States nor any State shall deprive any human being of life on account of illness, age, or incapacity.

Section 3. Congress and the several States shall have the power to enforce this article by appropriate legislation.

My amendment would definitely prevent all abortions for reasons less than the preservation of the very life of the mother.

The amendment would apply the existing principles of due process of law and the equal protection of the laws to all human beings, including the child in the womb. It would abolish the abortion mills all over America. The Supreme Court rulings defined the child in the womb as a nonperson and deprived him of his most basic right. All the amendment would do is give the child in the womb the same right to continue living as his older brother, with both of them, of course, being governed by the even-handed application of the prin-

ciples of due process and equal protection.

My constitutional amendment is presently pending in the Subcommittee on Civil Rights and Constitutional Rights of the Judiciary Committee. In a statement issued on October 30, 1973, by Chairman PETER ROBINO, he made reference to the fact that he has received 27,634 letters urging action on impeachment and that therefore they are moving "full steam ahead." The hundreds of thousands of letters from citizens requesting action on abortion legislation received no such response. Today, on the Capitol steps, I was presented petitions endorsing the constitutional amendment signed by 3½ million citizens. There has still been no action by the Judiciary Committee.

I have followed the orderly procedures of the House so that the proposed legislation could be handled in the customary way. Yet, this is a matter of life and death and every day we delay we are responsible for the killing of thousands and thousands of live babies.

Since it appears obvious that the Judiciary Committee has no intention of holding hearings on this amendment, I have filed a discharge petition which, if it obtains the signatures of 218 Members of the House, will bring my constitutional amendment to the floor of the House for an immediate vote.

I am confident that we have the necessary support in the House to pass my amendment if we can get it to the floor for a vote. I base this on the evidence of four separate votes where the House has had the opportunity to vote on amendments to bills that relate to the question of abortion and on all four the votes were overwhelmingly "pro-life." These four votes include the Roncallo amendment to the biomedical research bill prohibiting experimentation on fetuses. This passed by a vote of 354 to 8. On June 22, a similar amendment to the National Science Foundation bill was adopted by a vote of 288 to 73. On June 21, I offered an amendment to the Legal Services Corporation Act which was adopted by a vote of 301 to 68 as amended by the Froehlich amendment, accepted by a vote of 316 to 53. These provisions prohibited legal assistance from the Legal Services Corporation in connection with abortion. This overwhelming interest shown by the House and coupled with the evidence of the great interest of the public in the issue of abortion, make it imperative that we act as expeditiously as possible on this matter.

Mr. Speaker, the January 22 Supreme Court decision has negated the rights of a significant number of human beings. They have been denied the right to life itself. This black mark on American history has shocked millions of concerned people across the country. I have been heartened by the response from the American people and the support they have gathered to help overturn this decision. Today there were over 10,000 people from all over America here at the Capitol

urging congressmen to sign my discharge petition.

It is noteworthy that since the Supreme Court decision 1 year ago today, 11 States, the House of Representatives in Montana and the Senate in West Virginia have passed memorial resolutions urging the Congress to enact a constitutional amendment to overrule the Court's decision on abortion.

Certainly the fact that such a significant number of States have already responded should clearly indicate to Congress that the people of the United States expect Congress to face up to this issue and do something about it. It is paramount that Congress confront this responsibility and act favorably toward adopting a constitutional amendment to protect the innocent unborn.

COMPULSORY PREGNANCY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Ms. ABZUG) is recognized for 30 minutes.

Ms. ABZUG. Mr. Speaker, in a democratic country we must respect personal or religious objections to abortion. We in Congress would never pass legislation forcing a woman to have an abortion. Yet there are those who would force women to bear children, without respect for their personal convictions or needs.

A majority of the public, regardless of religious affiliation, now favors legal abortion. They understand that legal abortion means state neutrality. Anything else is compulsory pregnancy.

It is this principle that the Supreme Court upheld in its historic decisions a year ago today. In an earlier decision—Eisenstadt against Baird—Justice Brennan wrote:

If the right of privacy means anything, it is the right of the individual, married or single, to be free from unwarranted governmental intrusion into matters so fundamentally affecting a person as the decision whether to bear or beget a child.

Accordingly the Court stated that during the first trimester the decision on abortion must be left solely to the woman and her doctor. During the second trimester, some government regulations are permitted for the woman's health and safety. In the last trimester, States may restrict abortion only with exceptions for the preservation of the woman's life and health.

We must remember that concern for the health of women is the reason for abortion laws in the first place. Most were enacted in the 19th century and have remained literally unchanged until the past year when the Supreme Court decisions overruled them.

Until antiseptic surgery was discovered, even abortions performed by physicians were highly dangerous. English common law, however, respect a woman's right to take the risk; as did American law until the 19th century when some States considered it essential to protect women from unscrupulous abortionists.

That condition no longer exists: Under present conditions sterile abortions are eight times safer than childbirth. Until this year, botched abortions were the main single cause of maternal deaths. Since abortion became legal, that rate has dropped dramatically. In New York City it dropped from 5.3 per 10,000 births in 1969 to 2.6 in 1972. Restrictive laws, therefore, are unconstitutional in forcing women to accept the more dangerous procedures.

The philosophy called "right to life" is misnamed. It would in fact deny life to thousands of women who can now obtain a safe and legal medical procedure, and who would resort to unsafe and illegal procedures if this right were snatched away.

Seventy percent of the abortions performed in New York State last year, studies show, would have taken place whether abortion was legal or illegal. The women would have used self-induced and dangerous methods or would have gone to the unskilled neighbor, quack or medical bootlegger who performs abortions for extra income. Hundreds of thousands of women have died in the past, in such desperation; hundreds of thousands more will die in the future if we are unclear on this issue.

Abortion will not cease if we pass restrictive legislation; it will simply cease to be safe and legal. Abortion is almost always a last resort for a pregnant woman—but it must be an available option.

Until we have the perfect contraceptive, women of all walks of life, all races, religions, ages, and conditions, will resort to abortion. If we turn back the clock, many of those who die will leave motherless families, for a great many women who choose abortion already have more children than they can bring up. When we speak of concern for children, where is our concern for those whose mothers will be killed or left crippled?

And where is our concern for the children brought into the world unwanted? Sociologists and psychiatrists have told us for years that unwanted children suffer neuroses and psychoses that can easily turn to crime and violence, as in the battered child syndrome which is passed on from one generation to the next. Why should we inflict such a fate upon helpless children—and upon society that must pay for keeping them in jails and institutions? Some of the legislation introduced actually would make it compulsory to bear a seriously defective child, even though the condition was known in advance, as it now can be. This is inhuman to the child, the parents, and all other family members.

This Congress is not yet prepared to pass legislation that will adequately feed and clothe the poor and unwanted children already in our midst, in institutions and substandard homes. Are we ready to decree that thousands more must be born each year?

Women, as never before, are asserting their right to make these decisions according to their own conscience and cir-

cumstances. This right of privacy was specifically recognized by the Supreme Court in its rulings last year.

Knowing that women will no longer quietly consent to male domination of their right to control their own bodies, antiabortion forces have shifted their attack to the "right of the fetus." The proposal to overturn the Supreme Court decision through a constitutional amendment, as introduced by Senator BUCKLEY, declares:

The word "person" as used in the 5th and 14th Amendments . . . applies to all human beings, including their unborn offspring at every stage of their biological development, irrespective of age, health, function or condition of dependency.

On the contrary, last year in Roe against Wade, the Court declared:

The word "person" as used in the 14th amendment does not include the unborn.

To do so would be to open the door to a series of ridiculous legal questions. Arlie Schardt, associate director of the ACLU in Washington, has pointed out that—

Every pregnant woman would be constantly acting at her peril . . . lest she be held accountable for any injury the fetus suffered . . . Prosecutors might well be obliged to investigate every miscarriage to see if it resulted from fetus abuse, carelessness or recklessness. Women taking medicine which also happens to expel the fetus could be guilty of murder. So could women using IUDs. Every woman might have to register her pregnancy with a fetus protection authority, subjecting every aspect of her life to potential state inspection, regulation and control.

If this seems farfetched I need only remind you of the increasing control and surveillance of every aspect of our lives. It is ironic that conservatives are leading a drive that could well result in such surveillance, when the basic principle of conservatism is resistance to State interference with individual rights.

Representative HOGAN's proposed constitutional amendment would prohibit abortion "from the moment of conception"—a moment no scientist has yet been able to pinpoint, any more than the moment of viability.

It has been noted that such attempts would give a fetus rights that no living person has, to use another's body and life-support systems against that person's will.

Other proposals discriminate flagrantly against the poor. Senator BUCKLEY's amendment to the Social Security Act would deny medical funds to those who can least afford to support unwanted children, and who have least access to contraceptive services. It would subject them alone to State coercion, denying them the equal protection of the law. Affluent women have always been able to get medical abortions and working class women with private health insurance will continue to be covered. But a recent Government study shows that over half the counties in the United States offer no public family planning services at all, and a large number of nonprofit hospitals, in which 60 to 65 percent of low-

income mothers deliver their babies, offer no contraceptive programs either. Many women thus remain uninformed; others, often very young, get into situations they cannot control. And even well-informed women discover that no contraceptive device is 100 percent effective. Abortion is certainly not the best method of family planning, but it must be available to all as a last resort.

Representative HOGAN's amendment to the Legal Services Act would further discriminate against poor women by denying the use of Federal funds to support any challenge to the denial of abortion service including the right to bring a malpractice suit.

Senator CHURCH's amendment to the Health Programs Extension Act, already passed, if utilized by hospitals to deny abortion or sterilization while receiving Federal funds, is in my opinion unconstitutional.

And the proposed Helms amendment led to the inclusion in the Foreign Assistance Act of language which will seriously affect the use of AID funds for abortion services overseas. It is bad enough that we permit the views of a minority to reverse our domestic policy; it is incredible that we would even consider such an incursion into foreign policy.

For it is a minority that is attempting to overturn the Supreme Court's rulings. In June 1972 a Gallup poll found 64 percent of the public agreeing that abortion is a decision solely for a woman and her doctor. In January 1972, Gallup found 54 percent of Catholics held the same opinion. A recent poll in the Catholic Reporter shows increasing support among both Protestants and Catholics for abortion for a variety of causes.

Religious leaders are now banding together to insist upon the separation of church and state on this issue. The Religious Coalition for Abortion Rights, encompassing Protestant, Jewish, and Humanist leaders, joins with such groups as Catholics for Free Choice, to support the Supreme Court decision. They ask only what I am asking today: That we sustain the right of every woman to make her decision guided by her own conscience and convictions.

One year later we have proof of the wisdom of this approach. Planned Parenthood Federation has just published a report showing not only the startling decline in maternal death rates, but a decline in hospital admissions for botched abortion; a decline in abandoned infants from 14.9 per thousand to 6.6 per thousand; a decline in out-of-wedlock births. In addition to the amelioration of human misery in all these cases, there has been a saving of public assistance funds in New York City alone, of some \$15 million.

Another important benefit is the reduction of a too-rapidly rising birth rate. The shortages of fuel and other resources we now face are as nothing compared to the situation we will face if world population is allowed to outrun resources. If we do not want to live in a world jungle, clawing for food and heat and light, we will combine forces around

the world to insist upon populations of manageable size. Fifty-eight percent of the world's population lives in countries that have legalized abortion—again, recognizing that it is not the best method of population control but must be available as a back-up measure. Without it, countries such as Japan and the Soviet Union would never have kept their population within livable bounds—nor could we.

For the sake of the world, the Nation, and the individuals who live in it, we must see that no more regressive legislation is passed to limit women's free choice in seeking abortion.

FUTURE CREDIT FOR THE SOVIET UNION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri (Mr. ICHORD) is recognized for 30 minutes.

Mr. ICHORD. Mr. Speaker, today I was joined by 24 of my colleagues in the introduction of a Sense of the House Resolution instructing the Export-Import Bank not to grant any further credit to the Soviet Union until the Congress has had the opportunity to debate the question fully and take such action as it deems desirable. The House has already taken action to prohibit the extension of any such credit and the Senate is shortly to act on the measure. We ask only that the Bank await the final expression of the Congress on the matter.

Although such a resolution will not have the binding force of law it will serve as a forceful reminder that the Congress of the United States still controls the future and the programs of the Exim Bank. At the present time the Bank appears to be determined to lend as much money to the Soviets as they personally desire regardless of the will of Congress.

Last Friday, Mr. Speaker, the Export-Import Bank announced another \$38 million worth of credit to the Soviet Union despite the forceful action the House of Representatives took on the Mills-Vanik amendment to the Trade Reform Act of 1973, prohibiting any extension of such credit by this Bank or any other agency of the Government. On December 11, 1973, this amendment was approved by an overwhelming vote of 319 to 80. As all of the Members of this House are well aware, the Trade Reform Act of 1973 is now awaiting action in the U.S. Senate where an identical amendment proposed by Senator JACKSON has been cosponsored by over 77 of the 100 Senators.

It appears to me that the Exim Bank has taken on the characteristic of a bureaucratic operation which apparently feels that it exists as the result of some divine right and does not depend on the will of the American people and certainly not on the actions of those who have been elected to represent our citizens. I am, therefore, constrained to remind the Board of Directors of this Bank today that the Export-Import Bank is an agency of the U.S. Government and as such is expected to carry out the policies

made by the duly elected legislative branch of our Government. The Board does not have the responsibility of determining policy and if the Board members are determined to do so I would suggest that they run for public office.

In extending the latest credits to the Soviets, the Board has loaned a grand total for 1973 and 1974 of almost \$160 million and another \$200 million plus has been promised on the basis of preliminary commitments. It would appear clear that the Bank directors have made the arrogant determination that they are going to lend as much money as they please to the Soviet Union. In the last couple of weeks Congressmen ASPIN, DENT, KARTH, FULTON, DAVIS, and myself have forcefully reminded them by statement and telegram that they are acting in direct violation of the will of Congress and they should cease and desist until the question has been finally resolved.

We have also been advised that the Export-Import Bank is presently considering a \$49 million loan to the Soviet Union for exploration of the gas fields in eastern Siberia. The Chairman of the Bank has informed us that a decision will be made in the near future and all indications are that they are preparing to also approve a preliminary commitment for this loan.

Mr. Speaker, I am forced to conclude that American financing of Soviet gas exploration at this particular time in history, especially at an interest rate of 6 percent which is in effect to be subsidized by the American taxpayer, smacks not only of poor business judgment, but suggests a disregard for the national security. Exploration and development of a nation's energy supplies has such clear national security implications that they need not be spelled out. What possible logic could lead to the conclusion that we should participate in the development of natural gas for Soviet use or expect to depend on it for our own use? Does any thinking American really believe that the Soviets would ever fulfill any commitment to use to deliver gas during a major world crisis even if we could work out all the other problems connected with the production and transportation of Siberian gas? Let me remind my colleagues in this House that the Arabs have never threatened to "bury us" nor have they ever expressed the intentions to fly the Communist flag over the world and yet they were more than willing to use oil as a weapon to influence world political opinion. Do we have any reasons to believe that the Soviets would not do the same thing under similar circumstances?

It is obvious that the Soviets need our technology and financing to explore and develop the oil and gas reserves in Siberia but what about the interest of this country? What have we to gain? Let us review a few of the basic facts surrounding the proposal: First, the severe climatic conditions existing in Siberia will make development of these fields extremely difficult; and second, will present unusual problems in laying the extensive pipelines that would be necessary to transport the gas or oil to the coast;

third, the projected wellhead cost per thousand cubic feet leads one to seriously question the economic soundness of the project; fourth, the difficulties in shipping this gas in tankers with all the safety hazards involved cannot be ignored. When we add to these problems the obvious political difficulties and our own stated goal of energy independence, we certainly have many hard and serious questions to answer before plunging blindly into such a project.

I think it is incumbent upon us to ask if we could not much more wisely spend such money for energy exploration and development at home or at least in a country with which we have some history of tried and proven friendly relations. Certainly the Congress has the right and the responsibility to explore this entire question in all possible depth and make a reasoned determination of the course we should follow before our bureaucrats get us entangled in such an undertaking with all the possible ramifications entailed in the project.

As far as I am concerned we must solve such basic differences between our society and the Russian government as: First, their restrictive and repressive emigration policies; second, the increasing evidence of Soviet persecution of scientists and intellectuals with the attendant denial of the most basic human rights; third, the question so vital to the entire free world of what effect our credit and technology in domestic fields will have on Soviet military strength and the balance of military power in the world. In this connection I must remind my colleagues that on January 8, 1974, the Soviet Defense Minister called for the strengthening of Soviet military might. This, against the background of the SALT agreements and talks and the fact that the Soviets are already spending over 12 percent of their GNP, based on their own suspect figures, on military matters certainly raises new concerns. Should we make our financial and technological resources available to them in order that they might divert even more of their resources to military buildup? Finally, we must consider the effect of such credit being applied toward improving the competitive position of the Soviet Union with U.S. business in foreign markets. We must not overlook the potential danger in further undermining the job security of American workers.

Mr. Speaker, the resolution I am introducing today, along with Mr. ASPIN, Mr. DENT, and 22 other colleagues is nothing more than a temporary measure to stop the unilateral action of the Bank in granting loans to the Soviet Union until the Congress has worked its will in the matter. Once the Senate has acted upon the Trade Reform Act of 1973 this resolution would no longer be in effect. It simply instructs the Bank to make no more loans to nonmarket economy countries except those already enjoying column 1 tariff treatment—Yugoslavia and Poland—until the Senate has acted on the Jackson-Mills-Vanik amendment. The definition of the countries to be excluded corresponds exactly to the language in the Vanik amendment. I urge the House to ready the resolution for

House consideration as quickly as possible:

RESOLUTION

Resolved, That it is the sense of the House that, during the period pending consideration and action by the Senate upon the bill H. R. 10710, as introduced in the 1st Session of this Congress, cited as the "Trade Reform Act of 1973", and as amended and passed by the House, no loan, guarantee, insurance, or credit shall be extended by the Export-Import Bank of the United States to any nonmarket economy country (other than any such country whose products are eligible for column 1 tariff treatment on the date of the enactment of this resolution), and no such country shall participate in any program of the Government of the United States which extends credits or credit guarantees or investment guarantees, directly or indirectly.

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

Mr. ICHORD. I yield to the gentleman from Missouri (Mr. RANDALL).

Mr. RANDALL. Mr. Speaker, I want to commend the gentleman from Missouri (Mr. ICHORD) for his effort and I want to be certain that my name is joined with his on this sense of the House resolution. Please do not omit to add my name to this resolution.

I read with considerable interest your news release issued during the recess. I might say that those of us who got around their districts to do some opinion-sounding found your views were popular with the people. I made a personal survey in 13 of our 16 counties. In many of those places we found an interesting thing, that the people are not sure whether the Soviets are sincere about détente. Now let me be certain that I understand what the gentleman is talking about. Is this a \$40 or \$50 million loan—what is the amount?

Mr. ICHORD. I will say to the gentleman from Missouri (Mr. RANDALL) that the resolution is couched in the same language as the Vanik amendment which we adopted in the House which would prohibit credits until the Soviet Union has changed its immigration policies.

As far as our total loans to date to the Soviet Union, the Board has loaned a grand total for 1973 and 1974 of almost \$160 million and another \$200 million has been promised on the basis of preliminary commitments. I would almost state that the Export-Import Bank at the present time is considering a \$49 million loan to the Soviet Union for the exploration of gas fields in Eastern Siberia. This is right in the face of the fact that the House voted overwhelmingly in favor of the Vanik amendment and right in the face of the fact that Senator JACKSON has been joined by almost 80 Members of the U.S. Senate in opposition to such a policy.

Personally I am very much concerned about the bureaucratic arrogance that is being exercised by the Board of Directors of the Export-Import Bank. I would remind them that it is the Congress of the United States which makes policy. It is not the responsibility of the Board of Directors of the Export-Import Bank to make policy. That is the responsibility of the duly elected Members of Congress. If the members of the Board of Directors of the Export-Import Bank wish to make policy I would submit that they should run for public office.

Mr. RANDALL. Mr. Speaker, will the gentleman yield further?

Mr. ICHORD. I yield to the gentleman from Missouri (Mr. RANDALL).

Mr. RANDALL. With respect to the specifics involved, the \$49 million loan for this gas line which probably will cross Siberia and benefit certain areas outside the Soviet Union, perhaps Japan, let me say that during the recess just ended again and again our constituents would ask: "Have you joined with your colleague, the gentleman from Missouri, Mr. ICHORD, to keep an eye on the Export-Import Bank making a loan to the Russians for a gas line?" My answer was I would join as soon as Congress reconvened.

I think what the gentleman in the well is saying to the House is if this House passes an amendment of some kind, which expresses the will of the House, then such a procedure is all right. But instead we see an agency of the Government downtown acting in opposition to the policy of the House. Is that what the gentleman is saying?

Mr. ICHORD. The Export-Import Bank, I would say to the gentleman from Missouri, is trying to hurry up the action on the loans in order to escape the inevitable mandate from the Congress that it shall not make such loans under present conditions.

Mr. RANDALL. If the gentleman will yield further, we, of course, are encouraged by certain signs of détente; but I think we must also look beyond what the Soviets are saying and, in effect, look at what they are doing, in other words their actions speak louder than their words.

They always welcome our loans and welcome our country sharing its technology with them, but on the other hand there is some evidence that they have not shared their technology with this country.

Mr. ICHORD. I would agree with the gentleman from Missouri, and I would point out this is not merely a loan. This is a loan at a subsidized interest rate.

Personally, I cannot see any commonsense in the approach of lending the Soviet Union money while they continue their present military buildup. I have no objection to trade as such on a barter basis or on a cash basis; but I cannot see any sense or logic at all to the act of lending money to a nation following the policies of the Soviet Union. A loan undoubtedly makes it easier for them to continue to divert such a large portion of their gross national product to the production of military armament. They are now, to the best I can figure out, diverting about 12 percent of their gross national product to the production of military armament, while we are spending about 6 percent of our gross national product.

Mr. RANDALL. Would the gentleman be generous enough to yield for just 1 additional minute?

Mr. ICHORD. I yield to the gentleman.

Mr. RANDALL. The point the gentleman is making is well taken and well founded in logic. Yet I conclude what the gentleman has just said is that it is by virtue of our loans and our bounty, the Russians are making progress on all fronts. I presume the gentleman is

saying there is nothing wrong in dealing with the Soviets, provided it is on a cash basis and on the same terms we would with anyone else; but here it seems we have been dealing with them on a favored basis. We are, in fact, providing a further loan that enables them at the same time to increase their military budget. In essence then we are paying for their increased military budget and by our loans—indirectly enabling Russia to enhance their military strength.

Mr. ICHORD. The Export-Import Bank, I would state to the gentleman from Missouri, by this proposed action is asking the American taxpayer to subsidize the building of a gas line, the development of a gas field in Siberia. The economic advantages seem to be very, very obscure. It is a very, very difficult project.

I will leave it up to the gentleman from Missouri whether we would have any assurance that we could develop a dependable gas supply in the Soviet Union.

I point out to the gentleman that the Arab Nations have not publicly stated that they intend to bury us. They have not taken any direct action against us. I do not think they are apt to become Communists, but yet they cut off our oil supply. Do we have any real assurance that the Soviet Union would continue to pump the gas once they came into being?

Mr. Speaker, I yield to the gentleman from California.

Mr. ROUSSELOT. I thank the gentleman for yielding. Mr. Speaker, I wish to compliment my colleague from Missouri for raising this issue. It is true, much of this information was called to our attention in the newspapers during the time we were in recess.

Is it not true that in the particular application from the Soviet Union that is being discussed with the Export-Import Bank, that it is very likely that this "business loan" would be at more favorable interest rates than any people in our own county are now able to secure?

Mr. ICHORD. Mr. Speaker, as I understand the proposal, I would state to the gentleman from California that this would be an interest rate of 6 percent, and it is very, very difficult for any business to borrow money at 6 percent today in the American money market.

Mr. ROUSSELOT. Mr. Speaker, in other words, the gentleman is trying to point out that the Export-Import Bank is asking our taxpayers, even though the Export-Import Bank is now supposedly self-sufficient, but an agency that is sponsored by our Government, to be guaranteeing a loan at an interest rate at a substantially lesser amount than most businesses and most churches or most anybody else can borrow in this country at this time.

Mr. ICHORD. Mr. Speaker, that is precisely the case.

Mr. ROUSSELOT. Mr. Speaker, I think the gentleman has performed a good service, along with some of our other colleagues, who have tried to bring to the attention of this Congress the particular situation relating to the so-called loans with the "big gas deal" in Russia.

I think that it behooves us as a Congress to perhaps attach to any future legislation relating to the Export-Import Bank, a more definitive use of how this tremendous Bank is used to finance these kinds of situations.

It is unfortunate, when our own business people in our own country and many other people are paying such substantial interest rates right here in the free market in our own country, one of our own Government agencies, is contemplating giving such a favorable financial arrangement to a country that is run as a Communist dictatorship, and has agitated against our country all over the world.

Mr. Speaker, I compliment my colleague from Missouri for calling this to our attention.

Mr. ICHORD. Mr. Speaker, I thank the gentleman for his contribution.

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

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

Mr. MARAZITI. Mr. Speaker, I compliment the gentleman on his remarks, and I wish to associate myself with his remarks.

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

Mr. Speaker, in closing, I would re-emphasize that the resolution we have introduced today is nothing more than a temporary measure to stop the unilateral action of the Bank in granting loans to the Soviet Union until the Congress has had the opportunity to work its will upon the matter. Once the Senate has acted upon the Trade Reform Act of 1973, this resolution will no longer be in effect. It simply instructs the Bank to make no more loans to nonmarket economy countries except those already in being; namely, Yugoslavia and Poland, until the Senate has acted upon the Jackson-Mills-Vanik amendment.

The definition of the countries to be excluded corresponds exactly to the language in the Vanik amendment.

Mr. Speaker, I hope the resolution will be promptly considered and passed by the Congress.

FEDERAL RETIREMENT BENEFITS AND ANNUITIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ), is recognized for 5 minutes.

Mr. GONZALEZ. Mr. Speaker, today I am introducing a bill to amend title 38 of the United States Code so as to provide that monthly Federal retirement benefits and annuities shall not be included as income for the purpose of determining eligibility for a veterans' or widow's pension.

I am proposing this legislation because I know there are many people across the country whose VA pension is cut if he becomes eligible for a Federal retirement benefit, or the retirement benefit he receives is increased.

I am sure that every Member of the House is deluged with letters from constituents every time we pass a social security increase, because the people receiving VA benefits must report any in-

crease in income and they then find that their VA benefits are cut.

I do not believe that Congress meant for this situation to develop, but it now exists and I, for one, feel it is time to be changed.

Our country is currently experiencing rampant inflation and we find many of the elderly people living close to, if not within, the poverty level. These people who served in the military and gave of themselves unselfishly, now find that they have no financial security. They do not know from 1 month to the next what might happen to their VA pensions. The widows of these men find that they must count every penny and try to save something for the time when they might be notified of a cut in their VA pensions.

I am hopeful that in this session of Congress we will take a serious look at the situation confronting those who receive VA pension benefits, and make the necessary changes to enable these elderly people to live a decent life under the current economic conditions of our Nation.

PRICE CONTROLS ON DOMESTIC CRUDE OIL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. REUSS) is recognized for 10 minutes.

Mr. REUSS. Mr. Speaker, I have today introduced H.R. 12214 to tighten price controls on domestic crude oil, and thus to insure that we are not just capitulating to runaway inflation.

Cosponsors of this bill are Mr. ASHLEY, Mr. KOCH, Mr. MITCHELL of Maryland, Mr. MOAKLEY, Mr. MOORHEAD of Pennsylvania, Mr. STARK, and Mr. STUDDS.

Secretary Shultz of the Treasury last weekend asked the oil-producing nations to cut back on unjustified price increases. We should ask the major domestic oil producers to cut back on their price increases as well.

On August 17, 1973, the Cost of Living Council phase 4 price regulations for domestic crude petroleum were published, setting up a two-tier pricing system. "Old" crude—crude oil in amounts up to 1972 production levels—was subject to a price ceiling equal to the posted price on May 15, 1973, plus 35 cents per barrel, "new" crude—crude oil in excess of 1972 production levels—and oil from "stripper" wells—wells producing less than 10 barrels a day—were removed from price controls. The object of this two-tier structure was to encourage additional domestic exploration and production, while keeping average crude prices from rising rapidly.

Since August 15, 1973, however, the COLC has raised the price of "old" domestic crude from \$3.86 to \$5.25 a barrel—first, on August 17, when the 35 cents bonus was added, and second, on December 19, when "old" crude was allowed to rise by a further \$1 per barrel.

In addition, producers were allowed to release a barrel of "old" crude from price controls for each barrel of "new" crude produced, thus increasing the decontrolled fraction of domestic crude oil production from about 20 to 25 percent.

The COLC has made no attempt to justify the price increases and price con-

trol release of "old" crude in terms of increased costs, and for good reason—cost increases in "old" oil production are minimal. The drilling equipment is in place, the derricks are pumping, and oil is flowing out of the ground.

The COLC did say on December 19, 1973, that the increased prices on "old" crude, while generating "only marginal increments to crude supply in the short run," will "create additional incentive for the petroleum industry to pursue further research and development efforts, new exploration and new technology to augment our energy resources."

What an expensive and inefficient way to go about it. The price of "new" crude is decontrolled, and runs between \$8 and \$10 a barrel. Rising world prices will pull up "new" domestic crude still further. This is plenty of incentive—there is no need to give the oil companies two unrelated additional bonanzas on "old" crude—price hikes and release for "matching" barrels of "old" crude.

H.R. 12214's purpose is to:

First, roll back the price of "old" crude to May 15, 1973, levels, adjusted to reflect actual production cost increases since then; and

Second, eliminate the provision releasing a barrel of "old" crude for each barrel of "new" produced.

Neither independent producers—those with crude production of less than 20,000 barrels a day—nor stripper wells—as under present regulations—would be subject to price controls.

Under this bill, companies whose cost of producing "old" oil has genuinely increased—perhaps because they have resorted to more expensive secondary and tertiary recovery methods—will be allowed a dollar-for-dollar cost pass-through. But increases in price will be granted only on a case-by-case basis, where need is proven.

We must keep our heads, despite the rhetoric and uncertainties of the energy crisis. We want to increase production and particularly exploration—not only of oil, but of alternative energy sources, not only by major oil companies, but by other producers. But we also want to find the most efficient and anti-inflationary way of doing so. There is every reason, both in economic theory and in actual example, to believe that allowing "new" crude to be sold at a high and rising market price is sufficient incentive, without hiking the effective price of "old" crude too. Let us see how it works, before subjecting American consumers and petroleum-dependent industries to a truly staggering increase in costs this year.

POLITICAL EARTHQUAKE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. CULVER) is recognized for 5 minutes.

Mr. CULVER. Mr. Speaker, while we were scattered in our districts during the recess a political earthquake occurred in Iowa, the tremors of which had perceptible effects across the Nation. I am sure that the instigator of these shocks deliberately chose to set them off at a time of congressional dispersion,

since otherwise we would all have been too stunned. For all of us know that the House of Representatives operates through a delicate system of checks and balances, about one of which the House rules are silent. I refer, of course, to that majestic and rock-like institution, H. R. GROSS.

In announcing his intention to retire from the House at the end of his current term, H. R. Gross is removing one of the pillars on which our legislative procedures are built. In taking away this bulwark he imposes a heavy responsibility on all those who remain in this body to compensate for a large vacancy. H. R. embodies not only a unique and memorable personality; he also brought distinction to the legislative craft.

There is probably not a member here who has not at some time left the floor with the conviction that H. R. saved them from foolish or inadvertent legislative error. There is no one in this body who has not marvelled at his command of legislative intricacies or at his professional skill in the reading of fine print. Moreover H. R. has always exhibited the values of a firm grounding in arithmetic and vocabulary. He always recognizes the difference between \$1 million and \$1 billion—and even the difference between 1 and 10. His mastery of the active verb and the telling adjective are also legendary. As one of his colleagues from Iowa, I have profited from his example and earthy wisdom however much I have disagreed with a good many of the policy conclusions he has reached. But even in disagreement H. R. is the kind of man who at least makes colleagues less smug in their beliefs and readier to see the possibilities of error.

H. R. GROSS has made this a livelier and better place in which to do the Nation's business. He will leave with universal affection and with our delight that we have been both the objects of his vigilance and the beneficiaries of his good will.

HEARING SET ON VOTING RIGHTS OF EX-OFFENDERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. KASTENMEIER) is recognized for 5 minutes.

Mr. KASTENMEIER. Mr. Speaker, the Subcommittee on Courts, Civil Liberties, and the Administration of Justice has scheduled a hearing on H.R. 9020, and a number of identical measures to amend the Voting Rights Act of 1970 to prohibit the States from denying the right to vote in Federal elections to former criminal offenders who have not been convicted of any offense relating to voting or elections and who are not confined in a correctional institution.

The legislation was introduced by me and has been cosponsored by 27 other Members of the House. Its purpose is to prohibit the States from denying the right to vote in Federal elections to former criminal offenders who have not been convicted of an offense relating to voting and who are not incarcerated. The denial of the right to vote to citizens who have been convicted of a criminal offense is a significant obstacle to

the full enjoyment of that right by American citizens.

The bill sets forth findings supporting the constitutional foundation of this legislation.

A question is raised by the very recent Supreme Court decision in O'Brien against Skinner whether the bill can constitutionally provide, as it purports to do, that incarceration in a correctional institution deprives the inmate of his right to vote. Also, it has been proposed that the protection of the bill should be extended to State and local elections. The subcommittee will study the legislation with great care.

The hearing will be held at 10 a.m., on Wednesday, January 30, 1974, in room 2226, Rayburn House Office Building. Witnesses will be heard from the Department of Justice, the U.S. Commission on Civil Rights, and the American Bar Association.

UKRAINIAN INDEPENDENCE DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. STRATTON) is recognized for 5 minutes.

Mr. STRATTON. Mr. Speaker, at a time when Alexander Solzhenitsyn's brilliant new work on Soviet concentration camps has focused world attention on the repressive practices of the Soviet Union over the years, it is especially appropriate to remember the valiant and hardworking people of the Ukraine who have been struggling against these policies for over half a century.

For most of the past 300 years the Ukraine has been submerged in the massive Russian state and for most of those years, the Ukrainian people battled valiantly against czars and later Communists in an effort to win the inalienable rights of people everywhere, namely personal and political freedom.

For just one bright, shining moment, when czarist authority was first smashed in 1917 the Ukrainian people were able to gain their freedom and create their own state. That interlude began on January 22, 1918, and ended 5 short years later, when Bolshevik occupation finally took over.

Today, 56 years later, Ukrainians are still in political and intellectual bondage. Their brief taste of independence evaporated all too quickly. But even though the independent State of the Ukraine is only a memory today, the spirit of freedom still burns brightly in the minds and hearts of all Ukrainian people everywhere.

In this era of detente with the Soviet Union, we must never forget that the leaders in the Kremlin are still suppressing the legitimate hopes and aspirations of the Ukrainian people for freedom and self-determination. Yet this suppression has merely served to strengthen the spirit and the resolve of the people of the Ukraine. And it is this brave spirit which we commemorate today, on the anniversary of Ukrainian independence, and which we deeply believe will eventually bring the Ukraine back into the world community again as a free and independent state.

I know that in my own upstate New

York district, the blue and gold national flag of the Ukraine is being raised over a number of city halls today. And so I join in expressing the sentiments which that flag conveys symbolically to Ukrainians and non-Ukrainians alike: strong Ukrainian love of homeland, unique ethnic and linguistic heritage, and the worldwide cohesion of all Ukrainian people united in the deep hope for an independent Ukraine in the days to come.

**CONGRESSMAN JOSEPH P. ADDABBO
REPORTS ON 93D CONGRESS,
1ST SESSION—1973**

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from New York (Mr. ADDABBO) is recognized for 30 minutes.

Mr. ADDABBO. Mr. Speaker, as soon as possible at the end of each Congress, I summarize the activities of the Congress for the past year, reprint it from the **CONGRESSIONAL RECORD** at my expense and mail it to my constituents.

In addition to sending a summary of the year's activities, each Congress I send to my constituents a questionnaire on the issues expected to come before the Congress. From the answers received to the questions, from the mail received in my office, and from personal contacts in the district, I believe I learn the majority thinking of those whom I represent and, as I vote on the various legislative matters which come before us, I try to reflect the will of the people. I believe that I have been successful to a large degree.

As I begin my 14th year as a Member of this body, it seems the problems facing our Nation are as serious and complex as at any time in this Nation's history. Certainly there has never been in my lifetime a period in which this Nation faced the future with such uncertainty.

The events of the past year were so unpredictable and so often unbelievable that all of us in this Nation were caught unprepared. To a large degree, we still do not know the extent of these blights against our way of life, but we shall know them before we are through. We must, if our way of life is to continue.

Watergate as a catch-all title contains so many issues that our citizens are almost overwhelmed by the extent and the complexities of all of them. We have seen a Vice President dishonored and removed from office; we have seen a President sent to a near-ruin only months after the greatest of all Presidential landslide victories and we have seen men go to jail for their crimes with others undoubtedly destined to follow them. We may yet see that President impeached.

I have taken the position and I will hold to it until it becomes time to vote on the issue, that I will not prejudge the matter of impeachment. It would be easy to do so, just on the basis of news reports, actions of three grand juries, and the findings of the Senate Watergate Committee.

But if the most precious jewel in our system of justice is the determination that a man is presumed innocent until proven guilty, we must strive to keep

that principle doubly pure in the case of impeachment of the President.

But if my vote is to be cast for impeachment, it will only come after all evidence is presented to the House of Representatives that he has committed an impeachable offense. As much as anyone, I have consistently opposed the policies of President Nixon, and from a political point of view, I believe my points of view would prevail more often with him out of office. But that political goal is not best served by turning the impeachment process into a political ploy.

Energy, even more than Watergate, is on the minds of most people I talk to these days, in and out of my district. And right they are to worry.

For 4 years now, a congressional committee on which I serve has issued increasingly strident reports about the growing energy crisis, and for 4 years, everybody in this land, including the President, ignored them.

It is no comfort whatsoever to have our predictions borne out by events. The energy crisis is here and we are going to have to live with it. And it is not going to be comfortable.

But rather than concern ourselves with what happened before, we must look to the future on this issue. First, the Congress must assure the American public that this crisis is not a manufactured one to provide oil companies with huge profits, if indeed that can be proven. We must act to see to it that huge profits at the expense of the consumer are disallowed in the future and we must act to insure that available supplies of gasoline, heating oil, and other fuel products are distributed on an equitable basis to all sections of this Nation.

If we are to expect the Nation to limit its consumption of gasoline, then we must upgrade quickly other modes of travel. Money for mass transit is a must in large doses as fast as the Congress can act. We must put the best brains available in this Nation to work devising ways to make alternate sources of fuel abundant at a price the Nation can afford. We have, in short, an awful lot of work to do on this issue and not a lot of time in which to do it.

The economy is, I fear, in a mess and it is not likely to get better for a while.

As we look around us, we see rising prices, rising unemployment, a disastrous stock market, a deadening of the construction industry, near-panic in the airlines, and gross confusion by almost all economic experts.

We are hurting and it is bad but it is not fatal. It is time for a complete re-evaluation of national economic policies by the Congress.

We will soon have before us a bill to extend the Economic Stabilization Act which expires April 30. I believe price controls were imposed too late and have remained on the economy too long. Either we must refuse to extend the act or insist on a more effective system of controls—controls which will keep the lid on unemployment while protecting the consumer against excessive profits and unreasonable prices.

All Presidents and all Congresses ultimately find out nothing is more difficult to understand and nothing is less easy to successfully manipulate than this Na-

tion's complicated, inefficient, multifaceted economy. For almost 200 years it has worked, sometimes better, sometimes worse. Now, nothing seems to help revive it. I think a strong Congress acting on the input of the people can go a long way in the year ahead to putting us back on the right track.

Foreign Affairs. Congress continued the foreign aid program but at a funding level considerably below the administration request.

The sudden outbreak of war in the Middle East caught many Americans by surprise who were certainly not eager to commit additional U.S. men, military hardware or dollars following the long Vietnam struggle. The differences between these two wars were very clear though and there was never a question about using U.S. troops. Congress responded by passing an emergency appropriation measure to help Israel replace military hardware and aircraft lost during the war. I supported that emergency bill without reservation particularly after a trip to Israel where I met with Prime Minister Golda Meir and other government leaders and saw the modern Russian equipment captured.

Now then, everybody ought to get a chance to brag every once in a while, and the following issues are my chance.

I was able to be active in two battles last year in which I eventually emerged successful. In neither issue, of course, did I act alone; it took the help of many House and Senate Members to win. But we took on the White House twice when we believed them wrong and we beat them, even when they held all the cards.

The most important issue, as far as the Nation is concerned, was my amendment to force the end of the bombing of Cambodia.

After years of bitter debate over the war in Indochina and after vote after unsuccessful vote, we finally succeeded in passing my amendment to cut off funds for U.S. troops activities in Indochina.

Many organizations, in summarizing the year's congressional action, termed passage of the amendment one of the two most important bills to face the congress in 1973. I happen to think they are right, even if it was my amendment.

St. Albans Naval Hospital. One of my highest local priorities during 1973 involved urging the Defense Department to reconsider its decision to close St. Albans Naval Hospital. My efforts were successful when at the end of the legislative session the Congress adopted my amendment to the Defense Appropriations bill requiring that the hospital be kept open for another year.

The Nixon administration's Office of Management and Budget—OMB—wanted to close it completely. I, with the full cooperation of the New York congressional delegation, the State legislature, Mayor John V. Lindsay and hundreds of Queens political figures and civic leaders, went to work to save it.

For a while it appeared the Agriculture Department was going to gain control of St. Albans to use it as an animal detention center, an unconscionable idea.

By working within the Congress to force the administration to continue its

operation for at least another year, and by working with the Veterans' Administration, we were able to save it. In July, St. Albans will be turned over to the VA and provide a desperately needed service for this area's hundreds of thousands of veterans.

There is no other way to say it: I am tickled pink about St. Albans. We worked hard for it and Queens deserves it. But again, we would not have won if everyone would not have worked together so unselfishly and if the VA had not cooperated fully with us.

Bills passed by Congress in 1973:

Although we were in session last year, a vast number of bills are still proceeding through the legislative machinery and it appears that an unusual amount of important legislation will be acted upon early in this session. In spite of the fact that a great deal of time has been consumed on investigations and one crisis after another, hundreds of bills have passed and it would be impossible to describe all of them in a reasonable amount of space, but I am including those which I believe to be of the most interest.

IMPOUNDMENT

One of the major issues left unresolved at the end of this session is whether the President has an unlimited authority under the Constitution to impound, or withhold from spending, money appropriated for a specific purpose by Congress.

As this year began, many were saying that this would develop into a constitutional crisis. President Nixon claimed that the Constitution gave him absolute authority to withhold funds appropriated by Congress, and he ordered the impoundment of amounts estimated as high as \$12 billion.

ENVIRONMENT

Public Law 93-15 extends the authorization for funds to enforce the Clean Air Act until June 1974.

Public Law 93-14 extends the Solid Waste Disposal Act until June 1974.

Public Law 93-6 extends the life of the Commission on Highway Beautification and increases the funding authorization.

Public Law 93-54 authorizes funds through 1976 to survey and acquire properties of historic or cultural interest.

WAR POWERS

Public Law 93-148, which was passed into law over President Nixon's veto, provides that the President shall not engage U.S. forces in hostilities for a period exceeding 90 days without congressional approval. During that period, the President is required by the law to keep Congress fully informed.

HEALTH AND WELFARE

Public Law 93-29 extends through June 1975, the Older Americans Act which provides Federal assistance for programs to help the elderly. The scope of this bill had to be trimmed back sharply to avoid a veto by the President.

Public Law 93-45 extends until June 1974, a wide variety of Federal health programs, including public health training, hospital construction, family planning, and health research.

Public Law 93-13 contains provisions

to assure that the full amount approved by Congress for the school lunch program for 1972-73 will be made available either in cash or commodities.

Public Law 93-112, the Rehabilitation Act, provides for Federal assistance to States for vocational rehabilitation programs, with special emphasis on helping the most severely handicapped.

Public Law 93-150 increases Federal assistance under the school lunch and child nutrition programs.

Public Law 93-151 authorizes funds for the next 2 fiscal years to prevent health damage from lead-based paint.

Public Law 93-154 authorizes Federal assistance in developing local emergency health care services.

CONSUMER PROTECTION

Public Law 93-153 includes provisions giving the Federal Trade Commission legal authority to protect consumers against unfair business practices.

LAW ENFORCEMENT

Public Law 93-83 extends for 3 years the program, established in 1968, for assistance to State and local governments in improving their anticrime efforts.

EDUCATION

The administration sought to reduce funds for many programs where the funds go to local districts, but wanted increases in some others such as a national institute. We finally resolved the matter by reducing funds for the national offices as Congress preferred and funding most local programs at slightly over last year's level.

TRANSPORTATION

Public Law 93-87, the Federal Aid Highway Act, continues through 1976 the Federal program of assistance for constructing and improving rural, urban and interstate highways. It also allows, starting in June 1974, cities to use some of their money for streets from the highway trust fund for mass transit purposes.

VETERANS

Public Law 93-177 provides for an increase of at least 10 percent in non-service-connected disability veterans pensions.

Hearings have been held on my bill and others to increase Vietnam veterans educational benefits. I believe such a bill will pass soon.

ENERGY CRISIS

In 1970 a House subcommittee, of which I am chairman, held the first congressional hearings on the energy crisis and warned in a report that immediate action was needed to prevent what would within a few years, become an energy crisis. Among the recommendations in that report were the following:

"First, that a single Federal agency be designated the responsibility, authority, and jurisdiction to establish a national energy policy directed at the production and efficient use of our country's total energy resources;

"Second, that action be taken to increase the production of all energy sources;

"Third, that the mandatory oil import quota program be changed to provide a continuing adequate supply of fuel;

"Fourth, that the President suspend the operation of the Connally Hot Oil Act under authority contained in 15 U.S.C. 715(d);

"Fifth, that the Canadian crude oil and finished petroleum products import quotas be eliminated;

"Sixth, the import quota on No. 2 fuel oil be suspended;

"Seventh, that import quotas on residual oil be suspended;

"Eighth, that the Office of Emergency Preparedness institute procedures to expedite the distribution of oil export quota tickets;

"Ninth, that the Interstate Commerce Commission take whatever action is necessary to insure that transportation will be available to move coal from mines to final destination; and

"Tenth, that the Department of the Interior and other agencies establish long-term projections on future coal usage and assure that adequate production facilities will be available to handle future needs."

Thereafter my subcommittee held hearings and made investigations and issued several more reports reiterating these warnings and refining the recommendations of action needed but neither the administration nor most of the American people would believe that such a severe situation was developing. As late as 1 year ago, a chief administration spokesman, OEP Deputy Elmer Bennett, stated:

"We have enough of a refinery capacity today, but . . . problems . . . could arise 2, 3, 4, years from now."

Finally both the administration and the Congress are convinced that we must become more self-sufficient and catchup actions of various kinds are now being taken. Many of them are temporary and are very disruptive of our normal distribution system and the freedoms of individuals generally.

Public Law 93-28 and Public 93-159 authorized the President to establish priorities and allocations of certain petroleum products.

Public Law 93-97 provided \$10.6 million to fund research in nuclear, solar and geothermal energy but so far the administration has not used those funds.

Public Law 93-153 permits construction of the trans-Alaskan oil pipeline.

Public 93-182 provides daylight savings time on a year-round basis for a 2-year period.

Public 93- sets a 55 mile per hour maximum speed limit for all vehicles. The President had proposed 50 mile per hour for autos and 55 miles per hour for trucks and buses.

Various other bills dealt with research and development programs and the establishment of new agencies or transfers of authority deemed necessary to administer these laws.

SOCIAL SECURITY

Public Law 93-66 increases social security benefits by 5.9 percent effective June 1, 1974. Other bills provide a total of an additional 11 percent have passed both the House and Senate and I feel sure will become law and effective about that same time.

PASSED CONGRESS

Listed below are bills which passed Congress at the very end of the session. These may or may not be signed into law by the President.

S. 1435 would provide a home rule charter to the District of Columbia.

S. 14 would improve medical care by providing Federal assistance for health maintenance organizations, or HMO's.

S. 1559 would authorize assistance to

State and local agencies for comprehensive manpower training programs.

S. 373—pending in conference committee—would place restrictions on the authority President Nixon claims he has to impound congressional authority.

VETOED BILLS

Under the Constitution, a bill vetoed by the President can become law only if two-thirds of the Members in the House and Senate vote to override the veto. As a practical matter, it is very difficult to achieve such a majority. The following bills failed to become law this session after being vetoed by the President.

H.R. 7447, the second supplemental appropriations bill, which included a provision for an immediate end to U.S. military action in Indochina.

S. 7, which would have extended and improved programs for the handicapped.

H.R. 3298, which would have restored the program for grants to build water and sewer systems in rural communities. The program had been terminated by the administration.

S. 518, which would have required Senate confirmation of present and future Directors of the Office of Management and Budget.

S. 504, which would have set up emergency health care service programs and kept open Public Health Service hospitals.

H.R. 7935, which would have increased the minimum wage, by stages, from \$1.60 to \$2.20 an hour.

S. 1672, which would have increased small business assistance, provided for more disaster loan aid and banned sex discrimination in certain areas.

S. 1317, which authorized funds for the U.S. Information Agency.

APPROPRIATIONS

It is estimated that the final amount appropriated by Congress this session will be about \$2.8 billion below what was requested by the administration.

The reduction was achieved by trimming down the military and foreign aid programs more than the amount required to restore funds for domestic purposes, mainly health, education, and welfare.

The following chart shows full expenditures:

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

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

Bill and fiscal year	House actions				Senate actions			Final action	
	Budget requests considered	Reported by committee	Approved by House	Compared with budget requests	Budget requests considered	Approved by Senate	Compared with budget requests	Reported by conference	Compared with budget requests
A. BILLS FOR FISCAL 1974									
1. Legislative (H.R. 6691).....									
2. Agriculture-Environmental and Consumer Protection (H.R. 8619).....	\$566,945,389	\$550,044,940	\$550,044,940	-\$16,900,449	\$677,150,959	\$640,558,952	-\$36,592,007	\$605,189,933	-\$71,961,026
3. District of Columbia (Federal funds) (H.R. 8658).....	9,505,750,600	9,385,750,600	9,385,737,600	-120,013,000	9,519,550,600	10,176,926,500	+657,375,900	9,927,667,000	+408,116,400
4. Transportation (H.R. 8760).....	432,998,000	427,717,000	427,717,000	-5,281,000	432,998,000	417,717,000	-15,281,000	417,717,000	-15,281,000
5. HUD-Space-Science-Veterans (H.R. 8825).....	* 2,892,732,006	* 2,752,631,006	* 2,753,231,006	-139,501,000	* 3,010,732,006	* 2,968,451,006	-42,281,000	2,898,446,006	-112,286,000
6. Labor-HEW (H.R. 8877).....	18,617,453,000	19,070,954,000	19,070,954,000	+453,501,000	18,617,453,000	19,118,373,063	+500,920,063	19,056,500,000	+439,047,000
7. Interior (H.R. 8917).....	31,544,954,000	32,816,467,000	32,816,467,000	+1,271,513,000	31,549,953,000	33,396,379,000	+1,846,426,000	32,926,796,000	+1,376,843,000
8. State-Justice-Commerce-Judiciary (H.R. 8916).....	2,274,431,300	2,269,554,200	2,269,554,200	-4,877,100	2,370,367,300	2,488,773,700	+118,406,400	2,443,137,200	+72,769,900
9. Public Works-AEC (H.R. 8947).....	4,235,080,000	4,150,143,000	4,152,946,000	-82,134,000	4,522,901,000	4,459,478,250	-63,422,750	4,466,012,000	-56,889,000
10. Treasury-Postal Service-General Government (H.R. 9590).....	4,757,469,000	4,671,695,000	4,676,395,000	-81,074,000	4,757,469,000	4,772,982,000	+15,513,000	4,749,403,000	-8,066,000
11. Defense (H.R. 11575).....	5,073,345,000	4,843,698,000	4,844,723,000	-228,622,000	5,373,345,000	5,123,352,000	-249,993,000	5,233,189,000	-140,156,000
12. Foreign Assistance (H.R. 11771).....	77,250,723,000	74,106,309,000	74,101,309,000	-3,149,414,000	77,250,723,000	73,264,627,000	-3,986,096,000	73,714,930,000	-3,535,793,000
13. Military Construction (H.R. 11459).....	6,866,567,000	5,833,912,000	5,833,912,000	-1,032,655,000	6,992,917,000	5,593,440,000	-1,399,477,000	5,780,434,000	-1,212,483,000
14. Special Resolution, Gold Devaluation (H.J. Res. 748).....	2,944,900,000	2,609,090,000	2,609,090,000	-335,810,000	2,944,900,000	2,670,972,000	-273,928,000	2,658,861,000	-286,039,000
15. Supplemental (H.R. 11576).....	* 2,250,000,000	* 2,203,000,000	* 2,203,000,000	-47,000,000	* 2,250,000,000	* 2,203,000,000	-47,000,000	* 2,203,000,000	-47,000,000
Total, bills for fiscal 1974, to date.....	1,428,790,218	1,432,685,718	1,433,035,718	+4,245,500	1,534,183,886	1,888,425,386	+354,241,500	1,703,125,386	+168,941,500
Total, bills for fiscal 1974, to date.....	170,642,138,513	167,123,651,464	167,128,116,464	-3,407,809,049	171,804,643,751	169,183,455,857	-2,621,187,894	168,784,407,525	-3,020,236,226
B. BILLS FOR FISCAL 1973									
1. Urgent Supplemental (H.J. Res. 496).....	1,366,800,000	494,800,000	* 1,368,600,000	+1,800,000	1,366,800,000	1,368,600,000	+1,800,000	1,368,600,000	+1,800,000
2. 2d Supplemental (H.R. 7447, vetoed).....	[3,162,880,434]	[2,855,542,209]	[2,855,542,209]	[-307,338,225]	[3,607,105,504]	[3,699,239,279]	[+92,133,775]	[3,362,845,279]	[-244,260,225]
3. 2d Supplemental (H.R. 9055).....	3,607,105,504	3,362,845,279	3,362,845,279	-244,260,225	3,607,105,504	3,362,845,279	-244,260,225	3,362,845,279	-244,260,225
Total, bills for fiscal 1973.....	4,973,905,504	3,857,645,279	4,731,445,279	-242,460,225	4,973,905,504	4,731,445,279	-242,460,225	4,731,445,279	-242,460,225
C. CUMULATIVE TOTALS FOR THE SESSION, TO DATE									
1. House.....	175,616,044,017	170,981,296,743	171,859,561,743	-3,650,269,274					
2. Senate.....					176,778,549,255	173,914,901,136	-2,863,648,119		
3. Enacted.....								173,515,852,804	-3,262,696,451

¹ The Budget for 1974, as submitted January 29, 1973, tentatively estimated total new budget authority for 1974 at \$288,029,000,000 gross (\$256,761,000,000 net of some \$31,268,000,000 inter-fund and intragovernmental transactions and certain so-called proprietary receipts handled as offsets for budget summary purposes only). Of this total, an estimated \$146,477,000,000 does not require current action by Congress; it involves so-called permanent appropriations such as interest, and various trust funds, already provided for in other basic laws. The remainder, \$172,820,000,000 is for consideration at this session (mostly in the appropriation bills). About \$8,600,000,000 of the \$20,000,000 was shown in the January budget as being "for later transmittal" for supple-

mental requirements under present law, new legislation, and allowances for contingencies and civilian pay raises, and \$49,534,408 of the remainder requires legislative reauthorization through various annual authorization bills or where the authorization expires periodically.

² Includes \$90,360,000 in advance 1975 appropriations.

³ "Not to exceed."

⁴ \$873,800,000 was added on the House floor as a committee amendment and was covered by a budget estimate.

MY WASHINGTON AND NEW YORK OFFICES

One of my most important duties as your Representative is to assist the people of the Seventh Congressional District with their individual problems involving the Federal Government. I try to be available at all times to constituents who wish to speak to me and as time permits, I attend meetings and other functions of various civic, fraternal, veterans, and religious organizations in the district.

For the convenience of my constituents, I maintain a full-time District office and my office in Washington is always ready to assist you. Please write or call me at room 2420 Rayburn House Office Building, Washington, D.C. 20515 or 96-11 101 First Avenue, Ozone Park, N.Y. 11416.

TAX BREAK NEEDED FOR VICTIMS OF PLANT CLOSINGS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. JAMES V. STANTON) is recognized for 5 minutes.

Mr. JAMES V. STANTON. Mr. Speaker, last January 18 Congressman ROSTENKOWSKI and I introduced legislation concerning "downside" income tax averaging. This bill provides a tax break for the individual whose income falls off abruptly due, for example, to a work lay-off or other reason beyond his control. Plant shut-downs necessitated by the energy crisis are leaving thousands of Americans out of work. Workers who have enjoyed a stable income are suddenly faced with a sharp drop in earnings during a given year. This abrupt loss of income imposes an extreme financial hardship on families, and presently, no provision exists in the current tax code to help these unfortunate individuals. This bill would provide a tax break for these individuals when they need it most.

"Income averaging" is already available for those who enjoy a sharp rise in income. We wish to extend this opportunity to those in our society who are much less fortunate. This bill, if enacted, would result in a revenue loss of \$355 million a year, according to an estimate from the Joint Committee on Internal Revenue Taxation, while the current "income averaging" provisions result in a loss of \$650 million and affect fewer taxpayers than our proposed bill. The current flurry of plant shutdowns caused by the energy crisis makes this bill vitally important to the taxpayers of America.

This legislation was heard by the Ways and Means Committee last April 17 and response was favorable from both Democrats and Republicans. However, action was delayed due to the committee's postponement of tax reform legislation. We are expecting the committee to resume consideration of tax reform legislation and are presently seeking cosponsors to join us in the reintroduction of this bill. I hope that the merits of this bill are recognized and we may gain the support needed to speed the passage of this bill.

ERNEST PETINAUD—FRIEND OF THE CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentle-

man from Florida (Mr. CHAPPELL) is recognized for 5 minutes.

Mr. CHAPPELL. Mr. Speaker, yesterday, a famous favorite of Capitol Hill for the past 40 years celebrated his 69th birthday. I speak of Ernest Petinaud who just retired as maitre de of our congressional dining room.

A person so sure of himself that he could joke about his own or any other race, he nonetheless took umbrage with anyone who mistook his candor for meekness. Ernie is a man on a par with all others.

His outstanding service to the Members, as well as his fine sense of humor are to be long remembered by those of us who welcomed a little levity as a contrast to our work here in the Congress.

Ernie is a walking history book of past Speakers—Martin, Rayburn, McCormack, and current Speaker ALBERT—as well as several thousand Congressmen. He regales one with stories about them—not just how they voted, but how they acted as men. His stories about some of the oldtimers are priceless and Ernie's brogue—his own British, South Carolinian, and District of Columbia combination—adds flavor to every story.

Repartee with Ernie usually finds him having the last word. In my own experience, after having invited him several times to the Daytona Beach "500" races, I finally mentioned I would be flying my own little single engine plane down and would be delighted to have him accompany me.

He protested:

Now, Congressman, you've seen those stories on the Red Baron, but don't think I'm going to be the first Black Baron.

The good thing about Ernie's work is that he really enjoyed it. He tells me he has enjoyed every moment of his years of service to the members of the House "and I leave with mixed emotions and a bit of reluctance."

We deeply regret to see Ernie leave us. He is an institution in itself—one that we would wish to keep on and on in the House. Typically Ernie-fashion, he leaves thinking of us instead of himself:

I will always cherish the memories of my days on Capitol Hill and I am wishing the best to all the fine people I have met. May God bless all of you abundantly.

Mr. Speaker, we all say: "We reciprocate those feelings, Ernie. Our thanks for a job well done and our blessings go with you and Jeannette."

INCONSISTENT OIL STATISTICS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Utah (Mr. OWENS) is recognized for 15 minutes.

Mr. OWENS. Mr. Speaker, early last November the President estimated a 17 percent shortage in oil supplies for this winter. This estimate has been reduced several times due to a relatively mild winter, "leaks" in the Arab oil embargo, energy conservation efforts, and, I believe, inaccurate information about the real amount of petroleum available. Reliable statistics on oil reserves and production capabilities are virtually impossible to obtain because the oil companies' reporting methods are inconsis-

ent, and the Government is unable to audit the reporting process. This has created an intolerable situation of uncertainty.

I have concluded that the major oil companies have not provided correct information regarding the energy situation and have acted to the detriment of the public. Their monopoly power is not acceptable in a free market economy. Cooperation, rather than competition, now pervades the oil industry in this country. I support the antitrust suit file by the Federal Trade Commission against the eight largest oil corporations, and will do all I can to revitalize the Anti-Trust Division of the Justice Department. Only when the benefits of the free market have been returned to the oil industry can we be assured the public interest is protected.

Consequently, I strongly support Energy Administrator William Simon's plan to organize an Internal Revenue task force to audit the price, profit, and supply records of petroleum refineries. I have also pressed for congressional investigations of the major oil companies' reserves and production capabilities in order to determine the real extent of the energy crisis.

The latest guess—and that is all it is—at the divergence between oil supplies and domestic consumption requirements is 2.7 million barrels per day. The administration has undertaken a mandatory fuel allocation program and has established a standby end-use rationing program for gasoline. If accurate data show that gasoline consumption must be drastically reduced, the most effective and equitable way to limit the impact of the shortage is through a rationing program. Although rationing would be inconvenient and bureaucratic, it is a better short-term solution than skyrocketing gasoline prices, high gasoline taxes, and long lines at gas stations.

The seriousness of the energy situation and the effects of an initial shortage of fuel on the economy necessitates selective and temporary environmental compromises. The Emergency Energy Act of 1973, which Congress must pass soon, will include several important measures directed at this problem. The bill authorizes the Federal Energy Administration—FEA—to suspend until June 30, 1979, stationary source fuel or emission limitations under the 1970 Clean Air Act and requires that oil and gas-burning plants burn coal if possible. The bill also gives the Environmental Protection Agency the authority to suspend the 1976 auto emissions standards for 2 years.

In addition, FEA is empowered to ration petroleum products. The bill specifies that in ordering priorities among users, the maintenance of vital services shall be the top consideration. Vital services are defined to include new housing construction, education, health care, hospitals, public safety, energy production, agriculture, and transportation services. The bill establishes a Federal Energy Administration to be headed by an administrator appointed by the President with Senate confirmation, and the administrator is required to submit energy conservation plans within 30 days after enactment. The House in late December refused to accept a Senate compromise on

the bill which deleted provisions limiting windfall profits for the oil industry and granting the Federal Government broad data-collecting powers over information on supply and production capabilities of the oil companies. The Senate will vote again on the bill today.

Denying allocations of fuel for certain uses such as recreational activities and general aviation would result in significant unemployment, especially in Utah where tourism and recreation are important segments of the economy. The Federal Energy Office issued a final set of fuel allocation regulations on January 15. The Emergency Petroleum Allocation Act of 1973 requires the allocation of crude oil, residual fuel oil, and refined petroleum products manufactured in or imported to the United States. Under the mandatory allocation program, the Governor of each State has control over approximately 3 percent of his State's allocation of petroleum supplies which he can direct to industries suffering hardship due to the energy crisis. I have worked for inclusion of a provision in the Emergency Energy Act which will allow Governors to consider recreation as an industry in the fuel allocation plan. I am confident that this provision will be retained when the final bill is sent to the President.

A number of other bills concerning energy conservation have been passed or are scheduled for immediate action in the House. Emergency daylight savings time is already in effect. Impressive statistics indicating a 2 to 3 percent saving in energy supplies produced widespread support for this measure in Congress. If evaluation of this program shows that the adverse effects of year-round daylight saving time outweigh the benefits, then I will vote to repeal the bill next summer. The Energy Reorganization Act of 1973, which would reorganize and consolidate all research functions of the Federal Government into a new Energy Research and Development Administration has passed the House and will focus and direct on a massive scale, joint efforts to produce new sources of energy.

Several bills establishing programs for research and development of fuels and energy have been introduced. This legislation is designed to initiate research and development in the areas of solar energy, geothermal energy, low lead hydroelectric power, wind power, automated mining methods, in situ conversion of fuels, cryogenic transmission of electric power, electric energy storage methods, alternatives to the internal combustion engine, solvent refined coal, shale oil, coal gasification and liquefaction, utilization of waste products for fuel, hydrogen gas systems, advanced power cycles, stack gas cleanup, and others. The program will be funded by a minimum of \$10 billion over the next 5 years.

I have become very concerned about our oil exports in light of the forecasted shortages of fuel. During the months of September and October, exports of petroleum increased to approximately five times their normal traffic. However, this represents less than 1 percent of 1 month's consumption in the United States, and most oil exports serve our

interests because of reciprocal petroleum agreements. I supported an amendment which passed the House to stop all exports of oil to Indochina.

Long-run solutions require conservation of existing resources. The Federal Energy Office claims that the public's conservation efforts this winter have been successful. I cosponsored the National Fuel and Energy Conservation Act of 1973 which authorizes the Secretary of Housing and Urban Development to develop standards for efficient energy use in residential, commercial, and industrial buildings, and have submitted a bill offering tax incentives to businesses who conserve natural resources and reserves through recycling.

If government, consumers, and industry work together we will find solutions to today's shortages and tomorrow's needs. We have already delayed far too long. Joint action is needed now to assure reliable supplies of energy and a quality environment. Intensive conservation efforts and effective energy policy will allow us to regain self-sufficiency in vital resources which for so long had been the cornerstone of our economic security and prosperity.

MORE AGENCY OBJECTIONS TO GRANTING A CPA APPEAL POWER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. FUQUA) is recognized for 10 minutes.

Mr. FUQUA. Mr. Speaker, I have asked a number of Federal agencies, all of whom would be subject to advocacy by Federal consumer agents after the creation of a Consumer Protection Agency, to review their records for the calendar year 1972 so that we may better appreciate the possible impact of such an agency on the Federal administrative process.

I have periodically inserted in the RECORD the replies of those agencies as they were received. Those replies have helped define the contours of Federal action touching upon consumer interests and show the likely areas of CPA activity.

Recognizing the need for more effective consumer representation at the Federal level, the Congress must respond by creating a CPA to function within the existing contours of Federal action. In order to assure proper representation of consumer interests, it is necessary to create a CPA which can participate alongside the existing agencies, helping alert those agencies to policies which have failed to give proper weight to the consumer interests, but to accomplish this without changing the Federal administrative mechanism. I think this is a most serious consideration, which some proponents of a CPA may have overlooked. The Federal administrative apparatus is not anti-consumer. If it were, creating another agency would be an inadequate corrective measure; we would have to completely alter the existing agencies. However, there is need for additional consumer input because there have been certain operational policies of the component agencies of the adminis-

trative apparatus which have not served the consumer as well as we all would like.

Thus, we must keep in mind that it is policy, or more accurately some decision-making policy, that we wish to change—not the basic mechanism for establishing policy and arriving at decisions.

There are three bills which would create a Consumer Protection Agency now being considered. They are H.R. 21, introduced by the Chairman and the ranking Minority Member of the Government Operations Committee, Congressmen HOLIFIELD and HORTON; H.R. 14 introduced by Congressman ROSENTHAL, and H.R. 564 introduced by Congressman BROWN of Ohio and myself.

There are significant philosophical differences among these bills. As a result, each would create a CPA easily distinguishable from the other two. However, the greatest and most important dissimilarities are between the Fuqua-Brown bill, H.R. 564, and the other two. It is the most important of these dissimilarities that I wish to discuss today, because I feel that on reflection those Members who are not yet familiar with the details of these very complex bills, will find the approach taken in H.R. 564 to be the most appropriate for a new CPA.

The inadequacies of administrative policy which we have found, as they affect consumers, have resulted from insufficient input of the consumer viewpoint into the process of creating policy. Therefore, the Fuqua-Brown bill would grant the CPA the power to require all agencies to permit the CPA to participate in their decisionmaking process by presenting, orally or in writing, arguments, views or data based upon all the information in the possession of the CPA bearing on that policy.

The role the CPA would play in the agency process has been compared to that of an *amicus curiae* in a court. But, that is not a wholly correct analogy, for the CPA would have a much more intimate role in the agency proceedings. CPA participation would not be at the discretion of the forum agency, as would that of a true *amicus curiae*. More importantly, the CPA would not only make an initial presentation, it would be authorized to review, if it wished, the entire administrative record, after all other participants have completed their participation but before the final decision, and at that time present any further information, arguments, or suggestions bearing on the decision to be made.

Unless we are prepared to say that the forum agency will not act on the established record in good faith as Congress has ordered it to do, we must acknowledge that this CPA role authorized by H.R. 564 is sufficient to provide all the input of the consumers viewpoint that is necessary to assure that the host agency takes full account of that viewpoint. There is no need to grant the new CPA additional power at this time. What I find most attractive about this so-called *amicus* approach is that it permits a complete input for consumer advocacy, but does so within, and without doing damage to, the existing administrative structure. The consumer interest is fully

represented and protected by the non-regulatory CPA, while the status of the forum regulatory agencies as the ultimate decisionmaker is fully maintained.

Another major difference which distinguishes H.R. 564 is on the question of granting the nonregulatory CPA a right to obtain judicial review of the final decisions of regulatory agencies. Such a right would be granted by the two other bills, but withheld at this time by the Fuqua-Brown bill. This difference reflects the same divergence of philosophy.

Consider this: If we are generally satisfied with the structure of existing administrative law, we should avoid altering it. Granting a CPA appeal power is different than granting that power to other participants in the administrative process. It is different, to cite just one reason, because of the strain it will put on the Federal court system. The CPA will be an agency of the Federal Government. If the CPA appeals a final agency decision, then the reviewing court must decide between competing Federal components—who speaks for the Government? What standards can such a court apply? A great body of administrative law has been built up over the years. This has provided certain guidelines for a reviewing court and has lent a degree of certainty to those who must deal with administrative agencies. If a CPA can appeal final agency decisions, thereby making them "unfinal" as far as the Government is concerned, more than mere delay will result—although delays in regulation often have a significant crippling effect on the public interest.

The Chairman of the Federal Administrative Conference, Prof. Antonin Scalia, in addressing himself to the problem of giving the CPA a right to seek court appeal, has termed it a "danger" about which he is "terribly concerned." The danger he sees is a transfer of public policymaking to the courts. Not only are the courts not equipped to handle the functions of administrative agencies but, to the extent we move the final administrative decisionmaking to the courts, we diminish the role of the agencies. In fairness, I should note that Professor Scalia did offer testimony in which, after warning us of the clear risks involved, he stated that he, personally, would take such risks with the CPA. But, as he recognized, it is up to Congress to judge whether the risks are worth taking, and since the professor's testimony, we have entered into emergency administrative actions to solve the energy crisis—actions where even the shortest delays could be critical.

Professor Scalia is not alone in his fear of the potential for disruption the granting of appeal power to the CPA may have. I have been receiving replies from agencies expressing similar fears and requesting exemption of their responsibilities from any grant of appeal power to the CPA. Today, I wish to call your attention to the reply of the Director of the Office of Oil and Gas of the Department of the Interior—

We agree with you that the CPA should not be granted a legislative right to appeal to the courts the final decisions of other Federal agencies such as the Office of Oil and

Gas. We heartily support your view that this type of legislation would lead to the disruption and delay by court challenges of final agency decisions designed to solve or reduce the nations' energy problems during the current energy crisis. Therefore, we feel that all of the decision-making authority of the Office of Oil and Gas should be excluded from any power to appeal to the courts the final decisions of other agencies.

I also wish to call to the Members' attention today the reply of the Federal Power Commission similarly opposing granting the CPA appeal rights. The full replies of the FPC and the Office of Oil and Gas will be inserted into the RECORD at the end of this speech.

Those Members who have seen the letter of Secretary of the Treasury Shultz, which I inserted in the RECORD of December 13, 1973, will recall that he too opposed granting this power to the CPA and that he did so in the strongest of terms.

Another specialist in administrative law, Professor Harold C. Petrowitz of American University, whom the Supreme Court has called "our leading authority" on appeal questions in Government contract law, has opposed any such grant. He testified that the grant of appeal rights contained in H.R. 14 and H.R. 21 would significantly alter the established law on Government contracts by reversing the U.S. Supreme Court decision in the important case of *S & E Contractors, Inc., v. United States*.

I trust that the Members will consider the effect that a too-powerful CPA can have on settled law. It is my hope that the Members will consider the effect that a CPA with powers making it more than the equal of its sister agencies will have on the functioning of those agencies.

Let us not create a CPA which could radically change the functioning and purpose of the administrative agencies, as would either H.R. 14 or H.R. 21. Let us create a CPA which can serve the consumer interest and thereby assist its sister agencies in serving the public interest. The Fuqua-Brown bill, H.R. 564, will create such a CPA. The letters of which I spoke follow:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF OIL AND GAS,
Washington, D.C., January 3, 1974.

HON. DON FUQUA,
House of Representatives,
Washington, D.C.

DEAR MR. FUQUA: In your letter of November 20 you requested us to let you know which, if any or all, of the decision-making authority of the Office of Oil and Gas in energy-related areas should be excluded from any new Consumer Protection Agency's power to appeal to the courts the final decisions of other agencies.

We agree with you that the CPA should not be granted a legislative right to appeal to the courts the final decisions of other Federal agencies such as the Office of Oil and Gas. We heartily support your view that this type of legislation would lead to disruption and delay by court challenges of final Federal agency decisions designed to solve or reduce the nation's energy problems during the current energy crisis. Therefore, we feel that all of the decision-making authority of the Office of Oil and Gas should be excluded from any power to appeal to the courts the final decisions of other agencies. I would observe, incidentally, that the Office of Oil and Gas is slated for inclusion in the proposed Fed-

eral Energy Administration, now under consideration by the Congress.

Sincerely yours,
DUKE R. LIGON, Director.

FEDERAL POWER COMMISSION,
Washington, D.C., December 28, 1973.
HON. DON FUQUA,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN FUQUA: This is in response to your letter of November 20, 1973, regarding provisions in pending legislation to allow a newly-created Consumer Protection Agency (CPA) the right to appeal to the courts final decisions of other federal agencies. You ask which of the Federal Power Commission's decision-making authority in energy-related areas should, in our opinion, be excluded from such a CPA right to appeal.

The Commission would oppose the right of a CPA to appeal any final decision of the Commission. All final decisions of the Commission are necessarily in energy-related areas because the Commission's regulatory responsibilities related to the electric utility and natural gas industries. The present system of judicial review of the Commission's administrative decisions adequately protects the consumer interest in addition to protecting those who have participated in Commission proceedings. The Commission has adopted a liberal policy of intervention in agency proceedings for participation by interested parties. In this way, consumers have appeared before the Commission as individuals and in association with various groups.

It is important to note that the staff of the Federal Power Commission has accepted its legal obligation to provide a forthright presentation and advocacy of the consumer viewpoint before the Commission and the courts. This obligation stems from the enactment by Congress of the Federal Power Act and the Natural Gas Act to provide Federal regulation in the public interest of those aspects of the electric utility and natural gas industries beyond the reach of State regulatory control. Among Congress' chief concerns was the provision of meaningful protection of the interests of the ultimate consumer. In accordance with the mandate of Congress, the Supreme Court has repeatedly stated that the Commission is under a legal obligation to protect consumers. See *e.g.*, *FPC v. Hope Natural Gas Co.*, 320 U.S. 591, 610 (1944); *Atlantic Refining Co. v. Public Service Commission*, 360 U.S. 378, 388 (1959); and *F.P.C. v. Louisiana Power & Light Co.*, 406 U.S. 621, 631, 640-41 (1972).

The additional rights of judicial review given to the CPA would serve only to delay the finality of Commission actions especially where the CPA alone is seeking judicial review.

We hope our response will be helpful in the consideration of this legislation.

Sincerely,
JOHN N. NASSIKAS, Chairman.

LET ME SPEAK TO THE MANAGER

(Mr. MILFORD asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MILFORD. Mr. Speaker, next to the oil industry, commercial television is probably the most "cussed" and discussed industry in this Nation. TV is very analogous to the oil industry in that both produce a hopeless feeling of frustration in the minds of Americans.

Seemingly, no one is looking after the poor little guy switching the TV dial or standing in line at the local gasoline pump. In both industries, he seems to

have no control but must merely take what is handed out.

Therefore, it is extremely refreshing to hear a voice from the wilderness that would dare stand up and challenge the "giants" by speaking out with honesty and candor. Such a man is Mike Shapiro, a nationally recognized leader in the television industry—

The moral values of our country are being tested. I know it is chic in contemporary television programming to put down the family, marriage, home, and church. We are told by our learned network colleagues that current programs simply mirror our decaying times. Can such fare fulfill our moral responsibilities as broadcasters?

I am encouraged by excellent audience support of shows such as "The Waltons" and a few other isolated nighttime programs. Let us hope the pendulum is swinging back toward old and proven values that are our great country's heritage.

These are the words of a very concerned man, Mike Shapiro, executive vice president of the Belo Broadcasting Corp. and general manager of WFAA-AM TV and KZEW-FM, Dallas-Fort Worth, and KFDM-TV, Beaumont, Tex.

Mr. Shapiro feels his responsibility as a broadcaster to the point of doing more than the usual oratorical rhetoric. He is in his 13th year of telecasting a local program titled "Let Me Speak to the Manager" in which he answers viewers' complaints, criticisms, and suggestions regarding the broadcasting industry.

The program began as a 15-minute experiment, the purpose being to fill a need regarding communication between the actual viewing audience and the television industry itself. The program almost immediately expanded to a half hour. Mr. Shapiro, himself, appeared on camera as host and has continued in this unenviable "hot seat" since its inception. TV Guide in March 1966 did a story of this man called "The Intrepid Sitting Duck" and stated that his program was TV's answer to group therapy. It also stated that—

The show has earned Mr. Shapiro a larger competitive audience than that of, say, Johnny Carson, and has been copied by outlets in half a dozen major cities.

"Let Me Speak to the Manager" is not meant to be an affirmation of television programs and broadcast properties. Instead, it answers viewers' questions and grievances in terms that include advice on how to make united efforts to clean up the lack of morality, or preponderance of violence seen in many of today's programs. While the aim of the program is fact, Mr. Shapiro's personal feeling in regard to what he believes is lack of concern on the part of the networks to wholesome entertainment, is often aired. He has often had as his guests on the program such experts in the field as network executives, FCC and FTC Commissioners, and NAB Administrators, as well as fellow broadcasters giving their own views on what he considers "these relevant social issues."

His successful "Let Me Speak to the Manager" show is one of a long line of achievements for Mike Shapiro. Since he began his broadcasting career in 1945 in his home State of Minnesota, he has

been involved in all facets of local, regional, and national radio and television.

Mike Shapiro came to WFAA-TV as manager in 1958 after serving as vice president and managing director of the Griffin Co. telecasting properties in Tulsa, Okla., KTUL-TV, and Little Rock, Ark., KATV. Since joining WFAA he has presided as local sales manager, commercial manager, and in 1958 he became station manager of television. In 1960 he assumed the position of general manager of WFAA radio and television and in 1968 was appointed to the board of directors of the A. H. Belo Corp., owner of the Dallas Morning News and WFAA radio and television.

In June 1969, Belo acquired the Beaumont Television Corp., KFDM-TV, and the added duties of president of the acquisition were awarded to Shapiro. He was elected a vice president of the Belo Corp. in May 1970. Shapiro is past president of the Association of Broadcasting Executives of Texas and was recipient of the Outstanding Broadcaster Award in 1962. He has also served as chairman of the ABC-TV Affiliates Association, chairman of the TV board of directors of the National Association of Broadcasters and as a member of the board of directors of the TV Code Authority of NAB.

Despite his heavy schedule in the broadcasting industry, Mike Shapiro still finds time for involvement in civic activities. He is former chairman of the Dallas Chapter of the March of Dimes and is currently on the board of directors of Operation Lift, Cancer Society, and Better Business Bureau.

In 1972, Mike Shapiro bought a full page ad in Broadcasting Magazine offering gratis to anyone interested a copy of a booklet that spells out in detail how to produce and sustain interest in such a program as "Let Me Speak to the Manager." He stated the needs and reasons for the presentation, again, to encourage better communications with the total community. Over 200 broadcasters responded, plus a surprising inquiry from someone in the Labor Department.

The program continues on the air weekly, on Sunday night at 9:30 p.m., prime access time, in the Dallas and Fort Worth area. And, the people of the area continue to show their appreciation and interest. The latest rating information shows Mr. Shapiro's program heading the time period garnering 38 percent share of total viewers in the six-station market, ARB ADI, November 1973. The mail, as well, becomes more preponderant weekly, and comes from as far away as San Angelo in West Texas and towns in southern Oklahoma.

Mike Shapiro's concern for his industry is actually the manifestation of his concern for the American family. In his words—

I think we must always remember that our product is received in the home—we are a family medium. It is broadcasting's responsibility, all of us in broadcasting, to keep in mind what kind of programs we beam into the living rooms of our country.

Mr. Speaker, such a man should not go unrecognized. I am proud to bring notice

of his work to the attention of the U.S. Congress. Let us pray that others will take notice and follow his lead.

THE NEED FOR A SPECIAL JOINT COMMITTEE ON ENERGY

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, every day the energy crisis becomes more confusing to the average American—and to me. Many of us have waited patiently for hours to buy gas; we have paid without complaint rapidly inflating prices; we have cut back our travel and reduced our heat; many of our businesses are in economic danger and hundreds of thousands of jobs have been lost or are in jeopardy. And yet we read reports about tankers loaded with oil sitting off our coast; of full storage tanks waiting to be refined; of windfall profits going to some large oil companies and speculators.

The administration has had several months to convince the American people that it is on top of this problem, and I believe it has failed. In fact, the administration does not even know how much oil we have and where it is coming from—it relies on the information supplied by the oil industry, which we all know contributed millions to the Nixon election fund.

In view of this intolerable situation, I am introducing a joint resolution today to establish a special Joint Committee on Energy composed of eight Members of the House of Representatives and eight Members of the Senate to give the American people the facts on the energy crisis. The purpose of this committee would be to conduct an immediate investigation into the energy crisis and report its findings and any recommendations for legislative action in 6 months; a preliminary report would be due in 3 months after the committee's creation. The committee would be dissolved 90 days after making its final report.

I further propose that this special Joint Committee on Energy appoint a truly respected person to direct its study. I am thinking of someone with the stature of former Chief Justice Earl Warren or former Justice Arthur Goldberg. The committee would be given an adequate staff and effective subpoena powers.

The committee would seek to give the Congress and the American people the facts on questions such as the following:

First. To what extent is the inadequate refining capacity of the United States the result of planning errors, and to what extent can such errors be avoided in the future?

Second. Is the fuel shortage in any way a result of collusion among the oil companies?

Third. To what extent is the fuel shortage a result of fear, confusion, and hoarding?

Fourth. To what extent is the United States dependent upon foreign energy supplies and why were the Federal Government and the oil industry not better

prepared to deal with an Arab embargo? and

Fifth. What are the policies and actions of oil companies with respect to fuel allocation to retailers in the several States?

These are among the questions the Joint Committee would answer. From this base of information, the Congress will be in a better position to initiate legislation to deal effectively with these problems.

The creation of a joint committee with Members from both the House and Senate and the initiation of this study is vitally important to assure the American people that the facts on the energy shortage are being sought energetically and

H.J. Res. 873

by individuals of responsibility.

The text of the resolution follows:

Joint resolution to establish a Joint Committee on Energy

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

ESTABLISHMENT OF THE JOINT COMMITTEE

SECTION 1. There is hereby established a joint congressional committee which shall be known as the Joint Committee on Energy (hereinafter in this joint resolution referred to as the "Joint Committee").

MEMBERSHIP AND ORGANIZATION

SEC. 2. (a) The Joint Committee shall be composed of sixteen members as follows:

(1) Eight Members of the Senate, appointed by the President pro tempore of the Senate.

(2) Eight Members of the House of Representatives, appointed by the Speaker of the House. Not more than five of the members appointed from each House of Congress shall be members of the same political party.

(b) Vacancies in the membership of the Joint Committee shall not affect the power of the remaining members to execute the functions of the Joint Committee and shall be filled in the same manner as in the case of the original selection.

(c) The Joint Committee shall select a chairman and a vice chairman from among its members. The vice chairman shall act in the place and stead of the chairman in the absence of the chairman.

(d) The Joint Committee may establish such subcommittees as it deems necessary and appropriate to carry out the purposes of this joint resolution.

(e) The members of the Joint Committee shall serve without pay in addition to that received for their services as Members of the Senate or the House of Representatives; but they shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of the duties vested in the Joint Committee, other than expenses in connection with meetings of the Joint Committee held in the District of Columbia during such times as the Congress is in session.

DUTIES AND FUNCTIONS

SEC. 3. (a) The Joint Committee shall conduct a study and investigation of the current energy crisis. The study shall include, but not be limited to, a discussion of the following questions:

(1) To what extent is the inadequate refining capacity of the United States the result of planning errors, and to what extent can such errors be avoided in the future?

(2) Is the fuel shortage in any way a result of collusion among the oil companies?

(3) To what extent is the fuel shortage a result of fear, confusion, and hoarding?

(4) To what extent is the United States dependent upon foreign energy supplies and

why were the Federal Government and the oil industry not better prepared to deal with an Arab embargo?

(5) What are the policies and actions of oil companies with respect to fuel allocation to retailers in the several States?

(6) Are American businesses using our energy problems as an excuse for noncompliance with environmental standards?

(b) The Joint Committee shall transmit an interim report to Congress not later than three months from the date of approval of this joint resolution, and shall transmit a final report to Congress not later than six months from the date of approval of this joint resolution. The final report shall contain a detailed statement of the findings and conclusions of the Joint Committee together with such recommendations as such committee deems appropriate.

(c) Ninety days after submission of its final reports and recommendations, the Joint Committee shall cease to exist.

(d) Nothing in this joint resolution shall be construed to authorize the Joint Committee to report to either House any proposed bill, resolution, or measure, or to have referred to the Joint Committee any proposed bill, resolution, or measure.

(e) The Joint Committee shall keep a complete record of all committee actions, including a record of the votes on any question on which a record vote is demanded. All committee records, data, charts, and files shall be the property of the Joint Committee and shall be kept in the offices of the Joint Committee, or such other places as the Joint Committee may direct. All such records, data, charts, and files shall be available for public inspection at such times and places as the Joint Committee may reasonably direct.

POWERS OF JOINT COMMITTEE

SEC. 4. (a) The Joint Committee, or any duly authorized subcommittee thereof, may—

(1) sit and act as such places and times during the sessions, recesses and adjourned periods of Congress,

(2) require by subpoena or otherwise the attendance of such witnesses and the production of such books, records, correspondence, papers, and documents,

(3) administer such oaths and affirmations,

(4) take such testimony,

(5) procure such printing and binding, and

(6) make such expenditures,

as it deems advisable.

(b) The Joint Committee may make such rules respecting its organization and procedures as it deems necessary, except that no recommendation shall be reported from the Joint Committee unless a majority of the Joint Committee assent. Subpoenas may be issued over the signature of the chairman of the Joint Committee or of any member designated by him or by the Joint Committee, and may be served by such person or persons as may be designated by such chairman or member. The chairman of the Joint Committee or any member thereof may administer oaths or affirmations to witnesses.

STAFF OF JOINT COMMITTEE

SEC. 5. (a) In carrying out its functions under this joint resolution, the Joint Committee may—

(1) appoint, without regard to political affiliation and solely on the basis of fitness to perform their duties, such professional, technical, clerical, and other personnel as the Joint Committee considers appropriate;

(2) prescribe their duties and responsibilities;

(3) fix their pay at respective per annum gross rates not in excess of the highest rate of basic pay, as in effect from time to time, of the General Schedule of section 5332(a) of title 5, United States Code; and

(4) terminate their employment as the

Joint Committee may deem appropriate, but not later than 9 months after the date of enactment of this joint resolution.

(b) In carrying out any of its functions under this joint resolution the Joint Committee may utilize the services, information, facilities, and personnel of the departments and establishments of the Government, and may procure the temporary or intermittent services of experts or consultants or organizations thereof by contract at rates of pay not in excess of the per diem equivalent of the highest rate of basic pay set forth in the General Schedule of section 5332(a) of title 5, United States Code, including payment of such rates for necessary traveltime.

(c) The Joint Committee may reimburse any member of its staff for travel, subsistence, and other necessary expenses incurred by him in the performance of the functions, powers, and duties of the Joint Committee while outside the District of Columbia.

ADDITIONAL POWER TO SECURE INFORMATION

SEC. 6. The Joint Committee, upon the approval of the chairman, may secure directly from any department, agency, office, or other organizational unit of the Federal Government, such information as is necessary to enable it to carry out this joint resolution, and the head of such department, agency, office or other organizational unit shall furnish such information to the Joint Committee upon request made pursuant to this section.

EXPENSES

SEC. 7. The expenses of the Joint Committee shall be paid one-half from the contingent fund of the Senate and one-half from the contingent fund of the House of Representatives upon vouchers signed by the chairman or vice chairman of the Joint Committee.

ON ABORTION

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, today marks the first anniversary of the Supreme Court decision on abortion that in effect established a constitutional right of privacy allowing a woman in the first 6 months of her pregnancy to decide whether she wishes to have an abortion. The State of New York was one of the first States in advance of the Supreme Court decision to give women this right. I supported early efforts in the State of New York to change the law so as to protect that right by legislation. I applauded the Supreme Court decision in that it removed the matter from legislative debate by finding that this is a right protected by the Constitution and one that cannot be negated by simple legislation. Furthermore, it extends the protection uniformly in the 50 States.

There are those who because of religious or philosophical convictions believe abortions are wrong. While I take a contrary view religiously and philosophically, I respect their right to hold this view. But, what must be remembered is that no one is compelled to undergo an abortion unless she desires to do so. Nor can anyone be compelled to perform or assist in an abortion if it is against his or her religious or philosophical convictions and I am in accord with that protection. But, it is equally important that no one be denied the opportunity to make the moral decision of whether or not she should terminate her pregnancy.

The question of abortion is a philosophical and religious one and like other religious questions involves fundamental questions that will never be definitively answered and must ultimately be decided by each individual. To protect our freedom of religion and the holding of different religious beliefs, the Founding Fathers included in the Constitution the first amendment. To deny a woman the right to have an abortion would be to abridge her religious and philosophical freedom.

There are now efforts underway to change the Constitution and limit or prohibit entirely abortion, in effect erasing last year's Supreme Court decision.

Our country permits and encourages those who believe the laws to be unjust to change them legislatively and constitutionally. I do not concur with the position of those who would rescind the Supreme Court's decision, and I will resist their efforts to do so while acknowledging their right to try.

On a number of occasions I have met with those who would seek to change my point of view on this matter and who seek to persuade me that their sense of morality is greater than mine on this subject. My response to them as I am sure it will be to others is that, "I respect their sense of morality and I hope they will find it in their hearts to respect mine." On a matter of morality, a legislator should not simply decide where the votes are and count the mail—on these issues in particular, a legislator must follow his or her conscience, and I will.

ADM. LEWIS L. STRAUSS

(Mr. PRICE of Illinois asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PRICE of Illinois. Mr. Speaker, I was most saddened to hear of the death yesterday of Adm. Lewis L. Strauss. I have known Admiral Strauss since he became one of the first members of the Atomic Energy Commission. He became a Commissioner on November 12, 1946. Admiral Strauss participated in the development of the basic plans and actions which now provide us the basic for our national security and a basically new source of energy for our civilian economy. These two facts clearly show the greatness of this man. The citizens of this Nation owe Admiral Strauss a great debt for his dedicated and unstinting efforts.

I extend to Admiral Strauss' family my heartfelt condolences on their great personal loss. Admiral Strauss will remain in the memories of all of us who knew him and worked with him as a great and humane person.

Mr. Speaker, may I include in the RECORD a copy of today's Washington Post article by George C. Wilson, regarding Adm. Lewis L. Strauss:

LEWIS L. STRAUSS, EX-AEC CHAIRMAN,
DIES AT AGE 77

(By George C. Wilson)

Lewis Lichtenstein Strauss started out his adult life quietly enough—as a banker—but then found himself in public life embroiled in one controversy after another. The con-

troveries included the Dixon-Yates power contract and his role in stripping famed nuclear scientist J. Robert Oppenheimer of his security clearance.

Born in Charleston, W. Va., on Jan. 31, 1896, Mr. Strauss (pronounced Straws) went to public schools in Richmond before beginning his long but often-interrupted government service in 1917 as secretary to Herbert Hoover, then head of the Belgian Relief Commission.

His banking career followed two years later when, at the age of 23, he joined the Wall Street firm of Kuhn, Loeb & Co.—eventually becoming a partner. He married another partner of that firm, the former Alice Hanauer, in 1923.

He returned to government in 1941 when he was activated as a naval reserve officer. His active-duty naval career, from February, 1941, to May 1946, set him on a course of top-level federal jobs.

He rose to the rank of rear admiral in the successive jobs of assistant to the chiefs of the Naval Bureau of Ordnance of the Navy and naval member of the Interdepartmental Committee on Atomic Energy. He became a right-hand man to the late James V. Forrestal, Secretary of the Navy during World War II and later the nation's first Secretary of Defense.

President Truman in 1946 named Mr. Strauss as one of the first members of the Atomic Energy Commission when the then-secret art of nuclear explosives and energy was placed under civilian control. The seeds of controversy were sown in this appointment to the AEC.

Mr. Strauss, as an AEC member with the ear of the President, urged Mr. Truman to reject the advice of some scientists—including J. Robert Oppenheimer—and go ahead with the construction of the hydrogen bomb.

Mr. Strauss later said that he advised President Truman to take this course for fear that without the H-bomb the United States could not maintain its nuclear edge over the Soviet Union.

President Truman made his momentous decision to go ahead with the H-bomb in 1950. Mr. Strauss, upon learning the President's decision, resigned from the AEC because—as he wrote Mr. Truman—he felt he could safely return to private business. "The issues involving national security which are my primary concern are now resolved as I had hoped and recommended," he wrote.

In accepting the resignation, President Truman said, "Your counsels have been invaluable."

Before Mr. Strauss left the AEC for what turned out to be a short break in public service, there had been numerous reports of the raging controversy within the government over whether the H-bomb should be built. The objections included moral reservations about developing a weapon with such immense destructive power.

Not only was Mr. Strauss one of those pushing hard for speedy construction of the H-bomb, he also was at the forefront of the successful effort to monitor Soviet progress by developing detection devices for nuclear blasts. He contended that the Soviets stole American nuclear secrets, enabling the Soviet Union to break the U.S. monopoly on the superweapon.

During his brief return to the business world, from 1950 to 1953, Mr. Strauss served as financial adviser to the Rockefeller family and as a director of Rockefeller Bros., Inc., and Rockefeller Center, Inc.

He returned to the atomic energy field on March 9, 1953, when he was named a special assistant to President Eisenhower on atomic energy matters. Mr. Eisenhower, on June 24, 1953, nominated him as chairman of the AEC keeping him as a personal atomic adviser as well.

In contrast to the conservative stance on

sharing information he took in his first term on the AEC, including being the lone dissenter in a 4-to-1 vote to export isotopes (material made radioactive by exposure to atomic materials) to nations near Russia for commercial and possibly military use, Mr. Strauss was credited with shaping President Eisenhower's famous Atoms for Peace Program speech of Dec. 8, 1953, to the United Nations. That plan was to help other nations harness the atom for peaceful uses with the corollary hope it would shunt the emphasis away from military exploitation of nuclear energy.

Mr. Strauss, in his book "Men and Decisions," published in 1962, discussed the way he allayed Mr. Eisenhower's fears about aggressor nations hijacking uranium contributed to the U.N. Mr. Strauss proposed suspending uranium in a solution in tanks buried underground "thus making a quick raid impossible."

Once nations became accustomed to contributing uranium to the U.N. bank—or as an aide put it: once "the first olive was out of the bottle"—Mr. Strauss and others working on the Atoms for Peace plan hoped the world demand would outstrip the supply until nuclear weapons would be cannibalized for peaceful purposes.

President Eisenhower never saw this dream come true. Mr. Strauss blamed "Soviet roadblocks" to stopping the International Atomic Energy Agency from realizing its full potential.

An ugly phase of Mr. Strauss' government service came in 1954—the Oppenheimer affair. Dr. J. Robert Oppenheimer was the nuclear scientist whom Mr. Strauss and others credited with making the paramount contribution to development of the atomic bomb.

But on June 12, 1954, Maj. Gen. K. D. Nichols, general manager of the Atomic Energy Commission and previously second-in-command of the Manhattan atomic bomb development project, said on the basis of a personnel hearing that Oppenheimer's security clearance for government secret information "should not be reinstated."

Mr. Strauss, then chairman of the AEC, was one of the four on the commission who voted to strip Oppenheimer of his clearance—an action that is still abhorred by much of the American scientific community.

Dr. L. A. DuBridge, former science adviser to President Nixon, wrote the commission that Oppenheimer's value is "so enormous as to completely overbalance and override the relatively trivial risks which the Personnel Security Board reports. In other words, the net benefits to national security will be far greater if Dr. Oppenheimer's clearance is restored than if it is terminated."

Specifically, Nichols, on the basis of the personnel board's investigation, said that Oppenheimer "did not show enthusiastic support" for the President's decision to develop the H-bomb, "which might have been expected of the chief atomic adviser to the government . . ."

Oppenheimer's opposition was not based on "sinister motives," Nichols said. But the way the scientist portrayed his opposition raised "disturbing" questions about his veracity. Nichols cited what he considered other conflicting statements by Oppenheimer that Nichols said "raise a question" about "his character and veracity in general."

In defending his own vote to strip Oppenheimer of his security clearance, Mr. Strauss wrote in his 1962 book that Oppenheimer continued to have contact with Haakon Chevalier—an academic colleague of Oppenheimer whom Mr. Strauss said Oppenheimer "had informed on as being involved in an attempt to obtain secret information on the atomic weapon project for the Soviet espionage organization."

The personnel hearings on Oppenheimer,

Mr. Strauss wrote, "also developed Dr. Oppenheimer's admission that he had fabricated a 'tissue of lies' to tell to American security officers . . ." Mr. Strauss said he concluded Oppenheimer's employment by the U.S. Government was not "clearly consistent with the interests of the national security . . ."

Critics of Mr. Strauss' role in the Oppenheimer case contended he went beyond his rightful role of weighing the evidence and participated in a campaign to "get" the scientist. Joseph and Stewart Alsop, in a Harper's magazine article in 1954 entitled, "We Accuse," accused Mr. Strauss of "venting the bitterness of old disputes through the security system" and of helping to instigate Oppenheimer's security problems.

Public attacks from a different direction were launched against Mr. Strauss for negotiating the Dixon-Yates power contract. The controversy centered around the proposal for a private utility combine to build a power plant near Memphis, Tenn., and to sell the electricity to the government. Edgar Dixon and Eugene A. Yates were the chief executives of the independent utility.

In response to charges that Dixon-Yates was a fix of some type, President Eisenhower ordered the papers surrounding the contract proposal released to the press.

The name of Adolph Wenzell, then a vice president of an investment firm called the First Boston Corp., was not mentioned in the public papers on the Dixon-Yates contract negotiations released by the Eisenhower administration.

Since Wenzell had been a consultant for the government's Budget Bureau as well as the utility companies trying to get the contract, his omission in the AEC's public release of Dixon-Yates proceedings prompted conflict-of-interest charges. The Dixon-Yates contract was signed on Nov. 11, 1954, amid controversy—only to be canceled on June 16, 1954, amid more controversy.

The new question was whether the Dixon-Yates combine should be paid cancellation costs. The AEC's general counsel concluded that such payment should be held up until it was determined whether Wenzell was indeed guilty of conflict of interest. The attorney's advice, Mr. Strauss wrote in his book, "made me unhappy, for I believed the parties had acted in complete good faith."

The Supreme Court, on Jan. 9, 1961, ruled that Wenzell had indeed been guilty of conflict of interest and therefore reversed the lower court's finding that the utility should be reimbursed. Mr. Strauss regarded part of that Supreme Court decision as his personal vindication:

" . . . No one in the AEC" knew, until December, 1954, that "Wenzell, while serving as a consultant to the Budget Bureau, had been meeting with and supplying information to the sponsors regarding the project," the court said in part of its opinion cited by Strauss.

But the U.S. Senate saw Mr. Strauss' role differently. Sen. Wayne Morse (D-Ore.), for example, said in 1959—after the Dixon-Yates contract had been canceled but before the Supreme Court ruling—that Mr. Strauss was "an enemy of the American people" for trying to "foist" the contract on the nation. Morse also assailed Mr. Strauss for his opposition to proposals to limit testing of nuclear weapons.

It was this type of opposition that prompted the Senate, on June 19, 1959, to reject on a 49-to-46 vote President Eisenhower's nomination of Mr. Strauss as Secretary of Commerce. The Washington Post, in an editorial printed Oct. 25, 1958, had criticized Mr. Strauss "pendant for deviousness and secrecy," but his competence as an administrator entitled him to the job of Secretary of Commerce.

In his book, Mr. Strauss explained the Senate's rejection this way:

"Several elements of opposition converged

at the vote and augmented one another. Anti-Semitism was certainly the least of these, and negligible. But there was the punitive opposition by the advocates of government development of electric power; the animosity engendered by the Oppenheimer case; the personal animus of a senator; my strong belief in the paramount importance of maintaining the constitutional principle of the separation of powers and my defense of the executive branch in that regard; my unfortunate trait of stubbornness in refusing to conciliate by conceding error where error had not occurred; for following orders and honoring the oath of office, and opportunity for a numerically superior political opposition to strike a blow at a popular President . . ."

The newspaper clips about Lewis Lichtenstein Strauss thin out after the Senate debate of 1959. His book caused a flurry of attention, with the Aug. 5, 1962, review by Charles Poor of The New York Times opening with the line: "The stature of those who have opposed Lewis L. Strauss does not seem to have grown tremendously through the years . . ."

Mr. Strauss did break into the national news briefly in 1963 when he testified before Congress against the nuclear test ban treaty, calling it "a clay pigeon made to be breached." But otherwise the spotlight in the 1960s moved off Mr. Strauss and other Eisenhower Republicans. One bit of irony came in 1963 when Mr. Strauss sent Oppenheimer a congratulatory telegram for receiving the highest AEC honor, the \$50,000 Fermi award.

In 1964, Mr. Strauss headed a space and atomic energy panel for GOP presidential candidate, Barry Goldwater and was elected as the first chairman of the Eisenhower College in Seneca, N.Y., in 1965. Mr. Strauss popped into the news again in 1967 as his plan for setting up nuclear desalting plants in the Middle East for both Arabs and Jews was discussed. Otherwise, it was a comparatively quiet life on the Strauss Black Angus cattle farm in Brandy, Va.

Mr. Strauss' long list of trusteeships and other offices during his lifetime included that of president of the board of trustees of the Institute for Advanced Study at Princeton, N.J.

President Eisenhower personally presenting him the Medal of Freedom in July, 1958, was one of the admiral's most treasured moments. He also received more than 20 honorary degrees from colleges and universities in the United States and abroad.

Besides his wife, Mr. Strauss leaves a son, Lewis L. Jr. of Culpeper, Va.

ATTEMPTS TO MISLEAD PUBLIC ON PROPER PROCEDURE TO BE TAKEN ON POSSIBLE IMPEACHMENT OF THE PRESIDENT

(Mr. SANDMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SANDMAN. Mr. Speaker, because of the confused state of affairs that we have pertaining to the possible impeachment of the President of the United States, I think it is appalling that some people are attempting to mislead the public as to the proper procedure that should be taken by this House in considering the possible impeachment of President Nixon.

A state of hysteria and misunderstanding has been cast upon the people of the Nation. One example of such a misunderstanding of the law is illustrated by an editorial written in a leading newspaper in my district. This is a case of how a very responsible newspaper and

an excellent editor can be preyed upon by those who spread such misinformation.

My letter to this editor is as follows:

CONGRESS OF THE UNITED STATES,
Washington, D.C., January 22, 1974.

DEAR EDITOR: I am astounded by your recent editorial, especially the section where you say:

"It isn't necessary to convict a President of committing a crime to impeach him. Congress need merely express its lack of confidence in his ability to govern."

No part of the Constitution has such a provision nor has any precedent been set in the history of this country to support your contention. In fact, your whole article is so misleading that I am enclosing a copy of the Constitution of the United States. I call your attention to Article II, Section 4 which states:

"The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors."

No other provision of the U.S. Constitution sets forth the grounds for which the President may be impeached.

Treason is defined by Article III, Section 3. Bribery needs no definition. It is well established in the law as to what constitutes bribery. According to Article II, Section 4, the only other grounds for impeachment and conviction are ". . . other high Crimes and Misdemeanors." In the only other case affecting the impeachment of the President of the United States, namely the case against President Andrew Johnson in 1868, no definition was made as to what the other high crimes and misdemeanors are that would constitute an impeachable offense. In the more than 100 years that followed the trial of President Andrew Johnson, the Congress has never made any definition or determination as to what those high crimes and misdemeanors can be.

Now, take all of the categories that have been established one by one:

- (1) Treason is a crime;
- (2) Bribery is a crime;
- (3) All other crimes and misdemeanors are crimes.

It is true that some believe that that section that says ". . . other high Crimes and Misdemeanors" can, in the misdemeanor section, include offenses that do not ordinarily constitute a crime. However, the only authority that those people have is the ancient common law of England which is a far-fetched route to find a cause for impeachment.

The last sentence of Article I, Section 2 states that:

"The House of Representatives shall choose their Speaker and other Officers; and shall have the sole Power of Impeachment."

The last two paragraphs of Article I, Section 3 give the sole power to try all impeachments to the United States Senate.

It is well established by law that the President of the United States cannot be indicted or convicted of a crime while he is the President. Therefore, impeachment of the President of the United States is the same as indictment by grand jury to all other persons accused of a crime. This is not my isolated opinion. It is the opinion of most of the scholars of the law throughout the country.

The Twenty-Fifth Amendment has been used by some to reach the conclusion that you have reached in your editorial when they read into Section 3 and Section 4 of that Amendment the right of the Congress to remove the President.

The Twenty-Fifth Amendment procedures set forth in Sections 3 and 4 are not provisions that apply to the impeachment of the President of the United States. It is an altogether separate procedure pertaining to the President's inability to discharge the powers

and duties of his office. Section 4 is an action commenced by the Vice President and a majority of the principal officers of the Executive Department (the President's Cabinet) which gives reasons that the President is unable to discharge the powers and duties of his office.

The intent here is clearly physical disability because the President, under the procedure, has the right to contest the charge that he is unable to carry out the powers and duties of his office. In such a case, that provision requires both Houses of Congress to hear the issue within 48 hours. A two-thirds vote of both Houses is required to determine that the President is unable to discharge the powers and duties of his office.

This has nothing whatsoever to do with the provisions set forth in your editorial, nor does it in any way add an additional ground for impeachment to Article II, Section 4 of the Constitution.

The Judiciary Committee is entrusted with all accusations against the President of the United States. For this reason, it is given the jurisdiction to decide whether or not to offer a resolution of impeachment to the House of Representatives.

The resolution for impeachment should be reached in a judicious manner according to the law. It should not be rendered in the heat of passion nor should it be a trial over the television tubes and the newspapers throughout the country. Only the case against the accused is heard before a grand jury so that those accusations that may later prove to be untrue will not damage the reputation of the accused. Is the President of the United States entitled to less civil rights than any of the more than 200 million other Americans? I don't think so.

Once the Judiciary Committee has reached its decision approving the resolution of impeachment, a record of the Judiciary Committee's proceedings would become a printed report. Upon presentation of the impeachment resolution on the floor of the House of Representatives, the presentation would be made by the Chairman of the Judiciary Committee. The Chairman would urge a vote of the full House of Representatives on the resolution. The time for debate on the resolution would be equally divided between both sides of the aisle. At this point, all of the 435 Members of Congress would have the written report and the full benefit of the full-scale debate to enable them to reach their decision. This is an orderly procedure, and it does not in any way interfere with the public's right to know.

Upon passage of the impeachment resolution, the trial would be conducted by the United States Senate presided over by the Chief Justice of the Supreme Court. This would be conducted in an open public fashion, the same as any criminal trial would be against any other person.

Under this procedure, I am suggesting no additional benefits for the President that you and I as citizens don't already have. *To proceed otherwise would be to have a full trial in both Houses of Congress. This was never intended in the Constitution.*

I firmly believe that unless these proceedings are held fairly, sufficient votes for impeachment will not be available nor will the case against the President be fairly presented.

If a case exists for the impeachment of the President, as set forth in Article II, Section 4 of the U.S. Constitution, I will vote for the resolution to impeach, but I will only do so after careful consideration of the evidence presented to the Committee on which I serve.

At this point in time, we can all better serve our country and our people by addressing ourselves to this most important question conscientiously and fairly. Let's judge the individual on the facts presented. Let's not be hostile just because we don't like the name Nixon.

Make no mistake about it. These proceed-

ings seek to try the head of our government to the end that if he is convicted, he will be removed from office. No part of the Constitution, nor any of the historical data surrounding the adoption of the Constitution, advocates that this should be done except in the most serious of all circumstances.

The action of the 93rd Congress in the impeachment proceedings of Richard Nixon will be a precedent for centuries to come. As one Member of the 93rd Congress charged with this responsibility, I choose to act judiciously, although such action may not get me the most support for the next election.

If this kind of thinking destroys your confidence in me, the only thing that I can say to you—please study the enclosed copy of the U.S. Constitution. Then, knowing you to be a fair man, I know that your confidence will be restored.

Sincerely,

CHARLES W. SANDMAN, JR.,
Member of Congress.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. PEPPER (at the request of Mr. O'NEILL), for January 21 and 22, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. COCHRAN) and to revise and extend their remarks and include extraneous matter:)

Mr. RAILSBACK, for 5 minutes, today.
Mr. EDWARDS of Alabama, for 5 minutes, today.
Mr. QUIE, for 15 minutes, today.
Mr. WIDNALL, for 10 minutes, today.
Mr. HOGAN, for 30 minutes, today.
Mr. WYMAN, for 30 minutes, today.
Mr. GUBSER, for 60 minutes, on January 29.

(The following Members (at the request of Mr. BRECKINRIDGE), to revise and extend their remarks, and to include extraneous matter to:)

Mr. DAVIS of Georgia, for 5 minutes, today.
Ms. ABZUG, for 30 minutes, today.
Mr. NATCHER, for 5 minutes, today.
Mr. ICHORD, for 30 minutes, today.
Mr. GONZALEZ, for 5 minutes, today.
Mr. REUSS, for 10 minutes, today.
Mr. CULVER, for 5 minutes, today.
Mr. KASTENMEIER, for 5 minutes, today.
Mr. STRATTON, for 5 minutes, today.
Ms. HOLTZMAN, for 60 minutes, today.
Mr. ADDABBO, for 30 minutes, today.
Mr. JAMES V. STANTON, for 5 minutes, today.
Mr. CHAPPELL, for 5 minutes, today.
Mr. OWENS, for 15 minutes, today.
Mr. BENITEZ, for 60 minutes, on January 24.

Mr. FLOOD, for 60 minutes, on January 30.

Mr. FUQUA, for 10 minutes, today.
Mrs. COLLINS of Illinois, for 10 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted

(The following Members (at the request of Mr. COCHRAN) and to include extraneous matter:)

Mr. HEINZ in two instances.
Mr. BELL.
Mr. DERWINSKI in three instances.
Mr. HOSMER in three instances.
Mr. CRANE in five instances.
Mr. CARTER in five instances.
Mr. ANDREWS of North Dakota.
Mr. VEYSEY in three instances.
Mr. LENT.
Mr. TALCOTT in two instances.
Mr. WINN.
Mr. DON H. CLAUSEN.
Mr. ABDNOR.
Mr. GILMAN.
Mr. O'BRIEN.
Mr. BOB WILSON.
Mr. WIDNALL.
Mrs. HOLT.
Mr. ARCHER in two instances.
Mr. HUDNUT.
Mr. HOGAN.
Mr. WYMAN in two instances.
Mr. COLLINS of Texas in four instances.
Mr. MIZELL in five instances.
Mr. SMITH of New York.
Mr. KING.
Mr. HUBER in two instances.
Mr. ASHBROOK in four instances.

(The following Members (at the request of Mr. BRECKINRIDGE) and to include extraneous matter:)

Mr. COTTER in 10 instances.
Mr. BERGLAND in three instances.
Mr. ANDERSON of California in three instances.
Mr. RARICK in three instances.
Mr. GONZALEZ in three instances.
Mr. GUNTER in two instances.
Mr. ROSENTHAL in five instances.
Mr. HARRINGTON in four instances.
Mr. RANGEL in 10 instances.
Mr. HAMILTON in 10 instances.
Mr. SEIBERLING in 10 instances.
Mr. DIGGS in two instances.
Mr. DAVIS of Georgia in 10 instances.
Mr. HOWARD.
Mr. EILBERG in 10 instances.
Mr. CONYERS in 10 instances.
Mr. LEHMAN in 10 instances.
Mr. STOKES in six instances.
Ms. ABZUG in 10 instances.
Mr. ROE in three instances.
Mr. BIAGGI in five instances.
Mr. FRASER in five instances.
Mr. ADDABBO.
Mr. HELSTOSKI in 10 instances.
Mr. CORMAN.
Mr. ADAMS.
Mr. HUNGATE.
Mr. ANDREWS of North Carolina.
Mrs. COLLINS of Illinois.
Mr. FASCELL in three instances.
Mr. UDALL in 10 instances.
Mr. BRINKLEY.
Mr. CHARLES H. WILSON of California in three instances.

SENATE CONCURRENT RESOLUTION REFERRED

A concurrent resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 58. Concurrent resolution authorizing the printing of additional copies of the Report of the Commission on the Bankruptcy Laws of the United States for

the use of the Senate Committee on the Judiciary; to the Committee on House Administration.

BILL PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on January 21, 1974 present to the President, for his approval, a bill of the House of the following title:

H.R. 9256. To increase the contribution of the Government to the costs of health benefits for Federal employees, and for other purposes.

ADJOURNMENT

Mr. BRECKINRIDGE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 55 minutes p.m.), the House adjourned until tomorrow, Wednesday, January 23, 1974, 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:

1756. A letter from the Executive Secretary, Federal Metal and Nonmetallic Mine Safety Board of Review, transmitting the annual report of the Board for calendar year 1973, pursuant to 30 U.S.C. 729(1); to the Committee on Education and Labor.

1757. A letter from the President, Gorgas Memorial Institute of Tropical and Preventive Medicine, Inc., transmitting the 45th Annual Report of the Gorgas Memorial Laboratory covering fiscal year 1973, pursuant to 22 U.S.C. 278a, together with a report on the research activities of the Gorgas Memorial Institute-Middle America Research Unit, and the Comptroller General's examination of the financial statements of the Institute for fiscal years 1972 and 1973 (H. Doc. No. 93-260); to the Committee on Foreign Affairs and ordered to be printed.

1758. A letter from the Fiscal Assistant Secretary of the Treasury, transmitting the statement of liabilities and other financial commitments of the U.S. Government as of June 30, 1973, pursuant to 31 U.S.C. 757f; to the Committee on Ways and Means.

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:

Mrs. SULLIVAN: Committee on Merchant Marine and Fisheries. H.R. 5975. A bill to implement the International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, 1969 (Rept. No. 93-760). Referred to the Committee of the Whole House on the State of the Union.

Mrs. SULLIVAN: Concurrent on Merchant Marine and Fisheries. H.R. 6120. A bill to permit the vessel *Manatra II* to be inspected, licensed, and operated as a passenger-carrying vessel, and for other purposes; with amendment (Rept. No. 93-761). Referred to the Committee of the Whole House.

Mrs. SULLIVAN: Committee on Merchant Marine and Fisheries. H.R. 10309. A bill to amend the act of June 13, 1933 (Public Law

73-40), concerning safety standards for boilers and pressure vessels, and for other purposes (Rept. No. 93-762). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee on conference. Conference report on S. 2589 (Rept. No. 93-763). Ordered to be printed.

Mr. SISK: Committee on Rules. House Resolution 779. Resolution providing for the consideration of H.R. 11354. A bill to provide for increased participation by the United States in the International Development Association (Rept. No. 93-764). Referred to the House Calendar.

Mr. SISK: Committee on Rules. House Resolution 780. Resolution providing for the consideration of H.R. 11666. A bill to provide for U.S. participation in increases in the ordinary capital and special funds resources of the Asian Development Bank (Rept. 93-765). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BIAGGI:

H.R. 12188. A bill to provide for improved labor-management relations in the Federal service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. BRADEMAS:

H.R. 12189. A bill to establish a National Energy Information System, to authorize the Department of the Interior to undertake an inventory of U.S. energy resources on public lands and elsewhere, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. BRINKLEY:

H.R. 12190. A bill to enable egg producers to establish, finance, and carry out a coordinated program of research, producer and consumer education, and promotion to improve, maintain, and develop markets for eggs, egg products, spent fowl, and products of spent fowl; to the Committee on Agriculture.

H.R. 12191. A bill to provide that the State of Georgia shall be included in the central standard time zone; to the Committee on Interstate and Foreign Commerce.

By Mr. BURLISON of Missouri:

H.R. 12192. A bill to authorize cooperative operation, maintenance, and repair of the Chester Bridge, Missouri and Illinois, and for other purposes; to the Committee on Public Works.

By Mr. CLARK:

H.R. 12193. A bill to provide for the establishment of an American Folk Life Center in the Library of Congress, and for other purposes; to the Committee on House Administration.

H.R. 12194. A bill to prohibit discrimination against locally recruited personnel in the granting of overseas differentials and allowances, equalize the compensation of overseas teachers, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. ERLENBORN (for himself and Mr. UDALL):

H.R. 12195. A bill to amend the Freedom of Information Act to require that information be made available to Congress; to the Committee on Government Operations.

By Mr. FAUNTROY:

H.R. 12196. A bill to adopt for the District of Columbia the Uniform Management of Institutional Funds Act, and for other purposes; to the Committee on the District of Columbia.

H.R. 12197. A bill to establish an urban homesteading program to refurbish abandoned real estate in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. FAUNTROY (for himself, Mr.

CONYERS, Mrs. CHISHOLM, Mr. DENT, Mr. MOAKLEY, Mr. RODINO, Mr. ROE, Mr. RONCALLO of New York, Mr. ROSENTHAL, Mr. SEIBERLING, and Mr. STUDDS):

H.R. 12198. A bill to amend the Export Administration Act of 1969, to provide a formula to control the exports of wheat, soybeans, and corn from the United States, and for other purposes; to the Committee on Banking and Currency.

By Mr. FULTON:

H.R. 12199. A bill to repeal the Emergency Daylight Saving Time Energy Conservation Act of 1973; to the Committee on Interstate and Foreign Commerce.

By Mr. PATMAN:

H.R. 12200. A bill to make technical amendments to the Federal Credit Union Act; to the Committee on Banking and Currency.

By Mr. GONZALEZ:

H.R. 12201. A bill to amend title 38 of the United States Code in order to require that all Federal retirement or annuity payments be disregarded in determining annual income under the veterans' pension laws; to the Committee on Veterans' Affairs.

By Mr. GUNTER:

H.R. 12202. A bill to amend the Internal Revenue Code of 1954 to allow an income tax credit for certain repairs or improvements of the residence of a taxpayer which improve the thermal design of such residence; to the Committee on Ways and Means.

By Mr. HARRINGTON:

H.R. 12203. A bill to provide for the public design and construction of a minimum of seven full-scale facilities for the refining of petroleum products; to the Committee on Interstate and Foreign Commerce.

By Mr. JONES of Oklahoma (for himself, Mr. McSPADEN, and Mr. CAMP):

H.R. 12204. A bill to repeal the Emergency Daylight Saving Time Energy Conservation Act of 1973; to the Committee on Interstate and Foreign Commerce.

By Mr. KEMP:

H.R. 12205. A bill to require oil producers, refiners, and distributors to provide certain information as requested by the Federal Energy Administration, to authorize auditing of such information by the General Accounting Office, and to provide for enforcement; to the Committee on Interstate and Foreign Commerce.

By Mr. KOCH:

H.R. 12206. A bill to amend title 5, United States Code, to provide that persons be apprised of records concerning them which are maintained by Government agencies; to the Committee on Government Operations.

H.R. 12207. A bill to amend title 5, United States Code, to provide that persons be apprised of records concerning them which are maintained by Government agencies; to the Committee on Government Operations.

By Mr. LEGGETT (for himself and Mr. MOSS):

H.R. 12208. A bill to confer exclusive jurisdiction on the Federal Maritime Commission over certain movements of merchandise by barge in foreign and domestic offshore commerce; to the Committee on Merchant Marine and Fisheries.

By Mr. McCOLLISTER:

H.R. 12209. A bill to amend the Occupational Safety and Health Act of 1970 to provide that where violations are corrected within the prescribed abatement period no penalty shall be assessed; to the Committee on Education and Labor.

H.R. 12210. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MARAZITI:

H.R. 12211. A bill, Emergency Export Con-

trol Act of 1974; to the Committee on Banking and Currency.

H.R. 12212. A bill to prohibit the exportation of grain from the United States whenever the supply of grain is not sufficient to meet domestic needs; to the Committee on Banking and Currency.

By Mr. PATTEN:

H.R. 12213. A bill to establish a National Energy Information System, to authorize the Department of the Interior to undertake an inventory of U.S. energy resources on public lands and elsewhere, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. REUSS (for himself, Mr. ASHLEY, Mr. KOCH, Mr. MITCHELL of Maryland, Mr. MOAKLEY, Mr. MOORHEAD of Pennsylvania, Mr. STARK, and Mr. STUDDS):

H.R. 12214. A bill to amend the Economic Stabilization Act of 1970 to require the President to set a ceiling price on certain domestic crude petroleum not to exceed prices prevailing on May 15, 1973, adjusted for cost increases; to the Committee on Banking and Currency.

By Mr. ROE:

H.R. 12215. A bill to amend the Public Health Service Act to provide assistance for programs for the diagnosis, prevention and treatment of, and research in, Huntington's Disease; to the Committee on Interstate and Foreign Commerce.

By Mr. ROSE:

H.R. 12216. A bill to amend the act relating to the Lumbee Indians of North Carolina; to the Committee on Interior and Insular Affairs.

By Mr. ROYBAL:

H.R. 12217. A bill to amend title 38, United States Code, to provide appropriate ceremonies with respect to the burial of veterans in national cemeteries; to the Committee on Veterans' Affairs.

By Mr. STAGGERS:

H.R. 12218. A bill to amend the Communications Act of 1934 to repeal the equal

time requirement for candidates for the Office of President and Vice President; to the Committee on Interstate and Foreign Commerce.

By Mr. THOMPSON of New Jersey:

H.R. 12219. A bill to establish a National Energy Information System, to authorize the Department of the Interior to undertake an inventory of U.S. energy resources on public lands and elsewhere, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. VEYSEY:

H.R. 12220. A bill to establish a national homestead program under which single-family dwellings owned by the Secretary of Housing and Urban Development may be conveyed at nominal cost to individuals and families who will occupy and rehabilitate them; to the Committee on Banking and Currency.

By Mr. WYATT:

H.R. 12221. A bill to declare Lake Oswego, Ore., a nonnavigable water of the United States; to the Committee on Interstate and Foreign Commerce.

By Mr. EILBERG:

H.J. Res. 872. Joint resolution proposing an amendment to the Constitution of the United States guaranteeing the right to life to the unborn, the ill, the aged, or the incapacitated; to the Committee on the Judiciary.

By Mr. KOCH:

H.J. Res. 873. Joint resolution to establish a Joint Committee on Energy; to the Committee on Rules.

By Mr. O'HARA:

H.J. Res. 874. Joint resolution to designate the first week in October of each year as "National Father-Son Week"; to the Committee on the Judiciary.

By Mr. BOB WILSON:

H.J. Res. 875. Joint resolution designating February of each year as "American History Month"; to the Committee on the Judiciary.

By Mr. RAILSBACK:

H. Con. Res. 414. Concurrent resolution to

establish a Joint Committee on Energy; to the Committee on Rules.

By Mr. ICHORD (for himself, Mr. ASPIN, Mr. DENT, Mr. SATTERFIELD, Mr. HOWARD, Mr. RABICK, Mr. ZION, Mr. SARASIN, Mr. ROE, Mr. KEMP, Mr. PODELL, Mr. BURKE of Florida, Mr. SIKES, Mr. JAMES V. STANTON, Mr. BENNETT, Mr. EILBERG, Mr. HUBER, Mrs. GRASSO, Mrs. SCHROEDER, Mr. KARTH, Mr. NIX, Mr. VANIK, Mr. FULTON, Mr. DAVIS of South Carolina, and Mr. LONG of Maryland):

H. Res. 774. Resolution declaring the sense of the House with respect to a prohibition of extension of credit by the Export-Import Bank of the United States; to the Committee on Banking and Currency.

By Mr. MARAZITI:

H. Res. 775. Resolution providing for an investigation of the amount of petroleum resources; to the Committee on Rules.

By Mr. RANGEL:

H. Res. 776. Resolution creating a select committee to conduct an investigation and study of the health effects of the current energy crisis on the poor; to the Committee on Rules.

H. Res. 777. Resolution creating a select committee to conduct an investigation of the nationalization of the oil industry; to the Committee on Rules.

By Mrs. SULLIVAN:

H. Res. 778. Resolution to provide further funds for the expenses of the investigations and study authorized by House Resolution 187; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. FAUNTROY (by request) introduced a bill (H.R. 12222) to correct an inequity in the case of certain applications for letters patent of Tsukumo Nobusawa; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

IMPLEMENTATION OF MPAP CAUSES CONFUSION AT ALL LEVELS

HON. BILL ALEXANDER

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 21, 1974

Mr. ALEXANDER. Mr. Speaker, the mandatory petroleum allocation program went into effect on November 1. At that time its Administrator said that he did not have the staff to handle this program and it would take him 60 to 90 days to set it up. However, this country was expected to live under a program for 2 to 3 months that was not in full operation. Not only were those administering and affected by the program at local and State levels confused and unsure of its provisions and authority, but we in Congress were not much more successful in obtaining answers from those responsible for the program at the Federal level. And, the MPAP has been revised several times since its issuance to make up for the hasty, seemingly thoughtless omissions and mistakes made in the promulgation of the first regulations.

As an example of the lack of information our States are getting on this program, I wish to share with you a copy

of a letter Mr. Pat Moran, fuel allocation officer for the State of Arkansas, wrote to Secretary of the Interior Rogers Morton. I am afraid that such problems are not peculiar only to the Arkansas allocation officer.

It is time for us to stop the backbiting over how we got into this situation and who is to blame. We have got to start working together to get some truthful answers to the extent of this crisis and then constructively take measures to alleviate it.

The letter follows:

ARKANSAS PUBLIC SERVICE COMMISSION,

Little Rock, Ark., November 19, 1973.

Hon. ROGERS C. B. MORTON, Secretary of Interior, Department of the Interior, Washington, D.C.

DEAR MR. SECRETARY: During the past month I have attended approximately three briefings at the invitation of your agency, or the Energy Policy Office, which were supposedly designed to bring appropriate state officials up to date on the workings of the newly formed "middle distillate fuels allocation program" formulated and announced by the Energy Policy Office for implementation by the Department of Interior, effective November 1, 1973.

My knowledge of the "middle distillate allocation program" was, and still is, what I have gleaned from a careful reading and re-reading of the program as it was printed in the Federal Register when it was first an-

nounced. Much of the publicity surrounding the initiation of this program emphasized that the individual state governments were expected to play an important role in carrying out its day to day operation. In an effort to learn in more detail how the State of Arkansas could do its part during the current energy shortage, I have attended these briefing sessions of your department, all to no avail; the speakers are not sure of anything when questioned by the various state officials in attendance.

However, the particular briefing which takes the cake, so to speak, was the one in Dallas, Texas last Friday morning, November 16. This meeting, to which each Governor in this region was asked to send a representative, was addressed by Under Secretary Whitaker in your absence. Secretary Whitaker delivered an absolutely ridiculous speech (although it was mercifully short) in which he sought to convince the audience that President Nixon had seen the present fuel shortage coming for years and that it was the Congress who was at fault for failure to act.

Secretary Morton, most of the people in the Dallas audience last Friday came in an effort to get some answers about the day to day workings and administration of the fuel allocation program being sponsored by your department. What they received was a thinly disguised political speech which no one appreciated. In the current stage of the energy shortage we are surely past playing the asinine game wherein one branch of our government blames another for our troubles (a