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PROCEEDINGS AND DEBATES OF THE 93d CONGRESS, SECOND SESSION

HOUSE OF REPRESENTATIVES—*Wednesday, May 1, 1974*

The House met at 12 o'clock noon.

The Reverend Robert W. Jackson, First Reformed Church, Hawthorne, N.J., offered the following prayer:

Almighty God, who has called us to the demanding responsibilities in this Chamber, and who provides the talent and ability to meet the challenges of each day's work and decision, bless us in the exercise of our constitutional duties in this House, where Your hand has so often inspired the growth of our Nation.

Throughout the centuries, You have provided us a foundation of law and the proper response of a man to man. Now, by our decisions, may we respond to You out of a sense of—

Humility, accepting Your sovereignty over all human living;

Fasting, accepting Your example of sacrifice and giving as the prerequisite to Your prevailing food to all men;

Prayer, which is our attitude of trust and dependence upon You for the fulfillment of all needs, spiritual and temporal.

So bless us all, in the name of our redemptive God. 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.

REV. ROBERT W. JACKSON

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

Mr. ROE. Mr. Speaker, I rise to join with you and our colleagues in expressing our deep appreciation to today's visiting host chaplain, Rev. Robert W. Jackson, for the quality and richness of his eloquent and inspirational contribution to our deliberations this day on behalf of the people of our Nation.

Reverend Jackson is the pastor of our First Reformed Church of Hawthorne, which is located in my Eighth Congressional District, State of New Jersey. He, his good wife, and two children joined us from the State of New York in July 1973. During this past year they have truly endeared themselves to the church congregation and the people of our district. He has inspired us by his prayer and good example as a leading citizen and most respected member of our clergy. He has served in the vanguard of our community as adviser and counsellor in many charitable and civic endeavors.

We are indeed honored by his presentation and want to share with him, his wife, and his children the great pride we have in his distinguished and dedicated lifetime of outstanding service and contribution to the religious, cultural and spiritual enrichment of our community, State, and Nation.

NO MORE MR. NICE GUY

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

Mr. KOCH. Mr. Speaker, as a result of the Nixon transcripts being released, we are privy to a conversation which took place in the autumn of 1972 which seems to me to be the most chilling of statements that could possibly be made by the President. In talking about the White House "enemies," he said:

> I want the most comprehensive notes on all those who tried to do us in. They didn't have to do it . . . They are asking for it and they are going to get it. We have not used the power in the first four years, as you know. We have never used it.
>
> We have not used the bureau (the FBI) and we have not used the Justice Department but things are going to change now. And they are either going to do it right or go.

Then his counsel John Dean responded:

> What an exciting prospect.

Mr. Speaker, one cannot help but find this conversation reminiscent of those undoubtedly conducted in the chancelleries of the Soviet Union, Germany, and Italy in the 1930's.

The tag line to this conversation between the President and Mr. Dean that immediately comes to mind is: "From now on it's no more Mr. Nice Guy." This might be amusing if the attitude demonstrated by the President toward critics were not so frightening. But, it is too serious for that and we are indeed fortunate that this aspect of the President's character has been unveiled.

PERMISSION FOR COMMITTEE ON PUBLIC WORKS TO FILE CONFERENCE REPORT ON S. 3062, DISASTER RELIEF ACT AMENDMENTS OF 1974

Mr. JONES of Alabama. Mr. Speaker, I ask unanimous consent that the Committee on Public Works may have until midnight tonight to file a conference report on S. 3062, the Disaster Relief Act Amendments of 1974.

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

There was no objection.

AMENDING CERTAIN LAWS AFFECTING COAST GUARD

Mr. MURPHY of New York. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 9293) to amend certain laws affecting the Coast Guard, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 4, strike out all after line 12 over to and including line 3 on page 5.

Page 5, line 4, strike out "(11)" and insert "(10)".

Page 5, line 15, strike out "(2)" and insert "(11)".

Page 5, strike out line 17 and the matter following.

Page 5, line 18, strike out "(C)" and insert "(B)".

Page 5, line 20, strike out "(13)" and insert "(12)".

Page 6, line 1, strike out "(14)" and insert "(13)".

Page 6, line 10, strike out "(15)" and insert "(14)".

Page 6, line 16, strike out "(16)" and insert "(15)".

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

There was no objection.

Mr. MURPHY of New York. Mr. Speaker, the various changes proposed in H.R. 9293, would affect the Coast Guard's authority relating to aids to

maritime navigation, to Coast Guard personnel matters concerning housing, promotion, the Coast Guard Reserve, and the Coast Guard Auxiliary, and enact into permanent legislation certain provisions which now appear annually in appropriations bills. These provisions are related to the continuing availability of construction funds.

The bill contains three amendments to update and expand Coast Guard aids to navigation authority. The proposed amendments to sections 83 (which makes it unlawful to establish aids to navigation without Coast Guard authority), 85 (which authorizes the Secretary of the Department to regulate aids to maritime navigation on fixed structures), and 86 (which authorizes the Coast Guard to mark obstructions) of title 14, United States Code, extends the Coast Guard's jurisdiction under those sections to additional waters within and without the territorial boundaries of the United States.

Sections 83 and 85 changes involve the extension of jurisdiction to the high seas for persons and instrumentalities subject to the jurisdiction of the United States, and to internal waters subject to the jurisdiction of the United States which are not navigable waters of the United States. The Coast Guard does not seek authority to establish aids to navigation in waters subject to the jurisdiction of the United States which are not navigable waters. However, it is necessary for the Coast Guard to be able to exercise regulatory control over any aids to navigation established in those waters consistent with their safety responsibilities under the Federal Boat Safety Act of 1971.

The proposed amendment to section 86 would make that section parallel to section 81 of title 14, United States Code. Under section 81, the Coast Guard has general authority to establish aids to navigation beyond the navigable waters in waters above the Continental Shelf. This includes the marking of obstructions.

The extension of section 86 is necessary to enable the Coast Guard to recover the cost of marking obstructions in those waters beyond the territorial sea.

The amendments in the bill to sections 214, 283, 285, and 288, of title 14, United States Code, deal with situational and legal problems that have developed in recent years with officer personnel as a result of experiences with previous revisions of Coast Guard personnel laws. These include anomalies such as reductions in pay after promotions, denial of retirement after 20 years service because of a 10-year requirement of commissioned service, and a reduction in career life because of selection for early promotion.

The amendments to sections 656 and 657, of title 14, United States Code, relate to the continuing availability of construction funds, and for payment of confidential investigative expenses. These latter two are the result of past congressional requests to the Coast Guard for permanent legislation to replace substantive provisions which inappropriately appear in appropriations bill.

The amendment to sections 760 and 832, of title 14, United States Code, would provide greater protection to members of the Coast Guard Auxiliary when performing duty for the Coast Guard. This includes increases in disability benefits and injury and death benefits for accidents which occur traveling to and from assigned duties.

The proposed new section 765 of title 14, United States Code, would permit enlistment of Reserve members with a minimum of interruption in their full-time schooling. This would be accomplished by authorizing the Coast Guard to split the 4-month initial period of active duty required by section 511(d) of title 10, United States Code. This would permit the training of new members of the Reserve without interrupting their education. This additional flexibility will be of help to the Coast Guard in reducing the recruiting problems the service is now facing in the no-draft environment.

The proposed amendment to title 10, United States Code, would allow the Secretary of Transportation to relinquish to a State legislative jurisdiction of the United States over lands under his control in that State. This amendment is necessitated by a situation that has arisen at the Coast Guard Academy in New London, Conn. Within the Academy grounds there are two plots of land which are subject to exclusive Federal jurisdiction. These areas are in the more populous sections of the Academy reservation and, within those areas, State and municipal criminal statutes and common law do not apply. While the Coast Guard considers it desirable on occasion to seek the assistance of the New London Police Department within these areas, they, the police, are prohibited from entering or assisting Academy officials by the fact that exclusive Federal jurisdiction exists in these areas. This amendment permits a solution to that problem.

The total budget implications for this proposal will be less than $25,000 for 1974, and can be absorbed within available funds.

During 2 days of hearings held on this bill on July 31, and August 1, 1973, Coast Guard witnesses testified that the legislation would be beneficial to the service in terms of both efficiency and effectiveness. There were no witnesses opposed to the bill which passed the House on September 18, 1973. I urge the House to accept the Senate amendments and move this legislation to the President's desk, in view of the benefits it will have for the Coast Guard.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

LEGISLATION TO PROHIBIT RECORDINGS UNKNOWN TO PARTICIPANTS

(Mr. WYMAN asked and was given permission to address the House for 1 minute.)

Mr. WYMAN. Mr. Speaker, I am utterly appalled that there has been a practice of taping conversations with the President in the White House under the late President Kennedy, the late President Johnson, and present President Nixon without letting people talking with the President know beforehand that they were being recorded. Whether motivated by a dedication to preservation of a historical record or not, it smacks of unfairness and deceit to make such recordings without the prior knowledge and consent of participants. When this is extended to foreign heads of state or Senators or Members of Congress, it becomes reprehensible in the extreme.

Accordingly, I have today introduced a simple bill to prohibit recording conversations with a President without the prior knowledge and consent of participants, excepting, of course, such things as press conferences or meetings where recordings are a matter of public knowledge.

This reprehensible practice should be prohibited by statute. In my opinion such a prohibition does not infringe or constitutionally impinge on executive privilege.

My bill also has teeth in it. It provides that anyone doing this, or participating in it at the staff level, upon conviction thereafter shall permanently lose entitlement to Federal salary or benefits, including retirement pay.

I urge adoption of this proposal at the earliest moment.

ELECTION AS MEMBER OF COMMITTEE ON MERCHANT MARINE AND FISHERIES

Mr. RHODES. Mr. Speaker, I offer a privileged resolution (H. Res. 1083) and ask for its immediate consideraiton.

The Clerk read the resolution, as follows:

H. RES. 1083

Resolved, That the following-named Member be, and is hereby elected a member of the Committee on Merchant Marine and Fisheries: Robert J. Lagomarsino.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ELECTION AS MEMBER OF COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

Mr. RHODES. Mr. Speaker, I offer a privileged resolution (H. Res. 1084) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1084

Resolved, That the following-named Member be, and is hereby elected a member of the Committee on Interstate and Foreign Commerce: Edward R. Madigan.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ELECTION AS MEMBER OF COMMITTEE ON THE DISTRICT OF COLUMBIA

Mr. RHODES. Mr. Speaker, I offer a privileged resolution (H. Res. 1085) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1085

Resolved, That the following-named Member be, and is hereby elected a member of the Committee on the District of Columbia: Clair W. Burgener.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ELECTION AS MEMBER OF COMMITTEE ON AGRICULTURE

Mr. RHODES. Mr. Speaker, I offer a privileged resolution (H. Res. 1086) and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1086

Resolved, That the following-named Member be, and is hereby elected a member of the Committee on Agriculture: Peter A. Peyser.

The resolution was agreed to.

A motion to reconsider was laid on the table.

CALL OF THE HOUSE

Mr. CEDERBERG. 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. 196]

Adams	Gubser	Powell, Ohio
Alexander	Haley	Rangel
Anderson, Ill.	Hanna	Rees
Blatnik	Hansen, Wash.	Reid
Brown, Calif.	Harsha	Roberts
Brown, Mich.	Hastings	Roncallo, N.Y.
Buchanan	Hébert	Rooney, N.Y.
Burke, Calif.	Heckler, Mass.	Rose
Carey, N.Y.	Helstoski	Ruppe
Chisholm	Hillis	Sandman
Clark	Howard	Selberling
Conyers	Hudnut	Smith, N.Y.
Corman	Kazen	Staggers
Davis, Ga.	Kemp	Steiger, Ariz.
Diggs	Kluczynski	Stokes
Dingell	McSpadden	Stubblefield
Drinan	Milford	Stuckey
Findley	Murphy, Ill.	Teague
Fish	Myers	Tiernan
Fulton	Owens	Udall
Grasso	Patman	Wilson, Charles, Tex.
Gray	Pepper	
Griffiths	Pickle	

The SPEAKER. On this rollcall 366 Members have recorded their presence by electronic device, a quorum.

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

PERSONAL EXPLANATION AS TO VOTE

Mr. DANIELSON. Mr. Speaker, during the week of April 8, 1974, I was absent and missed the following recorded votes. For the RECORD, I now state how I would have voted on each of these rollcalls:

MONDAY, APRIL 8, 1974

Rollcall No. 149: Amendment to H.R. 12473 providing for a nonbinding advisory referendum by the registered voters of the District of Columbia on the construction of the Dwight D. Eisenhower Memorial Bicentennial Civic Center. I would have voted "yea."

Rollcall No. 150: Amendment to H.R. 12473 that sought to delete the $14 million authorized to be appropriated for the Eisenhower Memorial Center and to remove the congressional oversight provision contained in the Public Buildings Act of 1959. I would have voted "no."

Rollcall No. 151: Passage of H.R. 12473 to establish and finance a bond sinking fund for the Dwight D. Eisenhower Memorial Bicentennial Civic Center. I would have voted "yea."

TUESDAY, APRIL 9, 1974

Rollcall No. 153: Adoption of House Resolution 1018, the rule providing for the consideration of House Resolution 998 to amend the House rules. I would have voted "yea."

Rollcall No. 155: Amendment to House Resolution 998 to strike the section requiring at least 40 Members to request a recorded vote whenever the Chair determines that more than 200 Members are present. I would have voted "no."

Rollcall No. 156: Adoption of House Resolution 998 amending the House Rules. I would have voted "yea."

Rollcall No. 157: Passage of H.R. 14012 making appropriations for the legislative branch for fiscal year 1975. I would have voted "yea."

WEDNESDAY, APRIL 10, 1974

Rollcall No. 159: Amendment to H.R. 14013, making supplemental appropriations for the fiscal year 1974, that increased funds for comprehensive manpower assistance by $150 million. I would have voted "aye."

Rollcall No. 160: Amendment to H.R. 14013 to add language providing $4.5 million for child abuse prevention and treatment. I would have voted "aye."

Rollcall No. 161: Amendment to H.R. 14013 that sought to strike $230 million for the Postal Service fund. I would have voted "no."

Rollcall No. 162: Amendment to H.R. 14013 that sought to reduce all funds appropriated by the bill by 5 percent. I would have voted "no."

Rollcall No. 163: Passage of H.R. 14013, making supplemental appropriations for the fiscal year 1974, I would have voted "yea."

Rollcall No. 165: Adoption of House Resolution 1029, the rule providing for the consideration of H.R. 13113, to amend the Commodity Exchange Act. I would have voted "yea."

THURSDAY, APRIL 11, 1974

Rollcall No. 168: Amendment to H.R. 13113 that sought to require that members of the Commodity Futures Trading Commission be full time. I would have voted "aye."

Rollcall No. 169: Passage of H.R. 13113, to amend the Commodity Exchange Act to strengthen the regulation of futures trading, to bring all agricultural and other commodities traded on exchanges under regulation. I would have voted "yea."

PERSONAL EXPLANATION

Mr. ABDNOR. Mr. Speaker, in the CONGRESSIONAL RECORD for April 30, 1974, I am listed as "not voting" on rollcall No. 195 making appropriations for energy research and development activities of certain departments, independent executive agencies, bureaus, offices, and commissions for fiscal year ending June 30, 1975, and for other purposes. I was present in the Chamber at the time and cast my vote for the appropriation and I desire to have the RECORD show how I voted.

PERSONAL EXPLANATION

Mr. McCOLLISTER. Mr. Speaker, on rollcall No. 195 of April 30 I am recorded as "not voting." I was present and voting for passage of H.R. 14434, the energy research appropriations bill.

PROVIDING FOR CONSIDERATION OF H.R. 14368, ENERGY SUPPLY AND ENVIRONMENTAL COORDINATION ACT OF 1974

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1082 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1082

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 14368) to provide for means of dealing with energy shortages by requiring reports with respect to energy resources, by providing for temporary suspension of certain air pollution requirements, by providing for coal conversion, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Interstate and Foreign Commerce now printed in the bill as an original bill for the purpose of amendment under the five-minute rule. At the conclusion of such consideration, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit or without instructions.

The SPEAKER. The gentleman from Missouri (Mr. BOLLING) is recognized for 1 hour.

Mr. BOLLING. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio (Mr. LATTA) pending which I yield myself such time as I may consume.

Mr. Speaker, this is an open rule with 1 hour of general debate, making in order the committee amendment in the nature of a substitute as an original bill for the purpose of amendment.

There was no controversy on this resolution before the Committee on Rules. I have heard of no opposition to it. Therefore, Mr. Speaker, I reserve the balance of my time.

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

Mr. Speaker, House Resolution 1082 is the rule on H.R. 14368, the Energy Supply and Environmental Coordination Act. It is an open rule with 1 hour of general debate. In addition, the rule makes the committee substitute in order as an original bill for the purpose of amendment.

The three primary purposes of this bill are: First, to permit narrowly defined variances from specific clean air requirements; second, to grant authority to increase the use of coal resources; and third, to direct the Federal Energy Administrator to obtain information on the Nation's energy supply situation.

Following the veto of the Emergency Energy Act earlier this year, the Committee on Interstate and Foreign Commerce began work on a new energy bill in early April 1974. At the conclusion of this consideration the committee voted to delete from the energy bill the provisions relating to alterations of clean air requirements, coal conversion and energy information reports. These provisions were then incorporated into the present bill, H.R. 14368. According to the committee report, the intent is to bring before the House in a separate bill those essential parts of this comprehensive package on which there is substantial agreement.

The cost of this bill is estimated to be $5,000,000 for fiscal year 1974, $35,000,000 for fiscal year 1975, and $5,000,000 for each of the 3 fiscal years following.

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 12993, BROADCAST LICENSE RENEWAL ACT

Mr. SISK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1080 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1080

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 12993) to amend the Communications Act of 1934 to provide that license for the operation of broadcasting stations may be issued and renewed for terms of four years, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from California (Mr. SISK) is recognized for 1 hour.

Mr. SISK. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio (Mr. LATTA), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1080 provides for an open rule with 1 hour of general debate on H.R. 12993, a bill to amend the Communications Act of 1934 to provide that licenses for the operation of broadcasting stations may be issued and renewed for terms of 4 years.

H.R. 12993 requires the FCC to establish procedures to be followed by broadcast licensees to ascertain the needs, views, and interests of residents of their service area for purposes of their broadcast operations. The bill also provides that in determining whether a broadcast license should be renewed, the FCC must consider: First, whether the licensee has followed the prescribed ascertainment procedures during the preceding license period; and second, whether the licensee's broadcast operations during the preceding licensee period have been substantially responsive to the ascertained needs, views, and interests of residents of its service area.

H.R. 12993 also provides that appeals from certain decisions and orders of the FCC involving a broadcast station are to be taken to the U.S. Court of Appeals for the circuit in which the station is, or is proposed to be located.

Mr. Speaker, I urge the adoption of House Resolution 1080 in order that we may discuss and debate H.R. 12993.

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

(By unanimous consent, Mr. LATTA was allowed to speak out of order.)

NATIONAL BROADCASTING SYSTEMS SLANTED

Mr. LATTA. Mr. Speaker, I made this unanimous-consent request to speak out of order because some of my remarks may not be directly related to this bill. I want to say at the outset that I support the rule, and I support the bill. I would have preferred an increase of the term for broadcast licenses to 5 years. I understand, however, an amendment will be offered during the 5-minute rule to extend the same for 5 years.

I also want to compliment most of the local stations in this country. I think they are very fair in the use of their licenses. I think they try to be fair in reporting on activities of the President, the Congress, the Supreme Court, and the various agencies of the Government, just to mention a few. I wish I could say the same thing for all of the media of this country.

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 6175, AMENDING PUBLIC HEALTH SERVICE ACT TO PROVIDE FOR ESTABLISHMENT OF NATIONAL INSTITUTE ON AGING

Mr. SISK. Mr. Speaker, by direction of the Committee on Rules I call up House Resolution 1079 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1079

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 6175) to amend the Public Health Service Act to provide for the establishment of a National Institute on Aging, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from California (Mr. SISK) is recognized for 1 hour.

Mr. SISK. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio (Mr. LATTA), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1079 provides for an open rule with 1 hour of general debate on H.R. 6175, a bill to amend title IV of the Public Health Service Act to provide for the establishment of a National Institute on Aging.

H.R. 6175 provides for the carrying out of biomedical, social and behavioral research and training relating to the aging process and the diseases and other special problems of the aged. The bill also establishes a new National Advisory Council on Aging.

H.R. 6175 also directs the Secretary of Health, Education, and Welfare to carry out public information and education programs to disseminate the findings of the Institute and all other relevant information which may assist all Americans in dealing with problems associated with aging.

Mr. Speaker, I urge the adoption of House Resolution 1079 in order that we may discuss and debate H.R. 6175.

Mr. LATTA. Mr. Speaker, I agree with the statements just made by my friend and colleague from California (Mr. SISK).

Mr. Speaker, as noted before, House Resolution 1079 provides for the consideration of H.R. 6175, the Research on Aging Act of 1974. This is an open rule with 1 hour of general debate.

The purpose of H.R. 6175 is to establish a National Institute on Aging as part of the National Institutes of Health.

This new Institute would conduct and support research relating to the aging process and carry out public education programs to disseminate the findings of the Institute.

With regard to cost, the bill contains no new authorization. The committee report indicates that the legislation will require minimal administration costs and "while the committee cannot estimate these costs, they should be slight."

Legislation similar to H.R. 6175 was pocket vetoed at the end of the 92d Congress.

The committee report contains letters from both HEW and OMB opposing an earlier bill similar to H.R. 6175. The administration opposes the bill because it would create a new institute, duplicating work which is already being done by other institutes. The HEW letter points out that this bill will adversely affect ongoing aging research by fragmenting existing, well-integrated research efforts.

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 13053, AMENDING PUBLIC HEALTH SERVICE ACT TO IMPROVE NATIONAL CANCER PROGRAM

Mr. MATSUNAGA. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1081 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1081

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 13053) to amend the Public Health Service Act to improve the national cancer program and to authorize appropriations for such program for the next three fiscal years, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

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

Mr. Speaker, House Resolution 1081 provides for consideration of H.R. 13053, which, as reported by our Committee on Interstate and Foreign Commerce, would provide new authority for the support of the national cancer program through a 3-year extension of the National Cancer Act of 1971. The resolution provides an open rule with 1 hour of general debate, with the time being equally divided and controlled by the chairman and the ranking minority member of the committee.

After general debate, the bill would be read for amendment under the 5-minute rule. At the conclusion of such consideration, the Committee would rise and report the bill to the House with such amendments as may have been adopted, and the previous question would then be considered as ordered on the bill and amendments thereto, to final passage, without intervening motion except one motion to recommit.

Mr. Speaker, the story of cancer as a devastating illness is a familiar one. Too many American families have felt its tragic effects. Mine has too. It is appropriate, therefore, to underscore the need for the proposed legislation. On the basis of past experience, we know that some 655,000 Americans will develop cancer in 1974, and that well over 50 percent of that number—355,000—will die. The second leading cause of death, next to heart disease, cancer exacts an incalculable toll in suffering, family disruption, and economic loss. Despite this grim scoreboard, the outlook for cancer patients is increasingly becoming one of promising hope. One out of every three persons who now have cancer can expect to be alive 5 years after treatment. It is reported that there are one and a half million Americans who have had cancer but are now well. Their number is expected to be increased by at least an additional million Americans who have been treated for cancer in the last 5 years and are expected to live.

Mr. Speaker, the instrument of hope is the national cancer program. Notable progress has been made in the two principal areas encompassed by the program: Research and prevention. Every effort is being made to speed the development of new knowledge by intensive and coordinated research involving the medical, biological, chemical, and physical sciences. At the same time, available knowledge for the prevention and control of cancer is being disseminated widely to the people of this Nation by means of demonstration and education projects. This expanded, intensified and coordinated fight against cancer was made possible by the National Cancer Act of 1971. That act enlarged the authority of the National Cancer Institute and the National Institutes of health.

It is of primary importance that the momentum of the national cancer program be maintained. H.R. 13055 is designed to accomplish that objective.

While including a number of amendments to improve the 1971 Cancer Act, the proposed legislation basically would extend the existing program through fiscal year 1977. It would authorize a total of $2.765 billion for the 3-year period. Of that sum, $2.565 billion would be allocated for the National Cancer program, and $200 million for cancer control programs.

Mr. Speaker, I urge the adoption of House Resolution 1081 in order that H.R. 13053 may be considered.

Mr. LATTA. Mr. Speaker, the gentleman from Hawaii (Mr. MATSUNAGA) has made a very comprehensive statement. Rather than be repetitious, and having no requests for time——

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

Mr. LATTA. Mr. Speaker, I am happy to yield to my friend from Iowa.

Mr. GROSS. Mr. Speaker, I thank my friend from Ohio for yielding only to note and observe that this is the fourth rule presented in about 20 minutes that is wide open; no waivers or points of order. The legislation which it makes in order is subject to amendment.

Mr. Speaker, this massive atonement of the Rules Committee for its errors of omission and commission in the past is almost unbearable.

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

Mr. LATTA. Mr. Speaker, I thank the gentleman for his comments.

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

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

BROADCAST LICENSE RENEWAL ACT

Mr. STAGGERS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 12993) to amend the Communications Act of 1934 to provide that licenses for the operation of broadcasting stations may be issued and renewed for terms of 4 years, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from West Virginia.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 12993, with Mr. BEVILL in the chair.

The Clerk read the title of the bill.

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

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

The Chair recognizes the gentleman from West Virginia (Mr. STAGGERS).

Mr. STAGGERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, H.R. 12993—the Broadcast License Renewal Act—like almost every other important piece of legislation which the House considers reflects numerous compromises. As such it will probably not completely satisfy anyone. Yet when the various alternatives are concerned, I think you will agree with me that it is a good bill. One which should be passed by the House.

The bill was drafted and introduced by our Subcommittee on Communications and Power under its able chairman, the gentleman from Massachusetts (Mr. MACDONALD). Over a year ago, on March 14, 1973, to be exact, the subcommittee began hearings on the broadcast license renewal bills which were pending before the committee. There were 115 such bills sponsored and cosponsored by 232 different Members of the House. Most of the bills were identical. These bills would have given broadcasters 5-year licenses. In addition, they would have assured any broadcaster that his license would be re-

newed if he showed that his broadcast service reflected a good faith effort to serve the needs and interests of his area and had not demonstrated a callous disregard for law or the Commission's regulations. Such a showing under these bills would have assured the broadcaster of renewal even if he had the only broadcasting station in the area and also published the only newspaper.

Seventeen days of hearings were held on the legislation. In those hearings over 60 witnesses appeared and testified. A total of 125 statements were placed in the hearing record.

From this the subcommittee developed the bill now under consideration by the House—H.R. 12993.

Three provisions in the bill have raised some controversy and I would like to discuss these issues.

FOUR-YEAR LICENSE TERM

The bill would establish a 4-year term for broadcast licenses. Since the Radio Act of 1927 the maximum term for a broadcast license has been 3 years. I am persuaded that the time has come when an increase in the license term is in order.

Today the filing of a license renewal application is a substantial undertaking for a broadcaster. I understand that it is not unusual for such an application to run several thousand pages. The processing of such applications involves many man-hours of time at the FCC. By increasing the license term by 1 year there would be a substantial lessening of these burdens without any impairment of the public interest.

The FCC would continue to wield its power to levy forfeitures, order early renewals, issue cease-and-desist orders and revoke licenses which would permit it to deal with any serious breaches of the public interest.

Furthermore, the ascertainment and negotiation procedures provided for in the legislation would subject the licensee's broadcast operations to more meaningful scrutiny by persons in the licensee's service area.

In the early days of broadcasting the total investment of most licensees in plant and equipment could be calculated in thousands of dollars. Today, in the age of color television, hundreds of thousands, even millions of dollars, are involved. These investments of capital are necessary in order to provide the American people with the quality of broadcast service which they expect and should receive. Adding another year to the broadcast license term should make it easier for licensees to obtain the capital necessary to build the plant and purchase the equipment necessary to provide quality broadcast service.

Another consideration worth noting, Mr. Chairman, is that of the television frequency assignments which have not been granted to applicants most are in the UHF service. For reasons not pertinent here UHF stations are the least profitable in the broadcasting industry.

As long as these frequencies remain dark, people are being deprived of television broadcast service. Adding a year to the term of a broadcast license should improve the viability of these UHF stations. It is my hope and expectation that as a result of this provision, applications will be filed for some of these unused UHF assignments.

For these reasons, Mr. Chairman, I believe the 4-year broadcast license term in the bill should be adopted.

However, Mr. Chairman, I understand that an amendment will be offered to increase the broadcast license term to 5 years. I am opposed to this. I do not think it is either warranted or wise to provide for a two-thirds increase in the term of broadcast licenses at this time.

CROSS OWNERSHIP

Mr. Chairman, another provision of the bill which has apparently caused some concern is the one which provides that the FCC may not, in a proceeding for the renewal of a broadcast license: First, consider the ownership interests or official connections of the renewal applicant in other stations, other communications media or other businesses, generally referred to as "cross ownership," or, second, consider the participation of ownership in the management of the station which is referred to as "integration of ownership and management"; unless the Commission has adopted rules thereon and given the renewal applicant a reasonable opportunity to conform to such rules.

Mr. Chairman, these two factors are given the greatest decisional weight when there is a comparative hearing for the initial grant of the broadcast license. But once the license has been awarded to a newspaper or to a person proposing a certain level of integration of ownership and management, is it fair at a subsequent proceeding for renewal of the license to refuse to renew the license and grant it to a challenger on these grounds?

In the late 1940's and early 1950's when the profitability of television broadcasting was still in doubt, television authorizations were literally going begging. In many instances newspapers filed for and obtained television broadcast licenses as a community service. If they are now to be divested of these licenses, I think, that the least that should be required is that it be done pursuant to rules adopted after notice and opportunity for comment.

Some people have read these provisions as completely prohibiting the FCC from considering cross ownership and integration of ownership and management in a renewal proceeding. This is not the case, Mr. Chairman. The bill is clear that the FCC may adopt rules on these matters and proceed to apply the rules in renewal proceedings. In fact, section 6(b) of the bill requires the FCC to conclude action on its docket No. 18110 within 6 months after the date of enactment of the legislation. Docket No. 18110 is a rulemaking proceeding in which the proposed rule would prohibit the publisher of a daily newspaper from holding a broadcasting license for a station in the market in which the newspaper is published.

Mr. Chairman, the committee believes that newspapers should not be required to divest themselves of broadcast licenses on a case-by-case, hit-or-miss basis. The Anti-trust Division of the Justice Department has filed petitions to deny renewal of broadcast licenses held by newspapers in Minneapolis-St. Paul, Des Moines, and St. Louis. It failed to meet the deadline for filing such a petition against renewal of a broadcast license held by a newspaper published in Milwaukee. Restructuring of a major industry should not be done on such a hit or miss basis. If it is to be done it should be done in an orderly fashion on the basis of rules adopted in compliance with prescribed administrative procedures.

LOCAL COURTS OF APPEALS

Mr. Chairman, section 5 of the bill provides that appeals from decisions and orders of the FCC relating to broadcast authorizations must be taken to U.S. Court of Appeals for the circuit in which the broadcast station is located. Apparently opposition has developed to this provision also. At present such appeals must be taken to the Circuit Court of Appeals for the District of Columbia.

Most contested broadcast license renewal proceedings take a long time for final decision. For example, WHDH filed its renewal application in 1963 and the District of Columbia Court of Appeals did not render a final decision in that case until 1970. This is by no means an extreme case. The time to dispose of appeals in the District of Columbia Court of Appeals is the longest of any court of appeals in the United States. By providing that appeals be taken to local courts of appeals, it is hoped that the overall time taken to process contested broadcast cases will be reduced.

In addition, it is the general policy of the FCC to conduct broadcast license renewal hearings in the community to which the license is assigned. Providing that appeals from decisions and orders of the FCC in such cases and others involving broadcast authorizations be taken to local courts of appeals should better serve the convenience of the parties who are in most cases residents of such communities.

Some argue, Mr. Chairman, that the District of Columbia Court of Appeals is an "expert" court since it is now the only court that considers appeals from the decisions and orders of the FCC under section 402(b) of the Communications Act.

However, proceedings to enjoin, set aside, annul, or suspend orders of the Commission under 402(a) may be and are brought in the court of appeals for the circuit in which the petitioner resides or has a place of business. It seems to me, Mr. Chairman, that having different courts of appeals consider these matters should result in the development of the best possible rules of law. As I understand it that is one of the concepts which underlies our Federal judicial system.

OTHER PROVISIONS

The other provisions of the bill have proved to be less controversial, Mr. Chairman. Nonetheless, they are important and I want to comment on them.

ASCERTAINMENT

Under the FCC's existing rules licensees are required to engage in ascer-

tainment to determine the significant problems in the community or communities they are licensed to serve. This is done by consulting with a representative range of community leaders and members of the general public. The purpose of the process is to permit the licensee to present programing responsive to the ascertained community problems. The FCC has recently revised its ascertainment procedures but review of their past operation would indicate that observance of the FCC's ascertainment procedure was in the form of paper filings rather than performance.

H.R. 12993 would completely overhaul the process of ascertainment and provide that its observance and whether the broadcast operations of the licensee were substantially responsive to the process would be major considerations in determining whether the licensee would obtain renewal of his license.

PETITIONS TO DENY

The bill would require the FCC to prescribe and abide by time limits for filing petitions to deny broadcast authorizations. We intend that any party in interest have a reasonable opportunity to file a petition to deny against an application, but that dilatory devices such as filings out of time which have the effect of delaying proceedings be prevented.

NEGOTIATION PROCEDURES

Section 4 of the bill would require the Commission to prescribe procedures to encourage licensees and persons raising significant issues regarding the licensees' broadcast operations to conduct negotiations to resolve such issues. Compliance with issues would be voluntary.

Mr. Chairman, the committee was impressed with the fact that the petition to deny has in many instances been used as a means of compelling broadcast licensees to enter into discussions with community groups critical of the broadcasters' programing or other operations. The committee believes that the filing of many of these petitions which are time consuming and costly might be avoided if procedures are established so that community groups and licensees can meet together and discuss their differences and seek for mutually acceptable solutions to them in an atmosphere of good faith and good will.

STUDY OF REGULATIONS

Under section 6(a), the FCC is required to carry out a continuing study to determine how it can eliminate regulations applicable to broadcast licensees which are required by the Communications Act, but which do not serve the public interest.

Mr. Chairman, we believe that there must be effective regulation of broadcasters in order that the public interest be served. But needless regulation is not effective regulation of the broadcasting industry.

In conclusion, Mr. Chairman, let me say that the bill, although involving compromise, is fair. It will resolve the confusion which now exists with respect to law applicable to the renewal of broadcast license. I hope it will be passed by the House.

Mr. BROWN of Ohio. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am speaking today to urge passage of H.R. 12993, the Broadcast License Renewal Act. Passage of this legislation is vital because it clarifies each licensee's responsibility to serve his local broadcast area; it stimulates each broadcaster to remain constantly aware of his listeners' needs, views and interests; it provides for more dialog with those served; it lends stability to the radio and television industry and predictability to the renewal process; it expedites court review of FCC action and it offers the possibility of less Government regulation yet stronger incentives for better performance.

Perhaps most importantly, it brings the operation of American broadcasting more squarely into line with the foundations of the Communications Act of 1934, that is, maximum expansion of broadcast outlets, diffusion of a diversity of programing, and responsiveness to each unique local service area.

We have this bill before us, Mr. Chairman, because over the past few years the renewal process has been marked with confusion, ambiguity, and inconsistency, due in large part, to precedent-shattering court decisions, bureaucratic "meanderings" of the FCC, and the activism of a number of interest groups. Former FCC Chairman Dean Burch called the present license renewal process a "morass." In fact, broadcasters today do not know by what criteria they will be judged at renewal time.

In response to this situation the Subcommittee on Communications and Power attempted to clarify renewal standards, while encouraging performance incentive for licensees and stability in the broadcasting industry. The subcommittee held 17 days of hearings on over 100 license renewal bills. We heard over 60 witnesses, representing every facet of the issue. A tremendous amount of time was invested by members of our Subcommittee on Communications and Power, including myself, meeting and working with representatives of the industry, the networks, individual stations, communication law firms, individual members of the general public and a host of other involved groups. We wrote and rewrote countless drafts, and have worked over a year to develop the compromise legislation now before you. The subcommittee reported it unanimously. The full committee suppported it unanimously. I now ask you to consider and approve the provisions of the legislation, which has elicited much widespread backing.

First, the bill specifies upon what criteria a licensee will be judged in the renewal process. The FCC is required to establish ascertainment procedures by which each broadcaster must constantly identify the needs, views and interests of his local service area. Under this bill, the licensee is renewed only if he follows these procedures, and only if his broadcast operations have been substantially responsive to the locally ascertained needs, views, and interests. Thus, in determining renewal, the FCC must focus on performance quality and its relation to locally defined needs, views, and interests. With this emphasis, the focus is now on the genius of the American system of broadcasting—the pluralism created by thousands of stations making individual judgments tailored to the needs of each particular locale served.

At the same time, H.R. 12993 precludes the FCC from considering on a case-by-case basis the issues of media cross-ownership and station-management integration as determinants in comparative renewal judgments. If the FCC feels that changes in media holdings or other business holdings of existing broadcasters, or changes in their management-ownership structure might be in the public interest, the Commission should decide such matters through a general rulemaking process where all implications of such action can be heard and studied. As the committee has stated, if reforms in media ownership and structures are in the public interest, they ought to be done uniformly, not haphazardly. Reforming on a case-by-case basis would result in restructuring the broadcast industry in a subjective and oft-times inconsistent manner. The legal chaos that followed the WHDH case well demonstrated the instability that case-by-case rulings could cause.

To balance this provision and accomplish this uniform policy, the legislation calls for the FCC to complete its ongoing study of the effects of media cross-ownership, docket 18110. The Commission began proceedings in this docket in 1968 and it is imperative that it conclude the study so all of us in Congress, the public, the industry and the Commission can have an integrated body of information on this question to guide our future action.

In addition to clarifying the criteria to be used in the renewal process, H.R. 12993 requires the FCC to develop procedures to promote good faith negotiations between critics of a station and its representatives of the station. We intended that this provision have four basic effects. First, it can encourage critics and licensees to confer freely and openly throughout the license period about station operations. Second, prescription of discussion procedures can alleviate much of the confrontation, disorder and disruption that have too often marked broadcaster-complainant disputes. Third, the reluctance of either party to confer can be overcome. Finally, we hope such negotiations can obviate the unneeded filing of license challenges or petitions-to-deny—so time-consuming and costly to all parties—by resolving complainant issues fairly through this more informal means. For instance, the number of petitions-to-deny filed went from 2 in 1967 to 68 in 1972.

While we want to afford anyone a reasonable opportunity to file a petition-to-deny a license or to file a competing application, we also wish to prevent abuses of this opportunity by those who may file pleadings out of time which unduly prolong the consideration process, and delay timely decisions. Consequently, section 3 of the bill asks the FCC to adopt rules to delineate time periods for peti-

tions to be filed and requests the Commission to decide the issue in question on the basis of the petitions so filed.

The license term is increased in this legislation from 3 years to 4 years. This action facilitates a more thorough FCC review of each license by reducing the number the Commission must process each year, and provides a reasonable compromise between the 5-year term proposed by most bills and the substantial opposition voiced against any increase in the license term. As you know, too, to produce quality programing, a station must evidence the stability necessary to attract investment, and to plan operations adequately. A one-third increase in the license term helps broadcasters achieve such stability, yet, in concert with other parts of the bill, the increase in term does not sacrifice their need to be responsive and competitive.

At present, court appeals relevant to many FCC decisions must be taken to the U.S. Court of Appeals in the District of Columbia. We felt that the time taken to resolve a contested license could be reduced by having decisions and orders appealed to the U.S. Court of Appeals for the circuit in which the involved broadcast station is located. The District of Columbia Court of Appeals now has the longest median disposal time of any court of appeals in the Nation. Moreover, moving the appeal to the community of the licensee in question could well be more convenient and less expensive for the parties involved since they usually reside in the area served by the broadcaster.

Finally, H.R. 12993 mandates the FCC to conduct a continuing study to determine how it might eliminate those regulations which do not serve the public interest. For example, the act does not now fully account for differences between AM radio and television, or significant differences between commercial and noncommercial broadcasters or between those operating in large and small markets. It is our hope that through this required study and continuing recommendations, regulation can diminish where feasible, and have greater relevance in other instances to the differences among media and markets.

IN SUM

In summary, H.R. 12993 clarifies the criteria upon which a licensee is judged. In so doing, it reaffirms and pinpoints the broadcaster's responsibility to identify and serve the needs, views, and interests of his local service area.

It encourages more frequent and continuous communication between a broadcaster and all segments of his service area; promotes more accessibility, and provides a means for more orderly, rapid resolution of complainants' disputes.

It adds stability so essential to the development of quality performance and adequate planning in the industry.

Finally, it offers greater opportunity for less government regulation in areas of no need, and for more relevant regulation where changes are necessary among different media and markets.

H.R. 12993 is a well-conceived compromise bill which can bring immeasurable strength, diversity, and responsiveness to our system of broadcasting. I urge its adoption.

Mr. MACDONALD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the time that I will consume will be very short inasmuch as I think that the bill has been explained very well by the chairman of the full committee, as well as the ranking member of the subcommittee. However, I should like to take this opportunity to thank the members of the subcommittee who have put in so many hours and worked so hard on a bill that was sent up by the industry—which we changed around almost completely but which in the end, and to a large extent, the industry was willing to accept.

Mr. Chairman, I should like to point out that every member of the subcommittee, after we got out a clean bill, cosponsored the bill with me. Also Mr. BROYHILL of North Carolina was a cosponsor inasmuch as he is a member of the full committee on Interstate and Foreign Commerce, and was the ranking minority and very valuable member of our subcommittee.

The one thing, I think, that has to be touched upon and should be by way of explanation, although the rest of the bill has been explained very well, indeed, is that this for the first time gives both a challenger, if there are challengers, and the broadcast licenses some standards to go by so that they do not have to, in their own words, read the minds of the Commissioners at the FCC, as those Commissioners are shuffled around by each incoming President.

For the first time there are standards that are, as the gentleman from Ohio (Mr. BROWN) pointed out, local in nature, but under which the licenseholder will know whether he has lived up to his ascertainment requirements. The ascertainment process today is a mere formality, where a mayor such as Mayor Yorty of Los Angeles would hold ascertainment day and get 42 stations in the surrounding areas and in Los Angeles itself and say, "OK, tell me what you want to know about ascertainment."

Under this bill we have made it clear to the FCC that licensees are not just to go to the so-called establishment, the mayor of the city or to their local Congressman, who is here in Washington more than he is at home watching TV or listening to the radio, but that they have to go among the people to find out whether the needs are being met and served that they promised to meet and serve in getting their license, "the public interest, necessity, and convenience."

This for the first time, when combined with the standards, will insure that a challenger is not just throwing his money away. We have made it very clear that for the first time the FCC is to help the parties who feel aggrieved. There is spread out on our committee hearing record the fact that some of the more highhanded broadcast owners just would plain not meet with any groups.

We have given the FCC the duty and asked the FCC to set up a bureau within the FCC to get the people together to discuss matters of consequence to both sides. While it is not in a sense bargaining as in the National Labor Relations Board bargaining in good faith, they are to discuss in good faith the problems that are bothering some citizens of the community that are served by that licensee.

In conclusion I once again would like to compliment the subcommittee and point out to the Members of this body that this legislation came out of our subcommittee unanimously and in the full committee unanimously.

I understand and I know very well that the gentleman from North Carolina (Mr. BROYHILL) put in a few minority views of his own on the subject, and if he sees fit to offer an amendment I will answer to the best of my ability and give the reasons why I think his amendment is neither necessary nor desirable.

Mr. BROWN of Ohio. Mr. Chairman, will the gentleman yield?

Mr. MACDONALD. I yield to the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Chairman, with all due respect and at the risk of embarrassing the gentleman in the well, I would like to say had it not been for the masterful leadership of the gentleman in the well, the gentleman from Massachusetts (Mr. MACDONALD), we probably would not have had this bill, because it was put together after a great deal of controversy and it remained for some time a rather fragile piece of legislation. There were many divergent interests who have had very strong and divergent views on this piece of legislation. I think most of those views are fairly resolved in the bill that was struck out of the subcommittee, thanks to the leadership of the gentleman in the well. And also thanks to his leadership since this bill was put together, I think most of the concerns that have been expressed have been answered and I think the test will come further when this bill is put into practice after its passage.

But I do want to pay that compliment to the gentleman in the well because his leadership in the broadcast field has been salutary, I think not only for this Congress, which of course has an oversight responsibility, but also for the quality of the legislation which the FCC has to administer, and more importantly for the public interest, which is the objective of the Communications Act of 1934, which we are here amending.

Mr. MACDONALD. I deeply appreciate the comments of the gentleman.

Mr. LONG of Louisiana. Mr. Chairman, will the gentleman yield?

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

Mr. LONG of Louisiana. The distinguished gentleman from Massachusetts knows that I have a couple of reservations that we attempted to work out. One is the fact that to the best of my ability I could not find where the committee had ever sought the views of the Attorney General or the people in the Antitust Division on the monopoly question.

Had the Conference on Judicial Reorganization's views—I do not know the exact name of the organization—been requested with respect to the appellate jurisdiction reverting back to the local

areas. This removes it from what I had always had the impression was created as a body of specialists to deal with that.

I recall our conversation of yesterday in which the gentleman told me he would seek to secure those views. I well realize he has not had an opportunity to do that this soon and I am not asking for that; but I wanted to make that point again if I could.

The second thing the gentleman might have spoken to this earlier, I did not hear his complete remarks; but with respect to the 3-, 4-, or 5-year extension, I gather from the discussion we had in the Committee on Rules, or at least from the statement of the gentleman before the Committee on Rules, this was a question of compromise of from 1 year to perhaps as many as 5; is that correct?

Mr. MACDONALD. Yes, that is correct.

Mr. LONG of Louisiana. Well, am I correct in my understanding with the gentleman that he will secure the views of the Antitrust Division of the Department of Justice relating to monopoly and the appropriate body created by Congress on jurisdiction; the gentleman can secure that much more easily than I.

Mr. MACDONALD. I will be happy to do so.

For further explanation of H.R. 12993, the Broadcast License Renewal bill, which originated in the Subcommittee on Communciations and Power, on which I serve as chairman. It was reported out of the subcommittee unanimously, bearing the names of all nine members plus Mr. BROYHILL of North Carolina, a member of the full Interstate and Foreign Commerce Committee and formerly ranking minority member on our subcommittee. H.R. 12993 was also reported out of the full Commerce Committee unanimously.

The aim of this bill is to put some reality into the form of FCC requirements for licensees of television and radio stations, and to promote stability within the broadcasting industry.

The bill directs the Federal Communications Commission to establish procedures for licensees to ascertain the needs, views and interests of their communities, and to demonstrate—on a continuing basis—that they are serving those needs. The rules that result from this action will insure that broadcast licensees keep in touch with their audiences, and not simply go through the motions at license renewal time.

Like a number of provisions in this bill, the purpose of this strengthened "ascertainment" procedure is to give the people a greater say in what is broadcast by their local stations. To underscore that principle, the committee has broadened the criteria which a licensee must meet in order to secure renewal of his license: not only must he seek out all views, needs and interests of the area he serves, but he must demonstrate that all of his broadcast operations respond to those needs, views and interests. This obviously includes hiring practices and programing. Minority groups are thus insured of having their voices heard in terms of what goes on the air and of who is responsible for putting it on the air

Should a station prove recalcitrant in meeting with citizens groups who have petitioned them for a redress of their grievances, this bill directs the FCC to prescribe procedures to see to it that the licensees and community groups sit down and discuss their differences.

The ultimate weapon for citizens groups who are dissatisfied with the operations of a broadcaster is the "petition to deny" his license renewal. That weapon is left untouched by this bill.

Your committee listened hard and long to every witness that wanted to be heard, over 126 in all, during 17 days of hearings. Some held both morning and afternoon.

Broadcasters gain from this legislation, although not nearly as much as do citizens. The license period is extended for 1 year, from 3 to 4, for two reasons: This reduces the burden of paperwork for the 7,000 radio stations in the country, many of which are very small operations, and the extension gives the FCC an opportunity to study license renewal applications somewhat more thoroughly.

More important to clarifying the law as it applies to broadcasters, is the provision of this bill which prohibits the FCC from considering, at license renewal time, whether a station is owned by a newspaper or whether its owner has other broadcast licenses, unless the FCC makes a rule prohibiting such ownership. This does not freeze in perpetuity the current owners of newspapers and broadcast licenses; what it does is direct the FCC, within 6 months after the enactment of this bill, to complete its docket on cross-ownership, and make a policy that will apply across the board.

With this provision of this bill on the books, there will be no possiblity of restructuring the broadcast industry on a case-by-case basis. There should be no more reckless license challenges based on the complicated case of station WHDH in Boston, which resulted in the transfer of that license and the subsequent loss of a newspaper in that city. There should be no more challenges based on political grounds, such as the groups that are seeking to take away the licenses of two stations in Florida merely because they happen to be owned by a newspaper that is politically unpalatable to the challengers.

Finally, there is a provision in this bill which enables parties wishing to appeal FCC decisions in broadcasting to appeal them in the district court where the station is located, instead of the District Court of the District of Columbia. The District of Columbia court is the most crowded in the Nation, and the committee believes that hearing cases in other parts of the country will enable petitioners to have their cases judged on a more reasonable time schedule by people who do not have to travel to Washington.

This bill is a far cry from the bill that was originally considered by your committee. This bill leaves the door open to legitimate challengers for the license of stations that are not serving their communities. It does not extend the license period to 5 years, which was desired by the industry. It does not leave the criteria for renewing a broadcast license so murky that it becomes a matter of judgment by whatever FCC Commissioners happen to be appointed by the President.

The bill does give the people a greater say in what they see on television and hear on radio, and it does give the broadcaster stability so that he can plan and produce programing to meet the needs of the people. I urge you to adopt it.

Mr. MURPHY of New York. Mr. Chairman, I rise in strong support of H.R. 12993, a bill which was reported out of our subcommittee, the Subcommittee on Communications and Power, of the House Committee on Interstate and Foreign Commerce. This bill, if enacted, will enhance the operation, regulation and responsiveness of the broadcasting industry in America. Our subcommittee worked long and hard to report out this bill, to place the finishing touches on this vital piece of legislation, as exemplified by our detailed study of the testimony of over 60 witnesses. It is my deep conviction that the final product represents a process of responsible, rational and intelligent markup on the part of the House Commerce Committee. This bill received the unanimous endorsement of every member of the subcommittee and the full committee as well.

One of the most important factors affecting the cohesion and quality of our body politic is the communications sector. The broadcasting industry serves as a necessary cement for a well-informed and effective citizenry. In an era of increasing national and international interdependence, with rapid information flow and split-second decisionmaking, the American people have a right to expect the Government to place this sector within its highest priority purview and to see that it remains a viable, stable and well-serving mechanism. The Subcommittee on Communications and Power of the House Committee on Interstate and Foreign Commerce has been entrusted with much of the legislative responsibility in this area. This bill symbolizes its continual effort to serve our people well.

This bill aims to add stability, order and effectiveness to this industry. It embraces greater incentives for perfomance in the industry than presently exist. The procedures to be employed by the Federal Communications Commission in the exercise of its supervisory role will be better defined as a result of this bill. They will also be more substantial in content. A better definition of what standards the industry must meet will give the broadcasters themselves an increased ability to perform well. The result will be better regulation; improved performance; and a stronger broadcasting industry. The public needs this bill. The industry needs this legislation. The Government needs it. I urge all Members of the Congress to vote for it.

Under this bill, a license will be granted only if the licensee has followed the established procedures for performance. These procedures will be rooted in the desire on the part of the authorities that they encourage the meeting of local

needs. Community service lies at the heart of the standards to be followed. This many-pronged approach to the structure of the broadcasting industry is a constant theme running through this bill. It establishes the proper balance between the needs of the various parties involved. Its ends are worthy and the means for meeting them sound. Let me again pledge my entire support to this broadcast license renewal bill.

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

Mr. MACDONALD. I yield to the gentleman from Oklahoma.

Mr. JARMAN. Mr. Chairman, I rise in support of H.R. 12993, which would improve the performance of broadcast licensees by: First, increasing their responsiveness to their service areas; and second, promoting stability within the broadcasting industry. Our committee has given careful consideration to this bill and reported the bill to the House by a unanimous vote. I urge the passage of H.R. 12993.

Mr. BROWN of Ohio. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota (Mr. NELSEN).

Mr. NELSEN. Mr. Chairman, I will be very brief. My concern about this bill deals mainly with our broadcasters out in rural America where many of us depend on them for information dealing with school closings in the event of bad weather. We deal with them constantly every day.

The investment required for those stations is very high, as compared to the dollar income involved. There is a need for assurance of continuity of their investment so that they may plan to serve the district better on a long-term basis.

In the provisions of this bill, if there is a violation of what we expect from them, they can be denied a license.

Next to that is a provision that will give them a chance in the event of being aggrieved and in the event of being denied a license, an appeal can be taken close to home, rather than coming way into Washington, which is very expensive.

I join with the statements that were earlier made by the gentleman from Ohio (Mr. LATTA) about some displeasure with some of the national networks about reporting the news and some of the facts that go out. The committee had some difficulty with CBS years ago. It might be that some review of such complaints is in order; but this bill, I think, is a good bill. I hope the House will pass it.

I think there will be an amendment for a 5-year extension, which I support and would support by an amendment on the floor.

Mr. BROWN of Ohio. Mr. Chairman, I yield 5 minutes to the gentleman from North Carolina (Mr. BROYHILL).

Mr. BROYHILL of North Carolina. Mr. Chairman, I support enactment of H.R. 12993, the broadcast license renewal bill. As an original sponsor of similar legislation and as a member of the Interstate and Foreign Commerce Committee, which has worked hard to produce this necessary legislation, I believe it is time for the Congress to inject procedural and economic stability into a market that the courts have rendered increasingly uncertain and to retain and promote fairness for the consumer, the broadcast industry, and the new station applicants.

My colleagues are undoubtedly aware that recent changing FCC guidelines and shifting court decisions have seriously clouded over the entire issue of broadcast license renewal. The only way out of this uncertainty is for the Congress to take the steps provided in this bill which are designed to bring into focus the procedures and issues of broadcast license renewal. The public interest requires a more orderly procedure for consideration of license renewal applications. Further, a clarification of renewal proceedings is necessary to insure continuity of service by the broadcaster to the listening public.

H.R. 12993 provides the means for meeting both of these criteria. First, section 3 requires the Federal Communications Commission to issue and adhere to rules establishing time limits for filing petitions to deny applications for broadcast licenses. Additionally, section 4 requires the FCC to prescribe procedures to encourage broadcast licensees and persons raising significant issues regarding the operations of the licensee's broadcast station to conduct good faith negotiations to resolve such issues. Second, the bill provides that in renewal determinations, the FCC must consider whether the licensee has followed the prescribed ascertainment procedures during the preceding license period, and whether the licensee's broadcast operations during that period have been substantially responsive to the ascertained needs, views, and interests of the community.

The broadcast industry is a unique product of both our free enterprise system and our constitutional tradition of a free and unfettered press. It offers a wide range of programing formats, entertainment, news, and news analysis. The broadcast system, under the Communications Act and the regulations and policies of the FCC, has shown remarkable growth as a responsible public trustee. By relieving the broadcast industry of archaic laws and muddled rules that hamper the rational operation of radio and television stations, we will be continuing our role in promoting a free and responsible broadcast media for the listening public.

Mr. BAUMAN. Mr. Chairman, the bill before us is, as are many such measures, a compromise. There are those in the House who would exercise greater control over the broadcast industry, piling on more and more reporting and "service in the public interest" requirements. And there are many who believe that we have already burdened broadcast licensees with too many such requirements, and that the heavy regulation to which stations are already subjected could, if pushed much further, amount to Government influence or even control over program content.

I am among the Members who fall into the latter category, and several of the provisions in this bill are of considerable concern to me, although I do intend to support the bill's passage. The most important of these is the section pertaining to "ascertainment," a Federal policy requiring stations to "ascertain throughout the terms of their license the needs, views, and interests of the residents of their service area for the purposes of their broadcast operations," according to the committee report.

Section 2 of the bill requires the Federal Communications Commission to spell out the exact procedures to be used in this ascertainment process, and leaves the FCC considerable latitude in deciding whether a station has done a good job of "ascertaining" or not.

The ascertainment provisions is an attempt to deal with the problem of contested license renewals which have multiplied rapidly in the past few years. Since the earliest days of Federal regulation of broadcasting, licensed stations have been required to operate in the public interest, convenience and necessity. The question which arises in cases where a broadcast license renewal is contested by a group competing for the license is which group can better serve the public interest? By writing the ascertainment language into law, this bill attempts to establish a set of standards by which "service in the public interest" can be judged, and that is not necessarily bad. The Commission must have some method of determining a station's performance with regard to its statutory responsibility.

But I am worried that this bill, as written, leaves the door open for the FCC to utilize quantitative programing rules. The FCC has already considered proposals that it set requirements stating that various types of programing must be given certain percentage of air time, a proposal which I regard as very serious and quite objectionable. I believe this bill ought to provide that the FCC is expressly prohibited from making such percentage programing requirements. Such direct control over programing on the part of the Federal Government must not be allowed to occur.

In addition, I am afraid that the provisions allowing the FCC to evaluate a station's responsiveness to community "views" could lead to influence over a station's format, programing or scheduling. I realize that the bill's authors have said they do not intend that this language should give the FCC any authority over programing, but I also know that there are many shades of gray where interpretation of language as general as the section in question is concerned. Federal regulatory agencies seem to have a common tendency to interpret such language in a way which gives them a maximum amount of authority, and I think we run that risk here.

The committee states that ascertainment is designed to "promote the responsiveness of broadcast licensees consistent with the guidelines set out herein without imposing needless economic burdens on licensees." With all due

respect, I fear that this bill imposes considerable economic burdens needlessly, just as the FCC has already done, and these burdens will fall especially hard on smaller stations.

The bill requires the FCC to "establish procedures" to ascertain the needs, views and interests of the residents in their service areas, a requirement which must necessarily involve a good deal of staff time which smaller stations are often unable to provide. This section actually gives a congressional blessing to regulations issued by the FCC last fall, and which took effect on the first of this year, requiring that television licensees place on public file a list of "significant problems and needs of the area served by their stations" during the preceding year, and a description of programs the station has broadcast, exclusive of newscasts, on those problems and needs. For a small station with limited staff and production capabilities, this requirement can be a heavy burden indeed.

Another section places what I believe to be an unreasonable burden on broadcasters. It requires stations to engage in "good faith negotiations" with any "persons raising significant issues regarding the operations of such stations," in order to "resolve such issues."

Placing stations at the beck and call of anyone wishing to complain about their programing will undoubtedly lead to a year-round version of the conflicts which now occur principally at renewal time, and absorb enormous amounts of staff time and energy in order to respond. Surely there must be a saner way of assessing a station's performance in "serving the public interest" than subjecting them to a trial by forced negotiation with anyone who wants to complain! Franky, any station must meet the public needs to survive economically, and most of them do so very well.

Expanding the license term to 4 years is fully justified, in my opinion. In fact, I will support an amendment to be offered by the gentleman from North Carolina (Mr. BROYHILL) to make the term 5 years. Broadcasting, especially in the age of television, has become a very big industry economically, and the 3-year license term, which has been in effect since passage of the Communications Act in 1934, does not allow for the sort of long-range planning and investment necessary for efficient operational management of broadcasting stations in this day and age.

Finally, I am encouraged by the apparent recognition by the committee that there must be latitude in the law to allow a reduction in the burden which regulations place upon smaller stations. I hope that the Commission will take this into consideration in the future. I have been greatly impressed by the excellent service rendered by the many stations in my district, and most of this good work has resulted in spite of governmental interference, not because of it.

Mr. FRENZEL. Mr. Chairman, I am pleased that the committee in H.R. 12993, has extended the broadcast license term from 3 years to 4 years. In my judgment, a 5-year term would have been more appropriate, and I shall support the amendment to increase it by 1 more year.

The negotiation procedure established in section 4 of the act is controversial. Nevertheless, I believe that with the definition of "good faith negotiations" which appears on page 21 of the committee report, the section would not unreasonably encumber broadcasters or interested parties within the broadcast service area who have a legitimate criticism or question. Since it is not the committee's intention to establish a cumbersome and expensive system, I hope the Federal Communications Commission understands this intention and protects it in its establishment of regulations.

On balance, H.R. 12993 is a good bill which I will support. If the license term can be extended to 5 years, I would support it even more enthusiastically.

Mr. SHRIVER. Mr. Chairman, it is vital that Congress act to clarify the relicensing procedure for broadcasters used by the Federal Communications Commission. It has been 47 years since the 3-year license term was adopted. The provision in H.R. 12993, which extends the license period to 4 years is long overdue, but it does not go far enough.

I am a cosponsor of a bill which would have extended the license period to 5 years. I feel that extending this period to 5 years, rather than 4 years, would be in the public interest. The additional time provided would allow broadcasters to do a better job of program planning, staffing and providing the expensive equipment necessary to operate a broadcast facility. This stability of operation that a longer term would give broadcasters would greatly benefit the community as a whole.

The present requirement that broadcasters reapply every 3 years does involve many costs and inconveniences including the retention of outside legal assistance. The frequency of the application process does in many cases actually interfere with the broadcasters' ability to serve the public, thereby imposing an unnecessary social cost as well.

Present law provides for continuing oversight of broadcast licensees by the FCC during the entire license period. In addition, this bill provides additional safeguards that broadcast licensees will serve the public interest during the license period.

Mr. Chairman, I commend the committee for its work on this legislation and for moving it to the floor for action at this time. While I have outlined my reservations concerning the bill, it is important that any broadcast license renewal procedure should encourage continuity of broadcast service when that service has substantially met the needs and interests of the community.

In Kansas we are fortunate to have broadcasters who sincerely carry out their responsibilities of public service in their communities, and generally have an outstanding record of fulfilling their obligations.

Mr. BROYHILL of North Carolina. Mr. Chairman, Congressman PAUL FINDLEY is out of the country on official business this week, and therefore will not be able to vote on the Broadcast License Renewal Act. He has, however, a strong interest in and commitment to this bill, and the amendment which I have offered to it. He has outlined his views in a letter to me, which I would like to insert in the CONGRESSIONAL RECORD at this point:

APRIL 29, 1974.

Hon. JAMES T. BROYHILL,
House of Representatives,
Washington, D.C.

DEAR JIM: A matter of considerable humanitarian magnitude will prevent me from being present when the House takes up the Broadcast License Renewal Act. I would like, however, to go on record in support of the bill, and one of the amendments to be offered to it.

The Interstate and Foreign Commerce Committee is to be congratulated for its hard work on the Broadcast License Renewal Act. The Act serves a much needed purpose, and shows considerable understanding of the problems facing the nation's radio and television broadcasters as well a the Federal Communications Commission.

The increased stability in the broadcast industry which would be provided by the bill is complemented by procedures designed to insure the increased responsiveness of broadcast owners to the needs of the areas they serve.

I am impressed by the provisions for handling the controversial question of cross-ownership, for there is a definite need for fair and equitable resolution of this problem.

The introduction of the "good faith negotiating" provisions should ensure not only that disruptive confrontations are avoided where possible at renewal time, but that when controversies arise critics and licensees can work out their differences swiftly and in a manner beneficial to the community.

The matter that is of the greatest interest to me, though, is the amendment you are offering to extend the term for broadcast licenses to five years. It is a mark of your amendment's merit that the National Association of Broadcasters, the Office of Telecommunications Policy and the Federal Communications Commission have all endorsed the concept of a five-year license.

I myself view it, taken along with the other provisions of the bill itself, as one of the most important contributions to the well-being of the broadcast industry since the inception of the FCC in 1934. It will give the owners an opportunity to serve their local communities with increased excellence, as well as allow the FCC more time to carefully weigh the merits of each renewal application.

It is just these reasons which have led me to sponsor similar legislation in past years. I am delighted that at long last this much-needed reform is about to be made, and I commend you for your leadership to bring it about.

Sincerely yours,

PAUL FINDLEY,
Representatives in Congress.

Mrs. HOLT. Mr. Chairman, I rise in support of H.R. 12993, the Broadcast Renewal License Act, which has finally reached the floor after too long a delay. Perhaps now, the inconsistencies and uncertainties of licensing procedures will be replaced by uniform Federal safeguards and guidelines.

This legislation is a carefully balanced measure, guaranteeing stability in the industry on one hand, and more responsive service to the public on the other. The Federal Communications Commission's licensing authority will have as its

sole criterion, service to the public. Clay Whitehead, Director of the Office of Telecommunications Policy has said:

> We think the only thing that ought to be considered at renewal time is whether the station is putting out the kind of programming the public wants.

The broad powers which the FCC has exercised to date in renewal licensing have been misused in the prosecution of antitrust violations, equal opportunity disputes, and taxation difficulties. Through the redrawing of these powers, the emphasis will now be on the licensee who must ascertain, on a continuing basis, the needs, views, and interests of the people living in the area served by his station.

The Broyhill amendment would extend the renewal term to 5 years; this will result in reducing the number of renewals coming up each year, and should expedite the FCC's handling of the procedures. I am very pleased to support this amendment, drawn from legislation which I cosponsored last year, which my colleague from North Carolina (Mr. BROYHILL) has introduced this afternoon. In my opinion, the determination to move licensing decisions from the District Circuit Court of Appeals to the Circuit Court of Appeals closest to each broadcaster will also serve to expedite final licensing decisions.

Although this legislation does not resolve every issue, relating to licensing, it is certainly a forward step toward more responsive service to the public interest.

Mr. Chairman, I urge my colleagues to join me in the speedy passage of this significant legislation.

Mr. BROOMFIELD. Mr. Chairman, I rise today in support of H.R. 12993 to amend the Federal Communications Act of 1934. As a cosponsor of this legislation, I am pleased to see it reach the floor, and I urge my colleagues to vote its passage.

Enactment of this bill will establish by law procedures for the consideration of applications for renewal of broadcast licenses. It would also extend from three to four years the term for which broadcast licenses are granted.

Mr. Chairman, these provisions are vital not only to the broadcasting industry, but to the public as well. In order to better serve the public, broadcasters must make long-range plans and substantial investments of both time and money. To make these plans and investments, broadcasters must have some degree of assurance that they will be allowed to remain in operation. Under the present system, a licensee is granted only a 3-year license period, and further, must assume the burden of proof if his license is challenged by another group. This situation could have the disastrous effect of driving responsible broadcasters from the industry.

Three years is not a long time for a station to accomplish goals such as community involvement and improvement of service to the public. A 4-year license would provide a much better basis for judging a broadcaster's performance in these areas. In fact, the 5-year program proposed by the gentleman from North Carolina (Mr. BROYHILL) would be even more acceptable.

It is important to note that this legislation will not make it easy for an irresponsible broadcaster to remain in business. They will still be subject to challenge. But at least it will give the licensees the opportunity to stand on their previous record of service.

The broadcast license renewal procedure should encourage continuity of service as long as that service has met the interests and needs of the area being served. The bill being considered today will reestablish this procedure and return a certain degree of stability to the broadcast industry; stability that is essential to enable the industry to better serve the public.

Mr. DORN, Mr. Chairman, the Broadcast License Renewal Act now before us is in the interest of broadcast freedom and stability. It will encourage continued excellence in broadcasting and will clearly establish the standards for license renewal. This has my complete support, Mr. Chairman, and I urge the House to approve this landmark bill by overwhelming vote. We further urge approval of the 5-year license amendment.

Mr. Chairman, there is no group or profession more dedicated to the public interest than our broadcasters. Their vital role in keeping our people informed is one of the cornerstones of our democracy. Our broadcasters are entitled to have the Congress of the United States clearly indicate what is expected of them at license renewal time. Our stations deserve the right to run on their record at renewal time. With this bill the Congress can make it clear that a station which has met its obligation to serve the public interest will have its license renewed. This will provide some assurance so that a station can engage in long range planning as to how best to meet the public interest. It would be extremely difficult for any business to make necessary investment and planning decisions when its very existence was threatened every 3 years by the reckless claims of irresponsible outsiders. But under this bill, where the station has performed its duty to broadcast in the public interest, it can proceed with assurance.

This will be in the interest of freedom of expression and excellence in broadcasting. To insure an added measure of stability, Mr. Speaker, we would recommend a 5-year license term. This amendment would allow broadcasters to become even more responsive to their public by making possible more long-range planning and investment.

Mr. Chairman, it is interesting to note that the House considers this license renewal bill on May 1, a day that in some countries is devoted to glorification of the all-powerful State. Our bill, in contrast, is in the democratic tradition of free speech and due process of the law. This bill will help to insure the continued strength of an independent broadcasting industry free from Government control.

Ms. ABZUG. Mr. Chairman, I rise in opposition to H.R. 12993, the Broadcast License Renewal Act, particularly in light of the adoption of the Broyhill amendment.

When the Federal Communications Act of 1934 became law and even before that with the work and policy of the Federal Radio Commission, it has been established policy that the airwaves belong to the people and not to the licensees who operate the broadcasting stations for private or selfish interests and profits. This sound policy will be gone with the adoption of this bill. Passage of this measure will guarantee to current license holders their continued profits with little or no chance of ever losing their license.

This will be accomplished through many of the separate features of this bill.

I am not sure that extending the length of time between renewals from 3 years to 4 years was not too long a period. But certainly the extension of the time to 5 years, as the Broyhill amendment demands, violates the spirit and intent of the Communications Act. It is my belief that 5 years between renewals will make the broadcaster less likely to respond to the needs of the community. By increasing the length of time between renewals competition will be lessened.

The issue of increased competition, a free marketplace and the value of those factors to producing a better quality product is also critical in the provisions of section 2(B) of H.R. 12993.

By specifically prohibiting the Commission from considering the issue of cross-ownership and integration of ownership and management in its renewal and license granting applications the bill will allow the continuing control of mass communications to be lodged in the hands of a very few individuals and corporations. I believe that a fundamental right—the public's right to know, to have information—is severly threatened when the same company owns, in the same town or market, one or more newspapers, the local TV station and maybe even a radio station or two. To try, as this bill orders, to establish a single policy for the whole country is a way of eliminating consideration of the deleterious effect of cross ownership totally. There is also a secondary consideration of the jurisdictional problem of limiting antitrust action in a bill from a committee other than the Judiciary Committee.

There are other items in the bill that I oppose.

The Court of Appeals for the District of Columbia has developed a highly respected expertise in the complicated field of communications law. By allowing the decisions and orders of the FCC to be appealed to the court of appeals for the circuit in which the broadcast station is located will result in precisely what the committee objected to in the cross-ownership provision—"haphazard, subjective and ofttimes inconsistent manner" of decisionmaking. By allowing the local circuit to make decisions about license renewal and granting for locally powerful and influential broadcast stations we run the risk of undue influence in the decisionmaking process.

I also oppose the provision that sets a time limit on filing petitions to deny without a concommitant time limit on the FCC to make decisions about them. There are currently pending petitions to deny from California that have been sitting in the Commission's office for 3 years. The license renewal is coming up again for those stations and the last go-round has not yet been settled. This is also important when you realize that before a petitioner can proceed to court all administrative remedies must have been exhausted.

Mr. Chairman, there is a fundamental question raging in the broadcast industry and among those who are interested in mass communication: who controls broadcasting and communication. The industry can be characterized as totally controlled by a white, male establishment. This lack of diversity, this lack of representation of all segments of the society, in a basic and critical industry of America threatens the ability of America to maintain an informed citizenry. There have been many attempts made by citizen groups and other interested parties to open the communications industry to those elements in the society that have been excluded from the broadcast industry. These attempts will prove more difficult and have less likelihood of success because of this bill.

Mr. Chairman, I know that many Members will find it difficult to vote "No" on this bill in an election year. The influence and power of the communications industry is that strong. But it is for precisely those reasons that I oppose this bill and urge its rejection.

Mr. CLEVELAND. Mr. Chairman, I rise in support of H.R. 12993 as a measure to provide a more orderly and equitable procedure for broadcast license renewal. I cosponsored the Rooney-Broyhill bill and many predecessor measures over a period of years.

This bill goes far toward protecting the ability of broadcasters to do their job of serving the public free of harassment. I regret that the committee has provided only a 4-year period, however. While I am prepared to accept the bill, as written, I will strongly support the amendment by the gentleman from North Carolina (Mr. BROYHILL) or any other Member to set a 5-year period.

The 5-year period is not excessive, in my view, given the burden imposed by the bill, namely that broadcasters must make a showing of legal, financial, and technical qualifications, compliance with the law and the regulations of the Federal Communications Commission, and of a record of service in terms of the needs of the area served.

On a somewhat different level, I also feel it incumbent on the Congress to take this action in view of the continuing need for assurance that administrative procedures are carried out according to the real intent of Congress. This is particularly true when the courts intervene.

My only regret is that it has taken so long to produce this legislation. It was someting like a year ago that I supported this approach before the committee. And in concluding, I should like to recall just one item from that testimony:

The requirements (in the legislation) would serve to protect both the public interest and the applicant against harassment, expense and uncertainty arising when he must pit performance against promises of the axe-grinders, angleshooters, or fly-by-night fast guns who might be tempted to challenge endlessly a renewal at a time of momentary controversy.

I recognize that the 4-year extension provision represents something of a compromise. Nevertheless, I urge the support of my colleagues for a 5-year extension and for the basic bill, regardless of the fate of any amendment to that effect.

Mr. FREY. Mr. Chairman, passage of the License Renewal Act, H.R. 12993, is essential, I feel, to stimulate better licensee performance, clarify renewal standards, simplify FCC procedures, and lend stability to the broadcast industry.

First, the bill specifies upon what criteria a licensee will be judged in the renewal process. The FCC is required to establish improved continuing ascertainment procedures by which each broadcaster must identify the needs, views, and interests of his local service area. Under this bill, the licensee is renewed only if he follows these procedures, and only if his broadcast operations have been substantially responsive to the locally ascertained needs, views, and interests.

In fact, the committee noted explicitly in its report on the legislation that the FCC should prescribe different ascertainment procedures for different classes of licenses. Furthermore, we have called on the Commission to simplify renewal forms and licensing procedures. The committee intends that the FCC, in judging station performance, recognize that economic limits, station profitability, technical restraints, talent availability, and so forth may limit the degree to which broadcast operations can be responsive to ascertained needs, views, and interests.

The Commission is also required to undertake a general rulemaking on the issues of media cross-ownership and station-management integration before applying them as determinants in comparative renewal judgments. In this way, not a case-by-case basis, if reforms in media ownership and structure are found to be in the public interest, they can be formulated fairly, and applied uniformly to all stations. And, FCC actions on this question ought to be based, in part, on the findings of FCC Docket 18110, an ongoing study of the effects of media cross-ownership. That is why H.R. 12993 calls for the FCC to complete the study, now in its 6th year, within 6 months.

In the past, certain court decisions, interest-group activism and FCC inconsistencies have made the renewal process a morass, and an undue economic burden on many broadcasters, especially the smaller ones. The bill not only clarifies renewal standards and gives broadcasters more incentives to perform for their locales, but helps relieve economic hardships faced by the smaller-market broadcasters.

Currently, licensees must undergo the legalities involved in renewing their license every 3 years. Under our bill, they would have to file for renewal every 4 years. More time can now be devoted to better program planning and production for audiences, and less needs to be spent on administrative burdens.

In addition, the License Renewal Act mandates the FCC to determine how its regulatory scheme can better account for the differences between media, between commercial and noncommercial stations, and between those operating in large and small markets. For example, all of the same rules and regulations that apply to a large television station certainly need not apply to a small radio station. This area of regulation is just one instance in which the public interest can be better served by relevant deregulation and more applicable reregulation.

H.R. 12993 also provides for a more efficient adjudication of appeals from the FCC. The D.C. Court of Appeals—to which appeals relevant to many FCC decisions now must be taken—has the longest median disposal time in the United States. Under our bill, such FCC decisions or orders would be appealed to the U.S. Court of Appeals for the circuit in which the involved broadcast station is located. This is intended to make appeals more convenient and more economical since the parties involved usually reside in the locale served by the broadcaster.

Finally, the legislation directs the FCC to set up guidelines to promote good faith negotiations between broadcasters and critics in each service area. This provision is designed to encourage dialogue between licensees and complainants, and informally resolve issues of dispute. It is our hope that such discussions can alleviate the expensive, time-consuming filing of petitions-to-deny where they are unnecessary. Hopefully, more broadcaster-complainant communication guided by FCC procedures can settle disputes that have too often been marked with disorder and confrontation. Neither party would be forced to make concessions in these discussions, but simply would be encouraged to confer before taking other more formal, involved steps.

In summary, I feel that this bill is an extremely well conceived compromise, due in large part to the leadership and creativity of our subcommittee chairman, TORBERT H. MACDONALD, and the ranking minority member, CLARENCE J. BROWN. The subcommittee unanimously approved it. I urge the Congress to give H.R. 12993 similar support.

Mr. HOGAN. Mr. Chairman, I rise in support of the Broadcasting License Renewal Act, H.R. 12933. First of all, I want to congratulate the members of the committee and subcommittee who have drafted this comprehensive legislation. Since I was elected to the House in 1968, attempts have been made to write an acceptable bill for license renewal, and I applaud the committee and subcommittee for succeeding in this endeavor.

This bill as amended contains three major improvements over the license renewal procedure as it now exists.

First of all, the bill would extend the

period of renewing licenses an additional 2 years to now require that stations renew their licenses every 5 years rather than every 3 years. This provision will reduce the burden of paperwork for the radio stations in this country, many of which are small stations, and will permit the Federal Communications Commission to have additional time to study license renewal applications more thoroughly.

Second, the committee has broadened the criteria which a licensee must meet in order to secure renewal of his license. A station must not only seek out all views, needs, and interests of the area it serves, but must now demonstrate that all of those needs, views, and interests have been responded to in his broadcast operations. This provision will stimulate each broadcaster to remain constantly aware and accountable to his listeners' opinions. Finally, I am supportive of the provision in the bill which will enable parties to appeal FCC decisions in broadcasting to appeal them in the district court where the station is located, instead of the U.S. District Court of the District of Columbia. Not every station is as close in proximity as the ones in my district to the Washington area. This will reduce considerably the expense of smaller stations who might have to travel to and from the District of Columbia court to appeal rulings.

My only reservation with the bill as reported from the committee is the absence of stronger language indicating to the FCC that preferential treatment should be given to stations seeking renewals versus stations competing for a license for the first time. In the 92d Congress I introduced legislation which stated that:

Notwithstanding any other provision of the Communications Act of 1934, the Commission, in acting upon any application for renewal of license filed under section 308, may not consider the application of any other person for the facilities for which renewal is sought. If the Commission finds that the public interest, convenience, and necessity would be served thereby, it shall grant the renewal application. If the Commission determines after hearing that a grant of the application of a renewal applicant would not be in the public interest, convenience, and necessity, it may deny such application, and applications for construction permits by other parties may then be accepted, pursuant to section 308, for the broadcast service previously licensed to the renewal applicant whose renewal was denied.

Under the current system of holding "Comparative Hearings," stations seeking renewal are not only subject to proving to the FCC that they have responded to the needs, views and interests of the community they serve, but they must defend themselves against competing applicants for the license. I feel that preference should be given to those with a record of public service over those whose applications that would have to be judged only on their promises.

The committee report, however, does implicitly recommend to the FCC to give preference to those who are seeking renewal of their licenses. I hope that the Commission will put particular emphasis on this preferential treatment if this legislation is successfully adopted.

Mr. CULVER, Mr. Chairman, I would like to take this opportunity to comment on H.R. 12993, the broadcast license renewal bill, which increases the term of broadcast licenses from 3 to 4 years.

As all of us know, more Americans than ever before now depend on broadcasting as their primary source of entertainment, information, service, and news.

Those of us in public life—whether we be public servants, educators, or business and community leaders—know we can reach the public quickly and directly through the airwaves.

The bill we consider will make it easier for the Nation's broadcasters to fulfill high standards of professionalism and community service. The bill, as the Interstate and Foreign Commerce Committee points out, can serve to improve the performance of the Nation's radio and television stations by underscoring procedures reflecting community responsiveness.

In my judgment this bill strikes a good balance between public interest objectives and the values of a stable yet responsive broadcasting industry. In my own State of Iowa we have had such a tradition of community orientation, and our cities, towns, and farms have been well served by radio and television. There has not been a breach between public expectations and station performance. There has not been stagnation or inertia among broadcasters.

This bill gives assurance that our broadcasters across the land will recognize their essential obligations in our democracy and continue to seek even greater levels of accomplishment and diversity of service.

Mr. MATSUNAGA. Mr. Chairman, I am pleased to voice my support for H.R. 12993, a bill which would update and improve the present system of broadcast license renewal.

Over a period of 6 months in 1973, the distinguished Subcommittee on Communications and Power, chaired by the able gentleman from Massachusetts (Mr. MACDONALD), held 17 days of hearings on this subject, which touches every American in his or her daily life.

Perhaps it would be better if the Federal Government were not involved in the regulation of broadcasting, either radio or television. But the simple fact is that there are a relatively small number of broadcast frequencies available. If two or more persons want to occupy the same frequency, there must be some scheme for deciding which person will be permitted to broadcast, and under what conditions. The basic legislation in this area is the Communications Act of 1934, which has served the country well for many years. There is no doubt in my mind that one of the principle strengths of America is the vigor and richness of our broadcast media. News, sports, entertainment of every description, for every taste, are available at the flick of a dial.

In order to accomplish the principle goal of the Communications Act, that is, that the public interest, convenience, and necessity be served by the Nation's broadcasters, some amendments of the act are in order. H.R. 12993, in my judgment, represents a skillful balancing between safeguarding the public interest and assuring reasonable continuity to private broadcasters, who must commit hundreds of thousands, if not millions, of dollars, with no guaranty of relicensing beyond the life of their license term.

This balancing is particularly necessary in view of what has become known as the WHDH case, in which a television license was awarded to a competitive applicant instead of the holder of the expiring license, and in which a number of procedural questions about renewal criteria and decisionmaking processes were raised.

The bill as reported makes a number of improvements over existing law:

It extends from 3 years to 4 the maximum period of broadcast licenses. Many broadcasters, and Members of Congress, had suggested 5-year terms. Many public interest groups advocated retaining the present length.

It requires setting of standards for broadcast stations to find out the needs and interests of the area being served. Perhaps the most controversial aspect of this entire matter involves the recent high number of complaints that some licensees were not responsive to some elements of their service populations, particularly minority groups. This "ascertainment" requirement will help all parties toward a more equitable settlement of this sensitive issue.

It specifies that, in a renewal proceeding, the FCC must consider the quality of service actually given by the licensee over the term of the license. Where service has been good, the bill provides that the license renewal ought to be granted. It seems most unreasonable that, where one applicant has a record of experience, that that record not be considered a significant factor in whether or not to renew his license.

Mr. Chairman, this is a good piece of legislation, and I commend the gentleman from Masachusetts (Mr. MACDONALD), the gentleman from West Virginia (Mr. STAGGERS), and the other members of the Commerce Committee, for their fruitful efforts in this difficult area.

I urge the House to approve H.R. 12993.

Mr. BROWN of Ohio. Mr. Chairman, I have no further requests for time.

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

The CHAIRMAN. Pursuant to the rule, the Clerk will now read the bill.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Broadcast License Renewal Act".

ASCERTAINMENT; LICENSE RENEWAL PERIOD AND PROCEDURES

SEC. 2. (a) Section 309 of such Act is amended by adding at the end thereof the following new subsection:

"(i) The Commission shall by rule establish procedures to be followed by licensees of broadcasting stations to ascertain throughout the terms of their licenses the needs, views, and interests of the residents of their service areas for purposes of their broadcast operations. Such rules may pre-

scribe different procedures for different categories of broadcasting stations."

(b) Section 307(d) of the Communications Act of 1934 is amended to read as follows:

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

"(2) (A) Any license granted under subsection (a) may upon its expiration be renewed, in accordance with section 309, if the Commission finds that the public interest, convenience, and necessity would be served by the renewal of such license. In determining if the public interest, convenience, and necessity would be served by the renewal of a broadcast license, the Commission shall consider (i) whether the licensee, during the preceding term of its license, followed applicable procedures prescribed by the Commission under section 309(i) for the ascertainment of the needs, views, and interests of the residents of its service area for purposes of its broadcast operations, and (ii) whether the licensee has engaged in broadcast operations during the term of the license which were substantially responsive to those needs, views, and interests.

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

"(i) the ownership interests or official connections of the applicant in other stations or other communications media or other businesses, or

"(ii) the participation of ownership in the management of the station for which such application has been filed,

unless the Commission has adopted rules prohibiting such ownership interests or activities or prescribing management structures, as the case may be, and given the renewal applicant a reasonable opportunity to conform with such rules.

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

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

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

TIME LIMITATION APPLICABLE TO PETITIONS TO DENY

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

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

NEGOTIATION

SEC. 4. Section 309 of such Act is amended by adding after the subsection added by section 2(a) of this Act the following subsection:

"(j) The Commission shall prescribe procedures to encourage licensees of broadcasting stations and persons raising significant issues regarding the operations of such stations to conduct, during the term of the licenses for such stations, good faith negotiations to resolve such issues."

COURTS OF REVIEW

SEC. 5. Subsection (b) of section 402 of such Act is amended by striking out "to the United States Court of Appeals for the District of Columbia" and inserting in lieu thereof ", as provided in subsection (c),"; and subsection (c) of such section is amended by inserting after "(c)" the following new sentence: "An appeal under subsection (b) from an order or decision of the Commission—

"(1) made on an application (other than one under section 325) involving a broadcast facility and described in paragraphs (1), (2), (3), or (6) of subsection (b), or

"(2) described in paragraph (5) of such subsection modifying or revoking a constitution permit or station license of a broadcast facility,

shall be brought in the United States court of appeals for the circuit in which such broadcast facility is, or is proposed to be, located; and appeals under such subsection from any other order or decision of the Commission may be brought in the United States Court of Appeals for the District of Columbia Circuit or the United States court of appeals for the circuit in which the person bringing the appeal resides or has his principal place of business."

STUDIES OF REGULATION OF BROADCASTERS AND OF EFFECT OF CONCENTRATION OF OWNERSHIP

SEC. 6. (a) The Federal Communications Commission shall conduct a study to determine how it might expedite the elimination of those regulations of broadcast licensees required by the Communications Act of 1934 which do not serve the public interest and shall make annual reports of the results of such study (including any recommendations for legislation) to the Committee on Commerce of the Senate and the Committee on Interstate and Foreign Commerce of the House of Representatives. The Commission shall include in its first annual report under this section its conclusions with respect to the differences among broadcast licensees on which are or may be based differentiation in their regulation under such Act.

(b) The Federal Communications Commission shall (1) conduct a study of the social, economic, political, or other consequences of the ownership of more than one broadcasting station by one person and the ownership by one person of one or more broadcasting stations and one or more newspapers or other communications media, and (2) submit a report to the Committee on Commerce of the Senate and the Committee on Interstate and Foreign Commerce of the House of Representatives on the results of such study (including any recommendations for legislation). In conducting such study, the Commission shall consider relevant data and other materials of the Departments of Justice, and Health, Education, and Welfare, of the Office of Telecommunications Policy, and of other public and private agencies. Such report shall be so submitted not later than two years after the date of the enactment of this Act.

EFFECTIVE DATE

SEC. 7. (a)(1) Except as provided in paragraph (2), section 6 and the amendments made by sections 2 and 4 of this Act shall take effect on the date of enactment of this Act.

(2) The last sentence of section 307(d)(2)(A) of the Communications Act of 1934 (as added by section 2(b) of this Act) shall apply with respect to applications for renewal of broadcast licenses which are filed after rules prescribed by the Federal Communications Commission under section 309(i) of such Act (as added by section 2(a) of this Act) have become effective.

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

(c) The amendment made by section 5 shall apply only with respect to appeals under section 402(b) of the Communications Act of 1934 from decisions and orders of the Federal Communications Commission made after the one hundred and eightieth day following the date of enactment of this Act.

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

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

There was no objection.

COMMITTEE AMENDMENTS

The CHAIRMAN. The Clerk will report the first committee amendment.

The Clerk read as follows:

Committee amendment: On page 6, strike out lines 12 and 13, and insert in lieu thereof the following: "STUDY OF REGULATION OF BROADCASTERS; ACTION ON FCC DOCKET".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the second committee amendment.

The Clerk read as follows:

Committee amendment: On page 7, strike out lines 4 through 19, and insert in lieu thereof the following:

(b) The Federal Communications Commission shall, not later than six months after the date of the enactment of this Act, complete all proceedings and take such agency action as it deems appropriate in connection with proposed amendments to the Commission's rules (47 C.F.R. 73.35, 73.240, 73.636) relating to multiple ownership of standard, FM, and television broadcast stations (Federal Communications Commission Docket Numbered 18110).

The committee amendment was agreed to.

AMENDMENT OFFERED BY MR. BROYHILL OF NORTH CAROLINA

Mr. BROYHILL of North Carolina. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BROYHILL of North Carolina: Page 2, line 12, strike out "four years" and insert in lieu thereof "five years".

Mr. BROYHILL of North Carolina. Mr. Chairman, I offer an amendment to H.R. 12993. This amendment would ex-

tend for 5 years the term for broadcast licenses, rather than the 4-year term provided for in the bill. The 5-year license renewal period was included in the bill I sponsored earlier in this Congress, H.R. 3854, which was cosponsored by over 200 Members of the House.

The 4-year license renewal term contained in the bill is a compromise between those of us who favored a 5-year term and those who opposed any extension of the present 3-year term. I believe that an extension to 5 years would be in the public interest and would be more consistent with recent congressional objectives of streamlining the Federal bureaucracy and reducing the paperwork burden, both for the Federal Government and for broadcasting stations, most of which are local small businesses.

Additionally, the extra time provided by a 5-year term would allow broadcasters to do a better job of program planning, staffing, and acquiring the expensive equipment necessary to operate a broadcast facility. The continuity of substantial service and the stability of operation provided by my amendment would greatly benefit the community as a whole.

Opponents of this amendment have stated that it would give broadcasters a free rein to operate as they see fit, without regard to the public interest or to regulations established by the Federal Communications Commission. This is not the case. Present law provides for continuing oversight of broadcast licensees by the FCC during the entire license period. The measure also provides additional safeguards that broadcast licensees will serve the public interest during the license period. Therefore, during the license period, if the FCC believes that a station is not properly serving the public interest, it can revoke the license, levy a forfeiture, recommend criminal proceedings, or grant only a short-term renewal for cause.

Further, the bill adds to existing law a new ascertainment section—section 309(i)—which requires licensees to ascertain throughout the terms of the licenses the needs, views and interests of the residents of their service areas. Presently, such determination of community needs is required only immediately prior to license renewal. Section 309(j) of the bill also requires licensees to conduct good faith negotiations during the term of the license to resolve significant issues raised about their operations.

Mr. Chairman, I firmly believe that the language provided in H.R. 12993, coupled with the existing powers of the Federal Communications Commission, provides adequate safeguards that broadcast licensees would not abuse the 5-year term provided by my amendment. Therefore, I urge my colleagues to support this amendment.

At this point in the RECORD, I insert separate views that I included in the committee report:

SEPARATE VIEWS OF CONGRESSMAN JAMES T. BROYHILL

BROADCAST LICENSE RENEWAL ACT

I wish to express my continued support for a five-year term for broadcast licenses, rather than the four-year term provided in this bill. During the Committee's consideration of this measure. I offered an amendment to provide a five-year term, which the Committee rejected. The bill as originally introduced and co-sponsored by more than 200 Members of the House included provision for a five-year license term.

In approving this bill, the Committee has indicated its support for an extension of the present three-year term of broadcast licenses. I feel that extending this period to five years, rather than four years, would be in the public interest. The additional time provided would allow broadcasters to do a better job of program planning, staffing, and providing the expensive equipment necessary to operate a broadcast facility. The stability of operation that the longer-term would give broadcasters would greatly benefit the community as a whole.

Present law provides for continuing oversight of broadcast licenses by the Federal Communications Commission during the entire license period. In addition, this measure provides additional safeguards that broadcast licensees will serve the public interest during the license period. The bill adds to existing law a new ascertainment section (Section 309(i)) which requires licensees to ascertain throughout the terms of their licenses the needs, views, and interests of the residents of their service areas. Presently, such determination of community needs is required only immediately prior to license renewal. In Section 309(i), the bill also requires licensees to conduct good faith negotiations during the term of the license to resolve significant issues raised about their operations.

I feel that this new language, coupled with the existing powers of the Federal Communications Commission, provides adequate safeguards that broadcast licensees would not abuse the five-year term provided by my amendment. I plan to offer my amendment providing the five-year license term when this bill is considered on the floor of the House.

JAMES T. BROYHILL.

Mr. CONTE. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Virginia.

This amendment would extend the broadcast license to 5 years. At the present time, it is just 3 years. In the committee bill before the House, the broadcast license period would be extended to 4 years. This would help, but it does not go far enough.

I have long supported this measure. On the first day of the 93d Congress, I introduced a bill, H.R. 408, to extend the license renewal period to 5 years. I had also introduced an identical measure in the 92d Congress.

As the ranking minority member of the Select Committee on Small Business, I have studied very closely the paperwork burdens and the business uncertainties imposed on small businessmen by Federal regulations. I have found that one of the most difficult burdens on small broadcasters is the 3-year licensing period. It is far too short.

The 3-year limitation has imposed a substantial paperwork demand on small broadcasters all too frequently, and it has exposed them to license renewal challenges in intervals that come too often.

The vast majority of broadcasters are small businessmen. In my congressional district, for instance, in the western portion of Massachusetts, there are 18 radio stations. These radio stations are located in communities like Pittsfield, Amherst, Holyoke, North Adams, Greenfield, or Ware.

None of them are owned by one of the major networks or by a large corporation. They are all locally owned and operated. They are responsive to their communities, and they are only modestly profitable.

A major portion of their expenses consist of payments to big, expensive law firms here in Washington that they have had to hire to represent them in their frequent appearances before the Federal Communications Commission. By granting broadcasters a longer license period, 5 years instead of 3 or 4, they would be significantly relieved from this heavy expense.

The broadcasters in my district, and the majority of broadcasters throughout the United States, are small businesses. But thus far they have had to live under Federal laws written to control big businesses. It is time the small guys got a break from their representatives in Washington.

I urge my colleagues to support this amendment.

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

Mr. BROYHILL of North Carolina. Mr. Chairman, I am delighted to yield to the gentleman from Minnesota (Mr. ZWACH).

Mr. ZWACH. Mr. Chairman, I appreciate the gentleman's yielding. I further appreciate the introduction of this amendment and rise in full support of it. I would like to say to the gentleman that with respect to the small stations that are located in our countryside regions, this is a very, very necessary and worthwhile amendment.

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

Mr. BROYHILL of North Carolina. I yield to the gentleman from Colorado.

Mr. BROTZMAN. Mr. Chairman, I thank the gentleman for yielding.

I would like to congratulate him on the amendment. As I recall, when I had the pleasure of serving on the Interstate and Foreign Commerce Committee in years gone by, I joined with the gentleman at that time in support of the 5-year amendment. I thought it had a great deal to recommend it, and I think as time goes on that there is a lot to recommend it now.

Therefore, I would like to congratulate him on his leadership in this regard and inform the gentleman that I would like to support this amendment.

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

Mr. BROYHILL of North Carolina. I yield to the gentleman from Idaho.

Mr. SYMMS. Mr. Chairman, I support the gentleman's amendment, and I associate myself with his remarks. I appreciate the gentleman's leadership.

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

Mr. BROYHILL of North Carolina. I now yield to the gentleman from Nebraska.

Mr. McCOLLISTER. Mr. Chairman, I, too, support the amendment calling for

the 5-year license renewal extension. I congratulate the gentleman for offering the amendment.

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

Mr. BROYHILL of North Carolina. I yield to the gentleman from California.

Mr. KETCHUM. Mr. Chairman, I thank the gentleman for yielding.

I would like to say that I associate myself with the gentleman's remarks, and I indicate my strong support for his amendment.

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

Mr. BROYHILL of North Carolina. I yield to the gentleman from South Carolina.

Mr. YOUNG of South Carolina. Mr. Chairman, I would also like to associate myself with the remarks of the gentleman from North Carolina relative to his amendment for the 5-year renewal.

I support the gentleman's amendment.

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

Mr. BROYHILL of North Carolina. I yield to the gentleman from California.

Mr. BELL. Mr. Chairman, I support the gentleman's amendment.

Mr. TAYLOR of Missouri. Mr. Chairman, will the gentleman yield?

Mr. BROYHILL of North Carolina. I yield to the gentleman from Missouri.

Mr. TAYLOR of Missouri. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise in support of this amendment because of my desire to ease the burden of the broadcasters of this Nation who find that their efforts at serving the public are being repaid by having to fill out more and more Federal forms that are required for their license renewal.

The broadcasters of this Nation, and particularly those of southwest Missouri do more than just project programs of entertainment. They provide vital information such as tornado alerts, snow warnings, school closings, and announcements of public events. They give time to various community organizations to discuss their activities. They provide free time for fund drives, for voting information, for fund-raising activities to better the lives of the handicapped and less fortunate. At the same time they have invested heavily in buildings and equipment and continue to add to their facilities to provide even better service.

I think it is time that the Congress recognize the fine contribution that our broadcasters have made to our way of life and permit them to do an even better job by easing Federal regulations that restrict their activities and do absolutely nothing to protect the public interest.

I will vote for extending the license term to 5 years and I encourage my colleagues to do likewise.

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

Mr. BROYHILL of North Carolina. I yield to the gentleman from New Jersey.

Mr. MARAZITI. Mr. Chairman, I compliment the gentleman in the well and associate myself with his remarks and say that the 4-year period should be extended to 5 years.

Mr. MACDONALD. Mr. Chairman, I rise in opposition to the amendment.

Mr. MATHIS of Georgia. Will the gentleman yield?

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

Mr. MATHIS of Georgia. Mr. Chairman, I thank the gentleman from Massachusetts for yielding.

I rise in support of the amendment.

Mr. MACDONALD. Mr. Chairman, usually I reluctantly oppose an amendment offered by such a valued member of our committee as the gentleman from North Carolina (Mr. BROYHILL) but I am not at all reluctant to oppose this amendment.

Mr. Chairman, any of the Members who have had the experience of being disfavored by a statement, be it over a radio or a TV station, with very little recourse excepting appeal to the FCC to apply the fairness or the equal-time doctrine, realize just how much power these broadcasters have. They already have a 3-year period when their license and performance is almost inviolate.

Mr. Chairman, in the interest of getting a consensus bill and all the rest, especially considering the radio stations, some of the small ones, which have a difficult time in making legal expenses, we have instructed the FCC to simplify the form and the licensing procedures that renewal calls for. I think that we have been more than solicitous of the problems of these broadcasters in many areas and especially in this one.

Mr. Chairman, I had great difficulty even in going to the 4-year period. This increase, which they have lived with, calling for 3 years, for some 37 years, is such that, to my knowledge, there has only been one TV license lifted during that entire period. That was the much celebrated case that was referred to earlier in my home area of Boston.

I think the Congress has dealt very fairly with the broadcasters in this. I have been assured by many broadcasters that while they obviously would like a license given to them in perpetuity, which was the gist of the bill they sent up here in the first place, so that they could never be challenged by anyone, still I think we have met their problems more than half way.

I think to give them an extra year, in other words, a 5-year period, where you cannot get after a broadcaster directly, during that period, would not be the way to proceed. As we all know, their service gets much more public oriented in the year just before their license is up for renewal. That is not merely an opinion of mine, but, rather, it is a fact.

I think that the bill as now constituted gives everybody a very fair shake indeed. The FCC, I repeat, has been told to simplify its type of renewal procedures and especially not to take the same attitude toward the rural and small radio stations as they do toward the much larger TV stations.

Mr. Chairman, I urge this body to reject the amendment.

This amendment was in the original NAB bill. I repeat that we have been more than fair with them, in my judgment, and I hope this body in its wisdom will see to it that we do not give a runaway permit to the broadcasters of this country against whom appeals are very difficult.

Even though the fairness doctrine is in existence, I know of many stations that in the past disobeyed the fairness doctrine and the equal time doctrine and merely get a letter of reprimand from the FCC and then stop exercising their muscle. Obviously they have muscle, or else I do not think there would be this number of Members express their deep interest in this 5 year amendment. And I do not mean anything personal by that, because I understand it completely. However, I have been assured that the broadcasters can live with the 4-year period, and I repeat that of course they would like the license in perpetuity, but I think 4 years is more than fair.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, at the request of Mr. O'HARA, Mr. MACDONALD was allowed to proceed for 1 additional minute.)

Mr. O'HARA. Will the gentleman yield?

Mr. MACDONALD. I yield to the gentleman.

Mr. O'HARA. Will the gentleman from Massachusetts agree that men and women who have a license that has to be renewed every 2 years, as we Members of the House have, should not be overly concerned that broadcasters have to have their licenses renewed every 4 years.

Mr. MACDONALD. I agree completely with the gentleman and point out to him that the number of turnovers in the broadcasting field is very, very minimal, whereas I cannot say the same thing about the Congress itself.

Mr. BROWN of Ohio. Mr. Chairman, I rise in opposition to the amendment.

I want to make this observation. I have great respect and affection for the gentleman from North Carolina who has served very effectively as the ranking member of the subcommittee and whose help and interest have been obvious from the beginning of our consideration in this matter.

I think the bill represents a sound compromise between the two goals that we have in this legislation: One, to stabilize the process by which license renewal procedures are conducted; and, two, the effort to tie the broadcasters more closely to their local constituencies or their areas.

That compromise was also struck when we split the difference between the current 3-year license renewal period and the 5-year license renewal period, which was proposed by spokesmen for the broadcast industry.

I think it should be pointed out that our objectives here ought to be: First, to act in the public interest, second, to act in the interest of more efficient government, and only finally to act in the interest of those people who hold the licenses.

Obviously, in the public interest it is tying the broadcaster closer to his service area, the area which he has been

licensed to serve in the public interest; this is the most important thing. And we have done that in other aspects, or in other facets of this legislation. A 3-year term would tie them more closely than a 4-year term or a 5-year term. But the fact of the matter is that 3-year terms have seen licenses frequently extended beyond that 3-year term because the Federal Communications Commission just did not get around to dealing with the paperwork of renewing the license. So in order to help alleviate the burden on the Federal Communications Commission, because we have tied the broadcasters more closely to the areas they are supposed to serve in the public interest, in the legislation, we thought an extension to a 4-year term made sense, and that an extension to a 5-year term or a 6- or a 7- or an 8-year term, or a term of a license in perpetuity, I think tends to move us over toward serving the broadcasters rather than serving the public interest.

Perhaps that also has merit, but it should not be our objective here because the objective should be, as the Communications Act of 1934 admonishes us to say, that the business of operating the Nation's radio waves and TV waves be conducted in the public interest. Therefore, Mr. Chairman, I think that the 4-year term is an adequate modification of the current 3-year license renewal term, and I would oppose the amendment to make it a 5-year term.

Mr. STAGGERS. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment offered by the gentleman from North Carolina (Mr. BROYHILL).

Mr. Chairman, I think that a very fine agreement has been worked out by the subcommittee and the full committee, and I think that when we have an agreement such as this that it would be unwise to try to change the bill at this time.

I too wish, as the gentleman from Ohio says, to commend the gentleman from North Carolina (Mr. BROYHILL) for the terrific work the gentleman has done on the committee. I believe that the committee has done an excellent job, and as I say, the gentleman from North Carolina has worked on the bill very hard. The committee held many, many days of hearings, the complete record of which takes up two volumes.

I think that what we have come up with is a good bill.

So, Mr. Chairman, I would oppose the amendment offered by the gentleman from North Carolina (Mr. BROYHILL). I know that the intentions of the gentleman from North Carolina are right, but I believe it is in the best interest of the Congress and the people of the United States that we have a 4-year license term.

Mr. O'BRIEN. Mr. Chairman, will the gentleman yield?

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

Mr. O'BRIEN. Mr. Chairman, I rise in support of the amendment offered by the gentleman from North Carolina (Mr. BROYHILL). I might suggest that in my district broadcasters are of modest size, and that some are obliged to enter into contracts with the UPI for periods of 5 years, in order to obtain UPI's service. Were I an owner of such a broadcasting station, I would be very apprehensive about entering into such an agreement if I had only a 4-year license upon which to rely. I thank the gentleman for yielding.

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

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

Mr. NELSEN. Mr. Chairman, I rise in support of the amendment offered by the gentleman from North Carolina (Mr. BROYHILL).

I would like to emphasize once more the concern that I earlier expressed of many of us who come from rural areas, and say that these little stations that we have back home are the only stations that provide the local news, the local reports on the weather, school closings during bad weather. The dollar investment of those small organizations are extensive, and they need some assurance of permanency in the business.

If they violate any of the provisions that we have set forth, their license can be denied. I would have been happy to go along with something that might have provided a closer supervision of the large networks, because, in my judgment, there have been violations as to proper reporting of news in that area. However, we treat them all in this bill the same way.

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

Mr. NELSEN. I yield to the gentleman from New York.

Mr. GILMAN. I thank the gentleman for yielding.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from North Carolina (Mr. BROYHILL), extending the broadcast license renewal term to 5 years.

Current regualtions require triennial license renewals for radio and television stations, large and small, involving extensive paperwork, expensive and time-consuming reporting, imposing a heavy burden upon the smaller, community-oriented broadcasters throughout our nation.

Under existing regulations, the FCC closely monitors radio broadcast operations between renewals, making certain that the licensee is fulfilling its commitment to the public. Regulations regarding broadcasting policy are strictly enforced. For example, each licensee must retain files of letters and written comments regarding broadcast policy received from the public and open to public inspection. In this way the FCC reinforces the accepted belief that the air waves belong to all of the people, imposing special responsibilities upon the broadcasters.

Because of the continual close surveillance carried out by the FCC, frequent license renewals are not necessary, but merely create additional burdens for the local broadcasters and superfluous paperwork for the licensing staff of the FCC

For this reason, I am endorsing the proposed amendment to extend the time period for license renewal to a 5-year period and I urge my colleagues to voice their support of this proposal.

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

Mr. NELSEN. I yield to the gentleman from Kansas.

Mr. SKUBITZ. Mr. Chairman, I rise in support of the amendment of the gentleman from North Carolina to extend the period of broadcast licenses to 5 years. In the case of all broadcasters, but particularly in the case of small stations serving rural areas the cost in money and manpower in preparing renewal applications and supporting such applications is considerable. Such stations do not make large amounts of money, but they deliver invaluable service to their communities. It is unnecessary to require such stations or any station to go through this cumbersome protracted and expensive procedure each 3 years, after all, the FCC has continuing authority to lift the license of any broadcaster any time that his mode of operations might warrant such action. As long as the licensee is pursuing the principles of ascertainment provided in this bill he should be allowed to carry on for a 5-year period between license renewals.

Mr. BROYHILL of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. NELSEN. I yield to the gentleman from North Carolina.

Mr. BROYHILL of North Carolina. I thank the gentleman for yielding.

I do not like the statements that have been made here making it appear that an extra year in some way is not in the public interest. It seems to me that if we can give an extra year to give these broadcasters an opportunity to do a better job of programing, to do a better job of staffing in order to give them more stability in their operation, this is in the public interest so that they can do a better job of serving the public in their listening area.

Present law provides for adequate oversight of the Federal Communications Commission over the operations of the broadcast stations. If they are doing anything wrong, something not in the public interest, there is adequate authority in the present law and rules and regulations issued by the Federal Communications Commission to stop it, and the 5-year license renewal period has nothing to do with that issue.

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

Mr. NELSEN. I yield to the gentleman from Mississippi.

Mr. MONTGOMERY. Mr. Chairman, I rise in support of the gentleman's amendment and urge my colleagues to vote favorably to increase the license period for broadcasters from 4 years to 5 years. The committee report made note of the fact that many of the provisions of the 1934 Communications Act were obsolete. One of the provisions that would fall in this category is the short time between license renewal.

I commend the committee for adding 1 additional year to the licensing period, but feel we should go a step more and increase it further to 5 years. This would appear to be a much more logical time frame and one that would be in the

best interest of the listening and viewing public. As it stands now, radio and television stations are having to spend entirely too much time cutting through the bureaucratic redtape at the Federal Communications Commission when they would prefer, and the public would be better served, to spend this time improving their programing in response to the people living in their service area.

The overregulation of local stations that we now have is causing much more harm than any of us can imagine. Maybe it was necessary in 1934, 40 years ago, when there were few stations and those in operation virtually had a monopoly in their service area. However, this situation is no longer true. I daresay there is not a market area anywhere in the United States that does not have competing radio and TV stations. This competition has done more to improve programing content than any bill passed by the Congress or regulation promulgated by the FCC.

Mr. Chairman, station managers are well aware that unless they are responsive to the residents of their service area they will lose their viewers or listeners to their competition, their advertising revenue will drop and they will soon be out of business. In my opinion, this provides ample incentive without having to face the threat of possible loss of license from the FCC every 3 years under present law. For this reason, I feel the Congress would be most wise to increase the term of licenses to 5 years as proposed by Congressman BROYHILL and I urge my colleagues to vote favorably on his amendment.

Mr. Chairman, while I have the floor, I would also like to urge my colleagues to give their approval to the bill. While I do not agree with all provisions of the legislation, such as section 4, I do feel that the bill is a step in the right direction and worthy of our support. I hope we will pass the measure today and send it to the Senate for their favorable and speedy action.

In closing, I would like to mention the apparent slowness of the FCC in approving simple and routine requests such as the installation of new transmitters. I do not know if it is a case of under staffing at the Commission or a case of loss of efficiency on the part of the staff. However, I do feel that just as radio and TV stations are required to be responsive to the public, the Federal Communications Commission must and should be responsive to the broadcast industry it is suppose to serve.

Mr. DEVINE. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I will not take the 5 minutes. I would merely point this out. The present law, for some reason or other, provided for license renewal each 3 years. This matter has come up from time to time, and the gentleman from Massachusetts has chaired the subcommittee quite well over the years, and the committee now in its wisdom has rejected the 5-year renewal in favor of the compromise of 4 years, which to me seems reasonable, particularly since the broadcasting industry has agreed.

I have tried to compare the license renewal to terms of Members of Congress. We are required under the Constitution to face the voters each 2 years, and if we are not serving in what they consider to be the public interest of their particular district, if we do not satisfy the interests of the majority of our constituents, they have an opportunity each 2 years to do something about it. The broadcasters, of course, would favor a 5-year term, and I can understand that, because they have an immense investment of funds to maintain their communications and their media outlet; but it would seem to me that the public interest would best be served by accepting the compromise—not 5, not 3, but 4 years, as provided in the committee bill. If a station operates consistantly in the public interest, the renewal of the license should be almost automatic. But to know they are being reviewed each 4 years, like a President, will remind them they are using the public airways and that the public interest must be served.

Mr. KASTENMEIER. Mr. Chairman, I would like to offer just a brief explanation of my vote in opposition to the amendment to H.R. 12993 which would have the effect of increasing the term of broadcast licenses from the present 3 years to 5 years.

In conversations with broadcasters from my own district, I am convinced that the present license renewal procedures cause considerable hardship. This is particularly true for those who hold licenses for the lower power radio stations. They, of course, must file elaborate reports every 3 years even though the performance of the station is seldom, if ever, challenged by the listening audience or the communities in which they operate. I believe such broadcasters have a legitimate complaint and are fully justified in seeking corrective legislation.

The provisions of H.R. 12993 as reported from the Committee on Intertate and Foreign Commerce would have done much to ease the owner's burden during the license renewal process, and further would have extended the term of the broadcast license from 3 to 4 years. The bill attempted to provide a sensible compromise between the understandable interests of the viewing and listening public whose public airwaves are made available to the stationowners.

I could not, however, support the amendment which would increase the license period to 5 years. Because that amendment was successful, I will also oppose the measure on final vote, although I concede that it contains many provisions that are both desirable and necessary.

Mr. DRINAN. Mr. Chairman, there was a time when broadcast licenses were issued for 90 days. The owners thought that contributed to instability, so the period was increased to 6 months. That duration also caused dissatisfaction among broadcasters. The term was expanded to 1 year. Not enough, the licensees complained again. We acquiesced, and gave them a 3-year term.

The broadcasters are back. When our committee held hearings last year, the licensees testified that 3 years was not enough; it created instability, uncertainty, and other undesirable conditions. The resulting bill, when we began debating it earlier this afternoon, contained a provision for a license term of 4 years. But that was several minutes ago. The House has now passed an amendment extending the period to 5 years. Time and tide wait for no one.

Several years ago then Chairman of the FCC Newton Minnow, described broadcast fare as a "vast wasteland." Anyone who has spent time watching the tube is hard pressed to challenge that description. We see and hear programs that pander to crass commercial interests. We see and hear advertisements that are replete with racial and sexual stereotypes. And we see and hear opinions that represent a narrow segment of American thought.

A cursory examination of the employment practices of licensees discloses rampant discrimination based on sex and race. It is estimated that only about 20 percent of the employees in commercial television are women, and 75 percent of them are in the lower paying jobs. The situation for blacks is not much better.

The absence of minorities and women in the professional categories is, of course, reflected in program content. Take, for example, the daytime shows which draw a large female audience. They are shot through with characters who portrary women in traditional roles. The doctors are men, and the nurses are women. The males are dynamic and heroic; the females are passive and in distress.

In a speech to the New England Broadcasting Association 2 years ago, I noted:

> It has always been astonishing to me that in the whole history of the Federal Communications Commission not a single one of the present 7,200 licensees of TV and radio has ever been deprived of a license for inadequacy of broadcasting.

I should add that none has ever been deprived of a license for discriminatory practices either.

These statistics reflect the difficulty of challenging license holders. Public interest groups and private citizens now only get a crack at it once every 3 years. If this bill passes, they will have that opportunity only once every 5 years. In the name of business stability, we are jeopardizing the only hope we have of improving the quality of broadcasting and its employment practices.

It is frequently forgotten that the airwaves belong to the people. It is one of the few pieces of property that is truly held in common ownership. That unique character of broadcasting has been recognized over and over again by the Supreme Court and by the Congress in regulating the industry. But somehow the concept gets lost in the concerns of the entrepreneurs who own the stations.

By increasing the term of a license from 3 to 5 years, we are further undermining the rights of the public. In the words of Whitney Adams, a representative of the National Organization for Women, we are "bolting an already closed door."

There is, to be sure, a need to revise the manner in which the FCC regulates the broadcasting industry. But the reform measures lead in quite the opposite direction of H.R. 12993. The FCC needs more staff so that license renewal is a

serious process, not a sham. A decentralization of the agency might be helpful in order to bring the regulators closer to the people.

The number of blacks, Spanish-speaking, and women in the industry must be increased dramatically. And the programs and commercials which reflect minority and female stereotypes ought to be eliminated. It would be helpful if the FCC affirmatively sought out potential applicants in areas where existing licensees are not serving the public interest. It should work with other government agencies to encourage new entrants into the field. In short the FCC should stop defending the status quo.

But those reforms are not on the horizon. In their absence the least we can do is minimize the damage which in my judgment will flow from this bill. I urge my colleagues to vote against the Broadcast License Renewal Act.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina (Mr. BROYHILL).

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

RECORDED VOTE

Mr. ASHBROOK. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 308, noes 84, answered "present" 2, not voting 39, as follows:

[Roll No. 197]

AYES—308

Abdnor	Cohen	Grover
Addabbo	Conable	Gubser
Anderson, Calif.	Conlan	Gude
Andrews, N.C.	Conte	Gunter
Andrews, N. Dak.	Cotter	Guyer
Annunzio	Coughlin	Hamilton
Archer	Crane	Hammer-schmidt
Arends	Culver	Hanrahan
Ashbrook	Daniel, Dan	Hansen, Idaho
Ashley	Daniel, Robert W., Jr.	Harsha
Bafalis	Daniels, Dominick V.	Hastings
Baker	Danielson	Hays
Bauman	Davis, S.C.	Hébert
Beard	Davis, Wis.	Heckler, Mass.
Bell	Delenback	Heinz
Bennett	Denholm	Helstoski
Bergland	Dennis	Henderson
Bevill	Derwinski	Hicks
Biaggi	Dickinson	Hinshaw
Biester	Dingell	Hogan
Blackburn	Donohue	Holt
Boggs	Dorn	Horton
Boland	Downing	Hosmer
Bowen	Dulski	Huber
Brasco	Duncan	Hungate
Bray	du Pont	Hunt
Breaux	Edwards, Ala.	Hutchinson
Breckinridge	Eilberg	Ichord
Brinkley	Erlenborn	Jarman
Broomfield	Esch	Johnson, Calif.
Brotzman	Eshleman	Johnson, Colo.
Broyhill, N.C.	Evins, Tenn.	Johnson, Pa.
Broyhill, Va.	Fascell	Jones, Ala.
Burgener	Fish	Jones, N.C.
Burke, Fla.	Flood	Jones, Okla.
Burke, Mass.	Flowers	Jones, Tenn.
Burleson, Tex.	Flynt	Kemp
Burlison, Mo.	Forsythe	Ketchum
Butler	Fountain	King
Byron	Frenzel	Kluczynski
Camp	Froehlich	Kuykendall
Carter	Fuqua	Kyros
Casey, Tex.	Gaydos	Lagomarsino
Cederberg	Gettys	Landgrebe
Chamberlain	Gibbons	Landrum
Chappell	Gilman	Latta
Clancy	Ginn	Lehman
Clausen, Don H.	Goodling	Lent
Clawson, Del	Green, Pa.	Litton
Cleveland	Griffiths	Long, La.
Cochran	Gross	Long, Md.
		Lott
		Lujan
Luken	Peyser	Steiger, Ariz.
McClory	Poage	Steiger, Wis.
McCloskey	Powell, Ohio	Stephens
McCollister	Preyer	Stratton
McCormack	Price, Ill.	Stuckey
McDade	Price, Tex.	Sullivan
McEwen	Pritchard	Symington
McKay	Quie	Symms
McKinney	Quillen	Talcott
McSpadden	Railsback	Taylor, Mo.
Madden	Randall	Taylor, N.C.
Madigan	Rarick	Teague
Mahon	Regula	Thomson, Wis.
Mallary	Rhodes	Thone
Mann	Rinaldo	Thornton
Maraziti	Robinson, Va.	Towell, Nev.
Martin, Nebr.	Robison, N.Y.	Treen
Martin, N.C.	Roe	Udall
Mathias, Calif.	Rogers	Ullman
Mathis, Ga.	Roncalio, Wyo.	Vander Jagt
Matsunaga	Rooney, Pa.	Veysey
Mayne	Rostenkowski	Vigorito
Meeds	Roush	Waggonner
Melcher	Rousselot	Walsh
Mezvinsky	Roy	Wampler
Michel	Runnels	Ware
Miller	Ruppe	White
Minish	Ruth	Whitehurst
Minshall, Ohio	Ryan	Whitten
Mitchell, N.Y.	Sandman	Widnall
Mizell	Sarasin	Wiggins
Moakley	Satterfield	Williams
Montgomery	Scherle	Wilson, Bob
Moorhead, Calif.	Schneebeli	Wilson, Charles H., Calif.
Moorhead, Pa.	Sebelius	Winn
Morgan	Shipley	Wolff
Mosher	Shoup	Wright
Moss	Shriver	Wyatt
Murtha	Shuster	Wydler
Natcher	Sikes	Wylie
Nedzi	Sisk	Wyman
Nelsen	Skubitz	Yatron
Nichols	Slack	Young, Alaska
O'Brien	Smith, Iowa	Young, Fla.
O'Neill	Smith, N.Y.	Young, Ill.
Owens	Snyder	Young, S.C.
Parris	Spence	Young, Tex.
Passman	Stanton, J. William	Zablocki
Patten	Steed	Zion
Perkins	Steele	Zwach
Pettis	Steelman	

NOES—84

Abzug	Fraser	Pike
Adams	Frelinghuysen	Podell
Aspin	Frey	Rangel
Badillo	Giaimo	Rees
Barrett	Goldwater	Reuss
Bingham	Gonzalez	Rodino
Bolling	Green, Oreg.	Rosenthal
Brademas	Harrington	Roybal
Brown, Ohio	Hawkins	St Germain
Burke, Calif.	Hechler, W. Va.	Sarbanes
Burton	Holifield	Schroeder
Carney, Ohio	Holtzman	Seiberling
Chisholm	Jordan	Staggers
Clay	Karth	Stanton, James V.
Collier	Kastenmeier	Stark
Collins, Ill.	Koch	Studds
Collins, Tex.	Leggett	Thompson, N.J.
Conyers	McFall	Tiernan
Corman	Macdonald	Traxler
Delaney	Mazzoli	Van Deerlin
Dellums	Metcalfe	Vander Veen
Dent	Mills	Vanik
Devine	Mink	Waldie
Drinan	Mitchell, Md.	Whalen
Eckhardt	Mollohan	Yates
Edwards, Calif.	Murphy, N.Y.	Young, Ga.
Evans, Colo.	Nix	
Foley	Obey	
Ford	O'Hara	

ANSWERED "PRESENT"—2

Armstrong	Riegle

NOT VOTING—39

Alexander	Fulton	Patman
Anderson, Ill.	Grasso	Pepper
Blatnik	Gray	Pickle
Brooks	Haley	Reid
Brown, Calif.	Hanley	Roberts
Brown, Mich.	Hanna	Roncallo, N.Y.
Buchanan	Hansen, Wash.	Rooney, N.Y.
Carey, N.Y.	Hillis	Rose
Clark	Howard	Stokes
Davis, Ga.	Hudnut	Stubblefield
de la Garza	Kazen	Wilson, Charles, Tex.
Diggs	Milford	
Findley	Murphy, Ill.	
Fisher	Myers	

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. BROWN of Ohio. Mr. Chairman, I move to strike the last word.

I wish to make one observation, if I may, about this legislation and the debate which we have had on it.

Mr. Chairman, this legislation, as I said earlier in my prepared remarks during the general debate and in my remarks under the 5-minute rule on the previous amendment, has been the result of a process of careful negotiation and rather carefully drafted language, and I also hasten to point out, a very carefully written report. In this rather technical area of law, when there are court interpretations made of subtle points of law, the courts frequently look at the debate in the House of Representatives or in the Senate for their guidance in interpreting the legislative language.

Mr. Chairman, I would like to call the attention of the House at this point that in addition to the debate which has here been relatively brief, both on the legislation in general and on the amendment just adopted, the courts would be well advised also to look at the language of the report for interpretation of the language of the legislation, because the language of the report, perhaps, was as carefully drawn as the language of the legislation itself.

I think the language of the report gives better guidance to the purposes of the language of the legislation than does the debate in the House merely because that debate was so brief. I think it ought to be made clear, with respect to any future interpretation by the courts, that they ought to be admonished to consider carefully the langauge in the report.

Mr. Chairman, when we get back into the full House, I will ask permission to include specific portions of the language of the report, and that only, with no prefacing comments or concluding comments, following my remarks at this point in the RECORD:

SECTION-BY-SECTION DESCRIPTION OF THE BILL, AS REPORTED

SECTION 1. SHORT TITLE

This section provides that the legislation may be cited as the "Broadcast License Renewal Act".

SECTION 2. ASCERTAINMENT; LICENSE PERIOD; AND RENEWAL PROCEDURES

This section (1) requires the FCC to prescribe acertainment procedures; (2) makes the observance and substantial response to those procedures by a broadcast licensee a central consideration in determining whether the public interest would be served by renewing the broadcaster's license; (3) increases the term of broadcast licenses from three to four years; and (4) prohibits the FCC from considering a broadcast licensee's ownership interests or official connections in other broadcast stations, communications media, or businesses, or its participation in the management of the station in a proceeding for the renewal of the license, unless the Commission has adopted rules thereon. The other provisions in proposed section 307(d) of the Act (as it would be rewritten by section 2(b) of the bill) are a restatement of existing law.

Ascertainment Under the Bill.—Subsection (a) would amend section 309 of the Act by adding a new subsection (i) thereto. This proposed new subsection would require the Commission to establish procedures by rule to be followed by licensees of broadcasting stations to ascertain throughout the terms of their license the needs, views, and interests

of the residents of their service area for the purposes of their broadcast operations. Different procedures could be prescribed for different classes of broadcast stations.

The emphasis which the bill places upon licensee ascertainment of, and response to, the needs, views, and interests (as those terms are defined in this report) is not intended to suggest that a licensee's efforts to meet the demands of his service area for entertainment and sports programming are improper or undesirable. Not only is the satisfaction of these demands an important public-interest goal but it is almost always essential for the establishment of an audience or a following which will listen to or view the non-entertainment and non-sports programming of the licensee.

Continuing ascertainment.—Until the FCC adopted its Final Report and Order in its Docket No. 19153, ascertainment was an activity which, in the main, was carried out triennially in the six month period preceding the expiration date of the broadcaster's license. Your committee approves of the manner in which such *Final Report and Order* seeks to stimulate continuous interaction between the broadcast licensee and its audience.

Your committee believes that the existing requirement for consultation with representative community leaders and members of the public in the area being served by the broadcast licensee must likewise be spread out by demographic sample over the whole population of the area served—not just its leaders—with particular attention to any particular audiences the station may serve and over the entire period of broadcaster's license so that the licensee can be aware of shifts in community needs, views, and interests; shifts which can occur with great rapidity due in large part to the effectiveness of the broadcast media. An advantage in spreading such consultation over the entire license term is that it will become a normal part of broadcast operations making for a continuing dialogue between the broadcaster and residents of its service area rather than an arduous triennial obligation the performance of which now seems to be reflected more in the filing of papers than in substance.

However, insofar as any formal or statistical ascertainment procedures are established, the committee sees no objection in permitting stations serving part or all of the same service area to jointly conduct such a survey directly or through a third party.

Needs, views, and interests.—"Needs," as used in the bill, is synonymous with the term "problems, needs, and interests" used by the FCC in its *Primer on Ascertainment*. It can best be translated as issues or problems in the licensee's service area, for example, drug use among high school students, the adequacy or lack thereof of welfare programs, the needs for additional public services for the elderly, police treatment of juvenile offenders, modification of local zoning laws, etc.

"Interests" is intended to be reflective of the widest possible range of interest groups (including among others, agricultural, labor, professional, racial, ethnic, economic, religious, charitable, business, political, social, educational, and cultural groups) within the service area. Consultation with persons representative of the various interest groups in a service area is a necessary component of ascertainment.

"Views" injects a new factor into the ascertainment process. By adding "views" to the matters which must be ascertained by the broadcast license in his service area, the committee intends that the licensee ascertain the responsible contrasting positions with regard to ascertained needs so that in its response those contrasting positions can be taken into account. In addition, such ascertainment of views should be a means of increasing the licensee's awareness of public attitudes towards its operations.

The overall purpose of ascertainment, in the committee's view, is to provide a procedure through which each broadcast licensee can, on a continuing basis, be made aware of interests, issues, and attitudes within its service area and the diverse and contrasting positions thereto to which it must be substantially responsive in order to fulfill its obligation to serve the public interest.

The committee affirms the position taken by the FCC that the ascertainment of needs, views, and interests, is not to be regarded as requiring a broadcast licensee to seek out individual or community preference for particular programs or program formats.

Service areas.—The bill requires that ascertainment be carried out by broadcast licensees with respect to their service areas. This reflects a shift of emphasis from the present ascertainment process under which ascertainment is carried out with respect to communities with particular focus on the community to which the license is assigned. Your committee believes that a licensee's broadcast service must be related to the area in which his signal is received and his audience within that area. To emphasize service to a particular political subdivision because the broadcast license happens to be assigned to that subdivision is undesirable. Instead, a broadcast licensee should engage in ascertainment throughout the area within his service contour (but not beyond a reasonable distance as determined by the Commission). The depth and intensity with which ascertainment is carried out within any part of a licensee's service area should, generally speaking, be related to the strength of the licensee's broadcast signal which is received in such part and the relationship of the portion of the population in that part to that in the overall service area.

However, the committee recognizes that there may be areas or audiences within the broadcast licensee's service contour to which the licensee may choose to give less emphasis in his service because the needs, views, and interests of those audiences or of the residents of those areas are being given broadcast service emphasis by other licensees serving the area. In those instances the licensee should in reporting on his observance of the ascertainment requirements indicate with specificity the areas and audiences he chooses to serve, and with what emphasis, together with his reasons therefor.

Broadcast Operations.—Under the FCC's existing rules and regulations ascertainment is carried out to permit the licensee to broadcast matter in response to the problems, needs, and interests which are ascertained. That is similiar to the main purpose of ascertainment under the bill. In addition to the more comprehensive "needs, views and interests" in this legislation, as discussed above, ascertainment also has a broader purpose of relating the broadcast licensee's overall broadcast operations to the needs, views, and interests of his service area. This is intended to make matters such as the licensee's hours of service, employment practices, good will and promotional practices, etc., responsive to the ascertained needs, views, and interests of its service area.

The committee recognizes that there are several specific constraints on the degree to which broadcast operations can be responsive to ascertained needs, views and interests. These include but may not be limited to legal and technical restraints imposed by the FCC, economic limits related to the profitability of the station, the availability of talent and program material, etc. For example, a commercial broadcast station could not modify its broadcast operations so as to cause it to violate the terms of its license or the FCC's rules and regulations; nor would it serve the public interest to expect changes which would threaten the station's economic viability.

Whenever a broadcast licensee's ability to be substantially responsive to the ascertained needs, views, and interests of its service area is hampered by actions or decisions of a person who is not subject to the licensee's control (such as the FCC, a radio or television network, or an equipment manufacturer), it is anticipated that the licensee will notify such person of that fact.

Different Procedures.—The bill specifically provides that different procedures may be prescribed for different categories of broadcasting stations. For example, the procedures prescribed for noncommercial educational broadcast stations may be different than those for commercial broadcast stations. It would also be consonant with these provisions for different procedures to be established for television broadcast stations, standard (AM) radio stations, and FM radio stations, and within those groupings for stations based on their economic strength and the extent of their service area.

In addition, it is appropriate to provide for those broadcast stations whose formats are directed to particular audiences within their broadcast contours by allowing such stations to give special consideration in the ascertainment of the needs, views and interests of their service area to the needs, views and interests of their particular audience and to be especially responsive thereto. Such stations may emphasize a particular kind of programing such as all news, ethnic, a particular type of music, talk, or entertainment formats. In this connection your committee believes that such special format stations, which have become increasingly common in radio, should be permitted in any service area as long as the overall needs, views, and interests of the residents of that area are met by the aggregate of broadcast signals covering that area.

Your committee wants to emphasize that the purpose of ascertainment is to promote the responsiveness of broadcast licensees to the needs, views and interests of their service areas. This should be achieved consistent with the guidelines set out herein without imposing needless economic burdens on licensees. This objective, the committee believes, can be furthered by careful tailoring of ascertainment procedures to different categories of broadcast stations. Thus, for example, we would expect that the ascertainment procedures which would have to be observed by a small radio station would be far less exacting in terms of cost and time than those procedures which would have to be observed by a more profitable television station having a large population in its service area.

Test for Renewal.—Under the bill as under existing law, the ultimate test for renewal of a broadcast license continues to be whether the public interest would be served thereby. The bill, however, makes two factors of paramount importance in determining whether the public interest test would be met in a renewal of a particular broadcast license. They are whether the licensee during the preceding license period (1) has observed applicable ascertainment procedures, and (2) has engaged in broadcast operations substantially responsive to the ascertained needs, views, and interests of residents of his service area. Thus, there is a retrospective assessment of whether ascertainment has been carried out by a broadcast licensee and whether its broadcast operations have been substantially responsive to the determinations made from the ascertainment process. By contrast, the entire focus of the existing ascertainment process of the FCC is prospective with little evaluation of the results flowing from that process.

The bill's ascertainment provisions further implement the major policy objective underlying the Radio Act of 1927 and the broadcast provisions of the Communications

Act of 1934[29]—the promotion of broadcast service designed to serve the area where the licensee's signal can be received, and thus in the aggregate, the interest of the nation.

In determining whether or not the licensee has been substantially responsive to the needs, views and interests of his service area, it is not the expectation of your committee that the licensee will deal in depth with every identified need, that his operation will respond fully to every interest or that the station will explore every shade of viewpoint. Rather, your committee expects that the licensee will (1) give consideration to the ascertained needs, views, and interests in order to make a determination which are the most important to the service area and any particular audience within that area the licensee serves, (2) assess the capacities and limitations of his own operations and the resources available to him, and (3) respond to the ascertainment in terms of those determinations and assessments in a manner that is sincere and diligent. If such be the case, the committee assumes the FCC will determine, based on the established service of the incumbent licensee, that the public interest will be served by renewal of the license in any noncomparative situation. Of course, it should also be noted that in order to obtain renewal of any broadcast license, the licensee must continue to possess the necessary legal, technical, and financial qualifications to hold the license, and in addition, must not have engaged in acts or practices during its expiring license term which would render it unfit to hold a broadcast license.

A question remains unresolved, even after the above descriptions of the principal considerations which apply in determining whether the public interests would be served by the renewal of a broadcast license. The problem is whether the public interest requires the same standard of performance of a broadcast licensee in a noncomparative situation as in a comparative one. We think not, but we would hope that every licensee would conduct its operations as if it were about to face a comparative hearing at the time of its next renewal.

If a broadcast licensee comes up for renewal in a noncomparative situation, i.e., one involving no challenge or only a petition to deny, we agree that the test should be the one stated by the Chairman of the FCC,[30] namely, whether the applicant has served the public interest in a manner that is sufficient—but no more. Stated another way, in such a situation the applicant/licensee should be granted renewal if it has provided minimal service to its service area, because even minimal service is to be preferred to no service at all.

However, for the Commission to be satisfied with minimal service from an incumbent licensee in a comparative situation when another applicant would clearly provide much better service would not only ill serve the public interest, but would make a mockery of the hearing process. We believe that stability in the broadcasting industry is highly desirable, but that it should not be achieved at the cost of imposing barely sufficient service on the public by freezing out competitors who would provide better broadcast service.

To summarize, we would propose that an applicant for renewal of a broadcast license be assured of renewal where overall during the expiring term of its license, it has provided *good* service to its service area and its broadcast operations have not been marked by serious deficiencies, i.e., violation of law or of the Commission's rules or policies. We used the term *good* in its defined sense, to wit: having the right qualities; as it ought to be; right. As we use *good* in this context, it is synonymous with *substantial* as used in the *Commission's Policy Statement on Comparative Hearings Involving Regular Renewal Applicants* and with *meritorious* as used by the Commission in the *WBAL* case.

Broadcast License Term.—The bill would increase the term of a broadcast license from three to four years. Early radio licenses were issued for 90 days. Later the term was increased to six months, and then to one year. Finally, the Radio Act of 1927 extended the term to three years where it remains today.

The majority of the FCC and most of the broadcast license renewal bills which were referred to the committee propose a five year broadcast license term. On the other hand there was substantial opposition voiced in the hearings on broadcast license renewal legislation to any increase in the broadcast license term. Opponents argue that increasing the term of broadcast licenses might decrease the broadcaster's responsiveness to his service area.

Your committee believes that a one-third increase in the term of a broadcast license is reasonable and prudent in view of other modifications of the license renewal process contained in the bill. The four-year license period would result in a substantial reduction in the number of renewal applications which the FCC would be required to process each year and would therefore facilitate a more thorough review of each such application. The Commission would retain its powers to levy forfeitures, order early renewals, issue cease and desist orders, and revoke licenses which would permit it to deal with any serious breaches of the public interest.

Crossownership; Integration of Ownership and Management.—The bill would prohibit the Commission in a broadcast license renewal proceeding from considering (1) ownership interests or official connections of the license in other stations, communications media, or businesses (hereinafter referred to as "crossownership"), or (2) the participation of ownership in management of the broadcast stations (hereinafter referred to as "integration of ownership and management"), unless the Commission has adopted rules prohibiting such crossownership or prescribing ownership or management structures or their composition and has given the renewal applicant a reasonable opportunity to conform with such rule.

Although the Commission has indicated that it does not intend to apply these factors in future broadcast license renewal proceedings, in the absence of applicable rules, there is nothing which would prevent it from doing so or to prevent the courts from requiring consideration of the factors on a case-by-case basis. To apply them in broadcast license renewal proceedings would result in restructuring the broadcasting industry in a haphazard, subjective, and oft-times inconsistent manner which the Committee feels would be unfair and undesirable. Furthermore, it is unfair and unsound to oust a broadcast licensee on grounds of crossownership or of integration of ownership and management when the license was granted to it with full awareness of the crossownership or of its intentions with respect to integration of ownership and management.

The committee intends that, if crossownership is to be prohibited or management or ownership structures or their composition are to be prescribed, it must be done by rules adopted by the Commission after compliance with prescribed rule-making procedures where there has been notice and opportunity to comment afforded to interested persons in the industry and the general public.[31]

Some concern has been expressed about the apparently broad prohibitory language in proposed section 307(d)(2)(B). This concern is probably based at least in part on the broad language of paragraph 34 of the Commission's *Further Notice of Proposed Rule Making* in Docket No. 18110 adopted March 25, 1970 which reads as follows:

"34. The rules which we propose would be aimed at reducing common ownership, operation, or control of daily newspapers and broadcasting stations within the same market. They would require divestiture, within five years, to reduce holdings in any market to one or more daily newspapers, or one television broadcast station, or one AM–FM combination. Under the provisions of the rules, if a broadcast station licensee were to purchase one or more daily newspapers in the same market, it would be required to dispose of any broadcast stations that it owned there within one year or by the time of its next renewal date, whichever is longer. No grants for broadcast station licenses would be made to owners of one or more daily newspapers in the same market."

Notwithstanding the broad prohibition stated in paragraph 34, the committee is of the view that the Commission, in connection with any rules it may adopt, could take into account, among other things, such factors as the size of the market in question; the other interests of the ownership; the number of broadcast stations in the market; the other communications media, such as newspapers and cable systems, in the market; the extent to which other broadcast signals are received in the market; the circulation of newspapers in the market which are published outside thereof; and the extent to which there is concentration of media control as reflected by various other factors.

SECTION 3. TIME LIMITATION ON PETITIONS TO DENY

This section requires the Commission to adopt rules prescribing reasonable time periods during which petitions to deny may be filed and requiring it to decide the matter in issue on the basis of petitions filed during the prescribed time period. This section is intended to afford any party in interest a reasonable opportunity to file a petition to deny against the granting of an application, but it is also intended to prevent abuses of this opportunity through use of the dilatory device of filing pleadings out of time which have the effect of delaying decisions for lengthy periods.

The "right to petition" is one which is cherished but as in the case of all rights, if the reasonable and orderly procedures which are designed to effectuate that right are abused, the rights of others may well be

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[29] See section 307(b) of the Act which requires that there must be a fair, efficient, and equitable distribution of radio service among the several States and communities.

[30] Hearings on Broadcast License Renewal, Part 1, Serial No. 93–35, page 58.

[31] At the present time petitions to deny filed by the Antitrust Division of the Department of Justice are pending against applications for renewal of broadcast licenses for stations KSD–TV—AM. St. Louis, Missouri, filed by the Pulitzer Publishing Company which also publishes the St. Louis *Post-Dispatch* daily newspaper; for station KTVI–TV, St. Louis, Missouri, filed by Newhouse Broadcasting Corporation which controls the St. Louis *Globe-Democrat* daily newspaper; for stations KRNT–AM–FM–TV, Des Moines, Iowa, filed by Cowles Communications Inc., publishers of the Des Moines *Register* daily newspaper and the Des Moines *Tribune* daily newspaper; and for stations WCCO–AM–FM–TV, Minneapolis-St. Paul, Minnesota, filed by Midwest Radio-Television, Inc. which is controlled by the Minneapolis Star and Tribune Company publisher of the Minneapolis' only newspapers and by Northwest Publications, Inc., publisher of St. Paul's only newspapers.

placed in jeopardy. The amendments made by section 3 are reasonable corrective measures to prevent abuses of the petition to deny procedure.

SECTION 4. NEGOTIATION

Under this section the FCC is required to prescribe procedures to promote good faith negotiations between licensees of broadcasting stations and persons raising significant issues regarding the operation of such stations in order to resolve such issue. In recent years, attempts have been made to resolve such issues by means of confrontations by complainants and the filing of time consuming and expensive petitions to deny. As the following table indicates, use of the petition to deny against applications for renewal of broadcast licenses has been increasing:

Petitions to deny filed against applications for renewal of broadcast licenses

Fiscal year:	[1]	[2]
1967	2	2
1968	3	3
1969	2	2
1970	15	16
1971	38	84
1972	68	108
1973	50	150
1974 to Mar. 8, 1974	25	35

[1] Number of stations filed against.
[2] Number of petitions.

It is in the interest of all to avoid disruptive confrontations and, whenever possible, the time, effort, expense, and acrimony which result from the filing of a petition to deny against a broadcast station if the issue can be more efficiently resolved. To this end section 4 is intended to promote good faith negotiations so that significant issues can, if possible, be resolved as they arise.

The prescribed procedures should, among other things, be addressed to determining what are significant issues for negotiation, how such negotiations should be initiated, who would be appropriate participants in such negotiations, where they should take place, who should preside at them, and what matters are not appropriate for consideration in such negotiations.

In using the term "good faith negotiations" there is no intention to incorporate the body of law and administrative rulings which have developed in the field of labor law in connection with that concept. Rather as indicated above, the intent of this provision is to require the Commission to prescribe procedures by which persons critical of the operation of a broadcast station and representatives of the station would be encouraged to meet in good will and confer in good faith during the term of the station's license in a candid and sincere effort to resolve the issues presented by such criticism. It is not intended by this provision to require any licensee to agree to any particular concession or to reach agreement with any particular group.

Observance of the procedures prescribed by the Commission under this section is voluntary. However, it is your committee's intention to study the operation and effects of these provisions and the procedures prescribed thereunder so as to assess their impact and effectiveness for whatever further applicability may be appropriate.

SECTION 5. APPEAL OF CERTAIN DECISIONS AND ORDERS OF THE FCC TO LOCAL CIRCUIT COURTS

Decisions and orders of the FCC in each of the following instances would have to be appealed to the United States Court of Appeals for the circuit in which the broadcast station involved is, or is proposed to be, located:

(1) Grant or denial of a broadcast authorization (i.e. a construction permit for a broadcast station or a broadcast station license).

(2) Grant or denial of a renewal or modification of a broadcast authorization.

(3) Grant or denial of an authorization to transfer, assign, or dispose of any broadcast authorization (or any rights thereunder).

(4) Modification or revocation of a broadcast authorization by the Commission.

Decisions and orders of the FCC affecting authorizations in services other than broadcasting (for example, the aviation, maritime, safety and special, citizens, industrial, and amateur radio services), cease and desist orders under section 312 of the Act, and suspension of radio operators licenses could, under the amendment made by section 5, be appealed either to the United States Court of Appeals for the circuit in which the person bringing the appeal resides or has his principal place of business or in the United States Court of Appeals for the District of Columbia circuit.

At present under section 402(b) of the Act all appeals referred to above must be taken to the United States Court of Appeals for the District of Columbia circuit.

The processing of most contested broadcast license renewal applications takes a long period of time. For example, WHDH filed its renewal application in 1963, and the Court of Appeals for the District of Columbia Circuit did not render a final decision in that case until November 1970. We note that the median time to dispose of an appeal in the Court of Appeals for the District of Columbia Circuit is 11.7 months, the longest of any Court of Appeals in the Nation.[32] It is hoped by transferring these appeals to other circuits that the overall period of time taken to finally decide a contested broadcast license renewal application will be shortened.

Furthermore, since broadcast authorizations usually involve parties residing in the communities to which the authorizations are or are proposed to be assigned, it better meets the convenience of most parties to an appeal involving a broadcast authorization if the appeal is brought in the United States Court of Appeals for the circuit in which such community is located. In this connection your committee notes with approval that the general policy of the FCC is to conduct hearings on renewal and revocation of broadcast licenses in the communities to which the licenses are assigned.

SECTION 6(a). STUDY OF REGULATION OF BROADCASTERS

Under this section the FCC is required to carry out a continuing study to determine how it might eliminate regulations applicable to broadcast licensees which are required by the Act but do not serve the public interest. The Commission must make annual reports on its study (together with any recommendations for legislation) to the Senate Commerce Committee and the House Interstate and Foreign Commerce Committee. The first such report must include the FCC's conclusions with respect to the differences between broadcast licensees on which are or may be based differentiation in their regulation under the Act.

As noted earlier in this report, the framework of the Act insofar as it relates to broadcasting was established by the Radio Act of 1927 long before FM radio or television became actualities. Consequently the Act does not take into account the differences between those two types of broadcasting and standard (AM) radio broadcasting around which the Act was conceived. Nor does the Act reflect the differences between commercial and noncommercial educational broadcasting or between broadcasters operating in large and small markets or between economically large and small broadcasters operating in those markets. Your committee believes that there must be effective regulation of the broadcasting industry in order that the public interest be well served. But that does not mean that the same rules and regulations must apply, or apply to the same extent, to all broadcasters. We look to the Commission to recommend amendments to the Act which will facilitate more fair, efficient, and effective regulation of the broadcasting industry.

The committee is aware that the Commission in 1972 established a task force to undertake a comprehensive study looking toward re-regulation of radio and television broadcasting. During 1972 and 1973 a number of Orders were issued based on the activities of the task force. It is not the intention of section 6(a) of the bill to interfere with the activities of the task force. The purpose of the task force is a good one and its operation should continue. Rather, the provisions of section 6(a) should be regarded as complementary of the activities of the task force, and the task force should participate in recommending amendments to the Act where its process of re-regulation is hampered by the Act's provisions.

SECTION 6(b). COMPLETION OF ACTION ON DOCKET NO. 18110

This section requires the FCC to complete all proceedings and take such agency action in its Docket No. 18110 as it deems appropriate within six months after the date of enactment of the legislation.

Proceedings in Docket No. 18110 were commenced by *Notice of Proposed Rule Making* released by the FCC on March 27, 1968. The original purpose of the Docket was to consider amendments to certain of the Commission's rules relating to multiple ownership of broadcast stations. Comments filed by the Antitrust Division of the Justice Department and others urged that the scope of the docket be extended in some form to newspaper-broadcasting combinations and to license renewal proceedings. In its *First Report and Order*[33] released March 25, 1970, the Commission adopted with certain minor changes the proposed one-station-to-a-customer rule. In a *Further Notice of Proposed Rule Making*[34] in such Docket adopted the same day, the Commission proposed an amendment to its rules so as to require divestiture within five years in order to reduce any person's media holdings in any market to one or more daily newspapers, one television station, or one AM–FM combination. It is now four years since the *Further Notice of Proposed Rule Making* was adopted in Docket No. 18110. The committee is aware that the Commission has scheduled oral argument before it on June 18 and 19 of this year on this matter, but it insists that the Commission press on after such oral arguments to a conclusion within the six-month period fixed by the legislation so that the issue be resolved for the sake of those it will affect and so that the Commission may direct its attention to its other responsibilities.

SECTION 7. EFFECTIVE DATES

This section provides when the various provisions of the legislation will take effect.

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

Mr. BROWN of Ohio. I will be glad to yield to the gentleman from Massachusetts.

Mr. MACDONALD. Mr. Chairman, I wish to thank the gentleman for yielding, and I congratulate him for his very straightforward statement, one that is absolutely correct. This is the most carefully written report that I have ever

[32] Management statistics for United States courts, 1973, a report . . . from the Director of the Administrative Office of the United States Courts, at DC–0.

[33] 22 FCC 2d 306.
[34] Loc. at p. 339.

had anything to do with in 20 years in the House, and I think it is about time that the Congress stop legislating by having people come in the door and saying, "What's up?"

When the gentleman referred to the date of April 3, I would like to point out for the RECORD that this is not a cutoff of anything. It is merely the fact that there were not that many people on the floor who were able to gain any knowledge about what they were voting for or what the amendment was even about. They just violated an agreement made, as the gentleman knows, by many of the Members and the industry itself. I think this is about tops in futility in keeping or trying to keep the integrity of the House intact as long as the membership itself decides to vote yes or no merely by flipping a coin.

Mr. BROWN of Ohio. I am sure the chairman of the subcommittee would join me in assuming that most of the Members of this body have read the report and would support the language of it.

Mr. MACDONALD. I agree with the gentleman.

Mr. BROWN of Ohio. And I have observed that perhaps we were fighting an uphill battle in trying to set the length at 4 years, because many of our Members have put in language a couple of years back urging the 5-year amendment be adopted.

Mr. MACDONALD. I would say to the gentleman he is probably correct except for the fact that the industry itself has agreed that they could and would live with the 4-year limitation, on which basis we adopted this language in the committee, reducing it from the 5-year period.

PARLIAMENTARY INQUIRY

Mr. CONYERS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CONYERS. Mr. Chairman, would it be appropriate during the course of the discussion of this bill to introduce an amendment that would limit the licensing to 2 years? Is that not in order yet?

The CHAIRMAN. If the gentleman wishes to present an amendment, of course, the Chair will recognize the gentleman.

Mr. CONYERS. And it would be in order?

The CHAIRMAN. The gentleman knows that the amendment that has just been adopted in the committee set the period at 5 years. However, if the gentleman from Michigan wishes to submit an appropriate amendment at this time, it will be reported.

Mr. CONYERS. Not at this time, Mr. Chairman. Is the bill not open to amendment at any point?

The CHAIRMAN. It is, and if the gentleman wishes to submit an amendment, the Chair will certainly be willing to recognize him for that purpose.

Mr. DELLENBACK. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, before we vote on this proposal I wish to include in the record—as I have on various occasions in the past when the House has dealt into legislation affecting broadcasting—another reference to my personal involvement in the broadcasting industry. I am the owner of a minority interest in an Oregon corporation which holds broadcast licenses in AM radio, FM radio, and TV.

Passage of this legislation would certainly in a series of ways affect the operations of this licensee. In the main that effect would be to increase the burdens and obligations on the licensee. Even though license terms are potentially increased, the argument is I think soundly made that this potential extension of term should end in benefitting the listening and viewing public.

So also would I point out that the other features of the bill increasing the burdens on licensees would, in my opinion, be beneficial to the listening and viewing public. So, after pointing out the above mentioned fact of ownership, I intend to support this legislation and urge my colleagues to do likewise.

AMENDMENT OFFERED BY MR. LANDGREBE

Mr. LANDGREBE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LANDGREBE: Page 5 strike out lines 4 through 12.

Redesignate the succeeding sections and references thereto accordingly.

Mr. LANDGREBE. Mr. Chairman, my amendment simply eliminates the provision requiring the Federal Communications Commission—FCC—to prescribe procedures for encouraging licensees of broadcasting station and persons raising significant issues about their operations to conduct "good faith negotiations" during the licensee's term.

I recognize the committee's intent is to attempt to eliminate the growing number of "confrontations" at license renewal time between the licensee and those filing petitions to deny renewal. However, this "negotiations" provision will probably make the situation worse, not help correct it.

What kind of negotiations would be required? What would these procedures amount to? And, of course, a "significant issue"—who is to decide whether it is a significant issue? And would it not be possible for a perfectly legitimate operator to be just bogged down constantly in trying to negotiate some insignificant issue. In other words, it would certainly encourage groups to simply harass a radio station, the opinions of when they did not particularly agree with.

In addition, the provision could lead to censorship by local pressure groups. How many radio stations—particularly the smaller ones—could afford the time and expense of "negotiations" with groups that disagreed with their operation? Most would be forced to simply not broadcast views that these groups disagreed with to avoid the harassment of negotiations. It is certainly unjust to subject broadcasters to this kind of pressure in the form of forced negotiations.

Mr. Chairman, with the removal of this provision plus the amendment we just passed granting license terms of 5 years, this would be a very good bill—it would indeed go a long way toward granting the broadcasters the kind of protection and freedom they need and deserve.

Mr. MACDONALD. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Indiana (Mr. LANDGREBE).

Mr. Chairman, I did not hear everything the gentleman from Indiana had to say, but I can say that I know the reason that this part of the bill is in here, and it is a very good reason for its inclusion. As I indicated in the earlier debate, and I do not know whether the gentleman from Indiana was here or not, that this section was put in for a very good reason, and that is to give an opportunity to those people in a community who do not feel that the station is serving the public interest, convenience and necessity. As of now, as I indicated earlier, there have been cases, and they are in the record of the hearings, where management on the one hand would refuse to see people with legitimate complaints and, on the other hand, some complainants were merely doing it to upset orderly procedure.

So the word "negotiation" does not mean negotiation in the same sense as it is used in the National Labor Relations Board, exactly, when they talk about negotiating in good faith.

This encourages a discussion between the parties that is necessary to prevent unnecessary challenges that will possibly issue that people feel aggrieved by that station, and its performance, to air their grievances to the management, and the management, the licensee, in turn, can explain the reasons for the procedures that he had been following earlier.

It is not binding. It does not hold either party to anything. It merely opens a discussion, a discourse, an across-the-board listening forum so as to save both sides money when a party who feels aggrieved finds it necessary in order to be heard that they either bring a petition to deny or challenge the license even though it is a rather frivolous challenge in the sense that they would not know what to do with the station if it were successfully challenged, but merely a forum to review their complaints.

So I urge strongly that this amendment be rejected, because this section is a very integral part of this entire bill.

Mr. BROWN of Ohio. Mr. Chairman, I move to strike the last word, and I rise in opposition to the amendment offered by the gentleman from Indiana (Mr. LANDGREBE).

Mr. Chairman, I have great respect for my colleague, the gentleman from Indiana (Mr. LANDGREBE), but I would draw the attention of the gentleman to the language appearing on pages 20 and 21 of the report with reference to the area of negotiation.

The ambition of this language in the report is not to force anything on the station or the broadcaster, nor yet again to force anything on the general public in terms of the broadcaster's refusal to discuss differences of opinion between the public and the license holder about the operation of the station.

Rather, it is to provide through the Federal Communications Commission,

which administers the public interest in the use of the networks and in the use of the airways, specific methods by which discussions can be held on differences of opinion about the operation of the station.

During the course of our hearings we had a wide variety of individual groups who had criticism of broadcast licensees, and we had broadcast licensees themselves come in and tell us about the difficulty, sometimes on the part of the complainant, sometimes on the part of the broadcaster, in getting a full and open discussion on a rational basis of the problems that arose between broadcasters and complainants.

The language in the negotiations section is nothing more nor less than an effort to see that the expression of complaints and the opportunity of the broadcaster, the licensee, to respond to those complaints, is undertaken in an orderly fashion. We had many instances presented to us where complainants came in, in large groups, and tried to disrupt the operation of the station.

Similarly, we also had legitimate complaints about broadcast licensees who refused to listen to groups who had complaints about the operation of the airways.

I think that the language drawn here does make a legitimate effort to try to resolve those two problems, and I do not feel that it ought to be stricken from the bill based upon the fact that, as much as anything else, we put it in the bill to try to resolve this problem. Should we take the provision out, I think we would expose both broadcasters and the public to the chaotic situation which prevailed in too many instances prior to the effort to resolve it with this negotiations language.

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

Mr. BROWN of Ohio. I yield to the gentleman from Indiana.

Mr. LANDGREBE. I thank the gentleman for yielding.

Is it not really the business of the FCC to enforce their own regulations? In the case of the ICC, where a carrier is in violation, the customer of that truckline goes with his complaint to the ICC. Here we come up with an idea that the Commission is going to prescribe procedures whereby we are going to have "good-faith negotiations" between the licensee and the public.

It seems to me that there is a real danger here in the licensee being just simply bogged down in negotiations constantly. If the licensee is in violation, it is up to the FCC to enforce regulations and not create this stalemate situation.

Mr. BROWN of Ohio. I know the gentleman is intimately familiar with the regulated transportation industry because he has been involved in that in his private career. I know that the gentleman would not want every one of the customers of the trucking company to automatically take any complaint they might have to formal legal action before the ICC, or to try to get a license revoked, or to try to take action before the courts, rather than take the complaint directly to the individual trucking company or transporattion company.

Of course, what we are trying to do here is to assure that those complaints come before the broadcast licensee so that the broadcast licensee and the complainant sit down and discuss the complaint and objections to the operation in an orderly fashion laid down by the FCC. In this way, complaints may not come in, say, with 50 people and try to stop the broadcasting operation, but rather they may come in with a limited number of people.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DON H. CLAUSEN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of this legislation.

Mr. Chairman, I am a coauthor of this legislation revising the renewal term for broadcast stations and I am pleased it has been brought before the House at this time.

I strongly urge the House to adopt the bill and get it enacted into law.

H.R. 12993 will add a degree of stability to the broadcast industry that is vitally needed and reflects the realities of both the broadcasting business and broadcasting regulation.

A good deal of the credit for advancing this legislation goes to the distinguished gentleman from North Carolina (Mr. BROYHILL). His recognition of the public interest and his leadership in developing a response to it is the reason we have moved the bill to the floor with the unanimous support of the Interstate and Foreign Commerce Committee.

I shall support the Broyhill amendment to place the renewal term at 5 years rather than the 4-year term included in the committee bill.

Five years is the term included in our original legislation and, in my judgment, is a more appropriate length of time.

It should be noted that this legislation, when enacted, will mark the first time the term has been amended since the initial Federal Radio Act was approved in 1927. It would be difficult to overstate the vast changes that have occurred in the broadcasting field during the past 43 years.

We need to recognize these changes and H.R. 12993 does this in responsible fashion.

The committee's report on H.R. 12993 effectively spells out the rationale for this legislation and needs no elaboration from me.

I hope we will approve the Broyhill amendment today and then give this bill our final approval.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. LANDGREBE).

The amendment was rejected.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. BEVILL, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 12993) to amend the Communications Act of 1934 to provide that licenses for the operation of broadcasting stations may be issued and renewed for terms of 4 years, and for other purposes, pursuant to House Resolution 1080, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

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

Is a separate vote demanded on any amendment? If not, the Chair will put them en gross.

The amendments were agreed to.

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

The bill was ordered to be engrossed and read a third time, and was read the third time.

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

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

Mr. O'HARA. 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 379, nays 14, answered "present" 2, not voting 38, as follows:

[Roll No. 198]

YEAS—379

Abdnor	Chappell	Foley
Adams	Clancy	Forsythe
Addabbo	Clausen, Don H.	Fountain
Anderson, Calif.	Clawson, Del	Fraser
Andrews, N.C.	Clay	Frelinghuysen
Andrews, N. Dak.	Cleveland	Frenzel
Annunzio	Cochran	Frey
Archer	Cohen	Froehlich
Arends	Collier	Fuqua
Ashbrook	Collins, Ill.	Gaydos
Ashley	Collins, Tex.	Gettys
Aspin	Conable	Giaimo
Bafalis	Conlan	Gibbons
Baker	Conte	Gilman
Barrett	Corman	Ginn
Bauman	Cotter	Goldwater
Beard	Coughlin	Gonzalez
Bell	Crane	Goodling
Bennett	Cronin	Green, Oreg.
Bergland	Culver	Green, Pa.
Bevill	Daniel, Dan	Griffiths
Biaggi	Daniel, Robert W., Jr.	Gross
Biester	Daniels, Dominick V.	Grover
Bingham	Danielson	Gubser
Blackburn	Davis, S.C.	Gude
Boggs	Davis, Wis.	Gunter
Boland	Delaney	Guyer
Bolling	Dellenback	Hamilton
Bowen	Denholm	Hammer-schmidt
Brademas	Dennis	Hanley
Brasco	Dent	Hanna
Bray	Derwinski	Hanrahan
Breaux	Devine	Hansen, Idaho
Breckinridge	Dickinson	Harrington
Brinkley	Dingell	Harsha
Brooks	Donohue	Hastings
Broomfield	Dorn	Hawkins
Brotzman	Downing	Hays
Brown, Ohio	Dulski	Hébert
Broyhill, N.C.	Duncan	Hechler, W. Va.
Broyhill, Va.	du Pont	Heckler, Mass.
Burgener	Eckhardt	Heinz
Burke, Calif.	Edwards, Ala.	Helstoski
Burke, Fla.	Edwards, Calif.	Henderson
Burke, Mass.	Eilberg	Hicks
Burleson, Tex.	Erlenborn	Hinshaw
Burlison, Mo.	Esch	Hogan
Burton	Eshleman	Holifield
Butler	Evans, Colo.	Holt
Byron	Evins, Tenn.	Horton
Camp	Fascell	Hosmer
Carney, Ohio	Fish	Huber
Carter	Flood	Hungate
Casey, Tex.	Flowers	Hunt
Cederberg	Flynt	Hutchinson
Chamberlain		Ichord
		Jarman

Johnson, Calif.	Murtha	Stanton, J. William
Johnson, Colo.	Natcher	Stanton, James V.
Johnson, Pa.	Nedzi	Steed
Jones, Ala.	Nelsen	Steele
Jones, N.C.	Nichols	Steelman
Jones, Okla.	Nix	Steiger, Ariz.
Jones, Tenn.	O'Brien	Steiger, Wis.
Jordan	O'Hara	Stephens
Karth	O'Neill	Stratton
Kemp	Owens	Stuckey
Ketchum	Parris	Studds
King	Passman	Sullivan
Kluczynski	Patten	Symington
Kuykendall	Perkins	Symms
Kyros	Pettis	Talcott
Lagomarsino	Peyser	Taylor, Mo.
Landgrebe	Pike	Taylor, N.C.
Landrum	Poage	Teague
Latta	Podell	Thompson, N.J.
Leggett	Powell, Ohio	Thomson, Wis.
Lehman	Preyer	Thone
Lent	Price, Ill.	Thornton
Litton	Price, Tex.	Towell, Nev.
Long, La.	Pritchard	Traxler
Long, Md.	Quie	Treen
Lott	Quillen	Udall
Lujan	Randall	Ullman
Luken	Rarick	Van Deerlin
McClory	Rees	Vander Jagt
McCloskey	Regula	Vander Veen
McCollister	Reuss	Vanik
McCormack	Rhodes	Veysey
McDade	Rinaldo	Vigorito
McEwen	Robinson, Va.	Waggonner
McFall	Robison, N.Y.	Waldie
McKay	Rodino	Walsh
McKinney	Roe	Wampler
McSpadden	Rogers	Ware
Macdonald	Roncalio, Wyo.	Whalen
Madden	Rooney, Pa.	White
Mahon	Rosenthal	Whitehurst
Mallary	Rostenkowski	Whitten
Mann	Roush	Widnall
Maraziti	Rousselot	Wiggins
Martin, Nebr.	Roy	Williams
Martin, N.C.	Roybal	Wilson, Bob
Mathias, Calif.	Runnels	Wilson, Charles H., Calif.
Mathis, Ga.	Ruppe	Wilson, Charles, Tex.
Matsunaga	Ruth	Winn
Mayne	Ryan	Wolff
Mazzoli	St Germain	Wright
Meeds	Sandman	Wyatt
Melcher	Sarasin	Wydler
Metcalfe	Sarbanes	Wylie
Mezvinsky	Satterfield	Wyman
Michel	Scherle	Yates
Miller	Schneebeli	Yatron
Mills	Schroeder	Young, Alaska
Minish	Sebelius	Young, Fla.
Mink	Seiberling	Young, Ga.
Minshall, Ohio	Shipley	Young, Ill.
Mitchell, N.Y.	Shoup	Young, S.C.
Mizell	Shriver	Young, Tex.
Moakley	Shuster	Zablocki
Mollohan	Sikes	Zion
Montgomery	Sisk	Zwach
Moorhead, Calif.	Skubitz	
Moorhead, Pa.	Slack	
Morgan	Smith, Iowa	
Mosher	Smith, N.Y.	
Moss	Snyder	
Murphy, N.Y.	Spence	
	Staggers	

NAYS—14

Abzug	Drinan	Obey
Badillo	Holtzman	Rangel
Chisholm	Kastenmeier	Stark
Conyers	Koch	Tiernan
Dellums	Mitchell, Md.	

ANSWERED "PRESENT"—2

Armstrong	Riegle

NOT VOTING—38

Alexander	Ford	Myers
Anderson, Ill.	Fulton	Patman
Blatnik	Grasso	Pepper
Brown, Calif.	Gray	Pickle
Brown, Mich.	Haley	Railsback
Buchanan	Hansen, Wash.	Reid
Carey, N.Y.	Hillis	Roberts
Clark	Howard	Roncallo, N.Y.
Davis, Ga.	Hudnut	Rooney, N.Y.
de la Garza	Kazen	Rose
Diggs	Madigan	Stokes
Findley	Milford	Stubblefield
Fisher	Murphy, Ill.	

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Stubblefield for, with Mr. Reid against.

Until further notice:

Mr. Howard with Mr. Ford.

Mr. Rooney of New York with Mrs. Hansen of Washington.

Mr. Carey of New York with Mr. Anderson of Illinois.

Mr. Haley with Mr. Findley.

Mr. Kazen with Mr. Hillis.

Mr. de la Garza with Mr. Brown of Michigan.

Mr. Davis of Georgia with Mr. Madigan.

Mr. Fulton with Mr. Buchanan.

Mrs. Grasso with Mr. Fisher.

Mr. Diggs with Mr. Gray.

Mr. Alexander with Mr. Hudnut.

Mr. Clark with Mr. Blatnik.

Mr. Murphy of Illinois with Mr. Milford.

Mr. Rose with Mr. Railsback.

Mr. Stokes with Mr. Brown of California.

Mr. Pepper with Mr. Patman.

Mr. Pickle with Mr. Myers.

Mr. Roberts 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

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks with respect to the bill, H.R. 12993, just passed, and the amendment offered by the gentleman from North Carolina (Mr. BROYHILL).

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

There was no objection.

ENERGY SUPPLY AND ENVIRONMENTAL COORDINATION ACT OF 1974

Mr. STAGGERS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 14368 to provide for means of dealing with energy shortages by requiring reports with respect to energy resources, by providing for temporary suspension of certain air pollution requirements, by providing for coal conversion, and for other purposes.

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

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee on the Whole House on the State of the Union for the consideration of the bill H.R. 14368, with Mr. DORN in the chair.

The Clerk read the title of the bill.

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

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

The Chair recognizes the gentleman from West Virginia.

Mr. STAGGERS. Mr. Chairman, I yield myself whatever time I may require.

Mr. Chairman, I rise in support of H.R. 14368, the Energy Supply and Environmental Coordination Act of 1974.

As everyone knows, this body has been considering legislation to cope with the energy situation since October of last year. The Congress did act to pass energy legislation, but that bill—S. 2589—was vetoed by the President.

Now the immediate crisis has passed. But the oil embargo could be reimposed at any time. Bad weather, strikes, or accelerated increases in demand could cause serious energy shortages. In my view and in the unanimous view of the Commerce Committee, there are some steps we can and should take now to deal with this possibility.

First, the Administrator of the new Federal Energy Administration must be given, and must exercise, the authority to get and verify necessary information on the Nation's energy supplies. Second, the FEA Administrator must be authorized and directed to make more effective use of our Nation's coal resources. Third, some carefully limited adjustments must be made to certain specific environmental requirements.

These provisions have been separated from the controversial provisions of the energy legislation. They have passed the committee unanimously and have previously passed both the House and the Senate. The President in his veto message did not oppose these provisions.

This bill will help meet the Nation's energy needs, but will not abandon our commitment to a healthy environment. For these reasons, I urge passage of H.R. 14368.

Mr. NELSEN. Mr. Chairman, I yield 5 minutes to the gentleman from New York (Mr. HASTINGS).

Mr. HASTINGS. Mr. Chairman, I thank the gentleman from Minnesota for yielding me this time.

Mr. Chairman, I do not believe that the House has to spend a great deal of time in going over the provisions of title II of the conference report that has been before this body on two separate occasions, and that has received favorable consideration on both of those occasions by the House.

Mr. Chairman, as the gentleman from West Virginia, the chairman of the full committee (Mr. STAGGERS), has pointed out, the bill before us today is precisely the language of the conference report on the so-called Emergency Energy Act, as it relates to the Clean Air Act. I would like to point out to the Committee, however, that we started deliberations on this matter back in October of 1973, and we are now at this point in time of May 1, 1974, where we have not as yet given congressional approval to an energy plan.

The reason that I introduced a separate measure is because of the difficulties we had encountered with title I. I think it is entirely fair to present to the auto industry the means whereby they can proceed to manufacture their automobiles. The Congress holds in its hand the decision as to what type of emission

controls standards are going to have to be met by the automobile industry, and we have been delinquent in not providing any date certain for them, and I urge that we today do so as quickly as possible, and try to overcome the five months of deliberations and equivocations on the entire question of what standards are in fact going to be in place.

The automobile emission standards referred to in this bill would keep the 1975 standards in place for the year 1976. It would give the Administrator the option of granting an additional year of delay in the implementation of the standards.

The coal diversion sections are as minimal as possible. They allow conversion of plants to coal where the Administrator finds it necessary, and yet protect the environment by demanding down the line that if they continue to utilize coal, they install scrubbing equipment.

Mr. Chairman, I strongly advocate as a compromise measure that we very quickly, without change, pass this measure and let the automobile manufacturers especially know what date they can proceed to manufacture their automobiles with the knowledge of what emission standards they will be required to meet.

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

Mr. HASTINGS. I yield to the gentleman from Nebraska.

Mr. McCOLLISTER. I thank the gentleman for yielding.

I wish to associate myself with the remarks of the gentleman from New York, particularly those suggesting to the committee that the bill be passed in its present form, both because it is the result of a legislative process that has been too long at work, and because there are many divergent views. This Member will oppose any amendment, and he will vote for the bill in its present form.

Mr. HASTINGS. I appreciate very much the comments of the gentleman from Nebraska. I might add that there are people who would like to change this measure. There are people who would like to tighten up on the standards. There are people who would like to loosen up on the standards.

The gentleman from Florida, Chairman ROGERS, has indicated that the Clean Air Act will undergo complete hearings, and will consider all changes at the appropriate time of hearings. But as the gentleman has mentioned, the time has come to pass this extremely minimal Energy Act and pass it as presently constituted, without any further attempt to change it.

The House can well remember being on this floor for hour after hour after hour debating various amendments. That bill never did see the light of day. Now we have arrived at a point where it is time to move, and pass this measure.

Mr. Chairman, I strongly advocate that this measure be approved without any changes whatsoever.

I yield back the remainder of my time.

Mr. NELSEN. Mr. Chairman, I yield 10 minutes to the gentleman from New Hampshire (Mr. WYMAN).

Mr. WYMAN. Mr. Chairman, I have a great deal of respect for my colleague, the gentleman from New York, and for the position which he and other members of the committee urge in respect to this bill. However, the hard fact of the matter is that unless certain amendments are offered to this legislation at this time, the prospect is that they will not become a reality in regard to the next run of U.S. automobile production, or possibly in the future at any time.

I want to make very clear at the outset of discussion on this subject that I yield to no one in this House in my enthusiasm for clean air, clean water, noise abatement, and all of the other things that help to make America a better and more comfortable place for its citizens to live in.

But one of the things that is being done in this bill, in my opinion, ought not to be done, and that is to put the 1975 automobile clean air standards into operation. They are unnecessarily high and far too wide ranging in application. Let me explain, if I may, so that it will be understood. There are two or three basic facts that we need to be aware of. One is that there is no need for automobile emissions controls on any automobiles in better than 90 percent of the geographical area of the United States for any realistic public health interest on the part of our citizens. Specifically, there is no need for any emission controls on automobiles, for example, in the States of North Dakota, New Hampshire, Florida, Maine—one could go right on across almost this whole country.

The only automobile emission pollution that relates to public health in this country extends in a corridor from Boston, Mass., down to Richmond, Va., and in the Chicago area and in and around the Los Angeles area and to some extent in Phoenix and Tucson at certain times, and all of these areas are protected in an amendment which I will offer at the appropriate time in deliberations on this bill.

It seems to me it is unwise and unnecessary, at a time when the country is facing a gasoline shortage, and in fact, whether or not the country faces a gasoline shortage, it is unwise and unnecessary for us to be so enormously wasteful of energy in this country as to insist that everyone in the country have an automobile that is equipped with expensive emission controls unless there is an honest-to-goodness, down-to-earth public necessity for this.

The package of emissions controls in the 1974 models cost about $314 a car and everyone in the country is being required to buy them. At the proper time, if the language which the gentleman from New York and the chairman of the committee insist upon is maintained in the law of this country, there will have to be catalytic converters on all the 1975 cars. This will add in the vicinity of $150 a car to every single new car cost, which will bring the package of emissions gadgets pretty close to $500 per car. In addition, these catalytic converters will shrivel up and die and become ineffective if they eat leaded gasoline. The country in the future is going to have to have a different kind of gasoline nozzle at the pumps and it is going to have to have unleaded gasoline all over the country at an enormous cost and at a refinery penalty, for a barrel of crude for unleaded gasoline of 4 or 6 percent.

It has been urged that there will be a fuel economy from the use of the catalytic converter, but the economy is lost in the penalty that occurs at the refinery in the reduced number of gallons of gasoline one can obtain from each barrel of oil.

I put in the RECORD yesterday, and it is in the Appendix of the RECORD today at page 12482, a factsheet attempting to answer some of the questions about my first amendment that will be offered today, to take emissions controls off of automobiles registered to residents of approximately 90 percent of the geographical area of the United States. It will thus relieve Americans who operate and own cars in those areas, because it applies to persons who are residents of those areas. It will relieve them of the very substantial initial cost burden and also relieve them of a fuel penalty burden that EPA itself in its latest report advises is an average for all cars in the country of at least 10 percent or 1 gallon out of every 10. It will provide that residents of those parts that do have a pollution problem—the persons who operate automobiles there better than half of the time will continue have to have emission-equipped cars.

I think this is a significant improvement on the situation. I cannot understand for the life of me why it is that the committee and members of the committee decline to take America to a two-car policy. It will save billions of gallons of gasoline and billions of dollars. Apparently some of the gentlemen are of the opinion that automobile emissions go up into the atmosphere and pollute the world's air.

The fact of the matter is that the breezes blow and the rains fall and these emissions are dissipated. They are not present in sufficient quantity to injure the public health in most of America. Required on cars in areas in which there is virtually no concentration of pollution they impose an enormous fuel penalty and an enormous capital wastage on the citizens of this country.

Under my amendment the EPA Administrator is authorized to designate the geographical boundaries of the so-called emissions-related problem areas. These are air quality regions. There are 13 of them designated. After he has once designated them, and he must do it within 60 days from the time the amendment becomes law, if he wants to add another area in America that he feels has a problem, he can do so but he must first come to the Congress and to the Commerce Committee and obtain approval of the Congress before he does this.

Now, if we take, just for example, a State such as Florida and we total the number of 1975 cars that will be registered in the State of Florida, that will be bought there, if we assume it was nothing but 100,000, if there is to be a penalty of nearly $500 a car, to insist upon a requirement that all of the people of Florida should have this kind of a restriction on their automobiles imposes a cap-

ital penalty on them of nearly $50 million in that one State alone. It seems to me this is wrong for America—an unjust and unnecessary burden.

Now, how much gasoline will be saved? The answer is that the existing shortage of 15 percent will be virtually wiped out. Seventy-five percent of the cars in this country will be costly and wasteful emissions controls free if this amendment goes through.

The automobile industry can live with this two car policy very easily. Their production lines will simply have an additional step for the 30 percent of the cars that have to have emissions controls on them. They will not have emissions controls on the 70 percent of the other production. The dealers can live with this also.

What is to stop, we may ask, for example, a person who resides in an air quality region from going outside the region and buying a car that does not have emissions controls on it? The answer is that under the amendment it is a misdemeanor punishable by a fine or a sentence in jail. Everyone can live with this. The savings will be very substantial.

More importantly, the ambient air quality of the regions that the Administrator designates as air quality control regions will not be significantly adversely impacted by the in and out traffic of cars that do not have emission controls because that traffic ranges anywhere from 2 to 6 percent and it is not large enough to create a real problem.

The savings for the people of America would be billions of gallons of gasoline a year. If we are short of gasoline and energy, if we are looking as we are to get more energy from coal and possibly make oil and gas from coal, to expedite additional drilling and recovery of gas and oil from places in this country where it is available, we ought to give our attention to this problem and do it right now. It is the one way we can act right now to end the gasoline shortage in this country overnight.

The facts concerning my amendment are as follows:

GENERAL FACTSHEET

1. The amendment proposes suspension to emissions requirements on light-duty vehicles until September 30, 1977. How many cars will be affected?

Answer: Approximately 70 percent of all new cars manufactured 60 days after passage and a substantial number of older cars already on the road that may legally be modified by dealers to achieve greater mileage and economy.

2. Whose cars are affected?

Answer: Those belonging to persons resident outside of thirteen air quality regions the boundaries of which must be designated by the EPA administrator within 60 days after passage.

3. Will this impair air quality or mess up the clean air of the non-air quality regions?

Answer: Not in the slightest. Most of the United States has no significant air pollution from automobile emissions that adversely affects public health. The winds blow, the air moves, the rains fall. The emissions are not cumulative. They are dispersed and they do not exist in quantities that make people sick or impair their required air quality except in heavy concentrations and these areas are specified as "air quality regions".

4. Will it save gasoline?

Answer: In the billions of gallons each year.

5. Will it save money?

Answer: Hundreds of millions of dollars in costs to consumers in what they must pay for their cars (approximately $314 per car) and for their operation thereafter.

6. Can the automobile industry live with what amounts to a two car standard?

Answer: Yes; the industry will make two types of cars, one with emissions controls and the other without. This assembly line technique is not unduly burdensome.

7. Can automobile dealers live with the requirement?

Answer: Yes; persons (customers) will purchase the same number of cars but residents outside of air quality regions will mostly purchase cars without emissions controls because they will cost less and operate more inexpensively.

8. What is to prevent persons who reside in air quality regions from going to dealers with emissions free cars and buying one?

Answer: This is a criminal misdemeanor under the amendment punishable by fine and imprisonment.

9. What will be the effect of the amendment on the gas shortage?

Answer: It will cut it virtually in half (or at present levels eliminate it entirely). Under the amendment persons owning earlier model cars may have them modified by professional experts to increase their gas mileage. This is prohibited by dealers under existing law. Manuals of instruction on this will be prepared and furnished to dealers by manufacturers.

10. What savings in gas mileage is involved in terms of present cars and new cars yet to be manufactured?

Answer: EPA itself estimates the overall fuel penalty under the 1970 standards ranges downward from 18% on larger cars to an overall average exceeding 10 percent. 70% of new cars will have no fuel penalty because they will have no emissions controls. Older cars may be modified at individual owners option. Net gas savings at least one gallon in ten, and in some instances much more.

11. What about the in-and-out traffic into air quality regions of cars without emissions controls?

Answer: It will not significantly adversely affect the air quality in those regions because the traffic in and out is not that heavy; it ranges from 2–6 percent.

12. What about the inequity between persons who live in such regions and those who live outside of them in terms of what they have to pay for their cars?

Answer: Why require the entire nation to bear the hugely energy wasting burden that is a problem only in a small part of the country? When a person moves from an air quality region to an unrestricted area he may acquire an emissions control free vehicle if he desires. Similarly when the reverse applies the additional cost is part of the price of maintaining clean air standards in the controlled region. There is little sense, for example, in requiring all of the residents of the entire State of North Dakota to purchase emissions control equipped cars when the area has no emissions control related air pollution. Multiplied nationwide the energy cost of such a requirement becomes both ridiculous and energy wasteful to a point deserving of the rising public criticism that prevails in the United States on this matter at this hour.

Mr. NELSEN. Mr. Chairman, I yield myself such time as I may require.

Mr. Chairman, I rise in support of this bill. I wish to point out that this bill as originally enacted, including the total energy problem, we will recall, was here for lengthy debate and was finally vetoed.

It seemed crystal clear to the committee that title II of the bill was a necessary step that must be taken at this time so that the automobile industry would know where to go and know what our instructions to them would be. This we have tried to do.

I want to speak briefly to the amendment that has been offered and point out that many changes have been made in engineering, so that some of the catalytic converter attachments have been improved to a degree that some fuel economy has been restored. We will be speaking to that at a later time when the debate centers on that amendment.

I would like to mention the provision in the bill dealing with stationary standards dealing with emissions where we are seeking to get our coal conversion program going and more use of coal. It becomes crystal clear that the United States of America does not have the available crude oil, the available gas, even if the Alaskan pipeline comes in. It means that the only way that the United States of America can finally stand on its own, be independent, have an energy supply, will be with proper attention to our development in the field of coal.

I think as time goes on, when we extend the Clean Air Act, I hope to offer some amendments, and I hope the House will support them, where we can do a better job on developing our own energy resources looking to the future.

In this bill, we do have some provision in it where our stationary sources can convert to coal, and they have been doing so over a period of months. I believe the bill is moving in the right direction.

Mr. Chairman, I want to say that title II of this bill has in it some reporting sections that seem to be in some controversy, but I think can be clarified later. However, I think the bill in itself is a necessary piece of legislation. It ought to be passed; it must be passed. I hope the House gives it its support.

Mr. STAGGERS. Mr. Chairman, I take this time to yield to the gentleman from Pennsylvania (Mr. MOORHEAD).

Mr. MOORHEAD of Pennsylvania. Mr. Chairman, I thank the gentleman very much for yielding to me. As I advised the chairman, I received a letter today from the Under Secretary of Commerce expressing some concern about the language in section 11 which might breach the confidentiality of information which people submit to the Department, including the Bureau of the Census.

What I would like to ask the gentleman from West Virginia, in order to establish some legislative history, is about the words in section 11 "where a person shows" and the words "upon a showing—by any person"—does this mean that the initiation must come from the person who supplied the information, or can the Administrator unilaterally seek it?

Mr. STAGGERS. Mr. Chairman, several Members have expressed the concern that subsection (e) of section 11 appears to give the Administrator of the Federal Energy Administration unqualified access to the files of all other Government agencies. This is not the case. Subsection (e) is designed to protect suppliers of information from the burdens of filing duplicate reports. The Administra-

tor would be given access to information in the possession of another agency only when an individual or business concern asks to be relieved from complying with the Administrator's requests for information. It should be emphasized that under the language of subsection (e) the Administrator may not exempt business entities on his own motion. If no one asks for an exemption, he cannot get the information from the other agency.

Mr. MOORHEAD of Pennsylvania. Mr. Chairman, I thank the gentleman. I presume the explanation would also apply to subsection (f), which uses similar words "upon a showing—by any person."

Mr. STAGGERS. This is correct, at least to my knowledge. I would believe so.

Mr. MOORHEAD of Pennsylvania. I thank the gentleman very much.

Mr. STAGGERS. Mr. Chairman, I yield 5 minutes to the gentlewoman from New York (Ms. ABZUG).

Ms. ABZUG. Mr. Chairman, I find this a very deceptive bill. It is labeled the "Energy Supply and Environmental and Coordination Act," but it contains no energy conservation measures. As a matter of fact, the bill, as I read it—and I am not on the committee—provides nothing related to the supply or conservation of energy that we do not already have in existing laws or programs.

What it does, essentially, is use this as a pretext for suspending some very important environmental safeguards. There are some people who want to balance environmental safeguards against energy conservation, and I can appreciate that, but there is not a question of balancing. This bill simply scuttles significant environmental provisions without cause, and without doing anything about energy.

Mr. Chairman, I am really quite concerned that the committee reported out this bill.

What does it do?

One. It would allow major powerplants to convert to coal without having to meet primary health standards for 4 years. It changes the present law which requires such facilities to comply with emission limitations not later than mid-1975. These plants are encouraged to switch to coal now and control their pollution later, while under present law they could begin to burn coal only after they had installed control equipment. Carl Bagge, president of the National Coal Association, testified before Senator JACKSON'S committee, that significant new supplies of domestic coal could not be made available for several years—and that it would take several years for railroads to get the kind of rolling stock and refurbish the track needed to deliver coal in quantities to powerplants now burning oil.

The American Public Health Association has estimated that extensive conversion from oil-burning to coal-burning powerplants will cause "an increase of 20 to 40 percent in both morbidity and mortality due to respiratory and cardiovascular disease"—New York Times, January 23, 1974.

Coal conversion is made to look even more absurd when one realizes that coal is currently in shorter supply than oil.

The New York City Environmental Protection Administration revoked a short-term variance to Consolidated Edison to burn coal and high sulphur oil once it realized that the shortage of oil conforming to State and local pollution control standards was far less than expected and this is so all over the country.

The present energy crisis has now made us painfully aware of how good environmental policy is, also good energy policy, by demonstrating another ill effect of our unbalanced transportation system—its unconscionable waste of energy.

In response to the command of the statute, as interpreted by the courts the Environmental Protection Agency last year promulgated transportation control plans for a number of major cities. EPA's transportation control plans encouraged the use of carpools and exclusive bus lines. As we have found out this winter, carpooling saves energy as well as improving air quality.

A number of EPA's transportation control plans also required the imposition of a so-called parking surcharge, which would have placed a small daily charge on cars parking in parking lots within a metropolitan area during rush hour. The proceeds of this surcharge were to be used to support and expand mass transportation facilities. As the revenues from the surcharge enabled expansion of mass transit facilities, the surcharge was to be gradually increased. It was hoped that this practical combination of carrot and stick would be an effective means to lure increasing numbers of people from private cars into mass transit, reducing air pollution accordingly.

Yet the bill before you would prohibit EPA altogether from initiating the proposal.

Two. This bill would also freeze auto emissions at the interim 1975 levels for 1976 model year vehicles and postpone the achievement of the NOX standard until 1978. Since recent EPA hearings showed that auto companies could meet the 1975 standards, further delay is not justified. This delay would actually waste energy. Freezing auto emissions at the interim 1975 level will delay a shift to catalytic converters which, according to GM's own figures, would save up to 13 percent in gasoline consumption. Other figures presented by Ford and other motor companies are much higher.

Third. The bill would also curtail and delay aspects of the transportation control strategies developed by the EPA under the act. The clean air amendments, section 110(a)(2)(B), require that, where necessary to attain air quality meeting the national air quality standards protecting public health, States shall institute measures to curtail the total miles driven, or "transportation controls." This requirement was placed in the act in recognition that in some heavily polluted areas, reductions in emissions from new cars would not be sufficient to produce healthful air quality quickly, if at all.

The congressional decision to require transportation controls was one of the most far-sighted aspects of the clean air amendments. Though focused on reducing air pollution, it represented congressional recognition that a major cause of the unhealthful levels of air pollution in many of our cities was our unbalanced transportation system, which placed far too much reliance on the private car as a means of transporting people on the routine trip to and from work. It was a decision that the States and cities should move toward increased reliance on mass transit facilities for such trips.

In the recent period of the "fuel crisis" it was demonstrated that other ways can be found by the citizens of this country to conserve oil. And they did conserve oil. If the Members believe that they can go back home and say that this is an energy bill, they will not succeed. It has only the word "energy" in it, but there is not one provision in this bill which does anything to roll back prices, which does anything to control profits, or which does anything to make certain there will be a proper allocation of oil on a priority basis so that, for example, low-sulfur oil will be allocated to areas that have serious air pollution problems. The bill does nothing.

If we should pass this bill, then we will have, by this action, participated in invading the atmosphere, not just a bit, but we will be responsible for creating serious hazards to health which will be immediately affected.

There is nothing in this bill which will do anything about the real problems of energy. Such provisions which purport to deal with such problems are already provided for in other regulations or legislation.

As far as the reporting provisions are concerned, as I recall, the FEA Act which we passed has reporting provisions. These may be a little different but not enough to warrant our turning back the clock. As far as studying the problem of energy and the problem of energy supply, it seems to me we have provided for that in other legislation. With respect to allocation of fuel on the basis of need or priority, the Emergency Petroleum Allocation Act and regulations exist under which the administration could act to properly allocate with a view to priorities if it wished to. With respect to studies on the need for mass transportation they are underway and significant new mass transportation legislation is being drawn.

So, Mr. Chairman, the purpose of this bill seems to be to fool the public. The purpose of this bill seems to be to utilize this moment opportunistically and take unfair advantage of the generations of the future by trying to scuttle and destroy the Environmental Protection Act and the Clean Air Act. This I suggest is a goal many special interests have sought for a long time. Let us not hand it to them on a silver platter.

Mr. Chairman, I urge that if the Members have any sense of responsibility, they should vote this bill down, and then let us proceed to work on a real energy bill.

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

Mr. STAGGERS. Mr. Chairman, I yield 5 minutes to the gentleman from Florida, the chairman of the subcommittee (Mr. ROGERS).

Mr. ROGERS. Mr. Chairman, I rise in support of the provisions of H.R. 14368, a bill authored by our hardworking colleague on the Subcommittee on Public Health and Environment, Mr. HASTINGS. This bill is virtually identical to the environmental provisions of the conference report on the energy bill adopted by this body in February, but which unfortunately was vetoed. The conference report on these provisions was agreed to after a bipartisan conference consisting of Mr. HASTINGS and myself for the House, and Senators RANDOLPH, MUSKIE, and BAKER for the other body. It was agreed to by the conferees to the energy bill without dissent. And it was agreed to by this body. Moreover, the Hastings bill—which embodies these provisions—was adopted without dissent by the Interstate and Foreign Commerce Committee last week.

Mr. Chairman, the long and complex deliberations which accompanied development of these provisions, in my judgment, make it vital to the public interest that this bill not be amended on the floor today. The automobile companies must make immediate decisions with respect to automotive controls. They must base their decisions in certain features of this bill. They are entitled to a final decision now.

The provisions of this bill have not been objected to by the Environmental Protection Agency or the White House. They have already received favorable support in the House and in the Senate. They have been thoroughly debated. These provisions deserve continued support—as they now exist—by this body.

Mr. Chairman, these are provisions which are energy related. Other provisions of the Clean Air Act which are not related to the energy situation also need attention. The Subcommittee on Public Health and Environment will conduct hearings on these provisions in June, and we intend to submit further amendments for the consideration of our colleagues before June 30

Mr. WYMAN. Will the gentleman yield?.

Mr. ROGERS. I yield to the gentleman.

Mr. WYMAN. Is the gentleman aware of the fact that the automobile industry will start production on the 1975 models within 60 days?

Mr. ROGERS. That is exactly the point; that is what they need to do to protect health. I know the gentleman does not want catalytic converters on all automobiles, but the industry is already prepared to do so because they are needed to protect the health of our Nation. The health of the American people ought to be the primary factor. The energy crisis has eased up, and I know the emotions of the gentleman, and I respect his feelings. However, some of the facts that were given do not jibe with the record. For instance, it will not cost $300 an automobile by any means to install converters. The record is very clear on that from the manufacturers themselves who are building it. The cost is more like $150, half the amount the gentleman suggested.

The administration is ready for us to move on the bill. People all over the country are ready. The Congress itself ruled on this amendment twice in December, and we are ready to move now.

Mr. WYMAN. If the gentleman will yield further, the people of this country in the places where there is no need for automobile emission controls object to paying the additional hundreds of dollars in the aggregate for the gadgetry that must be put on these cars as well as the fuel penalty. Why should we require the industry to produce cars with emission controls on them with this cost involved if we know in advance of the production of the new cars that we do not need them for 70 percent of the cars involved and therefore can save billions of dollars?

Mr. ROGERS. Because the facts that the gentleman states are not supported by the record or by the experts. As a matter of fact, 66 cities would be adversely affected if the gentleman's amendment were to be adopted and two-thirds of the people of this Nation would be adversely affected by it. I can go right down the line to show you what the health effects would be on the Nation, because it is all documented. It is not just my idea. I am not grabbing facts out of the air. None of the large automobile companies support the gentleman's amendment. They know they should proceed to clean up the air. I do not know of anyone who is supporting the gentleman.

In fact, let me say this: Recently a poll was taken in the suburbs around this metropolitan area, and do you know what its results were? They wanted more done by Government with regard to three things: Schools, transportation, and air pollution. In some cases in this poll, which was just published today in the Washington Post, efforts against air pollution ranked even before more efforts for schools.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STAGGERS. I yield one additional minute to the gentleman from Florida.

Mr. ROGERS. I thank the gentleman from West Virginia for yielding me the additional time so that I might yield for a further inquiry from the gentleman from New Hampshire (Mr. WYMAN).

Mr. WYMAN. Mr. Chairman, I would ask the gentleman from Florida: Where does the gentleman get the figure of 66 cities in this country with pollution from automobile emissions that significantly impact on the public health? Where does the gentleman get that figure?

Mr. ROGERS. From a study that was done by scientists that I have here with me.

Mr. WYMAN. By what scientists?

Mr. ROGERS. I would be happy to provide the gentleman with a list. I believe he has such a list, and I notice the gentleman from New York also has the list that he can give to the gentleman.

I might say also to the gentleman from New Hampshire that we have had significant problems in Florida contrary to what I know the feeling of the gentleman is. They had an alert in Miami caused by pollution from automobiles in Miami. We have also had that occur in Tampa. Tampa is a city that will be affected along with 66 other cities, two-thirds of the people.

So, Mr. Chairman, I think the House used good judgment when it twice voted down the amendment offered by the gentleman from New Hampshire in December. I recognize the sincerity of the gentleman from New Hampshire, but I do think the House has already rendered a proper judgment on the amendment, and I believe it will do so again.

Mr. WYMAN. Why should the people who do not live in those areas, and do not operate cars in those areas, have to pay such bills?

Mr. ROGERS. Because of the pollution effect.

Mr. WYMAN. How does it do so?

Mr. ROGERS. The gentleman himself recognizes that air moves around. It does not stay in one place. So the pollution can move around. In fact, we had it move from the Northeast to Birmingham a few years ago, with a huge, black cloud of pollution, necessitating temporary closure of the steel mills in the cities.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. STAGGERS. Mr. Chairman, I yield 5 minutes to the gentleman from Texas (Mr. WHITE).

Mr. WHITE. Mr. Chairman, this bill in its present form threatens to undermine the strict confidentiality historically accorded data relating to individual persons and establishments collected by the Bureau of the Census. Title 13, United States Code, places strict limitations on access to such data. These limitations would be swept aside by the provisions of section 11(e) of this bill, which allow the Federal Energy Administrator to obtain data from other Federal agencies notwithstanding any other provision of law.

This bill, if passed in its present form, would jeopardize past promises of confidentiality made by the Government to the people of these United States. The Census Bureau has an outstanding record of preserving the confidentiality of information furnished to it by respondents. A forced violation of such confidentiality practices could damage that reputation and thereby impair the Census Bureau's ability to procure information essential to this country's well-being. Moreover, it would do further damage to the integrity of the Government—integrity which has already been tarnished in too many other areas.

The amendment I propose would keep intact the standards of confidentiality for census data now imposed by title 13. Adoption of this amendment, I believe, is essential if the Government is to continue to depend on the Census Bureau to provide constitutionally mandated population counts and other information on conditions in our society.

The amendment follows:

AMENDMENT TO H.R. 14368, AS REPORTED OFFERED BY MR. WHITE

Page 76, line 17, insert before the comma the following: "Pursuant to any provision of law (other than title 13, United States Code)".

Page 76, line 20, insert before the final comma the following: "(other than title 13, United States Code)".

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

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

Mr. Chairman, I only wish to say I

reviewed this problem with the chairman, recommending that we might ease the situation and make some change of words. The information that he feels is important can be attained at the same time by a change of structure of the amendment to satisfy the concern that has been expressed, and I wish he would review that at the time for amending.

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

Mr. STAGGERS. I yield such time as he may require to the gentleman from Ohio.

Mr. VANIK. I thank the gentleman, the distinguished chairman of the committee (Mr. STAGGERS) for yielding.

Mr. Chairman, I should like to tell the committee that I should like to offer an amendment which would slightly change the language relating to fuel efficiency standards. The bill in its present form talks about fuel efficiency standards, and seeks a 20-percent improvement by 1980. I think that is entirely inadequate. I do not think it is going to meet the urgency of these times.

I should like to offer and expect to offer an amendment which would provide that by 1980 we would have fuel efficiency of at least 20 miles per gallon, because I think the urgency of the energy crisis calls for that kind of efficiency.

Mr. HARRINGTON. Mr. Chairman, America's consumers, helpless as utility bills have skyrocketed, are demanding relief from Congress.

The response that is being offered today—the so-called Energy Supply and Environmental Coordination Act—would not satisfy their real demands—lower fuel costs and the assurance that they and their children and grandchildren will not be forced to live in a filth-clogged world where every breath of air is a risk.

While the price of coal is presently lower than the equivalent amount of oil, Bureau of Mines figures indicate that the very passage of this bill might change that situation. The wholesale price index, where 1967 coal prices are used as a base, show that the price of coal had risen 97 percent by 1972, 110 percent by 1973, and 160 percent by January 1974.

Coal, therefore, is clearly rising in cost. With the increased coal demand that, of course, would accompany the passage of this bill, the rise in coal costs would surely accelerate. In fact, some experts have warned not of a future "oil crisis" but of a "coal crisis."

In addition, the price of coal will likely be forced to rise even further due to the impending expiration of the United Mine Workers' contract later this year. A new contract will be negotiated under a new union president committed to improved working conditions. Improvements, while certainly needed, are also costly.

Should management and labor fail to reach an acceptable settlement, coal workers may decide to strike. If we increase our dependence upon coal and find ourselves in the unfortunate and crippled position Great Britain was in last winter, we shall hardly have done our constituents a service.

I might add that the utilities want to negotiate long-term contracts, but the coal companies are not willing to do so, since such long-term contracts would involve uniform prices of coal over a number of years. Instead, the utilities are forced to buy coal on the spot market, where prices continually move higher.

The combination of these factors, with the emphasis on the rise in demand in an industry with several production problems, suggests that the now attractive price differential between coal and oil may narrow appreciably.

There are other reasons for opposing the bill, though. Seven of the 15 largest coal producers in the United States are oil companies.

This trend toward horizontal integration poses threats to competition. Oil companies are unlikely to encourage large production of coal to the point where it decreases the price of oil. It is much more likely that coal prices will move upward to meet oil prices, leaving us in the position we are in now—at the mercy of the major oil companies. We can hardly expect price competition when oil companies control a significant sector of the coal industry. Congress simply should not be a party to accelerated anticompetitive behavior, especially in a bill ostensibly designed to cut consumer costs.

By far my greatest reservations, however, are in the environmental and health areas. Relaxed air standards would directly affect the lives of thousands of people who suffer from respiratory and cardiovascular diseases. Statistics gathered by the American Public Health Association show that long-term conversion by industry to coal would increase the mortality rate 20 to 40 percent among these people. It seems to me that this unthinkable cost in human health and well-being renders unacceptable any conversion to coal as a primary electric-generating fuel in urban areas.

In addition, the safety record among mine workers is appallingly low. Underground mining is one of the most hazardous industrial occupations in the Nation. And surface mining poses questions of soil erosion, pollution of surface waters, and destruction of wildlife habitats. Some look to western coal, which has a low sulfur content—and is therefore, more attractive environmentally—for our new sources of coal. Yet, a National Academy of Sciences study points out that in many parts of the West, where there is little rainfall, soils cannot retain moisture, and reclamation is not possible

If we opt for a higher sulfur content coal, we may encounter acid mine drainage, where sulfuric acid leached from exposed coal seams contaminates surface and ground waters.

While I oppose the use of coal in the context of this bill, I would propose a crash program to perfect stack gas cleaning techniques, to find ways to liquefy and gasify coal, and to exploit deep coal in the East. Further, I would like assurances that coal prices will stay reasonably priced by diversifying coal company ownership and by removing coal's hidden environmental and health costs. Meanwhile, we must forego strip mines, which are so abhorrent environmentally that it seems pointless to pursue the subject.

Generally speaking, the Congress must stop approving bills without considering long-range, as well as short-range, implications. If we continue to be environmentally and economically shortsighted, we will continue to be plagued by problems that we should have solved ourselves. A little more care will go a long way toward assuring that we will, in fact, alleviate the energy crisis without exacerbating the environmental crisis.

Mr. FRASER. Mr. Chairman, I rise in opposition to H.R. 14368, the Energy Supply and Environmental Coordination Act.

In the bill before us this afternoon, we find, in effect, certain of the amendments to the Clean Air Act of 1970, which the administration proposed to Congress on March 22. These amendments would establish congressional authority to delay clean air standards established by the act. I wish to express my opposition to any long-term comprehensive plan to relax air quality standards as proposed in the legislation we are considering this afternoon.

Problems invariably occur in the implementaiton of a law as far reaching as the 1970 Clean Air Act. Some minor changes in the law may be needed. However, a wholesale sellout to the administration's proposals is not a justifiable answer to the problem. Under the authority we are reviewing today, the President, through the Administrator of the Environmental Protection Agency, would be given outright power to suspend provisions of the present Clean Air Act without opportunity for review and without requiring any environmental or other assessment.

H.R. 14368 WILL NOT INCREASE COAL SUPPLIES IN SHORT RUN

The declared purpose of the bill before us is to permit increased use of coal resources. The Clean Air Act does not prohibit the burning of coal. It prohibits the burning of coal without emission controls.

No matter how much we relax our air quality standards, the best estimates are that it will be 2 or 3 years at least before significant additional amounts of coal will be available. Labor problems, shortages of railroad equipment for transport, shortages of mining machinery—all these factors place constraints on the amount of coal we can produce.

EPA Administrator Russell Train has stated that—

> Relaxing or relinquishing our environmental effort will release, over the long run, only marginal amounts of supply, and over the short run, no new supply at all.

STACK-SCRUBBING EQUIPMENT

If we have to grant variances to permit use of high-sulfur coal, we should at the same time require the use of stack-scrubbing equipment. What is at issue here is the feasibility of stack scrubber technology. The EPA has affirmed, time and again, that the technology is available and practicable. Industry says that it is not—that it is overly costly and unreliable.

This morning's New York Times tells of General Motors' success with a new stack-scrubbing system at its Chevrolet Motor Division plants near Cleveland,

which cut sulfur dioxide emissions by 90 percent. The difficulty with the system is that it adds about $10 to the cost of each ton of coal used.

The savings in benefits to human health is not calculated.

COSTS OF AIR POLLUTION IN HUMAN HEALTH

An American Public Health Association study has projected the number of extra deaths among the elderly, and additional respiratory illnesses among the very young, which can be expected from an extensive increase in use of coal by electric powerplants without installation of emission-control equipment. In 1 year alone, the sulfur dioxide pollution that would result in densely populated areas would bring about an additional 13,000 to 14,000 cases of respiratory illness in children under 5 and an extra 12,000 deaths in people over 60.

A February 1973 EPA report calculated the dollar costs of air pollution for 1968 at $16.1 billion. One fourth of this—roughly $4 billion—can be attributed to sulfur dioxide emissions from powerplants. The cost of controlling this pollution could not equal the enormous cost of these emissions in terms of damage to human health and to vegetation and residential property.

H.R. 14368 WOULD MEAN CHANGE IN FEDERAL-STATE ROLE IN AIR QUALITY CONTROL

If the proposed revision in the Clean Air Act is accepted, there would be a change in the relationship of the State and Federal Governments in establishing clean air standards. In the past, Congress has recognized the right of the individual States to adopt more stringent pollution control standards and to set more stringent deadlines for compliance. With the passage of the amendments, the whole emphasis on cleaning up our environment would be changed, and States would be prevented from setting their own standards.

My home State, Minnesota, has made great strides in implementing procedures and establishing deadlines for fulfillment of the act. The Minnesota Pollution Control Agency is charged with the responsibility of implementing and enforcing regulations mandated under the Clean Air Act. In a letter to my office, MPCA executive director Grant Merritt discusses how the proposed amendments will adversely affect Minnesota's efforts to protect and enhance our air. He suggests possible solutions to the problems facing us as we cope with the energy crisis. The health and well-being of our human as well as physical environment are at stake.

I include in the RECORD at this point the relevant portions of Mr. Merritt's letter:

The [Minnesota Pollution Control] Agency does not believe that problems with the [Clean Air] Act have been of a magnitude sufficient to justify approval of the Administration's proposed amendments. . . .

1. Discretionary authority granted the Administration would be excessive. This not only could cause an endless series of administrative changes that would confuse and frustrate enforcement efforts, but would also further limit the role of Congress in establishing national policy—this at a time when there is great concern over the diminishing leadership role of Congress.

2. At least one change, that of "freezing" the 1975 automotive emissions standards through 1977, may have unnecessarily detrimental consequences. In addition to causing potentially serious problems with the maintenance of vehicle emissions standards, this proposal also could result in needless energy waste. To meet the 1975 emissions standards, the automobile industry likely will rely on the oxidation catalyst (a muffler-like device that fits on the tailpipe and converts carbon monoxide and hydrocarbons to harmless carbon dioxide and water). A problem with the catalyst is that emissions of sulfates likely will increase substantially. By freezing the 1975 deadlines, reliance on the catalyst may likewise be extended, not only adding to the sulfate-emission problem but possibly delaying development of energy-efficient and pollution-reducing new engine technologies. Moreover, the catalyst likely would cause a wholesale changeover to lead-free gasoline facilities, for which the energy cost would be high.

As you also are aware, the National Academy of Sciences is engaged in an extensive study on various aspects of the Clean Air Act. The study is to be completed this summer. In view of the importance of the matter, it seems that it would be prudent to wait a few months for the results of this study before action is taken on any major changes in the Clean Air Act.

In carrying out one portion of the Clean Air Act, the Agency devised a transportation-control plan for the Minneapolis central business district where emissions of carbon monoxide violated federal and state standards. The cooperation of the City of Minneapolis and several state agencies, including the Minnesota Highway Department and the Metropolitan Transit Commission, resulted in the development of a plan that will succeed in meeting the standards by the May 31, 1975, compliance date. The Minnesota transportation plan will not be affected by the Administration's proposed amendments.

H.R. 14368 WILL NOT SOLVE OUR ENERGY PROBLEMS

Our energy and environmental problems come from the same source—habitual forms of development and growth that are wasteful both of energy and other environmental resources.

We can achieve significant energy savings through increased emphasis on mass transit, recycling of materials, smaller cars, and other energy-efficiency measures. The preliminary report released by the Ford Foundation's Energy Policy Project estimates that by cutting fuel used for transportation by 7 percent—possibly through rescheduling of airlines and gasoline rationing—we could save as much oil as through a massive switch of power plants from oil to coal—and without the terrible price in human health.

We must not jeopardize, for an illusory short-term gain, the hard-won advances we have made in air quality over the past few years. The bill before us would unnecessarily relax air quality standards without necessarily increasing our supplies of energy. I ask you to join me in voting against it.

Mr. BINGHAM. Mr. Chairman, on December 12, during the debate on the original Energy Emergency Act, I said that that the bill was an incomplete package of proposals, plans, and short term authorizations which avoids some of the hardest and most important questions about how this Nation should deal with the impending shortages of petroleum products. That statement is as true today as it was then. We still do not have viable legislation to provide for rationing should it be needed; we have no provision to respond to the inevitable economic hardships caused by the fuel crisis; and we still do not have a Federal commitment to improve mass transit facilities in our Nation's cities. What we have here is a scalpel with which the oil industry and their White House allies can dismember our enviromental protection laws.

This legislation represents half of the bill the Congress considered last year. It is the half the President has said he would not veto—the other half which he has promised to veto again contained a provision which would have reduced the price of domestic crude oil in this country to tolerable levels. H.R. 14368, according to the report filed by the Interstate and Foreign Commerce Committee, seeks to consolidate those provisions from the Energy Emergency Act upon which there is substantial agreement that the White House would not exercise its veto.

While some sacrifice in the quality of our atmospheric environment is inevitable as we strive to meet our energy demands, this bill would go far to institutionalize the negation of our environmental protection laws which much of the energy industry has long sought.

Included in this bill are provisions which would sharply relax air quality standards; encourage the burning of high pollutant coal without a concomitant responsibility to install antipollution equipment; ease auto emission standards for 2 years and negate any environmental regulation which would interfere with mandated coal conversion actions.

There are provisions in the bill I would prefer to see enacted into law. For example, the bill would authorize the FEO to collect and disseminate energy data it compels the energy industry to disgorge. The publication of verified and accurate energy data is long overdue and constitutes a step in the direction we should have taken a long time ago: make the energy industry responsible to the needs of the American people through their Government. But legislation to gather reliable energy data should not be held captive by what essentially is a bad bill that would gut our environmental laws and deface our world with a cloud of pollutants. There is enough support for an energy data bill in the House, that one standing on its own merit would gain easy passage.

In addition, I do not believe there are sufficient safeguards, as argued by some, to protect the environment should the bill become law. There is no assurance in the legislation, for example, that New York City, which is a high pollution problem area would be guaranteed sufficient low sulfur fuels to meet its needs, allocating higher sulfur fuels to areas that can sustain the added pollutants without an adverse impact. Just today, John Sawhill, in a meeting with the New York delegation said he could do nothing to aid the city. Moreover, he refused to reallocate New York any domestically produced low sulfur residual oil. I believe

it would be a mistake to institutionalize the power to order variances such as I have described when the people running the Federal energy program say they will not help New York solve its severe energy pollution problem.

We have succeeded so far in meeting the majority of the country's energy needs to date without this legislation, and I intend to cast my vote against its adoption because the present situation is far preferable to what this bill portends for New York City.

Mr. WOLFF. Mr. Chairman, I rise in opposition to H.R. 14368, "The Energy Supply and Environmental Coordination Act."

During the past several months the energy crisis has been a frustrating experience for all Americans. Few groups, however, have felt the anxieties which the environmental movement has suffered during this period, constantly being bombarded with rhetorical statements placing the blame for the energy crisis on their shoulders. Nothing could be further from the truth. For environmentalists first gave impetus to the energy conservation movement. The legislation we are considering only continues to impugn the environmental movement.

Allowing coal to be burned without cleaning it, particularly at large urban center generating facilities, will have disastrous effects on the Nation's air quality and on the health of millions of Americans. In the New York metropolitan area, a variance to burn coal by the Consolidated Edison Co. was refused because of the deleterious impact it would have on the quality of life in the region. The decision to burn coal at power generating facilities, because of its critical impact upon the populace, should not be made by the Administrator of the Federal Energy Administration unless the coal is filtered and cleaned.

However, the most disturbing aspect of the legislation we now have under consideration involves the section to relax the provisions of the National Environmental Policy Act of 1969. When the House considered the Alaskan Pipeline measure, several months ago, a hole was made in the wall of the dam. Now, we are witnessing legislation which would open the flood gates to NEPA. Again, our environment is to suffer unnecessarily for our energy shortages. Several months ago, when the Consolidated Edison Company in New York applied to the New York City Environmental Protection Agency for a variance to burn coal at its Ravenswood facility, an environmental impact analysis was carried out, involving Federal, State, and local authorities. There was no need to suspend NEPA, but only carry out its provisions swiftly and effectively. This same action can be done for all future variances and conversions involving clean air standards and the National Environmental Policy Act. Consequently, I see no reason for the inclusion of this section in H.R. 14368.

I am also concerned that the legislation we are considering may undermine the decision of the Supreme Court in Sierra Club against Ruckelshaus. According to the majority of the Court, further degradation of air quality in areas subject to standards was contrary to the Clean Air Act of 1970. By suspending provisions of the Clean Air Act, we may actually be in conflict with the principles of the legislation we are amending.

The need to maximize our available fuel resources will not be aided by the provisions of H.R. 14368, which would suspend portions of the Clean Air Act. However, the Nation's fuel supplies could be increased by the continued concerted efforts aimed at energy conservation, efforts to maximize clean sources of energy, action which environmentalists have been proposing for years.

Mr. BROYHILL of North Carolina. Mr. Chairman, I rise in support of H.R. 14368, the Energy Supply and Environmental Coordination Act of 1974. I have spoken before on the floor of the House in support of many of the provisions of this legislation. Enactment of legislation to deal with the energy shortages our Nation is facing is long overdue. This bill comes before us today approximately 6 months after the Congress first began considering legislation to deal with energy shortages.

In the consideration and final passage of such legislation, we have encountered innumerable controversies, delays, and differences of opinion. But the problem which this legislation seeks to deal with is still with us and we must still provide some solutions so that our Nation can get through the years ahead with an adequate supply of energy to meet our needs.

After the President vetoed the recently passed Energy Emergency Act, the House Interstate and Foreign Commerce Committee began consideration of new energy legislation which incorporated many of the same provisions as the vetoed bill. In the final consideration of this legislation, the committee divided the provisions into two separate bills. The bill before us today is one such bill and, I feel, contains the less controversial language to deal with energy shortages.

This bill provides several amendments to the Clean Air Act. It provides temporary suspension of air emission standards under the Clean Air Act to stationary sources which are unable to obtain clean fuels. These suspensions apply until June 30, 1975, or one year after enactment, whichever is earlier. If the Environmental Protection Agency determines that clean fuels are available, or if there is a significant risk to public health, suspension of standards would not be allowed.

This suspension of standards would provide some relief from the shortage of fuels, particularly fuels of low-pollution characteristics, which may make it impossible for many fuel burning stationary sources to comply with existing requirements.

The bill also provides exemption from air pollution requirements until January 1, 1979, for stationary sources which convert to coal as a major source of fuel. This exemption may be overridden if conversion to coal results in significant threats to health. This section should result in the opening of new coal mines by sustaining demand for coal, and will tend to shift supplies of natural gas and oil to the production of gasoline and home heating oil. If necessary, a coal allocation system would be provided for coal users.

Another important section of this bill deals with automobile emissions. It provides that emission standards for 1975 model cars would continue during the 1976 model year. A second year of postponement is also authorized if the Administrator of EPA finds it is necessary to prevent a significant increase in fuel use. This section attempts to strike a balance between continued development of a clean automobile engine and the technological problems associated with achieving that goal particularly during a period of critical fuel shortage. Passage of this section, which has previously been approved by the House, is necessary so that automobile manufacturers will know the emission standards for 1975 model cars which are soon to go into production.

The bill also provides for reporting of energy information from those engaged in the production, processing, refining, transportation by pipeline, or distribution of energy resources. The Federal Energy Administration is directed to develop, within 30 days of enactment, an accurate measure of domestic reserves, production, imports and inventories of oil, natural gas, and coal. In addition, industry information must be updated every 90 days to ensure timeliness and accuracy of energy information. This section should ensure that the Federal Energy Administration and the Congress have the necessary information to evaluate energy problems and will be able to take action based on accurate and complete information.

Congressional passage of this important energy legislation is long overdue. I urge my colleagues to act swiftly to approve this badly needed measure.

Mr. KOCH. Mr. Chairman, the Energy Supply and Environmental Coordination Act, now on the floor, would be disastrous for the environment of our cities.

The bill does have some good provisions—requiring reports from persons engaged in the production and distribution of energy resources, and directing the Federal Energy Administration to conduct conservation studies and to publish reports on energy supplies.

However, the sections which would allow pollution of the atmosphere, to a dangerous extent in many cities, including New York, far outweigh the helpful portions of the bill.

The environmentally destructive provisions which I am talking about would temporarily suspend stationary emission limitations under the Clean Air Act, such as smoke from factories; would encourage, and in some cases require, the burning of coal, potentially extremely harmful to the health of many persons in cities already burdened with heavy air pollution, including New York; would suspend stronger automobile emission standards planned for 1976; and would suspend for 1 year actions under the National Environmental Policy Act.

This bill would in a gross, adverse way affect the health of our citizens by further impairing the quality of the very air we breathe. This is neither conscion-

able nor necessary. Conservation of energy need not conflict with environmental safeguards. This bill dumps the safeguards at the public's expense, and I must therefore vote against it.

Mr. RANDALL. Mr. Chairman, I support H.R. 14368, the Energy Supply Act of 1974. I shall be brief in my remarks. One of the most important provisions of this bill is section 11 on energy information reports. As I have said many times, while we may have suffered from an Arab oil embargo, we continue to suffer today from an energy information embargo. H.R. 14368 should go quite a ways toward correcting that problem. As I read the bill, reports may be required by the Federal Energy Administrator even by means of subpena if necessary to bring in all relevant books, records, papers, and other documents relating to domestic reserves and also all production reports and inventories of crude oil, residual fuel oil, refined petroleum products, and natural gas.

It is required that these reports be furnished for each calendar quarter. If there is no other purpose, then this bill deserves prompt enactment in order that we may know, instead of having to continue to guess, about such things as refinery capacity, stocks on hand, how much product is in the pipeline, how much is in tanks above ground and all of the many other necessary statistics needed to prepare a national energy plan or policy.

Of course, we should also applaud the Committee on Interstate and Foreign Commerce for providing in this measure a sensible suspension of the requirement for devices that must be attached to cars to control emission of pollutants.

In addition, there is an important section on coal conversion and a most important section on a fuel economy study. All in all, H.R. 14368 is a bill which has merit; it provides many benefits, and as far as I can determine it is without any detriments. About the only apology that has to be made is that this legislation should have been passed much earlier in this session.

The CHAIRMAN. Pursuant to the rule, the Clerk will now read the committee amendment in the nature of a substitute printed in the reported bill as an original bill for the purpose of amendment.

The Clerk read as follows:

SECTION 1. SHORT TITLE; PURPOSE.

(a) This Act, including the following table of contents, may be cited as the "Energy Supply and Environmental Coordination Act of 1974".

(b) The purpose of this Act is to provide for a means to assist in meeting the essential needs of the United States for fuels, in a manner which is consistent, to the fullest extent practicable, with existing national commitments to protect and improve the environment, and to provide requirements for reports respecting energy resources.

SEC. 2. SUSPENSION AUTHORITY.

Title I of the Clean Air Act is amended by adding at the end thereof the following new section:

"ENERGY-RELATED 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 the earlier of June 30, 1975, or one year after the date of enactment of this section, 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), (2)(C), or (2)(D) 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 prescibed under this Act (other than section 303, 111(b), or 112) or contained in an applicable implementation plan (other than a requirement imposed under authority described in section 110(a)(2)(F)(v)), 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 10(a) of the Energy Supply and Environmental Coordination Act of 1974, or

"(B) which (i) the Administrator of the Environmental Protection Agency determines began conversion to the use of coal as fuel during the period beginning on September 15, 1973, and ending on the date of enactment of this section, and (ii) the Federal Energy Administrator determines should use coal after the earlier of June 30, 1975, or one year after the date of enactment of this section, after balancing on a plant-by-plant basis the environmental effects of such conversion against the need to fulfill the purposes of the Energy Supply and Environmental Coordination Act of 1974,

and which converts to the use of coal as fuel, shall not, until January 1, 1979, be prohibited, by reason of the application of any air pollution requirement, from burning coal which is available to such source. For purposes of this paragraph, the term 'began conversion' means action by the owner or operator of a source during the period beginning on September 15, 1973, and ending on the date of enactment of this section (such as entering into a contract binding on the operator of the source for obtaining coal, or equipment or facilities to burn coal; expending substantial sums to permit such source to burn coal; or applying for an air pollution variance to enable the source to burn coal) which the Administrator finds evidences a decision (made prior to such date of enactment) to convert to burning coal as a result of the unavailability of an adequate supply of fuels required for compliance with the applicable implementation plan, and a good faith effort to expeditiously carry out such decision.

"(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 presentation of views). A plan submitted under the preceding sentence shall be approved only if it (i) meets the requirements of regulations prescribed under subparagraph (B); and (ii) provides 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 sources must—

"(i) enter into contracts (or other enforceable obligations) which have received prior approval of the Administrator as being adequate to effectuate the purposes of this section and which provide for obtaining a long-term supply of coal which enables such source to achieve the emission reduction required by subparagraph (C), or

"(ii) if coal which enables such source to achieve such emission reduction is not available to such source, enter into contracts (or other enforceable obligations) which have received prior approval of the Administrator as being adequate to effectuate the purposes

of this section and which provide for obtaining (I) a long-term supply of other coal or coal derivatives, and (II) continuous emission reduction systems necessary to permit such source to burn such coal or coal derivatives, and to achieve the degree of emission reduction required by subparagraph (C).

"(C) Regulations under subparagraph (B) shall require that the source achieve the most stringent degree of emission reduction that such source would have been required to achieve under the applicable implementation plan which was in effect on the date of enactment of this section (or if no applicable implementation plan was in effect on such date, under the first applicable implementation plan which takes effect after such date). Such degree of emission reduction shall be achieved as soon as practicable, but not later than January 1, 1979; except that, in the case a source for which a continuous emission reduction system is required for sulfur-related emissions, reduction of such emissions shall be achieved on a date designated by the Administrator (but not later than January 1, 1979). Such regulations shall also include such interim requirements as the Administrator determines are reasonble and practicable including requirements described in clauses (A) and (B) of subsection (a) (3) and requirements to file progress reports.

"(D) 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 the earlier of June 30, 1975, or one year after the date of enactment of this section, 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 subparagraph.

"(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, section 110(a)(2)(F)(v), 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 necessary to carry out subsection (b) 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. To the extent necessary to carry out this section, the Administrator may prohibit any State or political subdivision from requiring 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 six months after the date of enactment of this section, 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 systems which do not produce solid waste to sources which are least able to handle solid waste byproducts of such systems; 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)(3)).

"(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 one-hundred-and-eighty-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, any electric generating powerplant (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 January 1, 1974) 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 requirement.

"(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 Administrator, 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 section 10 of the Energy Supply and Environmental Coordination Act of 1974 or the Emergency Petroleum Allocation Act of 1973.

"(2) The Federal Energy Administrator 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 forty-five days after the date of the designation under paragraph (1), unless the Federal Energy Administrator 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. 3. 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 to which section 119(b) applies, 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 ambient air quality 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 pargraph 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 three months after date of enactment of this section, 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 Federal Energy Administrator, 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 subparagraph. This subparagraph shall not prevent the Administrator from approving parking surcharges if they are adopted and submitted by a State as part of an applicable implementation plan. The Administrator may not condition approval of any 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 takes 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 pragraph, 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.

"(E) No standard, plan, or requirement, relating to management of parking supply or preferential bus/carpool lanes shall be promulgated after the enactment of this paragraph by the Administrator pursuant to this section, unless such promulgation has been subjected to at least one public hearing which has been held in the area affected and for which reasonable notice has been given in such area. If substantial changes are made following public hearings, additional hearings shall be held in such area after such notice."

SEC. 4. 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 for 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 sixty 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. 5. 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 energy-related authorities)".

(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. 6. PROTECTION OF PUBLIC HEALTH AND ENVIRONMENT.

(a) Any allocation program provided for in section 10 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 to which section 119 of the Clean Air Act applies, 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 section 10 of this Act shall, for a period of one 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 section 10 of this Act that has a significant impact on the environment is taken, if practicable, or in any event within sixty 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 thirty-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 section 10 of this

Act which will be in effect for more than a one-year period or any action to extend an action taken under section 10 of this Act to a total period of more than one year shall be subject to the full provisions of the National Environmental Policy Act notwithstanding any other provision of this Act.

(d) 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. 7. ENERGY CONSERVATION STUDY.

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

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

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

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

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

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

(b) Within ninety 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.

The Administrator of the Environmental Protection Agency shall report to Congress not later than January 31, 1975, on the implementation of sections 2 through 7 of this Act.

SEC. 9. 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 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 one hundred and twenty days following the date of enactment of this section, concerning the practicability of establishing a fuel economy improvement standard of 20 per centum 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 lead-time involved; the test procedures required to determine compliance; the economic costs associated with such standards, including any beneficial economic impact; the various means of enforcing such standard; the effect on consumption of natural resources, including energy consumed; and the impact of applicable safety and emission standards. In the course of performing such study, the Administrator and the Secretary of Transportation shall utilize the research previously performed in the Department of Transportation, and the Administrator and the Secretary shall consult with the Federal Energy Administrator, 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."

SEC. 10. COAL CONVERSION AND ALLOCATION.

(a) The Federal Energy Administrator shall to the extent practicable and consistent with the purposes 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 or coal derivatives 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 Federal Energy 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) 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 Federal Energy 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 Federal Energy Administrator may by rule prescribe a system for allocation of coal to users thereof in order to attain the objective specified in this section.

(c) It shall be unlawful for any person to violate any provision of this section or section 11, or to violate any rule, regulation, or order issued pursuant to any such provision.

(d)(1) Whoever violates any provision of subsection (c) shall be subject to a civil penalty of not more than $2,500 for each violation.

(2) Whoever willfully violates any provision of subsection (c) shall be fined not more than $5,000 for each violation.

(3) 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 subsection (b). Any person who knowingly and willfuly violates this paragraph after having been subjected to a civil penalty for a prior violation of the same provision of any order or regulation issued pursuant to subsection (b) shall be fined not more than $50,000 or imprisoned not more than six months, or both.

(4) Whenever it appears to any person authorized by the Federal Energy Administrator

to exercise authority under this section or section 11 that any individual or organization has engaged, is engaged, or is about to engage in acts or practices constituting a violation of subsection (c), 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 subsection (c).

(5) Any person suffering legal wrong because of any act or practice arising out of any violation of subsection (c) 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 injunction. Nothing in this paragraph shall authorize any person to recover damages.

(e) Authority to issue or enforce orders or rules under subsections (a) and (b) of this section shall expire on midnight, June 30, 1975, but the expiration of such authority shall not affect any administrative or judicial proceeding pending on such date which relates to any act or omission before such date.

SEC. 11. ENERGY INFORMATION REPORTS.

(a) For the purpose of assuring that the Federal Energy Administrator, the Congress, the States, and the public have access to and are able to obtain reliable energy information throughout the duration of this section, the Federal Energy Administrator, in addition to and not in limitation of any other authority, shall request, acquire, and collect such energy information as he determines to be necessary to assist in the formation of energy policy or to carry out the purposes of this Act or the Emergency Petroleum Allocation Act of 1973. The Federal Energy Administrator shall promptly promulgate rules under the authority of subsection (b) of this section requiring reports of such information to be submitted to the Federal Energy Administrator at least every ninety calendar days.

(b) In carrying out the provisions of subsection (a) the Administrator shall have the power to—

(1) require, by rule, any person who is engaged in the production, processing, refining, transportation by pipeline, or distribution (other than at the retail level) of energy resources to submit reports;

(2) sign and issue subpenas for the attendance and testimony of witnesses and the production of relevant books, records, papers, and other documents;

(3) require of any person, by general or special order, answers in writing to interrogatories, requests for report, or other information; and such answers or submissions shall be made within such reasonable period and under oath or otherwise as the Federal Energy Administrator may determine; and

(4) to administer oaths.

(c) For the purpose of verifying the accuracy of any energy information requested, acquired, or collected by the Federal Energy Administrator, officers or employees duly designated by him upon presenting appropriate credentials and a written notice to the owner, operator, or at reasonable times and in a reasonable manner, enter and inspect any facility or business premises, to inventory and sample any stock of energy resources therein, and to examine and copy records, reports, and documents relating to energy information.

(d)(1) The Federal Energy Administrator shall exercise the authorities granted to him under subsection (b) to develop within 30 days after the date of enactment of this Act, as full and accurate a measure as is reasonably practicable of—

(A) domestic reserves and production;

(B) imports; and

(C) inventories;

of crude oil, residual fuel oil, or refined petroleum products, natural gas, and coal.

(2) For each calendar quarter beginning with the first complete calendar quarter following the date of enactment of this Act, the Federal Energy Administrator shall develop and publish quarterly reports containing the following:

(A) Report of petroleum product, natural gas, and coal imports; relating to country of origin, arrival point, quantity received, geographic distribution within the United States.

(B) Report of domestic reserves and production of crude oil, natural gas, and coal.

(C) Report of crude oil and refinery activity; relating allocation of crude oil to refiners with products to be derived from such crude oil.

(D) Report of inventories, nationally, and by region and State—

(i) for various refined petroleum products, relating refiners, refineries, suppliers to refiners, share of market, and allocation fractions;

(ii) for various refined petroleum products, previous quarter deliveries and anticipated 3-month available supplies;

(iii) for refinery yields of the various refined petroleum products, percent of activity, and type of refinery;

(iv) with respect to the summary of anticipated monthly supply of refined petroleum products amount of set-aside for assignment by the State, anticipated State requirements, excess or shortfall of supply, and allocation fraction of base year; and

(v) with respect to LPG by State and owner: quantities stored, and existing capacities, and previous priorities on types, inventories of suppliers, and changes in supplier inventories.

(e) Where a person shows that all or part of the energy information required by this section is being reported by such person to another Federal agency, the Administrator may exempt such person from providing all or part of such energy information to him, and upon such exemption, such Federal agency shall, notwithstanding any other provision of law, provide such energy information to the Administrator.

(f) Upon a showing satisfactory to the Administrator by any person that any energy information 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 information, 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 information or part thereof shall not be deemed confidential for purposes of disclosure, upon request, to (1) any delegate of the Federal Energy Administrator for the purpose of carrying out this Act and the Emergency Petroleum Allocation Act of 1973, (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 midnight, June 30, 1975, but such expiration shall not affect any administrative or judicial proceeding pending on such date which relates to any act or omission before such date.

(g) As used in this section—

(1) the term "Federal agency" shall have the meaning of the term "executive agency" as defined in section 105 of title 5, United States Code;

(2) the term "energy information" includes all information in whatever form on fuel reserves, exploration, extraction, and energy resources (to include petrochemical feedstocks) wherever located; production, distribution, and consumption of energy and fuels wherever carried on; and includes matters relating to energy and fuels, such as corporate structure and proprietary relationships, costs, prices, capital investment and assets, and other matters directly related thereto, wherever they exist; and

(3) the term "person" means any natural person, corporation, partnership, association, consortium, or any entity organized for a common business purpose, wherever situated, domiciled, or doing business, who directly or through other persons subject to their control do business in any part of the United States, its territories and possessions, the Commonwealth of Puerto Rico, or the District of Columbia.

(h) Information obtained by the Administrator under authority of this Act shall be available to the public in accordance with the provisions of section 552 of title 5, United States Code.

(i) Any United States district court within the jurisdiction of which any inquiry is carried on may, upon petition by the Attorney General at the request of the Administrator, in the case of refusal to obey a subpena or order of the Administrator issued under this section, issue an order requiring compliance therewith; and any failure to obey the order of the court may be punished by the court as a contempt thereof.

SEC. 12. DEFINITION.

For purposes of this Act and the Clean Air Act, the term "Federal Energy Administrator" means the Administrator of the Federal Energy Administration established by H.R. 11793, Ninety-third Congress (popularly known as the Federal Energy Administration Act of 1974) if H.R. 11793 is enacted; except that until such Administrator takes office, such term means any officer of the United States designated as Federal Energy Administrator by the President for purposes of this Act.

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

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

There was no objection.

AMENDMENT OFFERED BY MR. WYMAN

Mr. WYMAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WYMAN: On page 59 insert immediately after line 13 the following: I. TEMPORARY SUSPENSION IN DESIGNATED AREAS

(a) Section 203 of the Clean Air Act (42 U.S.C. 1857f–2) is amended by adding at the end thereof the following new subsection:

"(d)(1) During and after the period of partial suspension of emission standards (as defined in paragraph (3)(A)—

"(A) it shall be unlawful for any person to register within an area designated in paragraph (3)(B) a new motor vehicle or new motor vehicle engine which is manufactured during the period of partial suspension of emission standards and which is not labeled or tagged as covered by a certificate of conformity under this part, and

"(B) no State shall permit any person to

register a motor vehicle in violation of subparagraph (A).

"(2) During the period of partial suspension of emission standards—

"(A) subsections (a) (1) and (4) of this section shall be inapplicable;

"(B) it shall be unawful for any manufacturer to sell, offer to sell, or introduce or deliver for introduction into commerce (or for any person except as provided in regulations of the Administrator, to import into the United States), any new motor vehicle or new motor vehicle engine which is labeled or tagged as covered by a certificate of conformity unless such new motor vehicle or new motor vehicle engine is covered by a certificate of conformity issued (and in effect) under this part, or unless such new motor vehicle or new motor vehicle engine was manufactured prior to the period of partial suspension;

"(C) subsection (a)(3) shall not apply to any motor vehicle or engine attached thereto which is registered outside an area described in paragraph (3)(B) of this subsection;

"(D) it shall be unlawful for any manufacturer (i) to sell or lease any new motor vehicle or new motor vehicle engine which is labaled or tagged as covered by a certificate of conformity unless such manufacturer has complied with the requirements of sections 207 (a) and (b), or (ii) to fail to comply with subsection (c) or (d) of section 207 insofar as such sections apply to motor vehicles or motor vehicle engines to which subsection (a)(1) of this section applies or applied or which are labeled or tagged as covered by a certificate of conformity;

"(E) it shall be unlawful for any dealer to sell any new motor vehicle or new motor vehicle engine which is not labeled or tagged as covered by a certificate of conformity to an ultimate purchaser unless such purchaser provides such dealer with a signed statement that such purchase will not register such vehicle in an area designated under paragraph (3)(B), and

"(F) it shall be unlawful for any ultimate purchaser to provide a statement described in subparagraph (E) knowing such statement to be false.

"(3)(A) For purposes of this subsection and section 209(C) the term 'period of partial suspension of emission standards' means the period beginning sixty days after enactment and ending on the later of September 30, 1977, or 12 months after the date on which the President determines that there is no longer any significant shortage of petroleum fuels in the United States. Any such determination shall be published in the Federal Register.

"(B) Within sixty days after the date of enactment of this subsection and annually thereafter, the Administrator shall designate, subject to the limitations set forth in this subparagraph, geographic areas of the United States in which there is significant auto emissions related air pollution. The Administrator shall not designate as such area without subsequent legislative authorization, any part of the United States outside the following air quality control regions as defined by the Administrator as of the date of enactment of this paragraph:

"(i) Phoenix-Tucson, intrastate.

"(ii) Metropolitan Los Angeles, intrastate.

"(iii) San Francisco Bay Area, intrastate.

"(iv) Sacramento Valley, intrastate.

"(v) San Diego, intrastate.

"(vi) San Joaquin Valley (California), intrastate.

"(vii) Hartford-New Haven (Connecticut)-Springfield (Massachusetts), interstate.

"(viii) National Capital (District of Columbia-Maryland-Virginia), interstate.

"(ix) Metropolitan Baltimore, intrastate.

"(x) New Jersey-New York-Connecticut, interstate.

"(ix) Metropolitan Philadelphia (Pennsylvania-New Jersey and Delaware), interstate.

"(xii) Metropolitan Chicago (Illinois and Indiana), interstate.

"(xiii) Metropolitan Boston, intrastate.

For purposes of this subparagraph, the term 'significant auto emissions related air pollution' means the persons of air pollutants from automobile emissions at such levels and for such durations as to cause a demonstrable and substantial adverse impact upon public health.

"(C) For purposes of this subsection and section 209(c) a motor vehicle shall be considered to be registered in a geographic area—

"(i) in the case of a motor vehicle registered by an individual if the individual's principal place of abode is in that area, or

"(ii) in the case of a motor vehicle registered by a person other than an individual, if the State of registration determines that such vehicle will be principally operated in such area.

"(D) Each State shall not later than sixty days following enactment of this Act, submit to the Administrator a plan for implementing subsection (d)(1)(B) of this section. Such plan shall contain provisions which give assurance that such State has one or more adequately financed agencies with sufficient legal authority to enforce such subsection (d)(1)(B) as determined in accordance with regulations of the Administrator."

(b)(A) Section 202(a) of the Clean Air Act is amended by inserting "and section 203(d)" after "subsection (b)".

(B)(1) Section 203(a) of such Act is amended by striking out "The following" and inserting in lieu thereof "Except as otherwise provided in subsection (d) of this section, the following:".

(2) Section 203(b)(2) of such Act is amended by inserting "or (d)(2)(A)" after "subsection (a)".

(C) Section 204(a) of such Act is amended by inserting before the period the following: "or section 203(d)".

(D) Section 205 of such Act is amended by inserting "(a)" after "SEC. 205.", by inserting "or paragraph (1)(A) or (2) of section 203(d)" after "section 203(a)", and by adding at the end of such section the following new subsection:

"(b) If a State fails to submit a plan under section 203(d) or if the Administrator determines (after notice and opportunity for hearing) that such State is not adequately enforcing such a plan, then such State (including any political subdivision thereof) shall lose its entitlement to and may not thereafter receive any Federal grant or loan assistance under this Act or under the Federal Water Pollution Control Act."

(E) Section 206(b)(1) of such Act is amended by striking out "being manufactured by a manufacturer" and inserting in lieu thereof "which are being manufactured by a manufacturer and which are covered by a certificate of conformity".

(F) The second sentence of section 209(a) of such Act is amended by striking out "No State" and inserting in lieu thereof "Except as provided in sections 203(d)(1)(B) and 203(a), no State".

(G) Section 209(c) of such Act is amended by striking out "Nothing" and inserting in lieu thereof "(1) Except as provided in paragraph (2) of this subsection, nothing"; and by adding at the end thereof the following new paragraph:

"(d) During the period of partial suspension of emission standards (as defined in section 203(d)(3)(A)—

"(1) no State may (in an applicable implementation plan or otherwise) adopt or attempt to enforce any standard relating to the control of emissions of motor vehicles (including engines attached thereto) registered outside of any area designated under section 203(d)(3)(B); and

"(2) no State may (in an applicable implementation plan or otherwise) adopt or attempt to enforce any law or regulation prohibiting any person from removing or rendering inoperative any device or element of design installed in compliance with regulations under this title in or on a motor vehicle (including any engine attached thereto) which is registered outside of any area designated under section 203(d)(3)(B), and

"(3) the Administrator may not promulgate any implementation plan which contains a provision prohibited by paragraph (1) or (2)."

(c) Wilful and deliberate violation of section 203(d)(1)(A) of the Clean Air Act, as amended by subsection (a) of this amendment, shall be punishable by a fine of up to $1,000, or imprisonment up to one year, or both.

(d) Motor vehicles registered in areas other than those designated in paragraph (3)(B) herein on the date of expiration of this amendment shall not be required to be retrofitted with emissions control devices or to comply with emissions control standards or regulations issued pursuant to the Act of 1970 (42 U.S.C. 1857f) as amended.

(e) This amendment shall take effect sixty days after passage.

Mr. WYMAN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New Hampshire?

There was no objection.

POINT OF ORDER

Mr. STAGGERS. Mr. Chairman, I make a point of order against the amendment.

Mr. Chairman, it is not germane to the bill. The amendment offered by the gentleman from New Hampshire (Mr. WYMAN) is not germane because:

First, it amends section 203, 204, 205, 206, and 209 of the Clean Air Act, provisions which are nowhere else amended by this bill, (H.R. 14368).

Second, it, in effect, amends the Federal Water Pollution Control Act, by providing for termination of State grant eligibility under that act, if the State fails to take certain actions under this amendment. Clearly this is not germane. Moreover, it discusses a subject matter clearly within the jurisdiction of the Public Works Committee.

Third, the bill would limit State authority to register motor vehicles, a subject which is not addressed in this bill in any way. It also deals with Federal and State authority to adopt and enforce provisions relating to in-use vehicles, a subject which is not addressed in this bill in any way. It also deals with grant provisions which are not amended in any way by H.R. 14368. It subjects ultimate purchasers to regulation for the first time under the Clean Air Act and no provision of this bill refers to ultimate purchasers of motor vehicles.

Mr. WYMAN. The gentleman is essentially trying to say that an amendment that relates to the standards or emissions controls on automobiles in a time and under a title that relates to clean air

is not germane. I think it is so obvious that it is germane that the point of order should be overruled.

The CHAIRMAN (Mr. DORN). The Chair is prepared to rule.

The gentleman from West Virginia (Mr. STAGGERS) makes the point of order that the amendment offered by the gentleman from New Hampshire (Mr. WYMAN) is not germane to the committee substitute for H.R. 14368.

The Chair has examined the amendment and is aware that it provides that States shall lose their entitlements to Federal grants under the Clean Air Act and under the Water Pollution Control Act for failure to comply with the provisions of the amendment.

While the committee substitute does amend several sections of the Clean Air Act to permit defined and limited variances from certain diverse provisions of that act, in order to coordinate the questions of energy supplies and environmental protection, the committee substitute does not affect entitlements under the Water Pollution Control Act, a matter within the jurisdiction of the Committee on Public Works.

As recently as December 14, 1973, when the Committee of the Whole was considering the Energy Emergency Act, Chairman BOLLING ruled that to a proposition temporarily suspending certain requirements of the Clean Air Act, an amendment suspending other provisions of all other environmental protection laws was not germane.

For these reasons, the Chair feels that the amendment is not germane to the committee substitute and sustains the point of order made by the gentleman from West Virginia.

Mr. STAGGERS. Mr. Chairman, I move to strike the requisite number of words.

I wish to assure the gentleman from New Hampshire that when we do consider the Environmental Protection Act his provisions will be considered, when this bill is taken up again. I can assure the gentleman of that.

Mr. WYMAN. Mr. Chairman, if the gentleman will yield on his time, I would simply like to say it will take me about 3 minutes to strike out from the amendment in the form in which it has been proposed the sanctions that relate to the objectionable features of which the Chairman just spoke, and the gentleman from New Hampshire intends to resubmit in the next few minutes the amendment without those features.

Mr. STAGGERS. The gentleman still has time, and I would like to say we would have to oppose the amendment. But I wish to assure the gentleman he will be given every fair treatment in the committee if he will come before the committee to present his views. There must be a new bill extending the authority of the Clean Air Act before June 30. I think if the gentleman will present his views before the committee, that is the proper time, when the hearings can be held and we can evaluate the situation, and the full membership of the committee will have a chance to hear the gentleman and he can make his points. I believe they will be given every consideration.

I do not believe this is the proper place to offer those amendments because I believe every member of our committee would be impelled to vote against and work against the gentleman's amendment. I believe if the gentleman will come at the proper time and present them in the proper way he will receive a sympathetic hearing from the members of the committee.

Mr. WYMAN. If the gentleman will yield further, I can assure the gentleman first I do not represent the automobile industry. All I am trying to do, as the gentleman knows and has known for some months now, is to get out something on this before the industry goes into the 1975 production in order to save millions of gallons of gasoline and hundreds of millions of dollars of cost to the purchasers and operators of automobiles in this country.

I think the gentleman is taking a position here that appears kindly and courteous but it seems to me to be contrary to the interests of the consumers of this country and contrary to energy crisis needs at this time. I will endeavor to make the corrections to the amendment in the shortest possible time.

Mr. STAGGERS. Mr. Chairman, in response to the gentleman I will say I do not think the House will accept the amendment and I think the gentleman will be just delaying progress on this bill. We are trying to be helpful to the country and the automobile industry and to the gentleman. We wish to do it in an orderly way.

The gentleman will have an opportunity to appear before our committee.

I would say this, when this part of the bill was broken away from the other parts, we agreed to oppose all amendments to this bill. I hope we can do this in order to get it by and down to the White House in the next day or so.

Mr. WYMAN. Mr. Chairman, if the gentleman will yield, I do not think we ought to be guided by what we think the other body will do. We know that the other body is under the domination of a point of view that accepts no amendment in this field whatsoever.

I am willing to submit the question to the House today. I believe that the House will adopt the amendment and that we ought to insist on it in conference.

Mr. STAGGERS. I would say we have voted it down twice and it is unlikely to get through now.

Mr. WYMAN. We have not considered this precise amendment in this House. It is a more thorough amendment and more carefully considered and worded than the one presented in December.

Mr. STAGGERS. I would like to say that if there is an amendment adopted, it would hold up this bill for some time.

Mr. ROUSSELOT. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

Fifty-eight Members are present, not a quorum. The call will be taken by electronic device.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 199]

Alexander	Giaimo	Patman
Anderson, Ill.	Grasso	Pepper
Barrett	Gray	Pickle
Blatnik	Haley	Podell
Breaux	Hansen, Wash.	Rees
Brown, Calif.	Harsha	Reid
Buchanan	Hébert	Riegle
Burke, Calif.	Hillis	Roberts
Carey, N.Y.	Howard	Robison, N.Y.
Chisholm	Hudnut	Roncallo, N.Y.
Clark	Kazen	Rooney, N.Y.
Clausen, Don H.	Landrum	Rose
	Long, La.	Ruppe
Conyers	Long, Md.	Stanton, James V.
Culver	McFall	
Davis, Ga.	Martin, N.C.	Stokes
de la Garza	Mathis, Ga.	Stubblefield
Diggs	Milford	Teague
Drinan	Minshall, Ohio	Thompson, N.J.
Esch	Murphy, Ill.	Whitten
Findley	Myers	Williams
Fulton	Passman	

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. DORN, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill H.R. 14368 and finding itself without a quorum he had directed the Members to record their presence by electronic device when 370 Members recorded their presence, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

AMENDMENT OFFERED BY MR. WYMAN

Mr. WYMAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WYMAN: On page 59 insert immediately after line 13 the following: I. TEMPORARY SUSPENSION IN DESIGNATED AREAS

(a) Section 203 of the Clean Air Act (42 U.S.C. 1857f–2) is amended by adding at the end thereof the following new subsection:

"(d)(1) During and after the period of partial suspension of emission standards (as defined in paragraph (3)(A)—

"(A) it shall be unlawful for any person to register within an area designated in paragraph (3)(B) a new motor vehicle or new motor vehicle engine which is manufactured during the period of partial suspension of emission standards and which is not labeled or tagged as covered by a certificate of conformity under this part, and

(B) no State shall permit any person to register a motor vehicle in violation of subparagraph (A).

"(2) During the period of partial suspension of emission standards

"(A) subsection (a) (1) and (4) of this section shall be inapplicable;

"(B) it shall be unlawful for any manufacturer to sell, offer to sell, or introduce or deliver for introduction into commerce (or for any person except as provided in regulations of the Administrator, to import into the United States), any new motor vehicle or new motor vehicle engine which is labeled or tagged as covered by a certificate of conformity unless such new motor vehicle or new motor vehicle engine is covered by a certificate of conformity issued (and in effect) under this part, or unless such new motor vehicle or new motor vehicle engine was manufactured prior to the period of partial suspension;

"(C) subsection (a)(3) shall not apply to any motor vehicle or engine attached thereto which is registered outside an area described in paragraph (3)(B) of this subsection;

"(D) it shall be unlawful for any manufacturer (i) to sell or lease any new motor vehicle or new motor vehicle engine which is labeled or tagged as covered by a certificate of conformity unless such manufacturer has complied with the requirements of sections 207 (a) and (b), or (ii) to fail to comply with subsection (c) or (d) of section 207 insofar as such sections apply to motor vehicles or motor vehicle engines to which subsection (a)(1) of this section applies or applied or which are labeled or tagged as covered by a certificate of conformity;

"(E) it shall be unlawful for any dealer to sell any new motor vehicle or new motor vehicle engine which is not labeled or tagged as covered by a certificate of conformity to an ultimate purchaser unless such purchaser provides such dealer with a signed statement that such purchaser will not register such vehicle in an area designated under paragraph (3)(B), and

"(F) it shall be unlawful for any ultimate purchaser to provide a statement described in subparagraph (E) knowing such statement to be false.

"(3)(A) For purposes of this subsection and section 209(C) the term 'period of partial suspension of emission standards' means the period beginning sixty days after enactment and ending on the later of September 30, 1977, or 12 months after the date on which the President determines that there is no longer any significant shortage of petroleum fuels in the United States. Any such determination shall be published in the Federal Register.

"(B) Within sixty days after the date of enactment of this subsection and annually thereafter, the Administrator shall designate, subject to the limitations set forth in this subparagraph, geographic areas of the United States in which there is significant auto emissions related air pollution. The Administrator shall not designate as such area without subsequent legislative authorization, any part of the United States outside the following air quality control regions as defined by the Administrator as of the date of enactment of this paragraph:

"(i) Phoenix-Tucson, intrastate.

"(ii) Metropolitan Los Angeles, intrastate.

"(iii) San Francisco Bay Area, intrastate.

"(iv) Sacramento Valley, intrastate.

"(v) San Diego, intrastate.

"(vi) San Joaquin Valley (California) intrastate.

"(vii) Hartford-New Haven (Connecticut)-Springfield (Massachusetts), interstate.

"(viii) National Capital (District of Columbia-Maryland-Virginia), interstate.

"(ix) Metropolitan Baltimore intrastate.

"(x) New Jersey-New York-Connecticut, interstate.

"(xi) Metropolitan Philadelphia (Pennsylvania-New Jersey and Delaware), interstate.

"(xii) Metropolitan Chicago (Illinois and Indiana), interstate.

"(xiii) Metropolitan Boston, intrastate.

For purposes of this subparagraph, the term 'significant auto emissions related air pollution' means the persons of air pollutants from automobile emissions at such levels and for such durations as to cause a demonstrable and substantial adverse impact upon public health.

"(C) For purposes of this subsection and section 209(c) a motor vehicle shall be considered to be registered in a geographic area—

"(i) in the case of a motor vehicle registered by an individual if the individual's principal place of abode is in that area, or

"(ii) in the case of a motor vehicle registered by a person other than an individual, if the State of registration determines that such vehicle will be principally operated in such area.

"(D) Each State shall not later than sixty days following enactment of this Act, submit to the Administrator a plan for implementing subsection (d)(1)(B) of this section. Such plan shall contain provisions which give assurance that such State has one or more adequately financed agencies with sufficient legal authority to enforce such subsection (d)(1)(B) as determined in accordance with regulations of the Administrator."

(b)(A) Section 202(a) of the Clean Air Act is amended by inserting "and section 203(d)" after "subsection (b)".

(B)(1) Section 203(a) of such Act is amended by striking out "The following" and inserting in lieu thereof "Except as otherwise provided in subsection (d) of this section, the following:".

(2) Section 203(b)(2) of such Act is amended by inserting "or (d)(2)(A)" after "subsection (a)".

(C) Section 204(a) of such Act is amended by inserting before the period the following: "or section 203(d)".

(D) Section 205 of such Act is amended by inserting "(a)" after "SEC. 205.", by inserting "or paragraph (1)(A) or (2) of section 203(d)" after "section 203(a)", and by adding at the end of such section the following new subsection:

(E) Section 206(b)(1) of such Act is amended by striking out "being manufactured by a manufacturer" and inserting in lieu thereof "which are being manufactured by a manufacturer and which are covered by a certificate of conformity".

(F) The second sentence of section 209(a) of such Act is amended by striking out "No State" and inserting in lieu thereof "Except as provided in sections 203(d)(1)(B) and 203(a), no State".

(G) Section 209(c) of such Act is amended by striking out "Nothing" and inserting in lieu thereof "(1) Except as provided in paragraph (2) of this subsection, nothing"; and by adding at the end thereof the following new paragraph:

"(d) During the period of partial suspension of emission standards (as defined in section 203(d)(3)(A)—

"(2) no State may (in an applicable implementation plan or otherwise) adopt or attempt to enforce any law or regulation prohibiting any person from removing or rendering inoperative any device or element of design installed in compliance with regulations under this title in or on a motor vehicle (including any engine attached thereto) which is registered outside of any area designated under section 203(d)(3)(B), and

"(3) the Administrator may not promulgate any implementation plan which contains a provision prohibited by paragraph (1) or (2)."

(c) Willful and deliberate violation of section 203(d)(1)(A) of the Clean Air Act, as amended by subsection (a) of this amendment, shall be punishable by a fine of up to one thousand ($1,000) dollars, or imprisonment up to one year, or both.

(d) Motor vehicles registered in areas other than those designated in paragraph (3)(B) herein on the date of expiration of this amendment shall not be required to be retrofitted with emissions control devices nor to comply with emissions control standards or regulations issued pursuant to the Act of 1970 (42 U.S.C. 1857f) as amended.

(e) This amendment shall take effect sixty days after passage.

Mr. WYMAN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New Hampshire?

There was no objection.

Mr. WYMAN. Mr. Chairman and Members of the Committee, this is the same amendment to which a point of order was made a little earlier, but without the sanctions that were specified in the original amendment in the interest of compelling State cooperation.

I have caused to be introduced into the RECORD which is beneath the seat of each of the Members at page E2648, a fact sheet on what this amendment proposes, with relation to objections that may be made to it, some of which are more hysterical than real.

Mr. Chairman, my amendment would essentially remove the requirement of emission controls on automobiles registered to residents of the white areas shown on this map of the United States. This is most of the Nation. The Environmental Protection Administrator would be authorized to designate the geographical limits of the red areas, and to go outside of those red areas in the instance of residents who live where most of their driving is done within the red area. All persons who reside in those areas would continue to be required to have automobiles equipped with emissions controls.

What would this mean in terms of hard dollars and cents? It would mean that approximately 70 percent of all automobiles in this country manufactured in the years 1975, 1976, and 1977—because this amendment continues until September 1977—would not have to have emissions controls. It would save billions of gallons of gasoline effective almost immediately and hundreds of millions in new car costs.

It would also empower the automobile dealers of this country to modify automobiles in inventory, or that are sold or belong to residents of the white, uncontrolled areas, to increase their gasoline mileage.

You may hear here today that if you tamper with a 1973 or 1974 model, it is likely to increase its fuel consumption. There is a $10,000 fine under the existing law on a dealer who tries to do this. But if you are going to have it done on a new car or done then knowledgeably it should be done by a dealer who has the equipment and who has the necessary handbooks and guidelines to follow from his manufacturer. America's dealers want to be allowed to do this in the cause of solving the energy crisis before us, particularly as it relates to gasoline, as well as the sticker mileage improvement involved.

Let me say to the Members of the Committee that we had better do this today because if anything should happen, and an oil embargo should go into effect again, and the people start queing up in gasoline lines in America, those who vote against doing this now, today, are going to take the rap, and they are going to deserve the rap in the public's mind because they will be responsible for a gas shortage that can be avoided in America if we take off the emission controls on cars where there is no earthly need for them.

The gentleman from Florida (Mr. ROGERS) has continued to say that there

are 66 cities and places outside of this area on the map with a pollution problem from automobile emissions. The fact is that the problem is not that big. This is not to urge Members to think that all of what comes out of the tailpipe of a car is pure and clean, because it is not. It is a fact that the automotive industry in America is trying to improve engines so as to maximize gas mileage and reduce emissions. But there is no such health-related problem of any significant proportions in America in the white areas, and there is no earthly justification, my friends, for requiring cars to cost hundreds of dollars more, and have a fuel penalty that the Environmental Protection Administration admits is at least 1 gallon in every 10 on the average across the country to people in this country who are residents of areas with no actual automobile emissions related air pollution.

This sheet which is before the Members in the CONGRESSIONAL RECORD points out certain facts about this amendment. I hope I have made them clear. I think the Members are familiar with this amendment. Members should also understand that the automotive industry can live with this amendment, and with the two-car policy, and that it is not a meaningful burden upon the automobile industry. But the industry has got to have the answer before it goes into production for the 1975 models, and therefore we should adopt this amendment at this time.

Mr. ROGERS. Mr. Chairman, I rise in opposition to the amendment.

I do not think it is necessary for us to go through all of this again. The House has twice turned down this amendment, even at a time when all of us were under very heavy emotional pressures, when there were lines before the filling stations. I think the House then made an intelligent judgment that we must strive for our continued effort to clean up the air in this country, and that the provisions of the bill before us strikes a proper balance between energy needs and clean air.

Let me just give the Members a fact or two, and then I will conclude quickly.

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

Mr. ROGERS. I yield to the gentleman from Maryland.

Mr. GUDE. I thank the gentleman for yielding.

Mr. Chairman, I commend the gentleman on his statement. He is looking at this matter very carefully. As he has pointed out, the House has twice looked at this matter and rejected this idea. I know the gentleman is well intentioned in offering this amendment, but I hope that the House will again act wisely.

As you recall, the House defeated this proposal by a record vote of 210 to 180. I sincerely hope that my colleagues will again move to defeat this proposal.

The arguments on this matter have not changed since December. As I mentioned then, Russell Train, appearing before the House Republican Task Force on the Environment, presented clear evidence that, in EPA tests, when emissions control devices were removed from small automobiles, it caused an increase in fuel consumption—not a savings, as the proponents of this amendment would have one believe—and there is considerable evidence that removal of the devices may well have a similar effect on larger cars.

Additional solid evidence, which argues strongly against the kind of "two-car" emissions standards which would be set up under this amendment, is presented in a report issued by the Aerospace Corp. in April 1973. Aerospace, under contract by EPA to study this very type of proposal, stated that even the auto industry was opposed to this type of system. Aerospace reported on numerous problems such a system would cause. They range from its effects on air quality to the problems it would create for auto manufacturers, parts manufacturers and dealers, and mechanics. The problems under such a system would be enormous—and the benefits nonexistent. In light of these facts, I must urge very strongly that the amendment be defeated. There is absolutely no assurance that it would save fuel. Indeed, all indications are to the contrary. If we wish to save fuel, we should press ahead with timely implementation of the full emissions standards, which tests indicate will result in fuel savings of 10 percent and more. This figure, incidently, was reached by General Motors, and has been substantiated by further EPA testing.

If we accept this proposal, there is the absolute certainty that air quality—and, therefore, the public health—will suffer greatly. Administration of a program of this nature would be a true nightmare. I urge the defeat of this amendment.

Mr. ROGERS. I thank the gentleman for his comments. I agree with what he has said. It would be really a tremendous step backward to adopt such an amendment.

First of all, the administration itself would oppose this amendment. It is opposed by EPA and by the White House. All of the major automobile companies do not support this amendment. Ford and General Motors representatives have both opposed it.

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

Mr. ROGERS. I yield to the gentleman from New Hampshire.

Mr. WYMAN. Did the gentleman say that the White House opposes this amendment?

Mr. ROGERS. Yes.

Mr. WYMAN. Mr. Chairman, I challenge that statement.

Mr. ROGERS. It was before the committee, and the gentleman can look at the record.

Mr. WYMAN. If the gentleman will yield further, the gentleman knows that my amendment was never before his committee, nor was I granted a hearing before his committee.

Mr. ROGERS. We have assured the gentleman from New Hampshire that he could come before the committee in June with his idea.

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

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

Mr. DINGELL. I thank the gentleman for yielding.

The Administrator of EPA, speaking on behalf of the administration, opposed this bill. The Council on Environmental Quality opposed this amendment. Mr. Sawhill opposed the bill and stated it was not necessary; it was undesirable; and said it would probably not save any gas.

Mr. ROGERS. It is so that they do not support it. Furthermore, another reason for opposing this amendment now is that the automobile companies are ready to move to clean up the air. The initial tests, I think the House would like to know—and this is fairly important—show that on the 1975 model in the 4,500-pound class there has been nearly a 26 percent improvement over 1973 and 1974 models and, similarily, another car in the 5,500-pound class has shown better than 26 percent increase in mileage.

Now to prevent them from going ahead and taking these steps as called for by the law, which will—in 1975—increase mileage and at the same time will help clean up the air, does not make sense.

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

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

Mr. DINGELL. I thank the gentleman for yielding.

Let me read what the Deputy Director, now the Director, of the Federal Energy Office, had to say. He said, referring to removal of emissions control devices from 1970 to 1974 cars, if made by competent mechanics, and in most instances they will not be, it could theoretically result in a 4-percent fuel economy improvement for those model years. He went on to say, and I am now quoting directly:

> However, exhaust emissions do not increase as engines are retuned for better fuel economy and overall hydrocarbon emissions would increase one-sixth, 18 percent, and carbon monoxide by one-quarter, 25 percent. This may be too high a price to pay for better fuel economy, and I think it is.

Mr. ROGERS. I thank the gentleman for his remarks.

May I say this in trying to wind this up.

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

Mr. ROGERS. The gentleman has already had his time, as I recall, so let me say this.

The CHAIRMAN. The time of the gentleman from Florida has expired.

(By unanimous consent, Mr. ROGERS was allowed to proceed for 2 additional minutes.)

Mr. ROGERS. Mr. Chairman, may I say we have just so much clean air in this great old world of ours. We know what has been happening. This Congress has made the judgment to help clean up the air. Now to take a step backward at this time when the automobile companies are perfecting and improving the mileage and when the energy situation has eased simply does not make sense.

We cannot stop now in continuing our efforts to clean up the air, particularly

when we are almost over this business of the fuel penalty in our cars. The tests on 1975 automobiles are bringing in their first steps up to a 25-percent increase in gasoline mileage, and to do as the gentleman proposes at this time would build in the very worst penalty.

Mr. YOUNG of Illinois. Mr. Chairman, will the gentleman yield?

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

Mr. YOUNG of Illinois. Mr. Chairman, I associate myself with the remarks of the gentleman from Florida.

I also would like to point out if any such amendment were adopted it would create all types of enforcement problems, and it would create havoc among the dealers who are in areas which are supposed to be full of air pollution, and it would create problems for the State authorities in trying to enforce motor vehicle laws.

Mr. DINGELL. Mr. Chairman, I move to strike the requisite number of words.

It is with some reluctance I rise to oppose the amendment offered by my good friend, the gentleman from New Hampshire (Mr. WYMAN). I know he offers the amendment in the best of good faith and I am satisfied he is sincere in the thought that it would be helpful in the problem we face with regard to energy.

In point of fact, Mr. Chairman, the map submitted by Mr. WYMAN does not reflect the areas which would be affected by the amendment but rather indicates only the areas where the worst of the air pollution happens to exist in the country.

In real point of fact the best arguments against the Wyman amendment, which I am satisfied my good friend does offer in the best of good faith, were submitted to me in a statement by the National Realty Committee, Inc., which is a national organization of realtors who sent a communication to the Commerce Committee in opposition to the amendment. Let me read some parts of this communication.

The portion reads as follows:

NATIONAL REALTY COMMITTEE, INC.,
Washington, D.C., April 23, 1974.

Hon. JOHN D. DINGELL,
House of Representatives, Rayburn House Office Building, Washington, D.C.

DEAR CONGRESSMAN DINGELL: The National Realty Committee, Inc. thought that the enclosed letter from Al Walsh, President, to Chairman Harley O. Staggers of the House Committee on Interstate and Foreign Commerce indicating the problems that passage of the Wyman proposal (H.R. 13120) would create for new real estate development in your District would be of considerable interest to you. Please let us know if we can be of any assistance.

Sincerely,

JAMES A. SHARP,
Staff Counsel.

NATIONAL REALTY COMMITTEE, INC.,
Washington, D.C., April 5, 1974.

Re H.R. 13120.

Hon. HARLEY O. STAGGERS,
Chairman, House Committee on Interstate and Foreign Commerce, Rayburn House Office Building, Washington, D.C.

DEAR CHAIRMAN STAGGERS: I regret that, due to the Committee's full schedule this past week, a representative of the National Realty Committee, Inc. ("NRC") was not able to appear in person before the Committee to express the NRC's views on H.R. 13120, the Wyman Amendment to the Clean Air Act of 1970. However, the NRC believes that it is important to bring to the attention of the committee, and of the Congress, the staggering implications of the Wyman Amendment for the future growth of the United States, and for land use and development in particular. Accordingly, I would like to request the Committee to accept this letter as the testimony of the NRC and to incorporate these remarks into the hearing record compiled by the Committee.

The NRC is a business league of several hundred organizations involved, directly or indirectly, in the real estate industry throughout the United States, including real estate owners, investors, developers, and related organizations and institutions. The NRC supports the goals of the Clean Air Act and believes that it is possible to protect and enhance the quality of our nation's air resources without imposing disproportionate economic or social disruption upon any sector of our economy.

As set forth in detail below, the effect of the proposed Wyman Amendment will be substantially to increase air pollution from vehicular emissions in virtually every populated region in the United States. However, the ambient air standards adopted by the Environmental Protection Agency must still be reached by 1975, or, where an extension has been granted, by 1977. Particularly in urban areas, the increased pollutant emissions per vehicular mile which must necessarily result from the Wyman Amendment will require reducing vehicle miles traveled. This, in turn, will require more stringent transportation control plans and indirect source regulations than are currently proposed, thus imposing additional widespread limitations on otherwise desirable growth and development. Thus, construction projects which pump billions of dollars into the nation's economy and provide thousands of jobs will be hindered, delayed, or rendered impossible solely because the Wyman Amendment allows dirtier automobiles, and even though these projects can be carried out in full compliance with the Clean Air Act as now in effect.*

As a result, the NRC believes that the Wyman Amendment is not only inconsistent with the national commitment to protecting and promoting air quality, but will cause serious economic harm in virtually every congressional district by unnecessarily hampering desirable development. For these reasons, the NRC is strongly opposed to H.R. 13120.

Administrator Train has testified that the Wyman Amendment will cause the primary standards for one or more pollutants to be exceeded in 66 cities and regions throughout the United States. Hearings before the House Committee on Interstate and Foreign Commerce on H.R. 13834 (April 21, 1974). Thus, the effect of the Wyman Amendment will be nationwide. Most heavily impacted will be the 53 major urban areas in which transportation plans have either been promulgated, are currently proposed as necessary to attain the national ambient air standards, or will be necessary to attain the national standards in light of the effects of the Wyman Amendment, but in which the Wyman Amendment prohibits the enforcement of vehicular emission controls. These impacted urban areas include virtually every major city in the United States except for those in California and much of the Washington-Boston corridor, as well as Chicago and Phoenix-Tucson, which are exempted from the Wyman Amendment.

In order to indicate with some specificity just how pronounced the effects of the Wyman Amendment would be, the NRC retained Jay E. Norco, of Environmental Technology Assessment, Inc. ("ETA"), Oak Brook, Illinois, a recognized authority in the field of pollution control planning and assessment, to analyze the potential increase of vehicular pollutants which could result from passage of the Amendment, and the impact of any such increase upon the EPA's indirect source regulations and transportation plans. In view of the short time available to Mr. Norco and his associates due to the constraints involved in the preparation of this testimony, the complexity of the subject matter, and the incompleteness of available data, the figures set out below cannot be regarded as definitive, nor are they intended to be so. However, we believe that the following data do present a reasonably reliable picture of the magnitude of the impact which can be expected in the event the Wyman Amendment is adopted.

Table I demonstrates that hydrocarbon emissions from vehicles will be approximately one and one-third or two times higher in 1975, and one and three-quarters to three times higher in 1977, if the Wyman Amendment is adopted than if it is not, depending upon whether all or only some of the external pollution control devices are disconnected or not installed as original equipment. Similarly, Table II shows carbon monoxide emissions one and two-thirds to more than two times higher in 1975, and two to three times higher in 1977, with the Wyman Amendment than without it, under the same circumstances. Furthermore, these figures assume that the number of automobiles in service will not increase from 1972, the base year used by ETA in its calculations, to 1975 or 1977; that no crankcase or evaporative devices are disconnected or not installed as original equipment as a result of the Wyman Amendment; and that all eligible automobiles are decontrolled. Insofar as the automobile population increases, or crankcase or evaporative devices are eliminated, the pollutants caused by the Wyman Amendment will increase over the foregoing figures. Insofar as not all eligible vehicles are decontrolled, such pollutants will decrease.

TABLE I.—EFFECT OF WYMAN AMENDMENT ON HYDROCARBON EMISSIONS

[In percent]

	Baseline (under present act)	Wyman amendment, case I [1]	Wyman amendment, case II [2]
1975	100	204	133
1977	100	289	173

[1] Case I assumes that the vehicle population size remains stable and that all external control devices (not including crankcase and evaporative controls) are reversible and decontrolled on all vehicles eligible for decontrol under the Wyman amendment.

[2] Case II is based upon EPA data and assumes that the vehicle population size remains stable and that some, but not all, external control devices (not including crankcase and evaporative controls) are reversible and decontrolled on all vehicles eligible for decontrol under the Wyman amendment.

*Furthermore, as materials submitted by others to this Committee indicate, there is substantial doubt that the Wyman Amendment will result in significant fuel savings, or indeed, in any fuel savings at all. Thus, while the Amendment's supporters have suggested that fuel savings of up to 17 to 20 percent could result from disconnection of vehicular pollution control devices, the EPA has concluded that it is probable that no fuel savings and perhaps even a slight fuel loss will result from the Wyman Amendment. *Compare* remarks of Representative Wyman, 119 Cong. Rec. H11173 (Dec. 12, 1973) *with* Office of Mobile Source Air Pollution Control, EPA, A Study of Fuel Economy Changes Resulting from Tampering with Emission Controls (January, 1974).

TABLE II.—EFFECT OF WYMAN AMENDMENT ON CO EMISSIONS

[In percent]

	Baseline (under present act)	Wyman amendment, case I [1]	Wyman amendment, case II [2]
1975	100	215	167
1977	100	292	209

[1] Case I assumes that the vehicle population size remains stable and that all external control devices (not including crankcase and evaporative controls) are reversible and decontrolled on all vehicles eligible for decontrol under the Wyman amendment.

[2] Case II is based upon EPA data and assumes that the vehicle population size remains stable and that some, but not all, external control devices (not including crankcase and evaporative controls) are reversible and decontrolled on all vehicles eligible for decontrol under the Wyman amendment.

Tables IIIA and IIIB set forth the impact in 1975 and 1977, based upon the same assumptions as to disconnection of control devices discussed above, of the dramatic increases in vehicular emissions resulting from the Wyman Amendment upon the EPA's indirect source regulations. For example, the present proposed indirect source regulations provide that no parking facility of 1,000 spaces or more may be constructed in any Standard Metropolitan Statistical Area ("SMSA") without an EPA construction permit, and that where the facility will attract vehicle traffic so as to impact the ambient air quality standards, such a permit will be denied. To achieve the same air quality levels in the event that the Wyman Amendment is adopted, the EPA will have to lower its control of construction permits in 1975 to SMSA lots with 464 to 599 spaces and to SMSA lots with 343 to 478 spaces in 1977.

In other words, the amount of pollutants emitted from vehicles using a 1,000 vehicle lot under the Act's present standards could result from a lot half that size in 1975 and one-third that size in 1977 under the Wyman Amendment. This, of course, means, that if a 1,000 vehicle lot is the maximum that can be constructed under the present Act, should the Wyman Amendment become law the permissible development on the same property would be only half as large in 1975 and one-third as large in 1977. As Tables IIIA and IIIB demonstrate, the same parameters hold true for every highway project and development with a parking lot. Thus, the implications of the Wyman bill on land use and development in the United States are truly staggering.

TABLE IIIA.—EFFECT OF WYMAN AMENDMENT UPON INDIRECT SOURCE REGULATIONS, 1975

	Baseline (current minimum size for control)	Equivalent minimum control size Wyman amendment case I [1]	Equivalent minimum control size Wyman amendment case II [2]
Parking lot construction in SMSAS (number of spaces)	1,000	464	599
Parking lot construction outside SMSAS (number of spaces)	2,000	928	1,198
Parking lot modification in SMSAS (number of spaces)	500	232	299
Parking lot modification outside SMSAS (number of spaces)	1,000	464	599
Highway construction (vehicles per day)	20,000	9,282	11,978
Highway modification (vehicles per day)	10,000	4,641	5,989

[1] Case I assumes that the vehicle population size remains stable and that all external control devices (not including crankcase and evaporative controls) are reversible and decontrolled on all vehicles eligible for decontrol under the Wyman Amendment.

[2] Case II is based upon EPA data and assumes that the vehicle population size remains stable and that some, but not all, external control devices (not including crankcase and evaporative controls) are reversible and decontrolled on all vehicles eligible for decontrol under the Wyman Amendment.

TABLE IIIB.—EFFECT OF WYMAN AMENDMENT UPON INDIRECT SOURCE REGULATIONS, 1977

	Baseline (current minimum size for control)	Equivalent minimum control size Wyman amendment case I [1]	Equivalent minimum control size Wyman amendment case II [2]
Parking lot construction in SMSAS (number of spaces)	1,000	343	478
Parking lot construction outside SMSAS (number of spaces)	2,000	686	955
Parking lot modification in SMSAS (number of spaces)	500	171	239
Parking lot modification outside SMSAS (number of spaces)	1,000	343	478
Highway construction (vehicles per day)	20,000	6,855	9,551
Highway modification (vehicles per day)	10,000	3,425	4,776

[1] Case I assumes that the vehicle population size remains stable and that all external control devices (not including crankcase and evaporative controls) are reversible and decontrolled on all vehicles eligible for decontrol under the Wyman amendment.

[2] Case II is based upon EPA data and assumes that the vehicle population size remains stable and that some, but not all, external control devices (not including crankcase and evaporative controls) are reversible and decontrolled on all vehicles eligible for decontrol under the Wyman Amendment.

The Wyman Amendment will have a similar or perhaps even greater impact upon transportation plans in those areas in which emission control devices will not be required. In view of the limited time available for the preparation of this testimony, EPA personnel were not able to examine each of the proposed or promulgated transportation plans. Instead, EPA analyzed the plan for Denver, Colorado, published in the Federal Register on November 7, 1973, 38 Fed. Reg. 30818, and the impact of the Wyman Amendment upon that plan. Denver was chosen for examination because its situation is neither extreme nor atypical and because the Denever data were relatively easily available. While for the reasons set forth above, this analysis is in no way intended as definitive, we believe it does set forth with reasonable accuracy the nature of the impact of the Wyman Amendment.

The results of the examination of the Denver plan are set forth in Tables IV and V. They show that, with the adoption of the Wyman Amendment, it can reasonably be expected that the 1975 eight-hour carbon monoxide reading will be between 36.1 and 38.4 parts per million and the one-hour oxident reading will be .17 to .19 parts per million.[1] In order to improve the air quality levels of carbon monoxide and oxidents to those envisaged for 1975 under the present Act, a reduction of 75% to 76% in vehicle miles traveled is necessary for carbon monoxide and a 53% to 58% reduction is necessary for oxidents.[2] These reductions are in addition to the bus and carpool lanes, parking construction limitations, on-street parking limits, and mass transit improvements proposed under the present Denver transportation plan. Such a reduction in vehicle miles traveled could only come through a very stringent gas rationing system; with all its social and economic dislocations and hardships.

[1] These calculations assume that present emissions are divided half and half between stationary and mobile sources in Denver, as is the average nationwide.

[2] These calculations assume that all necessary reductions will be borne by mobile sources.

TABLE IV.—EFFECT OF WYMAN AMENDMENT ON DENVER TRANSPORTATION PLAN—CARBON MONOXIDE [1]

	Wyman amendment case I [2]	Wyman amendment case II [3]
Carbon monoxide 8 hr reading 1975 (parts per million)	38.4	36.1
Carbon monoxide additional VMT reduction over current plan—1975 (percent)	76.0	75.0
Carbon monoxide 8 hr reading 1977 (parts per million)	39.3	35.1
Carbon monoxide additional VMT reduction over current plan—1977 (percent)	77.0	74.0

[1] Denver calculations include correction for high altitude.

[2] Case I assumes that the vehicle population size remains stable and that all external control devices (not including crankcase and evaporative controls) are reversible and decontrolled on all vehicles eligible for decontrol under the Wyman amendment.

[3] Case II is based upon EPA data and assumes that the vehicle population size remains stable and that some, but not all, external control devices (not including crankcase and evaporative controls) are reversible and decontrolled on all vehicles eligible for decontrol under the Wyman amendment.

TABLE V.—EFFECT OF WYMAN AMENDMENT ON DENVER TRANSPORTATION PLAN—OXIDENT [1]

	Wyman amendment, case I [2]	Wyman amendment, case II [3]
Oxident 1 hr reading 1975 (parts per million)	0.19	0.17
Oxident additional VMT reduction over current plan—1975 (percent)	58	53
Oxident 1hr reading 1977 (parts per million)	0.15	0.12
Oxident additional VMT reduction over current plan—1977 (percent)	47	33

[1] Denver calculations include correction for high altitude.

[2] Case I assumes that the vehicle population size remains stable and that all external control devices (not including crankcase and evaporative controls) are reversible and decontrolled on all vehicles eligible for decontrol under the Wyman amendment.

[3] Case II is based upon EPA data and assumes that the vehicle population size remains stable and that some, but not all, external control devices (not including crankcase and evaporative controls) are reversible and decontrolled on all vehicles eligible for decontrol under the Wyman amendment.

Furthermore, the situation is even more serious for 1977 because the similar percentage reductions must occur in addition to the requirements proposed under the present Act—which already include some gas rationing.

The foregoing discussion strongly suggests that the adoption of the Wyman Amendment must either lead to the wholesale abandonment of the goals of the Clean Air Act of 1970 or to severe limitations on growth imposed by indirect source regulations and transportation plans. The former alternative will mean the abandonment of the pursuit of air quality and the protection of our environment and the latter will cause tremendous economic hardship in almost every congressional district as development projects are delayed or cancelled and thousands of jobs lost. The NRC considers both of these alternatives to be unsatisfactory. Fortunately, both of these alternatives can be avoided by the rejection of the Wyman Amendment. The NRC believes that this Committee, and the Congress, should preserve the commitment to protecting both the nation's air quality and its economy. Accordingly, we respectfully urge that the Wyman Amendment be rejected.

Yours truly,

ALBERT A. WALSH,
President.

What this says is that Wyman amendment is going to cause impact in other areas which may not presently be avail-

able to view. This is the kind of matter which requires careful consideration, because while we might be able to allow people through backyard mechanics or otherwise to take off air abatement devices, it follows that the Wyman amendment is going to affect automobiles which are going to be moving throughout the whole of the country.

It furthermore follows, and very regretfully I say, that not only will this have an effect, but it will result in further restrictions, limitations, and reductions in other economic activities which will be required to make the now-fixed statutory standards required by the Clean Air Act.

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

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

Mr. KETCHUM. I have asked the gentleman to yield for a question. A few moments ago in the discussion preceding this the gentleman mentioned that someone from EPA testified in opposition to the Wyman amendment.

Mr. DINGELL. That gentleman was Mr. Train.

Mr. KETCHUM. That is Mr. Russell Train.

Mr. DINGELL. That is correct.

Mr. KETCHUM. I would remind the body that this is the same gentleman that established a set of regulations for the city of Los Angeles that were so ridiculous, they wanted to shut the city down.

Mr. DINGELL. That was not Mr. Train. That was Mr. Train's predecessor.

Mr. KETCHUM. If we want to see additional burdens imposed on the city of Los Angeles and other major cities amplified and made more difficult, then vote for the Wyman amendment. That is the way to get it.

Mr. TAYLOR of Missouri. Mr. Chairman, I rise in support of the Wyman amendment. I believe if this House is responsive to the people of the Nation and certainly to the car-buying public of this Nation, it behooves us to accept this amendment, because I believe the people of this Nation are sick and tired of having their lives controlled in all these ways.

The CHAIRMAN. The time of the gentleman has expired.

Mr. NELSEN. Mr. Chairman, I move to strike the requisite number of words.

I rise in opposition to the Wyman amendment.

I yield to my friend, the gentleman from Missouri (Mr. TAYLOR) for his unfinished statement.

Mr. TAYLOR of Missouri. I thank the gentleman. As I was saying, I believe the car-buying public of this Nation, which is so important to the economy of this Nation, has shown their resentment to these octane octopuses being forced upon them and the gas guzzlers they must buy, by their resistance in the showrooms in this country. Certainly it has been made crystal clear in the plants that have been closed down, in the employees that have been laid off in our assembly plants, because of buyer resistance to automobiles as they are being equipped in the Nation today with so-called emission controls.

I think the people of this country, and certainly the ones that I come in contact with in my district, do resent this. I am an automobile dealer and I can say firsthand there is a great resistance in the people who come into the showrooms to buy automobiles that ordinarily would buy and trade automobiles. They are not trading, because they have a 1970 or 1971 model that gives them good gas mileage.

In the interest of saving millions of dollars to the motoring public, precious gasoline, and thousands of jobs in the automobile industry, I urge the adoption of this amendment.

Mr. NELSEN. Mr. Chairman and Members of the Committee, I served on the conference committee on the original bill, and at that time I argued with one of our members on the other side that the standards that we were demanding could not be reached in the time frame allotted in the legislation. So, this Congress really crowded the industry at a time when we should have given more time for engineering and research to do a better job.

In order to try to meet the standards that we set up, some of the gadgetry that we talk about was put on automobiles. Now, it has been suggested that a change can be made by a mechanic. It cannot be made, because some of the construction of the engine is such that even if the catalytic converter was taken off, we would still have our mileage problem with us in the same automobile. We find this, that by research, the catalytic converter has been improved. As has been mentioned, a 26-percent increase in mileage can be expected.

Mr. Chairman, many of us criticize some of the environmentalists for demanding things that are unattainable, but I want to say that certainly we must compliment those who are concerned about our environment. We want to applaud what they have tried to do and the goals they have set.

However, I think sometimes their demands have been too great. I believe we can work these things out. Certainly, we do not want to go backward. If we do have an automobile now that has the mileage potential, and if we do admit we are improving the environment, in my judgment we should not back down, as has been pointed out.

The administration of such a piece of legislation, containing the Wyman language, in my judgment, would be difficult where we have one area up a road with it on and another area with it off. How in the world are we going to enforce a situation like that where we have 66 cities involved? Miami, Fla., has been mentioned. Miami is concerned; Minneapolis would be concerned. How in the world are we going to enforce it?

Mr. Chairman, I want to say this, that I hope that this amendment is voted down, and I hope that when we do get to the Clean Air Act, we may look at all possibilities.

When we get to that bill, I hope the environmentalists of our country will recognize that there is a little give and take in this total picture; that we want to seek goals to improve the environment. At the same time, the economic problems of the country should be considered in conjunction with it. There are things we can do and should do when we extend the Clean Air Act.

Mr. JARMAN. Mr. Chairman, I rise in support of the Wyman amendment. I believe it proposes a commonsense approach to combating our energy shortages while still retaining our commitment to our environmental protection. I am totally aware of the importance of the Clean Air Act and not for a moment am I deferring from this program when I urge my colleagues to support this amendment.

Thirteen areas have been designated as having significant auto emission related air pollution. In the remaining portion of the country, approximately 90 percent of the geographical United States, there is no significant air pollution related to automobile emissions. The point and thrust of this amendment is that there is no sense in burdening the entire United States with the same emission control standards as are required for the heavily populated metropolitan areas of this country.

To discontinue temporarily the requirement for such auto emission control devices in the less populous areas of our country will save millions of gallons of gasoline annually. Figures indicate that the new emission control devices on cars decrease gasoline mileage by 7 percent or more. These devices are estimated to have increased annual gasoline consumption by more than 300,000 barrels a day.

We have here today the opportunity to correct part of the fuel shortage problem by adopting this amendment. We retain the Clean Air Act standards where they are most needed. This amendment accommodates them because it provides that in the areas most severely affected we will continue to use auto emission controls. I see no reason why we should continue to penalize every driver in the country because of the 13 areas with air quality problems. There is no sense in imposing an enormous energy loss to the Nation by requiring auto emission controls for the entire Nation. This loss of energy is unacceptable in this time of energy crisis.

Mr. Chairman, it is imperative that we strike a balance between our energy concerns and our environmental concerns. I believe this amendment offers that balance and I urge its adoption.

Mr. ICHORD. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the Wyman amendment, and I associate myself with the remarks of the gentleman from Oklahoma (Mr. JARMAN), and the gentleman from New Hampshire (Mr. WYMAN).

Mr. Chairman, I truly believe that this amendment should be termed the "Commonsense Amendment of 1974," and I think the vote on this amendment will determine whether the House is going to follow the advice of at least the caricature of the emotional environmentalists mentioned by the gentleman from Louisiana (Mr. WAGGONNER) who fail to realize that you are in quite a dilemma when you approach the problems of pollution: If you do not wash your body,

you pollute the air; but if you do wash your body, you pollute the water.

Mr. Chairman, we are not going to solve the environmental problems overnight. They have been building up for many, many decades. There are tradeoffs to be made.

Mr. Chairman, it is absolutely devoid of commonsense—and I say this to the gentleman from Michigan—to require an emission device on an automobile in Podunk, Mich., where there are no problems of air pollution. Certainly we have problems of air pollution in Washington, D.C., in New York, in Los Angeles, and in several other areas around the country. But there is no real problem in Podunk, Mich.

Mr. Chairman, in a period of gas shortage, at a time when we could possibly be in another gas crisis, to require such an emission device defies commonsense and reason.

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

Mr. ICHORD. Mr. Chairman, I will yield to the gentleman from Michigan.

Mr. DINGELL. Mr. Chairman, I think the gentleman ought to recognize, first of all, that automobiles do not stand still. Automobiles in Podunk and other automobiles are driven throughout the United States.

Mr. Chairman, this is reflected by the red areas on the map shown by the gentleman fom New Hampshire (Mr. WYMAN) the author of the amendment. But more importantly, two-thirds of the people and two-thirds of the automobiles are in those red areas.

Mr. ICHORD. Mr. Chairman, that is quite true, but 90 percent of the time those automobiles will never go into those red areas.

Mr. DINGELL. Mr. Chairman, I will say that the gentleman is in grave error.

Mr. ICHORD. Mr. Chairman, I will say to the gentleman from Michigan that this requirement is about as silly as the Department of Transportation regulation requiring seatbelts to be hooked up to the ignitions on all 1974 automobiles. I hope the gentleman will agree with me on that point anyway.

Mr. DINGELL. Mr. Chairman, if the gentleman will yield further, I do agree that the seatbelt hookup is absolutely insane. In my judgment, I think that perhaps some of the judgments made under the clean air amendment are unwise.

I would point out to the gentleman that many of the Members in this body voted for the requirements of imposing a statutory technology upon the industry before the industry was prepared to meet it.

Now, the gentleman proposes to impose on the automobile industry the duty to produce essentially two different cars. This amendment imposes upon the communities the responsibility of picking and choosing which automobiles would be permitted in the area, where they do not meet the requirements of the law imposed on the residents.

Mr. ICHORD. Mr. Chairman, let me ask the gentleman if I understand him correctly.

Is the gentleman saying that because the automobile industry has perhaps tooled up to put this expensive device on automobiles, we should permit them to recover their investment?

Mr. DINGELL. Mr. Chairman, the automobile industry is going to make money. Whatever happens, they are going to charge things like this to the price of the automobile, and they are going to make a profit. I am not here to speak for or against the industry. The industry is going to do what the Government requires, and they are going to make a profit.

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

Mr. ICHORD. I yield to the gentleman from New Hampshire.

Mr. WYMAN. Mr. Chairman, the gentleman from Michigan has repeatedly give us inaccurate statements. I want to set the record straight.

Seventy percent of the cars in America would be decontrolled under this amendment. Only 30 percent of the cars in America would remain controlled for residents of the red or contiguous areas.

The in-and-out traffic into the red areas from the cars of the white areas would not have any appreciable effect on the ambient air quality in these regions, because there just is not enough of it.

Mr. COLLIER. Will the gentleman yield?

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

Mr. COLLIER. I thank the gentleman for yielding, to clarify one point.

Three previous speakers have suggested that there was a 26-percent improvement in gas mileage. I think the RECORD ought to show that what they are saying really is it is only 74 percent as bad as it was.

Mr. COLLINS of Texas. Will the gentleman yield?

Mr. ICHORD. If I have any time left, I yield to the gentleman from Texas.

Mr. COLLINS of Texas. I want to say about this particular amendment, which has some merit in it, that I must stress the fact that it would lower the price of gasoline. The reason why the price is so high is because of the shortage. Fifty percent of the crude oil goes for automobiles. I know when you are running an automobile and only getting 9 miles to the gallon, when you used to get 15 miles to the gallon, you are automatically creating a shortage. Within 2 years we will have the greatest production and we will have a lower price on gasoline.

Mr. ICHORD. I agree with the gentleman, and I hope the House will adopt the Wyman commonsense amendment.

Mr. RANDALL. Mr. Chairman, I move to strike the last word.

Mr. Chairman, yesterday I called into my office some representatives of the EPA from over in Foggy Bottom, not knowing this bill would be on the floor today. We asked them why they were distributing posters and circulars to certain mechanics who are not subject to restrictions as to removal of emission controls. They answered that the distribution was through trade association. They admitted they were preparing and distributing posters and circulars warning mechanics not to modify these emission control devices. I protested that these circulars left the impression and the innuendo that any mechanic who touched a device was proceeding contrary to law. My understanding is that the law only prohibits a dealer from making a modification, but does not apply to an independent mechanic—not working for a new car dealer. If that is true these posters and circulars are false and misleading.

I see the gentleman from Oklahoma, a member of the committee, nodding his head. Let me commend the gentleman, Mr. JARMAN, because he proved by his remarks in favor of the Wyman amendment that the committee is not unanimously against the amendment of the gentleman from New Hampshire.

Mr. Chairman, back in early December when we were debating this same amendment I happened to describe a demonstration that I observed. I would like to repeat that description now. It may not change any minds, but it may be an interesting description.

Someone mentioned today that the modification of emission devices would save only 2 or 3 miles to a gallon of gasoline. But if you read the material distributed by the gentleman from New Hampshire (Mr. WYMAN) which was alluded to by the gentleman from Texas (Mr. COLLINS) you will see that the saving of gas is not the only consideration. There would also be a big saving of money. Millions could be saved if this amendment could be adopted.

Now let me describe a modification of emission control devices which I witnessed just a few months ago in one of our county seat towns in our district in west central Missouri. The site was a vocational school with 35 or 40 young men attending a class in automobile mechanics. The teacher who was giving this demonstration said, "Let me tell you something about emission control devices." He had a 1973 or 1974 Pontiac, with its hood lifted and the engine hooked up to an expensive Sun tester. I do not know exactly what he did except I observed he took an ordinary screwdriver—and he did not have a lot of tools with him—he simply adjusted a certain part on the left side of the engine which I later found out was the recirculating valve. He said, "There are two things you need to know about the performance of an engine. One is the revolutions per minute and the other is the compression." He pointed to a gage on the Sun tester to say "Here is what the emission control devices are doing to the engine—it is causing the engine to drag." Then he adjusted the valve to let in some air. The rpms, which were before at 1,100, jumped up to 1,400 rpms. Then he said, "Watch carefully," and he went over to the right side of the engine. He said, "Look at that column of mercury. That tells you the compression. Slowed timing can put a load on an engine like a car pulling a big weight. He said, "It is like the car was pulling two or three heavily loaded trailers." Then he took his screwdriver and adjusted the timing. The engine immediately picked up without touching the throttle to almost twice its compression—or from 7

to about 14 inches of mercury on the gage.

This description is not a figment of my imagination. I actually saw it.

Then the teacher asked "Do you notice any increase in the carbon dioxide in this garage?" as he left the car running. My point is giving this description of an expert making an emission control modification, is to emphasize that anyone who could witness such a demonstration would immediately recognize the merits of this amendment offered by the gentleman from New Hampshire.

Mr. Chairman, in the Kansas City, Mo., area there are billboards which advertise the fact that the heart of America has clean air. The wording on the billboards recites that the metropolitan area of Kansas City has the cleanest air of any city in America. That is why mail from my constituents inquires "Why should we be penalized with pollution devices on our cars that reduce the gasoline mileage when we have no pollution problem?" That is a good question. It is one that is difficult or impossible to answer.

One point in this entire argument that is so quickly glossed over is the fact that if an emission device reduces gasoline consumption then that means that for the same car to accomplish all the chores that an owner requires of his car will be using more gasoline and pumping more pollutants into the air. If the pollution control device were removed less gasoline would be used and fewer pollutants would be added to the air.

Unfortunately too many think there should be no balance ever struck at all between strict and unbending environmental controls and some of the necessities of everyday life and living including the factor of unemployment caused from too strict enforcement of environmental regulations.

If there is one fair way to describe the Wyman amendment, it is to call it the "commonsense amendment." It will save billions of gallons of gasoline, and in these times of almost galloping inflation it will save hundreds of millions of dollars of money for consumers.

A quick glance at the map will show that there are really only four areas of significant auto-related air pollution in the United States. Quite frankly, the standards of the 1970 clean air laws as it relates to light duty automotive vehicles have proven to be too strict.

Why require the entire Nation to bear an energy-wasting burden that is a problem in only a small part of the country. A moment ago I mentioned the term "commonsense" to emphasize the proper description of this amendment. What sense is there in the requirement that all the residents of the entire State of North Dakota have to purchase emission control-equipped cars when that entire State has no emission control-related air pollution? The situation in North Dakota multiplied in State after State adds up to a huge energy cost all because of a requirement which becomes not only energy wasteful but ridiculous. This Congress will deserve public condemnation if we do not allow for the partial suspension of auto emission controls.

Mr. Chairman, the Wyman amendment should be adopted.

Mr. SYMMS. Mr. Chairman, I move to strike the requisite number of words, and I rise in favor of the amendment offered by the gentleman from New Hampshire (Mr. WYMAN).

Mr. Chairman, I am pleased to associate myself with the remarks made by the gentleman from New Hampshire (Mr. WYMAN) and the gentleman from Missouri (Mr. ICHORD), and to speak in favor of this commonsense amendment which will help to lower the gasoline prices and make it more convenient for the American consumers in this country who live in the nonpolluted areas shown on the map.

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

Mr. SYMMS. I am pleased to yield to the gentleman from New Hampshire.

Mr. WYMAN. Mr. Chairman, I thank the gentleman for yielding me this time in order to give me a little time to respond to some of the misstatements that have been made, that are so inaccurate, and I refer first to the statement about the alleged 26 percent improvement in gas mileage. I would like to read one section from ETA's 1974 report on the penalties on this country from emissions controls, and I am quoting from page 1:

> The sales weighted average fuel economy loss due to emission controls (including reduction in compression ratio) for 1973 vehicles, compared to uncontrolled (pre-1968) vehicles, is 10.1 percent. However, vehicles less than 3,500 pounds show an average 3 percent gain (attributable to carburetor changes made to control emissions) while vehicles heavier than 3,500 pounds show losses up to 18 percent. The size of these losses, however, is highly dependent on the type of control systems the manufacturer has chosen to use.

One of the things that has been suggested here is that in some way automobile dealers or the automobile industry would be penalized by my amendment. I would like to call the attention of Members to the fact that one of the Members of this body who has spoken in support of this amendment is an automobile dealer, the gentleman from Missouri.

I want to call the attention of Members also to the fact that one of the things that is troubling the automobile dealers as they try to sell cars in America is that when potential customers look at that sticker on the window, the sticker that shows the low gasoline mileage because of these devices in this time of a gasoline shortage, it is enough to drive most anybody from wanting to buy an automobile.

This amendment would not apply to the areas about which the Members have protested so loudly, such as Chicago and Washington. The amendment does not affect the cars of residents of Washington, Chicago, or Los Angeles. They will still have to have emission controls on their cars.

But why should this requirement be imposed on the whole country, and thus impose an operating cost penalty, and a capital cost penalty on this whole Nation running into billions of dollars? It is a fact—and no one on this floor can refute it—that the in-and-out traffic into the red areas from cars that do not have emissions controls is not going to destroy their clean air. Yet opponents of my amendment would make everybody in the Nation face a capital cost of billions of dollars, and a waste of gasoline in the billions of gallons.

It seems to me that in the interest of fairness it should be noted that the statement that the energy situation has eased is really not correct, because a gasoline shortage still persists. If we are to earn the commendation of the people of this country we ought not to demand emissions controls on the cars in this country of residents in those areas where there is no honest-to-goodness emissions-related public health problem.

Mr. GOODLING. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to make a brief statement, and then pose a question to the gentleman from Florida (Mr. ROGERS) if the gentleman will listen to my brief statement.

Mr. Chairman, I have been driving the same model automobile for 20 to 25 years. The last few models I have had I have gotten from 14 to 16 miles per gallon of gasoline, depending on the speed at which I drive, of course.

I am presently driving a 1973 model, and I am now getting 10 miles per gallon of gasoline. This 1973 model has all of the gadgets that we are talking about.

My question to the gentleman from Florida is this: Am I causing less pollution because I am burning one-third more gasoline?

Does the gentleman have an answer to that question?

Mr. ROGERS. Is the gentleman from Pennsylvania causing less pollution because he is out driving with less gas, or with more?

Mr. GOODLING. No, because I am driving with a third more gasoline. Am I causing less pollution because I have these gadgets on my car and using a third more gasoline?

Mr. ROGERS. Yes, the gentleman is creating less because the cars are geared with the pollution devices to produce less pollution per mile. The auto emission standards are based on the health standards and calculated on the basis of grams per mile. This has been checked scientifically. Even the American Medical Association has just reendorsed the standards for health.

I am amazed that people are saying there are no health effects.

Mr. GOODLING. What would the American Medical Association know about the mechanics of automobiles?

Mr. ROGERS. The gentleman asks, How are they concerned with it? I will tell the gentleman what they are concerned with—carbon monoxide, which is a toxic gas.

Mr. GOODLING. The gentleman is not answering my question. I am asking him

if I am causing less pollution because I am burning a third more gasoline.

Mr. ROGERS. The gentleman is causing less pollution per mile because the devices have reduced it; so for the number of miles he is driving, he is creating less in that same number of miles he has driven.

Mr. GOODLING. One further question. The gentleman speaks about the 1975 models. Has the gasoline consumption decreased that much between the 1973 and the 1975 models?

Mr. ROGERS. On the new models that they are going into now, which will be in construction very shortly and be marketed in 1975, the initial tests are showing a gain of up to 26 percent. This has already been published in some of the newspapers.

With this advantage of improved mileage—and the companies have already testified before our committees—General Motors said their 1975 models will improve up to 13 percent; Ford said up to 6 or 9. Now the actual tests are showing they are going up as high as 26 percent in the large automobiles.

Mr. GOODLING. My friend, the gentleman from Alaska, would be delighted to hear the gentleman from Florida say that about the Ford, because he just sat there and told me a moment ago he is getting 8 miles per gallon on his 1973 model.

Mr. ROGERS. That is in the models coming out in 1975. They are doing the testing; this is what they saw with the new catalytic converter. To adopt the Wyman amendment would actually increase the fuel, if this economy and increased mileage comes about, which it now appears it will.

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

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

Mr. COLLIER. I thank the gentleman for yielding.

So that we understand this 26 percent improvement reference that is being thrown around here, the point is that if one was getting 14 miles a gallon and he is now getting 10, the 26 percent increase means he is still not getting 14 miles; he is getting 11. So, as I said before, what appears to be a 26 percent improvement in mileage is still 74 percent worse than what it was before the emission gadgets were required equipment.

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

Mr. GOODLING. I yield to the gentleman from Florida.

Mr. ROGERS. But the gentleman has not broken down what causes the loss of mileage. If he will break it down as to weight, the 2,500-pound car uses exactly one-half the gas of a 5,000-pound car. The penalty from air-conditioning is 9 to 15 percent, and the penalty from power steering and power windows is anywhere from 9 to 20 percent. The air pollution penalty has been anywhere from 3 to about 15 to 18 percent. The increase of 26 percent has overcome the air pollution penalty.

Mr. ECKHARDT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I support this bill. This bill is a part of a total package of two bills addressed to the energy problem. It contains not only provisions with respect to certain tolerances, certain reductions of standards with respect to auto emissions and with respect to emissions from plants, but also certain reporting requirements, extremely important concerning petroleum resources provisions. It is part of a total package, as I have said which includes another bill not yet before this body addressed to the total question of fuel allocation and prices.

I urge that this be not made a Christmas tree for relaxation of environmental standards. I want to support this bill. I commend the gentleman from Florida and the able staff of the Committee on Interstate and Foreign Commerce for examining the questions in deep technical detail. We should not simply utilize this instrument to reduce environmental standards. The committee has done a workman-like job and has produced a balanced program deserving of support.

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

Mr. ECKHARDT. I yield to the gentleman from Washington (Mr. ADAMS).

Mr. ADAMS. Mr. Chairman, I associate myself with the remarks made by the gentleman from Texas. This bill is very much a moderate bill. It is the part of the total energy package that was deemed most noncontroversial and which might be presented in a short period of time today. The other bill is still to be pending before this House and it contains the provisions that many of us want to see in the energy bill. We agreed that this bill should go forward at this time.

I can state if we go into a Christmas tree operation like this, that many of us will be constrained to go back into the amending process we were in before. This amendment has been before the House. It has been voted down before.

I specifically asked the question, in answer to the gentleman who was previously in the well, as to why his car does not get as much mileage now, and it was agreed by all the witnesses who testified that the pollution devices are far down the list as a cause of loss of mileage. They are far behind air-conditioning and power steering and the increase in weight and the power windows and all the other accouterments, including the fact that they have not designed smaller engines and smaller cars.

I associate myself with the remarks made by the gentleman from Texas. I oppose this amendment. I hope it will be voted down. I hope this House will vote for this bill promptly without any further amendments.

Mr. ECKHARDT. I hope the committee will go along with the committee bill.

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

Mr. ECKHARDT. I yield to the gentleman from Ohio (Mr. SEIBERLING).

Mr. SEIBERLING. Mr. Chairman, it seems to me the amendment offered by the gentleman from New Hampshire (Mr. WYMAN) is based on the belief that removal of the pollution control devices will save gas and increase mileage.

Last winter a group of auto dealers came to see me, headed by one of the biggest dealers in my district, and he made the same sort of pitch for taking off the pollution device. Two days later his chief mechanic was quoted in the local newspaper as saying: "Do not take the controls off the cars; if you do you will worsen the gas mileage, because today's car engines are designed to operate with these emission controls." It seems to me the amendment is based on a false premise.

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

Mr. ECKHARDT. I yield to the gentleman from Florida.

Mr. ROGERS. Mr. Chairman, I would think if the author of this amendment really wanted to save energy he would suggest we take off air-conditioning from automobiles which affects mileage more than air pollution control devices, and he would suggest taking off the power systems for windows, or he would suggest reducing the weight of the cars.

Why should we do something that will reduce pollution controls that would be of benefit to the health of the American people? The House has turned this down twice and I think it made a good judgment then and I hope it will do so again.

Mr. McEWEN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, after I initially supported the efforts of the gentleman from New Hampshire there was one question raised that troubled me, and that was the question of whether or not the emission controls could be removed or modified, because I was told by some that this could not be done. Therefore the amendment that the gentleman from New Hampshire offered then and is offering now might be meaningless.

I took this up with one of the largest of the automobile dealers in my district. For obvious reasons I will not give his name or give the location of his business. Let me tell the Members what this gentleman wrote to me:

It has been my opinion, and it is the opinion of some qualified people who work for me—

And he told me specifically he went right into his shop and talked to the mechanics—

that some of the controls can be taken off successfully; and if done properly, the resultant increase in gasoline consumption performance per se is improved some 15 to 25 percent. It is also true, however—

And I would point this out to my friend from Ohio who spoke about the mechanic in his community—

that if the equipment is removed by someone who doesn't know what they are doing, that it can actually result in a decrease in fuel consumption performance. In my opinion, it takes a pretty knowledgeable person to do it and do it correctly because there is no information available from the manufacturer with regard to this.

I called Service personnel in Detroit for Cadillac and in Lansing for Oldsmobile to get suggestions from them as to the proper procedure inasmuch as there is nothing in our maintenance books with regards to this.

The answer that I received in each instance was that they did not even want to discuss it, and they also felt that I should not discuss it with anyone. There is a pretty strict law with regard to this, and I know that we, as a dealer or service organization, make any attempt to do this that the fines are rather severe, up to $10,000. It is obvious to me that the factory is brain-washed by the Environmental people in the Government responsible for the present law. And as a consequence, I could get no information for you from that source that would give us anything concrete to go on.

Mr. Chairman, I am satisfied that these emission control devices can be modified.

Now, each of us here today will make his own decision; but for me, Mr. Chairman, I am not going back to northern New York and tell farmers that own farm vehicles that never go as far as the State Fair at Syracuse, that go to the grist mill and go to the farm supply store, that they have to have these damnable octane octopuses that are guzzling up gasoline.

The chairman spoke as if the fuel crisis is over. We are happy, I say to my friend from Florida, that the long lines are no longer there; but there is also concern that we are in a false feeling of security, that possibly the energy crisis is not all behind us.

As long as that be true, I hope, that recognizing that, people can make corrections in these devices if they see fit in areas where pollution is not a problem. I hope the amendment of the gentleman from New Hampshire prevails.

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

Mr. McEWEN. I yield to the gentleman from Florida.

Mr. ROGERS of Florida. I understand how the gentleman feels. I hope he will cure the health problems of the American people with the pollution we have. This if taken on will increase it dramatically. We are also finding out that the emissions from automobiles are affecting the chromosomes and some will be somewhat amazed when the scientific evidence comes out substantially that change that we had not previously known.

I am sure we know what has happened with lead in the State of Maine, where lead has been carried by the air into the waters of Maine. If we take off the pollution devices in those cars, it simply builds it up in these States and all the other States.

I think it would be tragic if we could not properly balance the health needs of this Nation for clean air vis-a-vis a very emotional argument about taking off a few devices which are not going to increase gasoline mileage, because they are already improved with the new models that are coming out.

Mr. McEWEN. Mr. Chairman, may I refer to the very authoritive publication of the New York State Department of Environmental Conservation, that air pollution from automobiles is only a problem where there is a concentration of automobiles. I do not have that concentration in my district.

Mr. ROGERS of Florida. Except that the air does not stay just in New York City.

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

Mr. McEWEN. I yield to the gentleman.

Mr. WYMAN. I just want to say that this argument has been made again and again. To say there is any health problem presented to this country by my amendment is pure unadulterated poppycock.

AMENDMENT OFFERED BY MR. REES TO THE AMENDMENT OFFERED BY MR. WYMAN

Mr. REES. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. REES to the amendment offered by Mr. WYMAN: Section 203 of Clean Air Act (42 U.S.C. 1857f-2.) is amended by

Section d(1): Strike section G(d)(1)(2)(c)(d) of the amendment and add after G(d):

(1) A state may adopt auto emission standards higher than the standards which are in force during the period of partial emission standards (as defined in Section 203(d)(3)(A)).

(2) A state, or local subdivision, not withstanding any other provisions of law, may adopt rules and regulations in conformance with regulations adopted by those states or subdivisions to prohibit the use of motor vehicles within their jurisdictions which do not qualify under those jurisdictions criteria on motor vehicle standards.

Mr. REES. Mr. Chairman, this is basically a States' rights amendment, and would affect those areas where we have a great deal of air pollution, where we want to see the catalytic converters, where we have to have tough air pollution control laws.

I represent a district in California right in the middle of that red area, the Los Angeles Basin, and we have a very difficult problem there of pollution. The various studies that have been made by the University of California School of Medicine show that because of air pollution, our lives are shorter in the Los Angeles Basin than they are in other parts of the country. So, we are very concerned.

Mr. Chairman, this amendment does two things. It would reaffirm that an area that is within the area defined by the gentleman from New Hampshire to qualify under the partial emission standards criteria of the amendment offered by the gentleman from New Hampshire, could, if it wished, increase the criteria in regards to air pollution control standards. So, if we have a State that is one of those States that is not within that red area, and that State felt that it should have higher air pollution control standards than are designated here in terms of partial emission standard criteria, then that State legislature or the authorized air pollution control body could do that.

Second, and this is even more important, and especially important in my area of southern California, which is a tourist area with a great many people coming to southern California from other parts of the country, it would give us the power to prohibit automobiles from other States that are under the partial emission standard criteria from coming into our area. That is all it would do. It would say that we would keep them from coming in because their cars do not have the equipment that the cars in the southern California area have, and they should not come in there because they will be causing more pollutants than do the automobiles that are registered in the State of California.

Mr. Chairman, it is a very simple amendment, and I would hope that the gentleman from New Hampshire would accept this amendment to his amendment.

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

Mr. REES. Mr. Chairman, I yield to the gentleman from New Hampshire.

Mr. WYMAN. Mr. Chairman, is the gentleman aware of the fact that California was specifically excepted under the Clear Air Act of 1970, and that under existing law California is allowed to make many different standards than the rest of the country because of the Los Angeles problem?

Mr. REES. It is not a Los Angeles problem. Basically, it is a California problem. It would mean that we would have the power to keep other motor vehicles out of the State that did not qualify with the criteria on emission.

Mr. WYMAN. Would the gentleman's amendment applied nationwide mean that a State, if it wanted to, could build a fence around itself?

Mr. REES. If a State wanted to have higher air pollution standards, it could have higher air pollution standards than the standards in the amendment offered by the gentleman from New Hampshire, which are here termed as partial emission standards. The State would be able to come up to the standards of the Environmental Protection Agency. That is the intent of this amendment.

Mr. WYMAN. Under the gentleman's amendment, could a State keep trucks, for example, engaged in interstate commerce, out of the State if they did not have emission controls at the level the excluding State prescribed?

Mr. REES. If the truck did not have emission control standards that are deemed necessary for the State of California for the protection of the health of the people of the State of California, it would not be able to come into the State of California. That would apply also, of course, in the State of New Hampshire.

Mr. WYMAN. The gentleman does not agree with the fact that the in and out traffic is not large enough to adversely affect the air quality of his region?

Mr. REES. Mr. Chairman, I would say that in my area there is a great deal of transit traffic, and it has a very great effect on the air pollution control standards of the State of California.

Mr. WYMAN. Does the gentleman have figures on that?

Mr. REES. Yes; I do. I would say from the figures that I have seen, because I wrote most of the air pollution control law in the State of California when I was in the State senate, that we have about a 20 to 25 percent inmigration and

outmigration of trucks and tourists and people from other parts of the country, and this would definitely affect them.

Mr. WYMAN. But you do not have authority to exclude traffic from other States as it comes into California, do you?

Mr. REES. Mr. Chairman, I have here that wonderful phrase "notwithstanding any other provision of law," and I would hope that that would take care of the situation.

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

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

Mr. COLLIER. Mr. Chairman, the gentleman is not serious in thinking that this could withstand any kind of test under the commerce laws, is he?

Mr. REES. We will try that out.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. REES) to the amendment offered by the gentleman from New Hampshire (Mr. WYMAN).

The question was taken; and on a division (demanded by Mr. REES) there were—ayes 30; noes 58.

So the amendment to the amendment was rejected.

Mr. STAGGERS. Mr. Chairman, I move to strike the requisite number of words.

I think we need to think carefully about this matter. We have gone a long way in protecting the health of America and we do not want to go backward.

Mr. Chairman, that is what we would do if we vote for the Wyman amendment. We would be going back in protecting the health of America.

Mr. Wyman's amendment—if accepted—will greatly endanger this bill in the Senate. If would make early enactment impossible.

We must bring another bill to this floor next month to extend the Clean Air Act. We invite Mr. WYMAN to press his amendment at that time.

We have been through all of this debate before.

The administration supports the Clean Air Act provisions of this bill—as written.

The Committee was nearly unanimous in support of these provisions—as written.

The automobile manufacturers support the bill—as written.

I urge you to vote down this amendment.

Do not lose sight of the fact that the auto industry desperately wants this bill—it needs its enactment in the next few days.

Mr. Chairman, I am asking this House to act with wisdom and act as men of judgment with respect to those who are to come after us, for the health of the Nation and for future generations.

I would like to ask you to pass this bill as it is now and dismiss this amendment which is before this body because it will be considered and voted on at a later time. I ask that the amendment be voted down.

Mr. HEINZ. Mr. Chairman, I move to strike the last word.

Mr. Chairman, we have had a number of very eloquent arguments here today about what the Wyman amendment does and does not do. We have heard a lot of conflicting facts, opinions, and arguments. I will try to give the committee something that maybe we can agree upon; namely, some numbers. Some numbers that I think could be useful to each of us to bear in mind when we made our individual decisions on this amendment.

We know that we use 18 million barrels of petroleum a day in the United States. That is a pretty well-established fact. We also know that about half of that, or 9 million barrels per day is used for transportation purposes. Furthermore, of the 9 million barrels, only about 55 percent is used for automobiles, or about 5 million barrels per day. The rest goes to trucks, which use enormous quantities of fuel, and to airplanes, ships, railroads, and the like.

That brings us down to how much fuel are we talking about when we talk about removing the emission controls. The cars which are the worst offenders in terms of an increase in fuel consumption are the 1973 and 1974 models. We know that some of that increase is due to heavier weight occasioned by the use of safety devices and to the use of air-conditioning. Let us make the inordinately generous assumption that the inefficiency caused by the emission control devices is 20 percent in those models. Then, we must remember that those models constitute only about 20 percent of all the cars on the road, which means that they use about 1 million barrels of oil, as gasoline, per day. Using the 20 percent inefficiency assumption, which I think is a tremendously high figure to attribute just to the emission control devices, 20 percent of 1 million barrels per day amounts to 200,000 barrels per day. Mr. Chairman, that number, 200,000 barrels a day is barely 1 percent of the 18 million barrels of petroleum we use in this country every day. My point is that for an absolute maximum of 1 percent saving in petroleum we are talking about taking a significant risk to the public health, and this assumes that every single one of the some 18-20 million 1973 and 1974 models are converted completely.

No mention has been made of the cost of taking those pollution control devices off the 1973 and 1974 models. I have heard that it could run to several hundred dollars.

Let us not forget the confusion that would exist both in terms of manufacture and enforcement. I must reluctantly say that on a benefit-cost basis analysis the Wyman amendment just does not stand up to a careful analysis.

Mr. WYMAN. Will the gentleman yield for a question?

Mr. HEINZ. I am glad to yield to the gentleman.

Mr. WYMAN. The gentleman cannot mean only the 1973 and 1974 models contribute to this, because the 1970 and 1971 and 1972 models also have significant emissions penalties. And the gentleman knows it is optional to modify such existing cars under this amendment. All it says is that you can do it when and if you want to. But when you get the new cars you will get 70 percent of them without any controls and this will save at least 1 gallon in every 10 for these cars on a weighted average.

Mr. HEINZ. The gentleman knows that it is the 1973 and 1974 models that are called the gas guzzlers, and that the 1971 and 1972 models were not nearly so greedy in their use of fuel.

Finally, as we also know, the 1975 models which will be available to us this September are much more efficient and economical, as has been pointed out by many of the Members today.

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

Mr. HEINZ. I yield to the gentleman from West Virginia.

Mr. STAGGERS. Mr. Chairman, I have asked the gentleman from Pennsylvania to yield to me in order to see if we can get a time limit on the debate on this amendment.

Mr. Chairman, I ask unanimous consent that we have a vote on this amendment immediately.

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

Mr. HUBER. Mr. Chairman, I object. I have been waiting for an opportunity to speak on this amendment.

Mr. STAGGERS. Mr. Chairman, I move that all debate on this amendment and all amendments thereto close in 5 minutes.

The motion was agreed to.

Mr. HUBER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman and Members of the Committee, about 6 weeks ago we had the president of the Chrysler Corp. meet with the Michigan delegation to discuss this problem. I am rather amazed that my fellow Members of the Michigan delegation have not been communicating to the other Members that which was brought to their attention at some great length by the president of the Chrysler Motor Corp.

The things that he said I believe bear repeating, and surely that gentleman knows as much as anybody on this floor does about manufacturing automobiles.

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

Mr. HUBER. I will yield to the gentleman from Ohio if I have time, but first let me complete my statement.

Mr. Chairman, there are two things that bother me in what that gentleman said.

First, he talked about economics and what is going to happen, in his opinion, if these control devices are forced on the automobile industry. He painted a very bleak picture for production problems as well as for employment in the automotive industry. He did not mince any words about that. And there are Members sitting on this floor today who were present at this presentation, and who had the opportunity to ask questions on that subject.

The second thing that he said that bothered me, and I think probably this is the most important thing, he pointed out that the catalytic converter is set for lead-free gasoline, and if you put in a gas tank full of regular, then you knock

out your converter system, and destroy it.

But, Mr. Chairman, when we have gone into gas stations in the last 6 months, we have not asked the gasoline attendant for regular or for ethyl, or for lead-free gasoline; we have said, "What do you have?" And we have taken whatever he has had in order to keep our cars going. Even though a car might be set for ethyl, it will run on regular, and even though it is set for regular, it will run on ethyl, and even though it is set for regular or ethyl, it will run on lead-free gasoline. But when the 1975 models come out with their catalytic converters on them, and you drive into a gas station, and your gasoline tank is down to zero and the man says, "I'm sorry, but we do not have any lead-free gasoline," what do you do? Do you abandon your $5,000 automobile, or will you say, "I will take whatever you have got."

If we want to save lead-free gasoline for the areas shown on the map in red, maybe we ought to pass some law saying that lead-free gasoline should only go into the areas marked in red on the map so that those areas that need the catalytic converters on cars, and need the lead-free gasoline, will have that gasoline available. Thus, areas as San Francisco and Los Angeles will not have an additional problem in obtaining lead-free gasoline when we are in a gasoline shortage.

When we are in a gasoline shortage then we ought to funnel that lead-free gasoline to those areas where it will do the most good. Let us let the ethyl and regular gasoline go into the other areas.

Let us adopt the amendment offered by the gentleman from New Hampshire (Mr. WYMAN) and then the lead-free gasoline which is in such short supply all over the country can be concentrated in areas such as California, so that they may use it to maintain their air quality standards.

But for owners in those areas that do not need catalytic converters, and who go into a gasoline station where the only gas that they have is regular, or ethyl, and who do not have the lead-free gasoline, then they will take whatever they can get so as to keep their $5,000 automobile running, then their catalytic converter is going to be destroyed and will not help insofar as pollution is concerned.

So I think that we should specify that the lead-free gasoline goes into those critical areas that need the catalytic converters, and then those other areas that do not need converters really should not have to have them. Because that catalytic converter is not going to last in any car if the owner finds that he cannot get the lead-free gasoline to use with it. The owner will take whatever kind of gasoline is available. And I think everybody in the United States is going to have the same identical problem unless we do something about it.

So it would seem to me that the thing to do would be to adopt the amendment offered by the gentleman from New Hampshire (Mr. WYMAN) and do something to put the lead-free gasoline into those areas on the map that are designated in red so as to help those people with cars who are going to have the catalytic converters in 1975 and need the extra protection.

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

Mr. HUBER. I yield to the gentleman from West Virginia.

Mr. STAGGERS. I thank the gentleman for yielding.

I would suggest, in connection with what I said in closing a few minutes ago, that if the gentleman is serious—and I know he is—that he come before our committee which has to act within 1 month, he and Mr. WYMAN, and we can take care of the situation and debate it then. Then we can have all of the evidence from the different people.

If this bill does not pass now, there will be many thousands out of work at Chrysler within the next week or 2 weeks.

Mr. HUBER. I am of just the opposite opinion, that if the bill does pass, there may be thousands and thousands without jobs in the next 12 months.

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

Mr. HUBER. I yield to the gentleman from New Hampshire.

Mr. WYMAN. I thank the gentleman for yielding.

Is it not a fact that if we take the suggestion of the chairman, the gentleman from West Virginia, on this point, the 1975 models will go into production with catalytic converters required for the entire country; is that not correct?

Mr. HUBER. That is correct, and we are going to knock the catalytic converter out on the first gas tank of non-lead-free gas. We are going to destroy the platinum used in the manufacture of the converter. The only places we can get platinum today are Russia and South Africa, so we are dependent upon Russia and South Africa in order to make our automobiles.

Mr. WYMAN. If the gentleman will yield further, for each barrel of crude oil, we get 4 to 6 percent less gallons of unleaded gasoline?

Mr. HUBER. Yes.

Mr. WYMAN. So the claimed 13-percent improvement against the 1974 automobiles for the catalytic converter is a fraud because we have a greater fuel penalty coming out of refinery losses before we ever get started.

Mr. STAGGERS. Will the gentleman yield?

Mr. HUBER. I yield to the gentleman from West Virginia.

Mr. STAGGERS. Every one of the automobile manufacturers say they are for this bill.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from New Hampshire (Mr. WYMAN).

The question was taken, and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. DINGELL. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 169, noes 221, answered "present" 2, not voting 41, as follows:

[Roll No. 200]

AYES—169

Abdnor	Glaimo	Price, Tex.
Andrews, N. Dak.	Ginn	Quillen
Archer	Gonzalez	Railsback
Arends	Goodling	Randall
Ashbrook	Gray	Rarick
Baker	Green, Oreg.	Robinson, Va.
Bauman	Griffiths	Roncalio, Wyo.
Beard	Gross	Rousselot
Bevill	Gubser	Runnels
Blackburn	Guyer	Ruth
Bowen	Hammer-schmidt	Ryan
Bray	Hanrahan	Sandman
Breaux	Hays	Sarasin
Brinkley	Henderson	Satterfield
Brooks	Hicks	Scherle
Broomfield	Hillis	Schneebeli
Broyhill, Va.	Hogan	Sebelius
Burgener	Holt	Shipley
Burke, Fla.	Hosmer	Shriver
Burke, Mass.	Huber	Shuster
Burleson, Tex.	Hudnut	Sikes
Butler	Hunt	Skubitz
Byron	Ichord	Slack
Camp	Jarman	Snyder
Casey, Tex.	Johnson, Colo.	Spence
Cederberg	Johnson, Pa.	Stanton, J. William
Chamberlain	Jones, Okla.	Steed
Chappell	Jones, Tenn.	Steiger, Ariz.
Clancy	Ketchum	Stephens
Clawson, Del	King	Stratton
Cleveland	Kluczynski	Symms
Cochran	Landgrebe	Taylor, Mo.
Collier	Latta	Teague
Collins, Tex.	Litton	Thone
Daniel, Dan	Lott	Thornton
Daniel, Robert W., Jr.	McClory	Towell, Nev.
	McCormack	Treen
Danielson	McEwen	Vander Jagt
Davis, S.C.	McKay	Vigorito
Denholm	McSpadden	Waggonner
Dennis	Madigan	Walsh
Devine	Mahon	Wampler
Dickinson	Mann	Ware
Dorn	Mathis, Ga.	Whitehurst
Downing	Mayne	Whitten
Dulski	Michel	Wilson, Bob
Duncan	Miller	Wilson, Charles, Tex.
Edwards, Ala.	Mills	
Esch	Mizell	Wright
Eshleman	Mollohan	Wyatt
Evins, Tenn.	Montgomery	Wylie
Fisher	Nichols	Wyman
Flowers	O'Brien	Yatron
Flynt	O'Hara	Young, Alaska
Fountain	Passman	Young, S.C.
Froehlich	Poage	Young, Tex.
Gettys	Powell, Ohio	Zion

NOES—221

Abzug	Clay	Frenzel
Adams	Cohen	Frey
Addabbo	Collins, Ill.	Fuqua
Anderson, Calif.	Conable	Gaydos
	Conlan	Gibbons
Anderson, Ill.	Conte	Gilman
Andrews, N.C.	Conyers	Goldwater
Annunzio	Corman	Green, Pa.
Armstrong	Cotter	Grover
Ashley	Coughlin	Gude
Aspin	Cronin	Gunter
Badillo	Culver	Hamilton
Bafalis	Daniels, Dominick V.	Hanley
Bell		Hanna
Bennett	Davis, Wis.	Hansen, Idaho
Bergland	Delaney	Harrington
Biaggi	Dellenback	Harsha
Biester	Dellums	Hastings
Bingham	Dent	Hawkins
Boggs	Derwinski	Hechler, W. Va.
Boland	Dingell	Heckler, Mass.
Bolling	Donohue	Heinz
Brademas	Drinan	Heistoski
Brasco	du Pont	Hinshaw
Breckinridge	Eckhardt	Holifield
Brotzman	Edwards, Calif.	Holtzman
Brown, Mich.	Eilberg	Horton
Brown, Ohio	Erlenborn	Hungate
Broyhill, N.C.	Evans, Colo.	Hutchinson
Burke, Calif.	Fascell	Johnson, Calif.
Burlison, Mo.	Fish	Jones, Ala.
Burton	Flood	Jordan
Carney, Ohio	Foley	Karth
Carter	Ford	Kastenmeier
Chisholm	Forsythe	Kemp
Clausen, Don H.	Fraser	Koch
	Frelinghuysen	Kyros

Lagomarsino	Nelsen	Staggers
Landrum	Obey	Stanton, James V.
Leggett	O'Neill	Stark
Lent	Owens	Steele
Long, La.	Patten	Steelman
Long, Md.	Perkins	Steiger, Wis.
Lujan	Pettis	Stuckey
Luken	Peyser	Studds
McCollister	Pike	Sullivan
McDade	Podell	Symington
McFall	Preyer	Talcott
McKinney	Price, Ill.	Taylor, N.C.
Macdonald	Pritchard	Thomson, Wis.
Madden	Rangel	Tiernan
Mallary	Rees	Traxler
Maraziti	Regula	Udall
Martin, Nebr.	Reuss	Ullman
Mathias, Calif.	Rhodes	Van Deerlin
Matsunaga	Riegle	Vander Veen
Mazzoli	Rinaldo	Vanik
Meeds	Robison, N.Y.	Veysey
Melcher	Rodino	Waldie
Metcalfe	Roe	Whalen
Mezvinsky	Rogers	White
Minish	Rooney, Pa.	Widnall
Mink	Rosenthal	Wiggins
Mitchell, Md.	Rostenkowski	Wilson, Charles H., Calif.
Mitchell, N.Y.	Roush	Winn
Moakley	Roy	Wolff
Moorhead, Calif.	Roybal	Wydler
Moorhead, Pa.	Ruppe	Yates
Morgan	St Germain	Young, Fla.
Mosher	Sarbanes	Young, Ga.
Moss	Schroeder	Young, Ill.
Murphy, N.Y.	Seiberling	Zablocki
Murtha	Shoup	Zwach
Natcher	Sisk	
Nedzi	Smith, Iowa	
	Smith, N.Y.	

ANSWERED "PRESENT"—2

Lehman	Parris

NOT VOTING—41

Alexander	Haley	Patman
Barrett	Hansen, Wash.	Pepper
Blatnik	Hébert	Pickle
Brown, Calif.	Howard	Quie
Buchanan	Jones, N.C.	Reid
Carey, N.Y.	Kazen	Roberts
Clark	Kuykendall	Roncallo, N.Y.
Crane	McCloskey	Rooney, N.Y.
Davis, Ga.	Martin, N.C.	Rose
de la Garza	Milford	Stokes
Diggs	Minshall, Ohio	Stubblefield
Findley	Murphy, Ill.	Thompson, N.J.
Fulton	Myers	Williams
Grasso	Nix	

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. STAGGERS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in order to get some accommodation on further amendments. I know the gentleman from North Carolina has amendments, which I think we on the committee will accept when we have heard them, but I would like to get some understanding on concluding the debate tonight.

Mr. Chairman, I ask unanimous consent that the committee complete its debate on this bill and all amendments thereto at 6 o'clock.

Mr. WYMAN. Mr. Chairman, I reserve the right to object.

Mr. VANIK. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

MOTION OFFERED BY MR. STAGGERS

Mr. STAGGERS. Mr. Chairman, I move that all debate on this bill and all amendments thereto close at 6 o'clock.

Mr. WYMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the gentleman knows, I assume, that I have another amendment on the catalytic converter. Does the gentleman wish to limit the debate on this to 20 minutes?

Mr. STAGGERS. If the gentleman will yield, Mr. Chairman, we have debated for 2 hours or more, and I think the gentleman will have time reserved. The gentleman will have 5 or 10 minutes. I think we are going to accept the amendment offered by the gentleman from North Carolina (Mr. BROYHILL) and then we can proceed with other amendments.

Mr. STAGGERS. Mr. Chairman, I renew my motion that all debate on this bill and all amendments thereto close at 6 o'clock.

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

The question was taken; and on a division (demanded by Mr. DERWINSKI) there were—ayes 104; noes 28.

So the motion was agreed to.

The CHAIRMAN. Members standing at the time the motion was made will be recognized for approximately 1 minute each.

The Chair recognizes the gentleman from North Carolina (Mr. BROYHILL).

AMENDMENT OFFERED BY MR. BROYHILL OF NORTH CAROLINA

Mr. BROYHILL of North Carolina. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BROYHILL of North Carolina: Page 76, line 17, insert before the comma the following: "(other than the Bureau of the Census, the Bureau of Labor Statistics, or the Internal Revenue Service)".

Mr. BROYHILL of North Carolina. Mr. Chairman, the purpose of section 11 is to authorize the Administrator to obtain certain energy information, and this subsection says that where this information is reported to certain other Federal agencies, these Federal agencies shall submit this information to the Administrator.

As the Members know, the present law restricts certain agencies from divulging information to other agencies of the Government, particularly the Internal Revenue Service, the Bureau of Census, and the Bureau of Labor Statistics.

So my amendment is saying that these agencies will not be required to report this information to the Administrator.

I yield to the gentleman from Texas, who is the chairman of the Census Subcommittee.

Mr. WHITE. Mr. Chairman, I support the amendment offered by the gentleman, and I ask unanimous consent to yield my time to the gentleman.

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

There was no objection.

Mr. ROUSSELOT. Will the gentleman yield?

Mr. BROYHILL of North Carolina. I yield to the gentleman.

Mr. ROUSSELOT. Mr. Chairman, I rise in support of the amendment offered by Mr. BROYHILL of North Carolina. As ranking minority member of the Post Office and Civil Service's Subcommittee on Census and Statistics, I share the gentleman's concern that the confidentiality of the information collected by the Census Bureau—13 U.S.C. 9—must be preserved.

As currently provided in section 9 of title 13:

§ 9. Information as confidential; exception.

(a) Neither the Secretary, nor any other officer or employee of the Department of Commerce or bureau or agency thereof, may, except as provided in section 8 of this title—

(1) use the information furnished under the provisions of this title for any purpose other than the statistical purposes for which it is supplied; or

(2) make any publication whereby the data furnished by any particular establishment or individual under this title can be identified; or

(3) permit anyone other than the sworn officers and employees of the Department or bureau or agency thereof to examine the individual reports.

No department, bureau, agency, officer, or employee of the Government, except the Secretary in carrying out the purposes of this title, shall require, for any reason, copies of census reports which have been retained by any such establishment or individual. Copies of census reports which have been so retained shall be immune from legal process, and shall not, without the consent of the individual or establishment concerned, be admitted as evidence or used for any purpose in any action, suit, or other judicial or administrative proceeding.

(b) The provisions of subsection (a) of this section relating to the confidential treatment of data for particular individuals and establishments, shall not apply to the censuses of governments provided for by subchapter III of chapter 5 of this title, nor to interim current data provided for by subchapter IV of chapter 5 of this title as to the subjects covered by censuses of governments, with respect to any information obtained therefor that is compiled from, or customarily provided in, public records. (Aug. 31, 1954, ch. 1158, 68 Stat. 1013; Oct. 15, 1962, Pub. L. 87-813, 76 Stat. 922.)

The effectiveness of the Bureau's data collecting activities is rooted in the fact that the confidentiality of the information submitted is safeguarded by the provisions in title 13. Section 11(e) of H.R. 14368 would seriously undermine the Bureau's ability to assure this confidentiality. In connection with the collection of energy information, under this subsection, the Administrator of a new Federal Energy Administration would have the authority, after determining that an individual has submitted information to the Census Bureau, to unilaterally "exempt" this individual, and then compel Census to provide this information.

Mr. Vincent Barabba, Director of the Bureau of the Census, appeared before our subcommittee in January to discuss the role of the Census with regard to energy statistics. In his statement, he discussed the importance of preserving the confidentiality of census information, and I quote:

The Bureau maintains a highly integrated system of production, distribution, and consumption statistics. In these areas we have, over the years, developed an expertise in survey techniques, as well as established reporting relationships with companies, which are unexcelled. There is no doubt that the provisions of Title 13, U.S. Code, which afford complete confidentiality to respondents, have also enabled us to build an invaluable working relationship with business firms, as well as the general public. We have developed an atmosphere of trust based on our past performance of not disclosing to or furnishing

any person or group, public or private, with individual respondent data. Although Chapter 7 of Title 13 provides penalties for the falsifying of reported data or for the failure to report in mandatory surveys, it is the contract of trust that gets results rather than the invoking of penalties.

In early April, I participated in a special order which focused on the congressional commitment to privacy. The amendment being offered by Mr. BROYHILL of North Carolina is a simple one, and would preserve the confidentiality of census information, and I urge all my colleagues who share my concern about protecting the privacy of our citizens to support this amendment.

Mr. BROYHILL of North Carolina. Mr. Chairman, I hope the chairman of the committee could accept this amendment.

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

(By unanimous consent, Mr. SYMMS was allowed to yield his time to Mr. BROYHILL of North Carolina.)

Mr. STAGGERS. Will the gentleman yield?

Mr. BROYHILL of North Carolina. I yield to the chairman.

Mr. STAGGERS. If I understand the amendment correctly, I would be inclined to agree with the gentleman and accept the amendment on this side as far as I am concerned.

Mr. DINGELL. Will the gentleman yield?

Mr. BROYHILL of North Carolina. I yield to the gentleman from Michigan.

Mr. DINGELL. As I understand it, the amendment then simply says the confidentiality in the Bureau of the Census and the Bureau of Labor Statistics——

Mr. BROYHILL of North Carolina. And the Internal Revenue Service.

Mr. DINGELL.

And the Internal Revenue Service continues to be preserved but that the information may be procured by the Administrator.

Mr. BROYHILL of North Carolina. That is correct.

Mr. DINGELL. I have no objection to the amendment.

Mr. BROYHILL of North Carolina. Mr. Chairman, may I have a vote now because I have another inquiry I would like to make.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina (Mr. BROYHILL).

The amendment was agreed to.

Mr. BROYHILL of North Carolina. May I ask a question of the chairman?

In the latter part of section 11 the question or the allegation has been raised that where the energy information which has been supplied to the administration is then supplied to other agencies, such as the Federal Trade Commission, when that occurs it might destroy the confidential treatment of that information. I would like to have a response from the chairman with respect to those allegations.

Mr. STAGGERS. Mr. Chairman, in response to the gentleman, I might say that arguments have been raised that information which the Administrator supplies to the Attorney General, the Secretary of the Interior, the Federal Trade Commission, the Federal Power Commission, or the Government Accounting Office would no longer be protected and could be freely disclosed by those agencies. That is not the case. The information would have the same right to confidential treatment in the hands of the Attorney General as it would in the hands of the Administrator. This principle of law was well established in the case of the *Grumman Aircraft Engineering Corporation* v. *Renegotiation Board* in 1970 (425 F. 2d 578).

Thus, the Attorney General could only release such information to subordinates or make use of it in law enforcement proceedings. However, like the Administrator, the Attorney General would be barred from releasing to the public trade secrets and other proprietary information.

Mr. McCORMACK. Mr. Chairman, I am informed by Mr. ROGERS, the Secretary of the Subcommittee on Public Health and Environment, that his subcommittee shall initiate hearings early in June on extension of the Clean Air Act which expires on June 30, 1974.

I am also informed by Mr. ROGERS that in the extension of the Clean Air Act we can amend the bill that we are working on at this time. I believe this to be quite important because I am disturbed with the bill before us today insofar as its provisions for the burning of coal are concerned. I think the bill's provisions are a sort of "chewing gum and baling wire" approach, and I think there is room for substantial improvement.

I, therefore, wish to take this opportunity to inform the Members of the House, the members of the Committee on Interstate and Foreign Commerce, and in particular Mr. ROGERS and the members of the Subcommittee on Public Health and Environment that I shall appear before the subcommittee when it considers extension of the Clean Air Act to propose an amendment to that act. I will propose that provision be made for any utility with a powerplant burning coal to enter into an agreement on a 1-to-1 basis with the EOA to establish the best desulfurization technology available for the specific plant under consideration and the coal which it will burn. I will propose that under an agreement between EPA and the utility that the best desulfurization technology be agreed upon for each plant and the coal it will burn, provided that the additional cost required for amortization of the desulfurization equipment does not exceed 2 mils per kilowatt-hour, including all costs over a 10-year period. Incidentally, the costs will include any additional incremental cost for transportation of any fuel required under the agreement by EPA.

Under such an agreement, no other requirement for controlling or limiting sulfur dioxide emission would be made upon the plant during the 10-year period of amortization for the equipment; and operation of the plant would not be interfered with by EPA except in the case of an actual state of emergency for health purposes as determined and announced by the Environmental Protection Agency in the vicinity of the plant.

By following this technique of getting the best desulfurization equipment available installed in our coal-burning plants, we will be requiring that most sulfur dioxide be removed. Existing technology will do that. However, we will not be putting utilities in the unrealistic position of being forced to install very expensive scrubber systems or other similar gear which do not operate satisfactorily and which cannot meet today's air quality standards.

By requiring the best possible desulfurization technology at any given time we will, of course, be stimulating industrial competition in this arena. Perhaps over a period of 10 to 20 years we can develop at least one system which will actually meet the air quality standards we are now attempting to enforce.

I think this is a realistic approach. It allows this country to burn coal, and to have the maximum amount of electricity while protecting the environment in the most realistic way possible, protecting the utilities from administrative and economic harassment and working toward an actual solution to our air pollution problems.

The CHAIRMAN. The time of the gentleman has expired. The Chair recognizes the gentleman from Ohio (Mr. VANIK).

AMENDMENT OFFERED BY MR. VANIK

Mr. VANIK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. VANIK: On page 68, line 2 strike "concerning the practicability of establishing a fuel economy improvement of 20 per centum for new model vehicles manufactured during and after model year 1980."

And substitute "concerning the feasibility of establishing at the earliest practicable date a national fuel economy standard of 20 miles per gallon for all new automobiles."

On page 68, line 6 after the word "to," add "an analysis of the various regulatory and tax policies which could be instituted to implement such standard;".

On page 29, line 14 strike "(1)".

On page 30, strike "Sec. 213 (a) (2)".

(By unanimous consent, Mr. GIBBONS and Mr. RANDALL yielded their time to Mr. VANIK.)

Mr. VANIK. Mr. Chairman, the amendment I offer seeks to improve the existing section 9 of the committee bill. As it is now written, section 9 calls for a study by EPA and the Department of Transportation to investigate the practicability of establishing a fuel economy improvement standard of 20 percent for new motor vehicles manufactured during and after model year 1980.

I am fearful that this language is not ambitious enough. A 20-percent improvement in fuel economy may sound significant, but a closer look reveals a different story. At present, the average American automobile gets about 13.5

miles per gallon. A 20-percent improvement would only result in a fuel economy of 16.2 miles per gallon for the average car. In essence then, what the existing section 9 requests is a study of the consequences of setting a national fuel economy standard of 16.2 miles per gallon in model year 1980. Some automakers themselves are projecting more ambitious results. The fact is that we can produce automobiles which meet pollution standards—utilize powered accessories and air conditioning. If foreign manufacturers can achieve this goal—our producers should be able to follow suit.

In short, I feel a more aggressive investigation of this vital area is needed.

To strengthen the mandate for this study, I am suggesting the EPA and the Department of Transportation study the feasibility of establishing a national fuel economy standard of 20 miles per gallon for all new automobiles. I am suggesting 20 miles per gallon because there have been many studies which assert that it is feasible for Detroit to manufacture—with existing technology—an automobile which gets close to 20 miles per gallon without sacrificing comfort, styling, or exhaust emission control. The problem we face is how to insure that Detroit will make this commitment to efficiency as rapidly as possible without at the same time causing severe economic disruptions. We must investigate the consequences of establishing a national fuel economy goal as well as investigating the best policy options we can follow to achieve this goal.

On August 24 of last year Under Secretary of the Interior John Whitaker endorsed a plan to tax inefficient automobiles in order to encourage Detroit to engineer efficiency into their product. At that time Mr. Whitaker stated that the administration fuel economy proposal would be ready by February 1974, as yet there has been no indication that the administration will submit such a plan. Apparently, the idea has fallen victim to the energy reorganizations in the executive branch. I might mention that section 9 of this legislation, as drafted, would not include consideration for the policy alternative that Mr. Whitaker endorsed last August. This fact highlights the need to redraw the boundaries of the fuel economy study.

I commend the committee's foresight for recognizing that we must not sweep under the carpet the problem of inefficient automobiles. I seek with my amendment only to strengthen the mandate of this fuel economy study.

I hope the committee will accept my amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan (Mr. DINGELL).

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

Mr. DINGELL. I yield to the gentleman from West Virginia, the distinguished chairman of the committee.

Mr. STAGGERS. I thank the gentleman for yielding.

Mr. Chairman, I reluctantly state I have to oppose the amendment offered by the gentleman from Ohio. We do have a study provision in the bill now. It does not restrict it to 20 percent. It can go beyond that to any place it needs to be.

The Senate has agreed to the language of this bill. If we can pass this bill, it will be passed by the Senate, and it will go downtown to be signed by the President. Therefore, I would have to oppose the amendment in its entirety, and I hope that the House will oppose the amendment and take the bill as it is as it came out of the committee unanimously.

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

Mr. DINGELL. I yield to the gentleman from New York.

Mr. HASTINGS. Mr. Chairman, I rise in opposition to the amendment and ask that it be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. VANIK).

The question was taken; and on a division (demanded by Mr. VANIK), there were—ayes 23, noes 61.

So the amendment was rejected.

The CHAIRMAN. The Chair recognizes the gentleman from New Hampshire.

(By unanimous consent, Messrs. BAUMAN and ROUSSELOT yielded their time to Mr. WYMAN.)

AMENDMENT OFFERED BY MR. WYMAN

Mr. WYMAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WYMAN: Page 59, strike out line 13 and all that follows down through line 11 on page 61, and insert in lieu thereof the following:

"(a) Section 202(b)(1)(A) of the Clean Air Act is amended to read: "The regulations under subsection (a) applicable to emissions of carbon monoxide and hydrocarbons from light-duty vehicles and engines manufactured for sale during or after model year 1975 shall contain standards which are identical to the standards which were prescribed (as of July 3, 1971) for light-duty vehicles and engines manufactured during model year 1974, except that no certificate of conformity pursuant to section 206 of such Act shall be required for light-duty vehicles and engines manufactured for sale during model year 1975.

"(b) Section 202(b)(1)(B) of such Act is amended to read: "The regulations under subsection (a) applicable to emissions of oxides of nitrogen for light-duty vehicles and engines manufactured for sale during and after model year 1975 shall contain standards which are identical to the standards which were prescribed (as of July 3, 1971) for light-duty vehicles and engines manufactured during model year 1974, except that no certificate of conformity pursuant to section 206 of such Act shall be required for light-duty vehicles and engines manufactured for sale during model year 1975."

Mr. WYMAN. Mr. Chairman, by the action taken on the earlier amendment that I offered, it has been determined now that all cars all over America shall have to continue to conform to the excessively far-ranging standards in the Clean Air Act that apply nationwide. This present amendment would freeze for 1 year the 1974 standards and suspend the certification procedures for a year in order to give a year's extension to allow a more careful approach to the expensive catalytic converter question.

The catalytic converter is a fraud on the country. One of our automobile manufacturers, General Motors, has a plant which is about to manufacture 6 million of these converters, so GM no longer has a neutral position on this issue.

If this amendment is agreed to, then we will not have to take the catalytic converter route until we know the catalytic converter will really work.

In the debate earlier it was pointed out again and again that proper action of the catalytic converter will require unleaded gasoline. All 1975 cars are going to be made with a neck on the gas receiver that comes out from the tank able to be fed only by a certain type of gas nozzle. All over America stations are going to have to have huge capital costs expended on putting in the unleaded gas and new equipment for the special pumps.

Mr. Chairman, there is absolutely no need to do this. It is going to add about $150 to the cost of each car. If we have a run of 9 million cars in 1975 production we are talking about $1.5 billion additional cost on the American consumer for the converters alone to say nothing of the several hundred million additional for the equipment to service them. The sticker price on new cars is going to go up by $150 more and the fuel consumption will be greater with the catalytic converter no matter what is claimed about the saving against the 1974 standards, because they will be getting less gallons of unleaded gas per barrel of crude oil.

Why not wait until we know more about the catalytic converter? I think we ought to do this much at the very least to hold the line for the consumers of this country and to help meet our energy shortages.

Mr. DU PONT. Mr. Chairman, I rise in opposition to the amendment because it seems to me from the testimony that was presented before the committee and from the information we have on the catalytic converter, that we will if we adopt the amendment today offered by the gentleman, freeze in the fuel penalty at the worst possible moment. We now have a 14-percent fuel penalty, roughly speaking, on our pollution control devices. If we adopt this amendment we are never going to be able to do any better than that because it is going to freeze it at the current level, and the 1975 converter will be better and will allow us more mileage.

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

Mr. DU PONT. I yield to the gentleman from New York.

Mr. HASTINGS. Mr. Chairman, for the reasons the gentleman from Delaware has stated and for the reasons that this would do damage to the Clean Air Act and to the automobile industry, I strongly oppose the amendment offered by the gentleman from New Hampshire.

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

Mr. DU PONT. I yield to the gentleman from New Hampshire.

Mr. WYMAN. Mr. Chairman, the gentleman states the standards for 1973 required only 3 parts per million hydrocarbon and 20 parts per million carbon monoxide. The 1974 standards cut this in half. There is absolutely no need to cut this in half. The Clean Air Act standards were far too high and there is no need to impose this on the American public.

Mr. ROGERS. Mr. Chairman, I strongly urge defeat of this amendment. All of the companies have testified that if the freeze ended in 1974 it would freeze it at a penalty loss. They are going to make a gas gain in 1975. It would be unbelievable to stop in 1974 when they are making progress.

I urge defeat of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Hampshire (Mr. WYMAN).

The amendment was rejected.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. ANDERSON).

Mr ANDERSON of California. Mr. Chairman, I would like to ask the chairman, the gentleman from West Virginia (Mr. STAGGERS), a question. The previous energy bill, S. 2589, as passed by both Houses of Congress, contained provisions for a Tijuana-Vancouver, high-speed, ground transportation system study. However, in this bill, H.R. 14368, as reported, this necessary study has been deleted. Yet, in so doing, according to the committee report on page 25, the committee states that it "did not intend to express any opposition to such a study or system." The committee merely felt that it should be conducted under the criteria set up by the Committee on Interstate and Foreign Commerce.

Because we on the west coast believe that this study is very urgent, how soon may we expect this study to be commenced by the Interstate and Foreign Commerce Committee?

Mr. STAGGERS. I would say as soon as the committee can get to it. We have some other business to take care of, such as railroad safety, railroad pensions, and the big railroad bill. When those are completed, we will get to this right away. We might be able to do it right along with our other work.

Mr. ANDERSON of California. Could we do it within the next 6 months?

Mr. STAGGERS. If possible.

The CHAIRMAN. All time has expired.

Are there further amendments?

If not, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. DORN, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 14368) to provide for means of dealing with energy shortages by requiring reports with respect to energy resources, by providing for temporary suspension of certain air pollution requirements, by providing for coal conversion, and for other purposes, pursuant to House Resolution 1082, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

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

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted in the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

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

The bill was ordered to be engrossed and read a third time, and was read the third time.

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

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 349, nays 43, not voting 41, as follows:

[Roll No. 201]

YEAS—349

Abdnor	Cochran	Green, Pa.
Adams	Cohen	Griffiths
Addabbo	Collier	Gross
Alexander	Collins, Ill.	Grover
Anderson, Calif.	Collins, Tex.	Gubser
Anderson, Ill.	Conable	Gunter
Andrews, N.C.	Conlan	Guyer
Andrews, N. Dak.	Conte	Hamilton
Annunzio	Corman	Hammer-schmidt
Archer	Cotter	Hanley
Arends	Cronin	Hanna
Armstrong	Culver	Hanrahan
Ashbrook	Daniel, Dan	Hansen, Idaho
Ashley	Daniel, Robert W., Jr.	Harsha
Aspin	Daniels, Dominick V.	Hastings
Bafalis	Danielson	Hawkins
Baker	Davis, S.C.	Hays
Bauman	Davis, Wis.	Heckler, Mass.
Beard	Delaney	Heinz
Bell	Dellenback	Helstoski
Bennett	Denholm	Henderson
Bergland	Dennis	Hicks
Bevill	Dent	Hillis
Biaggi	Derwinski	Hinshaw
Biester	Devine	Hogan
Blackburn	Dickinson	Holifield
Boggs	Dingell	Holt
Boland	Donohue	Horton
Bolling	Dorn	Hosmer
Bowen	Downing	Huber
Brademas	Dulski	Hudnut
Brasco	Duncan	Hungate
Bray	du Pont	Hunt
Breaux	Eckhardt	Hutchinson
Breckinridge	Edwards, Ala.	Ichord
Brinkley	Eilberg	Jarman
Brooks	Erlenborn	Johnson, Calif.
Broomfield	Esch	Johnson, Colo.
Brotzman	Eshleman	Johnson, Pa.
Brown, Mich.	Evans, Colo.	Jones, Ala.
Brown, Ohio	Evins, Tenn.	Jones, Okla.
Broyhill, N.C.	Fish	Jones, Tenn.
Broyhill, Va.	Flood	Jordan
Burgener	Flowers	Karth
Burke, Calif.	Flynt	Kemp
Burke, Fla.	Foley	Ketchum
Burke, Mass.	Ford	King
Burlison, Mo.	Forsythe	Kluczynski
Butler	Fountain	Kyros
Byron	Frelinghuysen	Landrum
Camp	Frenzel	Latta
Carney, Ohio	Frey	Leggett
Carter	Froehlich	Lehman
Casey, Tex.	Fuqua	Lent
Cederberg	Gaydos	Litton
Chamberlain	Gettys	Long, La.
Chappell	Giaimo	Long, Md.
Clancy	Gilman	Lott
Clausen, Don H.	Ginn	Lujan
Clawson, Del	Gonzalez	Luken
Clay	Goodling	McClory
Cleveland	Gray	McCollister
	Green, Oreg.	McCormack
		McDade
McEwen	Price, Ill.	Stephens
McFall	Pritchard	Stratton
McKay	Quie	Stuckey
McSpadden	Quillen	Sullivan
Macdonald	Railsback	Symington
Madden	Randall	Symms
Madigan	Regula	Talcott
Mallary	Reuss	Taylor, Mo.
Mann	Rhodes	Taylor, N.C.
Maraziti	Riegle	Teague
Martin, Nebr.	Rinaldo	Thomson, Wis.
Mathias, Calif.	Robinson, Va.	Thone
Mathis, Ga.	Robison, N.Y.	Thornton
Matsunaga	Rodino	Tiernan
Mayne	Roe	Towell, Nev.
Mazzoli	Rogers	Traxler
Meeds	Roncalio, Wyo.	Treen
Metcalfe	Rooney, Pa.	Udall
Mezvinsky	Rostenkowski	Ullman
Michel	Roush	Van Deerlin
Miller	Rousselot	Vander Jagt
Mills	Roy	Vander Veen
Minish	Runnels	Vanik
Mink	Ruppe	Veysey
Mitchell, N.Y.	Ruth	Vigorito
Mizell	Ryan	Walsh
Moakley	St Germain	Wampler
Mollohan	Sandman	Ware
Montgomery	Sarasin	White
Moorhead, Calif.	Satterfield	Whitehurst
Moorhead, Pa.	Scherle	Whitten
Morgan	Schneebeli	Widnall
Mosher	Sebelius	Wiggins
Moss	Seiberling	Wilson, Bob
Murphy, N.Y.	Shipley	Wilson, Charles H., Calif.
Murtha	Shoup	Wilson, Charles, Tex.
Natcher	Shriver	Winn
Nedzi	Shuster	Wright
Nelsen	Sikes	Wyatt
Nichols	Sisk	Wydler
Obey	Skubitz	Wylie
O'Brien	Slack	Wyman
O'Hara	Smith, Iowa	Yatron
O'Neill	Smith, N.Y.	Young, Alaska
Owens	Snyder	Young, Fla.
Parris	Spence	Young, Ill.
Passman	Staggers	Young, S.C.
Patten	Stanton, J. William	Young, Tex.
Perkins	Stanton, James V.	Zablocki
Pettis	Steed	Zion
Peyser	Steele	Zwach
Pike	Steelman	
Podell	Steiger, Ariz.	
Powell, Ohio	Steiger, Wis.	
Preyer		

NAYS—43

Abzug	Gude	Rees
Badillo	Harrington	Rosenthal
Bingham	Hechler, W. Va.	Roybal
Burleson, Tex.	Holtzman	Sarbanes
Burton	Kastenmeier	Schroeder
Chisholm	Koch	Stark
Coughlin	Lagomarsino	Studds
Dellums	Landgrebe	Waggonner
Drinan	Mahon	Waldie
Edwards, Calif.	Melcher	Whalen
Fascell	Mitchell, Md.	Wolff
Fisher	Poage	Yates
Fraser	Price, Tex.	Young, Ga.
Gibbons	Rangel	
Goldwater	Rarick	

NOT VOTING—41

Barrett	Haley	Nix
Blatnik	Hansen, Wash.	Patman
Brown, Calif.	Hébert	Pepper
Buchanan	Howard	Pickle
Carey, N.Y.	Jones, N.C.	Reid
Clark	Kazen	Roberts
Conyers	Kuykendall	Roncallo, N.Y.
Crane	McCloskey	Rooney, N.Y.
Davis, Ga.	McKinney	Rose
de la Garza	Martin, N.C.	Stokes
Diggs	Milford	Stubblefield
Findley	Minshall, Ohio	Thompson, N.J.
Fulton	Murphy, Ill.	Williams
Grasso	Myers	

So the bill was passed

The Clerk announced the following pairs:

On this vote:

Mr. Hébert for, with Mr. Reid against.

Mr. Thompson of New Jersey for, with Mr. Conyers against.

Until further notice:

Mr. Howard with Mr. Barrett.

Mr. Stubblefield with Mrs. Hansen of Washington.

Mr. Carey of New York with Mr. McCloskey.
Mr. Rooney of New York with Mr. Williams.
Mr. Kazen with Mr. Rose.
Mr. Haley with Mr. Buchanan.
Mr. de la Garza with Mr. Jones of North Carolina.
Mr. Fulton with Mr. Crane.
Mr. Diggs with Mr. Brown of California.
Mr. Clark with Mr. Milford.
Mr. Murphy of Illinois with Mr. Kuykendall.
Mr. Stokes with Mr. Blatnik.
Mr. Pepper with Mr. Findley.
Mr. Pickle with Mr. Martin of North Carolina.
Mr. Davis of Georgia with Mr. Myers.
Mrs. Grasso with Mr. Roncallo of New York.
Mr. Nix with Mr. Patman.
Mr. Roberts with Mr. McKinney.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ROGERS. 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. 14368.

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

There was no objection.

PERMISSION FOR CLERK TO CORRECT SECTION NUMBERS

Mr. ROGERS. Mr. Speaker, I ask unanimous consent that the Clerk may be authorized to correct section numbers in the engrossment of H.R. 14368.

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

There was no objection.

OIL AND GAS ENERGY TAX ACT OF 1974

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

Mr. McFALL. Mr. Speaker, at the request of the gentleman from Arkansas (Mr. MILLS), the chairman of the Committee on Ways and Means, I wish to read the following statement on his behalf:

Mr. MILLS. Mr. Speaker, I wish to advise my Democratic colleagues in the House that the Committee on Ways and Means has ordered favorably reported H.R. 14462, the "Oil and Gas Energy Tax Act of 1974", and that I have been authorized and directed by the Committee to request a closed rule from the Rules Committee for the consideration of this bill on the Floor of the House of Representatives. We will file our Committee Report on the bill not later than midnight Saturday, May 4, which of course will make it available early next Monday morning. I am making this announcement particularly directed at my Democratic colleagues in order to comply in all respects with Rule 17 of the Democratic Caucus, which requires notice in the CONGRESSIONAL RECORD in instances where closed rules in connection with legislation are requested.

There is a summary of the bill available in the Committee offices of the Committee on Ways and Means, and, as I indicated, the Committee Report will be available next Monday morning. I would hope that we could schedule this bill for Floor action the week after next.

PERSONAL EXPLANATION

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

Mr. HANLEY. Mr. Speaker, I was pleased with House approval of H.R. 12993, the Broadcast License Renewal Act.

Unfortunately, I was unable to return to the House Chamber in time for the vote on the Broyhill amendment, increasing the term of broadcast licenses from 4 to 5 years. I had accepted the opportunity to speak before the New York State Bankers Association meeting in Washington, in the hope that I would be back in the Chamber in time for all votes.

Had I been present, I would have voted in favor of the Broyhill amendment. I voted for the bill on final passage and am pleased that the final vote was 379 to 14.

DELAY IN VIETNAM VETERANS EDUCATION BENEFITS UNJUSTIFIED

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

Mr. DORN. Mr. Speaker, I rise to advise the House of a crucial situation which is developing in the Vietnam veterans education program. On February 19 the House, by a vote of 382 to 0, passed H.R. 12628, a bill which would grant a 13.6 percent cost-of-living increase in the education and training allowance and extend the period of training from 8 to 10 years. It is the extension provision that is crucial. The eligibility period for several million veterans expires May 30—just 30 days from now. The Veterans' Administration needs some leadtime to make its plans for extension. Veterans planning to enroll in summer school must know whether they can depend on VA benefits for summer school. It is imperative that the other body act on H.R. 12628, the House-passed bill, so that Vietnam veterans may continue their education plans uninterrupted.

Mr. Speaker, the House bill contains an increase in rates. Delay in the other body in enacting this needed cost of living increase is costing the Vietnam veterans of this country $50 million a month.

The House passed bill has been delayed in the other body so long now that it is no help to veterans now attending the spring semester. If action is not taken immediately, the raises will be of no benefit to veterans attending summer school, and those whose time expires on May 30 will have no benefits even though it is clearly the intent of Congress to extend the time.

Mr. Speaker, the delay in the other body seems to result from consideration of certain radically different proposals which have been introduced there. We passed over these in the House so our legislation could move and are considering these proposals on a separate basis. Certainly the other body could do this. Our bill has been there 2 months and 10 days now. Certainly the other body could act in the next 10 days on the House bill and give Vietnam veterans their cost-of-living increase now and give them their extension now. Further consideration could be given to the separate tuition and accelerated pay issue at a later date. Incidentally, the cost of these new proposals in the other body is $1.4 billion and these provisions are strongly opposed by the administration and many Members of Congress. These proposals have been rejected by the Congress on several previous occasions. Why should Vietnam veterans be held up on their pay increase and extension while we go over that ground again?

Mr. Speaker, the Members of this body are getting many calls on this and I wanted them to be advised as to where to act immediately on the House passed the problem lies. I urge the other body bill H.R. 12628.

STUDY OF WORK AND WELFARE

(Mrs. GRIFFITHS asked and was given permission to address the House for 1 minute, to revise and extend her remarks and include extraneous matter.)

Mrs. GRIFFITHS. I would like to call to the attention of my colleagues a staff study recently released by the Joint Economic Subcommittee on Fiscal Policy, which I chair. Prepared as a chart book, "Public Welfare and Work Incentives: Theory and Practice" analyzes in nontechnical terms the work incentive issues raised by the Nation's expanding list of income supplement programs. The chart book explores how public welfare benefits can affect fairness and work incentives and shows the necessity to make choices among competing goals that society seeks in income supplement programs.

Food stamps are a dramatic illustration that welfare and work no longer are mutually exclusive. The stamps provide a Federal income guarantee to the able-bodied who are willing to work as well as to persons presumed unable to work. Unless food prices stabilize before July 4, 1976, an estimated 60 million Americans—more than one in four—might be eligible for food stamps at some time during the Nation's Bicentennial year.

Studies indicate that if food prices rise five percent a year, and if all persons eligible for them on income grounds obtain food stamps, the total cost of the program could soar to $10 billion in fiscal year 1977. In contrast, 13.1 million persons received food stamps in February 1974 out of an estimated pool of about 37 million eligibles in that month and 50 million eligibles sometime during the year. Fiscal 1974 costs are estimated at $3 billion.

My concern about work incentives in public welfare programs has grown as—

An increasing proportion of mothers has joined the labor force, shattering the old consensus that they belonged at

home. Today the majority of mothers work—50 percent of those with only preschoolers and 60 percent of those with only school-age children—including 70 percent of mothers raising school-age children by themselves—and welfare mothers are encouraged to work by cash supplements to their paychecks;

Some benefits have been opened up to "employables." Although Federal welfare cash still is denied to fully employed fathers of needy children more than one-third of the U.S. population lives in States that offer medicaid to children of the working poor, and more than half in States that offer Federal welfare cash to unemployed fathers—aid to families with dependent children of unemployed fathers AFDC–UF. Increasing numbers of workers and potential workers are eligible for a growing array of income-tested benefits—from cash, food, housing, and health care to college stipends and legal aid. The question today is not so much whether or not to extend aid to working people, but how to do it more rationally; and

The number of benefits targeted to the needy has mushroomed. Although the system leaves many in need, and still omits some from cash aid, it gives more help to some than we could possibly finance for everyone with similar incomes. Income-testing is an efficient way to aid the poor, but multiple programs can make work costly both by providing high benefit levels from combined programs—sometimes without work—and by sharply reducing benefits as earnings rise. The proportion of earnings that is subtracted from the benefit is called the benefit-loss rate. Beneficiaries of multiple programs sometimes find welfare more profitable than work, especially if the combined benefits are sharply reduced when their earnings rise, and conversely, sharply increased when their earnings fall. Each added benefit makes it more difficult to preserve work incentives.

The staff paper examines evidence about the impact of benefits upon work effort from experience with AFDC, social security, unemployment insurance, and the New Jersey negative income tax experiment. It concludes that in actual practice high benefit-loss rates and high guarantees tend to discourage work, as theory would lead one to expect; but that a moderate cash income supplement has only slight effect on work effort of able-bodied men and a moderate effect on the work of their wives.

By itself, the food stamp program scores well on the criteria of work incentives. The program offers moderate benefits to those without income and with low assets—$142 in free stamps per month for a family of four—and it takes back these benefits slowly as earnings rise—imposing at most a 30-percent benefit-loss rate. The price paid for substantial work incentives is a high number of eligibles. But food stamps do not operate in isolation. Almost 60 percent of food stamp recipients also receive cash welfare. The tax-free combination of AFDC and food stamps yields a family of four $221 monthly in Alabama, $405 in Massachusetts—$4,860 annually—$402 in Michigan, $386 in Minnesota, $375 in Kansas, $289 in Ohio, $266 in Kentucky, and $380 in New York. If you allow for Federal income taxes, social security taxes, and a modest $40 per month for work expenses, you will find that a worker would have to earn the following annual amounts to have gross earnings equal to AFDC and food stamps for a family of four: $5,900 in Michigan and Massachusetts, $5,700 in Minnesota, $5,500 in Kansas, and $4,200 in Ohio. More than half the food stamp participants probably receive medicaid; some also benefit from public housing and from unemployment insurance. The work incentives offered by food stamps are greatly diluted for such persons.

It is also interesting to note that because of such benefits combinations financial penalties for refusal to work under one program can be reduced or wiped out by benefit increases in other programs. For instance, a mother and three children, aged 5, 7, and 9, are eligible for a maximum cash payment of $168 in Maine. Once the youngest child becomes 6, the mother must register for work. If she refuses to do so, the AFDC grant is cut $49 to $119. But when the AFDC benefit is cut, the food stamp bonus increases by $13—since under that program, mothers are not required to work until children reach age 18 years of age—and the public housing subsidy rises by $12—because rent is reduced when the AFDC grant falls. Thus, the operation of food stamps and public housing reduce by over one-half the financial penalty imposed by AFDC for refusal to register for work.

The staff study shows that a generous benefit-loss rate can be more valuable to a low-income worker than a high guarantee. For instance, the current food stamp program provides a bonus of $996 in stamps to a father with three dependents who earns the minimum wage working full time all year. By contrast, the same father with the same wages would have received only $747 from the proposed—1971 family assistance plan—even though FAP's annual guarantee for a family with no income was $696 higher—$2,400—than today's food stamp guarantee—$1,704. However, to some recipients the worth of food stamps is less than their bonus value. This is because they are "funny money," legally negotiable only for food, and because they sometimes require recipients to allot to groceries a very high proportion of total income—cash plus food benefits.

Benefit-loss rates are an index not only to a program's generosity but also to its fairness. They determine how much goes to workers compared with nonworkers, to those who work more and to those who work less.

The volume demonstrates that welfare programs are plagued by conflicting objectives. To give poverty level benefits to the needy family of four would now require a guarantee of over $4,600. But then, to keep costs and caseloads within reason, benefits would have to be sharply reduced for those with earnings. On the other hand, to increase work incentives by reducing benefit-loss rates would increase costs and extend help to the less needy. For instance, to cut the benefit-loss rate in half—from 67 to 33 percent in a program with a guarantee of $2,400 per family of four—can almost triple the number of recipients. To maximize antipoverty effectiveness by high payments and high benefit reductions for earnings would reduce initial costs but discourage work by sharply limiting its rewards—and thus might raise ultimate costs.

The food stamp program illustrates the dilemma. It offers a penniless family of four an annual allotment of free stamps equal to the minimum cost of an "adequate" diet—$1,704. Those with income receive the full $1,704 allotment, but pay for it according to a scale that rises gradually with income. A family with $3,200 earnings pays $708 for its stamps. At about $6,800 earnings, the price of the food stamps rises to about $1,704, and the family becomes ineligible. Under new law the program is to be expanded nationwide on July 1, and twice a year the allotments are to be adjusted for food price increases.

This July the food stamp allotment is scheduled to be increased by 5.6 percent. This $96 boost in the annual allotment for a family of four will extend the eligibility limit to $7,350 in gross earnings. This is because the price of the stamps rises only 30 cents for each extra dollar of "net" earnings, and because "net" earnings exclude many items, among them social security and income taxes, relatively large rent and medical expenses, and an earnings allowance up to $30 per month. The mathematics of the program are inexorable.

To confine food stamps to the poorest and to limit costs, one would have to impose a high benefit-loss rate, such as 80 percent, for each extra dollar of "net" earnings. If that were done today, it would reduce the cutoff for eligibility to about $2,525 in gross income. This would cause a new problem: a reduced incentive for a low-wage person to work. At zero earnings one could receive $1,704 in free food stamps, but at net earnings of $1,704 the bonus would sink to $341 compared with a bonus of $1,260 under today's rules. The price of lower costs and caseloads is less reward for work. The book shows how to recognize the three elements of all public welfare programs: Guarantee (maximum benefit at zero earnings); benefit-loss rate; and cutoff income—and how the first two automatically dictate the third.

I have concluded that the existing array of noncash help for the poor, such as food stamps and housing subsidies, generally is unfairly distributed, costly, and—in program combinations—a threat to work incentives. Yet it is likely to grow, for noncash benefits escape debate over the difficult issues of income distribution that generally thwart proposals for cash supplementation to the poor.

There is a long list of remaining needs that could be converted into still more benefit programs earmarked for the needy. Given recent history, the establishment of clothing vouchers or utility stamps or transportation coupons is not inconceivable.

LAW DAY U.S.A.

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

Mr. CORMAN. Mr. Speaker, today, May 1, 1974, marks the 16th annual observance of Law Day U.S.A. Set aside by joint congressional resolution and Presidential proclamation, Law Day is a special day for the American people to rededicate themselves to the ideals of equality and justice under law.

It is not an exaggeration to say that a reaffirmation of the rule of law is more important today than ever before in our history. Public confidence in lawmakers has plummeted to new lows in recent months. The polls indicate that the faith of the American public in the President stands at a mere 25 percent. Their faith in Congress is only at 30 percent. In a nation founded upon and sustained by the notion that the law is supreme, such public distrust of Government is alarming.

A restoration of public confidence in Government will not come easily. We as individuals and we as an institution must work doubly hard to restore and maintain the trust of the American people. That trust is a privilege we dare not abuse—for it lies at the cornerstone of our very existence as a nation.

We should not, however, lose sight of the role law has played in dedicating America to the goals of equality and justice for everyone. Legislation insuring voting rights, equal employment opportunities, and fair housing stand as landmarks in the history of western civilization.

We have also used the law as a vehicle to improve the quality of our lives. The National Environmental Policy Act, embodying America's commitment to a clean, liable environment, comes immediately to mind. Other legislation deals with such diverse subjects as medical research, the arts, and our folklore.

In short, this Law Day we should take stock of what the law means to America. We should recognize our achievements and failures. We as a nation have come a long way toward realizing the ideals of equality and justice under law—and we have an even longer way to go.

COMMITTEE REFORM—HOUSE RESOLUTION 938

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. HOLIFIELD) is recognized for 30 minutes.

Mr. HOLIFIELD. Mr. Speaker, all of us have concerns about one aspect or another of the resolution for House committee reform. I will make these brief observations from the vantage point of one who will not be in Congress next year, who will not have to live with these reforms. My remarks are, in that sense, disinterested.

Of course, I am very much interested in congressional reform, as shown by my record of 32 years in Congress. I supported congressional reform in 1946, and I have been active in other reform efforts, such as curbing arbitrary power in the Rules Committee, updating the House precedents, and gaining acceptance of electronic voting to conserve legislative time.

We must keep in mind the distinction between reform and change. House Resolution 983 offers many changes, but I am not sure that they all add up to reforms. Perhaps I should say that there is some reaction mixed in with the reform.

Reaction is part of the price we pay too readily for reform. The reaction is not in theory, but in the hard political facts.

Take the ban on proxy voting. In the abstract, this seems to make sense. "We ban proxy voting in the House," they say, "why not in committees? Let every man stand up personally and be counted."

The hard political facts are that if proxy voting is prohibited, many more committee decisions will be made by Republicans. The Democrats, so long as they are in the majority, have more things to do, more responsibilities to bear, than the minority. In consequence, Democratic attendance in committees simply is not as good as Republican attendance. A ban on proxy voting, theory aside, is a weakening of Democratic control.

Take the one-third staffing provision. In theory, it accords the minority a fair share of the staff resources. The hard, political facts are that the one-third staffing provision gives the Republicans effective control of a much larger proportion of the staff resources, up to one-half.

Why do I say that? First, because the regular committee staff provides legislative support works for both the majority and the minority, while the minority staff works only for the minority. Second, because a large share of the regular staff activities is administrative and nonpartisan in nature. The majority has to bear that workload, not the minority. Subtract the nonpartisan workload and the result is that the minority has a larger proportion of partisan staff resources than the majority.

The crowning inequity may be a Congress in which the Republicans have 25 percent of the membership, demand 33⅓ percent of the committee expense funds, and effectively control 50 percent of the staff resources. This is not a wild supposition, but a real possibility next year if the one-third staffing provision takes effect and the elections go as I anticipate.

The one-third staffing provision blossomed in the 1970 Legislative Reorganization Act, but we managed to nip it in the bud by concerted Democratic action. I recall that at the beginning of the 92d Congress, I persuaded this caucus to bind itself on a vote that defeated a resolution to give the Republicans control over one-third of committee funds. The caucus in an unprecedented action bound itself by more than a two-thirds vote.

If now we yield on staffing, ban proxy voting, and take other steps favored by the Republicans, they will have much more power as a party, but not more responsibility. They will have more power to harass and hinder, to obstruct and delay. They will have more staff resources to develop substitute bills and alternative reports.

Remember what the minority leader said before the National Press Club on February 22, 1974, reprinted in First Monday, the Republican bulletin—April 1974. A Congress controlled by the Democrats, he said, is incapable of action. Borrowing a term from former Senator Joe Clark, he referred to the Congress as the "sapless branch." Sounding a Republican campaign theme for next year's elections, the minority leader said, and I quote:

> So Congress will be hard pressed to justify itself to the American voters in November. And the bottom line to this has to be the question: Who controls the Congress?

So, here we Democrats sit, controlling the Congress and devising more and better ways for the Republicans to weaken these controls. They reduce our effectiveness and blame us for the results.

Apart from the question of Democratic versus Republican control of the staff, this resolution will authorize large staff additions to all committees whether they are needed or not, and there will be numerous new constellations of staff around subcommittees. An earlier proposal to limit the number of subcommittees to six apparently has been abandoned. The proliferation of subcommittees and the readjustment of jurisdictions will see committee staffs all over the place. The Committee on Government Operations will more than double its staff if it assimilates the staffs associated with the functions transferred to the committee. There will be staffs in every nook and cranny and crevice of the House office buildings, the House side of the Capitol, and the other structures owned or rented by the House. The Congress is on the way to developing the biggest bureaucracy in its history, and the greater the staff of that bureaucracy, the less independent the member.

So far, I have made these points: Congressional reform, as contemplated in this resolution, comes at a high price in concessions to the Republicans and in a burgeoning congressional bureaucracy. Another price we pay for reform, when it comes in big packages, is turbulence and turmoil in the next Congress. Members will be reassigned to conform to new committee jurisdictions and staffs will be transferred. The single track system, if it prevails, will require painful choices; in many cases, the loss of subcommittee chairmanships and, undoubtedly, a frantic search for new ones.

How long will the sorting out process take? One session? A whole Congress? What will be the end result? Abstractly, I was inclined to favor a single track system in the House, but on further reflection, I wonder whether it will serve any useful purpose, or even whether it can be enforced. If service is confined to a single major committee, then members will seek diversity in subcommittees, with the consequent proliferation I mentioned above.

The single track system will not apply to seven "B" committees and to joint committees. That leaves at least 200 committee positions available for second assignments. Who will get them? I assume that members with more seniority will get first choice. Those with less seniority and new members will be confined

to single service. This may be a valid consequence of seniority, but it does not have much of a reform aspect.

The single track system, as I understand it, is linked with reorganization of committee jurisdictions. If members are to be confined to a single major committee, it has to have sufficient importance and workload to justify such specialization. Whether the reconstituted committee structure will improve committee posture and performance is a question not easily answered. One of the intriguing aspects is a seemingly deliberate attempt to pit committees one against another—legislative jurisdiction here, oversight jurisdiction there. Is this check-and-balance technique designed to keep committees honest and on their toes, or will it lead to more duplication, interference, and animosity?

Examples of this check-and-balance technique are not hard to find. Armed services will have legislative jurisdiction over defense research and development. but science and technology will do the oversight. Foreign affairs will have legislative control over arms control and disarmament, but armed services will do the oversight. Public works and transportation will have legislative jurisdiction over regional development and the TVA, but energy and environment will oversee the TVA. Energy and environment will have legislative jurisdiction over certain energy matters, but not over energy R. & D.—the most fundamental of all energy tasks. Its role here is confined to oversight, while the legislative responsibility for energy R. & D. goes to science and technology.

If this sounds a bit confusing, let me pursue the energy complications further. House Resolution 938 takes from the Joint Committee on Atomic Energy that part of its statutory jurisdiction relating to "nonmilitary nuclear energy." The joint committee is left dangling with an ill-defined, truncated jurisdiction. I say ill-defined because it is extremely difficult to separate, in AEC laboratory complexes, military and nonmilitary nuclear energy activities.

One wonders how the shift of jurisdiction is accomplished. Is the Atomic Energy Act, which assigns jurisdiction over all atomic energy matters to the Joint Committee, amended by implication and on the assumption that when the House makes changes in its rules it may disregard statutes because a higher constitutional duty is involved?

Now observe how the fruits of the shift are to be divided. Energy and environment will acquire legislative jurisdiction over nonmilitary nuclear energy, except for nonmilitary nuclear R. & D., which will go to science and technology. In the AEC, practically all its nuclear activities are in the R. & D. field. How nonmilitary nuclear activities will be divided between R. & D. and non-R. & D. for assignment between these two new committees is a real puzzler. In any case, for nuclear energy as a whole, two House committees and one joint committee will share in legislative jurisdiction. The oversight responsibilities, one can only assume, are up for grabs.

Dividing oversight and legislative jurisdiction among sets of committees means in effect, that the oversight function is being directed not only against the executive but against committees of the Congress. This will not only confuse the administrators but sharpen congressional committee contests for their time and attention.

House Resolution 988 really goes overboard on the subject of oversight. Such functions are to be performed in at least four criss-crossing and possibly conflicting ways:

First. Certain committees are charged with specific oversight functions when other committees have legislative jurisdiction on the same subject.

Second. Each committee is to have broadened oversight jurisdiction and an oversight subcommittee to help it perform this function.

Third. The Committee on Government Operations is to coordinate the oversight programs of all other committees; and

Fourth. The Committee on Government Operations is to continue its mandate to study the operation of Government activities at all levels for economy and efficiency, and additionally, is authorized to investigate any matter in the jurisdiction of any committee.

The Committee on Government Operations, with which I have been associated for about 28 years, gets unusual authority and prominence under this resolution, for which I, or at least my successor, should be grateful and rejoice. But the hard realities take away the joy. The committee is to be assigned new jurisdiction of such diverse matters as Indian affairs, territories and insular possessions, the census and Government statistics generally, the Hatch Act, holidays and celebrations, National archives, general revenue sharing, and internal security.

What that means, in effect, is that the committee will be so occupied with legislative chores—many highly technical or minor in nature—that it will have little time and resources left over to conduct its investigations and maintain its oversight, unless, as I said earlier, the committee resources are more than doubled. If they are doubled, our committee staff will have to double its quarters to maintain about 120 persons.

One thing is certain. The resolution invites our committee to become the most heartily disliked in the Congress. We are asked to sit in judgment on what other committees plan to investigate, although I see no means of enforcing our judgment. We will be able to investigate without worrying about other committees' investigations. We will be privileged to include our findings and recommendations in other committees' reports. We will have privileged status on the floor to offer amendments to other committees' bills.

Let me comment on one more provision of House Resolution 988.

Referring bills to more than one committee, either simultaneously, in sequence, or by splitting them, is unworkable except in special, infrequent cases. Committee jurisdictions inevitably overlap. The single referral is a necessary discipline for legislative procedures.

Multiple referrals create problems of scheduling and cause much delay, as the Senate experience shows. Also, to protect their jurisdictions, committees will generate numerous complaints requiring adjudication. The power of the Rules Committee to adjudicate referrals—at the Speaker's option—greatly enhances its power.

I take it that this caucus is troubled with these counterbalancing considerations: Many Members would prefer that this reform bill go away, but politically, they dare not vote against reform because they have nothing to lose.

In sum, the Democrats are divided. The Republicans are united, because they have nothing to lose.

My suggestion would be to put this resolution over until the 94th Congress. It will be a new Congress. It will have many more Democrats. It will have many new faces. Hopefully, the impeachment issue and Watergate problem will be behind us, so that the House then can get a clearer perspective on reform.

This perspective is important. We like to say, when the issue comes up in bill drafting, that no Congress can bind its successor. Each Congress can legislate what it wills. At this time in the history of the Congress, and, indeed, of the whole Nation, we have reached a kind of watershed. We are in transition to new institutions and new kinds of legislative tasks. Let us take another look at the issue of congressional reform through the eyes of the 94th Congress.

WE MUST LIMIT EXPORTS OF IRON AND STEEL SCRAP

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri, (Mr. RANDALL) is recognized for 5 minutes.

Mr. RANDALL. Mr. Speaker, I have today introduced a bill which would limit and restrict the exportation of iron and steel scrap. I have taken this action, because of the fact that a large steel mill located just across the boundary of our congressional district which employs a large number of my constituents may have to reduce or curtail its operations, because of a desperate shortage of ferrous scrap.

As I shall point out later in these remarks, the United States is just about the only country in the world that is careless enough to export its iron and steel scrap and thereby cause such a shortage in our own country as to result in a reduction in the operations of some of our steel mills. Certainly Britain has taken a sensible action to close off its exports and, as I will point out in a few moments, the European Economic Community allows only minimal exports of scrap.

The ferrous scrap situation threatens job stability, industrial growth and the American steel industry's ability to supply the Nation's need for steel.

Today, inventories of ferrous scrap have shrunk to their lowest level since World War II. As confirming evidence of shortages of scrap, especially in essential grades and sizes, scrap prices have soared far above their previous highs.

Unless the Federal Government acts now to further limit exports of iron and steel scrap, steel mills and foundries in

the United States will incur additional disruption in their production scheduling, at a time when domestic demand for iron and steel continues at the highest level in history.

For well over a year, the industry's warnings have been answered with inadequate measures. As a result, the crisis has so deepened that only strong measures will now suffice.

The steel industry, with the support of the United Steelworkers Union and foundry companies is asking that present scrap exports currently authorized at a monthly rate of 700,000 tons—annual rate of 8.4 millions tons—be reduced to assure an effective response to the scrap shortage. Specifically, the industry urges that Congress support the following actions previously requested of the U.S. Department of Commerce:

1. That the Commerce Department impose an embargo on exports of carbon, alloy and stainless ferrous scrap—of sufficient duration to insure an adequate supply for domestic consumers.

2. That, as a minimum alternative, the Department stop issuing new export licenses, except for Canada and Mexico, for a period sufficient to insure an adequate domestic supply.

3. That the embargo be followed by a program limiting scrap exports to a maximum of 300,000 net tons a month for the rest of 1974.

Without these related measures, there is little hope that the overall supply/demand situation will improve.

It all adds up to an immediate need for further Government action on scrap exports until a reasonable degree of order can be restored to the scrap market.

Based on its analysis of rising domestic and world steel demand, in late 1972 the steel industry warned the Commerce Department that a serious scrap shortage would develop in 1973 and that this situation could worsen as world demand for steel continued to increase. That is what happened.

In the last 6 months of 1972, exports of ferrous scrap were running well ahead of averages over the previous 10 years.

The pace quickened still more at the turn of 1973. Compared with 1 year earlier, export tonnage in December 1972 was up 90 percent; in January 1973 it was up 160 percent.

The Government did not act until July 1973 and then it took only limited action. It was a case of too little and too late. When the books closed last year, 11.3 million tons had gone to export, badly depleting available domestic stocks.

This year, even if the supply of purchased scrap reaches the level achieved last year, projected domestic demand of 51.7 million tons in 1974 will require that exports be limited to 3 million tons this year—if domestic requirements are to be met.

The alternative: scrap exports at a higher level will result in a proportionate decline in the amount of finished steel available to meet the needs of the domestic economy.

Scrap prices, of course, have reflected—and continue to reflect—the intense pressure of the high demand on supply. Prices in 1973, when the cost of purchased ferrous scrap averaged $63.50 a gross ton, were 68 percent higher than in 1972.

But that was only the beginning. At the end of March this year, they were 200 percent higher than in 1972.

Consider what is done by countries of Western Europe and Japan.

Except when home demand is low, they forbid or, at best, allow only minimal exports of scrap. Last year, for example, scrap exports out of the European economic community—a steel market comparable to our own—approximated only 400,000 tons, compared with the 11.3 million tons exported by the United States.

As worldwide demand was soaring, Britain, in September 1972, imposed an embargo closing off its exports of ferrous scrap except for a few low-quality grades.

Thus, while other industrial countries assure their own needs for ferrous scrap, the United States alone permits massive and unprecedented exports of this essential commodity. In doing so, it has, among other things, put its own steelmakers and foundries at an unfair disadvantage.

Certainly, in line with America's new realization that raw materials are in finite supply, Government on the one hand and concerned industries on the other, should develop long-term programs for scrap recovery. But longer term programs cannot answer the immediate need to maintain production operations. And it is to this need that the steel industry points in asking for effective action to curtail ferrous scrap exports.

LAND USE PLANNING LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. STEIGER) is recognized for 15 minutes.

Mr. STEIGER of Arizona. Mr. Speaker, as you know, on February 26 of this year, the Rules Committee voted 9 to 4 to delay indefinitely further consideration of H.R. 10294, the Land Use Planning Act.

Last week, in what many believe was an effort to gain new support for this legislation, the Subcommittee on the Environment of the House Interior and Insular Affairs Committee held 3 days of hearings on this measure. If, in fact, this was the purpose of those hearings, they must be considered a failure. Rather than indicate new support for land use planning legislation, the bulk of the witnesses heard last week urged that further consideration and study is needed before this important and far-reaching legislation is acted upon by the House. Without question, the bulk of the testimony supported the Rules Committee's previous stand on this issue and disclosed that further consideration of this legislation by the committee at this time would not be in the country's best interest.

Approximately 70 people testified before the subcommittee and around 55 of these were opposed to enacting legislation of this type, before further consideration is given to the effects it will have on the citizens of this country. These people came from all parts of the country and were deeply concerned, and I believe justly so, about the lack of knowledge at the grassroots level as to the implications of this legislation. Almost to the person, the witnesses requested that field hearings be held to allow individual citizens across the country to express their concerns. It is my understanding that many more people wanted to testify but either lacked the funds to come into Washington or were unable to get on the list due to the time constraint of only 3 days of hearings.

The action of the Rules Committee in February plus the record made by the witnesses last week clearly reflect a growing opposition to blindly rushing into a comprehensive program that would become the third piece in the Clean Air and Water Pollution Control Acts puzzle. Make no mistake about this; the same people who pushed these well-intended programs through the Congress are now putting their efforts behind this land use legislation. They need this legislation to make their triple play.

To point this out clearer, consider these words of John Quarles, Deputy Administrator of EPA, in a speech to the Conservation Foundation in Boston on March 1 of this year:

What is required is a full-scale national focus on land use. We need a statute to deal with land use as bold, as comprehensive and as far-reaching as the 1970 Clean Air Act or the 1972 Water Pollution Control Act.

I suggest that this country does not need to be shocked once more with another such "bold" legislative action.

The proponents of this legislation have been saying that the better people understand this legislation, the more they support it. This is simply not the case. The more this legislation is studied and talked about the more it is being questioned. A year ago, almost no one—except a small handful of people here in Washington—knew about the provisions of this legislation. Recently, concerned citizens from across the country have begun, for the first time, to wake up to the problems involved and they want to make their views known. Field hearings would accomplish this as well as provide an opportunity to discuss different approaches to land use legislation.

Congressman UDALL has indicated that he hopes the Rules Committee will reconsider its vote on H.R. 10294 within the next couple of weeks.

I submit that the record made at these recent hearings on H.R. 10294 reinforces and supports the original action of the Rules Committee. The case has been well made for a further and better study of the land use planning issue.

CUBA: CONTINUING THREAT TO THE AMERICAS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. ASHBROOK) is recognized for 30 minutes.

Mr. ASHBROOK. Mr. Speaker, Secretary of State Kissinger has just reassured us that the United States is not ready to reestablish diplomatic relations with Cuba. A State Department spokes-

man has been reported as stating, "Our policy toward Cuba is unchanged."

These two recent statements follow several actions which would seem to be sending a different signal to the other nations of the world. The executive branch has allowed three foreign subsidiaries of U.S. auto manufacturers—Ford, General Motors, and Chrysler—to ship cars and trucks to Cuba. This was allowed while U.S. Government spokesmen maintained that the United States was opposed to a trade relaxation. Additionally, at a meeting of Western Hemisphere foreign ministers, Secretary of State Kissinger consented to a Mexican proposal that hemisphere governments be polled on whether they want Cuba invited to their next foreign ministers conference. In the words of Mexican Foreign Minister Emilio O. Rabasa:

This is the first step toward ending the isolation of Cuba.

Furthermore, there was recently announced by a U S. manufacturing subsidiary in Canada a decision to sell about $14 million of locomotives to Cuba.

These recent events are signaling to the world a shift in U.S. policy toward Cuba. Some maintain that such a shift is long overdue. These same people maintain that we must learn to live with Cuba and must regard Castro and his cohorts as a mild annoyance. But is Cuba willing to live with the United States and other countries of the Western Hemisphere? And is Castro only a mild annoyance? A look at Cuba's actions and the exhortations of its leaders may tell a different story.

First, let us investigate the activities of the Cuban Communists in the United States and its dependencies. J. Edgar Hoover, testifying on behalf of 1973 appropriations for the FBI stated:

The Cuban mission to the United Nations remains the focal point of Cuban intelligence activities directed against the United States. Members of the Cuban Intelligence Service, while cloaked in the diplomatic immunity of the mission, concentrate on obtaining intelligence regarding political and economic developments in Washington, D.C., as well as obtaining scarce electronic equipment for illegal shipment to Cuba.

A close rapport exists between the Cuban Mission personnel and leaders of past Venceremos Brigade contingents.

The Cuban Communists are making use of their United Nations mission as an espionage and subversion center in the United States. Of course, there is nothing unusual in this as all the Communist countries do the same thing. What I find difficult to understand is any moves that would make the Castroites' job easier.

The remarks of the late Mr. Hoover on the Venceremos Brigade are interesting. It is under the name of the Venceremos Brigade that young Americans travel to Cuba to ostensibly help with sugarcane harvesting and in other ways, in Communist linguistics, "to gain solidarity with the Cuban working masses." It is instructive to read a report from a Cuban Communist publication which is contained in the House Committee on Internal Security hearing on the Venceremos Brigade. This report details the experiences gained and the lessons learned by Americans in Cuba. To quote part of the report:

. . . they [the Americans] ask constantly, with great eagerness: Susan wants to clear up some confused points of Marighela's "Mini-manual of urban guerrilla;" Bob would like to know how the Tupamaros [an Uruguayan urban guerrilla group] function and organize themselves because "we could do the same in many cities of the United States;" a blond-haired young man worries about "What actions could we carry out to cooperate with Latin American revolutionaries in their struggle against Yankee imperialism"

As I am speaking, there are Americans in Cuba as part of the Venceremos Brigade learning how to subvert and terrorize these United States. Does this show a willingness on the part of Castro to live with the United States?

In the past Communist leaders of Cuba have issued repeated public declarations of support for rioters in the United States. As of 1967 links were reported between the Castro regime and some elements of the Puerto Rican independence movement. The Puerto Rican Socialist Party has sent party officials to Cuba to coordinate campaigns with Cuba. One of their campaigns was to free "Puerto Rican political prisoners who are in the United States and Puerto Rican jails." They have managed to send one of their number to "interview" some prisoners at Fort Leavenworth.

Furthermore, testimony before the House Internal Security Committee has linked the Young Lords with activities at Attica Prison. The Young Lords are a Puerto Rican revolutionary group which began as a street gang. The witness stated that the Young Lords, though small in number, had been "very active prior to the—Attica—riot." The Young Lords, the same witness testified, are followers of Fidel Castro. They also reportedly have organizations at other New York State prisons.

Communist Cuba is making its intentions toward the United States abundantly clear as these few examples illustrate. It seems to be observers and policymakers in the United States who desire to close their eyes to these realities.

Let us next take a look at Castro's involvement in terrorism and guerrilla activities in other parts of the Americas.

In the middle 1960's the Organization of American States issued a report describing Cuban involvement in guerrilla and terrorist activities in Venezuela. Since that time Cuba has been involved in training, supplying and/or supporting guerrillas and terrorists in numerous Latin American countries.

In Bolivia, Che Guevera attempted to start a revolution which was supported by Castro. Their attempts met with little success but it is interesting to note the makeup of the group that was with Guevera in Bolivia. There were no less than five members of the central committee of the Cuban Communist Party who were involved in the revolutionary attempts in Bolivia. This was the last time that the Cubans exported so many of their Communist leaders to help lead a revolution in another country.

Cuba provides, at least sporadically, money, arms, propaganda material, and/or training to guerrillas or terrorists in Venezuela, Colombia, Guatemala, the Dominican Republic, Haiti, Mexico, Puerto Rico, and the West Indies. Instructors in Cuban camps still train Latin American guerrillas in urban and rural tactics.

Cuba has give support to the terrorist Revolutionary Army of the People in Argentina. A leader of this group who escaped from prison fled to then Allende's Chile and then went on to Havana where he received a warm welcome. This is the same group which recently kidnaped an American official of Exxon oil. Exxon paid $14.2 million ransom. This kidnaping was only one of many carried out by this revolutionary group.

In Chile under Allende, Castro had the opportunity to help set up training schools for guerrillas. Allende allowed thousands of escaped leftist guerrillas and terrorists from other countries into Chile. There is also evidence that Cuba was shipping arms to Chile to arm Chileans for a civil war.

Castro continues his support of terrorists and revolutionaries throughout Latin America. Proof of any willingness on his part to live in peace with the countries of the Americas is completely lacking.

Another aspect of this issue that deserves attention is the use of Cuba as a Soviet military base 90 miles off our shores. Havana has served as a port for Soviet surface ships and submarines. In addition, Cienfuegos has been turned into a strategic submarine base. It has the capability of tendering nuclear submarines. Such tendering operations allow the Soviets to augment their submarine force off our coasts by being able to keep them at their stations much longer instead of having to retire to the Soviet Union for crew changes and other necessary operations. The United States does not presently have a strong antisubmarine capability in the Gulf of Mexico. Thus, the Soviets now have a forward submarine base in the Western Hemisphere which increases their threat to the United States.

Recently, the Soviet Union has been urging Cuba to improve relations with the United States. This is understandable as the Soviets probably hope to have the United States start picking up part of the bill for keeping Castro in power. Currently, the Soviets give Cuba over $1 million a day to shore up the Castro regime. The Soviets have had to provide Cuba with subsidies and credits. I am sure that the Soviets would not be opposed to the United States granting Cuba some of the same type of American taxpayer subsidized credits that our Government is presently allowing the Soviet Union.

Castro has managed to transform one of the formerly most prosperous countries in the Americas to one of the least prosperous. Food is rationed. Parts for machinery are difficult to obtain. The recent announced deal by American automobile plants in Argentina with Cuba will allow Castro to rebuild his badly

depleted supply of motorized vehicles. It appears that American technology is once again going to rescue a Communist dictatorship.

The Cuban Communists, like their Soviet friends, hope that free men will forget their continuing atrocities, their continuing support for terrorist movements and their continuing disregard for truth. Cuba has shown little evidence of any changes. Is the United States going to change its policies toward Cuba even though Cuba will not change its policies toward the United States?

LAW DAY, U.S.A., TEACHERS RESPECT FOR THE LAW AS THE FINAL GUARANTOR OF AMERICA'S LIBERTY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. KEMP) is recognized for 30 minutes.

Mr. KEMP. Mr. Speaker, I had the honor and privilege, at noon today, to speak at the annual Law Day observances at the Pentagon. Sponsored jointly by the Pentagon chapter of the Federal Bar Association and the Judge Advocates Association, the Law Day observance has become an important civilian-military event each year. I was introduced by Maj. Gen. Harold R. Vague, the Judge Advocate General of the U.S. Air Force.

As I indicated to those men and women—both uniformed and civilian—who attended today's ceremonies, one reason that we are able to meet each year to take recognition of the role of law is because of the outstanding service rendered by our armed services—both on the battlefield and in times of peace, and both in protecting our freedom from foreign aggression and in abiding by the rule of civilian authority. The greatest tribute we can pay them is to help preserve the rule of law.

Because today is Law Day and is being celebrated throughout the Nation, I think it is important for those of us within this Chamber to also take stock of where we are in relation to the rule of law.

Let me, therefore, reiterate some of the points I made in my remarks at the Pentagon.

RESPECT FOR THE LAW

Because the theme of Law Day this year is directed at our young people—to preserve good laws, change bad ones, and make better ones—it serves us well to try to understand and to emphasize with the perspective and vantagepoint of young people toward the law.

As the parent of four children I appreciated the play "A Man for All Seasons." In a conversation with his wife, daughter, and son-in-law-to-be, and in reference to young Richard Rich, who was threatening his life, Thomas More, then Lord Chancellor of England and later to become a saint of the church, stated the necessity of having adequate respect for the law to his family this way:

MARGARET. Father, that man's bad.

MORE. There is no law against that.

ROPER. There is! God's law!

MORE. Then God can arrest him.

ROPER. Sophistication upon sophistication!

MORE. No, sheer simplicity. The law, Roper, the law. I know what's legal, not what's right. And I'll stick to what's legal.

ROPER. Then you set man's law above God's!

MORE. No, far below; but let *me* draw your attention to a fact—I'm *not* God. The current and eddies of right and wrong, which you find such plain sailing, I can't navigate. I'm no voyager. But in the thickets of the law, oh, there I'm a forester. I doubt if there's a man alive who could follow me there, thank God . . .

ALICE. While you talk, he's gone!

MORE. And go he should, if he was the Devil himself, until he broke the law!

ROPER. So now you'd give the Devil benefit of law!

MORE. Yes. What would you do? Cut a great road through the law to get after the Devil?

ROPER. I'd cut down every law in England to do that!

MORE. Oh? And when the last law was down, and the Devil turned round on you—where would you hide, Roper, the laws all being flat? This country's planted thick with laws from coast to coast—man's laws, not God's—and if you cut them down—and you're just the man to do it—d'you really think you could stand upright in the winds that would blow then? Yes, I'd give the Devil benefit of law, for my own safety's sake.

Thomas More was, of course, right—very right. History records clearly that there is no law where men take it into their own hands, or enact, or administer it without a clear and known standard of conduct in mind. Indeed, I feel somewhat an affinity for those—like Thomas More—who developed the English common law—which was premised on commonsense attitudes toward human conduct, rooted in terms of a known Judeo-Christian standard.

It is, of course, the responsibility of each of us—young, old, or in-between—to help lead our society toward a deeper respect for law. And, surely, respect for the law is the most important element in its effective administration. There is no number of policemen, prosecutors, judges, or even militiamen which can preserve the laws of our land, if there is no respect among the people for law as the guarantor of human faith.

THE LAW

The value of Law Day observances, in my opinion, is that they encourage us to look at the meaning and role of law. And, we all need a better, more accurate perception of what the law is—and what it is not—for too often we think of it only in terms of a specific investigation or trial, or in terms of bills and resolutions, or as a Perry Mason-type courtroom appearance. This is not the law about which I speak. I speak of that law which serves as the very thread which binds together—and holds together—the fabric of a free society itself.

The reason-for-being of law rests with a society's determination to establish enforceable standards below which personal acts will be subject to punishment. In this sense, law has a classical role of serving as an inducement to attaining higher ethical values. This is an important point, especially as we address our young people on the role of law, for this role of the law as an inducer of ethical values according to a known standard is one susceptible to obscurity during periods of philosophical and moral relativism. And, philosophical relativism constitutes much of what our young people of our society have been exposed to in recent times.

It can fairly be asked today, how can standards be met, when they are difficult for our young people to apprehend? How can punishment be meted out when avoidance can arise by generating confusion as to the standard against which conduct is judged? How can young people comprehend the importance of immutable, transcendant values when much of what they are taught existentially is devoid of absolute standards or even antagonistic to them? It is of little wonder to me that this role of the law has become obscured in our times and that we are only now beginning to reap the whirlwind of confusion which arises naturally from such relativism.

Against this background, let us make some important observations about the law.

The purpose of the law—as the 17th century English philosopher, John Locke, noted—is not to abolish or restrain but to preserve and enlarge freedom. Where there is no law, there is no freedom. For liberty is being free from restraint and violence from others, which cannot happen where there is no law. Our young people call out for an extension of human freedom, and rightly so. But they should look more to the law as the guarantor of that freedom and the means for its extension, not as a restraint upon it.

To be effective, the law must also relate to a generally known standard—for example, the Ten Commandments. Such a standard serves as the foundation stone upon which our secular laws, governing our daily lives, are based. This is an important point, for it works in both directions. On the one hand, for most, a respect for the Ten Commandments or a love of God is sufficient to induce law-abiding conduct, but, on the other hand, for others, corporal and capital punishments in this world—arising from those standards—is necessary. Thus, the law cannot be taken to be merely the average of human behavior or to be merely a codification of existing social policy, for to do so both resorts to relative standards and weakens the law itself.

Many despair today about the quality of law in our land. Everytime we pick up a newspaper or turn on the radio or television, the news of the day seems to be focused on some actual or alleged violation of law. In the sense that those laws neither encouraged adequately the meeting of the values inherent to them nor protected adequately life, limb, or property, we have a cause for concern. But, we should not despair.

In these days of disclosure of rascality in Government or in political parties, it is fashionable to say that our system is not working. Nothing could be further from the truth, for the very fact that disclosures are being made and those accused of illegal conduct are being called to answer for their deeds shows that our system is working. When such wrongdoing goes undetected—or when detected, it goes undisclosed—then, at that point, but not now, a conclusion

that our system is not working would be valid. But, the fact is our system is working. We must never allow the understandable disspiritment which comes from seeing men brought to the bar for wrongdoing turn into a virtual despair of the system itself. It is the system which brought them to the bar.

My final observation relates to justice, and I think it an important one, for a misunderstanding of what justice is has led, I believe, many of our young people too easily cast aspersions at our system of justice. Justice is not just a goal, it is a process.

I think too many believe justice to be the 100-percent triumph of good over evil. As a goal, that is commendable, and we should all aim for it. But, justice is something more: It is a process through which a society determines the weight it wants to give between good and evil, truth, and untruth. Thus, when there is evil, it is because that society is not sufficiently committed to the eradication of evil.

Our task, therefore, is not just to criticize our society when justice as a goal has not been attained, but rather to strengthen our resolve to insure the movement of society toward the placing of greater weight upon that side of the scale which we know as good and truth.

As a foundation for this resolve, we must shore up our ethical convictions. As Alexander Solzhenitsyn has said, we must never acquiesce in lies and must never remain silent when permissiveness, hypocrisy, or corruption threaten to weaken or destroy our system. And, one of the most prevalent attitudes today is the absence of deep convictions on anything among many, or an increasing lack of conviction among others, giving glory to compromise and approval to passivity. Yet, it is a fact that whenever people become noncommital, they open the door to manipulation of their lives and their destinies by the few who seek power and dominion over others.

It seems to me that at other times and in other places, other civilizations that advanced far failed to make it to the next step of human achievement because they were unwilling to discipline themselves and to dedicate themselves to purposes of the spirit and to the realization of the law. When ethics, honesty, integrity, and self-discipline perish, the inevitable result is imposed discipline—we know that as totalitarianism. This we must never permit to happen.

We should be optimistic, and I am optimistic about the future. I am concerned about the present crisis, but I am not dismayed by it; there is a difference. I see the future as a challenge to our Nation, a challenge to restore the optimism that pervaded the original Spirit of 1776.

As we approach our 200th anniversary, let each of us pledge to himself and to his fellow citizens that the spirit of our next 100 years will be borne with the same dedication to tomorrow that prevailed at Independence Hall, because I believe it is 1776 all over again.

And, if we make this national resolve to build for a free tomorrow under law, we too will soon begin to see a gathering of eagles.

SOARING FOOD COSTS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Massachusetts (Mrs. HECKLER) is recognized for 30 minutes.

Mrs. HECKLER of Massachusetts. Mr. Speaker, during the Easter recess, I conducted a day-long public hearing on soaring food costs and their effects on the lives of my constituents in the 10th Congressional District of Massachusetts.

Since Congress reconvened last week, I have submitted to the RECORD each day the dramatic and informative testimonies heard at the food hearing which was held in Natick on April 18. Each witness explained how inflationary food costs have adversely affected their individual lives and the businesses or organizations they represented.

Today I am submitting two additional statements for the RECORD so that my colleagues may also benefit from the statements delivered by food retailers, distributors, various consumer organizations, the poor, the elderly, and the school directors of food service departments which have provided me with a valuable insight into this serious problem:

STATEMENT OF ROBERT SIMINSKI, DIRECTOR OF FUNDS AND FACILITIES, ATTLEBORO PUBLIC SCHOOLS

I appreciate the pleasure of being able to speak here today. As Director of Funds and Facilities for the city of Attleboro, I'd like to tell you that we feed approximately five thousand school children every day. We, of course, have labored under the constraints of the type "A" lunch where we have to have certain commodities included in the program on a daily basis. I further would like to echo the statements from the gentleman from Natick who said that increased prices cause a decrease in participation by the students and the unavailability of government commodities. The future of government commodities I feel is very, very bleak.

I'd like to quote an article that appeared in last week's U.S. News and World Report . . . "The recent record shows this, in 1973 surplus food channeled into schools fell over about 70 million dollars short of filling school lunch program needs. The USDA contributed funds to bridge the gap. Next year the agriculture economists say the situation could be even worse with the shortage of basic food commodities growing even more critical." Now in a statement relative to the purchase of commodities by the government. "Our efforts to purchase food at market levels are facing stiff competition, the result being that sometimes the USDA receives no bids on orders at all." So you can see that we're going to be in for some difficulties.

Some of the commodities, again talking of commodities, that are no longer available are cheese, dried milk, canned fruit, canned vegetables, and the amount of meat that's available is greatly reduced. Now, if we look at some of the price increases that the community is facing—take canned peaches for example, they're up 65%; sliced apples, 96%; beef cubes, 55%; tuna, 42%; . . . I'll give you a copy of this.

And these things just go on and on, and its very difficult to prepare a budget when you don't know what's going to be the price of these commodities. The local subsidy in Attleboro started out in 1963 at about $800, 1973 saw that at $5,000. This, for the current budget that's under consideration, has risen to $8,000. So that you can see there is a considerable burden upon the local taxpayer. In Attleboro, we do not feed senior citizens, but if we did start to feed senior citizens, the subsidy, the local amount of money needed for subsidy, would be increased because under the guidelines proposed by the state, the city would be losing money. Again, we have some costs that we can't always pass on to the consumers and again, a problem is created.

The commodity program has allowed us to produce lunches at considerably less than the 81 and one half cents that it takes now. These are the types of things that keep the program solvent. And, of course, with the reduced amount of commodities, we're having to go into the marketplace as I said and this of course, creates difficulties and some of these things are not even available.

STATEMENT OF ANGIE WOOD, VOLUNTEER FOR UNITED PEOPLES, INC., FRAMINGHAM, MASS.

I am from United Peoples in Framingham. We are a multifaceted non-profit incorporated agency serving the people in the ten towns in South Middlesex. There is no question in our minds that there is a problem with the extremely high costs of food. We see it every day when we go to the markets. Prices are changing almost daily. The Food Stamp Program is about to get started in the entire state of Massachusetts. I'm working closely with the Welfare Department. It is clear that they are not going to be able to make the change over from food commodities to food stamps in time for everyone to receive the benefits which they are entitled to have.

We will soon be starting a program to assist the people in signing up for food stamps. Our delay is caused by the fact that training has just begun by the Welfare Department. Forms to fill out are not available and certifying welfare workers are not ready. There will be a struggle for the next four to five months to implement this program. We believe that if Massachusetts has adequately fed people, they will be healthier people and that health care costs will be lower.

Hungry children do not perform well in school. It is not decent to sponsor the present Food Stamp Program which fosters malnutrition and sickness over the long haul. Responsible office holders should fight a plan that forces mass malnutrition as a way of life for the poor. Therefore, the people for whom United Peoples speak demand that the starvation diet being planned in the present Food Stamp Program be changed to the low cost diet plan for the sake of humanity. It is time for our political leaders to join us in the peoples fight for survival. The families who will qualify for food stamps all share one vital problem, not enough money to buy a minimum sound diet.

Let's look at an example, a welfare family of four, a mother and three children, ages five, eight, and ten. The welfare budget for this family is as follows: rent and utilities, $134.27 per month; food $120.96 per month; clothing, $38.51 per month; personal care, $8.36 per month; home supplies, $7.40 per month . . . $309.50. A quarterly grant is also given of $104.90 which covers furniture, recreation, life insurance, transportation needs, nonprescription medical needs, school supplies, gifts, holidays, etc. A lot can be said for each of these budget's amounts as being too little, but let's focus our attention on rents, utilities, and food. These are the two biggest contributions to malnutrition. Since subsidized housing is available only to the chosen few, the typical family would be delighted if they could expend in real work figures as little as a $155 for rent and $50 for utilities per month. From the Food Stamp table, taking into account deductions, we find this family has to pay $59 for $142 in food stamps, but where does the excess rent-utility money come from? The food money is the only area in the budget to steal from. Is it any wonder that our elderly and poor

are frequently in the court news for stealing food from the supermarket shelves?

Let's see how this family has to steal from this food budget. $205 actual rent and utilities minus $134.27 leaves $70.73 in the hole per month. $120.96 food budget minus $70.73 shelter leaves $50.23 for stamps. This family can only buy three fourths of their food stamp allotment or only $106 in food stamps. This leaves $5.98 for transportation to get the food or for paper products. The level of the low cost diet plan is $209 minus $106 in food stamps equal $103 short. These numbers speak for themselves when it comes to analyzing the terrible problem the low income have with food costs today. It is time that the political leaders knew what the low income have known for many years, that they are slowly starving to death, the future generations of this country. We are equally concerned that most of the elderly people will not be eligible for the Food Stamp program because of their recent SSI increase. We are also concerned about the large subsidies being given to farmers not to plant when there are so many people in this country dying of slow mass malnutrition. Needless to say, we are very concerned about the exports of our food when there's so many people in this country starving today.

There are so many people who are spending all of their money on rent and utilities, and the utilities have gone up so much . . . before they were stealing from their budgets to buy some food and now its even worse. We asked a nutritionist from Framingham State College to help us devise a budget for our people on what they get per month and they couldn't do it. They refused, simply could not do it on what the people had to spend for food unless they went out and bought soybeans or, you know, some special food. But they could not help us devise a budget for these people to go into the supermarket and buy a good nutritional meal. Mrs. Heckler: Well, as you can see from the charts that I've provided the food estimated food retail prices are much higher in Massachusetts than, or in the Boston area than in cities which the Labor Department studied throughout the country. Now would you favor a change in the food stamp program which took into account higher prices in certain regions, is that kind of change.

LAW DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. WOLFF) is recognized for 5 minutes.

Mr. WOLFF. Mr. Speaker, it is a privilege for me to join today with my distinguished colleague from California (Mr. CORMAN) in this observance of Law Day, 1974. Law Day, as you know, was set aside by congressional resolution and Presidential proclamation as a special day for we, the American people, to commemorate and rededicate ourselves to the principles of law, equality, and justice which have made this Nation strong and free.

We must never lose sight of the fact that this country was founded on the basic precept that we are a nation of laws and not of men, and that the law of the land applies equally to every citizen, regardless of his position, rank or power. It is this fundamental principle which set the cornerstone of our democracy. When the rule of law is viewed by those in the highest positions of power as outdated, irrelevant or immaterial, the path is laid to totalitarianism or anarchy; we can no longer say that our democracy is a strong and viable one.

In the past year, grave and serious doubts have been raised in the minds of the American people as to whether rule of law applies equally to every citizen of this country. As long as these doubts exist, "law and order, justice under the law, and equality under the law" lose their meaning, and we as a nation stand to lose our ability to govern ourselves as free and rational men.

Law Day carries a very special significance in 1974. Perhaps more than any other time in our history, we need to seriously reaffirm the principles for which Law Day stands. We cannot afford this day to simply pat ourselves on the back, commending our system of law, justice, and equality, for this system is in serious danger of becoming a mockery. It is incumbent upon every American, we in the Congress, those in the executive branch and the American public, to honestly reflect upon what the rule of law means in this country and to consider whether we will apply the law to those, be they weak or powerful, who view the law of the land as inapplicable or obsolete. Only by reaffirming the fact that we are a nation of laws and that there is equality under the law will we preserve the fundamentals of our democratic system.

OFFSHORE MINERAL RIGHTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. EILBERG) is recognized for 5 minutes.

Mr. EILBERG. Mr. Speaker, while the House Judiciary Committee is relatively unaffected by the Bolling committee report, there is one major jurisdictional loss which seriously concerns me.

I refer particularly to our present jurisdiction over "offshore mineral rights"—particularly Outer Continental Shelf minerals and leasing. I am extremely opposed to the Bolling committee recommendation, which transfers this jurisdiction to the Committee on Energy and Environment and I do not believe this shift is necessary or desirable.

While it is difficult to argue with the logic of placing all energy issues and legislation within one committee, there are several compelling reasons why the Judiciary Committee should retain jurisdiction over certain aspects of mineral leasing on the Outer Continental Shelf.

Before advancing these reasons, however, I believe a brief history of our jurisdiction in this area would be helpful.

In 1953 the Judiciary Committee initiated and processed both the Submerged Lands Act and the Outer Continental Shelf Lands Act. These laws attempted to resolve the Federal-State dispute over ownership of OCS minerals and authorized the Secretary of Interior to lease minerals within the Federal domain—specifically setting forth the procedures for such leasing. Since that time this committee has considered several legislative proposals regarding the distribution of Federal revenues derived from OCS leasing as well as proposals to extend coastal State jurisdiction on the OCS.

With this background in mind I will now explore what I believe to be the primary reasons for keeping this jurisdiction within the Judiciary Committee.

First of all, there is presently pending before the Supreme Court of the United States litigation involving the issue of the Atlantic Coastal States' jurisdiction over OCS resources. A Special Master has been appointed and his report is scheduled to be presented to the Supreme Court sometime this summer. Consequently, it is apparent that the Federal-State boundary issue may once again be resurrected in the event the Supreme Court renders a decision in favor of the U.S. Government and adverse to the coastal States. In other words, the constitutional and boundary issues, which were the primary justification for referral of the 1953 legislation to this committee, may very well be revived.

Second, since leasing on the Outer Continental Shelf involves competitive bidding, there are numerous antitrust implications—requiring the close oversight of the Judiciary Committee. In addition to these antitrust issues, there are numerous contractual matters inherent in OCS leasing and the legal expertise of the Members of the Judiciary Committee is needed to resolve these complex issues.

Third, the current law of the sea negotiations are considering a number of resolutions directly affecting OCS leasing and the distribution of revenues derived therefrom. The Judiciary Committee has general jurisdiction over international law as well as the legal aspects of international agreements and, consequently, we are in an appropriate position to reconcile the national and the international issues associated with OCS leasing policies.

Moreover, this committee has legislative jurisdiction over "State and territorial boundary lines" and as a result we are in the best position to consider the Federal-State relationship concerning the OCS. In other words, because of this committee's involvement in the Federal-State, the national and the international issues regarding the OCS, we can provide the needed perspective for a proper resolution of these pervasive issues.

Finally, several opponents of the Bolling committee resolution emphasized that the concentration of all energy legislation within the newly created Committee on Energy and the Environment would enable the oil industry to exert undue pressure on that committee.

While I agree that the fragmentation of energy jurisdiction is certainly undesirable, it is my firm belief that the OCS issue can be reasonably segregated, especially in view of the entirely different procedures which have been adopted for the development of OCS and land resources.

I fully support the objective of minimizing jurisdictional overlaps, but as a practical matter—notwithstanding the Bolling committee resolution—some will develop. If such overlaps are inevitable particularly in the energy field, it is my belief that they should be planned or otherwise designed to promote the orderly and efficient handling of legislation. By permitting the Judiciary Committee to retain jurisdiction over OCS resources and revenues, we would indeed be creating a minor overlap in energy jurisdiction, but at the same time we would insure the objective and comprehensive treatment of this important subject matter.

I am including at this point in the RECORD a recent article which appeared in the April 27 edition of the Washington-Star News entitled "Ocean Shelf Riches at Stake." The article briefly describes the case of United States against Maine which, as I noted earlier, is presently pending before the Supreme Court. It is quite clear from this case—contrary to the views which have been expressed by some individuals—that the legal and boundary issues concerning ownership of the mineral resources of the Outer Continental Shelf have not been completely resolved. The article follows:

U.S. VERSUS NINE COASTAL STATES: OCEAN SHELF RICHES AT STAKE

(By Brian Kelly)

RICHMOND.—When Edgar the Peaceful declared himself "sovereign of the Britannic ocean" in the 10th century, neither he nor a host of succeeding kings and queens of England could have suspected they were laying the groundwork for a protracted legal battle across the sea 10 centuries later.

That battle is between Atlantic coast states and the federal government and is over the untapped riches of the outer continental shelf.

Billions upon billions in natural resources are at stake in the monumental, but little-known fight over proprietary rights to the shelf's seabed and subsoil. Billions in potential oil and gas resources, billions in mineral and mine rights, and anything else future man and his technology may be able to derive.

Now, after five years of courtroom battle, "The United States of America versus State of Maine, et al" is close to a climax.

In the years since the federal government filed suit to claim the continental shelf for itself, more than 2,800 pages of testimony have accumulated; more than 1,400 exhibits —some hundreds of pages in length—have piled up; batteries of lawyers have exchanged erudite salvos and submitted briefs as long as 541 pages, and squads of eminent historians appearing as opposing expert witnesses have argued over the sovereignty of the seas since before the Magna Carta.

It's been a case in which the "common counsel" states, represented by Virginia Atty. Gen. Andrew P. Miller and the prestigious Washington law firm of Covington and Burling, have gone back to the thoughts of Edgar the Peaceful and before and have cited legal writings from the days of the Saxon kings in England through Elizabethan, Colonial and post-Revolutionary times.

The nine "common counsel" states, headed by Virginia as "litigation chairman" and stretching from Virginia to Maine, also include Maryland, Delaware, New Jersey, New York, Rhode Island, Massachusetts and New Hampshire. In addition, North Carolina, South Carolina and Georgia are parties to the mammoth suit, but they elected to present their cases individually.

Florida, with both an Atlantic shoreline and a western coast on the Gulf of Mexico and a Spanish heritage, was severed from the case soon after it began in April 1969, because of its different history, Deputy Atty. Gen. Gerald T. Baliles said.

The federal suit stems from an action by the state of Maine granting a private firm, King Resources, exploratory rights to the offshore seabed beyond the three-mile limit Congress gave the states in 1953.

The States' major brief cites rulings by the British Privy Council, the Admiralty courts, the Star Chamber and the Exchecquer, to say nothing of the mouthings of kings and queens and extracts from 17th century speeches in Parliament. The nine common counsel states quote from esoteric sources such as a medieval French dictionary, the Black Book of Admiralty, even Herman Melville's "Moby Dick."

What it all boils down to is the states' argument of progressive sovereignty over the sea and its bed off their respective shorelines.

Under British law and practice, they contend, a vast body of historical documentation shows the Crown claimed sovereignty over both land and adjoining seas, a claim which sometimes led to war, but generally was accepted by the international community.

Then, the states also argue, the same sovereignty, generally a 100-mile, off-shore territorial claim, was extended to the American colonies, and when the colonies threw off the British yoke in 1776 to form the United States, the new American states retained their "territorial seas."

By chance, the 100 miles roughly coincides with the width of the outer continental shelf off the Atlantic beaches.

The federal government says just the opposite—that the states didn't retain any 100-mile rights. In effect, the government argues, the states should consider themselves fortunate that Congress in its Submerged Lands Act of 1953 gave them a three-mile offshore belt of their own.

Congress in 1953 reasserted federal "sovereignty" to the submerged "lands" beyond the three-mile limit.

The outcome of the case will be decided first by Special Master Albert B. Maris a senior judge of the 3rd Circuit Court of Appeals, whose name, incidentally, means sea in Latin. Selected to hear the case by the U.S. Supreme Court, Maris will report back to the nation's highest court, some think as early as June.

The Supreme Court then will accept his findings or modify them with a ruling of its own.

In economic scope, the pending decision will be one of the major rulings in the nation's history and have a constitutional and environmental impact, too.

"Obviously," says Miller, "the law suit has tremendous economic significance. There are any number of estimates as to the value of oil and mineral resources contained on or under the outer continental shelf. Even the most conservative estimates are in the amount of billions."

Noting that the outcome will give the states or the federal government regulatory and licensing powers over private exploiters of the ocean's bottom, Miller added: "We're talking about a possible source of state income (for Virginia alone) in the millions over the years."

Miller's chief assistant in the landmark case, Baliles, noted that Louisiana has garnered some $875 million in royalties, leasing fees, bonuses and assorted taxes from offshore oil and gas wells since 1948. Baliles and Miller also cite the potential boon such operations would be to any state's economy.

Constitutionally, the case involves issues the Supreme Court has not addressed before, Miller said.

"It's a fascinating constitutional question as to what happened to the proprietary rights of the colonies when they gained independence," he said. "Of course, our position is that they retained all rights they had before."

As for environment, Miller said, "If the proprietary right is established (for the states), the states would be in a much stronger position to assert legitimate state environmental concerns."

Miller compared the complex exercise in legal history to a gigantic title search, and Baliles noted that researchers for the states, himself among them, searched not only among the history books, but also in the Virginia State Library here, university and government archives from here to London, and even forgotten files in old courthouse basements in Virginia's Colonial Tidewater area in the effort to document the states' "title claim."

As a result, attorneys unearthed nuggets of historical data either forgotten or largely unknown today, including hitherto unpublished documents proving British prosecution of foreigners sailing the British seas for crimes other than piracy; references to English coal mining operations in mile-long shafts under the seabed as early as 1497, and references to Virginia's long defunct but once active admirality courts.

Also found were Colonial-era maps clearly delineating a "Virginian Sea" extending for 100 miles and more off Virginia's coast and references to a Colonial practice of sending tobacco-laden ships "home" to England in convoys escorted for the first 100 to 150 miles by armed vessels guarding against pirates.

Both Baliles and the major brief filed by the nine states acting jointly claim the continental shelf case is different from Supreme Court rulings in earlier federal-state disputes over "offshore lands," because this one involves the Atlantic Coast states, 11 of which were among the original 13 American colonies.

"Unlike other states in the nation," Baliles recently told a Rotary group here, "the Atlantic states preceded the nation, formed the government and consequently were possessed of historical documents and other forms of evidence and claims."

Among the most critical, from the states' point of view, were the 1607 and 1609 charters granted to the Virginia colonists by King James I—specifically giving them rights to a territorial sea 100 miles broad and citing possible exploitation of mineral resources in the seabed.

The early convoys, the old maps, the references to Admirality courts and like documentation found in archives or courthouse basements demonstrate an active exercise of control over shelf waters before and after independence, the states assert.

FIVE-YEAR TERM FOR BROADCAST LICENSES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alabama (Mr. BEVILL) is recognized for 5 minutes.

Mr. BEVILL. Mr. Speaker, earlier this afternoon I was requested by the Speaker of the House to preside as chairman of the Committee of the Whole during con-

sideration of the bill H.R. 12992, to amend the Communications Act of 1934 to provide that licenses for the operation of broadcasting stations may be issued and renewed for terms of 4 years, and for other purposes. As chairman, it was my obligation to maintain a position of impartiality with respect to the debate and to the amendments offered.

Had I not had the duty and privilege of presiding over the Committee of the Whole during consideration of H.R. 12993, I would have supported the amendment offered by my distinguished colleague from North Carolina (Mr. JAMES BROYHILL) which amendment provides a 5-year term for broadcast licenses, rather than the 4-year term provided in the bill. In my judgment, this amendment greatly improved this bill.

An extension of the present maximum license period from 3 to 5 years is a practical measure which is long overdue. Such an extension would not limit in any way the ability of the FCC to regulate broadcasting in the public interest.

Since becoming a Member of Congress, I have given close study and attention to this problem. I believe the broadcast industry has a legitimate, genuine case for 5-year licenses.

The longer term license would be most helpful in reducing the magnitude of paperwork and eliminating the heavy backlog of the FCC. A 5-year period would give the stations more time in determining and meeting local community needs. The time, manpower, and money which both the licensee and the FCC must expend at license renewal time could be better used to improve broadcast service and thus better serve the public.

When visiting in my congressional district, I cannot help but notice that the administrative work of filing for renewal every 3 years is a great burden for many stations, especially those in the rural areas. These small stations do not have the required technical and legal staff to fulfill renewal requirements. License renewal time is unmistakable because broadcasters are obviously preoccupied with attempting to comply with application procedures.

Mr. Speaker, I have worked closely with the broadcasters in my State of Alabama over the past several years on the problem. I can say with every assurance that their primary concern is excellence in service. No Alabama broadcaster would favor licensing an unworthy broadcaster.

This would reflect on the entire industry in our State, and in the end, hurt them. Alabama broadcasters support reasonable regulations. They believe in fairness, in a policy which protects the public's interest. But they also believe, as I do, that we need a 5-year license renewal period.

Broadcasters must make long-range commitments for the future delivery of good programs. They need the incentive that a 5-year license would give them to make necessary improvements with a reasonable chance that they will be around long enough to recover their costs.

The amendment offered by my distinguished colleague from North Carolina recognizes the maturity of the industry while providing the stability the public requires and deserves.

I commend Congressman MACDONALD and his subcommittee for its fine work on this important legislation. I believe this is a good bill and I agree with and support it.

CONGRESSIONAL ACTION NEEDED NOW TO WARD OFF FOREIGN INVESTMENT INVASION OF AMERICA'S ECONOMIC SECURITY

(Mr. ROE asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. ROE. Mr. Speaker, rampant inflation here at home with wages unable to keep up with the soaring prices and cost of living; the deflating image and disfavor of America's "yankees" abroad, the devaluation of the dollar and a depressed stock market have projected America into the world markets as a thrift shop for foreign bargain hunters. Several of our colleagues have joined with me in seeking congressional action which would expressly prohibit foreign investment control or foreign management control of America's vital industries and resources. On April 2, 1974 I introduced my bills H.R. 13897 and H.R. 13898 proposing my suggested methodology to accomplish these most important safeguards for the national and/or economic security of our Nation. To date, 18 of my colleagues have joined me in sponsoring this legislation.

This proposed legislation is not intended to discourage and eliminate foreign investment per se but is designed to provide an insurance policy for America, insuring that we retain control over our essential natural and economic resources. Many foreign countries have already enacted, or are considering enacting similar legislation which prohibits noncitizens from acquiring investment control, management control, or even acquiring securities in certain areas of their national interest.

Twice in this century our Nation has been faced with worldwide confrontation and conflagration—all directed toward world domination by some sovereign power whose express goal was to dominate the world through the use of military force. This statement is not a startling revelation to any of us here in the Congress. The startling fact, however, is that we are already well into the third worldwide confrontation, insidious and subtle in nature, gnawing at the very foundation of our free enterprise system, potentially more dangerous to our country in its outcome, with the U.S. economy the main target.

We all know that we are already deep into a worldwide trade war with creeping financial paralysis and exploding unchecked inflation wreaking havoc with our domestic economy and placing unbearable financial burdens on our people.

As bad and perplexing as this situation is, do we dare run the risk by sitting back and doing nothing and allowing uncontrolled foreign investment interests to infiltrate and capture control over our U.S. industries, technology, and vitally important natural resources? Is this fact or fiction? Let us look at the record.

Many of you know, I am sure, of prime farmlands, timber resources, tourist facilities, coal mines, businesses, and industries in your States where ownership control has already been acquired by foreign interests and international cartels.

The obvious worldwide shortages of oil, minerals, metals, and manufacturing production capabilities together with shrinking farmland resources for food production will surely continue to make our country's industries and natural resources a prime target for foreign economic domination. Could we be guilty of being preoccupied or asleep at the switch while our national economic sovereignty and national security are in serious jeopardy?

My bill, H.R. 13897, entitled the Foreign Investment Control Act of 1974, would establish a Foreign Investment Control Commission in the executive branch to monitor and control foreign ownership of real property, resources, and industries in the United States and preclude foreign ownership control or management control of industries and resources deemed to be vital to economic security and national defense. Furthermore, the Commission would be empowered to order any foreign person or entity determined to have a controlling interest in an area vital to our national security as determined by the Commission to divest himself from all or a portion of his holdings.

At present we receive conflicting reports on the extent and location of foreign investment in our country, but we are all aware that it is massive and that it is increasing rapidly. My bill would also correct the information gap and provide a single source of data on foreign investment in the United States by setting up a National Registry of Foreign Investment. Foreign persons who own securities or property either directly or indirectly would be required to provide to the National Registry information as to the nature and size of their businesses. amounts of securities held or other ownership interest, and similar pertinent data. I believe that excessive investment in areas indispensable to our economic sovereignty, if left unchecked, could put the United States in a precarious situation by possibly allowing foreign control of our basic raw materials and key industries. Under present law it is very easy for a foreign investor to cloak his investment in conjunction with brokerage houses and banks and it is my intention to pierce this veil of secrecy through the provisions of this proposed legislation.

My companion measure H.R. 13898, establishing the Joint Congressional Committee on Foreign Investment Control would provide a congressional "watchdog" to oversee and monitor the proper implementation of the intent of the Foreign Investment Control Act to insure that its provisions are thoroughly

and completely carried out by the executive branch.

Mr. Speaker, it is essential that we act with dispatch in providing the courage and leadership necessary to ward off any foreign monopolistic intrusion and invasion of the economic sovereignty of the United States. In testimony to the desperate need for congressional action now, I hereby submit the following in-depth study report that appeared in the April 1974 issue of one of our most prestigious veterans' magazines, the American Legion, Robert Pitkin, editor. This news feature which was prepared by Thomas Weyr of the Research Institute of America provides significant most telling facts on the vast umbrella of foreign investment that has already spread across our land, seeping into and involving our Nation's economic structure.

The article follows:

[From the American Legion magazine, April 1974]

THE GROWING FOREIGN OWNERSHIP OF AMERICAN BUSINESS AND INDUSTRY

(By Thomas Weyr)

It was less than ten years ago that the French economist, J. J. Servan-Schreiber, was screaming that American industry was buying up Europe so fast that our firms would soon own the Continent. At the same time, American labor was bitterly noting that our industry was taking its operations and its jobs overseas, leaving less work for American labor here. To make matters worse, even for those who usually think little about the jargon of economists, not only was there a "flight of American capital" abroad, but foreign-made goods (such as Italian shoes and you name a bigger list) were outselling our own products on the American market, causing numerous shutdowns of old, established businesses here.

Phrases like "the flight of capital" and "imbalance of trade" take on real meaning under such conditions, while other phrases, such as "buy American" take on less. Should you buy one of Buick's Opels to support American labor when it is made by German labor? It took a wise man to know what an American product was then—and it takes a wiser one now.

When he first started devaluing the American overseas dollar, President Nixon said that it would arrest "the flight of capital" and result in American firms investing more in operations and jobs here. He also said it ought to attract foreign firms to do the same, and thus put new life in our economy.

Today, you wouldn't believe how effectively it has persuaded foreign firms to invest in factories and business operations in the U.S. If anything, they have appreciated more than our own people how the changed dollar has made investment in America a Good Thing.

In the current depressed Wall Street market, many a foreign firm has been buying up control of U.S. firms by offering much more for their stocks than you can get in the stock market. Increasingly, the most familiar old American products and services are now "made in America" but by foreign owners. And, of course, the new flood of foreign investment here is bringing back millions and millions of the dollars whose flight we bemoaned such a short time ago.

Even the conservative British are in the act. It was the British-American Tobacco Co. which recently got control of the Gimbels' chain of department stores for $200 million. Nestle of Switzerland paid Litton Industries $100 million for the Stouffer food business. Saint-Gobain of France has shelled out $37 million to buy Certainteed. In the Carolinas, a host of foreign firms are erecting manufacturing plants of all sorts. Two British firms fought it out to buy Beech-Nut baby food from Squibb. J. Lyons beat out Cavenham Ltd., with a $55 million offer. Cavenham got back by buying 51% of Grand Union Co., of Paterson, N.J., our tenth largest supermarket chain. Cavenham had no qualms in offering $19 each for 3.2 million shares of Grand Union stock, far above what the shareholders could get in the open market.

The pace of all this, as you'll see, is only accelerating today. Let's backtrack and watch it happen in more detail.

Back in the fifties and sixties, American corporations went on a buying and investment spree overseas. By the time our overseas dollar collapsed in 1971, the total value of U.S. investments in other countries amounted to $95 billion.

All during those years our government had tried to get dollars back by interesting foreigners in investing their money in this country, either through buying into existing companies, or—better still from our point of view—building new plants and other facilities that would provide jobs for American workers. But Europe was cautious, Japan even more so.

For one thing the dollar was expensive. By converting their own money into dollars to invest here, they'd start with a disadvantage. Until the 1960's, West German businessmen had to pay 4.20 of their marks to buy one U.S. dollar; the Swiss 4.32 francs; the French 500 and more old francs (or better than 5 new francs after de Gaulle knocked off the zeros); and the Italians more than 600 lira. To give you some idea of what that kind of money was worth: it would buy a three-course lunch and a glass of beer or wine in any one of these countries. But exchanged for a dollar it would do no such thing here.

In fact, our money was so expensive in the 1950's that Heinz Nordhoff, then president of Volkswagen, got cold feet and pulled back from investing the millions it would have cost him to build an assembly plant for his VW beetles (and perhaps later a manufacturing operation) in New Jersey. Nordhoff had gone so far as to take an option on a plant site. Volkswagen has ruled his decision to withdraw ever since, though at the time it seemed the prudent thing to do.

Of course, there *were* foreign investments here all along. In 1960, they totaled $6.9 billion, which sounds like a comfortable amount until you compare it with $95 billion that our firms were soon to have invested abroad. The bulk of the $6.9 billion invested here was put up by old hands—Britain, Canada, Holland and Switzerland. Japan and West Germany, newcomers to the big time since WW2, did not have one-fifth of a billion invested here between them. Remembering that we had confiscated their property in WW2 they were leery, though our officials said that confiscation was a normal risk of international business that our firms took every day—and sometimes lost.

By 1967, foreign investment here had risen by one half, to well over $9 billion. This was still peanuts compared to our operations abroad—and more than two-thirds of the increase came from the same big four—the British, Canadians, Dutch and Swiss.

Then, in the late 1960's, the structure of foreign investments began to change. The growth rate quickened perceptibly, while money came from new as well as traditional sources. By 1970, foreign investments here had climbed to $13.2 billion. Then the monetary crisis in 1971 paralyzed most international finance and slowed the inflow.

But in 1972, with a cheaper dollar, foreign investors began to wake up to the new potentials of the American market. The book value of foreign investments rose by $708 million in one year. That, however, was just a trickle—less, it would turn out, than flooded into the U.S. in just the third quarter of 1973 when the total was $720 million. In fact, our government now estimates that when they've been tallied up by midsummer 1974, foreign investments here for all of 1973 will certainly top $3 billion, perhaps by a substantial margin.

That would put the value of foreign investments in the United States at $17.5 billion. Nor do officials in Washington expect any slowdown in this flow of foreign money in 1974. If anything, they expect higher investment totals, despite the energy crisis and mutterings of a business recession.

How come? First, because we are less dependent on Mideast oil; second, because our economy has the kind of basic, robust health that can snap back more quickly from even the severest of temporary illnesses than the newer and more fragile economies of Europe and Japan, and third, because our money and the shares in our major companies are suddenly cheap, and therefore good buys.

All this took a while to sink in. Everybody knew the dollar had been worth too much in terms of other currencies and ought to be devalued. But the dollar had become such an international standard, *the* medium of exchange, that literally nobody knew how to react when in August 1971 President Nixon stopped giving Fort Knox gold for overseas dollars, and shaved 10% of the dollar's value in relation to other major world currencies. For a while there was panic. Then, gradually, the world realized that the dollar—and the U.S. economy—were wildly undervalued.

That point was driven home hardest when the dollar was in its worst trouble ever. In February of last year it was devalued again and left to "float" against other currencies. That meant that our Federal Reserve Board and the European and Japanese Central Banks no longer stepped in to buy dollars and thus shore up their value against the attacks of currency speculators. These speculators dumped dollars to buy German marks or Swiss francs in the hope that sooner or later those currencies would appreciate in value against the dollar. In other words, they bet that the dollar would be worth less, the mark worth more.

For a while it seemed that even the float wouldn't work. At one point last May the dollar sold for 2.21 West German marks, just about half what VW boss Nordhoff had to pay for it back in the mid-1950's. Thus the Germans could have built their New Jersey assembly plant in 1973 for half of what it would have cost them in the 1950's. As irony would have it, while the dollar bumped bottom VW was in trouble. The beetlemakers didn't have the surplus cash to invest in a stateside production facility.

But just about everybody else in Europe, Japan and the Arab countries did, or thought he did. On June 16, 1973, the influential London weekly, The Economist, gleefully told its readers, "Now is the time to invade the United States." Wall Street, the weekly wrote, "seems a snap. For a European buying in devalued dollars it is a give away. . . . British industry, usually the most timorous overseas investors, have suddenly appreciated the song for which American assets can be picked up."

The magazine cited the British-American Tobacco Company's purchase of Gimbels'; Peninsular and Oriental's $110 million negotiations to buy a 50% interest in Zapata Naess, a Houston-based shipping company (P & O is a major British shipper); and Lloyd bank's agreement to buy the First Western Bank of California for $115 million, as examples of new British interest in es-

tablishing economic beachheads in their former colonies.

A month later, The Economist put the changed situation even more bluntly in a story headlined "A Good Time to Buy America."

"The plums of American industry have never looked so cheap to outsiders," it wrote. "The fall of the dollar and Wall Street together mean that any time in the past week Volkswagen could have bought General Motors for half what it would have cost just over two years ago" (provided VW had the cash, which it didn't). West German marks, The Economist continued, "will buy real assets in American industry today for a good third less than they would have cost two years ago, yen will buy them for a good quarter less and even pound sterling shows a saving of six per cent."

And once again there was no lack of examples, such as British Chloride Electric's bid for $20 million worth of a Florida battery-making business, Nestle's purchase of Stouffer, the French takeover of Certainteed.

These are just drops in the bucket. Britain's famous Barclays Bank is now putting the finishing touches to a nationwide American banking operation, something the Justice Dept. does not allow even the largest American banks to do. The German Hoechst chemical firm built an artificial fibre plant in South Carolina—one of many German firms attracted to the Carolinas—because it found that total wage costs, including fringes, were 15% lower in South Carolina than in a similar Hoechst plant in Bad Hersfeld, West Germany.

By last fall, the invasion of foreign money resembled a blizzard. Volvo, the Swedish automaker, announced it would build a $100 million auto assembly plant in Chesapeake, Va. Plans call for the employment of 3,000 American workers and an ultimate output of 100,000 cars a year, once the plant reaches full capacity sometime in 1978. Said Bjoern Ahlstroem, president of Volvo of America: "We combine the advantages of European design and engineering concepts with American techniques of mass production of components and market adaptation." Engines and transmissions will be manufactured in Sweden, then shipped to Virginia and put into Volvo's U.S.-made bodies.

The French Michelin tire company, stymied in efforts to set up a huge production facility in Nova Scotia, announced plans for construction of two tire factories in Anderson and Greenville counties in South Carolina, with investments to top $200 million for both. (U.S. officials are skeptical of many such announcements but particularly skeptical of this one. But no one can yet be sure if the French will put up the money or not. They have till 1975 to make good on the proposal.)

Nixdorf Computer Ag of Padeborn, West Germany, has begun a $100 million, seven-year investment program here. The first step was the purchase of Victor Comptometer Corporation's computer division, the second was establishment of a wholly-owned U.S. subsidiary, Nixdorf Computer Inc. of Chicago, which markets products that are still imported. Final plans call for assembly, training and manufacturing facilities here.

In late December, German industrialist Willy Korf announced plans to build a $50 million steel mill to manufacture wire near Beaumont, Tex. Korf purchased 500 acres of land on the east bank of the Neches River and says he'll begin construction of what he calls a "minimill" later this year. He expects to produce 500,000 tons in 1976 and employ 1,000 workers. Presumably Korf is anxious to trump a similar Japanese steel venture, an $18 million rolling mill which Kyoe Steel Works have under construction in Auburn, N.Y.

British companies expanded their holdings in our food industry. On top of J. Lyons control of Beech-Nut baby food, the British firm bought 83% of the outstanding shares in United Brands' Baskin-Robbins ice cream firm for $37.6 million in cash and notes. Lyons offered $18.50 a share when Baskin was trading over the counter for $12.50.

Cavenham, Ltd., failing to get Beech-Nut, tried to buy Liggett & Myers, a "diversified tobacco concern" that manufactures several brands of cigarettes including the popular L&M, as well as other products. But Cavenham failed to work out an acceptable stock swap.

Cavenham is the British manufacturing arm of a Paris-based holding company, Generale Occidentale, and makes dietary food, processed meats, tobacco, soft drinks, wines and pharmaceuticals. It had substantial investment capital and was determined to move into the American market. So, despite two setbacks, the firm tried again in November and this time struck pay dirt by getting 51% of Grand Union stores.

The point to note is that foreign investors felt the U.S. companies were still cheap, even though they paid as much as 50% over the daily stock exchange quotations to obtain enough shares for control. And the pattern has been repeated over and over in virtually every segment of American industry and business—and in just about every state.

The range of foreign activity is truly nationwide. Sony of Japan is putting up a TV assembly line in San Diego. Hitachi Metals America, of White Plains, N.Y.—part of the giant Hitachi group of Japanese companies—bought an 80% interest in an Edmore, Mich., magnet plant for $10 million. That may not seem a major acquisition in terms of capital outlay, but the firm produces a string of sensitive equipment: industrial magnets and magnetic materials used in military and consumer applications—for example, in TV and radio speakers.

Brown Boveri, a Swiss firm, has a $20 million plant in operation ten miles outside Richmond, Va., which employs 300 Americans. Their jobs are to inspect and test Swiss-made electrical turbines and ship them to U.S. customers. ICI America, Inc., subsidiary of England's Imperial Chemical Industries Ltd., makes "Melinex" polyester film at a $50 million plant near Richmond. Koye Seiko Co. Ltd., of Osaka, joined the many foreign firms attracted to the Carolinas. It is due to open a $10 million bearing plant in Orangeburg, S.C., this spring and employ 100.

The Carolinas, like many of our less industrialized states, have worked hard to attract foreign capital and construction. They maintain offices in major cities, send recruiting teams overseas and generally try to make their states as attractive to foreigners as possible. Both states have been particularly successful with German firms, which Charleston serves as a port.

At the last U.S. government count in October, 30 German firms had plants in North and South Carolina. They produced not only textiles, which is to be expected in that part of the country, but wire and springs, gauges for manufacturing wire, bearings, carbide tipped saws, textile machinery, veneer, water pumps, fuel injection systems, petrochemicals and dyestuffs and textile chemicals.

In all, more than 100 West German manufacturing and petroleum companies are active in 24 states and Puerto Rico—and that does not include banking, insurance or sales and service organizations. It's worth noting, though, that until very recently the Germans clustered around the New York metropolitan area where the U.S. headquarters of such giants as the BASF chemical complex, Hoechst and Bayer Ag are located. Bayer, of aspirin fame, just announced plans to invest another 300 million marks (about $115 million) over the next five years in its U.S. manufacturing facilities.

This local clustering of foreign firms was common and is only now beginning to disperse. Exceptions were the British and Canadians, who never suffered as much from it, since they spoke the same language and knew the country better. Moreover, they have long been active in a broad range of American business enterprises. Just look at this random sampling of what British-owned and controlled companies are into here: tobacco, food products, crab meat processing, paint, electric motors, hydraulic equipment, chemicals, pharmaceuticals, sheet music, newsprint, paper, synthetic fibres, cod liver oil, sugar cane (Britain's Brewer & Co. Ltd., owns the huge Wailuku Sugar Co. in Hawaii), paint, gasoline retailing, chocolate and candies (Cadbury in Pennsylvania), cider and vinegar, syringes, thermometers, baby foods, records (Decca Ltd. owns London Records), zinc, tires, circuit breakers, book publishing (Morgan-Grampion, a British publisher of trade and other business magazines, bought David McKay, one of the oldest U.S. book publishers, just last December), bricks, tea and coffee, malt, casement windows and screens, wallpaper, bicycles, real estate and laundry services. As for location, the British are active in 31 states, from Georgia to Texas, from Alaska to Florida and from Massachusetts to California and Hawaii. In all, 148 British firms have a share in 264 U.S. firms.

Even countries like France and Italy, not generally known for economic daring so far from home, have begun to pour capital into the U.S.

To be sure, the 45 or so French companies with operating subsidiaries here concentrate on fashion, food and toiletries—articles for which the French are famous. But the French firm, Air Liquide Co., owns U.S. subsidiaries in Oregon, Georgia and Arizona which make industrial gases and welding equipment. La Farge makes cement in Virginia. Rhone Poulenc S.A. has companies in New Jersey and Puerto Rico which manufacture chemicals, pharmaceuticals and synthetic fibres. Sarma S.A. owns American Sarma Inc. which produces airplane connecting rods in Nevada. Other French firms here make signal analyzers, high purity ultraviolet light absorbers, plastic lenses and electric equipment. An Italian company makes steel ingots and rods in New Jersey. Another, Olivetti (which long since took over Underwood), manufactures its typewriters and other office equipment here, while Montecatini Edison, another Italian firm, produces chemicals in West Virginia.

Swiss firms are active in 18 states with heavy emphasis on pharmaceuticals, chemicals, timepieces, foods, chocolates, and dyestuffs. At the end of 1972, Swiss assets in the U.S. were $1.6 billion, with $1.15 billion invested in manufacturing facilities and $373 million in such financial institutions as insurance companies, banks, etc.

Finance is an area of expanding foreign interest here. Though the Swiss are considered the world's bankers, only about a quarter of their holdings in the U.S. are in the financial area. The British, whose banking interests are probably wider than those of the Swiss but less well publicized (and don't the Swiss wish they could figure out how the British manage to hide their often dominant role in money management!) have about a third of their holdings in this area—$1.2 billion in finance and insurance at the end of 1972, out of total assets of $4.6 billion.

Over the last seven years the number of non-American banks in the U.S. rose from just over 200 to 430. In New York City, foreign banks handle a third of the international payments transactions conducted in that financial center. Foreign banks in the U.S. handle assets valued at about $20 billion.

Dutch investments in the U.S. reached $2.3 billion at the end of 1972, growing more slowly in the 70's than in the 60's. But the Netherlands' position is a special one. The bulk of Dutch holdings are in three multinational companies with extensive U.S. properties: Royal Dutch Petroleum, Unilever, N.V., and Philips, N.V.

Royal Dutch owns 10,000 Shell gasoline stations throughout the U.S. as well as lubricant, chemical and pipe firms. Unilever N.V. is the Dutch partner that shares ownership, with Unilever Ltd. of England, of the worldwide Unilever organization. Their U.S. subsidiaries include Lever Brothers, the big soap maker; T. J. Lipton Co., which makes tea and soups among other food specialties, and the Good Humor Ice Cream company. Finally, the American subsidiaries of Philips—more than 36 of them—make pharmaceuticals, chemicals, home appliances, electronic products (everything from tape recorders to Norelco electric shavers) and electrical equipment.

There is a good deal of unidentified foreign investment here. Getting information about it is much harder than pulling teeth. If you guess that a lot of it is quiet Arab money, you're probably right. About all I can specify from the Persian Gulf area is a chain of Iranian-owned gasoline stations in upstate New York, procured in a petroleum deal with Ashland Oil Co. of Kentucky.

The Iranians are not Arabs. You are entitled to draw your own conclusions about any Arab enterprises here shunning publicity.

This bewildering diversity of enterprise should not suggest that it is easy to set up a business in the United States as a foreigner. There is a maze of laws and restrictions on federal, state and local levels that must be learned first. And for every incentive to foreign investment there is often a larger obstacle. The Securities and Exchange Commission, for example, keeps a tight eye on any shenanigans that smack of stock manipulation or similar sharp exchange practices.

Moreover, the American market is a tough one to crack. Many a foreign manufacturer has fallen on his nose because he didn't do enough marketing and distribution homework. This has even happened to major oil companies. Just a few years ago, British Petroleum, one of the world's leading oil concerns, decided to take a fling at the American market. BP had some major concessions in the newly found Alaskan North Slope and other Arctic oil fields. There was talk then of the rapid construction of a pipeline from the oil fields, with one route proposed to cross Canada and terminate in the U.S. Middle West. A major regional U.S. oil distributor, Sinclair Oil, was in trouble and up for sale. BP took the plunge and bought Sinclair, after the Justice Department nixed a merger between Sinclair and Atlantic Richfield. For $400 million in cash and notes, BP took control of two refineries and a network of 9,700 gas stations in 16 states and the District of Columbia.

But BP managers realized quickly that they lacked the market know how and operational technology to run their U.S. subsidiary effectively. So they bought a 25% interest in Standard Oil of Ohio in the hopes of buying American managerial talent. But, as world oil supplies tightened, BP found it could not buy oil in sufficient quantity and at competitive prices to make its U.S. operation a good one. The story isn't over yet, but BP has cut back and it is doubtful whether it can hold on until the Arctic oil starts flowing. And even if it can, the Alaska pipeline has now taken a different route.

Another British fiasco involved a takeover attempt of a major Manhattan real estate firm. The British are big in that field in New York and already own several major hotels and office buildings. Last spring, British Land Co. offered $17.50 a share for Uris Building Corp. The firm's shares in 1973 cruised between a low of 10 and a top of 16½. At the time of the British offer the market had once again touched near bottom and Uris had slid down with it. The British buyers, after careful thought, felt that their $700 million offer was too high a price. A lower bid was submitted and in subsequent negotiations the deal went *phfft*.

Much more serious in its overall implications for foreign investment in the U.S. was the Canadian Development Corporation's attempt to take over controlling interest in Texasgulf Inc., a U.S. mining giant. That one was quickly tied up in the courts—where it still is—because CDC is a Canadian *government* agency. It raised a whole new set of questions about governments, rather than companies, buying U.S. properties. Moreover, the takeover bid emerged at about the same time that Mitsui & Co. Ltd., successfully bid $125 million for a 50% interest in the aluminum business of American Metals Climax. Japanese trading companies are so closely entwined with their government that it is often hard to tell them apart, with ownership and managing personnel almost interchangeable. Both cases served to make public some of the negative aspects of the foreign invasion.

The Japanese had received most of the publicity. In the late 1960's and early 1970's their exports had established them as a dominant force on the American market in everything from color television and high quality cameras to automobiles, steel and textiles. In fact, Japan had become such a power in the American economy that most of our domestic business woes were blamed on Japanese competition. At one time, just a few years ago, our trade deficit with Japan topped $4 billion a year, an intolerably high level. Washington began to put the heat on Tokyo, suggesting that it was time Japan made major trade concessions, both in opening the Japanese domestic market to American products and capital, and by investing Japanese money in the U.S. Dutifully, Tokyo did both—just a little bit of it and with more wrinkles in their actions than a California prune.

American firms were allowed to invest directly in the Japanese economy, but such investments were tied up with enough ribbons to make their long-term benefit questionable. And while Japanese investments in the United States grew enormously, it soon became evident that much of the growth was due to the use of trick mirrors.

The Japanese borrowed more American money, a fairly common practice, than anyone else, and they engaged in massive currency speculation against the dollar. Most of the gimmicks were legal enough in commercial terms. For example, Japanese businessmen gambled in 1971 and 1972 that the dollar would be repeatedly devalued and had their U.S. trading company affiliates prepay imports from Japan, which resulted in a huge capital outflow of high value U.S. dollars.

There was an outflow of $531 million in 1971 alone. After the devaluation, of course, they came back in with their currency gains to buy more shares in U.S. businesses and to start new enterprises. Strictly speaking this is not foreign money. It is profits the Japanese made from manipulating our currency. Since the in-and-out flow of capital was so much more pronounced between Japan and the U.S. than with other industrial countries, the growth of real Japanese investment in the U.S. has been hardest to chart accurately. This has also led to a number of myths about the extent of Japanese control of U.S. industry.

Few can deny the visible facts of the Japanese presence in the U.S. All through 1972 and 1973 evidence of Japanese economic prowess in the U.S. grew. Their total assets in the U.S. are hard to pin down because of constantly shifting capital, but $1 billion is not a bad guess.

Yet official figures at the end of 1972 showed a negative investment balance, i.e., more Japanese money departed than Japan had here in total assets. All foreign investors—including ours—take their profits home even if they spend operating money in the host nation. Moreover, although 1973 saw another burst of Japanese capital move into the United States to build leather, steel, bearing and television plants, the amounts are not large enough to justify some newspaper charges that Japan is about to buy up the United States lock, stock and barrel.

One paper even reported that the United States faced an economic Pearl Harbor as a result of the onslaught. And yet, there is an element of truth in these charges. Japan's presence in the American economy is more vital to her than those of other nations are to them. It is also newer and fresher and more innovative. Canadian and British money have been around forever. The Japanese are the new boys in town—and the most visible.

Thus, the Japanese challenge and, somewhat surprisingly perhaps, the Canadian Development Corporation's bid for the Texasgulf mining company, served to push the rush of foreign investments into a different, less favorable public light. Some lawmakers professed concern at a "sell-out" of U.S. industry to foreign capital, a complaint which some European governments freely made about us in the 1960's. France especially was then eager to block expansion of borders, and to put some shackles on freebooting American capital.

Both the U.S. Chamber of Commerce and the National Association of Manufacturers are studying the inflow of foreign capital in order to develop reasoned positions their organizations should take toward it. Rep. John Dent, of Pennsylvania, chairman of a House labor subcommittee, recently introduced legislation to limit foreign ownership of U.S. companies to 35%. Dent argues that his bill "is not devised to stop foreign investment. Thirty-five per cent of any corporation is still a good investment. It is designed instead to encourage diversification of foreign investment, as well as to prevent control of American businesses by foreign investors."

Organized labor—for all its anger at our firms moving abroad—is keeping a beady eye on the foreign invaders. Union leaders don't yet know what kind of employers many new foreign managers would make and they want to be sure that American workers are treated as fairly and as well by European or Japanese bosses as by their own countrymen. Nor do they regard this as a matter of course.

Labor feels that foreigners will conform to community standards in their dealing with workers—fine where such relations are good, not so fine where the unions wish they were better.

About the only cheers that came out of AFL–CIO leader George Meany's shop were those that greeted the Volvo announcement. The auto workers especially are happy that the Swedes are going to come on the American scene in a big way. Sweden, as a socialist country, is all but union run, while the Swedes have pioneered the idea of making assembly line jobs less boring. And on-the-job boredom has grown to a major social issue, both for unions and management.

But Volvo is not regarded as a typical newcomer in union circles. With at least as much foreign capital buying up established U.S. businesses as setting up new operations, labor feels the expansion of the U.S. labor market that results from foreign investment won't be that great. It often only means new bosses for old jobs.

In short, labor remains cautious and suspicious, perhaps even regarding the whole venture with a slightly negative twist.

Sen. Lloyd Bentsen, of Texas, was concerned enough by the Canadian government's effort to get Texasgulf to draft legislation that would bar takeovers by foreign governments or their "entities." But his measure would not bar a purely private foreign company from buying a U.S. concern. Bentsen worries about conflicting interests of shareholders, since foreign government interests could often differ from those of out-for-gain shareholders. But in general he does favor investments of foreign money here—as the Nixon administration does—as a substantive aid in solving our balance of payments problems and expanding our economy in the face of the retreat of our own capital overseas.

Finally, there is Rep. John Culver, of Iowa, who plans hearings this year to find out how large foreign investments really are, who owns what, and where the money is coming from—all areas where facts are hard to come by and often fuzzed up on purpose.

Some of it, certainly, is borrowed in the U.S. and that does not help the balance of payments, though as long as it is used to build new facilities like the Volvo plant, it will help provide new jobs. Money borrowed here to purchase shares in an existing firm, however, does not do the U.S. economy much tangible good.

In short, the issue of rapid growth of foreign investment is complex and subtle, but it is now an established fact of U.S. economic life, and will have to be dealt with as such. There are national security aspects that must be considered. Should a foreign firm, for example, be allowed to buy controlling interest in major defense contractors or subcontractors who manufacture sensitive component parts for weapons systems? On the other hand, could such ownership not lead to advance research and development that private U.S. capital may not be willing to risk? Then, too, how much overseas money should a foreigner be required to put up before he can borrow the rest from U.S. sources? And what about labor's attitude toward foreign management?

Some of these questions are now being widely examined. The Chamber of Commerce hopes to develop an international investment code or a series of what are described as "good conduct" rules which both business and government would have to follow. Such a code or set of rules would touch upon employment, community development, technology transfers and, of course, national security. It is also a sign of acceptance of the foreign investors. And there seems little doubt that foreign money, investment and personnel will play an increasingly large role in American society. Even small towns will have to get used to Japanese managers of steel mills or German bosses of a production line. And this time it won't be the melting pot. These new "ethnics" will stay only a limited time, say five years, and then be rotated home, just as American overseas managers are.

One area of impact of foreign money on the U.S. will be less visible—its role in the banks and board rooms and on the stock exchanges, where the big deals are made.

Mr. Speaker, many thanks for the opportunity to present these facts to the Congress. I urge priority consideration of this most important issue on behalf of our people.

AMNESTY

(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, I have made my view public on the subject of amnesty on the floor of this House on a number of occasions. I believe it is both moral and pragmatic to press for the adoption of the Taft-Koch conditional amnesty bill. That bill would provide amnesty to any draft evader who is willing to return to the United States and give 2 years of civilian service just as he would have been required to do if he had been a conscientious objector. That service would be performed in such institutions as veterans hospitals, public service hospitals, Indian reservations, or the poverty ghettos of this country.

I received a letter from a retired colonel of the U.S. Air Force which bears upon this subject and which I hope our colleagues will read. The letter follows:

FAIRFAX, VA.,
March 19, 1974.

Hon. EDWARD I. KOCH,
House of Representatives,
Washington, D.C.

DEAR MR. KOCH: On conditional amnesty, I don't envy you your position in trying to push your bill but urge you to continue. For what it's worth, you have my full support.

I heard you discuss the issue on TV with Rep. Sandman and also a Representative from Mississippi (Rep. Bowen).

As a veteran of nearly 30 years of service through three wars, including Vietnam, I want you to know that the opponents of the bill do not speak for me when they repeat the idea that your bill would be a "disservice to those who served." And I don't feel as though I have been dishonored.

Mr. Sandman, for example, appears to lean heavily on emotional personal values and experiences, patriotism and the fact that he is a veteran of WW II and an ex-POW. I wouldn't tackle the patriotism aspect (though I can't help recalling a quote which went something like "my country right or wrong is like saying my mother, drunk or sober"), though I still disagree with Rep. Sandman. As for WW II service, there probably are well over 50,000 of us around who are ex-POW's of WW II, a fact one certainly should be proud of, but there's little correlation between WW II and Vietnam. We are divided by differences which are self-evident.

In WW II, we were viciously attacked by the Japanese and the Germans were on a path of world-domination and human destruction on a massive scale. Vietnam was based purely on political decisions. In WW II, we used all means at our disposal whereas in Vietnam we practised 'measured response/retaliation' which in effect allowed the enemy to set the pace of the war and also build up an immunity of sorts. It gave a lot of people something to think about and that's just what many of these young people did. This is not to say there were no cases of cowardice—undoubtedly there were deserters and draft evaders whose actions were based on cowardice rather than philosophical beliefs but we must discriminate between the two where we can—and where there is doubt, the 'defendant' is entitled to the benefit of that doubt, as is traditional in our country.

The fact that the need, depth and duration of our involvement in Vietnam has been questioned by prominent Americans as well as private citizens, too many to be ignored, make it vital that we fully consider all aspects of this important issue. I suppose at this point, I should make it clear that I have no relatives, friends or neighbors who fall in the category of those who might benefit by your bill. Neither do I have problems of conscience nor axes to grind. I do feel an indirect involvement and responsibility because of my age, however. It was our generation—yours and mine—which set the stage for the entire mess we find ourselves in and we owe it to our country and national conscience to consider and apply conditional amnesty on a case-by-case basis. If we don't, we're going to have thousands of living "Private Eddie Slovik" around for years to come to remind us of how we missed a golden opportunity to practise the charity and forgiveness at home we have traditionally—in victory—granted enemy nations.

I have also heard opponents of conditional amnesty say it would set a bad precedent. Well, the precedent has been set in prior U.S. wars, it appears. And there are people around who feel that Mr. Agnew was granted amnesty of sorts. I also have heard prominent U.S. legislators propose that if the president resigns, we in turn should promise not to pursue any legal action regarding his possible involvement in illegal activities. Is this not unconditional amnesty not just for one unproven charge, as in the case of some portion of the Vietnam dissenters, but many?

I appreciate your continuing efforts in pressing for the passage of your bill for conditional amnesty. Thank you and best wishes for success.

Sincerely yours,

Col. HENRY SCHEINGOLD.

THE NATIONAL INSTITUTE ON AGING

(Mr. PODELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PODELL. Mr. Speaker, there are this week three interns working in my office. They are not smooth-skinned, shaggy haired college kids, out to make their mark on the world of politics. Rather they are two women and one man, who are well advanced in years, senior citizens, if you will. These three happen to be my constituents, who are here as part of a 2-week-long special program of congressional internship for senior citizens.

These three people are remarkable in their stamina, vitality, zest for living, and desire to become involved in the political process so that they can benefit their contemporaries. It is a genuine pleasure for me to have them on my staff for even the short period of time they will be here, and I expect that both I and my staff members will profit greatly from their presence.

It is hard for me to realize, though, that these three people are unique. They are among the few of the elderly in this country who have the strength, support, interest and money, as well as the time,

to do the kind of work they are doing. Many of the elderly can retire and while away their golden years in gentle relaxation. Far too many more are placed in the impossible position of trying to survive in a big city that has no room or time for them. Their pensions, which they once thought would insure them a comfortable and pleasant retirement, now are too small to afford many of the decencies of life they once took for granted. They are often trapped in the four walls of their apartments, because crime in the streets is high, and the aged are always good victims for the mugger.

The aged have very special needs, differing greatly from those of children and teenagers, or troubled families, or addicts, or the other problem areas we are so ready to spend money on. The aged do not ask for special consideration. Rather, they ask for what is rightly theirs, by dint of their decades of work to make this a decent country for themselves and their children. They ask only some small return on their investment in American society.

We are a youth-oriented culture. We idolize the young, beautiful man and woman who go skiing every winter and surfing every summer. We want to forget that someday we will all grow old, God willing, because we have somehow come to believe that being old is not a pleasant experience. And because that is what we believe, we have in fact made it so. Being old in the United States can be a very unpleasant experience. We treat being old as if it were an incurable disease, something not to be discussed in polite society, rather than a natural step in the development of a human life.

Our attitude toward old age and the elderly citizens of this country is poor. It is all the more so because the aged are now perhaps the fastest growing sector of our population. By the year 2000, it is estimated that there will be some 28 million men and women over 65 in this country. As medical techniques are improved and new life-saving drugs are marketed, this number may well increase. We cannot go on in blithe ignorance of so large a group as the elderly, simple-mindedly assuming that social security will take care of them. We know very well that it will not.

Part of the problem of meeting the needs of the aged is knowing what those needs are. There are countless experts around today on early childhood development, or on the traumas and anxieties of the teen years. We overflow with marriage and sex counselors who deal with the troubles of our young adult and middle years. But only occasionally do we find someone who really understands how to communicate and work with the elderly, how to make them feel that their lives did not end at 65, that they are still useful, productive and wanted citizens.

We know so little about the medical effects of the aging process and whether these effects can be curtailed or prevented entirely so that our productive years will be lengthened. There is so little opportunity for the elderly to use their faculties and skills, and without use, they will atrophy. So it is all too possible that we are encouraging senescence, rather than trying to prevent it.

The nutrition and health needs of the elderly are something that we are all aware of, but we do not seem to be able to meet these needs. Everybody knows what the problem is, but no one seems to know quite what to do about it. I suggest, Mr. Chairman, that prompt passage of H.R. 6175 is a first and crucial step in meeting our obligation to the aged of this country.

The Institute that will be set up by this act will deal with both the behavioral and biomedical problems of aging. Being old is not merely a question of the slowing of bodily processes. There are psychological aspects to it, which deserve as much investigation, if not more, than the purely physical problems.

In order that the Congress meet its duty to legislate effectively and efficiently on behalf of the aged, we must know what the aged need in terms of programs. The proposed Institute will investigate these needs on all levels, and report back to us. That will make our job easier, because then we will be able to design and pass laws which go directly to the needs of the aged, rather than floundering around aimlessly, filled to the hilt with good intentions, but unable to really do anything because we are not sure what we should do.

I cannot stress strongly enough the need for this Institute. We spend countless millions studying the early childhood years, to make sure that this Nation's children get a proper start in life. I think it is only logical that we spend some money to make equally sure that the final years of our citizens' lives are also good. To do that, we must know what they need, and how best to get it to them. To do that we need the National Institute on Aging.

I wish that every senior citizen in this country were as strong and healthy and aware as the three who are in my office this week. I wish that there were no nursing homes in this country, that there were no loneliness or boredom or abject poverty among those who worked so long and hard to make this country great. Maybe that is an impossible wish. But I think we must begin making some concerted effort to make this wish a reality. We owe it to them. We owe it to ourselves, because someday we, too, will be old.

OPPOSE FREIGHT INCREASE FOR CANNED, FROZEN FOOD

(Mr. PODELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PODELL. Mr. Speaker, today, 2½ years of attempts to control inflation by controlling prices and wages will end. The Senate is making a last-minute attempt to forestall the certainty of an immediate surge in prices by attempting to pass a bill extending the President's authority to control prices, but I fear that this measure will meet with defeat. At the same time, I notice the first rumblings in the tidal wave of higher prices about to engulf the Nation.

In Monday's Wall Street Journal, there was an article which stated that the Nation's railroads were applying to the Interstate Commerce Commission for a 10-percent increase in their freight rates. We are all aware of the rather difficult financial positions of most of the railroads in this country, and the fact that they periodically come to the Congress asking for help with their money problems. So it is not the 10 percent rate increase as such which I find troubling.

What disturbs me in this application, is the fact that the rail industry asked the ICC to approve certain exceptions to the overall increase. For example, newsprint and certain steel and iron products, and a small number of other, less significant items, will not have their shipping rates increased at all. Processed and frozen foods would be boosted by 5 percent.

At first this may seem like a good break for the consumer. After all, 5 percent is less than 10 percent. But, I ask you, Mr. Speaker, why not also exempt food products shipped by rail from the price increase? There are, after all, more people who eat canned peaches than who read the newspapers.

It is a simple fact of economics that the 5-percent cost increase in shipping canned and frozen foods will, by the time these goods reach the supermarket, turn into a 10-percent increase after pass-throughs and additional profit margins have been added on. This is highly inflationary, and, at a time when the annual rate of inflation is over 12 percent, it is unconscionable.

In certain respects, the exemption for steel and iron presents difficulties as well. The exemption would be limited to iron and steel products traveling to and from the South or within the South. Why not a nationwide exemption? Steel and iron are used all over the Nation in construction work, in manufacturing, and elsewhere.

Furthermore, there is no report of a proposed exemption, or rate reduction, for finished products made with steel and iron. Durable goods such as refrigerators and other household appliances, many of which are also transported by rail, can add to the toll inflation is exacting from our society. Why not an exemption for finished iron and steel products as well?

When exemptions to a rate increase are planned, consideration should be given to the effect on the overall picture of the economy those exemptions will have. I firmly believe that even a 5-percent increase in rail freight costs for processed foods will have an effect on supermarket shelves that may be nothing short of devastating to the average consumer.

Canned goods are already in short supply, partly because of processors refusing

to send their goods to market under controlled prices, and partly because the products of the new growing season have not yet been processed. Short supplies cause high prices. There is no need to increase the price level of a can of tuna fish or a jar of pickles at this time, even for so laudable a motive as aiding financially troubled railroads.

My concern is twofold. I am a member of the Interstate and Foreign Commerce Committee, specifically the Subcommittee on Transportation, and therefore, questions concerning this Nation's rail system are constantly before me. I am well aware of the poor financial condition of our rail system, and the need to take drastic action to keep rail lines running.

On the other hand, there is the equally strong concern I have for the welfare of my constituents, who must buy the food the railroads will be carrying at higher prices. I owe a great debt to them, and I must make sure that I do everything possible to keep down the prices they pay for their life's necessities. A large minority of my constituents are senior citizens, a group who feel the burden of inflation far more than the rest of us, for they must manage on a fixed and often inadequate income. I have a special responsibility to these people, particularly as regards the prices they must pay for food.

Balancing these two interests, the need of the railroads to improve their financial condition, and the need of my constituents and of consumers all over the country to have food prices they can afford, I must come out on the side of the consumers. I realize the burden that this puts on those railroads who would be getting the requested rate increase. I know that they do need the money. But I ask in all seriousness whether their proposed exemptions to the requested rate increases are really in the public interest.

Would it not serve both the interests of the public and the railroads better were they to give food a total exemption to the new tariffs, and ask for a 5-percent increase in the tariffs for iron and steel products?

I am now in contact with the Interstate Commerce Commission, and I intend to follow the hearings on the tariff increases every step of the way, to make sure that the consumer is not the one who is taken for a ride by the railroads.

TAX EXEMPTIONS AND INFLATION

(Mr. BLACKBURN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BLACKBURN. Mr. Speaker, once again interest is being generated in behalf of increasing personal Federal income tax exemptions.

Once again, considerable discussion is being generated as to which segment of our society most needs an increased exemption and which segment of our society appears to be getting the best "break" with regard to income tax responsibility.

The answers to these questions vary according to the sources. From these answers and their argumentations one can only conclude the rather obvious fact that no one likes the Federal income tax system and that no one believes he derives a fair and equitable break therefrom.

In short, the general feeling seems to be that this system which, supposedly, makes all men equal before the tax collector seems to have developed into a system in which some people believe they are "less equal" than others come April 15.

The only real winner in all of this continues to be the Federal Government. Despite the heavy burden to the taxpayers, the deficits and the national debt continue to build, inflation continues to increase, and the wage earner, however he earns it, winds up with less and less control over the money he earns.

I would suggest, in all sincerity, that the Federal Government, at last, be given an opportunity to share the burden of inflation with the wage earner. I would suggest that it's about time that the Federal Government share some of the inflationary problems which, in great part, the Federal Government has, in fact, imposed upon our citizens.

I would, therefore, strongly suggest serious consideration to the proposition that personal income tax exemptions should be increased, and that these exemptions be increased on a retroactive basis in order to reflect the proper ratio of an individual's income vis a vis the rate of inflation which militates against that income in every given year.

If the highrollers in the Federal bureaucracy found themselves compelled to live with the same problems which their economic gamesmanship imposes upon others in our society, then the Federal Establishment would begin to share the burden felt by the individual taxpayer.

CHROME AND RHODESIA

(Mr. ICHORD asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ICHORD. Mr. Speaker, on December 18 the Senate passed S. 1868 which provided that the provisions of the Strategic and Critical Minerals Stock Piling Act concerning the importation of chrome shall not apply to the prohibitions or regulations issued under the United Nations Participation Act of 1954. The House Foreign Affairs Committee is currently considering the House version of this Senate-passed bill, H.R. 8005, and the issue will no doubt be debated and voted on in the House in the near future.

As this is an extremely important issue involving complex foreign policy questions and raising the question of our relations with Rhodesia from which we now import a great deal of our vital chrome supplies, I would like to bring to the attention of the members of this body a recent editorial and resolution printed in the Rolla Daily News, Rolla, Mo., by the editors and my good friends Ed and Alma Sowers. The Sowers have just returned from a trip to Rhodesia and I recommend their insights and comments to my distinguished colleagues:

AROUND THE WORLD, CIRCA 1974—SOUTH AMERICA AND AFRICA WITH ED AND ALMA SOWERS

(EDITOR'S NOTE.—Parts I and II of "Jet Hopping Around the World Circa 1974" have been published. Parts III, IV and V have been held up to give way for the following timely report and editorial from much-maligned Rhodesia—timely because there is a bill before the House (already passed by the Senate)—"the Byrd Amendment"—which, if invalidated, would heap further injustice upon Rhodesia.)

PART VI—OUR GREAT INJUSTICE TO RHODESIA

SALISBURY, RHODESIA.—For shame, America!

For 200 years, now, you valiant sons and daughters have stood for—and often did for—justice and freedom for all the peoples of this earth.

Yet, at this time, while we continue to stand for justice in Vietnam, in the Near East—in many parts of the world—we have followed blindly and given force to a rank injustice to the great African nation of Rhodesia.

Showing weakness rather than strength, the United States joined the pack, led by the Communist-inspired "emerging nations" in the United Nations, and, more heartbreaking still, by Rhodesia's mother country, Great Britain, and helped invoke "sanctions" restricting trade with Rhodesia, charged with "apartheid" or unfair policies dealing with its majority black population.

Seeking the truth of this situation, several of us on the National Newspaper Association Study Mission, concentrated on Rhodesia and the entire Mission was granted an hour-long interview with Mr. Ian Smith, the great, if beleaguered, Prime Minister of Rhodesia.

After the interview, and fact-finding forays into Rhodesia, this writer and several others are more firmly convinced than ever that Rhodesia is doing a great job of bringing civilization, culture, better living, education and health standards to its vast majority of black people, only a relatively few years removed from a primitive existence in the jungle.

Even as we talked to the Prime Minister, Rhodesia's expanded army was being buttressed to contain Communist-inspired (he said) terrorist attacks launched from borders to the northeast and Mozambique to the east. Sporadic shots across the Zambezi River to the northwest have killed several Rhodesians. (The river boundary area seemed peaceful enough to us as we enjoyed a sundown launch cruise on it.)

Later, we learned in Dar es Salaam, capital of Tanzania, that it is the object of the black-controlled governments of Tanzania (and other similar nations) to drive the white minorities (the colonizers who built the nations from the jungles) out of power and, in fact, out of the country. (A black government minister in Dar es Salaam very frankly told us just that!)

"The Communist-inspired terrorists are, unfortunately, killing black people, too," Mr. Smith said.

I asked the Prime Minister if the alleged International Communist Conspiracy is responsible for the sanctions and Rhodesia's isolation from the world? He answered:

"Not entirely. It is true that Red China and Soviet-trained terrorists do stir up the trouble, while those nations and their satellites sit back and rub their hands with satisfaction. But the real force behind the sanctions is the British liberal Labor party."

An intense man, thin and rather tired-looking, Mr. Smith seemed downright sad (a sadness which was conveyed to us) when he referred to the mother country. One of his statements to us was delivered in confidence,

but it can be said that Rhodesia, a nation most alike the freedom-loving, progressive states on this earth feels it is almost without friends, except, hopefully, the United States! "I think you have many friends in the United States, Mr. Prime Minister, even if our government doesn't always show it," I said, when it came my turn to shake Mr. Smith's hand as he left the conference room.

"Thank you, thank you, we do need your friendship."

The completeness of Rhodesia's isolation was emphasized when we realized that we do not maintain diplomatic relations with them, that Rhodesians—except those holding British passports—cannot get a visa to travel in the United States! Outlawed, too, by the United Nations, Rhodesia is traveling alone—well, almost alone. The Union of South Africa, meeting the same problems in race relations, is still closely allied with Rhodesia, as is Portugal.

(To show the domino effect of the lopsided world relationship with Rhodesia, a great hue and cry went up in Africa because the Portuguese Azores allowed the U.S. to use their bases recently to convoy military supplies to Israel. Obviously, the alignment of African nations includes North African Egypt, Libya and others!)

In its 200-year stand for justice and freedom, the U.S. needs friends too. Friends like Rhodesia, South Africa, Portugal, others! And the U.S. may be the loser in its unjustified, undocumented position. The adversity of sanctions seems to be making Rhodesia stronger, certainly more self-sufficient. The Prime Minister told us that, since sanctions were imposed, Rhodesia's gross national product (GNP) has doubled! Rhodesia is now producing almost all needed foodstuffs, is actually exporting some ag products, tobacco, etc.

The black man is "emerging" into his rightful place in the plentiful Rhodesian sun. Blacks and whites and coloured go to certain schools and colleges together. There are more and more hospitals for those who have been convinced they should accept free hospital care instead of the manipulations of witch doctors. The first newspaper I picked up in Cape Town carried the front-page headline: "Petty Apartheid Ended; 'Whites Only' and 'Blacks Only' Signs Come Down."

And, would you believe? (you U.S. Senators and Congressmen who may not know as much about S. Africa as we NNA reporters know), we visited the Soweto township Bantu Homelands where we saw 1,000,000 blacks living happily—some of them self-made millionaires—all of them in comfortable brick cottages, with running water, sewer, garden plots, and neatly uniformed children in nearby schools.

Several members of our Study Mission have signed a joint resolution urging the House to defeat the recent Senate action which, if passed by the House and signed by the President, would halt any purchases of chrome from Rhodesia, thus doing away with U.S. Senator Byrd's move to treat Rhodesia with the justice and dignity earned by this great free nation. Without benefit of Sen. Byrd's action, the U.S. bought low grade chrome from Russia—chrome which Russia had bought from Rhodesia—at a higher price than quality chrome from Rhodesia, the Prime Minister told us. If this be the price of detente, then . . .?!!!

Even if passed by the House, the President should find it difficult to toss any further shafts at Rhodesia as inconsistent with his policy of detente. Instead, he should order Secretary of State Kissinger to include Rhodesia in his diplomatic travels. In fact, that has already been arranged, unofficially. I asked Prime Minister Smith if he would welcome a visit from Secretary Kissinger.

"I certainly would," he answered. "We would welcome all friends who come in peace to our country!"

For shame, America!

RESOLUTION: SUPPORTING RHODESIA IN THE UNJUST SANCTIONS INFLICTED BY THE U.N., UNITED KINGDOM, U.S.S.R., AND U.S.

Whereas, the undersigned U.S. editors and publishers, recently returned from a National Newspaper Association Study Mission to Africa, be it known that:

1. We interviewed Prime Minister Ian Smith, receiving a frank and thorough appraisal of Rhodesia's progress in providing improved health, education and economic facilities to its black majorities;

2. We inspected housing projects, job opportunities, cultural and political participation, moves to eliminate "petty apartheid;"

3. Heard the Prime Minister describe the need for strengthening Rhodesia's army to contain what he described as Communist-inspired terrorist attacks on its several borders; already responsible for numerous deaths, including innocent Blacks as well as Whites and Coloureds;

4. Noted with great concern the frank statement by a high government official in black-governed Dar es Salaam, Tanzania, that "we consider ourselves now at war with Rhodesia" and "it is planned for the Blacks to take over and drive out the imperialist Whites;"

Now, therefore, be it resolved that we deplore recent U.S. Senate vote to scrap the Sen. Harry Byrd (Va.) amendment (authorizing U.S. to buy chrome and other strategic materials from Rhodesia) which would force us to buy low-quality chrome from the USSR—chrome which the USSR purchases from Rhodesia and re-sells to the U.S. at higher prices; and

Be it further resolved that we encourage our Congressmen to keep the Byrd Amendment in force when voted on in the House of Representatives and thus make amends for the injustice about to be inflicted again upon freedom-loving, progressive Rhodesia.

(Signed) Mr. and Mrs. Edward W. Sowers, Daily News, Rolla, Mo. 65401; Dr. and Mrs. James Myers, MD, Rolla, Mo. 65401; Mr. Larry Sullivan, Maryland Independent, La Plata, Md. 20646; Ms. Muriel Selph, Maryland Independent, La Plata, Md. 20646; Walter Potter, Star Exponent, Culpeper, Va. 22701; Ralph Hostetter, Cecil-Wig Publ. Co., Elkton, Md., 21921; Frank Pfeiffer, Raton Daily Range, Raton, New Mex. 87740.

(Others: Sign, tear out and mail to your congressman)

A LIFELINE, NOT A LUXURY

(Mr. PODELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PODELL. Mr. Speaker, I wonder how many of us would be able to function without the telephone. Our society has become totally dependent on this instrument for communication. As much as the automobile and the computer, the telephone has revolutionized 20th-century society.

We all know how crucially important the phone is to conducting our business and maintaining our friendships. Imagine how much more important a telephone is to a blind or elderly or disabled person. Too often, the phone is their only link to the outside world, the only way they have of staying in touch with friends and families, their only ally in an an emergency.

Over the last year, as prices for food, rents, medicines and other necessities for the elderly have been going up, these people have had to surrender many of the amenities they once took for granted. It is not necessary to reiterate how hard it is to live on the minimal income social security provides; particularly if you are unfortunate enough to be poor and old in New York. I have heard stories that made my heart break, about how some elderly residents of my district try to feed themselves on 50 cents or $1 a day. I defy any of you in this room to live like that for a week—and yet, there are thousands throughout the country who must live like that day in and day out.

One thing above all that these people try to keep is their telephone. They know, as only the elderly or disabled can know, that without a telephone they have no way of getting help in an emergency, or simply chatting with a friend for a few minutes each day. I have heard stories about old people living on their supplemental security income checks or social security who deny themselves food so that they may keep their telephone.

I do not know how things ever became so bad in this country that our elderly had to be put in the position of choosing between eating and having a telephone. I can venture some guesses, but they would be irrelevant to the question at hand. I cannot believe, that in a country with the resources we have, that people should be put to such a choice. Surely we can do something to keep these people from being totally stripped of their dignity. Surely we can see to it that they need not give up what may be their one remaining link to the outside world if they want to keep eating or paying the rent.

Therefore, I am proposing legislation today that would reimburse SSI recipients for a portion of their monthly telephone bills. The payments they would receive would be on a sliding scale for both local and long-distance calls. For example, somebody who is receiving the maximum SSI allotment, and no Social Security payments—in other words, the poorest of the poor—will be reimbursed for 75 percent of his local telephone bill, and 40 percent of his long-distance costs. At the other end of the scale, a person who is receiving the minimum SSI allotment will be reimbursed for 20 percent of the cost of his local calls and 10 percent of the cost of long-distance calls.

I believe this is an idea whose time has come. For many of the elderly, a telephone is simply another medical appliance. They need it to keep in touch with their physician, they need it in case there is a medical emergency, they need it because it is a link through which they can call their friends and talk and keep from going crazy with boredom.

I am not making this proposal simply to devise another way to get money out of the Government. There is a genuine need among many of the elderly for assistance such as this. They simply cannot live on what they get from SSI or

social security. This program would meet the needs of the very poorest among them; it would not become a general subsidy of everybody's phone bills. It is a statement to the elderly that we are aware of their financial difficulties, and that we think they should not have to give up their telephones if they want to keep eating.

CONGRESSMAN BOB ECKHARDT'S STATEMENT ON BROWNWOOD FLOOD PLAN

(Mr. ECKHARDT asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ECKHARDT. Mr. Speaker, today I have introduced a bill to provide relief for some 1,500 persons who live in a flood-prone area in sections of Baytown, Tex. Senator LLOYD BENTSEN is introducing a similar bill on the Senate side. I would like to emphasize the urgent need for this legislation. This is not a run-of-the-mill situation, but a most unique problem which has been caused, not by dereliction or ignorance of the residents, but by the shortsightedness of nearby industries and municipalities.

The Army Corps of Engineers is nearing completion of a study of the project area, and intends to recommend the evacuation and relocation of some 450 families in the flood-prone area of 750 acres. The total cost would be $15.9 million, with the Federal Government providing $12.7 million and the city of Baytown providing $3.2 million.

In its study, the corps reports that the area has subsided 8.2 feet since 1915, with most of this subsidence occurring since Hurricane Carla struck the Texas coast in 1961. Furthermore, if ground water withdrawals are reduced by 1980 in an amount to permit the ground water to stabilize, we could expect an additional 2½ feet of subsidence. This subsidence has been caused by huge ground water withdrawals by industries along the Houston Ship Channel and by Gulf coast municipalities.

My reasons for introduction of such a special bill are these:

First, the subsidence will continue. It will not stop simply because the corps or Congress is delayed in getting a new Water Resources Development Act introduced. Since a freak Valentine's Day storm of February 14, 1969, wrecked the area, residents have lived with a terror of being flooded, having to move out what belongings they could, and then returning to homes in which 3 to 4 feet of water had stood.

Second. These residents, in effect, have subsidized the production of gasoline and other petrochemical products, since the industries involved have had the use of ground water, which is considerably cheaper than surface water. Had those firms been required to use surface water, the cost of their products would consequently have been higher, thus distributing the cost to every consumer of such products. If municipalities had been required to use surface water, they also would have had to pass along the increased cost to their customers, thus spreading the cost among millions of persons, rather than causing damage to the homes of 1,500 persons.

Third. The economics of the corps plan is justifiable. The Federal Flood Insurance Administration already has paid out a substantial amount in damages to homes in this area. For instance, Hurricane Delia alone cost the Federal Government $1,800,000, and Delia struck some distance down the coast from Baytown. Had it struck Baytown head on, all of the homes within the 50-year flood plain, the project area, would have been wiped out, thus increasing the amount which would have been paid out. Not only are these homes affected by storm tides, but any tide above normal threatens some homes. Already, there are several standing with 1 to 2 feet of water in them at all times.

I do not believe that Congress can afford to wait until the next Water Resources Development Act is drafted to provide relief for these long-suffering persons. Even if it were not economically feasible—and the corps indicates that it certainly is—Congress should provide relief for these residents who have been damaged by actions not of their doing.

The text of the bill follows:

H.R. ——

A bill to authorize a project for flood protection in and in the vicinity of Baytown, Texas

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Army, acting through the Chief of Engineers, is authorized to carry out a project for flood protection in accordance with the report entitled "Feasibility Report on Burnett, Crystal, and Scott Bays and Vicinity, Baytown, Texas, for flood protection", at an estimated cost of $12,700,000. In carrying out such projects—

(1) the additional payments authorized to be made by paragraph (1) of subsection (a) of section 203 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 may be made without regard to the $15,000 limitation contained in such paragraph, and such additional payments shall be made, in addition to displaced persons meeting the requirements of such paragraph, to those persons who owned and occupied a dwelling acquired by the Federal agency for not less than one hundred and eighty days prior to February 13, 1969.

(2) Any increase or decrease in the fair market value of real property prior to the date of valuation caused by subsidence or flooding occurring after February 13, 1969 will be disregarded in determining the compensation for such property if the owner of the property owned such property at the time of the subsidence or flooding.

HUD RELEASES REPORT ON URBAN RECREATION

(Mr. SEIBERLING asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SEIBERLING. Mr. Speaker, in January of this year, the Interior Department's Bureau of Outdoor Recreation—BOR—released its long awaited nationwide outdoor recreation plan. Public Law 88-29, passed by Congress in 1963, created BOR and required the Bureau to prepare within 5 years a plan to "identify critical outdoor recreation problems, recommend desirable actions to be taken at each level of government and by private interests."

The plan that was released this year is actually the second plan prepared by BOR. The first, completed in 1969, was squelched by the Office of Management and Budget, because it dared to put a price tag on its recommendations—a 5-year, $6 billion program of Federal assistance.

Few people outside the bureaucracy have seen the first plan. Those who have, however, state that it pulled no punches. It recognized that the Federal Government has barely scratched the surface with regard to recreation—and to dig deeper will cost a lot of money.

BOR's latest plan puts no price tag on its recommendations. Indeed, its recommendations are fuzzy with regard to any Federal commitment to recreation. Although it urges coordination among all Government agencies, it does not provide a framework for action or assign clearly defined roles or responsibilities for carrying out these activities.

The BOR plan does present a catalog of present efforts in the field of recreation. The key omission, however, is in the area of future needs. The plan does not estimate what the country's future needs will be or how these needs will be met. There are no specific proposals for future action, nor is there a timetable for carrying out what must be done.

The BOR plan's stated objectives are commendable. It calls for identification of superlative areas needed to round out Federal recreation lands; expansion of efforts to protect resources that have special scenic, historic, scientific, or recreational value; improved efficiency of present Federal recreation efforts; and continued use of the Land and Water Conservation Fund to acquire and develop needed lands. However, the plan merely codifies present administration policy. It does not blueprint the Nation's future recreational needs or pinpoint which agencies in Government will provide them.

Fortunately for Congress and the American public, the Department of Housing and Urban Development—HUD—has released one of the 10 task force reports used in preparing the nationwide outdoor recreation plan. The subject and title of the report is "Urban Recreation."

This report—which was the subject of only a few paragraphs and charts in the BOR plan—is one of the most far reaching reports on recreation since the highly acclaimed study of the Outdoor Recreation Resources Review Commission—ORRRC—in 1962. In publishing this report, HUD was not acting as one Department pitting itself against another. Four agencies in HUD participated in preparing the nationwide outdoor recreation plan, along with 19 other agencies in the Departments of Agriculture, Defense, Health, Education, and Welfare, Interior, Labor, Transportation, and the Office of Economic Opportunity. "Urban Recreation" is the original report of this interdepartmental work group and is not the sole work of HUD.

If it were not for HUD's perseverance and farsightedness—coupled with the Department's commitment to recreation—this report would probably have been buried within the maze of the Federal bureaucracy. As published, it offers an important new dimension to our understanding of urban recreation in America.

That HUD chose urban recreation as the work group topic to be published indicates the priority this subject must have in any general discussion of recreation. This is not to say that "rural recreation" has no importance or no needs of its own. As the urban recreation report points out, however, most Americans live in cities and the cities keep getting larger. The report states:

By 1980, 54 percent of the Nation's population will live in urban areas with a million population. Fully 71 percent of all Americans will live in 125 metropolitan complexes whose populations exceed 250,000. Recreational opportunity will be most deficient in these populated areas where the supply of open space is diminishing rapidly while competing demands for it are increasing sharply.

Unlike the BOR plan, the work group report does not present a glossy view of Federal recreation efforts. The report goes beyond merely cataloguing current Federal programs; it points out where the Federal Government has been deficient:

Present Federal recreation policy is imbalanced both in terms of populations sharing in Federal recreation benefits and in its total focus on "outdoor" recreation. Less than 1 percent of Federal recreation lands are located within urbanized areas. Federal recreation dollars have been spent primarily to nonurban areas which are accessible only to families with automobiles and then primarily on weekends or summer vacations.

The report also points out why cities have been unable to meet their recreation needs. Public recreation at the local level has been supported largely through the local property tax. Local funding is complicated by the "balkanization" of political jurisdictions and by budget crises facing many local government:

A 1971 survey of 45 city park and recreation agencies reported that 40 percent of the respondents had suffered budget cuts. The budgets of an additional 20 percent had remained unchanged, but sharp increases in operating costs had effectively reduced maintenance and programming.

Unfortunately neither the work group report nor the BOR plan puts a dollar figure on their recommendations. The work group report, however, gives far greater emphasis to the Federal role while the BOR plan shifts most of the responsibility for recreation to the already financially hard-pressed State and local governments. The work group report specifies ways in which various Federal departments and agencies can integrate recreation in their programs. It also proposes a much needed Joint Center for Recreation Opportunity to be supported and staffed by HUD and Interior. It would use the resources of all relevant Federal departments and agencies to conduct research and demonstration projects and to create an urban recreation skills bank and subsidized personnel exchange between cities and other recreation jurisdictions.

It is understandable that, with the enormous and pressing needs facing our country, recreation may seem an obscure and distant priority in the total scheme of things. Yet the lack of recreational opportunities is a very real and growing problem in our country. As the work group report points out, our Nation's past policies have been consistently oriented to our worklife. Our lifestyles, however, have altered drastically since the Depression and the Second World War. Leisure, once the perquisite of the rich, has become a part of the life of all classes. And with early retirement and shorter workweeks, the need for recreational opportunities will grow even greater in the future.

Public policies have not reflected our country's change in life styles. Although the work group report does not suggest that recreation should become the major priority of our country, it does recognize that past efforts in recreation have been too narrow in scope. It proposes "the difficult but essential course of integrating recreation and other planning such as housing so that it can make its most useful contribution to better communities."

The report's recommendations are concrete and clear. They spelll out the needs, and specific ways of meeting them on the Federal, State, and local levels.

I was particularly pleased to see that the report contains an appendix with written comments from a number of State recreation agencies and other groups who reviewed the first draft. Some of the comments are negative; all are constructive. Most important, they open a dialog rather than closing the door on the subject.

I am glad that the report also includes the recommendations of the Government Accounting Office—GAO—report to Congress on the Land and Water Conservation Fund. The work group states they strongly support the GAO conclusion that—

Greater benefits could have been achieved had more projects been located in densely populated, low income areas having few outdoor recreational opportunities and whose residents were limited by low income from traveling to areas having more abundant facilities and opportunities.

It is truly unfortunate that the HUD open space land program—which provided financial help to communities to acquire and develop needed urban recreation, conservation, and scenic areas—has been terminated. Since 1962 over 1,000 local units of Government were assisted in acquiring 348,000 acres of urban open space with grants totaling $442 million.

The program is intended to be replaced by the proposed Better Communities Act, which may or may not pass the Congress and which may or may not achieve the goals of the open space program. By holding the open space program hostage to passage of other legislation, the administration has tied the hands of State and local governments and cut off a vital source of funding for their recreation programs.

At a time when our country's energy resources are being severely strained, it is even more important than ever to provide recreational opportunities close to our cities where most of America's people live. And with increasing demands on precious urban open space, it is essential that we help preserve these lands before they are lost forever to commercial development.

Mr. Speaker, it is obviously impossible to reprint the entire "Urban Recreation" in the RECORD. I am hopeful that Members of the House will obtain a copy of their own and read it in its entirety. I would, however, like to insert the portion of the report dealing with recommendations to Congress. The BOR plan does not have any clearly defined recommendations to Congress; these are buried in the text of the plan with the suggestion that the administration will seek enactment of legislation to meet certain needs.

I would also like to point out that one of the work group's recommendations, to change the land and water conservation fund allocation and matching grant formulas, will require an increase in the fund's annual authorization. I recently introduced legislation, cosponsored by 32 Members of the House, to increase the fund's authorization from $300 to $900 million a year. Certainly this would be a great step in meeting the recreation needs—both urban and rural—of the people of our country.

The following are the interdepartmental work group's recommendations requiring legislation:

RECOMMENDATIONS REQUIRING LEGISLATION

1. Better Communities Act. Proposed HUD legislation would provide 100 percent grants primarily to cities over 50,000 population, urban counties, and others for a wide variety of purposes including acquisition, development, operation and maintenance of parks and other recreational facilities. Decisions on the use of these funds for recreation or other purposes would be entirely in the hands of local governments. Although concern has been expressed about the ability of recreation interests to compete with other interests in some cities, the Work Group endorses the proposal as embracing many of the reforms recommended in this Report.

2. Matching Requirements. Because the present 50–50 matching requirement has been the principal factor in denying LWCF and HUD funds to the central cities and for metropolitanwide activities, this should be changed. The proposed HUD legislation, if passed, would cope with the problem of central city priority adequately through its entitlement provisions and its 100 percent Federal funding LWCF should be amended to provide at least 90 percent funding so as to assure that metropolitanwide and urban county projects receive the assistance they require.

3. Bureau of Land Management Organic Act. The Bureau should be given a clearly defined mandate to manage recreational resources and to provide recreational services.

4. Urban Recreation Areas. The Federal Government should expand recreational services to metropolitan complexes through the establishment of urban recreation areas along the model of Gateway East and Gateway West. This could be accomplished by changing the criteria for National Recreation Areas or by establishing a new park category—the Urban Recreation Area.

5. Recreation Reservoirs. The Corps of Engineers and the Soil Conservation Service should be authorized to construct single-purpose recreation reservoirs in metropolitan areas.

6. Mass Transit. Funds for mass transit should be made available from the Highway Trust Fund.* Public transportation attacks one of the most critical problems affecting the availability of recreation in urban areas—accessibility. For the 30 percent of our population who, for one reason or another do not drive, public transportation to recreation areas is a necessity. Viable public metropolitanwide transit systems are essential to the provision of recreational opportunities to city residents.

7. Land and Water Conservation Fund (State). Several legislative options considered by the Work Group have already been proposed by the Administration to amend the Land and Water Conservation Fund Act. The Work Group endorses these proposed changes. If enacted, the legislation would implement several important options for meeting urban recreation needs:

Funding certain indoor facilities.

Revising the apportionment formula so that 20 percent (instead of 40 percent will be divided equally among the states; 75 percent according to need including urban population density and concentration; 5 percent to meet emergency situations.

Changing from 7 percent to 10 percent the limitation on any State's share of the Fund.

Enforcing requirements to meet urban needs through an annual review of the States' performance.

8. Increase Allocations to States Which Assist Localities in Matching LWCF Grants. A number of States currently make State funds available to help their local governments participate in the Land and Water Conservation Fund program, thereby reducing the local share of project cost. In order to encourage additional State involvement in meeting recreational needs in their urban areas, the allocation could be increased for those States which do give financial assistance to their neediest localities.

9. Expand State Consultation. As a LWCF State plan requirement: (a) require the establishment of State-level planning and policy committees comprising local government officials, individuals with expertise in natural resources, human resources, and urban problems; (b) publicize the plans as State policy documents; (c) improve communication between State and local recreation suppliers and consumers and; (d) focus State plan process on most needy groups and communities.

10. Federal Assistance. Although Federal funds assist in acquiring land and developing facilities, localities must permanently commit the funds necessary to operate programs and maintain these areas. Both States and localities consistently cite this operation and maintenance problem as one of their primary and most pressing concerns. While the Work Group believes that localities should retain full responsibility for maintaining their recreation lands and facilities, we find that financial assistance for open land is not only justified, but necessary. HUD's proposed Better Communities legislation would authorize funds for these purposes. Similar changes should be made in the Land and Water Conservation Fund.

LEAVE OF ABSENCE

By unanimous consent (at the request of Mr. O'NEILL), leave of absence was granted to:

Mr. JONES of North Carolina, from 5 p.m., today, through Tuesday, May 7, on account of official business.

Mrs. HANSEN of Washington, for today, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. HOLIFIELD, for 30 minutes, today.

Mr. RANDALL, for 5 minutes, today.

Mr. HECHLER of West Virginia, for 30 minutes, on Thursday, May 2, 1974.

(The following Members (at the request of Mr. DU PONT) to revise and extend their remarks and include extraneous material:)

Mr. STEIGER of Arizona, for 15 minutes, today.

Mr. ASHBROOK, for 30 minutes, today.

Mr. KEMP, for 30 minutes, today.

Mrs. HECKLER of Massachusetts, for 30 minutes, today.

Mr. HOGAN, for 10 minutes, today.

(The following Members (at the request of Mrs. SCHROEDER) and to revise and extend their remarks and include extraneous matter:)

Mr. WOLFF, for 5 minutes, today.

Mr. MURPHY of New York, for 10 minutes, today.

Mr. GONZALEZ, for 5 minutes, today.

Mr. BURKE of Massachusetts, for 5 minutes, today.

Mr. RIEGLE, for 5 minutes, today.

Mr. EILBERG, for 5 minutes, today.

Mr. BEVILL, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the Appendix of the RECORD, or to revise and extend remarks was granted to:

Mr. ROE, to extend his remarks in the body of the RECORD, notwithstanding it exceeds two pages of the RECORD, and is estimated by the Public Printer to cost $574.75.

Mr. HOLIFIELD in two instances.

Mr. BINGHAM and to include extraneous matter notwithstanding the fact it exceeds two pages of the CONGRESSIONAL RECORD and is estimated by the Public Printer to cost $731.50.

Mr. CONTE to follow remarks of Mr. BROYHILL of North Carolina in the Committee of the Whole today on Broyhill amendment on H.R. 12993.

Mr. BROWN of Ohio, to include extraneous matter following his remarks during the 5-minute rule on H.R. 12993, in the Committee of the Whole today.

(The following Members (at the request of Mr. DU PONT) and to include extraneous material:)

Mr. FREY.

Mr. ARCHER in two instances.

Mr. CARTER in three instances.

Mr. ZWACH.

Mr. BELL.

Mr. SHOUP.

Mr. WALSH.

Mr. FRELINGHUYSEN.

Mr. YOUNG of Florida in five instances.

Mrs. HECKLER of Massachusetts.

Mr. REGULA in two instances.

Mr. SHUSTER.

Mr. WIDNALL.

Mr. WYMAN in two instances.

Mr. DERWINSKI in three instances.

Mr. BROYHILL of Virginia.

Mr. WHITEHURST.

Mr. HUBER.

Mr. LAGOMARSINO.

Mr. HOSMER in two instances.

Mr. BOB WILSON.

Mr. KEMP in five instances.

Mr. CLEVELAND in two instances.

Mr. KETCHUM.

(The following Members (at the request of Mrs. SCHROEDER) and to include extraneous matter:)

Mr. ROGERS in five instances.

Mr. GONZALEZ in three instances.

Mr. RARICK in three instances.

Mr. ROONEY of New York in two instances.

Mr. FLOOD.

Mr. DE LA GARZA in 10 instances.

Mr. BADILLO in two instances.

Mr. MATHIS of Georgia in five instances.

Mr. BURKE of Massachusetts.

Mr. HARRINGTON.

Mr. FISHER in three instances.

Mr. FORD in four instances.

Mr. RONCALIO of Wyoming in 10 instances.

Mr. LEGGETT in four instances.

Mr. YOUNG of Georgia.

Mr. ADDABBO.

Mr. COTTER.

Mr. LONG of Maryland in 10 instances.

Mr. DORN in three instances.

Mr. MCCORMACK in 10 instances.

Mr. BLATNIK.

Mr. RANGEL in 10 instances.

ENROLLED BILL SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 8101. An act to authorize certain Federal agencies to detail personnel and to loan equipment to the Bureau of Sport Fisheries and Wildlife, Department of the Interior.

BILL PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval a bill of the House of the following title:

H.R. 8101. An act to authorize certain Federal agencies to detail personnel and to loan equipment to the Bureau of Sport Fisheries and Wildlife, Department of the Interior.

ADJOURNMENT

Mrs. SCHROEDER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 25 minutes p.m.), the House adjourned until tomorrow, Thursday, May 2, 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:

* This report was compiled prior to the enactment of the Federal Highway Assistance Act of 1973 which provides for the use of Highway Trust Funds for mass transportation systems.

2262. A letter from the Assistant Secretary of Defense (Comptroller), transmitting a report on the amounts realized from surplus, salvage and scrap sales and from the sale of lumber and timber products during the first 6 months of fiscal year 1974, pursuant to section 712 of Public Law 93-238; to the Committee on Appropriations.

2263. A letter from the Deputy Secretary of Defense, transmitting a supplementary report on the study by the National Academy of Sciences on the ecological and physiological effects of the military use of herbicides in Vietnam; to the Committee on Armed Services.

2264. A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), transmitting notice of the location, nature, and estimated cost of various facilities projects proposed to be undertaken for the Army National Guard, pursuant to 10 U.S.C. 2233a(1); to the Committee on Armed Services.

2265. A letter from the Commissioner of the District of Columbia, transmitting the annual report of the District of Columbia Office of Civil Defense for fiscal year 1973, pursuant to section 6 of Public Law 81-686; to the Committee on the District of Columbia.

2266. A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to increase the limit on dues for U.S. membership in the International Criminal Police Organization; to the Committee on the Judiciary.

RECEIVED FROM THE COMPTROLLER GENERAL

2267. A letter from the Comptroller General of the United States, transmitting a report on U.S. actions needed to cope with commodity shortages; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. RODINO: Committee on the Judiciary. H.R. 7386. A bill to provide a rule in cases of the pocket veto for the implementation of section 7 of article I of the Constitution of the United States, (Rept. No. 93-1021). Referred to the House Calendar.

Mr. PERKINS: Committee on Education and Labor. H.R. 14354. A bill to amend the National School Lunch Act, to authorize the use of certain funds to purchase agricultural commodities for distribution to schools, and for other purposes; with amendment (Rept. No. 93-1022). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ASPIN:

H.R. 14504. A bill to amend the Urban Mass Transportation Act of 1964 to authorize the appropriation of $150 million for research, development, and demonstration projects in urban mass transportation for the fiscal year 1975; to the Committee on Banking and Currency.

By Mr. CAMP (for himself, Mr. STEED, Mr. JARMAN, Mr. MCSPADDEN and Mr. JONES of Oklahoma):

H.R. 14505. A bill to amend section 103 of the Internal Revenue Code of 1954; to the Committee on Ways and Means.

By Mr. COTTER:

H.R. 14506. A bill to amend the State and Local Fiscal Assistance Act of 1972 to provide that taxes received by certain special districts which are not units of local government but which perform municipal services within cities and other units of local government shall be included in the tax effort of such cities and other units; to the Committee on Ways and Means.

By Mr. DIGGS:

H.R. 14507. A bill to establish a District of Columbia Urban Development Corporation; to the Committee on the District of Columbia.

By Mr. DUNCAN:

H.R. 14508. A bill to amend title 5, United States Code, to credit, in computing length of service for retention purposes in Federal reductions in force, former service performed for agricultural stabilization county committees and associations of producers by Federal employees in any executive department or agency of the Federal Government, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 14509. A bill to amend the Internal Revenue Code of 1954 to encourage higher education, and particularly the private funding thereof, by authorizing a deduction from gross income of reasonable amounts contributed to a qualified higher education fund established by the taxpayer for the purpose of funding the higher education of his dependents; to the Committee on Ways and Means.

By Mr. HASTINGS (for himself, Mr. DAN DANIEL, Mr. DU PONT, Mr. VANDER VEEN, Mr. PODELL, Mr. LOTT, Mr. WARE, Mr. EILBERG, Mr. VANDER JAGT, Mr. ROBISON of New York, Mr. KEMP, Mr. BYRON, and Mr. GAYDOS):

H.R. 14510. A bill to amend the Comprehensive Drug Abuse Prevention and Control Act of 1970; to the Committee on Interstate and Foreign Commerce.

By Mr. KARTH:

H.R. 14511. A bill to authorize recomputation at age 60 of the retired pay of members and former members of the uniformed services whose retired pay is computed on the basis of pay scales in effect prior to January 1, 1972, and for other purposes; to the Committee on Armed Services.

By Mr. LEHMAN (for himself and Mr. CLEVELAND):

H.R. 14512. A bill to amend the Internal Revenue Code of 1954 to provide that certain interest forfeited by reason of premature cancellation of certain savings deposits shall not be included in gross income and for other purposes; to the Committee on Ways and Means.

By Mr. LEHMAN (for himself, Ms ABZUG, Mr. BAFALIS, Mr. BROWN of California, Mr. BURGENER, Mrs. BURKE of California, Mr. FRASER, Mr. HARRINGTON, Mrs. HECKLER of Massachusetts, Ms. HOLTZMAN, Mr. HUBER, Mr. KEMP, Mr. LENT, Mr. MADDEN, Mr. MATSUNAGA, Mr. PODELL, Mr. ROYBAL, Mr. ST GERMAIN, Mrs. SCHROEDER, Mr. STARK, Mr. STUDDS, Mr. TIERNAN, Mr. YATRON, Mr. YOUNG of Georgia, and Mr. YOUNG of Illinois):

H.R. 14513. A bill to amend the Internal Revenue Code of 1954 to provide that certain interest forfeited by reason of premature cancellation of certain savings deposits shall not be included in gross income, and for other purposes; to the Committee on Ways and Means.

By Mr. OBEY:

H.R. 14514. A bill to implement the Federal responsibility for the care and education of the Indian people by improving the services and facilities of Federal Indian health programs and encouraging maximum participation of Indians in such programs, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. PODELL:

H.R. 14515. A bill to amend title XVI of the Social Security Act to provide for special payments to recipients of supplemental security income benefits to reimburse them in part for their telephone costs; to the Committee on Ways and Means.

By Mr. REGULA (for himself, Mr. DUNCAN, Mr. HASTINGS, Mr. KETCHUM, and Mr. YOUNG of Alaska:

H.R. 14516. A bill to establish a Commission on Federal Elections to carry out the Federal Election Campaign Act of 1971 and to recommend further reforms with respect to regulation of campaign activities; and for other purposes; to the Committee on Ways and Means.

By Mr. RIEGLE (for himself, Ms. BURKE of California, Mr. DINGELL, Mr. EILBERG, Mr. FORD, Mr. HARRINGTON, Mr. HUNGATE, Mr. O'HARA, Mr. SEIBERLING, Mr. TRAXLER, and Mr. VANDER VEEN):

H.R. 14517. A bill to impose temporary quotas on motor vehicles imported into the United States from foreign countries which do not allow substantially equivalent market access to motor vehicles manufactured in the United States; to the Committee on Ways and Means.

By Mr. SCHERLE:

H.R. 14518. A bill to amend the Emergency Highway Energy Conservation Act to provide for a maximum national speed limit of 60 miles per hour; to the Committee on Public Works.

By Mr. SHUSTER:

H.R. 14519. A bill to provide for the improvement of roads in Raystown Dam area; to the Committee on Public Works.

By Mr. STRATTON:

H.R. 14520. A bill to amend the Federal Election Campaign Act of 1971, to provide free radio and television time to candidates for election to Federal office; to the Committee on Interstate and Foreign Commerce.

By Mr. TEAGUE:

H.R. 14521. A bill to provide relief for retired military personnel; to the Committee on Armed Services.

By Mr. ULLMAN:

H.R. 14522. A bill pertaining to the inheritance of enrolled members of the Confederated Tribes of the Umatilla Indian Reservation of Oregon; to the Committee on Interior and Insular Affairs.

H.R. 14523. A bill pertaining to land consolidation and development on the Umatilla Indian Reservation; to the Committee on Interior and Insular Affairs.

By Mr. WYMAN:

H.R. 14524. A bill to prohibit the recording of conversations with a President without the prior consent or knowledge of the fact of recording by all parties thereto; to the Committee on the Judiciary.

By Mr. ZWACH:

H.R. 14525. A bill to provide for the establishment of an American folklife center in the Library of Congress, and for other purposes; to the Committee on House Administration.

By Mr. ARMSTRONG:

H.R. 14526. A bill to amend the Internal Revenue Code of 1954 to remove certain limitations on the amount of the deduction allowed for household and dependent care services necessary for gainful employment; to the Committee on Ways and Means.

By Mr. BLATNIK:

H.R. 14527. A bill to amend the Fish and Wildlife Coordination Act, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. BROWN of Ohio:

H.R. 14528. A bill to extend the time for filing certain claims for income tax refunds for 1970 based on the sick pay exclusion under section 105(d) of the Internal Revenue Code of 1954 in the case of certain taxpayers who have not reached the mandatory retirement age under their employer's retirement plan; to the Committee on Ways and Means.

By Mr. ECKHARDT:

H.R. 14529. A bill to authorize a project for flood protection in and in the vicinity of Baytown, Tex., to the Committee on Public Works.

By Mr. GINN:

H.R. 14530. A bill to amend title 10, United States Code, to permit the recomputation of retired pay of certain members and former members of the armed forces; to the Committee on Armed Services.

By Mrs. HECKLER of Massachusetts:

H.R. 14531. A bill to provide for the orderly transition from mandatory economic controls, continued monitoring of the economy, and for other purposes; to the Committee on Banking and Currency.

By Mr. HELSTOSKI:

H.R. 14532. A bill to amend the Fair Labor Standards Act of 1938, to require prenotification to affected employees and communities of dislocation of business concerns, to provide assistance (including retraining) to employees who suffer employment loss through the dislocation of business concerns, to business concerns threatened with dislocation, and to affected communities; to prevent Federal support for unjustified dislocations and for other purposes; to the Committee on Education and Labor.

By Mr. RANDALL:

H.R. 14533. A bill to provide for a temporary embargo on the export of ferrous scrap and for other purposes; to the Committee on Banking and Currency.

By Mr. RODINO:

H.R. 14534. A bill to amend section 2254, title 28, United States Code; to the Committee on the Judiciary.

H.R. 14535. A bill to enlarge the trial jurisdiction of U.S. magistrates in misdemeanor cases, to make technical and administrative amendments in the Federal Magistrates Act, and for other purposes; to the Committee on the Judiciary.

By Mr. SEIBERLING:

H.R. 14536. A bill to amend chapter 34 of title 38 of the United States Code to make veterans with more than 89 days' active duty eligible for veterans educational benefits; to the Committee on Veterans' Affairs.

By Mr. SHOUP:

H.R. 14537. A bill to amend section 223 of the Flood Control Act of 1970 to provide compensation for certain employees of the Burlington Northern, Inc., due to the construction of the Libby Dam, Montana; to the Committee on Public Works.

By Mr. YATRON (for himself, Mr. ROBERT W. DANIEL, JR., Mr. STRATTON, Mr. LONG of Maryland, Mr. DERWINSKI, Mr. THOMSON of Wisconsin, Mr. KEMP, Mr. MELCHER, Mr. RODINO, Mr. WRIGHT, Mr. PIKE, Mr. ESHLEMAN, Mr. RIEGLE, Mr. HARRINGTON, Mr. BUTLER, and Mr. STEELMAN):

H.R. 14538. A bill to improve the coordination of Federal reporting services; to the Committee on Government Operations.

By Mr. YATRON (for himself, Mr. MITCHELL of Maryland, Mr. BENITEZ, Mr. MAZZOLI, Mr. BADILLO, Mr. MELCHER, Mr. HAWKINS, Mr. GREEN of Pennsylvania, Mr. DIGGS, Ms. SCHROEDER, Mr. CONYERS, Mr. STUCKEY, Mr. ROE, Mr. GUDE, Mr. SEIBERLING, and Mr. O'BRIEN):

H.R. 14539. A bill to establish an office within the Congress with a toll-free telephone number to be known as the Congressional Advisory Legislative Line (CALL), to provide the American people with free and open access to information, on an immediate basis, relating to the status of legislative proposals pending before the Congress; to the Committee on House Administration.

By Mr. YATRON (for himself, Mr. SEBELIUS, Mr. ROBERT W. DANIEL, JR., Mr. STRATTON, Mr. LONG of Maryland, Mr. DERWINSKI, Mr. THOMSON of Wisconsin, Mr. KEMP, Mr. MELCHER, Mr. RODINO, Mr. WRIGHT, Mr. PIKE, Mr. ESHLEMAN, Mr. RIEGLE, Mr. BUTLER, Mr. VANDER JAGT and Mr. STEELMAN):

H.R. 14540. A bill to require that new forms and reports, and revisions of existing forms, resulting from legislation be contained in reports of committees reporting the legislation; to the Committee on Rules.

By Mr. CLEVELAND (for himself, Mr. ABDNOR, Mr. BAFALIS, Mr. BAKER, Mr. DERWINSKI, Mr. FORSYTHE, Mr. GUNTER, Mr. HASTINGS, Mr. HOSMER, Mr. MCKAY, Mr. REGULA, Mr. ROY, Mr. ST GERMAIN, Mr. SHRIVER, Mr. SNYDER, Mr. WALSH, Mr. WRIGHT, and Mr. ZION):

H.R. 14541. A bill to amend section 203 of the Federal Water Pollution Control Act to provide for State certification; to the Committee on Public Works.

By Mr. BELL:

H.J. Res. 995. Joint resolution authorizing the President to proclaim annually the day of May 19 as National Women in Education Day; to the Committee on the Judiciary.

By Mr. CHAMBERLAIN (for himself, Mr. ARCHER, Mr. BURKE of Massachusetts, Mr. BURLESON of Texas, Mr. BROYHILL of Virginia, Mr. COLLIER, Mr. CONABLE, Mr. CORMAN, Mr. DUNCAN, Mr. FULTON, Mr. GIBBONS, Mrs. GRIFFITHS, Mr. KARTH, Mr. LANDRUM, Mr. MILLS, Mr. PETTIS, Mr. ROSTENKOWSKI, Mr. SCHNEEBELI, and Mr. WAGGONNER):

H.J. Res. 996. Joint resolution designating the premises occupied by the Chief of Naval Operations as the official residence of the Vice President, effective upon the termination of service of the incumbent Chief of Naval Operations; to the Committee on Armed Services.

By Mr. HOWARD (for himself, Mrs. BURKE of California, Mr. CONTE, Mr. ESCH, Mr. FORD, Mr. HANNA, Mr. HANSEN of Idaho, Mr. REES, Mr. ROSENTHAL, Mr. STARK, and Mr. WHALEN):

H.J. Res. 997. Joint resolution to authorize the President to issue a proclamation designating the month of May 1974, as National Arthritis Month, to the Committee on the Judiciary.

By Mr. YOUNG of Georgia (for himself, Mr. LUKEN, Mr. GROVER, and Mr. STEIGER of Wisconsin):

H. Res. 1087. Resolution to commend and congratulate Henry Aaron; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. PATTEN:

H.R. 14542. A bill for the relief of William D. Erwin; to the Committee on the Judiciary.

By Mr. SHOUP:

H.R. 14543. A bill for the relief of Mary Red Head; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XX.

447. The SPEAKER presented a memorial of the Legislature of the Commonwealth of Massachusetts, requesting Congress to call a convention for the purpose of proposing an amendment to the Constitution of the United States to prohibit forced busing; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

434. By Mr. SHRIVER: Petition of Marguerite H. McMahon, Wichita, Kan., relative to Federal financing of health programs; to the Committee on Interstate and Foreign Commerce.

435. By the SPEAKER: Petition of the city council, Akron, Ohio, relative to Federal support of community action programs; to the Committee on Education and Labor.

SENATE—*Wednesday, May 1, 1974*

The Senate met at 10:30 a.m. and was called to order by the Vice President.

PRAYER

The Reverend Robert J. Lignell, Faith Lutheran Church, Grand Rapids, Mich., offered the following prayer:

Eternal God, we thank You for life and strength, for some semblance of wisdom, and for the privilege of prayer. A thousand things press us. All of them remind us of how much we need You. We open our hearts and pray earnestly for our Nation and for our world. You know the troubles we have here at home as well as abroad. Train us and use us in the love of peace and brotherhood. Give success to all sincere efforts to end war abroad and hatred and mistrust at home. Grant peace to all of us assembled here this day, especially to the Members of the Senate. Frustrate all counsels of selfishness and greed. Teach us to find our joy in sharing and forgiving. Help us to live this day to Your glory and to the peace and unity of our Nation and world.

We ask it in the name of Him who is the Prince of Peace, even Jesus Christ, our Lord. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, April 30, 1974, be dispensed with.

The VICE PRESIDENT. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees