WITHDRAWAL OF RESERVATION THAT MR. JAVITS CALL UP AN AMENDMENT MONDAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that Mr. JAVITS may have the same opportunity on Monday.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROBERT C. BYRD. The Senate will convene tomorrow at the hour of 10 a.m. After the two leaders or their designees have been recognized under the standing order, there will be a period for the transaction of routine morning business of not to exceed 30 minutes, with statements limited therein to 5 minutes each.

At the conclusion of morning business on tomorrow, under the order, the Senate will resume consideration of the unfinished business, S. 3000, or the leader may call up certain measures on the calendar previously enumerated.

Mr. President, during the further consideration of the unfinished business on tomorrow, Mr. METZENBAUM will call up two amendments, one of which is numbered 1394—I understand that will be the first one he will call up—and then he will call up another amendment, No. 1393. There is a 1-hour limitation on each of those two amendments.

There may be other amendments to the bill S. 3000 tomorrow, and they may necessitate rollcall votes. There may also be rollcall votes on any one or more of the calendar measures which the distinguished majority leader enumerated earlier.

So Senators are informed that there may be, I would anticipate, at least two rollcall votes tomorrow.

In view of what the Senator from Ohio (Mr. METZENBAUM) has told me, he has indicated he would want rollcalls on his amendments if they are not accepted. Whether they will be accepted or not, I do not know what the chances are.

Mr. President, I am reminded that under the order previously entered, the statement by Mr. THURMOND would be the pending question before the Senate tomorrow upon the resumption of the unfinished business.

ADJOURNMENT TO 10 A.M.

Mr. ROBERT C. BYRD. Mr. President, before other problems develop, I move that the Senate stand in adjournment until the hour of 10 a.m. tomorrow.

The motion was agreed to; and at 6:40 p.m., the Senate adjourned until tomorrow, Friday, June 7, 1974, at 10 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 6, 1974:

DEPARTMENT OF LABOR

Betty Southard Murphy, of Virginia, to be Administrator of the Wage and Hour Division, Department of Labor.

DEPARTMENT OF DEFENSE

J. William Middendorf II, of Connecticut, to be Secretary of the Navy.

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

HOUSE OF REPRESENTATIVES—*Thursday, June 6, 1974*

The House met at 11 o'clock a.m.

The Very Reverend Dr. John A. Poulos, St. Demetrious Greek Orthodox Church, Astoria, N.Y., offered the following prayer:

God, our Father, as we come to You this day, we ask that You bless the Members of this distinguished assembly who have the heavy obligation to govern our country.

Reveal Your presence here, and guide the work being done. Build new bridges of understanding among them. Help them to use their talents, and bring about progressive changes in our Nation. Abide with them so that they may get through their problems, and grow because of them. Grant peace to the world that men of all nations and creeds may live together in fellowship and love.

May Your grace and love be ever upon us, and upon those we love here and everywhere. Amen.

THE JOURNAL

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

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

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

H. Con. Res. 415. Concurrent resolution authorizing the printing of summaries of veterans legislation reported in the House and Senate during the 93d Congress.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 12565) entitled "An act to authorize appropriations during the fiscal year 1974 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, and other weapons and research, development, test and evaluation for the Armed Forces, and to authorize construction at certain installations, and for other purposes."

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

S. 2844. An act to amend the Land and Water Conservation Fund Act, as amended, to provide for collection of special recreation use fees as additional campgrounds, and for other purposes.

The message also announced that the Senate had passed with an amendment in which the concurrence of the House is requested a bill of the House of the following title:

H.R. 11295. An act to amend the Anadromous Fish Conservation Act in order to extend the authorization for appropriations to carry out such act, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 69) entitled "An act to extend and amend the Elementary and Secondary Education Act of 1965, and for other purposes," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. PELL, Mr. WILLIAMS, Mr. RANDOLPH, Mr. KENNEDY, Mr. MONDALE, Mr. CRANSTON, Mr. EAGLETON, Mr. HATHAWAY, Mr. DOMINICK, Mr. JAVITS, Mr. SCHWEIKER, Mr. BEALL, and Mr. STAFFORD to be the conferees on the part of the Senate.

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

S. 283. An act to declare that the United States hold in trust for the Bridgeport Indian Colony certain lands in Mono County, Calif.; and

S.J. Res. 123. Joint resolution authorizing the procurement of an oil portrait and marble bust of former Chief Justice Earl Warren.

The message also announced that the Vice President, pursuant to Public Law 84–944, appointed Mr. BUCKLEY to the Senate Office Building Commission in lieu of Mr. PACKWOOD, resigned.

CALL OF THE HOUSE

Mr. WAGGONNER. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. MORGAN. 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. 277]

Alexander	Dellums	Holtzman
Andrews, N.C.	Dickinson	Howard
Biester	Diggs	Hutchinson
Bingham	Dorn	Johnson, Colo.
Blackburn	Downing	Jones, Okla.
Blatnik	Flood	Kyros
Bolling	Flynt	Mazzoli
Brasco	Ford	McCormack
Breaux	Fraser	Minshall, Ohio
Buchanan	Fuqua	Mollohan
Burgener	Giaimo	Nichols
Burke, Fla.	Gonzalez	O'Brien
Burton	Gray	Price, Tex.
Carey, N.Y.	Green, Oreg.	Rangel
Collins, Ill.	Gubser	Reid
Conlan	Gude	Robison, N.Y.
Conyers	Hanna	Rooney, N.Y.
Culver	Hébert	Rose
Danielson	Hinshaw	Rousselot
Davis, Ga.	Holifield	Roybal

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Ruppe	Stokes	Udall
Shuster	Teague	Vander Jagt
Sikes	Thompson, N.J.	Whalen
Steele	Tiernan	Wyman

The SPEAKER. On this rollcall 361 Members have recorded their presence by electronic device, a quorum.

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

REV. DR. JOHN POULOS

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

Mr. BIAGGI. Mr. Speaker, the opening prayer in the House this morning was offered by my good friend, the Rev. Dr. John Poulous, pastor of the St. Demetrious Church located in Queens, N.Y.

Father Poulos in addition to tending to the needs of the largest Greek congregation in the United States, also serves as the chaplain for the New York City Police Department. He devotes a great deal of time maintaining the faith of our beleaguered policemen, and his inspiring efforts have been rewarded many times over by the spiritual and moral response of the policemen in New York. I am grateful to Father Poulos for his dedication to the men whose lives are constantly on the line protecting their fellow citizens.

Father Poulos, both in his work at St. Demetrious and elsewhere has been striving to enhance the lives of the growing Greek-American community in this Nation. He has been responsible for the implementation of a number of programs to assist Greek-Americans, and has earned the love and respect of the entire Greek community.

Mr. Speaker, I am especially proud and happy that Rev. Dr. John Poulos accepted my invitation to be here today. He has proven himself to be a man of exemplary stature, and serves as one of the foremost representatives of the Greek-American community in this Nation. I welcome him as well as his family today, and extend to them all, the thanks of all my colleagues.

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

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

Mr. ADDABBO. I thank the gentleman for yielding.

I wish to commend my colleague from New York on his comments regarding Rev. Dr. John Poulos who delivered the invocation this morning.

Mr. Speaker, I am very pleased to acknowledge and greet today in this Chamber Rev. Dr. John Poulos, pastor of St. Demetrious Church in Astoria, N.Y., who delivered the opening prayer in this Chamber today and it is appropriate that Members of the House hear this dedicated priest whose activities have always emphasized community programs and the kinds of social goals which we in Congress also share.

Astoria, in Queens, N.Y., is the largest Greek community anywhere in the world outside of Greece. The other members of the Queens congressional delegation and I are very proud to greet Reverend Poulos today and welcome him to our Chamber.

Reverend Poulos has been pastor of St. Demetrious since 1966 following a period of service in Manhattan and Jersey City, N.J. He was born in Nafpaktow, Greece, in 1918 and studied theology at the University of Athens. He received a scholarship from the World Council of Churches and later became a member of the National Council of Churches.

His interest in community programs is illustrated by his program to meet the needs of Greek immigrants through the formation of a volunteer committee for job opportunities, legal advice, immigration matters, and English lessons. This kind of concern and devotion have earned him the love and respect of his parishioners and neighbors in Astoria and all who know of him.

I join my colleagues in welcoming Reverend Poulos and thanking him for his most timely and stimulating opening of our session today.

PERMISSION FOR COMMITTEE ON PUBLIC WORKS TO HAVE UNTIL MIDNIGHT FRIDAY, JUNE 7, 1974, TO FILE REPORT ON H.R. 14883

Mr. ROE. Mr. Speaker, I ask unanimous consent that the Committee on Public Works have until midnight Friday, June 7, 1974, to file the report on H.R. 14883, to amend the Public Works and Economic Development Act of 1965 to extend the authorizations for a 2-year period, and for other purposes.

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

There was no objection.

RAMIFICATIONS OF DEFEAT OF SUGAR ACT EXTENSION

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

Mr. BERGLAND. Mr. Speaker, with the defeat of the Sugar Act extension in the House on yesterday, I am now exploring the possibility of diverting Minnesota-produced sugar from the markets of this country to the prairie provinces of Canada in exchange for Canadian crude oil to supply Minnesota's refineries.

The House, by its action, has agreed to a global market concept for sugar and under this policy Canadian sugar users and Minnesota petroleum users could both benefit.

I would have much preferred an extension of the Sugar Act enabling Minnesota's high quality sugars to be sold to American users, at prices mutually acceptable, but with the defeat of the bill the sugar industry in my State has no choice but to make the best deal with whomever possible and the nearby Canadian market offers the best hope.

My colleagues, I call this to your attention so when sugar goes over $2 for a 5-pound sack, you can explain the situation to your constituents.

APPOINTMENT OF CONFEREES ON H.R. 12799, TO AMEND THE ARMS CONTROL AND DISARMAMENT ACT

Mr. MORGAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 12799) to amend the Arms Control and Disarmament Act, as amended, in order to extend the authorization for appropriations, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania? The Chair hears none, and appoints the following conferees: Messrs. MORGAN, ZABLOCKI, HAYS, FRELINGHUYSEN, and BROOMFIELD.

APPOINTMENT OF CONFEREES ON H.R. 12412, TO AMEND THE FOREIGN ASSISTANCE ACT OF 1961

Mr. MORGAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 12412) to amend the Foreign Assistance Act of 1961 to authorize an appropriation to provide disaster relief, rehabilitation, and reconstruction assistance to Pakistan, Nicaragua, and the Sahelian Nations of Africa, with Senate amendments thereto, disagree to the Senate amendments, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania? The Chair hears none, and appoints the following conferees: Messrs. MORGAN, ZABLOCKI, HAYS, FASCELL, FRELINGHUYSEN, BROOMFIELD, and DERWINSKI.

NOAA PROPOSAL WOULD SLAUGHTER DOLPHINS

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

Mr. FREY. Mr. Speaker, the National Oceanic and Atmospheric Administration apparently intends to adopt regulations which I fear will result in the senseless slaughter of untold numbers of dolphins and other marine mammals.

The public is rightfully outraged in my State of Florida, and schoolchildren and several organizations have mounted petition-signing campaigns in what I believe is a vain attempt to persuade the National Oceanic and Atmospheric Administration to change its proposed regulations.

Basically, Mr. Speaker, the proposed regulations would allow commercial fishermen, who claim that dolphins and other marine mammals are endangering their fishing gear or catch, to kill these mammals after obtaining a $5 dollar permit from the Government.

NOAA claims each kill has to be reported but we realize that it will be difficult if not impossible to police these regulations and the result will be a

wholesale slaughter of these playful marine mammals.

I intend to introduce legislation to prevent these regulations from becoming effective and I ask my colleagues to join me and my constituents in saving these dolphins and other marine mammals from slaughter.

VETERANS' EDUCATIONAL BENEFITS

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

Mr. WYLIE. Mr. Speaker, now that the President has signed emergency legislation providing for a 30-day extension of veterans educational benefits, we must keep the pressure on the other body to seek approval of H.R. 12628, the bill which passed the House and provides for an increase of 13.6 percent percent in veterans educational benefits with a 2-year extension of these benefits.

With only 25 days remaining, we are again confronted with critical timing for some 300,000 veterans.

The House on February 19 approved H.R. 12628. But, as of this date the Senate has failed to act. Certain members are assisting on their own version of a comprehensive educational benefits measure or nothing, it would appear.

Our veterans cannot make plans for their future education without knowing what benefits or programs are available to assist them. Inaction of the other body is totally irresponsible and we must insist that it act now.

END OF SUGAR ACT WOULD BRING DISASTROUS CONSEQUENCES

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

Mr. MATSUNAGA. Mr. Speaker, now that this House has dealt an ignominious death blow to the Sugar Act Amendments of 1974, I would like, just for the record, to predict what the consequences are going to be.

First, the price of sugar in the United States will rise sharply, and the American consumer will have those who voted against the act to thank. The industrial users will have only themselves to blame, for through their high-powered lobbyists they worked against the legislation, and unwittingly against their own interests.

Why will the price of sugar escalate? Because by tolling the death knell of the Sugar Act, the House signalled to all foreign suppliers of sugar to the United States that they had better sell their sugar to the world market where they can get a higher price than in this country.

The SPEAKER. The time of the gentleman from Hawaii has expired.

END OF SUGAR ACT WOULD BRING DISASTROUS CONSEQUENCES

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

Mr. RONCALIO of Wyoming. Mr. Speaker, I yield to the gentleman from Hawaii (Mr. MATSUNAGA).

Mr. MATSUNAGA. Mr. Speaker, without the guaranty of a steady and sure market, which they would have continued to enjoy under the Sugar Act Amendments of 1974, our foreign suppliers will see no profit in selling to us during periods when the world market brings a better price. Because we import as much as 45 percent of our national needs, we will then suffer an acute shortage of sugar, and its price will skyrocket.

Second, if this situation is not corrected by the Senate through an early passage of its own bill, which the House can hopefully accept, the American sugar industry, bereft of the protection of the Sugar Act, will export itself to foreign countries to take advantage of their abundance of cheap labor. When this happens, and hundreds of thousands of American workers lose their jobs, they will have the shortsighted lobbyists of organized labor, who worked against the bill, to thank.

And after this Nation's workers, consumers and taxpayers have suffered the consequences of the defeat of the Sugar Act Amendments of 1974, the New York Times, the Washington Star-News and other newspapers of their ilk can editorialize that they made a grievous error only because they relied upon information presented them by Congressmen who were even more grievously in erorr.

Mr. RONCALIO of Wyoming. Mr. Speaker, I thank the gentleman for his remarks. I associate myself with his remarks and I thank the gentleman for the truth of his statement.

NATION'S EYES ON THE SENATE

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

Mr. MIZELL. Mr. Speaker, last night the House of Representatives voted by a majority of over 60 percent to instruct the House conferees on the education act to retain the antibusing language of the Esch amendment. On March 26 of this year, the House voted by over 67 percent to include that language in the bill.

These votes by the House reflect the will of the people as indicated by the mail we receive and by the polls regarding the busing issue around the Nation. In my own district, a full 93 percent of the voters expressed their opposition to forced busing in a poll I conducted. Nationally, a Gallup poll conducted last fall found that 95 percent of those polled are opposed to busing. The House of Representatives has clearly acted in accordance with the will of the people.

Now, the eyes of the Nation are upon the Senate. That body must now also follow the will of the majority and act through its conferees to restore commonsense and reason to our education policy and to maintain the high quality of our educational system by bringing an end to massive forced cross-busing of our children.

APPOINTMENT OF CONFEREES ON H.R. 12471, TO AMEND SECTION 552 OF TITLE V, UNITED STATES CODE

Mr. HOLIFIELD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 12471 to amend section 552 of title V, United States Code, known as the Freedom of Information Act, with Senate amendments thereto, disagree to the Senate amendments, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from California? The Chair hears none, and appoints the following conferees: Messrs. HOLIFIELD, MOORHEAD of Pennsylvania, MOSS, ALEXANDER, HORTON, ERLENBORN and MCCLOSKEY.

COMMUNICATION FROM THE CHAIRMAN OF SPECIAL SUBCOMMITTEE ON INTELLIGENCE OF THE COMMITTEE ON ARMED SERVICES—SUBPENA WITHDRAWN

The SPEAKER laid before the House the following communication from the chairman of the Special Subcommittee on Intelligence of the Committee on Armed Services:

COMMITTEE ON ARMED SERVICES,
Washington, D.C., June 6, 1974.

The Honorable CARL ALBERT,
Speaker, House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: Reference is made to the letter from Chairman F. Edward Hébert on May 30, 1974 enclosing a subpoena duces tecum naming me, Mr. Hébert and Mr. William H. Hogan, Jr., an employee of the House Armed Services Committee and commanding that we appear in the United States District Court for the District of Columbia on June 6, 1974 and bring certain enumerated Committee documents. The subpena was issued upon application of defendant Charles W. Colson.

As indicated in the attached correspondence that subpoena has been withdrawn.

Sincerely,

LUCIEN N. NEDZI,
Chairman, Special Subcommittee on Intelligence.

DICKSTEIN, SHAPIRO & MORIN,
Washington, D.C., June 3, 1974.

Re *U.S.* v. *Ehrlichman, et al.* Criminal No. 74–116.

Attention: William Hogan, Jr.

Hon. F. EDWARD HÉBERT,
Chairman, House Armed Services Committee, Rayburn House Office Building, Washington, D.C.

DEAR MR. HOGAN: Please be advised that in light of Mr. Colson's recent plea of guilty to a one count Information and the dismissal of all charges against him in Criminal Case No. 74–116, we are withdrawing the subpena recently served upon you and it will not be necessary for you to respond on June 6th. If you have any questions, please feel free to call me at the above number.

Very truly yours,

KENNETH L. ADAMS,
Counsel for Charles W. Colson.

PUBLIC WORKS FOR WATER AND POWER DEVELOPMENT AND ATOMIC ENERGY COMMISSION APPROPRIATION BILL, 1975

Mr. EVINS of Tennessee. 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. 15155) making appropriations for public works for water and power development, including the Corps of Engineers—Civil, the Bureau of Reclamation, the Bonneville Power Administration and other power agencies of the Department of the Interior, the Appalachian regional development programs, the Federal Power Commission, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1975, and for other purposes, and pending that motion, Mr. Speaker, I ask unanimous consent that general debate continue not to exceed 2 hours, the time to be equally divided and controlled by the gentleman from Wisconsin (Mr. DAVIS) and myself.

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

There was no objection.

The SPEAKER. The question is on the motion offered by the gentleman from Tennessee (Mr. EVINS).

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. 15155) with Mr. ICHORD 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 unanimous-consent agreement, the gentleman from Tennessee (Mr. EVINS) is recognized for 1 hour, and the gentleman from Wisconsin (Mr. DAVIS) is recognized for 1 hour.

The Chair recognizes the gentleman from Tennessee (Mr. EVINS).

Mr. EVINS of Tennessee. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we bring you today the Public Works for Water and Power Development and Atomic Energy Commission appropriations bill for fiscal 1975.

This is a significant bill—an important bill—a bill that touches the lives of virtually all Americans.

This bill represents a substantial investment in the future of America—and in the future needs of our country.

This bill is an investment that will pay rich dividends in service for our people and in economic benefit to the Nation.

As I shall point out in more detail later, this bill places the highest priority on those projects that will bring more electric power on line at the earliest time possible.

This bill represents a continuing response to the energy crisis—and to the other critical demands for public services that today challenge this Nation.

Now that the energy crisis is a reality rather than a threat, we must move forward with all possible speed to provide the response that this committee has within its capability.

As you know, provisions that normally would be a part of this bill were placed in one package—the special energy research and development appropriations bill for 1975—which was passed in the House earlier this year.

The purpose of this bill we are considering today—the Public Works and Atomic Energy Commission appropriations bill—is to build a stronger America—to strengthen our great country.

This bill provides appropriations for flood control, power generation, navigation, reclamation, recreation, water supply, beach erosion, and shore protection, among others.

A total of 455 public works projects are funded in this bill—for either planning or construction.

This bill also strengthens the muscle and sinews of America by providing for research and development by the Atomic Energy Commission for defense and defense-related missions—as well as for the continuing development of nuclear power for peacetime purposes.

As I indicated earlier, the committee has exercised its judgment and discretion after extensive hearings and study—we are recommending funds to provide for the full planning and construction capability for hydroelectric power projects for the Corps of Engineers and the Bureau of Reclamation.

We are recommending a total of 29 new planning starts and 27 new construction starts in the bill—I recommend to you the reading of the report which will set out the details with respect to actions by our committee—cuts and reductions in some instances and, where warranted in the public interest, some increases and additions.

The recommendations of the committee for the Corps of Engineers for "general investigations" are shown on pages 16–21 and the recommendations for construction items on pages 24–40. "General investigations" recommended for the Bureau of Reclamation are on pages 47–49 and construction and rehabilitation items are on pages 51–55.

Earlier this year in a special energy research and development appropriations bill, the House passed appropriations totaling $2,269,828,000 for various phases of energy research and development. Of this amount $1,521,760,000 was provided for the Atomic Energy Commission and other agencies funded in this bill.

So this bill is reduced somewhat from the amount that would normally be considered because of funds included in the special energy research and development appropriations bill.

OVERALL SUMMARY

The total amount recommended in this bill is $4,475,410,000.

This represents an increase of $63,159,000 over the budget request.

Previous public works appropriations bills passed by the House have been under the budget, but this year this bill has exceeded the budget request because of the energy crisis and the need to accelerate projects to bring power on line and other benefits.

There have been some cuts and reductions—and some increases and additions. The committee has set its own priorities.

Essentially the increase in the construction budget for the Corps of Engineers—$61,033,000—accounts for most of the net increase.

And this net increase is a further response, as I have said, to the energy crisis and increased power demands.

Some cuts and reductions were made in the AEC—including among others, $9,800,000 in weapons activities, $3,900,000 in high energy physics, and $20,000,000 in general reductions, unobligated balance and anticipated slippage.

The following table provides a summary of the committee action—showing ongoing studies, planning and construction—budgeted additions and additions recommended by the committee:

STUDIES AND PROJECTS FUNDED IN THE FISCAL YEAR 1975 PUBLIC WORKS BILL

	Corps of Engineers	Bureau of Reclamation	Total
Ongoing studies	211	37	248
Budgeted additions	3	2	5
Committee additions	+29	+12	+41
Total studies	243	51	294
Ongoing planning	96	11	107
Budget additions	5	----------	5
Committee additions	+22	+2	+24
Total planning	123	13	136
Ongoing construction	258	35	293
Budget additions	7	----------	7
Committee additions	+17	+3	+20
Total construction	282	38	320

Mr. Chairman, with the 455 projects recommended in this bill, this is certainly an all-America bill.

There are three projects in the bill that may be considered somewhat controversial.

The first is the Tock's Island project in New Jersey, New York, and Pennsylvania.

The second is the Dickey-Lincoln project in Maine.

And the third is the Cross Florida Barge Canal in Florida.

I should like to make a brief comment on each of these projects.

TOCK'S ISLAND

The Tock's Island project was authorized in 1962—12 years ago. Land acquisition has been continuing for 8 years. During that period approximately 14,000 acres have been acquired of the 25,000 acres in the project area as initially approved. Costs have increased from $90 million at authorization to $95 million at the initiation of planning funding—and $235 million at the initiation of construction funding—and now in excess of $360 million as the current cost estimate.

The committee has provided more

than $54 million for this project over the years—and the committee in this bill is recommending $8,490,000 for construction, an increase of about $2½ million.

The committee report provides, however, that none of these funds may be expended for construction at this time until the Corps of Engineers, the Delaware River Basin Commission, and other concerned agencies develop recommendations with respect to resolving environmental problems. These agencies are directed to report to Appropriation Committees of the Congress as soon as possible and within the next 12 months.

DICKEY-LINCOLN

Concerning the Dickey-Lincoln School Lakes project, our old friend from Maine, as we all know, this project has been voted on six or eight times in the past.

The bill has consistently passed in the Senate and has failed to carry a majority in the House.

However, the committee felt that because of the energy crisis, there exists an urgent need for additional power—and the Dickey-Lincoln project would provide crucial peaking power as one of the last potential sites for this purpose in the Nation.

The inclusion of this project gives the Congress another opportunity to work its will and pass on this project in light of the added perspective provided by the energy crisis.

The committee has provided $800,000 for advanced engineering and planning work on the project and the House will therefore have an opportunity to work its will on the proposed Dickey-Lincoln School project in Maine.

CROSS FLORIDA BARGE CANAL

Concerning the Cross Florida Barge Canal, the committee has written language in the Report indicating that it has no objection to the use of the funds originally impounded by OMB and released as a result of court action—these funds to be used for an environmental study to garner and marshal the pertinent facts and data concerning the environmental impact of this project in the area.

DISASTER BENEFITS

Certainly I am sure I do not have to remind my colleagues of the natural disasters that occurred this year—including the flooding of the Mississippi River.

The damages prevented in the flood—an estimated $15 billion—attest to the essential importance of a continuing program of public works in the national interest.

BENEFITS IN BILL

This bill we are considering today funds projects that will provide an estimated $2,823,890,000 in further annual flood prevention benefits—flood damage averted through projects funded in this bill.

Total annual benefits from projects included in this bill are: $6,355,722,000—including $920,017,000 in power generation—$1,117,501,000 in navigation benefits—$796,590,000 in additional irrigation measures and $216,240,000 for water supply benefits, among others.

Let me at this time commend all of the members of our subcommittee who have contributed to the preparation of this bill—all have participated and all have been most helpful.

This bill is the refined product of the contributions of our entire subcommittee—and we bring you a bill which I trust will be speedily approved.

In this connection I want to thank all members of the committee for their cooperation and diligent work on this bill.

I commend the gentleman from Massachusetts (Mr. BOLAND), the gentleman from Mississippi (Mr. WHITTEN), the gentleman from West Virginia (Mr. SLACK), and the gentleman from Louisiana (Mr. PASSMAN), the able and genial ranking minority member, the gentleman from Wisconsin (Mr. DAVIS), the gentleman from New York (Mr. ROBISON), and the gentleman from Indiana (Mr. MYERS), a new member of our subcommittee.

At this point, Mr. Chairman, I want to pay special tribute to the fine work by the able and distinguished gentleman from New York (Mr. ROBISON), who has served on the committee for a number of years and will not be with us next year.

This, therefore, is the last bill of this subcommittee in which he will participate as a Member of Congress.

I want to commend the gentleman from New York (Mr. ROBISON) for his great abilities—his significant contributions to the work of our committee—for his genial and cooperative attitude—and for the great record of service he has made in the field of water resources development as well as in other areas.

The gentleman from New York (Mr. ROBISON) has been a tower of strength on our committee, effective in working out compromises, a man of reasoned and sound judgment, an expert on environmental matters—a concerned American who has joined us in striving to achieve a balance between the preservation of our environment and the necessary development of our natural resources in the public interest.

I commend him—I salute him—I wish him well.

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

Mr. EVINS of Tennessee. I yield to the gentleman from Massachusetts.

Mr. BOLAND. Mr. Chairman, I wish to commend the distinguished chairman of the Subcommittee on Public Works of the Committee on Appropriations for his comments concerning the distinguished and brilliant gentleman from New York (Mr. ROBISON). It has been my pleasure to serve with the gentleman from New York, HOWARD ROBISON, on this subcommittee for many years. This is his ninth term in the Congress.

I know that all of us who have come to know the gentleman have come to respect him and we have built up a considerable admiration for him. We are sorry to see him leave this House of Representatives.

As the distinguished chairman has indicated, and as I have learned, no Member on any subcommittee or on any appropriations subcommittee works as hard, pays as much attention, and is as persuasive a Member as is the distinguished gentleman from New York. I know that his district and the State of New York will miss him.

I know the service that he has given to that district has been outstanding, and I know that all of us who have come to know him in this Congress and in past Congresses appreciate him as a very distinguished gentleman and truly a great American.

Mr. EVINS of Tennessee. Mr. Chairman, I think the gentleman for those remarks.

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

Mr. EVINS of Tennessee. I yield to the chairman of the Committee on Appropriations, the distinguished gentleman from Texas (Mr. MAHON).

Mr. MAHON. Mr. Chairman, I wish to join in this special salute to the gentleman from New York, HOWARD ROBISON, who has performed such distinguished service to the Nation for so many years. He is a man of great stature, and he has done an outstanding job for the Nation.

This country needs Members like HOWARD ROBISON in the House. I regret to see him leave, but I know that he certainly will depart with a record of which he and his family and his constituents may always be proud.

Mr. Chairman, I thank the gentleman for yielding.

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

Mr. EVINS of Tennessee. I yield to the gentleman from Louisiana.

Mr. PASSMAN. Mr. Chairman, I wish to associate myself with the views of our distinguished chairman of the Committee on Appropriations and also with those of the distinguished chairman of the subcommittee in praising our great colleague, our very able colleague, the gentleman from New York (Mr. ROBISON).

It is my pleasure to serve with the gentleman on this subcommittee and also on another subcommittee. It is always an inspiration to see this Member interrogating witnesses and seeking information in his work on the committee. We are certainly going to miss the gentleman.

I also wish to commend the distinguished chairman of the subcommittee, the gentleman from Tennessee (Mr. EVINS).

He is one of the most knowledgeable Members in this great body.

I do not think that one could ever get this Member to put any item in a bill which he feels is not justified, any item that did not meet the proper criterion.

The gentleman from Tennessee has performed distinguished service to his district, to the State of Tennessee, and to the Nation for many years. He is an able lender and has done an outstanding job on the bill before you today.

Mr. EVINS of Tennessee. Mr. Chairman, I thank my friend, the gentleman from Louisiana (Mr. PASSMAN) for his comments. Perhaps, my friend, the gentleman from New York (Mr. ROBISON), after hearing these remarks, will reconsider and come back to us next year.

Mr. Chairman, I want also to commend our excellent committee staff: Hunter Spillan, George Urian, and John

Plashal. These are able, helpful and dedicated men who have drawn frequent commendations from many Members and the public generally, for their ability, faithfulness to duty, and their public service.

Our committee conducted 3 months of hearings on this bill.

The testimony fills eight volumes and 5,546 pages of hearings.

A total of over 2,000 witnesses appeared, including 200 Members of Congress, to give testimony on projects important to their States and to this Nation.

This bill has four titles—

Title I, the Atomic Energy Commission;

Title II, The Corps of Engineers, Department of Defense;

Title III, Bureau of Reclamation, Department of the Interior; and

Title IV, independent offices—including the Federal Power Commission, Appalachian Regional Commission, Tennessee Valley Authority, Bonneville Power Administration, Water Resources Council, Alaska Power Administration, Southeastern Power Administration, Southwestern Power Administration, among others.

U.S. CORPS OF ENGINEERS

For the Corps of Engineers overall, the committee recommends $1,695,052,000 which is $68,687,000 less than the new obligational authority provided for this fiscal year.

Our recommendation is $78,852,000 over the budget request.

The committee recommends $61,542,000 for general investigations by the Corps of Engineers—$988,533,000 for construction—$440,877,000 for general operation and maintenance—and $150 million for flood control measures for the Mississippi River and tributaries.

It is interesting to note that the total budget request by the Corps of Engineers for construction—$927,500,000—is less than $50 million over the budget request in 1965—10 years ago—although construction costs have doubled during that period of time.

In other words, this is a realistic, hardrock budget based on national needs and priorities.

ATOMIC ENERGY COMMISSION

For the Atomic Energy Commission the committee is recommending $1,746,415,000.

This is $57,973,000 less than the budget request.

We are recommending $1,428,760,000 for operating expenses—a decrease of $32,873,000 from the budget request.

We are recommending $317,655,000 for plant and capital equipment—which is $25,100,000 less than the budget request.

Some cuts and reductions have been made in both areas—operations and plant and capital equipment—but adequate funding is recommended to continue vital and important AEC programs and projects.

BUREAU OF RECLAMATION

For the Bureau of Reclamation in the Department of the Interior, the committee recommends $463,672,000, which exceeds the budget estimate by $37,567,000.

A major part of this increase stems from the committee's recommendation that funds be provided for the full capability of the Bureau of Reclamation for hydroelectric power projects.

It is the view and the recommendation of the committee that the Bureau should move forward to accelerate development of this clean power source to help ease the energy problems facing our Nation.

APPALACHIAN REGIONAL DEVELOPMENT PROGRAM

The programs of the Appalachian Regional Development Commission are continuing to have a positive and beneficial impact in the 13-State Appalachian region.

The committee is recommending $293,500,000 for the Commission, which is the budget request.

The largest single appropriation for the Commission is $160 million for highway construction.

The committee has approved $125 million for the area development program activity as authorized by Congress and which includes four programs previously funded separately—health demonstration, mine area restoration, vocational education and supplemental grants.

There is no change in the basic procedure under the act—individual project recommendations required from the respective states and individual project approval required from the Commission in Washington.

FEDERAL POWER COMMISSION

The committee is recommending $32,100,000 for the Federal Power Commission, which represents a slight decrease—$293,000—from the budget request.

Our recommendation is $3,600,000 over the current year level.

The Federal Power Commission administers the several provisions of the Federal Power Act and the Natural Gas Act and performs other work related to both Federal and private electric power development and associated natural resources.

TENNESSEE VALLEY AUTHORITY

The committee is recommending an appropriation of $77,400,000 for the Tennessee Valley Authority—an increase of $2,800,000 over the budget request.

Most of the increase is to accelerate development of the Bear Creek multipurpose water control system project, which has experienced substantial cost increases due to prolonged construction delays.

Appropriations to the Tennessee Valley Authority are limited to the water resources development program and related activities normally financed by the Federal Government.

All TVA power projects begun since the mid-fifties have been financed from electric power revenues through the sale of bonds and notes as authorized by Congress in 1959.

This committee through the years has been a staunch advocate for and supporter of TVA and has noted with pride the many achievements and accomplishments of this great agency in preventing flood damage, promoting navigation, producing electric power, creating reforestation, encouraging industrial development and generally improving economic conditions in the Tennessee Valley area.

The committee continues to be concerned, however, over the continuing pattern of escalating power rate increases by TVA—six increases in 7 years—which, if continued, may cause TVA to lose its image as a low-cost power yardstick for the Nation.

WATER RESOURCES COUNCIL

Mr. Chairman, in this bill we are also recommending $9,775,000 for the work of the Water Resources Council—an increase of $2,910,000 over the budget request.

The committee expressed some concern over the priorities followed by the Water Resources Council in its mission.

The Congress established the Council to encourage and stimulate water resource development—it is recommend that the Council reorder its priorities and return to its mission as mandated by the Congress.

IN CONCLUSION

Mr. Chairman, again I want to emphasize that the net increase in this bill—$63,159,000—is brought about by the necessity of accelerating a response to the energy crisis.

As I indicated at the outset, the committee has recommended funding for the full capability of the U.S. Corps of Engineers and Bureau of Reclamation on hydroelectric power projects.

We all recognize that it is vital and important—and urgent—that all possible power be brought on line at the earliest time possible.

This is a good bill—an important bill—one of the most important appropriations bills the House will consider this year—especially in view of the importance of providing additional generating units to provide more electric power—and clean electric power for this Nation.

Mr. Chairman, this bill is in the public interest and for Americans.

This is a bill for growth and progress.

This bill is a builder for the future—a source of internal strength—and an indicator of the determination of this Congress to meet the water resource development and power needs of an expanding population.

I urge prompt approval of this vital appropriations bill in the public interest.

Mr. DAVIS of Wisconsin. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, I am pleased indeed that the distinguished chairman of our subcommittee and the distinguished chairman of our full committee as well as some of our other colleagues on the subcommittee have brought to the attention of the Members of this body that this is the last time, apparently, that our distinguished colleague from New York (Mr. ROBISON) is to share with us the responsibility for bringing this bill to the floor.

He has been a member of this subcommittee for the past 10 years. He has been a dedicated member, a well informed member, a man of good judg-

ment, and a man of great consideration for the wishes of his colleagues in this body.

Therefore I certainly would not let this occasion pass without adding my words of deep respect and deep personal friendship for our colleague from New York who has served us so well.

Mr. Chairman, this bill is substantially above the budget, and this always makes me uncomfortable. With respect to the Atomic Energy Commission, the recommendation of the subcommittee, which was concurred in by the full committee, represents a $58 million reduction below the budget.

But this is $437 million over the amount that was appropriated last year. This increase reflects the efforts of this committee as well as the Members of this body to accelerate our efforts in the energy field and to cut the time between the initiating decision that is made with respect to a new nuclear plant and the time that useful power can be put on the line. It also reflects, too, an effort to capitalize on some of the breakthrough possibilities in other areas for which the Atomic Energy Commission is responsible.

In the Bureau of Reclamation and the Corps of Engineers this bill is above the budget in all categories, surveys and investigations, planning, and construction.

There are more additions to this budget in this area than the total figures would indicate because we have taken general slippages, anticipated delays, and carryovers to account for an across-the-board and general $90 million reductions.

I am afraid that this bill does represent too widespread a program for efficient management by these construction agencies.

This increase overall is accounted for by two things. One of them is a policy with which I heartily agree, and that is to proceed with the ongoing energy-producing hydro projects to the limit of the capacity of the construction agencies.

With respect to other ongoing projects, there has been an increase in funding for individual projects in order to keep them moving. We have for several years, now, had a large number of projects in this bill that have been inadequately funded. There has been a policy of spreadout, in other words, to keep as many projects going as you can, but then a failure to fund them at a realistic level for the greatest efficiency and to avoid the effects of skyrocketing construction costs. In some projects, for instance, that are ongoing, we could pinpont for you some of them that the amount of funding in particular years has not even kept up with the overall increase of the cost of the project because of general inflation and general increases in construction costs.

But the part of the spreadout in this bill that does concern me is the large number, budgeted and unbudgeted, of new studies, surveys, and investigations, 29 new planning starts, 27 new construction starts, and this concerns me not only for this year but the forecasted proliferation of spending and the proliferation of people in the immediate out years.

This increase in the overall budget situation now and in the years ahead has to be a matter of concern to all of the Members of this House.

Most of the members of this subcommittee have been here for a long time.

There is a realistic recognition that we must react in general terms to the wishes of our colleagues. It is obvious this year that the usual restraining influence of the budget has not applied. We have heard, since this bill was brought to the full committee and the results of the markup have been published, no comments that we have provided too much. Rather, there has been a professed lack of understanding as to why specific projects have not been included, some that have been recently authorized and on which we obviously have had no opportunities for hearing.

I hope that this could have been a more compact bill, but in the overall I believe it does reflect the needs of our country and it does reflect the general atmosphere and the wishes of our colleagues of the House.

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

Mr. DAVIS of Wisconsin. I yield to the gentleman from Iowa.

Mr. GROSS. I thank the gentleman for yielding.

I have read with interest not all, but some of the hearings with respect to this bill. I was interested, among other things, in the increased costs of the outlet of the Mississippi River into the gulf, and the Corps of Engineers statement of the increased costs of that project. I believe there is some $14 million in the bill for that purpose. This is just one item, but this one sticks in my mind.

Mr. DAVIS of Wisconsin. This is really quite typical, I might add.

Mr. GROSS. If the gentleman will yield further, I agree with the gentleman. But let me say to the gentleman there is no diminution in the demands of the administration, nor the readiness, apparently, of the committees in Congress responsible for the authorization and appropriation of foreign aid. This Government is spending millions to clean up the Suez Canal. It spends billions on other foreign aid while delaying necessary projects here at home. I hope that the Congress, when we get around to the foreign aid bill, which grows and grows and grows—larger this year than it was a year ago—will give some consideration to the outflow of the billions of dollars to foreign countries while denying funds for justified domestic projects.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DAVIS of Wisconsin. Mr. Chairman, I yield myself 3 additional minutes.

Mr. Chairman, I am sure that the gentleman from Iowa, who is assiduous in his research on these matters, will make his comments on that matter when the bill, which, of course, is the responsibility of a different subcommittee, does come before us sometime later this year.

I should like to close just by bringing to the attention of the Chairman, if I might, page 47 of our report. While I recognize the impropriety of attempting to correct the printed version of the report, on the third line of the third paragraph there appears near the end the pharse "in addition to." This, I believe, Mr. Chairman, to be a printing error, and that the intent of the report was to say "incidental to," I should like to make that bit of legislative history so that it will be considered binding upon the Corps of Engineers in accordance with this correction rather than in accordance with the printed text of the report.

Mr. EVINS of Tennessee. The gentleman is correct.

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

Mr. DAVIS of Wisconsin. I yield to the gentleman from Tennessee.

Mr. BAKER. I thank the gentleman for yielding.

Mr. Chairman, I rise today in support of H.R. 15155, the appropriations bill for public works for water and power development and the Atomic Energy Commission for 1975. I certainly want to commend my good friend and fellow colleague from Tennessee (Mr. EVINS) for his leadership and hard work on this appropriations measure. There was an incredible amount of work here and the committee has done a great job.

We recognize the potential in waterway projects for additional electrical power, while nuclear energy plants in the future will provide an increasing percentage of power for the needs of our Nation. I am greatly encouraged by the level of funding in this bill. In view of the increasing scarcity of our fossil fuel resources, we must turn to alternative fuel sources. The long leadtimes involved in nuclear research and construction means we need adequate, continuing funding levels.

The committee bill recommends appropriations of $1,428,760,000 for the Atomic Energy Commission. This represents an increase over the 1974 budget of $512,382,000.

When we were considering the 1974 budget requests for energy development last year, there was a great deal of concern about an approaching energy crisis. During the debate on last year's public works and AEC appropriation bill, this concern was expressed by many of us here. Our concerns were well founded. We now have seen what a shortage of energy can do to our country and our economy. We must now move ahead in developing the energy sources our country needs.

I am pleased to see a provision for an increase in payments in lieu of property taxes to Roane and Anderson Counties in Tennessee. The AEC has determined the additional payments to the county governments are justified in view of the special financial burdens related to the Commission's operations at the Oak Ridge complex.

We need this appropriation measure. Our country needs this bill. It is vital to our Nation's economy and to the well-being of our citizens to bring power on line at the earliest time possible.

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

Mr. DAVIS of Wisconsin. I yield to the gentleman from North Carolina.

Mr. MIZELL. I thank the gentleman for yielding.

Mr. Chairman, in the Public Works appropriation measure before us today are two items of importance to North Carolina's Fifth Congressional District which it is my honor to represent in the House of Representatives.

The first is the Reddies River Lake project for which a budget request was made in the amount of $140,000. However, after the initial request was sent to Congress the Corps of Engineers advised me that it had revised the fiscal year 1975 capability for this project and could use an additional $20,000.

I wrote to Chairman JOE L. EVINS of the Appropriations Subcommittee on Public Works-AEC and the Honorable GLENN DAVIS, ranking minority member of the subcommittee asking if it would be possible to provide this $20,000.

As you know from studying the bill, this project has been funded with $160,000 for the coming fiscal year. I want to thank both Chairman EVINS and Mr. DAVIS for their consideration and other members of both the subcommittee and full committee because the citizens of my district will benefit from this additional money and early completion of the Reddies River Lake project.

On March 7, 1974, the President signed into law the Water Resources Development Act which was passed by this Congress and included another project vital to my district known as the Roaring River.

Because this was after the fiscal year 1975 budget had been prepared by the executive branch and sent to Congress, I inquired of the Corps of Engineers to determine if they could initiate this project in fiscal year 1975 if an appropriation were made available and, if so, what their capability would be. They advised that $100,000 would begin phase I stage of advance engineering and design.

Again, Mr. Chairman, I wrote to Chairman EVINS and Mr. DAVIS asking consideration of $100,000 to begin the Roaring River project. As you note in this bill, the committee has included such an appropriation.

Therefore, I would urge that these two North Carolina Fifth Congressional District projects remain at the committee appropriation level, and that they be enacted.

Finally, Mr. Chairman, I would like on behalf of the citizens of my district concerned with the Reddies River Lake and Roaring River projects to express appreciation to the subcommittee for their assistance.

Mr. EVINS of Tennessee. Mr. Chairman, I yield such time as he may consume to the distinguished chairman of the Committee on Appropriations, the gentleman from Texas (Mr. MAHON).

Mr. MAHON. I thank the chairman of the subcommittee.

Mr. Chairman, the special thanks of the House should go to the chairman, Mr. EVINS of Tennessee, and the ranking minority member, Mr. DAVIS of Wisconsin, and all the other members of the Appropriations Subcommittee on Public Works-Atomic Energy Commission for their work on the bill before us.

On April 9, the House passed the legislative appropriation bill. The bill before us today is the first regular appropriation bill for 1975 for the executive branch to be before the House, and it is a tribute to the members of the Public Works-AEC Subcommittee that they have labored so steadfastly and diligently to present their bill to the House at this date.

I am especially grateful to Chairman EVINS and his subcommittee for cooperating so magnificently in connection with this appropriation bill. Not only has their regular workload been extremely heavy, but this subcommittee also had a major part in the special energy research and development appropriations bill which the House passed on April 30.

Mr. Chairman, the bill before us is crucial to the energy and water resources development of the Nation. And, Mr. Chairman, no one in Congress has labored longer and harder to see that our Nation's water resources are properly developed and controlled than has the chairman of the Public Works Subcommittee, Mr. EVINS.

I personally congratulate Mr. EVINS on the work he has done in bringing before the House the excellent bill that he has.

I am confident that it will be passed by an overwhelming margin.

I believe the House will approve the action which has been taken.

THIRTIETH ANNIVERSARY OF THE ELECTION OF JOHN ROONEY TO CONGRESS

I rise at this moment not to discuss the bill but to call attention to a very notable event. Mr. Chairman, today marks the 30th anniversary of the election of JOHN ROONEY, of New York, to Congress. He was elected in a special election on June 6, 1944. It is appropriate that we pause a moment and celebrate this special event.

Few men in the years that I have been here have served in the Congress with the distinction of JOHN ROONEY. He is a very unique individual with exceptional legislative skill. Among subcommittee chairmen he does not have a peer. In handling legislation on the floor he is supurb.

Since 1947 he has served as either chairman or ranking minority member of the State, Justice, Commerce, and Judiciary Subcommittee and has given substantial leadership and guidance to these areas of Government. He has also been a member of the Foreign Operations Subcommittee since 1953.

In all of these activities JOHN ROONEY has been a stalwart and tenacious watchdog of the people's money, always fighting against waste and foolishness but always seeking to provide for the real needs of the Nation.

JOHN ROONEY knows that there is no substitute for hard work and he has always labored diligently in the committee and otherwise. And I point out that no request for funds has ever been too small to escape his attention. This has made it possible to insure a better administration of the funds appropriated by the Congress.

On Monday of this week JOHN announced that he would not seek reelection after 15 full consecutive terms in the House. We shall certainly miss JOHN ROONEY. He is among the last of the unique breed of Americans in Congress who come from and understand the immigrant tradition and concept of America.

Mr. Chairman, on this day of the 30th anniversary of his having been elected to Congress, I am sure all my colleagues join me in a salute to a man who has served his Nation so exceptionally well. When we return to the House I shall ask unanimous consent that all Members may be permitted to revise and extend their remarks in the RECORD at this point.

Mr. ALBERT. Mr. Chairman, I want to associate myself with the remarks of the distinguished chairman of the Committee on Appropriations and congratulate him on taking time today to comment on the outstanding service in the House of a great American and dear friend, JOHN ROONEY. It is particularly fitting and appropriate that we pause to do this during the consideration of a bill from the great Committee on Appropriations, for few Members have served that committee and the House as well and as faithfully and with as much dedication and tireless effort as has JOHN ROONEY.

Thirty years ago today, two great events occurred. On the surface, seemingly unrelated, yet both of great significance. It was on this day, June 6, 1944, that thousands of courageous American patriots landed on the shores of Normandy in one of our country's proudest moments.

Also, on that date 30 years ago another courageous patriot, JOHN ROONEY, was first elected to the Congress of the United States. His great love for this country and its institutions has guided him into a long and productive career. Just as the success of the Normandy invasion established the role this country would play in world affairs, JOHN ROONEY's election to the House of Representatives has assured that the Department of State, which represents this Nation around the world, would be a strong, vigorous, effective representative of this Nation's interests.

JOHN ROONEY will always be remembered as one of the great watchdogs of the U.S. Treasury. The bills from his committee have always been sound, fair and void of frivolous or unwarranted expenditures. To watch JOHN ROONEY handle his appropriation bill on the floor is to have a lesson in debate and parliamentary procedure. After watching him year after year vigorously defend his bill few can doubt that he was one of the most capable prosecutors in the history of Kings County.

Born of immigrant parents in one of the most ethnically diversified areas in the country, JOHN ROONEY has lived with the problems of immigrants and the poverty stricken. He has known firsthand the plight of the people and he has courageously, tirelessly and ceaselessly

worked and fought for the people of his district during his long service in the House. When he returns to his beloved Brooklyn next January, JOHN can carry with him in his heart the peace which comes from knowing that he has done his very best for his district, his city, his State, and his Nation.

Here, Mr. Speaker, is a man, a man of courage but a man with a great heart. When God made him, he broke the mold. There have been many great men in this House; there has been only one JOHN ROONEY. He is my friend.

As he returns to his native city and to a well-earned retirement, JOHN ROONEY will go with our deep, profound respect, with our admiration, and, most of all, with our love. We hope he comes back to see us often. We will miss him sorely in the proceedings of this great Chamber.

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

Mr. MAHON. I yield to the gentleman from New York (Mr. ADDABBO).

Mr. ADDABBO. Mr. Chairman, on behalf of the New York delegation I thank the chairman of the Appropriations Committee, the gentleman from Texas (Mr. MAHON), for his kind words on behalf of our colleague from New York (Mr. ROONEY) and for taking this time to extol his accomplishments.

Mr. Chairman, JOHN ROONEY's service here in the House and back home in his beloved Brooklyn has been as full as tumult and accomplishments as the day on which he first came to this Congress, D–Day 1944, continuing great public service to the people of the city and State of New York, in various official capacities.

I deeply appreciate the guidance he gave me when I joined him on the Appropriations Committee, and succeeded him as chairman of the New York congressional patronage when he no longer wished to serve.

Today marks the 30th anniversary of the day when Congressman JOHN ROONEY of New York was sworn in as a Member of the House.

During that period, Mr. ROONEY has played a vital role in many of the momentous issues that have faced this Nation. He has always conducted himself in the best traditions of the House and it can be said with no hesitation that he has always placed the interests of his country above partisanship or parochial desires.

On Tuesday, Mr. ROONEY announced his decision to retire at the end of this term. As dean of the New York congressional delegation, he has been a friend to all of us who have come to this House. Not only has he been a good friend and a wise counsel, he has demonstrated the qualities to each of us that made him a political institution in his native Brooklyn.

The people of New York owe him a deep debt of gratitude for his long service in this House. All of us who have served with him are sorry to see him go, though we wish him well in the years to come.

He has fought gallantly against serious illness in recent years; he has in fact been hospitalized six times in the last year alone. We wish only the best for Congressman ROONEY and Mrs. Rooney in their well-deserved retirement.

Mr. ROBISON of New York. Mr. Chairman, will the gentleman yield?

Mr. MAHON. Mr. Chairman, I yield to the gentleman from New York (Mr. ROBISON).

Mr. ROBISON of New York. Mr. Chairman, I appreciate the distinguished chairman of the Committee on Appropriations yielding.

We, on both sides of the aisle from New York, are deeply grateful to him for having brought this date to our attention.We are all justly and properly proud of the long record of distinguished service of the gentlefrom New York, Mr. JOHN ROONEY, and I am sure all of us wish him well in the years ahead. Not often do dedicated public servants of his sort come along—with his willingess to submerge himself in the work of his committees—and he will be sorely missed, I know, by those who have been associated with him.

Mr. MAHON. Mr. Chairman, I yield to the distinguished ranking minority member of the subcommittee, the gentleman from Wisconsin (Mr. DAVIS).

Mr. DAVIS of Wisconsin. Mr. Chairman, I, too, want to join with the comments made by the distingiushed chairman.

I would like to ask that Mr. CEDERBERG, the distinguished ranking minority member of the full committee and also the ranking minority member of the subcommittee, which the gentleman from New York (Mr. ROONEY) has so ably chaired for so many years, may insert his comments relating to his esteem for Mr. ROONEY at this point in the RECORD.

Mr. ANDREWS of North Dakota. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to the distinguished gentleman from North Dakota.

Mr. ANDREWS of North Dakota. Mr. Chairman, I appreciate so much our distinguished chairman's remarks concerning our friend, the gentleman from New York, JOHN ROONEY. Having had the privilege of serving with the gentleman from New York, Mr. JOHN ROONEY, for 10 years as a member of his subcommittee, I not only join with our chairman, the gentleman from Texas (Mr. MAHON) in respect for one of the most able Congressmen to ever sit in this House, but it is also fitting to point out that we hold a love for the warm human decency that he has displayed during his entire lifetime, particularly during his career in the House. We are going to miss him in his retirement. It has been a privilege and a distinct pleasure to have worked with him.

Mr. EVINS of Tennessee. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Mississippi (Mr. WHITTEN).

Mr. WHITTEN. Mr. Chairman, I wish to join in the statements that have been made here about the fine job that has been done by our chairman, the gentleman from Tennessee (Mr. EVINS), and the members of this subcommittee. It is a real pleasure to be on this subcommittee where we are working toward protecting and developing our own country and particularly under the leadership of the gentleman from Tennessee (Mr. EVINS) and the very fine staff he has.

I join, too, in the comments that have been made about our colleague, the gentleman from New York (Mr. ROBISON), with whom I have had the privilege of serving for many years, a person of high character and real ability and with a sincere desire to do the appropriate thing for the good of his district, his State and his Nation. Truly, we shall miss him as he retires and we wish him many active years, which I am sure he will have in the succeeding years.

Then I come to the other statements that have been made here with regard to our good friend, the gentleman from New York, Hon. JOHN ROONEY. It has been said that one of the weaknesses we have as a legislative body sometimes is that the witnesses on the other side of the table come before us well prepared, when the Member of Congress who has the job of developing the record and eliciting the facts and making them available to our colleagues in the Congress does not always have all that we would like to have to handle our side of the argument. That is true, perhaps, in some cases; but it has never been true with the gentleman from New York, JOHN ROONEY. The gentleman from New York (Mr. ROONEY), among other things, is not only an able Congressman, but behind that he is a very, very able lawyer. It is a real treat, not only to watch him, to listen to him, but to read the record of his hearings, because the gentleman from New York, JOHN ROONEY, has never been at a disadvantage, whoever the witness might have been on the other side.

I say as the annals of history are written about the years that the gentleman from New York, Mr. JOHN ROONEY, has been here as our colleague and friend, that his contribution will always stand as a mark toward which new Members of Congress may work and as the absolute tops in what a good Congressman can do for his country.

To John, we wish the very best. We hate to see him come to the point of retirement, but he leaves a monument here to work well done by a man of high character, of great ability, one who has left a mark that future Members may well try to emulate.

Mr. WHITTEN. Mr. Chairman, the House recently passed the supplemental appropriations bill providing $100,000,000 in emergency flood control funds and $20,000,000 for emergency work by the Soil Conservation Service. I offered these provisions to repair the flood damage that has occurred in the lower Mississippi River Valley since 1972. With the rains and floods continuing these funds become more important as the Corps of Engineers attempts to repair the physical damages, though the losses to the people have proven to be tremendous.

Today we bring you the regular appropriations bill for the fiscal year 1975 which begins July 1, 1974.

I enjoy serving with all my colleagues, each of whom has made great contributions, particularly Chairman JOE EVINS, an outstanding chairman, and all others on the Committee on Appropriations,

where I am ranking majority member. This position gives me an opportunity to serve the interests, not only of my district, but of the entire Nation. As I have pointed out many times, we must look after our own country, develop our own natural resources, if you please, for all the rest is dependent upon the land. I know we bring you a good bill.

Perhaps this bill is best described in the opening paragraph of our report:

The Public Works for Water and Power Development and Atomic Energy Commission Appropriation Bill for 1975 is an important bill—a bill that touches the lives of virtually all Americans. The purpose of this bill is to build a stronger America. It represents a substantial investment in the future of our country. This investment will pay rich dividends in services for our people and in economic benefits to the Nation.

Since my colleagues have pointed out the projects included on a national basis, I shall limit my self to those items which are of vital interest to my area. I quote:

YAZOO BASIN

Upper Auxiliary Channels.—This project, an essential part of the Flood Control Act of 1946, has been delayed for numerous assigned reasons. The project must be begun and completed since it is essential to the overall flood control plan.

The Committee therefore directs that, if, in the opinion of the Corps of Engineers, substantial agreement is not reached by July 1, 1974, the Corps shall proceed with location, planning, land acquisition and construction as it may determine, provided, however, that any plan shall provide not less than 90 percent of the relief to the upper Delta and provided in the original plan (Plan A) and provided further that no gate, lock or other obstruction to retard the flow of water generally southward, shall be planned or built.

Tallahatchie County Road, Mississippi.—Within the funds available for the Yazoo Basin, $50,000 shall be available for necessary reconstruction of the Tallahatchie County Road along Phillips Cut-off, made by the Corps of Engineers, so as to provide an appropriate grade to prevent further flooding until the Flood Control Plan for the upper Yazoo Basin is completed.

Streambank Erosion Control Evaluation and Demonstration.—The Committee recommends a total of $2,000,000 to initiate works in the delta and hill areas of the Yazoo River Basin generally in accordance with the recommendations of the Chief of Engineers in his report dated September 23, 1972—as provided in Public Law 93-251, 88 Stat. 22, providing for demonstration projects.

Yazoo Navigation.—$500,000 is recommended to prepare plans for raising the Belzoni Bridge. Plans for the Shepardstown Bridge have been deferred since action is still pending to authorize such planning.

Ascalmore, Tippo and Opossum Bayou, Mississippi.—A total of $2,350,000 is included in the bill for completing plans and for construction on Ascalmore, Tippo and Opossum Bayous.

Recreation.—The Corps should develop the necessary recreation facilities at Clear Creek, Sardis Reservoir, with the State of Mississippi Park Service, including a boat ramp, and provide also for a boat ramp on the Southeast side of Enid Reservoir.

The committee provided in the bill the following language to continue the experiment on North and South Tillatoba and Hunter Creeks in Tallahatchie County:

Provided, That not less than $250,000 shall be available for bank stabilization measures as determined by the Chief of Engineers to be advisable for control of bank erosion of streams in the Yazoo Basin, including the foothill area, and where necessary such measures shall complement similar works planned and constructed by the Soil Conservation Service and be limited to the areas of responsiblity mutually agreeable to the District Engineer and the State Conservationist.

This will help greatly in supporting the hill-delta project which I introduced and got included in the omnibus bill. In this bill we provide $2,000,000 to be used in an attempt to prevent the soil in the creek bottoms of the hills from washing away into the delta, filling up the streams from Yazoo City to Memphis, thereby causing delta flooding.

RESERVOIRS

Recreation was not included in the original construction funds for Arkabutla, Enid, Sardis, and Grenada Reservoirs. However, since this activity is an economic asset to the area, $1,445,000 was provided for further recreation development of the four reservoirs.

The committee explored fully to see if there was any authority to provide Federal aid for the construction of bridges in Tate County from Senatobia to Arkabutla, and a crossing from Oxford to Harmontown in Lafayette County, but we found such an authority does not exist. In both cases, the Federal Government paid for road damages years ago, and the counties executed a complete release.

As a part of the Tate County settlement for road damages, the Federal Government granted an easement to the County for a public road which was subject to, among other provisions, the following in 1949:

Article 5. Inspection—The County shall have the right to inspect the work performed hereunder by the Government at any time during its progress. Upon completion of the work, the parties shall make a joint inspection thereof beginning at the time and place appointed by the Government, such time to be not less than 10 nor more than 30 days after the road is completed. If the road is found to have been satisfactorily completed in accordance with the plans and specifications therefor, it shall be accepted by the County and all responsibility of the Government with respect thereto shall cease.

The easement was again granted in 1954, subject to the following provisions and conditions:

1. That the construction, use, and maintenance of said road, including culverts and other drainage facilities, shall be performed without cost or expense to the Grantor, except as provided in aforesaid Contract No. DA-22-052-eng-24, under the general supervision and subject to the approval of the officer having immediate jurisdiction over said premises.

2. That the Grantor, U.S. Government, shall not be responsible for the maintenance and/or repairs to said road, but it shall be the duty of the Grantee, Tate County, to maintain said road and all improvements, structures, and appurtenances thereto in good condition and make all necessary repairs thereto.

3. That any property of the Grantor damaged or destroyed by the Grantee incident to the use and occupation of the said premises shall be promptly repaired.

Mr. Chairman, these dams and reservoirs were built before I came here. Looking back, the compensation paid to the counties was grossly inadequate even then. I have introduced legislation to reopen these settlements; however, in view of the releases by the counties affected, I cannot be too optimistic about our prospects of reopening the matter even though I believe it proper.

TENNESSEE-TOMBIGBEE NAVIGATION

For construction, including the divide cut, we have provided $37,900,000, an increase of $7,900,000. We also directed that funds for land acquisition for the canal shall proceed at not less than the rate of acquisition of land to provide for railroad or highway relocation. Further, the corps should acquire only such land as is essential to the project and should make every effort to make payments for land acquired in an expenditious manner.

Further, we directed that, within available funds, the Corps of Engineers make a study and prepare a report on the feasibility of designing the Amory Lock so that the west fork of the Tombigbee River will not be excluded in the water transportation system design of the Tennessee-Tombigbee navigation project. Provided, that this study shall in no way slow down construction of the Tennessee-Tombigbee Navigation Waterway.

In addition, we included $33,000 for investigations.

BEAR CREEK

The committee increased the funds for Bear Creek to $5,445,000. For Tombigbee River and tributaries, $700,000 is available for use in the coming fiscal year.

APPALACHIA

For the Appalachian development program, which covers 13 States and is so vital to the 10 eastern counties of my district, the bill provides $293,500,000, of which $160,000,000 is for highways, $125,000,000 for area development programs, and $8,500,000 for research, demonstration, and local development districts.

OTHER ITEMS OF INTEREST

Mr. Chairman, other items from our Appropriations Committee, which are vital funds for a continuation of construction on the Natchez Trace which my colleagues were good enough to revive after northeast Mississippi was added to our district. Much of the funds has gone to bridge construction, for with bridges we will eventually get the highways.

The Appropriations Subcommittee of which I have the honor of serving as chairman, has restored the agricultural conservation program, provided additional personnel for the Soil Conservation Service, increased funds for rural water and water treatment loans and grants, and asked for a review of those applications which have been held up because of frozen grant funds by the Office of Management and Budget. We provide again for rural housing.

Mr. Chairman, I am thankful to my colleagues for their support of these items. Truly they are essential to my area, just as similar works are vital to the whole Nation.

Again, the more we owe, the greater our problems, the more imperative it is that we look after our own country, on which all the rest depends.

If we leave our children a rich land, then they can make a fine future for themselves. We could leave them all the money in the world and a worn out land, and they would have nothing on which to build.

Mr. EVINS of Tennessee. Mr. Chairman, I yield such time as he may consume to the gentleman from Louisiana (Mr. PASSMAN).

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

Mr. Chairman, I was disappointed to learn that our friend and able colleague, JOHN ROONEY, has decided not to stand for reelection. JOHN ROONEY is one of the ablest men ever to serve in the Congress of the United States.

Mr. ROONEY and I have served on the Committee on Appropriations together for 26 years. It was my privilege to have JOHN as a member of the subcommittee of which I have the privilege to chair. I never had to guess where JOHN stood. In most cases when marking up my bills, JOHN would say I cannot support you, but this made me respect him even more because I never had to guess where JOHN stood. Not only am I going to miss having JOHN'S good counsel and sound advice, I am going to miss the association, but since it is his desire to retire, I certainly hope that our Heavenly Father will bless him and keep him and give him health and happiness in retirement.

Of course, some day, and I hope it is a long way off, when He that is on High calls JOHN home then hundreds of thousands of those whom he served and loved and millions of other Americans who were familiar with his record will know that this world is a better place in which to live for JOHN ROONEY having lived in it. May God bless you, JOHN, in your well-deserved retirement. We will all miss you.

Mr. LENT. Mr. Chairman, it was with deep regret that I noted the decision of my friend and colleague, JOHN ROONEY, to retire at the end of the current term.

Throughout his 15 terms in Congress as a Representative of New York's 14th District, JOHN ROONEY has been one of the best known "watchdogs" of the Federal budget. In particular, his chairmanship of the State, Justice, Commerce, and Judiciary Subcommittee of the Appropriations Committee, has been marked by a sincere effort to see that the taxpayer's money is wisely spent. His leadership in this regard will be sorely missed.

I want to take this opportunity to wish JOHN health and happiness in his retirement.

Mr. GROVER. Mr. Chairman, 1974 is in many respects an unusual year for the U.S. Congress. The large number of retirements among its Members is regrettably notable in the number of highly qualified and experienced gentlemen who leave these Chambers. Among them is a great American and dedicated fellow New Yorker, Hon. JOHN J. ROONEY.

It is with regret that I see his talents leave this House for in the coming years his expertise in the field of congressional appropriations will be sorely missed.

He has done much for his constituencies over the years, but most of all he has served his country nobly and with excellence.

Mr. CEDERBERG. Mr. Chairman, I want to join with the distinguished chairman of our committee in paying respect and appreciation to our good friend JOHN ROONEY.

I have had the privilege of serving on the State Justice Subcommittee, ably chaired by our friend from New York, Mr. ROONEY, for many years.

JOHN ROONEY has been a great chairman. I know of no one who has greater knowledge of the matters that come before his committee than he.

I regret that he has decided to retire after 30 years of dedicated service to his district and his country. I will miss his wise counsel and his Irish wit.

This place will not be the same when JOHN leaves.

I know JOHN will miss this House that he has served so many years. JOHN, I hope you will return to visit us as often as you can. We wish you the very best in your retirement.

Mr. BRASCO. Mr. Chairman, every Member of Congress who cares for this House and what it stands for has to deeply regret the Honorable JOHN J. ROONEY'S announcement of his retirement from Congress.

Over the years, he has honorably and faithfully represented every single person in his district to the best of his ability, regardless of their political beliefs. His door has been open and he has been available to the people who overwhelmingly and consistently sent him to the Congress for 16 terms.

As a legislator, he has done his homework, sought to safeguard the Republic and to legislate constructively on behalf of all the people. The position of power he has obtained was earned by him, rather than handed to him.

As new Members came to the House, such as myself, we were always able to find JOHN ROONEY accessible and helpful. You always know where you stand with him. He is blunt, candid, and forthright.

He has also added a certain indefinable something to this body. That something is enormously difficult to isolate and define. It is part New York, with an accent on Brooklyn. It is part Irish with an accent on determination. It is part Democrat, but always all-American, and once removed from our midst, we shall not see the likes of JOHN ROONEY ever again.

Mr. SIKES. Mr. Chairman, it is hard to visualize a session of Congress without the able service, the driving force, and the effective repartee of JOHN ROONEY. Things just will not be the same. His absence will be a great loss, because this distinguished American has announced plans to retire from this body at the end of his present term. He has rendered outstanding service; the Congress will miss his effective leadership, and the Nation willl suffer by his absence.

When he came to Congress in 1944, JOHN ROONEY embarked on a remarkable and distinguished career in the Nation's ing Democrat on the Appropriations Committee and is chairman of the State, Capitol. He currently is the third rank-Justice, Commerce, and Judiciary Sub-committee. To say that JOHN ROONEY will leave an indelible mark on his beloved country is to understate the matter.

He is unique in that he was born in the congressional district he has served for 30 years and his family has lived in that district for more than 100 years. He is one of the few among us whose roots are so deeply founded in the traditions of the district which he serves. He has effectively helped to protect and preserve those traditions.

JOHN ROONEY'S influence has been felt far beyond the boundaries of New York's 14th District. He has been honored around the world for his efforts to help mankind, and particularly for his effective work toward sound and constructive programs in the agencies of Government most directly affected by the decisions of his committee. He has always been an active Member of Congress. His efforts extended beyond the Halls of Congress and the Capitol and our Nation. He traveled to war fronts in the 1940's; to the Pacific to witness atomic testing, and to Japan for the 1951 peace conference.

It would be impossible to chronicle all the achievements of the gentleman from New York. I know from personal experience that he is a tireless worker for the people of his district and our Nation. He has fought long and hard to do those things which would benefit his district and which would benefit our country.

I have deep personal regret that JOHN ROONEY will leave us at the end of this Congress. We have worked closely together, and in recent years, our Rayburn Building offices have been side by side. More importantly, I have shared with him a warm and understanding friendship.

I will miss seeing him in the halls and on the floor. I will miss his sage counsel and cool head. The entire Nation will be the poorer for his decision to retire but is far richer than would have been possible had he not made the decision more than 30 years ago to offer himself for public service in the Nation's Capitol.

I wish for him and Mrs. Rooney happiness and contentment in their retirement. They can be secure in the knowledge that they leave behind close friends who are legion in number on both sides of the political aisle and throughout the Nation's Capitol.

Mr. HANLEY. Mr. Chairman, I join with my New York colleagues this afternoon in paying tribute to our distinguished colleague and good friend, JOHN ROONEY, who has announced his intent to retire from Congress at the end of this session.

As a freshman Member of the House in 1965, I looked to the experience, the dedication, and the great willingness to help, which JOHN ROONEY exhibited. Along with other senior Members of the New York delegation in 1965, JOHN ROONEY became a mentor and teacher.

JOHN ROONEY served his Brooklyn constituents, his country, and the House of Representatives for 30 years. His record of public service has been outstanding, and it has covered a very broad range of issues. As chairman of the Appropriations Subcommittee on State, Justice, Commerce, and Judiciary, JOHN ROONEY exercised the congressional power of the

purse in firm but fair fashion. And he exercised great leadership in guiding an expanded Federal financial effort to deal with crime.

While it is apparent that our association as House Members will be ending, I look forward to the continuation of that friendship. As JOHN said himself on Tuesday—

This is not goodbye or Farewell, but merely "so long, see you again."

Mr. MURPHY of New York. Mr. Chairman, 30 years ago the residents of Brooklyn, N.Y., did a favor for themselves and other citizens of this country; they elected JOHN ROONEY to serve as a Member of this distinguished body.

His integrity and boldness can be traced back to the time when JOHN worked in his family's flower shop in Brooklyn, as a bookkeeper. During those early years, JOHN learned about budgets and economizing, and as we are all well aware, he has carried that knowledge with him to the Appropriations Committee.

Believing that government should act as an instrument of the people, he has fought with zest and tenacity on the side of every taxpayer to slice off the fat from the budgets under his committee's purview. As chairman of the Appropriations Committee for State, Justice, Commerce, and Judiciary, JOHN has provided dedicated and conscientious leadership and responsible decision-making ability, always in what he felt was in the best interests of this country. As a member of the Appropriations Committee's Foreign Operations Subcommittee, JOHN contributed with firm resolve and independent thoughts.

There is no doubt in my mind that we are losing a colleague of experience, courage, foresight, and determination; Brooklyn is losing a humble and devoted public servant; and the Nation is losing a just and progressive leader.

Mr. Chairman, with the announcement of his retirement so fresh in our minds, I wish to express our gratitude to JOHN ROONEY for his 30 years of congressional leadership and my heartfelt best wishes for a happy future to his wife Kate, and a most honorable legislator.

Mr. DELANEY. Mr. Chairman, the time will come when each and every Member of this distinguished body must take leave. Today, after 30 years in the House, a dear friend and colleague of mine, JOHN ROONEY, has made this difficult decision. I would like to share with my colleagues my reflection on his many years of public service.

My association with JOHN ROONEY predates our service in Congress. At the time he was assistant district attorney in Kings County, N.Y., I served in the same capacity in the adjoining county of Queens. Since crime knew no bounds it was necessary to work together. We spent many late hours working at what was a necessary but seemingly thankless job.

It was apparent from the start that JOHN was a thorough and wholly qualified investigator. He had the ability to get to the bottom of things. Time and work were no obstacles. He was second to none at getting to the facts, and at getting to the truth. Today his record stands as a model for investigators and prosecutors in the criminal courts of New York.

This experience became an invaluable asset when JOHN arrived in Congress. His hard work and dedication became an inspiration to both friends and opponents alike. Thirty years have passed, but I am proud to say that JOHN ROONEY has remained the same man. A ranking member of the Appropriations Committee, and chairman of its subcommittee that deals with the funding requests of the Departments of State, Justice, Commerce, and Federal Judiciary, JOHN ROONEY has become a champion of the taxpayers' interest. And yet, JOHN never forgot the needs and wants of his district. They were always his first priority. I speak from the heart when I say I will miss JOHN ROONEY, my colleague, my neighbor, and good friend.

Mr. SLACK. Mr. Chairman, on Thursday, June 6, we marked the 30th anniversary of the first election of Congressman JOHN ROONEY of New York to the House of Representatives. It has been my privilege to serve as a member of his appropriations subcommittee for some 14 years, where I could observe at close range his unsurpassed legislative ability.

It is my conviction and belief that no person in this government had a greater command of the matters within the jurisdiction of his subcommittee than Chairman ROONEY. I will say more on this subject at a more appropriate time in the near future when the State, Justice, Commerce, Judiciary appropriations bill for fiscal year 1975 is brought before the House for consideration.

Mr. DAVIS of Wisconsin. Mr. Chairman, I yield 10 minutes to the distinguished gentleman from New York (Mr. ROBISON), a member of the subcommittee

Mr. ROBISON of New York. Mr. Chairman, I must, of course, begin by taking note of the remarks of those of my colleagues who earlier today directed certain undeserved words of praise in my direction. They were, however, undeserved, deeply appreciated, and they will be remembered.

I do not think I shall recommend retirement to any of the rest of the Members, but because of experiencing several other occasions such as this, I have come to believe that once you do announce your congressional retirement, truthfully, people could not be nicer to you if you had died.

In any event, Mr. Chairman, I have made—on paper—several attempts this morning to draft an appropriate beginning to these brief remarks. The trouble with them has been that they have all come out sounding more like endings. This is, I suspect, because—having some months back now made my decision to retire from Congress at the end of this year as has already been remarked upon, today is, for me, a definite turning in the road, what with this being the last public works appropriation bill with which, after working on nine prior ones, I will be associated.

Today, thus, brings closer to home the reality of my decision to leave the Congress. I am still affected by that fatigue and those same frustrations—shared by all of us these days, I assume—that led me to that decision, and I do not regret it.

But at the same time, today makes ever more clear to me than it may sometimes have been, the fact of what a truly great personal privilege and honor it is to be one of the some 10,570 Americans who have served in the Congress of the United States since 1774, 200 years ago, which date marked the beginning of the Congress.

Today, in that same fashion, makes even more clear to me than it may sometimes have been, the fact of my respect for and faith in this institution that we call the Congress of the United States; and also my belief, despite the way it too often thrashes around without any seeming sense of direction, and despite all its very human faults and frailties, that it is still the greatest legislative body of its kind in the world.

Finally, today brings home to me also the very real fraternal affection I have come to feel for those of my colleagues with whom I have been privileged to serve. Despite the fact that, today, the institution that they collectively compose is under fire from almost all directions, I have found them to be—with but the rarest of exceptions during my 17 years here—men and women of patriotism, of honor, of intellect, and dedicated to the finest traditions of what we call public service.

Whatever the faults of the Congress—and they are many—they are, it seems to me, the faults of the "system," and most of those are correctable. They are far more the fault of the system than they are the fault of those who, in their years of service here, have tried to make that system work.

This, then, would be an appropriate time, Mr. Chairman, for me to now express my special thanks to my colleagues on this subcommittee, and particularly, of course, to our distinguished chairman, the gentleman from Tennessee (Mr. EVINS) and to our ranking minority member, the gentleman from Wisconsin (Mr. DAVIS).

Both of them, through the years, have been very patient with and kind to me, and I am indeed grateful.

Mr. Chirman, I will have some general remarks to make regarding the bill, but before launching into them, let me say that I think this is a good bill, a creature of substantial compromise as all such bills necessarily become, but nevertheless one worthy of the support of the Members. It carries, to be sure, a total for obligation that is substantially above the budget estimates, some $63 million, in fact; but, in light of the backlog of work on such projects as here presented which has developed over the past several years, in light of the demonstrable local and national need for such projects, and in light of the further fact that, with our economy lagging, work thereon can help, in a modest way, to alleviate unemployment at local levels, I do not see this overage as being either out of line or irresponsible in a fiscal sense.

Mr. Chairman, finally, to mark up such a bill is always a complicated task, both for the subcommittee members and for its staff, and occasionally some technical mistakes or oversights occur. One such—to which I would like to call the attention of the chairman of our subcommittee—has apparently occurred with respect to the Tioga-Hammond Lakes project, as it is called, in northern Pennsylvania. This project, located on a tributary of the Susquehanna River that flows briefly north into New York and then south again into Pennsylvania, is well under way, and when completed, it will provide additional flood protection not only to the Corning-Elmira area of New York, but also to the Wyoming Valley on the main stem of the Susquehanna in Pennsylvania, both of which areas were very severely hurt 2 years ago with flooding by Hurricane Agnes.

Mr. Chairman, the budgeted amount for this project was, as shown on page 36 of our report, $18 million. We discovered, in the course of our hearings, that the Corps had some additional capability for accelerating its construction, and the subcommittee actually agreed to our markup, according to my notes, to add $2.4 million to the budgeted amount so as to make the budgeted money available to the corps for this project in the next fiscal year $20.4 million. However, our bill and the report do not reflect that fact. Unfortunately, I did not catch the error until after our bill had gone through the full committee, but, having already spoken to our chairman about this, I wonder if he would care to comment about this situation and, hopefully, to express his support for the $20.4 million for this much-needed project.

Mr. EVINS of Tennessee. If the gentleman will yield, the gentleman is correct, as usual. The subcommittee was unanimous in the decision that $2.4 million should be added to the budget request of $18 million for the Tioga-Hammond project. There was an error, the amount should be $20.4 million.

Mr. ROBISON of New York. Mr. Chairman, if the gentleman will permit, let me direct one further question to him in this regard: Would it be the gentleman's suggestion that this correction be picked up in the other body and then accepted in conference? Would that be the simplest way to do it?

Mr. EVINS of Tennessee. To answer the gentleman, that would in my opinion be the simplest way to handle it.

Mr. ROBISON of New York. Mr. Chairman, I thank the gentleman. I appreciate his support, as always.

Mr. ROBISON of New York. Mr. Chairman, in my present philosophical mood, I am inclined to take stock of what has been accomplished during my term on the Public Works Appropriations Subcommittee, hoping while I do so, that we can find we have made some contribution to the betterment of this great country and its citizens.

As much as I would like to abolish the term "pork barrel"—and I hope my own small contributions to this bill over the years have helped a bit in doing so—it is necessary to start with that prerogative, in order to determine whether the last 10 years have moved the public works bill away from the criteria, "Who is pushing for the project," and toward the more demanding tests of regional planning, cost-effectiveness, and environmental protection.

We cannot, and should not, ever brand political support for a particular public works project as prima facie evidence of the "pork barrel" mentality. My colleagues here are the voice of their constituents, and necessarily ought to represent local desires for any public works project which might conceivably contribute to the security and quality of their lives. Yet, once those proposals are before us, it is Congress's responsibility to demand that those projects meet the highest standards of planning and technology, and that each proposed water-resource project is consistent with the environmental and economic priorities set by the Federal Government.

If we are to make these determinations in the most thorough and conscientious manner, I strongly believe that we must enhance our analytic capability to do so. One tool which promises to be very helpful is the new system of cost and benefit accounting set out in the recently published "Principles and Standards" of the Water Resources Council.

As it is, each of the members of our subcommittee is presented with a formidable pile of project justifications at the outset of the budget year, yet even these volumes fail at times to permit Members and the public to properly scrutinize a project. We, of course, attempt to supplement these justifications with questions during our subcommittee hearings, but there are inevitably questions which come up when we do not have the ability, or the time, to discuss the specific topic with the proper agency official.

There is another point here—actually more an attitude than a policy—which I hope can be more strenuously applied to our decision process. We necessarily need more sources of independent evaluation of specific water-resources projects than are presently available. The fine gentleman from Tennessee (Mr. EVINS), chairman of our subcommittee, has been consistent in his valuable counsel, and I remember his recent biblical citation:

> Out of the mouths of two witnesses shall come the truth.

This wisdom of my chairman, and the biblical authority he invoked, ought to be applied more strenuously to our work on this bill. University groups, private interest groups, and informed individuals, for and against particular water-resource projects, have become very skilled in applying detailed planning standards and cost evaluation criteria to water-resource projects.

We do solicit the views of these groups during the public witness portion of our hearings, yet I am not sure that our subcommittee, or my colleagues outside the committee, are inclined to give some of these public voices sufficient credence.

Sometimes there is good reason to avoid the emotional demands of specific interest groups, which may be more insistent than accurate, yet there are many groups and individuals which have proven to be highly conscientious and objective in their efforts to present assessments of particular projects.

A further extension of the attitude I am suggesting would be that any interested citizen, or interest group, ought to have free access to all data pertaining to the planning or justification of a water-resource project. As I understand the Freedom of Information Act this right is established in law, yet there are any number of impediments which can be thrown in the path of a person who seeks specific data on a fine point of a project's justification.

One of my self-appointed tasks on the Public Works-AEC Appropriations Subcommittee has been to encourage the Atomic Energy Commission to come out in the "sunshine," so that the public can learn of the technology of the nuclear energy program and be assured of the extreme safety precautions which have been taken. Under Chairman Schlesinger, and now Chairman Ray, the AEC has made considerable progress in getting the message to the public. The AEC has benefited from this effort, and I personally believe it has been vitally important to public acceptance of the AEC's program.

It seems to me we need more of the same "outreach" attitude on the part of the water-resource agencies, specifically the Corps of Engineers and the Bureau of Reclamation. Yet, while I say this, I must also pause to praise the efforts of both these agencies to increase the frequency and availability of public review. Both agencies have been most diligent in seeking effective means to involve the public in their planning processes. Where difficulties most often arise, however, is with authorized projects which are being readied for construction, or have already begun construction.

Some of these projects have been stretched out for decades, and have been bolstered by good faith and good intentions every step of the way. Yet, we have undergone a revolution in planning expertise and environmental consciousness during the span of those same decades, and hindsight, on occasion, does reveal that mistakes have been made. If those mistakes are corrected on the basis of sound analysis, and good judgment, Congress will be judged as conscientious in the performance of its duty. However, if we insist that in every instance where a project has undergone advanced engineering and design—or even preliminary construction—that there is nothing new to consider, that new concepts or new priorities do not require reassessment of the project, then we may be stamping the term "pork barrel" indelibly on this institution.

Once the House and Senate Public Works Committees have worked out whatever their differences are with the administration over the new Water Resources Council principles and standards, particularly with regard to the question of project discount rates which is of great controversy, we must move quickly on with the implementation of the new planning tools which those principles

and standards will make available. I should be emphatic here in stating that we have a serious need for some version of the principles and standards. Too many times we have had bad projects which seemed to gain their own momentum once they were put into the pipeline through the authorization process. It becomes apparent to the Congress that we have a bad project, it is apparent to the Corps of Engineers or the Bureau of Reclamation that we have a bad project, yet there is seemingly no stopping it.

If we can commence the planning of all projects on a much sounder basis—one which properly accounts for all of the developmental priorities now recognized as important, then we ought to have much less of this painful hindsight, fewer dollars wasted, and better projects.

As I discuss these things, I find there is something else which needs to be said. Because the Corps of Engineers is so pivotal to any discussion of water-resource projects—good and bad—there is the frequent temptation to characterize that very able organization as a permanent antagonist, whose only purpose is to endanger our wildlife and attack our wilderness areas. I have always strenuously objected to anything smacking of this sort of characterization, because there is simply no substance to it.

I can say, without qualification, that the Corps of Engineers is one of the best-organized, the most-talented, and the most-efficient governmental organization I have had the privilege to work with. One does not always have to agree with an agency's policy on a particular question to appreciate its competence, and that is frequently the case with me. It should be equally recognized, however, that whenever there is a temptation to criticize the corps or to accept criticism of it, the individual should first look very closely through the Halls of Congress for the real culprit.

Beside being one of the finest engineering organizations in the world, the corps has developed a saintly patience at taking the heat which is often more correctly directed at Congress. At a time when the corps receives pitiful little praise for its genuine excellence, and oceans of critical abuse, all of us ought to remember that the men of the Corps of Engineers like to be appreciated, just as humble Members of Congress like to be appreciated for their accomplishments.

When the Corps of Engineers is castigated, it is usually because it is attempting to carry out the instructions of Congress—to the letter. When we find a way to bring new respect to the corps, we will have brought it to ourselves at the same time.

There is another chapter of this bill which I have yet to comment on. A good deal of the appropriations normally found in the Atomic Energy Commission section of this proposal were included in the special energy appropriation bill we passed a few weeks ago. I spoke to my colleagues then about my optimism for the future of in situ oil shale processing and my concern for the future of the fast-breeder program, since items affecting both those endeavors appeared in the energy appropriation.

In the bill before us today we are recommending a $13.4 million increase over last year for AEC's regulatory activities. It may not be totally appropriate for a country lawyer to be critical of the highly professional efforts of AEC's regulatory arm, yet my own concern has grown over the past year that the regulatory cushion we all depend on to assure the highest level of safety is getting a little thin. By no means do I feel that serious problems have resulted, but I see a growing potential for new problems if we do not constantly renew the energies and vigilance which are devoted to regulatory safety.

Also, I should be specific enough in my comments to indicate that I have found no reason to fault the regulatory surveillance of the AEC. To a large extent, that Agency has brought to light the difficulties which exist in assuring quality control and proper security procedures. We have added funding for regulatory activities since this is the only way that members of my committee can contribute to the constant search for better and more effective regulatory review and monitoring. I am also encouraged that the chairman of the Joint Committee on Atomic Energy, Mr. PRICE of Illinois, has taken the initiative to draw together a very prestigious study panel to make recommendations on nuclear materials security.

It remains for Congress to be well informed of the AEC regulatory and security program, and to continue to demand and receive every possible precaution in the conduct of the nuclear energy program.

Mr. Chairman, my assignment to this subcommittee—and my exposure to the problems involved in carrying forward the work of its constituent agencies—has been a challenging, and rewarding, experience. I would say, again, that I hope in some small way to have measured up to that challenge.

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

Mr. ROBISON of New York. I yield to the gentleman from New York.

Mr. ADDABBO. Mr. Chairman, I rise with a deep sense of regret in knowing that my great colleague, the gentleman from New York, will also be retiring this year.

He has been a champion of all public works projects in the State of New York, and I was hoping that the people back home, including his family, would change his mind about retiring.

In any event, I believe his work has been of great benefit to this House, and I join my colleagues in wishing him well.

Mr. ROBISON of New York. Mr. Chairman, I thank my colleague, the gentleman from New York, for his kind remarks.

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

Mr. ROBISON of New York. I will be glad to yield to the gentleman from Wisconsin.

Mr. STEIGER of Wisconsin. Mr. Chairman, I thank the distinguished gentleman from New York for yielding.

I hesitate, on his time particularly, to join in expressing my feelings about the retirement of the gentleman from New York, HOWARD ROBISON. I know of few Members in this House who are more intelligent, more incisive, and more willing to take on tough public issues than the gentleman who is in the well right now. He will be missed by all who have a respect for the legislative branch of Government, and especially by the Members in the House of Representatives. His constituency during his years of service has been extraordinarily well-served, and just from my standpoint, as one Member who is not a part of the Committee on Appropriations, I do want the gentleman to know and I do want his family to know how terribly saddened I am personally by his departure from this body.

Mr. ROBISON of New York. Mr. Chairman, I appreciate, of course, the gentleman's remarks.

Mr. Chairman, I think the safest thing I might do at this point is to yield back the balance of my time.

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

Mr. ROBISON of New York. I yield to the gentleman from Kansas.

Mr. SHRIVER. Mr. Chairman, I rise in support of this bill, H.R. 15155, which touches the lives of practically all Americans. In addition to funding the operations of the Atomic Energy Commission, this is a conservation bill. It will help us in conserving energy and water resources which are so vital to the future well-being of our people and our Nation.

I take this opportunity to express appreciation to the distinguished subcommittee chairman (Mr. EVINS), the ranking member (Mr. DAVIS), and the other members of the subcommittee who worked so diligently and with understanding to bring this appropriations bill to the floor.

I especially want to thank the members of the subcommittee for their favorable consideration of my request for early construction funding of the Marion local flood protection project in Kansas. The committee has included $100,000 for this purpose.

Now $100,000 in an appropriations bill calling for over $4.4 billion in spending does not seem to be a very important item. But let me assure you it means a great deal to the future of the small town of Marion and to its citizens who have been waiting patiently for 16 years to get this project underway.

Last year alone they saw the raging waters of Mud Creek inundate their town five times—twice within 1 month. This has been the story for years.

The people of Marion have worked in good faith with the Corps of Engineers and the Congress to fulfill their commitments and to justify the expenditure of over $2.6 million for the local project. They have demonstrated their willingness to put up over $350,000 as the local share.

Contrast this process with the speedy action taken by our Government in committing our Nation to the Suez Canal cleanup, and you can understand the frustrations of many people in our own country.

It is time that we demonstrate that domestic needs have a priority over foreign-aid programs, and that we can cut

through redtape to get the job done here at home.

The committee's action on my request has underscored that Congress understands the need to reorder our priorities, and it can and does act positively.

This action in behalf of the small community of Marion, coupled with inclusion of $78,000 for the final stage of advance engineering and design will enable the Corps of Engineers to move quickly into the construction stage on the Marion project probably in the last quarter of the 1975 fiscal year.

In addition to funding for the Marion flood protection project, the committee has included funds to continue the multipurpose investigation on the Arkansas River, including $270,000 for the studies from Tulsa, Okla., to Great Bend, Kans., and $25,000 for studies from Great Bend, Kans., to John Martin Dam, Colo.

This bill includes $23.7 million for work by the Corps of Engineers in Kansas not including the general investigations.

Mr. EVINS of Tennessee. Mr. Chairman, I yield such time as she may consume to the distinguished gentlewoman from New York (Ms. ABZUG).

Ms. ABZUG. Mr. Chairman, I thank the gentleman for yielding this time to me.

I want to thank the members of this committee, as well as the Chairman, and certainly the gentlemen from New York (Mr. ROBISON) and (Mr. ADDABBO) and all the others for their excellent cooperation with respect to the very important public works appropriations contained in this bill.

I also want to say that the gentleman from New York (Mr. ROBISON), has been an important Member of this House, not only to this committee, but to the delegation. We all deeply regret his leaving, and we know that he will be hard to replace.

I am most gratified to see included in the bill before us funding for several much-needed and long-delayed projects in the New York area. The approximately $8 million appropriated for projects to deepen harbors and channels in New York City waterways will enable a prompt start to be made in solving a problem of almost crisis proportions—to accommodate the vital needs of tankers in bringing crude oil and oil products to the critical Northeast area via the Port of New York.

The appropriation of $4 million for the Rockaway Beach Erosion Control project will enable work to be started immediately to satisfy another urgent need. The problem of beach erosion has become so serious that the City of New York was forced last summer to close 25 blocks of beach to the public.

At high tide, surrounding roadbeds, powerlines, sewer systems, and the boardwalk have been threatened. At low tide, there exists a drop of 8 to 10 feet from the last step of the boardwalk to the beach. The Rockaway beaches have served hundreds of thousands annually as a recreational area. I am pleased to see that this valuable national resource will not be allowed literally to waste away.

My greatest satisfaction, however, is derived from one of the smallest appropriations in this bill—the $330,000 allocated to commence construction, on the New York Harbor Collection and Removal of Drift project. The history of this project, first recommended by the Corps of Engineers in the 1960's, has been long and arduous. Despite widespread agreement on the need for cleaning up New York harbor and the recognition that New York City did not have the capacity to handle this problem alone, the project was stymied by the failure of the Secretary of the Army and the President to grant approval, as required by the 1970 act. With the cooperation of Senator JAVITS and many members of the New York delegation, and with the invaluable assistance of Representative BLATNIK, chairman of the House Committee on Public Works, and Representative ROBERTS, chairman of the Subcommittee on Water Resources, I was successful in having included in the Water Resources Act of 1974 a $14 million authorization for the harbor project. Since that time I have been working closely with representatives of the U.S. Army Corps of Engineers in efforts to expedite the commencement of work on this project.

The New York Harbor collection and removal of drift project is not a local project in the sense that it will benefit only New York or even the New York-New Jersey area. Drift, sunken vessels, deteriorated waterfront structures, and other debris in the harbor pose serious safety hazards to public and private shiping, causing millions of dollars in damage each year. When one considers that approximately 10 percent of our international shipping passes through this harbor, one can appreciate the vital national significance of the project. During the past 7 years, the city of New York has spent over $14 million on the removal of deteriorated piers alone, but, without Federal funds, the city has been unable to make any significant headway on harbor cleanup.

Although the Corps of Engineers agrees with the need for prompt action, the amount of time required to complete the necessary design and planning stages will not permit the awarding of contracts for construction until the end of fiscal year 1975. The funds appropriated, however, will be sufficient to complete the design and planning phases in the coming year so that construction funds can be appropriated in the fiscal year 1976 bill.

Despite my disappointment that construction could not be started sooner, I am still hopeful that, with an adequate appropriation in next year's bill, we will be able to clean up the debris and disintegrated shore structures in at least part of the harbor—the area surrounding the Statue of Liberty and most visible to tourists—in time for our Nation's Bicentennial celebration.

The CHAIRMAN. The Committee will rise informally in order that the House may receive a message.

MESSAGE FROM THE PRESIDENT

The SPEAKER resumed the chair.

The SPEAKER. The Chair will receive a message.

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

The SPEAKER. The Committee will resume its sitting.

PUBLIC WORKS FOR WATER AND POWER DEVELOPMENT AND ATOMIC ENERGY COMMISSION APPROPRIATIONS, 1975

The Committee resumed its sitting.

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin (Mr. DAVIS).

Mr. DAVIS of Wisconsin. Mr. Chairman, I yield 5 minutes to the gentleman from Indiana (Mr. MYERS), a member of the subcommittee.

Mr. MYERS. Mr. Chairman, as the newest member of this subcommittee, I take this opportunity to thank the chairman of our committee, the gentleman from Tennessee (Mr. EVINS), and the ranking member of the committee, the gentleman from Wisconsin (Mr. DAVIS), and all the members of this subcommittee and the staff who have shown me the patience and courtesy and who have given me so much help this year in my first year on this subcommittee. After hearing all the evidence and considering all the testimony we have received, we have had to make some very hard decisions. The members of the subcommittee have given me a great deal of help, and I appreciate that very much.

I also join with my colleagues in expressing regret and with mixed emotions, concerning the departure of our two colleagues, particularly the member who serves on this subcommittee, the gentleman from New York (Mr. ROBISON).

I served previously for 4 years on another subcommittee of this Committee on Appropriations, on which the gentleman from New York (Mr. ROBISON) served as ranking member. He was of great help to me, and I learned to know him and to appreciate him for his courage, for his convictions, and for his knowledge and his willingness to do what was right. His leadership in this Congress, and particularly on this committee, is going to be missed. His departure will be a great loss not only to this Committee on Appropriations but to this country. His shoes are not going to be very easily filled.

I join also with the gentleman from New York (Mr. ADDABBO) in that I had hoped that the gentleman would change his mind and remain, but I do recognize that he has made this decision with his family. We understand this, and we do wish him well.

Mr. Chairman, as has been said here, this Public Works and Atomic Energy appropriation bill is a rather large one. I suppose it is the largest one that has ever come to the floor. Four and one-half billion dollars is a lot of money.

I imagine this afternoon we will hear some conversation and suggestions that many of these programs are not really needed and that we could get along with less because they will not be in the best interests of the future of this country.

Again as a new Member listening to

the witnesses and observing the tragedies and disasters and the ultimate cost to the American taxpayers and consumers of this country, I think if we do not continue to expand the programs embodied in this bill, we will be contributing to new tragedies and new disasters.

I can say as the newest member of this committee that this is one of the best areas in which the taxpayers can spend their money this year. We only need to look at the flood areas such as the Mississippi River valley and many of the other rivers and their tributaries to see the big disasters that occurred and the areas where these projects are so badly needed this year. A few dollars spent in flood protection and prevention will certainly return a great deal more not only in dollars saved but in food that this Nation and this world needs today. Food is not produced from farms that are under flood waters.

So the public works projects that we come to today, every one of them, I am sure will return many fold in dollars that we invest.

I certainly share in and join our colleague from Iowa, the watchdog and the man who has been cited as the conscience of this House and Congress, Mr. GROSS, and believe he is exactly right in his opinions. If the taxpayers, through the dollars they spend in this Congress, can spend it on domestic assistance programs such as we have here rather than in foreign assistance, that would be the best way in which we could spend it.

I recognize today that there will be some amendments to increase some of these projects. This committee explored all of the areas where we could spend more. I believe we have in this bill appropriated for the maximum that can be spent wisely. There could be other increases, but they could not be made wisely.

I assure you, as a member of this committee, that we will continue to expand the programs in order to improve our water resources and to preserve the ecology and environment of our country. I know every Member is concerned about that.

Again I thank the committee and the staff for their patience and help this year.

Mr. EVINS of Tennessee. Mr. Chairman, I yield 1 minute to the distinguished gentleman from South Dakota (Mr. DENHOLM).

Mr. DENHOLM. Thank you, Mr. Chairman.

I appreciate the effort and work of the chairman, Mr. EVINS of Tennessee, and the members of the committee in reporting the legislation on appropriations. Their work product is a foundation for the future of our country. It is money well spent in the preservation and use of our national resources. The appropriations included in the legislation provides for a construction start on emergency bank stabilization on the Missouri River below Gavins Point Dam in South Dakota. It includes emergency funding that may be reprogramed at the discretion of the Corps of Engineers wherever essential demand for emergency projects exist.

Mr. Chairman, every dollar authorized in the appropriations of this effort is another investment in America.

I am grateful to the distinguished chairman, Mr. EVINS of Tennessee, for his leadership in doing what must be done. It is difficult to do all that should be done but I am persuaded the members of the subcommittee have done well in equitably providing for the funding of many projects across the country. I commend them and urge the enactment of the legislation accordingly.

Mr. EVINS of Tennessee. Mr. Chairman, I yield such time as he may require to the distinguished gentleman from Tennessee (Mr. JONES).

Mr. JONES of Tennessee. I thank the chairman for yielding.

I want to express my appreciation for what the chairman and the committee have done on this very fine piece of legislation.

I want to commend my dean and the chairman of the committee for his leadership and ability in handling the public works bill as he has.

I rise in support of the bill in general but have some specific remarks about the west Tennessee tributaries project which is included.

I am proud to say that after several years of controversy and litigation our project is about to get underway again. The original channelization project was challenged in court by a coalition of duck hunters and environmental groups. An injunction was issued against the project by the Memphis Federal District Court. For several years little work has been done and the area has suffered flood damage running into the millions of dollars.

A few months ago it became evident to all the parties involved that they were all in a "no win" situation. This prompted some of the first real personal discussions between the proponents and opponents of the project. They worked out a compromise which was approved earlier this year by this body and will be partially funded by the bill before us today.

This compromise appears to me to be a forward-looking approach to balancing our immediate needs for flood protection with the necessity to preserve our environment and wildlife habitat.

Basically, the project will be allowed to proceed but at the same time the Corps of Engineers will begin acquisition of 32,000 acres of wet lands to be set aside for wildlife and recreation.

I have no doubt that in the future as we begin to come to grips with dual problems of food production for growing populations and environmental protection for future generations that such compromises will be the way to go. The funds in this bill will help us establish in west Tennessee a project that may well become a model for settling these disputes all across the Nation.

Mr. ALEXANDER. Mr. Chairman, generally the bill which we consider here today is one which benefits the Nation as a whole in all its parts. But, there is a portion of this bill which is of particular interest to me as chairman of the Subcommittee on Rural Development.

The part of the bill to which I refer is the funding contained in title IV for the Appalachian Regional Commission and regional development programs. This Commission is designed to help do a job in Appalachia that is the same as or very similar to one which I speak to this House about from time to time—revitalizing small countryside communities. Making it possible for those communities to enter or reenter the mainstream of American life through the improvement of the quality of life they can offer their citizens and persons who want to become their citizens.

I am pleased to note that the Appropriations Committee has increased the appropriations for the Commission's operations and programs. The work which the Commission has done in many areas has pointed the way to routes which other disadvantaged countryside areas might be assisted in strengthening their economies and quality of life. For my colleagues' information I would like to review the facts with regard to this particular portion of the bill:

APPALACHIAN REGIONAL COMMISSION

SALARIES AND EXPENSES

Appropriation, 1974	$1,492,000
Budget estimate, 1975	1,740,000
Recommended, 1975	1,740,000
Comparison:	
Appropriation, 1974	+248,000

APPALACHIAN REGIONAL DEVELOPMENT PROGRAMS

Appropriation, 1974	$270,000,000
Budget estimate	293,500,000
Recommended, 1975	293,500,000
Comparison:	
Appropriation, 1974	+23,500,000

The committee allocated the programs funds to the following programs and activities:

Highways	$160,000,000
Area Development Programs	125,000,000
Research, Demonstration and Local Development Districts	8,500,000
Total	293,500,000

Mr. MILFORD. Mr. Chairman, this bill contains substantial funds for two reservoirs vital to the Dallas-Fort Worth metroplex area, which I have the good fortune to represent.

I am particularly pleased that the committee has increased the budgeted amount for the Lakeview Reservoir from $1,000,000 to $2,500,000, so that we can begin construction of this facility without further delay.

This is an extremely good project from every standpoint.

The cost-benefit ratio is 2.8 to 1. And even excluding recreational benefits and charges, the ratio is still 2.1 to 1.

Mr. Chairman, this reservoir will make a strong start toward halting flooding in a large and heavily populated downstream area. Within the last 5 years, this area has had major flooding with damage estimated at over $11 million for the most recent flood and damage estimated at $7½ million from the previous major flood.

It is estimated that more than half the damages from these floods would have been eliminated by construction of this one reservoir.

I am pleased that the committee has analyzed these figures and come to the

conclusion that it is vital to begin this project without further delay.

This project is in an area of rapidly rising land prices, and every penny we invest in beginning acquisition of the necessary acres this year will save us money in the future.

I might also add that the location of this lake, within close proximity to a large metropolitan area, will afford water-related recreational opportunities to many, many low-income people who do not have the means to travel out of the immediate vicinity for this recreation.

Mr. Chairman, I would also like the RECORD to show that of the total estimated cost of this project, almost a third is in non-Federal funds. The participating communities are committed to spending $26.8 million for water supply benefits, and more than $6 million for recreational benefits.

It is truly an outstanding project, and I thank the committee for a tremendous boost in getting it started.

The inclusion of a $5 million appropriation for the Aubrey Lake in Denton County, Tex., is another dramatic step in the right direction. I am most pleased that the committee has recognized the urgent need to begin construction on this project, even though the people at OMB did not.

Denton County is not in the area I represent in Congress today, but it was a part of my district when I first came here.

This, again, is a reservoir in an area where land prices are rising at a dramatic rate. Every year's delay in construction of this lake literally adds millions of dollars to the total reservoir cost. And the lake is so vital that someday it must be built. The committee obviously recognized this fact, and I appreciate it.

Thank you, Mr. Chairman.

Mr. ANDREWS of North Carolina. Mr. Chairman, as we vote today on H.R. 15155, the bill providing for Public Works-Atomic Energy Commission appropriations for fiscal 1975, I would like to call my colleagues' attention to the item of $5.5 million for the Falls Lake project in North Carolina.

Earlier this week, I obtained a copy of the committee report on this bill and was pleased to see that the Appropriations Committee had approved the request that my distinguished colleague, Hon. DAVID HENDERSON, and I made on May 1 that the appropriation for this project be increased from the $3 million requested in the administration's budget to $5.5 million for the fiscal year beginning July 1.

At this time, I would like to express my sincere thanks to my distinguished colleague, Hon. JOE EVINS, chairman of the Public Works-AEC Subcommittee, and other members of that subcommittee and of the full Appropriations Committee, for approving this request.

My testimony on May 1 concerned both the Falls Lake project and public works funding for North Carolina, and at this point, I would like to insert this testimony into the Record:

STATEMENT BY HON. IKE ANDREWS

Mr. Chairman, Members of the Subcommittee, the administration is requesting more than $1.5 billion for the civil works program of the Corps of Engineers for Fiscal 1975. Budget items listed under states total $1.4 billion.

Of this $1.4 billion, the State of North Carolina is slated to receive $13,036,000, or only nine-tenths of one percent of the total.

With North Carolina having about two percent of our nation's population and about 1.5 percent of the land area, it is clear that the administration's Fiscal 1975 budget would deny my State its fair share of funds for public works projects.

Although my State ranks 12th nationally in population, it ranks 28th in the administration's budget requests for public works.

In reviewing this budget, I was struck by the fact that the requests for one state amount to three times what is being requested for North Carolina, yet that state has less than half the population and less than half the land area of North Carolina.

Having been in the House for only 16 months and not being a member of this important Subcommittee, I realize that I am far from aware of all the many complexities confronting you in your deliberations. Obviously, many factors other than the population and land area of a given state must be considered.

Even so, I firmly believe that the most important consideration must always be population—that is, consideration for human needs and for the people who will benefit from and be affected by these public works projects.

Although North Carolina is shortchanged by the administration in its requests for public works projects, I strongly hope that this Subcommittee will take action to correct this by recommending appropriations more in line with my State's percentage of the national population.

Public works projects are especially important to people in North Carolina who reside in two geographic areas. One area, as Congressman Walter Jones is to describe later this afternoon, is along our 300-mile coastline.

The other area is the one I represent in the central part of the State.

In the course of returning home for the past 60 consecutive weekends and talking at length with elected officials and residents throughout the Fourth District, I know that nothing in my area is more critical than the need for a much more adequate supply of water. Not far behind are the related needs for flood control and for improved waste treatment facilities.

The four counties that make up the Fourth District contain four major Corps reservoir projects. Two are in the land acquisition-construction stage, and two others are in the planning stage.

The administration's budget requests $5,160,000 for these and other public works projects in the Fourth District. However, as stated in my letter to the Chairman of April 16, the Corps has a capability on these projects of $13,885,000, without regard to its overall program capability, fiscal constraints, or the administration's assessment of appropriate national priorities for federal investments.

I hope it will be possible to fund the Corps' capability for my district, and I especially hope that funds can be found to meet the capability of $5.5 million for the Fall Lake Project.

Of all the Corps' reservoir projects planned for North Carolina, our State Government has accorded number one priority to completion of the Falls Lake Project. It is needed without further delay.

The Falls Lake Project is designed to provide for recreation, flood control and water quality, and, most importantly, to provide a water supply for the fast-growing Raleigh metropolitan area that will be adequate until well into the 21st Century.

The Greater Raleigh metropolitan area grew 35 percent in population in the Sixties and is believed to be experiencing this same growth rate in this decade.

For the past 10 years, the Raleigh City Council has taken strong positions in support of the Falls Lake Project, and in anticipation of it, the City has spent nearly $8 million to build a new water plant and intake and is preparing to spend about $2 million to build an interim, emergency reservoir on Beaver Dam Creek.

Hopefully, this emergency reservoir on Beaver Dam Creek, a tributary of the Neuse River, can be completed in the latter part of 1975. It will help meet the Raleigh area's water needs until the Falls Lake Project is completed on the Neuse, and at that time the Beaver Dam facility will be flooded by the larger project.

The Corps' capability of $5.5 million for the Falls Lake Project for FY 1975 is $2.5 million above the amount requested in the administration's budget.

One way to obtain a portion of the additional $2.5 million has been suggested by Mr. James E. Harrington, Secretary of the North Carolina Department of Natural and Economic Resources.

His suggestion, which represents a recommendation on the part of the State of North Carolina, is that the $1,000,000 recommended in the administration's budget for "Brunswick County, Beaches" in North Carolina be reallocated, with $700,000 going to the Falls Lake Project and $300,000 to the Manteo (Shallowbag Bay) Project.

I would like to endorse Mr. Harrington's suggestion to this Subcommittee.

My understanding is that local interest and participation is slim to non-existent in the project known as "Brunswick County, Beaches," and I would not be surprised to learn that in some other localities across the country, residents and elected officials may be opposed to or unenthusiastic over some Corps projects planned for their area. If your Subcommittee should uncover such projects, it is my hope that the administration's budget requests for these will be re-allocated to the Falls Lake Project, the B. Everett Jordan Dam and Lake Project, and other public works projects needed in my area and my State.

In closing, please let me again stress the critical and overwhelming need for a more adequate water supply in the Greater Raleigh metropolitan area. The Falls Lake Project on the Neuse River is the most feasible means for obtaining this water supply.

Although it is not considered by some to be a completely perfect project, steps are being taken to correct the imperfections, and there is almost unanimous agreement in my area that problems with respect to the separable recreation lands on the edge of the project can be settled during the time the Corps proceeds with acquisition of the joint use lands.

The energy crisis has taught us that we absolutely must do a better job of anticipating problems well in advance of the time they may become crises and of acting quickly to solve those problems. With another drought similar to the one Raleigh, Wake County and a large part of North Carolina experienced in 1953, the area's water shortage problem will become a full-blown crisis.

That can possibly be averted with full funding of the Falls Lake Project in Fiscal 1975 and subsequent years.

My office has very extensive files on the Falls Lake Project, and, should you need any additional information on it, we shall be most happy to provide it to you.

Thank you.

Mr. JOHNSON of California. Mr. Chairman, I rise today to express my full support for the Public Works appropriations bill brought before us today. I also would like to take this opportunity to

commend the chairman of the House Appropriations Committee, the gentleman from Texas, and the chairman of the Public Works Subcommittee, our good friend, the gentleman from Tennessee, and the members of his subcommittee. As usual, the subcommittee has recognized the needs of the Nation and has put before the House of Representatives a solid package of public works development which will prove of great benefit to the Nation.

Before commenting further on the bill itself, I would like to express a regret that this bill will be the last Public Works appropriations bill that our good friend, HOWARD ROBISON of New York, will be working on, as he will be leaving this House at the end of the 93d Congress. HOWARD ROBISON has contributed greatly to the growth and stability of our Nation through his vision of wise public works programs which have been most beneficial to our people. We in California consider him a good friend and we are going to miss him and his dedicated leadership in this field. On behalf of the State of California and on behalf of myself personally, I want to express my deep appreciation. HOWARD, for all that you have done for us over the years.

Mr. Chairman, turning to the bill at hand, I think it is important that we move ahead with the programs as recommended by the committee. Each of these programs considered for funding in fiscal 1975 is a project which has been authorized by this Congress following comprehensive studies which demonstrated that the benefit-cost ratios are beneficial, and in the final analysis, the people of this great Nation of ours are going to be helped by the completion of these projects.

Much of the initial cost of these projects will be returned to the Federal Treasury through the sale of water, hydroelectric energy, and through other means. However, the Federal cash register cannot ring until the works are completed. Delays are costing us dearly because of inflation. Delays cannot help place reasonably priced food on the tables of the Nation. Delays do not create jobs to ease the high unemployment we have in many regions where this type of development is programed.

Mr. Chairman, let me conclude by once again commending my good friend from Texas, GEORGE MAHON, upon the outstanding leadership which he has offered to the Committee on Appropriations. He has a very difficult and challenging responsibility in trying to meet the needs of the Nation and yet at the same time hold down the costs of our Federal Government as he has indicated he wants to do. This bill before us points out how successful he is in this effort and I want to congratulate him for it. These same congratulations can be extended to our friend JOE EVINS of Tennessee. He and the members of his fine committee have considered many, many projects and many, many problems and the recommendations that they have brought forth as a result of extensive hearings certainly are realistic and reasonable, and I believe should be supported fully by this House of Representatives.

Mr. WIDNALL. Mr. Chairman, I rise in support of the Committee's action appropriating funds for the Tocks Island multipurpose project, but making their expenditure for its construction subject to committee approval of the project agency's decision to proceed.

I believe the committee has acted responsibly in this matter. At pages 4 and 5 of its report it states:

The Committee is aware of the massive amounts of water necessary to run our hydropower projects, operate nuclear and other types of power generating plants, produce food and fiber, operate navigation systems, develop our oil shale deposits, and provide municipal and industrial water supplies for people of this nation.

We should never forget that water is a precious resource which we cannot do without.

Many feel that water supply could be the next serious problem facing the nation. Water resource development should be considered very high on the list of items to be given immediate attention.

The Committee has a strong commitment to the development of the water resources of our country. The funds recommended in the bill will provide adequate funds for an orderly approach toward developing our water resources. * * *

The Committee believes that the objectives of water resource development and the enhancement of the environment need not be incompatible and indeed should be complementary. A proper balance must be maintained in the national interest and in the public interest. The Committee rejects the position of either extreme—development no matter what the environmental impact or sacrificing all economic growth at the whim of the environmentalists. * * *

The Committee believes that the programs funded in this bill offer a balanced approach which is proper and which will contribute to an economic development policy which will not stop progress in America but which will provide for preserving, promoting, and protecting our environment while developing vital natural resource needs to serve mankind—thus providing a balanced program serving the total public interest.

I share the committee's sound philosophy in these matters, and repeat here by statement before the subcommittee regarding the Tocks Island water resource project, as follows:

STATEMENT OF CONGRESSMAN WILLIAM B. WIDNALL

Mr. Chairman, Members of the Subcommittee, for seventeen years my Seventh Congressional District of New Jersey included the authorized Tocks Island project area.

I represented it during the Delaware River's disastrous floods of 1955, and its disastrous seven-year drought of the 'sixties, and through all their lingering adverse environmental effects.

I also represented it in 1962, when we authorized Tocks Island multipurpose project to prevent a repetition of those environmental disasters, and to meet the additional electric energy and lake recreation needs of the people of New Jersey and elsewhere throughout the Delaware Basin area.

There is no dispute as to the public need for this undertaking. Our Governors have now provided the two preconditions the Subcommitee imposed on Tocks Island's construction last year. I therefore request that you now grant the appropriation needed to permit this long delayed development to go forward to construction.

Our Governors now have given formal assurance that we will pay our share of the cost of this Project's water pollution control, and have reduced its recreation impact on highways by reducing its visitor level to four million visits a year.

Tocks Island's other purposes are important, of course, but its water supply function is paramount. Our need for it was great at the time of the *Presidential Drought Disaster Declaration of 1965*. Our need for it is far greater today. For our numbers and requirements are far greater today.

In a recent report on the Water Resource Development of 1974, our House Public Works Committee noted that—

". . . the threat of energy shortages has produced front page stories and mobilized public officials," yet the threat of water shortages, which is equally serious in its consequences, has received little attention. * * *

"We must act today to avert the coming crisis, . . . Fortunately, these investments will provide a service to the Nation, not only in security against crippling shortages, but in providing protection against floods, adding vitally needed hydroelectric power, creating new opportunities for healthful outdoor recreation, improving the navigable capacity of our inland waterways, and providing new habitats for fish and wildlife—a rich return" (H. Rept. No. 93-541).

Mr. Chairman, the Tocks Island Conservation Project is desperately needed to avert those shortages, supply that protection, add electric power, and provide opportunities for healthful recreation in New Jersey. This needed conservation project must now go forward to construction.

Mr. THOMPSON of New Jersey. Mr. Chairman, I rise in support of the appropriations contained in H.R. 15155 as reported to us by the Subcommittee on Public Works of the House Appropriations Committee. I particularly want to express my support for the $8,490,000 recommended for the Tocks Island Lake project and the $135,000 made available to the Corps of Engineers for the Raritan River flood control feasibility study. It is my understanding that the latter figure includes $60,000 for the continued feasibility study of the Crab Island water supply project.

As the most urbanized State in the Union, New Jersey must, if it is to maintain orderly progress, assure to itself an adequate supply of potable water to meet demonstrable and anticipated needs. The Tocks Island Lake project will provide an additional 300 million gallons a day of water when completed. The State of New Jersey has already similarly requested that it be allocated 150 million gallons per day of that supply. That allocation will be urgently needed to meet anticipated use in northern New Jersey by the year 1990.

The Crab Island project contemplates construction of an on-river cofferdam which would impound a body of fresh water that would recharge underground aquifers and thereby assure a continued supply of artesian water to users in northern Middlesex County.

I note that with respect to the Tocks Island project the committee has requested $6,040,000 for continued land acquisition and $2,450,000 for construction and that none of the latter sum be obligated or expended at this time until the various governmental parties in interest reach a decision on construction of the Tocks Island Dam. I think the committee acted wisely in directing that this decision be made at the earliest possible time, and that in any case it be made within a year. Mr. Chairman, this project has been

studied and restudied since its enactment in 1962. People in the State of New Jersey and, for that matter, people throughout the country who will be paying the cost are entitled to have a decision. The Congress spent $5 million of the taxpayers' money to finance the study upon which the Tocks Island Lake project is based. No responsible official has denied the demonstrated benefits of the project. The Corps of Engineers will soon submit to the Council of Environmental Quality an updated environmental impact statement which should answer all outstanding environmental questions to the extent that they can be answered by the knowledge at our disposal. In short, Mr. Chairman, it is time for a decision on the Tocks Island Lake project.

Mr. TOWELL of Nevada. Mr. Chairman, a month ago, I testified before the Public Works-Atomic Energy Commission Appropriations Subcommittee urging my colleagues to support an increased funding level for the Atomic Energy Commission's weapons program. While this increase had not been requested by the administration, it had been recommended by the Joint Committee on Atomic Energy and approved by Congress in the fiscal year 1975 authorization legislation for the Atomic Energy Commission.

As the Joint Committee noted, the priority increases in the AEC 1975 budget are now primarily related to energy development programs and basic and supporting energy research for civilian use. In fact, the original AEC request would increase energy and related research programs by more than 30 percent. This amount, too, was approved by the House of Representatives on April 30 when the energy research and development appropriations bill was passed.

All other AEC programs, including the weapons program, would only receive an aggregate increase of about 4 percent under the original administration request. The Joint Committee on Atomic Energy's basic concern regarding the weapons program activities of the AEC, and a concern with which I fully agree, is that our technology in weapons development and testing be maintained as the foundation of our national security.

The committee report on the AEC authorization bill emphasizes that the administration's budget request, if not increased by Congress, would essentially freeze the nuclear weapons technology at the 1974 level. In light of the Department of Defense's strategic objectives and activities of the Soviet Union in nuclear testing, I feel that the proposed increase in the AEC weapons program is not only justified, but imperative.

As more nations are gradually developing their capabilities in the development of nuclear technology, this does not seem to be the time to stabilize the United States commitment to maintain a superior program in this regard. This Nation's obvious leadership in the sphere of international diplomacy rests in part on our continued strength in military capabilities.

From this position, I was most disappointed when the Appropriations Committee reported the bill we are considering today, which sets the Atomic Energy Commission's weapons program funding at essentially the same level as last year. While the new commitment to energy research is certainly essential to our Nation today and in the future, tnat it comes at the expense of continuing the expansion of atomic weapons testing is not in the national interest.

I am voting for H.R. 15155 today because I fully support the continuing efforts of the Atomic Energy Commission to maintain and improve this Nation's nuclear technology. But as a firm believer in maintaining the role of the United States as a leader in weapons research and development, I must protest the stabilization in appropriations for the AEC weapons program contained in this legislation.

Mr. HOSMER. Mr. Chairman, as a member of the authorizing committee I have had an opportunity to examine in great detail the budget request submitted to the Congress for the conduct of AEC's responsibilities, took part in the actions of the Joint Committee on Atomic Energy concerning it and now in reviewing the actions taken by the Appropriations Committee.

In general, the Appropriations Committee has approached AEC's funding for this year in a constructive way. However, in two areas I think the committee has underestimated the needs and carved too deeply with its cutting knife.

One area concerns the budget for licensing and regulatory activities. We want to speed these, yet the committee has slavishly followed OBM's dictates in this matter instead of providing the funds AEC needs to expedite the licensing program in recognition of the Nation's need for new electrical generating capacity. And, in the nuclear weapons testing area the committee also has dealt over harshly with respects to national security requirements.

Today I will discuss both these items in detail, hoping thereby to lay the foundation for acceptance of such increases in these areas as the other body may suggest.

In passing I also note that the high energy physics fund have been cut by about $4.9 million below what is essential if that program is to be maintained at its present level despite every decreasing value of the dollar and ever-increasing costs of electricity and other items upon which a satisfactory pace in this basic and vital effort must be maintained. The money should be restored, of course.

LICENSING PROGRAM

The Joint Committee's examination of the present status of the licensing program and the projected workloads revealed that the Commission could well utilize an addition of 114 personnel—representing an increased obligational authority of $1,425,000 during the fiscal year—for the important purpose of accelerating the licensing reviews of specific reactor projects and speeding the proper consideration of the environmental views as well.

I think it is clear to all Members of this body that we have a national need which has been translated into a national objective to achieve self-sufficiency in energy as soon as we can possibly bring it about. Additions of electrical generating capacity to our utility systems will not solve all of our energy problems but can contribute significantly to closing the gap insofar as electrical energy is concerned. Each additional nuclear plant brought onto line reduces our dependence on Mideast oil to a significant extent. For example a 1,000-megawatt electric nuclear plant operating for a period of 1 year decreases our need for Mideast oil in the amount of 14 million barrels during that period. The AEC's licensing program is now moving at a pace where a significant number of additional large plants are being granted construction permits and operating licenses.

The growth of the AEC regulatory staff has been admittedly fairly rapid. However, an examination of present and projected workloads shows that the increase in personnel requested by the administration for fiscal year 1975 can be effectively utilized in speeding up the licensing of nuclear powerplants.

The objectives of the regulatory staff include:

A reduction in the safety review time for construction permit applications—a 5-month saving in processing for each nuclear unit translates to 5 million barrels of oil;

Acceleration of the development of standards of design and construction of nuclear units. The existence of definitive standards on various aspects of design should reduce controversy during public hearings concerning the acceptability of the detailed design of a plant;

Carry out increased effort on important criteria relating to waste management, standardization, physical security, et cetera; and

Accelerate the effort of the General Counsel's office—participation in public hearings for specific cases, rulemaking hearings, and other aspects of the regulatory process.

The additional $1.425 million would permit the licensing and regulatory effort to be increased by a net 265 billets to speed along these processes.

The actual increase in personnel distributed as follows:

(90) Inspectors—More (35 powerplants and fuel cycle facilities to inspect.

(34) Rapid rise in operating reactors increases licensing workload on technical amendments and application of generic solutions to more plants; backfitting assessments of older plants.

(65) Five-month cut in CP environmental review time and accelerated CP safety reviews.

(7) Increased standards work on predesignated site criteria.

(18) Fast breeder demo (5)—gas-cooled reactors (4)—Pu recycle (3)—commercial enrichment (2)—plant construction info system (2)—tech assistance for antitrust (2).

(8) Standards work on quality assurance, plutonium processing, etc.

(20) ACRS, boards, and legal services.

(23) Clerical and administration services support for line functions.

These billets are essential and I trust that by the time this legislation gets in the lawbooks they will be included.

TEST PROGRAM

As to the test program, this bill has the effect of reducing it at the wrong time. The heart of past progress in gaining effective arms control agreements with the Soviet Union has been our

qualitative edge in nuclear weapons technology. That edge cannot be maintained without an active and vigorous underground test program as required by the limited test ban treaty safeguards.

During the hearings on the AEC's weapons program the Joint Committee on Atomic Energy concluded that the on-continent test program had been so reduced in funding by the administration that no advanced technology experiments could be conducted within the fiscal year 1975—if during the year the Department of Defense stated a requirement for weapons which would require higher yield—less than a megaton—tests at the Nevada test site. In order not to freeze weapons technology at the 1974 level, the joint committee recommended that an additional $15 million be authorized for the on-continent test program. The Congress did authorize that addition.

In fact, the Department of Defense has made those requests—in March and April—and that an additional $15 million will be required in order not to freeze weapons technology at the 1974 level.

This bill eliminates the additional $15 million and leaves the on-continent test funding at the $97,552,000 level instead of the authorized $112,552,000 as was authorized by the Congress. If the overall $9,800,000 reduction to the operating expenses made by this bill is applied in part to the test program by the AEC, there will be a further deterioration in the test program.

We have all learned from recent reports that the United States and the Soviet Union may be close to signing some kind of test ban treaty in the very near future. If that happens, we do not yet know when it will become effective. However, if it does not become effective until the end of fiscal year 1975—as seems probable—it is essential that the AEC test program during fiscal year 1975 be a full one which will include advanced technology experiments rather than a reduced program. We will need that effort to assure the necessary qualitative effort to help make the SALT II negotiations still underway have a higher probability of success. Without it, the chances for a successful SALT II are reduced.

I hope this item, too, will be restored during the legislative process sometime before the bill reaches the law books.

Mr. BURKE of Massachusetts. Mr. Chairman, today, as the Public Works-AEC appropriations bill is being debated on the House floor, I wish to advise my colleagues of my strong support of full appropriations for flood control projects in Massachusetts, particularly the Quincy coastal streams flood control study and the Weymouth-Fore and Town Rivers dredging project. The Army Corps of Engineers has requested $110,000 for the continuation of the Quincy coastal streams study, and they are receiving cooperation from the Metropolitan District Commission in Boston to assist in expediting the study. The ultimate goal of this project is to report to Congress on the advisability of improvements for flood control and allied purposes on the Quincy coastal streams.

I also support appropriations of $1.8 million for the Weymouth-Fore and Town Rivers project. The results of this dredging project will yield great benefits in improved navigation and increased commerce on the Weymouth-Fore and Town Rivers.

The economy of the South Shore Area has suffered severe setbacks in recent years. The closing of military bases has contributed to the extremely high unemployment in that area. I believe that the increased commerce and navigation on the Weymouth-Fore and Town Rivers, which will result from completion of the project, will prove to be a major factor in improving the economic situation of the entire South Shore Area.

Many businesses and homes have suffered severe damage due to flooding in the South Shore area. However, with the completion of these projects, and the implementation of recommendations, such destruction of property will cease.

The projects which I have brought to your attention are of vital concern to all who work and reside in the South Shore Area of the Commonwealth of Massachusetts. I want to thank the members of the Public Works Appropriations Subcommittee who, in recommending the bill before us today, have recognized the seriousness of the problems facing the Massachusetts area.

Mr. KEMP. Mr. Chairman, I rise in support of this important appropriations bill before us.

It is important to the people of western New York and the Nation.

Federal financial assistance to aid in the planning and construction of works of improvement—such as those funded by this bill—is a form of Federal aid as longstanding as our Nation itself. It is an important aspect of the Federal-State-local cooperation which has pervaded our sense of national unity.

These works of improvement—public works—are designed to carry out important environmental objectives. They are investments to help us protect the environment against the ravages of floods, to improve navigation for both commercial and recreational uses, to enhance crucially needed water supplies for municipalities, to reduce losses to our economic well-being, and to alleviate the human misery which accompanies any failure to come to grips with these problems.

I have seen the effects of flooding. I have seen homes—into which families had put their life savings—destroyed in only a few hours because there were not structures and devices to hold back the water or rechannel it away from populated areas.

I have seen the water supplies of entire areas endangered by the contamination which arises from such disasters.

During the period when it has become evident that the Federal Government must cut out the fat—the frivolous, less-important, lower-priority activities it too often has funded—I think few could disagree with the conclusion that here—working toward the construction of protective public works structures— is where we should be spending our money.

There are several important projects in this bill affecting the people of western New York. I have testified and urged the Committee on Appropriations to fund these vital projects.

I am thankful to the distinguished chairman of the Committee on Appropriations, Mr. MAHON of Texas, and the ranking minority member, Mr. CEDERBERG of Michigan—and to all the members and staff of that committee—for their assistance in getting these proposed fundings to the floor today.

The bill provides $275,000 for a comprehensive flood control and wastewater management investigation in the Buffalo River drainage area, which includes watersheds of Cayuga and Cazenovia Creeks, portions of Cheektowaga, West Seneca, Lancaster, and Buffalo, and much of the towns of Aurora, Elma, Colden, Marilla, Wales, Bennington, Sheldon, and Java. This is an increase over the amount requested in the budget message, but it is critically needed and the committee's judgment reflects that. Of the $275,000 investigation, $100,000 is to be earmarked to complete the unfinished Tonawanda Creek flood control study.

The bill provides an additional $25,000 for investigations for improved navigation on the Niagara River and improvement of Niagara Falls, as well as an additional $10,000 for the study of additional locks on the St. Lawrence Seaway, our avenue of commerce and trade between the Great Lakes and the Atlantic—a crucially important matter for the economic health of the entire Great Lakes area.

The bill provides $120,000 for planning navigation improvement projects in Cattaraugus Harbor, $135,000 for additional flood control planning on Ellicott Creek, and $100,000 for flood control planning on Scajaquada Creek.

The amount for Ellicott Creek planning funds has been included by the committee. They were not recommended by the administration in its budget message. I appreciate the support of the committee on this matter. The diversion channel component of the Ellicott Creek project, as far as I am concerned, is ready to go forward.

It has been studied and studied, occasioning what I consider to be inordinate delays in flood control construction. Extensive public hearings showed strong local, public support for the proposed diversion channel project—support from the homeowners of the area, the League of Women Voters, the Sierra Club—over any other single alternative, particularly the proposed, mammoth Sandridge Dam.

Now, in the eleventh hour, when we thought there would be sufficient agreement to proceed with this important project, the State of New York has indicated to the Corps that it cannot assure local participation in the project. Quite simply, that means the State is unwilling to endorse this project and to provide its share of the commitment. I find this terribly distressing.

I feel so strongly about it that I have today dispatched a telegram to the Governor, urging him to reconsider and reevaluate the State position. I think it would be prudent for him to do so, for

the proposed diversion channel enjoys broad public, community support.

The text of the telegram follows:

Hon. MALCOLM WILSON,
Governor of New York,
Albany, N.Y.

DEAR GOVERNOR: The proposed Ellicott Creek diversion channel is crucial to providing the residents of Erie County with improved flood control and protection.

This matter has been the subject of study for years. Extensive public hearings have shown the breadth of community support for the proposed diversion channel. Homeowners' associations, environmental groups, and many others have supported the diversion channel as the most viable of all alternatives weighed. There is strong opposition among these groups—and I fully share it—against the construction of the Sandridge Dam. The channel is the most cost effective and least environmentally disruptive of the major alternatives under consideration. Most importantly, there is overwhelming opposition to the delay in the construction of these life and property saving devices now being occasioned by the State's failure to provide the Corps of Engineers assurances of adequate local commitment.

This State position will cause even more delay. In the simplest terms, this delay could result in the loss of life and property. Every time there is a flood on that Creek—because construction of the channel was delayed—I think residents along its banks will recall that it was a failure on the part of the State to endorse the channel which resulted in the damage which will occur.

There is no reason for the State to remain so firmly committed to the Sandridge Dam project. I think I can state accurately that the dam will never be authorized by the Congress. The channel is the only feasible alternative, but that cannot go forward until the State gives its assurances.

I urge you to do so. It is in the best interest of Western New York and of the State.

Sincerely,

JACK KEMP,
Member of Congress.

I hope to see this Ellicott Creek diversion channel project started, and started as soon as possible. It is the least expensive and most constructive approach to the Ellicott Creek flood problems.

I have worked closely over the years with the Buffalo office of the Corps of Engineers, as well as many citizen organizations, in trying to find the solution that would have the least disruption to the lives and property and ecology of our community.

I am pleased that the committee has agreed with me and has appropriated these moneys for this and other crucial environmental programs for western New York.

Mr. PRICE of Illinois. Mr. Chairman, I rise in support of this bill.

I would like to address myself to the nuclear weapons program of the Atomic Energy Commission and specifically to the test program. In this time of shaky détente with the Soviet Union and of hopeful progress toward effective arms limitation agreements, our Nation has been ably supported by the vigorous and competent work of the AEC weapons laboratories. Their work in giving us the advantage of high quality weapons made possible the first SALT agreement. Any further progress must be based on qualitative advantages.

The nuclear weapons test program is the essential element of the laboratories work. This is recognized by the safeguards of the Limited Test Ban Treaty which require an active and vigorous underground test program.

The Joint Committee on Atomic Energy determined during its hearings that the proposed test program would allow no advanced technology experiments—the very heart of developing the quality technology needed as a base of our negotiations. Thus, the joint committee recommended and the Congress authorized an additional $15 million to assure that these essential advanced technology experiments would be conducted during fiscal year 1975 and so that technology would not be frozen at the 1974 levels. I must express a word of extreme caution relative to any steps toward reductions in the test program.

In the event that we sign some sort of test treaty with the Soviet Union it is probable that it will not become effective until the end of fiscal year 1975 if what we have read in the press is true. If that happens, it is necessary that the nuclear test program be a full one which will give us the technology which we will need to help us obtain a SALT II agreement on terms that are advantageous to our national security. Accordingly, I support every effort to maintain a vigorous test program for our national security.

Mr. BAUMAN. Mr. Chairman, I arise in support of H.R. 15155, making appropriations for public works, water and power development, and the Atomic Energy Commission for 1975.

The committee has very properly included in the provisions of this bill funds in the amount of $3 million to continue the construction and operation of the Chesapeake Bay hydraulic model which is located at Matapeake in Queen Annes County, Md. The implications of the bay model and its continued funding, however, will benefit the entire State of Maryland as well as the surrounding States since the operation of this model will allow scientists and engineers to unlock many of the mysteries regarding the Chesapeake Bay. The experimentation which will follow the completion of the model includes work on sedimentation problems, pollution, and the preservation of the seafood industry.

This model has been a longtime dream begun by my predecessor, now Secretary of Interior, Rogers Morton, and the late Bill Mills, who pushed this project to completion.

I, therefore, commend the Committee on Appropriations for this continued funding and I also want to express my approval of the inclusion of $27,000 in the bill in order to allow the Corps of Engineers to conduct a survey of the dredging and maintenance needs for the Port of Cambridge Harbor in Dorchester County, Md. The continuing siltation of this major port has been an increasing problem and this will allow the corps to begin the process which will restore Cambridge Harbor to its rightful place in commerce.

Mr. HUNT. Mr. Chairman, I urged the Members' support of the committee bill making appropriations for this Nation's needed public works and energy undertakings.

I wish to commend the committee for its appropriation for our needed Tocks Island conservation project, and for its direction that the project agency is to submit its decision to the committee for approval before proceeding with construction of this authorized undertaking. I would like to repeat here my statement before the subcommittee on this matter, as follows:

STATEMENT OF CONGRESSMAN JOHN E. HUNT OF NEW JERSEY, BEFORE THE SUBCOMMITTEE ON PUBLIC WORKS, HOUSE APPROPRIATIONS COMMITTEE

Mr. Chairman, members of the Subcommittee: The Tocks Island Conservation Project is authorized by the Congress, and recommended by the President, and is urgently needed to meet the growing, human needs of the people of the Delaware River Basin area—for water supply, flood control, public energy supply, lake recreation, and to sustain and improve the mainstream flow of the great Delaware River.

As representative of the State of New Jersey's First Congressional District, including Camden and Gloucester Counties, both bordering on the Delaware River mainstem, I earnestly urge your support of the Administration's full appropriation request for this needed Conservation Project for our State.

In particular, I especially urge that the Subcommittee now permit this essential undertaking to go forward to construction. Its construction has now been delayed three years. There is no question of its need. Its cost is escalating by tens of millions each year. And the two preconditions to its construction this Committee imposed on it last year have now been fully and fairly met.

The Governors of our Basin States have now provided the formal assurances that the Council on Environmental Quality asked for, that we will pay our share of the cost of Tocks Island's water pollution control. And the Governors of our States have now reduced this Project's recreation impact on highways, by cutting its recreation level from ten million down to four million people a year.

There is little more to add. The Subcommittee is familiar with the Delaware River Basin's disastrous floods, and disastrous droughts, and energy shortages, and long hot summer recreation crises, and pollution laden low-flows which this Project is needed to alleviate.

As for my own, First Congressional District of New Jersey, the project's flood control function will reduce the damage of the mainstem's flood impacts on our fish and shellfish.

Its energy output will help provide the peak power supply necessary to maintain our homes, employment, and industries.

Its lake and surrounding park will provide the needed additional public water recreation area and greenspace that is in such short supply in our crowded, most densely populated State.

And its sustained downstream flow releases are required to prevent the intrusion of the Delaware River's salt front on our critical domestic, municipal and industrial fresh ground water sources. Its releases are also necessary to maintain and improve the Delaware River's level for aquatic life, boating and other recreation uses during low flow periods.

Tocks Island Conservation Project has been reevaluated and reaffirmed many times, as essential for the water resource requirements of our people.

I therefore respectfully request that the Subcommittee and full Committee recom-

mend the funds needed for continuance and construction of this necessary Conservation Project, and for all efforts to assure its compatibility with the environment.

Thank you.

Mr. ROSTENKOWSKI. Mr. Chairman, I have consistently voted in opposition to the Dickey-Lincoln hydroelectric power project since it first came before the House in the middle 1960's. My reasons for opposing it were twofold in nature. First, I believe that the cost factor was risky at best. Three years ago, I believed that we should not risk $300 million to produce power which might or might not be less expensive than the power produced by the private electric companies.

Three years ago, I was concerned about the environmental impact of this project upon the Maine wilderness. Mr. Chairman, I still have these environmental concerns and they trouble me, but I will today reverse my position and vote to approve funds for the Dickey-Lincoln project. For, since I last voted on this measure, the cost of oil has soared, thus making my original economic calculations unreasonable. No area of our Nation has been more affected by emergency shortages than has the New England region. The people of New England desperately need additional and inexpensive power sources. I now feel that the Dickey-Lincoln project will be a necessary factor in meeting this need.

Mr. DORN. Mr. Chairman may I commend the House Appropriations Committee for recommending full funding next year for the Nation's water and power public works projects. We are especially pleased that the committee accepted our recommendation and provided $2.125 million in fiscal year 1975 to begin construction of the Richard B. Russell (Trotters Shoals) project on the Savannah River. This is compared to the $500,000 contained in the budget request sent to the Congress by the administration.

Now is the time to proceed at the speediest rate feasible in the construction of hydroelectric power projects. We appeared before the Appropriations Committee to urge that the Corps of Engineers be provided with the full amount they were capable of using next year on the Russell project. We are delighted that the committee has provided the full $2.125 million. We urge the House to vote its overwhelming approval.

Mr. Chairman, production of electric power at the Russell project will help assure the additional future energy supply so desperately needed in South Carolina and throughout the Southeast.

The fuel shortage brought to our attention as never before how dependent this Nation is on its energy sources. Fortunately in the Southeast we have moved ahead with public and private power. The fuel shortage came close to paralyzing the Nation. But this was nothing compared to the chaos that would result from national electrical power blackouts and brownouts. This would be a national calamity.

Production of power by means of falling water at the Russell—Trotters Shoals—project on the Savannah will be a positive step in South Carolina's environmental improvement and in conservation of scarce resources. Energy production at the Russell project will consume neither coal, gas, oil, or uranium. It will enhance South Carolina's unsurpassed water resources and environmental beauty. In addition to power generation, the project will provide immeasurable fish and wildlife benefits. The resulting lake will augment the nationally known Clark Hill and Lake Hartwell recreation complex.

Mr. Chairman, may I commend the very effective support the Russell project has received from the South Carolina Electric Cooperative Association. Their foresight in supporting the Russell project and other power generating projects in South Carolina and the Southeast has played a vital role in assuring the continued economic and social progress of South Carolina.

Mr. Chairman, this $4.475 billion overall bill is a tremendous step forward toward assuring the Nation's power and water supplies. I urge its overwhelming approval.

Mr. VANIK. Mr. Chairman, I am very disappointed that the committee has continued and expanded funding for new contracts on the Bureau of Reclamation's North Dakota Garrison Diversion Unit. The administration's budget contained a request for $10,555,000 for fiscal year 1975, of which $7.8 million is to complete existing contracts and $2.8 million was for new contracts. In addition to the basic budget request of $10,555,000, the committee provided $1.8 million for expanded work.

Mr. Chairman, the Garrison Unit is probably the worst Bureau project and its continuation will insure public disillusionment with the entire Bureau.

It is an energy and environmental disaster: It consumes more energy than it creates and it wrecks havoc with the environment.

Instead of helping small farmers, it hurts them: The North Dakota Farmers Union has called for a halt to new Garrison Unit contracts until questions involving farm family relocation and other costs to the farmer have been answered. Garrison has become an international sorepoint. The Canadians have protested to the U.S. Government that the project will degrade the quality of water flowing into Canada and, is therefore, a serious violation of the 1909 Water Boundary Treaty.

A year ago, our late colleague, Representative John Saylor—one of the finest conservationists ever to serve in the House of Representatives—and myself offered an amendment to delete further funding of the Garrison project. We failed in that amendment.

It is now a year later, and the Bureau continues to throw good money after bad. Numerous objections have been raised in the courts. The Canadian Government continues its adamant opposition to the project. The cost overruns which have developed on the project will insure a tighter Office of Management and Budget review.

A General Accounting Office study, requested by Chairman REUSS of the House Government Operations Subcommittee on Conservation and Natural Resources, will undoubtedly reveal so many environmental problems associated with the Garrison project that the Council on Environmental Quality and the Environmental Protection Agency will act to end this farce.

In the meantime, it is unconscionable that the Department of the Interior continues to fund this project. The Conservation and Natural Resources Subcommittee has requested the Department to insure that no new contracts be made for the Garrison project until the cost overrun and environmental issues are resolved.

I urge the Department to comply with the subcommittee's request; a halt to new contracts is essential if these moneys are to be saved and if irreversible environmental damage is to be avoided.

Mr. Chairman, I would like to discuss some of the problems associated with Garrison at greater length. I would like to refer interested Members to the debate in the House last June 28 and 29 by Representative SAYLOR and myself.

On July 12, 1973, on page 23682, I entered into the hearing record a letter from the Council on Environmental Quality which described the ecological disasters being created by the Garrison project. At that time, I included a copy of a letter from Russell Train, then Chairman of the Council and presently Administrator of the Environmental Protection Agency, to Secretary Morton concerning the Garrison project. In his letter of June 15, 1973, Chairman Train stated:

> In view of the substantial and severe impacts of this project, including the loss of wetlands, the lowered water-table, the severed farms, and the public controversy and international implications, I strongly recommend that construction on the Garrison Diversion Unit be suspended until these issues have been resolved.

On August 3, 1973, on page 28311, I included in the RECORD a copy of a memorandum to the Commissioner of the Bureau of Reclamation from the Director of the Department of the Interior's Bureau of Sport Fisheries and Wildlife. This memorandum details at great length the problems which the Garrison Diversion Unit would create for the natural wetlands and fish and wildlife facilities throughout the North Dakota region.

On November 13, 1973, on page 36935, I entered into the RECORD a letter from the Honorable Christian A. Herter, Jr., Special Assistant to the Secretary of State for Environmental Affairs, addressed to the Department of the Interior. Mr. Herter—who is also a member of the Canadian-American International Joint Commission—pointed out that—

> The Department of State feels that the draft impact statement does not adequately address the serious international problems of an environmental nature raised by this [Garrison] proposal, and that *the statement is therefore unacceptable from this standpoint.* (emphasis added)

On November 14 on page 37127, I pointed out that the Garrison Diversion Unit appeared to be a clear violation of international law. At that time, I in-

cluded in the RECORD a letter from Kenneth Rush, Acting Secretary of State, to the Secretary of the Interior. In his communication, Secretary Rush conveyed to the Interior Department, the Canadian Embassy's note No. 432—which, in the strongest terms possible, objected to the continuation of this project by our Government. The State Department was, understandably, concerned over the tone of the Canadian note and pointed out to Secretary Morton that—

Canada's position is consistent with that which the Department of State has taken in its communications and discussions of the Garrison project with the Bureau of Reclamation. We think that the obligation of the United States under the 1909 Boundary Waters Treaty should be very carefully weighted before further funds are expended on this project. The documentation delivered by Canada in support of its Note suggest that continuation of the Souris section of the project could result in pollution of waters crossing the boundary "to the injury of health and property" in Canada in contravention of our obligation under Article IV of the Boundary Waters Treaty.

On May 28, 1974, on page 16575, I entered into the RECORD a resolution adopted by the North Dakota Farmers Union requesting that further new starts on the Garrison project be delayed until the numerous questions surrounding the project and its effect on North Dakota farmers are resolved.

Finally, on June 4, on page 17571, I entered into the hearing record a number of statements submitted to the House and Senate Appropriations Committees by United Family Farmers Inc. of Carpenter, S. Dak. This group of approximately 500 small family farmers eloquently described the type of problems which are being created by some of the Bureau's massive public works projects.

Mr. Chairman, recently the Department released its final environmental impact statement on the Garrison Diversion project. Try as it may to present a pro-Garrison viewpoint, this massive tome reveals the grim realities of the Garrison project. Because of the importance of this environmental impact statement, I would like to comment at some length on some of the problems which the impact statement raises—as well as some of the many problems which it fails to discuss.

ENVIRONMENTAL DAMAGE

First of all, it is obvious from a reading of the report that the project will involve enormous environmental damage. For example, the Bureau's own report states that—

Some localized adverse impacts which cannot be avoided will be changes in vegetation and some loss of scattered trees, shrubs, and native prairie . . . Some sections of shelterbelts will be removed . . . about 50,000 acres of grazing land will undergo a land use change . . . Development of features and irrigation will alter or drain about 23,000 acres of water and marsh and about 3,800 acres of temperate wetlands.

Glossing over what could be an ecologically devastating phenomenon, it continues:

Irrigation drains could lower ground water levels of lands immediately adjacent to irrigated land. This influence will not be extensive but could cause some vegetation changes on subirrigated lands.

The report continues on, detailing the type of water degradation which will occur:

Estimated increases in average total dissolved solids (TDS) are 796 milligrams/liter (before) to 1,320 milligrams/liter (after) in the Souris River below Minot; 650 milligrams/liter (before) to 800 milligrams/liter (after) in the Sheyenne River; 1,200 to 1,300 in the Wild Rice River; 350 to 400 in the Red River; and 350–510 to 385–550 in the James River.

Some loss of riparian and aquatic vegetation will occur at the excavated areas. Also some natural grassland areas will be disturbed and removed from agricultural use.

Some snags which serve as shelter for fish from predators and feeding areas will be removed. Turbid condition during construction and stabilization will temporarily reduce the fish carrying capacity.

Fish habitat in rivers will undergo a change as streamflows change in quantity, velocity, and quality . . . Development of project features will result in temporary displacement and disturbance of many species of wildlife. Irrigation of 250,000 acres of land will also cause some adjustments of wildlife densities and inhabitants. . .

The impact statement, despite its very pro-Garrison viewpoint, had to admit:

The quality of other streams and lakes may be somewhat degraded by sediment and salts from return flows and by brackish outflows from saline lakes. Water quality of streams in the Missouri, Souris, and Red River Basins will be somewhat degraded by return flow accruals from irrigation in the Unit.

This admission must be weighed quite heavily in light of the Bureau's extremely one-sided position.

Mr. Chairman, such occurrences as those do have serious ecological implications. In addition, the very superficial nature of the Bureau's analysis of the anti-Garrison arguments is totally insufficient and quiet ominous.

GARRISON IS AN ENERGY LOSER

As for energy, Garrison will "steal" 576 million kilowatt-hours every year. As the environmental impact statement admits:

Replacement of the 576 million KWH of electric energy . . . would require, with present technology, about 440,000 tons of lignite coal annually which could result in about 25 acres of strip mining.

I might add, Mr. Chairman, that the amount of energy which will be lost in the development of this Bureau project would provide heat for about 20,000 homes. Over the years, the Bureau has developed a reputation for providing power. This project, however, is a consumer of power. To continue with this project is unconscionable during this period of new energy concern.

GARRISON AND THE VIOLATION OF THE 1909 TREATY

Garrison contravenes the 1909 International Boundary Waters Treaty. The increase in salts, nutrients, pesticides will affect the Red, Souris, Assiniboine Rivers and Lake Winnipeg. The connection of the Mississippi and Red Rivers watersheds will introduce rough fish, foreign bacteria, fungi, and viruses into the Red. The Garrison diversion unit is proceeding on this course, despite the pledge by the United States not to pollute Canadian waters. But under Garrison, cross-boundary pollution is absolutely inevitable. The result will be serious, adverse impacts on Canadian waterways and Canadian irrigation plans. For example, Manitoba is currently considering an irrigation system involving the Assiniboine River. However, the Garrison project could destroy that program due to its contamination of the Assiniboine.

GARRISON AND ITS IMPACT ON SMALL FARMERS

Garrison will take 218,000 acres of arable land to irrigate 250,000 acres. All the farm lands involved are already successfully producing grain crops with dryland farming methods, yet many farmers are being displaced by the project.

The impact statement says Garrison's main impact will be a change from dryland farming to a "more intense and viable agricultural economy in the project area." The Bureau argues Garrison will help stabilize declining rural population and stimulate North Dakota's economy. It calculates a net gain to North Dakota farmers of $14 million a year. Yet the sprinkler systems required by the project are estimated to cost $125 to $190 per irrigated acre. The typical farmer with irrigation will have his costs double. The Bureau claims, though, that his income will more than double. Yet existing dryland farming of wheat is thriving economically. In 1973, with the lowest rainfall since the 1930's, wheat production was the greatest ever, according to the "Committee to Save North Dakota."

The impact statement assertion that Garrison will create economic stability is ridiculous. Dr. Glen Sherwood, author of "New Wounds for Old Prairies," says:

One has to swallow a good deal to believe that the 250,000 acres of irrigated land, 0.6% of the State's agricultural land, will bring significant stability to North Dakota.

Dr. Sherwood reflects on the trap North Dakota farmers and population in general find themselves in. Originally, "I was eager for the promise of Garrison Diversion. So was the rest of North Dakota." But subsequently, as a research biologist with the Northern Prairie Wildlife Research Center, "I found the environmental, economic and social impacts of Garrison Diversion to be far worse than my wildest suspicions. The people of North Dakota, by trusting government and business leaders, have had an unprecedented disaster unleashed upon themselves. Of course, North Dakota's disaster will go right down the river to Manitoba."

Dr. Sherwood continued to say:

The Bureau claims to hold the interest of small farmers at heart, but there are several good reasons to question this.

First, and most importantly, with irrigation investments and costs of sprinkler equipment at $20,000–$30,000, and an average life expectancy for the equipment of ten years, it seems incredible that the Bureau should really believe that small farmers will be able to survive with such excessive overheads. To have to invest $20,000–$30,000 every ten years will render it virtually impossible for the small family-owned farm to remain economically viable . . .

Finally, Mr. Chairman, the project is an economic disaster. The GAO report to the Reuss subcommittee indicates the type of cost overruns which will continue to plague this project. Garrison was originally estimated to cost about $212 million when it was first authorized in 1965.

It is now estimated to cost more than $400 million. I would predict that—with only 18 percent of the project now done—that it would end up costing over $1 billion if carried to completion.

The impact statement's benefit-cost analysis is an example of deception through omission. The original cost-benefit ratio was figured to be 1 to 2.51. This included indirect benefits. The final impact statement excluded indirect benefits from its cost-benefit ratio of 1 to 1.67. With this calculation, there is no reference to the specific discount rate used. The discount rate is a percentage factor involved in figuring the effect of inflation on future costs and benefits. Dr. Sherwood computed the Bureau used a 2.8-percent discount rate. The discount rate required by the Water Resources Council gives a ratio of 1 to 0.75. The Council's new recommended rate of 7 percent sends the ratio down to 1 to 0.42, a totally uneconomical ratio—the cost of the project will be more than twice the value of the program.

The "Garrison Report," a publication of concerned local citizens, states:

Had the Office of Management and Budget been given a valid cost-benefit study, it is probable that the Garrison Diversion Project might never have been approved.

Mr. Chairman, in view of these factors, I urge the Department to suspend new contracts on the Garrison project. I hope that next year, when the committee considers the Bureau's appropriation, it will find a way to close out this unnecessary and harmful project.

Mr. Chairman, I am opposed to this legislation providing fiscal year 1975 appropriations for the Atomic Energy Commission and a variety of public works projects.

There are many good programs and projects included in this bill. There is also entirely too much waste. The area of construction activity should be one of the easiest places in which we could and should make budget cuts. Instead, the bill increases the budget request by over $63 million, to a grand total of $4,475 million. If we are to stop inflation, one of the prime places to make cuts is in the public works bill. For generally speaking, this is not a bill designed to aid the unemployed and the urban poor. Rather, it is construction work in rural areas, where, in many cases, there are manpower and material shortages.

I object to the level of appropriations for military-use nuclear materials and to the continued determination of the AEC to proceed with the fast breeder technology. The administration is committing this Nation to a plutonium economy—and plutonium is perhaps the most dangerous substance man has ever known—reportedly more dangerous than the venom of a cobra. The AEC keeps telling us there can be no accidents. Yet, the number of reported "minor incidents" continues to increase.

Just last month, there was the discovery of a substantial plutonium leak at an enrichment plant in my own State of Ohio. At the rate we are going, the odds will soon favor the chance for a major accident.

Instead of continuing our commitment to fission nuclear energy, we must place a new emphasis on conservation, hydrogen fuel, and solar energy.

I object to this legislation, because it continues massive corps projects designed to "double-lane" the Mississippi and provide new extensions of barge navigation. It is absurd "public policy" to continue massive barge projects at the very time that we are preparing "counter-subsidies" to maintain our railroad systems—systems which have been damaged by the heavy subsidies given to river traffic.

I object to these Bureau of Reclamation projects which consume more energy than they create, which drive the small farmer off the land, which degrade the environment, and almost always cost twice as much as originally estimated.

Mr. Chairman, this bill should be reexamined to eliminate or "stretch out" the work on those projects which are not vital to the immediate economic needs of the Nation and to provide clearer emphasis on those projects which are needed.

Finally, I am concerned that this bill totally fails to provide for a comprehensive water plan for the development of our Nation's oil shale resources.

During recent months, the Department of the Interior has begun to lease public oil shale lands in Colorado and Utah. Oil company bids for these valuable lands have exceeded the Department's wildest dreams. It is obvious that the oil shale lands of the Rocky Mountains constitute one of our Nation's most valuable and precious natural resources. The Department has calculated that there are 600 billion barrels of high grade oil shale that is recoverable. There are also enormous quantities of lower grade shale containing trillions of barrels of oil.

For some years, a number of us have been concerned that the public's interest in these oil shale lands be adequately protected. I have been concerned that the lands are being virtually given away and that the public is not receiving an adequate return for this oil treasure. I believe that the creation of a TVA-type corporation could provide for the orderly development of the shale lands, protect the environment, and provide a price yardstick to insure that the oil is produced in the best manner possible.

It now appears that there are other serious problems involved in oil shale development. Water is needed in the process which is used to separate the oil from the shale. According to the Department of the Interior, only about 2,500 barrels of oil can be produced from each acre-foot of water consumed. Given the available water in the dry Rocky Mountain plateaus, it is obvious that water shortages will place severe limits on the amount of oil we can produce from the shale deposits.

I recently wrote to the Department of the Interior's Bureau of Reclamation regarding the water situation in the Upper Colorado. The Bureau has replied, indicating that there are severe problems. It is obvious that if this Nation is serious about developing energy independence, we will have to develop a new water plan. Planned and scheduled projects may have to be reevaluated, downgraded, or terminated to maintain or increase the amount of water available for oil shale development. New efforts must be made to find a way to obtain more oil per unit of water. Before proceeding with additional Bureau of Reclamation projects, the Congress should determine precisely which projects are truly important, what national resources should be committed to the development of the oil shale lands, what the environmental effects will be, and who should bear the costs.

I would like to enter in the RECORD at this point, the full text of the Bureau's letter to me relating to water resources available for the development of oil shale lands:

U.S. DEPARTMENT OF THE INTERIOR,
BUREAU OF RECLAMATION,
Washington, D.C. April 11, 1974.

HON. CHARLES A. VANIK,
House of Representatives,
Washington, D.C.

DEAR MR. VANIK: Your letter of March 11 inquires about the availability of water for oil shale development from Bureau projects in Colorado, Wyoming, and Utah.

In general, there has been no water set aside specifically for oil shale development, but a number of projects, both constructed and in various stages of planning, have water available for municipal and industrial uses. These uses include oil shale development, residential needs, coal conversion requirements, and other industrial uses. As vast deposits of low sulphur coal and other natural resources exist in the same general area as the oil shale deposits, it is likely that only a portion of the municipal and in-industrial water available will be utilized for oil shale development. The following tabulation lists the quantities of municipal and industrial water currently available or with potential for development.

M. & I. WATER SUPPLY—BUREAU OF RECLAMATION

Feature and project	Annual quantity of water (acre-feet)	Status
COLORADO:		
Ruedi Reservoir, Fryingpan-Arkansas project.	33,000	Constructed.
Green Mountain Reservoir, Colorado-Big Thompson project.	45,000	Do.
Yellow Jacket project	(1)	Feasibility study.
West Divide project	77,000	Authorized project.
Lower Yampa project	(1)	Feasibility study.
Total, Colorado	155,000	
UTAH:		
Jensen unit, central Utah Project.	7,200	Authorized project.
Ute Indian unit, central Utah Project.	(1)	Feasibility study.
Total, Utah	7,200	
WYOMING:		
Fontenelle Reservoir, Seedskadee project.	200,000	Constructed.
Sublette project	(1)	Feasibility study.
Total, Wyoming	200,000	

[1] Under study.

In addition to the above quantities of water, about 107,000 acre-feet per year of Colorado River water allocated to Utah, 50,000 acre-feet to Wyoming, and 12,000 acre-feet to Colorado have not been identified with a need and could be used for oil shale development.

The above quantities of water total about 530,000 acre-feet per year. It must be emphasized that oil shale development will be

only one of many competing potential uses for this remaining water, among which are coal development, residential needs, fish and wildlife needs, and recreational requirements.

The vast oil shale deposits of Colorado, Utah, and Wyoming include more barrels of high-grade oil than the entire world reserves of petroleum. The high-grade oil shale includes only those deposits 10 feet or more in thickness with 25 or more gallons per ton. The reserves are located approximately as follows (in billions of barrels):

		Percent
Colorado	480	80
Utah	90	15
Wyoming	30	5
	600	100

Depending upon the process employed, about 2,500 barrels of oil can be produced with each acre-foot of water consumed. Therefore, in the unlikely event that all of the above 530,000 acre-feet of potential water supply are used in oil shale development, it would have a capability of producing about 1.3 billion barrels of oil from oil shale per year, or less than one-quarter of today's requirements in the United States.

If the vast oil shale deposits are to be utilized to make the United States independent of imports, additional water supplies will be needed in the Upper Colorado River Basin. The Bureau of Reclamation has several research investigations currently underway of possible ways to augment the water supply. These programs are described on page 5 of the enclosed "Western U.S. Water Plan, 1973 Progress Report."

Thank you for your interest in our program.

Sincerely yours,

G. G. STAMM,
Commissioner.

Enclosure.

WESTERN U.S. WATER PLAN, 1973 PROGRESS REPORT

WATER AUGMENTATION

Research and pilot projects indicate that cloud seeding can add 1.5 to 2 million acre-feet annually to the Colorado River. The Colorado River Basin Pilot Project in the San Juan Mountains of southwestern Colorado has accrued 86 of the 160 experimental days needed for sound statistical evaluation. Studies are underway to resolve the questions of possible environmental effects, both immediate and long range; legal ownership of additional water and effect on state water rights; potential augmentation in 12 western river basins under various types of snowfall years with estimates based on weather data from the past 20 years; and the effect on avalanche hazard and appropriate means of control.

Seeding operations occurring in the pilot project are suspended when avalanche and flood hazards and operational experiences under rapidly changing weather conditions dictate. Cost analysis of field activities verify early estimates of producing new inexpensive water ranging between $1.00 and $2.00 per acre-foot, plus any necessary environmental monitoring costs.

The environmental studies of possible detrimental effects of cloud seeding in the Colorado River Basin and elsewhere are revealing that ecological impacts are difficult to determine. These studies suggest that there may be much less ecological impact than often expressed. Favorable public acceptance of weather modification appears to be gaining; at the local level, weather modification is becoming recognized as a legitimate means of meeting water needs. The results of the Bureau of Reclamation's Project Skywater are attaining important national recognition. Additional pilot projects are scheduled to be conducted in the Northern Sierras in cooperation with the State of California, and in the North Platte River Basin.

Mr. DRINAN. Mr. Chairman, in each of the past 7 years, the House has considered and rejected funding for the Dickey-Lincoln School hydroelectric power project on the St. John River in Maine. The seriousness of the energy shortage in New England has led to the resurrection of the project in the proposed public works appropriation for fiscal 1975. I strongly support constructive programs to help meet New England's energy needs, but I do not believe that we should blindly approve every project which comes before us now on the grounds that it relates to energy. The Dickey-Lincoln project is no less deficient now than it was the last seven times this body turned it down. For that reason, I support the amendment offered by my distinguished colleague from Massachusetts to delete the funding provided for this project in the bill before us.

Proponents of the Dickey-Lincoln project claim that it would alleviate New England's energy shortage. If the statistics bore that claim out, I would be joining with them this afternoon. Yet evidence indicates that by 1983, the earliest possible date this project could be completed, New England will be consuming an estimated 100 billion kilowatt hours each year. The Dickey-Lincoln project would supply 1.1 billion kilowatt hours, about 1 percent of the region's total energy needs.

Dickey-Lincoln's power would supply a greater portion of New England's peaking power—an estimated 10 percent. But the limited water level of the St. John River would permit Dickey-Lincoln's generators to operate for only 2½ hours daily. Thus, Dickey-Lincoln could not replace other peaking facilities; it would merely allow such facilities to halt their operations for a few hours each day.

Moreover, all electricity generated by Dickey-Lincoln would be marketed by the Department of the Interior under the provisions of the 1944 Flood Control Act. Outside of Maine, municipal utilities, cooperatives, and other preference customers would have first priority in purchasing this peaking power. Ninety-two percent of New Englanders, served by privately owned utilities, would receive no benefits. In summary, the project would have negligible impact upon New England's energy supply.

Advocates of funding for Dickey-Lincoln also assert that the project would be economically feasible. They stress the benefit/cost ratio of 2.6 calculated by the Corps of Engineers. If we examine the intricacies of that figure, Mr. Speaker, we discover that the corps has performed a bit of economic slight-of-hand. In determining the cost of the proposed project, the corps used an imaginary 3.25 percent interest rate and a wishful rate of zero inflation for the next 10 years. Yet, in calculating the cost of possible alternatives, the corps assumed an annual interest rate of 8¾ percent.

If we employ a realistic interest rate of 6⅞ percent and take into account the current inflation rate of 8 percent, the cost of the project, by the corps' own estimate, would escalate to $839 million, reducing the benefit/cost ratio to 1.1. At the going market interest rate of 8¾ percent, the one utilized by the corps in considering alternatives, the b/c ratio falls to .95.

Using its own figures, the Corps of Engineers estimates annual savings to New England consumers on their electric bills at $11.7 million, about ½ of 1 percent of the current total cost. When the true price of this project is considered, actual savings would be far lower or nonexistent. If we assume an inflation rate of 8 percent, the electricity generated by Dickey-Lincoln would cost 4.2 cents per kilowatt hour compared to 4.1 cents per kilowatt hour for fossil-fuel generated electricity supplied by private utilities. Whatever the actual final costs of this project, its economic feasibility lies strongly in doubt.

Apart from considerations of how much power the Dickey-Lincoln project would supply and at what cost, the project would ruin thousands of valuable acres of wilderness in northern Maine. The lake created by the massive Dickey Dam would flood 140 square miles of irreplaceable land used for recreation and as a prime source of lumber. In addition, the dam would flood nearly two-thirds of the upper St. John River, destroying a large part of the finest canoeing and fishing region in the Northeast. Finally, powerlines planned to run from the Dickey-Lincoln site to Boston, a distance of 400 miles, would bisect Baxter State Forest and other scenic areas, contributing to visual pollution of this unspoiled area. The disasterous environmental impact of this project must be taken into account in a comprehensive analysis of benefits versus costs.

Finally, Mr. Chairman, it is important to note that the problems which the Dickey-Lincoln project purports to meet could all be solved more effectively in other ways. The springtime flooding which has long beset the town of Fort Kent could be controlled by building a protective dike at a cost of $1 million instead of implementing an $800 million project. It is true that funding the Dickey-Lincoln project would provide some additional jobs to a section of Maine. Yet most of these construction jobs would be for low-paid unskilled labor, and most would disappear when construction was completed. I would greatly prefer initiating a program of Federal aid to open up this lovely region to all Americans as a protected recreational area. Such a program would provide permanent jobs to local citizens and enhance, rather than decimate, the beautiful lands of the St. John Basin.

I urge the Members of Congress to accelerate their efforts to provide New Englanders and all Americans with clean, abundant and inexpensive electricity through responsible legislation. Alternative sources such as solar and geothermal energy must be fully explored. The construction of safe nuclear generating facilities should be stepped up. The Federal Government should assume a more active role in the development and distribution of our petroleum and coal resources. But let us not lose our perspective

and our keen sense of judgment in the heat of the energy crisis.

Mr. ROY. Mr. Chairman, I rise in support of H.R. 15155, the public works appropriations bill. This bill appropriates funds for many important flood control projects in Kansas.

I am particularly pleased that the House Appropriations Committee included funds for road improvements at two projects in my district. The administration's budget proposed that no funds be appropriated for Perry Lake and Tuttle Creek. The committee included $400,000 in construction funds for Perry Lake road improvements and $20,000 in planning funds for Tuttle Creek road improvements.

These two projects are very near and dear to my heart, because they are so important to my constituents. As I wrote to the Public Works Subcommittee of the House Appropriations Committee on April 30, 1974:

> Primarily designed for flood control, Perry Reservoir has become one of the most important and popular recreation areas in Kansas. It serves more than 3 million people per year. The need for construction of Perry Lake access roads is even more evident and acute than when I first introduced the legislation for their improvement in July 1971. Suffocating dust clouds hang over the area from May through September each year, constituting a health hazard to all those living in the Perry Reservoir area. It is imperative that something be done to alleviate the hardships imposed upon all those who live near, or visit, this facility.

I am gratified that the committee included $400,000 in construction funds for this purpose.

In the same letter, I urged funding for preconstruction planning for Tuttle Creek roads. I introduced legislation to authorize these road improvements and this was included in the recently approved Water Resources Development Act of 1974. In my letter to the committee, I justified the need for funding:

> When Tuttle Creek Dam was first proposed and later constructed, its primary function was for flood control. It was planned that the Corps would build new roads to replace existing roads below the high water level, vacating the lower roads. The Corps fulfilled their contract, but before it was completed, Tuttle Creek had become an important recreation facility. Attempts were made to close the existing roads which were below the high water level, but objections were raised by land-owners and the Corps, saying that access to the leased lands and recreational areas would be cut off. The net result is that the existing roads must be maintained by the local County Commissioners at prohibitive costs, since the roads and bridges are frequently covered with mud and logs.

Again, it is gratifying that the committee included $20,000 in preconstruction planning for Tuttle Creek roads.

The Perry Lake and Tuttle Creek projects are of vital importance to me and to many of my constituents. I am pleased that H.R. 15155 makes provision for funding for road improvements at these projects.

Mr. GILMAN. Mr. Chairman, I regret that this may be the last Public Works measure which my distinguished colleague and neighbor from New York (Mr. ROBISON) has the opportunity to work on. HOWARD's decision to retire from the Congress will mean a loss of one of our finest and most hardworking Members. As dean of the New York Republican delegation Congressman ROBISON has willingly guided and assisted any and all who have come to him. His 16 years of service, faithfully representing the 27th District of New York State, have earned him a fine reputation as an effective and distinguished leader. While I regret his departure from the Congress, I feel certain that his dedication to our Nation will continue to shine as he fulfills his new responsibilities in the role of a professor.

Mr. Chairman, I am pleased to rise in support of the bill before us, H.R. 15155, the Public Works appropriations measure.

I am particularly pleased that the committee has provided adequate language to prevent construction of the Tocks Island Lake project for 1 year in order to permit an ample opportunity for the many questions remaining unanswered with regard to the development of the Tocks Island recreation project.

The 26th Congressional District of New York, which I represent, lies immediately adjacent to the Tocks Island project area on the east bank of the Delaware River.

While the proposed Tocks Island Lake has been "in the works" for over 10 years, there are many environmental and fiscal problems remaining to be resolved prior to any construction. The most serious of these questions involves the possible eutrophication of the reservoir's waters. All of the interested parties clearly recognize the need to control nonpoint pollution resulting from seepage of dairy and poultry wastes in the upstream river basin area. How this will be accomplished and who will pay for such pollution controls is still open to question.

Additionally, I am concerned about the potential impact of the proposed Tocks Dam on the fish and wildlife resources of the region. The free-flowing Delaware has always been a source of enjoyment for the sportsmen in our vicinity. It is of utmost importance that the aquatic life and the spawning areas of the Delaware are duly considered and protected from the adverse effects of any hasty construction.

While these ecological problems await resolution, there is also the need to concern ourselves with the proximate results of the proposed lake. As originally conceived, the proposed recreation facilities were anticipated to handle a recreation load of more than 10 million visitors per year. With such a massive influx of tourists into our rural area, there will be critical need for the development of expanded and improved water and sewerage, for more highways and for ancillary services—all of which will incur burdensome costs on local government. To date, we have not resolved how these additional costs will be absorbed.

Accordingly, with so many vital, unanswered questions it is reassuring that the committee has wisely seen fit to postpone construction until such time as we are able to make certain that the problems associated with Tocks Island are adequately resolved.

Mr. RANDALL. Mr. Chairman, H.R. 15155, the appropriations bill for public works for fiscal year 1975 is a measure which has been carefully considered by the committee as is so clearly shown by the report which accompanies the bill.

Who among us has so short a memory that we cannot remember this appropriation bill was referred to in the past as the annual pork barrel legislation? Well, those who prefer can continue to use such descriptions but somehow in the last few years the people of this country have come to realize that flood protection, power from hydroelectric sources, and recreational benefits is something that is vital to this country and deserves a better description than pork barrel.

As the report so eloquently expresses it:

> The purpose of this bill is to build a stronger America. It represents a substantial investment in the future of our country. This investment will pay rich dividends in services for our people and in economic benefits to the Nation.

No doubt anyone who takes the time to praise the Subcommittee on Public Works will be suspect of being provincial or parochial. But the answer to such suspicion is the fact that the composition of the subcommittee is not only bipartisan but comes from widely scattered sections of our country. Moreover, a careful look at the bill itself and the report will show that the committee exercised the most careful discretion in setting priorities. There were some reductions, there were also some additions. In general, appropriations were provided for the items exactly as recommended in the budget with few exceptions.

Mr. Chairman, one exception that I feel was certainly merited was the increase from the budget item of $30,500,000 to a figure of $43,000,000 for the Truman Dam and Reservoir which covers several counties in the Fourth District of Missouri which is the district that I have the privilege and honor to represent. I would be the last to claim any special consideration or favortism by the subcommittee or by the full committee. Of course, I appeared before the subcommittee on the 29th and 30th of April when a delegation from our district testified in favor of the Missouri projects. Of course, it is no secret I urged my colleagues on the subcommittee to go higher on the budget not because I regard myself as a "budget buster" but because this project in the past has been beset by lawsuits commenced by environmental groups and has been slowed not only by these lawsuits but by threats of impoundment or put aside in budgetary reserve, and there have been some times the corps did not have the capability to use the funding appropriated.

To recapitulate, the Truman Dam and Reservoir project, which for many years was known as the Kaysinger project, has suffered from lack of funding. The committee must have recognized this. The committee must also in its deliberations have recognized that in this project not all the land which was needed has been acquired and that there were many land-

owners that were faced with the uncertainty of not only of whether they would have to move but when they would have to move. In my judgment, the Truman Dam project has suffered greatly because of the delays in funding and if it were to be delayed further there could be a cost figure reviewing many millions of times higher than the original cost estimates.

No. The increased funding for the Truman project formerly known as the Kaysinger project was not the result of any special favoritism or even the result of any super salesmanship from any source. The delegations which appeared presented a strong case for more funding. They put their best foot forward. They were pursuasive but in the last analysis the action of first the subcommittee and then the full committee, in my judgment, was a logical and commonsense realization that we in this country are still in the midst of an energy crisis. The committee realized that the Truman project had been too long delayed.

The committee realized that there was a capability by the Corps of Engineers to use $43 million. They reasoned that here was a project that should be singled out for priority status because it was a project that would produce much-needed hydroelectric power.

The committee report itself indicates that the committee went out of its way to locate by careful survey those projects which would produce hydroelectric power and to make certain that as to these projects there was funding equal to the capability of the Corps of Engineers for fiscal year 1975. That is exactly what happened with the Truman project. The committee recognized this as a priority project because the committee, like the rest of us so well appreciate the fact that there remains a serious energy problem faced by the Nation and the construction of hydroelectric power projects is one of the very best ways to contribute to the solution of the energy crisis.

Well, the Truman project has suffered from some delays. As I mentioned earlier, there were the suits by the environmentalists groups. There was a lack of funding always below the capability of the Corps of Engineers to use the funding. During all of these years a group of public-spirited citizens came to Washington each spring to present their case and to argue persuasively but, as it too frequently turned out, not too effectively. They argued that the longer the project was delayed the more it would cost. They argued each year that the more the project was delayed the longer the areas would have to wait for flood control, hydroelectric power, and recreational benefits.

In passing it, I would be amiss, in my judgment, if I failed to point out the shortsightedness of those who filed the suits to try to stop the construction on the Truman project because of some alleged adverse environmental impact. I had always been led to believe that the purpose of any environmental organization was to achieve a desired objective or a beneficial result with the very least adverse environmental impact. Surely, they could understand that these lawsuits were not only ill-timed, ill-advised, and unwise, but those who participated as plaintiffs were suffering from severe shortsightedness. Those who were responsible for filing these lawsuits, surely in their myopia, they should have seen that they were preventing the construction of the one remaining pollution-free source of electricity—hydroelectric power.

Mr. Chairman, the true environmentalists in my judgment are those who had to go about to collect funds in order to defend the lawsuits brought by those pseudoenvironmentalists who seemed intent upon stopping the Truman project. The true environmentalists, at considerable personal expense, finally prevailed and I describe them by this name because when the Truman project is complete it will be a source of a substantial amount of hydroelectric power, all of which is pollution free.

Of course, those of us who have seen the Truman project move at a snail's pace are happy that the House has acted to increase the funding of this project by $12,500,000. It might be a coincidence that the delegation that visited here in April asked for exactly what was appropriated but let me repeat that that was purely a coincidence. The facts are that the Corps of Engineers had the capability to do $43 million worth of work and the further facts are that this project was singled out for priority status because it contains a hydroelectric power generating unit that can be completed within a time frame to help solve the energy crisis of a susbtantial portion of the State in which this great project is situated.

Mr. Chairman, let me say hats off to the good work of the subcommittee and to the fine work of the full committee on appropriations. We salute them for their careful scrutiny of the many projects that came before them for consideration. We applaud the fact that the projects they singled out for priority status were done not by accident or by chance or coincidence but rather by a careful study of the priorities involved including the capabilities of the Corps of Engineers on those projects which would contribute to the solution of our energy crisis.

Mr. EVINS of Tennessee. Mr. Chairman, I have no further requests for time.

Mr. DAVIS of Wisconsin. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read.

Mr. GIAIMO. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present. The Chair announces that he will vacate proceedings under the call when a quorum of the committee appears.

Members will record their presence by electronic device.

The call was taken by electronic device.

QUORUM CALL VACATED

The CHAIRMAN. 100 Members have appeared. A quorum of the Committee of the Whole is present. Pursuant to rule XXIII, clause 2, further proceedings under the call shall be considered as vacated.

The Committee will resume its business.

The Clerk will read.

The Clerk read as follows:

CONSTRUCTION, GENERAL

For the prosecution of river and harbor, flood control, shore protection, and related projects authorized by law; and detailed studies, and plans and specifications, of projects (including those for development with participation or under consideration for participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such studies shall not constitute a commitment of the Government to construction): $988,533,000 to remain available until expended: *Provided*, That no part of this appropriation shall be used for projects not authorized by law or which are authorized by law limiting the amount to be appropriated therefor, except as may be wtihin the limits of the amount now or hereafter authorized to be appropriated: *Provided further*, That $1,800,000 of this appropriation shall be transferred to the Bureau of Sport Fisheries and Wildlife for studies, investigations, and reports thereon as required by the Fish and Wildlife Coordination Act of 1958 (72 Stat. 563–565) to provide that wildlife conservation shall receive equal consideration and be coordinated with other features of water-resource development programs of the Department of the Army.

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES

For expenses necessary for prosecuting work of flood control, and rescue work, repair, restoration, or maintenance of flood control projects threatened or destroyed by flood, as authorized by law (33 U.S.C. 702a, 702g–1), $150,000,000, to remain available until expended: *Provided*, That not less than $250,000 shall be available for bank stabilization measures as determined by the Chief of Engineers to be advisable for the control of bank erosion of streams in the Yazoo Basin, including the foothill area, and where necessary such measures shall complement similar works planned and constructed by the Soil Conservation Service and be limited to the areas of responsibility mutually agreeable to the District Engineer and the State Conservationist.

AMENDMENT OFFERED BY MR. CONTE

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

The Clerk read as follows:

Amendment offered by Mr. CONTE: Page 5, lines 18–19, strike out "$988,533,000" and insert "$987,733,000".

Page 6, line 6, insert immediately before the period the following: ": *Provided further*, That none of the funds appropriated under this act shall be available for the multipurpose Dickey-Lincoln School Lakes project".

Mr. CONTE. Mr. Chairman, the amendment that I and my colleagues are offering is to strike from the bill before us the $800,000 committee addition to the Corps of Engineers' "Construction, general" request to be used for resumption of preconstruction planning and design on the Dickey-Lincoln School project.

Since 1967, the House has refused further funding for preconstruction work on Dickey-Lincoln. We have had this proposal before us, in one form or another, seven times in that interval.

Here we are again. And nothing has changed. I want to make that clear.

The energy crisis is invoked as a rationale for throwing more money after the $2.2 million that has already gone into this ill-conceived venture.

Certainly, we have an energy crisis. No one knows that better than I do. Not only do I come from New England, which felt the worst of the crisis this past winter because of its dependence on foreign oil, but I have been pleading for a rational energy policy for this country for the 16 years I have served in the Congress.

But the energy crisis does not change the basic facts about Dickey-Lincoln, and about the Upper St. John River Basin.

It does not change the fact that the project would be an environmental disaster.

In the last great wilderness area in the Northeast, and one of the last in the Eastern United States, on the free-flowing St. John River, it is proposed to build two dams—one larger than the Aswan Dam on the Nile.

Briefly, construction would take 110,000 acres of this wilderness area, not counting right-of-way slashes for long-distance transmission lines; 89,000 acres would be flooded. The reservoir behind the big dam at Dickey would extend almost 60 miles up the mainstream of the St. John, and miles of neighboring rivers and streams would be inundated. Seventy million cubic yards of earth and rock would be quarried or dug for the dams and dikes at the expense of some of the area's most beautiful country.

The project would bring the loss of one of the finest, if not the finest canoeing rivers in the country, some of the country's finest brook trout fishing, winter feeding yards for deer that could be only partially replaced and at great cost, duck breeding habitat, and, in the flowage area alone, timber at a conservatively estimated annual mill value of about $660,000, as well as access to other timber harvesting areas.

Proponents of the dams cite their estimated annual power output of 1.2 billion kilowatts. That is only 1½ percent of New England's annual consumption now; it will be less than 1 percent by the time the project is completed. Most of the project's output will be for peak periods only. Because of the small water flow in the St. John, the major part of the project's generating capacity will be unusable most of the day. That at the big dam at Dickey would operate only 2½ hours a day. Summer peak power utilization periods run 6 hours and over.

By law, power will go first to preference customers and cost considerations will give priority to Maine. The Congress has no hard assurance that any power at all will actually be available elsewhere.

As for the substantial reductions in rates for electricity that some proponents have promised New England, even if we accept the corps' estimated cost of 2.9 cents per kilowatt hour, as against fossil fuel alternatives of 3.4 cents, the savings would be only a fraction of 1 percent of New England's $1.6 billion power bill.

The corps' cost estimates for the project fail to include such things as increasing costs over 7 years of construction or a profit for the contractors. The vaunted cost-benefit ratio is meaningless. A borrowing rate of 3¼ percent is used to calculate the corps' cost; and 8¾-percent rate for the alternative; $1.25 million is included for "enhanced recreation value" resulting from the project; nothing is included on the other side for loss of wilderness' recreation. I could go on. The point is that Dickey-Lincoln actually promises little in power benefits. The cost in environmental destruction is fearful.

Remember, the funds in this appropriation are for planning and design leading to construction. We have been promised that first priority will go to an environmental impact study. Frankly, I do not know what more a study can tell me about the impact of the 11th largest dam in the world, and the sixth largest in the United States, on a wilderness area. We are asked why we should object to further study of the issue. I want to point out to you that elsewhere in the bill, an additional $35,000 is appropriated for the on-going St. John River study. Our amendment does not affect that study. I am opposed to resuming preconstruction planning and design activities.

My major objections to this project are that it will give us the illusion we are actually doing something about the energy crisis and that it looks backward. It looks to the kind of power development we placed our bets on decades ago. We should be looking to alternative sources of power, to developing new technologies. For that matter, spending the money that Dickey-Lincoln will take on storm windows or heat pumps would give us far greater power returns.

The impression has been created that this project has wide support in New England. Over the past weeks, I have received hundreds of letters from all over New England in opposition to it.

To set the record straight, when we go back in the House I will ask unanimous consent to include these in the RECORD.

I hope all of my colleagues will take a look at this map and see where the two dams will be located and see what they will do and what they will destroy in this great wilderness area. Members will recall we are spending elsewhere in our country a great deal of money to provide habitats for ducks, we are spending millions of dollars every year, and here we will be ruining those habitats, and we will be ruining two of the greatest trout streams in the country, the Black River and the Little Black River, and we will flood the St. John River 60 miles upstream, which is one of the finest rivers in the country.

I hope this project will be defeated.

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

Mr. CONTE. I yield to the gentleman from New Hampshire.

Mr. WYMAN. Mr. Chairman, can the gentleman tell us how far upstream these dams will back up the waters?

Mr. CONTE. It will take the waters 60 miles up the St. John River.

Mr. WYMAN. And after that, when the dam is filled up, will we not then have a lake the shoreline of which will be available to people and the waters of which will be full of fish?

Mr. CONTE. The gentleman is avoiding the question. The gentleman has always been opposed to this project but this year he has gotten timidity because of the energy crisis. This will destroy—and the gentleman is an outdoorsman—two of the finest trout brooks we have in Maine. If the gentleman wants to say that we will have a lake fishery, yes, we will have a lake fishery.

Mr. EVINS of Tennessee. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this is an amendment to strike $800,000 from the bill for the planning work for the Dickey-Lincoln project. This project is an old friend from Maine and New England which Congress has considered many times, as we will all recall.

The Senate has always passed the Dickey-Lincoln project; but it has failed to muster a majority in the House. The Dickey-Lincoln project was authorized 10 years ago. Originally the private utilities opposed this project, but now because of the energy crisis, they have lessened their opposition and now the opposition is from the environmentalists.

There must be some working out of this problem. The longer the project is delayed the more the cost will escalate. The benefit-cost ratio has risen to 2.6 to 1; it is one of the few remaining hydroelectric power projects in the Nation. This project will have onsite annual power generation of 1.2 billion kilowatt-hours. This will greatly aid the New England area.

I would point out that about $350 million will be paid to the Federal Government from the sale of power from this project.

I want to say once again that we feel the House should be allowed to work its will on this project in view of the energy problems faced by the New England area.

Mr. COHEN. Mr. Chairman, I rise in opposition to the amendment to delete the $800,000 preconstruction planning appropriation for the Dickey-Lincoln hydroelectric project which, if approved, would be located within the Second District of Maine. I cannot urge my colleagues too strongly to vote against this amendment which would have the effect of killing an energy project that has been needed in New England for over a decade.

In the past 12 months, we have all learned a great deal about the fundamental relationship between adequate energy resources and the economic, political, and social well-being of our Nation. To be sure, we have learned that an unbalanced energy budget leaves this country politically and economically exposed. We have learned that we can no longer afford to ignore the reality that we have

fixed resource boundaries. We have learned that the era of cheap, abundant energy is over, and that radical changes in our oil-based economy cannot be denied any longer. And, we have learned that we can no longer base our energy policy upon the shifting sands of other nations' passions and policies. Clearly, the challenge confronting us is to apply the lessons of the past year in planning for the future energy needs of the United States.

It has now been almost 10 years since Congress initially authorized the construction of the Dickey-Lincoln project. During this period, Dickey-Lincoln has generated numerous studies and extensive debate—but no electricity. To date, more than $2 million has been spent on preconstruction planning, which the Corps of Engineers has testified is about 60 percent complete. Regrettably, the project has received no appropriations since 1967, despite continuing testimony from the corps that Dickey-Lincoln remains a most worthwhile project. The present 2.6-to-1 benefit-to-cost ratio is considerably more favorable than many projects which have been funded in recent years.

While it is true that total project costs have risen, the economics of energy have changed suddenly and dramatically in recent months, leaving our traditional assumptions concerning price and supply badly in need of readjustment. I do want to stress, however, that Dickey-Lincoln is not an expenditure without economic return. The power revenues generated from the operation of the project would be used to reimburse the Treasury for all but a small percentage of the total cost of Dickey-Lincoln.

New England's need for expanded hydroelectric generating capacity has never been greater. The severe impact of the energy crisis on the region has only further underscored this fact; 1973 figures reveal that New England is 63 percent dependent on oil for its electrical power generation, a significantly higher dependence than any other area in the country. The Middle Atlantic region, which is the second highest in dependence, is 37.2 percent dependent on oil for electrical power generation. As a result of the central role that oil plays in the energy picture of New England, the tripled world oil prices of recent months have imposed additional economic and personal hardships on the consumers in the region, who were already saddled with higher electrical rates than most areas of the country. While I am not suggesting that Dickey-Lincoln will dramatically lower individual consumer electrical bills—rarely does any single power unit materially affect power costs to the consumer—I do believe that the generation of an additional 1.2 billion kilowatt-hours of electricity per year to the region could be an important factor in helping to stabilize power costs. In any event, it is apparent that New England consumers will not realize any relief from high energy costs if the lowest cost energy alternatives are left undeveloped.

Because the onset of the energy crisis has been an instructive experience for all of us, I am hopeful that the Dickey-Lincoln project will be viewed more favorably among my colleagues than it has in the past. Many of Dickey's former adversaries, including private utilities, have already indicated their support for the project, and others have indicated that they will not oppose additional Federal planning funds. Moreover, the project has received the editorial support of several newspapers in New England and the approval of all six New England Governors. As the Corps of Engineers pointed out in testimony before the Public Works Appropriation Subcommittee earlier this year, both the Department of the Interior and the Federal Power Commission continue to feel that Dickey-Lincoln "has a proper integration into any plan to meet expanding (power) growth."

Many of Dickey's critics have charged that the project will benefit only the State of Maine and that the amount of power generated by the project would not be substantial enough to warrant construction. It has been stated that large nuclear plants or oil-fired plants could produce far greater power than Dickey-Lincoln at less cost. Such statements are misleading. Thermal and nuclear units are intended for base load power, while Dickey would be a peak load facility designed to meet regional needs. Comparing a base load power facility with a peaking power facility is as one proponent of Dickey has put it "akin to comparing apples and oranges. During peak demand periods of the day, our total generating system must have the capacity to expand by as much as 15 to 20 percent. A nuclear plant which is most economically and efficiently run for 24 hours per day clearly does not have the flexibility for peaking power. For peak power demands, our generating system must depend upon thermal units, pump storage facilities or hydroelectric power. Hydro power, with its low operation cost, is by far the most economical means of meeting this demand.

I am fully aware of the concerns of many over the impact of the Dickey-Lincoln project on the environment. I can appreciate these concerns and strongly believe that we must take every precaution to insure that Maine's scenic and recreational resources are protected. In this regard, it should be noted that the Dickey-Lincoln complex will have no adverse impact on the Allagash wilderness, will flood only about one-half of 1 percent of Maine's timberland, and will displace only about 2,000 of the approximately 180,000 deer in the State. One of the purposes of the continued planning funds for this project is to provide all interested parties with the data and information necessary to make a more accurate assessment of the environmental impact of the project. Until we have such information, there is simply no way that we can accurately assess the potential impact of Dickey-Lincoln on the environment.

As we face the increasing reality that the end of the fossil fuel era is rapidly approaching, it becomes evident that this fact also signals the birth of a new era—an era in which an imperative need exists to develop available, nonpolluting, and renewable sources of energy. Efficiently operated hydroelectric plants are generally recognized to yield the cheapest and cleanest energy. At the present time, however, about 70 percent of the hydroelectric power potential in the United States remains untapped. Put another way, an existing energy resource that could produce almost 500 billion kilowatt hours of electricity annually is being ignored. I strongly believe that our underdeveloped hydroelectric resources can play an increasingly important role in meeting the energy needs of this Nation, and I urge my colleagues to join me in opposing this amendment which seeks to further impede this effort.

And let me take this opportunity to address myself to some of the points raised by the gentleman from Massachusetts.

CHARGE

Dickey-Lincoln would cost too much.

REBUTTAL

The primary users of Dickey power will pay for the project. Consumer-owned municipal electric and rural cooperative systems will be allocated the power output of the Federal project and they will pay back 85 percent of the total project cost in its first 50 years of operation. These public power systems will also operate the project by making the peaking capacity available to the entire regional power system, thus offering a low-cost addition to power supply which will benefit all New England consumers, not just the 8 percent served by the publicly owned utilities.

CHARGE

Dickey-Lincoln would lead to degradation of the environment.

REBUTTAL

Dickey-Lincoln will change the St. John, at least the 66 miles involved out of the total 400 miles of riverway. But it will not ruin it. It will conserve clean water, provide permanent flood control for the Fort Kent region, improve stream flow by regulating constant water levels, open up miles of shoreline with a new wide-river lake for the first time in history, allow access to new hunting and fishing areas. All this in addition to producing pollution-free electric power. It should be stressed that the Corps of Engineers is bound by law to conduct a comprehensive environmental study. An environmental impact statement must be filed and approved by the Council on Environmental Quality before construction can proceed.

CHARGE

Dickey would provide only a small percentage of New England's power.

REBUTTAL

It has been argued that the power generated by Dickey would provide only a small percentage—given variously as one-half percent, 1 percent, and 1½ percent—of New England's total power needs. This is an elusive statistical comparison, since it attempts to relate a peaking power facility with total consumption from all sources. Even the large nuclear plants which have been proposed would only provide 4 to 5 percent of our region's total demand.

CHARGE

Dickey would result in a loss of significant timberlands.

REBUTTAL

To place this in perspective, it should be recognized that the State of Maine has more timberland per capita than any State in the Nation, with over 87 percent of our land area forested. The timberland which would be acquired for Dickey represents less than six-tenths of 1 percent of the forested land in the State of Maine. The 90,000 acres of timberland needed for the Dickey reservoir would not be wasted. The wood harvested during construction could be burnt in steam turbines, if they are operating. Likewise, similar wood wastes from the overall Maine timber acreage—17 million acres—could be used in similar fashion.

Mr. EVINS of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. COHEN. Mr. Chairman, I yield to the gentleman from Tennessee.

Mr. EVINS of Tennessee. Mr. Chairman, the gentleman has just made a statement that there has been a change of attitude of the people in the area.

Of course the gentleman is aware that former Senator Margaret Chase Smith supported the project for many years. Do all Representatives from the State of Maine support the project?

Mr. COHEN. All the Representatives of the State of Maine have previously supported the measure, such as Senator Smith, Senator MUSKIE, Senator HATHAWAY, Mr. KYROS, and myself.

Mr. EVINS of Tennessee. Mr. Chairman, would the gentleman address himself regarding a change of attitude toward the project by those in the area? We were told originally that the project was always opposed by the power companies, but that some companies now have withdrawn their opposition because of the energy crisis, and that now the opposition is primarily by the so-called environmentalists. Is that correct?

Mr. COHEN. The change of attitude has been on the part of Central Maine Power Co., who has in the past opposed it based on the economics of the project. Due to a 500-percent increase in the cost of oil—and we rely principally on oil for furnishing our electric power output—I believe there has been a change of attitude on the part of some of the private utilities.

There is still considerable debate, I must say, within New England between environmentalists and those who support this particular project, but that has been a debate which has existed from the inception of the project.

Mr. GIAIMO. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Massachusetts (Mr. CONTE). He spoke very eloquently about the concern of the environmentalists, and I agree with him on that concern. In fact, I would say that this dam has a long way to go before it ever sees construction.

The Corps of Engineers was asked in the hearings whether or not they had made an environmental study, and as far as I could glean from the hearings, the corps' study consisted of a canoe reconnaissance of the St. John's River.

Mr. Chairman, I would like to speak against construction of this dam from the standpoint of the consumers in New England who are being sold the biggest bill of goods that has ever been perpetrated. We talk about pork barrel legislation. This is the most classic example of pork barrel legislation that has come down the pike in the last 25 years. This House has consistently defeated the construction of this dam.

I remind the Members that the dam will be more than 300 feet high. It will be the 6th largest dam in the United States, and 11th largest dam in the world. What do we get out of it? We get power for only 2½ hours per day because it has to rest after that for the water in that small river to build up—2½ hours a day.

The consumer is being told that because of the energy crisis, this will be the source of additional power and the answer to the crisis. We have an energy crisis. There is no question about it.

Reference has been made to the fact that the utility companies are no longer in opposition. Of course they are not. They are so desperate and they are in such bad light back home because of increased fuel prices and costs that they would not dare oppose anything.

There are those who will say, "I am for any energy project, even if it means building a windmill or a dam or anything else." But, the consumer is the one who is being conned. He is the one who thinks that Dickey-Lincoln is going to make a change in his electric bills and relieve the energy and price crisis back home. Let me tell the Members of the House that nothing could be further from the truth.

Mr. Chairman, we have an obligation here to worry about how our taxpayers' dollars are being spent. Particularly, because of the fact that this Government operates at a huge deficit, $32 billion this year alone, in interest charges. With Dickey-Lincoln, we are going to add to it. How does the consumer pay? Every time she or he goes to the grocery store. Every time she or he makes a purchase. The consumers of this country are paying because we, in our profligacy in this Government, are authorizing the expenditures of moneys, in many instances, whether they are needed or not.

And this, I submit, is a wasteful expenditure of money.

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

Mr. GIAIMO. Mr. Chairman, I will be delighted to yield to the gentleman from Iowa.

Mr. GROSS. Can the gentleman recall how many times we have voted on this project?

Mr. GIAIMO. In 1966, 1967, 1968, 1970, and 1971, but now they tell us there is an energy crisis. Fine. The estimated cost of the dam when it was originally proposed was in the neighborhood of $300 million. At that time, we told the corps that it would be a half billion dollar project, at least. Today the cost is estimated at over a half billion dollars, $513 million.

Mr. Chairman, the corps comes in with this fancy benefit-to-cost ratio at 2.5 or 2.6, depending on whose figures they use. What they do not tell you is that in estimating the cost of this dam, which will take 8 years to build, they are using an interest rate of 3¼ percent for the period of construction. Where does anyone, including the U.S. Government, borrow money for 3¼ percent?

Mr. Chairman, I asked the Corps of Engineers in hearings what would happen if you applied an interest rate of 6⅞ percent to construction and transmission in costs and an 8 or 10 percent or more, a year escalation cost during the 8 years of construction. Their answer was the dam would cost, at least $839 million.

Mr. Chairman, we are talking about a billion dollar project. What do we get for it?

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

Mr. GIAIMO. Mr. Chairman, I will be happy to yield to the gentleman from Iowa.

Mr. GROSS. I would like to point out that at the auction on Treasury bills on Monday of this week the figure was more than 8 percent.

Mr. GIAIMO. Of course, and I used the 6⅞ figure because that was the figure that they tried to change to the going rate with public work projects, as the gentleman well knows.

The CHAIRMAN pro tempore. The time of the gentleman from Connecticut has expired.

(By unanimous consent, Mr. GIAIMO was allowed to proceed for 5 additional minutes.)

Mr. GIAIMO. Mr. Chairman, what do we get for our billion dollars? We get an 830,000 kilowatt capacity, of which approximately 100,000 will be used for base load power in Maine. The additional 700,000 kilowatts, which is less than 1 percent of the needs of New England, will be sold outside of Maine.

To whom? To the preference customers. What are preference customers? Preference customers are rural electrification agencies and municipally owned electric companies.

In my own State of Connecticut that means about 4 percent of the electrical power needs because 96 percent is produced by private companies. They are not preference customers. They cannot get this electricity.

Mr. Chairman, in the State of the gentleman from Rhode Island I doubt that there is one single preference customer. I could be wrong, but my information is that you have no municipals and no REA's. If that is the case, your utilities would not qualify for this preference electricity.

Where would it go? It would go into the grid system, and the law is clear that it has to be sold to the preference customers, whether they are in New England or not.

Mr. Chairman, I asked the Corps of Engineers whether this electricity was going to be available for Connecticut, for southern New England. They said that

they are not in a position to tell us at this time because the Secretary of the Interior will have to determine who the preference customers are, where they are, and where the electricity would go.

On the grid system, it is conceivable that the power can go to western New York, northern New York, or New Jersey. This idea that Dickey-Lincoln power is going to reduce, in any way, the electric bills of the people in New England is absolutely not true.

Efforts have been made by the proponents of this legislation time and time again to convince the people in New England that all they need is the Dickey-Lincoln public power dam in Maine and their electric problems will be solved.

First of all, the dam would only provide 1 percent or less of New England's electric needs; second, it must go to the preference customers, thereby excluding the overwhelming percentage of producers of electricity in New England; and, third, the cost of this $800 million to $1 billion pork-barrel boondoggle is going to be paid for by the taxpayer who is being taxed to his very eyeballs. Finally, it is going to be paid for by the consumer who has to pay inflated prices daily because this Government of ours is spending money that it does not have.

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

Mr. GIAIMO. I will be delighted to yield to the gentleman from California.

Mr. ROUSSELOT. Mr. Chairman, I appreciate the gentleman's yielding.

I want to be sure that I understand this. Because this dam will only be used for 2½ hours a day, does that mean that the water level will fluctuate?

Mr. GIAIMO. The gentleman is correct.

Mr. ROUSSELOT. That means that they have to wait for the water to accumulate?

Mr. GIAIMO. The gentleman is correct.

We must understand, in contradistinction to the power dams on the Columbia River and other rivers in the West, which have a very steep downstream drop, the St. John is a relatively small river, and it fluctuates during different seasons of the year; thus, we only get the electric power from what is known as the head, the top of the dam. It is stated by all who are involved and all who know about this that 6 or 7 hours of peaking power are needed, but that this dam will only provide operation for 2 to 2½ hours per day, and then they have to let the head build up.

Mr. ROUSSELOT. Mr. Chairman, if the gentleman will yield further, I will ask this:

So that in contrast to the comment we have heard that this nice lake would be created, it would be a fluctuating lake, and so consequently the great argument that it would be a great fishing area, assuming one could catch up with the level of the lake, is not necessarily true at any given time?

Mr. GIAIMO. The gentleman is correct. It would be a fluctuating lake with a drop, and there are strong seasonal drops in the river which would also make great changes. The seasonal changes in the lake's water levels are going to be even more severe than the daily changes.

Mr. ROUSSELOT. Mr. Chairman, I appreciate the gentleman's comment.

Mr. GIAIMO. Mr. Chairman, in conclusion, if there was ever a place where the energy crisis is being used as a gimmick to get this pork barrel legislation enacted—despite the fact that the House has defeated it time and time again—this is it.

We must do a lot of things in this country in order to solve our energy problems. One billion dollars can very wisely be spent in helping us to solve these problems, but certainly not by building this monstrosity in the State of Maine. Dickey-Lincoln dam will do nothing for the people of Connecticut or of southern New England.

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

Mr. Chairman, I rise to oppose this amendment and in support of the funds for the Dickey-Lincoln School hydroelectric project. As many of my colleagues in this Chamber are aware, I have consistently supported this project since the time that it was first authorized in 1965. At that time, I was the only New England Member outside of the Maine delegation to favor Dickey-Lincoln. Today it appears that a majority of the New England Members are prepared to support the project, and I urge those of you from other regions to support the majority of New Englanders and not one or two loudly dissenting voices.

I would like to develop briefly three important facts which demonstrate that the decision by the Appropriations Committee to include $800,000 for Dickey-Lincoln deserves the support of this body. First, the project is essential to the energy needs of New England. Second, the project is cost effective. And third, construction will not have a significant adverse impact on the environment.

As chairman of the Subcommittee on Power I have had the opportunity to deal with energy problems on both a national and regional basis for the past decade. During this same 10-year period, the Dickey-Lincoln project was conceived, funds were authorized for planning, $2.1 million were appropriated for preconstruction planning, and then, in 1967, funds were cut off and the planning has remained uncompleted. In the meantime, the cost of energy in New England has skyrocketed. For example, arguing against Dickey-Lincoln 7 years ago, the private utility companies promised cheap nuclear power as the answer to New England's needs. Today, the cost of that power is more than 200 percent higher than these utilities predicted. Recent estimates show that by 1978 the capacity of present facilities will be inadequate to meet the needs of New England.

I am not suggesting that Dickey-Lincoln will in itself solve New England's energy problems. When fully operative, Dickey-Lincoln will provide 1.5 billion kilowatt hours of power. This represents only a very small percentage of the overall energy needs of the region. However, the point which is overlooked by critics of the project is that Dickey-Lincoln's major contribution is not base load power, but rather peaking power—power which can be utilized during the critical peak load hours. In this respect, the project would be invaluable in providing a dependable, uninterruptible source of power.

In energy equivalents, Dickey-Lincoln will be worth 1.5 million barrels of oil—or the average annual output of 300 oil wells—6,000 tons of coal, or 9.2 billion cubic feet of gas. None of these alternative energy sources are indigenous to New England, and all of them continue to rise sharply in cost during the current energy shortage.

There is another point which should be clarified. The benefits of the project will accrue to all of New England, when, as is envisioned, Dickey-Lincoln is connected to the New England Power Pool—NEPOOL. Naturally, not all areas or systems will share directly in the benefits of the project, but to the extent that Dickey-Lincoln power adds to the total power available through the interconnection, all of New England will stand to gain.

Let me turn now to the second key fact about Dickey-Lincoln. It is a project which has been shown to be cost effective. The latest benefit/cost ratio compiled by the Corps of Engineers is better than 2½ to 1. I would remind my colleagues that many private utility companies undertake construction projects with less efficient ratios than this. You have heard a great many figures thrown around carelessly as to the ultimate cost of this project. They vary depending on what interest rate is applied and on what guess is made as to the rate of inflation during the construction of the project. I will not add needlessly to this confusion. However, nearly all of the cost to the Federal Government can be recouped from power revenues. And we must not lose sight of the fact that what we are voting on today is an additional appropriation for continuing the preconstruction planning of the project. This body will have a chance to evaluate the results of this planning before appropriating one penny of construction money. I urge my colleagues not to be sidetracked by the confusion bred by conflicting figures. The planning for Dickey-Lincoln has been needlessly delayed for 7 years, and it must not be killed today as a result of mere speculation.

I would like to call to the attention of my colleagues the fact that the project has the support of the Governors of the six New England States and that, acting as the New England Regional Commission, they will consider later this month the expenditure of NERC funds to assist in the continuation of the planning.

In addition, the largest private utility companies in New England, formerly implacable foes of Dickey-Lincoln, have reversed their position and now support funds for preconstruction planning. These companies include the New England Electric System, Northeast Utilities, and Central Maine Power.

This year the most vocal opposition has come from the environmental groups, a number of whom have formed a special lobbying group called "Friends of St. John." Although these groups have

never asked to discuss the issue with me, I have seen the results of their lobbying campaign, including a slick brochure which purports to tell the truth about Dickey-Lincoln. Their arguments lead me to the third and final key fact which I want to lay before you. The construction of the Dickey-Lincoln project will not create the kind of environmental havoc that the environmentalists predict and, in fact, the completed project will produce significant environmental benefits to northern Maine.

Again, we must remember that what we will be voting on here today are funds for further planning and not for construction. Yet out of the nearly $4.5 billion contained in this appropriations bill, the environmentalists have chosen the $800,000 for Dickey-Lincoln as their rallying point. This figure represents less than two one-hundredths of 1 percent of the total appropriation to be considered.

For such a relatively small project to attract such vehement opposition, one can imagine that the construction of Dickey-Lincoln would create a veritable environmental holocaust. Can this suspicion be substantiated? The answer is "no." I will include following my remarks, a detailed summary of the possible environmental impact of the project which was prepared by the Army Corps of Engineers. The corps' conclusion is that the environmental losses are not sufficient to warrant abandoning the project. In addition, I would remind those who are concerned about the environmental impact of the project that the corps must file all the necessary environmental impact statements and must comply with all applicable environmental regulations.

I would like to dispell several of the most prevalent misconceptions about Dickey-Lincoln's impact on the environment. There is the misconception that a priceless wilderness area will be destroyed. In reality, the Allagash Wild and Scenic River area will not be affected. There is the misconception that a substantial portion of the Saint John River Basin will be flooded. In reality, less than 2 percent of the waterways will be flooded. If the Dickey-Lincoln project had been completed as originally scheduled, the dams would have prevented last months' floods which caused more than $3 million damage to the town of Fort Kent. I note that the environmentalists are suggesting that a dike could be constructed to solve the flooding problem, but I have yet to see a dike which produced as much as one kilowatt hour of power.

There is the misconception that fishing and canoeing opportunities will be lost. In reality, whatever stream fishing or canoeing is lost, will be made up for in the resulting lake fishing or boating. As it is, the Saint John area is virtually inaccessible. In a recent year, only 30 parties navigated the Saint John. To preserve the only feasible site in the State for a hydroelectric project for the benefit of so few when the power produced by Dickey-Lincoln is important to so many might be a noble but, I believe, a foolish gesture. There is the misconception that the loss of wildlife would be excessive. In reality, $2.3 million has been included in the cost of the project for wildlife mitigation measures, especially for the relocation of the deer and waterfowl breeding areas.

In conclusion, I feel that the facts support the recommendation of the Appropriations Committee that $800,000 be appropriated to fund further planning for Dickey-Lincoln. I am convinced that Dickey-Lincoln will be a benefit to the people of New England. It will provide a nonpolluting source of dependable power which will help meet the peak power needs of New England. I hope that the amendment to delete funds for Dickey-Lincoln will be defeated and that we can get on with this project whose time has finally come.

Mr. Chairman, I include the following information for the benefit of the Members:

EXCERPTS FROM PRELIMINARY ENVIRONMENTAL STUDY ON DICKEY-LINCOLN

(By Col. John H. Mason)

LOSS OF THE ALLAGASH

There has been a general misconception that the project will adversely affect the Allagash waterway. The Dickey damsite was relocated to a point immediately above the confluence of the Allagash River with the St. John River for the specific purpose of preventing any interference with the free flow of the Allagash waterway. In fact, future analyses may reveal that the project could further preserve the Allagash's environmental assets. There is a growing concern that heavy use of the Allagash will detract from its unique experience. The Dickey-Lincoln School Lakes project would provide an adjacent large wilderness lake which would serve to alleviate these growing pressures on the Allagash River.

LOSS OF DEERYARDS

A draft report prepared by the Bureau of Sport Fisheries and Wildlife estimated that approximately 2,200 deer would be displaced by the project but that an estimated 1,800 of these could be replaced through mitigation measures. All possible measures will be taken to minimize the adverse effects of the project. Mitigation measures would be explored including acquisition of suitable land and proper management to replace the lost deeryards.

LOSS OF STREAM FISHING

Some stream fishing will be lost, however the magnitude is certainly subject to further investigation. There are two problems allied with current utilization of stream fishing capability of the St. John River, namely, 1) difficulties of access, and 2) varying stream conditions. The St. John River Basin is a wilderness resource. The area is generally inaccessible except by foot or by water. The latter access is particularly undependable during midsummer because of the low water conditions thus necessitating frequent portages. In addition, a major part of the basin is owned by paper companies. Undoubtedly, access to the basin by a large number of fishermen would be restricted because of the significantly increased risk of fire.

The dominant fish species within the project area is the native brook trout. These trout reportedly can be found in the lakes and smaller tributary streams during the entire year. However, this even distribution of trout is not true of the main stem of the St. John River and its larger tributary streams during the late summer and early fall months. This is a period of low stream flows and increased stream temperatures which force the fish to seek other cooler tributaries.

The 86,000 acre lake impounded by Dickey dam will provide access to wilderness areas never before accessible. The lake itself will provide a multiple warm and cold water fishery. Access to the wilderness lake will provide areas for hunting, camping, pack trips and enjoyment of the wilderness experience. The project in essence will provide a trade-off between stream fishing and lake fishing. However, due to the increased accessibility the project would undoubtedly support more users.

LOSS OF FORESTED LAND

The State of Maine, with over 87 percent of its land area in timberlands, has more forested acres per capita than any state in the nation. Construction of the project would result in the loss of approximately 90,000 acres of forested land. This represents less than six-tenths of one percent of the forested acres in the State of Maine.

LOSS OF CANOEING ON ST. JOHN RIVER

The Allagash River is a far greater canoe stream than the St. John River. For example, a reconnaissance trip was made of the St. John River in the early summer of 1967 by an engineer and a fishery biologist of this Division. They canoed the river from the southwest branch approximately 110 miles to the Dickey damsite in four days. Both were experienced avid canoeists. Although the trip was very enjoyable and exciting to both, they found the river to be very shallow in many areas requiring them to often push and pull the canoe while walking alongside of it. The river has considerably reduced flows in mid-summer making canoeing even more difficult. They also learned that 30 parties made a similar trip in 1966 as compared to 3,000 on the Allagash. The Dickey dam was located above the mouth of the Allagash expressly to preserve the wilderness canoe trip region of the Allagash, although a dam located further downstream in the vicinity of Rankin Rapids would be more advantageous from the viewpoint of power production.

LOSS OF STREAMS

The project would create an 86,000 acre lake at Dickey and a 2,150 acre lake at Lincoln School, at maximum pool elevations. These reservoirs would inundate 64 miles of the St. John River of which 53 miles would be upstream of Dickey dam. The St. John River is about 420 miles long, of which 100 miles are above Dickey dam and 320 miles below the dam. In total (including all tributaries to the St. John), the project will flood 219 miles of streams. This is less than two percent of the estimated 14,000 miles of rivers, streams and branches in the St. John River Basin.

EFFECT OF RESERVOIR DRAWDOWN

The maximum drawdown of the project would be 40 feet between Elevations 910 and 870. However, this would not happen in any one year. The average annual drawdown between 15 June and 15 October would be four feet. The heaviest drawdown period would be in the winter months because of the large power demands in that season. Due to the generally preciptive nature of the Dickey reservoir area, it is not considered that the shoreline areas, when exposed, would have the graphic features of mud flats. Winter months are also periods of heavy snowfall which would tend to cover drawdown areas. The reservoir will be cleared of all standing timber within the drawdown area to eliminate any unsightly tree kill.

SILTATION IN THE RESERVOIR

The St. John River currently has three downstream power reservoirs in the Canadian reaches of the river. Silting has not been a problem at these sites due basically to the natural ability of the forested watershed—comprised principally of a coniferous forest dominated by a northern spruce-fir cover—to retain its soil. According to information obtained from the New Brunswick power interests, sedimentation has been no problem

at their Grand Falls hydroelectric project located 90 miles downstream of the proposed project. Also, observations of similar nearby watersheds revealed no sediment problems at impoundments there.

AQUATIC WEED GROWTH

Studies to date indicate that there should be no problem with aquatic weeds. In general, the incoming water to the Dickey-Lincoln School Lakes project does not have an over-abundance of nutrients and the water will be deep and rather cold minimizing the amount of weed growth.

EFFECTS ON THE ST. JOHN RIVER FLOW REGIMEN

The project will effectively augment St. John River flows during normally low flow periods, resulting in improved fishery conditions and enhanced water quality. Based on over 20 years of flow records in the area, minimum monthly flows on the St. John River downstream of the Dickey-Lincoln School site have been less than 1,000 cfs in 8 out of 12 months of the year with minimum flows during some months being 500 cfs or less. However, the proposed treaty with Canada stipulates that a minimum monthly average flow of 2,500 cfs will be maintained downstream of the project. This resulting flow augmentation will provide considerable enhancement of the downstream flow regimen during normally low flow periods.

At the other extreme, the project will eliminate flood flows that have plagued downstream areas. The Town of Fort Kent, located about 30 miles below Dickey dam, has experienced nine floods during the past 46 years of record. The most recent floods have occurred in May 1961, May 1969 and April 1973. The April 1973 flood stages exceeded the record flood of May 1961 and caused damages estimated at $1 million. These losses would be prevented by the project.

EFFECTS ON THE ST. JOHN RIVER ESTUARY

It can be reasonably stated that there will be no impact on the lower river area. Flows will be regulated for power purposes but these regulations will not be detected at the estuary due to the Canadian storage reservoirs downstream of Dickey-Lincoln School Lakes plus flows from intervening drainage areas.

ENVIRONMENTAL EFFECTS DURING CONSTRUCTION

Much of the construction activity, including the stripping of borrow areas, will be located in the reservoir area so that once the reservoir fills, most traces of construction activity will be obliterated. During construction, measures defined by Federal standards and specifications will be taken to reduce adverse effects on the environment. Controls will be exercised over the contractor to minimize air, noise and water pollution. Such items as burning of waste, soil erosion, dust control, revegetation of borrow areas, batch plant spills, waste concrete, oil and fuel spillage, operation of motorized equipment, and personnel sanitation facilities will be evaluated and controlled to minimize temporary environmental impacts.

COSTS NOT INCLUDED FOR VALUE OF STANDING TIMBER WHICH WILL BE LOST DUE TO PROJECT

The environmental impact due to loss of timber cannot be quantified. However, the economic loss has been included in the project cost estimate. The estimate for land acquisition includes the estimated stumpage value of standing merchantable timber and also the value of the cut-over land based on its residual highest and best use.

SOCIAL DISRUPTION

A prime environmental consideration in conjunction with any large reservoir project is the disruption of man's social environment due to relocation. At Dickey-Lincoln School, developed areas are minor in contrast to the size of the project, as most of the upper reservoir areas are timberlands. A real estate survey conducted in 1967 revealed that 238 improved properties in the vicinity of the damsites in St. Francis and Allagash would be acquired for the project. These consist principally of residences and camps, with some commercial properties, small lumber mills and marginal farm units.

There is no question that a project of the magnitude of Dickey-Lincoln School Lakes has considerable environmental impacts. There will be environmental losses as well as environmental gains—these losses and gains often being interpreted and measured through the exercise of personal preference. I feel the integration of the Dickey-Lincoln School project and the Allagash will ultimately provide the optimum resolution to the divergent desires and needs of many. It will also result in a valuable resource balance to the upper region of Maine.

Mr. JONES of Alabama. Mr. Chairman, will the gentleman yield?

Mr. MACDONALD. I am happy to yield to the distinguished gentleman from Alabama.

Mr. JONES of Alabama. Mr. Chairman, this project is probably the most worthwhile enterprise that the Federal Government will ever be engaged in. It has had careful consideration from the Committee on Public Works, which makes constant analyses of the economic justifications. This project needs the enthusiastic support of all the Members of this body, particularly today when we are wrestling with the problem of trying to solve our energy crisis and trying to find other sources of energy. This represents the cheapest, most available, and most constant source of energy known to man.

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

Mr. MACDONALD. I am happy to yield to the gentleman from Maine.

Mr. KYROS. Mr. Chairman, I would inquire of the gentleman from Massachusetts, since we have heard some facts just a few moments ago which were absolutely so erroneous and so without basis in fact that they should be readily corrected, one of them being that the Dickey-Lincoln project was not a peaking powerplant. Is it not a fact that the Federal Power Commission states that in 1980 to 1990 we will have about 4,422 megawatts as New England's peaking capacity needs and Dickey-Lincoln, with 830 megawatts, would provide 18.7 percent of the peaking power requirements of all of New England, therefore, there is an enormous peaking power benefit from this project; is that not so?

Mr. MACDONALD. That is a correct statement, and I thank the gentleman for his contribution.

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

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

Mr. WYMAN. I yield to the gentleman from Massachusetts.

Mr. CONTE. I thank the gentleman for yielding.

The previous speaker, on several occasions, directed the attention of the House to the fact that this is a very small part of this bill, $800,000. I want to correct the record. This is for planning. This whole project, if we build it at 6¾ percent, will be $800 million.

Mr. WYMAN. I thank the gentleman for his comments.

On the point he makes I would certainly add my comment that I am supporting the planning money here, but without a commitment to support the whole project until we get revised cost figures. Many figures used in argument today are about 10 years old, and we need new ones.

Mr. Chairman, I want to confine my remarks now to the environmental issue. I happen to love the woods and have done so all my life—especially northern Maine. I happen to also hunt and fish. I happen to be a licensed guide in New Hampshire. I have camped, canoed, hunted, and fished on the Saint John River and in the area under discussion. I have leased a campsite from great northern near Mt. Katahdin for more than 25 years.

There has been a lot of erroneous talk here today, about the environmental disaster that would be involved if Dickey-Lincoln is built. What we are doing is swapping some streams and woods for a great big lake with hundreds of miles of shoreline, a fresh water lake that will have some of the best fishing in the United States of America. It will still have tributary streams and they will still have trout.

It has been suggested somehow, in an anti-Dickey-Lincoln folder that has been circulated in this House today signed by friends of the St. John out of Boston, Massachusetts that deer will be killed and lumber will be destroyed, and everything will be lost if the lake is flowed. Let us take lumber for example. They are going to clear-cut this. It will take 7 years to build Dickey-Lincoln. By the time the dam is built and the water starts to flood back in the area, there will be no lumber there, and to replace a clearcut would take an entire generation, 30 years.

As for the deer, it is sometimes claimed they do not move more than a mile and a half, generally speaking, from where they are born. But their yarding habitats will be relocated and the deer will be moved. In this big country up there in northern Maine there is more than ample yardage and space for the deer, the moose, the bear and all displaced wild game. The one thing in terms of environmental impact, that will make some sense to worry about is the bathtub concept, the flowage related to peaking that will run the water down when run through the generators leaving a ring on the shore line until nature refills the lake.

The answer is that much of the ringing will probably take place in the wintertime; less will occur in the summertime. But we have lived with this in the Connecticut Lake of New Hampshire. The shore owners do not care for it too much, understandably so, but this is a small penalty to pay in terms of environmental impact in view of the energy

reserves to be constructed and that will be permanent and naturally replenished.

We have here one of the last places where we can get such a natural waterhead in America and have this vast waterhead reserve to complement the power pool for New England.

Mr. Chairman, we ought to fund this planning money this time around in light of the energy crunch. We ought to fund this study and go ahead from there if the facts and figures justify whether they will or not we do not yet know but we will never know if we don't complete the planning.

I urge defeat of the pending amendment.

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

Mr. WYMAN. I yield to the gentleman from Maine.

Mr. KYROS. I thank the gentleman for yielding.

Is it a fact, first, that all six New England Governors have supported Dickey-Lincoln?

Mr. WYMAN. I do not know whether they have all supported Dickey-Lincoln or not.

Mr. KYROS. If the gentleman will yield further, it is a fact.

Secondly, the gentleman talks about the drawdown as a result of this lake. The fact is that there will be a drawndown of about 4 feet, which will result in 5 or 6 feet of space for the so-called bathtub ring concept.

Mr. WYMAN. Considering the size of the area to be flooded, it will draw down minimally. The First Connecticut Lake in New Hampshire sometimes runs a 15- to 20-foot draw when water is short, but it is very small compared to the body of water we are considering here.

Mr. KYROS. In addition to that, if the gentleman has been in the Saint John area where the dam will be built, the actual drawdown on the Saint John today runs 16 to 12 feet every day, and ran 28 feet in this recent flood. So Dickey-Lincoln is going to be about 4 or 5 feet different, where the Saint John with its steep banks, runs 12 to 28 feet. So, what sense is there to argue against that lake?

Mr. WYMAN. The answer is, as in other respects, that the bathtub concept of Dickey-Lincoln, in terms of its environmental consequences, has been overstated by the supporters of the amendment. The gentleman's figures tend to confirm this fact.

Mr. ST GERMAIN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of H.R. 15155, the Public Works for Water and Power Development and Atomic Energy Commission appropriation bill for 1975. This bill is the product of many arduous hours of hard work by Chairman EVINS and the members of the Committee on Appropriations. This is demonstrated by the comprehensive program presented to us by the committee today. I applaud their splendid effort.

I am particularly pleased that the committee has recommended that $800,000 be appropriated to resume planning for the Dickey-Lincoln School hydroelectric project. At a time when utility rates are soaring in New England, this is most welcome.

Dickey-Lincoln was first authorized by the Flood Control Act of 1965. In 1966 and 1967 the Corps of Engineers received appropriations totalling nearly $2 million to make advanced engineering and design studies for the project. Since that time, further appropriations to complete such studies have not been forthcoming. I sincerely hope that this year, my colleagues will recognize the dire need for this important project.

New England is in a stranglehold of skyrocketing electric rates. The region relies heavily on residual fuel oil imported from foreign nations to generate electricity. During the period from May 1973 to February 1974, residual oil prices tripled, up 181 percent, from $4.04 a barrel to $12.50 a barrel. The utility companies are allowed to passthrough 100 percent of fuel costs increases. This places a terrible burden on consumers and puts New England in a precarious position as far as drawing new industry into the area. Many consumers' electric bills have doubled in just the past 6 months. For the elderly, the poor, the infirm, the pensioner, and others on fixed incomes, this is an impossible situation. The Northeast has long shouldered a disproportionate share of the burden of rising utility rates. Dickey-Lincoln would help to relieve this burden.

When completed, Dickey-Lincoln will have a capacity of 830,000 kilowatts and an annual generation of 1,154 million kilowatt hours. The electricity generated would usually be utilized at peak load hours. It could be turned on instantly to prevent brownouts and blackouts such as occurred in November of 1969 when millions of people, in an area of over 30,000 square miles, were suddenly deprived of electric service. No one wants that nightmare to reoccur. Dickey-Lincoln would prevent it by providing a dependable source of hydroelectric power to supplement the nuclear and other types of powerplants proposed for the region.

Dickey-Lincoln is an economically viable program. Once completed it will have a benefit/cost ratio of 2:1. Ninety-eight percent of construction costs will be recouped as a result of power and recreation fees. The cost to the Federal Government will be minimal, while the benefits to the northeast will be substantial.

The purposes of the project are many and varied. In addition to providing much needed power, Dickey-Lincoln will provide recreational facilities for millions of Americans. It will also prevent widespread flooding along the St. John River. Recently, the town of Fort Kent, Maine, was inundated by a flood that would have been prevented had Dickey-Lincoln been completed on schedule.

Much of the opposition to Dickey-Lincoln in the past has been promulgated by the utility companies. Their opposition now appears to be dwindling as fuel costs soar and consumers revolt. I cannot help thinking that if the utility monopolies had not lobbied so vigorously in the past, current could be flowing from Dickey-Lincoln this very summer when we so desperately need it.

As one who has long supported measures to protect and rejuvenate our environment, I am particularly cognizant of the fears of many citizens about the impact of Dickey-Lincoln on the wilderness of Maine. I sincerely believe these fears will prove to be unjustified. If I believed otherwise, I would not support the project.

The site of the project is adjacent to the recently established Allagash Wild River Area. With proper planning, the Dickey-Lincoln project and the Allagash will provide a balance in types of recreational opportunities while preserving the wilderness character of the region. The lake created will provide ready access to the now unavailable wilderness expanse surrounding the reservoir. Areas of refuge, with boat landings, rustic camp shelter, and essential sanitary facilities would provide overnight accommodations for boat parties. Foot trails could provide access for wilderness hiking. Some stream fishing would be lost, but substantial lake fishing would be created. Downstream fishing would be enhanced by reregulation storage at Lincoln School Lake which will provide a steady flow year round.

I ask those who have such fears to look at other areas where similar dam projects have been completed. The Grand Teton National Park, near Jackson, Wyo., is an excellent example. The lakes there were created by manmade dams. Few areas in the world match it for scenic beauty and recreational pleasure. Perhaps most importantly, through expert management and planning, it remains unspoiled and the wildlife thrives. Many forms of wildlife that were once nearly extinct, now find refuge there and are making a comeback.

The list of those who support Dickey-Lincoln is impressive. Many of the utility companies, which, as I stated earlier, formerly opposed it, now realize the necessity of inexpensive nonpolluting electricity. Last December, during hearings before the Committee on Government Operations, I asked Chairman Nassikas of the Federal Power Commission for his opinion of the project. He replied:

> As far as I am concerned, as Chairman of this Commission, I have adopted a view that our hydro-electric power resources should be developed, that if Dickey-Lincoln is a viable project, as was found before I came here, that we should proceed with it.

The New England Regional Commission on May 1, passed a resolution calling for, among other things, immediate congressional action to provide funds for the completion of preconstruction planning for Dickey-Lincoln.

In light of the difficulties facing New England regarding electricity costs, I vigorously urge my colleagues to rejoin this growing group of supporters and enact the Public Works for Water and Power Development and Atomic Energy

Commission appropriation bill for 1975, including the appropriations for the Dickey-Lincoln School project.

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

Mr. WHITTEN. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

One hundred and one Members are present, a quorum.

The gentleman from Massachusetts is recognized in opposition to the amendment.

Mr. BOLAND. Mr. Chairman, I rise in opposition to the amendment offered by my distinguished and lovable close friend, the gentleman from Massachusetts.

I recall back in 1965, I think it was, that I opposed this particular project. I opposed it because a separate and independent study had never been made of the Dickey-Lincoln School Reservoir project. I indicated at the time the public works bill came to the floor that our Subcommittee on Public Works Appropriations would conduct a staff study, an investigative study, into the feasibility of this particular project. If that study indicated that the project was feasible, that there was a benefit to cost ratio better than unit, then, I said, I would support the project next year.

The investigative staff study was made. That staff study concluded that this project was feasible. That staff study was the result of conferences and meetings with the Federal Power Commission, the Department of the Interior, the Corps of Engineers, and the consultants on public power. From that day to this I have supported this project.

We have not often been successful. We have been here many times, perhaps nine; but since our last vote in 1971 there have been dramatic changes with reference not alone to this project, but to the problems that New England now faces.

What are some of those dramatic changes? Well, I suppose the most significant one is that for the first time in the past 8 years we have a majority of the New England Members favoring this project. That has never happened before. All of the Governors of New England, the six New England Governors, favor this project.

Over the past few years some of the areas that are on the St. John River have been visited by devastating floods.

Fort Kent, only a little community of 4,000 people suffered greatly, just this spring. A lot of other little communities suffered too.

Turning to the environmental impact of which so many have talked here today, let me point out that priority has been assigned in spending this $800,000 requested appropriation for Dickey-Lincoln. That commitment is that an environmental impact statement will be filed before the project can even get under construction. Of course, that is true of every public works project we fund in the United States.

Maine has 1,600 rivers. It has 2,000 lakes. When we talk about this particular area, I have the feeling that this land belongs to the people, not to just a few that can penetrate the almost impenetrable virgin territory. I have the feeling that this area along the St. John River belongs to all the people. We can open it up. This fantastic lake can be useful to more people, not just the few who can afford to get there, who can afford to get guides. Oh, no; we can open this great area up now to many, many more Americans, to all of our people.

The question has been raised.

What about the 3¼ percent, the discount rate? I am looking across this Chamber here at Members from the great Southwest, the great Northwest, the South, the Midwest, and I am looking at Members in whose districts projects have been built for years at 3¼ percent.

Do the gentleman from Connecticut or the gentleman from Massachusetts or any of those who oppose this project suggest that New England ought not to be treated on the same basis as every project that has been heretofore built by the Corps of Engineers, by the Bureau of Reclamation? Do they suggest that we now ought to pay 6⅞ percent? This project meets all of the criteria of the Corps of Engineers at the 3¼ percent discount rate.

But, do not confuse the economic analysis with the payment analysis, the repayment analysis.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

(By unanimous consent Mr. BOLAND was allowed to proceed for 5 additional minutes.)

Mr. GIAIMO. Mr. Chairman, will the gentleman yield to me?

Mr. BOLAND. Mr. Chairman, I yield to the gentleman from Connecticut.

Mr. GIAIMO. Mr. Chairman, the purpose of stating the interest rate at 3¼ percent which obviously, as the gentleman says, applies to power projects throughout the United States is merely to point out the fiction of these interest charges and to show that they are not the true and actual cost of these projects. They are underestimating costs by this fictitious interest rate which the Corps of Engineers uses because, as the gentleman knows, if they ever used the real interest rates and really told the American people what they were paying for a lot of these projects, they would never get them approved.

Mr. BOLAND. Mr. Chairman, I am sure that is true. Let me respond to the gentleman from Connecticut by saying that even if we were to apply the discount rate in effect in 1970 of 6⅞ percent, this project is still economically feasible on a benefit-to-cost ratio of 1.3 to 1. Further, based on the discount rate of 3¼ percent that the project is entitled to have, the benefit-to-cost ratio is 2.6 to 1, and that is an excellent benefit-to-cost ratio.

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

Mr. BOLAND. Mr. Chairman, I yield to the gentleman from Mississippi.

Mr. WHITTEN. Mr. Chairman, I would like to point out here that if we are submitting the interest rate of some years ago, that the same increase in the front end products has changed in the same manner, so while it may have been 3½ percent back yonder, the end result of the end product increases at the same ratio. So, the relative comparison is the same.

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

Mr. BOLAND. Mr. Chairman, I yield to the gentleman from Indiana, who is a member of the subcommittee and voted for this. Also, Mr. Chairman, let me remind all Members that this project was voted unanimously by the subcommittee.

Mr. MYERS. Mr. Chairman, it is true that the cost of interest which is now being used is not current as to rate, but also the benefits are not being brought up to date either. The benefits we can realize from the project are worth a whole lot more than the Corps of Engineers is using today. The low interest rate and the low benefits used in benefit-cost ratio is relevant.

Mr. BOLAND. Mr. Chairman, the gentleman is absolutely right. It is axiomatic that if costs increase, benefits increase also. There is no question about it.

Mr. DAVIS of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. BOLAND. Mr. Chairman, I yield to the gentleman from Wisconsin.

Mr. DAVIS of Wisconsin. Mr. Chairman, the gentleman from Massachusetts, who has been a valued member of this subcommittee, is making a very fair and factual statement relating to this. We have been on the subcommittee for 10 year, going back to the time of the investigation that was conducted way back in 1965, if my recollection is correct.

I think that many of the statements that have been made in opposition to this project, in support of this amendment, could be made with respect to hundreds of projects that are included in this bill, many of which have less justification from the standpoint of our energy problem and from the standpoint of the benefit-to-cost ratio than does this one.

Mr. Chairman, I cannot in good conscience continue my opposition to this project as long as we continue to approve many of the projects in this bill. I shall join the gentleman from Massachusetts in opposition to this amendment.

Mr. BOLAND. Mr. Chairman, I thank the gentleman from Wisconsin. Let me make my appeal now to the Members from Pennsylvania. Most of the Members from Pennsylvania have voted against this project in the past, based, of course, on the opposition from the coal interests. Let me say now that there is no longer any opposition from the coal interests.

Mr. Chairman, let me also say that the United Mine Workers who opposed this project in the past are not in opposition to it now. Let me also say that the private utilities, practically every private utility up in that area, now favors this

project with the exception of one of the largest ones.

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

Mr. BOLAND. Yes; I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Chairman, as a Member of the Pennsylvania delegation and a member of the Committee on Public Works, I certainly want to compliment the chairman and all the members of the committee. I agree with them completely.

I strongly endorse this project, and I fervently hope that we defeat this amendment.

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

Mr. BOLAND. I yield to the gentleman from Maine.

Mr. KYROS. Mr. Chairman, there have been some sweeping assertions and generalizations about the impact that this dam would have on farmers and other people in the surrounding area.

May I ask the gentleman this: Is it not a fact that this will provide a study? It will get the last word as to the impact it will have, and we will know definitely the answer to so many questions that are raised about this.

Mr. BOLAND. Mr. Chairman, the gentleman is absolutely right. It is an $800,000 appropriation for preconstruction planning. That is all it is. This appropriation is typical of projects all over the United States, and we invariably approve them where the benefit-to-cost ratio is as high as it is here, 2.6 to 1.

Mr. Chairman, I urge the defeat of the amendment. I do so, I believe, with good cause.

Indeed, the issue of the Dickey-Lincoln School hydroelectric project which comes before the House today is one that has been coming up for our consideration since 1965. Since then it has been voted upon nine times. On previous occasions I and a few other Members of the New England congressional delegation have led the fight for this project while the majority opposed it. In part this objection stemmed from the long time opposition to Dickey-Lincoln from private power companies in New England, who feared the yardstick comparison of their service with that of a public power project. There was, at the same time, sustained resistance from various recreational and environmental organizations who claimed that the damming of the St. John River at the Dickey and Lincoln School sites would destroy two of the truly untouched river basins in the Northeast, those of the St. John and the Allagash.

PRIVATE POWER OPPOSITION DISAPPEARS

The situation as the issue of Dickey-Lincoln once again comes to a vote is significantly different from that which predominated on previous occasions. The tables have changed. Practically all of the private power companies no longer oppose the project, partly, I am sure, in belated recognition of the successful cooperation and enhancement of the power generation picture in dozens of Western States where federally financed public power projects have long been a fixture. They have simply realized that public power can only help, not hinder, the total regional power equation. And they appreciate, I am sure, that the Dickey-Lincoln site is perhaps the only feasible one for a project as large as the one for which we are being asked to appropriate funds.

Dickey-Lincoln will have a total capacity production of 830 megawatts and will provide 740 megawatt hours of peaking power for New England. It will provide 1.2 billion kilowatt hours annually of hydropower with no fuel costs and very low maintenance costs.

PRICE OF FUEL CLIMBS

Another factor in the political equation that has changed since the last vote on Dickey-Lincoln is the price of fossil fuels. The energy crisis has skyrocketed oil prices in the New England region by astronomical percentages. The effect on the region which is reflected, among other things, in consumer electric bills has been severe, particularly, since most industries and electric utilities depend upon imports for virtually 100 percent of their residual fuel oil requirements.

Such a heavy economic blow is only worsened by the dampening effect it tends to have on consumer usage and on an already sagging industrial development. The impetus that higher fuel costs have given inflation only further mires New England in an economic morass of stagnation and negative growth evidenced by our record unemployment levels.

GROWING DEMAND MUST BE MET

In addition to higher fuel prices and its attendant economic effects, the more than 12 million New Englanders, who presently consume an estimated 72 billion kilowatt hours of electricity a year, are expected to double this demand figure by 1983, and triple it by the 1990's. So even the most stringent of conservation methods will not permit our existing electric generating capacity to cope with heavy levels of demand just down the road.

DICKEY-LINCOLN IS SUPERIOR TO OTHER ALTERNATIVES

The Dickey-Lincoln funds that are contained in this bill amount only to $800,000. They will only continue the planning and preconstruction phases of the project. Yet Dickey-Lincoln could, with appropriate funding in subsequent years, have power on the line in 8 years. Existing plans of the private utilities reveal that they are not on schedule in providing additional plants. They are having problems in the construction and full operation of nuclear plants. Escalating costs of coal and oil are presenting serious financial problems. In addition, their existing system is old. They will therefore have serious problems in merely replacing existing plants—without even attempting to expand their current capacity.

Dickey-Lincoln, on the other hand, will not depend on costly fuels for its operation. It will rely on a continuous source of clean, nonpolluting, free water for power generation. And, while Dickey-Lincoln, like all hydroelectric projects, will have an expensive price tag—a possible maximum of $781 million, assuming an 8 percent annual rate of inflation—it will have virtually no fuel costs and very low maintenance costs. Although the initial costs of nonhydroplants, such as fossil fueled or gas turbine installations, is less, the high annual costs of fuel and maintenance makes their ultimate cost far greater.

In addition to no fuel costs and low maintenance, a hydroelectric facility such as Dickey-Lincoln will have a minimum life span of 100 years compared to an approximate life of 35 years for nonhydroplants. Thus, all the project's costs will be fully reimbursed within 50 years. The only ultimate Federal cost will be $14,500,000, which represents the project costs for flood control and one-half of the recreational costs, which are in any case nonreimbursable under Federal law. As a result, after payback of the Federal investment, there will remain a minimum of 50 years in the project's life during which the revenues from Dickey-Lincoln can be returned to the Treasury, used to reduce power rates, or used for such other purposes as Congress may determine. Besides all this, Dickey-Lincoln will save—in terms of comparable nonhydroplant fuel usage—1.5 million barrels of oil or 600,000 tons of coal or 9.2 billion cubic feet of gas annually. The value of saving those quantities of fuel over a 100 year period—in a thoroughly nonpolluting and inexpensive fashion—ought to be, I think, overwhelmingly evident to all.

EXCELLENT BENEFIT-TO-COST RATIO

That is why the Corps of Engineers, in its comparative study of Dickey-Lincoln and fossil fuel or gas turbine alternatives, developed a projected 2.6 to 1 benefit-to-cost ratio. That figure, I submit, is a truly overwhelming one when it is realized that it takes into account 50 percent—$169.1 million—of the possible transmission costs to Boston. The likelihood that such a cost will ever be incurred is unlikely since either existing lines could be utilized or proposed lines which would link New England utilities with the Canadian Churchill Falls hydroplant on the St. John's River are soon to be built.

A previous point of objection to benefit-to-cost ratios used for Dickey-Lincoln have centered around the discount rate which has been used in its computation. As prescribed by law, a rate of 3¼ percent has been used to discount the future benefits of the project to current investment costs. But, even at a rate of 6⅞ percent, the benefit-to-cost ratio would be 1.3 to 1, more than sufficient to warrant its full funding.

CHEAPER ELECTRICITY

Mr. Chairman, I indicated just a moment ago that opposition to Dickey-Lincoln had been turned around in the New England delegation. Perhaps one of the central reasons for that reversal has been the cost at which the electricity

that would be generated by Dickey-Lincoln can be marketed. Power must be marketed to repay all costs, including the first cost, interest during construction and annual operation and maintenance costs of a facility. Based on a 5⅞-percent interest rate and a 50-year repayment period, power from Dickey-Lincoln could be marketed at 25.05 mills per kilowatt-hours as compared to 34.43 mills per kilowatt-hour for the privately financed equivalent alternatives. This would represent a $11.7 million annual saving for New England.

DICKEY-LINCOLN IS PEAK POWERPLANT

Another bugaboo that has been revealed as a sham has been the contention that the Dickey-Lincoln project would produce less than 1 percent of the region's power needs. That is because critic shave conveniently avoided mentioning that Dickey-Lincoln, unlike most baseload plants that contribute their maximum output on as near to a 24-hour basis as possible, will be a peak load facility. It is meant to provide a rapid, economical surge of power during peak hours of the day and early evening when power use rises dramatically and during the summer months. During such peak periods demand typically expands by as much as 15–20 percent. Dickey-Lincoln's peak load of 740 megawatts will provide 18.7 percent of the estimated total peak requirements for New England. Thus, it can be seen that Dickey-Lincoln will constitute a substantial portion of that increased total demand that New England is fast approaching.

ENVIRONMENTAL DISRUPTION, NOT DESTRUCTION

The most disquieting and, to my mind, perhaps the most serious objections to Dickey-Lincoln have come from environmentalists and lovers of the outdoors who claim that two invaluable watersheds will be destroyed by the construction of this project. Yet this simply is not true. As long ago as 1962, recreational and environmental analyses of the original proposal prompted the shifting of the principal dam site to the town of Dickey so that the Allagash River basin would remain untouched by the flooding of the St. John. This large natural wilderness area will be completely preserved while a 91,100 acre area will be flooded. Yet this disruption will involve only 66 miles out of a total of 400 miles of riverway. But it will not ruin it. It will conserve clean water, provide permanent flood control for the Fort Kent region, already disastrously flooded this Spring, improve stream flow by regulating constant water levels, open up miles of shoreline with a new wide-river lake for the first time in history, allow access to new hunting and fishing areas and help open doors to lower cost power for Maine by way of Canada. All this, in addition to the production of pollution-free electric power, is hardly a destruction of the St. John.

APPROPRIATION PROVIDES FOR IMPACT STATEMENT

Besides the obvious benefits in recreational opportunities and preservation of wild lands, the Dickey-Lincoln project will be forced to resolve any potential threat to the Maine environment. Much of the $800,000 in fiscal year 1975 funds will go towards preparation of a thorough environmental impact statement covering all aspects of Dickey-Lincoln's effects. In addition, Maine's Board of Environmental Protection will conduct its own survey according to standards that are among the most stringent in the country. Members can, I believe, rest assured that every effort, every probe will be made to ascertain just what sort of a tradeoff is involved in the construction of the project.

I will be candid with my colleagues in this regard. Some hunting, canoeing and wilderness areas will be destroyed when the Dickey lakes are flooded. Yet, in terms of the vast forestation of Maine and of the abundant areas available for such outdoor pursuits, I do not feel that significant harmful damage will have been done. Of the approximately 1,600 streams and 2,000 lakes in Maine, a total of only five streams will be affected by Dickey-Lincoln. Maine is 90 percent forested, yet only one-half of 1 percent of this forested area will be flooded. The timberland lost would not be insignificant in itself, but it will only cause a slight decrease in the State's annual yield. In fact, as I have pointed out, significant new recreational advantages will be presented.

FLOOD CONTROL

Perhaps the issue most underplayed by the opponents of Dickey-Lincoln is that of flood control. This is because the principal dam at Dickey and the smaller spillover dam at Lincoln School together will provide us with the ability to control, for the first time in history, the severe floods for which the river communities of Fort Kent, Allagash, St. Francis and others are known. By regulating the flow of the St. John at times of high water, Dickey-Lincoln will preserve formerly ravaged sections of Maine from annual floods. And it is evident that the system of dikes which some have proposed in place of the Dickey and Lincoln School dams would not be adequate to effectively regulate the flow of the St. John in flood.

Mr. Chairman, I have spoken these same arguments on many previous occasions on this floor. At times I was joined by only a few of my colleagues from New England. That tide has changed. Now, I believe, the majority of New Englanders support this project—on the basis of its economics, its long life, its freedom from pollution, its regional economic benefits, its recreational benefits. I do not wish to take up any further time in spelling out the advantages of Dickey-Lincoln or refuting its critics because I feel that the time for this project—more than ever before—is now and because I believe that most of my colleagues agree with me. Before I close, however, I would like to request unanimous consent to insert into the RECORD at the end of my remarks a letter which I received yesterday from a man whose opinion on energy matters I truly admire, Mr. Lee C. White, the distinguished former Chairman of the Federal Power Commission, who is now the head of the Energy Policy Task Force of the Consumer Federation of America. His opinions and the tables prepared by the Corps of Engineers which I also insert confirm my own feeling that this project should continue to be studied seriously upon responsible and nonemotional grounds. It deserves a fair hearing, I believe, both from the Congress and from the public. But this will not be accomplished if it continues to be downgraded by the all too frequent half-truths that have distorted its image in the eyes of many. I urge therefore that this appropriation be approved so that the environmental impact statement and complete planning analyses can be completed. Only then will the public be able to evaluate what value the low cost, long term hydroelectric power of Dickey-Lincoln will mean for New England.

I include the following:

ENERGY POLICY TASK FORCE,
Washington, D.C., June 5, 1974.

Rep. EDWARD P. BOLAND,
Rayburn House Office Building,
Washington, D.C.

DEAR EDDIE: I understand that the House Committee on Appropriations has approved the inclusion in the fiscal year 1975 public works appropriations bill of $800,000 for planning for the Dickey-Lincoln School project on the St. John River in Maine. While Chairman of the Federal Power Commission, I supported the project vigorously, and the passage of time and the present energy difficulties underscore how wise it would have been to have built the project years ago. We cannot turn back the clock, but we can do now what we should have done then. I am pleased to indicate my strong support for the project.

Rising power prices threaten to make a shambles of family budgets throughout the Northeast, and vigorous consumer voices are calling for action to help protect users of this essential service against escalating costs. Full funding now for the Dickey-Lincoln project will assist in efforts to guard home-owners, workers and businessmen against soaring electric rates and will lessen our dependence on imported oil.

On the basis of information that has come to our attention, we believe support for the Dickey-Lincoln School project is a good investment in consumer protection for at least three reasons:

1. The project has a benefit-cost ratio of 2.6 to 1 making it a sound economic proposal.

2. The project can produce the power for which it is designed at a cost estimated at almost $12 million less annually than the best alternative.

3. The project is expected to conserve yearly about 2,000,000 barrels of oil saving some $20 million for the region.

We hope the House will approve the Committee on Appropriations' recommendation for funding of the Dickey-Lincoln School project.

Sincerely,

LEE C. WHITE,
Chairman.

TABLE I.—*Dickey-Lincoln School lakes economic analysis—annual costs and benefits*
[Based on 3¼% interest rate and 100-year project life] [1]

TOTAL INVESTMENT—DAMS	
Construction Costs of Dams	$356,000,000
Interest During Construction	28,800,000
Total Investment	384,800,000

[1] Capital recovery factor 100 year life; .03388.

ANNUAL COSTS—DAMS	
Interest and Amortization	$13,037,000
Operation and Maintenance	1,500,000
Major Replacements	248,000
Loss of Land Taxes	98,000
Sub-Total Dams	14,883,000
TOTAL INVESTMENT	
Construction Costs of Transmission Line	123,100,000
Interest During Construction	6,000,000
Total Investment	129,100,000
ANNUAL COSTS—TRANSMISSION LINES	
Interest and Amortization	4,374,000
Operation and Maintenance	950,000
Major Replacements	394,000
Sub-Total Trans. Lines	5,718,000
TOTAL ANNUAL COSTS	
Dickey-Lincoln School Lakes	14,883,000
Transmission (50 percent)	2,859,000
Annual costs	17,742,000
Annual benefits (see next page)	46,492,000
B/C ratio	2.62 to 1

ANNUAL BENEFITS	
Marketed in Maine:	
105,000 kw × .95 × $54.25	5,411,000
372,000,000 kwh × .95 × $.010	3,534,000
Marketed in Boston:	
725,000 kw × .905 × $16.50	10,826,000
782,000,000 kwh × .929 × $.030	21,794,000
Downstream:	
350,000,000 kwh × 0.008	2,800,000
Subtotal power	44,365,000
Prevention of flood damages	60,000
Recreation	1,250,000
Redevelopment	817,000
Total annual benefits	46,492,000

TABLE II.—*Dickey-Lincoln School Lakes economic efficiency test*

[Based on 3¼% interest rate]

ANNUAL BENEFITS	
Power marketed in Maine:	
105,000 Kw x .95 x $25.00	$2,494,000
372,000,000 Kwh x .95 x $.010	3,534,000
Power marketed in Boston:	
725,000 Kw x .905 x $6.50	4,265,000
782,000,000 Kwh x .929 x $.030	21,794,000
Downstream:	
350,000,000 Kwh x $.008	2,800,000
Sub-Total	34,887,000
Adjustment for flood control*	60,000
Adjustment for recreation*	1,250,000
Adjustment for redevelopment*	817,000
Total Benefits	37,014,000
Annual Charges	17,742,000
Comparability Ratio	2.1 to 1

* Flood control, recreation and redevelopment benefits which are provided incidentally to construction of Dickey-Lincoln School would be foregone by the alternative. Therefore, the values of these benefits are added to the alternative in order to obtain a valid comparison.

TABLE III.—DICKEY-LINCOLN SCHOOL LAKES

I. REPAYMENT ANALYSIS (50-YR PERIOD—5⅞ PERCENT INTEREST RATE)

	Dam and appurtenances	Transmission	Total
A. First cost:			
1. Construction costs allocated to power [1]	$341,235,000	$123,100,000	$464,335,000
2. Interest during construction (at 5⅞ percent)	50,008,720	10,848,000	60,856,720
Total investment	391,243,720	133,948,000	525,191,720
B. Annual cost (50 yr at 5⅞ percent):			
1. Interest and amortization	$24,390,100	$8,350,300	$32,740,400
2. Operation and maintenance	1,500,000	950,000	2,450,000
3. Major replacements	165,000	262,000	427,000
Total annual cost	26,055,100	9,562,300	35,617,400
C. Repayment requirement:			
1. System transmission revenues from wheeling off-peak power (50 percent)		—$4,781,100	—$4,781,100
2. Net amount to be recovered by power revenues	$26,055,100	4,781,200	30,836,300
3. Energy revenues [2]	—12,461,500	0	—12,461,500
4. Amount to be recovered by capacity	13,593,600	4,781,200	18,374,800
5. Capacity value (at mkt.—756 MW)	17.98	6.33	24.31
D. Total capacity charge:			
Capacity value			$24.31
Administration charge for marketing			.50
Total capacity charge (per kilowatt)			24.81

[1] Remaining construction costs have been allocated to flood control, recreation and area redevelopment.

[2] Energy value fixed at 10 mills/kWh equivalent to value for Maine market area.

II. COMPARISON OF COST (DICKEY-LINCOLN SCHOOL VERSUS PRIVATELY FINANCED ALTERNATIVES)

	Capacity dollars per kilowatt	Energy (mills per kilowatt-hour	Compostei (mills per kilowatt-hour
A. Composite values:			
Private alternatives: [1]			
Gas turbine (Massachusetts)	16.50	30.00	44.90
Fossil fuel (Maine)	54.25	10.00	25.35
Combined private	21.49	21.39	34.43
Dickey-Lincoln School	24.81	100.0	25.05
B. Annual savings:			
Private alternatives (1,246,150 kWh×34.43)			$42,905,000
Dickey-Lincoln School (1,246,150 kWh×25.05)			31,216,000
Annual savings (say $11,700,000)			11,689,000

[1] Based on values furnished by the Federal Power Commission.

Mr. McKINNEY. Mr. Chairman, I rise in support of the amendment.

The magnificent apologia that goes on for the Dickey-Lincoln project makes it very difficult to sort the truth from fiction.

Mr. Chairman, I tried to think of what I could say in addressing myself to the facts, and I came across an editorial out of the Maine Sunday Telegram, published in the 4th month of this year. I would like to read it to you.

The editorial is as follows:

THE BAD SIDE TO DICKEY-LINCOLN DAM

The Dickey-Lincoln project doesn't look half so good this Sunday, since reporter Bob Cummings put it under the microscope in last Sunday's Telegram.

For the first time Maine people are now able to see the other side of the Dickey-Lincoln project. And Dickey doesn't look like the prize-winner that Senator Hathaway has been touting for years and years.

The only real advantage Dickey-Lincoln would seem to have it that it does not use fuel to generate power. It would use water.

But then Dickey wouldn't make much power anyway. It would transmit power only about 3 out of each 24 hours. It would add only seventenths of one per cent to the electricity now available in New England.

And Dickey would cost tremendously. To build Dickey-Lincoln would cost over $500

million, or twice as much as it cost to build Maine Yankee at Wiscasset, which produces about eight times the amount of Power Dickey would.

To build Dickey would mean a dam in the Maine wilderness that would be 340 feet high and two miles long—far bigger than the Aswan dam which controls the waters of the Nile. The Aswan took eight years to build. If it takes eight years to build Dickey the cost might be closer to a billion dollars.

To build Dickey dam will require some 65 million cubic yards of fill. That may mean taking it from the Debouillie Mountain range, 20 miles or so from Dickey. That spectacular mountain, with its rare twin lakes, would be devastated. And if the fill were trucked to Dickey—it would require three million truck journeys each way. All told 120 million miles of driving. Quite a lot of fuel involved there, for a project that is supposed to save fuel!

Cummings also revealed that the Corps of Engineers estimates were based on the assumption that the $514 million involved might be borrowed at interest rates of 3½ per cent. Where have those engineers been?

Based only on the facts recited here, it is clear that Dickey-Lincoln is not the prize-winning solution it was so long touted to be by its supporters.

Now add the fact that Dickey would flood 80,000 acres of valuable timberland.

Add the fact that Dickey lake would cut Maine off from 200,000 acres of Maine timberland. Only the Canadian workers could get to the land—unless a multi-million dollar bridge were built over Dickey Lake!

The concerned committees in Congress should carefully re-evaluate the Dickey-Lincoln data supplied to them.

Mr. BURKE of Massachusetts. Mr. Chairman, I move to strike the last word.

Mr. Chairman, you are listening to a convert here today. I opposed this bill at every stage down through the years.

Mr. Chairman, many of the arguments which my good friend, the gentleman from Connecticut, and my good friend, the gentleman from Massachusetts, used are true in some respects. But I think they have missed the boat, because the real issue here is the energy needs of this Nation and whether or not we are going to allow this great country of ours, this great beloved country of ours, to be subject to the blackmail efforts of the Arab countries, who are holding up this Nation and gouging the public on the high price of oil.

We have had brownouts in Massachusetts. We have unemployment up there over 7½ percent.

As my good friend, the gentleman from Connecticut, said, there are some Members here who would vote to erect a windmill on Mount Greylock if it would produce energy, I know to whom he was referring. He was referring to me, because I am telling the Members that it is a fact there is a great need for energy in this country. We are facing a real energy shortage, and I do not think any one of us can afford to vote for this amendment.

Mr. Chairman, I believe this amendment is wrong. I think we would do untold damage to many people in the Northeast section of this country. I believe we need energy wherever we can find it, and if this Nation is going to be able to be self-sufficient in the energy field, we will have to go out and get the energy wherever we can find it. Because of those reasons, I must oppose the amendment.

I have a great deal or respect for the environmentalists. I believe I have one of the best records in this Congress on environmental legislation. However, as I pointed out to a friend of mine a few weeks ago, we have two issues to face in Massachusetts and in the Northeast: We can either freeze to death or we can choke to death. Those are the choices we have.

I say, if we are going to use any commonsense here today, that we will defeat this amendment. If we fail to do that, we are jeopardizing the entire Northeast section of this country, we are creating even greater unemployment, and we are going to cause brownouts and blackouts. If we fail to defeat this amendment, we are going to play into the hands of the Arab nations, who are blackmailing the American public with their high oil prices.

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

Mr. BURKE of Massachusetts. I am happy to yield to my good friend, the gentleman from Massachusetts.

Mr. CONTE. Mr. Chairman, I find myself at odds with the gentleman; I am usually on the same side of the fence with my friend. We, of course, found ourselves on the same side when we served together in the State legislature.

The gentleman said that we will either freeze to death or choke to death in New England. The gentleman was not here when I spoke, but I said that I am very concerned about the energy crisis in New England, but we are working toward a solution and my friend knows how hard I work on this. The gentleman said that we should get our energy wherever we can find it.

Mr. Chairman, I would like to ask the gentleman in the well how he feels about nuclear powerplants. I would also like to ask the gentleman how he feels about offshore drilling off the Atlantic coast.

Mr. BURKE of Massachusetts. Mr. Chairman, I would be glad to enter into a discussion with the gentleman about offshore drilling at some other time, but not now.

Mr. CONTE. Mr. Chairman, if the gentleman will yield further——

Mr. BURKE of Massachusetts. Mr. Chairman, I have only 5 minutes in which to speak, and the gentleman, Mr. CONTE, is one of the ablest debaters in the Congress, he wants me to discuss offshore drilling. That is a great way to tie me up, getting me involved in a discussion about offshore drilling. We are discussing the Dickey-Lincoln Dam right now, and let us stick with that subject.

We need that Dickey-Lincoln project up there now. I voted against it eight times, and I have now made a 180 degree turn. I have fought the utility companies down through the years when they were wrong, and I have stood with them when they were right, but even the utility companies in New England today are not opposing this study. The New England Power Co., does not oppose this bill. The United Mine Workers, who formerly opposed this bill, now are neutral on this bill, because they now realize the consumers have something at stake here. They realize that America is in real trouble.

I will say for the benefit of those friends of mine on the other side of the aisle that the President has asked them to go out and make this country self-sufficient in the power field and in the energy field. By voting down this amendment, they will be following their leader in the White House.

I will say to those Members on the other side of the aisle, if they vote down this amendment, they will be protecting the consumers of this country.

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

Mr. BURKE of Massachusetts. I yield to the gentleman from Connecticut.

Mr. GIAIMO. Mr. Chairman, I wish to point out to the gentleman that in my own State of Connecticut, which gets only 4 percent of its needs now from public power, and in New England as a whole, where public power only provides 10 percent of the needs and the other 90 percent is provided by private power, this energy from Dickey cannot be sold to the private power utilities in New England; it is going to be sold to the public power companies, the preference customers, most of homw are outside of New England. So you are not solving the problems of 90 percent of our people who are dependent upon private power. This is not the answer to the dilemma.

Mr. BURKE of Massachusetts. Just a minute. Let me answer.

You are going to relieve New England of the necessity of acquiring about 1.5 million barrels of oil a year, and that is a terrific reduction in the amount of oil we use.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HARRINGTON. Mr. Chairman, I move to strike the necessary number of words, and I rise to speak against the amendment.

Mr. Chairman, since we are in the business of quoting editorials, I would like to make a couple of nongermane editorial comments for the benefit of the gentleman from Connecticut.

First, I might observe that the average voting rating of the five people who are the sponsors of the letter that has been the subject of discussion this afternoon with regard to conservation is in the mid-40-percent range, led by the gentleman from Massachusetts, (Mr. CONTE) who tops the list with a reasonably healthy percentage.

I think to a degree this is an obscure issue so far as conservation is concerned. I would really like, if I could, to go on to relevant kinds of concerns here and review for the House as a whole some broad observations made by my colleague from Massachusetts (Mr. BOLAND).

About 2 percent of our power needs in New England are met by public power sources. With enthusiasm on my part, the New England delegation has joined in assuring that the rest of the country

has an average of 20 percent of their power needs met by public power projects. It is time that we gave consideration to allowing the New England region to make progress in this area.

Now let me make a couple of points that have not been made, particularly with regard to the opposition coming from the State of Connecticut.

We have registered in New England the following electric power costs for individual consumers over the period of 1973—the most recent statistics available. Connecticut is 4th ranking; Massachusetts is 7th; Rhode Island is 14th; Vermont is 15th; New Hampshire is 8th; and Maine is 12th. The profile is similar as far as commercial and industrial users are concerned.

The question I suggest is, are we going to continue this situation, which has contributed to a regional economic decline? Electric power costs have been cited by the first national bank as one of the major reasons why our regional economy has failed to be competitive. The cost of electric power has indeed greatly contributed to the decline in our regional economy.

My feeling, in looking at the Dickey-Lincoln project, is that there has been a degree of exaggeration on both sides. This is not an ideal public power project, and neither is it the monster that has been painted for us by the gentleman from Connecticut. We have to recognize that for a number of years, circumstances have existed which can now be changed, and which accounted for the industrial decline which has been taking place on a regular basis. We have made an effort to get our region into a position where we could deal with power crises. For a number of years, our efforts have been countered by propaganda which has been issued from the private sector.

Dickey-Lincoln would produce peaking power at a comparative cost level to that at which it is now being supplied by the private utilities.

We must recognize that we have to get a foothold on this problem now, if we are to accrue for New England the benefits of public power and bring down our power costs.

Dickey-Lincoln will also serve as a yardstick, to give us a better understanding of the utility industry and of the propaganda presented by the private power companies.

On the environmental question, not to long ago I took time to join my colleagues in a trip to Maine. We flew over the area in question—over the St. John River area and the Allagash River area. We inspected the clearcutting to which the gentleman from New Hampshire (Mr. WYMAN) referred, and which I think is responsible for the flooding that has been taking place in the area in the last few years. We also were struck at what I might call, with all due appreciation to the Members from the State of Maine, a quasi-Appalachian situation which exists in that region, as far as the economic picture is concerned.

These efforts on our part suggest, I hope, that we are attempting to weigh the positive nature of the benefits to the region, and derive an accurate measure of the environmental issues.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. HARRINGTON was allowed to proceed for 1 additional minute.)

Mr. HARRINGTON. Mr. Chairman, I hope my colleagues in the Congress recognize what I think is so apparent to the 25 Members of the House who are from New England—that we are not able to be competitive with the rest of the country due to the peculiar nature of our situation so far as the costs of power are concerned. I think the time has come to give us this modest means of getting into a better position, and to create a means of evaluating what we are getting from the private utility sector so far as the costs of power are concerned.

Mr. KYROS. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, it seems to me that we should certainly approve this study. This hydroelectric project has been endorsed by many groups, and by the six Governors of New England. We have seen the sharp rise in the cost of oil making a shambles of the economy of our Nation and particularly that of New England. So it would appear that the only possible way we can reduce the energy burden upon the consumers and the taxpayers and the homeowners, the same persons who use electricity, is that we should proceed both with the environmental impact review and planning study. I think that this is the least that should be done to assist the New England region in obtaining cheaper electric power.

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

Mr. KYROS. I yield to the gentleman from Rhode Island.

Mr. TIERNAN. Mr. Chairman, I want to associate myself with the remarks made by my colleague, the gentleman from Maine (Mr. KYROS).

Mr. Chairman, the measures before us today, the Public Works-AEC appropriations bills, contain $800,000 for preconstruction planning of the Dickey-Lincoln hydroelectric project in northern Maine. The proposed funding would continue the preconstruction planning for Dickey-Lincoln which was terminated in the fall of 1967 prior to the passage of the National Environmental Planning Act (NEPA). Also, a major portion of the funds now included in the budget will go to the preparation of an environmental impact study, which was not required at the time of the original 1967 funding, but which has since been recognized as an important funding consideration. There have been many arguments proposed for continued preconstruction funding and eventually granting substantial obligational authority Dickey-Lincoln. Here are just a few:

First. The present 2.6-to-1 benefit-to-cost ratio indicated economic superiority to privately financed alternatives;

Second. The Corps of Engineers states the project will be self-sustaining with 98 percent of the costs returning to the Federal Treasury;

Third. It will be an invaluable source of uninterruptable and highly dependable peak load power which would be available throughout New England through interconnections with the regional power system (NEEPOOL);

Fourth. Its annual output of 1.2 billion kilowatts will annually supply approximately 150,000 households or approximately 600,000 individuals; and

Fifth. It will provide an important means of flood control and recreation in the area concerned.

The present energy crisis has greatly excerbated the power situation in New England and has shown the need for a large-scale hydroelectric project of the Dickey-Lincoln type. For example, in the last year there has been a dramatic shift in New England utility company opposition to the project. Northeast Utilities, the largest private utility in New England, strongly endorses Dickey-Lincoln, a major shift from its previous position over the past 7 years. The second largest utility, New England Electric System, also "supports" another economic study of the feasibility of Dickey-Lincoln. The Northeast Public Power Association, representing New England's 80 municipal and cooperative electric systems strongly endorses Dickey-Lincoln.

The overwhelming majority of the New England congressional delegation support Dickey-Lincoln. Some of the members originally opposed to the project have switched to support of Dickey-Lincoln based upon cost-benefit facts, preliminary environmental analysis and the hard-hitting impact of the energy crisis in New England. In addition, the six New England Governors have unanimously urged Congress to appropriate preplanning funds for the project. I have consistently supported the Dickey-Lincoln project from the beginning of my first term in Congress in 1967 and the present energy-power situation has further substantiated my position.

It has been argued that Dickey-Lincoln is a noneconomical and inconsequential project. However, the fact is that Dickey-Lincoln's benefit-cost ratio—the analysis by which all public works projects are measured—has actually increased from 1.8 to 2.6 in the past 10 years. The project will generate approximately one billion kilowatts per year and will provide approximately 10 percent of New England's peak power needs.

In conclusion, I give my enthusiastic support to the preconstruction planning for the Dickey-Lincoln Hydroelectric Dam included in the fiscal year 1975 public works appropriations bill.

PREFERENTIAL MOTION OFFERED BY MR. CONTE

Mr. CONTE. Mr. Chairman, I offer a preferential motion to strike the enacting clause.

The Clerk read as follows:

Mr. CONTE moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken.

Mr. CONTE. Mr. Chairman, I had no intention to speak again on my amendment. But, first of all, my great and good friend, the gentleman from Massachusetts, came down here in the well of the House and he tried to lecture me on the

fact that I am not an environmentalist, or a conservationist, and that really takes a hell of a lot of gall.

Mr. Chairman, I have spent my whole life dedicated to conservationism. In 1972 I was cited by the League of Conservation voters on my outstanding record on the key environmental issues in the Congress. And I was one of 15 in the United States, Senators, Congressmen, and Governors to be endorsed.

In 1972 Field & Stream cited me as the outstanding legislator in the field of environmental legislation.

The gentleman from Massachusetts has been a very dear friend of mine. I have a lot of respect for him. But I think he should have his facts in order when he comes up here and tries to lecture that I am a new-found member of the environmental group.

He has tried to characterize me as one of a group of members with a rating in the forties from the League of Conservation Voters. He should look at my ratings for the past 3 years—79, 85, 93 are not in the forties.

A lot has been said that the UAW is for this, the coal miners are for it, the private utilities are for it, so why am I against it? I ask you, why am I against it? My good friend, the gentleman from the Second District of Massachusetts, gibed at me and said that the only people who could go up in that area and canoe would have to be people who could afford to hire guides, they are the only ones who could afford a trip to go up there.

Mr. BOLAND. Mr. Chairman, if the gentleman will yield, let me state that I was making no particular reference to my good friend, the gentleman from the First District of Massachusetts. The facts are that it takes guides to go in that area in order to hunt and to fish, but this would not apply to the gentleman from the First District.

So I was making no reference to the gentleman at all.

Mr. CONTE. I thank the gentleman from Massachusetts, because I have been in that area, and I know that there is not a Member in the Congress who has gotten up and walked and canoed through that area except the Congressmen from Maine, they have, but the others have not walked in this area, fished in this area, or canoed in this area where I have been.

I have been on the Migratory Bird Commission, and the gentleman from Maine knows how I have been fighting to get him wetlands in the Rachael Carson Refuge. Here we are going to destroy a habitat for ducks and two of the best trout rivers in Maine, the Big Black River and the Little Black River. We are going to flood the Saint Johns River for 60 miles, and the gentleman is going to tell me that we are not going to destroy this area?

Another Congressman got up and told me that we are going to cut that lumber so we are not losing that lumber. Did he ever hear of selective cutting? This is like a gold mine. Did he ever hear of reforesting? We are going to drown 89,000 acres on which we could have continually renewed a valuable resource.

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

Mr. CONTE. I yield to the gentleman from Maine.

Mr. KYROS. I thank the gentleman for yielding.

First, I should like to say to my good friend, the gentleman from Massachusetts, that he does not have to stand up and protect his environmental record. There is no question about that. Everybody in this Congress knows that. I personally am a great admirer of his record.

The gentleman has been a friend, not only to the United States but to the State of Maine.

That is not the issue. The issue today is whether $800,000 can be appropriated for a study for this dam. Not one pound of earth will be moved.

I think the money would be well spent.

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

Mr. CONTE. I yield to the gentleman from Massachusetts.

Mr. HARRINGTON. I thank the gentleman for yielding so we can clarify what the purpose was of the remark.

First of all, I thought it was rather clearly stated, but I will state it again, to indicate that in the list of five sponsors that were on a letter that was initiated, I assume, by the gentleman from Massachusetts, the average League of Conservation Voters rating for the most recent figures hovered around the mid-40 percentile. It was not meant as a personal attack on the gentleman; it was meant as a clarification of that list. I did not mean to take it as a point to debate the issue on but rather to indicate that the conservationists' rating is fallacious.

Mr. CONTE. Mr. Chairman, I have been opposed to this dam ever since I first came here. If the Members will go back and check the CONGRESSIONAL RECORD, it was always on the environmental issue. I still oppose it for the environmental impact.

My good friend, the gentleman from the Second District of Massachusetts, mentioned the flooding of the town of Fort Kent. "We need the dam to prevent serious flooding." He is absolutely right, but a dike or a levee costing only between $1- and $2 million is feasible and could be done with the Corps' general fund for small flood control projects. We could protect the downtown area of Fort Kent. The local residents, however, have in the past refused to come up with the $250,000 needed as a local share, preferring, of course, to hope for the gigantic Dickey-Lincoln Dam in regard to cheap electricity.

Mr. Chairman, I include the following material in support of my position:

SOUTH PORTLAND, MAINE, *April 3, 1974.*

Hon. SILVIO O. CONTE,
House of Representatives,
Washington, D.C.

DEAR SIR: I just read in my local newspaper that you will oppose the Dickey-Lincoln hydroelectric project proposed for northern Maine. I am so happy to hear this. I fought Dickey very hard six years ago when it was a strong possibility, and I was very glad to see it put to rest. Only I have known all along that it hadn't died—was just sleeping—and some day it would rear its ugly head again. Now it seems it is about to do just that.

* * * * *

Please let me know what I and others here in Maine who are opposed to Dickey can do—and what the chances are of this monstrosity being defeated this time.

Sincerely,

LENORA K. BANGERT.

SOUTHAMPTON, MASS., *April 4, 1974.*

Representative SILVIO O. CONTE,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN CONTE: I wish to express my support of your stand against the Dickey Lincoln dam and power project. In June, 1973, my wife, fifteen year old son and I canoed down the St. John river to the village of Dickey. By the end of June there is hardly enough water to float a canoe. Even if a dam were built, the amount of water stored to generate power would be negligible.

Even if it were feasible from an economic standpoint (which it isn't) it would be a tragedy to destroy all that beautiful wild timber land and streams and rivers and wildlife.

It seems to me a wiser course would be to conserve energy rather than constantly seeking to increase production and consumption.

Very truly yours,

EDMUND STASZ.

WILLIAMSTOWN, MASS., *April 7, 1974.*

Congressman CONTE,
Washington, D.C.

DEAR SIR: As a concerned member of the Sierra Club, the proposal to build two hydroelectric dams on the St. John River, better known as the Dickey-Lincoln project, has been brought to my attention. I am writing to urge you to resist all efforts to pass this bill.

Doubtless, you have been under considerable pressure to support this measure in the name of alleviating the energy crisis. A closer look at the best way to fulfill our energy needs shows, however, that we must develop alternate sources of energy, such as solar energy, and use what energy resources we have more frugally, rather than wildly, rashly executing projects like Dickey-Lincoln at the cost of damaging the environment.

Few can argue that the Dickey-Lincoln project would not harm the ecological balance of the region. The dam would destroy over 100,000 acres of land of outstanding natural resource and recreational values. The dams would submerge waterfowl and wildlife habitat, including 17,600 acres of deer yards supporting 2,200 deer, eliminate a wildlife reservoir, and flood timber with a usual yield value of $660,000 in 1967.

If the money to fund the Dickey-Lincoln project were allotted to research on alternative energy sources, we'd be well on the road to insuring adequate energy sources not just for ourselves but for posterity.

On an entirely different subject, I'd like to commend and thank you for your anti-war efforts. You're doing a great job and I wholly support your work. Thank you.

Sincerely,

KAREN LEAF.

ASSOCIATED SPORTMANS CLUBS
OF YORK COUNTY, INC.
Eliot, Maine, April 19, 1974.

Hon. SILVIO O. CONTE,
House of Representatives,
Washington, D.C.

DEAR SIR: An article appeared in the Portland Press Herald on April 3, 1974, wherein you expressed your opposition to the proposed Dickey-Lincoln hydroelectric project.

Our organization is comprised of seven individual associations which represent approximately 1000 members and it is hearten-

ing, to say the least, to find a public servant who is apparently concerned with conservation.

We wish to express our appreciation for your concern.

Respectfully,

HOWARD B. LEAVITT,
Secretary.

KINGSTON, MASS., *April 24, 1974.*

Hon. SILVIO O. CONTE,
House Office Building,
Washington, D.C.:

We are vigorously opposed to the proposed Dickey-Lincoln Dam project.

The beauty of the St. John River surpasses even that of the Allagash River. We who have canoed it's unspoiled length, enjoyed it's solitude and wild animals and tasted it's clear cold water, find the thought of destroying it most distasteful.

Backing the waters of a dam up 89,000 acres will jeopardize one of the country's top fishing and canoeing rivers as well as destroying thousands of its wild life.

The Dickey-Lincoln dam would contribute at a maximum only 1½% percent of New England's needs and this will decline with time. Is this small percentage of power worth such total destruction? Must we sacrifice the last real wilderness in Maine with it's beautiful rapids and waterfalls to make way for ugly power lines to cut wide swaths through virgin timber causing massive scarring of an unspoiled wilderness?

Nearer the populated areas which would benefit from the power are several polluted rivers. These should be utilized instead for a dam project rather than the taking of vast acres of virgin timber and the natural habitat of thousands of wild animals and birds.

This is one more sacrifice of nature so that each succeeding generation has less and less of this great land to enjoy. One has only to study the results caused by the damming of the Colorado River to foresee the future of the Dickey-Lincoln area. As many of the advocates of the Colorado project now agree, there is the problem of silt filling the reservoir and the potential for agriculture and grazing lands have been destroyed. Do we want this to happen here? More and more supporters of the Colorado project admit there are more serious problems than were expected.

Let us spend more time and investigate the problems which may arise in the future before listening to "scare tactics" telling us that the energy crisis is the only important issue, especially with the millions of dollars involved. Why not reconsider the Passamaquody Tidal Power project again?

Let us take the time and reassess our values so that the future generations will be able to move and breathe in the green unspoiled and unpolluted beauty of the real America.

We feel that a reassessment of the Dickey-Lincoln dam project is in order.

Mr. and Mrs. THOMAS MOTTE.

HARVARD, MAINE, *April 26, 1974.*

Hon. SILVIO O. CONTE,
House of Representatives,
Washington, D.C.

DEAR MR. CONTE: I would like to register my total disapproval of the proposed Dickey-Lincoln Dam being considered for construction in the State of Maine.

I hope the energy crisis in this country will not swallow up and overwhelm the environmental concerns of this country which must also be considered as a crisis situation. The Northeast is one of the most populated areas of the United States and we have almost no wilderness areas left to our use.

Last year I canoed from above Baker Lake to the Town of Allagash, and beyond, in an unforgettable relatively wild part of Maine. Unlike the Allagash River which is now overpopulated, the St. John Area is wild, beautiful and exciting. I caught salmon and trout in the river, saw bears sunning themselves on the banking, moose fording the river and the white flags of deer tails disappearing in the underbrush. I have canoed and explored and camped in most of the areas of New England and the St. John River is unique. I, personally, would consider it a tragedy to lose it to a civilization content to swallow up every resource at its disposal for additional increments of energy.

I would recommend you visit this area of Maine personally before you take action on the proposed dams. I would offer to take you personally down the river if you would wish, because nobody who has been on that beautiful river would ever agree to see it destroyed.

I am no expert on the statistics of energy consumption, the amount of energy in such a river if dammed up, nor can I unscramble the true nature of the energy crisis in terms of what we truly need for energy supplies. I think it would be disastrous, however, to ignore the pleas of people who want to preserve our land unless they can come up with a solution to the energy crisis first. Surely we are not so shortsighted as to agree to dispoil our land further than we already have. We must stop and look at what is happening, what has happened in the past, and decide how we want to leave our land for future generations.

Please share with me a mutual concern for the consequences of ruining our last really great geographical area in the Northeast by voting against further appropriations of money for the Dickey-Lincoln Dam in Maine.

Sincerely,

MALCOLM C. HENRY.

HOLYOKE, MASS., *April 28, 1974.*

Congressman S. O. CONTE,
Cannon House Office Building,
Washington, D.C.

DEAR SIR: I wish to commend you on your stand against the Dickey-Lincoln Project. This area is the last real wilderness here in the Northeast. Friends tell me it hasn't changed since Rogers Rangers went through it. We don't need more energy at such a price—the amount to be gained is very small. All New England has a stake in the river's preservation. I am very surprised that the governors of our six states should wish to provide funds for such an unsound project.

We do not always agree on our politics, but your record as sponsor of so many worthwhile conservation measures is a fine one.

Sincerely,

HELEN D. MCGINTY,
Mrs. E. P. McGinty.

POUGHKEEPSIE, N.Y., *April 29, 1974.*

Hon. SILVIO O. CONTE,
House Office Building,
Washington, D.C.

SIR: I understand the House Appropriations Committee is considering an appropriation of funds for engineering and design of a proposed hydroelectric project at Dickey, Maine on the St. John River in Maine. With the current concern on energy, one can understand why an interest in this project has been re-kindled. However, I hope that members of Congress will take a more "long term" view. To destroy a natural resource like the St. John River for a short term gain would be a tragedy.

The St. John River is unique in that it is the only river in the Northeastern United States with a true 100-mile wilderness section. (Even this is stretching a point a little as there are several paper company bridges and roads.) The Allagash waterway in Maine is a system of lakes and rivers. However, in recent years this has become extremely crowded. The American desire for wilderness is almost insatiable. In the long term the preservation of the St. John River in its present state would have the greatest value.

Hydro-electric power will become decreasingly important in the future. Other power sources have the greater potential. Let us play for the long run and try to keep as much of America wild and beautiful as we can.

Sincerely yours,

WALTER T. BLANK.

BAR MILLS, MAINE, *May 6, 1974.*

Hon. SILVIO O. CONTE,
Appropriations Subcommittee
Washington, D.C.

DEAR MR. CONTE: As I note with appreciation your questioning of the practicality of funding the Dickey-Lincoln power project of Maine with its destructive impact on the area it occurred to me to send you comments and information contained in clippings from the Portland papers to support your position.

The flooding of the St. John River at Fort Kent has renewed pressure for the dam. Feelings are running high, and the unhappy citizens are blaming the so-called environmentalists for their plight. They are ready, they say, at a word from any of them to dunk their heads in the river among the ice cakes. Emotions are at fever pitch.

Beside the clippings I have a few observations of my own which may add to the information in the clippings.

I live on a rise above the Saco River in the Town of Buxton in an old farmhouse. In slippery winter weather I have to be careful that my car does not skid down the hill into the river.

In March of 1936 there was a flood here bigger than the present St. John flood at Fort Kent. All the bridges but one went out. The river came almost lapping at the door of this farm house on a high hill.

Then the river was dammed, resulting in the Skelton Lake. The dwellers by the river thought there could never be another flood. The engineers said that there could be if conditions were right. This proved to be true. There have been several big floods since the dam with threats of others. Only because rain stopped, and the ice moved out, and thaws turned to freezes in the nick of time preventing bigger floods were the conditions different than in 1936.

So when Senator Muskie and others—as in a couple of these clippings—say that the dam is not the answer to the flooding they are right. It should be noted that bad timber practises in the past are noted as one error in causing flooding.

As for recreation provided by the Lake it is pretty but the waters of the St. John are lowered over week ends very often so that boats cannot be used on the river leading to it. There are a few houses and mobile houses on a point of land. The historic old picnic grounds were lost. The young people now spend their time dangerously leaping off the bridge or the older ones down on a point which as a dismal sight of stumps where no one felt like going using this as a beer drinking gathering place.

Recently there have been clean-ups, and for two years a tremendous grass roots effort was made by the corridor towns to bring about legislation to protect the river, water quality, prevent wrong development and building on the flood plains, wrong timber cutting, and protection for recreational opportunities all along the river. The effort was successful and resulted in landmark legislation known as the Saco River Corridor Act passed by the 106th legislature.

My children and grandchildren, and their friends have camped, canoed, explored the rivers of Maine, north and south including the Allagash and the St. John. They like many others know the conditions in the wet

and in the dry seasons, and have enjoyed both. Many more young people than anyone realizes benefit from these recreational advantages.

How can we explain to those who do not want to learn that they too benefit from the forests and the rivers and the wild animals. An environmentalist is only a person who has done his or her homework and knows only too well the history of what happens to people and their happiness when they destroy their own environment.

I should not waste your time with this kind of comment because you know that only too well.

* * * * *

We have learned to live with the power lines running back of our farmhouse. It was saddening to see them but if that power was needed so be it but now other swathes not far away thru woods, across streams, by farm houses not far away are to go up for the new plant. We must not question those we really need but we should question action where the harm seems greater than the benefits.

There are many people glad for your interest and support. I hope it will help for you to know this and that you may find something new in these clippings to pass on to members of your committee.

Sincerely yours,

HELEN L. BRUCE.

HANOVER, N.H., *May 19, 1974.*

Representative SILVIO CONTE,
House Office Building,
Washington, D.C.

DEAR REPRESENTATIVE CONTE: I myself am an avid canoeist and outdoorsman, I was shocked to hear that the Dickey-Lincoln project was being considered again. Through the last few years I have spent many extremely joyful days and nights on the St. John river. I find it shocking that this project would destroy 20,000 acres of land this is beyond my comprehension as to how *any* human being can give himself the power to do this. Even if this project was done, it wouldn't even make a dent (maybe a scratch) in the need for energy. And by the time it is finished we will be dependent on other types of power, so why waste all that money, time and effort on something that will be obsolete in five years? It doesn't make any sense at all. My God, this area should be turned into a preserve, not a lake. It now offers: fishing, camping, hunting (duck & deer), canoeing and lots of swimming. At the present stage the river used and enjoyed by many, but who wants to play behind a dam? I hope that this letter will draw others to see the hard cold facts about the deadly destruction that this project will cause. I am pleased to hear of your opposition of the project.

I only hope to God that the others try (as you have) to prevent this idea from ever becoming reality.

Sincerely,

JEFFREY MCALLISTER.

CARLISLE, MASS., *May 19, 1974.*

Representative SILVIO CONTE,
House Office Building,
Washington, D.C.

DEAR REPRESENTATIVE CONTE: I wish to oppose the Dickey-Lincoln dam project.

It appears that the enthusiasm for this project is based on several incorrect priorities. The recent shortages of fuel have made power sources which do not consume fuel seem attractive, but such projects consume other resources. In the case of the Dickey-Lincoln the consumed resources would be: lumber, wildlife habitat, wilderness recreation areas, and construction materials. Several of these resources are far more limited in supply than power sources and all of them have a real value.

It is always a mistake to lose perspective in crises. In this energy crisis, to squander the last bits of our wilderness for what is at best a mere gesture, is pure folly.

Very truly yours,

TIMOTHY FOHL.

SHELBURNE, VT.,
May 21, 1974.

Re St. John River, Maine.

Representative SILVIO CONTE,
House Office Building,
Washington, D.C.

DEAR REPRESENTATIVE CONTE: One of the sad things about our country is that we never seem to learn from past experiences . . . and, one of the nice things is that we are blessed with some incredible natural resources. The combination of these two factors has led us to destroy more and more of that which is irreplaceable. And so it is that once again we are faced with total extinction of a beautiful natural area, all because of some panic stricken ideas that we must quickly build a dam—because we need more and more energy.

I'm writing to you about the St. John River in northern Maine. I've been there, I know what it's like. I've traveled more than 150 miles of the St. John's vibrant waters—have marveled at its lush shore line teeming with wildlife in a corridor of magnificent pines, spruces and balsams. I saw deer at practically every bend in the river—it's easy to approach them by canoe for the deer don't associate "man" with something floating on the river. And yes, there's moose up there too—I had one walk through my campsite and trip over my tent ropes. Eagles fly overhead and there's a multitude of waterfowl. It is majestic and tranquil, and it ought to be left alone the way the Lord intended it to be—forever in its natural state.

I urge you to use every ounce of influence to oppose the dam builders who are determined to destroy the St. John waterway. Once it's gone it can never be replaced. For the sake of future generations yet unborn our country must make some sane commitments now to preserve what little we have left.

Thank you very much,

Cordially yours,

CLYDE E. SMITH.

MIDDLETOWN, R.I.,
May 23, 1974.

DEAR SIR: I am opposed to the proposed Dickey-Lincoln dam in the St. John River area of Maine. Last summer I canoed up in the St. John-Allagash Wilderness area and although there were a lot of other visitors. (we need to expand the wilderness area up there to include the upper St. John) it was a spectacularly beautiful area—the last true wilderness waterway area in the northeast. We must save this small remote section of Maine for our children and future generations to enjoy.

Very truly yours,

HOWARD M. WHITFIELD.

BOOTHBAY HARBOR, MAINE,
May 23, 1974.

Hon. SILVIO CONTE,
House Office Building,
Washington, D.C.

SIR: The proposed Dickey-Lincoln Dam on the St. John River has reared its ugly head again. As a conservationist, I must add my voice to those who stand in opposition to such a proposal.

To dam the St. John, one of the only remaining wilderness river areas in the northeast would not only inflict irreparable damage on this river, but would also most assuredly threaten the Allagash watershed.

This environmental threat should be reason enough to kill it. Add to it the waste of taxpayers money in the construction of a plant that can provide but minimal power, and common sense should dictate the outcome.

Very truly,

FRANCES T. RULE
MRS. W. H. RULE.

PROVIDENCE, R.I.,
May 23, 1974.

REPRESENTATIVE SILVIO CONTE,
House Office Building,
Washington, D.C.

MY DEAR SIR: We wish to say that we are *opposed* to the proposed Dickey-Lincoln School Dam on the Upper St. John River in Maine.

This project will never solve the energy crisis because it is not big enough. Nor can it be made bigger or be operated for a longer period daily, because the water supply is too limited for large or larger operation. Its output will never amount to more than 1% of New England's annual electricity demand.

Dickey-Lincoln School would destroy a unique environment which has enormous recreation potential in its natural state. For example—this dam would destroy one of the outstanding brook trout fisheries of the nation—Hunters would lose about 17,600 acres of deer yard—and 2,800 acres of duck-breeding habitat would be also lost. This part of the Maine woods has served as a wildlife reservoir from which other areas have been re-populated—by moose, etc.

This Dam is not economic, despite the Corps reportedly favorable "cost benefit" analysis.

Investment of the capital in prototype solar construction would make a more lasting contribution to solving the long-term energy crisis. Dickey-Lincoln is a throwback to early 20th century methods and their destructiveness, rather than an innovation in power production which our times demand.

Much more thought and investigation should be given this matter before a final decision is made.

We sincerely hope that you will give serious consideration to the above facts, and oppose this project when it comes up for a vote. Thank you.

Yours very truly,

MR. AND MRS. JOHN N. LALLY.

SACO, MAINE,
May 23, 1974.

Re Dickey-Lincoln Project.

Hon. SILVIO CONTE,
House of Representatives,
Washington, D.C.

DEAR MR. CONTE: Because of the character of its development, the northern part of Maine is still quite largely wilderness and it is very unique in that it is accessible to a great many people as an example of what the wilderness of this country used to be.

Accepting the acuteness of the energy shortage as it is, the amount of power which could be produced by the development of the St. John River is not large enough to warrant its sacrifice as a source of pulpwood and timber and, particularly, the great value of its natural beauty.

As a citizen of Maine who has spent the most of his life in the lumber business and who has been an active supporter in the development of the Saco Valley Authority (intended to maintain the beauty of the area of the entire valley), I am strongly opposed to this proposal.

I respectfully request that this letter be included in the Hearing Record.

Yours very truly,

JOSEPH G. DEERING.

HON. SILVIO O. CONTE,
House Office Building,
Washington, D.C.:

I am writing in opposition to the Dickey-Lincoln hydroelectric power project on the St. John River in northern Maine.

Four years ago our family of five spent 10 of the most significant days of our lives canoeing a nearby river in the St. John country. Even then the Allagash River was becoming "crowded". We, and the thousands yet to enjoy such a wilderness trip, need the St. John River—as a wilder, more natural supplement to the over utilized Allagash. Its value is great today; its potential value as a rare wild river is unlimited.

The Dickey-Lincoln hydroelectric project, on the other hand, would be very limited in value. Its present benefits would be small relative to its investment of increasingly rare capital, and these benefits would diminish steadily in the future as technology supersedes this ecologically wasteful method of energy harnessing.

About two thirds of the Northeast's best wilderness, recreation area, fish and game breeding habitant and timber resource would be flooded by a stagnant pool whose level might fluctuate many feet *daily* (peaking power use), leaving thousands of acres suitable for neither recreation nor renewable resource.

The significance of the St. John River as an energy source would be small and short-lived; its significance as a prime source of renewable resources (aesthetic recreation, fish and game, timber) is great and growing.

I think we should put our money and effort into increasing our utilization of the sun as a natural energy source and into more sensible use of the energy we now expand (more reasonable temperatures, vehicles, insulation, etc.).

Please help us to do this and to preserve the St. John River wilderness for ourselves and for the many, many people who will need it in the future.

Thank you.

MILTON E. BORDEN, JR.

MAY 23, 1974.

Representative SILVIO CONTE,
House Office Building,
Washington, D.C.

DEAR MR. CONTE: We strongly oppose the appropriation of more funds for the Dickey-Lincoln hydroelectric project on the St. John River in Maine.

While we are admittedly interested in the St. John as a recreational area, we are also aware of the disruption to the regional economy that the Dickey-Lincoln will cause. The boom-and-bust aspects of large scale projects is evident wherever they have been undertaken. When the construction crews leave, there is little left for the local residents but degraded public facilities such as schools, water systems and the like.

The loss to the lumber industry alone would suggest that long-term benefits from the project are an illusion. Enough electricity simply would not be generated to justify the damage to the region. Power lines and roads and right of ways also have to be taken into consideration, and in this case the generation of power is too far from the potential users. We have been pushed into too many unwise decisions under the threat of energy crisis. The crisis is real enough, but the solution will not come from Dickey-Lincoln's.

Sincerely,

PAUL AND MARTHA WILLIAMSON.

BELMONT, MASS., May 23, *1974.*

Representative SILVIO O. CONTE,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN CONTE: Please vote against the Dickey-Lincoln dam and power project.

It would forever deprive our children the rich experience of the northwoods wilderness.

I have canoed this river, and personally appreciate this (increasingly) rare and rich natural experience.

The lure of cheaper power seems to be largely illusory when total costs are considered, especially the high costs and power losses due to transmission over long distances. Generation closer to the user-cities is more efficient.

Any temporary local benefit from construction jobs soon disappears; and the local population would lose the very asset (visitors) that assists with their continuing support, and its natural birthright now available for the perpetual enjoyment of all.

Please vote against the Dickey-Lincoln dam and power project.

Very truly yours,

JOHN M. BOARDMAN.

MILFORD, N.H.,
May 24, 1974.

Hon. SILVIO CONTE,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN: I earnestly urge you to vote No on appropriation of funds for the Dickey-Lincoln Hydroelectric Power Project on the St. John River in Northern Maine, for the following reasons:

1. Dickey-Lincoln, when completed, will supply only 1% or less of New England's electric power requirements.

2. Its cost, estimated to be ultimately nearly $1 billion, is grossly out of proportion to the return to the taxpayer.

3. Nearly 100,000 acres of wildlands and over 50 miles of natural wild river will be lost forever to camper/canoeists, fishermen, hunters, and lumber farming.

4. Dickey-Lincoln, as I understand it, was originally conceived as a back-up for the Passamaquoddy Tidal Power Project. Since Passamaquoddy, for the time being at least, is a dead issue, the implementation of Dickey-Lincoln seems poorly founded.

I base my plea on the following personal experiences and considerations:

1. I was born and lived in Northern Maine for 25 years, and to that extent consider myself a native "Mainiac", although I presently reside in the adjacent sister state of New Hampshire.

2. I know, I have been there: I have canoed both the Allagash and the St. John Rivers, and know first-hand what that wilderness area is like.

3. I have seen, as recently as last week, the sickening devastation created by the lumber/pulp operations, but, forests will renew themselves, given time and more intelligent regulations of forestry practices.

However, a dammed river will never again be a natural river, but by slow siltation will become a dead river, as has happened to many of our beautiful Western and Southern rivers (Green in Washington, for one, and even to some extent the great Colorado).

I implore you to consider the long-term losses as contrasted to the questionable short-term gains of this proposed project, and vote with good conscience.

Sincerely yours,

HOWARD W. HODGDON.

GREENVILLE, MAINE,
May 24, 1974.

Hon. SILVIO CONTE,
House Office Building,
Washington, D.C.

DEAR REPRESENTATIVE CONTE: I am strongly opposed to the appropriation of funds for advanced engineering and design for the Dickey-Lincoln School Hydroelectric project at Dickey, Maine, on the upper St. John River, Maine. At this time, when our wilderness areas are being continually devastated, it seems that this unique river drainage should be spared. It is one of the last wild rivers in the northeast; its location in the heart of a huge wilderness area, makes it excellent habitat for all species of wildlife. The area flooded by this project would eliminate 17,600 acres of deer yard supporting 2200 white tailed deer, and about 2800 acres of duck breeding habitat. The St. John and two tributaries to be flooded, the Big and Little Black Rivers, now contain one of the most outstanding native brook trout fisheries in the country. The Building of the Dickey-Lincoln dams would also flood one of the last unspoiled white water canoeing rivers in the Northeast.

Today, when more and more people are turning to our wilderness areas for recreational activities such as hunting, fishing, and canoeing, and the areas suitable for these activities and the support of the associated fish and wildlife admittedly shrinking, it seems to me that every effort should be made to perserve these areas, not destroy them. Building this project would also upset the long term economy of northern Maine, eliminating many small businesses who depend on this area for guiding and providing facilities for sportsmen and canoeists, not to mention the wood products industry. Many non-residents from the entire Northeast depend on this "Big Woods" area for their vacations and recreation.

Aside from the wilderness preservation aspect of it, the project does not appear to be practical. By the mid 1980's when the project is to be completed, technology will have nuclear generating plants on a much more satisfactory basis both economically and ecologically, making a hydroelectric dam obsolete. The daily running time, 2½ hours because of lack of water, also makes the propect seem extravagant. The fact that this 1% of New England's demand will go mostly to states other than Maine does not justify the damage that will be done to Maine itself. It is not right for people who are not residents or closely associated with the state to decide the fate of a project built in Maine which will not benefit its citizens to any great extent.

I urge you to oppose this project.

Sincerely yours,

ERIC R. GIVENS.

NORTHEAST HARBOR, MAINE,
May 24, 1974.

Representative SILVIO CONTE,
House Office Building,
Washington, D.C.

DEAR SIR: I am writing to oppose the appropriation of funds for the Dickey-Lincoln project. As an avid camper and nature-lover, I would hate to see the St. John ruined by such a project. It is one of the few wilderness areas left to Americans, and one of the best places to camp, fish, and canoe that I know of, since the Allagash is so crowded these days. The amount of power to be acquired by this project is insignificant (I believe a few per cent, at most of the present supply); and becomes ridiculously insignificant in consideration of the loss of the wilderness area. We should be looking for ways to decrease our demands for energy which call for the exploitation of areas such as the St. John, and encouraging energy conservation and energy sources which minimize such measures. Furthermore, the U.S. and Canada can certainly come to an agreement on a less destructive and less expensive project to alleviate flooding in the Fort Kent area.

Yours sincerely,

CHRISTINA FRALEY.

LEICESTER, MASS.,
May 24, 1974.

DEAR MR. CONTE: I am writing to ask you to oppose the Dickey-Lincoln School hydroelectric dam project on the upper St. John river in Dickey, Maine. In my opinion this project is nothing more than a panic reaction to the present energy "crisis". The need for more energy year by year is a problem that may never be fully solved, certainly not by persuing such conventional methods as building dams; however the total and irrevocable destruction of all the wilderness left in the United States is becoming a more frightening reality every day.

Once lost this land is lost forever. Once gone the wildlife may never return. For over three centuries the prevailing ethic in this country has been that nature was a foe to be conquered. There is no longer any room for this attitude. Man is incapable of creating a tree or a deer only of destroying them. It is time he learned to live in harmony with nature not in opposition to it. Only 3% of the land in the forty-eight states is still wilderness and only ½ of 1% is protected. That isn't much and every bit of it is precious beyond money. The upper St. John is one of the very few wild rivers left it must be saved. Thoreau said "in wilderness is the preservation of the earth" this might be ammended to "in wilderness is the preservation of man". If we are to keep in perspective the meaning of this planet and man's place on it then the time is now to preserve what little is left, tomorrow will certainly be too late.

Thank you,

E. CLARK EATON.

PRESQUE ISLE, MAINE,
May 24, 1974.

Representative SILVIO CONTE,
House Office Building,
Washington, D.C.

DEAR REPRESENTATIVE CONTE: We are deeply concerned about the possibility of the Dickey-Lincoln Dam being hastily approved because of the emotion surrounding the recent flooding of the main streets of Fort Kent. We oppose the dam strongly for many reasons:

Economically, it just doesn't seem to be sound business. There are many other ways of generating power which will not take valuable acreage out of timber production,—and will give greater dollar return.

Environmentally, it would be a tragedy. The St. John is a beautiful recreation area which will be much prized as the years go by. The Allagash, which was once said to be inaccessible and unnecessary to preserve, is now so heavily used that Maine has stopped publicizing it. Even if we ignore the many acres of deer yards, migratory bird nesting sites, trout and salmon waters, we need the river for people.

Flood control for that area is urgent. Even if the dam were the best way to control flooding—which it is not—the towns cannot wait nearly ten years for it to be built. The people of the St. John need flood control. The people of Maine and New England need the St. John River. Please think long and well before supporting what certainly appears to be a foolish, expensive and relatively unproductive enterprise.

Very truly yours,

NORMAN and MINNIE VARNUM.

CASTINE, MAINE,
May 25, 1974.

REPRESENTATIVE SILVIO CONTE,
House Office Building,
Washington, D.C.

DEAR REPRESENTATIVE CONTE: As a retired public utility engineer with over 40 years direction of long range planning for electricity growth. I wish to record my opposition to the proposed Dickey-Lincoln project.

In my judgment, its damage to the environmental values in Maine would far exceed any benefits to Maine or to New England.

Its economic benefits are doubtful; the U.S. Corps of Engineers is not an unbiased judge in this matter; it wants to build, always.

The addition to power supply in Maine or New England is a very small percentage and would require great transmission lines through Maine's best forest area.

Sincerely yours,

ROBERT G. HOOKE.

Dear Representative CONTE: Please do all in your power to stop the Dickey-Lincoln Project. At a time when everyone is becoming frantic about energy, we need a few sane people to remember that it's worth keeping this country an enjoyable place to live.

The proposed environmental destruction seems tragic while the economic benefits appear negligible. I would far prefer to see the funds appropriated for solar energy research. All other sources of energy have a finite supply. Why not start tapping the cleanest, safest, and most obvious form of energy immediately, rather than waiting till we have destroyed the rest of our environment?

I beg you to defeat the D–L Bill.

Sincerely,

PETER H. CARTER.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CONTE. Mr. Chairman, I ask unanimous consent to withdraw the preferential motion.

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

There was no objection.

Mr. CLARK. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

No. 1, the legislative history is very clear on the point of what this Congress has done in the past. In 1965 it defeated the bill. September 21, 1966, it was defeated. July 25, 1967, it was defeated. In 1968 it was defeated. In 1971 it was defeated; and in 1972 it was defeated.

The reason that I am on my feet today—I was not going to take any time because I think this kettle of fish has gone far enough—is I should like to say that the United Mine Workers are not for this bill. They have not taken any sides either way. They have opposed it up to this time, and I am sure they would be opposing it now if it had not been for the opposition of some of the leaders of the House.

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

Mr. CLARK. I yield to the gentleman from Connecticut.

Mr. GIAIMO. I thank the gentleman for yielding.

Mr. Chairman, I should just like to say to the Members of the House that the only reason that this bill is back after having been defeated, as the gentleman from Pennsylvania just told the Members, year after year after year—it never could stand the light of day—is because of the energy shortage. Yet, to my friends from outside New England I want to say that this is an extremely expensive way to get less than 1 million kilowatts of electricity. To my friends in New England I will say that this dam will do little to solve our energy problem because this power must be sold to preferential customers. That means that most consumers in New England will not be eligible for the power since New England customers are 90-percent dependent on nonpreference power sources.

In my own State of Connecticut there will be very little, if any, of it available. I resent the implication that Dickey-Lincoln is going to provide cheaper power and is going to bring down the inordinately high electric bills of my people in Connecticut because it is not going to make any significant difference. It will be a matter of pennies on their electric bills which are extremely high. We could better use this $1 billion or $800 million to find real and true methods of resolving the energy crisis in New England, rather than this system which will not inure to the benefit of the people of New England but to many preference customers outside of New England.

Mr. EVINS of Tennessee. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to point out we have had a full and wholesome debate on this subject. We have spent an hour and a half on it.

Mr. WYDLER. Mr. Chairman, a point of order. Do I understand the House is debating the motion of the gentleman from Massachusetts that the committee do now rise?

The CHAIRMAN. That was withdrawn by unanimous consent.

The gentleman from Tennessee is recognized for 5 minutes.

Mr. EVINS of Tennessee. Mr. Chairman, I am pointing out that we have debated this amendment about 1½ hours whereas the genreal debate consumed only 1 hour. I think it is time for us to vote on the amendment and I suggest we now vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. CONTE).

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 186, noes 201, not voting 46, as follows:

[Roll No. 278]

AYES—186

Abdnor	Frey	Mann
Anderson, Ill.	Froehlich	Maraziti
Archer	Fuqua	Martin, Nebr.
Arends	Gaydos	Martin, N.C.
Ashbrook	Gettys	Mathias, Calif.
Bafalis	Giaimo	Mayne
Bauman	Gilman	Metcalfe
Bell	Goldwater	Michel
Bennett	Goodling	Miller
Brown, Mich.	Green, Oreg.	Mitchell, Md.
Broyhill, N.C.	Griffiths	Mitchell, N.Y.
Broyhill, Va.	Gross	Mizell
Burleson, Tex.	Grover	Montgomery
Camp	Gubser	Moorhead, Calif.
Cederberg	Gunter	Moorhead, Pa.
Chamberlain	Guyer	Morgan
Clancy	Haley	Obey
Clark	Hamilton	O'Brien
Clausen, Don H.	Hanrahan	Parris
Clawson, Del	Hansen, Idaho	Pettis
Collier	Harsha	Peyser
Collins, Tex.	Hastings	Pike
Conable	Hechler, W. Va.	Powell, Ohio
Conlan	Heinz	Pritchard
Conte	Hillis	Quie
Conyers	Hogan	Railsback
Coughlin	Holt	Randall
Crane	Horton	Rarick
Daniel, Dan	Hosmer	Regula
Daniel, Robert W., Jr.	Huber	Riegle
Dellenback	Hudnut	Robinson, Va.
Dellums	Hunt	Roe
Dennis	Hutchinson	Rogers
Derwinski	Jarman	Roush
Devine	Johnson, Pa.	Rousselot
Dorn	Kastenmeier	Runnels
Drinan	Kemp	Ruth
Duiski	Ketchum	Sandman
du Pont	King	Sarbanes
Edwards, Ala.	Lagomarsino	Satterfield
Erlenborn	Landgrebe	Scherle
Esch	Latta	Schneebeli
Eshleman	Lehman	Schroeder
Findley	Lent	Sebelius
Fish	Long, Md.	Seiberling
Fisher	Lott	Shipley
Flood	Lujan	Shoup
Forsythe	McClory	Shriver
Fountain	McCollister	Sikes
Frenzel	McDade	Snyder
	McKinney	Spence
	Madigan	

Staggers	Vander Veen	Wydler
Stanton, J. William	Vanik	Wylie
Steelman	Veysey	Yatron
Steiger, Wis.	Walsh	Young, Alaska
Symms	Wampler	Young, Fla.
Talcott	Ware	Young, Ga.
Taylor, Mo.	Widnall	Young, Ill.
Taylor, N.C.	Wiggins	Young, S.C.
Thomson, Wis.	Williams	Zablocki
Thone	Wilson, Bob	Zion
Towell, Nev.	Winn	
	Wolff	

NOES—201

Abzug	Fulton	Owens
Adams	Gibbons	Patman
Addabbo	Ginn	Patten
Alexander	Gonzalez	Pepper
Anderson, Calif.	Grasso	Perkins
	Gray	Pickle
Andrews, N.C.	Green, Pa.	Poage
Andrews, N. Dak.	Hammer-schmidt	Podell
		Preyer
Annunzio	Hanley	Price, Ill.
Armstrong	Hansen, Wash.	Quillen
Ashley	Harrington	Rangel
Aspin	Hawkins	Rees
Baker	Hays	Reuss
Barrett	Heckler, Mass.	Rhodes
Beard	Helstoski	Rinaldo
Bergland	Henderson	Roberts
Bevill	Hicks	Robison, N.Y.
Biaggi	Holifield	Rodino
Blatnik	Holtzman	Roncalio, Wyo.
Boggs	Hungate	Roncallo, N.Y.
Boland	Ichord	Rooney, Pa.
Bolling	Johnson, Calif.	Rose
Bowen	Johnson, Colo.	Rosenthal
Brademas	Jones, Ala.	Rostenkowski
Breaux	Jones, N.C.	Roy
Breckinridge	Jones, Okla.	Ryan
Brinkley	Jones, Tenn.	St Germain
Brooks	Jordan	Sarasin
Brotzman	Karth	Shuster
Brown, Calif.	Kazen	Sisk
Brown, Ohio	Kluczynski	Skubitz
Burke, Calif.	Koch	Slack
Burke, Mass.	Kuykendall	Smith, Iowa
Burlison, Mo.	Kyros	Smith, N.Y.
Butler	Landrum	Stanton, James V.
Byron	Leggett	
Carney, Ohio	Litton	Steed
Carter	Long, La.	Steele
Casey, Tex.	Luken	Stephens
Chappell	McCloskey	Stokes
Chisholm	McEwen	Stratton
Clay	McFall	Stubblefield
Cleveland	McSpadden	Stuckey
Cochran	Macdonald	Studds
Cohen	Madden	Sullivan
Corman	Mahon	Symington
Cotter	Mallary	Teague
Cronin	Mathis, Ga.	Thompson, N.J.
Daniels, Dominick V.	Matsunaga	Thornton
	Meeds	Tiernan
Davis, S.C.	Melcher	Traxler
Davis, Wis.	Mezvinsky	Treen
de la Garza	Milford	Udall
Delaney	Mills	Ullman
Denholm	Minish	Van Deerlin
Dent	Mink	Vigorito
Dingell	Moakley	Waggonner
Donohue	Mollohan	Waldie
Downing	Mosher	White
Duncan	Murphy, Ill.	Whitten
Eckhardt	Murtha	Wilson, Charles, Tex.
Edwards, Calif.	Myers	
Eilberg	Natcher	Wright
Evans, Colo.	Nedzi	Wyatt
Evins, Tenn.	Nelsen	Wyman
Fascell	Nix	Yates
Flowers	O'Hara	Young, Tex.
Foley	O'Neill	Zwach

NOT VOTING—46

Badillo	Dickinson	Murphy, N.Y.
Biester	Diggs	Nichols
Bingham	Flynt	Passman
Blackburn	Ford	Price, Tex.
Brasco	Fraser	Reid
Bray	Frelinghuysen	Rooney, N.Y.
Broomfield	Gude	Roybal
Buchanan	Hanna	Ruppe
Burgener	Hébert	Stark
Burke, Fla.	Hinshaw	Steiger, Ariz.
Burton	Howard	Vander Jagt
Carey, N.Y.	McCormack	Whalen
Collins, Ill.	McKay	Whitehurst
Culver	Mazzoli	Wilson, Charles H., Calif.
Danielson	Minshall, Ohio	
Davis, Ga.	Moss	

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The Clerk will read.

The Clerk proceeded to read the bill.

Mr. EVINS of Tennessee (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill be considered as read, and open to amendment at any point.

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

There was no objection.

Mr. EVINS of Tennessee. Mr. Chairman, I move that the committee do now rise and report the bill back to the House, with the recommendation that the bill do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. ICHORD, Chairman of the Committee of the Whole House on the State of the Union, reported that the Committee, having had under consideration the bill (H.R. 15155) making appropriations for public works for water and power development, including the Corps of Engineers—Civil, the Bureau of Reclamation, the Bonneville Power Administration and other power agencies of the Department of the Interior, the Appalachian regional development programs, the Federal Power Commission, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1975, and for other purposes, had directed him to report the bill back to the House with the recommendation that the bill do pass.

Mr. EVINS of Tennessee. Mr. Speaker, I move the previous question on the bill.

The previous question was ordered.

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.

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device; and there were—ayes 374, noes 21, not voting 38, as follows:

[Roll No. 279]

AYES—374

Abdnor	Baker	Brinkley
Abzug	Barrett	Brooks
Adams	Bauman	Broomfield
Addabbo	Beard	Brotzman
Alexander	Bell	Brown, Calif.
Anderson, Calif.	Bennett	Brown, Mich.
	Bergland	Brown, Ohio
Andrews, N.C.	Bevill	Broyhill, N.C.
Andrews, N. Dak.	Biaggi	Broyhill, Va.
	Blatnik	Burke, Calif.
Annunzio	Boggs	Burke, Mass.
Arends	Boland	Burleson, Tex.
Armstrong	Bolling	Burlison, Mo.
Ashbrook	Bowen	Butler
Ashley	Brademas	Byron
Aspin	Bray	Camp
Badillo	Breaux	Carney, Ohio
Bafalis	Breckinridge	Carter
Casey, Tex.	Horton	Preyer
Cederberg	Hosmer	Price, Ill.
Chamberlain	Huber	Pritchard
Chappell	Hudnut	Quie
Chisholm	Hungate	Quillen
Clancy	Hunt	Railsback
Clark	Hutchinson	Randall
Clausen, Don H.	Ichord	Rangel
	Jarman	Rarick
Clawson, Del	Johnson, Calif.	Rees
Clay	Johnson, Colo.	Regula
Cochran	Johnson, Pa.	Reuss
Cohen	Jones, Ala.	Rhodes
Collins, Tex.	Jones, N.C.	Riegle
Conlan	Jones, Okla.	Rinaldo
Corman	Jones, Tenn.	Roberts
Cotter	Jordan	Robinson, Va.
Coughlin	Karth	Robison, N.Y.
Cronin	Kazen	Rodino
Daniel, Dan	Kemp	Roe
Daniel, Robert W., Jr.	Ketchum	Rogers
	Kluczynski	Roncalio, Wyo.
Daniels, Dominick V.	Koch	Roncallo, N.Y.
	Kuykendall	Rooney, Pa.
Davis, S.C.	Kyros	Rose
Davis, Wis.	Lagomarsino	Rostenkowski
de la Garza	Landrum	Roush
Delaney	Latta	Rousselot
Dellenback	Leggett	Roy
Denholm	Lehman	Runnels
Dennis	Lent	Ruth
Dent	Litton	Ryan
Derwinski	Long, La.	St Germain
Devine	Long, Md.	Sandman
Dingell	Lott	Sarasin
Donohue	Lujan	Sarbanes
Dorn	Luken	Satterfield
Downing	McClory	Scherle
Drinan	McCloskey	Schneebeli
Dulski	McCollister	Schroeder
Duncan	McCormack	Sebelius
du Pont	McDade	Seiberling
Eckhardt	McEwen	Shipley
Edwards, Ala.	McFall	Shoup
Edwards, Calif.	McKay	Shriver
Eilberg	McKinney	Shuster
Erlenborn	McSpadden	Sikes
Esch	Macdonald	Sisk
Eshleman	Madden	Skubitz
Evans, Colo.	Madigan	Slack
Evins, Tenn.	Mahon	Smith, Iowa
Fascell	Mallary	Smith, N.Y.
Findley	Mann	Snyder
Fish	Martin, Nebr.	Spence
Fisher	Martin, N.C.	Staggers
Flood	Mathias, Calif.	Stanton, J. William
Flowers	Mathis, Ga.	
Foley	Matsunaga	Stanton, James V.
Forsythe	Mayne	
Fountain	Melcher	Steed
Frelinghuysen	Metcalfe	Steele
Frenzel	Mezvinsky	Steelman
Frey	Milford	Steiger, Ariz.
Froehlich	Miller	Stephens
Fulton	Mills	Stokes
Fuqua	Minish	Stratton
Gaydos	Mink	Stubblefield
Gettys	Minshall, Ohio	Stuckey
Gibbons	Mitchell, Md.	Studds
Gilman	Mitchell, N.Y.	Sullivan
Ginn	Mizell	Symington
Goldwater	Moakley	Symms
Gonzalez	Mollohan	Talcott
Grasso	Montgomery	Taylor, Mo.
Gray	Moorhead, Calif.	Taylor, N.C.
Green, Oreg.		Teague
Green, Pa.	Moorhead, Pa.	Thompson, N.J.
Griffiths	Morgan	Thomson, Wis.
Grover	Mosher	Thone
Gubser	Moss	Thornton
Gunter	Murphy, Ill.	Tiernan
Guyer	Murtha	Towell, Nev.
Haley	Myers	Traxler
Hamilton	Natcher	Treen
Hammer-schmidt	Nedzi	Udall
	Nelsen	Ullman
Hanley	Nix	Van Deerlin
Hanrahan	Obey	Vander Veen
Hansen, Idaho	O'Brien	Veysey
Hansen, Wash.	O'Hara	Vigorito
Harrington	O'Neill	Waggonner
Harsha	Owens	Waldie
Hastings	Parris	Walsh
Hawkins	Passman	Wampler
Hays	Patman	Ware
Hechler, W. Va.	Patten	White
Heckler, Mass.	Pepper	Whitehurst
Heinz	Perkins	Whitten
Helstoski	Pettis	Widnall
Henderson	Peyser	Wiggins
Hicks	Pickle	Williams
Hillis	Pike	Wilson, Bob
Hogan	Poage	Wilson, Charles, Tex.
Holifield	Podell	
Holt	Powell, Ohio	Winn

Wright	Yatron	Young, S.C.
Wyatt	Young, Alaska	Young, Tex.
Wylie	Young, Fla.	Zablocki
Wyman	Young, Ga.	Zion
Yates	Young, Ill.	Zwach

NOES—21

Archer	Dellums	Maraziti
Cleveland	Giaimo	Michel
Collier	Goodling	Rosenthal
Conable	Gross	Steiger, Wis.
Conte	Holtzman	Vanik
Conyers	Kastenmeier	Wolff
Crane	Landgrebe	Wydler

NOT VOTING—38

Anderson, Ill.	Dickinson	Nichols
Biester	Diggs	Price, Tex.
Bingham	Flynt	Reid
Blackburn	Ford	Rooney, N.Y.
Brasco	Fraser	Roybal
Buchanan	Gude	Ruppe
Burgener	Hanna	Stark
Burke, Fla.	Hébert	Vander Jagt
Burton	Hinshaw	Whalen
Carey, N.Y.	Howard	Wilson, Charles H., Calif.
Collins, Ill.	King	
Culver	Mazzoli	
Danielson	Meeds	
Davis, Ga.	Murphy, N.Y.	

So the bill was passed.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Mazzoli.
Mr. Rooney of New York with Mr. Stark.
Mr. Burton with Mr. Meeds.
Mr. Bingham with Mr. Ford.
Mr. Carey of New York with Mr. Price of Texas.
Mr. Diggs with Mr. Roybal.
Mr. Hanna with Mr. King.
Mr. Brasco with Mr. Anderson of Illinois.
Mr. Reid with Mr. Ruppe.
Mrs. Collins of Illinois with Mr. Charles H. Wilson of California.
Mr. Flynt with Mr. Buchanan.
Mr. Nichols with Mr. Dickinson.
Mr. Murphy of New York with Mr. Biester.
Mr. Davis of Georgia with Mr. Burke of Florida.
Mr. Fraser with Mr. Gude.
Mr. Danielson with Mr. Blackburn.
Mr. Culver with Mr. Vander Jagt.
Mr. Howard with Mr. Whalen.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. EVINS of Tennessee. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill H.R. 15155, just passed, and to include extraneous matter, and that I be permitted to include tables and other material.

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

There was no objection.

GENERAL LEAVE

Mr. MAHON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks in tribute to JOHN J. ROONEY upon the occasion of the 30th anniversary of his election to Congress following my remarks in the debate on the Public Works-AEC appropriation bill just passed.

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

There was no objection.

PROVIDING FOR THE CONSIDERATION OF H.R. 10701, DEEPWATER PORTS

Mr. LONG of Louisiana. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1139 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1139

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. 10701) to amend the Act of October 27, 1965, relating to public works on rivers and harbors to provide for construction and operation of certain port facilities. After general debate, which shall be confined to the bill and to the amendments made in order by this resolution, and which shall continue not to exceed two hours, one hour to be equally divided and controlled by the chairman and ranking minority member of the Committee on Public Works, and one hour to be equally divided and controlled by the chairman and ranking minority member of the Committee on Merchant Marine and Fisheries, the bill shall be read for amendment under the five-minute rule. Immediately after the reading of the enacting clause of H.R. 10701, it shall be in order to consider without the intervention of any point of order in lieu of the committee amendment now printed in the bill H.R. 10701, the text of the amendment printed on pages H3784 through H3787 of the Congressional Record of May 13, 1974, if offered as an amendment in the nature of a substitute for the bill H.R. 10701. If said amendment in the nature of a substitute is not agreed to in Committee of the Whole, it shall then be in order to consider without the intervention of any point of order the text of the amendment printed in the bill H.R. 11951 reported from the Committee on Merchant Marine and Fisheries on May 15, 1974, if offered as an amendment in the nature of a substitute for the bill H.R. 10701. At the conclusion of the consideration of H.R. 10701 for amendment, 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 any amendment in the nature of a substitute reported from Committee of the Whole. 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 with or without instructions.

The SPEAKER. The gentleman from Louisiana is recognized for 1 hour.

Mr. LONG of Louisiana. Mr. Speaker, I yield the usual 30 minutes for the minority to the distinguished gentleman from Nebraska (Mr. MARTIN), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1139 provides for an open rule with 2 hours of general debate on H.R. 10701, a bill providing for construction and operation of certain port facilities.

House Resolution 1139 provides that the 2 hours of general debate be equally divided and controlled by the chairman and ranking minority member of the Committee on Public Works and the chairman and ranking minority member of the Committee on Merchant Marine and Fisheries.

House Resolution 1139 provides that immediately after the reading of the enacting clause of H.R. 10701, it shall be in order to consider without the intervention of any point of order in lieu of the committee amendment now printed in the bill H.R. 10701, the text of the amendment printed on pages H3784 through H3787 of the Congressional RECORD of May 13, 1974, if offered as an amendment in the nature of a substitute for the bill H.R. 10701. If the amendment in the nature of a substitute is not agreed to in the Committee of the Whole House on the State of the Union, it shall then be in order to consider without the intervention of any point of order the text of the amendment printed in the bill H.R. 11951 reported from the Committee on Merchant Marine and Fisheries on May 15, 1974, if offered as an amendment in the nature of a substitute for the bill H.R. 10701.

The committee substitute for H.R. 10701 establishes the Deepwater Port Facilities Commission, to issue licenses for contruction of deepwater ports. The Commission will be composed of the Secretary of Transportation, the Secretary of the Interior, the Secretary of Commerce, the Administrator of the Environmental Protection Agency, and the Secretary of the Army. The Secretary of Transportation would be the Chairman of the Commission.

The committee substitute also provides that a State is granted a preference in receiving a deepwater port license if the State meets all of the requirements of the bill, if the port is closer to the State's coast than to the coast of any other State and if 50 percent or more of the design-receiving capacity for crude oil and petroleum products is to be located in the State.

H.R. 11951, which may be offered as an amendment in the nature of a substitute for H.R. 10701 if the committee substitute is not adopted in the Committee of the Whole, provides authority to the Secretary of Interior to issue permits to construct offshore port facilities. H.R. 11951 also requires the Secretary of the Interior, before he may issue a license to construct a specific high seas oil port, to determine that the economic benefits, coupled with environmental benefits, will more than outweigh any adverse impact on nearby existing oil ports.

Mr. Speaker, I urge the adoption of House Resolution 1139 in order that we may discuss and debate H.R. 10701.

Mr. MARTIN of Nebraska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this rule is not fair to all the committees involved. To fully understand the problem, some background is necessary. Originally, three different committees of the House were working on legislation dealing with deepwater oil ports. The three committees were Merchant Marine and Fisheries, Public Works, and Interior and Insular Affairs. On November 30, 1973, the chairmen of the three committees wrote a joint letter to the chairman of the Rules Committee, requesting a rule which would divide the time under general debate between the three committees, and would make in order the Merchant Marine and

Fisheries Committee bill, with the Public Works Committee bill to be considered as a substitute. This agreement has broken down. The Rules Committee has met three separate times on these bills in an effort to reach a satisfactory resolution of the conflict.

The rule finally reported out provides an open rule with 2 hours of general debate. The time is to be equally divided between the Committee on Public Works and the Committee on Merchant Marine and Fisheries. The rule first makes in order H.R. 10701, the Public Works bill. Then the rule provides that it will be in order to offer what has come to be known as the Jones amendment in the nature of a substitute. The Jones amendment is a product of the Public Works Committee. The rule then provides that only if the Jones amendment is defeated, would the Committee on Merchant Marine and Fisheries have a chance to offer its bill, H.R. 11951. In fact the House is unlikely ever to consider the Merchant Marine and Fisheries bill under this procedure. The House would probably act on the Jones amendment and never get to the Merchant Marine and Fisheries bill.

In order to give the Merchant Marine and Fisheries Committee a fair chance to present its version of this bill, the chairman of that committee has indicated that she will offer a Merchant Marine Committee substitute to the Jones amendment. Let me quote from her remarks published in the CONGRESSIONAL RECORD of June 4, 1974:

> In order to insure that the Members of the House will have the opportunity to consider an alternative to the Public Works bill outside the straitjacket imposed by the rule, it is my intention to propose an amendment, in the nature of a substitute, to the Jones amendment. The amendment, in the nature of a substitute, which I propose contains most of the features of the Merchant Marine and Fisheries Committee bill and its consideration will enable Members of the House to consider this important legislation in a rational manner.

Mr. Speaker, it is only fair that the Committee on Merchant Marine and Fisheries be given a chance to have its bill considered. This rule does not provide them a fair chance. However, I will not oppose the rule, in light of the plan outlined by the chairman of the Merchant Marine and Fisheries Committee.

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

Mr. MARTIN of Nebraska. I yield to the gentleman from Wisconsin.

Mr. STEIGER of Wisconsin. I would want simply to make an observation, if the gentleman from Nebraska would allow it, that is, that I can think of no more classic example of how this House can be out of order than this one.

If there is any more pressing example for the Members of this House as to why there is a need to take a look at the jurisdiction of committees and trying to rationalize that jurisdiction, trying to avoid this kind of incredible complication by the passage of House Resolution 988, I hope what we go through today might lead the majority party to determine that we ought to come to the floor and ought to be able to work our will.

Mr. MARTIN of Nebraska. Mr. Speaker, I agree with the gentleman. It pinpoints the great need for reporting the resolution of the Select Committee on Committees with regard to reorganization of the committee structure and other matters in relationship to the House.

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

Mr. MARTIN of Nebraska. Mr. Speaker, I yield to the gentleman from Iowa.

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

Mr. Speaker, it is not always that I agree with the gentleman from Wisconsin (Mr. STEIGER), but I rise as he has to emphasize the incredibleness of this rule. I wonder if the gentleman from Nebraska agrees that there should have been a three-way split. Why did not the Rules Committee provide a rule which would divide the time and the opportunity to offer a bill three ways? We might as well make the Rules Committee a legislative committee and divide the time and opportunity to offer legislation three ways.

And perhaps there are other committees which should be able to share in this weird, incredible, legislative position in which the House apparently will put itself. I do not recall ever seeing a rule like this in the time I have spent in this place.

Mr. MARTIN of Nebraska. That is correct, and I agree with the gentleman in regard to the third committee. Since the original letters from the three committee chairmen, somewhere along the route the Committee on Interior and Insular Affairs dropped out of the picture. I believe we were told in our hearings that the Committee on Interior and Insular Affairs was in agreement with the Merchant Marine Committee bill. But originally, as the gentleman has pointed out, all three committees had requested consideration.

Mr. DU PONT. Mr. Speaker, will the gentleman yield?

Mr. MARTIN of Nebraska. Mr. Speaker, I yield to the gentleman from Delaware.

Mr. DU PONT. Mr. Speaker, could we go over once again this situation so that those of us on the Committee on Merchant Marine and Fisheries might have an understanding of what is going to happen? Let me see if the gentleman would verify my understanding.

When the title of H.R. 10701 is read, it will then immediately be in order to substitute the Jones amendment?

Mr. MARTIN of Nebraska. That is correct.

Mr. DU PONT. And will debate follow that before the Merchant Marine and Fisheries bill can be offered, or will that immediately follow and then all debate occur?

Mr. MARTIN of Nebraska. As I understand the parliamentary situation, the chairman of Merchant Marine and Fisheries Committee, or some representative of that committee, will call up their bill, which has been amended, as I understand, as a substitute to the Jones amendments.

Mr. DU PONT. So that the initial debate in the House will actually occur on the Merchant Marine and Fisheries substitute?

Mr. MARTIN of Nebraska. Yes, that is correct. Actually, we will have debate on both the Jones amendments, I believe, as well as the Merchant Marine and Fisheries bill.

Mr. DU PONT. My point is, no debate will occur until the Merchant Marine and Fisheries bill substitute is offered?

Mr. MARTIN of Nebraska. That is my understanding.

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

Mr. MARTIN of Nebraska. Mr. Speaker, I yield to the gentleman from Florida.

Mr. HALEY. Mr. Speaker, in order to clarify the situation here, the committee of which I am chairman was involved before the Rules Committee. We asked them to thoroughly investigate the bill. We thought it more probably should be handled by the Committee on Merchant Marine and Fisheries, and we have plenty of work of our own to do.

Mr. MARTIN of Nebraska. Mr. Speaker, I thank the gentleman.

Mr. LONG of Louisiana. Mr. Speaker, I yield 7 minutes to the gentlewoman from Missouri (Mrs. SULLIVAN).

Mrs. SULLIVAN. Mr. Speaker, may I say first that I appreciate the effort of the chairman of the Committee on Interior and Insular Affairs for correcting this little misunderstanding. He did comply with the Committee on Merchant Marine and Fisheries in all ways when we were trying to resolve the jurisdiction and the working together of these three committees. I am pleased to have the distinguished chairman confirm that our two committees are in accord on the Merchant Marine and Fisheries Committee bill.

The Committee on the Interior and Insular Affairs and its chairman (Mr. HALEY) were satisfied with the work that the Merchant Marine Committee staff and that his staff had done to come out with a bill that was a good bill for the building of these deep sea ports, so I want to say right here that I appreciate the great help that we had during the consideration of these bills in the committee from the staff of the Committee on Interior and Insular Affairs and its chairman.

Mr. Speaker, I asked for a few minutes to discuss the procedural problems raised by this rule, but it is not my intention to oppose the rule. Under the circumstances which I will outline, I am not enthusiastic about the rule, but I will not oppose it. The intention of the Merchant Marine and Fisheries Committee on the floor today, will be to attempt to get the best possible offshore terminal legislation, for the benefit of the people of the United States and the national interest. To this end, at the appropriate time I will offer an amendment in the nature of a substitute to the so-called Jones amendment—which I understand will be offered as an amendment in the nature of a substitute for the bill H.R. 10701. We have been working on

this legislation for the past year and one half.

Our committee was the first committee to seek a rule on its bill, which we did on December 13, 1973, and again on January 22, 1974. Each time we were put off. The Public Works Committee first sought a rule on its bill, H.R. 10701, on May 14, 1974, some 5 months later, and I again sought a rule on our bill on May 21. At that time, the Rules Committee granted a rule on H.R. 10701, the Public Works Committee bill.

The rule finally agreed upon by the Rules Committee provides that the Merchant Marine and Fisheries Committee bill, H.R. 11951, cannot even be considered by the Members of this body unless and until the so-called Jones amendment—to be offered by Mr. JONES is defeated. House Resolution 1139 would prevent our committee bill—a meritorious bill—from even being considered on the House floor.

Our committee held 8 days of hearings on this offshore terminal legislation, beginning on June 12, 1973, and hammered out the legislation we are presenting today in 6 days of Committee markup. The Public Works Committee apparently held 3 days of hearings on their legislation and one afternoon of markup, and there does not appear to be any record that the so-called Jones amendment which is to be offered in the nature of a substitute, was even considered in markup by the Public Works Committee. In addition, as the gentleman from Nebraska mentioned the chairman of the Interior and Insular Affairs Committee and the Public Works Committee entered into a written agreement with me on November 30, 1973, agreeing to a resolution for a rule, which would provide for consideration of the Merchant Marine and Fisheries Committee bill to be offered in the nature of a substitute amendment. So far as I know, this agreement has never been repudiated.

If the Rules Committee had even granted a rule reversing the procedure the Chairmen had agreed upon in writing, it would have at least given both committee bills a fair opportunity to be heard on the House floor. The rule stops that—ultimately granted by the Rules Committee provides that our meritorious bill—which received far more committee consideration than the Public Works Committee bill—cannot even be considered by the House membership unless and until the Public Works Committee bill is defeated.) That is why I will offer the text of the amendment which was printed in the CONGRESSIONAL RECORD of June 4, 1974, as an amendment to the so-called Jones amendment.

The Public Works Committee abandoned their original approach to this subject, which related solely to State veto rights over Federal activities beyond State jurisdiction, and reported a bill which would amend the act of October 27, 1965, relating to public works on rivers and harbors to provide for construction and operation of certain port facilities. That bill as introduced—much less the bill as reported—has absolutely nothing to do with, and is completely nongermane, to the act which it would amend. There is nothing in H.R. 10701 relating to public works on rivers and harbors. It is, as a matter of fact, not related to public works at all.

In this connection, I would call attention to the fact that several bills on this subject have been introduced and referred, depending upon the acts they would amend. The only clean bill, the only bill providing for a new enactment with regard to amending previous acts, and which was referred entirely by subject matter, was referred by the Speaker to the Committee on Merchant Marine and Fisheries. As far as I am concerned, this resolved the jurisdictional issue and any rule granted on the subject involved should have recognized that jurisdictional fact.

Obviously, we cannot be pleased with a rule which prevents our bill from even being considered unless and until the so-called Jones amendment is defeated, especially when we feel our bill is a better bill than its Public Works Committee counterpart. In this connection, I would point out that some of the licensing interests, the environmentalists and the administration support our bill and oppose the Public Works Committee bill. In light of these facts and the procedural and substantive history of the two bills—including the agreement signed by the three chairmen involved—the rule does seem unduly harsh and unfair. Nevertheless, we will not oppose the rule because we are convinced that offshore terminal legislation is an absolute necessity for the welfare of the Nation and the Merchant Marine and Fisheries Committee will do its best today to get the best possible piece of legislation.

During the debate we will analyze the differences between the Jones amendment and my substitute amendment which will be proposed. I think the Merchant Marine and Fisheries Committee version is clearly superior and we hope the Members will give this matter their undivided attention because of its importance to national welfare and even to national security.

Mr. MARTIN of Nebraska. Mr. Speaker, I yield 1 minute to the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Speaker, I would like to ask the gentlewoman from Missouri this question:

If the Speaker referred the original legislation to the Committee on Merchant Marine and Fisheries, how in the world did the Committee on Public Works get into this act on the basis that they are in it here today?

Mrs. SULLIVAN. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I am delighted to yield to the gentlewoman from Missouri.

Mrs. SULLIVAN. Mr. Speaker, the reason is that another bill that was introduced amending certain acts, such as the Rivers and Harbors Act was referred to the Committee on Public Works because of the thrust of the act concerning rivers and harbors, although there is no wording of "rivers and harbors" in the offshore terminal bill at all.

Mr. GROSS. And other bills were referred to the Committee on Interior and Insular Affairs?

Mrs. SULLIVAN. That is right, because it amended an act of theirs, the Outer Continental Shelf Lands Act.

Mr. GROSS. How wonderful this is. Three committees are involved, two of which apparently held public hearings, although I do not know about the Committee on Public Works. The gentlewoman said that her committee held 8 days of hearings. I just do not understand this kind of weird procedure which challenges the jurisdiction of the Merchant Marine Committee which initiated the original action.

Mrs. SULLIVAN. Mr. Speaker, if the gentleman would continue to yield, I will make a further explanation.

Mr. GROSS. Yes, I yield. I am glad to yield to the gentlewoman.

Mrs. SULLIVAN. Mr. Speaker, I try to avoid jurisdictional fights. I think our committee has legitimate jurisdiction over this matter of deepwater or high seas oil ports because these facilities will be beyond the jurisdiction of any State and because they will be far beyond the 3-mile limit. These ports are to be built some 20 to 25 miles from the shore over the Continental Shelf and no State has any jurisdiction whatever beyond the 3-mile limit.

Mr. GROSS. Mr. Speaker, I think I would have to agree completely with the gentlewoman from Missouri.

Mr. LONG of Louisiana. 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.

THIRD ANNUAL REPORT ON ADMINISTRATION OF RAILROAD SAFETY ACT OF 1970—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

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

To the Congress of the United States:

I transmit herewith the third annual report on administration of the Railroad Safety Act of 1970 (84 Stat. 971, 45 U.S.C. 421 et seq.). This report has been prepared in accordance with section 211 of the act, and covers the period January 1, 1973 through December 31, 1973.

RICHARD NIXON.

THE WHITE HOUSE, *June 6, 1974.*

APPOINTMENT OF CONFEREES ON H.R. 13999, NATIONAL SCIENCE FOUNDATION AUTHORIZATION

Mr. TEAGUE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 13999) to authorize appropriations for activities of the National Science Foundation, and for other purposes, with a Senate amendment thereto, disagree to the

Senate amendment, and request a conference with the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Texas? The Chair hears none and appoints the following conferees: Messrs. TEAGUE, DAVIS of Georgia, SYMINGTON, MCCORMACK, MOSHER, BELL, and ESCH.

DEEPWATER PORTS

Mr. BLATNIK. 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. 10701) to amend the act of October 27, 1965, relating to public works on rivers and harbors to provide for construction and operation of certain port facilities.

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. 10701, with Mr. NATCHER 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. Pursuant to the rule, general debate will continue for not to exceed 2 hours, 1 hour to be equally divided and controlled by the chairman and the ranking minority member of the Committee on Public Works and 1 hour to be equally divided and controlled by the chairman and ranking minority member of the Committee on Merchant Marine and Fisheries.

Under the rule, the gentleman from Minnesota (Mr. BLATNIK), the gentleman from Ohio (Mr. HARSHA), the gentlewoman from Missouri (Mrs. SULLIVAN), and the gentleman from New York (Mr. GROVER), will each be recognized for 30 minutes.

The Chair now recognizes the gentleman from Minnesota, (Mr. BLATNIK).

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

Mr. Chairman, the matter of deepwater port facilities is one which has received the attention of the Public Works Committee for a number of years. Historically, this committee has considered and recommended projects for the improvement of navigation, both in the inland and coastal waters of the Nation. These projects, carried out by the U.S. Army Corps of Engineers, have made possible the efficient and economic transportation by water of goods necessary to our economy and our standard of living. In particular, these projects are vital to the transportation of fuels for energy. The inland waterways carry coal and petroleum products. And the coastal ports recommended by this committee and constructed by the Corps of Engineers handle the crude oil and petroleum products which we import from other countries.

Commencing in 1971, the Corps of Engineers was authorized to undertake studies on the feasibility of deepwater ports on the Atlantic, Gulf, and Pacific coasts. We have had access to the basic, field-level reports and all of the consultants' reports, such as that prepared for the corps by Arthur D. Little, Inc., and Robert R. Nathan Associates. The information we have, and which we have considered, is as thorough and complete as any information available on deepwater ports.

It was with this background that we determined that deepwater port legislation was necessary. We were aware, of course, that the Department of the Interior had been suggested by some as the proper agency to handle the licensing of deepwater port facilities, and we gave this very serious consideration. We concluded, however, that the Department of the Interior did not possess the requisite jurisdiction and experience to qualify as the sole Federal agency to oversee deepwater port facilities. The key aspects of these facilities do not involve mineral exploration and exploitation, which is where Interior's expertise lies, but rather navigation and transportation.

We also gave very serious consideration to placing the licensing responsibility in the Corps of Engineers. This would have made sense since it would simply have been an extension beyond the 3-mile limit of the authority the corps presently has within the 3-mile limit.

In the end we concluded that because of the many Federal agencies concerned to a greater or lesser degree with the construction and operation of deepwater port facilities, a commission should be established, composed of the heads of the directly interested agencies, to issue the licenses. The members of the commission are the Secretary of Transportation, the Secretary of the Interior, the Secretary of Commerce, the Administrator of the Environmental Protection Agency, and the Secretary of the Army, acting through the Chief of Engineers.

After our committee reported out H.R. 10701, the Committee on Merchant Marine and Fisheries also reported out a deepwater port bill. When the Rules Committee last considered the subject of deepwater port legislation on January 22 of this year, it requested that the committees involved try to agree on a new request for consideration by the Rules Committee and that they also consider national security concerns and matters involving State control and involvement which were raised at the January 22 meeting.

Following that, we made every effort to reach such an agreement with the other committees. Unfortunately, it was not possible to do so. During these efforts, however, we did have an opportunity to compare the provisions of our bill with those of the other bill and to examine both with great care. As a result, we were able to draft an amendment to our bill which improves upon its original provisions and which also utilizes those concepts in the other bill which we determined to be of value.

The amendment offered by Mr. JONES to H.R. 10701 is a carefully considered and well-drawn piece of legislation. The amendment contains provisions to insure domestic control of construction and operation of deepwater port facilities. It also retains those provisions giving States a preference in the granting of deepwater port licenses and requiring that a State have an environmental program including deepwater port facilities if a facility is to be constructed off the coast of that State and if either that State's coast is closer to the facility than any other State or 50 percent or more of the petroleum will be coming onshore in that State.

Mr. Chairman, I wish to compliment the gentleman from Alabama (Mr. JONES) and the ranking minority member of the committee, the gentleman from Ohio (Mr. HARSHA) for their excellent leadership and cooperation in bringing this bill to the floor. I wish also to commend the chairman of our Subcommittee on Water Resources, the gentleman from Texas (Mr. ROBERTS), the ranking minority member of that subcommittee, the gentleman from California (Mr. CLAUSEN), the chairman of our Subcommittee on Energy, the gentleman from New Jersey (Mr. HOWARD), and the ranking minority member of that subcommittee, the gentleman from Kentucky (Mr. SNYDER) for their distinguished and excellent efforts in helping to formulate this important legislation.

Mr. Chairman, I believe this amendment is sound in its approach and represents an effective means of permitting and regulating deepwater port facilities. I urge its adoption.

The CHAIRMAN. The Chair would like to state that next the gentleman from California will be recognized. Then we will return to this side and the gentlewoman from Missouri will be recognized. Then the gentleman from New York will be recognized.

The Chair recognizes the gentleman from California (Mr. DON H. CLAUSEN).

Mr. DON H. CLAUSEN. Mr. Chairman, I yield 10 minutes to the ranking minority member, the gentleman from Ohio (Mr. HARSHA).

Mr. HARSHA. Mr. Chairman, I rise in support of the Public Works Committee amendment to H.R. 10701. The availability of deepwater ports is very much in the national interest. That is right—national interest. Deepwater ports also have obvious local impacts which must be considered and we have done that. Equally important, however, we must recognize the impact on noncoastal States.

Mr. Chairman, I have some data which should be of interest to Members from noncoastal States. I say to my colleagues from noncoastal States that they should listen carefully—this is not only a Louisiana, Texas, or New Jersey issue. It is an issue of national significance.

In Petroleum Administration for Defense District I, which includes the Northeast, in January of this year there was an input of 40 million barrels of crude into refineries; 32.5 million barrels of this were imported; and 22 million came from Africa or Asia.

This was at a time when the Arab embargo was in force. This was a time of shortages. Petroleum needs will increase. Remember, Northeast America

can save a penny a gallon with deepwater ports because of reduced shipping costs.

Let us look at the upper Midwest. In January 1973 imports from Canada were over 32 million barrels. In January 1974 they were 27 million barrels. My statistics are not complete, but they do point out that there was a decrease. Further, they emphasize the fact that Canadian oil is ultimately destined for use in Canada. Exports from Canada will obviously not increase sufficiently to meet our needs. But to the contrary, there is every likelihood that they will decrease.

The situation in the Midwest deserves more scrutiny. In Petroleum Administration for Defense District II which includes such States as Illinois, Indiana, Michigan, Wisconsin, Nebraska, Missouri, my own State of Ohio, and others, 18 percent of refinery throughput was imported. Domestic supply is not growing; imports will. In December 1973 approximately 19.5 million barrels of crude were imported into the district. Over 15 million came from Canada, about 2.5 million came from Iran, 1.1 from Saudi Arabia, and .6 from Nigeria. Approximately one-fourth of imports came from the Persian Gulf. Increasing supplies will come from the Persian Gulf. This is the only presently existing source of additional supply.

Mr. THOMPSON of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. HARSHA. I yield to the gentleman from New Jersey.

Mr. THOMPSON of New Jersey. Mr. Chairman, I thank the gentleman very much. I would not impose on the gentleman except to say this, that my distinguished colleague, the gentleman from New Jersey (Mr. HOWARD) unfortunately has had to have surgery from which he is recovering well. He is in the Bethesda Naval Hospital. He was one of the prime architects of this legislation. He feels, as I do, very deeply that any offshore ports in New Jersey would be inimical to the interests of New Jersey. I intend to support the Jones substitute in order to guarantee our Governor and those of our neighboring States the right of veto. Had Mr. HOWARD been here he would have expressed himself on this more knowledgeably than I. I am sure he regrets very deeply that he is not here. I think I express his position and certainly I express that of a majority of the New Jersey delegation.

I am grateful to my friend from Ohio for yielding.

Mr. HARSHA. I thank the gentleman from New Jersey for his comments.

The gentleman is absolutely correct. The Jones amendment does preserve all the States rights of any State affected by this legislation.

Now, what is the best way to transport imports from the Persian Gulf to the interior of the country? In the case of the upper Midwest, it would be via ports in the Gulf of Mexico where the existing water and pipeline distribution systems can be used. Yes, consumers in midcontinent States like Ohio, Wisconsin, Michigan, and others, will benefit by this bill. That is why I say this legislation is not merely a coastal State bill.

Deepwater ports, as we can see, will aid in reducing the transportation costs for consumers throughout our country and not just States bordering the coast. It will increase our options.

Some have argued that our recent experience with embargoes by the Arab countries is a reason for not constructing deepwater ports. In answer to this, we must recognize that deepwater ports will not solve the energy crisis. However, they will increase our options.

I firmly believe that we must do everything possible to make our Nation self-sufficient in energy, but we are not self-sufficient now. Unfortunately, we will not be for a good number of years. We must also recognize that the use of coal and oil shale may, because of processing and environmental difficulties and water supply limitations, be economically and environmentally more costly than the use of imported crude oils. This is why I point out that the availability of deepwater port facilities increases our options. If, after we become self-sufficient in energy, it becomes apparent that it is less costly, economically and environmentally, to import crude oil, we will have provided for the necessary off-shore facilities.

In addition, we will have provided the off-shore transportation facilities that will minimize our costs between now and the time we do become self-sufficient in energy.

Mr. Chairman, we need legislation to allow for deepwater construction.

We need legislation which will at the same time recognize the environmental and social ramifications of the construction of any deep water port. The Jones substitute does exactly that. It recognizes the presence of compacts between States for the operations of ports and gives a preference to States over other applicants if the State in its application indicates it will meet all of the other requirements of the legislation. A State must, as must any other applicant, show in its application that it does, in fact, have a bona fide intent to construct and operate a deep water port facility and that it will have the capacity to do so, if granted the license.

Mr. Chairman, there is another aspect of this legislation that is important. We have established a regulatory structure that will insure that all of the national interests are recognized. The environment, the consumer and our economic needs are recognized. Deepwater ports will be regulated as common carriers. Monopoly use will be precluded. Transportation will be reduced, and consequently, costs of fuel will be reduced. We know large ships will reduce vessel traffic and this will lessen the hazard of oil spills. Most environmentalists agree that super tankers and deepwater ports may be acceptable if we do what is necessary to protect the environment. We believe in the Committee on Public Works that this legislation has those necessary safeguards written in it to protect adequately our environment.

Mr. Chairman, I support legislation to provide a basis for regulated construction of deepwater ports. I am from Ohio, a midcontinent State. I believe the amendment offered by my good friend, the gentleman from Alabama, meets our needs. I urge my colleagues to support this amendment. Remember, the benefits will accrue to consumers in all the United States. That is why I say this legislation is in the national interests.

The CHAIRMAN. The Chair now recognizes the gentlewoman from Missouri (Mrs. SULLIVAN), the chairman of the Committee on Merchant Marine and Fisheries.

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

Mr. Chairman, as I mentioned in my statement on the rule, at the appropriate time I will offer the text of the amendment printed in the CONGRESSIONAL RECORD of June 4, 1974, as an amendment to the so-called Jones amendment—which will, I understand, be offered as an amendment in the nature of a substitute for the bill H.R. 10701. It is necessary to do this in order to obviate the harsh results of House Resolution 1139, the rule granted on this matter by the Rules Committee which would prevent the consideration of the Merchant Marine and Fisheries Committee bill, H.R. 11951, unless and until the Jones amendment is not agreed to in the Committee of the Whole.

I rise in strong support of the amendment which I will offer to amend the Jones amendment as well as H.R. 11951.

The Committee on Merchant Marine and Fisheries held 8 days of hearings on this important offshore terminal legislation and spent 6 days marking up the bill, which was by far the most thorough treatment of this subject, by any committee. I would also like to emphasize that our legislation on this matter has the support of two committees—the Interior and Insular Affairs Committee and the Merchant Marine and Fisheries Committee.

In light of the energy crisis facing the Nation today and the increasing use of larger and larger tankers, even up to 500,000 dwt, coupled with the 45-foot draft limitation restriction of most of our ports, the construction of offshore terminals becomes a necessity. I should point out that this legislation is permissive and not mandatory and that despite our problems in the Mideast today, it will be necessary for this Nation to import significant amounts of petroleum and petroleum products over the next 10 years. These high seas oil ports will facilitate this importation of needed fuel. We cannot lag in this area to our detriment, as we have lagged with respect to the Trans-Alaskan pipeline.

This has been a long involved legislative process, stretching over the last year and a half, involving many irregularities.

However, Mr. Chairman, I do not think it would be beneficial to the work before us to dwell on these matters and I would like now just to address myself to the great many differences between the Merchant Marine and Fisheries Committee's worthwhile bill and the Public Works Committee legislation.

It has been our feeling from the beginning that the Merchant Marine and Fisheries Committee bill was a superior

piece of legislation to the Public Works Committee bill. I am convinced that in the long run the Members of this body will recognize the merits of the superior Merchant Marine and Fisheries Committee legislation and vote for it, and so I would like to point out the many considerable differences between the two pieces of legislation here before us today for our consideration.

Our legislation contains a detailed declaration of policy. H.R. 10701 has no comparable provision.

Our legislation specifically restricts the use of licensed high seas oil ports to oil importation. H.R. 10701 contains no specific limitation on use.

Our legislation specifically prohibits any structure on the Outer Continental Shelf, except as specifically authorized by Federal law, or pursuant to an authorized Federal program. This provision fills a gap in present law related to activities on the Outer Continental Shelf. H.R. 10701 contains no comparable provision.

Our legislation specifies that this legislation is applicable only to the high seas outside the territorial limits, and relates to ports for the importation of oil. H.R. 10701 causes some confusion with areas not covered by the bill, since the title does not describe any commodity limitations and does not distinguish between high seas ports and deepwater ports projects inside territorial waters.

Our legislation provides that individual U.S. citizens, U.S. private companies, and U.S. public authorities are all to be treated equally as eligible applicants. H.R. 10701 gives the State a preference as an eligible applicant, with a 210-day time period to exercise this exclusive preference.

Our legislation gives the Secretary of the Interior the lead responsibility to issue construction licenses for high seas oil ports and gives the Secretary of Transportation the lead responsibility for supervising their operation. H.R. 10701 creates a new bureaucratic entity, "Deepwater Port Facilities Commission," composed of five agency heads.

Our legislation guarantees public access to all information concerning a license application. H.R. 10701 contains no comparable provision.

Our legislation provides for coordination with adjacent coastal States to insure that the high seas oil port in its landside impact, complies with State requirements related to land or water uses and prohibits the issuance of a construction license unless the project so complies and can be modified to do so. H.R. 10701 prohibits the issuance of a license unless the nearest coastal State, or the coastal State which will contain the majority of the landside facilities, has an environmental program which authorizes the construction of a deepwater port off the coast, even though the construction might be outside State limits.

Our legislation provides specifically that high seas oil ports shall be treated in accordance with their high seas location and specifies that they shall not possess any territorial status. H.R. 10701 provides that Federal law shall apply to deepwater port facilities in the same manner as if such facilities were located in the navigable waters of the United States.

Our legislation prohibits the use of high seas oil ports by foreign-flag vessels, except by specific agreement by the foreign-flag vessel to subject the vessel to U.S. jurisdiction at the oil port. H.R. 10701 provides that foreign-flag vessels shall be deemed to consent to the jurisdiction of the United States when using deepwater port facilities. The language referred to above as in our bill has also been added to H.R. 10701, thus including two contradictory provisions on the same subject.

Our legislation provides for civil and criminal penalties for violation of the act. H.R. 10701 provides for a civil penalty only, and that only against the licensee, except for a general penalty for violation of Coast Guard regulations on port procedures.

Our legislation authorizes research activities in pollution prevention and clean-up of high seas oil spills. H.R. 10701 has no comparable provision.

Our legislation makes some 15 Federal laws specifically applicable to high seas oil ports. H.R. 10701 incorporates many of the provisions of our bill in this regard, as well as containing a general statement that all Federal laws shall apply to the oil ports as if they were part of the United States. This double provision creates some confusion, particularly in connection with clean-up liability.

Our legislation does not provide user charges. H.R. 10701 provides for a continuing user charge by an adjacent coastal State, as compensation for economic costs attributable to the construction and operation of deepwater port facilities and of related land-based facilities.

In essence, this means that a State would charge an owner for the use of the owner's own facilities beyond the jurisdiction of the State itself. Such a provision may be questionable as an attempt to regulate foreign commerce in violation of article I, section 8, of the Constitution, or as the imposition of duties on imports, which is an exclusive right of the Federal Government which cannot be delegated to a State except to the extent absolutely necessary for executing inspection laws. In such an aspect, it would violate article I, section 10, of the Constitution.

I have set out many of the major differences between the two pieces of legislation. We believe that it is abundantly clear that my amendment is a superior piece of legislation to the Jones amendment.

In closing, Mr. Chairman, I would ask my colleagues to support the Merchant Marine and Fisheries Committee legislation and oppose the Public Works Committee proposal because our measure is a superior piece of legislation and has received more thorough consideration. In this connection, I would point out to the Members that our bill has the support of major portions of the licensing interests, the environmentalists and the administration.

Why do these people support the Merchant Marine and Fisheries Committee version of this important legislation? Because it is a better bill.

For all these pertinent reasons, I hope the Members of the House will join the licensing interests, the enviromentalists, and the administration in supporting the enactment of either my amendment to the Jones amendment or H.R. 11951, if we should ever reach that point.

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

Mr. Chairman, as a member of both of the committees which have authored these respective excellent pieces of legislation—of varying excellence, I may say—I do regret that the jurisdictional situation was as it was.

Of course, I am in a position to take note of the fact that the staffs and the members of both of these committees are composed of very dedicated gentlemen.

Mr. JONES of Alabama. Mr. Chairman, will the gentleman yield?

Mr. GROVER. I certainly will yield to the gentleman from Alabama.

Mr. JONES of Alabama. Mr. Chairman, if the gentleman is in concord with both bills, may we not dispense with the gentleman's further dissertation?

Mr. GROVER. Mr. Chairman, I do not think we can go quite that far in spite of the fact that I have great admiration for the gentleman's work.

Mr. Chairman, the energy crisis which we have weathered over the past 6 months has driven home the need for deepwater ports off the coast of the United States, where very large oil tankers can dock and discharge the petroleum imports which are so important to our economy. Under the most optimistic projections, we will continue to depend to a significant degree upon imported oil for at least another decade. Indeed, even under Project Independence, it is not anticipated that we would stop importing oil, but rather we will reach the point where a threatened interruption in foreign supplies cannot be used as a political or economic club.

Existing port facilities of the United States on the East and gulf coasts cannot accommodate tankers much over 70,000 deadweight tons fully loaded. On the West coast, several ports can accommodate ships upward of 100,000 deadweight tons. These are, however, small tankers by comparison with the ships that supply the bulk of oil to Japan and Europe, the other major consuming areas of the world. The tankers in those trades vary from over 200,000 deadweight tons capacity up to ships in the 400,000-ton range. Ships even larger will be entering service in the next few years.

Economics clearly favor these larger ships. Crew costs remain virtually unchanged between a 100,000- and 400,000-ton tanker. Other operating expenses do not increase in proportion to the increased capacity. Further, in order to deliver a given volume of oil on an annual basis, fewer numbers of ships are required utilizing these very large crude carriers.

From an environmental standpoint also, deep-water ports make sense. Most of the oil imported into the United States is delivered to refineries located on inland rivers or bays, where the results of a pollution incident can have a dramatic impact upon wildlife, recreation, commercial and sport fisheries, and esthetic values. In many instances, the tankers now being employed have only marginal clearance as they proceed up river or through our bays to reach refineries. This is certainly the case in the Chesapeake Bay, the Delaware Bay and River, and New York Harbor.

The number of tankers entering our ports grows each year. Several years ago, we were given an excellent example of the type of catastrophe that can occur when two very small tankers of only 16,000 tons collided under the Golden Gate Bridge in San Francisco. A massive spill occurred, coating beaches with oil within San Francisco Bay and along the Pacific Coast. The amount of oil spilled, however, was literally a drop in the bucket compared to that which could be spilled should a 70,000-ton tanker be involved in a collision under similar circumstances.

As a response to this, we enacted the Ports and Harbors Safety Act and the Bridge-to-Bridge Radio-Telephone Act greatly increasing the powers of the Coast Guard to control vessel movements in congested areas and insuring that those who are maneuvering ships will be able to communicate with each other rather than depending upon traditional means such as whistle signals. Nevertheless, we cannot assume that human error or so-called acts of God will not bring about similar occurrences in the future. Almost every day pollution incidents occur in our ports as a result of oil transfer operations. Inattention on the part of a valve operator may permit thousands of gallons of oil to escape into a river or harbor during a routine discharging operation.

Mr. JONES of Alabama. Will the gentleman yield?

Mr. GROVER. I am again glad to yield to my friend.

Mr. JONES of Alabama. Is the gentleman from New York making a distinction between the Committe on Public Works bill and the bill of the Merchant Marine and Fisheries Committee?

Mr. GROVER. At this time, if I can reply, I am indicating the need for deepwater ports, whichever bill finally provides them, but I will make a couple of distinctions in a moment for the gentleman.

Mr. JONES of Alabama. I hope in making those distinctions the gentleman will indicate the security and protection that is in the Committee on Public Works bill as compared with that in the Committee on Merchant Marine and Fisheries bill.

Mr. GROVER. I will leave those glowing tributes to the gentleman's legislation to the gentleman when he can speak for it, if I may.

Mr. Chairman, I rise in support of the substitute offered by the chairman of the Committee on Merchant Marine and Fisheries. This substitute is the bill reported by the Committee on Merchant Marine and Fisheries, H.R. 11951, with certain provisions deleted that would be subject to points of order. I anticipate that one of the deleted provisions establishing a liability fund will be offered as an amendment. I understand that Mrs. SULLIVAN will support the restoration of the liability fund. I also will support that. The Sullivan substitute is strongly endorsed by the administration and by virtually every organization that has taken a position on this issue. It is opposed primarily by those who wish to guarantee a State monopoly on offshore terminals or who would prefer to dredge existing harbors at great cost and environmental damage rather than have deepwater ports built. The so-called Jones amendment is replete with ambiguities, inconsistencies, and questionable legal provisions. I note for example that the Department of Justice has submitted to the Public Works Committee a report on that committee's bill setting forth eight pages of objections to serious deficiencies. According to the Department of Justice, the Public Works Committee bill would require an amendment to the Outer Continental Shelf Lands Act in order to clarify serious inconsistencies which would arise in the application of State law to offshore terminals. Likewise, the Department of the Interior has serious reservations concerning the wisdom of the Public Works bill that go to the heart of the licensing procedures set forth in that bill. The Sullivan substitute will encourage the construction of deepwater port facilities and at the same time protect those States, such as for example Delaware, which have adoped programs for land and water use, which rule out a deepwater port.

Under the Jones amendment, however, the States will have to rule in deepwater ports in order for deepwater ports to be built. This is a fundamental difference in approach which will determine whether we will or will not have these facilities.

The Sullivan substitute enables States to become an applicant if they choose to do so on an equal footing with all other applicants. The Public Works bill or Jones amendment gives a State an unreasonable and totally unjustified right to preempt any other applicant and to delay the licensing procedure for up to 210 days by indicating its desire to preempt.

The Public Works version of this legislation introduces such vague concepts as "50 percent of design-receiving capacity for crude oil." This undefined criteria must be met before a State would qualify to exercise the veto rights given it in the Public Works bill. Quite frankly, those of my colleagues who might support the Jones amendment thinking that it gives greater protection to their State in terms of veto may be buying a "pig in a poke." The veto may prove to be an illusion if 50 percent of the so-called design-receiving capacity is not located in the State. There are endless ways that a license application might be manipulated to get around this concept of design-receiving capacity. Ultimately, of course, it will probably be up to the courts to decide what design-receiving capacity is. For these reasons I urge my colleagues to support the Sullivan substitute and to go on record in support of the national interest in deepwater port legislation.

It has been urged by some that the answer is not offshore facilities, but rather deeper channels into our existing ports. Dredging has not only become prohibitively expensive, but is an environmental catastrophe in itself. Dredging any existing waterway in the United States to accommodate 200,000-to-400,000-ton tankers would involve costs and environmental risks that would greatly exceed any conceivable benefit that might accrue to the local economy of the port served by such dredging.

I note that one gulf coast port has placed large ads in the Washington newspapers this week urging the construction of deepwater onshore superports. The ad does not state how much dredging this would entail. I believe we can safely assume that it would be on a massive scale. Nor does the ad state where it is proposed to dispose of the dredge spoil. We have, of course, enacted legislation—the Marine Protection, Research and Sanctuaries Act, the purpose of which is to discourage and hopefully eventually eliminate the disposal of waste material of all sorts in the oceans, which we now know cannot continue to absorb the growing variety of materials which man has been conveniently dumping just over the horizon.

It is clear, therefore, that high seas oil discharging facilities are the only sensible answer. Today the House will decide which of two approaches it should take to the licensing and operation of these offshore facilities. The Committee on Merchant Marine and Fisheries has reported a bill, H.R. 11951, that is strongly endorsed by every department of the Government, the petroleum industry, environmental groups, and virtually every organization that has gone on record on this subject. The Merchant Marine Committee's bill was the subject of extensive hearings, extensive markup within the committee, and is accompanied by a report that carefully analyzes the need for the legislation and the details of the bill. That report has been available for some time now.

As for procedure, let me say—to permit a bill of this importance, and one which is the subject of major controversy, to come to the floor of the House in the form of a proposed amendment that a Member will offer that has not been adopted as a committee amendment and reported in orderly fashion from the committee is a departure from the regular order of this House.

Notwithstanding the overwhelming support for the bill reported by the Merchant Marine Committee, the Members have asked what real difference is there between these bills? Is there any reason why I should favor one over the other? The answer to that question is clearly "Yes, there are differences—fundamental differences." Chairman SULLIVAN has discussed many of them.

The bill reported by the Committee on Merchant Marine and Fisheries, which will be offered as a substitute to the Jones amendment, clearly reflects the

principle that I discussed at the outset of my remarks. The most important principle is that the Merchant Marine Committee bill makes it possible for deepwater ports to be built. The Merchant Marine Committee bill establishes a simple, clearcut, logical system for the construction, licensing, and operation of deepwater ports within the existing Federal bureaucracy. It strikes a careful balance between the national interest and the interest of coastal States. It permits those coastal States which find an irreconcilable conflict between their land and water use programs and a deepwater port to, in effect, veto the deepwater port off their coast. This is accomplished in the following manner. If a State has adopted land or water use programs, and let me hasten to say that the programs do not yet—and hopefully will not require Federal approval—and if, upon the filing of an application to construct a deepwater port, the State determines that the deepwater port proposal conflicts with its programs, the State must advise the Secretary of the Interior to that effect. If the deepwater port proposal cannot be amended to the State's satisfaction to conform to its land or water use programs, then the Secretary of the Interior may not issue a permit.

The Jones amendment printed in the CONGRESSIONAL RECORD, which the rule has made in order to be considered as an original bill, assumes a narrow view of the deepwater port problem. It seems to recognize the national interest in having deepwater ports constructed, but it focuses not on the national interest, but rather on the interest of a handful of States. It does not even attempt to balance the national interest with the State interest. It is structured so as to virtually insure that no offshore facilities could possibly be built to serve the east coast of the United States, and the one which might be built in the gulf, through which apparently it is contemplated most of our imports will be funneled, will be the captive of one State.

In order for a deepwater port to be built under the so-called Jones amendment, the State or States—and there may be two or three involved with any application for a deepwater port—must affirmatively adopt programs which contemplate the existence of a deepwater port off their shore. This will so complicate the licensing process that I seriously doubt that any facilities will be built to serve the areas of the United States that most desperately need them. This is the critical difference between the approach taken by the Merchant Marine Committee and that of the Public Works Committee. In all political realism in today's climate, the likelihood of securing the adoption of land and water use programs in the coastal States that say, in effect, "we want a deepwater port" is very slim. What is most likely to happen is that, through sheer inaction or political timidity by the States, deepwater port facilities will not be built.

Under the Merchant Marine Committee bill, the States are protected, but they must act—they may not protect themselves through inaction. They must have adopted a land or water use program, and they must determine that the deepwater port proposal is incompatible with that program. They must make a "good faith" effort to secure change in the deepwater port proposal to make it compatible with their program. If this fails, then they may veto the proposal. They cannot, however, simply sit on their hands as they are permitted to do under the Public Works version. This is why I say that the Merchant Marine bill recognizes the national interest and adequately protects the States. It strikes a balance. The Public Works bill has been written so narrow in scope as to facilitate a deepwater port in the only State that has gone on record as wholeheartedly supporting a deepwater port.

The Public Works bill further compounds the problem by providing that if an existing port has a study underway with the Corps of Engineers with respect to dredging its channel, no license can be issued for an offshore terminal near that port regardless of any clearly demonstrated need for the offshore facility.

Mr. Chairman, in conclusion, let me reiterate that the real crux of this issue is the proper balance of rights and responsibilities between the Federal Government and the States and between the national interest and local interest. The Merchant Marine Committee bill, as embodied in the substitute which our chairman will offer, accomplishes this balance. The amendment made in order by the rules does not.

The CHAIRMAN. The Chair recognizes the gentleman from Alabama (Mr. JONES).

Mr. JONES of Alabama. Mr. Chairman, I yield 5 minutes to the gentleman from New Jersey (Mr. ROE).

Mr. ROE. Mr. Chairman, I too feel a little bit edgy today; as a Member of this body I feel strongly that we should not have to decide enormous matters of state based on the vicissitudes of jurisdictional responsibility from respective committees.

Be that as it may, I would like to address myself to a few points that I think are highly germane, and particularly in view of the comments of the previous speaker, and categorically, at the very outset, I want to state that I firmly support the Jones amendment to H.R. 10701.

You know, it seems amazing to me that people talk around here about the environment so much. We passed the EPA Act, which was supposed to protect the environment of our States and the Nation. It seems amazing to me that here we are talking about deep seaports, and we are talking about ships that carry 210 million gallons of crude oil; 210 million gallons of crude oil—just think about that should there be an accident along one of the coasts.

I suppose I could be considered to be somewhat provincial because I represent the great sovereign State of New Jersey, which is a coastal State, and I could be accused of being guilty of saying perhaps that I am not interested in the deep seaport and, therefore, I am against the energy needs of our country. That is not so. That is not so.

But I do think it is very clear in the Jones amendment that the States reserve unto themselves the right in effect to veto any action off their particular coasts unless it meets their environmental requirements and the needs of their particular land along their coasts, their environmental needs.

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

Mr. ROE. I yield to the gentleman from Texas.

Mr. ECKHARDT. I thank the gentleman for yielding.

Mr. Chairman, with respect to the merchant marine bill, there is also such a provision to provide that whatever is done must be in accordance with the environmental standards of the State within its own waters. The gentleman is familiar with that provision?

Mr. ROE. Very much so.

Mr. JONES of Alabama. Mr. Chairman, will the gentleman yield?

Mr. ROE. I yield to the distinguished gentleman.

Mr. JONES of Alabama. I thank the gentleman for yielding.

To further embellish the remarks of the gentleman from Texas (Mr. ECKHARDT) we have the Environmental Protection Agency as a member of the Commission which is going to supervise and adjudicate the proposition of environmental protection.

Mr. ROE. That is part of the consortium.

May I point out to all of the Members here that the point I am trying to make here is under the public works bill the States have a positive action. The States must act positively if a particular facility is to be built off their shore. I think that is where the delicate balance lies.

There is a second point in this particular bill where people say that under the public works bill we should not allow the State to preempt the use, if you like, or to permit a situation where a State could actually institute a port itself, that would be taking away from free enterprise. This is total nonsense.

In the State of New Jersey we have the Delaware River Port Authority, which is a bi-State agency to develop port facilities in the State. We have, perhaps, the most important port authority in the entire world, the New York-New Jersey Port Authority, which is constituted by a bi-State compact to be able to develop port facilities. So I see nothing wrong with rendering unto Caesar that which is Caesar's and rendering unto God that which is God's, and allowing the States to have the right, if it is in the State's best interest and the people's best interest. What is so wrong around here with the premise that States ought to have the right over their own destiny? Why must it always be that everything that evolves has got to be through "big brother;" that "big brother" has more brains than anyone else?

What about the dictum of the consent of the governed? New Jersey has 7½ million people. It is the most urban State in the Nation. It ought to have a right over its own destiny. I do not care who builds a port facility in so-called territorial waters; they cannot get the commodity

into the respective States on the mainland unless they go through my State or contiguous coastal-oriented States.

Let me caution my good friends from the Midwest and in the central part of our Nation. Time and time again we Members from coastal States have stood toe-to-toe with every one of them where States rights have been concerned, time and time again on environmental or whatever matters that affected those States, because the sovereignty of those States is a vital issue, as I see it.

Let me conclude, Mr. Chairman, by saying, Why am I concerned? Am I concerned alone because I am a member of the Committee on Public Works——

The CHAIRMAN. The time of the gentleman has expired.

Mr. JONES of Alabama. Mr. Chairman, I yield 2 additional minutes to the gentleman from New Jersey.

Mr. ROE (continuing). And owe my fealty just to the Committee on Public Works? In no way is that correct. I owe my fealty to my people, with the consent of the governed, to my State, and to my Nation.

I am in favor of the energy program, but let me leave the Members with this thought. We are now debating whether off the coast of New Jersey to put in a floating nuclear generator. There is research going on and drilling going on along the coast of New Jersey to drill for oil off of our coast. Now we are talking about these deep seaports; but it is time that the people of the country represented by their States have something to say about their destiny, remembering that the single largest industry in the State of New Jersey is a shore tourist resort industry of $1½ billion a year.

If we are confronted with one oil spill without the State having the veto right over the building of that port, this would be disastrous to the tune of tens of millions of dollars to New Jersey.

I wish to compliment both committees for the efforts they are putting forth to create solid legislation that will work. But let us not throw away the baby with the bath water and let us not give up the rights of the States over their own destiny and the rights of the governed to be fully consulted.

Mr. DON H. CLAUSEN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I somewhat regret that we are in this position of a difference of opinion that exists between the committees. I find myself in the position where I am particularly concerned over the fact that we have to be at odds with one of the fairest chairmen, one of the fairest ladies in the Congress, and I mean that in the truest sense of the word and I mean that in every way.

I do believe that we on the committee can stand before the Members today and say that both versions are greatly improved as a result of the efforts that were made to bring about a tripartite arrangement between the three committees. As a matter of fact, it is my understanding that a goodly portion of the provisions of the Jones amendment actually came about as a result of some of the discussions that took place between the two people on the committees and the staff members themselves. I know some of the provisions that are in the Jones amendment resulted from discussion with the Committee on Merchant Marine and Fisheries.

As has been stated there is a great deal of concern on the part of the coastal States. In California, as Members can readily understand and appreciate, there is a great deal of concern. We remember that it is not too long ago that we had the Santa Barbara spill. This was not a result of spills with vessels but it left a great impression on the people as a result of a leaking offshore well. Thus, in the southern part of the State in particular and throughout the entire coast of California there is a deep and abiding concern over the entire question of how we are going to handle the question of transportation of our crude oil.

Mr. Chairman, I rise in strong support of the amendment offered by my good friend, the gentleman from Alabama (Mr. JONES). Mr. JONES is to be commended for his effort and diligence in bringing to the floor of the House today this most important legislation.

The question of deepwater ports is one of broad national importance but the key element of the deep ports issue is transportation. I support this amendment because it recognizes that we as a Nation should avail ourselves of the most economical means of transportation of crude oil and petroleum products that are available.

It has been stated there is a question of jurisdiction by our committee, and that has been challenged. We believe this is a part of our traditional navigation responsibilities under the Rivers and Harbors Act.

I was pleased to hear Mrs. SULLIVAN clarify that a note on the amendment she will offer will not change the jurisdiction of the Public Works Committee over deepwater ports.

I wish it were not so that our country has become dependent on the supply of crude from Asia and Africa and particularly the Persian Gulf. I wish I could say we as a nation will be self-sufficient in a matter of a few short years. Unfortunately we will become even more dependent on foreign supplies of crude and unfortunately we will not be self-sufficient in energy in any time less than, in my judgment, 10 to 15 years at the earliest.

I strongly advocate that we as a nation do everything reasonable to develop technologies and capacities for being self-sufficient.

Again, Mr. Chairman, we also recognize, unfortunately, that there may be constraints on such self-sufficiency in the form of availability of water and other environmental considerations.

I further urge and intend to take action within the Committees on Public Works and Interior, of which I am a member, to press for studies to determine just how water-limited the coal and oil shale methods of self-sufficiency may really be. I hope that the studies will show that water will not be a limiting factor. At this time, however, I am concerned, and for those Members that are on the floor, I would suggest that they read a most important recent article in the Time magazine of June 10, where they make reference to the title: "Now a Water Shortage," in addition to all the other shortages in dealing with the coal and the oil shale capabilities in the western part of the United States, if we are going to bring them into commercial use.

In any event, Mr. Chairman, whether we are self-sufficient or not, we must make available those options for providing a reliable and clean energy supply at the lowest and most economical and environmental cost. This means that even if we are energy-self-sufficient, it may be less costly to import foreign oil.

Therefore, Mr. Chairman, I do support the concept of deepwater ports. I urge the House to approve the amendment offered by the gentleman from Alabama (Mr. JONES). I urge that we do this because it is necessary to do as much as possible to reduce the cost of imported crude oil. Deep-draft tankers and deepwater ports will help in this effort.

Mr. Chairman, my good friend, the ranking minority member on the Committee on Public Works, the gentleman from Ohio (Mr. HARSHA) has ably described the fact that deepwater ports are in the national interests and why they are as important to midcontinent States as they may be to coastal States. I associate myself with those remarks and urge my colleagues from coastal and noncoastal States to support this amendment. The gentleman from Ohio (Mr. HARSHA) has explained the reasoning, I think, very well.

Mr. Chairman, in addition to providing a legislative framework for deepwater ports which are in the national interest, we cannot forget that we must recognize the fact of interest of the coastal States which are concerned about potential environmental insults that might result from deepwater ports. I state not only the potential for oil-spills, but also the industrial development that would be fostered by deepwater ports. The coastal States are quite proper in recognizing that this growth may not be in their interest. There must, therefore, be a balance between the national and the local interests concerned.

We will probably hear today that this amendment to H.R. 10701 is too strongly oriented toward the States. Others will argue, perhaps, that the protective provisions for the coastal States are not stringent enough.

We have worked hard to develop legislation which provides the proper balance between the two. The Southern Governors' Conference has indicated their support for our bill and the amendment. Of course, I make reference to the Southern Governors' Conference because of the great interest in the development of facilities in the Gulf States.

As a matter of fact, I might state parenthetically that while there is greater concern for the protection of the overall environment in the two East and West coastal States, it is just

a question of where the facilities are going to be located in the Gulf States. This in the long run will be in the national interest, and we must heed that which comes forth from the elected Representatives from those States.

The Governors of Texas, Louisiana, Mississippi, and Alabama have individually given us their written support of our bill. They recognize that their States are adequately protected. A consortium of oil companies with advanced plans for building a deepwater port off the coast of Louisiana, has also indicated their support for our bill and amendment. I believe this is an excellent indication that we have struck the balance we sought in deepwater ports legislation.

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

Mr. DON H. CLAUSEN. Mr. Chairman, I yield to the gentleman from Texas.

Mr. ECKHARDT. Mr. Chairman, the gentleman in that statement is not saying that these Governors, or some of them, have not supported both amendments, is he? I mean, these are not exclusive support of one amendment as against the other?

Mr. DON H. CLAUSEN. Mr. Chairman, I would be happy to yield to a gentleman from a Southern State to reply to that.

Mr. ECKHARDT. Mr. Chairman, I happen to be from a Southern State, and I know my Governor favors the provisions contained in the merchant marine bill. He may also favor like provisions contained in the public works bill.

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

Mr. DON H. CLAUSEN. Mr. Chairman, I yield to the gentleman from New Jersey.

Mr. BREAUX. Mr. Chairman, I think there is no question about the support of H.R. 10701 by the Governors of the deepwater port authority States such as Louisiana, Alabama, and Mississippi as well as support by the unanimous adoption of a resolution in support of H.R. 10701 by the Southern Governors' Conference, but I do know the State of Texas Port Commission, headed by Mr. Jim Cross, is on record as in support of H.R. 10701.

Mr. ECKHARDT. Mr. Chairman, I do not think the gentleman is saying that the Governor of Texas is not in support of the merchant marine bill as well as the other one.

Mr. BREAUX. It is difficult to say how he would be in support of H.R. 10701 and at the same time in support of the other bill, considering the differences in the bills.

Mr. ECKHARDT. I would support either bill as my ultimate choice if I were put to it. I think that is the Governor's position.

Mr. BREAUX. Mr. Chairman, I think there is no real conflict in the telegram the State of Texas has submitted to the Members supporting their position on H.R. 10701.

Mr. DON H. CLAUSEN. Mr. Chairman, I must point out another consortium of companies with advanced plans for construction of deepwater ports off the coast of Texas has opposed parts of our bill because of what I consider to be an issue within the State of Texas. The Texas Offshore Terminal Commission, a Commission set up by the legislature of the State of Texas, has recently indicated that deepwater ports off the Texas coast should be constructed and operated by the State of Texas. We understand this Commission to be advisory only, and that unless recommendations of this Commission are enacted into law, they have only an advisory effect.

We have provided that the State of Texas may exercise the preference to own and operate a deepwater port. However, we consider this to be a local question to be decided by the Governor and legislature of the State of Texas or any similarly situated State.

If a State chooses to exercise its State preference, then it must recognize that with regard to meeting requirements it is on the same footing as any other applicant. That State, like any other applicant, must show in its application that it has a bona fide intent to construct and operate a deepwater port facility and that it will have the capacity to do so if granted a license. We have outlined this in our report to demonstrate clearly that the State may not use its preference to operate as a veto. In fact Mr. Chairman, in order for a State to exercise its preference, that State must not exercise the provision for vetoes given in section 2(e) of the amendment. The preference provision may not be utilized unless a State has an environmental program which includes construction of a deepwater port facility off its coast.

The question of providing a veto to the coastal States was one our committee wrestled with long and hard before we decided to adopt a veto provision. It is expected that before any State decides to veto a deepwater port off its shores, that it will thoroughly evaluate the energy requirements within that State and the region. For example, the gentleman from Ohio (Mr. HARSHA) in his opening remarks, described the potentials for petroleum shortages and dependence upon imported crude in the Northeast. I repeat, the States in the Northeast should evaluate thoroughly their energy requirements before they, without thorough scrutiny, exercise their veto provision. It would seem that coastal States in the Northeast such as Delaware, New Jersey, and Pennsylvania, which currently import large volumes of crude oil to supply existing centers, would take a very close look at the environmental advantages of eliminating a large part of the vessel traffic and oil transfers within the New York bight and the Delaware River and Bay.

Our committee received testimony during our hearings that the threat of severe environmental damage from vessel traffic and oil transfers within these fragile estuaries, rivers, and bays might be reduced substantially by the use of deepwater ports and pipelines to transfer petroleum to refineries rather than the existing use of a large number of small tankers and extensive lightering operations. There would be less maneuvering of ships, reduced potential for accidents, more time to respond to an accident before the coastal area would be affected, and less chance of having an impact in river, bay, marsh, and estuary areas.

Mr. Chairman, it is not the intent of the committee to rush headlong into the development of construction of deepwater ports without the type of analysis of the impacts that is required to meet our environmental goals. On the other hand, we recognize that there is a growing volume of petroleum imports which might best be imported through deepwater ports. We have, therefore, set time limitations in section 3(d) of the amendment, the Jones amendment. We expect that the Commission will meet these legislative deadlines and that applications will be handled in an expeditious and timely fashion.

The Commission will have to initiate promptly the preparation of the environmental impact statement and other reviews. The Commission is charged with an important responsibility, and delays simply cannot be tolerated. The cost of preparation of applications will be quite high, and applicants deserve expeditious handling and timely decisions.

Mr. Chairman, with regard to the questions of applications, the committee was faced with a very important consideration. We recognized that the application must contain a large volume of information. On the other hand, we recognized that the provisions for State preference in section 2(b) of the amendment could create some hardships on non-State applicants. We therefore provided in section 2(b) that the Commission must notify eligible States in writing of any application within 30 days of the time the application is received by the Commission. We provided that the notification from the Commission must establish a reasonable period of time for the State to apply for a license to construct a facility and thereby exercise its preference.

The Commission, in its promulgation of rules and guidelines for applications, should recognize clearly the potential for hardship. It would be within the powers of the Commission to require prompt notification from a State within 30 days as to whether or not the State intends to file an application. This is an issue of which each of the affected States should be acutely aware. The States are cautioned to proceed immediately to make their determination whether or not they would submit their own applications if another one were received. It will be unconscionable for the Commission to provide for an 180-day decision period, for the State to utilize the full 180 days, and for the State to then decide it will not submit an application. This simply wastes 6 months of time, 6 months during which consumers would not be able to benefit from the reduced transportation costs available from deepwater ports.

Mr. Chairman, section 2(h) requires the Commission, if requested by an existing port with plans and studies for deepdraft, onshore facilities, not to issue a license until after the Commission has examined the economic, social, and environmental effects of the construction

and operation of both the applied for deepwater port facility and the economic, social, and environmental effects of the construction, expansion, deepening, and operation of the onshore port. After examination, the Commission must determine which of the two is more in the national interest. This places important burdens on the Commission. First, the schedules given in section 3(d) must be met. The section 2(h) study must not be a basis for delays of any type.

Mr. Chairman, I might just add that this is something that is of great interest to the ports serving Los Angeles, and I state this for those Members from the southern California delegation.

Mr. CASEY of Texas. Mr. Chairman, will the gentleman yield?

Mr. DON H. CLAUSEN. I will be happy to yield to the gentleman from Texas.

Mr. CASEY of Texas. Mr. Chairman, one fallacy of this Jones amendment is that there is no time limit as to when they are supposed to report on it. That could drag on for years under that section (h).

Mr. DON H. CLAUSEN. No, this could not drag on. It is my understanding that there is a 120-day period for them to respond.

Mr. CASEY of Texas. It is not in the bill.

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

Mr. DON H. CLAUSEN. I yield to the gentleman from Louisiana.

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

I think the gentleman should direct the attention of the Members to the committee print of June 1974.

It clearly states:

It is intended that the indepth review required by this section shall be promptly initiated and completed within the time provided for in section 3(d), namely, within 120 days after receipt of agency certifications or after completion of any hearings, whichever is later.

So I think it is very clear as to what was intended.

Mr. DON H. CLAUSEN. Mr. Chairman, I cannot yield any further. I am running out of time. The Members can take the time to develop this issue from their side.

It is expected that there would be an indepth review of the onshore facility including environmental considerations, but the provisions of section 3(e) providing for the preparation of a single detailed environmental impact statement apply to the 2(h) study. For the purposes of section 2(h), no additional environmental impact statement would be required. If, however, permits were subsequently issued for the onshore port, the normal provisions of the National Environmental Policy Act would apply.

The committee in its deliberations decided to utilize a commission to manage the national deepwater ports program. It would have been easy to provide that the Department of Transportation be the managing agency. To do so, would have been a failure to recognize the necessary input from the Departments of Commerce and the Interior as well as the Environmental Protection Agency and the Corps of Engineers.

This committee and the Committee on Public Works in the other body have directed the Corps of Engineers to make thorough studies of deepwater ports off the Atlantic, gulf, and Pacific coasts. The first of these reports has demonstrated the competence of the corps. The work product would be efficient and thorough and environmental controls would be properly implemented. It would be a continuation of their regular permitting activities within the navigable waters, included in the territorial seas. However, the need for thorough input from the various departments and agencies justified utilization of a commission.

The fact that the heads of the five departments or agencies are members of the Commission should in no way impact upon their departments or agencies' determinations under the certification provisions given in section 3(d). Each department or agency would be expected to exercise their jurisdiction pursuant to the requirements of the laws which they administer in accordance with the certification provisions of section 3(d).

It is expected that the members of the Commission with the Secretary of Transportation as Chairman, will develop rules and regulations regarding the operation of the Commission. The Commission members in their deliberations and possible votes on issues before the Commission would operate under their own rules and possible memorandums of understanding between the agencies.

Mr. Chairman, I commend to the Members of the House, Committee Print 93–41 which has been distributed to each Member. This print or report contains a copy of the amendment to H.R. 10701, general statements, highlights of the amendment and a section-by-section analysis. This report reflects the intent of the amendment and should be utilized by the Commission, agency and courts in the same manner as if it were a formal report accompanying a bill.

Mr. Chairman, it has been a pleasure for me to work on this bill along with our most able and distinguished chairman, JOHN BLATNIK; the floor manager of this bill, my good friend from Alabama (Mr. BOB JONES); and the most able ranking minority member of our committee, BILL HARSHA. Many months on the calendar as well as many man-years of effort have gone into the preparation of this bill. It meets our national needs while reflecting important local considerations. I urge that our amendment be adopted.

The CHAIRMAN. The time of the gentleman from California (Mr. DON H. CLAUSEN) has expired.

Mrs. SULLIVAN. Mr. Chairman, I yield 10 minutes to the gentleman from Virginia (Mr. DOWNING).

Mr. DOWNING. Mr. Chairman, I rise to urge the passage of high seas oil port legislation.

I will not repeat the legislative background or the parliamentary situation that we face today because of the manner in which the rule was reported. I will, however, discuss the total legislative proposal in light of the consideration of this matter in the Merchant Marine and Fisheries Committee.

Our committee began hearings on this legislation approximately a year ago. We issued invitations to every segment of the public which we felt had an interest in, and information on the subject, and we heard from representatives of the Federal Government, State governments, environmental organizations, interested individuals and industry groups and associations. After 8 days of extensive hearings, it was apparent that there was a widespread and generally unanimous support for the concept of constructing and operating offshore oil ports to handle the importation of foreign oil, and particularly, the increase which is anticipated for the next few years. Even during our experience with the oil embargo by the exporting countries.

The committee felt that that was probably a temporary condition and that when foreign oil was again readily available, the Nation should be prepared to take advantage of it by offshore oil port construction.

Our recent experience has made it clear that dependence on foreign sources for our energy needs is a serious one for the United States, and I wholeheartedly support the administration's initiative to make the Nation self-sufficient in its energy supplies. Nevertheless there is no question that the accomplishment of this initiative will take some years, and even after that point is reached, we should be prepared to take advantage of supplies available to us from overseas when such action is in our best interest. We would, therefore, be remiss if we did not maintain a balanced policy whereby we utilized, as needed, all sources of energy supply and, at the same time, maintained adequate domestic reserves upon which we could call in time of emergency.

For these general reasons, I consider it imperative to authorize the building of high seas oil ports, through which we may take advantage of major savings in transportation costs that will result from the greater use of very large crude carriers, transporting petroleum and petroleum products. The United States is the only major nation which cannot accommodate these vessels in its existing ports, and despite some suggestions to the contrary, it is not feasible, either from an environmental or an economic viewpoint, to dredge existing ports to the depths necessary to handle a 500,000 deadweight ton tanker. Every study that has been undertaken on the subject, whether by governmental or private groups, makes that point absolutely clear. There is, however, another aspect of the situation which has a special interest for me. I have devoted a substantial part of my time and energy in supporting a strong merchant marine for the United States. While I will not repeat the reasons that justify my position. I will say only that the maintenance of a strong merchant marine is absolutely vital to the lifelines and security of the United States. At the present time, and for some time past, only 5 percent of all U.S. imports by volume are being, and have been, transported in American-flag vessels. With the exception of the SS *Manhattan*, delivered in late 1962, American shipyards have been building smaller tankers and it was only recently that several orders

were received for tankers for up to 265,000 deadweight tons.

One of the major reasons for this deficiency is that U.S. ports cannot handle and cannot feasibly be deepened to handle the very large crude carriers, and, therefore, most of them, being built for trade between foreign nations, have been ordered from foreign shipyards. If, however, the construction of high seas oil ports comes about, there will be an immediate increased demand for the vessels which will be needed to serve those ports. The American shipbuilding industry and the affected trade unions will, therefore, be able to prepare for and increase the national capability for larger tanker construction.

In addition to construction, the availability of ship repair and overhaul facilities will be in increased demand. Again, American shipyards will be involved to meet that need, since even the large tankers, once unloaded will be able to proceed to the repair facilities in many existing port areas. I am convinced, therefore, that not only will the U.S. consumer reap the benefit flowing from cheaper transportation costs, but our shipbuilding industry and our merchant marine will be in a position to contribute immeasurably to the improvement of economic conditions in the Nation generally and in our labor forces particularly.

Furthermore, Mr. Chairman, the very expansion that will result will mean the modernization and efficiency of our tanker fleet, and the reduction of traffic congestion in harbor areas. The offshore ports will make our overall transportation system safer and more efficient. The addition of more U.S.-flag tankers will not only provide for additional employment in the shipbuilding area, but will provide for more maritime employment on the vessels themselves.

Mr. Chairman, later today the distinguished chairman of the Merchant Marine and Fisheries Committee will propose an amendment, in the nature of a substitute, which in general represents the legislation reported by our committee. She has decided to take this action to overcome the unfair aspect of the rule which was granted on H.R. 10701. The language of her amendment is reasoned, balanced, and effective. It has received the endorsement of the administration, of environmental groups, of labor representatives, of the shipbuilding industry, the maritime industry, the offshore construction industry, and of many of the potential licensees. The very fact that this broad spectrum can support her language is evidence enough of its balance. At the same time, several of those listed groups have registered specific objections to the language of the Jones amendment. None of which are applicable to the Sullivan amendment. It is therefore, with a great deal of satisfaction that I can join my chairman in her proposal, and urge all other Members to do so.

Mr. GROVER. Mr. Chairman, I yield such time as he may consume to the gentleman from Washington (Mr. PRITCHARD).

Mr. PRITCHARD. Mr. Chairman, I would like to briefly outline some important differences between the merchant marine and fisheries bill and the public works bill and explain why I feel the merchant marine bill is far superior.

First, the merchant marine and fisheries bill clearly defines adminstrative authority—the Secretary of the Interior for construction and the Coast Guard for operation. The public works bill would put control in a commission consisting of several cabinet-level members. This is administratively unfeasible. It requires an interagency cooperation and sharing of responsibility that has never existed before. Further, since the public works bill requires certification by each affected Federal agency, each agency has a veto over construction of the facility. The agencies have not worked well together in the past, do not have the procedures to do so, and finally do not have the incentive to do so since each has a veto. This creates an administrative morass. The merchant marine and fisheries bill will require consultation with other Federal agencies to get their expertise, but it certainly defines where final authority will lie.

Second, both bills provide veto authority by the affected coastal States. But the public works bill allows veto by inaction. It provides that unless the affected States have enviromental programs that specifically authorize offshore ports, they will be prohibited. The merchant marine and fisheries bill requires a State to object if it wishes to prohibit the offshore port. With a matter of this great importance, it seems fair to require a State to act to state its objection. Inaction has marred the Nation's energy plans for too long.

Third, the public works bill provides preference to States for construction of offshore ports while merchant marine and fisheries bill does not. Oil companies are ready to build these ports now and to grant preferences would delay the construction of these ports and discourage future private development.

These differences demonstrate the clear superiority of the merchant marine and fisheries bill. They explain why it has the support of the administration, of environmental groups, and of the private companies who will be utilized and building the facilities. I urge your support of the merchant marine and fisheries version. It provides a speedy and effective method for constructing and operating these vital ports.

Inaction has messed the nation's energy plans up far too long. I think this is the crucial difference between the two bills, and it is why I am so strongly in favor of the bill offered by the Committee on Merchant Marine and Fisheries.

Mr. GROVER. Mr. Chairman, I yield such time as he may consume to the gentleman from New Jersey (Mr. FORSYTHE).

Mr. FORSYTHE. Mr. Chairman, today we have before us legislation to regulate the construction and operation of deepwater ports off the coast of the United States. In considering this legislation I believe the members of the House of Representatives have a basic decision to make; does this Nation need deepwater ports? If the answer to that question is in the affirmative, the next question is which of the two measures before us is better legislation—the bill presented by the Public Works Committee, or the legislation developed by the Merchant Marine and Fisheries Committee.

The answer to the first question regarding the need for deepwater port legislation is not an easy one because this Nation has clearly embarked on the course of energy self-sufficiency that will decrease the need for imported oil.

However, as the Federal Energy Administration pointed out in a speech last week, energy self-sufficiency does not mean zero oil imports. It means an oil import rate of 10 percent to 15 percent instead of a projected import rate of 40 percent to 50 percent of our requirements. But energy self-sufficiency, even defined in this manner, will not happen overnight. In the short run this Nation is going to need to import oil and will even retain some of this need in the long run.

If that is the case, the next issue to resolve is whether or not a deepwater port is the best means to bring the needed oil ashore. What both committee bills envision is a single point buoy system anchored to the ocean floor to which the tanker will be tied. Attached to the buoy will be undersea pipes to pump the oil from the tanker to the shore. Neither bill envisions a pier 20 miles long extending into the ocean.

Mr. Chairman, I believe this single point buoy system is far preferable to the present system, which is, in effect, a deepwater port system, without the actual port.

Fourteen years ago the average size of an oil tanker was 40,000 deadweight tons—DWT. Today, it is 200,000 DWT and in a few years 500,000 DWT will no longer be a rarity. To dock, these very large crude carriers—VLCC's—require harbor depths of 100 feet or more. Unfortunately the deepest port in the United States has a depth of only 52 feet and the deepest east coast port depth is 45 feet.

These 200,000 DWT tankers cannot enter U.S. ports and to unload their oil they anchor in the open sea as close as possible to the harbor and unload their oil into several smaller tankers which carry it ashore.

While we already have the effect of deepwater ports without the port itself, my chief concern is the comparative environmental safety of the present system versus the proposed actual port.

In this light it is most significant to note that the Council on Environmental Policy has concluded that if the same amount of oil ever embarked via the present system with its multiple handlings of pipeline connections, et cetera, or via a single point buoy system, the chance of an oil spill is 90 percent greater under the present system. A deepwater port is environmentally safer, from this standpoint, than the present system. And this conclusion is supported by the experience of other nations which

have already graduated to deepwater ports.

Not only are these ports safer, they are more economical since VLCC's using actual deepwater ports, achieve economies of scale that save the consumer approximately $4.50 per ton in transportation costs—an almost 50 percent savings.

Some people have raised the question of dredging existing ports to accommodate VLCC's. The possibility of dredging U.S. harbors to a depth of 100 feet is not only economically unsound but also raises major environmental questions about the impact on the marine ecosystem of such large scale dredging and the disposal of the dredged sledge. Further, most existing ports impose physical limitations on dredging because of hard rock formations under the port bottom and because of the landside developments and transportation systems, including tunnels crossing under harbors or harbor approach areas.

It is primarly the environmental considerations that lead me to the belief that an actual deepwater port is superior to the present system which is a deepwater port system in all but name only. But while it is all right for the Council on Environmental Quality to tell us that real deepwater ports are 90 percent safer than the present method of delivering oil to the United States, the CEQ does not tell us about the potential damage if there is an oil spill at a deepwater port.

It was for this reason that when the Merchant Marine and Fisheries Committee, of which I am a member, was considering its bill, I introduced an amendment, which was accepted unanimously, providing for a $100,000,000 per accident no-fault liability fund. Thus, if an oil spill occurs, a U.S. citizen, instead of being forced into lengthy and costly court proceedings to collect for any damage he or she may have sustained, could collect immediately from the no-fault liability fund. The fund would cover damages up to $100,000,000 per accident and would be financed by a fee paid by the oil tanker. Furthermore, by collecting from the fund, a citizen would not be prevented from suing in U.S. courts to recover additional damages.

This section of the original Merchant Marine and Fisheries Committee bill was not in the original bill reported by the Public Works Committee, but I am pleased to see that when the Public Works Committee reconsidered its bill the committee agreed to include my amendment establishing the $100 million no-fault liability fund.

However, the public works provisions are much weaker than my original proposal. Section 7(d) provides that an owner or operator is liable for cleanup costs of an oil spill except where he can prove that the spill was caused by "A. An act of God, B. An act of war, C. Negligence on the part of the United States, or D. An act or omission of a third party without regard to whether any such act or omission was or was not negligent * * *." Subsection (D) essentially invalidates the meaning of no-fault liability, and I feel it should be deleted.

Now, in order to comply with the rather unusual parliamentary requirements set down for the consideration of this legislation, it has been necessary for the Merchant Marine and Fisheries Committee to redraft its legislation, and in doing so, the Forsythe no-fault provision has been eliminated.

This amendment will be offered today when the House considers H.R. 11951, the Merchant Marine and Fisheries Committee bill, as a substitute. I urge the support of my colleagues. From other standpoints, I believe H.R. 11951 is superior to H.R. 10701, the bill offered by the Public Works Committee. However, in my judgment the no-fault provision is a core issue in assuring that every maximum effort is made to preserve the environment, and my final vote must depend upon which measure contains this provision.

The key to preventing damage is preventing spills and if they occur to clean them up immediately. This is why I also sponsored an amendment to the Merchant Marine and Fisheries bill that would provide $30 million in additional funds to the Coast Guard for the purpose of developing improved methods of preventing and cleaning up oil spills. While the Merchant Marine and Fisheries Committee accepted the amendment, I regret that the Public Works Committee has not seen fit to recognize this aspect of the overall picture in this bill.

However, I am pleased to note that the Public Works Committee has reversed its thinking on the environmental importance of landside development which may well accompany a deepwater port. When the Merchant Marine and Fisheries Committee was discussing its bill, I insisted on the inclusion of a series of amendments requiring that before any authorization for the construction of a deepwater port be granted, the landside impact of the port be considered.

I also insisted that before any construction license granted at least one public hearing be held in the vicinity of the proposed port. Local residents of the area must be given an opportunity to present their views.

While the first bill reported by the Public Works Committee did not adequately recognize the environmental importance of attendant landside development or the need for local public hearings, I am pleased that the new Public Works Committee bill does include these features, although H.R. 11951's provisions for notice, hearing and review are generally stronger.

A very essential question is who should have the final authority on where a deepwater port is to be constructed. I believe it should be the people of the State off whose shores the port will be located and the people of the State on whose land the onshore facilities will be placed.

Therefore, I strongly prefer the Merchant Marine and Fisheries Committee bill to the Public Works Committee measure on this point. H.R. 11951 provides that any State within 10 miles of the port—or any component thereof, including pipeline, storage tanks, et cetera—shall have an absolute veto over the proposed port.

The Public Works bill, on the other hand provides only that the State whose shores are closest to the port and that the State which has 50 percent or more of the "receiving capacity" may exercise a veto over the port. "Receiving capacity" is not defined. I am not sure what that means. Presumably, it means landside facilities of the port. If that is the case, States which may have 49 percent of the landside components of the port are left only their local zoning authority with which to oppose a port. Moreover, H.R. 11951 covers any State within 10 miles of the pipeline. The Public Works bill does not. I do not believe this is as adequate a veto as the Merchant Marine and Fisheries Committee bill provides.

In addition to providing a more effective veto mechanism and funds for improved oil spill technology the Merchant Marine and Fisheries Committee bill is a better drafted bill. As has already been noted by previous speakers, the Public Works bill contains inherently contradictory clauses and I believe it is in conflict with the Federal Water Pollution Control Act's national oil spill cleanup plan. Further the Public Works Committee bill creates several layers of additional experimental bureaucracy in the form of new Government commissions. Instead of new bureaucracy the Merchant Marine and Fisheries Committee bill uses the existing frameworks of the Department of Interior and Transportation.

Furthermore the public works bill does not absolutely guarantee the public's right to access to all pertinent information concerning the license application which the Merchant Marine and Fisheries bill makes public access an ironclad guarantee.

If the merchant marine bill can be amended to contain the liability fund for cleanup, it is by far our better choice from an environmental and practical point of view. I might point out that both the Sierra Club and the Environmental Policy Center concur with this position.

Mr. BLATNIK. Mr. Chairman, I yield 10 minutes to the gentleman from Louisiana (Mr. BREAUX).

Mr. BREAUX. Mr. Chairman, I have a unique position such as no other Member of the Congress has of having the opportunity and the privilege to serve on both the Committee on Merchant Marine and Fisheries as well as the Committee on Public Works.

In having the privilege of serving on both of these committees, I think I have had the opportunity to have a real insight into the workings of the bill from the very beginning from both committees. I think I have also come to understand what the meaning of the space between a rock and a hard place actually is.

I would like to thank the chairman of the Committee on Merchant Marine and Fisheries for keeping me completely informed on the progress of their bill as it has been progressing through the Committee on Merchant Marine and Fisheries, and also in allowing me to participate actively at the hearings and discussions on the Committee on Merchant Marine and Fisheries bill.

I am, however, completely satisfied and convinced with the degree of consideration given this measure by the

Committee on Public Works on H.R. 10701, which was the first piece of legislation reported by any committee after numerous hearings and onsite investigations of existing deepwater ports by members of the committee.

Throughout this entire process we have had countless meetings with those persons whom the development will actually affect, the States, the companies, and the environmentalists.

It is absolutely essential that Federal, State, environmental, and private concerns be given very great consideration in this matter verging upon their rights.

I am confident that H.R. 10701, from the Committee on Public Works, meets those overall requirements for sound legislation and creates the safeguards that are necessary for protection of the public interest.

Mr. Chairman, in the beginning of our discussion on this bill I think it is very important that the Members realize that we are approaching a completely totally new area which has never before been considered by the Congress, that is, authorizing the construction of deepwater ports in international waters off the coasts of the United States.

In breaking this new ground, I think that emphasis should be placed on the creation of the most sound and the most efficient methods of achieving our end result. In doing this, we are addressing this Congress now to one of this Nation's major concerns, that of stabilizing our energy supply and demands.

Mr. Chairman, the legislation providing for the licensing and regulation of deepwater ports as contained in the amendment to H.R. 10701, I believe, represents a logical and workable solution to the problem of this Nation's lack of efficient and environmentally sound methods of transporting crude oil into the United States.

The bill, which has undergone intense investigation and review by representatives of our States, environmental organizations, administration and industry, takes into account those major provisions and safeguards which surround the subject of deepwater port licensing.

If I may, Mr. Chairman, I would like to touch upon a few of the major characteristics of this legislation, and the effect its enactment would have on the Nation.

It is significant that H.R. 10701 creates a Deepwater Ports Facilities Commission composed of the Secretaries of Transportation, Interior, Commerce, and Army and the Administrator of the Environmental Protection Agency. In doing this, all significantly affected agencies in this matter will have direct input into the licensing procedure as well as utilization of the expertise contained in the agencies which affect the numerous conditions surrounding the granting of licenses. I would also point out that this Commission will reduce unnecessary time delays by requirements written into this bill that the Commission must issue or deny the license within 120 days after receiving certification or after completion of the hearings on the granting of a particular license.

The legislation, in order to protect the interests of all the States, requires a number of safeguards and protections.

Before a license could be granted under the bill, the State whose coast would be nearest the proposed facility or in which 50 percent or more of the petroleum will be received must have an environmental program which allows for deepwater port development. Those States who find it is not in their interest to have this development either make no mention of allowing a deepwater port or specifically state in their environmental program their objection to this development occurring.

In incorporating this positive approach by a State, by requiring the State to come up with an environmental program to do something positive, I think that all States who both desire and object are protected by H.R. 10701.

In addition, those States who find it in the interest of their citizens to apply for a license are given a preference to receiving the license over other applicants after they have first met all of the requirements of the legislation.

The amendment gives special consideration to the protection of the environment by providing for the extension of the provisions of the Federal Water Pollution Control Act to the deepwater port facility.

There is also established in this bill a deepwater ports liability fund which is liable for any cleanup costs resulting from any spill by vessels using these ports. In addition, there is liability for damages occurring to property within the territorial jurisdiction of the United States, which is also covered by the liability fund which this bill provides.

Even more important, I believe the overall thrust of H.R. 10701 brings with its enactment a step in the right direction in our constant attempt to secure adequate fuel requiremnts for our Nation.

Mr. Chairman, if I may just address myself to a question of who supports which bill, I think at this late hour and after many months of hearings and debate on this bill, it certainly is confusing as to which groups support which bill, but I think there can be no question that the States who have taken an active interest and taken the steps necessary to do the work to acquire a deepwater port facility are in support of this bill.

By this I am talking about States like Texas, Louisiana, Mississippi, and Alabama, who have all contacted our committee and in public expressed their support of this bill.

In addition, the LOOP organization, which is a consortium of major oil companies which are planning a facility to be built off the coast of Louisiana, by a 13-to-0 vote endorsed the provisions of H.R. 10701.

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

Mr. BREAUX. I yield to the gentleman from Texas.

Mr. ECKHARDT. I thank the gentleman for yielding.

The gentleman will concede that LOOP support is based upon two amendments to the public works program; is it not? One, the elimination of the deep dredging to shore on the mainland and, two, the elimination of the State preference as a requisite to application by private interests.

Mr. BREAUX. I do know the Seadock organization, which is considering a port to be developed off the coast of Texas, is very much opposed to the consideration of developing offshore ports as opposed to onshore ports. However, the LOOP organization in a 13-to-0 vote in support of H.R. 10701 took the opposite position.

Mr. ECKHARDT. I would hope the gentleman would be sure of his position on that because I understand both Seadock and LOOP condition any support of the public works bill on the elimination of both the deep dredging to shore and the elimination of the provision that requires as a prerequisite the private organizations seeking authorization have first the permission of the State to file a 180-day or 120-day period. I understand that to be the case.

Mr. JONES of Alabama. Mr. Chairman, will the gentleman yield?

Mr. BREAUX. I yield to the gentleman from Alabama.

Mr. JONES of Alabama. The question that the gentleman from Texas brings up is with reference to the position of the Governor of Texas and the LOOP organization, but why does he bring the questions up and cast them in doubt if he does not know what position they take?

Mr. ECKHARDT. Mr. Chairman, if the gentleman will yield, I think I do know their position.

Mr. JONES of Alabama. Mr. Chairman, the LOOP people have been in touch with me. I cannot do any more than the gentleman from Louisiana or anybody else can do, than just take their word. If the gentleman has later word or substance to refute the position that has been noted by the gentleman from Louisiana, I suggest he be forthcoming with it.

Mr. ECKHARDT. I have. If the gentleman will yield further, I shall state that at the present time, I have it within the last 5 minutes, that the LOOP organization has told me a statement that they did not raise these two exceptional provisions, that it would be incorrect that they support the public works bill, and the two exceptions were that they do not support it without an amendment eliminating the requirement of first seeking to dredge to mainland and second with respect to the question concerning the States' preferential right to operate.

Mr. BREAUX. I agree with the gentleman from Texas in the sense that he makes the point, that the LOOP organization would like to see work done on the two provisions he has specifically addressed himself to, but that does not take away from their public support by the vote I have indicated. I do not say they support the bill without reservation but they do support this bill. We also have complete, unqualified support of the organization composed of Alabama and Mississippi, Ameriport whose planning board is considering a facility off the coast. In addition, the Southern Governors Conference, at their convention,

unanimously supports the provisions of H.R. 10701 without reservation. I do think we have here a bill that can find support from the States that want to see a deepwater port built and also from companies that are planning to invest money to build these deepwater port facilities. This provides protection for those States who favor deepwater ports and those States who feel that it is not in their interest. They are also protected.

Even more important the legislation brings with its enactment a step in the right direction in our constant attempts to secure adequate fuel requirements for our Nation.

Mr. GROVER. Mr. Chairman, I yield to the gentleman from Maryland (Mr. BAUMAN) such time as he may consume.

Mr. BAUMAN. Mr. Chairman, the legislation we are considering today dealing with the ultimate manner in which the Federal Government will regulate the construction of high seas oil ports is of vital interest to the citizens of the 1st District of Maryland, which I represent, including as it does all of Maryland's Atlantic coastline. I think the seriousness of the issue of location and control of these deepwater ports is underscored by the damaging consequences which could flow from our failure to enact proper legislation. All of us are aware of course of the need to preserve the environment and at the same time meet the energy needs of the people of America.

The people in my district do not care about the jurisdictional pride of the Committee on Public Works or the Committee on Merchant Marine and Fisheries. They could not care less, but I have tried as their Representative to examine the alternatives available, and I do support the Sullivan substitute as an effective means to protect the interests of my constituents, and particularly the provisions which permit the individual States to have a veto power over the location of such ports near their coastline. I think this is important to States such as Maryland or Delaware which have or are planning restrictions governing coastal areas.

There is no question that we in the Congress are being asked to balance the national need against the equal need to protect the coastal areas and our environment. The average annual import of crude oil and petroleum products over the last year has been more than 5 million barrels daily. Increasing demand will probably raise U.S. oil imports at least 50 percent by 1980 and 90 percent of that imported oil will have to be transported via tankers.

I would note that there is near unanimity amongst the various agencies and groups which have taken a position on this legislation and most do support the Sullivan substitute. They include the U.S. Coast Guard, the Department of Interior, which is headed by my predecessor, Secretary Rogers Morton, as well as the AFL–CIO, the Environmental Policy Center and the Sierra Club. The support of environmental groups is properly premised on the superior provisions of the Sullivan substitute, governing liability for oil spills, as well as the procedural requirements for public hearings and judicial review.

I am surprised that the Governor of the State of Maryland has not seen fit to communicate any view on this legislation to the members of the Maryland Congressional. On a matter of such great importance I would have thought he would have spoken, as have the Governors of several other States.

It is therefore imperative that we act today so that this increased oil import traffic will be regulated not only in a safe manner, but in a manner that will preserve our coastal areas while providing the needed energy to keep the American economy moving. That can be done by adopting the Sullivan substitute.

The CHAIRMAN. The Chair now recognizes the gentlewoman from Missouri (Mrs. SULLIVAN).

Mrs. SULLIVAN. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. ECKHARDT).

Mr. ECKHARDT. Mr. Chairman, I rise to add my support to the passage of the high seas oil port legislation, and I say that advisedly. I am for legislation in this area, whatever vehicle we work on.

Frankly, I believe that most of the support that has been given by both the Governors and by various concerns and agencies that desire to build ports are very much in the same category. I think both bills can claim support by those organizations and most of the forces that support superport building.

While the proposed legislation is a matter affecting the entire Nation and deserves the support of all Members, I am most familiar with its potential impact on my own State of Texas. I am proud of the fact that Texas has been in the forefront in anticipating legislation on this subject. It has created a Texas Offshore Terminal Commission to study State needs in this area and through its academic system, particularly Texas A. & M., the State has produced studies relating to the feasibility of offshore terminals, their potential economic impact, and environmental benefits. Uniformly, the results of those Texas studies support the concept of constructing high seas oil ports located in sufficiently deep water offshore to receive the supertankers now being operated and the even larger ones on order and on the drawing boards.

Various studies, including the Texas studies, conclude that using a 35,000-ton tanker as a comparative base, carrying the same amount of crude oil in 500,000-ton tankers will result in a saving of 60 percent of the cost per barrel. At the same time, of course, the realization of such savings is dependent upon the ability to receive these larger tankers. It is for this simple reason that the building of an offshore reception facility becomes mandatory from an economic viewpoint. At the same time, on the environmental side, a reception facility well removed from the critical estuaries of the shoreline is a sound solution. Not only will the threat of vessel groundings be reduced to an absolute minimum, but the threat of tanker collisions in confined harbor areas will also be substantially reduced, and so for one of the rare times in recent years, a single proposal can be supported as the best economic, as well as the best environmental, alternative.

During the course of our hearings on offshore port legislation, representatives of several State Governors testified, among them was a representative of the Governor of Texas. His testimony was simple and straightforward. He endorsed the concept of the language which will later be presented to the House by the Honorable LEONOR K. SULLIVAN when the bill is open for amendment. He listed certain specific points that the legislation should include. One was a simplified procedure for the issuance of construction permits to be handled by a single Federal agency. That, of course, is contained in the merchant marine bill. It is contained in the existing agency, the Interior Department, with ultimate supervision under the Coast Guard.

A second was a requirement that the Federal agency should consult the responsible State agency off whose coast the facility would be located. That, of course, is also in the Sullivan amendment which will be offered shortly. A third was that a single Federal authorization should serve the needs of all interested Federal agencies and that a single issuing Secretary would coordinate the various Federal requirements in one license. This also is contained in the Sullivan substitute.

Finally, he proposed that the Federal legislation should reserve to the State the right to decide the port location and whether the State itself should construct the facility. The fourth provision is accomplished, in effect, in the Sullivan substitute by making public authorities eligible to apply for licenses, and in addition, by requiring the Secretary, even in a case where no public authority applies, to consult the adjacent coastal State and give full consideration for its views providing for strict adherence to any State requirements as to land or water uses within its jurisdiction before a project license can be issued.

During the 4-day period of markup, careful and detailed guidelines were included in the merchant marine and fisheries legislation as to the conditions to be attached to a license; detailed requirements for establishing criteria for evaluating potential environmental impact and the taking of necessary measures to prevent, or at least to minimize, any threat to the environment.

Furthermore, provisions guarantee that the public shall have full access to the information which it may need in order to participate in any licensing decision. There are requirements for ample notice, public hearings, and access to the courts for review of any licensing decision.

I would further call attention of the Members to the extensive regulatory powers conferred in order to insure safety and environmental protection, the specific application of Federal laws relating to vessel control, vessel construction, and employment injuries and the subjec-

tion of pipeline oil movements to the regulatory authority of the Interstate Commerce Commission for common carriers.

An additional feature of the legislation which is noteworthy is recognition that the establishment of high seas oil ports does not in any way constitute a territorial claim by the United States, and that, in recognition of its international treaty commitments, the United States will not assert jurisdiction over foreign-flag vessels on the high seas without a specific agreement on the part of the foreign-flag nation that it may do so.

In the Sullivan amendment, in order to be quite certain that it be not subject to a point of order, one provision had to be eliminated. That had to do with the very excellent provision concerning liability with respect to oil spills and damages of that nature. It is my intention at the appropriate time to propose an amendment to the Sullivan substitute in which language will be contained to reinstate, in effect, the language of section 210 of H.R. 11951, but avoiding, of course, matters which would be subject to a point of order at this time.

That language provides for a high seas oil port liability fund which shall be liable, without regard to fault, for all damages to property within the territorial jurisdiction of the United States sustained as a result of an oil pollution incident occurring at or near the high seas oil port. I consider this a desirable feature of the legislation, and I will be prepared to discuss it in some detail later.

I think I might conjecture that the gentleman from Alabama agrees with the desirability of this type of language since the objective is also inculcated in the Jones amendment.

Now, to turn to several of the conflicting provisions between the so-called Jones amendment and the proposed Sullivan amendment. I shall move immediately to the more serious differing provisions on the State role. The Sullivan amendment places public authorities, including State authorities, at the same level as private entities as eligible applicants and treats all possible applicants on an equal footing, so that this whole program can be set afoot immediately. A choice of the merits of private development as against State development can be measured without inordinate delay.

On the other hand, the Jones amendment provides for a 30-day period for filing an application and up to 180 days in which the State may seek to comply, an additional 120 days for the agency to make its decision, and then one would presume that after the agency has made its decision, assuming it does not accept the State's application, the State would probably be given an opportunity to try to correct its application. I do not know how long it would get to do that. I do not think there is any limitation provided in the bill with respect to that point.

Mr. Chairman, as the gentleman from Texas (Mr. CASEY) has pointed out to me, with respect to the initial decision as to whether a State or a private agency should proceed and with respect to the study contained in the Jones bill, it is not absolutely clear that there is a limitation in that provision at all.

Mr. Chairman, the report said that it is presumed that this is limited to a reasonable period of 180 days, but whether this is strictly provided in that section or not, I am not quite sure. However, I am quite sure that after the 180 days and the 120 days, if the State is turned down, surely the State would come back and say, "Let us cure our application." That would take some more time, and the agency could take more time, and the time for compliance could extend over a period of perhaps several years.

Mr. CASEY of Texas. Mr. Chairman, will the gentleman yield?

Mr. ECKHARDT. I yield to the gentleman from Texas.

Mr. CASEY of Texas. Mr. Chairman, I thank the gentleman for yielding. The section that I am primarily concerned with too is that section on page 6 of the Jones amendment.

The CHAIRMAN. The time of the gentleman from Texas has expired. The time of the gentlewoman from Missouri (Mrs. SULLIVAN) has expired.

Mr. GROVER. Mr. Chairman, I yield 1 additional minute to the gentleman at this time.

Mr. CASEY of Texas. Mr. Chairman, the section I refer to has to do with existing plans for construction of deep-draft channels and harbors within the same State regardless of where they are located. This is trying to pit one against the other. I think that is the wrong attitude. That is like pitting one offshore harbor against another offshore harbor. We need all of our harbors, both offshore and onshore, and I do not think they should be pitted against each other, as this bill would indicate.

Therefore, I would question the time element. Their explanation of the Jones amendment states that it is their intention to grant 120 days, as under section 3(d), if I am correct.

Mr. ECKHARDT. Does the gentleman agree with me that there is nothing in the bill that does grant 120 days?

Mr. CASEY of Texas. I cannot find it in that particular section. There is no limit in that particular section.

Mr. ECKHARDT. I cannot find it either.

The CHAIRMAN. The time of the gentleman from Texas has again expired. The chair now recognizes the gentleman from New York.

Mr. GROVER. Mr. Chairman, may I inquire how much time I have remaining?

The CHAIRMAN. The Chair will inform the gentleman from New York (Mr. GROVER) that he has 6 minutes remaining.

Mr. GROVER. Mr. Chairman, it is my intention at this time to yield 3 minutes to the chairman of the committee, Mr. JONES of Alabama, and reserve the balance of my time, consisting of 3 minutes, which I will yield to the chairman of the other committee, the gentlewoman from Missouri (Mrs. SULLIVAN).

Mr. JONES of Alabama. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland (Mr. LONG).

Mr. LONG of Maryland. Mr. Chairman, I thank the gentleman. I rise in support of the Jones bill. I do so because I feel that it contains greater safeguards for environmental protection and clean-up costs, but mostly, because it makes it much easier for a State to prevent a superport from being built, if its people have grave doubts about its desirability on environmental grounds. Under the Jones substitute, a State need only to exert a pocket veto.

Why are we in the coastal States so skeptical of these deepwater ports and supertankers? Anybody who has read this very carefully documented article in the New Yorker magazine is aware of the giant oil spills, the shipwrecks, and breakups of these supertankers, the explosions resulting in firestorms with burning oil falling on villages, the contamination of beaches and ocean waters for years to come.

The truth is nobody knows the truth about these giant supertankers and giant superports. They do not know the navigation problems, the ability to survive storms and other catastrophes; they do not know about what metal fatigue will do, they do not know the economic effects of opening up the Suez Canal, and they do not know about vulnerability of supertankers during time of war.

Until we do know the truth, the presumption is to go slow on building superports and supertankers.

What is at stake?

The CHAIRMAN. The time of the gentleman has expired.

Mr. JONES of Alabama. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. LONG of Maryland. I thank the gentleman.

What is at stake? If we do not build them, a slightly higher cost of oil, estimated at about 1 cent a gallon. If we do build them, the future of our beaches and our wetlands and our sea life.

What good does it do the average American to get his gasoline a penny cheaper if it speeds him faster to a beach corrupted with oil spills on waters which no longer support fish or clams or crabs?

Mr. GROVER. Will the gentleman yield?

Mr. LONG of Maryland. I will be glad to yield to the gentleman.

Mr. GROVER. Do I take it that the gentleman is unalterably opposed to deepwater ports?

Mr. LONG of Maryland. I am supporting the Jones bill because I think it gives greater protection. I have deep skepticism over the deepwater ports, yes, but I support the Jones bill.

Mr. JONES of Alabama. Mr. Chairman, I yield such time as she may require to the gentlewoman from California (Mrs. BURKE).

Mrs. BURKE of California. Mr. Chairman, I rise in support of the amendment offered by Mr. JONES to H.R. 10701. I wish to compliment the gentleman as well as all of the other members of the

Public Works Committee for this fine piece of legislation. California has suffered unduly from oil spills. I would particularly like to comment on the very comprehensive and substantial provisions of this amendment regarding protection of the environment from possible oil spills. This amendment applies section 311 of the Federal Water Pollution Control Act to deepwater port facilities. Section 311 contains provisions relating to the cleanup of oil spills and penalties for discharge of oil into the navigable waters of the United States from vessels, onshore facilities, and offshore facilities. The amendment provides that deepwater port facilities are determined to be onshore facilities for the purposes of section 311 and that spills from the facility into the surrounding waters are determined to be oil discharged into the navigable waters of the United States. This brings into application all of the cleanup and penalty provisions of section 311 to any spill from the deepwater port facility.

As far as spills from vessels are concerned, the Jones amendment authorizes the Secretary of Transportation to clean up oil spilled from a vessel while that vessel is using the deepwater port facility, or while the vessel is en route to or departing from the facility while in the vicinity of the facility. The amendment also directs the Secretary to prepare a contingency plan to provide for efficient, coordinated, and effective use to minimize damage from such an oil spill. The amendment imposes liability for cleanup costs unless the owner or operator of a vessel can show that the spill was caused solely by an act of God, an act of war, negligence on the part of the United States, or an act or omission of a third party. Complete cleanup authority is thus provided for oil spills from vessels and from the deepwater port facility.

Furthermore, the amendment establishes a deepwater port liability fund to pay for the costs of cleanup of oil spills from vessels, and also to compensate for damages to real and personal property within the territorial jurisdiction of the United States caused by such an oil spill. The liability of the fund is up to $100 million for each oil spill.

Two international treaties regarding oil spills are presently under consideration among the various nations of the world. The amendment provides that when they are approved they will become applicable insofar as they cover areas provided for in the amendment and that where they do not cover areas provided for in the amendment, the provisions of the amendment will continue to govern. If the amendment did not mention these treaties then they would become the law of the land in any event when they are approved. The important thing to remember about this provision of the amendment is that it insures that it will continue to apply in areas not covered by the treaties. The purpose of this is to insure that the treaties will not be interpreted as wiping out all of the provisions relating to cleanup in the amendment.

California has a definite concern that there will be regulation control and provision for spill cleanup. The Select Committee of the Assembly on Deepwater Ports has set forth their position in a letter from Assemblyman Mike Culler that I ask be printed in the RECORD.

There are further provisions of the bill designed to protect the environment. The Commission must determine before it issues a license that the deepwater port facility will be located, constructed, and operated in a manner which will minimize or prevent any advance significant environmental effects. The environmental effects of a facility to States whose shorelines might suffer environmental harm as a result of the facility must be considered. The license must contain provisions requiring that if a license is revoked or expires and is not reissued, or if the licensee abandons the facility, the licensee will render the facility harmless to the environment. The license must also include conditions to prevent or minimize the pollution of the surrounding waters including payment of cleanup costs and provisions for the temporary storage of hazardous substances. Mr. Chairman, one of the advantages of deepwater port facilities is the minimization of the possibility of damages occurring as a result of oil spills. However, such spills are always a possibility.

The amendment offered by Mr. JONES assures that the possibility of such spills will be minimized and that if they occur, damages from them will be prevented or mitigated.

Mr. Chairman, I strongly urge support of the Jones amendment.

I have a letter here from the Assembly Select Committee on Deepwater Ports of the California Legislature, Mike Cullen, chairman, signed by Mr. Cullen, which I will include in the RECORD at this point:

JUNE 3, 1974.

HON. Y. BRATHWAITE BURKE,
Longworth Building,
Washington, D.C.

DEAR YVONNE: Deepwater Port Legislation is scheduled to be considered on the House floor Thursday, June 6.

The House Rules Committee granted Public Works Bill H.R. 10701 a rule, which allows substitute language (amendments authored by Mr. Jones of Alabama) to be debated on the floor. If the Jones Bill is defeated, a Merchant Marine and Fisheries Bill, H.R. 11951, would then be in order.

These bills govern the licensing of deepwater port facilities that are constructed beyond the territorial seas of the United States. Although there are presently no proposals to build these ports beyond the 3-mile limit off the California Coast, this legislation may affect future port development in our state.

H.R. 10701 would establish a Deepwater Port Facilities Commission to grant the licensing for building and operating the ports. The Commission would consist of the Secretaries of Transportation, Interior, Commerce and Army and the Administrator of the Environmental Protection Agency.

Under H.R. 10701, the state is given the opportunity to obtain a license to the exclusion of all other applicants and can veto the licensing of a deepwater port if its plans fail to conform to the state's environmental program.

H.R. 11951, the Merchant Marine Committee version, places the authority to issue a license solely with the Secretary of the Interior. The state is not given priority over the private sector in obtaining a license.

Of the two bills, H.R. 10701 emphasizes state's rights, whereas H.R. 11951 would give the Federal Government a stronger role in licensing and regulating deepwater ports.

These ports will have a substantial environmental and economic impact on the state off whose shores they are built. The Select Committee on Deepwater Ports feels that California's interest would best be served by the passage of H.R. 10701, or its amended version.

Cordially,

MIKE CULLEN,
Chairman.

Mr. DON H. CLAUSEN. Will the gentlewoman yield?

Mrs. BURKE of California. I yield to the gentleman.

Mr. DON H. CLAUSEN. Mr. Chairman, I want to say that I have a similar letter from the chairman.

Mr. GROVER. Mr. Chairman, I yield 3 minutes to the gentlewoman from Missouri (Mrs. SULLIVAN), the chairman of the Committee on Merchant Marine and Fisheries.

Mrs. SULLIVAN. Mr. Chairman, today the important and controversial matter of offshore terminals is being presented to the House. I am sorry that we have had so very few Members on the floor to hear the differences between these two bills during this debate in which we have analyzed the differences between the Jones amendment and my substitutes which will be proposed.

I think that the version proposed by the Committee on Merchant Marine and Fisheries is clearly superior. We hope the Members of the House will give this matter their undivided attention, because of the importance of this matter.

I agree with the gentleman from Maryland (Mr. LONG) that the bill from the Committee on Public Works would make it more difficult to build these high seas oil ports, and yet if we do not build them then all the imported oil that we need is going to have to be brought to our inland ports, making the danger of collisions spillages, and environmental harm much more likely.

I urge the passage of the Sullivan substitute amendment.

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

Mr. BLATNIK. Mr. Chairman, I yield the balance of our time to the gentleman from Texas (Mr. CASEY).

Mr. CHAIRMAN. The gentleman from Texas (Mr. CASEY) will be recognized for 2 minutes.

Mr. CASEY of Texas. Mr. Chairman, I do want to point out that the scare that was raised with reference to the pollution possibilities of these large offshore terminals is a kind of a bugaboo, because I believe you can have more problems with pollution at our onshore terminals.

I also have a letter from the Environmental Protection Agency signed by Mr. Train that points out that the further offshore that you can operate in unloading and loading oil, the safer it is, because fewer ships are out there, and they are not in any confined waters. However, if you do have a spill, and you are out 20 or 25 miles off the shore, then any oil which is not cleaned up will be diluted to the extent that it will not pollute the

oyster beds or clam beds, or the estuarine waters.

I also want to point out that the offshore terminals are vital to this country.

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

Mr. CASEY of Texas. I yield to the gentleman from Ohio.

Mr. HARSHA. Mr. Chairman, I would ask the gentleman from Texas if it is not a fact that if you use the huge tankers that unload at the offshore ports, that the risk of collision with other high seas traffic and the possibilities of other accidents between smaller ships in confined areas is induced. Is not the movement of these huge ships and smaller ships in confined inland waters one of the major causes of oil pollution, because of such accidents?

Mr. CASEY of Texas. The gentleman from Ohio is absolutely correct.

When you try to bring these ships to the inshore terminals, you must have channels that have been dredged, and when you are running them through a narrow channel, then there is the possibility that the slightest wind crosswise, or what have you, means that there is more danger of collision or running aground, and the rupturing of the oil tanks, far, far more so than when they are on the high seas.

Mr. HARSHA. If the gentleman will yield still further, is it also not a fact that at the inland ports where there may be the danger of rupturing the tanks, that there is far greater possibility of oil pollution than there is on the high seas?

Mr. CASEY of Texas. The gentleman from Ohio is again absolutely right, because the toxic substances, by the time they reach the shore, are mostly diluted out of the oil.

Mr. Chairman, there is conflict in the minds of many about whether deepwater ports pose a threat to conventional shoreline ports.

There simply is no such conflict. We need both types of ports now and we will need them in the future.

In my own district, we have strong interest in the maintaining of conventional ports at Houston and Freeport. We want these ports to continue to grow and prosper. At the same time, we have a strong, even an urgent interest in seeing that a deepwater terminal is built off the coast to allow the huge supertankers of today and the future to serve our vast refining complexes of Texas and Oklahoma.

These will be single-purpose terminals. They will serve the mammoth supertankers that cannot feasibly use shoreline docks, and for a number of reasons.

First, the Nation's energy crisis makes it mandatory that we build new refineries and that we keep those now in existence supplied with petroleum feedstocks.

We cannot wait for the extra years that will be required to dredge out the many miles of shallow harbor now existing. To do so would mean a delay of 5 years or more and probably at least double construction and dredging costs.

Second, cost factors make the deepwater, offshore terminal vastly more desirable. A number of studies, both at the Federal level and by agencies and universities in the State of Texas, have shown that the offshore terminals will provide greatly reduced delivery costs for petroleum. And the costs of delivery are passed on to the consumer. We can help keep the price of gasoline at the pumps down by keeping down the cost of transporting crude oil.

As an example of the transportation costs saved by the use of the supertankers and offshore facilities as compared to the common tanker serving our onshore ports today, comparative freight charges per ton of petroleum shipped are as follows:

Ship size	Venezuela	North America	Persian Gulf
65,000 tons	$1.90	$3.50	$9.05
250,000 tons	1.40	2.50	6.55
500,000 tons	1.00	1.90	5.45

Third, offshore terminals offer far greater protection to the environment than deepwater, dredged coastline ports.

Aside from the pure congestion, trying to maneuver a huge supertanker down a narrow channel is an extremely difficult operation. Docking it to a solid, onshore wharf is even more delicate. Just a nudge of a solid dock by one of the tankers weighing 200,000 tons or more can severely damage the dock and the ship as well. Already tankers of 450,000 tons are in use, with ships in the 700,000-ton range on the drawing boards.

The great danger, of course, in maneuvering these huge tankers is that any accident can result in oil spills that are not only dangerous to human life, but highly damaging to the ecology. Statistically, the dangers of collisions and oil spills are extremely high in the narrow channels of onshore ports as compared to the deepwater terminals that float in the sea at a distance of 25 or 30 miles offshore. And if there is a spill at that distance from shore, there is ample time to clean it up before it damages the coastline.

I have summarized the facts, Mr. Chairman, but the detailed studies and statistics to back up my statements are documented in voluminous reports.

There have been studies by the U.S. Army Corps of Engineers, the Environmental Protection Agency and other Federal agencies.

There have been studies by a special committee of the Senate of the State of Texas, by the Texas Offshore Terminal Commission, by teams of engineers and econologists from the University of Texas and from Texas A. & M. University.

All reach the same conclusion: That the most expedient method of obtaining the vast amounts of petroleum imports this country must have, and with the least cost and environmental damage, is through use of offshore unloading facilities.

We already have these studies. The facts are there. And I believe that anyone familiar with the legislation we consider today, knows those facts.

It is incumbent on us, Mr. Chairman, to approve this legislation, which will help us cope with our energy shortage at the least cost to the people of our country and in a form that will afford greatest protection to our environment.

It is equally important that this legislation be finally adopted in a form that will allow construction of these needed terminals as quickly as possible.

Mr. ANDERSON of Illinois. Mr. Chairman, this deep water ports legislation is being considered on the House floor under a most unusual, confused and complex parliamentary situation and I apologize to my colleagues for this. But I do not entirely fault the Rules Committee for this situation, though our own brand of complexity has been added. The reason the rule under which this bill is being considered, House Resolution 1139, is so unusual and complex is because we simply were not able in the Rules Committee to force the Public Works and Merchant Marine and Fisheries Committee to get together and work out a compromise between their two versions. Thus, we have a situation in which both bills are made in order under the rule; but, to further add to the confusion, we have provided a rule whereby before we can vote on the Merchant Marine Committee substitute, we must first reject the Public Works substitute, even though that is the original vehicle mentioned in the rule. Ordinarily, this body would act first on the Merchant Marine Committee substitute and any amendments thereto before taking final action on the primary bill.

Mr. Chairman, to make matters even worse, this particular rule, as I read it, does not allow for amendments which would ordinarily be considered only in the second degree, since the Public Works Committee has brought out an amendment in the nature of a substitute to its original bill. Thus, the substitute itself is already in the first degree, and only one amendment at a time would be in order to the substitute. As I understand it, this would also apply to any attempt to offer a substitute for the Public Works substitute, as some have indicated they will attempt.

Mr. Chairman, if all this sounds very confusing, it is because it is. And I would suggest that if we now had the Bolling-Martin committee reform resolution in effect, we would have avoided this situation in the first place. For in that resolution there is provision for resolving jurisdictional differences between committees before they come to the floor, both through new referral procedures, more distinct jurisdictional lines, and for appeals by committees through the Rules Committee and the full House on questions of referral.

In short, Mr. Chairman, what we are experiencing here today could easily be avoided through the rules changes suggested in the Bolling-Martin reform amendments, and this is but one more strong argument for the adoption of those proposals which are now pigeonholed in the Democratic Caucus. I wish to dissociate myself from this rule and wish my colleagues well as we proceed down this tangled parliamentary path. I urge that we all heed the lesson we will

be learning on this today well and based on this experience proceed immediately with the consideration of the Committee Reform Amendments which are specifically designed to avoid this from happening again in the future.

Mr. EDWARDS of Alabama. Mr. Chairman, my comments today are on the need for deepwater ports in America and on the corresponding need for the Congress to continue to exercise leadership in this important area.

Our acute energy shortage has been brought to the attention of every American in recent months. We have learned just how much we rely on petroleum products to keep the country and the economy moving. We have seen how our fuel needs, our balance of payments, the strength and stability of the dollar, the health of our domestic economy, and our national defense posture are so tightly interwoven that if one strand frays, all the others are affected.

We rely heavily on oil imports to satisfy our energy needs. This reliance will not diminish in the foreseeable future, and many experts believe it will increase significantly. It is an urgent priority, then, that the United States have the best, most economical port system to handle oil imports.

Deepwater ports will be needed because the fuel will reach the United States in supertankers of unprecedented size. Since our natural ports cannot handle these huge vessels, we must construct offshore terminals which can cope with supertankers. The Maritime Administration reports that if we do not build our own deepwater port facilities, we will have to rely on transshipment through neighboring foreign terminals, such as in Canada, the Bahamas, or elsewhere. This would heighten our already dangerous reliance on outside sources and our unfavorable outflow of dollars.

Mr. Chairman, I believe the need for deepwater ports is both evident and immediate. I urge the House to pass legislation today, which will accelerate the construction of superports. We need legislation which insures the environmental soundness of ports, setting up stringent but reasonable environmental criteria to protect our beaches and marine life. Just as the secondary economic benefits of deepwater ports, such as refineries, general industrialization, and petrochemical plants, must be considered, so must the corresponding secondary environmental impact be evaluated.

Many other arguments could be offered in favor of deepwater ports. But suffice it to say that we need a bill which will provide the legislative fuel to drive the deepwater port issue to the point that the United States leads the world in superport capability and efficiency.

In my opinion, Mr. Chairman, the Public Works Committee bill, H.R. 10701, as it will be amended by the gentleman from Alabama (Mr. JONES) is the best vehicle to accomplish this great goal. I urge my colleagues to follow this course and to vote for the Public Works Committee bill as amended by the Jones amendment.

Mr. BEVILL. Mr. Chairman, I favor, very strongly the legislation before us today, H.R. 10701, which would provide for the licensing, construction, and operation of deepwater ports.

In light of the recent shortages in fuel we experienced in this country, and in light of the continuing need for conservation of our energy resources, I believe most of us agree that we will require increasing quantities of crude oil in the future. Much of this oil must be imported. The most efficient, economical and safest way to transport crude oil from abroad is by supertankers. These large carriers require deepwater ports for offshore unloading.

As you know, currently there are no procedures for the licensing of deepwater ports off our coasts and beyond the 3-mile limit. This bill will provide for the licensing of deepwater port facilities by a Deepwater Port Facilities Commission composed of the Secretaries of Transportation, Commerce, Interior, Army, and the Administrator of EPA. This will enable these agencies with significant expertise and experience in the various aspects of a deepwater port facility to participate in the licensing procedure and will avoid inter-Agency conflict.

This legislation also provides protection for those States which feel they do not need deepwater ports.

I believe this is a very good bill. I congratulate my good friend, Congressman BOB JONES and the Public Works Committee for their efforts. They have done an outstanding job, and I strongly urge my colleagues to support this important measure.

Mr. Chairman, I am pleased to report that Alabama, anticipating the need for these deepwater ports, joined with our sister State, Mississippi, many months ago to do an in-depth study of the need and where to locate a deepwater port in the Gulf of Mexico. The Ameraport Corp., which has been conducting the ongoing study, has done an excellent job. Therefore, Mr. Chairman, we are especially pleased with this legislation and feel that we will be ready to begin construction of this superport as soon as the legislation has been approved.

Mr. ALEXANDER. Mr. Chairman, I rise in support of the H.R. 10701 substitute as reported by the Public Works Committee. This Nation is entering a period when there is increasing demand for oil and gas production from the ocean floor. And this demand for offshore oil and gas is compounded by the need to avoid polluting the sea and the desire to preserve the coastal environment.

In addition to the construction of necessary platforms and installations for the drilling of offshore oil and gas, there is a need for deepwater port facilities. I believe that this legislation effectively answers such a need.

The justification for development of deepwater terminals is both economic and environmental. Crude oil transportation savings by the use of very large crude carriers is well established. In addition, the likely alternative to U.S. deepwater ports is transshipment of crude from the Caribbean or Canadian ports in small tankers, thus increasing the potential for vessel accidents and oil spills. It would seem advantageous then to provide for the construction and operation of deepwater ports to facilitate importation of crude and petroleum products from overseas.

The H.R. 10701 substitute provides clear guidelines for the obtaining of a license to operate such a deepwater terminal, taking into account the economic, environmental, esthetic, and regional effects of such a construction. The bill further provides for domestic control over deepwater port facilities and would establish a deepwater port liability fund to cover cleanup costs and damages caused by oil spills, to be financed by fees assessed per barrel on the owners of the imported oil.

In light of continued growth along the Atlantic seaboard and the increasing demand for petroleum products, the construction of deepwater ports is a necessity. I urge my colleagues to vote in favor of this legislation.

Mr. DORN. Mr. Chairman, as a member of the Public Works Energy Subcommittee I have consistently supported in committee legislation that would encourage development of offshore deepwater ports. Our committee has labored very diligently and effectively in drafting a bill that will get the job done and will provide all due environmental safeguards. We held extensive hearings in preparing this bill. Our Public Works Committee's deepwater ports bill is a States' rights bill that gives priority to the environmental policy of the coastal States.

While energy self-sufficiency is our national goal, deepwater ports can alleviate problems involved in importing oil. Our bill will set up the machinery for the licensing of deepwater offshore facilities that can accommodate the mammoth oil tankers of the future. Pipelines will connect the offshore ports to inland facilities. As a member of the Energy Subcommittee, Mr. Chairman, may I commend our chairman, the gentleman from New Jersey (Mr. HOWARD) and the ranking member of the full committee the gentleman from Alabama (Mr. JONES) for their splendid leadership in developing this outstanding and timely legislation.

The CHAIRMAN. All time has expired.

Under the rule, immediately after the reading of the enacting clause of the bill, H.R. 10701, it shall be in order to consider in lieu of the committee amendment now printed in the bill, the text of the amendment printed on pages H3784 through H3787 of the CONGRESSIONAL RECORD of May 13, 1974, if offered as an amendment in the nature of a substitute for the bill H.R. 10701.

The text of the amendment in the nature of a substitute printed in the CONGRESSIONAL RECORD of May 13, 1974, is now printed in corrected form on pages 14163 through 14170 of the CONGRESSIONAL RECORD of June 3, 1974.

The Clerk will read the enacting clause.

The Clerk read as follows:

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

AMENDMENT IN THE NATURE A SUBSTITUTE OFFERED BY MR. JONES OF ALABAMA

Mr. JONES of Alabama. Mr. Chairman, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. JONES of Alabama:

That as used in this Act the term—

(1) "application" means any application filed under this Act for a licsnse to construct or operate a deepwater port facility, or for a renewal or modification of such license.

(2) "deepwater port facility" means a facility constructed off the coast of the United States, and beyond the territorial seas of the United States, for the purpose of providing for the unloading of crude oil and petroleum products. It includes all associated equipment and structures (other than vessels) beyond such territorial seas, and all connecting pipelines within such territorial seas.

(3) "Commission" means the Deepwater Port Facilities Commission provided for in this Act.

(4) "person" means any citizen of the United States, any State or political subdivision of a State, or any private, public, or municipal corporation or other entity created by or existing under the laws of the United States or of any State.

(5) "significantly affected State" means a State whose shorelines might suffer environmental harm as a result of the activities of a deepwater port facility.

(6) "State" means each of the several States, the District of Columbia, each territory or possession of the United States, and the Commonwealth of Puerto Rico.

(7) "United States" means the several States, the District of Columbia, the territories and possessions of the United States, and the Commonwealth of Puerto Rico.

SEC. 2. (a) No one shall construct or operate a deepwater port facility without first receiving a license as provided under this Act.

(b) In any case where an applicant applies for a license to construct a deepwater port facility and the point of connection for unloading crude oil and petroleum products between vessels and the deepwater port facility is nearer the coast of one State than any other State and if 50 per centum or more of the design-receiving capacity for crude oil and petroleum products is to be located in the State whose coast is nearer such point of connection, then the Commission shall notify such State in writing of such application within thirty days of the date such application is received by the Commission. Such notification shall also establish a reasonable period of time for such State to apply for a license to construct such a facility, except that such period shall not exceed one hundred and eighty days from the date such notification is received by such State. If such State within such period applies for a license to construct a deepwater port facility having a point of connection for unloading crude oil and petroleum products between vessels and a deepwater port facility located nearer to its coast than the coast of any other State with 50 per centum or more of the design-receiving capacity for crude oil and petroleum products to be located in such State, then such State, if it meets all other requirements of this Act, shall be granted the license to construct such facility to the exclusion of all other applicants for a license for such a facility.

(c) All applications for a license to construct or operate a deepwater port facility shall be filed with the Commission. The Commission is authorized to issue a license to any applicant if it first determines that—

(1) the applicant is a person financially responsible who has demonstrated his ability and willingness to comply with applicable laws, regulations, and license conditions;

(2) the applicant has the power to sue and be sued, complain and defend, in its own name, and, if the applicant is a State, has consented to be sued in connection with its construction and operation of the deepwater port facility;

(3) the construction and operation of the deepwater port facility will not unreasonably interfere with international navigation or other reasonable uses of the high seas, and is consistent with the international obligations of the United States; and

(4) the facility will be located, constructed, and operated in a manner which will minimize or prevent any adverse significant environmental effects. In making the determination required by this paragraph, the Commission shall consider all significant aspects of the facility, including, but not limited to, its relation to—

(A) effects on marine organisms;

(B) effects on water quality;

(C) effects on ocean currents and wave patterns and on nearby shorelines and beaches;

(D) effects on alternative uses of the oceans such as fishing, aquaculture, and scientific research;

(E) susceptibility to damage from storms and other natural phenomena;

(F) effects on other uses of the subjacent seabed and subsoil such as exploitation of resources and the laying of cables and pipelines; and

(G) effects on esthetic and recreational values.

(d) Licenses issued under this section shall be for a term of no longer than thirty years, with preferential right in the licensee to renew under such terms and for such period not to exceed thirty years as the Commission determines is reasonable. Licenses to construct such facilities shall include conditions to assure that a bona fide effort to construct is made. These conditions shall include but not be limited to schedules for design and construction of such facilities. In the absence of such bona fide effort, as determined by the Commission after hearings, a license to construct may be revoked by the Commission.

(e) (1) No license shall be granted under this Act to construct a deepwater port facility unless the State whose coast is nearer than that of any other State to the point of connection for unloading crude oil and petroleum products between vessels and a deepwater port facility has an environmental program which includes construction of deepwater port facilities off its coast and the deepwater port facility proposed to be licensed and the directly related land-based activities are consistent with such environmental program.

(2) No license shall be granted under this Act to construct a deepwater port facility unless the State in which 50 per centum or more of the design-receiving capacity for crude oil and petroleum products is to be located has an environmental program which includes construction of deepwater port facilities off its coast and the deepwater port facility proposed to be licensed and the directly related land-based activities are consistent with such environmental program.

(f) The Commission shall not issue a license under this Act unless it shall first have considered the economic, environmental esthetic, and regional effects of the construction and operation of a deepwater port facility on all other significantly affected States.

(g) Licenses issued under this Act may be transferred after the Commission determines that the transferee meets the requirements of this Act, and upon approval by the Commission of the terms and conditions of the transfer.

(h) If an application is made under this Act for a license to construct a deepwater port facility off the coast of a State, and a port of such State which on the date of such application—

(1) has existing plans for construction of a deep draft channel and harbor, and

(2) has either (A) an ongoing study by the Secretary of the Army relating to the expansion and deepening of such port harbor or channel, or (B) a pending application for a permit under section 10, 13, or both, of the Act of March 3, 1899 (30 Stat. 1121), for such construction.

applies to the Commission for a determination under this section within thirty days of the date of the license application, then the Commission shall not issue a license under this Act unless, after examining the economic, social, and environmental effects of the construction and operation of such deepwater port facility with the economic, social, and environmental effects of the construction, expansion, deepening, and operation of such State port, it has determined which of the two is more in the national interest.

SEC. 3. (a) There is hereby established a Deepwater Port Facilities Commission. The Commission shall consist of the Secretary of Transportation, the Secretary of the Interior, the Secretary of Commerce, the Administrator of the Environmental Protection Agency, and the Secretary of the Army, acting through the Chief of Engineers. The Secretary of Transportation shall serve as Chairman. All administrative personnel and related facilities necessary to carry out the functions of the Commission shall be provided by the Secretary of Transportation.

(b) The Commission is authorized to issue reasonable rules and regulations governing application for, and issuance of, licenses for the construction and operation of deepwater port facilities under this Act. Such rules and regulations shall be issued in accordance with section 553 of title 5 of the United States Code without regard to the exceptions contained in subsection (a) thereof.

(c) In carrying out all of its functions under this Act, the Commission shall consult with interested Federal agencies, and the Commission shall be required to expedite and coordinate all Federal reviews of applications required under this Act.

(d) An application for a license filed under this Act shall constitute an application for all Federal authorizations required for a deepwater port facility. The Commission shall consult with interested Federal agencies to insure that applications contain all information required by the agencies. The Commission will forward promptly a copy of each application to those Federal agencies with jurisdiction over any aspect of the construction and operation of a deepwater port facility and will not issue a license under this Act until such agencies have certified to the Commission that, except as provided in subsection (e) of this section, that aspect of the facility under their jurisdiction meets the requirements of the laws which they administer. The granting of a license under this Act shall be deemed to satisfy all of the requirements of any other law of the United States with respect to which a certification has been issued by a Federal agency under this subsection, and no other permit or license shall be required under such law in connection with the construction or operation of such facility. Such certification shall be issued or denied within one hundred and twenty days following transmittal of a copy of the application to the agencies. Hearings held pursuant to this Act shall be consolidated insofar as practicable with hearings held by other agencies. The Commission shall issue or deny the license not later than the one hundred and twentieth day after receipt of the certifications of all of the Federal agencies involved, or not later than the one hundred and twentieth day after the day of completion of all hearings under section 4, whichever date occurs later.

(e) The provisions of this Act shall in no way alter or otherwise affect the requirements of the National Environmental Policy Act of 1969, except that a single detailed environmental impact statement shall be prepared in connection with each license proposed to be issued by the Commission. The Commission shall be responsible for the preparation of such statement. Such statement shall fulfill the responsibilities under section 102(2)(C) of the National Environmental Policy Act of 1969 of each Federal agency with respect to each certification made by it under subsection (d) of the section.

SEC. 4. (a) The Commission shall prescribe by regulation the procedures, including appropriate charges, for the submission and consideration of applications for licenses.

(b) Upon application for any license the Commission shall publish in the Federal Register within thirty days after receipt of such application a notice containing a brief description of the proposed facility, and information as to where the application and supporting data required by subsection (a) may be examined and given interested parties at least ninety days for the submission of written data, views, or arguments relevant to the granting of the license, with or without opportunity for oral presentation. Such notice shall also be furnished to the Governor of each significantly affected State, and the Commission shall utilize such additional methods as it deems reasonable to inform interested parties about the proposed facility and to invite comments from them.

(c) The Commission shall hold at least one public hearing on each application for a license for a proposed facility. At least one such hearing shall be held in the vicinity of the proposed site.

(d) When the Commission determines from the comments and data submitted pursuant to subsections (b) and (c) that there exist one or more specific and material factual issues which may be resolved by an evidentiary hearing, it may direct that such issues be submitted to a supplemental hearing before a presiding officer designated for that purpose. Such officer shall have authority to preclude repetitions and cumulative testimony, to require that direct testimony be submitted in advance in written form, and to permit cross-examination to the extent necessary and appropriate. After the hearing the presiding officer shall submit to the Commission a report of his findings and recommendations, and the participants in the hearing shall have an opportunity to comment thereon.

(e) The Commission's decision granting or denying a license shall be in writing and shall include or be preceded by an environmental impact statement, if required, a discussion of the issues raised in the proceeding and the Commission's conclusions thereon, and, where a hearing was held pursuant to subsection (d), findings on the issues of fact considered at such hearing.

(f) The provisions of sections 554, 556, and 557 of title 5, United States Code, are not applicable to proceedings under this section. Any hearing held pursuant to this section, shall not be deemed a hearing provided by statute for purposes of section 706(2)(E) of title 5, United States Code.

Sec. 5. (a) Anyone adversely affected by an order of the Commission granting or denying a license may, within sixty days after such order is issued, seek judicial review thereof in the United States Court of Appeals for the circuit nearest to which the facility is sought to be located. A copy of the petition shall forthwith be transmitted by the clerk of the court to the Commission or an officer designated by it for that purpose. The Commission thereupon shall file in the court the record of the proceedings on which the Commission based its order, as provided in section 2112 of title 28 of the United States Code. This record shall consist of—

(1) the application, the notice published pursuant to section 4(b), and the information and documents to which reference is made therein;

(2) the written comments and documents submitted in accordance with the agency rules by anyone, including any other agency and any agency advisory committee, at any stage of the proceeding;

(3) the transcript of any hearing held pursuant to section 4 (c) and (d); and the presiding officer's report, if any; and

(4) the Commission's decision and accompanying documents as required by section 4(e).

(b) If the petitioner applies to the court for leave to adduce additional evidence, and shows to the satisfaction of the court that such additional evidence is material, and that there were reasonable grounds for the failure to adduce such evidence in the proceeding before the Commission, the court may order such additional evidence (and evidence in rebuttal thereof) to be taken before the Commission, and to be adduced in such manner and upon such terms and conditions as to the court may seem proper. The Commission may modify its findings as to the facts, or make new findings, by reason of the additional evidence so taken, and it shall file such modified or new findings, and its recommendations, if any, for the modification or setting aside of its original order, with the return of such additional evidence.

(c) Upon the filing of the petition referred to in subsection (a), the court shall have jurisdiction to review the order in accordance with section 706 of title 5, United States Code, and to grant appropriate relief as provided in such section.

SEC. 6. (a) The Commission is authorized to include in any license granted under this Act, any conditions which it deems necessary to carry out the purposes of this Act. Such conditions shall include but need not be limited to:

(1) Conditions designed to assure that the operation of the deepwater port facility will not substantially lessen competition or tend to create a monopoly. Such conditions shall include a requirement of nondiscriminatory access at reasonable rates.

(2) Provisions requiring that, if a license is revoked or expires and is not reissued, or the licensee abandons the deepwater port facility, the licensee shall render such facility harmless to navigation and the environment.

(3) Such fees as the Commission may prescribe as reimbursement for the cost of Federal activities occasioned by the application for licensing, development, and operation of the deepwater port facility.

(4) Such measures as the Commission may prescribe to meet United States international obligations.

(5) Such measures as the Commission may prescribe to prevent or minimize the pollution of the surrounding water, including payment of cleanup costs resulting from construction and operation of the deepwater port facility.

(6) Such provisions as the Commission may prescribe for the temporary storage of hazardous substances.

(7) Such provisions as the Commission may determine necessary to insure domestic control over the contruction and operation of the deepwater port facility.

(b) If a licensee becomes bankrupt and unable to render the deepwater port facility harmless to navigation and the environment, the United States shall render such facility harmless and bear all costs in connection therewith to the extent that such costs are not covered by a bond, as may have been required in the license by the Commission.

SEC. 7. (a) Whenever any oil is spilled from a vessel using a deepwater port facilty or enroute to or departing from such facility while in the vincinty of such facility, the Secretary of Transportation is authorized to act to remove or arrange for the removal of such oil at any time, unless he determines such removal will be done properly by the owner or operator of the vessel.

(b) The Secretary of Transportation shall prepare and publish a contingency plan for the removal of oilspills from vessels using, en route to, or departing from deepwater port facilities. Such contingency plan shall provide for efficient, coordinated, and effective action to minimize damage from the oil, including containment, dispersal, and removal of the oil. The Secretary may, from time to time, as he deems advisable, revise or otherwise amend the contingency plan. After publication of the contingency plan, the removal of oil and actions to *minimize* damage from oil shall, to the greatest extent possible, be in accordance with such contingency plan.

(c) The Secretary of Transportation is authorized to request and receive assistance, on a reimbursable basis, from any Federal department, agency, or instrumentality in carrying out his duties and responsibilities under this section.

(d) Except where the owner or operator of the vessel can prove that an oilspill was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States, or (D) an act or omission of a third party without regard to whether any such act or omission was or was not negligent, or any combination of the foregoing clauses, such owner or operator shall, notwithstanding any other provision of law, be liable to the United States for actual cleanup costs incurred under this section. Such costs shall constitute maritime lien on the vessel which may be recovered in an action in rem in the district court of the United States or any district within which the vessel may be found. The Deepwater Port Liability Authority created in section 8 of this Act may bring an action against the owner or operator in any court of competent jurisdiction to recover such costs, including, but not limited to, all such costs paid from the Deepwater Port Fund created by such section.

(e) During any period when the International Convention on Civil Liability for Oil Pollution Damage and the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage are both in force the liability of vessels subject to such conventions for damages within the territory and the territorial sea of the United States, from oilspills from such vessels, and for the payment of such damages, shall be that established in such conventions in lieu of any liability and payment for such damages established by this section and section 8 of this Act.

(f) Section 311 of the Federal Water Pollution Control Act shall apply to a deepwater port facility licensed under this Act and to oilspills from that facility. For the purposes of that Act, such a facility shall be deemed to be an onshore facility and oilspills from such facility shall be deemed to be oil discharged into the navigable waters of the United States.

SEC. 8(a) There is hereby created a body corporate to be known as the Deepwater Port Liability Authority, hereafter in this section referred to as the "Authority", which shall have succession until dissolved by Act of Congress The Authority shall be subject to the general supervision and direction of the Secretary of Transportation. The Authority, a wholly owned Government corporation, is an instrumentality of the United States subject to the Government Corporation Control Act and shall maintain such offices as may be necessary or appropriate in the conduct of its business. The purposes of the Authority shall be to administer the Deepwater Port

Liability Fund. The Authority may sue and be sued in its own name.

(b)(1) The Authority shall have a Board of Directors consisting of five individuals, one of whom shall be the Secretary of Transportation or his designee as Chairman of the Board, and four of whom shall be appointed by the President from among the officers or employees of the Commission or of any other department or agency of the United States Government.

(2) The Board of Directors shall meet at the call of its Chairman. The Board shall determine the general policies which shall govern the operations of the Authority. The Chairman of the Board shall select and effect the appointment of qualified individuals to fill the offices as may be provided for in the bylaws, with such executive functions, powers, and duties as may be prescribed by the bylaws or by the Board of Directors, and such individuals shall be the executive officers of the Authority and shall discharge all such executive functions, powers, and duties. The members of the Board, as such, shall not receive compensation for their services.

(c) There is hereby created a Deepwater Port Liability Fund (hereafter referred to in this section as the "fund") which, notwithstanding any other provisions of law, (1) shall be liable for cleanup costs resulting from any oilspill from a vessel using a deepwater port facility or en route to, or departing from such a facility while in the vicinity of such facility, and (2) shall be liable without regard to fault, in accordance with the provisions of this section, for damages to real and personal property within the territorial jurisdiction of the United States that are sustained by any individual or entity, public or private, as the result of any oilspill from a vessel using a deepwater port facility or en route to, or departing from, such a facility while in the vicinity of such facility.

(d) Liability of the fund for damages may not be imposed under this section—

(1) if the fund can prove that the damages concerned were caused by an act of war; or

(2) with respect to the claim of a damaged party if the fund can prove that the damage was caused by the negligence of such party.

(e) Liability of the fund for damage claims arising out of any one oilspill shall not exceed $100,000,000. If the total damage claims allowed against the fund arising out of any one oilspill exceed $100,000,000 they shall be reduced proportionately.

(f)(1) Each licensee of a deepwater port facility under this Act shall collect from the owner of any oil offloaded at the deepwater port facility operated by such licensee, at the time of offloading, a fee of 4 cents per barrel until the fund contains a total amount of $100,000,000 or until the International Convention on Civil Liability for Oil Pollution Damage and the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage both come into force, whichever first occurs; thereafter the fee shall be 2 cents per barrel, but in no case shall any fee be collected during any period when the fund contains a total amount of $100,000,000 or more.

(2) The collections made under paragraph (1) shall be delivered to the fund at such times and in such manner as shall be prescribed by the Authority. Costs of administration shall be paid from the money paid to the fund, and all sums not needed for administration and the satisfaction of cleanup costs and damage claims shall be invested prudently in income-producing securities of the United States approved by the Authority. Income from such securities shall be added to the principal of the fund.

(g)(1) In the case of any claim where liability for damage without regard to fault is imposed on the fund by this section and such claim is paid by the Authority from the fund, the Authority shall be subrogated under applicable State and Federal laws (including any international agreements to which the United States is a party) to the rights of the claimant under such laws with respect to the paid claim. If, with respect to such paid claim the Authority brings an action based on any right to which it is subrogated by this subsection, it may recover from any affiliate of the defendant, if the defendant fails to satisfy any judgment entered against it in such action.

(h) This section shall not be interpreted—

(1) to preclude or deny the right of any State, or political subdivision thereof, or interstate agency, to adopt or enforce any other requirement with respect to liability for oilspills; or

(2) to affect in any manner the application of the Federal Water Pollution Control Act; or

(3) to restrict any right which any individuals or entity (or class of individuals or entities) may have under any statute or common law to seek any other relief.

(i) If the fund is unable to satisfy cleaning costs or damage claims required to be paid under this section, the Authority may borrow the money needed to pay such costs or such claim from any available source, at the lowest available rate of interest.

(j) For the purposes of this section—

(1) the term "affiliate" includes—

(A) any entity owned or effectively controlled by the defendant in any action under subsection (g);

(B) any entity that effectively controls or has the power effectively to control such defendant by—

(i) stock interest,

(ii) representation on a board of directors or similar body,

(iii) contract or other agreement with other stockholders, or

(iv) otherwise; or

(C) any entity which is under common ownership with or control of such defendant.

(2) the term "entity" means an individual corporation, a partnership, an association, a joint-stock company, a business trust, or an unincorporated organization.

(3) the term "barrel" means forty-two United States gallons at sixty degrees Fahrenheit.

SEC. 9. (a) Any licensee who violates any condition of his license, or any rule or regulation of the Commission issued under this Act, may be assessed a civil penalty by the Commission, in a determination on the record after opportunity for a hearing, of not more than $25,000 for each day during which such violation occurs.

(b) A licensee aggrieved by a final order of the Commission assessing a penalty under this section may, within sixty days after such order is issued, seek judicial review thereon in the United States district court for the judicial district nearest to which the licensee's facility is located, and such court shall have jurisdiction of the action without regard to the amount in controversy. Judicial review of the Commission's determination shall be in accordance with section 706 of title 5, United States Code.

(c) Penalties assessed pursuant to this section may be collected in an action by the United States, but the order of the Commission shall not be subject to review otherwise than as provided in subsection (b).

SEC. 10. Whenever a licensee fails to comply with any provision of this Act or any rule, regulation, restriction, or condition made or imposed by the Commission under the authority of this Act, or fails to pay any civil penalty assessed by the Commission under section 9 (except where a proceeding for judicial review of such assessment is pending), the Commission may file an appropriate action in the United States district court for the judicial district nearest to which the licensee's facility is located (1) to suspend operations under the license, or (2) to revoke such license if such failure is knowing and continues for a period of thirty days after the Commission mails notice of such failure by registered letter to the licensee at his record post office address. When such failure would, in the judgment of the Commission, create a serious threat to the environment, it shall have the authority to suspend operations under the license forthwith. The licensee may seek judicial review of the Commission's action in such district court within sixty days after the Commission takes such action.

SEC. 11. (a) The Constitution and the laws and treaties of the United States shall apply to deepwater port facilities licensed under this Act in the same manner as if such facilities were located in the navigable waters of the United States. Foreign-flag vessels and those others who are not nationals of the United States using such facilities shall be deemed to consent to the jurisdiction of the United States for the purposes of this Act. To the extent that they are applicable and not inconsistent with this Act or other Federal laws and regulations, the civil and criminal laws of the State whose coast is nearer than that of any other State to the point of connection for unloading crude oil and petroleum products between vessels and the deepwater port facility are declared to be the law of the United States for such facility. All laws applicable to a deepwater port facility shall be administered and enforced by the appropriate officers and courts of the United States. State taxation laws shall not apply to such facility, but this shall not affect the right of a State to tax its own citizens or residents.

(b) Except as otherwise provided in this Act, the United States district courts shall have jurisdiction of cases and controversies arising out of, or in connection with, the construction, operation, or use of deepwater port facilities. Proceedings with respect to any such cases or controversies may be instituted in the judicial district in which any defendant may be found or the judicial district nearest the place where the cause of action arose.

(c) Notwithstanding any other provision of this Act, a State whose coast is nearer than that of any other State to the point of connection for unloading crude oil and petroleum products between vessels and a deepwater port facility and in which 50 per centum or more of the design receiving capacity for crude oil and petroleum products is to be located may fix reasonable fees for the use of such deepwater port facility, and such State and any other State in which land-based facilities directly related to a deepwater port facility are located may set reasonable fees for the use of such land-based facilities. Fees may be fixed under authority of this subsection as compensation for any economic cost attributable to the construction and operation of such deepwater port and such land-based facilities, which cannot be recovered under other authority of such State or political subdivision thereof, including, but not limited to, ad valorem taxes, and for environmental and administrative costs attributable to the construction and operation of such deepwater port and such land-based facilities. Fees under this subsection shall not exceed such economic, environmental, and administrative costs of such State. Such fees shall be subject to the approval of the Commission. As used in this subsection, the term "land-based facilities directly related to a deepwater port facility" means the onshore tank farm and pipelines connecting such tank farm to the deepwater port facility.

(d) The Commission is authorized to promulgate such regulations governing health and welfare of individuals using deepwater port facilities licensed under this Act as it deems necessary.

SEC. 12. Directly related land-based activities and facilities connected to a deepwater

port facility licensed under this Act such as pipelines, cables, and tank farms, which are located within the geographic jurisdiction of a State, shall be subject to all applicable laws or regulations of such State. Nothing in this Act shall be construed as precluding a State from imposing within its jurisdiction more stringent environmental or safety regulations when otherwise not prohibited by Federal law.

SEC. 13. A deepwater port facility licensed under this Act may not be used for the transshipment of crude oil or petroleum products destined for locations outside the United States.

SEC. 14. The consent of Congress is hereby given to two or more States to negotiate and enter into agreements or compacts, not in conflict with any law or treaty of the United States, for (1) the construction and operation of deepwater port facilities, and (2) the establishment of such agencies, joint or otherwise, as they may deem desirable for making effective such agreements and compacts. Such an agreement or compact shall be binding and obligatory upon any State or party thereto without further approval by Congress.

SEC. 15. The Secretary of State, in consultation with the Commission, shall seek effective international action and cooperation in support of the policy of this Act and may, for this purpose, formulate, present, or support specific proposals in the United Nations and other competent international organizations for the development of appropriate international rules and regulations relative to the construction and operation of deepwater port facilities, with particular regard for measures to promote the safety of navigation in the vicinity thereof.

SEC. 16. (a) The Secretary of the department in which the Coast Guard is operating (hereafter in this section referred to as the "Secretary") is authorized to issue reasonable rules and regulations prescribing procedures applicable in the waters adjacent to deepwater port facilities with respect to the following:

(1) vessel movements;

(2) pilotage requirements;

(3) maximum vessel drafts;

(4) designation and marking of anchorage areas;

(5) the provision of equipment necessary to prevent or minimize pollution of marine environment and to clean up any pollutants which may be discharged;

(6) lights and other warning devices;

(7) safety equipment; and

(8) other matters relating to the promotion of safety of life and property.

(b) Whoever violates any rule or regulation issued under this section shall be liable to a civil penalty of $10,000 for each day during which the violation continues. The penalty shall be assessed by the Secretary, who, in determining the amount of the penalty, shall consider the gravity of the violation, any prior violation, and the demonstrated good faith of anyone charged in attempting rapid compliance after notification of the violation. No penalty may be assessed until the party charged shall have been given notice of the violation involved and an opportunity for a hearing. For good cause shown, the Secretary may remit or mitigate any penalty assessed. Upon failure of the party charged to pay an assessed penalty, the Secretary may request the Attorney General to commence an action in the appropriate district court of the United States for collection of the penalty, without regard to the amount involved, together with such other relief as may be appropriate. Any vessel, except a public vessel engaged in noncommercial activities, used in violation of any rule or regulation issued pursuant to this section shall be liable in rem for any civil penalty assessed and may be proceeded against in any district court in the United States having jurisdiction thereof; but no vessel shall be liable unless it would appear that one or more of the owners, or bareboat charterers, was at the time of the violation, a consenting party or privy to such violation.

(c) Subject to recognized principles of international law the Secretary, after consultation with the Secretary of State, the Secretary of Defense, and the Secretary of the Interior, shall designate a safety zone surrounding any deepwater port facility licensed under this Act. No point on the perimeter on such safety zone shall lie more than ten nautical miles from the nearest point of the deepwater port facility. No other installations, structures, or uses incompatible with the operation of the deepwater port facility shall be permitted within the safety zone. The Secretary shall issue rules and regulations relating to those activities which are permitted within such safety zone. In promulgating such rules the Secretary shall consult with the Secretary of State to insure that such rules are consistent with the international obligations of the United States.

SEC. 17. For the purposes of the International Voyage Load Line Act of 1973 (87 Stat. 418); of the Coastwise Load Line Act, 1935 (49 Stat. 891), as amended (46 U.S.C. 88–88i); of section 4370 of the Revised Statutes of the United States, as amended (46 U.S.C. 316); of section 8 of the Act of June 19, 1886 (24 Stat. 81; 46 U.S.C. 289); of section 27 of the Act of June 5, 1920 (41 Stat. 998), as amended (46 U.S.C. 883); and of title I of the Marine Protection, Research, and Sanctuaries Act of 1972 (86 Stat. 1052; 33 U.S.C. 1401–1421), deepwater port facilities licensed under this Act shall be deemed to be ports or places within the United States.

SEC. 18. For the purposes of chapter 39 of title 18, United States Code (18 U.S.C. 831–837) and part 1 of the Interstate Commerce Act (24 Stat. 379), as amended (49 U.S.C. 1–27), movement of crude oil or petroleum products by a pipeline that is a part of a deepwater port facility licensed under this Act from outside, to within, the territorial jurisdiction of any coastal State shall be deemed to be transportation or commerce from one State to another State, and the licensee shall be deemed to be a common carrier for all purposes of regulation by the Interstate Commerce Commission and by the Secretary of Transportation.

SEC. 19. With respect to disability or death of an employee resulting from any injury occurring in connection with the construction, maintenance, or operations of, a deepwater port facility, compensation shall be payable under the provisions of the Longshoremen's and Harbor Workers' Compensation Act (44 Stat. 1424) as amended (33 U.S.C. 901–950). For the purposes of applying that Act to deepwater port facilities—

(1) the term "employee" does not include a master or a crewmember of any vessel, or an officer or employee of the United States or any agency thereof, or of any State, or foreign government, or of any political subdivision;

(2) employment in the construction, maintenance, or operation of a deepwater port facility shall be deemed to be "maritime employment"; and

(3) deepwater port facilities shall be deemed to be located in the navigable waters of the United States.

SEC. 20. Except in a situation involving force majeure, a licensee of a deepwater port facility may not permit a vessel, registered in or flying the flag of a foreign state, to call at, or otherwise utilize, a deepwater port facility licensed under this Act unless (1) the foreign-flag state involved, by specific agreement with the United States has agreed to recognize the jurisdiction of the United States over the vessel and its personnel, in accordance with the provisions of this Act, while the vessel is at, or in the vicinity of, the deepwater port facility, and (2) the vessel owner, or bareboat charterer, has designated an agent in the United States for the service of process in the case of any claim or legal proceeding resulting from the activities of the vessel or its personnel while at, or in the vicinity of, the deepwater port facility.

SEC. 21. All United States officials, including those officials responsible for the implementation and enforcement of United States laws applicable to a deepwater port facility, shall at all times be afforded reasonable access to a deepwater port facility licensed under this Act for the purpose of enforcing laws under their jurisdiction or otherwise carrying out their responsibilities.

SEC. 22. No person shall on the ground of sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity carried on or receiving assistance under this Act, under any license issued under this Act, or under the jurisdiction of the Deepwater Port Facilities Commission. This provision will be enforced through agency provisions and rules similar to those already established, with respect to racial and other discrimination, under title VI of the Civil Rights Act of 1964. However, this remedy is not exclusive and will not prejudice or cut off any other legal remedies available to a discriminatee.

Mr. JONES of Alabama (during the reading). Mr. Chairman, I ask unanimous consent that the amendment in the nature of a substitute be considered as read and printed in the RECORD.

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

There was no objection.

Mr. JONES of Alabama. Mr. Chairman, at the outset I want to make two points clear. There have been statements made over and over again about the jurisdiction of the three committees that may have had the possibilities of reporting this bill to the floor. This includes the Committee on Public Works, the Committee on Merchant Marine and Fisheries, and the Committee on Interior and Insular Affairs. But that is not the proposition that is pending here today. Mrs. SULLIVAN has already stated that whatever happens the jurisdiction of this bill remains in the Public Works Committee. We are not here for the purpose of resolving jurisdictional questions, nor are we here to consider any reorganization of the House of Representatives. There is only one question that is presented to the House today and that is the substance of the bill H.R. 10701. That is what we are to decide, and that should be the basis of all of our thinking.

Mr. Chairman, we have two propositions. They have been explained over and over again. It seems to me that both committees have been most dedicated, trying to make a prompt and proper resolution of the subject matter that they have been dealing with.

We feel in the Committee on Public Works that our experience, our understanding, the history of our dealings with these problems, have been more substantial and vastly broader than that of any other committee. We also considered the immediacy of the problem because we are in a vast and desperate situation as far as energy is concerned. This country has neglected the question

of energy. We have sought to deal with every Federal instrument that we could bring into play, bring into power, bring into usefulness, all the tools that could be accumulated and utilized to help the American people with this most distressful and disdainful situation that confronts us with the lack of energy.

It is not only serious now, but it is accumulating day by day—the great and tragic fact that our economy in this country is going to be severely damaged, almost irreparably damaged, by the fact that we have been negligent and the consequence of our negligence is being thrust upon the people of our Nation. We cannot further delay this matter. We are directed by the vast number of people of this country that sends us here to make the proper resolution of these questions and to utilize our knowledge, information, and the strong interests of the Federal Government in attempting to solve our energy problem.

Let us make no mistake any longer.

Let us not deliberate between this Commission and that agency. Those are things that are almost collateral to the general issue, and the general issue today is what we have brought to the Members in the way of a bill.

We have consulted with every interest in the country. We have had the oil interests in. We have had the transportation people in. We have had the Members of the House. We have had the whole range of consultation, the advice, the implorements of people who have given us the direction which we took.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

(By unanimous consent, Mr. JONES of Alabama was allowed to proceed for 3 additional minutes.)

Mr. JONES of Alabama. Mr. Chairman, certainly we cannot run here a Gallup poll nor a Harris poll. The problem is here with us today and the consequences of our neglect cannot be allowed to continue. We must be ready to make repair of our past mistakes.

The gentleman from Louisiana and the gentleman from Ohio, and the gentleman from California, as well as the gentleman from New Jersey (Mr. HOWARD) who is unfortunately unable to be here with us today because of his illness and confinement to the hospital, have worked long and hard on this. There has not been a more diligent group which ever worked more earnestly and fruitfully than the members of the Public Works Committee. Certainly they are to be commended.

I hope, Mr. Chairman, that the amendment is adopted and that we will get along with the business of the country.

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

Mr. JONES of Alabama. I yield to the gentleman from Texas (Mr. MILFORD).

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

Mr. Chairman, there has been some discussion and misunderstanding about the position of the Governor of Texas regarding the bill H.R. 10701. I should like to read into the RECORD a telegram received on the 10th of May from the Governor of Texas:

AUSTIN, TEX.,
May 13, 1974.

Hon. DALE MILFORD,
House of Representatives,
Washington, D.C.:

H.R. 10701 licensing superports should be heard by the House Rules Committee within the next few days. Your cosponsorship of this legislation is most appreciated. I urge your continued help in encouraging the members of the Rules Committee to report this bill for final floor passage. Any delay incurred at this point in time may well result in there being no bill this year. Please do what you can to get this very important legislation to the floor.

DOLPH BRISCOE,
Governor of Texas.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

(On request of Mr. MILFORD, and by unanimous consent, Mr. JONES of Alabama was allowed to proceed for 1 additional minute.)

Mr. MILFORD. Mr. Chairman, will the gentleman yield further?

Mr. JONES of Alabama. I yield to the gentleman from Texas.

Mr. MILFORD. Mr. Chairman, for purposes of clarification and legislative history, I direct the attention of the gentleman to section 2(b) of the Jones amendment where it is provided that the State shall be notified a license application is filed by a private party and that the State then has a reasonable period of time to file a license application. Would the gentleman explain the word State as used in this provision?

Mr. JONES of Alabama. Mr. Chairman, in reply to the gentleman from Texas it was our intention in drafting the bill that the word Governor could be a synonym of the word State in this section. And if the Governor as the chief executive officer of the State has inherently had that right and that power, there is no way he would be decommissioned under this bill. If there is a statute dispossessing the Governor of any authority and it is vested in a political subdivison, then that board or agency would have the inherent authority to give the Governor that consent. I assure the gentleman that word in the bill is in no sense restrictive.

Mr. MILFORD. I thank the gentleman.

Mr. JOHNSON of California. Mr. Chairman, I rise in support of the amendment to be offered by Mr. JONES on H.R. 10701. I wish to commend the chairman of our Public Works Committee, the gentleman from Minnesota (Mr. BLATNIK), and the gentleman from Alabama (Mr. JONES) and all of the other members of our fine committee for the outstanding job which has been done in bringing this legislation to the floor.

This legislation, which will provide for the Federal licensing and regulation of deepwater port facilities, is urgently needed to help enable our country to obtain the energy it needs to sustain our industralized society and a standard of living. The efforts which we are making to achieve energy sufficiency are commendable and necessary, but we will still have the need, at least until these efforts are successful, to import substantial commodities of crude oil and petroleum products. In order to import these products efficiently and economically and compete on the world market for them, it is necessary that we have port facilities capable of handling the very large deep-draft vessels which are being utilized more and more for the transport of crude oil and petroleum products.

The amendment offered by Mr. JONES would provide a sound legislative scheme for the construction and operation of deepwater port facilities. It represents a careful balancing of all competing interests and is truly in the national interest. One of the more significant features of the amendment is the recognition it gives to the interests of the coastal States off whose shores these deepwater port facilities may be located. Such States face substantial impact from these facilities, such as possible environmental and other damages, and economic and other costs. The role given these States by the amendment, in determining whether or not a facility should be licensed and whether it should be constructed and operated by the State itself, goes far in protecting the interests of these States. Coupled with this, of course, are the very strong environmental safeguards contained in the amendment with regard to construction and operation of deepwater port facilities. Mr. Chairman, I strongly urge support of the amendment.

Mr. DINGELL. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. Seventy-eight Members are present, not a quorum.

The Chair announces that he will vacate proceedings under the call when a quorum of the Committee appears.

Members will record their presence by electronic device.

The call was taken by electronic device.

QUORUM CALL VACATED

The CHAIRMAN. One hundred Members have appeared. A quorum of the Committee of the Whole is present. Pursuant to rule XXIII, clause 2, further proceedings under the call shall be considered as vacated.

The Committee will resume its business.

AMENDMENT OFFERED BY MRS. SULLIVAN AS A SUBSTITUTE FOR THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. JONES OF ALABAMA

Mrs. SULLIVAN. Mr. Chairman, I offered an amendment as a substitute for the amendment in the nature of a substitute offered by Mr. JONES of Alabama.

The Clerk read as follows:

Amendment offered by Mrs. SULLIVAN as a substitute for the amendment in the nature of a substitute offered by Mr. JONES of Alabama: In lieu of the amendment offered by the gentleman from Alabama, insert the following:

"That this Act may be cited as the 'High Seas Oil Port Act'.

"DECLARATION OF POLICY

"SEC. 2. (a) FINDINGS.—The Congress finds—

"(1) that the Nation's energy requirements will continue to increase for the foreseeable future and that energy demands will increasingly exceed available domestic sources of energy supply;

"(2) that technological, economic, and environmental factors which will directly affect

other potential sources of energy supply may dictate that the increased energy demand be met, for at least the near future, largely by the utilization of oil as the source of energy supply and that a substantial part of the needed oil must be imported from foreign sources;

"(3) that the economic use of resources, the necessity for improving the national balance-of-payments position, the interest in transportation efficiency, and the maintenance of a competitive position in world trade demand the utilization of increasingly larger vessels to transport the needed quantities of foreign oil;

"(4) that the physical limitations of present ports and port facilities in the United States render them incapable of accommodating the larger tankers that will be needed, and that it is not feasible, either economically or environmentally, to deepen the port waters and expand the port facilities to the extent required for the needed accommodation;

"(5) that, as an alternative solution, the use of smaller tankers which can be accommodated in the port areas of the United States would result in substantially increased port congestion and would constitute a massive threat, from environmental and safety viewpoints, from the increased vessel traffic and the expanded oil transfer activities;

"(6) that the construction of a sufficient number of high seas oil ports, located in areas where existing water depths will permit the accommodation of the deep draft vessels needed, will be both economically advantageous and environmentally sound;

"(7) that the licensing of such ports as to location, construction standards, and operational regulations is a matter primarily of national interest, and that the shoreside impact of such ports is a matter of both national and local interest; and

"(8) that the construction and operation of high seas oil ports, in accordance with the provisions if this Act, in waters superjacent to the Continental Shelf of the United States would be a reasonable use of the high seas and would be consistent with recognized principles of international law.

"(b) PURPOSES.—The Congress declares that the purposes of this Act are—

"(1) to authorize the Secretary of the Interior to grant to eligible applicants licenses for the construction of high seas oil ports;

"(2) to authorize the Secretary of the Department in which the Coast Guard is operating to issue necessary and reasonable regulations for the operation of high seas ports;

"(3) to minimize any adverse impact on the marine environment which may result from the construction or operation of high seas oil ports; and

"(4) to insure that all reasonable precautions are taken to protect the national interests of the United States in the construction and operation of high seas oil ports and to protect the national and local interests involved in the impact of such construction and operation on adjacent coastal States.

"DEFINITIONS

"SEC. 3. For the purposes of this Act—

"(a) 'High seas oil port' or 'oil port' means, in a structural sense, any complex, consisting of a permanently sited structure or structures, located in, or subjacent to, the offshore coastal waters of the United States, operated as a means for the unloading and further handling of petroleum or petroleum products for transshipment to the United States. The term includes all necessary components, such as vessel mooring facilities, storage facilities, cargo hose systems, pumping stations, operational platforms, pipelines, and their associated equipment and appurtenances. The term also includes any pipeline segment lying in or subjacent to the territorial sea of the United States, designed to connect a component of the oil port to facilities located landward of the base line from which the territorial sea is measured. In a geographical sense, a high seas oil port shall consist of a circular zone, the center of which is the port reference point, and the diameter of which is not less than two, and not more than four nautical miles.

"(b) 'Offshore coastal waters of the United States' means the high seas, outside the territorial sea, superjacent to the Continental Shelf of the United States, as the latter term is delineated by the provisions of article 1 of the Convention on the Continental Shelf (15 U.S.T. 471; TIAS 5578).

"(c) 'United States' or 'State' includes the several States, the District of Columbia, the territories and possessions of the United States, and the Commonwealth of Puerto Rico.

"(d) 'Coastal State' means any State in, or bordering on, the Atlantic, Pacific, or Arctic Ocean, or Gulf of Mexico.

"(e) 'Adjacent coastal State' means, as to a high seas oil port (either existing or proposed), a coastal State any point of which lies within ten miles of the high seas oil port, as that term is used in either a structural or geographical sense.

"(f) 'Port reference point' means a point designated by the Secretary of the Interior and defined by coordinates of latitude and longitude, located as nearly as possible at the center of activity of a high seas oil port.

"(g) 'Person' includes private individuals, associations, corporations, or other entities, and any officer, employee, agent, department, agency, or instrumentality of the Federal Government, of any State or local unit of government, or of any foreign government.

"(h) 'Eligible applicant' means any citizen, or group of citizens, of the United States, any private corporation, or other private entity, created pursuant to the laws of the United States or of any State, or any public authority created, pursuant to Federal or State law, for the purpose of constructing and operating a high seas oil port. To qualify as an eligible applicant, any such private corporation or other private entity must have as its president or other chief executive officer and as its chairman of the board of directors, or holder of a similar office, a citizen of the United States and may have no more of its directors who are not citizens of the United States than constitute a minority of the number required for a quorum necessary to conduct the business of the board.

"(i) 'Marine environment' means the offshore coastal waters of the United States; the coastal waters of a State, containing a measurable quantity or percentage of seawater, including, but not limited to, bays, sounds, lagoons bayous, salt ponds, and estuaries; the living and nonliving resources of all such waters; and the economic recreational, and esthetic values of those waters and their resources

"ACTIVITIES PROHIBITED

"SEC. 4. (a) Except as specifically authorized by the laws of the United States (including the provisions of this Act), or pursuant to an authorized Federal program, no person may construct, maintain, or operate a high seas oil port or any other fixed structure in the offshore coastal waters of the United States.

"(b) A high seas oil port, licensed pursuant to the provisions of this Act, may not be utilized—

"(1) for the unloading of commodities or materials transported from the United States, other than materials to be used in the construction, maintenance, or operation of the high seas oil port, or to be used as ship supplies, including bunkering, for vessels utilizing the high seas oil port,

"(2) for the transshipment of commodities or materials, to the United States, other than petroleum or petroleum products,

"(3) except in cases where the Secretary of the Interior otherwise by rule provides, for the transshipment of petroleum or petroleum products, destined for locations outside the United States,

"(4) for the transportation of minerals, including oil and gas, which have been extracted from the subsoil or seabed of the Continental Shelf of the United States, in the coastal area in which the high seas oil port is located, nor

"(5) by carriers of petroleum or petroleum products, unless such carriers are equipped with collision avoidance radar systems which meet or exceed such systems as are required by the United States Maritime Administration of vessels built with the assistance of United States Government subsidies.

"TITLE I—CONSTRUCTION OF HIGH SEAS OIL PORTS

"DEFINITION

"SEC. 101. For the purposes of this title, the term 'Secretary' means, except where its usage specifically indicates otherwise, the Secretary of the Interior.

"LICENSE TO CONSTRUCT

"SEC. 102. (a) GENERAL.—Pursuant to the provisions of this title, the Secretary may issue to any eligible applicant a license to construct a high seas oil port, if the Secretary, after consultation with other appropriate Federal agencies and departments, first determines—

"(1) that the applicant is financially responsible and has demonstrated the ability to comply with applicable laws, regulations, and license conditions;

"(2) that operations under the license will not adversely affect competition or result in restraint of trade;

"(3) that the construction and operation of the high seas oil port will not pose an unreasonable threat to the integrity of the marine environment in which it is to be located, and that all reasonable precautions will be taken to minimize any adverse impact, actual or potential, on the marine environment, including the marine environment of any adjacent coastal State;

"(4) that the high seas oil port will not unreasonably interfere with international navigation or other reasonable uses of the high seas, as defined by any treaty or convention to which the United States is signatory, or by customary international law;

"(5) that the issuance of a license does not conflict otherwise with the international obligations of the United States;

"(6) that the issuance of a license will not be contrary to the national security interests of the United States;

"(7) that the location of a high seas oil port in the area for which the license is issued is in the national interest and will meet national needs, or regional needs or both; and

"(8) that the overall benefits resulting from the construction and operation of a high seas oil port will be greater than any potential adverse impact on existing nearby ports.

"(b) TERMS OF LICENSE.—Any license issued under the provisions of this title shall be for a term of five years and may be extended for such additional period of time as the Secretary finds is reasonably necessary for the completion of construction. Such license shall be converted into a license to operate the oil port in accordance with the provisions of title II of this Act.

"(c) TRANSFER OF LICENSE.—Upon the application of a licensee, the Secretary may transfer a license issued under this title when he determines that the proposed transferee qualifies as an eligible applicant and otherwise meets the requirements of this title.

"(d) LICENSE CONDITIONS.—(1) The Secretary is authorized to include in any license issued, or transferred, under this title, any reasonable conditions which he finds necessary to carry out the purposes of this Act. Such conditions shall include, but need not be limited to—

"(A) such construction schedule require-

ments as the Secretary finds necessary to assure prompt and effective implementation of the license by the licensee;

"(B) such fees as the Secretary may prescribe as reimbursement to the United States for administrative and other costs incurred in processing the application for, and in monitoring the construction of, the high seas oil port;

"(C) such fees as the Secretary may prescribe as the fair market rental value of the subsoil and seabed subjacent to the high seas oil port, including the fair market rental value of the right-of-way necessary for the pipeline segment lying outside the seaward boundaries of any State as that term is defined in the Submerged Lands Act (67 Stat. 29; 43 U.S.C. 1301–1315);

"(D) such measures as the Secretary may prescribe to prevent or minimize any adverse impact of the construction on the marine environment, including the marine environment of any adjacent coastal State;

"(E) such requirements as the Secretary may find necessary to insure that, during the period of the license, the licensee shall continue to meet the qualifications required of an eligible applicant;

"(F) such requirements as the Secretary may find necessary in order to insure nondiscriminatory access to the oil port at reasonable rates; and

"(G) such bonding requirements or other assurances as the Secretary may find necessary in order to insure that, upon the revocation or surrender of a license, the licensee will remove from the seabed and subsoil all components of the high seas oil port: *Provided*, That in the case of components lying in the subsoil below the seabed, the Secretary is authorized to waive the removal requirements if he finds that such removal is not otherwise necessary and that the remaining components do not constitute any threat to navigation or to the environment: *Provided further*, That at the request of the licensee, the Secretary is authorized to waive the removal requirement as to any components which he determines may be utilized in connection with the transportation of oil, natural gas, or other minerals, pursuant to a lease granted under the provisions of the Outer Continental Shelf Lands Act (67 Stat. 462), after which waiver the utilization of such components shall be governed by the terms of the Outer Continental Shelf Lands Act.

"(2) Prior to including any license condition which is designed to continue to be applicable after the license to construct is converted to a license to operate, pursuant to title II of this Act, the Secretary shall consult with, and give full consideration to the views of, the Secretary of the Department in which the Coast Guard is operating.

"ENVIRONMENTAL CONSIDERATIONS

"SEC. 103. (a) CRITERIA.—Prior to the issuance of a license under section 102 of this title, the Secretary, after consultation with other appropriate Federal agencies and departments, shall establish and apply, and may from time to time revise, criteria for evaluating the potential impact of the construction or operation of the proposed high seas oil port on the marine environment, including the marine environment of any adjacent coastal State. Such criteria shall include, but are not limited to—

"(1) effects on aquatic plants and animals;

"(2) effects on ocean currents or wave patterns, and on nearby shorelines or beaches, including bays and estuaries and other features of the coastal zone of any affected coastal State;

"(3) effects on other uses of the high seas area, such as navigation, fishing, aquaculture, and scientific research;

"(4) effects on other uses of the subjacent seabed and subsoil such as exploitation of resources and the laying of cables and pipelines;

"(5) the dangers to any components of the oil port which might be occasioned by waves, winds, and other natural phenomena, and the steps which can be taken to protect against such dangers;

"(6) effects on esthetic and recreational values;

"(7) effects of land-based developments which are related to port development;

"(8) effects on public health and welfare; and

"(9) such other considerations as the Secretary finds reasonably necessary to fully evaluate the impact of any high seas oil port.

"(b) ENVIRONMENTAL IMPACT STATEMENT.—In connection with the grant or denial of an application for a license under this title, the action of the Secretary will constitute a Federal action in the sense of section 102(2)(C) of the National Environmental Policy Act of 1969 (83 Stat. 852), and the requirements of that Act will be applied accordingly.

"LICENSING PROCEDURES

"SEC. 104. (a) GENERAL.—The Secretary is authorized to issue reasonable rules and regulations prescribing procedures governing the application for and the issuance of licenses pursuant to this title. Such rules and regulations shall be issued in accordance with section 553 of title 5, United States Code, without regard to subsection (a) thereof. Such rules and regulations shall contain a mechanism for full consultation and cooperation with all other interested Federal agencies and departments and with any affected adjacent coastal State, and for the consideration of the views of any interested members of the general public.

"(b) LICENSE APPLICATION.—Each application shall contain such financial, technical, and other information as the Secretary may find necessary to evaluate the application. Such information shall include, but is not limited to—

"(1) the specific location of the proposed high seas oil port including all components thereof;

"(2) the type and design of facilities;

"(3) where construction in phases is intended, the detailed descriptions of each phase, including the specific components thereof;

"(4) the financial and technical capabilities of the applicant to construct and operate the oil port;

"(5) the qualifications of the applicant to hold a license under this title, including, in the case of a private corporation or other private entity, necessary information relating to the citizenship of its officers and directors;

"(6) an agreement that there will be no material change from the submitted plans without prior approval in writing from the Secretary;

"(7) an agreement that the licensee, upon acceptance of the license, will comply with all conditions attached thereto; and

"(8) an agreement that the licensee, upon termination of the license, pursuant to the provisions of this Act, will remove all components of the oil port from the seabed and subsoil, in accordance with the license conditions included pursuant to subsection 102(d) hereof.

"(c) PUBLIC ACCESS TO INFORMATION.—(1) Copies of any communications, documents, reports, or information received or sent by any applicant shall be made available to the public upon identifiable request, and at reasonable cost, unless such information may not be publicly released under the terms of paragraph (2) of this section.

"(2) The Secretary shall not disclose information obtained by him under this section which concerns or relates to a trade secret referred to in section 1905 of title 18, United States Code, except that such information—

"(A) shall be disclosed,

"(i) upon request, on a confidential basis, to a committee of Congress having jurisdiction over the subject matter to which the information relates, and

"(ii) in any judicial proceedings under a court order formulated to preserve the confidentiality of such information without impairing the proceedings; and

"(B) may be disclosed,

"(i) upon request, on a confidential basis, to another Federal department or agency, and

"(ii) to the public in order to protect public health and safety after notice and opportunity for comment in writing, or for discussion in closed session within fifteen days, by the party from which the information was obtained (if the delay resulting from such notice and opportunity for comment or discussion would not be detrimental to the public health and safety).

"(3) Nothing contained in this subsection shall be construed to require the release of any information described by subsection (b) of section 552 of title 5, United States Code, or which is otherwise protected by law from disclosure to the public.

"(d) AGENCY CONSULTATION.—(1) Notwithstanding any other provision of law, an application filed with the Secretary for a license under this title shall constitute an application for all Federal authorizations required for construction of a high seas oil port. The Secretary will furnish a copy of the application to all other Federal departments or agencies which would otherwise have permit authority over any aspect of the proposed construction and shall insure that the application contains all the information which would have otherwise been required by those agencies.

"(2) Upon receipt of its copy of the application, each department or agency involved shall review the information contained therein and, based upon legal considerations within its area of responsibility, recommend to the Secretary the approval or disapproval of the application. In any case in which a department or agency recommends disapproval, it shall set out in detail the manner in which the application does not comply with any law or regulation within its area of responsibility and shall notify the Secretary how the application may be amended so as to bring it onto compliance with the law or regulation involved. The failure of any department or agency to forward its recommendation to the Secretary within sixty days after receiving a copy of the application shall be conclusively presumed as a recommendation by that department or agency that the application be approved.

"(e) COORDINATION WITH ADJACENT COASTAL STATES.—(1) Prior to issuing a license under this title, the Secretary shall consult with, and give full consideration to the views of, the responsible officials of any adjacent coastal State.

"(2) When an adjacent coastal State has an existing State program controlling, or other legislative requirements related to, land or water uses, upon which the construction of a high seas oil port will have a direct impact, the applicant shall include, in his application to the Secretary, a certification that in the applicant's best judgment the issuance of the license applied for would be consistent with applicable State requirements. At the same time, the applicant shall furnish to the appropriate State officials a copy of the certification, with all necessary information and data. After completion of its established procedures for the consideration of such matters, the State involved shall, at the earliest practicable time, notify the Secretary that the State concurs with or disagrees with, the applicant's certification, and in case of disagreement, the State shall specify the manner in which the certification is in error. The State shall also indicate how the application may be brought into compliance with State requirements, if such compliance is possible. In the event that the State fails to furnish the required no-

tification of concurrence or disagreement, within six months after receipt of its copy of the applicant's certification, the State's concurrence with the certification shall be conclusively presumed. The Secretary may not grant a license under this title until the State has concurred with the application or until, by its failure to act, the State's concurrence is conclusively presumed.

"(3) In addition to following the procedures outlined in paragraph (2) thereof, the Secretary shall also take into account the views of appropriate officials of any State which will be indirectly affected by the issuance of a license under this title, to the extent that the overall project will have a secondary impact on that State because of needs related to the addition or expansion of supporting landside facilities or the furnishing of expanded services.

"(f) NOTICE, HEARINGS, AND REVIEW.—(1) Within thirty days after receipt of an application filed under subsection (b) hereof, and prior to granting any license, the Secretary shall publish in the Federal Register a notice containing a summary of the application and information as to where the application and supporting data required by subsection (b) may be examined, allowing interested persons at least sixty days for the submission of written data, views, or arguments relevant to the grant of the license, with or without opportunity for oral presentation. Such notice shall also be furnished to the Governor of each adjacent coastal State, and the Secretary shall utilize such additional methods as he deems reasonable to inform interested persons and groups about the proceeding and to invite comments therefrom. Each such publication shall provide for a hearing or hearings which shall take place in the adjacent coastal State. After the completion of all hearings, the presiding officer shall submit to the Secretary a report of his findings and recommendations, and the participants in the hearings shall have an opportunity to comment thereon.

"(2) The Secretary's decision granting or denying the license shall be in writing and shall be made within one hundred and twenty days following the conclusion of all hearings. The decision shall include a discussion of the issues raised in the proceeding and his conclusions thereon and findings on the issues of fact considered at any hearing. The decision shall be accompanied by the environmental impact statement as required by section 102(2)(C) of the National Environmental Policy Act of 1969.

"(3) Judicial review of the Secretary's decision shall be in accordance with sections 701–706 of title 5, United States Code. A person shall be deemed to be aggrieved by agency action within the meaning of this Act if he—

"(A) has participated in the administrative proceedings before the Secretary (or if he did not so participate, he can show that his failure to do so was caused by the Secretary's failure to provide the notice required by this subsection) and

"(B) is adversely affected by the agency action or asserts an interest and speaks knowingly for the environmental values asserted to be involved in the suit.

"SUSPENSION OR REVOCATION OF LICENSE TO CONSTRUCT

"SEC. 105. (a) Whenever a licensee, holding a license to construct, fails to comply with any applicable provision of this title or any applicable rule, regulation, restriction, or condition issued or imposed by the Secretary under the authority of this title, the Attorney General, at the request of the Secretary, may file an appropriate action in the United States district court nearest to the location of the high seas oil port to be constructed or in the district in which the licensee resides or may be found, to—

"(1) suspend operations under the license; or

"(2) if such failure is knowing and continues for a period of thirty days after the Secretary mails notification of such failure by registered letter to the licensee at his record post office address, revoke such license.

"(b) When the licensee's failure to comply, in the judgment of the Secretary, creates a serious threat to the environment, the Secretary, in lieu of the action authorized under subsection (a), may suspend operations under the license forthwith and notify the licensee accordingly. Such suspension shall constitute final agency action for the purposes of section 704 of title 5, United States Code.

"CERTIFICATION OF COMPLETION OF CONSTRUCTION

"SEC. 106. (a) Upon completion of construction of a high seas oil port, the licensee shall notify the Secretary of such completion and of his readiness to commence operation of the oil port. Upon receipt of such notification, the Secretary shall cause an inspection to be made to assure himself that the licensee has completed construction in accordance with the license, including the conditions specified by the Secretary under section 102 of this title. If necessary, the Secretary may require such corrective measures as may be necessary to bring the construction into conformance with the provisions of this title.

"(b) When the license to construct authorizes construction in designated phases, the licensee may notify the Secretary of the completion of a designated phase, and, upon the request of the licensee, the Secretary shall invoke the procedures of subsection (a) hereof, as if the construction had been fully completed. Subsequent phase completions shall be similarly treated.

"AUTHORIZATION FOR APPROPRIATIONS

"SEC. 107. There are authorized to be appropriated for fiscal year 1974 and for each of the two succeeding fiscal years such sums, not exceeding $500,000 for any fiscal year, for the administration of this title, and for succeeding fiscal years only such sums as may be specifically authorized by law.

"TITLE II—OPERATION OF HIGH SEAS OIL PORTS

"DEFINITION

"SEC. 201. For the purposes of this title, the term 'Secretary' means, except where its usage specifically indicates otherwise, the Secretary of the department in which the Coast Guard is operating.

"LICENSE TO OPERATE

"SEC. 202. (a) GENERAL.—Upon receipt of the certification of the Secretary of the Interior, as required by section 106 of title I of this Act and subject to the provisions of subsection (b) hereof, the Secretary shall convert the license to construct a high seas oil port to a license to operate the oil port.

"(b) DURATION AND RENEWAL OF LICENSE.—Each license converted, or renewed, pursuant to this title shall be limited to a reasonable term in light of all circumstances concerning the project, but in no event for a term of more than thirty years. In determining the duration of the license, as converted or as renewed, the Secretary shall, among other things, take into consideration the cost of the facility, its useful life, and any public purpose it serves. Upon the expiration of any licensing period, and on application of the licensee, the Secretary shall renew any such license: *Provided*, That, at the time of the renewal, the high seas oil port is in commercial operation, is operating in accordance with the public interest, and the licensee is otherwise in compliance with the conditions of the license, with requirements of this title and the regulations issued pursuant thereto, and with such other provisions of law as are applicable.

"RULES AND REGULATIONS

"SEC. 203. (a) GENERAL.—The Secretary is authorized to issue reasonable rules and regulations prescribing procedures under which the high seas oil ports shall be operated. Such rules and regulations shall be issued in accordance with section 553 of title 5, United States Code, without regard to the limitations of subsection (a) thereof. They shall include, but not be limited to, port operations, vessel movements, pilotage requirements, maximum vessel drafts, designation and marking of anchorage areas, facility maintenance, personnel health and safety measures, and the provision of all equipment necesary to prevent or minimize pollution of the marine environment, to clean up any pollutants which may be discharged, and to otherwise prevent or minimize any adverse impact from the operation of the oil port.

"(b) LIGHTS AND OTHER WARNING DEVICES AND SAFETY EQUIPMENT.—The Secretary may issue and enforce such reasonable regulations with respect to lights and other warning devices, safety equipment, and other matters relating to the promotion of safety of life and property on high seas oil ports or on the waters adjacent thereto as he may deem necessary.

"(c) PROTECTION OF NAVIGATION.—The Secretary may mark for the protection of navigation any component of a high seas oil port whenever the licensee has failed suitably to mark the same in accordance with regulations issued hereunder, and the licensee shall pay the cost thereof.

"(d) SAFETY ZONES.—Subject to recognized principles of international law, the Secretary, after consultation with the Secretary of State, the Secretary of Defense, and the Secretary of the Interior, shall designate a safety zone, surrounding any high seas oil port licensed under this Act, every point in the perimeter of which lies less than two, and not more than ten, nautical miles from the port reference point. No other installations, structures, or uses incompatible with the operation of the high seas oil port will be permitted within the safety zone. The Secretary shall issue necessary rules and regulations relating to permitted activities within such zone. In promulgating such rules, the Secretary shall consult with the Secretary of State to insure that the rules are consistent with the international obligations of the United States.

"(e) SPECIAL REGULATIONS FOR SAFETY OF NAVIGATION.—In addition to any other regulations, the Secretary, after consultation with the Secretary of the Interior, is authorized to establish a safety zone in the manner described in subsection (d) hereof, and to issue reasonable rules and regulations relating thereto, to be effective during the construction of a high seas oil port for the purpose of protecting navigation in the vicinity of the construction.

"APPLICABLE LAWS

"SEC. 204. (a) GENERAL.—High seas oil ports licensed under this Act do not possess the status of islands and have no territorial seas of their own. Except as specifically provided otherwise in this section, the Constitution and the laws and treaties of the United States shall apply to such high seas oil ports in accordance with their location on the high seas.

"(b) STATE LAWS.—State taxation laws shall not apply to any high seas oil port or to any component thereof located outside the tax jurisdiction of the State. In other respects, and to the extent that they are not inconsistent with the provisions of this Act or the regulations issued pursuant thereto, or with other Federal laws and regulations now in effect or hereafter adopted, the civil and criminal laws of the State nearest to the high seas oil port, now in effect or hereafter adopted, are declared to be the law of the United States for the high seas oil port.

"(c) NAVIGABLE WATERS OF THE UNITED STATES.—For the purposes of title I of the Ports and Waterways Safety Act of 1972 (86 Stat. 424; 33 U.S.C. 1221–1227); of titles 52

and 53 of the Revised Statutes of the United States, and of Acts amendatory and supplementary thereto, including, but not limited to, sections 4472 and 4417a thereof, as amended (46 U.S.C. 170, 391a); of title II of the Act of June 15, 1917 (40 Stat. 220), as amended (50 U.S.C. 191–194); and of sections 311 and 312 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1321–1322), high seas oil ports, licensed under this Act, shall be deemed to be located within the navigable waters of the United States.

"(d) PORT OR PLACE WITHIN THE UNITED STATES.—For the purposes of the International Voyage Load Line Act of 1973 (87 Stat. 418); of the Coastwise Load Line Act, 1935 (49 Stat. 891), as amended (46 U.S.C. 88–88i); of section 4370 of the Revised Statutes of the United States, as amended (46 U.S.C. 316); of section 8 of the Act of June 19, 1886 (24 Stat. 81; 46 U.S.C. 289); of section 27 of the Act of June 5, 1920 (41 Stat. 998), as amended (46 U.S.C. 883); and of title I of the Marine Protection, Research, and Sanctuaries Act of 1972 (86 Stat. 1052; 33 U.S.C. 1401–1421), high seas oil ports, licensed under this Act, shall be deemed to be ports or places within the United States.

"(e) TRANSPORTATION BETWEEN STATES: COMMON CARRIER.—For the purposes of chapter 39 of title 18, United States Code (18 U.S.C. 831–837), and part 1 of the Interstate Commerce Act (24 Stat. 379), as amended (49 U.S.C. 1–27), movement of petroleum or petroleum products by a pipeline component of a high seas oil port, licensed under this Act, from outside, to within, the territorial jurisdiction of any coastal State shall be deemed to be transportation or commerce from one State to another State, and the licensee shall be deemed to be a common carrier for all purposes of regulation by the Interstate Commerce Commission and by the Secretary of Transportation.

"(f) COMPENSATION FOR INJURY.—With respect to disability or death of an employee resulting from any injury occurring in connection with the construction, maintenance, or operations of, a high seas oil port, compensation shall be payable under the provisions of the Longshoremen's and Harbor Workers' Compensation Act (44 Stat. 1424) as amended (33 U.S.C. 901–950). For the purposes of applying that Act to high seas oil ports—

"(1) the term 'employee' does not include a master or a crewmember of any vessel, or an officer or employee of the United States or any agency thereof, or of any State, or foreign government, or of any political subdivision;

"(2) employment in the construction, maintenance, or operation of a high seas oil port shall be deemed to be 'maritime employment'; and

"(3) high seas oil ports shall be deemed to be located in the navigable waters of the United States.

"(g) LABOR DISPUTES.—For the purposes of the National Labor Relations Act (61 Stat. 136), as amended (29 U.S.C. 151–168), any unfair labor practices, as defined in that Act, occurring upon a high seas oil port, shall be deemed to have occurred within the nearest judicial district located in the coastal State nearest to the location of the oil port.

"(h) SPECIAL MARITIME AND TERRITORIAL JURISDICTION.—For the purposes of section 7 of title 18, United States Code, high seas oil ports licensed under this Act, shall be deemed to be within the special maritime and territorial jurisdiction of the United States.

"(i) CUSTOM LAWS.—The customs laws of the United States shall not apply to any high seas oil port licensed under this Act, but all foreign articles to be used in the construction of any such high seas oil port, including any component thereof, shall first be made subject to a consumption entry in the United States and all applicable duties and taxes, which would be imposed upon or by reason of their importation if they were imported for consumption in the United States, shall be paid thereon in accordance with the laws applicable to merchandise imported into the customs territory of the United States.

"FOREIGN-FLAG VESSELS

"SEC. 205. Except in a situation involving force majeure, a licensee of a high seas oil port may not permit a vessel, registered in or flying the flag of a foreign state, to call at, or otherwise utilize, a high seas oil port licensed under this Act unless (a) the foreign-flag state involved, by specific agreement, or otherwise, has agreed to recognize the jurisdiction of the United States over the vessel and its personnel, in accordance with the provisions of this Act, while the vessel is at the high seas oil port, and (b) the vessel owner, or bareboat charterer, has designated an agent in the United States for the service of process in the case of any claim or legal proceeding resulting from the activities of the vessel or its personnel while at the high seas oil port.

"INTERNATIONAL COOPERATION

"SEC. 206. The Secretary of State, in consultation with the Secretary, shall seek effective international action and cooperation in support of the policy of this Act and may, for this purpose, formulate, present, or support specific proposals in the United Nations and other competent international organizations for the development of appropriate international rules and regulations relative to the construction and operation of high seas oil ports, with particular regard for measures to promote the safety of navigation in the vicinity thereof.

"OFFICIAL ACCESS

"SEC. 207. All United States officials, including those officials responsible for the implementation and enforcement of United States laws applicable to a high seas oil port, shall at all times be afforded reasonable access to a high seas oil port licensed under this Act for the purpose of enforcing laws under their jurisdiction or otherwise carrying out their responsibilities.

"PENALTIES

"SEC. 208. (a) Any person who violates any provision of this title or any rule or regulation issued pursuant to section 203 hereof shall be liable to a civil penalty of $10,000 for each day during which the violation continues. The penalty shall be assessed by the Secretary, who, in determining the amount of the penalty, shall consider the gravity of the violation, any prior violation, and the demonstrated good faith of the person charged in attempting to achieve rapid compliance after notification of the violation. No penalty may be assessed until the person charged shall have been given notice of the violation involved and an opportunity for a hearing. For good cause shown, the Secretary may remit or mitigate any penalty assessed. Upon failure of the person charged to pay an assessed penalty, the Secretary may request the Attorney General to commence an action in the appropriate district court of the United States for collection of the penalty, without regard to the amount involved, together with such other relief as may be appropriate.

"(b) In addition to any other penalty, any person who willfully and knowingly violates any provision of this title, or any rule or regulation issued pursuant to section 203 hereof, shall be punished by a fine of not more than $25,000 for each day during which such offense occurs.

"(c) Any vessel, except a public vessel engaged in noncommercial activities, used in a violation of this title or of any rule or regulaton issued pursuant to section 203 hereof, shall be liable in rem for any civil penalty assessed or criminal fine imposed and may be proceeded against in any district court of the United States having jurisdiction thereof; but no vessel shall be liable unless it shall appear that one or more of the owners, or bareboat charters, was at the time of the violation, a consenting party or privy to such violation.

"SUSPENSION OR REVOCATION OF LICENSE

"SEC. 209. (a) Whenever a licensee, holding a license to operate, fails to comply with any applicable provision of this title or any applicable rule, regulation, restriction, or license condition issued or imposed under the authority of this Act, or fails to operate the high seas oil port consistent with the policy of this Act, by denying reasonable access or otherwise unreasonably restricting the amount of petroleum or petroleum products received at the oil port or transshipped to the United States, the Attorney General, at the request of the Secretary, may file an appropriate action in the United States district court nearest to the location of the high seas oil port or in the district in which the licensee resides or may be found, to—

"(1) suspend operations under the license; or

"(2) if such failure is knowing and continues for a period of thirty days after the Secretary mails notification of such failure by registered letter to the license at his record post office address, revoke such license.

"(b) When the licensee's failure to comply, in the judgment of the Secretary, creates a serious threat to the enviromnent, the Secretary, in lieu of the action authorized under subsection (a), may suspend operations under the license forthwith. Such suspensions shall constitute final agency action for the purposes of section 706 of title 5, United States Code.

"(c) In any case in which a license is revoked under subsection (a) hereof, the Secretary, in lieu of requiring or permitting the licensee to remove any of the components of the high seas oil port, may—

"(1) order forfeited the posted bond or, in the absence of a bond, collect payment of a sum of money representing the other assurances given under section 102(d)(1)(G),

"(2) take custody of the high seas oil port, and

"(3) transfer the license to any other eligible applicant, with payment from the new licensee for the value of the high seas oil port, such value to be determined by the Secretary and such payment thereafter to be transferred by the Secretary to the former licensee.

"(d) In any case in which a license is suspended under subsection (a) or subsection (b) hereof, the Secretary, after assuring himself that the basis for the suspension has been removed and that future operations will be conducted in accordance with applicable provisions of this title and with applicable rules, regulations, restrictions, and license conditions, may lift the suspension and reinstitute the license.

"AUTHORITY FOR RESEARCH ACTIVITIES

"SEC. 210. (a) The Secretary in cooperation with other Federal agencies of the Government, or not, as may be in the national interest, shall—

"(1) engage in such research, studies, experiments, and demonstrations as he deems appropriate with respect to (A) the removal from waters of oil spilled incident to high seas oil ports operations, and (B) the prevention and control of such spills; and

"(2) publish from time to time the results of such activities.

"(b) In carrying out this section, the Secretary may enter into contracts with, or make grants to, public or private agencies and organizations and individuals.

"AUTHORIZATION FOR APPROPRIATIONS

"SEC. 211. (a) There are authorized to be appropriated for fiscal year 1976 and for each of the three succeeding fiscal years such sums, not exceeding $2,500,000 for any fiscal year, for the administration of this title (other than section 210 hereof), and for

succeeding fiscal years only such sums as may be specifically authorized by law.

"(b) There are authorized to be appropriated $10,000,000 for each of the fiscal years 1975, 1976, and 1977, to carry out the purposes of section 210 of this title."

Mrs. SULLIVAN (during the reading). Mr. Chairman, I ask unanimous consent that further reading of the amendment offered as a substitute for the amendment in the nature of a substitute offered by Mr. JONES of Alabama be dispensed with since it has been printed in the CONGRESSIONAL RECORD of June 4, 1974, at pages H4724, H4725, H4726, H4727, H4728, and H4729.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Missouri?

There was no objection.

Mrs. SULLIVAN. Mr. Chairman, I have offered my amendment as an amendment to the Jones amendment, as I have mentioned previously, because of the wording of the rule, House Resolution 1139, which would have prevented any consideration of the Merchant Marine and Fisheries Committee legislation on this important matter, unless and until the so-called Jones amendment was defeated. In effect, this rule would provide only a minimal chance that the Merchant Marine and Fisheries Committee measure would ever be considered by the House.

My amendment is the same as our bill, H.R. 11951, except that we have deleted several provisions.

By offering this amendment, I hope that the Public Works Committee version in the form of the Jones amendment, and the Merchant Marine and Fisheries Committee version in the form of the "Sullivan amendment," can be perfected and considered head-to-head. This seems fair to the committees which have both expended considerable time and effort on this important matter, and to the Members of the House itself which should be afforded an opportunity to consider the various legislative possibilities available.

I have gone through the various differences between the two versions in my statement in general debate. There are considerable differences between the two versions and we are convinced the Merchant Marine and Fisheries Committee version is the better of the two. Many of the licensing interests, plus the environmentalists, plus the administration, are convinced that our bill is the best piece of legislation.

We provide that the licensing of the facility shall be by the Secretary of the Interior and its operation shall be governed by the Coast Guard under DOT. The Public Works Committee proposal provides for the licensing and administration being in a five-member commission. They also establish a liability fund commission. In my opinion, the Public Works Committee proposal just provides for more unnecessary layers of bureaucratic encumbrance.

The Public Works Committee version provides a State preference so that during the insulated period no other applicant can proceed in this matter. Our bill provides that any applicant may proceed on an equal basis.

The Public Works Committee bill provides that the State next to the facility, as well as a contiguous State having 50 percent or more of the piping or landside facilities, can veto the building of an offshore port. We do not agree with such a dual contiguous State veto.

The Public Works Committee bill provides that an offshore terminal may not be constructed unless the State has an environmental program specifically providing for the construction of offshore terminals. Our bill requires only that there be coordination with the adjacent coastal State and compliance with State requirements related to land or water use.

There are many, many other differences between the two bills, Mr. Chairman, but I only wanted to point up some of the basic differences which I think show the superiority of our legislation. As I mentioned a few minutes ago, a large portion of the licensing interests, as well as the environmentalists and the administration, support the Merchant Marine and Fisheries Committee version of this legislation, which is embodied in my amendment. The adoption of my amendment precludes the necessity of any amendments from these parties and interests.

I would like to point out that the Public Works Committee had to improve their original version of H.R. 10701, which was the purpose of the so-called Jones amendment printed in the RECORD on May 13 and June 4. Even this improved version is a weak piece of legislation and cannot compare to the bill worked out by the Merchant Marine and Fisheries Committee.

It is clear that the best interests of the people of the United States and of the Nation will be served by enacting the Merchant Marine and Fisheries Committee version of this offshore legislation. I am confident in the ability of the Members to analyze the differences between the two versions and to discern the superiority of the Merchant Marine and Fisheries Committee product. I feel that this will be reflected in the vote on my amendment.

AMENDMENT OFFERED BY MR. ECKHARDT TO THE AMENDMENT OFFERED BY MRS. SULLIVAN AS A SUBSTITUTE FOR THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. JONES OF ALABAMA

Mr. ECKHARDT. Mr. Chairman, I offer an amendment to the amendment offered by the gentlewoman from Missouri (Mrs. SULLIVAN) as a substitute for the amendment in the nature of a substitute offered by Mr. JONES and I ask unanimous consent that the reading of my amendment be dispensed with and it be printed in the RECORD.

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

There was no objection.

The amendment offered by Mr. ECKHARDT to the amendment offered by Mrs. SULLIVAN as a substitute for the amendment in the nature of a substitute offered by Mr. JONES of Alabama is as follows:

Following Section 210, insert a new Section 211, which, together with its caption, will read as follows:

"LIABILITY FOR DAMAGE

"SEC. 211. (a) Notwithstanding any other provision of law, the High Seas Oil Port Liability Fund (hereafter referred to in this section as the 'Fund') shall be liable without regard to fault, in accordance with the provisions of this section, for all damages (excluding cleanup costs) to real and personal property within the territorial jurisdiction of the United States that are sustained by any person or entity, public or private, as a result of operations and activities related to a high seas oil port and occurring at, along, or in the vicinity of, any high seas oil port.

"(b) Liability may not be imposed under this section—

"(1) if the Fund can prove that the damages concerned were caused by an act of war; or

"(2) with respect to the claim of a damaged party if the Fund can prove that the damage was caused by the negligence of such party.

"(c) Liability for all claims arising out of any one incident shall not exceed $100,000,000, and the Fund shall be liable for the claims that are allowed up to $100,000,000. If the total claims allowed exceed $100,000,000, they shall be reduced proportionately. The unpaid portion of any claim may be asserted and adjudicated under other applicable law.

"(d) The Fund is hereby established as a nonprofit corporate entity that may sue and be sued in its own name. The Fund shall be administered by the Secretary. The Fund shall be subject to an annual audit by the Comptroller General of the United States, and a copy of the audit shall be submitted to the Congress.

"(e)(1) Each licensee shall collect from the owner of any oil offloaded at the high seas oil port operated by such licensee, at the time of offloading, a fee of 2 cents per barrel.

"(2) The collections made under paragraph (1) shall be delivered to the Fund at such times and in such manner as shall be prescribed by the Secretary subject to such appropriation as may be made pursuant to the authorization provided in subsection (j) hereof. Cost of administration shall be paid from the money paid to the Fund, and all sums not needed for administration and the satisfaction of claims shall be invested prudently in income-producing securities approved by such Secretary. Income from such securities shall be added to the principal of the Fund. Expenditures from the Fund shall be made only after appropriation in an appropriation bill.

"(f) Liability under this section shall cease with respect to any oil offloaded at any high seas oil port at such time when the oil has been removed from the onshore facilities of such high seas oil port.

"(g)(1) In any case where liability without regard to fault is imposed pursuant to this section and the damages involved were caused by the unseaworthiness of the vessel or by negligence of the owner or operator or of the licensee, the Fund shall be subrogated under applicable State and Federal laws to the rights under such laws of any person entitled to recovery thereunder. If the Fund brings an action based on unseaworthiness of the vessel or negligence of its owner or operator or of the licensee, it may recover from any affiliate of the owner or operator or licensee, if the respective owner or operator or licensee fails to satisfy any claim by the Fund allowed under this paragraph.

"(2) In any case where liability without regard to fault is imposed pursuant to this section and claims with respect to the damages involved may be made under any international agreement to which the United States is party, including the International Convention on Civil Liability for Oil Pollution Damage and the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, the Fund shall be subrogated to the rights of recovery under such agreements of the person compensated under this section.

"(h) This section shall not be interpreted—

"(1) to preempt the field of liability without regard to fault or to preclude any State from imposing additional requirements; or

"(2) to affect in any manner the application of the Federal Water Pollution Control Act.

"(i) If the Fund is unable to satisfy a claim asserted and finally determined under this section, the Fund may borrow the money needed to satisfy the claim from any commercial credit source, at the lowest available rate of interest.

"(1) The term 'affiliate' includes—

"(A) any entity owned or effectively controlled by the vessel owner or operator or licensee;

"(B) any entity that effectively controls or has the power effectively to control the vessel owner or operator or licensee by—

"(i) stock interest,

"(ii) representation on a board of directors or similar body,

"(iii) contract or other agreement with other stockholders, or

"(iv) otherwise; or

"(C) any entity which is under common ownership with or control of the vessel owner or operator or licensee.

"(2) The term 'licensee' means any person holidng a license to operate a high seas oil port under section 202.

"(3) The term 'entity' means an individual corporation, a partnership, an association, a joint-stock company, a business trust, or an unincorporated organization."

"(j) There is authorized to be appropriated such sums, not to exceed $100,000,000, to carry out the provisions of this section. Any other moneys received by the Fund under this section shall also be deposited in said revolving fund and shall be available when appropriated for such purposes. All sums appropriated hereunder shall remain available until expended,"

And renumber the following section accordingly.

Mr. ECKHARDT. Mr. Chairman, I offer this amendment in behalf of the gentleman from New Jersey (Mr. FORSYTHE) and myself, and I mention his name first advisedly, because this amendment entered the bill from the Committee on Merchant Marine and Fisheries through his excellent efforts and, indeed, was accepted in the bill from the Committee on Public Works as an excellent idea and was adopted in almost identical form.

I may say, Mr. Chairman, that the purpose of this amendment is to restore in the language proposed by the distinguished chairman of the Committee on Merchant Marine and Fisheries a section relating to liability which was contained in H.R. 11951, as reported. It has already been discussed. This section was omitted from the Sullivan language by reason of the fact that it might have been in its original form subject to a point of order.

The amendment, as now drafted, would eliminate the basis for that point of order and would restore substantially in its original form the provisions with respect to liability. It would establish the high seas oil port liability fund, which would be liable without fault for any damages which might be suffered to property within the territorial limits of the United States from an oil spill which might occur as a part of the high seas port operation. The fund having responded to a claim from such damage, is then subrogated of all rights from any loss of compensation claimed. In order to establish the fund, a fee of 2 cents a barrel will be collected from the owner of any oil received at the high seas oil port.

Access to this fund is available to claimants as an alternative to any other legal resource they may have under State or Federal or international law and provides quick and immediate compensation without the necessity of their having to resort to court action under other statutes.

This provision, patterned after a somewhat similar provision in the Alaskan pipeline bill, was added during the markup of the Committee on Merchant Marine and Fisheries, as I said, by the distinguished gentleman from New Jersey (Mr. FORSYTHE). Its validity has apparently been recognized by the Committee on Public Works and the gentleman from Alabama (Mr. JONES) since he has elected to incorporate the provisions of our bill in his amendment.

I hope this will be considered merely as a corrective and perfecting amendment to the substitute amendment offered by the gentlewoman from Missouri (Mrs. SULLIVAN).

I yield to my distinguished chairman.

Mrs. SULLIVAN. I just want to say that I think it would be a very fine addition to my substitute amendment.

As the gentleman said, it was a part of the original bill.

Mr. ECKHARDT. I yield to the distinguished chairman of the Committee of the Interior, the gentleman from Florida.

Mr. HALEY. The gentleman's amendment, as I understand it, follows very closely the language put into the Alaskan pipeline bill.

Mr. ECKHARDT. The gentleman from Florida correctly said that the language follows very closely the excellent language that was devised in his committee following the Alaskan pipeline bill. That is correct.

I yield back the balance of my time.

Mr. CRONIN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to address a question either to the gentleman from Alabama (Mr. JONES) or the gentleman from Louisiana (Mr. BREAUX).

As you know, I come from the State of Massachusetts, and we are very concerned there about the availability of fuel and also the excessively high cost of our fuel. We now have to import all of the fuel we use. We have no refineries at this time and no source of supply; yet we use over 25 percent of the Nation's distillate fuels. I am particularly interested as to whether the Jones substitute would give priorities to those sections of the country that already have the largest volume of tanker and barge traffic.

Mr. BREAUX. Will the gentleman yield?

Mr. CRONIN. I yield to the gentleman.

Mr. BREAUX. I would like to answer the gentleman by pointing out that in the middle of the committee print that point is covered on page 8 where it says that very expeditious and positive consideration will be given to applications for a license which would become an appropriate area which additionally has a high dependence on petroleum products. For example, it could be applied under this provision so that it would be affecting a public port authority. It is the intent of the committee by the committee print that expeditious and positive consideration should be given to the specific points that the gentleman from Massachusetts raises.

Mr. CRONIN. We have a port authority in Massachusetts that currently has control over the ports and is proposing the deepwater port there. Under the terms stated in your bill, am I correct in believing that the Massachusetts Port Authority will be considered the logical applicant?

Mr. BREAUX. Yes.

Mr. CRONIN. Thank you very much.

One of the very few variables we have left in the price we must pay for our oil is the cost of transportation. Historically, New England has paid the highest prices in the country for our energy because we are totally dependent on foreign nations and other sections of our own country for energy supplies. This bill represents one way to cut the cost of New England's energy lifeline so that we will no longer be forced to depend upon the leftovers of the rest of the country to drive our cars, run our industries, and heat our homes.

This legislation is environmentally sound, because of the reduction of the large number of small, leaky tankers lining Boston Harbor and those of the rest of the United States that would occur with the construction of deep-water port facilities. The advent of the supertankers would reduce this hazard and the likelihood of collision and would certainly clean up our harbors, even assuming the worst possible condition.

This Nation desperately needs this legislation—both to alleviate our energy problems and to reduce our enviromental problems. Therefore, I am pleased to support the deepwater port bill, and I strongly urge my colleagues to do likewise.

Mr. BREAUX. Mr. Chairman, I move to strike the last word.

I merely rise to point out regarding the amendment offered by the gentleman from Texas (Mr. ECKHARDT) that although I know he does offer an amendment to strengthen the environmental provisions of the bill by establishing a liability fund, I think it is very important for us to point out and to recognize the amendment offered by the gentleman from Texas only provides money from the liability fund for damages and only within territorial waters. It does not provide any funds from that liability fund for any cleanup cost.

One of the biggest problems we will have is if a supertanker cracks up outside the 3-mile limit off the coast of Louisiana, Who will pay for the cleanup costs?

I want to make one other point. The public works liability fund, in addition to providing for damages, also provides for a cleanup cost for oil spills from vessels outside territorial waters as well as providing liability for damages to real or personal property that occurs within territorial waters.

Mr. ECKHARDT. Mr. Chairman, if the

gentleman will yield, the reason why cleanup is left out here is because there is a fund already established under the Federal Water Pollution Act.

Mr. BREAUX. Mr. Chairman, on the point just raised by the gentleman from Texas, would the gentleman from Texas not be in agreement that the Federal Water Pollution Control Act applies only to damages occurring in navigable waters? What happens outside of our territorial waters where the Federal Water Pollution Control Act does not apply? That act applies only to damages in navigable waters of our country.

Mr. ECKHARDT. Would the gentleman from Louisiana propose to ask to extend the Federal Water Pollution Control Act? I think we just got that extended last year.

Mr. BREAUX. Definitely. If the gentleman from Texas would merely look at the bill H.R. 10701, the gentleman would see our concern, when I speak of cleanup costs outside territorial waters, that is already outside the gentleman's amendment.

Mr. ECKHARDT. I have no objection to striking out the cleanup. I feel that we should not overlap with the Water Pollution Control Act.

Mr. BREAUX. I think the point should be made that the amendment offered by the gentleman from Texas does not apply to the cleanup costs, but only for damages.

Mr. GROVER. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the pending amendment.

Mr. Chairman, as the gentleman from Alabama (Mr. JONES) stated, we are here to consider the substance of these bills that we will agree upon.

I rise in support of both the Eckhardt amendment and the Sullivan amendment, and I do so for a number of reasons.

Mr. Chairman, the amendment offered by the gentleman from Texas (Mr. ECKHARDT) to the Sullivan substitute amendment, has been offered to restore the deleted provisions in the liability fund, which was removed because it would have been subject to a point of order.

I believe that when it will have been included that we will have a complete bill.

One of the things that was not mentioned today, or I could almost say tonight and today, is that the Department of Justice has submitted to the Committee on Public Works a report on that committee's bill, setting forth eight pages—eight pages—of both technical and substantive changes. I would like to just quote a few of them. I would wish that the gentleman from Iowa (Mr. GROSS) would listen closely to these:

One is that there is a great deal of ambiguity in the economic costs which they have referred to in the Public Works Committee bill.

Interior objects to the broad scope of granting to the States the right to collect user fees.

Interior objects in particular that the reference in the economic costs gives the States an open-ended taxing authority. Hear that. States rights? Sure. You give the States open-ended taxing authority.

A further objection is to the confusion and conflict in the application of both our Outer Continental Shelf land and our Submerged Land Act. And there are several pages of objections by the Justice Department.

The Justice Department has raised an objection to the Public Works Committee bill in its liability clause to some unenforceable changes in merging it with the Federal Water Pollution Control Act.

The Justice Department has raised objection to the enforcement, the enforcement authority of the authority which is set up here, saying that their enforcement authority is unclear.

They have also raised objection to the unclearness of the borrowing authority which the Public Works Committee bill would place in the authority.

In addition to that they have indicated that the States under the Public Works Committee bill must waive immunity to get within the umbrella of the Federal jurisdiction, in the way that the Public Works Committee bill is written.

In adition to that, they claim that the Public Works Committee bill is silent on the authority of the U.S. Coast Guard in implementing the legislation.

The Sullivan substitute will encourage the construction of deepwater port facilities and at the same time protect those States, such as, for example, Delaware, which have adopted programs for land and water use, and which rule out a deepwater port. Under the Jones amendment, however, the States will have to rule in deepwater ports in order for deepwater ports to be built. This is a fundamental difference.

The Sullivan substitute enables States to become an applicant if they choose to do so on an equal footing with all other applicants. The Public Works Committee bill, or the Jones amendment, give a State an unreasonable and totally unjustified right to preempt any other applicant, and to unduly delay the licensing procedure for up to 210 days by indicating its desire to preempt.

Section 2, subsection 2 of the public works bill has a little sleeper which, as a vague concept, refers to the "50 percent of design-receiving capacity for crude oil." As I read it, this permits a sister State which does not have 50 percent, which has an abutting State which has more than 50 percent, conceivably to be imposed upon without the so-called veto power which they claim is in the public works bill.

Like I say, Mr. Chairman, it is something that disturbs me, and I have been informed that section 13 of the House Public Works bill bars transshipment of crude oil which comes into these deepwater ports—and petroleum products through these deepwater ports—to any location outside the United States. What this will do will bar any cooperating importing in super crude carriers, cooperative venture, between the United States and Canada, the United States and Mexico, or any other partner in the Western Hemisphere. It will also be a blow to the petrochemical industry, because we do not export petroleum in very large quantities from this country. But I understand we do export to Europe petroleum which is refined, which is for sophisticated, petrochemicals which are vitally needed in many, many industries in this country.

The Sullivan substitute amendment bars the export or transshipment of products, but it does give the Secretary jurisdiction to waive that bar in given circumstances.

The CHAIRMAN. The time of the gentleman has expired.

(At the request of Mr. ECKHARDT and by unanimous consent, Mr. GROVER was allowed to proceed for 2 additional minutes.)

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

Mr. GROVER. I yield to the gentleman from Texas.

Mr. ECKHARDT. I thank the gentleman for yielding.

I should like to ask the gentleman a question in order to more or less elucidate on the matters that the gentleman from Louisiana (Mr. BREAUX) raised. As he pointed out, the Federal Water Pollution Control Act does not in its initial provisions necessarily include all of the waters included in this bill, but on page 27 of the Sullivan amendment it is provided in section (c) navigable waters of the United States—and it states:

For the purpose of title I, sections 311 and 312 of the Federal Water Pollution Act—

Incidentally, that is a section where the funds available for cleanup are contained, and the authorization is $35 million—it states that with respect to those sections, the high seas oil ports licensed under this act shall be deemed to be located within the navigable waters of the United States.

Therefore, I would submit—and I should like to have the gentleman's response—that our act in all of its parts totally covers cleanup as well as other provisions, because it refers to, and thus enlarges if need be, the Water Pollution Control Act.

Mr. GROVER. The gentleman is referring to the Sullivan amendment?

Mr. ECKHARDT. That is correct.

Mr. GROVER. I would agree with that. As I pointed out, there is an inconsistency in the enforceability of the Water Pollution Control Act in the Jones amendment.

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

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

Mr. BREAUX. I thank the gentleman for yielding.

In response to the point made by the gentleman from Texas, by stretching the definition of the port the very most that could be done under the bill the gentleman is talking about, is that oil spills could be cleaned up in the 2- to 4-mile zone around the unloading facility. When we get outside of that 2- to 4-mile zone, then we are talking about high seas where the Federal Water Pollution Control Act certainly does not cover it, and by no stretch of one's imagination could there be cleanup under the Federal Water Pollution Control Act on the high seas.

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

Mr. GROVER. I yield to the gentleman from Texas.

Mr. ECKHARDT. I thank the gentleman for yielding.

The bill also includes all pipe connections, and it is difficult for me to see where a spill can occur at other than the area of the facilities or at the pipeline, so I think we have covered it.

The CHAIRMAN. The time of the gentleman has expired.

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

Mr. Chairman, I should like to point out to our Members there seems to be a very poignant point here that ought to be brought to people's attention. What all of a sudden has become of the rights of the States? Should not a State have a right over its destiny? Why should the Federal Government preempt the rights of a State and say to the State, "We will consult with you, but we will place that port off your shore, whether in effect you agree or not."

I know somebody is going to take a little umbrage with that. Our Public Works bill and the Jones amendment says that the State has to take positive action. Should the Federal Government be in the position of forcing the State to take action on an issue? Should it not be the right of a State of 7½ million people as we have in New Jersey to make that determination? Should it not be the right of the State in its environmental program and in its ecology program and in its use of its 3-mile limit to make that determination? Should it not be the State which has the right? Would any one of the Members here give up his State's rights and now have them preempted by the Federal Government? I do not see why we should denigrate the right of the States to speak. Should a State not have the right to govern its environmental program or its ecology program or its coastline and coastal waters programs?

We are talking about a major point on these oil spills. I hope some of these Members realize, as my State of New Jersey realizes, that each of these supership will carry 210 million gallons of crude oil. Our biggest asset in the State of New Jersey is our shore tourist resort industry. There is no provision in the Sullivan amendment at this point to accommodate the cleanup should we have that kind of an oil spill accident. In our State of New Jersey we have had ship accidents and many, many miles of our beaches were destroyed for years. We, the State, had to clean them up and pay for it. I know this at first hand, having been an officer in the cabinet in that State and heading up the department of conservation.

Nobody denies that there is a question of dichotomy in this legislation but who is going to clean up the 200 million gallons of oil and who is going to pay that bill? Should the State be responsible? Should we have a $1.5 billion industry ruined because of such an accident? What about the Mississippi flood program, and what about the earthquakes; and did those people not come back here and ask for our help and say they needed our help and we voted for it.

I am not against deepwater ports or energy for the United States or for my people, but I do say each person and each State should be treated fairly and should have the right to act for itself and not have the Federal Government preempt the State rights in the situation. That is the core and central problem in this particular bill. The Jones amendment does protect those rights.

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

Mr. Chairman, I take this time before we vote on the Sullivan amendment to establish some legislative history on the Jones amendment. I would make this inquiry of the gentleman from Alabama if I may have his attention.

Mr. JONES of Alabama. Mr. Chairman, presupposing the gentleman is yielding, I suggest the answer might be "Yes."

Mr. CLEVELAND. I am going to ask the question and then the gentleman can answer "Yes."

I understand after the brilliant States rights speech which we just heard from the gentleman from New Jersey that the gentleman from Alabama may have been surprised perhaps and perhaps has not quite recovered his senses. It is nice to know that States rights is an issue which is coming back into style.

Mr. JONES of Alabama. I think it is most commendable.

Mr. CLEVELAND On page 5 of a report we issued on November 28, which accompanied another bill, but a very similar bill, we find the following language:

> The Congress will be expected to consider various new methods and technologies of oil transfer including the propelled unmoored terminals of advanced design capable of relocation and storm avoidance which offer possible leadtime and cost effectiveness advantages.

That language was omitted from the committee print report which accompanies the gentleman's substitute for the bill H.R. 10701, but my question of the gentleman is whether or not for purposes of legislative history it would still be operative and still be a part of the legislative history of this proposal.

Mr. JONES of Alabama. Yes. I will bring the gentleman's attention to the committee report. On page 5 next to the last paragraph, which I will read, it is as follows:

> The Commission will be expected to consider various new methods and technology of oil transfer including self-propelled, unmoored terminals of advanced design with the capability of relocation and storm avoidance which offer possible lead time and cost effectiveness advantages. The determination of the need for a license under this legislation for this type of terminal will depend upon the specifics of the design and operation.

Mr. CLEVELAND. I thank the gentleman. I might ask the gentleman if he wants to comment, because I find nothing similar to this proposal in the Sullivan amendment. I would inquire whether or not he has found that to be true. I have not been able to find anything in the Sullivan substitute that incorporates that type of approach to the problem.

Mr. JONES of Alabama. Neither did I.

Mr. CLEVELAND I am going to yield to the gentleman from California, who has been handling this bill for the minority. I would like to inquire of him as a matter of legislative history if the dialog between me and the gentleman from Alabama (Mr. JONES) is correct, as far as the legislative history of this matter is concerned.

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

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

Mr. DON H. CLAUSEN. The gentleman is referring to Report No. 93–668, dated November 28, 1973. I believe that is what he read from.

The answer is yes, I concur in the statement of the gentleman from Alabama.

Mr. CLEVELAND. I appreciate that. I want to make this point against the Sullivan substitute and for the Jones bill. The point is simply this, that there is a considerable body of information, considerable information given to our committee in the hearings that shows there is a very promising possibility here for these so-called new methods of technology in oil transfer, including the self-propelled, unmoored terminals that will have the capability of relocation and storm avoidance. This avoids the problem of erecting a massive structure that some day may have to be removed or which will become outmoded or obsolete.

Finally, there is the argument of substantial cost savings.

The CHAIRMAN. The time of the gentleman has expired.

(At the request of Mr. GROVER and by unanimous consent, Mr. CLEVELAND was allowed to proceed for 1 additional minute.)

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

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

Mr. GROVER. There is absolutely no limitation in the Sullivan bill whatever with regard to the type of facility, including self-propelled, unmoored terminals, such as have been designed in the State of New Hampshire and elsewhere.

Mr. CLEVELAND. Is there anything in the Sullivan bill that incorporates this in writing?

Mr. GROVER. Well, I do not believe there is.

Mr. DON H. CLAUSEN. Mr. Chairman, will the gentleman yield further?

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

Mr. DON H. CLAUSEN. There appears to be a difference of opinion because of the definition of high seas oil port in H.R. 11951. It is defined in a structural sense as, any complex, consisting of a permanently sited structure or structures, located in, or subjacent to, the offshore coastal waters of the United States.

I doubt if it would qualify as a permanently sited structure.

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

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

Mr. COCHRAN. Mr. Chairman, in recent months acute shortages of vital petroleum supplies have made the Nation painfully aware of its precarious dependence on imported oil.

While it instituted a number of stopgap measures designed to alleviate the immediate effects of the shortage, this Congress has given first priority to obtaining long-range energy self-sufficiency. Despite recent brightening of the short-term energy outlook, it is imperative that we remain steadfast in our efforts to free the United States from dependence on unstable and expensive foreign crude supplies.

Yet while pushing for long-run self-sufficiency, we cannot afford to neglect the pressing needs of the more immediate future. Even though a concerted effort is underway to develop fully our Nation's energy resources, the fact remains that imported petroleum, at least in the near future, will continue to make up the difference between American demand and domestic supply.

With the foreign controlled oil exporting monopoly exerting constant upward pressure on crude prices, it is important that petroleum be imported by the most efficient and economical means.

Crude oil transportation technology is changing rapidly. There is a marked trend toward larger and larger tankers for overseas transport. The average size of all crude oil tankers now on order is approaching 200,000 deadweight tons. Where complemented by modern terminal systems, these large ships offer lower freight rates, reduced port congestion, and minimal oil handling.

But because of inadequate port facilities, the United States is presently denied the numerous advantages supertankers offer. The average size of tankers now entering U.S. ports is only 50,000 deadweight tons. Ports are congested with these less economical small tankers; collisions, and ecological damage are not rare.

New port facilities capable of handling the newer and more efficient supertankers—many of which draw up to 100 feet of water—are needed to alleviate the problems presently associated with petroleum importation. Since dredging of existing port channels would be prohibitively expensive, new facilities located offshore in deepwater are the logical answer.

Recognizing the need for such offshore oilports, I worked actively with my colleagues on the Committee on Public Works to develop the necessary authorizing legislation. The comprehensive bill which the committee reported, H.R. 10701, provides for effective coordination among the numerous Federal agencies which would be involved in the licensing and construction of a deepwater port.

For a superport to be economically feasible there should be large amounts of land available on the adjacent shore, ready transportation linking the port to the prime users of petroleum in inland areas, and adequate support facilities to provide for the day-to-day operation of the port.

In light of these specifications, the Mississippi-Alabama coast on the Gulf of Mexico would provide the ideal site for an offshore oilport. The superport would be located in close geographic proximity to the oil-hungry areas of the Eastern and Central United States, with abundant land available for support and storage facilities.

The governments of Alabama and Mississippi thoroughly studied the feasibility of locating a deepwater oilport off their coastline. They propose the construction of an "Ameraport" deepwater facility utilizing a single-point monobuoy mooring system. I commend them for this initiative and heartily endorse the "Ameraport" proposal. Locating a superport in the vicinity would not only be in the best national interest but would also serve to further the growth of a region with great capacity for economic expansion.

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

Mr. Chairman, I have a little legislative history, if I may; but before I do that, I believe that the gentleman from Alabama (Mr. JONES), the gentleman from Texas (Mr. ROBERTS), my colleague, the gentleman from Louisiana (Mr. BREAUX), and for that matter, the entire Public Works Committee deserve the thanks of the House for the fine work they have done in producing the deepwater ports bill. I particularly want to thank the gentleman from Louisiana (Mr. BREAUX) who, as the author of this bill, has spent so many hours of hard work in writing it.

We in Louisiana have been among the leaders in developing plans for deepwater ports in the Gulf of Mexico.

Louisiana's universities have been at work on the technology needed to build the ports and protect our unique wetlands and coastal environments. Also, private industry has been planning ways of accommodating supertankers.

Governor Edwards has given his full support to the drive to build a superport. Our State legislature over a year ago adopted a law which would enable the construction of the port while protecting our coast.

I had the honor of heading up the first task force charged with developing plans for a deep-draft harbor in Louisiana, and later was first president of the Louisiana Deep-Draft Harbor and Terminal Authority.

When the several deepwater ports bills were first brought up to the Rules Committee, I stated at that time that I favored the Public Works Committee approach, but I also pointed out at that time that neither of the bills brought before the Rules Committee then contained any protection against the danger of foreign control over the ownership and operation of whatever ports might be built.

To highlight this danger, we only need to look at a few simple facts. Ten years from now, the United States will need to import as much as 13 million barrels of oil per day. Because of the high cost of construction, Mr. Chairman, there probably will be no more than three to five of these ports built for the supertankers. These few ports, three to five, will become America's energy lifeline during this transition period and will be crucial pressure points of our national security.

What would happen if one or more of these would come under the control of a foreign country with interests adverse to those of the United States? All of us remember, because it is fresh in our minds, the recent oil embargo. The Arab nations at that time showed their willingness to use their oil for political purposes. Now that they are collecting staggering amounts for their oil, there is no reason to doubt that they would hesitate to use that money for similar purposes. Their income is about to rise so fast that by 1980 they will have amassed about $300 billion—more than four times the combined 1972 net worth of every single American oil company.

When America is utterly dependent on a handful of ports, and an alien country has the power to control both supply and price of oil they ship to us, and also to cut off our supply from other countries by financial control over our ports, we face a potentially catastrophic situation. It is because of this danger that I have worked to include domestic control provisions in any deepwater ports authorization bill. I am especially gratified that the Public Works Committee is now inserting such a provision in its bill which I consider to be adequate.

Section 6(a)—and I would like to call the attention of the gentleman from Louisiana (Mr. BREAUX) to this—section 6(a) of the substitute for H.R. 10701 authorizes the Deepwater Port Facilities Commission to include certain conditions in every license it issues. It also requires the Commission to include in every license seven conditions which are listed in the section.

There is some ambiguity in my mind in this section. In its first sentence, it authorizes inclusion of some conditions, and in the next sentence it requires some conditions to be included.

The report of the Public Works Committee on H.R. 10701 says this about section 6(a):

> The Commission is authorized to include in any license any conditions which it deems necessary to carry out the purposes of the legislation. Certain important conditions are required to be included in the license.

The new committee print, No. 93-41, which explains the amended bill, states:

> The amendment adds a provision directing the Commission to include in any deep water port facility license provisions necessary to ensure domestic control over the port facility.

The only significant change in section 6(a) from the original to the amended bill is the addition of 6(a), subparagraph (7), which orders that conditions of domestic control be included in every license.

Mr. Chairman, my question to the gentleman is this: Am I correct in reading the language as interpreted in the report and in the new committee explanation, the intent of the Public Works Committee is that every license issued by the Commission must contain conditions listed in section 6(a), parts 1 through 7 of the substitute, and may contain other conditions if the Commission feels that they are needed to carry out the purposes of the act?

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

Mr. LONG of Louisiana. Mr. Chairman, I am happy to yield to my colleague, the gentleman from Louisiana.

Mr. BREAUX. I would like to say to my colleague that he is absolutely correct.

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

(By unanimous consent, Mr. LONG of Louisiana was allowed to proceed for 1 additional minute.)

Mr. BREAUX. Mr. Chairman, my colleague, the gentleman from Louisiana, is correct. Page 9 of the committee report has a provision to insure domestic control over operation and construction of the facility.

Section 6 directs the Commission to include certain conditions, as a minimum, in any license it issues. It is certainly the intent of the committee to have the licenses issued by the Commission expressing conditions to insure domestic control over construction and operation of the port facilities.

Mr. LONG of Louisiana. Mr. Chairman, I thank the gentleman and I am in support of the bill of the Committee on Public Works and in opposition to the Sullivan amendment.

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

Mr. Chairman, I want to thank my friend, the gentleman from Texas, for offering the amendment to restore the provision that we did have in the original bill of the Committee on Merchant Marine and Fisheries to provide for the liability funding.

I wish to point out too that I think from our research, the committee is very confident that all bases are covered in this liability funding and the other provisions of the Sullivan amendment, so that with regard to clean-up and third-party damage, we are assured that we have clearly protected the public from all kinds of oil spills or any other kind of accident that might be connected with the operation of a deep sea port.

Mr. Chairman, I also again want to urge my colleagues to support the Sullivan amendment.

I think the fact that there are so many areas of the bill of the Committee on Public Works which are in question by the various people interested in this legislation, including departments of our Government such as Justice and Interior, indicates that it is clearly a much better bill.

I hope we will have the support of the House for the Sullivan amendment.

Mr. JONES of Alabama. Mr. Chairman, I ask unanimous consent that all debate on the Eckhardt amendment and all amendments thereto be concluded in 1 minute.

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

Mr. DINGELL. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. JONES of Alabama. Mr. Chairman, I move that all time on the Eckhardt amendment and all amendments thereto be concluded in 5 minutes.

The CHAIRMAN. The question is on the motion offered by the gentleman from Alabama (Mr. JONES).

The motion was agreed to.

The CHAIRMAN. The Chair will state that all members standing at the time the motion was made will be recognized for approximately one-half minute each.

(By unanimous consent, Messrs. DOWNING, DINGELL, and LEGGETT yielded their time to Mr. ECKHARDT.)

The CHAIRMAN. The Chair recognizes the gentleman from Delaware (Mr. DU PONT).

Mr. DU PONT. Mr. Chairman, in the half minute which I have, I would simply like to say that it would be a tragedy if we were not to adopt the Eckhardt amendment, regardless of which position one might take on the legislation itself.

I will have further comment on that later, but the Eckhardt amendment is a good amendment, and it should be adopted by the House.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. VAN DEERLIN).

Mr. VAN DEERLIN. Mr. Chairman, I am constrained to oppose both bills before the House this afternoon. Both are well-intentioned but neither is adequate, in my judgment, to deal with the menace posed by these enormous tankers.

I can remember not so many years ago when ships like the Cunard Queens, displacing 80,000 tons or so, were tremendously impressive as the largest things then afloat.

No longer. Today they are building squat and ugly tankers capable of carrying upwards of 500,000 tons of petroleum. And I am told that behemoths with capacities of 1.25 million tons are now seen as both technologically feasible and economically justifiable.

The *Torrey Canyon*, which caused such havoc when she ran aground off the Scilly Islands 7 years ago weighed in fully loaded at 118,000 tons—a baby in comparison with existing and future monsters.

Just think about the potential for destruction that is inevitably built into the loaded supertanker. It is almost too much for the mind to grasp. My district is on a seacoast. I simply cannot imagine the consequences if a giant tanker broke up 30 miles off the shore.

There is also evidence that tankers cause most of their long-term damage through normal leakage in unloading operations, and resulting from ordinary deterioration of equipment.

No port in the United States can accommodate these dubious vessels; throughout the world there are only about six ports capable of berthing them. Very few ports—Rotterdam is a notable exception—want this deadly business.

To receive these tankers, we now talk about developing special facilities for them many miles offshore, which presumably would enable them to take on and discharge their cargo, while staying so far out that there would be no chance of striking bottom.

H.R. 10701 and H.R. 11951 are both admirable in the safeguards they would prescribe to minimize hazards of operating these ports.

I have no serious quarrel with any provision in either of the bills. What does concern me is the aura of legitimacy the measures could extend to supertanker operations.

Perhaps the supertanker route is the one that eventually we will have to take, to meet future energy needs. But we cannot be certain of this today, especially at a time when there is such concern over our continued heavy reliance on oil. I do not see how providing a statutory basis for supertanker ports can help us in our quest for new fuel sources. Accordingly, I must oppose both of the measures before us, as setting us onto collision course with possible disaster.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. DON H. CLAUSEN).

(By unanimous consent, Mr. DON H. CLAUSEN yielded his time to Mr. HARSHA).

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. HARSHA).

Mr. HARSHA. Mr. Chairman, I rise in opposition to the Eckhardt amendment and to the Sullivan amendment.

In the first place, the Eckhardt amendment does almost nothing to take care of the danger of oil spills outside the territorial limits of these United States. As one of the coauthors of the Federal Water Pollution Control Act and as one of the conferees who spent some 6 months in conference with the Senate, I can assure this body that the Federal Water Pollution Control Act has no jurisdiction outside the territorial limits of the United States. Therefore, when we are talking about these huge tankers which import over 200 million gallons of oil, endangering the environment, neither the Eckhardt amendment nor the Sullivan substitute amendment does anything significant to protect the environment outside the territorial limits of the United States, and the bill from the Committee on Public Works does.

There has been a great hue and cry in this House about protecting the environment, and justly so. I think we all want to protect the environment, but if we are sincere in that desire, if we are sincere in that determination that we want to protect the environment and the waters of this Nation and outside this Nation, then we should adopt the bill from the Committee on Public Works and vote down the Eckhardt amendment and the Sullivan substitute.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. ECKHARDT).

Mr. ECKHARDT. Mr. Chairman, I shall use my time to clarify the parliamentary situation. All we ask here is that the Members adopt an amendment which is, in effect, a perfecting amendment to the Sullivan substitute.

It is hardly more than a courtesy that we ask, because it was in the merchant marine bill that the original liability section was devised by the gentleman from New Jersey (Mr. FORSYTHE). The provision is substantially the same in the Jones bill. It would seem to me that the Members, whether they be for the Jones bill or for the Sullivan substitute, would want to be assured that liability in either case exists with respect to oil spills.

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

Mr. ECKHARDT. Mr. Chairman, I have so little time, but I will yield to the gentleman.

Mr. HARSHA. Mr. Chairman, if the Sullivan substitute is such a rational and well thought out program, why did the gentleman begin to amend it immediately?

Mr. ECKHARDT. Mr. Chairman, the reason was because the Sullivan substitute was not protected by a waiver of points of order, and it took us a little time to devise a way in which to handle that situation.

Mr. HARSHA. Mr. Chairman, will the gentleman yield further?

Mr. ECKHARDT. Mr. Chairman, I refuse to yield further.

I urge strongly that the House permit the two bills before the House to be perfected in order that we have a choice between those two bills. That is all that is requested by this amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Alabama (Mr. JONES).

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

Mr. JONES of Alabama. I yield to the gentleman from Ohio.

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

I was going to ask the gentleman from Texas (Mr. ECKHARDT) this: If this is such a worthy amendment, why was it deleted from the Sullivan bill to start with?

Mr. ECKHARDT. Mr. Chairman, I thought I had answered that. The reason is because, as it was originally written, it contained an appropriation, and, therefore, it would have been subject to a point of order because it is not protected by the rule.

Therefore, we have removed the appropriation and answered the point of order, and we seek to put it back, in order that the Sullivan substitute be in its best form at this time, and that is the reason.

Mr. HARSHA. But it does nothing to protect the territorial seas outside the 3-mile limit.

Mr. ECKHARDT. I thought I answered that earlier.

Mr. HARSHA. And we have two other bills that were offered.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. ECKHARDT) to the amendment offered by the gentlewoman from Missouri (Mrs. SULLIVAN) as a substitute for the amendment in the nature of a substitute offered by the gentleman from Alabama (Mr. JONES).

The question was taken, and the chairman stated he was in doubt.

RECORDED VOTE

Mr. ECKHARDT. Mr. Chairman, on that I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device; and there were—ayes 311, noes 27, not voting 95, as follows:

[Roll No. 280]

AYES—311

Abdnor	Barrett	Brown, Ohio
Abzug	Bauman	Broyhill, N.C.
Adams	Beard	Broyhill, Va.
Addabbo	Bennett	Burke, Calif.
Alexander	Biaggi	Burke, Mass.
Anderson, Calif.	Boland	Burleson, Tex.
Anderson, Ill.	Bolling	Burlison, Mo.
Andrews, N. Dak.	Bowen	Byron
Annunzio	Brademas	Camp
Archer	Bray	Carney, Ohio
Arends	Breckinridge	Carter
Armstrong	Brinkley	Casey, Tex.
Aspin	Brooks	Cederberg
Badillo	Broomfield	Chamberlain
Bafalis	Brotzman	Chisholm
	Brown, Calif.	Clancy
	Brown, Mich.	Clark
Clausen, Don H.	Johnson, Colo.	Rogers
Clawson, Del	Johnson, Pa.	Roncallo, N.Y.
Clay	Jones, N.C.	Rooney, Pa.
Cleveland	Jones, Okla.	Rose
Cohen	Jones, Tenn.	Rostenkowski
Collier	Jordan	Rousselot
Collins, Tex.	Kastenmeier	Roy
Conable	Kazen	Runnels
Conlan	Ketchum	Ruth
Conte	Kyros	Ryan
Cotter	Lagomarsino	St Germain
Coughlin	Landgrebe	Sandman
Crane	Latta	Sarasin
Cronin	Leggett	Sarbanes
Daniel, Dan	Lent	Satterfield
Daniel, Robert W., Jr.	Long, Md.	Scherle
Davis, S.C.	Lott	Schroeder
Davis, Wis.	Luken	Sebelius
de la Garza	McClory	Seiberling
Delaney	McCloskey	Shipley
Dellenback	McCollister	Shoup
Dellums	McCormack	Shriver
Denholm	McDade	Sikes
Dennis	McEwen	Sisk
Dingell	McFall	Skubitz
Downing	McKinney	Smith, Iowa
Drinan	Macdonald	Smith, N.Y.
Dulski	Madden	Snyder
Duncan	Madigan	Spence
du Pont	Mallary	Staggers
Eckhardt	Mann	Stanton, J. William
Edwards, Ala.	Maraziti	Stanton, James V.
Edwards, Calif.	Martin, Nebr.	Stark
Eilberg	Martin, N.C.	Steed
Erlenborn	Mathias, Calif.	Steelman
Eshleman	Mathis, Ga.	Stokes
Evans, Colo.	Matsunaga	Stratton
Evins, Tenn.	Mayne	Stubblefield
Fascell	Meeds	Stuckey
Findley	Melcher	Studds
Fisher	Metcalfe	Sullivan
Flood	Mezvinsky	Symington
Flowers	Michel	Talcott
Foley	Miller	Taylor, Mo.
Forsythe	Mills	Taylor, N.C.
Fountain	Minish	Teague
Frelinghuysen	Mink	Thomson, Wis.
Frey	Minshall, Ohio	Thone
Froehlich	Mitchell, N.Y.	Thornton
Gaydos	Mizell	Tiernan
Gettys	Moakley	Towell, Nev.
Giaimo	Montgomery	Traxler
Gibbons	Moorhead, Pa.	Treen
Gilman	Morgan	Udall
Goldwater	Mosher	Van Deerlin
Gonzalez	Moss	Vander Veen
Grasso	Murphy, Ill.	Vanik
Green, Pa.	Murtha	Veysey
Gross	Myers	Vigorito
Grover	Natcher	Waldie
Gubser	Nedzi	Walsh
Gunter	Nelsen	Wampler
Guyer	Nix	White
Haley	Obey	Whitehurst
Hamilton	O'Brien	Widnall
Hammer-schmidt	O'Hara	Wiggins
Hanley	O'Neill	Williams
Hansen, Idaho	Owens	Wilson, Bob
Hansen, Wash.	Parris	Wilson, Charles H., Calif.
Harrington	Passman	Wilson, Charles, Tex.
Hastings	Patman	Winn
Hechler, W. Va.	Patten	Wolff
Heckler, Mass.	Pepper	Wright
Heinz	Perkins	Wydler
Helstoski	Pickle	Wylie
Henderson	Pike	Wyman
Hicks	Podell	Yates
Hillis	Preyer	Yatron
Hogan	Price, Ill.	Young, Fla.
Holifield	Pritchard	Young, Ga.
Holt	Quie	Young, Ill.
Holtzman	Randall	Young, S.C.
Horton	Rees	Young, Tex.
Hosmer	Regula	Zablocki
Huber	Reuss	Zion
Hungate	Riegle	
Jarman	Rinaldo	
	Robinson, Va.	
	Rodino	
	Roe	

NOES—27

Baker	Gray	Milford
Bergland	Hanrahan	Rarick
Bevill	Harsha	Roberts
Blatnik	Hunt	Shuster
Boggs	Johnson, Calif.	Slack
Breaux	Jones, Ala.	Stephens
Cochran	Kluczynski	Waggonner
Devine	Long, La.	Ware
Ginn	Mahon	Whitten

NOT VOTING—95

Andrews, N.C.	Biester	Buchanan
Ashbrook	Bingham	Burgener
Ashley	Blackburn	Burke, Fla.
Bell	Brasco	Burton
Butler	Hanna	Poage
Carey, N.Y.	Hawkins	Powell, Ohio
Chappell	Hays	Price, Tex.
Collins, Ill.	Hébert	Quillen
Conyers	Hinshaw	Railsback
Corman	Howard	Rangel
Culver	Hudnut	Reid
Daniels, Dominick V.	Hutchinson	Rhodes
Danielson	Ichord	Robison, N.Y.
Davis, Ga.	Karth	Roncalio, Wyo.
Dent	Kemp	Rooney, N.Y.
Derwinski	King	Rosenthal
Dickinson	Koch	Roush
Diggs	Kuykendall	Roybal
Donohue	Landrum	Ruppe
Dorn	Lehman	Schneebeli
Esch	Litton	Steele
Fish	Lujan	Steiger, Ariz.
Flynt	McKay	Steiger, Wis.
Ford	McSpadden	Symms
Fraser	Mazzoli	Thompson, N.J.
Frenzel	Mitchell, Md.	Ullman
Fulton	Mollohan	Vander Jagt
Fuqua	Moorhead, Calif.	Whalen
Goodling	Murphy, N.Y.	Wyatt
Green, Oreg.	Nichols	Young, Alaska
Griffiths	Pettis	Zwach
Gude	Peyser	

So the amendment to the amendment offered as a substitute for the amendment in the nature of a substitute was agreed to.

The result of the vote was announced as above recorded.

The Chairman. The Chair will put the question on the amendment offered by the gentlewoman from Missouri (Mrs. SULLIVAN), as amended.

PARLIAMENTARY INQUIRY

Mr. DU PONT. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DU PONT. Mr. Chairman, it is my understanding when the gentleman from Alabama moved a time limit that he moved it on the Eckhardt amendment and all amendments thereto, and therefore I would be entitled to move to strike the requisite number of words at this point, and a vote on the Sullivan amendment is not in order.

The CHAIRMAN. The gentleman is correct.

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

Mr. Chairman, I would like to use my time to speak very strongly in favor of the Sullivan substitute and I would like to congratulate the chairman of our committee for the fine remarks she made earlier and associate myself with those remarks.

There are three points to be made, Mr. Chairman. The first is, as my colleagues know, the Justice Department has filed a letter with 8 pages of objections to the Public Works bill. I bring that up because I think it indicates that the public works bill had not had the thorough consideration that the Merchant Marine Committee has given to this substitute over the past year.

As one example of that, I would specifically cite section 13 of the public works bill, which prohibits completely the export of oil from a superport. Now, in the United States we are exporting a small amount of oil, most of it going to refineries abroad in which it is refined and sent back to the United States. That is part of the standard commercial practice in which we are now engaged. If the public works bill passes, that will be cut off and we will be endangering the oil supplies of refined products that we have in this country. That is the kind of thing

that exists in the public works bill, that is a good reason to adopt the Sullivan substitute.

But most importantly, let me address myself to the question of States rights, because I know a lot of my colleagues are concerned with that. I represent a State, the only State in the Nation, I believe, which 3 years ago enacted a comprehensive coastal zoning bill. That bill prohibits superports, among other things.

The merchant marine bill recognizes the impact of the superport on a State like Delaware and recognizes that a State like Delaware ought to have the right to reject an offshore terminal.

The bill provides that if an application is made, Delaware and other States have to be consulted. If we turn thumbs down, then the superport cannot be built. But the public works bill goes one step further and says that we have got to have positive action to stop the development of superports in those areas of the country where they are appropriate and desired.

Legislation by inaction, prohibition by inaction, is a serious mistake. I think the dangers of that are obvious.

The gentleman from New Jersey a few moments ago made an impassioned speech saying that the merchant marine bill allowed us to override the opinion of the State. That could not be further from the truth. It does nothing of sort. All it says is that the States will have an opportunity to express their opinion. If their opinion is yes, they may have a superport. If their opinion is no, no superport may be built and the Federal Government may not override the decision of the States.

That is good legislation. That is the way a bill ought to be drafted.

I urge adoption of the Sullivan amendment.

Mr. DINGELL. Mr. Chairman, I rise in support of the Sullivan substitute.

Mr. Chairman, I rise, first, to note that the time is 6:55. If we adopt the Sullivan substitute, we will vote on the Sullivan substitute. We will then vote on final passage and we may all go home.

Now, that makes good sense and I hope my colleagues will be moved by that good sense at this hour of the night.

Let me talk now about the merits of the issue which lie before us. The Jones substitute is a most curious device, printed in the CONGRESSIONAL RECORD. We cannot find out whether it was voted on, considered, read, reported, amended, or otherwise reviewed by the Committee on Public Works. By a curious coincidence it involves many, indeed, seven or eight provisions of the Sullivan substitute.

Interestingly enough, however, in the draftsmanship of the Jones substitute, which I assume was not read by the Committee on Public Works—and incidentally, while I am taking the skin off the Committee on Public Works, they are fine men, even though they did a poor job in this matter.

As a matter of fact, there are some curious conflicts in the Jones substitute. For example, every vessel calling at a deep sea oil port which bears a foreign flag is deemed under one provision to have consented to U.S. jurisdiction. Under another provision, it says no vessel can call at a deep sea oil port unless the flag jurisdiction of this foreign vessel has consented to U.S. jurisdiction.

In addition to this, it makes all U.S. laws applicable to high seas oil ports.

For example, the Federal Water Pollution Control Act, which has extensive provisions with regard to oil cleanup. In addition to this, it has another thoroughly inconsistent provision which relates to cleanup liability of the deep sea oil ports. It has still a third provision which provides for cleanup responsibilities in the oil liability fund which is set up. These provisions are so inconsistent and so bad that the Department of Justice has complained about the feasibility of adopting legislation which has so many inherent jurisdictional conflicts that it may be impossible of successful administration from an environmental standpoint.

I do not want to say that this bill should be voted down solely for that reason, but these are two very good reasons; legislation written in haste, poorly considered, presented to the House in great haste.

The Sullivan substitute, on the other hand, has been considered with exquisite care and has no inherent conflicts that can be discerned. For example, as to declaration of policies, no problem. With regard to structures on the Continenal Shelf, the high seas oil port, it has a most curious definition of high seas oil port.

The limitation applicability solely to the States; it totally disregarded prudent practice of this Nation over the years that we should utilize, where possible, the private free enterprise system. The Sullivan substitute clearly requires in each and every instance that the oil port must be operated in full conformity with all State laws of adjacent States. There is nothing like that in the Jones substitute

The Jones substitute sets up another most curious device, a Commission composed of the Secretary of Transportation and a number of others, Cabinet agents, who will be dispersing their responsibilities by delegation to junior level, subcabinet and noncabinet officers. Perhaps some of the decisions will even be made by a panel of GS–16's, GS–17's, and GS–18's under the Jones substitute. On the other hand, under the Sullivan substitute, we find very clearly that the decisionmaking power is vested clearly in the Secretary of the Interior, the agency which has jurisdiction over the entire Outer Continental Shelf.

Certainly, when we look at this curious package, so desperate in its internal function, so unwise in its result, so poorly drafted, so poorly considered by the committee which presents it to us at the hour of 6:55, it appears clear that we should go on. I am informed that there are something like 18 amendments at the Clerk's desk.

Let us adjourn and get home.

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

Mr. Chairman, I am pleased that my good friend from Michigan, Mr. DINGELL, is so solicitous of the comfort and well-being of the Members. I am going to join him in trying to get this bill finished and completed just as promptly as we can.

Mr. Chairman, I ask unanimous consent that all amendments and all debate thereon close in 5 minutes.

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

Mr. BROOKS. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

MOTION OFFERED BY MR. JONES OF ALABAMA

Mr. JONES of Alabama. Mr. Chairman, I move that all amendments to the amendment offered by the gentlewoman from Missouri (Mrs. SULLIVAN) as a substitute for the amendment in the nature of a substitute offered by Mr. JONES of Alabama, and all debate thereon, be concluded within 10 minutes.

The CHAIRMAN. The question is on the motion offered by the gentleman from Alabama.

The motion was agreed to.

The CHAIRMAN. The Chair will state that all Members standing at the time the motion was made will be recognized for one-half minute each.

The gentleman from Louisiana (Mr. TREEN) is recognized.

(By unanimous consent, Messrs. ARMSTRONG and COLLIER yielded their time to Mr. TREEN.)

Mr. TREEN. Mr. Chairman, in a minute and a half, I will just try to make one point.

I apologize to those who were here before repeating this point. I think one of the significant advantages of the substitute offered by Mrs. SULLIVAN is that we will get a port built faster than we would under the bill of the Committee on Public Works.

The reason is that there is no State preference under the Sullivan amendment. Under the bill of the Committee on Public Works the State must be notified of a private application within 30 days, and then it can have up to 6 months to file an application. During that time we might lose the interest of some of the people who are willing to build ports.

Mr. Chairman, one of the places they are thinking about building a port is off the coast of my district.

I think that private enterprise ought to stand on at least an equal footing with loca' government in building these ports. I, for one, believe that whenever private enterprise is willing to invest this kind of money, massive amounts of money, to build a facility, when it can be built in the public interest, as both bills guarantee, we ought to let private enterprise do the job because it does it at less cost and it does it more quickly.

The CHAIRMAN. The Chair now recognizes the gentleman from Texas (Mr. ECKHARDT).

(By unanimous consent, Mr. ECKHARDT yielded his time to Mr. DOWNING).

Mr. DOWNING. Mr. Chairman, I am heartily in favor of deep sea ports to serve this Nation from the standpoints of economy, of environment, and of the well-being of our people.

If the Members believe as I do, I think the Sullivan amendment is the solution to it. I will tell the Members why. Under the version of the Committee on Public Works, the State has to take affirmative action before a deep sea port can be built there. I can see how this would mean delay after delay. It would take a man with great courage to introduce legislation in his State house to accommodate or provide for an oil port.

I think if the Members are really serious and if they want to get the deep sea ports, they will have to vote for the Sullivan amendment.

Mr. Chairman, as for the version of the Committee on Public Works, if the Members vote for that, it is going to have to be amended in several important places if it is to be a workable bill.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. GRAY).

Mr. GRAY. Mr. Chairman, I wish to commend the chairman of the Public Works Committee, the gentleman from Minnesota (Mr. BLATNIK) and the gentleman from Alabama (Mr. JONES) and all the other members of our fine committee on the excellent job they have done in bringing the deepwater port legislation to the floor.

I am supporting the amendment offered by Mr. JONES to H.R. 10701. One of the most meritorious provisions of this amendment is that it establishes a Deepwater Port Facilities Commission to issue the licenses for deepwater ports. The construction and operation of deepwater ports does not involve merely one or two agencies in a major sense. A number of agencies have substantial and significant interest in this matter. The Corps of Engineers is the major Federal agency involved with navigation and port facilities, and has also undertaken a number of studies on the need for and location of deepwater port facilities off our Nation's coasts. The Department of Commerce is, of course, very much involved in the need for petroleum products and other sources of energy which we so vitally need to maintain our growing and industrialized economy. The Department of the Interior has many responsibilities with regard to energy needs and uses, including oil exploration and use.

The Environmental Protection Agency is also very much concerned with the construction and operation of deepwater port facilities because of the potential major environmental impacts of these facilities, and the Department of Transportation has a leading role to play in deepwater port development because deepwater port facilities are nothing more nor less than a means to provide for the transportation of oil into the United States.

Because of the significant interests and responsibilities of these various agencies, the establishment of a Commission composed of these agencies is the most logical concept to be utilized for the issuance of deepwater port licenses. This will enable these agencies to effectively and responsibly apply their experience and expertise to the questions involving licensing and operation of deepwater port facilities, and will avoid unnecessary, unproductive, and duplicative interagency conflicts.

In recognition of the fact that we are dealing primarily with a transportation question, the Secretary of Transportation is made chairman of the Commission and he is directed to make the necessary administrative arrangements for the Commission. Mr. Chairman, the establishment of a Commission to issue these deepwater port licenses will go far to insuring that all competing interests are properly balanced and that the Nation's interest will be properly served.

I wish to express my strong support for the amendment which will be offered by Mr. JONES.

(By unanimous consent, Messrs. GRAY, JONES of Alabama, and WAGGONNER yielded their time to Mr. BROOKS.)

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. BROOKS).

Mr. BROOKS. Mr. Chairman, I am greatly concerned over the ownership of these offshore facilities. This legislation—the Jones amendment—provides for participation by the Federal Government and the opportunity for State ownership, but it does not require control by any governmental body.

This raises the specter of control by a consortium of international companies, by financial soldiers of fortune, and indirectly by foreign governments.

We are all painfully aware of the recently demonstrated ability of oil producing nations to influence the major oil companies. The management of these international giants showed us how little control we actually have over their operations even though they vitally affect the defense, economy, and public policy of the United States.

I am not pleased at the prospect of giving control over our economic future to an international consortium by allowing them to operate facilities, off our coast in international waters, through which our economic blood is supplied. If there are to be such facilities, it is imperative that they be absolutely controlled by a governmental entity which is responsive to the public, not to a group of stockholders, or worse, to a foreign power.

It is my contention that, at best, offshore facilities are only make-do Jack Lee, Rube Goldberg, solutions which are extremely limited in their capacity and are, in fact, single purpose—that is, to transship oil and its refined products. What we need are onshore, deepwater, multipurpose ports of a permanent nature, controlled by a public entity, which can handle bulk, liquid, and all types of cargo.

Public ownership of our deepwater ports is the only way to provide protection for our people. While the Federal Government has helped to build and dredge our ports, they have been operated primarily by local bodies, such as port authorities, wharf districts, et cetera. These are the types of bodies which are most responsive to the public need.

The port of Galveston, Tex., is this week submitting a permit request to the Corps of Engineers for a 67-foot channel. They now know that they must move ahead with such a project if they are to meet the future requirements for port facilities. Our Nation would be better served by supporting such efforts by publicly owned port authorities. I support the public works bill as amended by the Jones amendment, but I am hopeful that the Congress will continue to consider this matter and not stop with a piecemeal solution such as offered by this legislation.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. DON H. CLAUSEN).

(Mr. DON H. CLAUSEN asked and was given permission to revise and extend his remarks.)

(By unanimous consent, Mr. DON H. CLAUSEN yielded his time to Mr. MIZELL.)

The CHAIRMAN. The Chair recognizes the gentleman from North Carolina (Mr. MIZELL).

Mr. MIZELL. Mr. Chairman, I come from a State that has one of the most beautiful shorelines of all of those in the United States. It is rich in marine life, as well as natural beauty, and it is unmatched in recreational opportunities.

As I listened to the debate today, I became convinced in my own mind that the best opportunity for protecting these beautiful natural resources we have is by adopting the Jones substitute in preference to the Sullivan substitute.

I urge the Members to adopt the Jones amendment, and I would say also that the Governor of North Carolina prefers the Jones amendment today, because it offers the best opportunity and the best formula for developing these deepwater ports, and it will help to develop the environmental standards which are necessary in order to protect this great natural resource we have, which is the coastline of North Carolina.

Mr. Chairman, I urge the Members to vote for the Jones amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Maryland (Mr. BAUMAN).

Mr. BAUMAN. Mr. Chairman, I must beg to disagree with my colleague from North Carolina, but there are other matchless areas on the coast, and one of them is in the State of Maryland.

I, as one who is very much concerned about these matters, know that the question is not whether we will have these deepwater ports but whether they will defile the coast of my district.

I support the Sullivan substitute and urge everyone in the Chamber to support it. There is something in it for everyone.

If you would like to be with labor, then the AFL–CIO likes the Sullivan substitute. If you are interested in ecology, the Sierra Club is for the Sullivan substitute. The environmental policy organization is for it. If you would like to go with the administration, the Department

of the Interior also supports the Sullivan substitute.

Let us get away from the jurisdictional battle we have had all afternoon and vote on the merits. Let us support the Sullivan substitute.

The CHAIRMAN. The Chair recognizes the gentleman from New Jersey (Mr. ROE).

Mr. ROE. Mr. Chairman, I say to everyone in this House let us deal on the merits here. Remember we represent 50 sovereign States. The day the Federal Government usurps the basic fundamental rights of the States and this particular body countenances it, that is the day that we end our democracy.

I say vote for the Jones amendment and support the bill.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. LEGGETT).

Mr. LEGGETT. Mr. Chairman, I rise in support of my committee's bill which is the Sullivan substitute. I think the amendment offered by the gentlewoman from Missouri is well thought out and will put the total jurisdiction in one department; namely, the Department of the Interior. If we vote for that, it will allow us all to go home, because if we do not pass it, we are going to have half a dozen amendments offered to perfect the distinguished Public Works Committee bill. I think all of the arguments that have been made on the basis of environment will not be made on the Sullivan substitute because it does a good job in protecting the environment.

Mr. Chairman, I urge your support for the Merchant Marine Committee substitute, H.R. 11951. I take the position not merely because I am a member of that committee, but because there are good and valid reasons for preferring this version.

First, there is the question of licensing. The commission proposed in the public works bill is a well-designed commission, but why do we need a commission at all? It will be more cumbersome and more unwieldy than a single executive, and it appears to offer no advantages. The Secretary of the Interior will bear the most direct involvement in any case; in my view, we will do better to give him the entire construction licensing authority in the interest of efficiency. The Secretary will, of course, have to consult with and receive recommendations from DOT, Commerce, EPA, and the Corps of Engineers.

Second, I do not believe it is necessary to have a State veto, or to require the adjacent or the most affected State to have a special act authorizing deepwater ports. All of these ports will be covered by NEPA, which will provide more than adequate environmental protection.

Finally, there is the national security aspect, which is of particular interest to me since I also serve on the Armed Services Committee. These facilities will be located outside our territorial waters. The merchant marine bill requires that the ports be consistent with national security considerations; the public works bill does not.

The merchant marine bill requires that, before a foreign-flag vessel can use the port, its nation must make an agreement with our Government subjecting its vessels to U.S. jurisdiction at the oil port. The public works bill contains similar provisions, but it also says foreign-flag vessels shall be automatically deemed under our jurisdiction when they use the ports. This confusion can be avoided by adopting the merchant marine substitute.

More importantly, there is the question of who shall operate these stations. I am all in favor of détente and opening doors to the Soviets, but I do not think we want them setting up storage tanks and missile observation platforms 20 miles off our shores. The merchant marine bill explicitly requires that the ports be under control of U.S. citizens. In contrast, the public works bill merely authorizes the commission to insure domestic control. I believe this question is sufficiently important that it must be tied down hard by legislation. For this and the other reasons I have enumerated, I hope you will support the merchant marine substitute.

The CHAIRMAN. The Chair recognizes the gentleman from New Jersey (Mr. SANDMAN).

Mr. SANDMAN. Mr. Chairman, New Jersey is the most affected State in this Nation insofar as this legislation is concerned mainly because New Jersey refines more oil than any other State.

I represent 80 percent of New Jersey's coastline on both the Delaware Bay and River as well as the Atlantic seaboard. New Jersey's greatest natural asset is its beaches all of which will be in jeopardy if this measure passes.

The Jones amendment is the better of the two evils. The Sullivan amendment actually requires a State to take affirmative action to defeat the deepwater port whereas the Jones amendment would require affirmative action to approve the port.

The people of the Atlantic seaboard overwhelmingly oppose the deepwater oil port. Only the Gulf of Mexico wants this port under these conditions the Jones amendment allows the people to have what they want.

The deepwater port will make the oil companies richer and none of their transportation savings will be passed on to the consumer. They only seek to increase prices not to lower them.

To those who love the great natural beaches of the Nation, they will vote "no."

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. GROVER).

Mr. GROVER. Mr. Chairman, we perfected by an overwhelming vote a little while ago the Sullivan substitute by putting in clean-up provisions. As the gentleman from Louisiana said, it has the clean-up provisions in it, and it is now an environmentalist bill and a States rights bill.

If we want to perfect the House Public Works Committee bill, we have to vote on the 14 pages of suggestions of ambiguities and defects which have been set forth by the Department of Justice. If we are going to do that, then we can stay here until 11 o'clock and we will get a good bill just like the Sullivan substitute.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Missouri (Mrs. SULLIVAN), as amended, as a substitute for the amendment in the nature of a substitute offered by the gentleman from Alabama (Mr. JONES).

The question was taken, and the Chairman announced that the Chair was in doubt.

RECORDED VOTE

Mrs. SULLIVAN. Mr. Chairman, on that I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 174, noes 158, not voting 101, as follows:

[Roll No. 281]

AYES—174

Adams	Giaimo	O'Neill
Anderson, Ill.	Gibbons	Owens
Andrews, N. Dak.	Gilman	Parris
Archer	Goldwater	Patman
Arends	Gross	Perkins
Armstrong	Grover	Podell
Aspin	Gunter	Pritchard
Barrett	Guyer	Quie
Bauman	Haley	Railsback
Biaggi	Hamilton	Randall
Boland	Hanley	Regula
Bowen	Hansen, Idaho	Reuss
Brademas	Hansen, Wash.	Riegle
Breckinridge	Harrington	Robinson, Va.
Broomfield	Hastings	Rogers
Brotzman	Heinz	Rooney, Pa.
Brown, Calif.	Hogan	Rousselot
Brown, Mich.	Holt	Roy
Broyhill, N.C.	Horton	Sarasin
Broyhill, Va.	Hosmer	Sarbanes
Burke, Mass.	Huber	Satterfield
Burlison, Mo.	Hungate	Scherle
Camp	Hunt	Shriver
Casey, Tex.	Jarman	Sisk
Cederberg	Johnson, Colo.	Smith, Iowa
Chamberlain	Johnson, Pa.	Smith, N.Y.
Clark	Jones, N.C.	Spence
Clawson, Del	Kemp	Stanton, J. William
Clay	Ketchum	Steelman
Cohen	Kyros	Stratton
Collins, Tex.	Lagomarsino	Stubblefield
Conable	Latta	Sullivan
Conlan	Leggett	Symington
Conte	Lott	Talcott
Coughlin	Luken	Thomson, Wis.
Crane	McClory	Thone
Daniel, Dan	McCloskey	Towell, Nev.
Daniel, Robert W., Jr.	McCollister	Treen
Davis, Wis.	McDade	Udall
de la Garza	McEwen	Vanik
Delaney	McKinney	Veysey
Dellenback	Macdonald	Vigorito
Dennis	Madigan	Waldie
Dingell	Mallary	Wampler
Downing	Martin, Nebr.	Whitehurst
Drinan	Mathias, Calif.	Widnall
Dulski	Matsunaga	Wilson, Charles H., Calif.
du Pont	Mayne	Winn
Eckhardt	Melcher	Wolff
Edwards, Calif.	Metcalfe	Wylie
Eilberg	Mezvinsky	Yates
Eshleman	Michel	Yatron
Findley	Mitchell, N.Y.	Young, Fla.
Forsythe	Moorhead, Pa.	Young, Ga.
Frelinghuysen	Morgan	Young, Ill.
Frey	Mosher	Young, S.C.
Froehlich	Moss	
Gaydos	Murtha	
	Obey	
	O'Brien	

NOES—158

Abdnor	Gray	Rarick
Abzug	Green, Pa.	Rees
Addabbo	Gubser	Rinaldo
Alexander	Hammer-schmidt	Roberts
Anderson, Calif.	Hanrahan	Rodino
Annunzio	Harsha	Rose
Badillo	Hechler, W. Va.	Runnels
Bafalis	Heckler, Mass.	Ruth
Baker	Helstoski	Ryan
Beard	Henderson	St Germain
Bennett	Hicks	Sandman
Bergland	Hillis	Schroeder
Bevill	Holifield	Seiberling
Blatnik	Holtzman	Shipley
Boggs	Johnson, Calif.	Shoup
Bolling	Jones, Ala.	Shuster
Bray	Jones, Okla.	Sikes
Breaux	Jones, Tenn.	Skubitz
Brinkley	Jordan	Slack
Brooks	Kastenmeier	Snyder
Brown, Ohio	Kazen	Staggers
Burke, Calif.	Landgrebe	Stanton, James V.
Burleson, Tex.	Long, La.	Stark
Byron	Long, Md.	Steed
Carney, Ohio	McCormack	Stephens
Carter	McFall	Stokes
Clancy	Madden	Stuckey
Clausen, Don H.	Mahon	Studds
Cleveland	Mann	Taylor, Mo.
Cochran	Maraziti	Taylor, N.C.
Collier	Martin, N.C.	Teague
Cotter	Mathis, Ga.	Thompson, N.J.
Cronin	Meeds	Thornton
Davis, S.C.	Milford	Tiernan
Dellums	Miller	Traxler
Denholm	Mills	Van Deerlin
Devine	Minish	Vander Veen
Duncan	Mink	Waggonner
Edwards, Ala.	Mizell	Walsh
Erlenborn	Moakley	Ware
Evans, Colo.	Montgomery	White
Evins, Tenn.	Murphy, Ill.	Whitten
Fascell	Myers	Wiggins
Fisher	Natcher	Wilson, Bob
Flood	Nedzi	Wilson, Charles, Tex.
Flowers	Nelsen	Wright
Foley	O'Hara	Wyman
Fountain	Passman	Young, Tex.
Fulton	Patten	Zablocki
Gettys	Pepper	Zion
Ginn	Pickle	
Gonzalez	Pike	
Grasso	Preyer	
	Price, Ill.	

NOT VOTING—101

Andrews, N.C.	Frenzel	Nix
Ashbrook	Fuqua	Pettis
Ashley	Goodling	Peyser
Bell	Green, Oreg.	Poage
Biester	Griffiths	Powell, Ohio
Bingham	Gude	Price, Tex.
Blackburn	Hanna	Quillen
Brasco	Hawkins	Rangel
Buchanan	Hays	Reid
Burgener	Hébert	Rhodes
Burke, Fla.	Hinshaw	Robison, N.Y.
Burton	Howard	Roncalio, Wyo.
Butler	Hudnut	Roncallo, N.Y.
Carey, N.Y.	Hutchinson	Rooney, N.Y.
Chappell	Ichord	Rosenthal
Chisholm	Karth	Rostenkowski
Collins, Ill.	King	Roush
Conyers	Kluczynski	Roybal
Corman	Koch	Ruppe
Culver	Kuykendall	Schneebeli
Daniels, Dominick V.	Landrum	Sebelius
Danielson	Lehman	Steele
Davis, Ga.	Lent	Steiger, Ariz.
Dent	Litton	Steiger, Wis.
Derwinski	Lujan	Symms
Dickinson	McKay	Ullman
Diggs	McSpadden	Vander Jagt
Donohue	Mazzoli	Whalen
Dorn	Minshall, Ohio	Williams
Esch	Mitchell, Md.	Wyatt
Fish	Mollohan	Wydler
Flynt	Moorhead, Calif.	Young, Alaska
Ford	Murphy, N.Y.	Zwach
Fraser	Nichols	

So the amendment offered as a substitute, as amended, for the amendment in the nature of a substitute was agreed to.

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from Alabama (Mr. JONES), as amended.

The 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. NATCHER) 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. 10701) to amend the act of October 27, 1965, relating to public works on rivers and harbors to provide for construction and operation of certain port facilities, pursuant to House Resolution 1139, 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 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.

MOTION TO RECOMMIT OFFERED BY MR. HARSHA

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

The SPEAKER. Is the gentleman opposed to the bill?

Mr. HARSHA. I am, Mr. Speaker.

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

The Clerk read as follows:

Mr. HARSHA moves to recommit the bill H.R. 10701 to the Committee on Public Works.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

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

The motion to recommit was rejected.

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

Mr. SCHERLE. 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 318, nays 9, not voting 106, as follows:

[Roll No. 282]

YEAS—318

Abdnor	Bafalis	Breaux
Abzug	Baker	Breckinridge
Adams	Barrett	Brinkley
Addabbo	Bauman	Broomfield
Alexander	Beard	Brotzman
Anderson, Calif.	Bennett	Brown, Calif.
Anderson, Ill.	Bergland	Brown, Mich.
Andrews, N. Dak.	Bevill	Brown, Ohio
Annunzio	Biaggi	Broyhill, N.C.
Archer	Blatnik	Broyhill, Va.
Arends	Boggs	Buchanan
Armstrong	Boland	Burke, Calif.
Aspin	Bolling	Burke, Mass.
Badillo	Bowen	Burleson, Tex.
	Brademas	Burlison, Mo.
	Bray	Byron
Camp	Holifield	Robinson, Va.
Carney, Ohio	Holt	Rodino
Carter	Hosmer	Roe
Casey, Tex.	Huber	Rogers
Cederberg	Hungate	Rooney, Pa.
Chamberlain	Hunt	Rose
Clancy	Jarman	Rousselot
Clark	Johnson, Calif.	Roy
Clausen, Don H.	Johnson, Colo.	Runnels
Clawson, Del	Johnson, Pa.	Ruth
Clay	Jones, Ala.	Ryan
Cleveland	Jones, N.C.	St Germain
Cochran	Jones, Okla.	Sarasin
Cohen	Jones, Tenn.	Sarbanes
Collier	Jordan	Satterfield
Collins, Tex.	Kastenmeier	Scherle
Conable	Kazen	Schroeder
Conlan	Kemp	Seiberling
Conte	Ketchum	Shipley
Cotter	Kyros	Shoup
Coughlin	Lagomarsino	Shriver
Crane	Latta	Shuster
Cronin	Leggett	Sikes
Daniel, Dan	Long, La.	Sisk
Daniel, Robert W., Jr.	Lott	Skubitz
Davis, S.C.	Luken	Slack
Davis, Wis.	McClory	Smith, Iowa
de la Garza	McCloskey	Smith, N.Y.
Delaney	McCollister	Snyder
Dellenback	McCormack	Spence
Dellums	McDade	Staggers
Denholm	McEwen	Stanton, J. William
Dennis	McFall	Stanton, James V.
Devine	McKinney	Steed
Dingell	Macdonald	Steiger, Wis.
Downing	Madden	Stephens
Drinan	Madigan	Stokes
Dulski	Mahon	Stratton
Duncan	Mallary	Stubblefield
du Pont	Mann	Stuckey
Eckhardt	Martin, Nebr.	Studds
Edwards, Ala.	Martin, N.C.	Sullivan
Edwards, Calif.	Mathias, Calif.	Symington
Eilberg	Mathis, Ga.	Talcott
Erlenborn	Matsunaga	Taylor, Mo.
Eshleman	Mayne	Taylor, N.C.
Evans, Colo.	Meeds	Teague
Evins, Tenn.	Melcher	Thompson, N.J.
Fascell	Metcalfe	Thomson, Wis.
Findley	Mezvinsky	Thone
Fisher	Michel	Thornton
Flood	Milford	Tiernan
Flowers	Miller	Towell, Nev.
Foley	Mills	Traxler
Forsythe	Minish	Treen
Fountain	Mink	Udall
Frelinghuysen	Mitchell, N.Y.	Vander Veen
Frey	Mizell	Vanik
Froehlich	Moakley	Veysey
Gaydos	Montgomery	Vigorito
Gettys	Moorhead, Pa.	Waggonner
Giaimo	Morgan	Waldie
Gibbons	Mosher	Walsh
Gilman	Moss	Wampler
Ginn	Murphy, Ill.	Ware
Goldwater	Murtha	White
Gonzalez	Myers	Whitehurst
Grasso	Natcher	Whitten
Gray	Nedzi	Widnall
Green, Pa.	Nelsen	Wiggins
Gross	Obey	Wilson, Bob
Grover	O'Brien	Wilson, Charles H., Calif.
Gubser	O'Hara	Wilson, Charles, Tex.
Gunter	O'Neill	Winn
Guyer	Owens	Wolff
Haley	Parris	Wright
Hamilton	Passman	Wylie
Hammer-schmidt	Patten	Wyman
Hanley	Pepper	Yates
Hanrahan	Perkins	Yatron
Hansen, Idaho	Pickle	Young, Fla.
Harrington	Pike	Young, Ga.
Hastings	Podell	Young, Ill.
Hechler, W. Va.	Preyer	Young, S.C.
Heckler, Mass.	Price, Ill.	Young, Tex.
Heinz	Pritchard	Zablocki
Helstoski	Quie	Zion
Henderson	Railsback	
Hicks	Randall	
Hillis	Rarick	
Hogan	Regula	
	Reuss	
	Rinaldo	
	Roberts	

NAYS—9

Brooks	Landgrebe	Sandman
Harsha	Long, Md.	Stark
Holtzman	Maraziti	Van Deerlin

NOT VOTING—106

Andrews, N.C.	Fuqua	Nix
Ashbrook	Goodling	Patman
Ashley	Green, Oreg.	Pettis
Bell	Griffiths	Peyser
Biester	Gude	Poage
Bingham	Hanna	Powell, Ohio
Blackburn	Hansen, Wash.	Price, Tex.
Brasco	Hawkins	Quillen
Burgener	Hays	Rangel
Burke, Fla.	Hébert	Rees
Burton	Hinshaw	Reid
Butler	Horton	Rhodes
Carey, N.Y.	Howard	Riegle
Chappell	Hudnut	Robison, N.Y.
Chisholm	Hutchinson	Roncalio, Wyo.
Collins, Ill.	Ichord	Roncallo, N.Y.
Conyers	Karth	Rooney, N.Y.
Corman	King	Rosenthal
Culver	Kluczynski	Rostenkowski
Daniels, Dominick V.	Koch	Roush
	Kuykendall	Roybal
Danielson	Landrum	Ruppe
Davis, Ga.	Lehman	Schneebeli
Dent	Lent	Sebelius
Derwinski	Litton	Steele
Dickinson	Lujan	Steelman
Diggs	McKay	Steiger, Ariz.
Donohue	McSpadden	Symms
Dorn	Mazzoli	Ullman
Esch	Minshall, Ohio	Vander Jagt
Fish	Mitchell, Md.	Whalen
Flynt	Mollohan	Williams
Ford	Moorhead, Calif.	Wyatt
Fraser		Wydler
Frenzel	Murphy, N.Y.	Young, Alaska
Fulton	Nichols	Zwach

So the bill was passed.

The Clerk announced the following pairs:

Mr. Hébert with Mrs. Hansen of Washington.

Mr. Hays with Mr. Patman.

Mr. Rooney of New York with Mr. Riegle.

Mr. Howard with Mr. Roncallo of New York.

Mr. Brasco with Mr. Symms.

Mr. Flynt with Mr. Moorhead of California.

Mr. Murphy of New York with Mr. Lujan.

Mr. Diggs with Mr. Culver.

Mr. Nix with Mrs. Griffiths.

Mr. Bingham with Mr. Kuykendall.

Mr. Fraser with Mr. Minshall of Ohio.

Mr. Danielson with Mr. Derwinski.

Mr. Mazzoli with Mr. King.

Mr. Roybal with Mr. Hutchinson.

Mrs. Chisholm with Mr. Ashley.

Mr. Nichols with Mr. Dickinson.

Mr. Carey of New York with Mr. Ashbrook.

Mr. Reid with Mr. Bell.

Mrs. Collins of Illinois with Mrs. Green of Oregon.

Mr. Dent with Mr. Esch.

Mr. Donohue with Mr. Biester.

Mr. Koch with Mr. Fulton.

Mr. Mitchell of Maryland with Mr. Ullman.

Mr. Dominick V. Daniels with Mr. Fish.

Mr. Chappell with Mr. Blackburn.

Mr. Burton with Mr. Frenzel.

Mr. Rangel with Mr. Lehman.

Mr. Hawkins with Mr. McKay.

Mr. Davis of Georgia with Mr. Goodling.

Mr. Hanna with Mr. Burke of Florfida.

Mr. Mollohan with Mr. Horton.

Mr. Corman with Mr. Gude.

Mr. Litton with Mr. Hudnut.

Mr. Dorn with Mr. Butler.

Mr. Ford with Mr. Lent.

Mr. Conyers with Mr. McSpadden.

Mr. Fuqua with Mr. Quillen.

Mr. Kluczynski with Mr. Pettis.

Mr. Landrum with Mr. Robinson of Virginia.

Mr. Ichord with Mr. Powell of Ohio.

Mr. Andrews of North Carolina with Mr. Price.

Mr. Karth with Mr. Peyser.

Mr. Roncalio of Wyoming with Mr. Schneebeli.

Mr. Roush with Mr. Ruppe.

Mr. Steele with Mr. Sebelius.

Mr. Rosenthal with Mr. Steiger of Arizonia.

Mr. Rostenkowski with Mr. Vander Jagt.

Mr. Rees with Mr. Whalen.

Mr. Wydler with Mr. Williams.

Mr. Young of Alaska with Mr. Zwach.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. JONES of Alabama. Mr. Speaker, I ask unanimous consent that I may have permission to revise and extend the remarks which I made in the Committee of the Whole today on the bill just passed, and that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

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

There was no objection.

CONFERENCE REPORT ON H.R. 14368, ENERGY SUPPLY AND ENVIRONMENTAL COORDINATION ACT OF 1974

Mr. MACDONALD filed the following conference report and statement on 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:

CONFERENCE REPORT (H. REPT. No. 93–1085)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to 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, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

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".

TABLE OF CONTENTS

Sec. 1. Short title; purpose.
Sec. 2. Coal conversion and allocation.
Sec. 3. Suspension authority.
Sec. 4. Implementation plan revisions.
Sec. 5. Motor vehicle emissions.
Sec. 6. Conforming amendments.
Sec. 7. Protection of public health and environment.
Sec. 8. Energy conservation study.
Sec. 9. Report.
Sec. 10. Fuel economy study.
Sec. 11. Reporting of energy information.
Sec. 12. Enforcement.
Sec. 13. Extension of Clean Air Act authorization.
Sec. 14. Definitions.

(b) The purposes of this Act are (1) 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 (2) to provide requirements for reports respecting energy resources.

Sec. 2. Coal conversion and allocation.

(a) The Federal Energy Administrator—

(1) shall, by order, prohibit any powerplant, and

(2) may, by order, prohibit any major fuel burning installation, other than a powerplant,

from burning natural gas or petroleum products as its primary energy source, if the Federal Energy Administrator determines such powerplant or installation on the date of enactment of this Act has the capability and necessary plant equipment to burn coal, and if the requirements of subsection (b) are met.

(b) The requirements referred to in subsection (a) are as follows:

(1) An order under subsection (a) may not be issued with respect to a powerplant or installation unless the Federal Energy Administrator finds (A) that the burning of coal by such plant or installation, in lieu of petroleum products or natural gas, is practicable and consistent with the purposes of this Act, (B) that coal and coal transportation facilities will be available during the period the order is in effect, and (C) in the case of a powerplant, that the prohibition under subsection (a) will not impair the reliability of service in the area served by such plant. Such an order shall be rescinded or modified to the extent the Federal Energy Administrator determines that any requirement described in subparagraph (A), (B), or (C) of this paragraph is no longer met; and such an order may at any time be modified if the Federal Energy Administrator determines that such order, as modified, complies with the requirements of this section.

(2) (A) Before issuing an order under subsection (a) which is applicable to a powerplant or installation for a period ending on or before June 30, 1975, the Federal Energy Administrator (i) shall give notice to the public and afford interested persons an opportunity for written presentations of data, views, and arguments, (ii) shall consult with the Administrator of the Environmental Protection Agency, and (iii) shall take into account the likelihood that the powerplant or installation will be permitted to burn coal after June 30, 1975.

(B) An order described in subparagraph (A) of this paragraph shall not become effective until the date which the Administrator of the Environmental Protection Agency certifies pursuant to section 119(d)(1)(A) of such Act is the earliest date that such plant or installation will be able to comply with the air pollution requirements which will be applicable to it. Such order shall not be effective for any period certified by the Administrator of the Environmental Protection Agency pursuant to section 119(d)(3)(B) of such Act.

(3) (A) Before issuing an order under subsection (a) which is applicable to a powerplant or installation after June 30, 1975 (or modifying an order to which paragraph (2) applies, so as to apply such order to a powerplant or installation after such date), the Federal Energy Administrator shall give notice to the public and afford interested persons an opportunity for oral and written presentations of data, views, and arguments.

(B) An order (or modification thereof) described in subparagraph (A) of this paragraph shall not become effective until (i) the Administrator of the Environmental Protection Agency notifies the Federal Energy Administrator under section 119(d)(1)(B) of the Clean Air Act that such plant

or installation will be able on and after July 1, 1975, to burn coal and to comply with all applicable air pollution requirements without a compliance date extension under section 119(c) of such Act, or (ii) if such notification is not given, the date which the Administrator of the Environmental Protection Agency certifies pursuant to section 119(d)(1)(B) of such Act is the earliest date that such plant or installation will be able to comply with all applicable requirements of such section 119. Such order (or modification) shall not be effective during any period certified by the Administrator of the Environmental Protection Agency under section 119(d)(3)(B) of such Act.

(c) The Federal Energy Administrator may require that any powerplant in the early planning process (other than a combustion gas turbine or combined cycle unit) be designed and constructed so as to be capable of using coal as its primary energy source. No powerplant may be required under this subsection to be so designed and constructed, if the Administrator determines that (1) to do so is likely to result in an impairment of reliability or adequacy of service, or (2) an adequate and reliable supply of coal 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 to recover any capital investment made as a result of any requirement imposed under this subsection.

(d) The Federal Energy Administrator may, by rule or order, allocate coal (1) to any powerplant or major fuel-burning installation to which an order under subsection (a) has been issued, or (2) to any other person to the extent necessary to carry out the purposes of this Act.

(e) For purposes of this section:

(1) The term "powerplant" means a fossil-fuel fired electric generating unit which produces electric power for purposes of sale or exchange.

(2) The term "coal" includes coal derivatives.

(f)(1) Authority to issue orders or rules under subsections (a) through (d) of this section shall expire at midnight, June 30, 1975. Such a rule or order may take effect at anytime before January 1, 1979.

(2) Authority to amend, repeal, rescind, modify, or enforce such rules or orders shall expire at midnight, December 31, 1978; but the expiration of such authority shall not affect any administrative or judicial proceeding which relates to any act or omission which occurred prior to January 1, 1979.

Sec. 3. 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) For purposes of this section:

"(1) The term 'stationary source fuel or emission limitation' means any emission limitation, schedule or timetable of compliance, or other requirement, which is prescribed under this Act (other than this section, or section 111(b), 112, or 303) or contained in an applicable implementation plan (other than a requirement imposed under authority described in section 110(a)(2)(F)(v)), and which limits, or 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, grade, or pollution characteristic.

"(2) 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 subsection (c) or (d) of this section, section 110(a)(2)(F)(v), or section 303), and which limits stationary source emissions resulting from combustion of fuels (including a prohibition on, or specification of, the use of any fuel of any type, grade, or pollution characteristic).

"(3) The terms 'stationary source' and 'source' have the same meaning as the term 'stationary source' has under section 111(a)(a); except that such terms include any owner or operator (as defined in section 111(a)(5)) of such source.

"(4) The term 'coal' includes coal derivatives.

"(5) The term 'primary standard condition' means a limitation, requirement, or other measure, prescribed by the Administrator under subsection (d)(2)(A) of this section.

"(6) The term 'regional limitation' means the requirement of subsection (c)(2)(D) of this section.

"(b)(1)(A) The Administrator may, for any period beginning on or after the date of enactment of this section and ending on or before June 30, 1975, temporarily suspend any stationary source fuel or emission limitation as it applies to any person—

"(i) if the Administrator finds that such person will be unable to comply with any such limitation during such period solely because of unavailability of types or amounts of fuels (unless such unavailability results from an order under section 2(a) of the Energy Supply and Environmental Coordination Act of 1974), or

"(ii) if such person is a source which is described in subsection (c)(1)(A) or (B) of this section and which has converted to coal, and the Administrator finds that the source will be able to comply during the period of the suspension with all primary standard conditions which will be applicable to such source.

Any suspension under this paragraph, the imposition of any interim requirement on which such suspension is conditioned under paragraph (3) of this subsection, and the imposition of any primary standard condition which relates to such suspension, shall be exempted from any procedural requirements set forth in this Act or in any other provision of Federal, State, or local law; except as provided in subparagraph (B) of this paragraph.

"(B) The Administrator shall give notice to the public and afford interested persons an opportunity for written and oral presentations of data, views, and arguments prior to issuing a suspension under subparagraph (A), or denying an application for such a suspension, unless otherwise provided by the Administrator for good cause found and published in the Federal Register. In any case, before issuing such a suspension, he shall give actual notice to the Governor of the State in which the affected source or sources are located, and to appropriate local governmental officials (as determined by the Administrator). The issuing or denial of such a suspension, the imposition of an interim requirement, and the imposition of any primary standard condition shall be subject to judicial review only on the grounds specified in paragraph (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 or upon application by any person (including a public officer or public agency).

"(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 persons 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 of health of persons, and (C) in the case of a suspension under paragraph (1)(A)(i), 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 reasonable available (as determined by the Administrator) to such person.

"(c)(1) Except as provided in paragraph (2) of this subsection, the Administrator shall issue a compliance date extension to any fuel-burning stationary source—

"(A) which is prohibited from using petroleum products or natural gas by reason of an order which is in effect under section 2 (a) and (b) of the Energy Supply and Environmental Coordination Act of 1974, or

"(B) which the Administrator determines began conversion to the use of coal as its primary energy source during the period beginning on September 15, 1973, and ending on March 15, 1974,

and which, on or after September 15, 1973, converts to the use of coal as its primary energy source. If a compliance date extension is issued to a source, such source 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, except as provided in subsection (d)(3). For purposes of this paragraph, the term 'began conversion' means action by the source during the period beginning on September 15, 1973, and ending on March 15, 1974 (such as entering into a contract binding on such source for obtaining coal, or equipment or facilities to burn coal; expanding substantial sums to permit such source to burn coal; or applying for an air pollution variance to enable such source to burn coal) which the Administrator finds evidences a decision (made prior to March 15, 1974) 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) A compliance date extension under paragraph (1) of this subsection may be issued to a source only if—

(i) the Administrator finds that such source will not be able to burn coal which is available to such source in compliance with all applicable air pollution requirements without a compliance date extension,

(ii) the administrator finds that the source will be able during the period of the compliance date extension to comply with all the primary standard conditions which are required under subsection (d)(2) to be applicable to such source, and with the regional limitation if applicable to such source, and

(iii) the source has submitted to the Administrator a plan for compliance for such source which the Administrator has approved.

A plan submitted under clause (iii) of the preceding sentence shall be approved only if it meets the requirements of regulations prescribed under subparagraph (B). The Administrator shall approve or disapprove any such plan within 60 days after such plan is submitted.

"(B) Not later than 90 days after the date of enactment of this section, the Administrator shall prescribe regulations requiring that any source to which a compliance date extension applies submit and obtain approval of its means for and schedule of compliance with the requirements of subparagraph (C) of this paragraph. Such regulations shall include requirements that such schedules shall include dates by which any such source must—

"(i) enter into contracts (or other obligations enforceable against such source) which the Administrator has approved as being adequate to 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 obligations enforceable against such source) which the Administrator has approved as being adequate to provide for obtaining (I) a long-term supply of other coal, and (II) continuous emission reduction systems necessary to permit such source to burn such coal, and to achieve the degree of emission reduction required by subparagraph (C).

Regulations under this subparagraph shall provide that contracts or other obligations required to be approved under this subparagraph must be approved before they are entered into (except that a contract or obligation which was entered into before the date of enactment of this section may be approved after such date).

"(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 submittal (under subparagraph (B) of this paragraph) of the means for and schedule of compliance (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 December 31, 1978; except that, in the case of 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 reasonable and practicable, including requirements described in subparagraphs (A) and (B) of subsection (b)(3) and requirements to file progress reports.

"(D) A source which is issued a compliance date extension under this subsection, and which is located in an air quality control region in which a national primary ambient air quality standard for an air pollutant is not being met, may not emit such pollutant in amounts which exceed any emission limitation (and may not violate any other requirement) which applies to such source, under the applicable implementation plan for such pollutant. For purposes of this subparagraph, applicability of any such limitation or requirement to a source shall be determined without regard to this subsection or subsection (b).

"(3) A source to which this subsection applies may, upon the expiration of a compliance date extension, receive 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).

"(4) The Administrator shall give notice to the public and afford an opportunity for oral and written presentations of data, views, and arguments before issuing any compliance date extension, prescribing any regulation under paragraph (2) of this subsection, making any finding under paragraph (2)(A) of this subsection, imposing any requirement on a source pursuant to paragraph (2) or any regulation thereunder, prescribing a primary standard condition under subsection (d)(2) which applies to a source to which an extension is issued under this subsection, or acting on any petition under subsection (d)(2)(C).

"(d)(1)(A) Whenever the Federal Energy Administrator issues an order under section 2(a) of the Energy Supply and Environmental Coordination Act of 1974 which will not apply after June 30, 1975, the Administrator of the Environmental Protection Agency shall certify to him—

"(i) in the case of a source to which no suspension will be issued under subsection (b), the earliest date on which such source will be able to burn coal and to comply with all applicable air pollution requirements, or

"(ii) in the case of a source to which a suspension will be issued under subsection (b) of this section, the date determined under paragraph (2)(B) of this subsection.

"(B) Whenever the Federal Energy Administrator issues an order under section 2(a) of such Act which will apply after June 30, 1975, the Administrator of the Environmental Protection Agency shall notify him if such source will be able, on and after July 1, 1975, to burn coal and to comply with all applicable air pollution requirements without a compliance date extension under subsection (c). If such notification is not given—

"(i) in the case of a source which is eligible for a compliance date extension under subsection (c), the Administrator of the Environmental Protection Agency shall certify to the Federal Energy Administrator the date determined under paragraph (2)(B) of this subsection, and

"(ii) in the case of a source which is not eligible for such an extension, the Administrator of the Environmental Protection Agency shall certify to the Federal Energy Administrator the earliest date on which the source will be able to burn coal and to comply with all applicable air pollution requirements.

"(2)(A) The Administrator of the Environmental Protection Agency, after consultation with appropriate States, shall prescribe (and may from time to time, after such consultation modify) emission limitations, requirements respecting pollution characteristics of coal, or other enforceable measures for control of emissions, for each source to which a suspension under subsection (b)(1)(A)(ii) will apply, and for each source to which a compliance date extension under subsection (c)(1) will apply. Such limitations, requirements, and measures shall be those which he determines must be complied with by the source in order to assure (throughout the period that the suspension or extension will be in effect) that the burning of coal by such source will not result in emissions which cause or contribute to concentrations of any air pollutant in excess of any national primary ambient air quality standard for such pollutant.

"(B) Whenever the Administrator prescribes a limitation, requirement, or measure under subparagraph (A) of this paragraph with respect to a source, he shall determine the earliest date on which such source will be able to comply with such limitation, requirement, or measure, and with any regional limitation applicable to such source.

"(C) An air pollution control agency may petition the Administrator (A) to modify any limitation, requirement, or other measure under this paragraph so as to assure compliance with the requirements of this paragraph, or (B) to issue to the Federal Energy Administration the certification described in paragraph (3)(B) on the grounds described in clause (iii) thereof. The Administrator shall take the action requested in the petition, or deny the petition, within 90 days after the date of receipt of the petition.

"(3)(A) If the Administrator determines that a source to which a suspension under subsection (b)(1)(A)(ii) or to which a compliance date extension under subsection (c)(1) applies is not in compliance with any primary standard condition, or that a source to which a compliance date extension applies is not in compliance with a regional limitation applicable to it, he shall (except as provided in subparagraph (B)) either—

"(i) enforce compliance with such condition or limitation under section 113, or

"(ii) (after notice to the public and affording an opportunity for interested persons to present data, views, and arguments, including oral presentations, to the extent practicable) revoke such suspension or compliance date extension.

"(B) If the Administrator finds that for any period—

"(i) a source, to which an order under section 2(a) of the Energy Supply and Environmental Coordination Act of 1974 applies, will be unable to comply with a primary standard condition or regional limitation,

"(ii) such a source will not be in compliance with such a condition or limitation, but such condition or limitation cannot be enforced because of a court order restraining its enforcement, or

"(iii) the burning of coal by such a source will result in an increase in emissions of any air pollutant for which national ambient air quality standards have not been promulgated (or an air pollutant which is transformed in the atmosphere into an air pollutant for which such a standard has not been promulgated), and that such increase may cause (or materially contribute to) a significant risk to public health,

he shall notify the Federal Energy Administrator of his finding and certify the period for which such order under such section 2(a) shall not be in effect with respect to such source. Subject to the conditions of the preceding sentence, such certification may be modified from time to time. For purposes of this subsection, subsection (c), and section 2(a) or (b) of the Energy Supply and Environmental Coordination Act of 1974, a source shall be considered unable to comply with an air pollution requirement (including a primary standard condition or regional limitation) only if necessary technology or other alternative methods of control are not available or have not been available for a sufficient period of time.

"(4) Nothing in this Act shall prohibit a State, political subdivision of a State, or agency or instrumentality of either, from enforcing any primary standard condition or regional limitation.

"(5) A conversion to coal (A) to which a suspension under subsection (b) or a compliance date extension under subsection (c) applies or (B) by reason of an order under section 2(a) of the Energy Supply and Environmental Coordination Act of 1974 shall not be deemed to be a modification for purposes of section 111(a)(2) and (4) of this Act.

"(e) The Administrator may, by rule, establish priorities under which manufacturers of continuous emission reduction systems necessary to carry out subsection (c) 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 sources in air quality control regions in which national primary ambient air quality standards have not been achieved. No rule under this subsection may impair the obligation of any contract entered into before the date of enactment of this section. To the extent necessary to carry out this section, the Administrator may prohibit any State or political subdivision of a State or an agency or instrumentality of either, 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.

"(f) No State, political subdivision of a State, or agency or instrumentality of either, may require any person to whom a suspension has been issued under subsection (b)(1) to use any fuel the unavailability of which is

the basis of such person's suspension (except that this subsection shall not apply to requirements identical to Federal requirements under subsection (b)(3) or subsection (d)(2)).

"(g)(1) It shall be unlawful for any person to whom a suspension has been issued under subsection (b)(1) to violate any requirement on which the suspension is conditioned pursuant to subsection (b)(3) or any primary standard condition applicable to him.

"(2) It shall be unlawful for any person to fail to comply with any requirement under subsection (c), or any regulation, plan, or schedule thereunder (including a primary standard condition or regional limitation), which is applicable to such person.

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

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

"(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 powerplants, 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 owner or operator of such plant, (B) for which a certification to that effect has been filed by the owner or operator of the plant with the Environmental Protection Agency and the Federal Power Commission, and (C) for which such 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 powerplant eligible under paragraph (1) is required to comply with any requirement of an applicable implementation plan, such plant may apply (with the concurrence of the Governor of the State in which such plant is located) to the Administrator to postpone the applicability of such requirement to such plant for not more than one year. If the Administrator determines, after considering 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 the costs of such compliance, 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 data, views, and arguments in accordance with section 553 of title 5, United States Code, and after consultation with the Federal Energy Administrator, designate persons with respect to whom fuel exchange requirements should be imposed under paragraph (2) of this subsection. The purpose of such designation shall be to avoid or minimize the adverse impact on public health and welfare of any suspension under subsection (b) of this section or conversion to coal to which subsection (c) applies or of any allocation under section 2(d) of the Energy Supply and Environmental Coordination Act of 1974 or under the Emergency Petroleum Allocation Act of 1973.

(2) The Federal Energy Administrator shall exercise his authority under section 2(d) of the Energy Supply and Environmental Coordination Act of 1974 and under the Emergency Petroleum Allocation Act of 1973 with respect to persons designated by the Administrator of the Environmental Protection Agency under paragraph (1) in order to require the exchange of any fuel subject to allocation under such Acts effective no later than forty-five days after the date of such designation, unless the Federal Energy Administrator determines, after consultation with the Administrator of the Environmental Protection Agency, that the costs or consumption of fuel, resulting from requiring such exchange, will be excessive.

"(k)(1) The Administrator shall study, and report to Congress not later than six months after the date of enactment of this section, with respect to—

"(A) the present and projected impact of fuel shortages and fuel allocation programs on the program under this Act;

"(B) 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;

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

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

"(E) evaluation of availability of technology to burn municipal solid waste in electric powerplants or other major fuel burning installations, including time schedules, priorities, analysis of pollutants which may be emitted (including those for which national ambient air quality standards have not been promulgated), and a comparison of health benefits and detriments from burning solid waste and of economic costs;

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

"(G) proposed priorities, for continuous emission reduction systems which do not produce solid waste, for sources which are least able to handle solid waste by-products of such systems;

"(H) plans for monitoring or requiring sources to which this section applies to monitor the impact of actions under this section on concentrations of sulfur dioxide in the ambient air; and

"(I) steps taken pursuant to authority of section 110(a)(3)(B) of this Act.

"(2) Beginning January 1, 1975, the Administrator shall publish in the Federal Register, at no less than one-hundred-and-eighty-day intervals, the following:

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

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

"(i) applicable implementation plans, and

"(ii) ambient air quality."

Sec. 4. 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) As soon as practicable, the Administrator shall, consistent with the purposes of this Act and the Energy Supply and Environmental Coordination Act of 1974, review each State's applicable implementation plans and report to the State on whether such plans can be revised in relation to fuel burning stationary sources (or persons supplying fuel to such sources) without interfering with the attainment and maintenance of any national ambient air quality standard within the period permitted in this section. If the Administrator determines that any such plan can be revised, he shall notify the State that a plan revision may be submitted by the State. Any plan revision which is submitted by the State shall, after public notice and opportunity for public hearing, be approved by the Administrator if the revision relates only to fuel burning stationary sources (or persons supplying fuel to such sources), and the plan as revised complies with paragraph (2) of this subsection. The Administrator shall approve or disapprove any revision no later than three months after its submission."

(b) Subsection (c) of section 110 of the Clean Air Act is amended by inserting "(1)" after "(c)"; by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively, and by adding at the end thereof 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 paragraph 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 plans including a parking surcharge regulation.

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

"(D) For purposes of this paragraph—

"(i) 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.

"(ii) 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.

"(iii) 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 or carpools, or both.

"(E) No standard, plan, or requirement, relating to management of parking supply or preferential bus/carpool lanes shall be promulgated after the date of 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, one or more additional hearings shall be held in such area after such notice."

Sec. 5. Motor vehicle emissions.

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

(b) Section 202(b)(1)(B) of such Act is amended by striking out "1976" and inserting in lieu thereof "1978"; and by inserting after "(B)" the following: "The regulations under subsection (a) applicable to emissions of oxides of nitrogen from light-duty vehicles and engines manufactured during model years 1975 and 1976 shall contain standards which are identical to the standards which were prescribed (as of December 1, 1973) under subsection (a) for light-duty, vehicles and engines manufactured during model year 1975. The regulations under subsection (a) applicable to emissions of oxides of nitrogen from light-duty vehicles and engines maufactured during model year 1977 shall contain standards which provide that such emissions from 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. 6. 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(g) (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(g)".

(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(g)".

(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 (c), (e) and (f)," before "209".

(c)(1) The second sentence of subsection (b) of section 307 of such Act is amended by inserting ", or his action under section 119(c)(2) (A), (B), or (C) or under regulations thereunder," after "111(d)".

(2) The third sentence of such subsection is amended by striking out "or approval" and inserting in lieu thereof ", approval, or action".

Sec. 7. Protection of public health and environment.

(a) Any allocation program provided for in section 2 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 United States 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)(1) No action taken under the Clean Air Act shall 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).

(2) No action under section 2 of this Act for a period of one year after initiation of such action shall 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. However, before any action under section 2 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 2 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 2 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. 8. 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) 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; and

(3) 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.

Sec. 9. Report.

The Administrator of the Environmental Protection Agency shall report to Congress not later than January 31, 1975, on the implementation of sections 3 through 7 of this Act.

Sec. 10. Fuel economy study.

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

"FUEL ECONOMY IMPROVEMENT FROM NEW MOTOR VEHICLES

"SEC. 213. (a)(1) The Administrator and the Secretary of Transportation shall conduct a joint study, and shall report to the Committee on Interstate and Foreign Commerce of the United States House of Representatives and the Committees on Public Works and Commerce of the United States Senate within 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 leadtime involved; the test procedures required to determine compliance; the economic costs associated with such standard, including any beneficial economic impact; the various means of enforcing such standard; the effect on consumption of natural resources, including energy consumed; and the impact of applicable safety and emission standards. In the course of performing such study, the Administrator and the Secretary of Transportation shall utilize the research previously performed in the Department of Transportation, and the Administrator and the Secretary shall consult with the 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 such committees of the Congress, but such 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. 11. Reporting of energy information.

(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, the Federal Energy Administrator shall request, acquire, and collect such energy information as he determines to be necessary to assist in the formulation 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 pursuant to subsection (b)(1)(A) of this section requiring reports of such information to be submitted to the Federal Energy Administrator at least every ninety calendar days.

(b)(1) In order to obtain energy information for the purpose of carrying out the provisions of subsection (a), the Federal Energy Administrator is authorized—

(A) to require, by rule, any person who is engaged in the production, processing, refining, transportation by pipeline, or distribution (at other than the retail level) of energy resources to submit reports;

(B) to sign and issue subpenas for the attendance and testimony of witnesses and the production of books, records, papers, and other documents;

(C) to require any person, by general or special order, to submit answers in writing to interrogatories, requests for reports or for other information; and such answers or other submissions shall be made within such reasonable period, and under oath or otherwise, as the Federal Energy Administrator may determine; and

(D) to administer oaths.

(2) For the purpose of verifying the accuracy of any energy information requested, acquired, or collected by the Federal Energy Administrator, the Federal Energy Administrator, or any officer or employer duly designated by him, upon presenting appropriate credentials and a written notice from the Federal Energy Administrator to the owner, operator, or agent in charge, may—

(A) enter, at reasonable times, any business premise or facility; and

(B) inspect, at reasonable times and in a reasonable manner, any such premise or facility, inventory and sample any stock of energy resources therein, and examine and copy books, records, papers, or other documents, relating to any such energy information.

(3) 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 Federal Energy Administrator, in the case of refusal to obey a subpena or order of the Federal Energy 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.

(c)(1) The Federal Energy Administrator shall exercise the authorities granted to him under subsection (b)(1)(A) to develop, within thirty 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, 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 a report containing the following energy information:

(A) Imports of crude oil, residual fuel oil, refined petroleum products (byproduct), natural gas, and coal, identifying (with respect to each such oil, product, gas, or coal) country of origin, arrival point, quantity received, and the geographic distribution within the United States.

(B) Domestic reserves and production of crude oil, natural gas, and coal.

(C) Refinery activities, showing for each refinery within the United States (i) the amounts of crude oil run by such refinery, (ii) amounts of crude oil allocated to such refinery pursuant to regulations and orders of the Federal Energy Administrator, his delegate pursuant to the Emergency Petroleum Allocation Act of 1973, or any other person authorized by law to issue regulations and orders with respect to the allocation of crude oil, (iii) percentage of refinery capacity utilized, and (iv) amounts of products refined from such crude oil.

(D) Report of inventories, on a national, regional, and State-by-State basis—

(i) of various refined petroleum products, relating refiners, refineries, suppliers to refiners, share of market, and allocation fractions;

(ii) of various refined petroleum products, previous quarter deliveries and anticipated three-month available supplies;

(iii) 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

(iv) of LPG by State and owner: quantities stored, and existing capacities, and previous priorities on types, inventories of suppliers, and changes in supplier inventories.

(d) Upon a showing satisfactory to the Federal Energy Administrator by any person that any energy information obtained under this section from such person 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, 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.

(e) As used in this section:

(1) The term "energy information" includes (A) all information in whatever form on (i) fuel reserves, exploration, extraction, and energy resources (including petrochemical feedstocks) wherever located; (ii) production, distribution, and consumption of energy and fuels wherever carried on; and (B) 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.

(2) 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 does business in any part of the United States.

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

(f) Information obtained by the Administration 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.

(g)(1) The authority contained in this section is in addition to, independent of, not limited by, and not in limitation of, any other authority of the Federal Energy Administrator.

(2) The provisions of this section expire at midnight, June 30, 1975, but such expiration shall not affect any administrative or judicial proceeding which relates to any act or failure to act if such act or failure to act was not in compliance with the requirements and authorities of this section and occurred prior to midnight, June 30, 1975.

Sec. 12. Enforcement.

(a) It shall be unlawful for any person to violate any provision of section 2 (relating to coal conversion and allocation) or section 11 (relating to energy information) or to violate any rule, regulation, or order issued pursuant to any such provision.

(b)(1) Whoever violates any provision of subsection (a) shall be subject to a civil penalty of not more than $2,500 for each violation.

(2) Whoever willfully violates any provision of subsection (a) 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 coal in violation of an order or regulation issued pursuant to section 2(d). Any person who knowingly and willfully 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 section 2(d) shall be fined not more than $50,000, or imprisoned not more than six months, or both.

(4) Whenever it appears to the Federal Energy Administrator or any person authorized by the Federal Energy Administrator to exercise authority under this section 2 or section 11 of this Act that any individual or organization has engaged, is engaged, or is about to engage in acts or practices constituting a violation of subsection (a) the Federal Energy Administrator or such person may request the Attorney General to bring a civil action 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. In such action, the court may also issue mandatory injunctions commanding any person to comply with any provision, the violation of which is prohibited by subsection (a).

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

Sec. 13. Extension of Clean Air Act Authorization.

(a) Section 104(c) of the Clean Air Act is amended by striking "and $150,000,000 for the fiscal year ending June 30, 1974" and inserting in lieu thereof ", $150,000,000 for the fiscal year ending June 30, 1974, and $150,000,000 for the fiscal year ending June 30, 1975."

(b) Section 212(i) of such Act is amended by striking "three succeeding fiscal years." and inserting in lieu thereof "four succeeding fiscal years.".

(c) Section 316 of such Act is amended by striking "and $300,000,000 for the fiscal year ending June 30, 1974" and inserting in lieu thereof ", $300,000,000 for the fiscal year ending June 30, 1974, and $300,000,000 for the fiscal year ending June 30, 1975".

Sec. 14. Definitions.

(a) 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 Federal Energy Administration Act of 1974 (Public Law 93-275); except that until such Administrator takes office and after such Administration ceases to exist, such term means any officer of the United States designated as Federal Energy Administrator by the President for purposes of this Act and section 119 of the Clean Air Act.

(b) For purposes of this Act, the term "petroleum product" means crude oil, residual fuel oil, or any refined petroleum product (as defined in section 3(5) of the Emergency Petroleum Allocation Act of 1973).

And the Senate agree to the same.

HARLEY O. STAGGERS,
TORBERT H. MACDONALD,
JOHN E. MOSS,
JOHN D. DINGELL,
PAUL G. ROGERS,
SAMUEL L. DEVINE,
ANCHER NELSEN,
JAMES T. BROYHILL,
JAMES F. HASTINGS,
Managers on the Part of the House.

JENNINGS RANDOLPH,
EDMUND S. MUSKIE,
JOSEPH M. MONTOYA,
HOWARD BAKER,
ROBERT T. STAFFORD,
HENRY M. JACKSON,
ALAN BIBLE,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to 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, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment struck out all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment which is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

SECTION 1. SHORT TITLE; PURPOSE

House bill

Section 1(b) of the House bill set forth the purpose of the bill: 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 enhance the environment, and to provide requirements for reports respecting energy resources.

Senate amendment

Section 1(b) of the Senate amendment was identical to the House bill, except for the deletion of the reference to reporting requirements which reflected the Senate deletion of the provisions of the House bill relating to reporting of energy information.

Conference substitute

The conference substitute adopts the House provision.

SECTION 2. COAL CONVERSION AND ALLOCATION

House bill

Section 10 of the House bill required the Administrator of the Federal Energy Administration ("FEA"), to the extent practicable and consistent with the objectives of the bill, 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 the bill to 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 the bill, had the capability and necessary plant equipment to burn coal. Any installation to which such an order would apply was permitted to continue to use coal and 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 of FEA was directed to prohibit the use of natural gas and petroleum products for those installations where the use of coal would have the least adverse environmental impact. A prohibition on use of natural gas and petroleum products under this provision of the House bill would have been contingent on the availability of coal, coal transportation facilities, and the maintenance of reliability of service in a given service area.

The Administrator of FEA was directed under the House bill to 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 would be required to be so designed and constructed, if (1) to do so would result in an impairment of reliability or adequacy of service, or (2) if an adequate and reliable supply of coal is not available and is not expected to be available. In considering whether to impose a design or construction requirement, the Administrator was directed to 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.

Under this section, the FEA Administrator was authorized by rule to prescribe a system for allocation of coal to users thereof in order to attain the objectives specified in this section.

Senate amendment

The Senate amendment differed from the House bill in these respects: (1) Prohibition orders on the use of petroleum products or natural gas were not authorized to be issued to plants located in air quality control regions in which national primary ambient air quality standards are now being exceeded or where the use of coal would cause concentrations of air pollutants to exceed national primary standard levels; (2) the duty to perform an environmental balancing analysis and the responsibility to establish conversion priorities on an environmental basis in a case of a short supply of coal, which responsibilities were vested by the House bill in the FEA Administrator, were deleted; (3) the FEA Administrator was authorized but not required to compel powerplants in the design stage to be designed and built so as to be capable of burning coal; and (4) authority "to enforce" orders prohibiting burning of petroleum products or natural gas was not terminated on June 30, 1975. The effect of this last change was to provide that the mandatory orders prohibiting use of natural gas and petroleum products issued prior to June 30, 1975, could be made effective and enforced without time restriction thereafter.

Under the Senate amendment conversion to coal could only be ordered in accordance with section 119(b) of the Clean Air Act and therefore could not cause an "unavailability" of conforming fuel under section 119(a) of that Act. Thus, short-term suspension under section 119(a) would not be available to converters or other plants subject to a prohibition order.

CONFERENCE SUBSTITUTE

Section 2(a) of the conference substitute contains the provisions of the House bill and Senate amendment which required the FEA Administrator to prohibit any existing electric powerplant with the capability and necessary plant equipment to burn coal from burning natural gas or petroleum products as its primary energy source. The effect of this provision is to require FEA to issue such prohibition orders not only to powerplants which are burning petroleum products or natural gas, but also to those which are burning coal. In the former case, the effect of the prohibition order will be to require conversion to the burning of coal as the source's primary energy source. In the latter case, the effect will be to prevent such plant from switching to the burning of petroleum products or natural gas

The requirement under section 2(a) that FEA prohibit use of natural gas and petroleum products is subject to several qualifications and limitations. First, it applies only to powerplants (as defined in section 2(e)(1)); with respect to other major fuel-burning installations FEA is authorized, but not required, to issue such prohibition orders.

Second, only powerplants and major fuel-burning installations which have the capability and necessary plant equipment to burn coal on the date of enactment can be subject to an FEA prohibition order. "Capability" and "necessary plant equipment," as used in this section, include necessary coal handling facilities and appurtenances both inside and outside the plant; necessary land for storage of coal; equipment such as unloaders, conveyors, pulverizers, scales, burners, soot blowers, and special coal-burning instrumentation and controls. These latter are necessary not only to maintain dependable operation, but to assure operational safety, since coal firing is often a much less stable operation than that obtainable with natural gas or petroleum products.

It is not intended, however, to imply that the absence of any one or combination of these facilities or equipment would be grounds for concluding that the facility lacked capability or necessary plant equipment to burn coal. Nor is it intended that this condition be applied in an overly rigid or strict fashion which would frustrate the intent of the section to encourage burning of coal in lieu of petroleum products or natural gas.

Third, prohibition orders shall be issued, shall become effective, and shall remain in effect only in accordance with the findings and requirements of subsection (b). With respect to any powerplant or major fuel-burning installation, the FEA Administrator is authorized to issue a prohibition order only if he finds that the burning of coal is practicable and consistent with the purposes of the bill and that sufficient supplies of coal and coal transportation facilities will be available to plants expected to burn coal during the period the order will be in effect. Assessment of the availability of coal would take into consideration the practicability of its production, transportation to the powerplant, and of any State laws or policies limiting its extraction or use.

With respect to a powerplant, the FEA Administrator must make the additional finding that the prohibition will not impair the reliability of service in the area served by the plant. These findings must be made before a prohibition order may lawfully be issued by FEA.

In addition to findings required of FEA, certain action by the Administrator of the Environmental Protection Agency (EPA) is required before any prohibition order which has been issued by FEA may be made effective.

A prohibition order which FEA intends to apply for a period ending on or before June 30, 1975, could not become effective until the date which EPA certifies pursuant to section 119(d)(1)(A) of such Act is the earliest date that such plant or installation will be able to comply with the air pollution requirements which will be applicable to it.

In the case of a prohibition order which EPA intends to be in effect after June 30, 1975, the order may not take effect until (i) EPA notifies the FEA under section 119(d)(1)(B) of the Clean Air Act that such plant or installation will be able on and after July 1, 1975, to burn coal and to comply with all applicable air pollution requirements without a compliance date extension under section 119(c) of such Act, or (ii) if such notification is not given, the date which the EPA certifies pursuant to section 119(d)(1)(B) of such Act is the earliest date that such plant or installation will be able to comply with all applicable requirements of such section 119. In addition, an order will not be effective for any period certified by EPA under section 119(d)(3)(B) of such Act.

In making the determinations referred to above, the EPA Administrator is to consider only the physical and technological feasibility of the plant or installation complying with the Clean Air Act requirements while subject to a prohibition order. He is not to consider economic feasibility of compliance. The reasonableness of the costs of compliance (and the economic feasibility of compliance) are matters solely to be considered by the Administrator of FEA in determining the practicability of a prohibition order issued under this section.

If the FEA Administrator determines that unreasonably high costs of compliance would be imposed upon a plant or installation which would be required to convert to coal and comply with the requirements of section 119 of the Clean Air Act (or existing requirements under that Act), he may conclude that he cannot make the finding of practicability under section 2(a)(1)(A) of this Act. If he were to reach such a conclusion, he would not be authorized to issue a prohibition order.

If such an order had already been issued and the FEA Administrator subsequently determined that compliance with its terms and with Clean Air Act requirements would not be practicable, he would be required to rescind the order, or to modify the order so that compliance would be practicable. In no event, however, is the Administrator of FEA authorized to override or modify Clean Air Act requirements (which are and will be in effect under the existing Clean Air Act or prescribed under section 119) in order to make practicable the implementation of a prohibition order.

Of course, whether or not it is physically possible for a plant or installation to burn coal and meet requirements of the Clean Air Act depends on the type of coal to be burned and the availability of emission control equipment, in addition to other factors. Thus, when EPA exercises its judgment under section 119(d) of the Clean Air Act, its findings will be in conditional terms as provided in that section.

These conditional findings are important for two reasons. These conditions are to form the basis for the Administrator's action under section 119 of the Clean Air Act (in making findings, granting suspensions, prescribing primary standard conditions and interim requirements, etc.). Moreover, until such conditions are capable of being met by the plant or source, no prohibition order under section 2(a) of this Act may become effective.

This does not mean that the prohibition order's effectiveness is contingent upon actual compliance by the plant or installation with Clean Air Act requirements. If this were the policy, a plant or installation could resist such a prohibition order merely by refusing to comply with Clean Air Act requirements. The conferees do not intend to permit such a result. A prohibition order will not be in effect if the source is unable to comply with Clean Air Act requirements; however, if the source is able to comply but fails to do so, the prohibition order could stay in effect and the source would be subject to enforcement action under the Clean Air Act.

Under section 119(d), if a source to which a suspension or compliance date extension applies fails to comply with any primary standard condition or with any regional limitation applicable to it, the EPA Administrator must either enforce compliance with such condition or limitation under section 113 or, after appropriate procedure, revoke the suspension or compliance date extension. In the latter case, the source would have to comply with all air pollution requirements which would have otherwise been applicable without the suspension or compliance date extension.

Further discussion of primary standard condition and the regional limitation are to be found in the discussion of section 3 of the conference substitute (the new section 119 of the Clean Air Act). However, it is important to note that the provision of section 119(d) of the Clean Air Act relating to pollutants for which national ambient air quality standards have not been prescribed (which provision is also discussed there) is intended to have a different effect than these other two requirements. While the Administrator of EPA must make a finding that a plant or installation will be able to meet the primary standard condition and the regional limitation (or the requirements under the existing Act) before a prohibition order may become effective, such a prior finding with respect to the plant or installation's ability to meet the provision respecting such pollutants is not necessary. All that is required is that a prohibition order cease to be effective during any period during which the EPA Administrator notifies the FEA Administrator that burning coal by the plant or installation will not be consistent with such provision.

Still a fourth qualification on the mandate of section 2(a) is to be found in the procedural and consultative measures which are provided for in connection with the issuance of these prohibition orders. Furthermore, prohibition orders must be issued no later than June 30, 1975, although they may be modified or made effective thereafter.

In light of this limitation on FEA's order issuing authority, the conference substitute requires only informal and expedited procedures prior to the issuance of such orders. No formal adjudication or rulemaking is intended, nor is 5 U.S.C. 554, 556, or 557 to apply in the issuance of such orders or in any other proceeding under this Act or under section 119 of the Clean Air Act. To the extent that constitutional requirements may necessitate some opportunity for cross-examination with respect to some issues of fact, it is anticipated by the conferees that this opportunity would be provided by the courts in judicial review or enforcement proceedings or by means of a remand to the appropriate Administrator.

As used in the conference substitute, the term "interested persons" includes the public. Consequently, whenever the conference substitute (including the provisions which amend the Clean Air Act) requires notice and opportunity for presentation of views, the public must be afforded notice and must be given the same opportunity to present views as other interested persons.

While the conference substitute does not require FEA *consultation* with the Federal Power Commission, the conferees intend that, to the maximum extent practicable prior to the exercise of any authority under this section, the FEA Administrator should consult with all affected departments and agencies of government (including the FPC) in order to obtain recommendations of such

agencies covering matters within their administrative jurisdiction and expertise. For example, the physical conversion of electric generating facilities from petroleum products or natural gas firing to coal firing may have implications respecting adequacy and reliability of bulk power supply, matters within the FPC's jurisdiction under the Federal Power Act.

In order to assure that the conferees' intent to encourage the combustion of coal where practicable and consistent with the broad purpose of the Act would not be unduly delayed or frustrated by endless litigation, the conferees adopted the Senate amendment which deleted the third sentence of section 10(a) of the House-passed bill (requiring that conversions be required with respect to plants or installations where the conversion would have the least environmental impact, in the case of a short supply of coal). This decision does not mean that FEA should ignore such considerations. The conferees chose not to impose such a requirement, but rather intend to direct FEA to take account of such factors insofar as practicable after consultation with EPA.

A fifth limitation on section 2(a) is that all prohibition orders and all modifications thereof must expire no later than January 1, 1979.

Section 2(c) of the conference substitute also authorizes the Administrator of FEA to 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. (The conferees recognize that any new powerplant would have to comply with applicable new source performance standards under the Clean Air Act.) The conferees thus adopted the discretionary provision of the Senate amendment in this respect. Moreover, no fossil-fuel-fired electric powerplant may be required to be so designed and constructed, if (1) to do so is likely to result in impairment of reliability or adequacy of service, or (2) an adequate and reliable supply of coal is not expected to be available. In considering whether to impose a design or construction requirement, the Administrator shall consider the existence and effects of any contractual commitment for the construction of such facilities and the capability of the owner or operator to recover any capital investment made as a result of requirements imposed under this provision.

Subsection (d) authorizes the FEA Administrator to allocate coal (1) to any powerplant or major fuel-burning installation to which a prohibition order has been issued under subsection (a), or (2) to any other person as may be necessary to effectuate the purposes of this Act.

The FEA Administrator's authority to issue (but not to amend or enforce) rules or orders to allocate coal expires July 30, 1975

It is the conferees' intention to require the FEA Administrator, if he finds it necessary to allocate coal after June 30, 1975, to ensure that the purposes of the bill are carried out, to do so pursuant to general rules which he has promulgated before such date. These rules should establish procedures and criteria for allocating coal after such date as may be necessary for assuring that coal producers or suppliers (or other persons handling coal) will expeditiously comply with any allocation made pursuant to such rules or orders. In addition, any rules or orders issued before July 1, 1975, could be amended as necessary to carry out the purposes of the bill. Thus, a direction after June 30, 1975, to a person to supply coal to a user pursuant to rules issued before that date would not be barred by the June 30, 1975, expiration date for issuing rules or orders. Rules and orders under section 2(d) should also specify procedures for FEA to respond to EPA's designation of persons to whom fuel exchange orders should be issued under section 119(j) of the Clean Air Act and to effectuate the requirement of section 7(a) of this Act.

SECTION 3. SUSPENSION AUTHORITY

House bill—short term

Section 2 of the House bill provided for short term suspension of stationary source fuel or emission limitations but, with one exception, did not authorize long-term delay of such limitations. The bill added a new section 119 to the Clean Air Act which permitted the Administrator of the Environmental Protection Agency to suspend until June 30, 1975, or one year after date of enactment (whichever comes first), any stationary source fuel or emission limitation. A suspension could be granted by the Administrator either upon his own motion or upon the application of a source or a State, if the source could not comply with such limitations because of the unavailability of fuel. The Administrator of the Environmental Protection Agency was directed to give prior notice to the Governor of the State and the chief executive of the local government unit where the source is located. He was also directed to give notice to the public and to allow for the expression of views on the suspension prior to granting it unless he finds that good cause exists for not providing such opportunity. Judicial review of such suspension was restricted to certain specified grounds.

The Administrator was required to condition the granting of any suspension upon adoption of any interim requirements that he determined to be reasonable and practicable. These interim requirements were to include necessary reporting requirements, and a provision that the suspension would be inapplicable during any period when clean fuels were available to such source. The Administrator was required to determine when such fuels were in fact available. It was the intent of the House that the Administrator in making such determination take into consideration the costs associated with any changes that would be required to be made by the source to enable it to utilize such fuel. No source which converted to coal and to which section 119(b) applies, however, could be required under this provision to return to the use of oil or natural gas.

The suspension was also to be conditioned on adoption of such measures as the Administrator determined were necessary to avoid an imminent and substantial endangerment to the health of persons. This authorized not only requirements that a facility shut down during air pollution emergencies, but also (for example) a requirement that it keep a reserve supply of clean fuels on hand to be burned to avoid such emergencies.

The purpose of the short term suspension provision was to enable sources to continue operation during any fuel shortage which may exist prior to June 30, 1975, while at the same time limiting as much as possible the impact on air quality.

Senate amendment—short term

The provisions of the Senate amendment were substantially similar to those contained in the House bill, except that, in the intention of the Senate, no plant which was prohibited from burning petroleum products or natural gas under the bill could be considered to be eligible for a short term suspension, solely because of the unavailability of fuels. Such sources were eligible only for suspension of air pollution requirements under the long term provisions of section 119 (b) and then only if they had converted to the burning of coal.

House bill—long term

The bill provided that no air pollution requirement could have the effect of prohibiting any such source from burning coal, except as provided in the conditions specified in section 119 of the Clean Air Act. The bill prohibited the application of such requirements to sources which are either ordered to convert to coal or which began to convert to coal during the period September 15, 1973, and ending on date of enactment of this bill. This prohibition against application of such requirements to such source could in some instances continue until as late as January 1, 1979. The prohibition would only apply if the source were placed, after notice and opportunity for oral presentation of views, on a schedule approved by the Administrator of the Environmental Protection Agency. The schedule would have to provide a time-table for compliance with the fuel or emission limitations of the applicable implementation plan no later than January 1, 1979.

All compliance schedules under section 119(b) also had to provide for compliance with interim requirements that will assure that the source will not materially contribute to a significant risk to public health.

Senate amendment—long term

The Senate amendment contained provisions similar to those in the House bill with these important exceptions:

First, because of the mandatory nature of the Senate's coal conversion provision and the fact that the Senate prohibition on the burning of petroleum products or natural gas could be made effective and enforced at any time, before or after June 30, 1975, the Senate's long term Clean Air Act requirements were imposed on the source; they were not left to the option of the source, as in the House bill.

Second, the Senate amendment limited the provisions pertaining to "voluntary converters" (i.e., those plants which began conversion to coal prior to enactment of the bill) to those which began conversion during the 90-day period prior to December 15, 1973.

Third, the Senate amendment limited the application of section 119(b) to sources (1) which were located outside of a region in which national primary ambient air quality standards are currently being exceeded and (2) which would not, as a result of a conversion to coal, cause or contribute to concentrations of air pollutants in excess of primary standards. The House bill contained no such limitation.

Conference substitute

Section 3 of the conference substitute adds a new section 119 of title I of the Clean Air Act.

Section 119(a).—Definitions. Section 119 (a) defines terms used in the new section 119.

Section 119(b)(1).—Short-term suspensions. Subsection (b) of the new section 119 establishes the conditions under which short-term suspension of stationary source fuel or emission limitations may be granted by the Administrator of the Environmental Protection Agency.

Two types of persons are eligible for a suspension during the period ending June 30, 1975. The first is any person whom the Administrator finds will be unable to comply with such limitation during such period solely because of the unavailability of fuels that would permit that person to comply with such limitation. No person to whom a prohibition order has issued under section 2(a) of the Energy Supply and Environmental Coordination Act would be eligible for a suspension of this first type unless he cannot obtain coal which permits compliance with air pollution requirements. Persons who would be eligible for this type of suspension include, but are not limited to, those to whom conforming fuels are unavailable because of strikes, embargoes, accidents, allocation rules, or orders under the Emergency Petroleum Allocation Act or under section 2(d) of this Act, or exchange orders

under section 119(j) of the Clean Air Act. (Unavailability does not include unavailability of natural gas and petroleum products by reason of an order under section 2(a) of bill).

The second type of person who may receive short-term suspensions under the Clean Air Act is an owner or operator of a fuel-burning stationary source to which subsection 119 (c)(1)(A) or (B) applies and which has converted to the burning of coal. This group has two subgroups (1) those installations which are prohibited from burning petroleum products or natural gas under section 2(a) of the Energy Supply and Environmental Coordination Act and have, after September 15, 1973, converted to the burning of coal, and (2) those installations which began conversion to the use of coal during the period of September 15, 1973–March 15, 1974, whether or not a prohibition under section 2(a) has been issued with respect to any such installation. No installation which had been burning coal and which did not convert from the burning of petroleum products or natural gas (either in response to a prohibition order or voluntarily beginning during the period September 15, 1973–March 15, 1974) would be eligible for a suspension under section 119(b)(1)(A)(ii).

In the case of a plant or installation which is described in section 119(c)(1)(A) or (B) and which has converted to burning coal, no short term suspension may be granted by the Administrator of EPA unless he finds that the source will be able to comply with all primary standard conditions which will be applicable to the source.

In addition to the measures he imposes as primary standard conditions, the Administrator is required to condition the granting of any suspension upon adoption of any other interim requirements that he determines are reasonable and practicable. These interim requirements must include necessary reporting requirements and a provision, applicable only to those sources which receive a suspension under section 119(b)(1)(A)(i), that the suspension be inapplicable during any period when clean fuels are available to such source. The Administrator would be required to determine when such fuels are in fact available. It is the intent of the conferees that the EPA Administrator in making a determination to make a short term suspension inapplicable would take into consideration the costs associated with any changes that would be required to be made by the source to enable it to utilize such fuel.

The suspension would also be conditioned on adoption of such measures as the Administrator determines are necessary to avoid an imminent and substantial endangerment to the health of persons. This would authorize not only requirements that a facility shut down during air pollution emergencies, but also (for example) a requirement that it keep a reserve supply of clean fuels on hand to be burned to avoid such emergencies.

Section 119(b)(2). A suspension may be granted by the Administrator either upon his own motion or upon the application of any person or a State. The Administrator is directed to give notice and opportunity for public hearing prior to granting a suspension or denying an application therefor, unless he finds that good cause exists for not providing such opportunity. Before granting a suspension he is also directed to give actual notice to the Governor of the State in which the source or person is located and to appropriate local officials (as determined by the Administrator). Judicial review of such suspension and any related interim requirements and primary standard conditions would be restricted to certain specified grounds.

Section 119(c)(1). Compliance date extension. In recognition of the need to balance energy needs with environmental requirements and the unique problems facing any source which converts to coal in response to the fuel shortage, the conferees adopted a provision that no air pollution requirement (as defined in section 119(a)(2)) could have the effect of prohibiting the burning of coal by any source which is described in section 119(c)(1)(A) or (B), which converts to the burning of coal, and for which the requisite findings have been made under section 119(c)(2)(A), except as provided in section 119(d)(3).

This prohibition against application of such "air pollution requirements" to such source could in some instances continue until as late as January 1, 1979. It would expire on such earlier date as is established pursuant to section 119(c)(2)(B) and (C).

The compliance date extension provision is only applicable to plants or installations which began conversion from petroleum products or natural gas to coal voluntarily between September 15, 1973, and March 15, 1974, or converted from petroleum products or natural gas to coal as a result of an order under section 2.

As noted above, before the provisions of section 119(c)(1) may apply to any person, the Administrator of EPA must make certain findings. First, he must find that the source will be able to comply with all primary standard conditions (just as in the case of a short-term suspension under section 119(b)(1)(A)(ii). Second, he must find that the source will be able to comply with the regional limitation (defined in section 119(a)(6)).

Section 119(d). Primary standard conditions. Primary standard conditions are emission limitations, requirements respecting pollution characteristics of coal, or other enforceable measures for control of emissions which the Administrator determines must be complied with by a source in order to assure that the burning of coal by that source will not result in emissions of any air pollutant which cause or contribute to concentrations of such air pollutant in excess of any national primary ambient air quality standard for that pollutant. The Administrator of EPA may require that the source use intermittent or alternative controls during such period if he determines that such measures are enforceable and will provide the necessary assurance pertaining to attainment and maintenance of the national primary air quality standards.

The decision of which measures to impose is left to the discretion of the Administrator. In the conferees' view, however, specific enforceable requirements must be made applicable to specific sources in order to have an effective air pollution control strategy. Moreover, enforcement of any such requirements should not be made contingent upon a showing that the national primary standard is being exceeded at any place or time. This is not required under the Clean Air Act, as amended in 1970; nor is it required here. The conferees subscribe to the view expressed in S. Rept. No. 91–1196 that: "[National ambient air quality] Standards are only the reference point for the analysis of the factors contributing to air pollution and the imposition of control strategy and tactics."

The regional limitation means, in effect, that no source which is located in an air quality control region (as designated in accordance with section 107 of the Clean Air Act) in which any national primary ambient air quality standard for a particular pollutant is being exceeded may emit that pollutant in amounts which exceed any emission limitation or may violate any other air pollution requirement for that pollutant under the applicable implementation plan. Thus, for instance, if the national primary standard for particulates is being exceeded at any point within an air quality control region, no source located within that region could be permitted by section 119(c) to emit particulates in excess of implementation plan limitations applicable to such source. Sulfur oxide emissions by a source covered by section 119(c) and located in a region exceeding primary standards for particulates could exceed applicable implementation plan limitations for sulfur oxides so long as the national primary standard for sulfur oxides was not being exceeded in the region and the source complies with all primary standard conditions. Moreover, if at any subsequent time it is determined that the national primary standard for particulates is being attained in the region, then such source would no longer be subject to the regional limitation (but of course would continue to be subject to all primary standard conditions).

The purposes of requiring these findings are several. First, since the national primary standards are intended to assure protection of the public health, the conferees felt that no override of air pollution requirements should be permitted if it would cause or contribute to the national primary standards being exceeded. Second, although the conferees did not want to totally preclude conversions to coal in air quality control regions in which national primary standards for any given pollutant may be exceeded, they did want to assure that no implementation plan requirement for such pollutant would be overridden for a source located in such a region.

Primary standard conditions, (including requirements respecting pollution characteristics of coal), regional limitations and other requirements applicable to a source under section 119 would be enforceable under the citizens' suit provisions of the Clean Air Act.

While the source's ability to comply with the regional limitation and primary standard conditions are threshold determinations which must be made prior to the issuance of a compliance date extension under section 119(c)(1), this is not the case with respect to the provision relating to emissions of any air pollutant for which national ambient air quality standards have not been promulgated (or an air pollutant which is transformed in the atmosphere into an air pollutant for which such a standard has not been promulgated). If at any time the Administrator determines that the burning of coal by any source to which section 119(c)(1) applies (or which has received a prohibition order under section 2(a) of this Act but to which section 119(c)(1) does not apply), will result in an increase, which causes (or materially contributes to) a significant risk to public health, in such emissions, he is directed to notify the Administrator of FEA.

Under section 2(b) of this Act, upon receipt of such notice by FEA, the prohibition order section 2(a) would cease to be effective until the EPA Administrator determines that such source no longer causes (or materially contributes) to a significant risk to public health.

In so providing, the conferees did not intend to authorize the Administrator of EPA to circumvent air quality standards and implementation plan procedures and criteria for the regulation of air pollution emissions under the Clean Air Act. However, the conferees are aware of the potential, described in several recent reports, that inadequately considered coal conversion orders may cause or contribute to a significant risk to public health from certain pollutants for which ambient standards have not been prescribed. The pollutants which have been mentioned include sulfuric acid aerosols, sulfate particles, nitrates, cadmium, particulate polycyclic organic matter, arsenic, etc. In the judgment of the conferees, the Administrator of EPA should be authorized to assure that orders prohibiting the burning of petroleum products or natural gas under section 2(a) of the Energy Supply and Environmental Coordination Act would not create major new air pollution threats to health, exacerbate

existing serious threats to health as a result of the increased emission of such presently unregulated air pollutants, or prevent sources of such pollutants from reducing a significant risk to health.

Of course, action by the Administrator of EPA to notify FEA and thus to make ineffective a prohibition order on the basis of this determination should not be undertaken without a reasonable basis. To permit such a determination of causing or materially contributing to a significant risk to health to be made on speculative or conjectural bases would be inconsistent with the conferees' strong intention to encourage burning of coal to the maximum extent practicable without endangering public health.

If the Administrator of EPA determines that all primary standard conditions are not being met by any person to whom such conditions are applicable, the Administrator must take one of two actions: he must either commence an enforcement action under section 113 or he must revoke the suspension or compliance date extension. The Administrator is also required to exercise one of these two options if he finds that any person who has converted to coal and who is covered by section 119 (c)(1)(A) or (B) is violating the regional limitation.

If, however, the Administrator finds that a person is unable to comply with all primary standard conditions (and with any revised conditions which he might establish), or with the regional limitation and such person is subject to a prohibition order under section 2(a) of the Energy Supply and Environmental Coordination Act, the EPA Administrator must so notify the FEA Administrator. This notice will cause such an order to cease to be effective with respect to such person, until such time as the EPA Administrator determines that compliance is possible (whether due to an FEA coal allocation order or for other reasons). Similarly, the EPA Administrator is required to give notice to the FEA Administrator, if he determines that any such condition or limitation is unenforceable due to court order. In this instance also the prohibition order ceases to be effective, until EPA determines that such condition or limitation is enforceable.

The conferees reaffirm the following statement of intent from the House report:

There are three basic reasons for the committee's decision to encourage increased burning of coal until at least 1979. First, in order to encourage the opening of new coal mines to increase energy supplies, it is necessary to encourage an on-going substantial demand for such coal. Without reasonable likelihood that new coal mines will be able to market their new production, the opening of new mines and expansion of existing mine capacity may be regarded too risky. Second, to the extent that electric generating power plants can be encouraged to cease burning oil and natural gas, these fuels would be available to meet other energy needs, such as production of gasoline and home heating oil. Finally, since continuous emission reduction technology is available for major sources such as power plants, but is not availabe for sources such as homes, apartment houses, and small businesses, the purpose of the Clean Air Act can be better effectuated by having low pollution oil and natural gas burned to the maximum extent feasible, in sources for which no effective clean-up technology is available.

The committee believes that the priority effort of each source which is subject to section [119(c)] should be to obtain low sulfur coal. If an adequate, long-term supply of low sulfur coal is available to such a source, the Administrator should only approve a plan which requires its use (and thus compliance with air pollution requirements) as expeditiously as practicable. In such a case, the Administrator would have to disapprove a plan which proposed to wait until January 1, 1979, before beginning to burn low sulfur coal. The committee believes that requiring priority consideration to the use of non-metallurgical low sulfur coal will reduce the likelihood of extended violation of applicable emission standards.

If a source is unable to obtain an adequate, long-term supply of low sulfur coal, it may seek to come into compliance by use of a continuous emission reduction system or by use of coal derivatives which would achieve the required degree of emission reduction. In such case, the source would still be required to act expeditiously to obtain an adequate supply of coal. However, compliance with all air pollution requirements would be required on a date established by the Administrator in the case of a source which will require a continuous emission reduction system for sulfur-related emissions, or as soon as practicable in the case of any other source; but in any case not later than January 1, 1979.

The Administrator would be required to impose, but would not be limited to imposing, the following requirements in any compliance schedule:

(1) the dates by which the source will solicit bids and enter into binding contractual agreements (or other equally binding commitment) for the procurement of an adequate coal supply to permit continued long term operation of the source:

(2) where the coal obtained by the source has sulfur content or other characteristics which will require installation of continuous emission reduction equipment to enable the source to comply with emission limitations, the dates for soliciting bids for such equipment, contracting for such equipment, and installation and start-up of such equipment by a date that will permit a reasonable time for necessary adjustments of the equipment to maximize the reliability and efficiency of the system prior to January 1, 1979; and

(3) reasonable interim measures which the source should employ to minimize the adverse impact on air quality.

In establishing dates for contracting for coal, the Administrator should determine the earliest date that is reasonable and which will permit compliance by the time specified in this section. Because the dates for obtaining coal or continuous emission reduction systems may occur at approximately the same time for more than one source which may over burden supplies, the Administrator is specifically authorized to establish differing dates for obtaining coal or such systems to insure availability of supplies of such coal or equipment. In making such decisions, it is expected that the Administrator will provide the earliest date for those sources in areas with the most serious pollution problems.

It is the intent of the committee that when the coal available to the source necessitates the use of continuous emission reduction equipment for control of sulfur-related emissions, the source will have as much time as necessary to install the equipment and achieve timely compliance, in order to permit the orderly development of technology.

In recognition of the complex factors involved in determining schedules for the various sources, the committee intends that the Administrator have broad discretion in prescribing and approving schedules of compliance to insure that sources meet the requirements of this section without overburdening production capacity for continuous emission reduction systems for sulfur control or causing unacceptable disruption in energy production capacity.

The committee does not intend to permit delay of existing compliance schedules for control of particulate emissions. Some slight delay may be necessary in light of revised compliance schedules for control of sulfur-related emissions. However, only such minor adjustments as the Administrator determines to be unavoidable should be permitted in existing compliance schedules and emission limitations for control of particulates.

While both the House bill and the Senate amendment required sources to which section 119(c) applied to obtain continuous emission reduction systems if long-term supplies of low sulfur coal were unavailable, the House bill would have permitted sources to opt to return to oil or gas after June 30, 1975, in which case this requirement would not have been applicable. By agreeing to the approach embodied in the Senate amendment which requires prohibition orders to be effective after June 30, 1975, and which precludes any source subject to an effective prohibition order from reverting to petroleum products or natural gas, the conference substitute makes the requirement respecting continuous emission reduction systems mandatory with respect to sources unable to obtain low sulfur coal.

The conferees were concerned with the conflicting reports regarding the effectiveness, reliability, cost, and environmental side effects of presently available continuous emission reduction systems for sulfur oxides. Substantial doubts were expressed about each of these points by several of the conferees. The conferees believed, however, that time remains for these systems to be improved prior to the time binding commitments would have to be made to procure such systems under section 119 of the Clean Air Act. Both House and Senate conferees expressed a commitment to carefully review these questions in upcoming hearings and to promptly modify these amendments, if warranted by the information obtained in the course of such review.

The conferees also take note that the term "long-term supply of coal" as used in both the House bill and the Senate amendment, is not defined or explained. It is the intention of the conferees that this term be interpreted in accordance with the broad objectives of this bill. Thus, for instance, sufficiently long-term contracts should be required to assure that new deep mines can and will be opened and that existing mines can and will be significantly expanded to substantially increase the energy supplies which will be available to the Nation. Furthermore, if the contracts are entered into for low sulfur coal, they should be of sufficient duration to assure a comparable degree of reliability of compliance with Clean Air Act requirements as would be provided by the installation of continuous emission reduction systems for control of sulfur oxide emissions.

The conferees also take note of the following statement in the House report:

In two States—Ohio and Kentucky—however, there is no applicable implementation plan in effect. This is so because of the Sixth Circuit Court of Appeals' opinion and order in *Buckeye Power, Inc.* v. *Environmental Protection Agency*, No. 72–1628 (6th Circ. 1973) and consolidated cases. The committee does not intend to preclude sources located in Ohio or Kentucky from eligibility for the exemption provided in section 119(b)(1). Therefore, the language of section 119(b)(2)(B) would permit the Administrator to approve a plan for a source located in either of these states if the plan provides a compliance schedule to achieve "the most stringent degree of emission reduction that such source would have been required to achieve . . . under the first applicable implementation plan which takes effect after" the date of enactment.

The conferees intend to make section 119 applicable to plants and installations located in Ohio and Kentucky.

In the conference substitute, eligibility for the application of section 119(c)(1) is con-

ditioned upon submission and approval of a compliance plan which must meet the requirements of regulations (which EPA must promulgate within 90 days after enactment) requiring any source to which a compliance date extension applies, to submit and obtain approval for its means of and schedule for compliance in accordance with the requirements of section 119(c)(2)(B). Failure to comply with such regulations is a prohibited act enforceable under section 113 of the Clean Air Act.

Moreover, the degree of emission reduction which must ultimately be achieved has been changed to that degree of emission reduction required to be achieved by the applicable implementation plan in effect on the date of submittal of the means of and schedule for compliance (except if no plan is in effect on such date). The purpose of this change was to permit any plan revision under section 4 of this Act to be taken into account if such revision is approved by such date.

SECTION 4. IMPLEMENTATION PLAN REVISIONS

House bill

Section 3 of the House bill provided that the Administrator will only review those State implementation plans for regions in which the application of section 119(b) of the Clean Air Act to sources converting to coal may result in a failure to achieve a national primary ambient air quality standard on schedule. The bill directed the Administrator to order necessary plan revisions within one year after such conversion that would set forth any additional reasonable and practicable measures required to achieve ambient air quality standards. The plan revision would have to consider whether, despite the coal conversion, the national primary ambient standards could be achieved through the use of additional reasonable and practicable measures (which may include energy conservation measures) that were not included in the original plan. In allowing up to a year for the Administrator of the Environmental Protection Agency to act, it was the intent of the House to permit both the Administrator and the States sufficient lead time to obtain adequate information on the impact of coal conversions, both effected and anticipated, and to permit accurate assessment of the additional measures required for State implementation plans.

Senate amendment

The Administrator was required to review State air quality implementation plans to determine whether or not less restrictive emission limitations can be applied to fuel burning stationary sources in designated air quality control regions without causing or contributing to concentrations of air pollutants in excess of applicable primary air quality standards.

Each State retained the authority to determine whether or not, on the basis of the review by the Administrator, a revision of any aspects of applicable implementation plans is appropriate. Should the State decide to revise emission limitations, the Administrator would be required to act on the State's request within 90 days of submission.

TRANSPORTATION CONTROLS

House bill

Section 3 of the House bill amended section 110 of the Clean Air Act to include a provision that parking surcharges must receive explicit authorization by Congress by law before they may legally be imposed by the Environmental Protection Agency. The bill would, however, continue to permit preferential bus/carpool lanes to be implemented by the Environmental Protection Agency as set forth in current transportation control plans.

The bill also empowered the Administrator of the Environmental Protection Agency to suspend for one year the review of new parking facilities.

The House bill also provided that no standard, plan, or requirement relating to management of parking supplies or preferential bus/carpool lanes could be promulgated after enactment, unless there has been a public hearing on such requirement, plan, or standard in the affected area.

Senate amendment

No comparable provision.

Conference substitute

Section 4 of the conference substitute retains the provisions of the House-passed bill pertaining to a prohibition on the imposition of parking surcharges by the Environmental Protection Agency, authority for EPA to suspend for one year the applicability of its parking management regulations (both under its transportation control and indirect source regulations), and the requirement for at least one public hearing prior to the imposition by EPA of any standard, plan, or requirement pertaining to parking management or exclusive carpool/bus lanes. The conferees note that on January 15, 1974, the Administrator of EPA published regulations in the Federal Register implementing the first two provisions which were identical to those contained in S. 2589 as reported by the conferees.

With respect to revision of State implementation plans, section 4 of the conference substitute basically follows the Senate amendment version of the provision with certain modifications intended to emphasize the relationship between this provision and the provisions relating to coal conversion. As soon as practicable after enactment, the EPA Administrator would be required to review applicable implementation plans and report to each State whether such plans could be revised with respect to stationary source fuel burning installations and their suppliers without impairing the State plan's effectiveness to attain and maintain the national ambient standards. States could at any time thereafter revise their plans. If effective to attain and maintain the national ambient standards, such revised plans would be required to be approved by the Administrator.

The conference substitute differs from the Senate amendment in that the Administrator's plan review authority is not restricted to air quality control regions in which the national primary ambient standards are being exceeded. This change, like the whole provision, is intended to permit a mechanism by which EPA's clean fuels policy can be implemented to the extent that States agree to do so and by which conversions to the burning of coal can be effectuated more readily consistent with requirements of the Clean Air Act.

SECTION 5. MOTOR VEHICLE EMISSIONS

House bill

The House bill amended section 202 of the Clean Air Act to continue the emission standards established by the Administrator for 1975 model year automobiles during the 1976 model year. The effect of this provision was to maintain in the 1976 model year a Federal 45-State standard of 1.5 grams per mile of hydrocarbons, 15.0 grams per mile of carbon monoxide and 3.1 grams per mile of oxides of nitrogen, and a Federal standard for California of 0.9 gram per mile of hydrocarbons, 9.0 grams per mile of carbon monoxide, and 2.0 grams per mile of oxides of nitrogen. These standards would apply to automobiles produced by all manufacturers, whether or not any individual manufacturer had applied for or received a suspension under section 202(b)(5) previous to the enactment of this section.

The House bill provided that after January 1, 1975, an automobile manufacturer may seek a single one-year suspension of the statutory standards for hydrocarbons and carbon monoxide applicable to the 1977 model year. The Administrator would be required to establish interim emission standards for 1977 model automobiles for hydrocarbons and carbon monoxide if he grants the suspension.

The House bill amended section 202(b)(1)(B) of the Clean Air Act to establish a maximum emission standard for oxides of nitrogen of 2.0 grams per mile applicable nationwide to 1977 model year automobiles. This defers the previous statutory standard of 0.4 gram per mile of oxides of nitrogen until the 1978 model year. No administrative suspension would be possible from either the 1977 or 1978 NO_x standard. While the 1977 model year standard is a maximum of 2.0 grams per mile nationwide, California retains the right under section 209 of the Clean Air Act to seek a waiver for a more stringent standard.

Senate amendment

Identical to the House bill.

Conference substitute

The conferees retained the provisions of the House bill and Senate amendment.

SECTION 6. CONFORMING AMENDMENTS

House bill

Certain conforming amendments were adopted to assure the enforceability of certain provisions of new section 119 of the Clean Air Act, in addition to other purposes.

Senate amendment

Identical to the House bill.

Conference substitute

Certain additional conforming amendments were necessitated in light of the changes in the coal conversion and suspension authority provisions of the conference substitute. This section incorporates the needed conforming amendments.

SECTION 7. PROTECTION OF PUBLIC HEALTH AND ENVIRONMENT

House bill

This section contained provisions relating to allocation of low sulfur fuel to minimize adverse effects on health and welfare; a study of the health effects of increased sulfur oxides as a result of coal conversions; an exemption of coal conversion orders from the National Environmental Policy Act for one year; and an exemption of a Canada-New York State transmission line from the requirements of the National Environmental Policy Act.

Senate amendment

The Senate amendment contained identical provisions relating to low sulfur fuel allocations, the study of health effects of sulfur oxides, and the one-year exemption of coal conversion orders from the National Environmental Policy Act. The Senate amendment also included a provision to clarify the relationship between the National Environmental Policy Act and the Clean Air Act. Under the Senate amendment, no action taken under the Clean Air Act would be deemed a "major Federal action significantly affecting the human environment" within the meaning of section 102(2)(C) of the National Environmental Policy Act. Thus environmental impact statements under NEPA would not be required to be filed with respect to any action under the Clean Air Act.

Conference substitute

The conference substitute retains the provisions of the House bill, but in addition adds the provision of the Senate amendment which sets forth that no action taken under the Clean Air Act would be deemed a "major Federal action significantly affecting the human environment" within the meaning of section 102(2)(C) of the National Environmental Policy Act.

SECTION 8. ENERGY CONSERVATION STUDIES

House bill

This section contained provisions relating to various energy conservation studies.

Senate amendment

No comparable provision.

Conference substitute

With the exception of two provisions which the conferees deemed duplicative of studies authorized by existing law, the conference substitute retains the provisions of the House bill.

SECTION 9. REPORT

House bill

This section provided for a report by the EPA Administrator on the implementation of sections 2 through 7.

Senate amendment

Identical to the House amendment except for deletion of the reference to section 7.

Conference substitute

The conference substitute provides for a report comparable to that in the Senate amendment.

SECTION 10. FUEL ECONOMY STUDY

House bill

The House bill provided for EPA and the Department of Transportation to conduct a joint study on the feasibility of establishing a 20 percent fuel economy improvement standard for 1980 and later model new motor vehicles.

Senate amendment

No comparable provision.

Conference substitute

The conference substitute retains the provisions of the House bill. In this connection, the conferees' intention is that EPA and DOT should determine whether a 20 percent fuel economy improvement standard is feasible by 1980. If so, the agencies should also notify Congress whether a greater improvement can be realized within such time or whether such improvement can be realized at an earlier date. If not, the agencies should notify Congress of the lesser degree of improvement which can be realized within such time or how much later than 1980 it will be before such an improvement can be achieved.

Furthermore, the conferees wish to emphasize their concurrence with the following statement from the House report:

The purpose of the jointly conducted study is to eliminate duplication with current, ongoing fuel economy studies.

The committee expects, of course, that any current DOT studies will be coordinated with this study to eliminate any potential duplication and minimize waste of funds.

At the same time, the committee agrees that EPA must be actively involved in any fuel economy analysis to assure consistency between the findings of the study and the statutory requirements for automobile emission reductions.

The committee recognizes that DOT has an equally important safety responsibility but does not have either established test procedures, testing facilities or the expertise on engine technology to perform an independent review.

The committee expects this study to utilize EPA's established emission test procedures in order to avoid inconsistency in any subsequent legislation recommendation.

SECTION 11. REPORTING OF ENERGY INFORMATION

House bill

Section 11(a) of the House bill provided that 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, was to request, acquire, and collect such energy information as he determines to be necessary to assist in the formulation of energy policy or to carry out the purposes of this Act or the Emergency Petroleum Allocation Act of 1973. The Federal Energy Administrator was to 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.

Subsection (b) of section 11 of the House bill stated that in carrying out the provisions of subsection (a) the Administrator had the power to require, by rule, any person who was engaged in the porduction, processing, refining, transportation by pipeline, or distribution (other than at the retail level) of energy resources to submit reports; sign and issue subpenas for the attendance and testimony of witneses and the production of relevant books, records, papers, and other documents; 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 were to be made within such reasonable period and under oath or otherwise as the Federal Energy Administrator could determine; and to administer oaths.

Subsection (c) of section 11 of the House bill provided that 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, could have entered and inspected any facility or business premises, to inventory and sample any stock or energy resources therein, and to examine and copy records, reports, and documents relating to energy information.

Subsection (d) of this section directed the Federal Energy Administrator to exercise the authorities granted to him under subsection (b) to develop within 30 days after the date of enactment of the House bill, as full and accurate a measure as is reasonably practicable of domestic reserves and production, imports, and inventories, of crude oil, residual fuel oil, or refined petroleum products, natural gas, and coal. This subsection further directed the Federal Energy Administrator, for each calendar quarter beginning with the first, complete calendar quarter following the date of enactment of the House bill, to develop and publish quarterly reports containing the following:

(1) Report of petroleum product, natural gas, and coal imports; relating to country of origin, arrival point, quantity received, geographic distribution within the United States.

(2) Report of domestic reserves and production of crude oil, natural gas, and coal.

(3) Report of crude oil and refinery activity; relating allocation of crude oil to refiners with products to be derived from such crude oil.

(4) Report of inventories, nationally, and by region and State for various refined petroleum products, relating refiners, refineries, suppliers to refiners, share of market, and allocation fractions; for various refined petroleum products, previous quarter deliveries and anticipated 3-month available supplies; for refinery yields of the various refined petroleum products, percent of activity, and type of refinery; 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 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.

Section 11(e) of House bill provided that where a person shows that all or part of the energy information required by section 11 was being reported by such person to another Federal agency (other than the Bureau of the Census, the Bureau of Labor Statistics, or the Internal Revenue Service), the Administrator could exempt such persons from providing all or part of such energy information to him, and upon such exemption, such Federal agency, notwithstanding any other provision of law was to provide such energy information to the Administrator.

Section 11(f) of the House bill stated 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, have divulged methods or processes entitled to protection as trade secrets or other proprietary information of such person, such information, or portion thereof, was to 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 was not to 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 bill 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 bill and other statutes, and (3) the Congress or any committee of Congress upon request of the Chairman. This section 11(f) went on to say that the provisions of section 11 were to expire on midnight, June 30, 1975, but such expiration was not to affect any administrative or judicial proceeding pending on such date which related to any act or omission before such date.

Subsection (g) of section 11 contained the defined terms for use in the section.

The term "Federal agency" was to have the meaning of the term "executive agency" as defined in section 105 of title 5, United States Code.

The term "energy information" included 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 included 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 existed.

The term "person" meant 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 did business in any part of the United States, its territories and possessions, the Commonwealth of Puerto Rico, or the District of Columbia.

Subsection (h) of the House bill's section 11 stated that information obtained by the Administrator under authority of this bill was to be available to the public in accordance with the provisions of section 552 of title 5, United States Code.

Subsection (i) of the House bill's section 11 provided that any United States district court within the jurisdiction of which any inquiry was carried on was authorized, 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 Ad-

ministrator issued under this section, to issue an order requiring compliance therewith; and any failure to obey the order of the court could have been punished by the court as a contempt thereof.

Senate amendment

No provision.

Conference substitute

The conference substitute takes the provisions of section 11 of the House bill with the deletion of subsection (e) thereof and with technical and clarifying changes.

The conferees wish to emphasize two important points with respect to the grant of authority to the Administrator to collect energy related information. First, it should be noted that the authority under this legislation is temporary in nature and will expire on June 30, 1975. This does not represent a decision by the conferees that our informational needs will not extend beyond this point in time. On the contrary, the conferees are convinced that these needs will be with us over the long term and that meeting these needs requires a comprehensive, long term legislative solution. The conferees are aware of the efforts now under way in the Committee on Interior and Insular Affairs of the Senate to develop a centralized energy information agency within the Federal Government. This legislation, S. 2782, the National Energy Information Act, is currently in markup, following extensive hearings and consultation with Federal agencies, industry and other experts in the area during the previous several months. A permanent and comprehensive Energy Information Act is needed to address the long-term energy information needs of the Executive, the Congress, and the public while reducing the burden of duplicative reporting on private industry by coordinating the collection of this information.

The effort represented by S. 2782 should go forward. But we cannot fail to respond to the immediate needs of the short-term situation awaiting the final resolution of the issues which attend the formation of a centralized energy data system.

Secondly, the conferees wish to emphasize that the energy information reporting authorities contained in this bill are intended to be in addition to, independent of, and not limited by any other authority of the Federal Energy Administrator. It is intended thereby to equip the Administrator of the Federal Energy Administration with broad powers, fully enforceable, to reach into any sector of the economy to bring together information relevant to his task and to assure that that information is freely available to the Congress. Moreover, to assure that the public is kept informed on a routine basis, the Administrator is required to publish quarterly reports containing specific and detailed information pertaining to supplies of petroleum products, natural gas, and coal. It is the conferees intention that the making of periodic reports will assure the continued quality and timeliness of the data required to be obtained under this section.

SECTION 12. ENFORCEMENT

House bill

Section 10 of the House bill contained provisions relating to enforcement of orders relating to prohibition of burning of petroleum products or natural gas, coal allocation rules and orders, and energy information reporting requirements.

Senate amendment

Identical to the House bill, except with respect to enforcement of energy information reporting requirements.

Conference substitute

The conference substitute retains the substantive provisions of the House bill. These provisions appear in section 12 of the conference substitute.

SECTION 13. EXTENSION OF CLEAN AIR ACT AUTHORIZATIONS

House bill

No such provision was included.

Senate amendment

This section extends for one year (FY 1975) the authorizations in the Clean Air Act. The purpose of such amendment was to assure that sufficient funds were authorized to be appropriated for FY 1975 in order to permit the Administrator of EPA to meet his obligations and responsibilities under the bill.

Conference substitute

The conference substitute retains the provision of the Senate amendment.

The conferees wish to emphasize, however, that many important legislative issues pertaining to the Clean Air Act have yet to be resolved. Among these are the issues relating to the prevention of significant deterioration, the effectiveness and enforceability of intermittent control strategies, the reliability of existing sulfur emissions control technology, and many others.

The Senate Public Works Committee has already begun to hold hearings on the Clean Air Act. The House Interstate and Foreign Commerce Committee has stated its intent to schedule hearings on these problems and on legislative measures to address them. These hearings will be held before the Public Health and Environment Subcommittee of the House Interstate and Foreign Commerce Committee beginning in June, 1974. The existence of this provision does not in any way alter or postpone this commitment by the House committee to promptly consider the amendments now pending before the Subcommittee.

SECTION 14. DEFINITIONS

House bill

Section 12 of the House bill defines the term "Federal Energy Administrator" for purposes of the bill and the Clean Air Act. That term refers to the Administrator of the Federal Energy Administration, which will be established by the Federal Energy Administration Act of 1974. Until that Administrator takes office, this section provides that the term will refer to an officer of the United States designated by the President.

Senate amendment

No comparable provision was included.

Conference substitute

The conference substitute retains the House bill provision with an additional amendment to explain the meaning of the term "petroleum products" as used in the provisions of both bills pertaining to orders prohibiting the burning of natural gas or petroleum products.

HARLEY O. STAGGERS,
TORBERT H. MACDONALD,
JOHN E. MOSS,
JOHN D. DINGELL,
PAUL G. ROGERS,
SAMUEL L. DEVINE,
ANCHER NELSEN,
JAMES T. BROYHILL,
JAMES F. HASTINGS,
Managers on the Part of the House.

JENNINGS RANDOLPH,
EDMUND S. MUSKIE,
JOSEPH M. MONTOYA,
HOWARD BAKER,
ROBERT T. STAFFORD,
HENRY M. JACKSON,
ALAN BIBLE,
Managers on the Part of the Senate.

LEGISLATIVE PROGRAM

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

Mr. ARENDS. Mr. Speaker, I take this time for the purpose of inquiring of the majority leader if he will kindly advise us as to the program for the following week.

Mr. O'NEILL. Will the minority whip be kind enough to yield?

Mr. ARENDS. I am glad to yield to the distinguished majority leader.

Mr. O'NEILL. Mr. Speaker, the program for the week of June 10, 1975, for the House of Representatives is as follows:

Monday is District day. We have one bill, H.R. 15074, the political campaign finance practice regulations.

On Tuesday we have two bills reported unanimously from the Committee on Ways and Means, H.R. 15125, 12-month extension of eligibility of supplemental security income recipients for food stamps—until July 1, 1975, and H.R. 12281, continuing suspension of duties on certain forms of copper through June 30, 1975.

Also on Tuesday we will have H.R. 12165, the Colorado River Basin Salinity Control Act, which is subject to a rule being granted. I understand the Committee on Rules will meet on that on Monday afternoon. Also on Tuesday we have H.R. 10294, the Land Use Planning Act, which has an open rule and 2 hours of general debate.

On Wednesday, Thursday, and Friday, H.R. 14462, the Oil and Gas Energy Tax Act.

On Thursday we will have the Flag Day ceremonies.

Conference reports may be brought up at any time, and any further program or changes will be announced later.

Mr. ARENDS. I thank the gentleman.

Mr. GROSS. Will the gentleman yield?

Mr. ARENDS. I yield to the gentleman.

Mr. GROSS. I thank the gentleman for yielding.

I should like to ask the distinguished majority leader why only one bill on Monday and then four bills on Tuesday, including the Land Use Planning Act, which is certainly controversial. Does the gentleman really expect to dispose of those four bills on Tuesday?

Mr. O'NEILL. The answer, of course, is in the affirmative. That is why we have scheduled them. We would have liked to have brought up H.R. 12165, the Colorado River Basin Salinity Control Act on Monday, but the Committee on Rules adjourned very abruptly today. It had been scheduled to act on a rule today.

Consequently we are putting it on for Tuesday. We would have had it on Monday. We promised the floor managers of the Land Use Planning Act some weeks ago that it would be scheduled for June 11, and we are keeping to that schedule.

As you know, the Oil and Gas Energy Tax Act will be up on Wednesday, and I make note of the fact that we say Wednesday, Thursday, and Friday, because there will be a great possibility that we will be working Friday.

There is no other legislation at this time that we could have put on for Monday.

Mr. GROSS. There is nothing that could be brought up to Monday? This apparently will be a repeat performance of

this last week of adjournments at 1 o'clock and 1:30.

Mr. O'NEILL. I just want the gentleman to know that it is a constant matter of calling the committees and of calling chairmen and staff directors to get bills up. The gentleman, I am sure, is aware of the fact, of course, that starting with next week we have also planned Friday sessions for the next 3 weeks in a row. We have seven appropriation bills that will be coming up.

Mr. GROSS. I say to my friend that last night we were in until 8 o'clock and tonight we are here until 8 and after.

Then, going back to last Monday, we were through at 1 o'clock in the afternoon, or approximately that time. It is a little bit difficult to assimilate this sort of procedure.

Mr. O'NEILL. Interestingly enough, they used to talk about a "Tuesday to Thursday organization" around here, but I have checked the records for the last year and a half, and we have had an average of 3.4 rollcalls and quorum calls on Mondays.

I am sure the gentleman from Iowa is aware of what is going on in the committees around here. We are actively contacting the chairmen of the committees, and the clerks of the committees, to get programs out as best we can.

Mr. GROSS. I hope we do not discover that there is another golf tournament on next Monday.

Mr. O'NEILL. Mr. Speaker, I had made reference in my earlier remarks, and I direct this particularly to the attention of the gentleman from Iowa (Mr. GROSS) that there was no further business on today, but I neglected to state that there are some printing resolutions that the gentleman from Indiana will be offering.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday Rule be dispensed with on Wednesday next.

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

There was no objection.

ADJOURNMENT OVER TO MONDAY, JUNE 10, 1974

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next, June 10, 1974.

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

There was no objection.

AUTHORIZATION FOR REPRINTING ADDITIONAL COPIES FOR THE USE OF THE COMMITTEE ON THE JUDICIARY OF THE COMMITTEE PRINT ENTITLED "CONSTITUTIONAL GROUNDS FOR PRESIDENTIAL IMPEACHMENT"

Mr. BRADEMAS. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 93–1086) on the resolution (H. Res. 935) authorization for reprinting additional copies for use of the Committee on the Judiciary of the committee print entitled "Constitutional Grounds for Presidential Impeachment," and ask for immediate consideration of the resolution.

The Clerk read the resolution, as follows:

H. RES. 935

Resolved, That there shall be reprinted for use of the House Committee on the Judiciary three thousand additional copies of the committee print entitled "Constitutional Grounds for Presidential Impeachment".

The resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING THE PRINTING OF THE TRANSCRIPT OF THE PROCEEDINGS IN THE COMMITTEE ON RULES OF OCTOBER 25, 1973

Mr. BRADEMAS. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. 93–1087) on the resolution (H. Res. 1006) authorizing the printing of the transcript of the proceedings in the Committee on Rules of October 25, 1973, and ask for immediate consideration of the resolution.

The Clerk read the resolution, as follows:

H. RES. 1006

Resolved, That the transcript of the proceedings in the Committee on Rules of October 25, 1973, incident to the presentation of a portrait of the Honorable Ray J. Madden to the Committee on Rules be printed as a House document with illustrations and suitable binding.

SEC. 2. In addition to the usual number, there shall be printed three hundred copies of such document for the use of the Committee on Rules.

The resolution was agreed to.

A motion to reconsider was laid on the table.

To REPRINT THE BROCHURE ENTITLED "HOW OUR LAWS ARE MADE"

Mr. BRADEMAS. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 93–1088) on the concurrent resolution (H. Con. Res. 201) to reprint the brochure entitled "How Our Laws Are Made," and ask for immediate consideration of the concurrent resolution.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 201

Resolved by the House of Representatives (the Senate concurring), That the brochure entitled "How Our Laws Are Made", as set out in House Document Numbered 92–323 of the Ninety-second Congress, be printed as a House document, with a suitable paperback cover of a style, design, and color, to be selected by the chairman of the Committee on the Judiciary of the House of Representatives, and with a foreword by the Honorable Peter W. Rodino, Junior; and that there be printed two hundred and forty thousand five hundred additional copies, of which twenty thousand shall be for the use of the Committee on the Judiciary and the balance prorated to the Members of the House of Representatives.

With the following committee amendment:

On page 1, line 9, delete "forty thousand five hundred" and insert "forty-one thousand".

The committee amendment was agreed to.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING ADDITIONAL COPIES OF OVERSIGHT HEARINGS ENTITLED "STATE POSTSECONDARY EDUCATION COMMISSIONS"

Mr. BRADEMAS. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 93–1089) on the concurrent resolution (H. Con. Res. 445) authorizing additional copies of Oversight Hearings entitled "State Postsecondary Education Commission," and ask for immediate consideration of the concurrent resolution.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 445

Resolved by the House of Representatives (the Senate concurring), That there shall be printed for the use of the Committee on Education and Labor, House of Representatives, one thousand copies of the Oversight Hearings entitled "State Postsecondary Education Commissions", held April 9, 11, and 12, 1973.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

TO AUTHORIZE THE PRINTING AS A HOUSE DOCUMENT "OUR FLAG" AND TO PROVIDE FOR ADDITIONAL COPIES

Mr. BRADEMAS. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 93–1090) on the concurrent resolution (H. Con. Res. 454) to authorize the printing as a House document "Our Flag" and to provide for additional copies, and ask for immediate consideration of the concurrent resolution.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 454

Resolved by the House of Representatives (the Senate concurring), That there be printed as a House document with illustrations, a revised edition of the House document "Our Flag"; and that two hundred seventy-two thousand and five hundred additional copies be printed, of which two hundred twenty-one thousand shall be for the use of the House of Representatives, and fifty-one thousand five hundred shall be for the use of the Senate.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

TO PROVIDE FOR THE PRINTING AS A HOUSE DOCUMENT A REVISED EDITION OF THE HOUSE DOCUMENT "OUR AMERICAN GOVERNMENT. WHAT IS IT? HOW DOES IT WORK?"

Mr. BRADEMAS. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 93–109) on the concurrent resolution (H. Con. Res. 455) to provide for the printing as a House document a revised edition of the House document "Our American Government. What Is It? How Does It Work?" and ask for immediate consideration of the concurrent resolution.

The Clerk read the concurrent resolution, as follows:

H. Con. Res. 455

Resolved by the House of Representatives (the Senate concurring), That there shall be printed, as a House document, a revised edition of the House document "Our American Goernment. What Is It? How Does It Work?"; and that five hundred and sixty-five thousand additional copies be printed, of which four hundred and forty-two thousand shall be for the use of the House of Representatives and one hundred and three thousand shall be for the use of the Senate, and twenty thousand shall be for the use of the Joint Committee on Printing.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

PRINTING OF ADDITIONAL COPIES OF REPORT ISSUED BY COMMITTEE ON FOREIGN AFFAIRS

Mr. BRADEMAS. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 93–1092) on the concurrent resolution (H. Con. Res. 474) authorizing the printing of additional copies of a report isued by the Committee on Foreign Affairs, and ask for immediate consideration of the concurrent resolution.

The Clerk read the concurrent resolution, as follows:

H. Con. Res. 474

Resolved by the House of Representatives (the Senate concurring), That there shall be printed for use by the Commitee on Foreign Affairs of the House of Representatives ten thousand copies of the report of a study mission to Greece entitled "Controlling the Damage: United States Policy Options for Greece".

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

PRINTING OF ADDITIONAL COPIES OF A COMMITTEE PRINT OF SENATE SELECT COMMITTEE ON NUTRITION AND HUMAN NEEDS

Mr. BRADEMAS. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 93–1093) on the Senate concurrent resolution (S. Con. Res. 73) authorizing the printing of additional copies of a committee print of the Senate Select Committee on Nutrition and Human Needs, and ask for immediate consideration of the Senate concurrent resolution.

The Clerk read the Senate concurrent resolution, as follows:

S. Con. Res. 73

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Senate Select Committee on Nutrition and Human Needs five thousand additional copies of its committee print entitled "To Save the Cihldren: Nutritional Intervention Through Supplemental Feeding".

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

HELIUM STORAGE ACT OF 1974

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

Mr. SEBELIUS. Mr. Speaker, as the Nation emerges from the first critical energy shortage it has known in its history, we come to realize the necessity for the development of new techniques and resources to meet our vast energy needs. Today, I am introducing legislation, the Helium Storage Act of 1974, which can go far in meeting those needs through the conserving and storing of helium—a vital natural resource.

This legislation will authorize and direct the Secretary of Interior to store non-Federal helium in the Government underground storage facility in Texas to the credit of the company producing and delivering it. The Hugoton Field in southwest Kansas is the richest known source of helium in the United States. This active field is rapidly being depleted and helium is being vented into the atmosphere as a by product in the refining of natural gas. The facilities are there and the transmission lines to the Texas storage facility are ready for use. All that is required is enactment of this legislation to once again activate this conservation process.

Research into alternate sources of energy relies on the availability of helium. The science of supercold, or cyrogenics, holds the promise of helping solve the energy crisis through its use in the development of nuclear power facilities and the long distance transmission of energy. Helium can be the realization of that promise as a superconductor of electricity.

Helium also has been found beneficial in many areas of scientific research and its technological applications are steadily growing. The exhaustion of our helium resources would wipe out critical research fields in low temperature and solid-state physics as well as superconductive powerlines, magnets, including the new supermagnets that will be needed if controlled thermonuclear fusion is to be developed as a source of energy.

At a time when the greatest future applications of this precious resource are beginning to be clearly seen, we must insure that a ready supply will be there to meet that need. I cannot stress too strongly the need for this legislation to conserve helium. In closing I would like to summarize my feeling regarding the helium conservation program in this way. The cold story goes, alas and alack, when you squeeze out the toothpaste you cannot put it back. This is exactly what is happening with the helium supply at the Hugoton Field.

TRADE OFF ON STRIP MINING

The SPEAKER pro tempore (Mr. McFALL). Under a previous order of the House, the gentleman from Arizona (Mr. UDALL), is recognized for 10 minutes.

Mr. UDALL. Mr. Speaker, I want to take this opportunity to bring to my colleagues' attention a brief and straightforward editorial supporting H.R. 11500, the bill reported by the Interior Committee to regulate coal surface mining. This editorial appeared in the May 25 issue of Business Week. The editorial's appraisal of the bill is concise, accurate, and reflects an understanding of the balances struck in developing H.R. 11500 between the divergent positions on each of the many issues involved:

TRADE-OFF ON STRIP MINING

Environmentalists oppose the strip mining bill reported last week by the House Interior Committee because they think it is too permissive. The coal companies oppose it because they think it is too tough. Actually, it is a sensible compromise between two conflicting national interests—the need to produce fuel at a reasonable price and the need to preserve the environment. The House should adopt it, and a conference committee should reconcile it with a bill already passed by the Senate to give the nation its first effective regulation of a practice that is chewing up 1,200 acres of land a week.

The bill would require strip miners to restore the land to its "approximate original contour." This goal is technologically and economically feasible in most regions, as some operators already have shown.

Restoring the land will increase the cost of coal, but in most cases the additional cost is acceptable. In the flat plains of Wyoming and Montana, stripped land can be restored for pennies per ton, according to a recent study by the National Academy of Sciences. Elsewhere, the cost would be higher, exceeding $1 a ton in some areas. Even so, strip-mined coal will still be cheaper than deep-mined coal.

In areas where restoration is not possible, stripping would have to stop. But the House bill would give the industry three years to shift to seams where reclamation is feasible. The unworked areas could remain as a national reserve, awaiting future technology that would make restoration practical.

The bill would also protect land owners who do not own mineral rights to the coal beneath them. The coal companies would have to get the written consent of the surface owners.

All in all, the bill provides the best trade-off the nation can make. Both the industry and the environmentalists should stop carping and accept it.

THE ILLUSIONS OF DÉTENTE: 15TH ANNIVERSARY OF CAPTIVE NATIONS WEEK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DERWINSKI) is recognized for 30 minutes.

Mr. DERWINSKI. Mr. Speaker, with the background of captive nations anal-

ysis provided in the first part of the article "The Illusions of Détente" which was inserted into the RECORD of June 5, the following section on "Peaceful Coexistence" and eight prominent illusions of détente becomes all the more meaningful and significant. I am inserting the conclusion of the commentary written by Dr. Lev. E. Dobriansky of Georgetown University, in the hope that every American will ponder the points made:

THE COLD WAR: "PEACEFUL COEXISTENCE" AND DÉTENTE

The current confusion over the terms of Cold War, "peaceful coexistence" and détente suggests in itself that the time is ripe for a national re-examination of our policies before we find ourselves too far afield in abetting Moscow's global strategy.[8] Diplomatic smiles, toasts, cultural exchange, summitry and a host of relatively insignificant agreements may be the theatrics of day-to-day politics, but they are no substitute for clearly defined policies attuned to the broad trends and developments depicted here. As Marx said, "Russia only throws out so many notes to the Western diplomats, like bones to dogs, in order to set them at an innocent amusement, while she reaps the advantage of further gaining time." Until there is evidence of substantial structural and functional change in Moscow's empire of captive nations, nothing that has so far emanated in US–USSR relations is really contributory to genuine peace, and politically uncalculated trade would make it even more remote. Treaties, negotiations, cultural exchange, trade and other involvements were rife in relations with Nazi Germany, but these failed to alter the course of basic trends. The injection of a nuclear age doesn't make these activities any more substantial and scarcely deters Moscow from racing its global troika.

From the beginning of the RSFSR the stratagem of "peaceful coexistence" has always been a tool in Moscow's Cold War arsenal. The first victims of Soviet Russian aggression, such as Byelorussia, Ukraine, Georgia and others, were temporarily exposed to it. In this respect, the Cold War, which most erroneously synonymize with hot official rhetorical exchanges and acutely strained relations, is very much applicable to Moscow's relations with the West. This special Cold War concept of unyielding systemic conflict and political warfare is uttered almost daily by Moscow and its satraps, and aside from the Aesopian language means in essence: "The struggle between the proletariat and the bourgeoisie and between world socialism and imperialism will be waged up to the complete and final victory of communism on a world scale. . . . All forms of the class struggle—political, economic and ideological—are closely interwoven, one augmenting the other—bringing first one form and then another to the forefront." [9] On the propaganda level, through indigenous communist parties, via its extended espionage system, and the use of its embassies, those of the "satellites," and a variety of visiting delegations, Moscow is engaged in this "peaceful coexistence" with the West.

Considering the problems of nationalism and dissidence within the empire, the maintained and expanded ideological and military apparatus at the control centers in the empire, and the persistent pressures of Moscow in the Free World, it is ludicrous to believe that the Cold War has diminished or is over. Only the gears have been shifted as Moscow gains time and Western aid to strengthen and facilitate its troika. Within the empire the Cold War is expressed in varying degree by nationalist assertions, resistance to Russification, open dissidence, religious revival, underground publications, and sheer ideological apathy and indifference. In the third sphere of Moscow's operations, who would classify Vietnam, the Mideast, the Indian Ocean, the base of Cuba and others as being beyond the Cold War concept as it pertains to US-USSR relations? The Cold War in its multiform can be and is waged through proxy and intermediate conduits.

Only in the past year has Moscow and its voices accepted the ambiguous term "détente." Doubtlessly, witnessing the confusion surrounding the term in the West, they have decided on its projected utility in their "peaceful coexistence" exploits. To intensify this confusion by semantic impress and tactical mutuality could result in more tangible advantages to them. However, it should be noted that out of deference to their own ideologic fixations and the transmission belt of CP's around the world, they take care to lump détente with their unequivocal meaning of "peaceful coexistence." For example, during the recent lobbying theatrical of the so-called Soviet parliamentary delegation in Washington, the leader of the group who is affiliated with the Politburo and a basic ideologist, Boris N. Ponomarev, stated that all members of the Supreme Soviet "support peaceful coexistence and détente." [10] In short, confusing détente is a tool of "peaceful coexistence."

EIGHT PROMINENT ILLUSIONS OF DÉTENTE

Perpetual motion diplomacy may have its cosmetical effects regarding the building of "peace" and may even produce purgative results with respect to our illusions about "Russia" and Red China, but it cannot be construed as a diplomacy of substance and credibility if it is pursued, in the proper nature of a diplomatic confrontation, on a set of conceptual and hopeful illusions that underlie and have aggregated about "détente." Aside from the many psychosomatic notions of détente, if we accept the definition of Secretary of State Henry Kissinger that "Détente is a process of managing relations with a potentially hostile country in order to preserve peace," suggested logically at the very outset are the preconceptual assumptions of this process, the existential framework of the process, the selected means in the process itself, and worthy objectives in addition to "peace." Regardless of the temporary, compromised "settlement" in Vietnam or equally momentary arrangements in the Mideast, the crucial and primary area of our policy is the USSR which by stated intent, open and covert action, and fixed objective is hardly only "a potentially hostile country."

The outline of the foregoing captive nations analysis is adequate enough to spotlight the mounting illusions of détente which can be concisely defined as follows:

(1) *The Nation-State Illusion:* It is a truism that in dealing with any object the ruling concept must be conformable with its reality and nature if the object is to be accurately understood toward whatever ends. A fallacious, basic concept can only lead to poor and even disastrous results. At this late stage in global politics it is incredible, but true, that in our highest governmental, educational and other institutions that the USSR is viewed as a nation-state with "Soviet citizens" of different ethnic backgrounds similar to the pattern of the U.S. This illusion not only betrays false knowledge of the object, its origins and fundamental weakness but also blinds us to the opportunities resident in the object. In defending détente the Secretary of State, who plainly misunderstands the Captive Nations Week Resolution,[11] suffers from this basic illusion when he speaks of "our two peoples," "our two nations," [12] and some sort of a "Soviet domestic structure" [13] for an area which is really multi-inter-national in composition. In short, an empire-state. As a matter of fact, Dr. Kissinger's ill-founded conception hasn't changed since his first notable work.[14]

(2) *The Non-Interference Illusion:* The first illusion logically breeds this one on non-interference in the "internal affairs" of the USSR. Rationally, the principle of non-interference is valid where it concerns a nation-state, but in the case of an empire-state, founded on conquest and oppression of nations and with imperial extensions and ambitions beyond, it makes only practical sense to the imperialist power. The abuse of this principle is an old imperial Russian technique which Stalin, Vishinsky, Khrushchev and Brezhnev have frequently employed not only for the empire-state of the USSR but also, as the Brezhnev doctrine confirms, for its imperial extensions in Central Europe.

If Moscow's domain were extended to the Atlantic, the same cry of noninterference would be encountered. It was both contrary to objective reality and needless in fact and truth that this concession was made in the Moscow Declaration of '72. A government founded on principles of justice could hardly justify itself by playing mute to grave, clear-cut injustices in the very camp of its chief enemy.

(3) *The Institutional/Policy Illusion:* The strange motion that the external policy of a state can be divorced from its internal, imperial policies is what may be called the institutional/policy illusion, which is obviously cognate to the preceding illusion. The institutional nexus between the essentially barbaric political institutions of the USSR and its external, predatory policy has roots 500 years in the past. The external imperial policy has always been fed by the oppressive, whether authoritarian or totalitarian, internal policy of the empire. To hope for substantial changes in the former without essential structural and behavioral changes in the latter is the illusion. As Solzhenitsyn recently pointed out, one of the characteristics of our present pseudo-détente is: "When any acts of cruelty and even brutality by one side towards its own citizens and its neighboring peoples is hastily and near-sightedly accepted by the proponents of detente as "in no way standing in the way of detente"—thereby encouraging new acts of brutality and persecution . . .[15] Kissinger is quoted.

(4) *The "Peaceful Coexistence" Illusion:* As shown earlier, "peaceful coexistence" is no illusion for Moscow. It is a very specific and definite sub-strategic policy for the Kremlin totalitarians. It only becomes an illusion for the West and us Americans when we identify it with détente in the mistaken belief that this troika unit of Westpolitik means a live-and-let-live policy. "Peaceful coexistence" for Moscow means plainly ideo-political warfare in all its dimensions against the West, and in our country it is already an open secret that our F.B.I. cannot cope with the inflow of agents from behind the Iron Curtain. Here, too, it violated credibility and truth for our representatives to have accepted in Moscow, in 1972, this principle as a basis of mutual relations between the U.S. and the USSR.[16]

(5) *The Non-Ideologic Illusion:* Some detentists hold that the ideologic power of Moscow and its syndicate is minimal and that there is little to fear from it. As far back as 1957, Kissinger observed, "The emerging middle class in Russia may, of course, in time ameliorate the rigors of Soviet doctrine." [17] Apart from a mythical middle class in "Russia," Marxist-Leninist ideology remains doctrinally powerful in the CPSU membership and beyond, though for the Russian populace at large and among the captive non-Russian nations its power of attraction is nil. What is more important is the effective tool it represents to attract all sorts of elements in the Free World who have not experienced the experience of the captive peoples, including

Footnotes at end of article.

from another interpretative angle the Russian people.

(6) *The Humanist Illusion:* Bred by the "mellowed communist" fantasy of the 60's, many detentists view the Kremlin and other Red totalitarians as destalinized types and thus more humane and reasonable to work with toward "peace." After all Solzhenitsyn was exiled, not murdered. Those harboring this widespread illusion are easily deceived by calculating Potemkinist techniques of the Kremlin, where for one Solzhenitsyn tens of thousands linger in Moscow's prison camps, psychiatric wards and terminal cells. The leadership is mainly Stalin-bred, is brutal and calculating, and in Hitlerian fashion cultivates and dominates a society that is predominantly technocratic and militaristic. Aside from the numbers game played in SALT talks, it is sufficient to note that the top priority of these "humanist socialists" is revealed in an economy half our size and a military input with advantaged weaponry comparable to ours.

(7) *The Economic Interdependence Illusion:* It is in the area of trade, long-term joint projects, and gradually enhanced economic involvements leading to a generalized economic interdependence that leverage is sought by us to curb and cause all three horses of the Russian troika to retreat, with "peace" becoming more secure than ever before. The so-called linkage concept involved here is essentially the poltrade policy advocated by the writer almost ten years ago, but with a significant difference.[18] Bear in mind that Moscow's essential objective is to acquire our advanced technology to shore up its messy, labor-short and capital-starved economy while its overall strategic troika races on.

It is absolutely necessary, therefore, to focus the predication of our trade and investments on politico-social concessions in the USSR itself and not for Moscow's restraint in Vietnam, the Mideast and elsewhere, which is really a dealt cover-up for relative American weakness in these areas and could be open-end as the troika, fed by our economic "aid," races on. The concession on Jewish emigration is essential but far less than what can be packaged in graded steps of trade/investment involvement. Without such USSR-centered concessions, economic interdependence will remain an illusion and, as in all cases of trade with totalitarian powers, the answer to the question of "Who is giving the shaft to whom?" should be evident.

(8) *The Non-Morality Illusion:* Finally, the supposedly, hard-nosed play in power balances leaving no room for moral forces of idealism, human rights, freedom, national independence, etc. is perhaps the most absurd illusion surrounding détente. Regardless of all of its imperfections, the whole story of America is founded on moral idealism, whether expressed by internal or external policies for basically they're interwoven, and this unfolding story is unsurpassed in the history of mankind. The continuing impact of American idealism on the captive nations is boundless and is one of the greatest of our weapons against the Kremlin totalitarians.

A détente pursued on the basis of these illusions will only court disaster for us and the Free World. A real, genuine détente, pointing even to the mutual benefits of entente, presupposes the dissipation of these illusions and a concrete development of an irreversible and guaranteed movement of actions that would preclude violence, further arms build-up, and the violation of fundamental human and national rights. Invoking the nuclear scare, as Kissinger does, is no argument for an illusory détente. The formation of a genuine détente, based on the factual counterpoints to the illusions, is the hope of this 15th Captive Nations Week anniversary.

FOOTNOTES

[8] For full discussion see *The Theory and Practice of Communism, Part 4.* Committee on Internal Security, Washington, 1974, pp. 2422–2527.

[9] *Pravda,* August 22, 1973.

[10] Peter Osnos. "Congenial Mood of Detente," *The Washington Post,* May 23, 1974.

[11] Op. cit. *On The Threshold of New Captive Nations,* pp. 5–6.

[12] Barry Schweid. *Associated Press,* March 25, 1974.

[13] "U.S. Says Exile Does Not Alter Detente." *The Washington Post,* February 14, 1974.

[14] *Nuclear Weapons and Foreign Policy,* 1957.

[15] Solzhenitsyn Letter to the House Foreign Affairs Committee, April 3, 1974.

[16] *Basic Principles of Mutual Relations Between the Union of Soviet Socialist Republics and the United States of America. Congressional Record,* April 25, 1974, p. S5987.

[17] *Ibid.,* p. 357.

[18] See *East-West Trade,* Hearings, Committee on Foreign Relations, Part II, 1965 pp. 94–104 and Senator Everett M. Dirksen. "Needed: A Realistic East-West Trade Policy," *The Reader's Digest,* June 1969, pp. 129–133.

INTRODUCTION OF LEGISLATION TO PERMIT DONATIONS OF SURPLUS SUPPLIES AND EQUIPMENT TO OLDER AMERICANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Hampshire (Mr. CLEVELAND) is recognized for 5 minutes.

Mr. CLEVELAND. Mr. Speaker, I have introduced a bill today to amend the Federal Property and Administrative Services Act to permit donations of surplus supplies and equipment to older Americans.

Presently, donations of Federal surplus property are restricted to tax-supported or tax-exempt recreational or health services facilities and civil defense and service education organizations.

My bill would afford senior citizens an equal opportunity to receive Federal surplus property for use in town organizations, et cetera. For example, a local senior citizens' center would be eligible for donations of tables, chairs, desks, and other needed equipment to furnish their facilities.

This legislation would solve the dilemma presented to many tax-supported senior citizens' organizations who have been provided with the use of town buildings but lack the funds for furnishings and other equipment needed to make the centers viable.

The need for this bill is certainly present, and I urge my colleagues to join in supporting this effort.

PROTECTING THE FISH

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Massachusetts (Mrs. HECKLER) is recognized for 15 minutes.

Mrs. HECKLER of Massachusetts. Mr. Speaker, as a Member of Congress from the State of Massachusetts, I am acutely aware of the many problems facing the fishing industry in the Northeast United States. The livelihood of thousands upon thousands of people is affected by the declining fish stocks off the New England shores. Numerous pieces of legislation have been introduced in an effort to alleviate the economic uncertainties caused by smaller catches. I have cosponsored a bill which would establish a contiguous fishing zone of 200 miles beyond the territorial sea of the United States.

A very fine newspaper from Massachuetts, the Patriot Ledger, recently carried excellent editorial comments on this issue. For the benefit of my colleagues who are considering this type of legislation, I would like to read into the RECORD the contents of this in-depth editorial:

PROTECTING THE FISH

In the past, The Patriot Ledger has opposed efforts to unilaterally extend United States fisheries jurisdiction beyond the present 12-mile zone.

However, we believe in order to protect declining Northeast Atlantic fish stocks and promote orderly and regulated fishing consistent with conservation of this valuable marine resource, national action is now required.

We therefore support, with one reservation, the bills filed in the Congress by Sen. Warren G. Magnuson, D-Wash., (S. 1988) and Rep. Gerry E. Studds, D-Cohasset (H. 8665), the "Interim Fisheries Zone Extension and Management Act," which would extend U.S. fisheries jurisdiction to 200 miles offshore. But instead of having the 200-mile fishery zone apply to the whole U.S. coast, it should be limited to those areas where the problems are, in the Northeast and Northwest.

At hearings on the Senate bill held last week in Boston before the Senate Commerce Committee, Massachusetts members of Congress, state officials and fishing interests stressed the points that protection of dwindling coastal fish stocks is urgent and imperative; that large, modern foreign fishing vessels are systematically depleting the most valuable food fish; that international agreements have been inadequate in conserving fish stocks and are inadequately and unevenly enforced; and that the best way of protecting valuable species from virtually extinction is by extending American jurisdiction to cover the prime fishing areas.

The State Department and other federal agencies have opposed such action, as has The Patriot Ledger, not because of lack of sympathy for New England fishermen, but because of broader international considerations.

Next month, in Caracas, Venezuela, the third international Law of the Sea Conference is scheduled to begin. This United Nations conference will deal with matters of extreme importance to nations of the world; the goal is to avoid impending anarchy over uses of the ocean and its living and mineral resources.

Without such agreement, it is feared, the oceans could become a battleground for competing claims over their uses and their resources. As powerful nations in previous centuries laid claim to land territories in creating colonial empires, so the oceans could become prey to national claims, to the detriment of other nations.

The rational way out of this maritime encroachment is a global, accepted uniform limit to offshore national sovereignty with most of the oceans and their resources reserved as the common heritage of mankind under international management. This means coastal states would have to waive national claims to sovereignty over adjacent waters beyond a specified limit, as well as to underwater resources.

The U.S., like maritime nations, has conflicting interests.

On the one hand, there are the marine resources, including fish, offshore oil and gas, and deepsea minerals, as well as national security considerations, which tempt nations to extend their off-shore jurisdictions.

On the other hand, there is a matter of freedom of navigation and of marine scientific research. Shipping and naval considerations call for the narrowest possible territorial seas, and for insistence upon freedom of navigation through international straights and waterways.

The basic United States position, therefore, at the Law of the Sea Conference includes a maximum breadth of 12 miles for the territorial sea (which would be an extension of the present three-mile U.S. territorial sea under the old "Cannon Shot Rule" of 1737); free transit through and over straits used for international navigation; international standards and controls to protect the marine environment from pollution; an agreement on freedom of marine scientific research, and reservation of deep seabed resources to an international authority which would manage and regulate exploration and exploitation.

By and large, the U.S. position is admirably idealistic and self-denying, for the U.S. has the technological prowess to exploit deepsea resources, and the military power to extend its coastal jurisdiction even beyond the continental shelf. But if every nation did so, there would be little of the oceans for international use, and the U.S. would be in trouble elsewhere in the world where it had maritime interests. So the United States has opposed unilateral claims by other nations to 200-mile territorial waters and/or exclusive economic rights, including fishing.

The U.S. government also has opposed efforts, such as the Studds-Magnuson bills, to extend our fishing jurisdiction to 200 miles. If this were done, the administration has argued it would jeopardize international efforts to restrain other coastal states' claims, would amount to recognition of existing 200-mile claims, and would tend to promote a universal 200-mile limit—which would give coastal states control over about 70 per cent of the world's total ocean territory and almost all maritime wealth.

Yet what in fact is happening is the development of an international consensus on a coastal state economic zone out to 200 miles, which may become about the same thing as a 200-mile zone. The U.S. draft treaty provides for exclusive coastal state jurisdiction over marine resources (excluding fisheries), tempered by international standards, within a "coastal seabed economic area." The extent of this area is to be thrashed out at the conference, but most coastal nations favor 200 miles.

Instead of a 200-mile fisheries zone, the U.S. has proposed a "species approach," and has begged New England to be patient while an international agreement to this effect is is being worked out.

The species approach is based on the premise that "coastal state rights should depend upon the biological characteristics, including migratory habits, of the different species of fish involved and should not be exercised in a zone of fixed mileage off the coast."

Under this approach, coastal stocks (such as cod, haddock, flounder) would be under the jurisdiction of the coastal state—this could be beyond a 200-mile limit!—and coastal states also would regulate and have preferential rights to anadromous fish (those which ascend rivers for breeding, such as salmon), throughout their migratory range. Tuna and other highly migratory oceanic species would be regulated by international organizations.

If a species approach were negotiated, New England could wind up with greater American control over its most valuable fish than under a 200-mile-limit. A species approach is no less "protectionist" than a preferential fishing zone.

But the hangups are, "if" and "when," as well as the more problematic matter of enforcement under a species approach. A territorial definition has the virtue of having a distinct cut-off line; a species approach does not. And under territorial regulation, it is possible to impose quotas and regulations on fishing operations for various species. Highly migratory fish, such as tuna, would be under international control in both the government position and the Magnuson-Studds bill.

Out of this, several points may be drawn:

1. There is an urgency to the Northeast fishing problems that must be promptly met. International agreements may take years to negotiate. The Magnuson-Studds legislation would meet that immediate need, but is not intended as a permanent claim. It would go out of existence when Law of the Sea provisions go into effect.

2. The 200-mile fishing jurisdiction would be no more protectionist in concept than the U.S. government's proposed species approach and would be simpler to enforce. Foreign fishermen in both cases would share in the catch.

3. While we favor a narrow territorial sea and a narrow zone of national economic jurisdiction beyond that, most coastal nations favor a 200-mile economic zone. If this is to be the norm for oil, gas and mineral exploitation, a 200-mile fisheries conservation zone is not incompatible and should not jeopardize international negotiations.

4. The international impact can be limited by emphasizing the U.S. action as necessary to conserve valuable species and by limiting the 200-mile jurisdiction to those areas in which overfishing is depleting important species.

Limiting the 200-mile zone to the most threatened fishing grounds off the Northeast and Northwest Coasts, perhaps above a certain latitude, would demonstrate American concern for conservation, rather than territorial expansion, and it would avoid potential jurisdictional problems with Cuba and Mexico. Canada should be invited to help work out problems of mutual interest.

DEEPWATER PORTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. HOGAN) is recognized for 5 minutes.

Mr. HOGAN. Mr. Speaker, as we considered legislation today to develop deepwater port facilities, I would like to concentrate on the need for this legislation, and its potential effects, in my home State of Maryland.

In the port of Baltimore, we have one of the great harbor facilities in America. But Baltimore is limited at present to a 42-foot depth, to be increased to 50 feet. It is obvious that Baltimore will not be able to accommodate supertankers which require drafts of 60 feet or more. Further, Baltimore is not a major location for the refining of crude oil. It is mainly a distribution and facility center for refined petroleum products. Consequently, a deepwater port for the supertankers in Baltimore is probable not feasible at the present time.

I have followed with great interest the U.S. Army Corps of Engineers' study of Atlantic coast deepwater port facilities. The purpose of this study was to determine the best means of developing U.S. facilities for very large bulk carriers until the year 2000. It included ore and coal as well as oil, but concluded that to transship ore and coal is not economically desirable at this time.

We know that, unlike our neighbors in Canada and the Bahamas, we have no ports in the United States for the supership. We also know that the absence of these deepwater ports is costing this country money and jobs.

The conclusion of the corps study was that—

There is a need for a deep draft port facility in the North Atlantic region; that it is economically, engineeringly and environmentally feasible; that private interests are able and willing to construct and operate it; and that, if undertaken, the public interest could be protected through conditions attached to the permits or licenses under which the facility is built and operated.

The study also found that—

There is no suitable site in this region that is not strongly opposed by the local inhabitants and their elected representatives and officials. Accordingly, I am unable to recommend federal participation in any such project at this time.

The study surveyed 18 sites on the Atlantic coast and concluded before the energy crisis that the most efficient and economical method of accepting very large bulk cargo carriers was "to provide a regional monobuoy unloading facility in the Atlantic Ocean approximately 13 miles off the New Jersey coast. However, if the low level of production is assumed—as now is probable—the most efficient and economic site would be located in the Delaware Bay off Big Stone Beach, Del." This is in the vicinity of Rehobeth Beach. Rehobeth is 17 miles from Maryland and 27 miles from Maryland's most popular seaside resort, Ocean City. Were this recommended facility constructed under H.R. 10701, Maryland doubtless would be a "significantly affected State." There is no comparable provision in H.R. 11951. I might add the corps' recommendation proposed that the Delaware site serve the York River oil refinery by transhipment. It also specified "because of the cost of rehandling and the smaller ships used to transport coal and iron ore, it is more efficient and economic to deepen the existing projects at Hampton Roads and Baltimore than to develop transhipment facilities for those commodities." With this, I concur.

The study was most complete in its consideration of inshore and offshore facilities. Dredging inshore, construction of marginal piers and sea islands were considered. The study concluded with the monobuoy recommendation, stating:

It will be necessary to import most, if not all, of the crude oil into the North Atlantic Region by vessel in the near future and possible until the turn of the century. The use of foreign terminals (Canada and the Bahamas) will increase harbor congestion and lightering operations and the frequency of oil spills. Providing facilities to accept VLCC's (very large crude carriers) . . . will reduce the chance of oil spills . . . and at the same time provide some savings in oil transportation costs.

We have consulted with experts who manage the Baltimore Harbor and have asked their advice. It basically agrees with the corps study:

First. The offshore monobuoy facility provides economies which benefit all the

oil-consuming public. In short, it is in the public good.

Second. The monobuoy is ecologically the best answer. It does not increase foreign oil consumption; it merely decreases the likelihood of oil spill for a given supply of oil.

Third. Transshipment of bulk ores and coal are not economical. The need for a 50-foot channel for Baltimore is primary. A 50-foot channel is to ore and coal what the monobuoy offshore port is to oil.

I, therefore, support the need for a deepwater port in the national interest, and I hope that the offshore facilities will be located off the Maryland coast and that onshore facilities will be in my State so we can derive the substantial revenue therefrom and begin reducing the onerous tax burden that now lies heavily on Maryland residents.

ILLINOIS PROJECTS NEED FUNDS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. RAILSBACK) is recognized for 5 minutes.

Mr. RAILSBACK. Mr. Speaker, I am very disappointed the public works appropriations bill for fiscal year 1975 does not include funding for several projects in my district. Earlier this year, I testified before the House and Senate committees urging funding for several projects which are within the Corps of Engineers' capabilities and I intend to pursue my efforts. The following statement which I had presented earlier explains why funds for these projects are so vital, and I certainly hope the Senate will provide the moneys needed:

STATEMENT BY HON. TOM RAILSBACK

Mr. Chairman, Members of the Subcommittee, I'd like to thank all of you for giving me this opportunity to appear before you to discuss various public works surveys and projects so vital to the well-being of the 19th Congressional District of Illinois. I have represented this area since 1967, and greatly appreciate the funds you have approved over the years to enable the U.S. Army Corps of Engineers to carry out its work.

The disastrous flood of 1965 was studied very closely by this Subcommittee. In no case where a new levee had been constructed by the Corps of Engineers did any sustain a single break. In light of the fact the flood was the worst in over 100 years, I think it is clear how important your Subcommittee's efforts have been. I hope this cooperation will continue well into the future as there are still many important projects to be completed.

In addition, I wish to take a moment today to commend the Upper Mississippi Flood Control Association which serves a 200-mile stretch along the Mississippi River, the home and working places of well over a half million people. The Association has joined with you in performing important public service to the residents of Illinois, and I'd like to associate myself with the testimony they present to you.

This year's budget is very significant to my constituents. Many of the budget requests are identical to the amounts the Corps of Engineers also recommends, and I am hopeful these figures can be approved immediately.

	Budget	Corps
Surveys:		
Mississippi River, Cassville, Wis. to mile 300	$90,000	$90,000
Mississippi River, Coon Rapids Dam to Ohio River, levee projects review	95,000	95,000
Projects:		
East Moline, Ill	150,000	150,000
Milan, Ill	80,000	80,000
Moline, Ill	100,000	100,000
Rock Island, Ill	120,000	120,000
Mill Creek and South Slough	20,000	20,000

I'd like to take a few minutes to very briefly explain the need for full funding of these surveys and projects.

First, the surveys are of interest and concern to the residents of the 19th Congressional District because they point out what additional measures are still needed.

The East Moline flood control project was authorized by the 1968 Act, and is a sister project to one just across the Mississippi River at Bettendorf, Iowa. The $150,000 requested will permit the Corps of Engineers to continue their planning on this project. Similarly, Moline, Illinois needs $100,000 to continue its advance engineering and design plans.

Milan, Illinois is a city where the residents literally dread the approach of spring thawing. These people are at the mercy of both the Mississippi and Rock Rivers. $80,000 for FY75 will ensure the Corps can continue with its flood control project in Milan.

The request for $120,000 for Rock Island is to provide for the further construction of a major flood control project. Rock Island has been particularly hard-hit by floods, and I'm sure many of you remember the national attention the city's volunteers received during the 1965 flood. I certainly hope full funding will be approved for this flood control project, as it has been clearly demonstrated that there will be a great potential savings of lives and property.

The project at Mill Creek and South Slough is a navigation project. The $20,000 requested will further assist the Corps of Engineers in clearing and dredging and providing flood protection for the area just west of Milan, Illinois.

In addition, I'm pleased to note the project underway at Fulton, Illinois will be able to complete its preconstruction planning with available funds. This project means hope for the residents of a town which has had to fight for its existence. The flood of 1965 resulted in more than $1 million in damages, and the residents are still in danger with each spring flood. It's encouraging to know planning is being continued on this much-needed project.

Let me just say at this point that while I am greatly encouraged by these requests, I am very disappointed that two projects and two Illinois surveys that affect my constituents have been omitted from the 75 budget. I'd like to discuss each of them, and urge your favorable consideration for renewed funding of them.

THE ILLINOIS AND MISSISSIPPI CANAL

The Illinois and Mississippi Canal—also known as the Hennepin Canal—stretches approximately 100 miles across northwestern Illinois, and has the potential for a great historic and recreational area. Both the State and the Federal Government in past years have made commitments to such a project, and in years to come work on bridges, fencing, hydraulic structures, and culverts and ditches is expected. Unfortunately, however, this year's budget provides no new funds for the rehabilitation of the Hennepin Canal. Upon checking with the Corps, I learned their capability is for $700,000 for the Canal, and I urge your Subcommittee's approval of that figure.

LA MOINE VALLEY PROJECT

Perhaps the greatest disappointment to me was the result of the feasibility study conducted on the La Moine Valley Project. Such a project—a pure water lake—was proposed by the La Moine Valley Association between Macomb and Carthage, Illinois. The lake would assist with flood control, providing water and waterplant capacity to surrounding municipalities, and would be a recreational area for the benefit of all in that area. Unfortunately, I have just learned that this project is not economically feasible at this time. Therefore no funds are requested by the Corps of Engineers, and, since no funds were proposed in the budget, I regret I cannot ask this Committee to approve money for what I believe is a very valuable project. However, if another assessment shows that La Moine should proceed with this project, I'll certainly be back to urge full funding.

MISSISSIPPI RIVER SURVEYS

The two surveys which have no funds in the FY75 Budget are the Mississippi River, Year-Round Navigation Survey, and the Mississippi River-Illinois Waterway, 12-Foot Channel Survey. Both of these are extremely important to residents of Illinois, and I urge $100,000 for the former; $200,000 for the latter. $100,000 will provide for the continuation of the year-round navigation study which is of concern to many Districts, and the $200,000 for the Mississippi River-Illinois Waterway Survey will not only provide for the continuation of this study, but it will also advance the date of completion by one year. Both of these are clearly within the Corps' capabilities.

One other point—the House Public Works Committee has considered resolutions on behalf of other projects in my District—such as Keithsburg and Liverpool—and, when funds are requested for them, I certainly hope you will approve the necessary funding. These and still other communities in Illinois are in desperate need of flood control assistance.

Mr. Chairman, flooding in my home state is an ever-present threat to the lives and property of the people there. Consequently, we have very great interest and respect for the Corps of Engineers' programs. I am hopeful you will approve all the funds for which the Corps' has capabilities in order to reduce particularly the grave flood threats to my District.

CHANGE OF COMMAND AT U.S. COAST GUARD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. CONTE) is recognized for 5 minutes.

Mr. CONTE. Mr. Speaker, on May 31 in the U.S. Coast Guard one great era came to an end and another one commenced. On that day a dedicated American, Adm. Chester R. Bender, Commandant of the Coast Guard, stroke his colors at a change in command ceremonies marking his retirement. Adm. Owen Siler hoisted his flag as he assumed command and became the new Commandant.

Secretary of Transportation Brinegar administered the oath of office to the new Commandant and on behalf of the President of the United States awarded Admiral Bender the Distinguished Service Award. Admiral Bender has been at the helm of the Coast Guard during a period of time that has witnessed some of the most important changes in duties and assignments occurring within that

command in its long history. His goal of a "one Coast Guard" involving both Regular and reservists became a reality during his term as Commandant.

His successor, Admiral Siler, has seen considerable service in the Washington headquarters. Under his able leadership we can look forward to an extension of the goal of the "one Coast Guard" concept as well as toward the fine honing of the readiness of the Coast Guard both in its peacetime and its wartime responsibilities.

Mr. Speaker, I include herewith the comments of both Admiral Bender and Admiral Siler at the change of command ceremonies:

CHANGE OF COMMAND

(Remarks by Admiral Bender)

Secretary Brinegar, distinguished representatives of the Congress and the executive branch, fellow coast guardsmen and friends.

Four years ago many of you were here when I assumed the position I am about to leave. Those four years seem to have gone so fast one could almost imagine that the saluting batteries of this morning's ceremony were merely echoes of those fired in 1970.

But in reality we know that is not so. The years have actually passed and now it is time for new faces, new talents and new energies to carry on the work of the Coast Guard.

Looking back, those four years have been busy and productive ones for the Coast Guard. We've seen good progress in the modernization of our physical resources, including our cutters, aircraft and shore facilities. These resources better equip us to shift the emphasis of Coast Guard duties to meet new responsibilities. Legislation reflecting the interest of the Congress in the conservation of national resources has broadened our missions. This is particularly evident in our duties related to protection of the marine environment and to the enforcement of laws and treaties related to American fisheries.

We have demonstrated the competence and versatility of the Coast Guard by assuming these new tasks even as we were phasing out of our operations with the Navy in the Vietnam theatre. In the transition we helped train South Vietnamese crews which now man former Coast Guard cutters continuing to protect that small nation and symbolizing our contribution to that national effort.

Our many peacetime missions bring us into close contact with many other Federal agencies. Sometimes this has required special interservice agreements. At other times our cooperation is on a less formal basis. But always we have done our best to foster the good working arrangements which other agencies have learned to expect from the Coast Guard.

We are proud to be part of the Department of Transportation. But we also take great satisfaction from our wartime operations with the Navy and our peacetime cooperation with the Departments of Defense, State, Treasury, Commerce and Interior, as well as with many of the autonomous agencies in the executive branch.

The cutter *Ingham*, which is the platform for this ceremony today, has participated in a variety of Coast Guard duties in peace and in war. *Ingham* went into service in 1936, the same year I was commissioned. In her thirty-eight years of service she has accumulated a long and proud record.

Today the *Ingham's* prominent white hull displays the bold red and blue stripes which identify her distinctively as Coast Guard.

To help establish a similar identity for our personnel we are phasing into an entirely new uniform with a distinctive "Coast Guard Blue" color. However, the white uniforms you see today, like our handsome training barg *Eagle* across the dock, are indications that we are unwilling to entirely break with tradition.

The Coast Guard is indeed a modern service, but our organization is enriched by nearly two hundred years of tradition. Those traditions are a source of strength and inspiration which will help us meet the challenges of the future.

Before concluding I must acknowledge my gratitude to the organizations and individuals who have been particularly helpful to me during my tour as Commandant:

The four senior armed forces have always extended the fullest cooperation to us. The facilities made available to us here today by the Navy are just a small example.

My thanks go to the other Federal agencies—too numerous to mention individually—which have worked closely with us in our daily affairs.

I owe much to a particularly able staff at Coast Guard headquarters. They were headed by our Vice Commandant, my strong right arm, my alter ego, Vice Admiral Sargent. He has always given me sound advice and unfailing support—and his lovely wife Lucy has stood staunchly behind him and the Coast Guard.

During my tour I have had the good fortune to work with two extremely able Secretaries of Transportation; Secretary John Volpe and Secretary Claude Brinegar. Both have been great supporters of the Coast Guard. They and their staffs helped establish and maintain our close relationships with other administrations in the Department.

Finally, I will pay my highest tribute to my dear wife Mollie. She has shared my concerns during difficult days, laughed with me over the occasional humorous aspects of our duty, and always has given me sound advice in those matters in which only a warm and generous hearted woman can adequately advise.

My successor, Admiral Siler, is the youngest man to become commandant since Admiral Russell Waesche, our great leader during World War II. Admiral Siler's broad experience and native abilities make me confident that he will keep the Coast Guard on a sound and steady course. His vigor and aggressiveness assure me that he will be more than equal to the challenges ahead. I wish him and his charming wife Betty all the richness of life and rewards of accomplishment that accrue in the service of our nation and humanity through working with a great organization.

That organization, the United States Coast Guard, has been my life for over forty years. It has accepted my weaknesses and amplified my strengths. It has always given me more than I was able to return. I will be forever indebted to the Coast Guard for the meaningful and rewarding life I have enjoyed. If I could do it all over again, I would gladly trade these four stars for a cadet uniform tomorrow morning. God bless you all.

CHANGE OF COMMAND

(Remarks by Admiral Siler)

Secretary Brinegar, Admiral Bender, distinguished guests, first and foremost I must thank you who are here today for your attendance at this ceremony. The change of command ceremony is a traditional one, and one to which we in the services attach a great deal of importance. Some of the guests here today have travelled very considerable distances at the expense of personal inconvenience. Others, I know, are absenting themselves from desks which cry out for attention. I appreciate the interest and effort you have demonstrated in being here this morning.

The position which I assume today is one to which many of us here aspire, and one for which many of us work during our entire careers. At the same time, it is one which no one really expects.

In today's environment of "One Coast Guard", where reserve or regular, regardless of speciality, strives to achieve the same goals, many of our top Coast Guard officers could be tapped and probably serve well as commandant. But to do so requires leadership such as we have had from Chet Bender, and loyalty and support such as we have had from our service.

I am following an officer who has achieved a great deal for the Coast Guard. I recently heard an abbreviated recital of some of the major accomplishments of the term of Admiral Bender as commandant. I am not setting a goal of doing more, or even as much. The one thing I hope that I can equal, and I will be working toward that goal, is to maintain the working relationships that Admiral Bender has had. Whether at the Congress, the Department of Transportation, or with our sister services, the Coast Guard holds a position of respect and integrity. When we have undertaken a task, it is done and done well. I want to keep that reputation.

I believe an important aspect in my selection to be the Commandant was that Secretary Brinegar felt that he and I could work together toward new objectives when necessary. I believe we can work together harmoniously within the Department and also maintain the relationships the Coast Guard has had with our sister armed services.

It takes a lot of doing to accomplish these goals of keeping the present character of the Coast Guard and maintain these relationships. I have said that there are several senior Coast Guard officers who could serve as Commandant successfully, with the proviso of leadership. The other essential ingredient is the loyalty and support of every person in the Coast Guard.

I need support in this position—I need it from my wife Betty and I need the loyalty and support of the personnel of the Coast Guard. Loyalty is *not* a one way street. I said I need your loyalty—you will receive mine. I pledge that I will do all that is possible within my ability to support and work for the good of our service. I also pledge that I will do my utmost to maintain and build upon the outstanding relationships the Coast Guard has established.

We have massive challenges for the Coast Guard coming in the next four years—if the past is any measure. Together we'll make the Coast Guard, the country and the world still greater.

COUNTIES FAVOR LAND-USE BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. MARTIN) is recognized for 5 minutes.

Mr. MARTIN of North Carolina. Mr. Speaker, as we approach high noon for the heralded shoot-out over land-use legislation, Members have been besieged with conflicting claims about what the committee bill (H.R. 10294) will do and what the Steiger substitute (H.R. 13790) will do.

As a former county commissioner, I have worked in committee to incorporate a series of amendments to preserve local government involvement. In recent hearings before the Subcommittee on Environment of the Committee on Interior and Insular Affairs, the chairman of the Salt Lake County Board of Supervisors,

Hon. Ralph McClure, delivered a positive endorsement of the committee bill (H.R. 10294) on behalf of the National Association of Counties.

I am pleased to insert that statement in the CONGRESSIONAL RECORD, to share with all the Members of the House of Representatives. Particular attention should be drawn to the middle third of the statement which cogently points up deficiencies in the proposed substitute (H.R. 13790) and reasons why it does not warrant the support of local governments:

STATEMENT OF RALPH MCCLURE, CHAIRMAN OF THE BOARD OF SUPERVISORS, SALT LAKE COUNTY, UTAH, ON BEHALF OF THE NATIONAL ASSOCIATION OF COUNTIES, APRIL 26, 1974

Mr. Chairman and Members of the Committee: My name is Ralph McClure, Chairman of the Board of Supervisors, Salt Lake County, Utah. I appreciate the opportunity to testify today before this distinguished committee on behalf of the National Association of Counties. We in county government have a high regard for the work of this committee and we believe you have been extraordinarily diligent in your consideration of land use legislation.

Mr. Chairman, I will be presenting testimony for the National Association of Counties' position on three points concerning land use legislation:

1. NACo continues its strong support for responsible land use legislation and specifically supports your committee's bill H.R. 10294.

2. NACo opposes the recently introduced bill, H.R. 13790, introduced by Representative Sam Steiger (R-Ariz.).

3. NACo believes adequate hearings have been held on land use legislation and it is time for a floor vote.

NACo continues to support responsible land use legislation (H.R. 10294).

I would like to start by agreeing wholeheartedly with Russell E. Train, the Environmental Protection Agency Administrator who said in a speech on March 15, 1974, "There is, in my judgment, no more important legislation before the Congress than the land use bill."

There is a critical need for a national framework for sound planning and land management on the state, county and city levels. We must provide a framework to protect our most valuable irreplaceable resource—our land.

The NACo Land Use Steering Committee, Board of Directors and membership have consistently supported responsible land use legislation that includes provisions for an effective local input into land use decisions.

NACo, along with the League of Cities, Conference of Mayors, the National Governors' Conference, and the National Legislative Conference, supports the Interior Committee bill (H.R. 10294) because these provisions are included to protect local involvement in land use decisions.

A resolution showing this support from the New Coalition, that represents these groups, is attached to our written statement for your committee's consideration.

We support your committee bill because you have included important provisions to guarantee a working partnership between the state and local government, Specifically I refer to:

Section 103 of the bill, which requires a "consult, review and comment role for local government in the development of planning guidelines;

Section 104, which calls for continued participation by the appropriate officials or representatives of local governments in all significant aspects of the planning process (also requires the impact on the property tax base to be considered):

Section 106, which requires the states, rather than local governments, to bear the burden of responsibility to demonstrate whether local government land use actions are inconsistent with the planning process; and

Section 111, which requires actions of federal agencies to be consistent with adopted plans.

NACO OPPOSITION TO THE STEIGER BILL (H.R. 13790)

Mr. Chairman, since your committee last held hearings on land use legislation, another bill has been introduced (H.R. 13790) by Representative Sam Steiger (R-Ariz.) which purports to encourage maximum use of local governments. However, we challenge that representation. The bill in fact does not include any of the provisions that require local participation that are included in your committeee bill. The following comparison of your committee bill (H.R. 10294) and the Steiger bill (H.R. 13790) will demonstrate this.

COMPARISON OF STATE/LOCAL PARTNERSHIP

Though the Steiger bill specifies that the land use plan shall be implemented to the maximum extent possible through general purpose local governments, it fails to provide for the on-going involvement by local governments in the development of the plan and fails to assure that *all* local governments affected by land use decisions have an opportunity to participate in the planning and decision-making process.

Your committee bill, on the other hand, leaves the initiative at the state level for developing this land use planning process, but provides important specific methods for involving local governments during the planning process development, including formation of an intergovernmental advisory council, and appeals process and consideration of the planning process impact on the local tax base.

The most important distinction, however, is that the Steiger bill would require a land use plan which could include *all* land areas and uses within a state, including those of purely local concern which constitute 90 percent of all land use decisions. Your committee bill, however, omits decisions affecting only one local government by focusing on critical environmental areas and development and land use of more than local concern which constitute only about 10 percent of all land use decisions.

ROLE OF THE FEDERAL GOVENMENT

The Steiger bill provides no direction to federal agencies to improve decision-making processes which affect the use of non-federally-owned land. These activities, now outside state and local control, have significant influence on future land use patterns in urban and rural areas alike.

Your committee bill would direct federal agencies to get their own house in order. It would require federal projects and activities significantly affecting the use of non-federal lands to be consistent with the state land use program except in the case of overriding national interest, as determined by the President. This provision returns a measure of control over such projects to the states and is the basis of the enthusiastic support of state and local levels of government for the land use legislation. The Steiger bill omits this provision. Also, the Steiger bill contains no definition of what would constitute an adequate state land use policy, which may leave this determination to a federal agency.

BALANCED ENVIRONMENT/DEVELOPMENT

The Steiger bill provides no encouragement to balance development needs and environmental concern and give particular attention to interstate areas of critical environmental concern and give particular attention to interstate areas of critical environmental concern and key facilities in cooperation with other states.

However, your committee bill requires the state to give consideration to all economic, social, and environmental demands on the land. It focuses not only on areas of critical environmental concern, including important natural areas, renewable resources areas and natural hazard areas, but so focuses on key facilities including energy facilities, large-scale development, regionally beneficial development, new communities, and urges the coordination of a full range of housing opportunities.

GRANT AUTHORIZATION

The Steiger bill authorizes the appropriation of only $50 million per year for only 6 years for state grants at 50 percent of the cost for plan development and implementation. If the state chooses to provide mechanisms for the reasonable participation by local government in the development and implementation of the plan, it could receive up to 75 percent of the cost of plan development and implementation.

Your committee bill provides $100 million per year for 8 years and would provide 75 percent of the cost of process development and implementation in any case. If under the Steiger bill a state failed to develop reasonable mechanism for local involvement, it would receive only 50 percent of the cost. The specification of these mechanisms would be left to a federal agency.

GRANT QUALIFICATION

Under the Steiger bill states would be ineligible to receive any financial assistance unless their legislatures had already adopted a land use policy. Needed funding could be delayed since development of a land use policy could take several years and is usually preceded by an evaluation of land resources and uses, evaluation of growth and land use issues, and public consideration.

Under your committee bill, state and local governments could receive grants to develop land use policies as part of their development of a land use planning process. Grants could be made available as soon as the state had designated an agency to receive them and established an intergovernmental advisory council that includes local government participation.

Based on this comparison it is clear that the Steiger bill (H.R. 13790) would negate all the work done over the past three years in developing land use legislation that is acceptable to states, counties and cities. Therefore, we want your committee to know of our opposition.

NACO BELIEVES ADEQUATE HEARINGS HAVE BEEN HELD ON LAND USE LEGISLATION

Mr. Chairman, the National Association of Counties believes adequate hearings have been held concerning land use legislation and it is time that Congress enacts a responsible bill.

This committee knows all the work that has gone into developing balanced land use legislation over the past three years. You have heard extensive testimony in public hearings before your own committee and your subcommittees. Hearings have also been held in the Senate.

In addition, almost every state in the nation has either adopted or considered some form of land use legislation. For example, many states have adopted coastal zone legislation, strip mining laws, environmental protection areas, open space incentives, and so forth. These together with locally adopted plane and zoning amount to a patchwork of land use legislation across the country. It is time now for guidelines to be adopted at the federal level that can be implemented by the states and local governments on a nationwide basis.

Now, here we are after three years of considering these guidelines on a nationwide

basis and critics are saying we need more hearings—hearings that they hope will kill the legislation altogether. These critics are saying that land use legislation has been hastily conceived, that it will confiscate private property, start national "zoning," that it is "no growth" oriented, and that it will aggravate the energy crisis.

The states, counties and cities, who endorse your committee bill, know that these claims are not true. First, *this legislation has not been hastily conceived*. There have been three years of debate, hearings, amendments and study. It is time for action.

Second, *this legislation will not confiscate private property*. There is nothing in the bill that would allow this.

Third, *the claim of national zoning is false*. There are specific prohibitions in the bill preventing the federal government from adopting zoning control. On the contrary, there are provisions protecting the involvement of local governments in all phases of land use planning.

Next, *this is not a "no growth" bill*. Local government supports this legislation because it provides a balanced approach to resolving growth and development pressures while identifying areas of environmental concerns.

Finally, *this bill will not aggregate the energy crisis*. In fact, it provides mechanisms to allow locating of energy production facilities.

If anything has been "hastily conceived," it has been the claims critics have been making to justify more hearings.

* * * * *

Mr. Chairman, NACo urges you to conclude these hearings. We join with the representatives of the state and cities to urge early adoption of your land use bill, H.R. 10294.

STATEMENT BY CONGRESSMAN JOHN M. MURPHY ON THE INTRODUCTION OF A BILL TO PROHIBIT THE POSSESSION OF FIREARMS BY CRIMINALS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. MURPHY) is recognized for 10 minutes.

Mr. MURPHY of New York. Mr. Speaker, I introduce for appropriate reference a bill to amend chapter 44, title 18, United States Code, to prohibit the unlawful possession of firearms, and for other purposes.

Mr. Speaker, events in the past few months have highlighted over and above our preoccupation with Watergate, one of the most chronic problems facing America today—the problem of violent gun crimes. From the incredible firefight between members of the Symbionese Liberation Army and California law enforcement authorities witnessed on TV by millions of unbelieving Americans, to the average gunning down of innocent civilians and law enforcement officers, we are experiencing an increasing number of firearms atrocities.

Murder by gun reached the highest point in American history in 1973—13,000 deaths.

This has happened in spite of the basically good law the Congress passed in 1968, which was supposed to be the beginning of a saner firearms enforcement policy in the United States of America. While the rate of increase in gun murders dropped shortly after passage of the Gun Control Act, we are now experiencing a renewed surge of gun crimes because the criminals and gunrunners have had 6 years to develop ways to circumvent the law.

Unfortunately, since the 1968 act was passed, it has not been refined in the sense of keeping it up to date to make it more difficult for criminals to obtain weapons or to block their end runs around the law.

Further, the law has been assaulted and chipped away at by those who would eliminate effective firearms controls in the United States.

Attempts by those of us in Congress who want to diminish the number of weapons available to criminals and to punish those criminals who carry and use firearms have been thwarted since 1969 when adjustments to the 1968 law began to be the subject of congressional debate. As I have indicated, we are now going into the sixth year of this law and as the result of a Supreme Court decision and the untiring efforts of the ever-present gunrunners, we have witnessed the evolvement of several serious loopholes in the Gun Control Act.

First and foremost, Mr. Speaker, is the so-called "Saturday night special" loophole which has been the subject of intensive congressional hearings and debate, but which has resulted in a lamentable lack of legislative results. And while Congress has done nothing, as a recent Treasury Department study shows, this ubiquitous little killer has proliferated to an unconscionable degree. While the killing, maiming, and robbery goes on unabated those of us in Congress who have fought for controls over these weapons still hope that the litany of violent crimes will persuade even the most die-hard "guns for everybody" advocates that something must be done to control these weapons.

In the meantime, however, yet another major gaping hole has been knocked into the 1968 act as a result of a 1971 Supreme Court decision. In *United States* v. *Bass* (404 U.S. 336, December 30, 1971), the Supreme Court rejected the Government's argument that the Congress intended to make it a crime for felons, fugitives, drug addicts, mental defectives, and other classes of persons defined by the statute to possess a firearm. I would point out that this intent was recognized by five of the six U.S. courts of appeals that have passed on the issue.

More to the point, and as one who sponsored the 1968 Gun Control Act in the House of Representatives, I believe I can speak with some certainty as to the intent of the legislation. A cursory reading of the floor statements regarding this provision of the law and a reading of the legislative history of the statute should convince anyone of the intent of the 90th Congress. However, the Court apparently has perverted both the intent and the language of the law.

The amendment I introduce today is intended to implement the intent of Congress to prohibit certain classes of persons from possessing firearms.

I have reviewed the floor statement of Senator RUSSELL LONG who introduced this provision of the gun law which was based on extensive research by legislative counsel. The intent of the amendment is so clear as outlined in the May 17, 1968, Senate debate, that I feel that Congress would be derelict in its duty if it did not eliminate the prosecutorial problem raised by the Bass case.

Senator LONG said:

> There are a lot of lunatics, mental incompetents, and members of the criminal element who have guns and have been using guns to rob, plunder, and commit all sorts of crimes.
>
> This, of course, is contrary to what we want. While we may be willing for a citizen to have a gun for the defense of his home—and I certainly have no objection to it—we do not want the murderers, the burglars, the rapists, the looters, or the arsonists armed to the teeth and walking the streets. We do not want the habitual criminals who have committed all sorts of crimes armed and presenting a hazard to law-abiding citizens.
>
> That being the case, it makes good sense that we should see to it that citizens, as far as Federal law is concerned, can have weapons for self-defense.
>
> I have prepared an amendment . . ., simply setting forth the fact that anybody who has been convicted of a felony or discharged from the Armed Forces, for conditions other than honorable, has been adjudged by a court of the United States or State to be mentally incompetent, or, if he is a citizen of the United States, who has renounced his citizenship, or, if he is an alien, who is illegally and unlawfully in the United States he is not permitted to possess a firearm.

As if this language was not clear enough, Mr. LONG then referred to the several categories of persons intended to be denied the right to possess firearms. As far as a felon is concerned, he said:

> When a man has been convicted of a felony . . . That man would have no right to possess firearms. He would be punished criminally if he is found in possession of them.

In reference to the dishonorably discharged serviceman, he said such a person would "forfeit his right to possess firearms."

In reference to Lee Harvey Oswald, the Senator said, because of his dishonorable discharge from the military service, under this law, Oswald "would not have been permitted to possess firearms."

Further, he said:

> A person who has been adjudged mentally incompetent should not carry firearms.

I believe even these brief references as to the purpose of the law are sufficient to question, if not the technicalities of the Supreme Court's decision, at least their interpretation of the intent of Congress. I feel any reasonable person will agree the goal of Congress was obvious. Yet as a result of the Supreme Court decision, the Justice Department has been unnecessarily hampered in their prosecution of criminals with guns.

The numbers we are talking about are not insignificant.

For example, during fiscal year 1972—which covered calendar year 1971 before the effects of Bass were felt—there were 709 indictments, informations, or charges and 425 guilty pleas or verdicts for violations of section 1202(a). While many of these violations were in combination with violations of other Federal gun control laws, 204 indictments

and 104 convictions were for violations of section 1202(a) alone.

In the Bass case, the Court, applying the rule of strict construction, held that section 1202(a) of title 18, appendix, United States Code, does not make it a crime for a convicted felon—and other classes of persons named in the statute—to possess a firearm.

The Court interpreted the statute to require that the Government allege and prove, in any case involving unlawful "possession," "receipt," or "transportation" of a firearm, that such "possession," "receipt," or "transportation," was "in commerce or affecting commerce."

Since the Supreme Court decision on Bass, substantial numbers of cases have been lost, indictments dropped, and cases that could previously have been made were not pursued because a felon who possesses a gun may only be apprehended when Federal officers believe they can prove that the gun has traveled in interstate commerce.

This means, for all practical purposes, a criminal must be caught crossing a State line with a firearm before he can be convicted of illegal possession.

Such cases number in the thousands.

In short, the Supreme Court has blundered and gutted the possession offense from the landmark 1968 gun laws using a giant judicial eraser to wipe the provisions concerning the felonious possession of firearms by criminals from the statutes.

We must help the Justice Department retrieve its capability to successfully prosecute criminals under the statute.

It is to close the loophole and achieve this purpose that I introduce for appropriate reference a legislative proposal to prohibit certain classes of persons from possessing firearms and to provide appropriate penalties.

I emphasize that this is not new or radical legislation. It simply restores the original intent of Congress to the appropriate provisions of the law.

This legislative proposal which has the endorsement of the Justice Department and the administration, will make clear that possession of firearms by convicted felons and other classes of persons identified in the legislation is recognized as a burden on interstate commerce and is prohibited.

The bill also contains several amendments of a technical nature and are incorporated into the proposal to help avoid future problems which might arise under the existing provisions.

Specifically, the proposed legislation would make unlawful the mere possession of a firearm by any person—or his employee in the course of employment—who:

First, has been convicted in any court of a crime punishable by imprisonment for a term exceeding 1 year; or

Second, is a fugitive from justice; or

Third, has been discharged from the Armed Forces under dishonorable conditions; or

Fourth, is an unlawful user of or addicted to marihuana or any depressant or stimulant substance or narcotic drug as those terms are defined in the Controlled Substances Act—Public Law 91-513; 21 U.S.C. 802; or

Fifth, has been adjudicated as a mental defective; or

Sixth, being an alien, is illegally or unlawfully in the United States.

A penalty of imprisonment for not more than 2 years, a $10,000 fine, or both, is provided.

The legislation combines subsections 922 (g) and (h) and section 1202 of title 18 to subsume the same categories of people now covered in both sections together and to define the same crime now defined in both sections with the intent of making the language of the law clear that "mere possession" under prescribed circumstances is sufficient to constitute a violation.

The question of constitutionality remains undecided by the Supreme Court since the Court decided the Bass case on the issue of statutory construction. The constitutional issues involved were not addressed. The Department of Justice has advised me that the existing legislation and the legislation I introduce today are clearly constitutional.

Mr. Speaker, violent crime in America today is as serious as it ever was. Our preoccupation with political crimes in recent months, the energy crisis, inflation, and other matters, have taken up much of our attention and deflected congressional efforts at providing better laws to safeguard our people.

I am not suggesting that we diminish our concern for the above issues in Congress.

I do feel, however, that the House Judiciary Committee and the Congress have the capability to handle legislation of this type which in the final analysis are not concerned with shortages, high prices, and crimes of political expediency, as serious as these crimes are.

We are dealing with a situation that involves the very lives and deaths of thousands upon thousands of Americans.

I certainly feel that we can allot some time in this Congress to this measure which is relatively simple in concept and could result in a substantial savings in human life. I hope members will agree that this bill is worth some degree of effort in the time remaining in the 93d Congress.

Mr. Speaker, I include the text of the bill I introduced be printed at the conclusion of my remarks today.

The bill follows:

H.R. 15280

A bill to amend chapter 44, title 18, United States Code, to prohibit the unlawful possession of firearms, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 44, title 18, United States Code is amended by adding the following new sections to read as follows:

"SEC. 929. FINDINGS OF FACT.

The Congress hereby finds and declares that the possession of a firearm by felons, fugitives from justice, veterans who are discharged under dishonorable conditions, mental defectives, persons who have been committed to a mental institution, unlawful users of or persons addicted to marihuana, depressant or stimulant substances, or narcotic drugs, and aliens who are illegally in the country, constitutes—

(1) a burden on commerce and a threat affecting the free flow of commerce, and

(2) a threat to the effective enforcement of the Federal criminal laws, including those laws designed to protect the safety of the President and Vice President of the United States.

SEC. 930. UNLAWFUL ACTS.

(a) Any person who—

(1) is under indictment for, or has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year; or

(2) is a fugitive from justice; or

(3) has been discharged from the Armed Forces under dishonorable conditions; or

(4) is an unlawful user of, or is addicted to, marihuana or any depressant or stimulant substance or narcotic drug as those terms are defined in the Controlled Substances Act (84 Stat. 1242; 21 U.S.C. 802); or

(5) has been adjudicated as a mental defective or who has been committed to any mental institution; or

(6) being an alien, is illegally or unlawfully in the United States;

and who possess any firearm, shall be fined not more than $10,000 or imprisoned not more than two years, or both.

(b) Any person who, while being employed by an other person who—

(1) is under indictment for, or has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year; or

(2) is a fugitive from justice; or

(3) has been discharged from the Armed Forces under dishonorable conditions; or

(4) is an unlawful user of, or is addicted to, marihuana or any depressant or stimulant substance or narcotic drug as those terms are defined in the Controlled Substances Act (84 Stat. 1242; 21 U.S.C. 802); or

(5) has been adjudicated as a mental defective or who has been committed to any mental institution; or

(6) being an alien, is illegally or unlawfully in the United States;

and who, knowing or having reason to believe his employer falls within one of the classifications enumerated in sub-paragraphs (1) to (6) above, in the course of such employment possesses any firearm, shall be fined not more than $10,000 or imprisoned for not more than two years, or both.

(c) The meanings of all terms used in Sections 929–931 of this chapter are governed by the definitions in Section 921, of this chapter, except that for the purposes of Sections 929–931 "a crime punishable by imprisonment for a term exceeding one year" means any offense punishable by imprisonment for a term exceeding one year, but does not include any offense (other than one involving a firearm or explosive) classified as a misdemeanor under the laws of a State and punishable by a term of imprisonment of two years or less.

SEC. 931. EXCEPTIONS: RELIEF FROM DISABILITIES

This chapter shall not apply to—

(a) any prisoner who by reason of duties connected with law enforcement has expressly been entrusted with a firearm by competent authority of the prison; or

(b) any person who has been granted relief pursuant to Section 925(c) of this chapter from the disabilities imposed by Federal law with respect to the possession of firearms; or

(c) any person who, having been adjudicated to be a mental defective, or who, having been committed to a mental institution, has been subsequently adjudicated by a court or other lawful authority to have been restored to mental competency and specifically found by such court or other lawful authority no longer to be suffering from a mental disorder which interferes with or

handicaps him in the handling or possession of a firearm.

SEC. 2.

(a) Subsection 922(d)(3) of Title 18, United States Code is amended to read as follows: "is an unlawful user of, or is addicted to, marihuana or any depressant or stimulant substance or narcotic drug as those terms are defined in the Controlled Substances Act (84 Stat. 1242; 21 U.S.C. 802); or,"

(b) Subsections 922(g)(3) and 922(h)(3) of Title 18, United States Code are amended to read as follows: "who is an unlawful user of, or is addicted to, marihuana or any depressant or stimulant substance or narcotic drug as those terms are defined in the Controlled Substances Act (84 Stat. 1242; 21 U.S.C. 802); or".

SEC. 3. Title VII of the Omnibus Crime Control and Safe Streets Act of 1968 (82 Stat. 236; 18 U.S.C. Appendix 1201–1203) is hereby repealed.

THE 50TH ANNIVERSARY OF CLARKE-McNARY ACT

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

Mr. RARICK. Mr. Speaker, I have taken this special order to commemorate the 50th anniversary of the enactment of the Clarke-McNary Act which was signed into law June 7, 1924. I would like to recognize the forethough of Representative John D. Clarke of New York, Senator Charles McNary of Oregon and the entire 71st Congress for their efforts in enacting this important legislation.

The Clarke-McNary Act contains several sections of special significance. Section 2 authorizes the Secretary of Agriculture to extend cooperative forest fire control to include all forest and critical watershed lands in State and private ownerships. Today, all 50 States cooperate in this program providing forest fire protection on more than 626 million acres.

Originally limited to $200,000 in Federal assistance, the cooperative forest fire control program received $20 million in Federal funds in 1973. States have increased their expenditures from $1.8 million in 1924 to $123 million in 1973; private industry has also participated to a considerable extent. As a result, where in 1924 there were 92,000 fires reported in 25 States burning almost 29,000,000 acres, in 1973 all 50 States reported 118,000 fires, which burned but 1,900,000 acres. This is a significant reduction in forest acreage burned and the Clarke-McNary Act can be given major credit for bringing it about.

In 1945, Smokey Bear became part of the cooperative forest fire prevention team. As a joint effort by the Forest Service, the State forestry departments, and the Advertising Council, Inc., the Smokey Bear program has had far-reaching effects in carrying the forest fire prevention message to all Americans.

Section 4 of the Clarke-McNary Act provides for Federal-State cooperation in the procurement, production, and distribution of forest tree seeds and plants to be used for establishing forests, windbreaks, shelterbelts, and farm woodlots on denuded or nonforested lands. Mr. Speaker, in the 50 years since the passage of this act, an incredible 14½ million acres and five other States—Florida, Michigan, Mississippi, New York, and South Carolina—have planted over 1 million acres each. Many of these trees are now being harvested and manufactured into lumber and paper products for the use of the American people. As Forest Service Chief John R. McGuire has pointed out, without these trees planted under authority of the Clarke-McNary Act, timber shortages would undoubtedly be a reality today.

Another section of the Clarke-McNary Act provides for the extension of the National Forest System by allowing the determination of public lands valuable for timber production and protection of navigable streams or irrigation. In the period 1926–28, the National Forest System was enlarged by 580,000 acres for these purposes. The act allowed the Secretary of Agriculture to accept donations of land for the National Forest System. Over the years, more than 355,000 acres have been donated to the Federal Government to become a part of the National Forest System. In addition, nearly 17 million acres of forested, cut-over, or denuded lands within the watersheds of navigable streams have been added to the NFS since passage of the Clarke-McNary Act and are now receiving multiple-use management.

Mr. Speaker, I would like once again to stress the significance to all Americans of the accomplishments of the Clarke-McNary Act and to praise the foresight of those who enacted this legislation.

Mr. SIKES. Mr. Speaker, I am pleased and privileged to join my distinguished colleague and friend, from Louisiana (Mr. RARICK) and others in the House in his special order today to provide appropriate recognition of the 50th anniversary of the enactment of the Clarke-McNary Act of 1924. This landmark legislation gave full recognition for the first time to the key role of private forestry in meeting future timber requirements of the Nation. Few legislative acts have been more important to sound forestry programs in America.

The Clarke-McNary Act authorized Federal cooperation with States and private forest owners in lessening the risks and improving the opportunities for commercial timber production. Under its far-reaching provisions, the 50 States have extended fire protection to 626,000,000 acres of forest and watershed lands. Fire losses during 1973 were held to less than two-tenths of 1 percent of the acreage protected, a remarkable achievement.

The act also provided for Federal-State cooperation in production and distribution of seedlings for the establishment of forests, shelterbelts and windbreaks. Some 14½ billion seedlings have been distributed. This is an excellent beginning on the massive reforestation task that still confronts us.

Other provisions of the Clarke-McNary Act enabled the owners of land chiefly valuable for the growing of timber crops to donate 355,000 acres of such lands to the United States. These and other public lands of primary importance for watershed protection and timber production have been added to the National Forest System so that the public may enjoy the benefits of sustained yield and multiple use management.

Mr. GUNTER. Mr. Speaker, I take pleasure in joining with my colleagues of the Forestry Subcommittee in recognition of the importance of June 7, 1924. In reviewing the efforts of that day, I find that many figures prominent in forestry testified in favor of the Clark-McNary cooperative forestry program. Among them were Royal S. Kellogg, a prominent Floridian and chairman of the National Forestry Committee; George D. Pratt, chairman of the New York Conservation Committee; Charles Lathrop Pack, president of the American Tree Association; Henry P. Wallace, Secretary of Agriculture, and Col. William B. Greeley, Chief of the Forestry Service. Their testimony predicted that timber shortages would occur unless Federal-State cooperative forestry efforts were expanded. The significance of the passage of this landmark legislation can be found in the fact that without it, such timber shortage would undoubtedly exist today.

Mr. BAKER. Mr. Speaker, I take great pleasure in joining my colleagues in paying tribute to this historical act. Among other things this act authorizes the Secretary of Agriculture to determine which lands are chiefly valuable for streamflow protection and timber production.

As a result of actions taken under this act, nearly 18 million acres of forested, cut-over, or denuded lands have been added to the National Forest System. These lands now provide a great deal of lumber for our growing economy. The administration of this act has shown time and again that responsible multiple-use sustained yield management of timber resources can provide our country with a dependable supply of lumber materials.

As a raw material, wood provides lumber for millions of new structures every year. We all use products every day, almost without thinking, which are wood end-products. Plywood, furniture, paper, clothing, packaging material, chemicals, films, plastics, cleansing agents, perfumes—the list of wood products goes on and on. And the great thing about wood is that it is renewable. Our timber comes from forests which use the soil, water and the air to provide people with this unique resource.

Clarke-McNary has gone a long way during the past 50 years in providing the citizens of the United States many ecological, recreational and economic benefits during the cycle of wood production. Forests serve well in the areas of soil erosion, controling streamflow, and providing homes for wildlife. I am most conscious of this since in my own area of eastern Tennessee after a restored forest cover was put on some of our depleted mountain farm land, erosion was controlled and soil loss was prevented. As a direct result a more sustained flow of streams was produced. This benefited not only the lands in the immediate area, but also all the people living near the downstream waterways.

In this time of concern over environmental impact of technology, it does

well to remember the usefulness of our forests when managed in a rational manner.

Mr. THONE. Mr. Speaker, it is a pleasure to join my colleagues in recognizing the 50th anniversary of the Clarke-McNary Act. This legislation has been of great value in extending professional forest management throughout the nation.

On this occasion, I also want to pay tribute to one from my home State of Nebraska who contributed much to forestry. I refer to Dr. Charles E. Bessey, who was an eminent University of Nebraska botanist. He created public interest in the idea that trees could grow on our Great Plains where nature had not put any.

As a result, the Nebraska National Forest was established in 1902. Nebraska has the only National Forest that was established solely by the efforts of man. Thirty thousand acres of coniferous trees flourish where only prairie grass grew previously.

The techniques and knowledge gained at the Bessey National Forest were used to great advantage by the U.S. Forest Service when the shelterbelt program was established in 1935 because of the Dust Bowl. Each year the Bessey Nursery produces about 2 million trees which are distributed under the Clark-McNary Act.

When the Clark-McNary Act was passed in 1924 only 25 States had forestry bureaus. Today, all 50 States do. In Nebraska, our fine State forester is E. H. Benson.

Clarke-McNary has not only been a success but also has served as a model for many other programs of Federal-State cooperation.

GENERAL LEAVE

Mr. RARICK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous matter on the subject of my special order.

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

There was no objection.

"IT'S TIME TO GET ANGRY" SAYS NEW YORK POSTAL WORKERS UNION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Ms. ABZUG) is recognized for 10 minutes.

Ms. ABZUG. Mr. Speaker, engraved over the portals of the General Post Office building in New York are the famous words:

Neither snow, nor rain, nor heat, nor gloom of night shall stay these couriers from the swift completion of their appointed rounds.

Maybe not, but the U.S. Postal Service can. Mail service has become so bad that it sometimes takes several days for a letter to be delivered from one side of Manhattan to the other. And at the same time the cost of mailing a letter has gone up to 10 cents and more.

This afternoon—June 6—thousands of postal workers, members of the New York Metro Area Postal Union and the New York Letter Carriers, are gathering in a huge unity demonstration in front of the General Post Office building in my district to protest the policies of the USPS and budget cuts which will eliminate 9 million work hours in the Northeast region in fiscal 1975; 10,000 jobs have been wiped out in Manhattan and the Bronx alone since 1970.

An immediate crisis has been created by a decision to reduce the number of hours worked by some 2,000 "substitute" workers to only 20 hours a week. These men and women, who have families to support, are taking home less than $75 a week. They could do better on welfare.

As the unions said in a statement published in the New York Daily News June 5, "It's Time to Get Angry." I would like to read the full text of the unions' statement because it calls attention to a potentially disastrous situation.

IT'S TIME TO GET ANGRY!

If you write a letter home once a week or run a small business or a large company, count yourself among the most over-taxed and under-service of Americans.

You pay 10 cents for a stamp now. It could go to 20 cents, 25 cents or more.

Meanwhile, postal service is deteriorating day by day. The United States Postal Service—a virtually private corporation run by big-business directors who are answerable to no-one—is on a collision course with almost certain disaster.

What is happening?

The USPS in a maniacal attempt to make the postal service self-sustaining is spending billions of dollars on untested machinery and pie-in-the-sky routing programs. Some are failing; others already have failed.

Perhaps even more important to you—the postal public—is what is happening to your postal work force. The force, already demoralized, is the target of a renewed and inhumane effort by the USPS to replace tried and tested working men and women with untested and questionable machinery.

On May 28, 1974, the Regional Postmaster General ordered a further reduction in service of nine million work hours for the coming fiscal year. That means service is going to be even worse.

Ten thousand jobs have been wiped out in Manhattan and Bronx alone since 1970. No wonder your service is worse while you're paying more. At this rate we caution you that in a few years a postage stamp will cost 25c. This is not enough for Postmaster General Klassen.

POSTAL SUBS STARVING

Right now in June, 1974, postal subs have been reduced to 20 hours work a week, taking home less than $75 a week. They would fare better on the welfare rolls. Because they are proud, the Postmaster-General has decreed they must starve.

Other factors delaying your mail are constant delivery route changes, poor scheduling, more costly excessive night and weekend work, transfer, and reassignments. Did you know that Viet Nam vets are denied equal right for equal work and get less benefits?

For all these reasons a mass unity demonstration of all postal workers will be held in front of the: General Post Office, 33rd Street and Eighth Avenue, Thursday, June 6, 1974, from 2:30 P.M. to 5 P.M.

We seek to avoid a catastrophe comparable to the breakdown of the Chicago postal system in the late 1960's or the massive postal strike of 1970.

Vincent R. Sombrotto, President, Thomas J. Germano, Exec. Vice Pres., New York Letter Carriers, Branch 36, National Association of Letter Carriers.

Moe Biller, President, Philip Seligman, Exec. Vice Pres., New York Metro Area Postal Union, Affiliated with American Postal Workers Union, AFL-CIO.

New York is the leading business community in the Nation. It cannot function without rapid, efficient mail service. The 8 million people of our city have a right to expect good mail service. The thousands of Postal Service workers have a right to expect that they will be allowed to work at full pay and under decent conditions.

This is a situation that cannot be allowed to continue, and I urge that the appropriate steps be taken to prevent the U.S. Postal Service from destroying jobs, demoralizing the work force, and messing up mail deliveries.

PROTECTING SERVICE STATION OPERATOR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 5 minutes.

Mr. GONZALEZ. Mr. Speaker, today I am introducing a bill to protect the service station operator. I am sure that every Member in the House has received letters from operators in their district who have run into problems when it has come time for them to renew their franchises, and some have had problems even before their franchises expired.

I believe that we owe it to these service station operators to provide them with some means of protection from distributors and major refiners who are attempting to push them out of business because it would be more profitable for them to have their own agency outlets.

The bill I am offering today is identical to a section that has been in a number of energy bills that for one reason or another have not become public law.

My bill provides that a refiner or distributor may not cancel, fail to renew, or otherwise terminate a franchise unless he gives notification 90 days prior to the cancellation date together with the reasons for the cancellation and the remedies available to the service station operator.

The bill I am proposing prohibits cancellation of a franchise unless the retailer or distributor failed to comply with any reasonable requirement of the franchise, failed to act in good faith in carrying out the terms of such franchise, or unless the refiner or distributor withdraws entirely from the sale of petroleum products—other than crude—in commerce for sale other than resale in the United States.

This bill also provides that any wronged retailer may apply to Federal court for damages or injunctive relief.

Mr. Speaker, I feel this legislation is urgently needed to protect the bulwark of small American businessmen around the country, and I am sure that a majority of my colleagues will agree with me. I hope that this bill can be brought before the House as soon as possible in

order to protect these hard-working, taxpaying Americans.

THE ASSAULT ON THE PRIVACY OF NEWSMEN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. KOCH) is recognized for 5 minutes.

Mr. KOCH. Mr. Speaker, on May 22, I introduced H.R. 14981, the Newsmen's Right to Privacy Act, to protect members of the news media from the indiscriminate subpena of their telephone and telegraph records. This bill is designed to attack a problem that is not simply theoretical in nature. In response to a December 21, 1973, letter from the Reporters Committee for Freedom of the Press, the American Telephone & Telegraph Co. has conceded several disclosures of the telephone records of news organizations and newsmen. I think it vital that these instances be brought to the attention of my colleagues in the House:

First. St. Louis Post Dispatch: Under subpena by the U.S. District Court for Massachusetts in Boston, A.T. & T. gave the FBI records of all toll calls from the newspaper's Washington bureau from June–August 1971. In addition, it supplied records of calls from the home of Post Dispatch Washington correspondent Richard Dudman. The records were obtained apparently in connection with an investigation into publication of the Pentagon papers. A.T. & T. also turned over the toll records of long-distance calls from June 13–July 15, 1971, from the home phone of Thomas Ottenad, a Post-Dispatch Washington reporter.

Second. Knight Newspapers: Toll-call records for the Washington bureau of Knight Newspapers were also subpenaed at the same time as the Post-Dispatch records. This also was apparently in connection with the Pentagon papers investigation.

Third. The New York Times: In February, the Internal Revenue Service disclosed that it had sought and received from the Chesapeake & Potomac Telephone Co. long-distance records made from the Times Washington bureau for the 7-month period ending in January 1974. The IRS agreed on February 12 to return the records to the phone company. In addition, C. & P. supplied to IRS the records of toll calls made from the home telephone of David Rosenbaum, a Times reporter who lives in Chevy Chase, Md.

Fourth. Jack Anderson: A.T. & T. turned over to the FBI the long-distance records of the Anderson office in Washington and of his associate Les Whitten. According to the Anderson column of February 12, 1974, the phone records of associates Joseph Spear and Brit Hume, along with those of Whitten's 18-year-old son Les Whitten III, were also obtained.

It should be noted that not all these disclosures were made in response to court orders. Whether court-mandated or otherwise, the effect of disclosure is to make it known that the Government can penetrate the confidentiality of news sources whenever it wishes to do so. The range of circumstances in which the Government's law-enforcement responsibilities may entitle it to force the disclosure of these sources in narrow at best. In no case can the Government justify the wholesale disclosure of sources made possible when it demands all toll call records of a journalist, including records irrelevant to any law-enforcement investigation.

A.T. & T. has recently modified its policy to facilitate notification of customers when their records have been subpenaed or summoned, except when the requesting Government agency certifies that notification would impede enforcement of the law. Apart from this exception, which gives the Government discretion to refuse notification, the company's willingness to notify newsmen should not be construed as a solution to the problem. It still remains true that reporters can never be assured of the confidentiality of their sources because, as A.T. & T. itself argues, there exists no legal basis on which such subpenas can be challenged as threats to the confidentiality of news sources. H.R. 14981 provides precisely the legislative guidance courts need to protect the confidentiality of sources. It not only requires that disclosure of journalists' telephone and telegraph records be mandated by valid court order, but provides that no subpena of a newsman's phone records be valid unless it does not reveal or threaten to reveal a news source or unless it is justified by an "overriding and compelling national interest," as determined by a U.S. district court.

As the Supreme Court recognized in its 1972 decision in Branzburg against Hayes, the protection afforded by the first amendment extends not only to the dissemination of news, but also to the gathering of it, for "without some protection for seeking out the news, freedom of the press could be eviscerated". No newsman worth his salt would deny that the assembling of reliable confidential sources is essential to news gathering. Unless the telephone records of the news media are explicitly protected by legislation, we have no reason to expect the press to exercise its constitutional function as a free and independent check on the power of the Government to promulgate its own point of view.

In view of the real and present impact of these disclosures on the function of the free press, I have written Chairman STAGGERS of the House Committee on Interstate and Foreign Commerce asking that hearings on this legislation be conducted. In addition, I am today reintroducing the bill with additional cosponsors. The 20 cosponsors of the Newmen's Right to Privacy Act are: Ms. ABZUG, Mr. BADILLO, Mr. BROWN of California, Ms. CHISHOLM, Mr. CONYERS, Mr. CORMAN, Mr. DRINAN, Mr. EDWARDS of California, Mr. FRASER, Mr. GOLDWATER, Mr. HARRINGTON, Mr. KEMP, Mr. LEGGETT, Mr. MITCHELL of Maryland, Mr. PODELL, Mr. ROONEY of Pennsylvania, Mr. STOKES, Mr. VAN DEERLIN, Mr. WON PAT, and Mr. YOUNG of Georgia.

HEARINGS ON H.R. 14856 TO BAN DISCRIMINATION IN CREDIT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Missouri (Mrs. SULLIVAN) is recognized for 5 minutes.

Mrs. SULLIVAN. Mr. Speaker, as chairman of the Subcommittee on Consumer Affairs of the Committee on Banking and Currency, I am pleased to announce that the subcommittee has scheduled hearings on June 20 and 21 on H.R. 14856, to prohibit discrimination in extensions of credit by reason of race, color, religion, national origin, age, sex, or marital status.

H.R. 14856 was introduced on May 16, and appears in the RECORD of that date, long with extensive background information, beginning at page E3062. It is the most far-reaching, antidiscrimination bill in the credit field ever introduced in either House, and applies to all forms of credit, not just to consumer, agricultural, and residential real estate credit covered by the Truth in Lending Act.

The bill represents a consensus of 13 of the members of the subcommittee. Joining me as cosponsors are the following Members: WALTER E. FAUNTROY, of the District of Columbia; PARREN J. MITCHELL, of Maryland; WILLIAM A. BARRETT, of Pennsylvania; Henry B. GONZALEZ, of Texas; ANDREW YOUNG, of Georgia; FORTNEY H. ("PETE") STARK, JR., of California; JOHN JOSEPH MOAKLEY, of Massachusetts; and EDWARD I. KOCH, of New York, Democrats; and MARGARET M. HECKLER, of Massachusetts; STEWART B. MCKINNEY, of Connecticut; MATTHEW J. RINALDO, of New Jersey; and ANGELO D. RONCALLO, of New York, Republicans.

Since May 1972, when Congresswoman BELLA ABZUG of New York introduced the first bills on credit discrimination by reason of sex or marital status, following her testimony at a hearing on this subject by the National Commission on Consumer Finance, many Members have joined in cosponsoring bills by Ms. ABZUG, Mr. KOCH, or Mrs. HECKLER of Massachusetts, or have introduced individual bills, dealing with sex and marital status credit discrimination.

Other bills, dealing with discrimination by reason of age in the issuance of credit cards, have been introduced by Congressman HUGH L. CAREY of New York, with multiple sponsorship. So I know that there is widespread interest among Members of the House in the subject matter of H.R. 14856.

Members who wish to submit statements for our hearing record are cordially invited to do so. However, I should point out that we already have held extensive oversight hearings on credit discrimination in the subcommittee, as part of our review of consumer credit issues generally, so we are asking that the emphasis in our June 20 and 21 hearings be directed to the mechanics of H.R. 14856. Witnesses are being requested to devote their statements primarily to the feasibility and effectiveness of the language of that bill in carrying out the bill's objectives. In other words, we need no persuasion that unfair discrimination should be prohibited; we are inter-

ested at this point in knowing whether our bill can accomplish that purpose in a fair and effective manner, or if not, how it should be changed, taking into consideration the multiplicity of State laws dealing with a creditor's ability to achieve repayment in case of default.

The hearings of the National Commission on Consumer Finance 2 years ago and our subcommittee hearings in this Congress have clearly established not only that widespread, indefensible discriminatory practices have existed in the credit industry but also that State laws on husband-wife relationships often have a legitimate impact on the creditor's decisions in extending or denying credit to women. H.R. 14856 seeks to meet and solve this problem by permitting a creditor to take into account an applicant's race, color, religion, national origin, age, sex, or marital status only when it is clearly a factor under State law in ascertaining his rights and remedies in the event of default.

LEGISLATIVE TO REPEAL HATCH ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. DULSKI) is recognized for 5 minutes.

Mr. DULSKI. Mr. Speaker, the privilege to actively participate in the process of elections in this country should be enjoyed by each and every American citizen. Yet, unfortunately, this privilege—rather this right—because of the Hatch Act, is denied to a select small group in our country today—the Federal employee.

The time has come for the Congress to rectify this injustice. The merit principles which govern Federal employment, which the Hatch Act was designed to protect, are for the most part working well. It no longer needs the protection which the Hatch Act once afforded.

In fact, this law was designed by its author to protect, not the merit system, but Government workers from overzealous superiors and elected officials who had pressured them to engage in political activities against their will as a ransom for retention of their Government positions.

Today, the climate has completely changed. These kinds of pressures, which were so evident in the 1920's and 1930's, are no longer a factor, in my opinion, and should not be used as an excuse to continue to deny our Federal workers what is rightfully theirs—the right to participate in the workings of our democratic way of life.

Therefore, I have introduced today legislation to repeal the Hatch Act and which will restore our Government employees to full citizenship—thus raising them from the status of second-class citizens to the status enjoyed by the overwhelming majority of Americans.

Included among the political activities a Federal employee may enjoy under my bill are—

First. Candidacy for or service as delegate, alternate, or proxy in any political convention or service as an officer or employee thereof;

Second. Participation in the deliberations of any primary meeting, mass convention or caucus, addressing the meeting, making motions, preparing or assisting in preparing resolutions before the meeting, or taking a prominent part therein;

Third. Preparing for, or organizing or conducting a political meeting or rally, addressing such a meeting on any partisan political matter, or taking any part therein;

Fourth. Membership in political clubs and organizing of such a club;

Fifth. Distributing campaign literature and distributing or wearing campaign badges and buttons;

Sixth. Publishing or having editorial or managerial connection with any newspaper including those generally known as partisan from a political standpoint, and writing for publication or publishing any letter or article, signed or unsigned, soliciting votes in favor of or against any political party, candidate, or faction, except that no such editorial, letter, or article shall make reference to the writer's official employment or authority;

Seventh. Organizing or participating in any political parade;

Eighth. Initiating or signing nominating petitions on behalf of a partisan candidate, including canvassing for signatures of others; and

Ninth. Candidacy for nomination or election to any national, State, county, or municipal office.

In addition, the bill prohibits the use of official authority for the purpose of affecting the results of elections.

I am aware that this legislation may not be the complete answer to the problem. It is a sincere attempt to correct and amend an outdated and outmoded law so that Federal employees can join all other citizens of our country in exercising the privilege of participation in the election process of America.

I urge my colleagues to join with me in sponsoring this bill and work toward its early consideration during this Congress.

CURRENT WORLD FOOD SHORTAGE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. ALEXANDER) is recognized for 15 minutes.

Mr. ALEXANDER. Mr. Speaker, with an increase of the hunger cries from around the world the handwriting is on the wall. The current combination of a world food shortage and a population explosion means higher food prices among industrial nations and widespread hunger in the underdeveloped countries of the world.

Since we have come face to face with the reality that the world, for the first time in modern history, has come dangerously close to running out of food, we have learned some new lessons. When Ethiopia ran out of food this year, the oldest government in existence was challenged by a military uprising. When oil temporarily replaced gold as an international medium of exchange we learned that the one essential ingredient to producing oil is food. When Mr. Kissinger negotiated with the Arabs we saw that the Middle East settlements hinged, not on military might, not on technological capabilities, but on the American capacity to produce food.

Food is now a tool of diplomacy, an instrument of peace and the American farmer is on the front line in the fight for world peace.

In addition, if we realistically examine our international fiscal potential as it relates to the balance of payments, the one single resource that is in abundance, that we have more of than anyone else, is food.

I would like to insert at this time, table 804 from the Agricultural Statistics of 1973 showing the U.S. positive balance of payments in agricultural trade and its substantial contribution to our total value of international trade:

TABLE 804.—FOREIGN TRADE: VALUE OF TOTAL AGRICULTURAL EXPORTS AND IMPORTS, UNITED STATES, 1959-72

[Dollar amounts in millions]

Year ending June 30	Agricultural exports [1]				Agricultural imports (for consumption)					Excess of domestic agricultural exports over supplementary imports
	Total domestic exports	Domestic	Percentage (domestic) of total exports	Foreign (re-exports)	Total import for consumption	Total	Supplementary [2]	Complementary [2]	Supplementary: Percentage of total agricultural exports	Supplementary: Percentage of total agricultural imports	
1959	$17,357	$3,719	21	$83	$13,857	$4,004	$2,029	$1,975	55	51	$1,690
1960	19,110	4,519	24	73	15,496	4,010	1,979	2,031	44	49	2,540
1961	20,507	4,946	24	67	14,161	3,645	1,814	1,831	37	50	3,132
1962	21,447	5,142	24	63	15,687	3,762	2,049	1,713	40	54	3,093
1963	21,638	5,078	23	62	16,398	3,907	2,208	1,699	43	57	2,870
1964	24,718	6,068	25	84	17,776	4,096	2,225	1,871	37	54	3,843
1965	26,331	6,097	23	----	19,731	3,986	2,127	1,859	35	53	3,970
1966	28,886	6,676	23	----	23,295	4,454	2,472	1,982	37	56	4,204
1967	30,819	6,711	22	----	26,427	4,453	2,667	1,786	39	60	4,104
1968	32,195	6,311	20	----	29,613	4,656	2,845	1,811	45	61	3,466
1969	35,221	5,741	16	----	34,175	4,931	3,072	1,859	54	62	2,669

Year ending June 30	Agricultural exports [1]			Agricultural imports (for consumption)					Excess of domestic agricultural exports over supplementary imports
	Total domestic exports	Domestic	Percentage (domestic of total exports)	Foreign (re-exports)	Total import for consumption	Total	Supplementary [2]	Complementary [2]	Supplementary: Percentage of total agricultural exports	Supplementary: Percentage of total agricultural imports	
1970	$41,059	$6,721	16		$38,219	$5,592	$3,451	$2,141	51	62	$3,270
1971	43,663	7,758	18		42,724	5,828	3,684	2,144	47	63	4,074
1972 [3]	44,864	8,051	18		50,055	6,041	3,949	2,092	49	65	4,102

[1] Includes food exported for relief or charity by individuals and private agencies. These figures include a small amount of certain foodstuffs other than agricultural.

[2] Supplementary agricultural imports consist of all imports similar to agricultural commodities produced commercially in the United States, together with all other agricultural imports interchangeable to any significant extent with such U.S. commodities. Complementary agricultural imports include all others, about 98 percent of which consist of rubber, coffee, raw silk, cacao beans, wool for carpets, bananas, tea, and vegetable fibers.

[3] Preliminary.

Source: Economic Research Service. Compiled from reports of the U.S. Department of Commerce. Data for 1924–58 in "Agricultural Statistics, 1972" table 817.

The existing rice program has served us well in the past, but it was designed to prevent overproduction. What we now need is to unshackle the rice farmer from the binds of the past and encourage full production. Today, I am introducing a bill that is designed to maximize food production in the rice industry. This bill, when enacted into law, will reduce Government interference in rice production, milling and exporting, and permit the American farmer to respond to world market forces.

All reports indicate that the current world food shortage is not just a culmination of coincidences that will soon pass, but is a genuine long-term crisis that needs the consideration of our Government and the formulation of a new national and international policy of domestic production and foreign cooperation in order that we may truly deserve the reputation which we strive to maintain as leader of the free world.

A recent report of the United Nation's Food and Agricultural Organization—FAO—has produced an alarming report on the world food crisis. The report entitled, "Preliminary Assessment of the World Food Situation—Present and Future," contains several references which are valuable and I urge my colleagues to consider these findings as they shed light on this important issue:

EXCERPTS FROM "PRELIMINARY ASSESSMENT OF THE WORLD FOOD SITUATION—PRESENT AND FUTURE"

While the precipitous turn in the world food situation was obviously caused by the disastrous weather in 1972, there was also a most unusual coincidence of a number of events which compounded the effects on prices, trade and payments. The unprecedented boom in economic activity in the developed countries, leading to a highly buoyant demand for commodities, the worldwide inflationary forces accentuated by monetary instability and speculative activities—all of these factors have synchronised since 1972 to transform the general economic scene in which the tight food situation made its impact. As a result, world cereal prices rose steeply in 1972 and, in spite of a good harvest in 1973, reached even higher levels. With dwindling food reserves, the food aid programmes were cut and the developing countries with food deficits faced, and still face, the very difficult problem of having to finance a much higher food import bill. Food prices have gone up sharply all over the world and have hit particularly hard the poorer sections in the developing countries. History records more acute shortages in individual countries, but it is doubtful whether such a critical food situation has ever been so worldwide. . . .

The strong demand and high prices of most of the food and agricultural commodities have improved the terms of trade of primary products, and have been a boost to the agricultural sector. However, the gains in export earnings have not been evenly shared, the developed countries having gained more. And the developing countries which have suffered the most are the ones whose exports of commodities have not benefitted from the boom and which are also net importers of food. . . .

Two other elements in the present crisis—fertilizers and energy—burst into the scene in 1973. A cyclical production shortfall has been characterizing the fertilizer market since the end of 1972 and led to not only high prices but even physical shortage in 1973. The rise in the petroleum prices in late 1973 has not only increased the cost of fuel in agriculture, but in many cases has led to shortage and high prices of feed stocks for fertilizer manufacture. In particular, the developing countries who have been making commendable progress in the expansion of fertilizer use are faced with the serious problem of fertilizer shortage at a time when they need it most. . . .

The developing countries' cereal imports are likely to rise to an estimated 60 million tons in 1973/74, a level which in present trade conditions and at present price levels cannot be maintained for long without adverse consequences on their development programmes. In the past, the burden of payment was mitigated by the availability of food aid, which in the sixties ranged between 30 and 45 percent of total food imports, but the main source was United States' surplus stocks of grain. With the recent running down of these, the volume of food aid has drastically diminished, particularly at a time when it is most needed. . . .

Looking to the future, a preliminary forward assessment of food demand and supply has been made for the period up to 1985 on the basis of assumptions concerning growth of population and gross national product, and excluding any major changes in governments' policies or relative prices. On this basis, world food demand in the seventies and eighties is calculated to grow at a rate of 2.5 percent per annum, of which 2 percent represents population increase and 0.5 percent increased purchasing power. This, however, masks major differences between country groups: thus in the developed countries taken as a group the growth rate of demand is projected at 1.6 percent per annum, but in the developing market economy countries at 3.7 percent in terms of farm value. It also masks differences among the developing countries. Thus, despite the rapid rate of demand growth, there would still be in 1985 some 26 countries with a combined population of 365 millions in which average per capita energy demand would fall short of food energy requirements.

50TH ANNIVERSARY OF CLARKE-McNARY ACT OF 1924

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. FOLEY) is recognized for 15 minutes.

Mr. FOLEY. Mr. Speaker, I take pleasure in joining my distinguished colleagues in recognizing the 50th anniversary of the Clarke-McNary Act. This far-reaching legislation authorized extension of cooperative forest fire control efforts to include all forested, potentially forested, and critical watershed lands and State and private ownerships.

Today this protection is extended to over 626 million acres. All 50 States participate in this cooperative effort. In 1924, the year of enactment, 25 States reported 92,000 forest fires which burned almost 29 million acres.

In 1973, the 50 States reported 118,000 fires which only burned 1.9 million acres, less than two-tenths of 1 percent of the acreage protected. This is a remarkable tribute to this cooperative Federal-State effort.

AN ALTERNATIVE TAX CUT PROPOSAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. PODELL) is recognized for 10 minutes.

Mr. PODELL. Mr. Speaker, serious economic difficulties beset the United States. We are now in the throes of an event that was considered impossible by orthodox economists only a few years ago—high unemployment and high inflation. This phenomenon has been popularly termed "stagflation" by those who have a way with catchy phrases.

The country is divided over just what would be the best remedy for this stagflation. The administration, naturally, takes the orthodox conservative viewpoint. They wish to do as little as possible, and preferably nothing, to control inflation or ease unemployment. They argue that essentially anything one does to deal with one of these problems will exacerbate the other. Their remedies are limited to the outmoded, timeworn "tight money-high interest" policies, in the hopes that by reducing the amount of dollars in circulation, there will be less demand for goods in the marketplace and consequently a decrease in the rate of inflation.

Apparently nobody has pointed out to either President Nixon or his staff of Chicago-school economists, that the present high interest rates have done nothing but fuel inflation by driving up the prices we pay for everything. Business must borrow to keep up capital investments which are used to produce the

goods we buy. These interest costs may be tax deductible in April, but we all know that they are passed on to us in the form of higher prices. These higher prices in turn put pressure on workers, who naturally will ask for higher wages, and so we are drawn into a classic cost-push inflationary spiral.

While the administration toys with stopgap remedies that have already been proven to be ineffective at best, and downright damaging at worst, inflation and unemployment climb hand-in-hand. The administration had the opportunity to at least keep a minimal rein on inflation through the continuation of the Cost of Living Council, but refused to do even this much.

A number of Senators have recently been proposing a variety of tax cuts as a means of at least combatting unemployment, a traditional remedy in ending recessions. The administration vehemently opposes tax cuts, saying that giving the consumer more purchasing power will add fuel to inflationary fires. But I have yet to see anything the administration has done which would bank those fires.

I believe a tax cut is necessary, and I do not think that it will increase the rate of inflation. Wharton Econometric Forecasting Associates, Inc., constructed an economic model similar to the economy at present, and forecast the effects of a tax cut that would total approximately $6 billion. Based on the results of this study, they demonstrated that the rate of real growth of the economy would increase by half a percentage point, and that this in turn would increase the projected rate of inflation only slightly, from 8.55 to 8.61 percent. Granted, this is a very high rate of inflation, but is still far less than what we are currently experiencing. Additionally, unemployment would drop about two-tenths of a percent.

Economic models are far from perfect, but the forecasts derived from them do have a degree of reliability and accuracy. Based on the Wharton model and forecast, I feel it would not be the disaster President Nixon postulates should the Congress enact a tax cut. I am, therefore, introducing legislation today that would provide a substantial cut in taxes to the average working person.

My plan is to allow a deduction from adjusted gross income of the amount of social security taxes paid by a worker during the year. A full deduction would be allowed up to the maximum income taxable under the Social Security Act. For this year, for example, a person whose income was $13,200, the maximum taxable amount for social security purposes, would be able to deduct all social security taxes withheld. Above that amount, the deduction would be decreased by five cents for every additional dollar of income, thus phasing out the deduction entirely by the time a person's income reaches $26,000.

This deduction would have a twofold effect. It would not only be a beneficial tax cut giving a stimulus to the enonomy, but it would obviate some of the more regressive features of the social security tax.

Social security has come under fire from many quarters recently, because the tax burden falls most heavily on workers in the lower-income brackets. These workers would be precisely the ones to benefit the most from my legislation. Understandably, these people are also the ones who lost the most as a result of the astronomical inflation rates during the last year, and I feel my proposal would be of great benefit to them. Further, it would not diminish in any way the retirement benefits which they receive under social security, once they are fully insured.

The estimated cost of this proposal is about $6.5 billion. This is the same amount that has been put forth in other tax cut proposals. But I do not think that the other tax cut plans, which propose such remedies as an increase in personal exemptions or a tax credit, would have the same beneficial effect on the millions of working men and women in this country who earn $10,000 a year or less.

We can no longer afford to simply float around in an economic whirlwind. We must do something to restore some sanity to the economy. I believe that a tax cut, such as the one I am proposing today, would end the threat of a recession, and would not add any inflationary pressures to the economy.

We must start somewhere. Every minute we sit and debate over what is the best course, inflation and unemployment increase. Let us begin the struggle to strengthen our economy by reducing taxes. Toward this end, I commend to your attention the bill I am introducing today.

MORALITY HAS NO LIMITS

(Mr. PODELL asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. PODELL. Mr. Speaker, when President Nixon addressed the graduating class at the U.S. Naval Academy, he took the opportunity to let the American people have a further insight into his conceptions of foreign policy.

The President of this country is of the opinion that there are certain limits to American power as it is exercised through our foreign policy. Unquestionably, this is true. We have too often abused our power trying to get other nations, the recipients of our foreign-aid dollars, to do our will and conform to our standards.

When we did this, we were accused of practicing dollar diplomacy. It was considered wrong to pay nations to support the United States, or to expect those nations that received aid from us to remain friendly and uncritical out of gratitude for American largess. I agree that this is wrong. We cannot buy friends, and we should not use foreign aid programs as a political weapon either to keep friendly governments in power or to keep potentially unfriendly ones from criticizing us.

Where President Nixon is wrong, however, is in his attempt to analogize dollar diplomacy to the current efforts to get the Soviet Union to liberalize her emigration policy and open up her society to dissent. Russia is not the recipient of dribs and drabs of foreign aid. We are not attempting to buy a friend, as we tried to do in Egypt, India and other Third World nations.

Russia is a great and powerful nation, with whom we are trading, often to the disadvantage of the American people. When the President says that American power is limited and that we cannot gear our foreign policy to transformation of other societies, he misses the point that motivated those who cosponsored the Freedom of Emigration Act in both the House and Senate.

Large majorities in both Houses felt that it was not a question of bending the Soviets to our will by offering them the sweet apple of increased trade. Trade with the Soviet Union has grown tremendously in the past 5 years, without the benefit of most favored nation status. The Export-Import Bank has extended low-interest loans to the Soviet Union, perhaps in violation of the law, and again without the benefit of any special trade agreements. Trade can continue to grow with the Soviet Union, whether there is a trade bill or not.

What we are trying to do here, is not to bar détente, but to make the point that détente requires concessions on both sides. We offer the concession of increased trade, placing on the sacrificial block the best interests of the American consumer. I ask President Nixon, do not we have a right to demand concessions from the Russians as well? There is precious little which they have to offer in trade goods which could easily find a market in the United States. We are asking them to make a moral concession.

We are asking them simply, to function as any modern state desirous of sharing in the benefits of the modern world. There are people in the Soviet Union who wish to live free from official harassment, or, if they cannot do so, who wish to leave. The moral concession we are asking the Soviets to make is to allow these people the right to live in peace or to leave in peace.

The United States and the Soviet Union grow closer every day.

No matter how we feel about such developments from the standpoint of world politics, the overwhelming majority of Members of the House and Senate stand united on one point. It is not a misuse of American power to ask the Soviets to concede on the point of Jewish emigration. It is not too much to ask for the Soviet Union to behave in a moral and responsible way, by living up to the terms of the Universal Declaration of Human Rights, which both Russian and the United States signed.

The President of this country, says that—

> There are limits to what we can do, and we must ask ourselves some hard questions . . . What price—in terms of renewed conflict—are we willing to pay to bring pressure to bear for humane causes?

These are Mr. Nixon's precise words, uttered at Annapolis. I say to him, that we must indeed ask ourselves some hard questions. How much are we willing to put on the line for a matter of principle? How much do a few lives mean to us?

How much is the dignity of the individual worth to us? Are we willing to risk the loss of a few dollars profit for the sake of purely moral question?

This does not extend only to the question of Soviet Jewry, but carries over into what we are trying to do in the Middle East and elsewhere as we attempt to refashion our foreign policy to meet the demands of the last quarter of the 20th century. Raising the old bugaboo of renewed cold-war conflict if we do not get détente and a trade bill is false issue, calculated to divert our attention from the real question at hand.

There is a fine line between making justified demands on other nations in the name of higher moral principles, and meddling in another nation's internal affairs. It is foolish for the President to make a blanket statement. What is a legitimate demand under the circumstances as far as Russia is concerned would be unexcusable meddling in the affairs of, say, France or Brazil. We must strike a balance and rise to each occasion as it occurs.

The President would lock into a foreign policy as rigid and unworkable as that practiced during John Foster Dulles' heyday, when morality consistently gave way to expediency. I hope we are not seeing a return to those days. I hope that President Nixon listens to the voice of the American people as expressed through the Congress. They are calling for a return to morality in government, both domestically and in foreign affairs.

BELATED CONGRATULATIONS

(Mr. PODELL asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. PODELL. Mr. Speaker, I want to offer my congratulations to Secretary of State Henry Kissinger on winning the Nobel Peace Prize.

A few months late, you say? Not really. I was among those who did not believe that Dr. Kissinger had really earned the prize by his work in bringing about the withdrawal of American troops from South Vietnam. Even today, we are still pouring billions of dollars into South Vietnam, and the fighting continues. Peace has not come to Southeast Asia, nor is there any genuine prospect of peace.

On the other hand, the Secretary of State, by his work in bringing about disengagements first between Israel and Egypt, and then between Israel and Syria, earned his Nobel Prize all over again.

Such efforts are to be warmly welcomed. Every time fighting breaks out in the Middle East, the whole world trembles for fear that it will lead to the ultimate confrontation between the United States and Russia. I am pleased that the President and the Secretary of State devoted themselves to the goal of insuring at least the opportunity for peace to come to the Middle East.

This was by no means easy. Dr. Kissinger had to fight a quarter of a century of fear, prejudice and misunderstanding on both sides. He had to convince the Syrians that the Israelis were serious about ending the fighting and working toward peace. He had to convince the Israelis that their legitimate needs for defensible borders would not be sacrificed for the sake of a few words mentioned in the history books.

Getting the Syrians to agree to make compromises with Israel, whom they had once sworn to wipe from the face of the Earth, is a testament to the desires for peace shared by all men. The Secretary of State was midwife at the birth of a new understanding in the Middle East, that perhaps Israelis and Arabs really can live in peace and cooperation.

The details of the disengagement are widely known. The Israelis had to give up some of the land they captured, but not so much that they would be as vulnerable as they were in 1967. The Syrians, for the first time, demonstrated a degree of willingness to cooperate with their enemies in the search for peace.

There is much to be happy about in Dr. Kissinger's accomplishment. But, while we may breathe somewhat easier, knowing that the guns have fallen silent, we must not forget that this is not yet really peace, but only the cost tenuous beginnings.

We must still look forward to the talks in Geneva at which, hopefully, a lasting peace settlement will be worked out between Israel and her Arab neighbors. Still unsettled are the interrelated questions of the fate of the Palestinians, and what should be done about the terrorists who consistently prey upon Israel. I am most unsatisfied that the Secretary of State was unable to get a more definite commitment about controlling terrorist activities from the Syrian Government, and I fear that this may be the weak link that will break the chain leading to peace in the Middle East.

But on the whole, considering the circumstances and history of the entire situation, I believe Dr. Kissinger did an incredible job, and should be warmly congratulated by every Member of the House. Only time will tell whether the foundation that the Secretary laid in Damascus and Jerusalem will be strong enough to support genuine peace and cooperation between the nations of the Middle East. I hope that his work this time will prove lasting and truly worthy of the honor that the Nobel Awards Committee bestowed on him last year.

BILL TO PROVIDE COST-OF-LIVING INCREASES TO MINIMUM-INCOME WIDOWS UNDER MILITARY RETIREE SURVIVOR BENEFIT PLAN

(Mr. HICKS asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. HICKS. Mr. Speaker, today I am introducing legislation to provide cost-of-living increases to minimum-income widows under the military retiree survivor benefit plan. These widows are almost the only remaining group for whom cost-of-living increases are not provided in their Federal annuity. They are at the lowest rung of the annuity-payment ladder, and the value of their benefit is being eroded by inflation.

The survivor benefit program for military retirees enacted in September 1972 as Public Law 92–425 allows the military retiree to leave up to 55 percent of his retired pay to his widow for a modest reduction in his monthly retired check. The annuities received by military widows under the law are increased on the same day and by the same total percentage as military retired pay or retainer pay. Therefore, the widows under the principal program provided by the law are protected against inflation in the same way military retirees are protected against inflation by their cost-of-living increase system.

As in the case of most personnel legislation, the new survivor benefit plan created by Public Law 92–425 was prospective in nature, and the widows of those retirees who were deceased prior to its enactment were, regrettably, ineligible for coverage under the program.

In enacting the legislation, however, the committee recognized that some widows were in an extremely difficult financial situation and provided, therefore, in section 4 of the law, a separate program of a minimum-income guarantee for those widows. Such widows are eligible for the nonservice-conducted death pension provided by the Veterans' Administration. Under that program widows are paid a monthly amount by the VA, depending upon other sources of income, if any. Public Law 92–425 provided for a supplement to the income of such widows to assure that their income would in no case be less than $2,100 a year.

Briefly, the law provided for the Defense Department to pay an income supplement which, together with the widow's existing income, as defined by the VA, brings the widow's income up to the $1,400 level from which point the VA pension payment is triggered. The VA payment would bring the widow's income over $2,100.

Such widows do benefit from any increase in the VA death pension without loss of their other income. However, since the VA death pension makes up only one-third of the widow's modest income, it means that she fails to receive any cost-of-living increase in two-thirds of her income and not only must live on a very low income in a time of inflation, but consistently lose ground in comparison with other Federal annuitants. My bill would provide that the payment she receives from the Defense Department would be increased at the same time by the same percentage that retired pay is increased under the retiree cost-of-living system.

It would also provide that such an increase is excludable income under the VA formula so it does not result in a loss of any VA payment.

To be eligible for the non-service-connected death pension, the widow must meet the VA means test of income. Section 503 of title 38 provides for the categories of income that are excluded in determining the widow's income for purposes of the pension. Excluded are such things as death gratuity, Government service life insurance payments, and so forth.

After the exclusions, the widow's income is determined and she is paid a variable amount by the VA ranging from a high of $96 a month for a widow with income of $300 a year or less, to $21 a month for a widow with income of $2,600.

The military survivor benefits law provision for minimum-income widows provides that the Defense Department will pay the widow a supplement which, together with other income, will bring her up to $1,400 a year. For a widow with income of $1,400 VA scale provides for a payment of $69 a month. That is $828 a year, bringing the widow's income to $2,228 per year.

For a widow in this category the VA payment was last raised in January 1974 by $9 a month—from $60 to $69.

As I indicated, I believe she should receive an increase in the Defense Department payment as well. To simply increase the DOD supplement, however, would result in a partial decrease in the VA payment. My bill provides, therefore, that the cost-of-living increase to be provided to such widows shall be considered excludable income under section 503 of title 38.

I appreciate that the Veterans' Affairs Committee does not wish to increase the exclusions under that law. But because of the unusual nature of the military law, I believe an exception is necessary in this instance in order to provide reasonable cost-of-living increases to these military widows who are often in a state of extreme financial hardship and who are ineligible for a larger annuity merely because their military husbands were unfortunate enough to die before a good survivor benefit program for military retirees was adopted.

VIVISECTION OF A PRESIDENT

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

Mr. DEVINE. Mr. Speaker, O. R. Strackbein has written a number of papers on a number of subjects and has recently submitted one entitled, "Vivisection of a President," which I am attaching after conclusion of my remarks.

A graduate of the University of Texas, Mr. Strackbein was a Phi Beta Kappa, taught economics at Washington and Lee University, and served in Latin America as Trade Commissioner for the Commerce Department. He also was with the Tariff Commission and the Federal Public Contracts Board as well as a management consultant.

As an author, Mr. Strackbein has written a number of books on varied subjects, is a member of the National Historic Society, and has led the nationwide Committee on Import-Export Policy in Washington.

His article follows:

VIVISECTION OF A PRESIDENT

(By O. R. Strackbein)

In the history of man there has surely been no parallel subjection of any public official to the minute or pitiless examination, criticism and excoriation such as has befallen the current President of the United States.

Webster defines vivisection as the cutting of, or operation on, a living animal. Figuratively, he says, it means subjection to minute or pitiless examination, criticism and the like. In that sense the President of this country is undergoing vivisection, day-in, day-out, and month-in, month-out. The accepted purpose is the administration of justice. Yet our own Constitution has a proscription against cruel and unusual punishment. As sentient beings our Constitution-makers, living in days of harsher judgments than those meted out today, felt constrained to halt punishment this side of the cruel and unusual.

Of what does punishment consist? We will all profess that it is not for revenge. The justifiable purpose is deterrence. The forms of punishment differ; and there has been an evolution away from the infliction of physical pain, in the form of flogging, starvation and the like. The trend is evermore toward amelioration of the other types of pain inflicted because, with the advancement of civilization, man's sensibilities revolt more readily against harshness. There is also more of the reflection that but for the grace of God, that could be myself—in other words, a growth of empathy or an understanding of our own shortcomings in common with those of others.

An-eye-for-an-eye, a-tooth-for-a-tooth attitude was once a recommended form of justice; but some two thousand years ago it lost most of its religious sanction. Punishment, if divested of its element of revenge, becomes a question of its suitability as a deterrent and its facilitation of rehabilitation. The incidence of punishment, which is to say, how hard it falls upon the person who has to bear it, is a subjective question.

While physical punishment has come to be abhorred, mental punishment has hardly been given a thought. Yet the difference in the affliction may depend in great degree not only on the sentence but on the circumstances and condition of the recipient. If he had little to lose, is in any case insensitive, is not concerned to be idle and not too much concerned to be deprived of companionship, incarceration may hold little terror for him. If he has no high altitude from which to fall in the esteem of his friends, and associates, or his family, again, he will not be deeply wounded. Repeaters in crime give indication that incarceration and the deprivations that go with it are not for them the worst of alternatives.

If the indicted person, subject to possible conviction, however, has achieved wide acclaim in his community, in his State or in the country as a whole, and, moreover, has a mission in life and a dedication to high goals, the punishment that might befall another person without leaving deep scars, would in his case be both condign and extremely damaging to his psyche. The physical punishment, which might mean most to the other person, would be by far the lesser part of his own affliction. His demoralization, burning at his vitals, and his enveloping frustration, would be for him the real rack of torture.

The President, having fallen from grace as adjudged by his peers, would stand out as Felon #1 of America, to live, not in the hearts of his countrymen, as deserving of gratitude for his notable achievements, but as the Delinquent Extraordinary of our history. A crown of thorns woven of a more punitive and penetrating mockery could hardly be imagined.

The President has been singled out for the most microscopic examination in history, of any public official, with intent to incriminate. His tapes, to be sure, the results of his own installation, have been used to lay bare what no other President of this country has been called upon to reveal, namely, the innermost confidences and private cogitations, explorations, unguarded expletives and sallies. Therefore he is left without a basis of comparison with the performance of any of his predecessors. He alone is subjected to a pitiless demand for stripping before a peephole accessible to the eyes of all Americans!

This is something new; and it could easily strike, as it undoubtedly does, many Americans as an unseemly and shameful performance in the name of legitimate inquiry. Because we have no precedent of condemnation of such procedure before, since we have never been over the ground before, our own naked souls are being exhibited in a very unflattering manner. Certainly the President is not alone in being on trial.

For whom does the bell toll? It tolls not only for the President; it tolls also for thee and me!

COMMONSENSE ON U.S. OVERSEA TROOP CUTS

(Mr. STRATTON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. STRATTON. Mr. Speaker, it is with the greatest pleasure that I invite the attention of my colleagues to an editorial that appeared in the New York Times for June 5, 1974, on the subject of possible troop cuts abroad. The fine, sound reasoning of the editorial follows almost step by step the arguments presented to the House in April by the House Armed Services Committee, and ratified by the House last month when we fully supported the committee's version of the 1975 defense authorization bill. This report was originally developed by the Randall subcommittee on U.S. commitments to NATO.

I am also delighted to learn that the Senate today has also followed the wisdom of the Randall recommendations and has turned down all efforts to cut U.S. troops overseas at this time.

U.S. TROOPS IN EUROPE

Senator Mike Mansfield's renewed effort to force substantial withdrawal of American troops from Europe and other areas overseas is the wrong battle in the wrong place at the wrong time.

The Senate floor is the wrong place for this decision to be taken because the issue is now under negotiation in Vienna between the NATO and Warsaw Pact powers in an effort to bring about Soviet as well as American troop cutbacks. There are now 460,000 Soviet ground troops on the Central Front in Europe, compared with 193,000 Americans. Warsaw Pact troops outnumber NATO's ground forces in this area 925,000 to 770,000.

An over-all NATO-Warsaw Pact reduction to 700,000 on each side, as proposed by the West—with the bulk of the Western reduction to be taken in American forces—would assure stability as well as the reduction in defense spending desired in both East and West. But unilateral American withdrawals now would clearly be destabilizing. They would lower the nuclear threshold, forcing earlier use of atomic weapons in a conflict. They could lead to the nuclearization or the "Finlandization" of West Europe—or both.

This is the wrong time as well for the Mansfield amendment. West Europe's political stability and economic health are shakier today than at any time since the Marshall Plan days more than two decades ago. Governments have fallen in Britain, West Germany, France and Italy in recent months. The new leaders may do better than the old, but that is not yet certain. The Common Market is stalled. Relations with the United States have been badly strained. A major effort by Washington is needed to pull the At-

lantic community back together again before disintegration goes further. Unilateral weakening of West Europe's security would frustrate this effort before it could begin.

Above all, Senator Mansfield's long struggle, extending over eight years, is the wrong battle for the Majority Leader and his supporters to be waging at all. The battle to bring back American troops from Europe, an area where American interests are truly vital, was spurred initially by American balance-of-payments deficits and Europe's surpluses. The oil price increase and other factors have reversed the situation. American payments are in surplus, while most of West Europe is headed toward a disastrous deficit. West Germany, which is also in surplus, is offsetting the dollar costs of American forces there.

The extraordinary notion has been propounded that the presence of American troops abroad brings about American involvement in war. But there were no American troops in Europe before World War I or World War II—or in Korea before the involvement there. On the contrary, the presence of American troops in Europe since World War II has helped provide an almost unprecedented 29 consecutive years of European peace. Their withdrawal would be a step into the unknown.

Senator Mansfield's latest argument is that the troops withdrawn from Europe and Asia could be demobilized, reducing the defense budget by $1 billion a year. But United States armed forces already are half-a-million fewer than pre-Vietnam and 1.2 million fewer than those the Soviet Union maintains. There are ways in which defense spending can and should be reduced. But shotgun legislation aimed at American military manpower overseas would be the worst way now to go about that task.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BLACKBURN (at the request of Mr. RHODES), for June 5 and 6, on account of official business.

Mr. BRASCO (at the request of Mr. O'NEILL), for today, on account of official business.

Mr. BURKE of Florida (at the request of Mr. RHODES), for today, on account of official business.

Mr. CORMAN, for today after 5 p.m., on account of official business.

Mr. FREY (at the request of Mr. RHODES), for June 12 through June 18, on account of official business.

Mr. HASTINGS (at the request of Mr. RHODES), for June 12 through June 18, on account of official business.

Mr. Moss, from close of business on June 6 through June 12, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. HUBER), to revise and extend their remarks, and to include extraneous matter:)

Mr. DERWINSKI, for 30 minutes, today.

Mr. CLEVELAND, for 5 minutes, today.

Mrs. HECKLER of Massachusetts, for 15 minutes, today.

Mr. HOGAN, for 5 minutes, today.

Mr. RAILSBACK, for 5 minutes, today.

Mr. CONTE, for 5 minutes, today.

Mr. MARTIN of North Carolina, for 5 minutes, today.

(The following Members (at the request of Mr. RYAN), to revise and extend their remarks, and to include extraneous matter:)

Mr. MURPHY of New York, for 10 minutes, today.

Mr. RARICK, for 60 minutes, today.

Ms. ABZUG, for 10 minutes, today.

Mr. GONZALEZ, for 5 minutes, today.

Mr. KOCH, for 5 minutes, today.

Mrs. SULLIVAN, for 5 minutes, today.

Mr. DULSKI, for 5 minutes, today.

Mr. ALEXANDER, for 15 minutes, today.

Mr. FOLEY, for 15 minutes, today.

Mr. PODELL, for 10 minutes, today.

Mr. PRICE of Illinois, for 15 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. CONTE and to include extraneous matter in his remarks on H.R. 15155.

(The following Members (at the request of Mr. HUBER), and to include extraneous matter:)

Mr. HANRAHAN in two instances.

Mr. RONCALLO of New York in two instances.

Mr. STEELMAN.

Mr. WYATT.

Mr. GOODLING.

Mr. COHEN in three instances.

Mr. BROYHILL of Virginia in two instances.

Mr. ROBINSON of Virginia.

Mr. ARCHER.

Mr. CLEVELAND.

Mr. ROUSSELOT.

Mr. FORSYTHE.

Mr. WYMAN in two instances.

Mr. O'BRIEN in two instances.

Mr. MCCOLLISTER in six instances.

Mr. DERWINSKI in two instances.

Mrs. HOLT.

Mr. MARTIN of Nebraska.

Mr. BROWN of Michigan in two instances.

Mr. LENT.

Mr. HUBER.

Mr. HOSMER in two instances.

Mr. HEINZ.

Mr. GILMAN.

Mr. HUNT in two instances.

Mr. ANDERSON of Illinois in two instances.

Mr. FROEHLICH.

Mr. KEMP in two instances.

(The following Members (at the request of Mr. RYAN), and to include extraneous matter:)

Mr. BOLLING.

Mr. GUNTER in 10 instances.

Mr. MCKAY in two instances.

Mr. ST GERMAIN.

Mr. EDWARDS of California in two instances.

Mr. BRASCO in 12 instances.

Mr. JAMES V. STANTON.

Mr. RARICK in three instances.

Mr. GONZALEZ in three instances.

Mrs. MINK.

Mr. TIERNAN.

Mr. NIX.

Mr. TRAXLER in two instances.

Mr. MINISH.

Mr. MEEDS in two instances.

Mr. VAN DEERLIN in two instances.

Mrs. HANSEN of Washington in 10 instances.

Mr. STOKES in 10 instances.

Mr. RODINO.

Mr. LEGGETT in three instances.

Mr. MITCHELL of Maryland.

Mr. BADILLO in four instances.

Mr. O'HARA.

Mr. PATTEN.

Mr. EVINS of Tennessee.

Mr. DRINAN in three instances.

SENATE BILL AND JOINT RESOLUTION REFERRED

A bill and joint resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 283. An act to declare that the United States holds in trust for the Bridgeport Indian Colony certain lands in Mono County, Calif.; to the Committee on Interior and Insular Affairs; and

S.J. Res. 123. Joint resolution authorizing the procurement of an oil portrait and marble bust of former Chief Justice Earl Warren; to the Committee on House Administration.

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. 12565. An act to authorize appropriations during the fiscal year 1974 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, and other weapons and research, development, test and evaluation for the Armed Forces, and to authorize construction at certain installations, and for other purposes.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 2844. An act to amend the Land and Water Conservation Fund Act, as amended, to provide for collection of special recreation use fees at additional campgrounds, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on the following dates present to the President, for his approval, bills of the House of the following title:

On June 5, 1974:

H.R. 6979. An act for the relief of Monroe A. Lucas; and

H.R. 14013. An act making supplemental appropriations for the fiscal year ending June 30, 1974, and for other purposes.

On June 6, 1974:

H.R. 12565. An act to authorize appropriations during the fiscal year 1974 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, and other weapons

and research, development, test and evaluation for the Armed Forces, and to authorize construction at certain installations, and for other purposes.

ADJOURNMENT TO MONDAY, JUNE 10, 1974

Mr. RYAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 10 minutes p.m.), under its previous order, the House adjourned until Monday, June 10, 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:

2418. A letter from the Assistant Secretary of Defense (Installations and Logistics), transmitting a report on Department of Defense procurement from small and other business firms for July 1973–March 1974, pursuant to section 10(d) of the Small Business Act, as amended; to the Committee on Banking and Currency.

2419. A letter from the Assistant Secretary of State for congressional relations, transmitting a report on the international narcotics control program for the period July 1, 1973 to March 31, 1974, pursuant to section 481(b)(1) of the Foreign Assistance Act of 1961, as amended [22 U.S.C. 2291(b)(1)]; to the Committee on Foreign Affairs.

2420. A letter from the Deputy Administrator of General Services, transmitting a draft of proposed legislation to revise certain provisions of title 5, United States Code, relating to per diem and mileage expenses of employees and other individuals traveling on official business, and for other purposes; to the Committee on Government Operations.

2421. A letter from the Deputy Assistant Secretary of the Interior, transmitting a copy of a proposed concession contract for the continued provision of accommodations, facilities, and services for the public at Boulder Beach Site in the Lake Mead National Recreation Area for a term ending December 31, 1997, pursuant to 67 Stat. 271 and 70 Stat. 543; to the Committee on Interior and Insular Affairs.

2422. A letter from the Executive Director, Federal Communications Commission, transmitting a report on the backlog of pending applications and hearing cases in the Commission as of April 30, 1974, pursuant to section 5(e) of the Communications Act, as amended; to the Committee on Interstate and Foreign Commerce.

2423. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting copies of orders entered in the cases of certain aliens found admissible to the United States, pursuant to section 212(a)(28)(I)(ii) of the Immigration and Nationality Act [8 U.S.C. 1182(a)(28)(I)(ii)(b)]; to the Committee on the Judiciary.

2424. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice transmitting, copies of orders entered in cases in which the authority contained in section 212(d)(3) of the Immigration and Nationality Act was exercised in behalf of certain aliens, together with a list of the persons involved, pursuant to section 212(d)(6) of the Act [8 U.S.C. 1182(d)(6)]; to the Committee on the Judiciary.

2425. A letter from the Administrator of General Services, transmitting a prospectus proposing the construction of a Federal Office Building at Huron, South Dakota, pursuant to 40 U.S.C. 606; to the Committee on Public Works.

RECEIVED FROM THE COMPTROLLER GENERAL

2426. A letter from the Acting Comptroller General of the United States, transmitting a report on the Pacific Northwest hydrothermal power program; 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. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 15223. A bill to amend the Federal Railroad Safety Act of 1970 and the Hazardous Materials Transportation Control Act of 1970 to authorize additional appropriations, and for other purposes. (Rept. No. 93–1083). Referred to the Committee of the Whole House on the State of the Union.

Mr. HANLEY: Committee on Post Office and Civil Service. S. 411. An act to amend title 39, United States Code, with respect to certain rates of postage, and for other purposes. (Rept. No. 93–1084). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee of conference. Conference report on H.R. 14368. (Rept. No. 93–1085). Ordered to be printed.

Mr. BRADEMAS: Committee on House Administration. House Resolution 935. Resolution, authorization for reprinting additional copies for use of the Committee on the Judiciary of the committee print entitled "Constitutional Grounds for Presidential Impeachment". (Rept. No. 93–1086). Ordered to be printed.

Mr. BRADEMAS: Committee on House Administration. House Resolution 1006. Resolution authorizing the printing of the transcript of the proceedings in the Committee on Rules of October 25, 1973. (Rept. No. 93–1087). Ordered to be printed.

Mr. BRADEMAS: Committee on House Administration. House Concurrent Resolution 201. Concurrent resolution to reprint the brochure entitled "How Our Laws Are Made"; with amendment. (Rept. No. 93–1088). Ordered to be printed.

Mr. BRADEMAS: Committee on House Administration. House Concurrent Resolution 445. Concurrent resolution authorizing additional copies of oversight hearings entitled "State Postsecondary Education Commissions". (Rept. No. 93–1089). Ordered to be printed.

Mr. BRADEMAS: Committee on House Administration. House Concurrent Resolution 454. Concurrent resolution to authorize the printing as a House document "Our Flag", and to provide for additional copies (Rept. No. 93–1090). Ordered to be printed.

Mr. BRADEMAS: Committee on House Administration. House Concurrent Resolution 455. Concurrent resolution to provide for the printing as a House document "Our American Government. What Is It? How Does It Work?" (Rept. No. 93–1091). Ordered to be printed.

Mr. BRADEMAS: Committee on House Administration. House Concurrent Resolution 474. Concurrent resolution authorizing the printing of additional copies of a report issued by the Committee on Foreign Affairs (Rept. No. 93–1092). Ordered to be printed.

Mr. BRADEMAS: Committee on House Administration. Senate Concurrent Resolution 73. Concurrent resolution authorizing the printing of additional copies of a committee print of the Senate Select Committee on Nutrition and Human Needs (Rept. No. 93–1093). Ordered to be printed.

Mr. BLATNIK: Committee on Public Works. H.R. 14883. A bill to amend the Public Works and Economic Development Act of 1965 to extend the authorizations for a 2-year period, and for other purposes; with amendment (Rept. No. 93–1094). 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. HOLIFIELD (for himself, Mr. HORTON, Mr. BROOKS, Mr. ERLENBORN, Mr. FASCELL, Mr. WYDLER, Mr. MOORHEAD of Pennsylvania, Mr. BROWN of Ohio, Mr. ROSENTHAL, Mr. MALLARY, Mr. HICKS, Mr. PARRIS, Mr. FUQUA, Mr. ALEXANDER, Ms. ABZUG, and Mr. DONOHUE):

H.R. 15233. A bill to establish an Office of Federal Procurement Policy within the Office of Management and Budget; to the Committee on Government Operations.

By Mr. CONABLE (for himself, Mr. ARCHER, Mr. CORMAN, Mr. DUNCAN, Mr. GIBBONS, and Mr. ROSTENKOWSKI):

H.R. 15234. A bill to amend the Internal Revenue Code of 1954 to provide that the tax rules now applicable to savings and loan associations, mutual savings banks, and so forth, shall be applicable to the comparable mortgage programs now undertaken by national mortgage associations; to the Committee on Ways and Means.

By Mr. DELLUMS (for himself, Ms. ABZUG, Mr. BADILLO, Mr. BROWN of California, Ms. CHISHOLM, Mr. CLAY, Mr. HARRINGTON, Mr. MITCHELL of Maryland, Mr. STARK, Mr. STOKES, and Mr. YOUNG of Georgia):

H.R. 15235. A bill to provide for disclosure of information by executive departments to committees of Congress; to the Committee on Armed Services.

By Mr. DELLUMS (for himself and Mr. EDWARDS of California):

H.R. 15236. A bill to amend the Budget and Accounting Act of 1921 to provide for investigations and expenditure analyses of the use of public funds; to the Committee on Government Operations.

By Mr. DELLUMS (for himself, Mr. BADILLO, Mr. BROWN of California, Ms. CHISHOLM, Mr. CLAY, Mr. HARRINGTON, Mr. MITCHELL of Maryland, Mr. STARK, Mr. STOKES, and Mr. YOUNG of Georgia):

H.R. 15237. A bill to provide for the receipt of testimony and information from executive agencies and bodies; to the Committee on the Judiciary.

By Mr. GIBBONS:

H.R. 15238. A bill to name the Veterans' Administration hospital located at 13000 North 30th Street, Tampa, Fla., the "Melvin T. Dixon Memorial Hospital"; to the Committee on Veterans' Affairs.

By Mr. HELSTOSKI:

H.R. 15239. A bill to amend title XVI of the Social Security Act to provide for emergency assistance grants to recipients of supplemental security income benefits, to authorize cost-of-living increases in such benefits and in State supplementary payments, to prevent reductions in such benefits because of social security benefit increases, to provide reimbursement to States for home relief payments to disabled applicants prior to determination of their disability, to permit payment of such benefits directly to drug addicts and alcoholics (without a third-party payee) in certain cases, to continue on a permanent basis the provisionmaking supplemental security income recipients eligible for food stamps, and for other purposes; to the Committee on Ways and Means.

By Mr. HICKS:

H.R. 15240. A bill to amend title 10 of the United States Code to provide cost-of-living

increases in the supplemental payments authorized by section 4, Public Law 92-425; to the Committee on Armed Services.

By Mr. KEMP (for himself, Mr. BADILLO, Mr. GROVER, Mr. MATHIAS of California, Mr. REES, Mr. CORMAN, Mr. HUNT, Mrs. BOGGS, Mr. MILFORD, Mr. BYRON, Mr. BERGLAND, Mr. JOHNSON of Pennsylvania, Mr. BOLAND, Mr. MURTHA, Mr. EILBERG, Mr. VEYSEY, Mr. MICHEL, Mr. BURGENER, Mr. SMITH of New York, Mrs. HECKLER of Massachusetts, Mr. FREY, Mr. CARTER, Mr. MIZELL, and Mr. ARMSTRONG):

H.R. 15241. A bill to create a National Commission on Olympic Sports to evaluate and formulate recommendations concerning participation of the United States in the Olympic games and other international competition in the Olympic sports; to the Committee on the Judiciary.

By Mr. KOCH (for himself, Ms. ABZUG, Mr. BADILLO, Mr. BROWN of California, Ms. CHISHOLM, Mr. CONYERS, Mr. CORMAN, Mr. DRINAN, Mr. EDWARDS of California, Mr. FRASER, Mr. GOLDWATER, Mr. HARRINGTON, Mr. KEMP, Mr. LEGGETT, Mr. MITCHELL of Maryland, Mr. PODELL, Mr. ROONEY of Pennsylvania, Mr. STOKES, Mr. VAN DEERLIN, Mr. WON PAT, and Mr. YOUNG of Georgia):

H.R. 15242. A bill to restrict the disclosure of information in the possession of telephone companies or telegraph companies concerning members of the news media; to the Committee on Interstate and Foreign Commerce.

By Mr. KUYKENDALL:

H.R. 15243. A bill to amend the Federal Aviation Act of 1958 to require the Civil Aeronautics Board to disapprove certain pooling and other agreements between air carriers, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. McKAY:

H.R. 15244. A bill to provide that the Secretary of Transportation and the Interstate Commerce Commission require common carriers under their jurisdiction to prohibit smoking aboard aircraft, railroads, buses, and vessels carrying passengers, except in areas designated for that purpose; to the Committee on Interstate and Foreign Commerce.

By Mr. MARTIN of Nebraska (for himself and Mr. McCOLLISTER):

H.R. 15245. A bill to prohibit the importation of fresh, chilled, or frozen cattle meat for a 6-month period; to the Committee on Ways and Means.

By Mr. O'BRIEN:

H.R. 15246. A bill to amend the Internal Revenue Code of 1954 to increase the exemption for purposes of the Federal estate tax from $60,000 to $100,000; to the Committee on Ways and Means.

By Mr. NELSEN:

H.R. 15247. A bill to establish university coal research laboratories and to establish energy resource fellowships, and for other purposes; to the Committee on Science and Astronautics.

By Mr. RANGEL:

H.R. 15248. A bill to amend the Small Business Act to assist in the financing of small business concerns owned by persons who are disadvantaged because of certain social or economic considerations; to the Committee on Banking and Currency.

H.R. 15249. A bill to designate the birthday of Martin Luther King, Jr., as a legal public holiday; to the Committee on the Judiciary.

By Mr. SANDMAN:

H.R. 15250. A bill to amend the Social Security Act to provide for medical, hospital, and dental care through a system of voluntary health insurance including protection against the catastrophic expenses of illness, financed in whole for low-income groups through issuance of certificates, and in part for all other persons through allowance of tax credits; and to provide effective utilization of available financial resources, health manpower, and facilities; to the Committee on Ways and Means.

By Mr. SANDMAN (for himself, Mr. BROOMFIELD, Mrs. CHISHOLM, Mr. DRINAN, Mr. EILBERG, Mr. FISH, Mr. FORSYTHE, Mr. GAYDOS, Mr. HASTINGS, Mr. HELSTOSKI, Mr. HOGAN, Mr. KETCHUM, Mr. MARAZITI, Mr. RAILSBACK, Mr. ROE, Mr. RONCALLO of New York, Mr. TIERNAN, Mr. CHARLES WILSON of Texas, Mr. WON PAT, and Mr. YATRON):

H.R. 15251. A bill to provide property tax relief to low-income elderly homeowners through direct reimbursements; to the Committee on Ways and Means.

By Mr. SEBELIUS:

H.R. 15252. A bill to authorize and direct the Secretary of the Interior to conserve and store helium; to the Committee on Interior and Insular Affairs.

By Mr. STEELE:

H.R. 15253. A bill to authorize increased appropriations for the development of thermonuclear fusion power by the Atomic Energy Commission, acting through its own facilities or through cooperative arrangements with public and private institutions, organizations, and persons; to the Joint Committee on Atomic Energy.

By Mr. STEELMAN (for himself and Mr. BIESTER):

H.R. 15254. A bill to provide standards of fair personal information practices; to the Committee on the Judiciary.

H.R. 15255. A bill to amend section 552 of title 5, United States Code (known as the "Freedom of Information Act") to specify those matters which in the interest of the national defense may be withheld from public disclosure by a Federal agency; to the Committee on Government Operations.

H.R. 15256. A bill to amend section 552 of title 5, United States Code (known as the Freedom of Information Act), to provide for an in camera inspection by the appropriate court of certain agency records; to the Committee on Government Operations.

H.R. 15257. A bill to amend section 552 of title 5, United States Code (known as the Freedom of Information Act) to require Federal agencies to respond to requests for certain information no later than 15 days after the receipt of each such request; to the Committee on Government Operations.

H.R. 15258. A bill to amend section 552 of title 5, United States Code (known as the "Freedom of Information Act"), to provide for increased public access to certain Federal agency records; to the Committee on Government Operations.

H.R. 15259. A bill to amend section 552, of title 5, United States Code (known as the "Freedom of Information Act"), to provide for the award of court costs and reasonable attorneys' fees to successful complainants that seek certain Federal agency information; to the Committee on Government Operations.

H.R. 15260. A bill to amend the Social Security Act to prohibit the disclosure of an individual's social security number or related records for any purpose without his consent unless specifically required by law, and to provide that (unless so required) no individual may be compelled to disclose or furnish his social security number for any purpose not directly related to the operation of the old-age, survivors, and disability insurance program; to the Committee on Ways and Means.

By Mr. THOMSON of Wisconsin:

H.R. 15261. A bill to amend the Consolidated Farmers Home Administration Act; to the Committee on Agriculture.

By Mr. WYMAN (for himself and Mr. CLEVELAND):

H.R. 15262. A bill to name the Federal Building located in Manchester, N.H., the Norris Cotton Federal Building; to the Committee on Public Works.

By Mr. ALEXANDER (for himself, Mr. BAKER, Mr. JOHNSON of Colorado, Mr. MADIGAN, Mr. WAMPLER, Mr. MILLS, Mr. WHITTEN, Mr. THORNTON, Mr. HAMMERSCHMIDT, Mr. BURLISON of Missouri, and Mr. BOWEN):

H.R. 15263. A bill to establish improved programs for the benefit of producers and consumers of rice; to the Committee on Agriculture.

By Mr. ASHLEY (for himself, Mr. REES, Mr. MITCHELL of Maryland, Mr. KOCH, Mr. YOUNG of Georgia, Mr. BROWN of Michigan, Mr. JOHNSON of Pennsylvania, Mr. McKINNEY, and Mr. FRENZEL):

H.R. 15264. A bill to further amend and extend the authority for regulation of exports; to the Committee on Banking and Currency.

By Mr. BIAGGI:

H.R. 15265. A bill to amend the Internal Revenue Code of 1954 to increase the credit against tax for retirement income; to the Committee on Ways and Means.

By Mr. BROYHILL of Virginia:

H.R. 15266. A bill to amend title XI of the Social Security Act to repeal the provision for the establishment of Professional Standards Review Organizations to review services covered under the medicare and medicaid programs; to the Committee on Ways and Means.

By Mr. CARNEY of Ohio:

H.R. 15267. A bill to amend title II of the Social Security Act to provide a 20-percent across-the-board increase in benefits thereunder; to the Committee on Ways and Means.

H.R. 15268. A bill to amend title XVI of the Social Security Act to increase supplemental security income benefits to $200 a month for individuals and $275 a month for couples; to the Committee on Ways and Means.

By Mr. CLEVELAND:

H.R. 15269. A bill to amend the Federal Property and Administrative Services Act of 1949, as amended, to permit donations of surplus supplies and equipment to older Americans; to the Committee on Government Operations.

By Mr. CRANE (for himself, Mr. BEARD, Mr. BYRON, Mr. COLLIER, Mr. CONLAN, Mr. DAN DANIEL, Mr. DAVIS of South Carolina, Mr. DUNCAN, Mr. GOLDWATER, Mr. GOODLING, Mr. HANRAHAN, Mr. HUTCHINSON, Mr. KUYKENDALL, Mr. LAGOMARSINO, Mr. POWELL of Ohio, Mr. QUILLEN, Mr. STEPHENS, Mr. TAYLOR of Missouri, Mr. WARE, and Mr. WILLIAMS):

H.R. 15270. A bill to amend title XI of the Social Security Act to repeal the provision for the establishment of Professional Standards Review Organizations to review services covered under the medicare and medicaid programs; to the Committee on Ways and Means.

By Mr. DULSKI:

H.R. 15271. A bill to restore to Federal civilian employees their rights to participate, as private citizens, in the political life of the Nation, to protect Federal civilian employees from improper political solicitations, and for other purposes; to the Committee on House Administration.

By Mr. FLOOD:

H.R. 15272. A bill to provide for the development of a long-range plan to advance the national attack on arthritis and related musculoskeletal diseases and for arthritis training and demonstration centers, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. FREY:

H.R. 15273. A bill to amend the Marine Mammal Protection Act of 1972 in order to prohibit the issuance of general permits thereunder which authorize the taking of marine mammals in connection with commercial fishing operations, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. GONZALEZ:

H.R. 15274. A bill to provide for the protection of franchised dealers of petroleum products; to the Committee on Interstate and Foreign Commerce.

By Mr. HASTINGS:

H.R. 15275. A bill to exempt the Chautauqua Lake Bridge in the State of New York from the application of the National Environmental Policy Act of 1969; to the Committee on Public Works.

By Mr. HAWKINS (for himself, Mr. PERKINS, Mr. BELL, Mr. BENITEZ, Mrs. CHISHOLM, Mr. CLAY, Mr. ESCH, Mrs. MINK, and Mr. STEIGER of Wisconsin):

H.R. 15276. A bill to provide a comprehensive, coordinated approach to the problems of juvenile delinquency, and for other purposes; to the Committee on Education and Labor.

By Mr. HECHLER of West Virginia (for himself, Ms. ABZUG, Mr. ADDABBO, Mr. ASPIN, Mr. BADILLO, Ms. CHISHOLM, Mr. CORMAN, Mr. DRINAN, Mr. EILBERG, Mr. FASCELL, Mrs. GRASSO, Mr. HARRINGTON, Mr. HELSTOSKI, Mr. LENT, Mr. MITCHELL of Maryland, Mr. MOAKLEY, Mr. MOORHEAD of Pennsylvania, Mr. NEDZI, Mr. NIX, Mr. STOKES, and Mr. WOLFF):

H.R. 15277. A bill to provide for the orderly phasing out of surface coal mining operations, and to control those underground coal mining practices which adversely affect the quality of the environment, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mrs. HECKLER of Massachusetts:

H.R. 15278. A bill to amend title 18 of the United States Code to permit the mailing, broadcasting, or televising of lottery information and the transportation, mailing, and advertising of lottery tickets in interstate commerce but only concerning lotteries which are lawful; to the Committee on the Judiciary.

By Mr. JOHNSON of Pennsylvania:

H.R. 15279. A bill to prohibit the use of appropriated funds for the purposes of carrying out research, testing, and/or evaluation of poisonous gases, radioactive materials, poisonous chemicals, biological, or chemical warfare agents upon dogs; to the Committee on Science and Astronautics.

By Mr. MURPHY of New York:

H.R. 15280. A bill to amend chapter 44, title 18, United States Code, to prohibit the unlawful possession of firearms, and for other purposes; to the Committee on the Judiciary.

By Mr. PODELL:

H.R. 15281. A bill to amend the Internal Revenue Code of 1954 to provide individuals a deduction for the amount of certain social security taxes; to the Committee on Ways and Means.

By Mr. QUIE:

H.R. 15282. A bill to amend the Consolidated Farm and Rural Development Act to establish a loan insurance program for livestock producers; to the Committee on Agriculture.

By Mr. RARICK (for himself, Mr. FOLEY, Mr. VIGORITO, Mr. GUNTER, Mr. BAKER, Mr. THONE, Mr. SYMMS, Mr. SISK, Mr. BERGLAND, Mr. BLATNIK, Mrs. HANSEN of Washington, Mr. SIKES, Mr. EVANS of Colorado, Mr. HICKS, and Mr. WYATT):

H.R. 15283. A bill to provide for the Forest Service, Department of Agriculture, to protect, develop, and enhance the productivity and environmental values of certain of the Nation's lands and resources, and for other purposes; to the Committee on Agriculture.

By Mr. ULLMAN:

H.R. 15284. A bill to modify section 204 of the Flood Control Act of 1965 (79 Stat. 1085); to the Committee on Public Works.

By Mr. DUNCAN:

H.R. 15285. A bill to amend title 38 of the United States Code to require the Administrator of Veterans' Affairs to pay the cost of installing headstones and markers furnished by him; to the Committee on Veterans' Affairs.

By Ms. ABZUG (for herself and Mr. BINGHAM):

H.J. Res. 1052. Joint resolution designating October 10, 1974 as "The 90th Commemorative of Eleanor Roosevelt's Birth"; to the Committee on the Judiciary.

By Mr. DULSKI:

H. Con. Res. 519. Concurrent resolution expressing the sense of Congress concerning recognition by the European Security Conference of the Soviet Union's occupation of Estonia, Lativa, and Lithuania; to the Committee on Foreign Affairs.

By Mr. RANGEL (for himself, Mr. WOLFF, Mr. RODINO, Ms. ABZUG, Mr. ADDABBO, Mr. ALEXANDER, Mr. ANNUNZIO, Mr. ASPIN, Mr. BADILLO, Mr. BARRETT, Mr. BEARD, Mr. BELL, Mr. BENITEZ, Mr. BERGLAND, Mr. BEVILL, Mr. BIAGGI, Mr. BINGHAM, Mr. BLATNIK, Mr. BOLAND, Mr. BOWEN, Mr. BRADEMAS, Mr. BRASCO, Mr. BREAUX, and Mr. BROTZMAN):

H. Con. Res. 520. Concurrent resolution for negotiations on the Turkish opium ban; to the Committee on Foreign Affairs.

By Mr. RANGEL (for himself, Mr. WOLFF, Mr. RODINO, Mr. BROYHILL of Virginia, Mr. BROWN of Ohio, Mr. BROWN of California, Mr. BUCHANAN, Ms. BURKE of California, Mr. BURKE of Massachusetts, Mr. CAREY of New York, Mr. CARNEY of Ohio, Mr. CASEY of Texas, Mr. CHAMBERLAIN, Ms. CHISHOLM, Mr. CLARK, Mr. DEL CLAWSON, Mr. CLAY, Ms. COLLINS of Illinois, Mr. CONTE, Mr. CONYERS, Mr. CORMAN, Mr. COTTER, Mr. CRANE, Mr. DOMINICK V. DANIELS, and Mr. DANIELSON):

H. Con. Res. 521. Concurrent resolution for negotiations on the Turkish opium ban; to the Committee on Foreign Affairs.

By Mr. RANGEL (for himself, Mr. WOLFF, Mr. RODINO, Mr. DAVIS of GEORGIA, Mr. DAVIS of South Carolina, Mr. DELANEY, Mr. DELLUMS, Mr. DE LUGO, Mr. DENHOLM, Mr. DENT, Mr. DERWINSKI, Mr. DIGGS, Mr. DINGELL, Mr. DONOHUE, Mr. DOWNING, Mr. DRINAN, Mr. DULSKI, Mr. DUNCAN, Mr. DU PONT, Mr. EDWARDS of California, Mr. EILBERG, Mr. ESCH, Mr. EVANS of Colorado, Mr. EVINS of Tennessee, and Mr. FASCELL):

H. Con. Res. 522. Concurrent resolution for negotiations on the Turkish opium ban; to the Committee on Foreign Affairs.

By Mr. RANGEL (for himself, Mr. WOLFF, Mr. RODINO, Mr. FISH, Mr. FLOOD, Mr. FLOWERS, Mr. FORD, Mr. FRENZEL, Mr. FULTON, Mr. FUQUA, Mr. GAYDOS, Mr. GETTYS, Mr. GILMAN, Mr. GOLDWATER, Mr. GONZALEZ, Ms. GRASSO, Mr. GRAY, Mr. GREEN of Pennsylvania, Ms. GRIFFITHS, Mr. GROVER, Mr. GUBSER, Mr. GUNTER, Mr. GUYER, Mr. HALEY, and Mr. HAMMERSCHMIDT):

H. Con. Res. 523. A concurrent resolution for negotiations on the Turkish opium ban; to the Committee on Foreign Affairs.

By Mr. RANGEL (for himself, Mr. WOLFF, Mr. RODINO, Mr. KAZEN, Mr. KEMP, Mr. KING, Mr. KLUCZYNSKI, Mr. KOCH, Mr. KYROS, Mr. LAGOMARSINO, Mr. LANDGREBE, Mr. LATTA, Mr. LEGGETT, Mr. LEHMAN, Mr. LENT, Mr. LONG of Maryland, Mr. LONG of Louisiana, Mr. LUJAN, Mr. LUKEN, Mr. MCCORMACK, Mr. MCDADE, Mr. MCFALL, Mr. MCKAY, Mr. MADDEN, and Mr. MARAZITI):

H. Con. Res. 524. A concurrent resolution for negotiations on the Turkish opium ban; to the Committee on Foreign Affairs.

By Mr. RANGEL (for himself, Mr. WOLFF, Mr. RODINO, Mr. HANNA, Mr. HANLEY, Mr. HARRINGTON, Mr. HAWKINS, Ms. HECKLER of Massachusetts, Mr. HECHLER of West Virginia, Mr. HEINZ, Mr. HENDERSON, Mr. HICKS, Mr. HOGAN, Ms. HOLTZMAN, Mr. HUBER, Mr. HUNGATE, Mr. HUNT, Mr. ICHORD, Mr. JOHNSON of Pennsylvania, Mr. JOHNSON of California, Mr. JONES of Alabama, Mr. JONES of Oklahoma, Ms. JORDAN, Mr. KARTH, and Mr. KASTENMEIER):

H. Con. Res. 525. A concurrent resolution for negotiations on the Turkish opium ban; to the Committee on Foreign Affairs.

By Mr. RANGEL (for himself, Mr. WOLFF, Mr. RODINO, Mr. MARTIN of North Carolina, Mr. MATHIAS of California, Mr. MATSUNAGA, Mr. MAZZOLI, Mr. METCALFE, Mr. MEZVINSKY, Mr. MILLER, Mr. MILLS, Ms. MINK, Mr. MINSHALL of Ohio, Mr. MITCHELL of New York, Mr. MITCHELL of Maryland, Mr. MIZELL, Mr. MOAKLEY, Mr. MONTGOMERY, Mr. MOORHEAD of Pennsylvania, Mr. MOSS, Mr. MURPHY of New York, Mr. MURPHY of Illinois, Mr. MURTHA, Mr. MYERS, and Mr. NIX):

H. Con. Res. 526. A concurrent resolution for negotiations on the Turkish opium ban; to the Committee on Foreign Affairs.

By Mr. RANGEL (for himself, Mr. WOLFF, Mr. RODINO, Mr. O'BRIEN, Mr. O'HARA, Mr. O'NEILL, Mr. OWENS, Mr. PATTEN, Mr. PEPPER, Mr. PERKINS, Mr. PEYSER, Mr. PODELL, Mr. PRICE of Texas, Mr. PRICE of Illinois, Mr. QUIE, Mr. RAILSBACK, Mr. RARICK, Mr. REGULA, Mr. RHODES, Mr. RIEGLE, Mr. RINALDO, Mr. ROBERTS, Mr. ROE, Mr. RONCALLO of New York, and Mr. RONCALIO of Wyoming):

H. Con. Res. 527. A concurrent resolution for negotiations on the Turkish opium ban; to the Committee on Foreign Affairs.

By Mr. RANGEL (for himself, Mr. WOLFF, Mr. RODINO, Mr. ROSENTHAL, Mr. ROSTENKOWSKI, Mr. ROUSH, Mr. ROUSSELOT, Mr. ROY, Mr. ROYBAL, Mr. RYAN, Mr. ST GERMAIN, Mr. SARASIN, Mr. SARBANES, Mr. SCHERLE, Mrs. SCHROEDER, Mr. SEIBERLING, Mr. SHUSTER, Mr. SIKES, Mr. SISK, Mr. SKUBITZ, Mr. SMITH of New York, Mr. SMITH of Iowa, Mr. SNYDER, Mr. SPENCE, and Mr. JAMES V. STANTON):

H. Con. Res. 528. Concurrent resolution for negotiations on the Turkish opium ban; to the Committee on Foreign Affairs.

By Mr. RANGEL (for himself, Mr. WOLFF, Mr. RODINO, Mr. STEED, Mr. STEELE, Mr. STEPHENS, Mr. STOKES, Mr. STUDDS, Mr. TAYLOR of North Carolina, Mr. THORNTON, Mr. TIERNAN, Mr. TRAXLER, Mr. UDALL, Mr. VANDER VEEN, Mr. VANIK, Mr. VIGORITO, Mr. WAGGONNER, Mr. WALDIE, Mr. WALSH, Mr. WHALEN, Mr. WHITE, Mr. WHITEHURST, Mr. BOB WILSON, Mr. CHARLES H. WILSON of California, and Mr. WON PAT):

H. Con. Res. 529. Concurrent resolution for negotiations on the Turkish opium ban; to the Committee on Foreign Affairs.

By Mr. RANGEL (for himself, Mr. WOLFF, Mr. RODINO, Mr. STARK, Mr. YATES, Mr. YATRON, Mr. YOUNG of Georgia, Mr. YOUNG of South Carolina, and Mr. ZION):

H. Con. Res. 530. Concurrent resolution for negotiations on the Turkish opium ban; to the Committee on Foreign Affairs.

By Mr. STEELE:

H. Con. Res. 531. Concurrent resolution expressing the sense of Congress concerning recognition by the European Security Conference of the Soviet Union's occupation of Estonia, Latvia, and Lithuania; to the Committee on Foreign Affairs.

By Mr. WOLFF (for himself, Mr. RANGEL, Mr. RODINO, Mr. ASPIN, Mr. BENITEZ, Mr. BOLAND, Mr. BLATNIK, Mr. BOWEN, Mr. BROYHILL of Virginia, Mrs. BURKE of California, Mr. CARNEY of Ohio, Mr. DEL CLAWSON, Mr. CONTE, Mr. COTTER, Mr. CRANE, Mr. DINGELL, Mr. DU PONT, Mr. EDWARDS of California, Mr. ESCH, Mr. FULTON, Mr. GOLDWATER, Mr. GONZALEZ, Mr. GRAY, Mr. HOGAN, and Mr. HUNGATE):

H. Con. Res. 532. Concurrent resolution for negotiations on the Turkish opium ban; to the Committee on Foreign Affairs.

By Mr. WOLFF (for himself, Mr. RANGEL, Mr. RODINO, Mr. KING, Mr. LUJAN, Mr. MCKAY, Mr. MATHIAS of California, Mr. MILLER, Mr. MINSHALL of Ohio, Mr. MIZELL, Mr. MOAKLEY, Mr. MONTGOMERY, Mr. PERKINS, Mr. QUIE, Mr. RAILSBACK, Mr. RHODES, Mr. RIEGLE, Mr. ROBERTS, Mr. ROSTENKOWSKI, Mr. ROY, Mr. ST GERMAIN, Mr. SCHERLE, Mr. SKUBITZ, Mr. SMITH of Iowa, and Mr. LUKEN):

H. Con. Res. 533. Concurrent resolution for negotiations on the Turkish opium ban; to the Committee on Foreign Affairs.

By Mr. WOLFF (for himself, Mr. RANGEL, Mr. RODINO, Mr. THORNTON, Mr. TIERNAN, Mr. VANDER VEEN, Mr. VIGORITO, Mr. WAGGONNER, Mr. WHITE, Mr. CHARLES WILSON of Texas, and Mr. MCEWEN):

H. Con. Res. 534. A resolution for negotiations on the Turkish opium ban; to the Committee on Foreign Affairs.

By Mr ASPIN:

H. Res. 1162. Resolution requesting a survey of the shoreline of Lake Michigan; to the Committee on Public Works.

By Mr. STEELE:

H. Res. 1163. Resolution to create a standing Committee on Small Business; to the Committee on Rules.

By Mr. YATES (for himself, Mr. BROWN of Michigan, Mr. LAGOMARSINO, Mr. MAZZOLI, Mr. OWENS, Mr. PIKE, and Mr. ROONEY of Pennsylvania):

H. Res. 1164. Resolution providing for television and radio coverage of proceedings in the Chamber of the House of Repreesntatives on any resolution to impeach the President of the United States; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII,

497. The SPEAKER presented a memorial of the Legislature of the State of West Virginia, relative to the tax-exempt status of State and local bonds for federally aided projects; to the Committee on Government Operations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BURGENER:

H.R. 15286. A bill for the relief of Maria Sylvia Macias Elliott; to the Committee on the Judiciary.

By Mr. MCCOLLISTER:

H.R. 15287. A bill for the relief of Steve P. Reese; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

443. The SPEAKER presented a petition of Miro Nohavec, Franklin Lakes, N.J., relative to redress of grievances; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

WATERBURY, CONN., TERCENTENNIAL

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 1974

Mrs. GRASSO. Mr. Speaker, this week citizens of Waterbury, Conn., are celebrating the 300th anniversary of their city.

It was in 1674 that 31 young men from Farmington petitioned the colonial council for permission to settle in what was then called Mattatuck, a wilderness region in western Connecticut.

The men were delayed in their work for several years by the Indian wars which swept the region. However, they showed the same industriousness that characterizes the citizens of Waterbury to this day. Indeed, with stunning success they fulfilled the requirements of the original deed to their settlement which stipulated that they were to build within 4 years of issuance a "good and fashionable" house, "with a good chimney." A short time later the town's name was changed to Waterbury—the name it bears today.

Waterbury's tercentennial is a joyous celebration—commemorating three centuries of progress and productivity. It is a marvelous milestone in the history of this fine city.

As with so many Connecticut cities, Waterbury's greatest resource is its people. Through the years, succeeding waves of sturdy immigrants brought rich traditions and culture to the city. Waterbury residents are dedicated and determined Americans—whose innovative outlook, resourcefulness, and undeniable spirit have led to great accomplishments for their city, their State, and the Nation. Always, the people of Waterbury have been forward-looking and progressive individuals. Their deep love of country and concern for their fellow Americans is evident in their hard work and diligence in pursuit of the common welfare.

Waterbury was originally a farming settlement. Yet, by the early 1800's industrialization had begun. The town's first manufactured goods were buttons made by the Waterbury Button Co., which is still in existence today. The buttons were originally made out of cloth-covered corn, but, because the company began supplying the military, sturdy and decorative metal brass became the material used for the buttons. The use of brass for buttons represented one of the important first steps in Waterbury's road to becoming "Brass City of the World," a designation reflected in the city's motto "Quid Aere Perennius?"—"What is more lasting than brass?"

Waterbury industry did not stop with buttons or brass. however. In 1841, just 6 years after Daguerre, a photographic pioneer, finished his experiments in France, Waterbury was the prime supplier of photographic plates and equipment used in the United States. Waterbury, together with nearby Thomaston, became important centers of the clock industry in America.

Though no longer the singular power in the world of brass that it was in the past, Waterbury has developed a strong and diversified economic base, including heavy industry, plastics, consumer goods, and other types of manufacturing. Established industries like Timex and the Scovill Manufacturing Co. add to the sturdy economy of the area.

The week long tercentennial celebration, which started Saturday, reflects the innovation and the creative verve that have long been key moving forces in the development of Waterbury. The celebration is being marked by impressive pageants depicting Waterbury life, and involving thousands of the city's citizens—ranging from the very old to the very young. Other events include a carnival, an Arts and Crafts Day, Ladies Day and a Young America Day, with sports, gymnastic exhibitions and the presentation of awards from the President's Physical Fitness Program. One day will be devoted to an exhibit on local industry.

On June 9, the final day of the celebration, Waterbury will hold a parade with 23,000 marchers, 54 marching bands and 50 floats. The line of march will be nearly 3½ miles long, and the parade will last almost 4 hours. It will be the largest parade that Connecticut and possibly New England has ever seen.

At this gala time, a significant point in Waterbury's history, I wish the hard-working people of Waterbury continued achievement and good luck in the years ahead.

OLDER AMERICANS

HON. WAYNE OWENS

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 1974

Mr. OWENS. Mr. Speaker, inflation, inadequate health care and unemployment are key problems confronting many older Americans. I am concerned with the plight of over 21 million Americans